

OREGON BULLETIN

Supplements the 2011 *Oregon Administrative Rules Compilation*

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For October 17, 2011–November 15, 2011



Published by
KATE BROWN
Secretary of State
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INFORMATION AND PUBLICATION SCHEDULE

General Information

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

Background on Oregon Administrative Rules

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

How to Cite

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

Understanding an Administrative Rule’s “History”

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

Locating the Most Recent Version of an Administrative Rule

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

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

Locating Administrative Rules Unit Publications

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

2010–2011 Oregon Bulletin Publication Schedule

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

Submission Deadline — Publishing Date

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

Reminder for Agency Rules Coordinators

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

Publication Authority

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

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OTHER NOTICES

A CHANCE TO COMMENT ON PROPOSED CONSENT JUDGMENT FOR A PROSPECTIVE PURCHASER AGREEMENT AT THE FORMER TUM-A-LUM LUMBER PROPERTY, CORVALLIS, OREGON

COMMENTS DUE: January 2, 2012

PROJECT LOCATION: 1327 and 1335-1347 NW 9th Street, Corvallis, Oregon.

PROPOSAL: The Department of Environmental Quality (DEQ) is proposing to enter into a Consent Judgment for a Prospective Purchaser Agreement (PPA) with the P&B Pence, LLC for the former Tum-A-Lum Lumber property located at 1327 and 1335-1347 NW 9th Street, Corvallis, Oregon (the "Property").

HIGHLIGHTS: P&B Pence, LLC (Pence) is acquiring the Property to allow Pence to provide beneficial redevelopment of the Property and increase the Property's productive use. The Property buildings were constructed in the 1940s and need to be replaced. The Property was used historically as a lumber yard and housed three additional retail businesses located on the Property that changed in nature and use through the years, two of which were dry cleaning operations. The dry cleaners used solvents in the cleaning process including tetrachloroethylene (aka perchloroethylene or PCE). The dry cleaning operations ceased in the early 1980s. Historically, the Property buildings were connected to a septic system, which was abandoned in place in 1960s, when the Property was connected to city sewer. Waste dry cleaning solvents were also disposed of in the septic tank and subsequently released to the soil and shallow groundwater from that septic tank. In December 2000, soil and groundwater samples were collected at the Property to determine if past dry-cleaning operations had adversely impacted Property. Soil and groundwater contamination was detected. In October 2011, additional site characterization work was completed by Pence; and the abandoned septic tank was discovered to still contain solvent-contaminated septic wastes. The recent soil and groundwater sampling work established that the abandoned septic tank is the source of solvent contamination remaining in the soil and shallow groundwater.

The Consent Judgment will require Pence to place institutional controls on the Property precluding usage of the Property for residential purposes or the installation of water well(s) or use of the shallow groundwater. Pence will agree to provide access to the Property for any additional investigation and removal or remedial actions that may be required. The Consent Judgment will require that the redevelopment of the Property include removal of the abandoned septic tank and removal of the heavily contaminated soils beneath the tank, and that this work must be completed within 5 years of the Consent Judgment's execution. The Consent Judgment will also contain the institutional or engineering controls deemed necessary for the Property, as well as a requirement that any subsequent transferee of the Property agree, in writing, to assume responsibility for completing any remaining requirements of the Consent Judgment.

DEQ's Prospective Purchaser Program was created in 1995 through amendments to the state's Environmental Cleanup Law. The Prospective Purchaser Agreement is a tool that facilitates the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a property with existing contamination. DEQ has approved more than 100 Prospective Purchaser Agreements throughout the State since the program began.

The proposed Consent Judgment will provide Pence with a release from liability for claims by the State of Oregon under ORS §465.255 relating to any historical releases of hazardous substances at or from the Property. The proposed Consent Judgment will also provide Pence with protection from potential contribution actions by third parties for recovery of remedial action costs associated with any historical releases at or from the Property. DEQ retains all existing rights it may have as to all other parties potentially liable for any releases.

HOW TO COMMENT: Written comments concerning the proposed Consent Judgment should be sent to Palmer Mason at DEQ Headquarters, 811 SW 6th Avenue, Portland, Oregon 97204. Comments must be received by DEQ by 5:00 pm January 2, 2012.

Questions may be directed to Mr. Mason at that address or by calling (503) 229-6800. The proposed Consent Judgment and DEQ file on the Property may be reviewed at DEQ's Western Region office in Eugene by contacting Geoff Brown at (541) 686-7819.

Upon written request by ten or more persons, or by a group having ten or more members, a public meeting will be held to receive verbal comments on the proposed Consent Judgment.

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

REQUEST FOR COMMENTS PROPOSED CLEANUP ACTION FOR UNION PACIFIC RAILROAD BULK PLANT

COMMENTS DUE: 5 p.m., Tuesday, Jan. 3, 2012

PROJECT LOCATION: 123 Chocktoot Street, Chiloquin

PROPOSAL: Union Pacific Railroad has proposed a cleanup of petroleum-contaminated soil at the former bulk plant on the corner of Chocktoot Street and Klamath Avenue. This facility was formerly the Shell Oil Bulk Plant. The proposed remedial action involves excavating approximately 2,160 cubic yards of contaminated soil and disposing of it offsite at a permitted landfill. The excavated area will be backfilled with clean imported soil.

HIGHLIGHTS: The Southern Pacific Transportation Company leased the site to the Shell Oil Company prior to 1984. Beginning that year, Southern Pacific leased the site to the May-Slade Oil Company, which operated the bulk fuel facility until 1998. Union Pacific Railroad became the property owner when the company purchased Southern Pacific in 1996. May-Slade subleased the site to the Clough Oil Company in 2000 or 2001. May-Slade terminated their lease with Union Pacific Railroad in 2005, at which time Clough Oil removed all aboveground and underground structures. Cleanup and environmental monitoring began at this site in 1991, when five underground petroleum storage tanks were removed. The proposed removal of petroleum-contaminated soil would reduce remaining contamination to acceptable levels.

HOW TO COMMENT: Review the project file, including environmental investigation reports, by appointment at DEQ's Columbia Gorge office, 400 E. Scenic Drive, Suite 307, The Dalles, OR 97058. To schedule an appointment, contact DEQ project manager Bob Schwarz 541-298-7255 x230 or schwarz.bob@deq.state.or.us

To access site summary information in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet, go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter ECSI# 2435 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI # 2435 in the Site ID/Info column. Send comments by 5 p.m., Tuesday, Jan. 3 to Bob Schwarz at the email or street address above.

THE NEXT STEP: DEQ will review and consider all comments received during the comment period.

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

REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION FOR WALLOWA FOREST PRODUCTS

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

PROJECT LOCATION: 75100 Lower Diamond Lane, Wallowa

PROPOSAL: The Oregon Department of Environmental Quality's Voluntary Cleanup Program proposes to issue a no further action determination for the former Wallowa Forest Products site located at 75100 Lower Diamond Lane near Wallowa. DEQ issues a no further action determination when a cleanup has met regulatory standards.

OTHER NOTICES

HIGHLIGHTS: The site is a former lumber mill that began operating in 1975 and ended operations in 2007. Petroleum and other contaminants were documented at the site in 2011. Wallowa Forest Products excavated approximately 100 cubic yards of petroleum contaminated soil and will transport the material off-site for disposal.

The Voluntary Cleanup Program has reviewed site assessment and cleanup activities performed at the site. All of the potential exposure concerns are addressed through elimination during development of the site-specific conceptual site model or through excavation and removal.

HOW TO COMMENT: Send comments by 5 p.m., Dec. 30, 2011, to DEQ Project Manager Katie Robertson by phone at 541-278-4620, by mail at 700 SE Emigrant, Suite 330, Pendleton, OR 97801, by e-mail at robertson.katie@deq.state.or.us or by fax at 541-278-0168.

To access site summary information and other documents in DEQ's Environmental Cleanup Site Information database, go to

www.deq.state.or.us/lq/ECSI/ecsi.htm, select "Search complete ECSI database" link, enter 2680 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 2680 in the Site ID/Info column. To review the project file, contact the project manager above for a file review appointment.

THE NEXT STEP: DEQ will consider all public comments received before making a final decision on the proposed no further action determination. DEQ will provide written responses to all public comments received.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. If you need information in another format, please contact DEQ toll free in Oregon at 800-452-4011, email at deqinfo@deq.state.or.us, or 711 for people with hearing impairments.

NOTICES OF PROPOSED RULEMAKING

Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

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

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

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

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

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

.....
Board of Architect Examiners
Chapter 806

Rule Caption: Adds digital stamps and signatures to architect document stamping methods authorized by the Board.

Stat. Auth.: ORS 671.020

Stats. Implemented: ORS 671.020

Proposed Amendments: 806-010-0045

Last Date for Comment: 12-29-11, 4:30 p.m.

Summary: The revision of 806-010-0045 will allow for the use of digital stamps and signatures by architects when submitting construction documents to building departments. This rule change is necessary to facilitate the increasing use of electronic means to create, use, and submit building construction documents.

Rules Coordinator: Jim Denno

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

Telephone: (503) 763-0662

.....
Board of Medical Imaging
Chapter 337

Rule Caption: Corrects and updates the process for students to apply to take the limited x-ray examination.

Date:	Time:	Location:
12-15-11	4-5 p.m.	800 NE Oregon St., Rm. 445 Portland, OR

Hearing Officer: Ed Conlow

Stat. Auth.: ORS 688.485, 688.515 & 688.555

Stats. Implemented: ORS 688.485

Proposed Amendments: 337-010-0030

Last Date for Comment: 12-16-11, 4:30 p.m.

Summary: This rules amendment completes two actions:

(1) Under current rules, the Oregon Board of Medical Imaging (OBMI) requires a student to have completed all coursework in limited x-ray machine operation, before a student is allowed to submit an application to the OBMI to take the limited x-ray machine operator examination. This amendment would allow the OBMI to

approve an exam application once a student has completed all but one final course. In order to obtain approval, a student's examination application material would need to include a course completion certificate indicating that the student has successfully completed all but the final course, and that the student is enrolled in the final course.

(2) This amendment corrects current rules to reflect current OBMI practice to require a limited x-ray permit student to pass the examination prior to completing practical experience requirements.

Rules Coordinator: Ed Conlow

Address: Board of Medical Imaging, 800 NE Oregon St., Suite 1160A, Portland, OR 97232

Telephone: (971) 673-0216

.....
Board of Tax Practitioners
Chapter 800

Rule Caption: 2011 overhaul of OARs based on recommendations made by the Rules Advisory Committee and approved by the Board.

Date:	Time:	Location:
12-20-11	10 a.m.	3218 Pringle Rd. SE, #120 Salem, OR 97302

Hearing Officer: Jane Billings

Stat. Auth.: ORS 673.605, 673.740 & 673.990

Stats. Implemented: ORS 673.605, 673.740 & 673.990

Proposed Amendments: Rules in 800-010, 800-015, 800-020, 800-025

Last Date for Comment: 12-20-11

Summary: 2011 overhaul of OARs based on recommendations made by the Rules Advisory Committee and approved by the Board.

Rules Coordinator: Jane Billings

Address: Board of Tax Practitioners, 3218 Pringle Rd. SE, Suite 120, Salem, OR 97302

Telephone: (503) 378-4034

.....
Bureau of Labor and Industries
Chapter 839

Rule Caption: Implements legislation providing civil penalties for issuance of dishonored checks in payment of wages.

Stat. Auth.: ORS 651.060(4), 652 & 30.701

Other Auth.: House Bill 2039 (2011)

Stats. Implemented: ORS 652

Proposed Adoptions: 839-001-0300

Last Date for Comment: 12-21-11, Close of Business

Summary: The proposed new rule implements the provisions of House Bill (HB) 2039 enacted by the 2011 Legislature. HB 2039, effective January 1, 2012, amends ORS chapter 652 to authorize the Commissioner of the Bureau of Labor and Industries to assess civil penalties payable to employees equal to the damages provided in ORS 30.701 relating to actions against makers of dishonored checks. ORS 30.701 provides that when an individual is issued a check for which there are insufficient funds, the person may recover from the maker of the dishonored check statutory damages in an amount equal to \$100 or triple the amount for which the check is drawn, not to exceed \$500 more than the value of the check.

The proposed new rule provides that such amounts may be assessed as civil penalties by the Bureau of Labor and Industries pursuant to the Administrative Procedure Act (ORS 183.413 to 183.470) and the bureau's Contested Case Hearing Rules.

Rules Coordinator: Marcia Ohlemiller

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

Telephone: (971) 673-0784

.....
Rule Caption: Clarifies how employer penalty is to be computed in Wage Security Fund recovery actions.

Stat. Auth.: ORS 651.060(4) & 652

Stats. Implemented: ORS 652.414

Proposed Amendments: 839-001-0560

NOTICES OF PROPOSED RULEMAKING

Last Date for Comment: 12-21-11, Close of Business

Summary: ORS 652.414, relating to the payment of wage claims from the Wage Security Fund, provides that the Commissioner of the Bureau of Labor and Industries may initiate action to recover from employers or other persons liable for unpaid wages, amounts paid from the Wage Security Fund. In addition, the commissioner is also entitled to recover a penalty of 25 percent of the amount of wages paid from the Wage Security Fund or \$200, whichever amount is greater. The proposed rule amendment clarifies that in cases where multiple employees of an employer are paid from the Fund, the penalty of 25 percent amount of wages paid or \$200, whichever is greater, is to be calculated based on the amount paid to each employee from the Wage Security Fund, and not the total aggregated amount paid to the employees of the employer.

Rules Coordinator: Marcia Ohlemiller

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

Telephone: (971) 673-0784

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Rule Caption: Correct grammar and conform administrative rules for registered apprenticeship programs to federal requirements.

Stat. Auth.: ORS 660.120(3)

Other Auth.: HB 2034 (2011)

Stats. Implemented: ORS 660.002–660.309

Proposed Adoptions: 839-011-0020, 839-011-0050, 839-011-0051, 839-011-0060, 839-011-0070, 839-011-0072, 839-011-0074, 839-011-0082, 839-011-0084, 839-011-0088, 839-011-0090, 839-011-0140, 839-011-0141, 839-011-0142, 839-011-0143, 839-011-0145, 839-011-0162, 839-011-0175, 839-011-0265, 839-011-0270, 839-011-0290, 839-011-0310, 839-011-0320, 839-011-0334

Last Date for Comment: 12-21-11, Close of Business

Summary: Pursuant to ORS 660.010–660.210, the Oregon Bureau of Labor and Industries (BOLI) administers registered apprenticeship programs through its Apprenticeship and Training Division (ATD). States that administer registered apprenticeship programs do so under an agreement with the United States Department of Labor, Employment and Training Administration (USDOL, ETA). Recent changes in federal apprenticeship regulations have necessitated changes to ORS 660.010–660.210. The proposed amendments bring Oregon into conformance with federal requirements. Corrections in grammar and usage were also incorporated into these amendments. The proposed amendment harmonizes definitions in these rules with federal definitions and requirements.

Rules Coordinator: Marcia Ohlemiller

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

Telephone: (971) 673-0784

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Rule Caption: Amendments clarifying filing deadlines, default relief and ex parte definition.

Stat. Auth.: ORS 183 & 651.060

Stats. Implemented: ORS 183

Proposed Amendments: 839-050-0040, 839-050-0310, 839-050-0340, Rules in 839-050

Last Date for Comment: 12-21-11, 5 p.m.

Summary: The proposed amendments would add a reference to state furlough days to the rule on filing documents; clarify the relief from default rule and add the definition of ex parte to the ex parte rule.

Rules Coordinator: Marcia Ohlemiller

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

Telephone: (971) 673-0784

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Rule Caption: Conforms civil rights rules to provisions of HB 2036, HB 2828 and HB 3482 (2011).

Stat. Auth.: ORS 659A.805

Other Auth.: HB 2036, HB 2828, HB 3482, Oregon Legislative Assembly 2011.

Stats. Implemented: HB 2036, (corrects references that relate to employment to refer only to employment-related disability statutes; allows BOLI to enforce law providing protected leave to attend a criminal proceeding; & clarifies that an employer may consider the credit history of applicants for public safety officer employment), HB 2828 (Creates unlawful employment practice if employer ceases to provide insurance during period employee is serving as juror), & HB 3482 (adds “harassment” to Crime Victim leave & discrimination provisions), Oregon Legislative Assembly 2011; ORS 659A.112–659A.139, 659A.270–659A.290, 659A.303, 659A.855 & 659A.885.

Proposed Adoptions: 839-005-0075, 839-005-0125, 839-005-0130, 839-005-0135, 839-005-0175, 839-009-0364

Proposed Amendments: 839-005-0033, 839-005-0060, 839-005-0065, 839-005-0070, 839-005-0080, 839-005-0085, 839-005-0160, 839-005-0170 839-005, 839-006-0200, 839-006-0202, 839-006-0205, 839-006-0206, 839-006-0212, 839-006-0240, 839-006-0242, 839-006-0244, 839-006-0250, 839-006-0255, 839-006-0265, 839-006-0270, 839-006-0275, 839-006-0280, 839-006-0290, 839-006-0295, 839-006-0300, 839-006-0305, 839-006-0307, 839-006-0310, 839-006-0320, 839-006-0330, 839-006-0332, 839-006-0335, 839-006, 839-009-0325, 839-009-0330, 839-009-0335, 839-009-0340, 839-009-0345, 839-009-0350, 839-009-0355, 839-009-0360, 839-009-0362, 839-009-0363, 839-009-0365, Rules in 839-009

Proposed Ren. & Amends: 839-005-0033 to 839-005-0120, Rules in 839-005, 839-006, 839-009

Last Date for Comment: 12-30-11, Close of Business

Summary: The proposed rules would implement HB 2036, which 1) corrects references in ORS 659A.106 that relate to employment to refer only to employment-related disability statutes (ORS 659A.112-659A.139); 2) allows BOLI to enforce law providing protected leave to attend a criminal proceeding (ORS 659A.194(2); and 3) clarifies that an employer may consider the credit history of applicants for public safety officer employment.

The proposed rules would implement provisions of HB 2828, creating an unlawful employment practice if an employer who employs 10 or more people ceases to provide health, disability, life or other insurance during a period in which the employee is serving or is scheduled to serve as juror and the employee notified the employer of election to have coverage continue.

The proposed rules would implement provisions of HB 3482, adding “harassment” to crime victim protections, and allows a state employee in an unclassified or exempt position, who is not a confidential, managerial or supervisory employee, to be accompanied by an individual selected by the victimized employee to be present during an interview between the employer and employee.

Rules Coordinator: Marcia Ohlemiller

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

Telephone: (971) 673-0784

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Rule Caption: Amendments clarifying time during which bureau may issue subpoenas and correcting statutory cites.

Stat. Auth.: ORS 651.060, 658.220 & 659A.800

Stats. Implemented: ORS 279C, 651, 652, 653, 658 & 659A

Proposed Amendments: 839-002-0001, 839-002-0002, 839-002-0005, 839-002-0015, 839-002-0020, 839-002-0025, 839-002-0035, 839-002-0040, 839-002-0045, 839-002-0050, 839-002-0055, 839-002-0060, 839-002-0065, 839-002-0065, 839-002-0070, 839-002-0075, 839-002-0080, Rules in 839-002

Last Date for Comment: 12-21-11, 5 p.m.

Summary: The proposed amendments would clarify the time frame during which the bureau may issue subpoenas. The authorizing statute, ORS 651.0060(1), provides that the bureau may issue subpoenas “when the information sought is relevant to a lawful investigative purpose.” The proposed amendments would clarify that the bureau may issue a subpoena at any time when the information sought “is relevant to a lawful investigative purpose and deemed to be reasonable in scope,” which would include during official pre-

NOTICES OF PROPOSED RULEMAKING

liminary inquiries prior to initiating an investigation. The proposed amendments also include corrections to statutory cites.

Rules Coordinator: Marcia Ohlemiller

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

Telephone: (971) 673-0784

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Rule Caption: Amend public records rule to conform fees to agency costs and clarify response procedure.

Stat. Auth.: ORS 651.060(4)

Stats. Implemented: ORS 192

Proposed Amendments: 839-030-0010

Last Date for Comment: 12-21-11, 5 p.m.

Summary: The proposed amendments would update the figures used to calculate costs of staff time spent on providing requested public records in order to reimburse the bureau for the actual costs of responding to a request for public records as provided by the public records laws. The proposed amendments would remove references to outdated media used to store and convey public records. The proposed amendments would make clarifying changes and clean up grammar and typographical errors.

Rules Coordinator: Marcia Ohlemiller

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

Telephone: (971) 673-0784

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Department of Administrative Services Chapter 125

Rule Caption: Amends Department of Administrative Services Public Contracting Rules.

Date:	Time:	Location:
12-15-11	1 p.m.	Dept. of Administrative Services, Mt. Steens Conference Rm. #8 1225 Ferry St. SE Salem, OR 97301

Hearing Officer: Jay Jackson

Stat. Auth.: ORS 79A.065; 279A.070

Stats. Implemented: ORS 200.035, 200.065, 200.075, 279A.020, 279A.030, 279A.050, 279A.065, 279A.070, 279A.110, 279A.120, 279A.140, 279B.015, 279B.050, 279B.055, 279B.060, 279B.065, 279B.070, 279B.075, 279B.080, 279B.085, 279B.115, 279B.130, 279B.400, 279B.405, 279B.410, 270B.415, 279B.420, 279B.425, 279C.100, 279C.105, 279C.107, 279C.110, 279C.115, 279C.120, 279C.125, 279C.307, 279C.320, 279C.335, 279C.340, 279C.345, 279C.360, 279C.365, 279C.370, 279C.375, 279C.380, 279C.385, 279C.390, 279C.395, 279C.400, 279C.405, 279C.410, 279C.412, 279C.430, 279C.435, 279C.440, 279C.445, 279C.450, 279C.460, 279C.505, 279C.510, 279C.515, 279C.520, 279C.525, 279C.527, 279C.528, 279C.530, 279C.535, 279C.540, 279C.545, 279C.550, 279C.555, 279C.560, 279C.565, 279C.570, 279C.580, 279C.585, 279C.590, 279C.605, 279C.650, 279C.655, 279C.660, 279C.665, 279C.670, 279C.800, 279C.805, 279C.807, 279C.808, 279C.810, 279C.815, 279C.817, 279C.820, 279C.825, 279C.827, 279C.829, 279C.830, 279C.835, 279C.836, 279C.838, 279C.840, 279C.845, 279C.850, 279C.855, 279C.860, 279C.865, 279C.870, 279C.875, 279C.880, 279C.885, 279C.890, 279C.895, 279C.900, 279C.905, 279C.910, 279C.915, 279C.920, 279C.925, 279C.930, 279C.935, 279C.940, 279C.945, 279C.950, 279C.955, 279C.960, 279C.965, 279C.970, 279C.975, 279C.980, 279C.985, 279C.990, 279C.995, 279D.005, 279D.010, 279D.015, 279D.020, 279D.025, 279D.030, 279D.035, 279D.040, 279D.045, 279D.050, 279D.055, 279D.060, 279D.065, 279D.070, 279D.075, 279D.080, 279D.085, 279D.090, 279D.095, 279D.100, 279D.105, 279D.110, 279D.115, 279D.120, 279D.125, 279D.130, 279D.135, 279D.140, 279D.145, 279D.150, 279D.155, 279D.160, 279D.165, 279D.170, 279D.175, 279D.180, 279D.185, 279D.190, 279D.195, 279D.200, 279D.205, 279D.210, 279D.215, 279D.220, 279D.225, 279D.230, 279D.235, 279D.240, 279D.245, 279D.250, 279D.255, 279D.260, 279D.265, 279D.270, 279D.275, 279D.280, 279D.285, 279D.290, 279D.295, 279D.300, 279D.305, 279D.310, 279D.315, 279D.320, 279D.325, 279D.330, 279D.335, 279D.340, 279D.345, 279D.350, 279D.355, 279D.360, 279D.365, 279D.370, 279D.375, 279D.380, 279D.385, 279D.390, 279D.395, 279D.400, 279D.405, 279D.410, 279D.415, 279D.420, 279D.425, 279D.430, 279D.435, 279D.440, 279D.445, 279D.450, 279D.455, 279D.460, 279D.465, 279D.470, 279D.475, 279D.480, 279D.485, 279D.490, 279D.495, 279D.500, 279D.505, 279D.510, 279D.515, 279D.520, 279D.525, 279D.530, 279D.535, 279D.540, 279D.545, 279D.550, 279D.555, 279D.560, 279D.565, 279D.570, 279D.575, 279D.580, 279D.585, 279D.590, 279D.595, 279D.600, 279D.605, 279D.610, 279D.615, 279D.620, 279D.625, 279D.630, 279D.635, 279D.640, 279D.645, 279D.650, 279D.655, 279D.660, 279D.665, 279D.670, 279D.675, 279D.680, 279D.685, 279D.690, 279D.695, 279D.700, 279D.705, 279D.710, 279D.715, 279D.720, 279D.725, 279D.730, 279D.735, 279D.740, 279D.745, 279D.750, 279D.755, 279D.760, 279D.765, 279D.770, 279D.775, 279D.780, 279D.785, 279D.790, 279D.795, 279D.800, 279D.805, 279D.810, 279D.815, 279D.820, 279D.825, 279D.830, 279D.835, 279D.840, 279D.845, 279D.850, 279D.855, 279D.860, 279D.865, 279D.870, 279D.875, 279D.880, 279D.885, 279D.890, 279D.895, 279D.900, 279D.905, 279D.910, 279D.915, 279D.920, 279D.925, 279D.930, 279D.935, 279D.940, 279D.945, 279D.950, 279D.955, 279D.960, 279D.965, 279D.970, 279D.975, 279D.980, 279D.985, 279D.990, 279D.995, 279E.005, 279E.010, 279E.015, 279E.020, 279E.025, 279E.030, 279E.035, 279E.040, 279E.045, 279E.050, 279E.055, 279E.060, 279E.065, 279E.070, 279E.075, 279E.080, 279E.085, 279E.090, 279E.095, 279E.100, 279E.105, 279E.110, 279E.115, 279E.120, 279E.125, 279E.130, 279E.135, 279E.140, 279E.145, 279E.150, 279E.155, 279E.160, 279E.165, 279E.170, 279E.175, 279E.180, 279E.185, 279E.190, 279E.195, 279E.200, 279E.205, 279E.210, 279E.215, 279E.220, 279E.225, 279E.230, 279E.235, 279E.240, 279E.245, 279E.250, 279E.255, 279E.260, 279E.265, 279E.270, 279E.275, 279E.280, 279E.285, 279E.290, 279E.295, 279E.300, 279E.305, 279E.310, 279E.315, 279E.320, 279E.325, 279E.330, 279E.335, 279E.340, 279E.345, 279E.350, 279E.355, 279E.360, 279E.365, 279E.370, 279E.375, 279E.380, 279E.385, 279E.390, 279E.395, 279E.400, 279E.405, 279E.410, 279E.415, 279E.420, 279E.425, 279E.430, 279E.435, 279E.440, 279E.445, 279E.450, 279E.455, 279E.460, 279E.465, 279E.470, 279E.475, 279E.480, 279E.485, 279E.490, 279E.495, 279E.500, 279E.505, 279E.510, 279E.515, 279E.520, 279E.525, 279E.530, 279E.535, 279E.540, 279E.545, 279E.550, 279E.555, 279E.560, 279E.565, 279E.570, 279E.575, 279E.580, 279E.585, 279E.590, 279E.595, 279E.600, 279E.605, 279E.610, 279E.615, 279E.620, 279E.625, 279E.630, 279E.635, 279E.640, 279E.645, 279E.650, 279E.655, 279E.660, 279E.665, 279E.670, 279E.675, 279E.680, 279E.685, 279E.690, 279E.695, 279E.700, 279E.705, 279E.710, 279E.715, 279E.720, 279E.725, 279E.730, 279E.735, 279E.740, 279E.745, 279E.750, 279E.755, 279E.760, 279E.765, 279E.770, 279E.775, 279E.780, 279E.785, 279E.790, 279E.795, 279E.800, 279E.805, 279E.810, 279E.815, 279E.820, 279E.825, 279E.830, 279E.835, 279E.840, 279E.845, 279E.850, 279E.855, 279E.860, 279E.865, 279E.870, 279E.875, 279E.880, 279E.885, 279E.890, 279E.895, 279E.900, 279E.905, 279E.910, 279E.915, 279E.920, 279E.925, 279E.930, 279E.935, 279E.940, 279E.945, 279E.950, 279E.955, 279E.960, 279E.965, 279E.970, 279E.975, 279E.980, 279E.985, 279E.990, 279E.995, 279F.005, 279F.010, 279F.015, 279F.020, 279F.025, 279F.030, 279F.035, 279F.040, 279F.045, 279F.050, 279F.055, 279F.060, 279F.065, 279F.070, 279F.075, 279F.080, 279F.085, 279F.090, 279F.095, 279F.100, 279F.105, 279F.110, 279F.115, 279F.120, 279F.125, 279F.130, 279F.135, 279F.140, 279F.145, 279F.150, 279F.155, 279F.160, 279F.165, 279F.170, 279F.175, 279F.180, 279F.185, 279F.190, 279F.195, 279F.200, 279F.205, 279F.210, 279F.215, 279F.220, 279F.225, 279F.230, 279F.235, 279F.240, 279F.245, 279F.250, 279F.255, 279F.260, 279F.265, 279F.270, 279F.275, 279F.280, 279F.285, 279F.290, 279F.295, 279F.300, 279F.305, 279F.310, 279F.315, 279F.320, 279F.325, 279F.330, 279F.335, 279F.340, 279F.345, 279F.350, 279F.355, 279F.360, 279F.365, 279F.370, 279F.375, 279F.380, 279F.385, 279F.390, 279F.395, 279F.400, 279F.405, 279F.410, 279F.415, 279F.420, 279F.425, 279F.430, 279F.435, 279F.440, 279F.445, 279F.450, 279F.455, 279F.460, 279F.465, 279F.470, 279F.475, 279F.480, 279F.485, 279F.490, 279F.495, 279F.500, 279F.505, 279F.510, 279F.515, 279F.520, 279F.525, 279F.530, 279F.535, 279F.540, 279F.545, 279F.550, 279F.555, 279F.560, 279F.565, 279F.570, 279F.575, 279F.580, 279F.585, 279F.590, 279F.595, 279F.600, 279F.605, 279F.610, 279F.615, 279F.620, 279F.625, 279F.630, 279F.635, 279F.640, 279F.645, 279F.650, 279F.655, 279F.660, 279F.665, 279F.670, 279F.675, 279F.680, 279F.685, 279F.690, 279F.695, 279F.700, 279F.705, 279F.710, 279F.715, 279F.720, 279F.725, 279F.730, 279F.735, 279F.740, 279F.745, 279F.750, 279F.755, 279F.760, 279F.765, 279F.770, 279F.775, 279F.780, 279F.785, 279F.790, 279F.795, 279F.800, 279F.805, 279F.810, 279F.815, 279F.820, 279F.825, 279F.830, 279F.835, 279F.840, 279F.845, 279F.850, 279F.855, 279F.860, 279F.865, 279F.870, 279F.875, 279F.880, 279F.885, 279F.890, 279F.895, 279F.900, 279F.905, 279F.910, 279F.915, 279F.920, 279F.925, 279F.930, 279F.935, 279F.940, 279F.945, 279F.950, 279F.955, 279F.960, 279F.965, 279F.970, 279F.975, 279F.980, 279F.985, 279F.990, 279F.995, 279G.005, 279G.010, 279G.015, 279G.020, 279G.025, 279G.030, 279G.035, 279G.040, 279G.045, 279G.050, 279G.055, 279G.060, 279G.065, 279G.070, 279G.075, 279G.080, 279G.085, 279G.090, 279G.095, 279G.100, 279G.105, 279G.110, 279G.115, 279G.120, 279G.125, 279G.130, 279G.135, 279G.140, 279G.145, 279G.150, 279G.155, 279G.160, 279G.165, 279G.170, 279G.175, 279G.180, 279G.185, 279G.190, 279G.195, 279G.200, 279G.205, 279G.210, 279G.215, 279G.220, 279G.225, 279G.230, 279G.235, 279G.240, 279G.245, 279G.250, 279G.255, 279G.260, 279G.265, 279G.270, 279G.275, 279G.280, 279G.285, 279G.290, 279G.295, 279G.300, 279G.305, 279G.310, 279G.315, 279G.320, 279G.325, 279G.330, 279G.335, 279G.340, 279G.345, 279G.350, 279G.355, 279G.360, 279G.365, 279G.370, 279G.375, 279G.380, 279G.385, 279G.390, 279G.395, 279G.400, 279G.405, 279G.410, 279G.415, 279G.420, 279G.425, 279G.430, 279G.435, 279G.440, 279G.445, 279G.450, 279G.455, 279G.460, 279G.465, 279G.470, 279G.475, 279G.480, 279G.485, 279G.490, 279G.495, 279G.500, 279G.505, 279G.510, 279G.515, 279G.520, 279G.525, 279G.530, 279G.535, 279G.540, 279G.545, 279G.550, 279G.555, 279G.560, 279G.565, 279G.570, 279G.575, 279G.580, 279G.585, 279G.590, 279G.595, 279G.600, 279G.605, 279G.610, 279G.615, 279G.620, 279G.625, 279G.630, 279G.635, 279G.640, 279G.645, 279G.650, 279G.655, 279G.660, 279G.665, 279G.670, 279G.675, 279G.680, 279G.685, 279G.690, 279G.695, 279G.700, 279G.705, 279G.710, 279G.715, 279G.720, 279G.725, 279G.730, 279G.735, 279G.740, 279G.745, 279G.750, 279G.755, 279G.760, 279G.765, 279G.770, 279G.775, 279G.780, 279G.785, 279G.790, 279G.795, 279G.800, 279G.805, 279G.810, 279G.815, 279G.820, 279G.825, 279G.830, 279G.835, 279G.840, 279G.845, 279G.850, 279G.855, 279G.860, 279G.865, 279G.870, 279G.875, 279G.880, 279G.885, 279G.890, 279G.895, 279G.900, 279G.905, 279G.910, 279G.915, 279G.920, 279G.925, 279G.930, 279G.935, 279G.940, 279G.945, 279G.950, 279G.955, 279G.960, 279G.965, 279G.970, 279G.975, 279G.980, 279G.985, 279G.990, 279G.995, 279H.005, 279H.010, 279H.015, 279H.020, 279H.025, 279H.030, 279H.035, 279H.040, 279H.045, 279H.050, 279H.055, 279H.060, 279H.065, 279H.070, 279H.075, 279H.080, 279H.085, 279H.090, 279H.095, 279H.100, 279H.105, 279H.110, 279H.115, 279H.120, 279H.125, 279H.130, 279H.135, 279H.140, 279H.145, 279H.150, 279H.155, 279H.160, 279H.165, 279H.170, 279H.175, 279H.180, 279H.185, 279H.190, 279H.195, 279H.200, 279H.205, 279H.210, 279H.215, 279H.220, 279H.225, 279H.230, 279H.235, 279H.240, 279H.245, 279H.250, 279H.255, 279H.260, 279H.265, 279H.270, 279H.275, 279H.280, 279H.285, 279H.290, 279H.295, 279H.300, 279H.305, 279H.310, 279H.315, 279H.320, 279H.325, 279H.330, 279H.335, 279H.340, 279H.345, 279H.350, 279H.355, 279H.360, 279H.365, 279H.370, 279H.375, 279H.380, 279H.385, 279H.390, 279H.395, 279H.400, 279H.405, 279H.410, 279H.415, 279H.420, 279H.425, 279H.430, 279H.435, 279H.440, 279H.445, 279H.450, 279H.455, 279H.460, 279H.465, 279H.470, 279H.475, 279H.480, 279H.485, 279H.490, 279H.495, 279H.500, 279H.505, 279H.510, 279H.515, 279H.520, 279H.525, 279H.530, 279H.535, 279H.540, 279H.545, 279H.550, 279H.555, 279H.560, 279H.565, 279H.570, 279H.575, 279H.580, 279H.585, 279H.590, 279H.595, 279H.600, 279H.605, 279H.610, 279H.615, 279H.620, 279H.625, 279H.630, 279H.635, 279H.640, 279H.645, 279H.650, 279H.655, 279H.660, 279H.665, 279H.670, 279H.675, 279H.680, 279H.685, 279H.690, 279H.695, 279H.700, 279H.705, 279H.710, 279H.715, 279H.720, 279H.725, 279H.730, 279H.735, 279H.740, 279H.745, 279H.750, 279H.755, 279H.760, 279H.765, 279H.770, 279H.775, 279H.780, 279H.785, 279H.790, 279H.795, 279H.800, 279H.805, 279H.810, 279H.815, 279H.820, 279H.825, 279H.830, 279H.835, 279H.840, 279H.845, 279H.850, 279H.855, 279H.860, 279H.865, 279H.870, 279H.875, 279H.880, 279H.885, 279H.890, 279H.895, 279H.900, 279H.905, 279H.910, 279H.915, 279H.920, 279H.925, 279H.930, 279H.935, 279H.940, 279H.945,

NOTICES OF PROPOSED RULEMAKING

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

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

Rule Caption: Updates referenced standards and aircraft hanger requirements in the 2010 Oregon Structural Code.

Date: 12-19-11 **Time:** 9 a.m. **Location:** 1535 Edgewater St. NW
Salem, OR 97304

Hearing Officer: Steve Judson

Stat. Auth.: ORS 455.030, 455.110, 455.112

Stats. Implemented: ORS 455.110 & 455.112

Proposed Amendments: 918-460-0015

Last Date for Comment: 12-23-11, 5 p.m.

Summary: The proposed rule adopts proposed amendments to update certain National Fire Protection Association standards referenced in the 2010 Oregon Structural Specialty Code (OSSC). The changes bring the referenced standards up to the current editions of NFPA 13, NFPA 13R, NFPA 13D, Installation of Fire Sprinklers, and NFPA 72, National Fire Alarm and Signaling Code series. The proposed rule also amends Section 412, Aircraft Hangers, and exempts certain hangers from foam fire suppression systems. The changes are primarily in OSSC Chapter 4 which contains special detailed requirements based on use and occupancy, and Chapter 35 which contains the referenced standards.

Rules Coordinator: Stephanie Snyder

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

Telephone: (503) 373-7438

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Rule Caption: Clarifying Oregon Reach Code Plan Review and Inspections.

Date: 12-19-11 **Time:** 10 a.m. **Location:** 1535 Edgewater St. NW
Salem, OR 97304

Hearing Officer: Aeron Teverbaugh

Stat. Auth.: ORS 455.100, 455.448, 455.720 & 455.500

Stats. Implemented: ORS 446.250, 455.448, 455.449, 455.622, 455.720 & 455.500

Proposed Amendments: Rules in 918-098

Last Date for Comment: 12-23-11, 5 p.m.

Summary: This proposed rule clarifies which certifications are required for inspecting buildings under the Oregon Reach Code. The Oregon Reach Code does not alter any of the existing certification rules. The Oregon Reach Code builds off of the existing specialty codes. This proposed rule clarifies that individuals certified to inspect particular specialty codes are also charged with inspecting the corresponding provisions of the Oregon Reach Code. The proposed rule also deletes an obsolete reference to certifications no longer offered in relation to post-earthquake damage inspector registration requirements.

Rules Coordinator: Stephanie Snyder

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

Telephone: (503) 373-7438

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Rule Caption: Adopts the 2011 Oregon Elevator Specialty Code.

Date: 12-20-11 **Time:** 9:30 a.m. **Location:** 1535 Edgewater St. NW
Salem, OR 97304

Hearing Officer: Warren Hartung

Stat. Auth.: ORS 455.030 & 460.085

Stats. Implemented: ORS 455.030 & 460.085

Proposed Adoptions: Rules in 918-400

Proposed Amendments: Rules in 918-400

Proposed Repeals: Rules in 918-400

Last Date for Comment: 12-23-11, 5 p.m.

Summary: The proposed rules adopt minimum safety standards for the safe installation, inspection and operation of elevators in Oregon that will be referred to as the 2011 Oregon Elevator Specialty Code. The proposed rules adopt provisions of national model elevator codes and standards for use in Oregon and make certain Oregon-specific amendments to the model code language.

Additional rules are amended to change the format of the tables with no changes to the text.

Rules Coordinator: Stephanie Snyder

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

Telephone: (503) 373-7438

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Rule Caption: Boiler and Pressure Vessel Revised Definitions and Installation Permit Requirements; Establishment of Minor Repair Permits.

Date: 12-20-11 **Time:** 10 a.m. **Location:** 1535 Edgewater St. NW
Salem, OR 97304

Hearing Officer: Michael Schopf

Stat. Auth.: ORS 480.545, 480.630, 183.335

Stats. Implemented: ORS 480.630, 183.335

Proposed Adoptions: Rules in 918-225

Proposed Amendments: Rules in 918-225

Proposed Repeals: Rules in 918-225

Last Date for Comment: 12-23-11, 5 p.m.

Summary: The proposed rules establish new definitions for the Oregon boiler and pressure vessel program. The proposed rules replace the current definition of "installer" with a definition of "installation" and adopt a definition of "repair" that establishes three categories of repairs: welded repairs, non-welded major repairs, and minor repairs.

The proposed rules also establish a requirement that owners of boilers and pressure vessels must acquire an installation permit before installing, altering, or repairing their equipment. Owners of boilers and pressure vessels that provide 24-hour manned operation of their equipment are exempt from the installation permit requirement. The proposed rules provide that installation permits expire 18 months after purchase unless the purchaser requests an extension.

The proposed rules also establish a system of minor repair permits for minor repairs made to boilers and pressure vessels.

Rules Coordinator: Stephanie Snyder

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

Telephone: (503) 373-7438

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Rule Caption: Adopts amendments to the 2010 Oregon Energy Efficiency Specialty Code.

Date: 12-20-11 **Time:** 10:30 a.m. **Location:** 1535 Edgewater St. NW
Salem, OR 97304

Hearing Officer: Mark Heizer

Stat. Auth.: ORS 455.030, 455.110 & 455.511

Stats. Implemented: ORS 455.030, 455.110 & 455.511

Proposed Amendments: 918-460-0510

Last Date for Comment: 12-23-11, 5 p.m.

Summary: The proposed rule exempts economizer relief dampers that are integral to unitary and packaged equipment from the requirement in Section 503.2.4.5 of the Oregon Energy Efficiency Specialty Code that all outdoor air supply and exhaust vents be equipped with motorized dampers that shut automatically when the systems or spaces served are not in use.

Rules Coordinator: Stephanie Snyder

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

Telephone: (503) 373-7438

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Amends the 2010 Oregon Mechanical Specialty Code.

Stat. Auth.: ORS 455.030, 455.110, 455.112

Stats. Implemented: ORS 455.110 & 455.112

Proposed Amendments: 918-440-0012

Last Date for Comment: 12-23-11, 5 p.m.

Summary: The proposed rule amends the 2010 Oregon Mechanical Specialty Code by updating the referenced National Fire Protection Association (NFPA) standards in the Code. The changes bring the referenced standards up to the current editions of NFPA 13, Installation of Fire Sprinklers, and NFPA 72, National Fire Alarm and Signaling Code series

Rules Coordinator: Stephanie Snyder

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

Telephone: (503) 373-7438

Department of Consumer and Business Services, Insurance Division Chapter 836

Rule Caption: Clarifying six month guarantee issue period and establishing "birthday rule" for Medicare supplement insurance.

Date:	Time:	Location:
12-22-11	1:30 p.m.	Labor & Industries Bldg., 301 Conference Rm. E 350 Winter St. NE Salem, OR

Hearing Officer: John Atkins

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

Stats. Implemented: ORS 743.010, 742.683 & 743.684

Proposed Adoptions: 836-052-0143

Proposed Amendments: 836-052-0138

Last Date for Comment: 12-29-11, Close of Business

Summary: These proposed rules were developed in response to numerous complaints received by the Department of Consumer and Business Services regarding open enrollment periods and unexpected rate increases with respect to Medicare supplement policies. To address these complaints, the proposed rules:

- Clarify that for a person who receives "retroactive" eligibility for Medicare as a result of an appeal of an initial denial for eligibility, the six month open enrollment period begins after the person is notified of their eligibility, not on the date the person's eligibility has been backdated to.

- Adopt a "birthday rule" for Medicare supplement policies to allow an individual the opportunity to change Medicare supplement plans (as long as the new policy has the same or lesser benefits) with guaranteed issue and nondiscrimination in rating once per year for a period of thirty days beginning on the individual's birthday.

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: Adoption of Annual and Supplemental Statement Blanks and Instructions for Reporting Year 2011.

Stat. Auth.: ORS 731.244, 731.574 & 733.210

Stats. Implemented: ORS 731.574 & 733.210

Proposed Amendments: 836-011-0000

Last Date for Comment: 12-22-11, Close of Business

Summary: This rulemaking prescribes, for reporting year 2011, the required forms for the annual and supplemental financial statements required of insurers and health care service contractors under ORS 731.574, as well as the necessary instructions for completing the forms.

The proposed amendments to the rule also add information about how to inspect the instructions and forms necessary to complete the annual financial statements.

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

Rule Caption: Department of Human Services' Cooperative Relationship with the Oregon Health Authority.

Stat. Auth.: ORS 409.050

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

Stats. Implemented: ORS 413.032

Proposed Adoptions: 407-043-0020

Proposed Repeals: 407-043-0020(T)

Last Date for Comment: 12-22-11, 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 Department proposes to adopt these operational and programmatic rules to assure continuity as a part of the operational transfer from functions previously performed by the Department as a result of HB 2009 (2009). Adoption of this rule will repeal the temporary rule in effect since July 1, 2011.

Among the functions transferred to the Authority is the medical assistance program. This rule provides for continuity in the relationship between the Department and the Authority when working together in the administration of the medical assistance program and that the Department and the Authority shall work cooperatively in the administration of the medical assistance program, including making determinations of eligibility and service 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.

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

Rules Coordinator: Jennifer Bittel

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

Telephone: (503) 947-5250

Rule Caption: Amendments to Electronic Data Transmission (EDT) Rules.

Stat. Auth.: ORS 409.050 & 414.065

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

Stats. Implemented: ORS 414.065

Proposed Amendments: 407-120-0100, 407-120-0112, 407-120-0114, 407-120-0150, 407-120-0200

Proposed Repeals: 407-120-0100(T), 407-120-0112(T), 407-120-0114(T), 407-120-0150(T), 407-120-0200(T)

Last Date for Comment: 12-22-11, 5 p.m.

Summary: The Department of Human Services (Department) is amending these rules to ensure the Department'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. Adoption of these rules will repeal the temporary rules currently in effect since 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.

Rules Coordinator: Jennifer Bittel

NOTICES OF PROPOSED RULEMAKING

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

Telephone: (503) 947-5250

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

Rule Caption: Changing OARs affecting Child Welfare programs

Date:	Time:	Location:
12-21-11	11 a.m.	500 Summer St. NE, Rm. 255 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.010, 409.185, 418.005, 418.015, 419B.015 & 419B.020

Proposed Amendments: 413-200-0404, 413-200-0409, 413-200-0414, 413-200-0419, 413-200-0424

Proposed Repeals: 413-200-0404(T), 413-200-0409(T), 413-200-0414(T), 413-200-0419(T), 413-200-0424(T)

Last Date for Comment: 12-23-11, 5 p.m.

Summary: OAR 413-200-0404, 413-200-0409, 413-200-0414, 413-200-0419, and 413-200-0424 about Department responsibilities during 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 make permanent changes adopted by temporary rule on September 1, 2011 that 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.

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 December 23, 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

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

Rule Caption: Application and Eligibility Determination for Developmental Disability Services.

Date:	Time:	Location:
12-16-11	9:30 a.m.	Human Services Bldg. 500 Summer St. NE, Rm. 137AB Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050, 410.070 & 430.640

Stats. Implemented: ORS 183.415, 427.005, 427.007 & 430.610-430.670

Proposed Amendments: 411-320-0020, 411-320-0080

Last Date for Comment: 12-21-11, 5 p.m.

Summary: The Department of Human Services (Department) is proposing to amend the rules in OAR chapter 411, division 320 relating to the application and eligibility determination process for developmental disability services.

The rules are being amended to:

- Add nurse practitioners to the list of qualified professionals that may diagnose developmental disability conditions;
- Clarify the term "training or support similar to that required by individuals with intellectual disability";
- Include language that is consistent with current practice around making 18-22 year olds who have developmental disabilities other than intellectual disabilities, provisionally eligible up to age 22; and
- Make changes that are considered housekeeping to reflect the Department's rule writing standards.

Rules Coordinator: Christina Hartman

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

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Rule Caption: Community Developmental Disability Program Review.

Date:	Time:	Location:
12-16-11	11:30 a.m.	500 Summer St. NE, Rm. 137AB Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050, 410.070 & 430.640

Stats. Implemented: ORS 427.005, 427.007 & 430.610-430.695

Proposed Amendments: 411-320-0190

Last Date for Comment: 12-21-11, 5 p.m.

Summary: The Department of Human Services (Department) is proposing to amend OAR 411-320-0190 to clarify existing practice by removing the language relating to the Department's issuance of a certificate of compliance to Community Developmental Disability Programs (CDDPs). The Department has never issued certificates of compliance to CDDPs. The Department does issue a report to the CDDP that identifies areas of compliance and areas in need of improvement but the report is not considered a certificate.

Rules Coordinator: Christina Hartman

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

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Rule Caption: Revisions to Implement OAR Chapter 411, Division 323 (Developmental Disability Certification and Endorsement).

Date:	Time:	Location:
12-16-11	10:30 a.m.	500 Summer St. NE, Rms. 137AB Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050 & 410.070

Stats. Implemented: ORS 409.050 & 410.070

Proposed Adoptions: 411-323-0035, 411-325-0025

Proposed Amendments: 411-323-0010, 411-323-0020, 411-323-0030, 411-323-0040, 411-323-0050, 411-323-0060, 411-323-0070, 411-323-0080, 411-323-0090, 411-323-0100, 411-323-0110, 411-323-0120, 411-323-0130, 411-323-0140, 411-323-0150, 411-323-0160, 411-323-0170, 411-323-0180, 411-323-0190, 411-323-0200, 411-323-0210, 411-323-0220, 411-323-0230, 411-323-0240, 411-323-0250, 411-323-0260, 411-323-0270, 411-323-0280, 411-323-0290, 411-323-0300, 411-323-0310, 411-323-0320, 411-323-0330, 411-323-0340, 411-323-0350, 411-323-0360, 411-323-0370, 411-323-0380, 411-323-0390, 411-323-0400, 411-323-0410, 411-323-0420, 411-323-0430, 411-323-0440, 411-323-0450, 411-323-0460, 411-323-0470, 411-323-0480, 411-323-0490, 411-323-0500, 411-323-0510, 411-323-0520, 411-323-0530, 411-323-0540, 411-323-0550, 411-323-0560, 411-323-0570, 411-323-0580, 411-323-0590, 411-323-0600, 411-323-0610, 411-323-0620, 411-323-0630, 411-323-0640, 411-323-0650, 411-323-0660, 411-323-0670, 411-323-0680, 411-323-0690, 411-323-0700, 411-323-0710, 411-323-0720, 411-323-0730, 411-323-0740, 411-323-0750, 411-323-0760, 411-323-0770, 411-323-0780, 411-323-0790, 411-323-0800, 411-323-0810, 411-323-0820, 411-323-0830, 411-323-0840, 411-323-0850, 411-323-0860, 411-323-0870, 411-323-0880, 411-323-0890, 411-323-0900, 411-323-0910, 411-323-0920, 411-323-0930, 411-323-0940, 411-323-0950, 411-323-0960, 411-323-0970, 411-323-0980, 411-323-0990, 411-323-1000, 411-323-1010, 411-323-1020, 411-323-1030, 411-323-1040, 411-323-1050, 411-323-1060, 411-323-1070, 411-323-1080, 411-323-1090, 411-323-1100, 411-323-1110, 411-323-1120, 411-323-1130, 411-323-1140, 411-323-1150, 411-323-1160, 411-323-1170, 411-323-1180, 411-323-1190, 411-323-1200, 411-323-1210, 411-323-1220, 411-323-1230, 411-323-1240, 411-323-1250, 411-323-1260, 411-323-1270, 411-323-1280, 411-323-1290, 411-323-1300, 411-323-1310, 411-323-1320, 411-323-1330, 411-323-1340, 411-323-1350, 411-323-1360, 411-323-1370, 411-323-1380, 411-323-1390, 411-323-1400, 411-323-1410, 411-323-1420, 411-323-1430, 411-323-1440, 411-323-1450, 411-323-1460, 411-323-1470, 411-323-1480, 411-323-1490, 411-323-1500, 411-323-1510, 411-323-1520, 411-323-1530, 411-323-1540, 411-323-1550, 411-323-1560, 411-323-1570, 411-323-1580, 411-323-1590, 411-323-1600, 411-323-1610, 411-323-1620, 411-323-1630, 411-323-1640, 411-323-1650, 411-323-1660, 411-323-1670, 411-323-1680, 411-323-1690, 411-323-1700, 411-323-1710, 411-323-1720, 411-323-1730, 411-323-1740, 411-323-1750, 411-323-1760, 411-323-1770, 411-323-1780, 411-323-1790, 411-323-1800, 411-323-1810, 411-323-1820, 411-323-1830, 411-323-1840, 411-323-1850, 411-323-1860, 411-323-1870, 411-323-1880, 411-323-1890, 411-323-1900, 411-323-1910, 411-323-1920, 411-323-1930, 411-323-1940, 411-323-1950, 411-323-1960, 411-323-1970, 411-323-1980, 411-323-1990, 411-323-2000

Proposed Repeals: 411-325-0080, 411-325-0100, 411-325-0160, 411-325-0210, 411-325-0310, 411-325-0450, 411-328-0580, 411-328-0590, 411-328-0600, 411-328-0610, 411-328-0670, 411-328-0730, 411-328-0805, 411-328-0810, 411-328-0820, 411-328-0830, 411-335-0050, 411-335-0070, 411-335-0080, 411-335-0090, 411-335-0100, 411-335-0110, 411-335-0140, 411-335-0300, 411-335-0370, 411-335-0380, 411-335-0390, 411-345-0080, 411-323-0010(T), 411-323-0020(T), 411-323-0030(T), 411-323-0035(T), 411-323-0040(T), 411-323-0050(T), 411-323-0060(T), 411-323-0070(T), 411-323-0080(T), 411-323-0085(T), 411-323-0090(T), 411-323-0095(T), 411-323-0100(T), 411-323-0105(T), 411-323-0110(T), 411-323-0115(T), 411-323-0120(T), 411-323-0125(T), 411-323-0130(T), 411-323-0135(T), 411-323-0140(T), 411-323-0145(T), 411-323-0150(T), 411-323-0155(T), 411-323-0160(T), 411-323-0165(T), 411-323-0170(T), 411-323-0175(T), 411-323-0180(T), 411-323-0185(T), 411-323-0190(T), 411-323-0195(T), 411-323-0200(T), 411-323-0205(T), 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411-323-1080(T), 411-323-1085(T), 411-323-1090(T), 411-323-1095(T), 411-323-1100(T), 411-323-1105(T), 411-323-1110(T), 411-323-1115(T), 411-323-1120(T), 411-323-1125(T), 411-323-1130(T), 411-323-1135(T), 411-323-1140(T), 411-323-1145(T), 411-323-1150(T), 411-323-1155(T), 411-323-1160(T), 411-323-1165(T), 411-323-1170(T), 411-323-1175(T), 411-323-1180(T), 411-323-1185(T), 411-323-1190(T), 411-323-1195(T), 411-323-1200(T), 411-323-1205(T), 411-323-1210(T), 411-323-1215(T), 411-323-1220(T), 411-323-1225(T), 411-323-1230(T), 411-323-1235(T), 411-323-1240(T), 411-323-1245(T), 411-323-1250(T), 411-323-1255(T), 411-323-1260(T), 411-323-1265(T), 411-323-1270(T), 411-323-1275(T), 411-323-1280(T), 411-323-1285(T), 411-323-1290(T), 411-323-1295(T), 411-323-1300(T), 411-323-1305(T), 411-323-1310(T), 411-323-1315(T), 411-323-1320(T), 411-323-1325(T), 411-323-1330(T), 411-323-1335(T), 411-323-1340(T), 411-323-1345(T), 411-323-1350(T), 411-323-1355(T), 411-323-1360(T), 411-323-1365(T), 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411-323-1660(T), 411-323-1665(T), 411-323-1670(T), 411-323-1675(T), 411-323-1680(T), 411-323-1685(T), 411-323-1690(T), 411-323-1695(T), 411-323-1700(T), 411-323-1705(T), 411-323-1710(T), 411-323-1715(T), 411-323-1720(T), 411-323-1725(T), 411-323-1730(T), 411-323-1735(T), 411-323-1740(T), 411-323-1745(T), 411-323-1750(T), 411-323-1755(T), 411-323-1760(T), 411-323-1765(T), 411-323-1770(T), 411-323-1775(T), 411-323-1780(T), 411-323-1785(T), 411-323-1790(T), 411-323-1795(T), 411-323-1800(T), 411-323-1805(T), 411-323-1810(T), 411-323-1815(T), 411-323-1820(T), 411-323-1825(T), 411-323-1830(T), 411-323-1835(T), 411-323-1840(T), 411-323-1845(T), 411-323-1850(T), 411-323-1855(T), 411-323-1860(T), 411

NOTICES OF PROPOSED RULEMAKING

411-335-0020(T), 411-335-0030(T), 411-335-0060(T), 411-335-0310(T), 411-345-0010(T), 411-345-0020(T), 411-345-0030(T), 411-345-0050(T), 411-345-0100(T), 411-345-0110(T), 411-345-0130(T), 411-345-0190(T)

Last Date for Comment: 12-21-11, 5 p.m.

Summary: The Department of Human Services (Department) is proposing to permanently update the following rules:

- OAR chapter 411, division 323 (Developmental Disability Certification and Endorsement);
- OAR chapter 411, division 325 (24-Hour Residential Services);
- OAR chapter 411, division 328 (Supported Living Services);
- OAR chapter 411, division 335 (Proctor Care Residential Services); and
- OAR chapter 411, division 345 (Employment and Alternatives to Employment Services).

The proposed rulemaking permanently updates the rules to implement the July 1, 2011 adoption of the certification and endorsement rules; further prescribes standards, responsibilities, and procedures for endorsement; and centralize many of the program management requirements that were previously reflected in specific program rules. The program rules continue to exist but focus on rules specific to the operation of the respective service.

To reflect current Department practice and standards, the proposed rulemaking also updates:

- The 24-hour residential services rules to remove mid-cycle reviews (OAR 411-325-0080) and clarify when first aid kits must be locked (OAR 411-325-0150);
- The supported living services rules to remove the requirement of the findings of a TB test within two weeks of an individual's entry (OAR 411-328-0630);
- The proctor care residential services rules to remove mid-cycle reviews (OAR 411-335-0110);
- The employment and alternatives to employment services rules to include a definition for Individual Support Plan (ISP) as it was inadvertently left out in a previous rulemaking (OAR 411-345-0020); and
- The ISP rules in 24-hour residential services (411-325-0430) and proctor care residential services (411-335-0230) to streamline the ISP process by removing the requirement that an ISP team meet face-to-face 45 days prior to an ISP meeting. Even though the 45 day requirement is being removed, the ISP team is still expected to have conversations, although not face-to-face, and collect and summarize the information required by rule prior to the ISP meeting.

These rules changes are being made in response to the Department's transformation efforts and the need to generally streamline operations in order to meet and address current and future budget needs.

Rules Coordinator: Christina Hartman

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

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Rule Caption: Support Services for Adults with Developmental Disabilities.

Date:	Time:	Location:
12-16-11	10 a.m.	500 Summer St. NE, Rms. 137AB Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050 & 410.070

Other Auth.: 2011 OL Ch. 621 (HB 5030)

Stats. Implemented: ORS 427.005, 427.007 & 430.610–430.695

Proposed Adoptions: 411-340-0125

Proposed Amendments: 411-320-0090, 411-320-0110, 411-340-0020, 411-340-0100, 411-340-0110, 411-340-0120, 411-340-0130, 411-340-0140, 411-340-0150

Proposed Repeals: 411-320-0090(T), 411-320-0110(T), 411-340-0100(T), 411-340-0110(T)

Last Date for Comment: 12-21-11, 5 p.m.

Summary: The Department of Human Services (Department) is proposing to update the support services rules in OAR chapter 411, division 340 and the Community Developmental Disability Program (CDDP) rules in OAR chapter 411, division 320 to:

- Permanently make the receipt of support services contingent on eligibility for the federally approved Support Services Waiver in most cases and require that all individuals not eligible for the Support Services Waiver exit brokerage services. Prior to this, eligibility for the Support Services Waiver was not a requirement for support services;
- Further define eligibility criteria for supplemental funds relating to needs associated with activities of daily living;
- Emphasize that support funds are not meant to supplement existing and naturally occurring supports;
- Address the role of brokerages in handling an individual in crisis;
- As a result of adding the role of case manager to the personal agent, include timelines for informing individuals of the personal agent, establish expectations around providing protective services, and outline specific requirements around progress noting; and
- Specifically identify rate range and expenditure guidelines.

Rules Coordinator: Christina Hartman

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

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Department of Justice Chapter 137

Rule Caption: Corrected notice: Implements 2011 legislative changes to child support lien rule.

Stat. Auth.: ORS 18.150 & 180.345

Stats. Implemented: ORS 18.158, 25.670 & 25.690

Proposed Amendments: 137-055-4440

Last Date for Comment: 12-22-11, 5 p.m.

Summary: OAR 137-055-4440 is being amended to reflect changes made by the 2011 legislature. In a notice of proposed rule filing on 10/5/11, the incorrect rule number (137-055-4400) was listed as the rule being amended.

Please submit written comments by 5:00 p.m. Thursday, December 9, 2011, to Vicki Tungate, Policy Analyst, Division of Child Support, 494 State Street, Suite 300, Salem, Oregon 97301. Questions may be directed to that address or you may call (503) 986-6086.

Rules Coordinator: Carol Riches

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

Telephone: (503) 947-4700

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Rule Caption: Protected personal information in child support orders.

Stat. Auth.: ORS 25.020 & 180.345

Stats. Implemented: ORS 25.020 & 192.820–192.858

Proposed Amendments: 137-055-1160

Last Date for Comment: 12-22-11, 5 p.m.

Summary: OAR 137-055-1160 is being amended to clarify what information is protected in a child support order.

Rules Coordinator: Carol Riches

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

Telephone: (503) 947-4700

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Department of Oregon State Police Chapter 257

Rule Caption: Align 2010 Oregon Fire Code with Building Codes Division 2010 Oregon Structural Specialty Code.

Stat. Auth.: ORS 476.030 & 2011 OL Ch. 97 (HB 2078)

Stats. Implemented: ORS 476

Proposed Amendments: 837-040-0020

NOTICES OF PROPOSED RULEMAKING

Last Date for Comment: 1-21-12, 5 p.m.

Summary: Rule changes are needed to correct any immediate life threatening situations, conflicts in the codes, update references to nationally recognized standards and align the 2010 Oregon Fire Code with the 2010 Oregon Structural Specialty Code since the adoption of the 2010 OFC

Rules Coordinator: Cort Dokken

Address: Department of Oregon State Police, 255 Capitol St. NE, 4th Floor, Salem, OR 97310

Telephone: (503) 934-0228

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

Rule Caption: Correlate 2010 Oregon Fire Code with changes made by Building Codes Division to 2010 Oregon Structural Specialty Code.

Stat. Auth.: ORS 476.030

Stats. Implemented:

Proposed Amendments: 837-040-0020

Last Date for Comment: 1-21-12

Summary: Rule changes are needed to correlate the 2010 Oregon Fire Code with changes made by the Building Codes Division to the 2010 Oregon Structural Specialty Code for ADA requirements.

Rules Coordinator: Connie Dalke

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

Telephone: (503) 934-8211

Department of Public Safety Standards and Training Chapter 259

Rule Caption: Update program eligibility dates to include grandfather clause to mirror the 1999 Act as enrolled.

Stat. Auth.: ORS 245.950

Stats. Implemented: ORS 245.950

Proposed Amendments: 259-070-0010

Last Date for Comment: 12-21-11, Close of Business

Summary: The current Public Safety Memorial Fund (PSMF) eligibility dates found in rule do not mirror the Act as it was enrolled in 1999. Section 12, Chapter 981, Oregon Laws 1999 allows for the family members of public safety officers who suffered a qualifying death after January 1, 1997, but prior to October 23, 1999 to be eligible for PSMF benefits. Although this clause was not written into statute, the eligibility dates remain as determined when the bill passed the legislature in 1999. This proposed update will add the grandfather clause to the rule, ensuring the eligibility dates are accurate.

Rules Coordinator: Linsay Hale

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

Telephone: (503) 378-2431

Rule Caption: Remove references to supervisory and middle management courses and DPSST-approved supervisory and management-level training.

Stat. Auth.: ORS 181.640, 181.644, 181.651, 181.652, 181.653, 181.654 & 181.665

Stats. Implemented: ORS 181.640, 181.644, 181.651, 181.652, 181.653, 181.654 & 181.665

Proposed Amendments: 259-008-0060

Last Date for Comment: 12-21-11, Close of Business

Summary: Due primarily to budget restrictions, DPSST no longer offers or approves courses for supervisory or middle management certification levels. This rule update removes the outdated references to the supervisory and middle management courses and DPSST-approved supervisory or management-level training.

Rules Coordinator: Linsay Hale

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

Telephone: (503) 378-2431

Rule Caption: Allow for application of general polygraph examiner license if awarded a GED certificate (SB 71).

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.210 & 703.230

Proposed Amendments: 259-020-0015

Last Date for Comment: 12-21-11, Close of Business

Summary: This proposed rule update implements the changes to the Polygraph Examiner's Act enacted with the passage of Senate Bill 71 during the 2011 legislative session. These changes allow for an applicant to apply for a general polygraph examiner license if they have been awarded a GED certificate. Plain language standards and minor housekeeping changes have also been made for clarity.

Rules Coordinator: Linsay Hale

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

Telephone: (503) 378-2431

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

Rule Caption: Licensing Processes and Proof of Medical Qualifications for a Commercial Driver License or Instruction Permit.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.179, 802.183, 802.200, 802.230, 807.021, 807.040, 807.050, 807.060, 807.066, 807.070, 807.080, 807.100, 807.160, 807.170, 807.340, 809.415, 809.419 & 809.440

Other Auth.: Title 49, CFR Parts 391.41–391.49 & Part 384.225

Stats. Implemented: ORS 801.163, 802.200, 802.012, 802.220, 802.230, 802.540, 807.021, 807.024, 807.040, 807.045, 807.050, 807.060, 807.066, 807.070, 807.080, 807.100, 807.150, 807.160, 807.170, 807.220, 807.230, 807.280, 807.340, 807.400, 809.419, 809.440, 825.412 & 746.265

Proposed Adoptions: 735-063-0067

Proposed Amendments: 735-001-0050, 735-010-0030, 735-062-0002, 735-062-0007, 735-062-0080, 735-062-0085, 735-062-0090, 735-062-0110, 735-062-0200, 735-063-0000, 735-063-0050, 735-063-0060, 735-063-0065

Last Date for Comment: 12-21-11, Close of Business

Summary: Beginning on January 30, 2012, changes to the federal regulations related to proof of medical qualification requirements for commercial driver license (CDL) holders and CDL instruction permit holders go into effect. The Oregon Legislature enacted Chapter 470, Oregon Laws 2011 (HB 2138). Section 2 of HB 2138 authorizes DMV to implement these changes to the federal regulations and as a result, DMV has initiated this rulemaking.

735-001-0050 – This rule lists the circumstances under which DMV will provide administrative review of a suspension or cancellation of driving privileges. DMV proposes to amend this rule to include an administrative review if a person's CDL or CDL instruction permit is canceled because the person fails to submit proof of medical qualification to operate a commercial motor vehicle.

735-010-0030 – DMV proposes to amend this rule to specify that a CDL holder's employment and non-employment driving record may contain information concerning the person's medical qualification to operate a commercial vehicle. DMV also proposes to amend this rule to clarify that an employment driving record will contain information about a positive drug test result under ORS 825.412 only if the requestor has written permission from the person who was subject to the test. DMV proposes additional amendments to clarify the fees for searching DMV records when a requestor record is not found and other changes to clarify language.

Chapter 735, Division 62 – To further implement the changes to the federal regulations, DMV proposes to amend several rules in this

NOTICES OF PROPOSED RULEMAKING

division to include additional requirements when a person applies for issuance of a CDL or CDL instruction permit. These requirements include certification of driving type when applying for issuance, renewal or replacement of a CDL or CDL instruction permit, submission of proof of medical qualification when requested by DMV, and authorizing the waiver of the CDL drive test when an applicant surrenders a CDL issued by another state, a Canadian Province or Mexico DMV also proposes to remove language in OAR 735-062-0080 regarding the waiving of a drive test when an applicant submits a CDL Certificate of Test Completion since the testing is not actually waived, but rather conducted by authorized CDL third party testers. Finally, DMV proposes to amend OAR 735-062-0080 to authorize waiving a drive test for a Class C license if the applicant surrenders a license issued by a jurisdiction with which DMV has a reciprocity agreement.

Other proposed amendments in Chapter 735, Division 62 are as follows:

735-062-0007(1)(c), 735-062-0090(2)(a) and 735-062-0010(3)(a) – Deleted the requirement that a person provide “proof” of a Social Security Number to implement Chapter 282, Oregon Laws 2011 (HB 2139).

735-062-0110(2) (c) – Included language to implement Chapter 297, Oregon Laws 2011 (HB 3273) which allows household members of a corrections officer or other eligible employee killed in the line of duty to use an employment address.

OAR Chapter 735, Division 63 – The proposed amendments to this division of rules implement Section 2 of HB 2138 and align Oregon requirements with the federal regulations concerning certification of driving type and when proof of medical qualification for CDL holders and CDL instruction permit holders will be required by DMV. DMV also proposes to adopt a new rule setting forth when DMV will cancel a CDL or CDL instruction permit for failing to provide proof of medical qualification and will suspend a CDL or CDL instruction permit if the person has falsified proof of medical qualification.

Other amendments in the above described rules are made for clarity.

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

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

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Department of Transportation, Highway Division Chapter 734

Rule Caption: Traffic Signal Approval, Installation, Modification, and Removal on State Highways.

Stat. Auth.: ORS 184.616, 184.619, 366.205, & 810.200

Stats. Implemented: ORS 810.200 & 810.210

Proposed Adoptions: 734-020-0485

Proposed Amendments: 734-020-0020, 734-020-0400, 734-020-0420, 734-020-0430, 734-020-0470, 734 020-0480, 734-020-0500

Proposed Repeals: 734-020-0025, 734-020-0032, 734-020-0034, 734-020-0135, 734 020 0140, 734-020-0440, 734-020-0450, 734-020-0460, 734-020-0490

Last Date for Comment: 12-21-11, Close of Business

Summary: The compelling reason for this rulemaking action is to make the traffic signal rules current, remove any unnecessary requirements, and to eliminate inaccurate, obscure, and cumbersome references.

The adoption of rule 734-020-0485 establishes the design standard for installation of new, replaced, or significantly modified signal installations. The amendment of the following rules are needed: 734-020-0400 establishes the purpose for the Traffic Signals rules 734-020-0400 through 734-020-0500 for the Department of Transporta-

tion to approve the installation, modification, or removal of traffic signals. 734-020-0420 provides the definition of terms used within the Traffic Signal rules 734-020-0400 through 734-020-0500. 734-020-0430 clarifies the State Traffic Engineer approval process. Intersections shall meet MUTCD warrants unless the State Traffic Engineer finds otherwise. 734-020-0470 defines the desirable traffic signal spacing and allows State Traffic Engineer to use discretion for approval. 734-020-0480 describes the requirement for the use of traffic signal progression analysis in the traffic signal approval process. 734-020-0500 states the conditions an existing traffic signal may be removed. The repeal of the following rules are needed: 734-020-0020 list guidelines for Parking and Turn prohibitions, which are currently available in the Traffic Manual. 734-020-0025 list guidelines for U-Turn Designation, which are currently available in the Traffic Manual. 734-020-0032 list definitions referring to Portable Traffic Signals, which are part of the guidelines and equipment specifications. 734-020-0034 list the Guidelines for portable traffic signals, which is a standard specification and bid item. Guidance will be moved to an appropriate technical manual. 734-020-0135 states the General Policy for multiple right and left turns at highway intersections, which is included in the Traffic Manual. 734-020-0140 lists the Criteria for Multiple Left or Right Turn Movements, which will be included in the Traffic Manual. 734-020-0440 is the Application Procedure for Installation of Traffic Signals on State Highways at Public Roads. This is now covered under 734-020-0430. 734-020-0450 is the Application Procedure for Installation of Traffic Signals on State Highways at Private Roads. This is now covered under 734-020-0430. 734-020-0460 is Consideration for Approval of a Traffic Signal Installation, and this is included in rule 734-020-0430. 734-020-0490 is the Conditions of Approval. Warrants are under 734-020-0430 and approaches are under 734-020-0485.

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

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Rule Caption: Authority to authorize the movement of over-dimensional loads.

Stat. Auth.: ORS 184.616, 184.619 & 823.011

Stats. Implemented: ORS 818.200, 818.220 & 818.225

Proposed Amendments: 734-070-0010, 734-082-0021

Last Date for Comment: 12-21-11, Close of Business

Summary: These rules authorize an ODOT official to impose restrictions on travel involving over-dimensional loads and vehicles in order to protect the traveling public and Oregon’s infrastructure. Historically that ODOT official has been the Chief Engineer. The Administrator of the Motor Carrier Transportation Division (MCTD) has recently been appointed to serve as the agency’s liaison responsible for freight mobility issues statewide. The MCTD Administrator in actual day to day practice is asked to make decisions for which he does not have delegated authority. The proposed amendments are needed in order to provide the Administrator of MCTD with the same authority granted the Chief Engineer in regards to oversight of the movement of oversized loads or vehicles. In addition, freight mobility issues are not always predictable, so by having a second official authorized to direct these movements, the Department gains flexibility to enable timely response to freight mobility issues.

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

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Rule Caption: Revisions of rules in chapter 734, divisions 75 and 76.

Stat. Auth.: ORS 184.616, 184.619, 810.060 & 823.011

Stats. Implemented: ORS 818.200, 818.210, 818.220 & 818.225

Proposed Amendments: 734-075-0005, 734-075-0008, 734-075-0010, 734-075-0011, 734-075-0015, 734-075-0020, 734-075-0022,

NOTICES OF PROPOSED RULEMAKING

734-075-0025, 734-075-0035, 734-075-0036, 734-075-0037, 734-075-0040, 734-075-0041, 734-075-0045, 734-075-0055, 734-075-0085, 734-076-0065, 734-076-0075, 734-076-0105, 734-076-0115, 734-076-0135, 734-076-0145, 734-076-0155, 734-076-0165, 734-076-0175

Last Date for Comment: 12-21-11, Close of Business

Summary: Division 75 rules govern the transportation of mobile homes, modular building units and chassis units on highways. The proposed amendments would:

- (1) Allow a 30-day multiple trip permit to be used under specific conditions;
- (2) Revise the axle, tire and break requirements to be uniform with the federal definition; and
- (3) Describe conditions for use of the single trip permit for combinations of vehicles that exceed the maximum allowable weight for a single non-divisible.

Division 76 rules govern the issuance of permits allowing tow vehicles to tow oversize disabled vehicles or combinations of vehicles on state highways. The proposed amendments would:

- (1) Clarify how to apply for a permit to be used under specific conditions;
- (2) Explain requirements for a variance permit when towing other than tow commodities; and
- (3) Describe conditions for use of continuous trip permit and single trip permit when towing overweight disabled vehicles;

In addition, rules in both divisions regarding warning flags are amended to add fluorescent orange as an additional allowed color for warning flags. Housekeeping amendments revise language to be in compliance with Secretary of State standards. The proposed rule amendments are needed to clarify the scope and intent of Division 75 and 76 rules, reflect current practices and provide uniformity for safety regulations.

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

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Oregon Board of Naturopathic Medicine
Chapter 850

Rule Caption: Necessary to bring rule into compliance with ORS 676.150.

Stat. Auth.: ORS 685.125

Stats. Implemented: ORS 685.100

Proposed Amendments: 850-050-0120

Last Date for Comment: 12-22-11

Summary: OAR 850-050-0120 Clarifies the duty of Licensees and non-licensed person to report to the Board any violation of any law within 10 business days of the violation.

OAR 850-050-0120 Is not in compliance with statute on self-reporting: ORS 676.150676.150 Duty to report prohibited or unprofessional conduct, arrests and convictions

(2) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, a licensee who has reasonable cause to believe that another licensee has engaged in prohibited or unprofessional conduct shall report the conduct to the board responsible for the licensee who is believed to have engaged in the conduct. The reporting licensee shall report the conduct without undue delay, but in no event later than 10 working days after the reporting licensee learns of the conduct.

(3) A licensee who is convicted of a misdemeanor or felony or who is arrested for a felony crime shall report the conviction or arrest to the licensee's board within 10 days after the conviction or arrest.

Rules Coordinator: Anne Walsh

Address: Oregon Board of Naturopathic Medicine, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0193

Rule Caption: Necessary to assure that DEA registration includes all applicable Schedules for prescribing.

Stat. Auth.: ORS 685.125

Stats. Implemented: ORS 685.145

Proposed Amendments: 850-060-0215

Last Date for Comment: 12-22-11

Summary: DEA registration needs to include IIN, since NDs can prescribe for this Schedule.

Rules Coordinator: Anne Walsh

Address: Oregon Board of Naturopathic Medicine, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0193

.....
Oregon Business Development Department
Chapter 123

Rule Caption: The Special Public Works Fund rules are amended to reflect HB 2069 from the 2011 Legislative Session.

Stat. Auth.: ORS 285A.075 & 285A.419

Stats. Implemented: ORS 285B.410–285B.482

Proposed Amendments: 123-042-0026, 123-042-0045

Last Date for Comment: 12-22-11

Summary: The Special Public Works Fund rules are amended to conform for HB 2069 passed in the 2011 Legislative Session. Loan repayment period has been extended from 25 years to 30 years.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

.....
Rule Caption: These rules are being amended to correct small errors made.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.050–285B.098

Proposed Amendments: 123-475-0012, 123-475-0025, 123-475-0030

Last Date for Comment: 12-22-11

Summary: These rules are being amended due to small spelling errors and the addition of the word “compatible” in 123-475-0030.

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: Special Education Responsibilities for Students in Charter Schools.

Date:	Time:	Location:
1-4-12	1 p.m.	255 Capitol St. NE, Rm. 251A Salem, OR 97310

Hearing Officer: Cindy Hunt

Stat. Auth.: ORS 338.165, 343.014, 343.041, 343.045, 343.055, 343.157

Stats. Implemented: ORS 338.165, 343.221, 343.155, 343.041, 339.115, 343.045, 343.157, 34 CFR 300.137 & 139, 34 CFR 300.101, 34 CFR 300.209, 34 CFR 300.111

Proposed Amendments: 581-015-2005, 581-015-2010, 581-015-2040, 581-015-2075, 581-015-2080

Last Date for Comment: 1-4-12, 5 p.m.

Summary: 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

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

Telephone: (503) 947-5791

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Interdistrict Transfers.
Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 339.133
Proposed Amendments: 581-021-0019
Last Date for Comment: 1-4-12, 5 p.m.
Summary: Clarifies that Interdistrict Transfer Rule does not apply to transfers under House Bill 3681.
Rules Coordinator: Diane Roth
Address: Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310
Telephone: (503) 947-5791

Rule Caption: Private School Registration.
Stat. Auth.: ORS 345.535, 326.215, 339.030, 343.055, 345.535, 433.245, 453.205, 453.255, 326.603, 339.372, 339.375 & 339.377
Stats. Implemented: ORS 345.515, 345.525, 345.535, 326.603, 339.372, 339.375, 339.377 & 345.555
Proposed Repeals: 581-045-0500, 581-045-0505, 581-045-0510, 581-045-0515, 581-045-0520, 581-045-0522, 581-045-0525, 581-045-0530, 581-045-0535, 581-045-0538, 581-045-0540, 581-045-0545, 581-045-0550, 581-045-0555, 581-045-0560, 581-045-0565, 581-045-0570, 581-045-0580
Last Date for Comment: 1-4-12, 5 p.m.
Summary: Repeal of rules relating to registration of private schools implements SB 26 (2011). Private schools still must follow certain laws such as student records and child abuse reporting policies.
Rules Coordinator: Diane Roth
Address: Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310
Telephone: (503) 947-5791

Rule Caption: Modifies rule relating to criminal background checks of private school employees, implementing legislation from 2011.
Stat. Auth.: ORS 326.603
Stats. Implemented: ORS 326.603
Proposed Amendments: 581-045-0586
Last Date for Comment: 1-4-12, 5 p.m.
Summary: Implements legislation which amended list of crimes which prohibit person if committed from becoming school employee.
Rules Coordinator: Diane Roth
Address: Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310
Telephone: (503) 947-5791

Rule Caption: Modifies rule relating to public school employee criminal background checks, implementing 2011 legislation.
Stat. Auth.: ORS 326.603
Stats. Implemented: ORS 326.603
Proposed Amendments: 581-021-0500
Last Date for Comment: 1-4-12, 5 p.m.
Summary: Implements legislation which amended list of crimes which prohibit person if committed from becoming school employee.
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: Abuse Reporting and Protective Services for Individuals in State Hospitals
Stat. Auth.: ORS 179.040 & 413.042
Other Auth.: HB 2009 (2009 OL Ch. 595 Sec. 19–25)

Stats. Implemented: ORS 179.390, 426.385, 427.031, 430.210, 430.735–430.768
Proposed Adoptions: 943-045-0400, 943-045-0410, 943-045-0420, 943-045-0430, 943-045-0440, 943-045-0450, 943-045-0460, 943-045-0470, 943-045-0480, 943-045-0490, 943-045-0500, 943-045-0510, 943-045-0520
Proposed Repeals: 943-045-0400(T), 943-045-0410(T), 943-045-0420(T), 943-045-0430(T), 943-045-0440(T), 943-045-0450(T), 943-045-0460(T), 943-045-0470(T), 943-045-0480(T), 943-045-0490(T), 943-045-0500(T), 943-045-0510(T), 943-045-0520(T)
Last Date for Comment: 12-20-11, 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 result of HB 2009(2009).

With the creation of a new agency, the state hospitals serving individuals with mental illness moved to the Authority. These rules are needed to reflect the separation of the Department of Human Services and Oregon Health Authority.

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: 10/11 Changes to January 1, 2011–December 31, 2012 Health Services Commission's Prioritized List.
Stat. Auth.: ORS 192.527, 192.528, 413.042 & 414.065
Stats. Implemented: ORS 414.065
Proposed Amendments: 410-141-0520
Last Date for Comment: 12-18-11, Close of Business
Summary: Ref.#: 141 PR 278 1211. Oregon Health Plan (OHP-Managed Care).

The OHP Program administrative rules govern the Division of Medical Assistance Programs' payments for services provided to clients. The Division needs to permanently amend 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.

Proposed rules are available on the Division's website: <http://www.dhs.state.or.us/policy/healthplan/rules/notices.html>

For hardcopy 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 for Oregon Health Policy and Research Chapter 409

Rule Caption: Amendments to the Pain Management Commission Rules.
Stat. Auth.: ORS 409.570
Stats. Implemented: ORS 409.500–409.570
Proposed Amendments: 409-050-0130
Proposed Repeals: 409-050-0130(T)
Last Date for Comment: 12-21-11, 5 p.m.

Summary: The Oregon Health Authority, Office for Oregon Health Policy and Research is implementing amendments to the Pain Management Commission rules to clarify pain management education

NOTICES OF PROPOSED RULEMAKING

program requirements for dentists licensed by the Oregon Board of Dentistry.

Rules Coordinator: Zarie Haverkate

Address: Oregon Health Authority, Office for Oregon Health Policy and Research, 1225 Ferry St. SE, Salem, OR 97301

Telephone: (503) 373-1574

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

Rule Caption: Revisions to the Breast and Cervical Cancer Program (BCCP) eligibility and presumptive treatment enrollment rules.

Date:	Time:	Location:
12-16-11	2:30 p.m.	Portland State Office Bldg, 800 NE Oregon St., Rm. 368 Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 413.042 & 414.540

Other Auth.: SB 433 (2011 OL Ch. 555)

Stats. Implemented: ORS 413.042, 414.534 & 414.536

Proposed Adoptions: 333-010-0197

Proposed Amendments: 333-010-0100, 333-010-0105, 333-010-0110, 333-010-0115, 333-010-0130

Last Date for Comment: 12-22-11, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division, Office of Family Health is proposing to amend and adopt administrative rules in chapter 333, division 10 pertaining to the Breast and Cervical Cancer Program (BCCP). These rule changes reflect two changes to the BCCP OARs:

(1) Women age 39 or under displaying cervical cancer symptoms can now access screening and diagnostic services through the program.

(2) Women who have received qualified breast and/or cervical cancer diagnoses, including certain pre-cancerous conditions, outside of BCCP but meet BCCP eligibility criteria can now receive medical assistance through the Breast and Cervical Cancer Treatment Program.

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,
Board of Licensed Dietitians
Chapter 834**

Rule Caption: Standardization with other professions regulated by OHLA and make the temporary rule permanent.

Stat. Auth.: OL Ch. 630, ORS 691, 676.605, 676.606, 676.607, 676.608, 676.615, 691.405, 691.415, 691.435, 619.445, 691.165 & 691.485

Stats. Implemented: OL Ch. 630, ORS 691.405, 691.415, 691.435, 619.445, 691.165 & 691.485

Proposed Adoptions: 834-020-0000, 834-030-0000, 834-030-0010, 834-040-0000, 834-050-0000, 834-050-0010, 834-060-0000, 834-060-0010

Proposed Repeals: 834-001-0000, 834-001-0005, 834-010-0005, 834-010-0010, 834-010-0015, 834-010-0019, 834-010-0025, 834-010-0030, 834-010-0035, 834-010-0040, 834-010-0045, 834-010-0050(T), 834-010-0050, 834-010-0055, 834-010-0065

Last Date for Comment: 12-28-11, 5 p.m.

Summary: Passage of Senate Bill 939 (Oregon Laws 2011, Chapter 630) by the 2011 Legislature brought the Board of Licensed Dietitians under the administration of the Oregon Health Licensing Agency (Agency). Section 12 of the enrolled version of Senate Bill 939 gives the Agency the authority to establish fees by rule. The statute states that the license is valid for one year. It was necessary to amend OAR 834-010-0050 to align with the statute. A temporary

rule was put into place to address the issue. Temporary Rule 834-010-0050(T), will be made permanent with these administrative rules.

New divisions were created for the administrative rules which specifically addressed definitions, application requirements, license issuance and renewal, standards of practice and professional conduct, continuing education requirements, and fees.

Rule changes are necessary to standardize and streamline rules for consistency with other professions regulated by OHLA and to allow for the adoption of rules that will align with current industry, agency and statewide rulemaking standards and principles.

Rules Coordinator: Samantha Patnode

Address: Oregon Health Licensing Agency, Board of Licensed Dietitians, 700 Summer St. NE, Suite 320, Salem, OR 97301-1287

Telephone: (503) 373-1917

.....
**Oregon Medical Board
Chapter 847**

Rule Caption: Authorizes a Board employee to appear for the Board in civil penalty contested case hearings.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 183.452

Proposed Adoptions: 847-001-0007

Last Date for Comment: 12-21-11

Summary: The proposed rule authorizes an employee of the Oregon Medical Board to appear on behalf of the Board in civil penalty contested case hearings conducted due to violations of 847-008-0065, 847-012-0000, and 847-015-0025.

Rules Coordinator: Malar Ratnathicam

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

Telephone: (971) 673-2713

.....
Rule Caption: Fees added for supervising physician applications and criminal records checks.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265

Proposed Amendments: 847-005-0005

Last Date for Comment: 12-21-11

Summary: The proposed rule amendment adds a fee of \$225 for a supervising physician application and \$52 for a criminal records check.

Rules Coordinator: Malar Ratnathicam

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

Telephone: (971) 673-2713

.....
Rule Caption: Supervising physicians required to update existing practice agreements during registration.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.175, 677.265, 677.510

Proposed Amendments: 847-008-0040

Last Date for Comment: 12-21-11

Summary: SB 224, passed by the 2011 Legislature, requires practice agreements to be updated every 2 years. This rule amendment clarifies when a supervising physician must provide the practice agreement update to the board.

Rules Coordinator: Malar Ratnathicam

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

Telephone: (971) 673-2713

.....
Rule Caption: Requires applicants and licensees to pay a criminal records check fee.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265(9), 181.534

Proposed Amendments: 847-020-0155

Last Date for Comment: 12-21-11

NOTICES OF PROPOSED RULEMAKING

Summary: Rule adds the requirement that an applicant or licensee must pay a criminal records check fee.

Rules Coordinator: Malar Ratnathicam

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

Telephone: (971) 673-2713

Rule Caption: Adds requirements for EMT supervising physicians.

Stat. Auth.: ORS 682.245

Stats. Implemented: ORS 682.245

Proposed Amendments: 847-035-0020

Last Date for Comment: 12-21-11

Summary: The proposed rule amendment adds initial requirements for qualifications and requirements for ongoing education for supervising physicians.

Rules Coordinator: Malar Ratnathicam

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

Telephone: (971) 673-2713

Rule Caption: Changes to the First Responder and the EMT-Intermediate scope of practice.

Stat. Auth.: ORS 682.245

Stats. Implemented: ORS 682.245

Proposed Amendments: 847-035-0030

Last Date for Comment: 12-21-11

Summary: The proposed rule amendments replace care for “soft tissue injuries” and “suspected fractures” with care for “musculoskeletal injuries” under the First Responder scope of practice and add tuberculosis skin testing as part of an agency’s occupational health program to the EMT-Intermediate scope of practice.

Rules Coordinator: Malar Ratnathicam

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

Telephone: (971) 673-2713

Rule Caption: Changes to physician assistant practice and licensing rules per SB 224.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 58.185, 409.560, 677.132, 677.190, 677.205, 677.265, 677.470 & 677.495–677.545

Proposed Amendments: 847-050-0005, 847-050-0010, 847-050-0015, 847-050-0020, 847-050-0023, 847-050-0025, 847-050-0026, 847-050-0027, 847-050-0029, 847-050-0035, 847-050-0037, 847-050-0038, 847-050-0040, 847-050-0041, 847-050-0042, 847-050-0043, 847-050-0046, 847-050-0050, 847-050-0055, 847-050-0060, 847-050-0063, 847-050-0065

Last Date for Comment: 12-21-11

Summary: The proposed rule amendment clarifies the requirements of physician assistants and supervising physicians based on the statutory changes made by SB 224. SB 224, passed by the 2011 Legislature, changed the practice standards and licensing procedures for physician assistants. These changes required changes to Division 050 of the Oregon Medical Board rules governing physician assistants.

The new law separates physician assistant licenses from employment and the Oregon Medical Board no longer approves the physician assistant/supervising physician relationship or “practice agreement” contents. The proposed rule changes explain the requirements established by the new law and establishes the process for licensure, practice, and supervision of physician assistants, including: approval by the Board of supervising physicians; supervision requirements; physician assistant methods and requirements of practice; physician assistant prescription privileges and requirements; practice agreement contents and requirements; procedures for changes to practice and termination of practice agreements; and the roll of the Oregon Medical Board’s Physician Assistant Advisory Committee.

Rules Coordinator: Malar Ratnathicam

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

Telephone: (971) 673-2713

Oregon State Marine Board Chapter 250

Rule Caption: Proposed changes to the Aquatic Invasive Species Prevention Program.

Date:
12-28-11

Time:
5 p.m.

Location:
Marine Board
435 Commercial St.
Salem, OR

Hearing Officer: Glenn Dolphin

Stat. Auth.: ORS 830.110

Other Auth.: HB 3121 & HB 3399

Stats. Implemented: ORS 830.565–830.585 & 570.855

Proposed Adoptions: 250-010-0660

Proposed Amendments: 250-010-0650

Last Date for Comment: 12-31-11, 5 p.m.

Summary: Potential changes to the Aquatic Invasive Species Program rule may include the requirement to produce a permit for inspection when asked by law enforcement. Aquatic Invasive Species Inspection Program rule will be adopted to formally direct the approved activity at a check station when open. Specific check station activities will be outlined to maintain the legal administrative search component of the regulation.

Rules Coordinator: June LeTarte

Address: Oregon State Marine Board, P.O. Box 14145, Salem, OR 97309-5065

Telephone: (503) 378-2617

Rule Caption: Allow removal of invasive species as an approved activity within the Adopt-a-River Program.

Date:
12-28-11

Time:
4 p.m.

Location:
Marine Board
435 Commercial St.
Salem, OR

Hearing Officer: Glenn Dolphin

Stat. Auth.: ORS 830.110

Other Auth.: HB 3157

Stats. Implemented: ORS 830.055

Proposed Amendments: 250-017

Last Date for Comment: 12-31-11, 5 p.m.

Summary: Proposed changes to the Adopt-a-River Program will be to identify a list of invasive species that are approved for removal by groups participating in the program, along with protocols to follow and the development of best management practices to guide program activity.

Rules Coordinator: June LeTarte

Address: Oregon State Marine Board, P.O. Box 14145, Salem, OR 97309-5065

Telephone: (503) 378-2617

Rule Caption: Maintenance Assistance Program Update.

Date:
1-5-12

Time:
7 p.m.

Location:
City of Oregon City, City Hall
625 Center St.
Oregon City, OR 97045

Hearing Officer: Wayne Shuyler

Stat. Auth.: ORS 830.110 & 830.150

Stats. Implemented: ORS 830.150

Proposed Amendments: 250-014-0001, 250-014-0004

Last Date for Comment: 1-6-12, Close of Business

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

Rules Coordinator: June LeTarte

NOTICES OF PROPOSED RULEMAKING

Address: Oregon State Marine Board, P.O. Box 14145, Salem, OR 97309-5065

Telephone: (503) 378-2617

.....
Public Utility Commission
Chapter 860

Rule Caption: In the Matter of Revisions to OAR 860-038-0480 to Implement "Cool Schools."

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040 & 757.600-757.667

Proposed Amendments: 860-038-0480

Last Date for Comment: 12-23-11, 5 p.m.

Summary: This rulemaking permanently adopts the temporary amendments (PUC 8-2011) to OAR 860-038-0480 to implement ORS 757.612 as amended by House Bill 2960 known as the Governor's Cool Schools Bill. The changes to the rule reflect the change to distributing public purpose funding directly to school districts rather than to education service districts and the requirements that utilities pay the Oregon Department of Energy directly for the administration costs of the program.

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: Expands the number of qualifying continuing professional development courses and adds safety training.

Stat. Auth.: ORS 776 & 670

Stats. Implemented: ORS 776.115 & 670.310

Proposed Adoptions: 856-010-0027

Proposed Amendments: 856-010-0015

Last Date for Comment: 12-23-11

Summary: Continuing professional development (CPD) requirements were first adopted in 2000 and were changed effective April 27, 2010. The original CPD requirements were deleted from the Renewal of License rules and incorporated into a new rule as an expanded list of approved topics from which licensees can choose to comply with requirements for annual license renewals. By correspondence of October 11, 2011, Legislative Council advised that the Board failed to submit a copy of the adopted rules within the 10-day period as required by ORS 183.715(1). The previous rulemaking is being re-noticed to comply.

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

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

Rule Caption: Amends Rules Regarding Campaign Finance Regulation and Repeals Rule Regarding Slate Mailer Organizations.

Stat. Auth.: ORS 246.150, 260.046, 260.156 & 260.200

Stats. Implemented: ORS 260.005, 260.007, 260.035, 260.037, 260.038, 260.039, 260.041, 260.042, 260.043, 260.044, 260.045, 260.046, 260.049, 260.054, 260.055, 260.056, 260.057, 260.076, 260.078, 260.083, 260.085, 260.102, 260.112, 260.118, 260.156 & 260.232

Proposed Amendments: 165-012-0005, 165-012-0240

Proposed Repeals: 165-012-0060

Last Date for Comment: 12-23-11, Close of Business

Summary: OAR 165-012-0005 is proposed rule amendment designates the 2012 Campaign Finance Manual and associated forms as

the procedures and forms used for compliance with campaign finance regulations.

To request a copy of the draft 2012 Campaign Finance Manual please contact Summer Davis, Compliance Specialist, phone 503-986-1518; fax 503-373-7414; or e-mail summer.s.davis@state.or.us

OAR 165-012-0240 is proposed for amendment to add reference to petition committees, as well as incorporate technical changes made by the 2011 Legislative Assembly to the process of administrative discontinuing a political committee.

OAR 165-012-0060 is proposed for repeal because the 2011 Legislative Assembly repealed ORS 260.735 and 260.737 requiring slate mailer organizations to file a statement of organization and the requirement of specific disclosures on a slate mailer.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

.....
Rule Caption: Adopts the 2012 Initiative and Referendum Manuals, Recall Manual and Referral Manual.

Stat. Auth.: ORS 264.120, 246.150 & 250.015

Stats. Implemented: ORS 264.120, 246.150 & 250.015

Proposed Amendments: 165-014-0005

Last Date for Comment: 12-23-11, Close of Business

Summary: This proposed rule amendment designates the 2012 State Initiative and Referendum Manual; 2012 Recall Manual; and the 2012 County, City and District Initiative and Referendum Manual and associated forms as the procedures and forms to be used for the initiative, referendum and recall processes. In addition this proposed rule amendment designates the 2012 County, City and District Referral Manual to be used for the local referral process.

To request a copy of the draft 2010 State Initiative and Referendum Manual; 2010 Recall Manual; 2010 County Initiative and Referendum Manual, or the 2010 County, City and District Referral Manual please contact Summer Davis, Compliance Specialist, phone 503-986-1518; fax 503-373-7414; or e-mail summer.s.davis@state.or.us

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

.....
Rule Caption: Repeal of Rule Regarding Multiple Political Party Designations on General Election Ballot.

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS 254.135

Proposed Repeals: 165-007-0320

Last Date for Comment: 12-23-11, Close of Business

Summary: This rule is being repealed because some of the specific circumstances that led to the rule's adoption have changed. Changes in voting systems have occurred in some counties in the state. Additionally, questions remain as to whether any county will be able to strictly comply with the cross-nomination law as written. The Secretary of State will be seeking legislative changes to the cross-nomination law during the 2012 legislative session.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

.....
Rule Caption: Repeals the City and District Elections Manuals.

Stat. Auth.: ORS 246.120 & 246.150

Stats. Implemented: ORS 246.120 & 246.150

Proposed Repeals: 165-020-0005

Last Date for Comment: 12-23-11, Close of Business

Summary: This rule is proposed for repeal because the contents of the City Elections Manual and the District Elections Manual as well

NOTICES OF PROPOSED RULEMAKING

as associated forms have been incorporated into either the 2012 Candidates Manual or the 2012 County, City and District Initiative and Referendum Manual which are adopted under OAR 165-010-0005 and OAR 165-014-0005.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

Rule Caption: Amending Rules Regarding Contested Case Hearings.

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS 260.232 & 260.995

Proposed Amendments: 165-001-0015, 165-001-0016, 165-001-0025, 165-001-0034

Last Date for Comment: 12-23-11, Close of Business

Summary: OAR 165-001-0015 is proposed for amendment to update the method by which a person subject to a penalty under ORS 260.232 or ORS 260.995 will be notified of that penalty and to require that the notification include notice that a political committee may be represented by any officer identified in the most recent statement of organization filed with the filing officer.

OAR 165-001-0016 is proposed for amendment to require an individual requesting a contested case hearing in person or by telephone to submit to the Secretary of State Elections Division a signed Hearing Request Form. Additionally the rule is proposed for amendment to provide that if a person fails to indicate their preference for the type of hearing to be conducted, the hearing will be held by telephone.

OAR 165-001-0025 is proposed for amendment to clarify the deadline to request a hearing.

OAR 165-001-0034 is proposed for amendment to incorporate references to a Hearing Request Form when an individual is submitting notarized testimony in lieu of a contested case hearing.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

Rule Caption: Updating Candidate and Minor Party Manuals and Procedures for Filling a Legislative Vacancy.

Stat. Auth.: ORS 171.051, 171.060, 246.120, 246.150, 249.009 & 249.200

Stats. Implemented: ORS 171.060, 246.120, 246.150 & 249.009

Proposed Amendments: 165-010-0005, 165-010-0060

Proposed Repeals: 165-010-0085

Last Date for Comment: 12-23-11, Close of Business

Summary: OAR 165-010-0005 is proposed for amendment to designate the 2012 Candidate's Manual and associated forms as the procedures and forms used by candidates filing and running for elective office. In addition this rule designates the 2012 Minor Political Party Formation and Candidate Nomination Manual as the procedures and forms to be used to form a Minor Political Party and nominate candidates for elective office.

To request a copy of the draft 2012 Candidate's Manual or the 2012 Minor Political Party Formation and Candidate Nomination Manual please contact Summer Davis, Compliance Specialist, phone 503-986-1518; fax 503-373-7414; or e-mail summer.s.davis@state.or.us

OAR 165-010-0060 is proposed for amendment to incorporate changes made to the forms that a nominee to fill a legislative vacancy would file indicating their willingness to serve if appointed.

OAR 165-010-0085 is proposed for repeal because it has been incorporated into OAR 165-010-0060.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

Rule Caption: Amendment to Penalty Matrices for Non-Campaign Finance Violations and Other Campaign Finance Violations.

Stat. Auth.: ORS 246.150 & 260.200

Stats. Implemented: ORS 260.200, 260.215, 260.232 & 260.995

Proposed Amendments: 165-013-0010, 165-013-0020

Last Date for Comment: 12-23-11, Close of Business

Summary: OAR 165-013-0010 is proposed for amendment to remove from the Penalty Matrix for Campaign Finance Civil Penalty Election Law Violation the penalty for a slate mailer organization to file a statement of organization. This provision was repealed by the 2011 Legislative Assembly.

OAR 165-013-0020 is proposed for amendment to clarify the penalty for violating ORS 260.567 to \$250 for each occurrence.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

Rule Caption: Amendment of Secret Ballot Waiver Form and Process to Allow for Receipt by Email.

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS 253.690 & 2011 OL Ch. 294 (HB 3074)

Proposed Amendments: 165-007-0300

Last Date for Comment: 12-23-11, Close of Business

Summary: This rule is proposed for amendment to incorporate changes made by the 2011 Legislative Assembly that allow a long term absent elector who is serving in or has been discharged for not more than 30 days from the Armed Forces or the Merchant Marine to use to waive their right to a secret ballot when casting a ballot using electronic mail.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

Teacher Standards and Practices Commission Chapter 584

Rule Caption: Adopts new program approval rules as part of new division 18, amends rules in divisions 36, 60, 70 & 80, clarifies License of Conditional assignment language in division 100 and various housekeeping issues.

Date:
1-4-12

Time:
1 p.m.

Location:
TSPC Office
250 Division St. NE
Salem, OR 97301

Hearing Officer: Lynn Beaton

Stat. Auth.: ORS 342

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

Proposed Adoptions: 584-018-0205, 584-018-0305, 584-018-0310, 584-025-0006, 584-025-0011, 584-025-0016, 584-025-0020, 584-025-0025, 584-025-0030

Proposed Amendments: 584-036-0010, 584-060-0002, 584-070-0112, 584-070-0132, 584-070-0271, 584-070-0431, 584-080-0151, 584-080-0152, 584-100-0011, 584-100-0016, 584-100-0021, 584-100-0026, 584-100-0031, 584-100-0038

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

Summary: **ADOPT:** 584-018-0205 – Standards for Administrator Licensure – Adopts standards for administrator licenses.

584-018-0305 – Knowledge, Skills, Abilities, Cultural Competencies and Professional Dispositions for Initial School Counselor License – New standards to align with the national School Counselor Standards.

584-018-0310 – Knowledge, Skills, Abilities, Cultural Competencies and Professional Dispositions for Continuing School Counselor License – New standards to align with the national School Counselor Standards.

NOTICES OF PROPOSED RULEMAKING

584-025-0006 – Pertaining to the Educator Preparation Improvement Fund – New division rule clarifying the Educator Preparation Fund.

584-025-0011 – Definitions – New definitions for rules 584-025-0005 to 584-025-0030.

584-025-0016 – Eligibility – Rule clarifies eligibility for the Educator Improvement grant.

584-025-0020 – Grant Application – Clarifies the grant application process and the monetary limits of the grants.

584-025-0025 – Grant Application Criteria – Clarifies the grant application criteria.

584-025-0030 – Evaluation – Clarifies the requirement that the consortium submit a written evaluation report for the Commission.

584-100-0017 – Highly Qualified Elementary Teachers Teaching Title I or Remedial Reading – Clarifies requirements for all elementary teachers who teach Title I or remedial Reading.

AMEND: 584-036-0010 – Personnel Required to Hold Licenses, Certificates or Charter School Registrations – Amends rule to include scope of administrator licensure changes.

584-060-0002 – Definitions for Division 60 – Clarifies waiver of Basic Skills Tests (7) in lieu of a Master's Degree.

584-070-0112 – Restricted Transitional School Counselor License – Amends subsection (6)(a). Emergency School Counselor Licenses may be issued for up to one year at the Executive Director's discretion.

584-070-0132 – Emergency School Counselor License – Housekeeping edits.

584-070-0271 – Transitional School Psychologist License for First Time Out-of-State Applicants – Aligns the Transitional School Psychologist License with the Transitional School Counseling and School Social Worker Licenses.

584-070-0431 – Transitional School Social Worker License for First Time Out-of-State Applicants – Housekeeping edit.

584-080-0151 – Transitional Administrator License for First Time Out-of-State Applicants – Clarifies Transitional Administrator license valid for only one year and applicant must hold an unrestricted administrator license from another state.

584-080-0152 – Transitional Superintendent License for First Time Out-of-State Applicants – Clarifies applicant must hold an unrestricted administrator license from another state and have 5 years or more employment as a superintendent on a license valid for the assignment before holding an Oregon license.

584-100-0011 – Highly Qualified Elementary Teacher New to the Profession – Clarifies that multiple subjects are only considered highly qualified in grades K–6.

584-100-0016 – Highly Qualified Elementary Teacher Not New to the Profession – Clarifies that multiple subjects are only considered highly qualified in grades K–6.

584-100-0021 – Highly Qualified Middle Teacher New to the Profession – Removes reference to Conditional Assignment Permit (CAP) and inserts License of Conditional Assignment (LCA).

584-100-0026 – Highly Qualified Middle Teacher Not New to the Profession – Removes reference to Conditional Assignment Permit (CAP) and inserts License of Conditional Assignment (LCA).

584-100-0031 – Highly Qualified Secondary Teacher New to the Profession – Removes reference to Conditional Assignment Permit (CAP) and inserts License of Conditional Assignment (LCA).

584-100-0038 – HOUSSE for Middle Level and High School Teachers – Removes reference to Conditional Assignment Permit (CAP) and inserts License of Conditional Assignment (LCA).

Rules Coordinator: Lynn Beaton

Address: Teacher Standards and Practices Commission, 250 Division St. NE, Salem, OR 97301

Telephone: (503) 373-0981

ADMINISTRATIVE RULES

Board of Chiropractic Examiners Chapter 811

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

Adm. Order No.: BCE 2-2011

Filed with Sec. of State: 10-25-2011

Certified to be Effective: 11-8-11

Notice Publication Date: 9-1-2011

Rules Amended: 811-020-0006, 811-020-0011, 811-021-0005

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

Rules Coordinator: Donna Dougan—(503) 378-5816, ext. 24

811-020-0006

Statement of Purpose

It is the purpose of this Board to approve only those schools teaching the schedule of minimum educational requirements as defined by the Council on Chiropractic Education (CCE) Standards. These schools will also be evaluated for minimum educational requirements in minor surgery, proctology and physiotherapy (ORS 684.050(4)), subjects which are not required by CCE standards. This Board may also approve those programs that are mutually recognized and endorsed by CCE through membership in the Councils on Chiropractic Education International, on a case-by-case basis.

(1) 120 hours is required in physiotherapy. Any chiropractic physician also licensed as a physical therapist is exempt from this requirement.

(2) 36 hours (survey course) is required in minor surgery/proctology (in addition to the standard courses of physical examination, emergency/first aid, histology etc.).

(3) Applicants for licensure in Oregon who have graduated from schools which do not meet the requirements for physiotherapy, minor surgery, or proctology must provide evidence of sufficient hours in these subjects from any approved CCE school (undergraduate or post-graduate educational program).

Stat. Auth.: ORS 684

Stats. Implemented: ORS 684.050(4) & 684.155(5)

Hist.: 2CE 4, f. 5-13-63; 2CE 9, f. 10-16-70; CE 5-1997, f. & cert. ef. 12-19-97; BCE 2-2011, f. 10-25-11, cert. ef. 11-8-11

811-020-0011

List of Approved Schools

The list of approved programs shall be made available as published by the Council on Chiropractic Education and approved by this Board, along with any other educational programs that are recognized and endorsed by CCE and approved by this Board.

Stat. Auth.: ORS 684

Stats. Implemented: ORS 684.050(4) & 684.155(5)

Hist.: 2CE 4, f. 5-13-63; 2CE 9, f. 10-16-70; CE 5-1997, f. & cert. ef. 12-19-97; BCE 2-2011, f. 10-25-11, cert. ef. 11-8-11

811-021-0005

Educational Standards for Chiropractic Colleges

The educational standards for Chiropractic colleges published by the Council on Chiropractic Education or their equivalent, current as of September 22, 2011, is hereby adopted and prescribed.

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

Stat. Auth.: ORS 684

Stats. Implemented: ORS 684.155(5)

Hist.: 2CE 8, f. 12-10-68; 2CE 9, f. 10-1-70; CE 5-1997, f. & cert. ef. 12-19-97; BCE 3-2000, cert. ef. 8-23-00; BCE 2-2006, f. & cert. ef. 2-9-06; BCE 1-2007, f. & cert. ef. 11-30-07; BCE 2-2011, f. 10-25-11, cert. ef. 11-8-11

Board of Pharmacy Chapter 855

Rule Caption: Amends Controlled Substance Rules relating to animal euthanasia.

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

Filed with Sec. of State: 10-20-2011

Certified to be Effective: 10-31-11 thru 4-27-12

Notice Publication Date:

Rules Adopted: 855-080-0103

Rules Amended: 855-080-0100

Subject: Changes to OAR 855-080-0100 through 855-080-0103 are required to accommodate revisions that were made to the Veterinary

Medical Examining Board's rules relating to the registration of Certified Euthanasia Technicians that expire on October 31, 2011. Without this temporary rule, new Animal Euthanasia Drug Outlet registrations cannot be issued and existing registered Animal Euthanasia Drug Outlets will not be able to renew an Animal Euthanasia Drug Outlet Registration with the Oregon Board of Pharmacy which expires December 31, 2011. The Board eliminates the requirement for Certified Euthanasia Technicians and establishes new training requirements for those who possess/administer sodium pentobarbital for euthanizing injured, sick, homeless or unwanted domestic pets and other animals. These rules also incorporate a 2011 legislatively approved fee increase which was adopted by Temporary Rule in June and effective July 1, 2011.

Rules Coordinator: Karen MacLean—(971) 673-0001

855-080-0100

Animal Euthanasia

(1) The following requirements shall be met in order for a humane society or animal control agency to be registered or registration renewed to allow the purchase, possession and administration of sodium pentobarbital for euthanizing injured, sick, homeless or unwanted domestic pets and other animals:

(a) Storage. All supplies of sodium pentobarbital shall be kept in a locked cabinet. An assigned licensed veterinarian designated in writing shall be responsible for the security of the sodium pentobarbital and for the training of individuals who will administer the drug. Such designated licensed veterinarian shall allow withdrawal of the drug only to a person; who has been appropriately trained.

(b) Records. The following records shall be made at the time of the occurrence and shall be maintained for a minimum of three years, available for inspection by the Board of Pharmacy and its agents:

(A) A record of the withdrawal of sodium pentobarbital, signed by the person who takes possession of the sodium pentobarbital for administration;

(B) A record of the weight, species of animal and dosage administered for euthanasia signed by the person who administers the drug and by the designated person responsible for security;

(C) A record of all wastage signed by the person administering the drug and the designated person responsible for security; and

(D) A weekly record of verification of the stock on hand, minus the amounts withdrawn for administration, signed by the designated person responsible for security;

(E) A record of disposal of any expired or unwanted sodium pentobarbital. Disposal shall be in a conformance with 21 CFR 1307.21.

(c) Audits. The registrant shall submit to random audits of records and analysis of prepared solutions by the State Board of Pharmacy or its agents.

(d) Personnel. A minimum of two persons shall be required for any IV injection. One person shall be appropriately trained in all aspects of animal euthanasia and the other person(s) shall be a handler. The handler(s) should be trained in human safety and animal handling techniques.

(2) The fee for registration shall be \$50, paid annually by December 31 of each year.

(3) The Board will suspend or revoke the registration of any humane society or animal control agency which allows a person to administer sodium pentobarbital who has not completed appropriate training as dictated in these rules.

Stat. Auth.: ORS 475 & 689.205

Stats. Implemented: ORS 689.151 & 689.155

Hist.: 1PB 2-1984, f. & ef. 3-7-84; PB 9-1990, f. & cert. ef. 12-5-90; PB 5-1991, f. & cert. ef. 9-19-91; BP 6-2011(Temp), f. 10-20-11, cert. ef. 10-31-11 thru 4-27-12

855-080-0103

Training

(1) The individual who will be allowed to administer controlled substances for animal euthanasia shall document completion of a minimum of 8 hours of training in the use of sodium pentobarbital as selected by the designated licensed veterinarian.

(2) Training for individuals who will be allowed to administer controlled substances for animal euthanasia shall be provided by a Doctor of Veterinary Medicine currently licensed in this state; and

(a) May include both lecture and self-study instruction and clinical experience; and

(b) Provide that, at a minimum, the individual demonstrates competence to:

(A) Give inter-cardial, intraperitoneal, and intravenous injections;

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- (B) Make a positive determination of death;
 - (C) Handle animals properly in order to ease trauma and stress; and
 - (D) Accurately document all information required for record keeping.
- (3) Proficiency may be shown by completion of a self-assessment program. The designated veterinarian shall endorse the proficiency of trainees.

(4) Documentation of training must be retained at any site practicing euthanasia on animals and must be made available to the Board upon request

Stat. Auth.: ORS 475 & 689.205
Stats. Implemented: ORS 689.151 & 689.155
Hist.: BP 6-2011(Temp), f. 10-20-11, cert. ef. 10-31-11 thru 4-27-12

Bureau of Labor and Industries
Chapter 839

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

Adm. Order No.: BLI 9-2011

Filed with Sec. of State: 10-27-2011

Certified to be Effective: 11-1-11

Notice Publication Date: 10-1-2011

Rules Amended: 839-025-0004, 839-025-0008, 839-025-0010, 839-025-0015, 839-025-0020, 839-025-0025, 839-025-0037, 839-025-0050, 839-025-0060, 839-025-0065, 839-025-0080, 839-025-0090, 839-025-0155, 839-025-0200, 839-025-0210, 839-025-0230, 839-025-0340, 839-025-0530

Rules Repealed: 839-025-0020(T), 839-025-0080(T), 839-025-0530(T)

Subject: 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, clarify existing rules for consistency, and incorporate appendices referenced in OAR 839-025-0004, 839-025-0015, and 839-025-0050.

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

839-025-0004

Definitions

As used in OAR chapter 839, division 025, unless the context requires otherwise:

(1) “Apprentice” means:

(a) A person who is individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Office of Apprenticeship (OA), or with any state apprenticeship agency recognized by OA, and who is employed by a registered training agent pursuant to ORS 660.010(10) and is working pursuant to the standards of the apprentice’s apprenticeship program; or

(b) A person in probationary employment as an apprentice in such an apprenticeship program, but who is not individually registered in the program, but who has been certified by the OA or a state apprenticeship agency to be eligible for probationary employment as an apprentice, and who is employed by a registered training agent pursuant to ORS 660.010 (10) and is working pursuant to the standards of the apprentice’s apprenticeship program.

(2) “The Basic Hourly Rate of Pay” or “Hourly Rate” means the rate of hourly wage, excluding fringe benefits, paid to the worker.

(3) “Bureau” means the Bureau of Labor and Industries.

(4) “Commissioner” means the Commissioner of the Bureau of Labor and Industries, or designee.

(5) “Construction” means the initial construction of buildings and other structures, or additions thereto, and of highways and roads. “Construction” does not include the transportation of material or supplies to or from the public works project by employees of a construction contractor or construction subcontractor.

(6) “Division” means the Wage and Hour Division of the Bureau of Labor and Industries.

(7) “Employ” includes to suffer or permit to work.

(8) “Fringe benefits” means the amount of:

(a) The rate of contribution irrevocably made on a regular basis and not less often than quarterly by a contractor or subcontractor to a trustee or to a third person pursuant to a plan, fund or program; and

(b) The rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to workers pursuant to an enforceable commitment to carry out a financially responsible plan or program which is committed in writing to the workers affected, for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other federal, state or local law to provide any of such benefits. Other bona fide fringe benefits do not include reimbursement to workers for meals, lodging or other travel expenses, nor contributions to industry advancement funds (CIAF for example).

(9)(a) “Funds of a public agency” includes any funds of a public agency that are directly or indirectly used, as described below.

(A) “Directly used funds of a public agency” means revenue, money, or that which can be valued in money collected for a public agency or derived from a public agency’s immediate custody and control, and, except as provided in ORS 279C.810(1)(a)(H) and (J) and subsection (b) of this section, includes but is not limited to any money loaned by a public agency, including the loan of proceeds from the sale of conduit or pass-through revenue bonds for the specific purpose of financing a project, and public property or other assets used as payment for all or part of a project.

(B) “Indirectly used funds of a public agency” means, except as provided in subsection (b) of this section, that a public agency ultimately bears the cost of all or part of the project, even if a public agency is not paying for the project directly or completing payment at the time it occurs or shortly thereafter. A public agency does not indirectly use funds of a public agency when it elects not to collect land rent that is due. Examples of when an agency “ultimately bears the cost” of all or part of a project include but are not limited to:

(i) Amortizing the costs of construction over the life of a lease and paying these costs with funds of a public agency during the course of the lease;

(ii) A public agency subsidizing the costs of construction that would normally be borne by the contractor;

(iii) Using insurance proceeds that belong to a public agency to pay for construction. Insurance proceeds represent “money collected for the custody and control of a public agency” and therefore are funds of a public agency, whether the contractor obtains payment directly from the insurance company or the public agency; or

(iv) Using or creating a private entity as a conduit for funding a project when the private entity is in fact an alter ego of the public agency.

(b) “Funds of a public agency” does not include:

(A) Funds provided in the form of a government grant to a nonprofit organization, unless the government grant is issued for the purpose of construction, reconstruction, major renovation or painting;

(B) Building and development permit fees paid or waived by the public agency;

(C) Tax credits or tax abatements;

(D) Land that a public agency sells to a private entity at fair market value;

(E) The difference between:

(i) The value of land that a public agency sells to a private entity as determined at the time of the sale after taking into account any plan, requirement, covenant, condition, restriction or other limitation, exclusive of zoning or land use regulations, that the public agency imposes on the development or use of the land; and

(ii) The fair market value of the land if the land is not subject to the limitations described in subparagraph (i) of this paragraph;

(F) Staff resources of the public agency used to manage a project or to provide a principal source of supervision, coordination or oversight of a project;

(G) Staff resources of the public agency used to design or inspect one or more components of a project;

(H) Moneys derived from the sale of bonds that are loaned by a state agency to a private entity, unless the moneys will be used for a public improvement;

(I) Value added to land as a consequence of a public agency’s site preparation, demolition of real property or remediation or removal of environmental contamination, except for value added in excess of the expenses the public agency incurred in the site preparation, demolition or remediation or removal when the land is sold for use in a project otherwise subject to ORS 279C.800 to 279C.870; or

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(J) Bonds, or loans from the proceeds of bonds, issued in accordance with ORS Chapter 289 or 441.525 to 441.595, unless the bonds or loans will be used for a public improvement.

(10) "Housing" has the meaning given that term in ORS 456.055.

(11) "Major renovation" means the remodeling or alteration of buildings and other structures within the framework of an existing building or structure and the alteration of existing highways and roads, the contract price of which exceeds \$50,000.

(12) "Nonprofit organization," as used in section (9)(b)(A) of this rule, means an organization or group of organizations described in section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under section 501(a) of the Internal Revenue Code.

(13) "Normal business hours" means the hours during which the office of the contractor or subcontractor is normally open for business. In the absence of evidence to the contrary, the Division will consider the hours between 8:00 a.m. and 5:00 p.m., excluding the hours between 12:00 noon and 1:00 p.m., on weekdays as normal business hours.

(14) "Overtime" means all hours worked:

(a) On Saturdays;

(b) On the following legal holidays:

(A) Each Sunday;

(B) New Year's Day on January 1;

(C) Memorial Day on the last Monday in May;

(D) Independence Day on July 4;

(E) Labor Day on the first Monday in September;

(F) Thanksgiving Day on the fourth Thursday in November;

(G) Christmas Day on December 25.

(c) Over 40 hours in a week; and either

(d) Over eight (8) hours in a day; or

(e) Over 10 hours in a day provided:

(A) The employer has established a work schedule of four consecutive days (Monday through Thursday or Tuesday through Friday) pursuant to OAR 839-025-0034; and

(B) The employer operates in accordance with this established work schedule.

(15) "Overtime rate" means the basic hourly rate of pay multiplied by one and one-half.

(16) "Overtime wages" means the overtime hours worked multiplied by the overtime rate.

(17) "Person" includes a public or private corporation, a partnership, a sole proprietorship, a limited liability company, a government or governmental instrumentality.

(18) "Prevailing wage rate claim" means a claim for wages filed by a worker with the Division.

(19) "Public agency" means the State of Oregon or any political subdivision thereof or any county, city, district, authority, public corporation or entity and any instrumentality thereof organized and existing under law or charter.

(20)(a) "Public work," "public works" or "public works project" includes but is not limited to:

(A) Roads, highways, buildings, structures and improvements of all types, the construction, reconstruction, major renovation or painting of which is carried on or contracted for by any public agency to serve the public interest;

(B) A project for the construction, reconstruction, major renovation or painting of a privately owned road, highway, building, structure or improvement of any type that uses funds of a private entity and \$750,000 or more of funds of a public agency; or

(C) A project for the construction of a privately owned road, highway, building, structure or improvement of any type that uses funds of a private entity and in which 25 percent or more of the square footage of the completed project will be occupied or used by a public agency; or

(D) A device, structure, or mechanism, or a combination of devices, structures, or mechanisms that:

(i) Uses solar radiation as a source for generating heat, cooling, or electrical energy; and

(ii) Is constructed or installed, with or without using funds of a public agency, on land, premises, structures, or buildings that a public agency owns, regardless of the total project cost.

(b) "Public works" does not include:

(A) The reconstruction or renovation of privately owned property that is leased by a public agency; or

(B) The renovation of publicly owned real property that is more than 75 years old by a private nonprofit entity if:

(i) The real property is leased to the private nonprofit entity for more than 25 years;

(ii) Funds of a public agency used in the renovation do not exceed 15 percent of the total cost of the renovation; and

(iii) Contracts for the renovation were advertised or, if not advertised, were entered into before July 1, 2003, but the renovation has not been completed on or before July 1, 2007.

(21) "Public works contract" or "contract" means any contract, agreement or understanding, written or oral, into which a public agency enters for any public work.

(22) "Reconstruction" means highway and road resurfacing and rebuilding, the restoration of existing highways and roads, and the restoration of buildings and other structures.

(23) "Reconstruction or renovation of privately owned property which is leased by a public agency" includes improvements of all types within the framework or footprint of an existing building or structure.

(24)(a) "Residential construction project" means a public works project for the construction, reconstruction, major renovation or painting of a single family house or apartment building of not more than four (4) stories in height and all incidental items such as site work, parking areas, utilities, streets and sidewalks pursuant to the U.S. Department of Labor's "All Agency Memorandum No. 130" -- "Application Of The Standard of Comparison 'Projects Of a Character Similar' Under the Davis-Bacon and Related Acts" dated March 17, 1978. (See Appendix 6.)

(b) Notwithstanding the provisions of subsection (a) of this section, where it is determined that a different definition of "residential construction" has been adopted by local ordinance or code, or that the prevailing practice of a particular trade or occupation regarding what is considered "residential construction" differs from the U.S. Department of Labor definition of residential construction, the commissioner may consider such information in determining a project to be a "residential construction project."

(25) "Site of work" is defined as follows:

(a) The site of work is limited to the physical place or places where the construction called for in the contract will remain when work on it has been completed, and other adjacent or nearby property used by the contractor or subcontractor in such construction which can reasonably be said to be included in the site.

(b) Except as provided in subsection (c) of this section, fabrication plants, mobile factories, batch plants, borrow pits, job headquarters, tool yards and similar facilities, are part of the site of work provided they are dedicated exclusively, or nearly so, to the performance of the contract or project, and are so located in proximity to the actual construction location that it would be reasonable to include them. Such facilities which are established by a supplier of materials for the project after the opening of bids are deemed to be dedicated exclusively to the performance of the contract or project.

(c) Not included in the site of work are permanent home offices, branch plant establishments, fabrication plants, and tool yards of a contractor or subcontractor whose locations and continuance in operation are determined wholly without regard to a particular contract or project. In addition, fabrication plants, batch plants, borrow pits, job headquarters, tool yards, and similar facilities of a commercial supplier or materialman which are established by a supplier of materials for the project before opening of bids and not on the project site, are not included in the site of work. Such permanent, previously established facilities are not part of the site of the work, even where the operations for a period of time may be dedicated exclusively, or nearly so, to the performance of a contract or project.

(26) "Special wage determination" means a wage determination made at the request of a public agency and which is applicable only to specific job classes. A special wage determination is issued in those cases where there is no current wage determination applicable to specific job classes and the use of such job classes is contemplated on a public works project.

(27) "Trade" or "occupation" is defined in accordance with the prevailing practices of the construction industry in Oregon.

(28) "Trainee" means a person registered and receiving on-the-job training in a construction occupation under a program which has been approved in advance by the U.S. Department of Labor, Office of Apprenticeship (OA), as meeting its standards for on-the-job training programs, and which has been so certified by that office, and who is employed by a registered training agent pursuant to ORS 660.010(10) and is working pursuant to the standards of the trainee's program.

(29) "Training agent" means an employer that is registered with a local joint committee and the Apprenticeship and Training Division of the Bureau of Labor and Industries.

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(30) "Wage determination" includes the original decision and any subsequent amendments made by the commissioner in accordance with ORS 279C.815.

(31) "Wages" or "Prevailing Wages" means the basic hourly rate of pay and fringe benefits as defined in sections (2) and (8) of this rule.

(32) "Worker" means a person employed on a public works project and whose duties are manual or physical in nature (including those workers who use tools or who are performing the work of a trade), as distinguished from mental, professional or managerial. The term "worker" includes apprentices, trainees and any person employed or working on a public works project in a trade or occupation for which the commissioner has determined a prevailing rate of wage. (See OAR 839-025-0035.)

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

Stat. Auth.: ORS 279C & 651.060

Stats. Implemented: ORS 279C.800, 279C.870

Hist.: BL 14-1982, f. 10-19-82, ef. 10-20-82; BL 4-1984, f. & ef. 3-13-84; BL 7-1989(Temp), f. 10-2-89, cert. ef. 10-3-89; BL 5-1990, f. 3-30-90, cert. ef. 4-1-90; BL 3-1996, f. & cert. ef. 1-26-96; BL 8-1996, f. 8-26-96, cert. ef. 9-1-96; BL 3-1997(Temp), f. 7-31-97, cert. ef. 8-1-97; BL 1-1998, f. & cert. ef. 1-5-98; BLI 15-2001, f. & cert. ef. 11-14-01; BLI 5-2002, f. 2-14-02, cert. ef. 2-15-02; Renumbered from 839-016-0004, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 29-2005, f. 12-29-05, cert. ef. 1-1-06; BLI 19-2006(Temp), f. 5-12-06, cert. ef. 5-15-06 thru 11-10-06; BLI 39-2006, f. 11-8-06, cert. ef. 11-10-06; BLI 20-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 1-27-08; BLI 42-2007, f. 12-28-07, cert. ef. 1-1-08; BLI 23-2010, f. 12-30-10, cert. ef. 1-1-11; BLI 9-2011, f. 10-27-11, cert. ef. 1-1-11

839-025-0008

List of Planned Public Improvements

(1) As used in this rule the term "Public improvement" has the same meaning as it does in ORS 279A.010(cc).

(2) Each public agency must prepare and file with the commissioner a list of every public improvement known to the agency that the agency plans to fund during the subsequent budget period. The list must be submitted to the Prevailing Wage Rate Unit not less than 30 days prior to the adoption of the agency's budget. If the agency revises its list after the adoption of its budget, the agency must file the revised list with the commissioner at that time.

(3) Copies of the lists of planned public improvements filed with the commissioner by public agencies as required by ORS 279C.305(2) are available to the public upon written request to the Prevailing Wage Rate Unit. The request must contain the following information:

(a) The name of the public agency;

(b) The name of any division, section or department of the public agency, if applicable; and

(c) The approximate date of the budget period for which the list was filed.

(4) The cost of supplying copies requested in section (3) of this rule will be calculated in accordance with OAR 839-030-0010, which sets forth the fees to be charged by the bureau when responding to requests for copies of public records.

(5) To assist public contracting agencies in complying with the provisions of ORS 279C.305 and these rules, the commissioner has prepared two forms, **WH-118** and **WH-119**. The use of these forms by the public contracting agency is optional. However, the statutory requirements of 279C.305(2) are satisfied when these forms are completed and mailed to the Prevailing Wage Rate Unit. The forms should be completed as follows:

(a) The Planned Public Improvement Summary form, **WH-118**, should be used to summarize all planned projects in the subsequent budget period, noting the project information requested on the form;

(b) ORS 279C.305 requires public contracting agencies to show that they are conforming to state policy when they plan to use their own personnel and equipment on projects estimated to exceed \$125,000. The Capital Improvement Project Cost Comparison Estimate form, **WH-119**, should be completed for the purpose of complying with this provision. In developing cost comparisons, unit costs which can be substantiated by the agency's cost accounting system should be used. Contractor unit prices that reflect bidding data should also be used.

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

Stat. Auth.: ORS 279 & 651

Stats. Implemented: ORS 279.348 - 279.380

Hist.: BL 14-1982, f. 10-19-82, ef. 10-20-82; BL 3-1996, f. & cert. ef. 1-26-96; BLI 5-2002, f. 2-14-02, cert. ef. 2-15-02; Renumbered from 839-016-0008, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 42-2007, f. 12-28-07, cert. ef. 1-1-08; BLI 5-2008, f. & cert. ef. 3-10-08; BLI 9-2011, f. 10-27-11, cert. ef. 1-1-11

839-025-0010

Payroll and Certified Statement

(1) The form required by ORS 279C.845 is the Payroll and Certified Statement form, **WH-38**. This form must accurately and completely set out the contractor's or subcontractor's payroll records, including the name and address of each worker, the worker's correct classification, rate of pay, daily

and weekly number of hours worked and the gross wages the worker earned each week during which the contractor or subcontractor employs a worker upon a public works project.

(2) The contractor or subcontractor may submit the weekly payroll on the **WH-38** form or may use a similar form providing such form contains all the elements of the **WH-38** form. When submitting the weekly payroll on a form other than **WH-38**, the contractor or subcontractor must attach the certified statement contained on the **WH-38** form to the payroll forms submitted.

(3) Each Payroll and Certified Statement form must be submitted by the contractor or subcontractor to the public agency by the fifth business day of each month following a month in which workers were employed upon a public works project.

(4) The Payroll and Certified Statement forms received by the public agency are public records subject to the provisions of ORS 192.410 to 192.505. As such, they must be made available upon request. Pursuant to ORS 279C.845(4), information submitted on certified statements may be used only to ensure compliance with the provisions of ORS 279C.800 through 279C.870.

(5) If the contractor fails to submit its payroll and certified statement forms to the public agency as required by subsection (3) of this rule, the public agency must retain 25 percent of any amount earned by the contractor until the contractor has submitted the required payroll and certified statements to the public agency.

(a) The amount to be retained shall be calculated at 25 percent of the unpaid amount earned by the contractor at the time each payroll and certified statement are due. For example, if the contractor fails to submit its payroll and certified statement by the fifth of the month and the contractor earned \$100,000 in the period since its last payroll and certified statement were submitted to the public agency, the public agency must retain 25 percent of \$100,000 (\$25,000), until such time as the required payroll and certified statement are submitted.

(b) When calculating the amount to be retained, amounts previously retained shall not be included as amounts earned by the contractor.

(c) Once the required payroll and certified statement have been submitted to the public agency, the public agency must pay the amount retained to the contractor within 14 days.

(6) If a first-tier subcontractor fails to submit a payroll and certified statement form to the public agency as required by subsection (3) of this rule, the contractor must retain 25 percent of any amount earned by the first-tier subcontractor until the first-tier subcontractor has submitted the required payroll and certified statements to the public agency.

(a) The amount to be retained shall be calculated at 25 percent of the unpaid amount earned by the first-tier subcontractor at the time each payroll and certified statement are due. For example, if the first-tier subcontractor fails to submit the payroll and certified statement by the fifth of the month and the first-tier subcontractor earned \$100,000 in the period since the last payroll and certified statement were submitted to the public agency, the contractor must retain 25 percent of \$100,000 (\$25,000), until such time as the required payroll and certified statement are submitted.

(b) When calculating the amount to be retained, amounts previously retained shall not be included as amounts earned by the first-tier subcontractor.

(c) The contractor must verify that the first-tier subcontractor has filed the required payroll and certified statement(s) with the public agency before the contractor may pay the first-tier subcontractor any amount retained under this section.

(d) Once the first-tier subcontractor has filed the required payroll and certified statement with the public agency, the contractor must pay the amount retained to the first-tier subcontractor within 14 days.

(7) Notwithstanding ORS 279C.555 or 279C.570(7), amounts retained pursuant to the provisions of this rule shall be in addition to any other amounts retained.

(8)(a) If a project is a public works of the type described in ORS 279C.800(6)(a)(B), and no public agency awards a contract to a contractor for the project, the contractors and any subcontractors employing workers upon the public works project shall submit weekly payrolls as required by ORS 279C.845 and this rule to the public agency or agencies providing funds for the project.

(b) When more than one public agency provides funds for a project, the public agencies may designate one agency to receive the contractor's and any subcontractors' payrolls.

(9)(a) If a project is a public works of the type described in ORS 279C.800(6)(a)(C), and no public agency awards a contract to a contractor for the project, the contractors and any subcontractors employing workers

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upon the public works project shall submit weekly payrolls as required by ORS 279C.845 and this rule to the public agency or agencies that will occupy or use the completed project.

(b) When more than one public agency will occupy or use the completed project, the public agencies may designate one agency to receive the contractor's and any subcontractors' payrolls.

[ED. NOTE: Forms and Publications referenced are available from the agency.]

Stat. Auth.: ORS 279 & 651.060

Stats. Implemented: ORS 279.348 - 279.380

Hist.: BL 14-1982, f. 10-19-82, ef. 10-20-82; BL 4-1984, f. & ef. 3-13-84; BL 13-1992, f. & cert. ef. 12-14-9; BL 3-1996, f. & cert. ef. -1-26-96; BLI 5-2002, f. 2-14-02, cert. ef. 2-15-02; Renumbered from 839-016-0010, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 29-2005, f. 12-29-05, cert. ef. 1-1-06; BLI 42-2007, f. 12-28-07, cert. ef. 1-1-08; BLI 28-2009, f. 12-1-09, cert. ef. 1-1-10; BLI 9-2011, f. 10-27-11, cert. ef. 11-1-11

839-025-0015

Public Works Bonds

(1) Pursuant to ORS 279C.836, except as provided, before starting work on a contract or subcontract for a public works project of \$100,000 or more, a contractor or subcontractor must file with the Construction Contractors Board a public works bond with a corporate surety authorized to do business in this state in the amount of \$30,000. For purposes of this section, "project of \$100,000 or more" includes, but is not limited to, the combined value of work performed by every person paid by a contractor or subcontractor in any manner for the person's work on the project, but does not include the value of donated materials or work performed on the project by individuals volunteering to the public agency without pay.

(2) The Commissioner of the Bureau of Labor and Industries adopts the language in the Statutory Public Works Bond set forth in Appendix 5.

(3) The name of the entity as it appears on the public works bond must be the same as the entity name filed at the Oregon Corporation Division (if applicable).

(a) If the entity is a sole proprietorship, the bond must include the name of the sole proprietor;

(b) If the entity is a partnership, or joint venture, the bond must include the names of all partners or venturers (except limited partners);

(c) If the entity is a limited liability partnership, the bond must be issued in the name of all partners and in the name of the limited liability partnership;

(d) If the entity is a limited partnership, the bond must be issued in the name of all general partners and in the name of the limited partnership and any other business name(s) used. Limited partners do not need to be listed on the bond;

(e) If the entity is a corporation or trust, the bond must be issued showing the corporate or trust name; or

(f) If the entity is a limited liability company, the bond must be issued in the name of the limited liability company.

(4) If at any time an entity changes or amends its entity name, the Construction Contractors Board must be notified within 30 days of the date of the change.

(5) If an entity is a sole proprietorship, partnership, limited liability partnership, limited partnership, joint venture, corporation, limited liability company, business trust or any other entity, and changes the entity to one of the other entity types, the new entity must supply a new bond.

(6) Riders to existing bonds changing the type of entity bonded will be construed as a cancellation of the bond and will not be otherwise accepted.

(7) The inclusion or exclusion of business name(s) on a bond shall not limit the liability of an entity. Claims against a bonded entity will be processed regardless of business names used by such entity.

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

Stat. Auth.: ORS 279C & 651.060

Stats. Implemented: ORS 279C.800 - 279C.870

Hist.: BLI 29-2005, f. 12-29-05, cert. ef. 1-1-06; BLI 5-2008, f. & cert. ef. 3-10-08; BLI 28-2009, f. 12-1-09, cert. ef. 1-1-10; BLI 9-2011, f. 10-27-11, cert. ef. 11-1-11

839-025-0020

Public Works Contracts and Contract Specifications; Required Conditions

(1) For purposes of this rule:

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

form of contract. Following the design phase, the CM/GC may then act as a General Contractor and begin the subcontracting process. The CM/GC typically coordinates and manages the construction process, provides contractor expertise, and acts as a member of the project team.

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

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

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

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

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

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

(C) For all work performed on Saturday and on any legal holiday specified in ORS 279C.540 (Reference: ORS 279C.520(1));

(c) A condition that an employer must give notice to employees who work on a public works contract in writing, either at the time of hire or before commencement of work on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the employees may be required to work (Reference: ORS 279C.520(2)); and

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

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

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

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

(3)(a) Every public works contract and subcontract must provide that each worker the contractor, subcontractor or other person who is a party to the contract uses in performing all or part of the contract, must be paid not less than the applicable prevailing rate of wage for each trade or occupation as defined by the Commissioner of the Bureau of Labor and Industries in the applicable publication entitled *Definitions of Covered Occupations for Public Works Contracts in Oregon*.

(b) If a public works project is subject to both ORS 279C.800 to ORS 279C.870 and to the Davis-Bacon Act (40 U.S.C. 3141 et seq.), every public works contract and subcontract must provide that the worker whom the contractor, subcontractor or other person who is a party to the contract uses in performing all or part of the contract, must be paid not less than the higher of the applicable state prevailing rate of wage for each trade or occupation as defined by the Commissioner of the Bureau of Labor and Industries in the applicable publication entitled *Definitions of Covered Occupations for Public Works Contracts in Oregon* or federal prevailing rate of wage.

(4)(a) The specifications for every public works contract must contain a provision that states the existing state prevailing rate of wage and, if applicable, the federal prevailing rate of wage required under the Davis-Bacon Act (40 U.S.C. 3141 et seq.).

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(b) Except as provided in subsection (d) of this section and sections (6) and (7) of this rule, the existing state prevailing rate of wage and the applicable publication entitled *Definitions of Covered Occupations for Public Works Contracts in Oregon* are those in effect at the time the initial specifications were first advertised for bid solicitations.

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

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

(e) The specifications for a contract for public works must provide that the contractor and every subcontractor must have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt under ORS 279C.836(4), (7), (8) or (9).

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

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

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

(6)(a) When a public agency is a party to a CM/GC contract, the CM/GC contract becomes a public works contract either when the contract first constitutes a binding and enforceable obligation on the part of the CM/GC to perform or arrange for the performance of construction, reconstruction, major renovation or painting of an improvement that is a public works or when the CM/GC contract enters the construction phase, whichever occurs first.

(b) For example, the CM/GC will have a binding and enforceable obligation to perform or arrange for the performance of construction, reconstruction, major renovation or painting of an improvement after the public agency and CM/GC commit to the guaranteed maximum price.

(c) For purposes of this rule, the CM/GC contract enters the construction phase when the agency first authorizes the performance of early construction, reconstruction, major renovation or painting work directly related to the improvement project.

(d) The publication entitled *Definitions of Covered Occupations for Public Works Contracts in Oregon* and the prevailing wage rate in effect at the time the CM/GC contract becomes a public works contract shall apply and the applicable prevailing wage rates must be included with the construction specifications for the CM/GC contract.

(7) A public works project described in ORS 279C.800(6)(a)(B), (C), or (D) that is not a CM/GC contract subject to section (6) of this rule is subject to the publication entitled *Definitions of Covered Occupations for Public Works Contracts in Oregon* and the existing state prevailing rate of wage or, if applicable, the federal prevailing rate of wage required under the Davis-Bacon Act that are in effect at the time a public agency enters into an agreement with a private entity for the project. (Note: The effective date of the applicable federal prevailing rate of wage may be different under feder-

al law.) After that time, the specifications for any contract for the public works shall include the applicable prevailing rate of wage.

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

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

Stat. Auth.: ORS 279C & 651.060

Stats. Implemented: ORS 279C.800-279C.870

Hist.: BL 14-1982, f. 10-19-82, ef. 10-20-82; BL 7-1989(Temp), f. 10-2-89, cert. ef. 10-3-89; BL 5-1990, f. 3-30-90, cert. ef. 4-1-90; BL 3-1996, f. & cert. ef. 1-26-96; BL 3-1997(Temp), f. 7-31-97, cert. ef. 8-1-97; BL 1-1998, f. & cert. ef. 1-5-98; BLI 5-2002, f. 2-14-02, cert. ef. 2-15-02; Renumbered from 839-016-0020, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 29-2005, f. 12-29-05, cert. ef. 1-1-06; BLI 19-2006(Temp), f. 5-12-06, cert. ef. 5-15-06 thru 11-10-06; BLI 39-2006, f. 11-8-06, cert. ef. 11-10-06; BLI 2-2007, f. & cert. ef. 1-23-07; BLI 20-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 1-27-08; BLI 42-2007, f. 12-28-07, cert. ef. 1-1-08; BLI 18-2009(Temp), f. 8-3-09, cert. ef. 8-5-09 thru 1-31-10; BLI 28-2009, f. 12-1-09, cert. ef. 1-1-10; BLI 23-2010, f. 12-30-10, cert. ef. 1-1-11; BLI 3-2011(Temp), f. & cert. ef. 6-8-11 thru 12-4-11; BLI 6-2011(Temp), f. & cert. ef. 7-22-11 thru 12-4-11; BLI 9-2011, f. 10-27-11, cert. ef. 11-1-11

839-025-0025

Required Records

(1) All contractors and subcontractors performing work on public works contracts subject to ORS 279C.800 to 279C.870 shall make and maintain for a period of three (3) years from the completion of work upon such public works records necessary to determine whether the prevailing rate of wage and overtime has been or is being paid to workers upon public works.

(2) In addition to the Payroll and Certified Statement, Form WH-38, records necessary to determine whether the prevailing wage rate and overtime wages have been or are being paid include but are not limited to records of:

(a) The name and address of each employee;

(b) The work classification or classifications of each employee;

(c) The rate or rates of monetary wages and fringe benefits paid to each employee;

(d) The rate or rates of fringe benefit payments made in lieu of those required to be provided to each employee;

(e) Total daily and weekly compensation paid to each employee;

(f) The daily and weekly hours worked by each employee;

(g) Apprenticeship and Training Agreements;

(h) Any deductions, rebates or refunds taken from each employee's total compensation and actual wages paid;

(i) Any payroll and other such records pertaining to the employment of employees upon a public work.

(3) When apprentices and/or trainees are employed on a public works project, the records must clearly distinguish them from other employees.

(4) When a contractor or subcontractor employs a worker on public works projects and non public works projects during the same work week and the worker is paid a rate of pay which is less than the prevailing wage rate when working on a non public works project, the contractor or subcontractor must separately record the hours worked on the public works projects and those hours worked elsewhere.

Stat. Auth.: ORS 279 & 651

Stats. Implemented: ORS 279.348 - 279.380

Hist.: BL 14-1982, f. 10-19-82, ef. 10-20-82; BL 4-1984, f. & ef. 3-13-84; BL 3-1996, f. & cert. ef. 1-26-96; Renumbered from 839-016-0025, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 42-2007, f. 12-28-07, cert. ef. 1-1-08; BLI 9-2011, f. 10-27-11, cert. ef. 11-1-11

839-025-0037

Residential Construction Projects

(1)(a) For residential construction projects as defined in OAR 839-025-0004(24) and subject to ORS 279C.800 to 279C.870, public agencies shall use federal Davis-Bacon wage rates for residential construction projects unless there is no applicable federal rate for a particular trade or classification on the residential project.

(b) If the applicable federal Davis-Bacon wage rate determination does not include a rate for a particular trade or classification needed on a specific residential construction project, and the project is subject to ORS 279C.800 to 279C.870 but not the federal Davis-Bacon Act, the public agency is required to request a special wage rate, identifying the specific trade or classification, pursuant to OAR 839-025-0007.

(c) The commissioner may consider and approve a residential wage determination for a trade or classification issued by any federal agency

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within twelve months of the date of any request for a special wage rate pursuant to subsection (b) of this section.

(d) Requests for special wage rate determinations for projects subject to both ORS 279C.800 to 279C.870 and the federal Davis-Bacon Act shall be submitted pursuant to Title 29 CFR, Part 5.5(a)(1)(ii) as amended December 9, 2008.

(e) Copies of any special federal wage rate determinations requested and subsequent determination(s) issued pursuant to subsection (d) of this section must be provided to the commissioner by the public agency.

(2) Notwithstanding section (1) of this rule, the commissioner, consistent with statutory authority, may survey and issue residential rates.

(3) Requests for special wage rates for residential construction projects pursuant to section (1)(b) of this rule must be submitted to the Bureau of Labor and Industries by the public agency no fewer than fifteen (15) business days prior to the date the specifications for the project are first advertised.

(4) If a public agency fails to request special wage rates for a residential construction project pursuant to section (1)(b) of this rule at least fifteen (15) business days before the date the specifications for the project are first advertised for the project, the Prevailing Wage Rates for Public Contracts published by the Commissioner of the Bureau of Labor and Industries in effect when the specifications are first advertised shall apply to those trades or classifications for which there is no applicable federal residential rate.

(5) The federal Davis-Bacon wage rates apply to residential construction projects subject to ORS 279C.800 to 279C.870 regardless of whether federal law requires Davis-Bacon rates on the project.

(6) Notwithstanding any other provision of this rule, unless otherwise exempt, under no circumstances may a rate less than the minimum wage rate required by ORS 653.025 be paid to any worker on a residential construction project subject to ORS 279C.800 to 279C.870.

Stat. Auth.: ORS 279C & 651.060

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

Hist.: BLI 19-2006(Temp), f. 5-12-06, cert. ef. 5-15-06 thru 11-10-06; BLI 39-2006, f. 11-8-06, cert. ef. 11-10-06; BLI 42-2007, f. 12-28-07, cert. ef. 1-1-08; BLI 9-2011, f. 10-27-11, cert. ef. 11-1-11

839-025-0050

Overtime Wages Computations

(1) As used in this rule “work day” or “day” means any time period of 24 consecutive hours as determined by the employer. The beginning of the work day may be changed only if the change is intended to be permanent, if the change is made in writing and if the change is not designed to evade the overtime requirements of ORS 279C.540. If an employer does not determine a 24 consecutive hour period, the default 24 consecutive hour period shall be from 12:00 midnight to 11:59 p.m. For purposes of overtime wages computation, each work day stands alone.

(2) Contractors and subcontractors required by ORS 279C.540 to pay overtime wages shall pay such wages as follows:

(a) Workers must be paid at least time and one-half the hourly rate of pay, excluding fringe benefits, for all hours worked:

(A) On Saturdays;

(B) On the following legal holidays:

(i) Each Sunday;

(ii) New Year’s Day on January 1;

(iii) Memorial Day on the last Monday in May;

(iv) Independence Day on July 4;

(v) Labor Day on the first Monday in September;

(vi) Thanksgiving Day on the fourth Thursday in November;

(vii) Christmas Day on December 25;

(C) Over 40 hours in a week; and either

(D) Over eight (8) hours in a day; or

(E) Over 10 hours in a day provided:

(i) The employer has established a work schedule of four consecutive days (Monday through Thursday or Tuesday through Friday) pursuant to OAR 839-025-0034; and

(ii) The employer operates in accordance with this established work schedule.

(b) Where a worker performs work in one or more classifications which provide for one or more hourly rates of pay the worker must be paid, in addition to the straight time hourly earnings for all hours worked, a sum determined by multiplying one half the weighted average of the hourly rates by the number of overtime hours worked pursuant to subsection (a) of this rule.

(c) When determining the hourly wage rate for overtime purposes, the amount paid for fringe benefits shall be excluded from the computations. Though the amount paid for fringe benefits must be paid for all hours

worked, such amount is not included when determining the overtime rate. For example, a worker who works a five-day work schedule and earns \$15 per hour plus \$3 per hour in fringe benefits and works ten hours in a day is entitled to \$195 ((\$15/hr x 8 hours) + (\$22.50/hr x 2 hours) + (\$3/hr x 10 hours) = \$195) for that day.

(3) Examples of computing overtime wages: See **Appendix 3**.

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

Stat. Auth.: ORS 279 & 651.060

Stats. Implemented: ORS 279.334

Hist.: BL 14-1982, f. 10-19-82, ef. 10-20-82; BL 4-1984, f. & ef. 3-13-84; BL 3-1997(Temp), f. 7-31-97, cert. ef. 8-1-97; BL 1-1998, f. & cert. ef. 1-5-98; Renumbered from 839-016-0050, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 9-2011, f. 10-27-11, cert. ef. 11-1-11

839-025-0060

Apprentices

(1) Apprentices will be permitted to work upon a public works project at less than the prevailing rate of wage for the work performed when they are employed by a registered training agent pursuant to ORS 660.010(10), and are working pursuant to the standards of the apprentice’s apprenticeship program, and are individually registered in a bona fide apprenticeship program registered with:

(a) The U.S. Department of Labor, Office of Apprenticeship (OA); or

(b) A state apprenticeship agency recognized by the OA; or

(c) If a person is employed in probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the OA or a state apprenticeship agency to be eligible for probationary employment as an apprentice.

(2) The allowable ratio of apprentices to journeymen in any craft classification must conform to the apprenticeship standards filed with the Oregon Apprenticeship and Training Council for the particular craft or program in which the contractor’s or subcontractor’s apprentices are registered.

(3) The contractor or subcontractor will be required to furnish to the contracting officer or a representative of the Wage and Hour Division written evidence of the registration of the program and apprentices as well as the appropriate ratios and wage rates (expressed in percentages of the journeymen hourly rates) prescribed in that program. The commissioner has prepared a form, **WH-120**, which can be used by contractors or subcontractors in complying with this rule. Use of this form is optional.

(4) Notwithstanding section (1) of this rule, apprentices must be paid the full prevailing rate of wage when the program in which they are registered is located in a state contiguous to Oregon which does not recognize apprentices registered in a program approved by the Oregon State Apprenticeship and Training Council.

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

Stat. Auth.: ORS 651.060(4)

Stats. Implemented: ORS 279.348

Hist.: BL 14-1982, f. 10-19-82, ef. 10-20-82; BL 4-1984, f. & ef. 3-13-84; BL 7-1994, f. & cert. ef. 11-16-94; BLI 5-2002, f. 2-14-02, cert. ef. 2-15-02; Renumbered from 839-016-0060, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 23-2010, f. 12-30-10, cert. ef. 1-1-11; BLI 9-2011, f. 10-27-11, cert. ef. 11-1-11

839-025-0065

Trainees

(1) Trainees will not be permitted to work upon a public works project at less than the prevailing rate of wage for the work performed unless they are employed by a registered training agent pursuant to ORS 660.010(10) and are individually registered in a program which has received prior approval of the U.S. Department of Labor, Bureau of Apprenticeship and Training.

(2) The ratio of trainees to journeymen must not be greater than permitted under the plan approved by the Bureau of Apprenticeship and Training.

(3) The contractor or subcontractor will be required to furnish the contracting officer or a representative of the Wage and Hour Division written evidence of the certification of the program, the registration of the trainees, and the ratios and wage rates prescribed in that program. The contractor or subcontractor may use form **WH-120** for this purpose. Use of this form is optional.

(4) In the event the Apprenticeship and Training Division withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable prevailing rate of wage for the work performed until an acceptable program is approved.

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

Stat. Auth.: ORS 279 & 651

Stats. Implemented: ORS 279.348

Hist.: BL 14-1982, f. 10-19-82, ef. 10-20-82; BL 4-1984, f. & ef. 3-13-84; BLI 5-2002, f. 2-14-02, cert. ef. 2-15-02; Renumbered from 839-016-0065, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 9-2011, f. 10-27-11, cert. ef. 11-1-11

ADMINISTRATIVE RULES

839-025-0080

Liability to Workers

(1) Any contractor or subcontractor or any surety thereof who fails or refuses to pay at least the prevailing wages and fringe benefits as determined by the commissioner or any overtime wages as required by ORS 279C.540 is liable to the workers affected for all the unpaid prevailing wages, including fringe benefits, and unpaid overtime wages.

(2) The contractor or subcontractor or surety thereof, referred to in section (1) of this rule, is also liable to all unpaid workers for an amount equal to the unpaid prevailing wages, including fringe benefits, as liquidated damages.

(3) The contractor or subcontractor or surety thereof, referred to in section (1) of this rule, is also liable to all unpaid workers for an amount equal to the unpaid overtime wages as liquidated damages, except that if the unpaid overtime results from willful falsification of payroll records, these liquidated damages shall be twice the amount of unpaid overtime.

(4) Any public agency that fails to include a provision in the advertisement for bids, the request for bids, the contract specifications, the accepted bid or elsewhere in the contract documents that the contractor and any subcontractor shall comply with ORS 279C.840 shall be jointly and severally liable, with any contractor or subcontractor that had notice of the requirement to comply with ORS 279C.840, to the workers affected for any unpaid minimum wages.

(5) As used in section (4) of this rule, "minimum wages" means the prevailing wage, including fringe benefits, as determined by the commissioner. "Minimum wages" does not mean overtime wages required by ORS 279C.540 nor liquidated damages referred to in sections (2) and (3) of this rule.

(6) When a public works project is subject to the Davis-Bacon Act (40 U.S.C. 3141 et seq.) and a public agency fails to include the state and federal prevailing rates of wage in the specifications for the contract for public works as required under ORS 279C.830(1)(a), or fails to provide in the contract that workers on the public works project must be paid not less than the higher of the applicable state or federal prevailing rate of wage as required under ORS 279C.830(1)(d), the public agency is liable to each affected worker for:

(a) The worker's unpaid minimum wages, including fringe benefits, in an amount that equals, for each hour worked, the difference between the applicable higher rate of wage and the lower rate of wage; and

(b) An additional amount, equal to the amount of unpaid minimum wages due under subsection (a) of this section, as liquidated damages.

Stat. Auth.: ORS 279 & 651.060

Stats. Implemented: ORS 279.334 & 279.356

Hist.: BL 14-1982, f. 10-19-82, ef. 10-20-82; BL 4-1984, f. & ef. 3-13-84; BL 3-1997(Temp), f. 7-31-97, cert. ef. 8-1-97; BL 1-1998, f. & cert. ef. 1-5-98; Renumbered from 839-016-0080, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 42-2007, f. 12-28-07, cert. ef. 1-1-08; BLI 3-2011(Temp), f. & cert. ef. 6-8-11 thru 12-4-11; BLI 9-2011, f. 10-27-11, cert. ef. 11-1-11

839-025-0090

List of Ineligibles

(1) The name of the contractor, subcontractor or other persons and the names of any firm, corporation, partnership or association in which the contractor or subcontractor has a financial interest whom the commissioner has determined to be ineligible to receive public works contracts shall be published on a list of persons ineligible to receive such contracts or subcontracts.

(2) The list of persons ineligible to receive contracts or subcontracts on public works shall be known as the List of Ineligibles. In addition to names referred to in section (1) of this rule, the list shall contain the date the name was placed on the list and the period of time for which the person is ineligible.

(3) The List of Ineligibles shall be published and amended as needed at any time. Such list shall be made available to the public as published or amended.

Stat. Auth.: ORS 279 & 651

Stats. Implemented: ORS 279.361

Hist.: BL 14-1982, f. 10-19-82, ef. 10-20-82; BL 4-1984, f. & ef. 3-13-84; Renumbered from 839-016-0090, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 42-2007, f. 12-28-07, cert. ef. 1-1-08; BLI 9-2011, f. 10-27-11, cert. ef. 11-1-11

839-025-0155

Payment of Prevailing Rate of Wage for the Installation of Art on Public Works Projects

(1) Workers engaged in the installation of art necessary to the structural integrity of the public work, as defined in these rules, must be paid no less than the applicable prevailing rate of wage as determined by the Commissioner.

(2) Workers engaged in the installation of applied art, as defined in these rules, are not required to be paid the prevailing rate of wage when such work is the only work in which the worker is engaged while employed on the public work project. Such work is considered de minimus as defined in these rules.

(3) Any artist whose primary duties consist of those described in OAR 839-025-0150(1)(b) is not required to be paid the prevailing rate of wage, even when the artist is engaged in the installation of art necessary to the structural integrity of the public work when the art is of the artist's own creation.

Stat. Auth.: ORS 279 & 651

Stats. Implemented: ORS 279.342

Hist.: BL 8-1984, f. & ef. 6-21-84; Renumbered from 839-016-0155, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 9-2011, f. 10-27-11, cert. ef. 11-1-11

839-025-0200

Fees to Be Paid by Public Agency

(1) A public agency must pay a fee to the Prevailing Wage Rate Unit for every contract awarded to a contractor for a public work which is regulated under the Prevailing Wage Rate Law (ORS 279C.800 to 279C.870).

(2) The amount of the fee is one tenth of one percent (.001) of the contract price. However, the fee must be no less than \$250 nor more than \$7,500 regardless of the contract price.

(3) The public agency must pay the fee at the time the public agency notifies the commissioner under ORS 279C.835 a contract subject to the provisions of Prevailing Wage Rate law has been awarded.

(4) In order to assist public agencies in the proper calculation of the fee, the bureau has prepared a form for this purpose. The form, **WH-39**, is available, on request, from the Prevailing Wage Rate Unit.

(5) As used in this rule, "contract price" means the dollar amount of the contract on the date it was awarded to the contractor and the dollar amount of any subsequent change orders or other adjustments.

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

Stat. Auth.: ORS 279 & 651

Stats. Implemented: ORS 279.348 - 279.380

Hist.: BL 3-1996, f. & cert. ef. 1-26-96; BLI 5-2002, f. 2-14-02, cert. ef. 2-15-02; Renumbered from 839-016-0200, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 42-2007, f. 12-28-07, cert. ef. 1-1-08; BLI 18-2009(Temp), f. 8-3-09, cert. ef. 8-5-09 thru 1-31-10; BLI 28-2009, f. 12-1-09, cert. ef. 1-1-10; BLI 9-2011, f. 10-27-11, cert. ef. 11-1-11

839-025-0210

Adjustment of Fees

(1) Within 30 days of the final progress payment to the contractor by the public agency after completion of the contract, the public agency must determine the final contract price. The public agency must consider all change orders or other adjustments to the contract price in making the determination.

(2) The public agency must calculate the fee in accordance with OAR 839-025-0200(2) and must credit the amount paid pursuant to 839-025-0200(3). The difference, if any, must be determined as follows:

(a) In the case of a reduction of more than \$100 in the amount of the fee, the public agency may submit a request to the bureau for a refund of the difference and the bureau will pay a refund to the public agency;

(b) In the case of an increase of more than \$100 in the amount of the fee, the public agency must pay the difference to the bureau.

(3) Requests for refunds and additional payments must be submitted with sufficient documentation to show how the amount to be refunded or to be paid was calculated. All such requests or payments must be made to the Prevailing Wage Rate Unit within 30 days after the date the final progress payment was made to the contractor by the public agency after completion of the contract.

(4) In order to assist public agencies in the proper calculation of the fee, the bureau has prepared a form for this purpose. The form, **WH-40**, is available, on request, from the Prevailing Wage Rate Unit.

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

Stat. Auth.: ORS 279 & 651

Stats. Implemented: ORS 279.348 - 279.380

Hist.: BL 3-1996, f. & cert. ef. 1-26-96; BLI 5-2002, f. 2-14-02, cert. ef. 2-15-02; Renumbered from 839-016-0210, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 42-2007, f. 12-28-07, cert. ef. 1-1-08; BLI 18-2009(Temp), f. 8-3-09, cert. ef. 8-5-09 thru 1-31-10; BLI 28-2009, f. 12-1-09, cert. ef. 1-1-10; BLI 9-2011, f. 10-27-11, cert. ef. 11-1-11

839-025-0230

Special Circumstances

(1) When a public agency enters into an agreement for construction management services or chooses to act as its own general contractor or construction manager in connection with a public works project subject to ORS 279C.800 to 279C.870, the contract price for purposes of determining whether the project is regulated under the law shall be the sum of all contracts associated with the project or, if the actual sums are not known at the

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time work begins, the contract price shall be the guaranteed maximum amount for the project or the agency's good faith estimate of the contract price of the project if there is no guaranteed maximum amount.

(2) When a public agency contracts with a contractor to act as the general manager of a public works project, the contract for general manager services is a public works contract for purposes of these rules and a fee is required just as it is for any other public works contract, since the contract would not have been entered into but for the public works project.

(3) When a public agency acts as its own general contractor and enters into one or several contracts in connection with a public works project subject to ORS 279C.800 to 279C.870, the public agency is required to pay the fee in connection with each contract awarded to each contractor. The fee is required on all contracts, regardless of the contract price of any individual contract, so long as the combined price of all contracts awarded on the project is \$50,000 or more.

(4) When a project is a public works project pursuant to ORS 279C.800(6)(a)(B) and no public agency awards a contract to a contractor for the project, the public agency or agencies providing public funds for the project shall pay the required fee at the time the public agency or agencies commit(s) to the provision of funds for the project. The amount of the fee shall be based on the total project amount. When the amount of the project is not known by the public agency or agencies providing public funds for the project, the public agency or agencies shall pay the required fee pursuant to the provisions of OAR 839-025-0220.

(5) When a project is a public works project pursuant to ORS 279C.800(6)(a)(C) and no public agency awards a contract to a contractor for the project, the public agency or agencies that will occupy or use the completed project shall pay the required fee when the agency or agencies enter(s) into an agreement to occupy or use the completed project. The amount of the fee shall be based on the total project amount. When the amount of the project is not known by the public agency or agencies that will occupy or use the completed project, the public agency or agencies shall pay the required fee pursuant to the provisions of OAR 839-025-0220.

(6) When a project is a public works project pursuant to ORS 279C.800(6)(a)(D) and no public agency awards a contract to a contractor for the project, the public agency that owns the land, premise(s), structure(s), or building(s) on which the solar radiation device will be constructed or installed shall pay the required fee at the time the public agency enters into an agreement authorizing the construction or installation of the solar radiation device. The amount of the fee shall be based on the total project amount. When the amount of the project is not known by the public agency, the public agency shall pay the required fee pursuant to the provisions of OAR 839-025-0220.

(7) When more than one public agency is required to pay a fee pursuant to section (4) or (5) of this rule, the amount of the fee owed by each public agency shall, if not otherwise previously agreed upon by the agencies, be pro-rated proportionately based on the amount of public funds provided or space occupied or used by each agency.

Stat. Auth.: ORS 279 & 651
Stats. Implemented: ORS 279.348 - 279.380
Hist.: BL 3-1996, f. & cert. ef. 1-26-96; Renumbered from 839-016-0230, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 29-2005, f. 12-29-05, cert. ef. 1-1-06; BLI 42-2007, f. 12-28-07, cert. ef. 1-1-08; BLI 23-2010, f. 12-30-10, cert. ef. 1-1-11; BLI 9-2011, f. 10-27-11, cert. ef. 11-1-11

839-025-0340

Circumventions of the Prevailing Wage Rate Law

(1) A public agency circumvents the payment of the prevailing rate of wage when it knowingly or intentionally:

(a) Fails or refuses to include a provision stating the existing prevailing rate of wage in the contract specifications in violation of ORS 279C.830;

(b) Fails or refuses to include a provision in the contract that workers on the contract shall be paid no less than the specified minimum hourly rate of wage in violation of ORS 279C.830;

(c) Divides a project for the purpose of avoiding compliance with ORS 279C.800 to 279C.870 in violation of ORS 279C.827.

(d) Awards a contract to a contractor whose name appears on the list of ineligibles maintained pursuant to ORS 279C.860.

(2) The "specified minimum hourly rate of wage" as used in section (1)(b) of this rule means the applicable prevailing rate of wage.

(3) A contractor circumvents the payment of the prevailing rate of wage when it knowingly or intentionally awards a contract to a contractor whose name appears on the list of ineligibles maintained pursuant to ORS 279C.860.

Stat. Auth.: ORS 279 & 651
Stats. Implemented: ORS 279.348 - 279.380

Hist.: BL 3-1996, f. & cert. ef. 1-26-96; Renumbered from 839-016-0340, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 20-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 1-27-08; BLI 42-2007, f. 12-28-07, cert. ef. 1-1-08; BLI 9-2011, f. 10-27-11, cert. ef. 11-1-11

839-025-0530

Violations for Which a Civil Penalty May Be Assessed

(1) The commissioner may assess a civil penalty for each violation of any provision of the Prevailing Wage Rate Law (ORS 279C.800 to 279C.870) and for each violation of any provision of the administrative rules adopted under the Prevailing Wage Rate Law.

(2) Civil penalties may be assessed against any contractor, subcontractor or public agency regulated under the Prevailing Wage Rate Law and are in addition to, not in lieu of, any other penalty prescribed by law.

(3) The commissioner may assess a civil penalty against a contractor or subcontractor for any of the following violations:

(a) Failure to pay the applicable prevailing rate of wage in violation of ORS 279C.840;

(b) Failure to pay all wages due and owing to the contractor's or subcontractor's workers on the regular payday established and maintained under ORS 652.120 in violation of 279C.840(1).

(c) Failure to post the applicable prevailing wage rates in violation of ORS 279C.840(4);

(d) Failure to post the notice describing the health and welfare or pension plans in violation of ORS 279C.840(5);

(e) Failure to include a provision in a subcontract that workers shall be paid not less than the specified minimum hourly rate of wage in violation of ORS 279C.830(1)(c);

(f) If a public works project is subject to both ORS 279C.800 to 279C.870 and to the Davis-Bacon Act (40 U.S.C. 3141 et seq.), failure to include a provision in a subcontract that workers must be paid not less than the higher of the applicable state or federal prevailing rate of wage in violation of 279C.830(1)(d);

(g) Failure to include in a subcontract a provision requiring the subcontractor to have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt, in violation of ORS 279C.830(2);

(h) Failure to file with the Construction Contractors Board a public works bond, as required under ORS 279C.836, before starting work on a contract or subcontract for a public works project subject to the provisions of 279C.800 to 279C.870;

(i) Failure to verify that a subcontractor has filed a public works bond as required or has elected not to file a public works bond under ORS 279C.836 prior to permitting a subcontractor to start work on a public works project;

(j) Failure to file certified statements in violation of ORS 279C.845;

(k) Filing inaccurate or incomplete certified statements in violation of ORS 279C.845;

(l) Failure to retain 25 percent of the amount the first-tier subcontractor earned when the first-tier subcontractor fails to submit payroll and certified statement forms to the public agency in violation of ORS 279C.845;

(m) Paying the prevailing rate of wage in violation of ORS 279C.840(6);

(n) Reducing an employee's pay in violation of ORS 279C.840(7);

(o) Taking action to circumvent the payment of the prevailing wage, other than subsections (k) and (m) of this section, in violation of ORS 279C.840(7);

(p) Failure to submit reports and returns in violation of ORS 279C.815(3);

(q) Failure to certify the accuracy of reports and returns in violation of ORS 279C.815(3);

(r) Failure to timely pay the fee required by ORS 279C.825 on public works contracts first advertised or solicited prior to January 1, 2008;

(s) Receiving a public works contract or subcontract while on the list of ineligibles in violation of ORS 279C.860;

(t) Awarding a contract to a contractor whose name appears on the list of ineligibles maintained pursuant to ORS 279C.860.

(4) The commissioner may assess a civil penalty against a public agency for any of the following violations:

(a) Failure to include in the specifications for a public works contract a provision stating the applicable existing prevailing wage rate in violation of ORS 279C.830(1)(a);

(b) If a public works project is subject to both ORS 279C.800 to 279C.870 and to the Davis-Bacon Act (40 U.S.C. 3141 et seq.), failure to require the contractor to pay the higher of the applicable state prevailing rate of wage or federal prevailing rate of wage to all workers in violation of 279C.830(1)(b);

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(c) Failure to include a contract provision stating that workers must be paid the applicable prevailing rate of wage in violation of ORS 279C.830(1)(c);

(d) If a public works project is subject to both ORS 279C.800 to ORS 279C.870 and to the Davis-Bacon Act (40 U.S.C. 3141 et seq.), failure to include a contract provision stating that workers on public works must be paid not less than the higher of the applicable state prevailing rate of wage or federal prevailing rate of wage in violation of 279C.830(1)(d);

(e) Failure to include in the specifications for a contract for a public works stating that the contractor and every subcontractor must have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt, in violation of ORS 279C.830(2);

(f) Failure to include in a contract for a public works a provision requiring the contractor to have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt, in violation of ORS 279C.830(2)(a);

(g) Failure to include in a contract for a public works a provision requiring the contractor to include in every subcontract a provision requiring the contractor to have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt, in violation of ORS 279C.830(2)(b);

(h) Failure to notify the commissioner when a contract is awarded in violation of ORS 279C.835;

(i) Dividing a public works project in violation of ORS 279C.827;

(j) Failure to include a copy of the disclosure of first-tier subcontractors with the Notice of Award in violation of ORS 279C.835;

(k) Failure to retain 25 percent of the amount the contractor earned when the contractor fails to submit payroll and certified statement forms to the public agency in violation of ORS 279C.845;

(l) Failure to timely pay the fee required in violation of ORS 279C.825;

(m) Awarding a contract to a contractor whose name appears on the list of ineligible maintained pursuant to ORS 279C.860;

(n) Entering into an agreement with another state or a political subdivision or agency of another state agreeing that a contractor or subcontractor may pay less than the prevailing rate of wage determined in accordance with ORS 279C.815 under the terms of a contract for public works to which the contracting agency is a party or of which the contracting agency is a beneficiary in violation of ORS 279C.829.

Stat. Auth.: ORS 279 & 651.060

Stats. Implemented: ORS 279.370

Hist.: BL 3-1996, f. & cert. ef. 1-26-96; BL 1-1998, f. & cert. ef. 1-5-98; BLI 5-2002, f. 2-14-02, cert. ef. 2-15-02; Renumbered from 839-016-0530, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 29-2005, f. 12-29-05, cert. ef. 1-1-06; BLI 20-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 1-27-08; BLI 42-2007, f. 12-28-07, cert. ef. 1-1-08; BLI 18-2009(Temp), f. 8-3-09, cert. ef. 8-5-09 thru 1-31-10; BLI 28-2009, f. 12-1-09, cert. ef. 1-1-10; BLI 3-2011(Temp), f. & cert. ef. 6-8-11 thru 12-4-11; BLI 9-2011, f. 10-27-11, cert. ef. 11-1-11

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Construction Contractors Board Chapter 812

Rule Caption: Amended to clarify agency's emergency suspension authority as provided in ORS 701.098.

Adm. Order No.: CCB 14-2011(Temp)

Filed with Sec. of State: 10-24-2011

Certified to be Effective: 10-24-11 thru 4-20-12

Notice Publication Date:

Rules Amended: 812-005-0140

Subject: 812-005-0140 is amended to clarify agency authority to implement emergency suspensions for non-payment of construction debts as provided in ORS 701.098(4), and make the rule retroactive and effective on the date the statute was changed (1/1/08).

Rules Coordinator: Catherine Dixon—(503) 934-2185

812-005-0140

Emergency Suspension

Effective January 1, 2008, the Administrator of the Board may immediately suspend or refuse to renew a license without a prior hearing, in accordance with ORS 701.098(4), in cases where the Administrator of the Board has in its possession a prima facie case of a wrongful act as described in 701.098(4)(a)(A)(E) having been committed by a contractor and upon a finding by the Administrator that the contractor is a serious danger to the public welfare. The respondent shall be entitled to a hearing on the Administrator's action if the respondent requests such a hearing within 90 days after the date of the notice to the respondent, as provided in 701.098(4)(b).

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

Stats. Implemented: ORS 701.098 & 701.102

Hist.: 1BB 7-1980(Temp), f. & ef. 11-4-80; 1BB 8-1980, f. & ef. 12-9-80; 1BB 2-1981, f. & ef. 6-4-81; 1BB 1-1982, f. 3-31-82, ef. 4-1-82; 1BB 4-1982, f. & ef. 10-7-82; 1BB 1-1983, f. & ef. 3-1-83; Renumbered from 812-11-080; 1BB 4-1985, f. & ef. 12-8-85; BB 3-1987, f. 12-30-87, cert. ef. 1-1-88; CCB 1-1989, f. & cert. ef. 11-1-89; CCB 2-1990, f. 5-17-90, cert. ef. 6-1-90; CCB 2-1991, f. 6-28-91, cert. ef. 7-1-91; CCB 3-1991, f. 9-26-91, cert. ef. 9-29-91; CCB 2-1992, f. & cert. ef. 4-15-92; CCB 7-1992, f. & cert. ef. 12-4-92; CCB 5-1993, f. 12-7-93, cert. ef. 12-8-93; CCB 1-1994, f. 6-23-94, cert. ef. 7-1-94; CCB 4-1995, f. & cert. ef. 10-5-95; CCB 6-1997, f. & cert. ef. 11-26-97; CCB 8-1998, f. 10-29-98, cert. ef. 11-1-98; CCB 7-2000, f. 6-29-00, cert. ef. 7-1-00; Renumbered from 812-005-0000(2), CCB 7-2005, f. 12-7-05, cert. ef. 1-1-06; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 14-2011(Temp), f. & cert. ef. 10-24-11 thru 4-20-12

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Department of Agriculture Chapter 603

Rule Caption: Amendment to update CAFO Annual Compliance fees.

Adm. Order No.: DOA 22-2011

Filed with Sec. of State: 10-18-2011

Certified to be Effective: 10-18-11

Notice Publication Date: 9-1-2011

Rules Amended: 603-074-0020

Rules Repealed: 603-074-0020(T)

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

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

603-074-0020

Permit Fees

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

(1) Initial filing fee: \$50.00

(2) Annual fee:

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

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

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

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

Stat. Auth.: ORS 561.190 & 561.191

Stats. Implemented: OL Ch. 248, HB 2156

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

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Department of Agriculture, Oregon Hazelnut Commission Chapter 623

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

Adm. Order No.: HZL 1-2011

Filed with Sec. of State: 10-24-2011

Certified to be Effective: 10-24-11

Notice Publication Date: 10-1-2011

Rules Amended: 623-010-0010

Subject: Proposed amendment to OAR 623-010-0010 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 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.

Rules Coordinator: Polly Owen—(503) 678-6823

ADMINISTRATIVE RULES

623-010-0010

Assessment

(1) Except as provided in section (2) of this rule, for all transactions occurring on or before October 31, 2011, involving hazelnuts grown in Oregon, the first purchaser shall deduct and withhold an assessment of \$.0055 per pound or \$11 per ton on merchantable weight in-shell hazelnuts and \$.01375 per pound or \$27.50 per ton on all shelled hazelnuts from the price paid the producer. Except as provided in section (2) of this rule, for all transactions occurring on or after November 1, 2011, involving hazelnuts grown in Oregon, the first purchaser shall deduct and withhold an assessment of \$.007 per pound or \$14 per ton on merchantable weight in-shell hazelnuts and \$.0175 per pound or \$35 per ton on all shelled hazelnuts from the price paid the producer.

(2) All casual sales of hazelnuts shall be exempt from said assessment.

(3) ORS 576.345: When a first purchaser lives or has his office in another state or is a federal or other governmental agency, the producer shall report all sales made to such purchaser on forms provided by and pay the tax assessment directly to the Commission, unless such first purchaser voluntarily makes the proper deduction and remits the proceeds to the Commission.

(4) Any producer who performs the handling or processing functions on all or a part of the production of hazelnuts, which normally would be performed by another person as the first purchaser thereof, shall report the sales on such self-produced hazelnuts on forms provided by and pay the assessment moneys directly to the Commission, unless the purchaser from such producer voluntarily makes the proper deduction and remits the proceeds to the Commission.

Stat. Auth.: ORS 576

Stats. Implemented: ORS 576

Hist.: OFC 2, f. 8-6-59; OFC 7, f. 5-10-65, ef. 7-1-65; OFC 8, f. 4-24-72, ef. 7-1-71; OFC 2-1980, f. & ef. 7-28-80; OFC 1-1982, f. & ef. 10-4-82; OFC 2-1984, f. & ef. 3-7-84; OFC 1-1985, f. 7-29-85, ef. 8-1-85; HZL 1-2000, f. 12-8-00, cert. ef. 1-1-01; HZL 1-2003, f. 9-30-03, cert. ef. 10-1-03; HZL 1-2004, f. & cert. ef. 7-30-04; HZL 1-2011, f. & cert. ef. 10-24-11

Department of Agriculture, Oregon Wheat Commission Chapter 678

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

Adm. Order No.: WHEAT 2-2011

Filed with Sec. of State: 10-27-2011

Certified to be Effective: 11-2-11

Notice Publication Date: 10-1-2011

Rules Amended: 678-010-0010, 678-010-0020, 678-010-0030, 678-010-0040, 678-010-0050, 678-030-0000, 678-030-0010

Subject: 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—(503) 229-6665

678-010-0010

Applications of Assessment Rate to Wheat or Barley Mixtures

Any person who is a first purchaser or lien holder as defined by ORS 578.010, shall deduct and withhold the assessment as required by OAR 678-010-0030 on the gross weight of all grain mixtures that contain wheat, barley, or both that was grown in this state and sold through commercial channels, unless the grain mixture has been certified by the Federal Grain Inspection Service. If the grain mixture has been certified to contain a percentage of wheat, barley, or both, then the first purchaser or lien holder shall deduct and withhold the assessment as required by OAR 678-010-0030 on the percentage by weight of wheat, barley, or both that was grown in this state and sold through commercial channels.

Stat. Auth.: ORS 578

Stats. Implemented: ORS 578

Hist.: 1WC 3, f. 6-15-62; 1WC 8, f. & ef. 3-4-77; WHEAT 1-2001, f. & cert. ef. 3-1-01; WHEAT 1-2006, f. & cert. ef. 1-27-06; WHEAT 1-2011(Temp), f. 6-24-11, cert. ef. 7-1-11 thru 12-27-11; WHEAT 2-2011, f. 10-27-11, cert. ef. 11-2-11

678-010-0020

Definitions

(1) "Commercial Channels" means the sale of wheat, barley, or both for use as food, feed, seed, or any industrial or chemurgic use, when sold to any commercial buyer, dealer, processor, cooperative, or to any person, public or private, who resells any wheat, barley, or both or product produced from wheat, barley, or both.

(2) "Commission" means the Oregon Wheat Commission.

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

(4) "First Purchaser" means any person, corporation, association or partnership that buys wheat from the grower in the first instance, or any lienholder, public or private, who may possess wheat, barley, or both from the grower under any lien, or any handler who receives wheat, barley, or both in the first instance from the grower for resale or processing.

(5) "Grower" means any landowner personally engaged in growing wheat, barley, or both; a tenant of the landowner personally engaged in growing wheat, barley, or both; and both the owner and the tenant jointly, and includes a person, partnership, association, corporation, cooperative, trust, sharecropper, and any and all other business units, devices and arrangements.

(6) "Sale" includes any pledge or mortgage of wheat, barley, or both, after harvest, to any person, public or private.

(7) "Person" means any individual, corporation, association, partnership or joint stock company.

(8) "Handler" means a person or other legal entity handling, marketing, or dealing wheat, barley, or both, whether as owner, agent, employee, broker, or otherwise.

(9) "Net Paid for Weight" means all sales or bartered bushels paid for.

(10) "Independent Third Party" refers to any organization other than the Commission and the Oregon Wheat Growers League.

(11) "Irregular" means less than two quarters per crop year.

(12) "Administrator" means a person employed and directed by the Commission.

Stat. Auth.: ORS 576

Stats. Implemented: ORS 578

Hist.: WC 2-1991, f. & cert. ef. 7-15-91; WHEAT 1-2006, f. & cert. ef. 1-27-06; WHEAT 1-2011(Temp), f. 6-24-11, cert. ef. 7-1-11 thru 12-27-11; WHEAT 2-2011, f. 10-27-11, cert. ef. 11-2-11

678-010-0030

Assessments

(1) Any first purchaser shall deduct and withhold from the grower an assessment of the following amounts for all wheat grown in Oregon as follows:

(a) July 1, 2008 and thereafter — 5 cents per bushel.

(b) 1991 through June 30, 2008 — 3 cents per bushel.

(c) 1981 through 1990 crops — 2 cents per bushel.

(d) 1975 through 1980 crops — 1 cent per bushel.

(e) 1974 and prior years — 1/2 cent per bushel.

(2)(a) Any first purchaser shall deduct and withhold from the grower an assessment of the following amounts for all barley grown in Oregon as follows:

(b) July 1, 2011 and thereafter — 1 dollar per ton.

(3) Any change in the above assessment rates requires approval by the Commission. In determining whether to impose a change in the above assessment rate, the Commission may:

(a) Work jointly with the Oregon Wheat Growers League to educate growers on a county-by-county basis, of the need for a change in the assessment rate;

(b) Work with an independent third party experienced in survey work to poll the growers of the state to determine whether the growers support a proposed change in the assessment rate;

(c) Consider the results of the poll when determining whether to raise the assessment rate.

Stat. Auth.: ORS 578

Stats. Implemented: ORS 578.211

Hist.: WC 2-1991, f. & cert. ef. 7-15-91; WHEAT 1-2006, f. & cert. ef. 1-27-06; WHEAT 2-2008, f. & cert. ef. 7-16-08; WHEAT 1-2011(Temp), f. 6-24-11, cert. ef. 7-1-11 thru 12-27-11; WHEAT 2-2011, f. 10-27-11, cert. ef. 11-2-11

678-010-0040

Reports and Payment of Assessment Monies

(1) First purchasers and handlers must submit completed and signed assessment reports on Commission approved forms. Assessment reports shall include all purchases by or deliveries to a first purchaser or handler of wheat, barley, or both (net paid weight). Assessment collections that total \$100 or more per month must be reported monthly. Assessments of less

ADMINISTRATIVE RULES

than \$100 per month may be reported quarterly. Monthly assessment reports are due in the Commission office postmarked on or before the 20th day of the month following the calendar month in which the reported wheat, barley, or both was sold. Quarterly assessment reports are due in the Commission office postmarked on or before the 20th day of the reporting month specified below. Quarterly assessments shall be reported as follows:

- (a) January, February, March assessments reported on or before April 20th;
- (b) April, May, June assessments reported on or before July 20th;
- (c) July, August, September assessments reported on or before October 20th; and
- (d) October, November, December assessments reported on or before January 20th.

(2)(a) Notwithstanding section (1) of this rule, a first purchaser or handler who purchases or handles wheat, barley, or both on an irregular basis is not required to report assessments on a quarterly or monthly basis provided such person indicates in the space provided on the assessment their next purchase or handling of wheat, barley, or both subject to these assessments and reporting requirements. Such person will not be required to report or pay assessments until the 20th of the month following the calendar month in which the indicated date falls;

(b) However, if a person who purchases or handles wheat, barley, or both on an irregular basis purchases or handles wheat before the date indicated on the assessment report, that person must comply with the requirements of section (1) of this rule.

(3) When a first purchaser or handler has completed, signed, and forwarded a report covering the final purchase of wheat, barley, or both for the crop season, the filer may mark the box on the report that says "FINAL REPORT FOR THIS CROP SEASON." No further reports are necessary by such first purchaser or handler unless or until additional purchases are made.

(4) When a first purchaser takes delivery of Oregon grown wheat, barley or both in another state, or is a federal or governmental agency, the grower shall report to this Commission all sales made to such purchaser as required by section (1) of this rule and shall pay the assessment directly to the Commission, unless such first purchaser voluntarily makes the proper deduction and remits the proceeds to this Commission.

(5) At the time that reports are due the Commission from the first purchaser or first handler, as required in section (1) of this rule, the first purchaser or first handler shall attach and forward payment to the Commission for the assessment due as set forth in each such report. The forms shall be signed by the first purchaser or handler and completely filled out, and shall include, in addition to all other required information and figures, the name and complete mailing address of each grower, the crop year, the bushels and amount of assessment deducted and withheld.

(6) Any grower who performs the handling or processing functions on all or part of their own production of wheat, barley, or both, which normally would be performed by another person as the first purchaser thereof, shall report the sale of such wheat, barley, or both of their own production on forms provided by, and pay the assessment monies directly to the Commission, unless the first purchaser from such grower voluntarily makes proper deduction and remits the proceeds to the Commission. Examples would be the sale by a grower direct to another grower or feed lot. The assessment does not apply where a grower uses their own production for personal use (ie. seeding, feeding livestock, destruction).

Stat. Auth.: ORS 576

Stats. Implemented: ORS 578

Hist.: WC 2-1991, f. & cert. ef. 7-15-91; WHEAT 1-2001, f. & cert. ef. 3-1-01; WHEAT 1-2002, f. & cert. ef. 12-30-02; WHEAT 1-2006, f. & cert. ef. 1-27-06; WHEAT 1-2011(Temp), f. 6-24-11, cert. ef. 7-1-11 thru 12-27-11; WHEAT 2-2011, f. 10-27-11, cert. ef. 11-2-11

678-010-0050

Penalties

(1) Any first purchaser or other person who delays transmittal of funds beyond the time set by the Commission shall pay ten percent of the amount due for the first month of delay and one and one half percent of the amount due for each month of delay thereafter.

(2) The Commission may by majority vote waive the penalties described in subsection (1) for good cause. The administrator may waive the penalties described in subsection (1) if the amount of the penalty is \$1,000 or less, if the penalty was incurred due to illness or other good cause, and if the administrator is an employee of the Commission. The Administrator shall report all waived penalties to the Commission on a quarterly basis.

(3) If any first purchaser or other person responsible for transmittal of the assessment monies to the Commission willfully refuses to turn over assessment monies to be collected, the first purchaser or other person shall

pay an additional penalty equal to twice the amount of the assessment monies so withheld.

(4) The penalties described in subsections (1) and (3) are in addition to the penalties prescribed in ORS 578.990.

Stat. Auth.: ORS 576.304 & 578

Stats. Implemented: ORS 576.304 & 578

Hist.: WC 2-1991, f. & cert. ef. 7-15-91; WHEAT 1-2006, f. & cert. ef. 1-27-06; WHEAT 1-2010, f. & cert. ef. 7-15-10; WHEAT 2-2011, f. 10-27-11, cert. ef. 11-2-11

678-030-0000

Per Diem Compensation

(1) Subject to the availability of funds in the budget of the Commission, the Oregon Wheat Commission must pay any member of the Commission, other than a member who is employed in full-time public service, compensation for each day or portion thereof during which the member is actually engaged in the performance of official Commission duties.

(2) The rate of compensation is limited to \$100 per day.

(3) In order to receive compensation, a member must submit to the Oregon Wheat Commission a written claim for compensation by the 20th day of the third calendar month following the month for which the member seeks compensation. The member must specify the amount of time the member spent on official Commission duties as well as the nature of the duties performed for any day or portion thereof for which the member claims compensation.

Stat. Auth.: ORS 292.495, 578.060 & 578.090

Stats. Implemented: ORS 578

Hist.: WHEAT 1-2008, f. & cert. ef. 1-11-08; WHEAT 1-2010, f. & cert. ef. 7-15-10; WHEAT 2-2011, f. 10-27-11, cert. ef. 11-2-11

678-030-0010

Reimbursement of Travel and Other Expenses

(1) Subject to sections (2)-(5) of this rule, a member of the Oregon Wheat Commission, including a member employed in full-time public service, may receive actual and necessary travel and other expenses actually incurred in the performance of the member's official duties.

(2) In order to receive reimbursement of actual and necessary travel and other expenses, a member must submit to the Oregon Wheat Commission a written itemized claim for reimbursement supported by receipts, invoices or other appropriate documentation for travel and other expenses by the 20th day of the third calendar month following the month in which the member incurred the expense. The claim for reimbursement must include the following information for each expense:

(a) Date on which the member incurred the expense; and

(b) Nature of the expense; and

(c) Amount of the expense.

(3) Any single expense that exceeds \$500.00 must be authorized by the Oregon Wheat Commission before a member incurs the expense, unless the member demonstrates to the Commission that the expense was not reasonably foreseeable and submits a written itemized claim for reimbursement supported by receipts, invoices or other appropriate documentation. If the expense was not preauthorized the Commission may consider the claim at the next Commission meeting.

(4) For the purposes of this rule, "travel and other expenses" are limited to reasonable expenses. An expense is reasonable if:

(a) It is an actual expense incurred by a member in carrying out official Commission business, which is within the member's scope of responsibilities; and

(b) The expense is necessary to enable the member to carry out official Commission business.

Stat. Auth.: ORS 292.495 & 578.060

Stats. Implemented: ORS 578 & 576

Hist.: WHEAT 1-2008, f. & cert. ef. 1-11-08; WHEAT 1-2010, f. & cert. ef. 7-15-10; WHEAT 2-2011, f. 10-27-11, cert. ef. 11-2-11

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

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

Adm. Order No.: BCD 30-2011

Filed with Sec. of State: 11-1-2011

Certified to be Effective: 11-1-11

Notice Publication Date: 9-1-2011

Rules Amended: 918-460-0015

Subject: This rule adopts amendments to the accessibility provisions in the 2010 Oregon Structural Specialty Code (OSSC). The changes

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

Rules Coordinator: Stephanie Snyder—(503) 373-7438

918-460-0015

Amendments to the Oregon Structural Specialty Code

The 2010 Oregon Structural Specialty Code is adopted and amended pursuant to OAR chapter 918, division 8. Amendments adopted for inclusion into the **2010 Oregon Structural Specialty Code** are placed in this rule, showing the section reference, a descriptive caption, and a short description of the amendment.

(1) Effective January 1, 2011 the **2010 Oregon Structural Specialty Code** is amended by adding Section 1811 Radon Control Methods for Public Buildings and Section 1812 Radon Control Methods for R-2 and R-3 Occupancies.

(a) Radon mitigation provisions in Section 1811 applicable to new public buildings are adopted January 1, 2011 but do not become enforceable until April 1, 2013 as authorized by Chapter 83, 2010 Laws (Senate Bill 1025).

(b) Radon mitigation provisions in Section 1812 applicable to residential buildings identified as Group R-2 or R-3 are adopted January 1, 2011 but do not become enforceable until April 1, 2011 as authorized by Chapter 83, 2010 Laws (Senate Bill 1025).

(2) Effective April 1, 2011 the **2010 Oregon Structural Specialty Code** Section 908 "Emergency Alarm Systems" is amended by adding new subsection 908.7 requirements for Carbon Monoxide Alarms.

(3) Effective May 13, 2011, Section 2308.9.3.2 alternate braced wall panel adjacent to a door or window opening is amended for tie-down devices.

(4) On November 1, 2011, the **2010 Oregon Structural Specialty Code** is amended to include revisions to the federal regulations for Title II and Title III of the Americans with Disabilities Act, and Oregon-specific amendments. These amendments are not enforceable until March 1, 2012. The amendments include:

(a) Replace Chapter 11 with Chapter 11 from the 2009 edition of the International Building Code (IBC), as amended to include Oregon-specific amendments;

(b) Amend Chapter 9 by adding 2009 IBC Table 907.5.2.3.3, Visible Alarms;

(c) Amend Chapter 10 by adding 2009 IBC Section 1007, Accessible Means of Egress;

(d) Amend Chapter 34 by adding 2009 IBC Section 3411, Accessibility for Existing Buildings;

(e) Amend Chapter 11 by adding Section 1111, accessibility standards for clustered mailboxes;

(f) Add as referenced standards American National Standards Institute (ANSI) Standard 117.1, 2003 Edition, Sections 101-106, 201-203, 301-309, 401-406.11, 406.13, 406.14, 501-506, 601-611, 701-708, 801-807, 901-904, and 1001-1005.

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

Stat. Auth.: ORS 447.231, 447.247, 455.030, 455.110, 455.112, & 455.610

Stats. Implemented: ORS 447.247, 455.110, 455.112 & 2011 OL Ch. 488, Sec. 5

Hist.: BCA 18-1993, f. 8-24-93, cert. ef. 8-29-93; BCA 28-1993, f. 10-22-93, cert. ef. 1-1-94; BCD 6-1994, f. 2-25-94, cert. ef. 5-1-94; BCD 22-1994, f. 9-28-94, cert. ef. 1-1-95; BCD 31-1994(Temp), f. & cert. ef. 12-23-94; BCD 32-1994, f. & cert. ef. 12-30-94; BCD 2-1995, f. & cert. ef. 2-9-95; BCD 5-1995, f. & cert. ef. 3-15-95; BCD 2-1996, f. 2-2-96, cert. ef. 4-1-96; BCD 6-1996, f. 3-29-96, cert. ef. 4-1-96; BCD 12-1997, f. 9-10-97, cert. ef. 10-1-97; BCD 19-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 24-1998(Temp), f. & cert. ef. 12-1-98 thru 5-29-99; Temporary Rule repealed by BCD 3-1999, f. 3-12-99, cert. ef. 4-1-99; BCD 5-1999, f. 6-17-99, cert. ef. 10-1-99; BCD 12-1999(Temp), f. 9-23-99, cert. ef. 11-1-99 thru 4-28-00; BCD 2-2000 f. 1-14-00, cert. ef. 4-1-00; BCD 20-2000, f. 9-15-00, cert. ef. 10-1-00; BCD 8-2001, f. 7-17-01, cert. ef. 10-1-01; BCD 18-2001, f. 12-21-01, cert. ef. 1-1-02; BCD 14-2003, f. 8-13-03, cert. ef. 10-1-03; BCD 18-2003(Temp) f. & cert. ef. 11-14-03 thru 5-11-04; BCD 5-2004, f. & cert. ef. 4-1-04; BCD 16-2004, f. 9-24-04, cert. ef. 10-1-04; BCD 21-2004, f. & cert. ef. 10-1-04; BCD 9-2005(Temp), f. & cert. ef. 4-7-05 thru 9-30-05; BCD 14-2005, f. & cert. ef. 7-5-05; BCD 18-2005(Temp), f. & cert. ef. 7-12-05 thru 9-30-05; BCD 22-2005, f. 9-29-05, cert. ef. 10-1-05; BCD 23-2005, f. 9-29-05, cert. ef. 10-1-05; BCD 1-2006, f. & cert. ef. 2-1-06; BCD 9-2006, f. 6-30-2006, cert. ef. 7-1-06; BCD 1-2007, f. 2-15-07, cert. ef. 4-1-07; BCD 9-2008(Temp), f. & cert. ef. 6-25-08 thru 12-22-08; BCD 20-2008, f. 9-30-08, cert. ef. 10-1-08; BCD 4-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 19-2010, f. 12-30-10, cert. ef. 1-1-11; BCD 1-2011, f. & cert. ef. 2-15-11; BCD 14-2011(Temp), f. & cert. ef. 5-13-11 thru 11-9-11; BCD 28-2011, f. 9-30-11, cert. ef. 10-1-11; BCD 30-2011, f. & cert. ef. 11-1-11

Department of Consumer and Business Services, Insurance Division Chapter 836

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

Adm. Order No.: ID 14-2011

Filed with Sec. of State: 10-31-2011

Certified to be Effective: 10-31-11

Notice Publication Date: 9-1-2011

Rules Amended: 836-011-0300, 836-011-0305, 836-011-0310, 836-011-0320, 836-011-0380, 836-011-0390

Subject: This rule provides the Insurance Division with an additional tool to determine whether a property and casualty insurer falls within a risk based capital (RBC) company action level. Current rules define a company action level as an RBC ratio of 200 percent. This rule requires the Division to take action if a company's RBC falls between 200 and 300 percent and its combined ratio is above 120 percent. This additional tool assists in determining whether an insurer is maintaining adequate capital and surplus to meet statutory requirements and policyholder obligations.

The changes to the rules also correct and update internal references.

Rules Coordinator: Sue Munson—(503) 947-7272

836-011-0300

Statutory Authority; Statutes Implemented

(1) OAR 836-011-0300 to 836-011-0390 apply to insurers that are subject to the capital and surplus requirements of ORS 731.554 and insurers that are subject to the capital and surplus requirements of 731.566.

(2) OAR 836-011-0300 to 836-011-0390 are adopted pursuant to the authority of ORS 731.244, 731.554, 731.574 and 733.210 for the purpose of implementing 731.554 and 731.574.

Stat. Auth.: ORS 731.244, ORS 731.554 & ORS 733.210

Stats. Implemented: ORS 731.554 & ORS 731.574

Hist.: ID 7-1995, f. & cert. ef. 11-15-95; ID 14-2011, f. & cert. ef. 10-31-11

836-011-0305

Definitions

As used in OAR 836-011-0300 to 836-011-0390:

(1) "Adjusted RBC report" means a risk-based capital (RBC) report that has been adjusted by the Director in accordance with OAR 836-011-0310(5).

(2) "Corrective order" means an order issued by the Director specifying corrective actions that the Director has determined are required.

(3) "NAIC" means the National Association of Insurance Commissioners.

(4) "Life or health insurer" means an insurer transacting life insurance or health insurance or both or an insurer authorized to transact property and casualty insurance but writing only health insurance.

(5) "Property and casualty insurer" means an insurer transacting property and casualty insurance, or either, but does not include an insurer transacting only monoline mortgage guaranty insurance, financial guaranty insurance or title insurance, or an insurer authorized to transact property and casualty insurance but writing only health insurance.

(6) "Negative trend" means, with respect to a life or health insurer, negative trend over a period of time, as determined in accordance with the "trend test calculation" included in the RBC instructions.

(7) "RBC instructions" means the RBC report, including risk-based capital instructions adopted by the NAIC, as such RBC instructions may be amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC and identified by the Department of Consumer and Business Services to be applicable to the RBC report period. RBC instructions may be obtained by contacting the Insurance Division of the Department of Consumer and Business Services using the contact information provided on the Insurance Division website at: <http://insurance.oregon.gov/Contactus.html>.

(8) "RBC level" means an insurer's company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC, defined as follows:

(a) "Company action level RBC" means, with respect to any insurer, the product of 2.0 and its authorized control level RBC;

(b) "Regulatory action level RBC" means the product of 1.5 and its authorized control level RBC;

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(c) "Authorized control level RBC" means the number determined under the risk-based capital formula in accordance with the RBC instructions; and

(d) "Mandatory control level RBC" means the product of .70 and the authorized control level RBC.

(9) "RBC plan" means a comprehensive financial plan containing the elements specified in OAR 836-011-0320(2). If the Director rejects the RBC plan and it is revised by the insurer with or without the Director's recommendation, the plan shall be called the "revised RBC plan."

(10) "RBC report" means the report required in OAR 836-011-0310.

(11) "Total adjusted capital" means the sum of:

(a) An insurer's statutory capital and surplus as determined in accordance with the statutory accounting applicable to the annual financial statements required to be filed under ORS 731.574; and

(b) Such other items, if any, as the RBC instructions may provide.

Stat. Auth.: ORS 731.244, 731.554 & 733.210

Stats. Implemented: ORS 731.554 & 731.574

Hist.: ID 7-1995, f. & cert. ef. 11-15-95; ID 14-2011, f. & cert. ef. 10-31-11

836-011-0310

RBC Reports

(1) Each domestic insurer shall, on or prior to each March 1 (the "filing date"), prepare and submit to the Director a report of its RBC levels as of the end of the calendar year just ended, in a form and containing such information as is required by the RBC instructions. In addition, each domestic insurer shall file its RBC report:

(a) With the NAIC in accordance with the RBC instructions; and

(b) With the insurance commissioner in any state in which the insurer is authorized to do business, if the insurance commissioner has notified the insurer of its request in writing, in which case the insurer shall file its RBC report not later than the later of:

(A) 15 days from the receipt of notice to file its RBC report with that state; or

(B) The filing date.

(2) A life or health insurer's RBC shall be determined in accordance with the formula set forth in the RBC instructions. The formula shall take into account (and may adjust for the covariance between) the following, determined in each case by applying the factors in the manner set forth in the RBC instructions:

(a) The risk with respect to the insurer's assets;

(b) The risk of adverse insurance experience with respect to the insurer's liabilities and obligations;

(c) The interest rate risk with respect to the insurer's business; and

(d) All other business risks and such other relevant risks as are set forth in the RBC instructions.

(3) A property and casualty insurer's RBC shall be determined in accordance with the formula set forth in the RBC instructions. The formula shall take into account (and may adjust for the covariance between) the following, determined in each case by applying the factors in the manner set forth in the RBC instructions:

(a) Asset risk;

(b) Credit risk;

(c) Underwriting risk; and

(d) All other business risks and such other relevant risks as are set forth in the RBC instructions.

(4) An excess of capital over the amount produced by the risk-based capital requirements contained in OAR 836-011-0300 to 836-011-0390 and the formulas, schedules and instructions referenced in 836-011-0300 to 836-011-0390 is desirable in the business of insurance. Accordingly, insurers should seek to maintain capital above the RBC levels required by 836-011-0300 to 836-011-0390. additional capital is used and useful in the insurance business and helps to secure an insurer against various risks inherent in, or affecting, the business of insurance and not accounted for or only partially measured by the risk-based capital requirements contained in 836-011-0300 to 836-011-0390.

(5) If a domestic insurer files an RBC report that in the judgment of the Director is inaccurate, the Director shall adjust the RBC report to correct the inaccuracy and shall notify the insurer of the adjustment. The notice shall contain a statement of the reason for the adjustment. An RBC report as so adjusted is an "adjusted RBC report" for purposes of OAR 836-011-0300 to 836-011-0390.

Stat. Auth.: ORS 731.244, 731.554 & 733.210

Stats. Implemented: ORS 731.554 & 731.574

Hist.: ID 7-1995, f. & cert. ef. 11-15-95; ID 14-2011, f. & cert. ef. 10-31-11

836-011-0320

Company Action Level Event

(1) "Company action level event" means any of the following events:

(a) The filing of an RBC report by an insurer indicating that:

(A) The insurer's total adjusted capital is greater than or equal to its regulatory action level RBC but less than its company action level RBC;

(B) If a life or health insurer, the insurer has total adjusted capital that is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and 2.5 and has a negative trend; or

(C) If a property and casualty insurer, the insurer has total adjusted capital that is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and 3.0 and triggers the trend test determined in accordance with the trend test calculation included in the property and casualty RBC instructions.

(b) The notification by the Director to the insurer of an adjusted RBC report that indicates an event in subsection (a) of this section, if the insurer does not challenge the adjusted RBC report under OAR 836-011-0360; or

(c) If, pursuant to OAR 836-011-0360, an insurer challenges an adjusted RBC report that indicates the event in subsection (a) of this section, the notification by the Director to the insurer that the Director has, after a hearing, rejected the insurer's challenge.

(2) In the event of a company action level event, the insurer shall prepare and submit to the Director an RBC plan that shall:

(a) Identify the conditions contributing to the company action level event;

(b) Contain proposals of corrective actions that the insurer intends to take and would be expected to result in the elimination of the company action level event;

(c) Provide projections of the insurer's financial results in the current year and at least the four succeeding years, both in the absence of proposed corrective actions and giving effect to the proposed corrective actions, including projections of statutory operating income, net income, capital and surplus. The projections for both new and renewal business must include separate projections for each major line of business and separately identify each significant income, expense and benefit component, if the Director so requires;

(d) Identify the key assumptions affecting the insurer's projections and the sensitivity of the projections to the assumptions; and

(e) Identify the quality of and problems associated with the insurer's business, including but not limited to its assets, anticipated business growth and associated surplus strain, extraordinary exposure to risk, mix of business and use of reinsurance, if any, in each case.

(3) The insurer shall submit the RBC Plan:

(a) Not later than the 45th day after the company action level event;

or

(b) If the insurer challenges an adjusted RBC report pursuant to OAR 836-011-0360, not later than the 45th day after the Director's notification to the insurer that the Director has, after a hearing, rejected the insurer's challenge.

(4) Not later than the 60th day after an insurer has submitted an RBC plan to the Director, the Director shall notify the insurer whether the RBC plan shall be implemented or is unsatisfactory, in the judgment of the Director. If the Director determines the RBC plan is unsatisfactory, the notification to the insurer shall set forth the reasons for the determination and may set forth proposed revisions that will render the RBC plan satisfactory, in the judgment of the Director. Upon notification from the Director, the insurer shall prepare a revised RBC plan, which may incorporate by reference any revisions proposed by the Director, and shall submit the revised RBC plan to the Director:

(a) Not later than the 45th day after the notification from the Director;

or

(b) If the insurer challenges the notification from the Director under OAR 836-011-0360, not later than the 45th day after a notification to the insurer that the Director has, after a hearing, rejected the insurer's challenge.

(5) In the event of a notification by the Director to an insurer that the insurer's RBC plan or revised RBC plan is unsatisfactory, the Director at the Director's discretion, subject to the insurer's right to a hearing under OAR 836-011-0360, may specify in the notification that the notification constitutes a regulatory action level event.

(6) A domestic insurer that files an RBC plan or revised RBC plan with the Director shall file a copy of the RBC plan or revised RBC plan with the insurance commissioner in any state in which the insurer is authorized to transact insurance if such a state has an RBC provision substantial-

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ly similar to ORS 731.752, and the insurance commissioner of that state has notified the insurer of its request for the filing in writing. The insurer shall file the copy in that state not later than the later of the following:

- (a) The 15th day after receipt of the notice to file a copy of its RBC plan or revised RBC plan with the state; or
- (b) The date on which the RBC plan or revised RBC plan is filed under section (3) or (4) of this rule, as applicable.

Stat. Auth.: ORS 731.244, 731.554 & 733.210
Stats. Implemented: ORS 731.554 & 731.574
Hist.: ID 7-1995, f. & cert. ef. 11-15-95; ID 14-2011, f. & cert. ef. 10-31-11

836-011-0380

Supplemental Provisions; Exemption

(1) 836-011-0300 to 836-011-0390 are supplemental to any other provisions of the laws of this state, and do not preclude or limit any other powers or duties of the Director under such laws, including, but not limited to, OAR 836-011-0100 to 836-011-0120.

(2) OAR 836-011-0300 to 836-011-0390 do not apply to any domestic insurer transacting property and casualty insurance that:

- (a) Writes direct business only in this state;
- (b) Writes direct annual premiums of \$2 million or less; and
- (c) Assumes no reinsurance in excess of five percent of direct premium written.

Stat. Auth.: ORS 731.244, 731.554 & 733.210
Stats. Implemented: ORS 731.554 & 731.574
Hist.: ID 7-1995, f. & cert. ef. 11-15-95; ID 14-2011, f. & cert. ef. 10-31-11

836-011-0390

Foreign Insurers

(1) A foreign insurer shall, upon the written request of the Director, submit to the Director an RBC report as of the end of the calendar year just ended on the later of:

- (a) The date by which an RBC report would be required to be filed by a domestic insurer under OAR 836-011-0300 to 836-011-0390; or
- (b) The 15th day after the request is received by the foreign insurer.

(2) A foreign insurer shall, at the written request of the Director, promptly submit to the Director a copy of any RBC plan that is filed with the insurance commissioner of any other state.

(3) In the event of a company action level event, regulatory action level event or authorized control level event with respect to any foreign insurer as determined under the statute or rule governing risk based capital reporting applicable in the state of domicile of the insurer (or, if no such statute or rule is in force in that state, under the provisions of OAR 836-011-0300 to 836-011-0390), if the insurance commissioner of the state of domicile of the foreign insurer fails to require the foreign insurer to file an RBC plan in the manner specified under that state's statute or rule governing risk-based capital reporting (or, if no such statute or rule is in force in that state, under 836-011-0320), the Director may require the foreign insurer to file an RBC plan with the Director. In such event, the failure of the foreign insurer to file an RBC plan with the Director shall be grounds to order the insurer to cease and desist from writing new insurance business in this state.

(4) In the event of a mandatory control level event with respect to any foreign insurer, if a domiciliary receiver has not been appointed with respect to the foreign insurer under the rehabilitation and liquidation statute applicable in the state of domicile of the foreign insurer, the Director may apply for an order under ORS 734.190 with respect to the conservation of property of foreign insurers found in this state, and the occurrence of the mandatory control level event shall be considered adequate grounds for the application under 734.150(1) or (4).

Stat. Auth.: ORS 731.244, 731.554 & 733.210
Stats. Implemented: ORS 731.554 & 731.574
Hist.: ID 7-1995, f. & cert. ef. 11-15-95; ID 14-2011, f. & cert. ef. 10-31-11

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

Adm. Order No.: ID 15-2011

Filed with Sec. of State: 10-31-2011

Certified to be Effective: 10-31-11

Notice Publication Date: 9-1-2011

Rules Amended: 836-052-0114, 836-052-0145, 836-052-0151

Subject: Amends rules to clarify that the provision that limits premium increases for Medicare supplement insurance policies to once in a 12-month period does not apply to changes in policy or payment terms initiated by the insured. Specifies that limitation applies to all existing 1990 Standardized Medicare supplement benefit plans and

all 2010 Standardized Medicare supplement policies or certificates renewed on or after January 1, 2012. Clarifies that the changes to the Exhibits to OAR 836-052-0160 effective on February 17, 2011 apply to all Medicare supplement policies or certificates issued on or after July 1, 2011 and that the limitation on premium increases effective on February 17, 2011 applies to all new Medicare supplement policies or certificates issued on or after July 1, 2011.

Rules Coordinator: Sue Munson—(503) 947-7272

836-052-0114

Applicability and Scope

(1) Except as otherwise specifically provided in OAR 836-052-0134, 836-052-0140, 836-052-0145, 836-052-0160 and 836-052-0185, 836-052-0103 to 836-052-0194 apply to the following Medicare supplement policies and certificates issued under group Medicare supplement policies, as follows:

(a) All Medicare supplement policies delivered or issued for delivery in this state on or after July 1, 1992; and

(b) All certificates issued under group Medicare supplement policies and delivered or issued for delivery in this state on or after July 1, 1992.

(2) Except as otherwise specifically provided in OAR 836-052-0134, 836-052-0140, 836-052-0154, 836-052-0160, and 836-052-0185, on or after September 1, 1993, 836-052-0103 to 836-052-0194 apply to Medicare supplement policies and certificates issued under group Medicare supplement policies that are made subject to 836-052-0103 to 836-052-0194 because of amendments to the definition of "Medicare supplement policy" in ORS 743.680 and OAR 836-052-0119.

(3) A prepayment plan offered by a health maintenance organization under which the health maintenance organization and competitive medical plans provides Medicare services under the authority of Title XVIII Part C of the Social Security Act or Section 1876 of the federal Social Security Act (42 U.S.C. section 1395 et seq.) is not subject to OAR 836-052-0103 through 836-052-0194. The health maintenance organization and competitive medical plans must file with the Director, for information purposes, a copy of the Medicare contract forms and rates that the plan or health maintenance organization uses in this state, and the marketing and sales materials used therewith.

(4) OAR 836-052-0103 to 836-052-0194 do not apply to an issued policy under a demonstration project specified in 42 U.S.C. sec. 1395ss (g)(1).

(5) OAR 836-052-0103 to 836-052-0194 do not apply to a policy or contract of one or more employers or labor organizations; or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof; for employees or former employees, or a combination thereof; or for members or former members, or a combination thereof, of the labor organizations.

(6) OAR 836-052-0103 to 836-052-0194 are effective on August 1, 2005. Insurers may continue using current forms, or may make changes to current forms if offering Plan K or L, as appropriate, through 2005. Insurers may offer any authorized plan upon approval by the Director of the Department of Consumer and Business Services.

(7) The changes to OAR 836-052-0145 and 836-052-0151 effective on February 17, 2011 apply to all new Medicare supplement policies or certificates issued on or after July 1, 2011. The changes to OAR 836-052-0145 and 836-052-0151 effective on February 17, 2011 apply to all existing 1990 Standardized Medicare supplement benefit plans and all 2010 Standardized Medicare supplement benefit plans policies or certificates renewed on or after January 1, 2012. The changes to the Exhibits to OAR 836-052-0160 effective on February 17, 2011 apply to all Medicare supplement policies or certificates issued on or after July 1, 2011.

Stat. Auth.: ORS 731.244 & 743.682
Stats. Implemented: ORS 743.010 & 743.683
Hist.: ID 1-1989(Temp), f. & cert. ef. 1-3-89; ID 5-1989, f. 6-30-89, cert. ef. 7-3-89; ID 11-1990, f. 5-11-90, cert. ef. 9-1-90; ID 7-1992, f. & cert. ef. 5-8-92; ID 5-1993(Temp), f. 8-11-93, cert. ef. 9-1-93; ID 9-1993, f. 9-28-93, cert. ef. 10-1-93; ID 5-1996, f. & cert. ef. 4-26-96; ID 9-1997, f. & cert. ef. 7-10-97; ID 10-2005, f. & cert. ef. 7-26-05; ID 7-2011, f. & cert. ef. 2-23-11; ID 15-2011, f. & cert. ef. 10-31-11

836-052-0145

Loss Ratio Standards and Refund or Credit of Premium

(1) The following provisions of this section establish loss ratio standards:

(a) A Medicare supplement policy form or certificate form shall not be delivered or issued for delivery unless the policy form or certificate form can be expected, as estimated for the entire period for which rates are computed to provide coverage, to return the applicable percentage specified in

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this section to the policyholder and certificate holder in the form of aggregate benefits, not including anticipated refunds or credits, provided under the policy form or certificate form:

(A) At least 75 percent of the aggregate amount of premiums earned, in the case of group policies; or

(B) At least 65 percent of the aggregate amount of premiums earned, in the case of individual policies.

(b) A percentage under subsection (a) of this subsection shall be calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis and earned premiums for the period and in accordance with accepted actuarial principles and practices. Incurred health care expenses where coverage is provided by a health maintenance organization shall not include:

- (A) Home office and overhead costs;
- (B) Advertising costs;
- (C) Commissions and other acquisition costs;
- (D) Taxes;
- (E) Capital costs;
- (F) Administrative costs; and
- (G) Claims processing costs.

(c) All filings of rates and rating schedules shall demonstrate that expected claims in relation to premiums comply with the requirements of this rule when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards;

(d) For purposes of applying section (1)(a) of this rule and section (3)(c) of OAR 836-052-0151 only, policies issued as a result of solicitations of individuals through the mails or by mass media advertising (including both print and broadcast advertising) shall be deemed to be individual policies;

(e) For policies issued prior to September 1, 1993, expected claims in relation to premiums shall meet:

(A) The originally filed anticipated loss ratio when combined with the actual experience since inception;

(B) The appropriate loss ratio requirement from section (1)(a)(A) and (B) of this rule when combined with actual experience beginning with April 28, 1996, to date; and

(C) The appropriate loss ratio requirement from section (1)(a)(A) and (B) of this rule over the entire future period for which the rates are computed to provide coverage.

(2) The following provisions of this section apply to refund and credit calculations:

(a) An issuer shall collect and file with the Director by May 31 of each year the data contained in the applicable reporting form contained in Exhibit 1 to this rule for each type in a standard Medicare supplement benefit plan;

(b) If on the basis of the experience as reported, the benchmark ratio since inception (ratio 1) exceeds the adjusted experience ratio since inception (ratio 3), then a refund or credit calculation is required. The refund calculation shall be done on a statewide basis for each type in a standard Medicare supplement benefit plan. For purposes of the refund or credit calculation, experience on policies issued within the reporting year shall be excluded;

(c) For the purpose of this rule, policies or certificates issued prior to September 1, 1993, the issuer shall make the refund or credit calculation separately for all individual policies, including all group policies subject to an individual loss ratio standard when issued, combined and all other group policies combined for experience after April 28, 1996. The first such report shall be due by May 31, 1998.

(d) A refund or credit shall be made only when the benchmark loss ratio exceeds the adjusted experience loss ratio and the amount to be refunded or credited exceeds a negligible level. The refund must include interest from the end of the calendar year to the date of the refund or credit at a rate specified by the Secretary of Health and Human Services, but in no event shall it be less than the average rate of interest for 13-week Treasury notes. A refund or credit against premiums due shall be made by September 30 following the experience year upon which the refund or credit is based.

(3) An issuer of Medicare supplement policies and certificates issued before, on or after July 1, 1992, in this state shall file annually its rates, rating schedule and supporting documentation, including ratios of incurred losses to earned premiums by policy duration for approval by the Director in accordance with the filing requirements and procedures prescribed by the

Director. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. The demonstration shall exclude active life reserves. An expected third year loss ratio that is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than three years. As soon as practicable, but prior to the effective date of enhancements in Medicare benefits, every issuer of Medicare supplement policies or certificates in this state shall file with the Director for approval, in accordance with the applicable filing procedures of this state the following:

(a)(A) Appropriate premium adjustments necessary to produce loss ratios as anticipated for the current premium for the applicable policies or certificates. Supporting documents necessary to justify the adjustment shall accompany the filing.

(B) An issuer shall make premium adjustments necessary to produce an expected loss ratio under the policy or certificate to conform to minimum loss ratio standards for Medicare supplement policies and to be expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the issuer for the Medicare supplement policies or certificates. No premium adjustment that would modify the loss ratio experience under the policy other than the adjustments described herein shall be made with respect to a policy at any time other than upon its renewal date or anniversary date. Except as provided in OAR 836-052-0138, an insurer may not increase the rates for a Medicare supplement policy or certificate issued in this state more than once in a 12-month period. If an issuer intends to exercise the right to adjust a premium for age attainment under OAR 836-052-0138, and such adjustment results in more than one increase in a 12-month period, the issuer must provide written disclosure to the consumer prior to the issuance of the policy or certificate. The limitation on premium adjustments under this paragraph does not apply to a premium adjustment that results from a change in the policy or premium payment terms requested by an insured including but not limited to changes in the method of payment such as discontinuing payment by a preauthorized electronic funds transfer.

(C) If an issuer fails to make premium adjustments acceptable to the Director, the Director may order premium adjustments, refunds or premium credits that the Director considers necessary to achieve the loss ratio required by this rule.

(b) Any appropriate riders, endorsements or policy forms needed to accomplish the Medicare supplement policy or certificate modifications necessary to eliminate benefit duplications with Medicare. The riders, endorsements or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or certificate.

(4) For purposes of this rule, experience of insureds who qualify for Medicare by reason of disability shall be combined with experience of insureds who qualify for Medicare by reason of age.

(5) The Director may conduct a public hearing to gather information concerning a request by an issuer for an increase in a rate for a policy form or certificate form issued before, on or after July 1, 1992, if the experience of the form for the previous reporting period is not in compliance with the applicable loss ratio standard. The determination of compliance may be made without consideration of any refund or credit for the reporting period. Public notice of the hearing shall be furnished as the Director determines to be appropriate.

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

Stat. Auth.: ORS 743.684

Stats. Implemented: ORS 743.010 & 743.684

Hist.: ID 1-1989(Temp), f. & cert. ef. 1-3-89; ID 5-1989, f. 6-30-89, cert. ef. 7-3-89; ID 11-1990, f. 5-11-90, cert. ef. 9-1-90; ID 7-1992, f. & cert. ef. 5-8-92; ID 5-1993(Temp), f. 8-11-93, cert. ef. 9-1-93; ID 9-1993, f. 9-28-93, cert. ef. 10-1-93; ID 5-1996, f. & cert. ef. 4-26-96; ID 9-1997, f. & cert. ef. 7-10-97; ID 8-2001(Temp), 6-15-01, cert. ef. 6-18-01 thru 12-10-01; ID 11-2001, f. & cert. ef. 9-24-01; ID 10-2005, f. & cert. ef. 7-26-05; ID 7-2011, f. & cert. ef. 2-23-11; ID 15-2011, f. & cert. ef. 10-31-11

836-052-0151

Filing and Approval of Policies and Certificates and Premium Rates

(1) An issuer shall not deliver or issue for delivery a policy or certificate to a resident of this state unless the policy form or certificate form has been filed with and approved by the Director in accordance with filing requirements and procedures prescribed by the Director.

(2) An issuer shall file any riders or amendments to policy or certificate forms to delete outpatient prescription drug benefits as required by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 only with the Insurance Commissioner in the state in which the policy or certificate was issued.

(3)(a) An issuer shall not use or change premium rates for a Medicare supplement policy or certificate unless the rates, rating schedule and sup-

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porting documentation have been filed with and approved by the Director in accordance with filing requirements and procedures prescribed by the Director.

(b) Except for an adjustment of premium on the basis of attained age under OAR 836-052-0138, an issuer may not increase the rates for a Medicare supplement policy or certificate issued in this state more than once in a 12-month period. Annual rate increases shall be effective on the policy or certificate anniversary date or renewal date. If an issuer intends to exercise the right to adjust a premium for age attainment under OAR 836-052-0138, and such adjustment results in more than one increase in a 12-month period, the issuer must provide written disclosure to the consumer prior to the issuance of the policy or certificate. The limitation on premium adjustments under this subsection does not apply to a premium adjustment that results from a change in the policy or premium payment terms requested by an insured including but not limited to changes in the method of payment such as discontinuing payment by a preauthorized electronic funds transfer.

(4) Except as provided in this section, an issuer shall not file for approval more than one form of a policy or certificate of each type for each standard Medicare supplement benefit plan. For the purposes of this section, a "type" means an individual policy or a group policy. An issuer may offer, with the approval of the Director, not more than four additional policy forms or certificate forms of the same type for the same standard Medicare supplement benefit plan, one for each of the following cases:

- (a) The inclusion of new or innovative benefits;
- (b) The addition of either direct response or agent marketing methods;
- (c) The addition of either guaranteed issue or underwritten coverage.

(5) The following applies to continuance and discontinuance of Medicare supplement policies and certificates:

(a) Except as provided in this subsection, an issuer shall continue to make available for purchase any policy form or certificate form issued after July 1, 1992, that has been approved by the Director. A policy form or certificate form shall not be considered to be available for purchase unless the issuer has actively offered it for sale in the previous twelve months. The following applies to discontinuance of a policy form or certificate form to which this subsection applies:

(A) An issuer may discontinue the availability of a policy form or certificate form for new issues if the issuer provides to the Director in writing its decision at least 30 days prior to discontinuing the availability of the form of the policy or certificate. After receipt of the notice by the Director, the issuer shall no longer offer for sale the policy form or certificate form in this state. The issuer must continue to renew outstanding policies and certificates;

(B) An issuer that discontinues the availability of a policy form or certificate form pursuant to paragraph (A) of this subsection shall not file for approval a new policy form or certificate form of the same type for the same standard Medicare supplement benefit plan as the discontinued form for a period of five years after the issuer provides notice to the Director of the discontinuance. The period of discontinuance may be reduced if the Director determines that a shorter period is appropriate.

(b) The sale or other transfer of Medicare supplement business to another issuer shall be considered a discontinuance for the purposes of this subsection;

(c) A change in the rating structure or methodology shall be considered a discontinuance under subsection (a) of this section unless the issuer complies with the following requirements:

(A) The issuer provides an actuarial memorandum satisfactory to the Director, in a form and manner prescribed by the Director, describing the manner in which the revised rating methodology and resultant rates differ from the existing rating methodology and existing rates;

(B) The issuer does not subsequently put into effect a change of rates or rating factors that would cause the percentage differential between the discontinued and subsequent rates as described in the actuarial memorandum to change. The Director may approve a change to the differential that is in the public interest.

(6) Except as provided in this section, the experience of all policy forms or certificate forms of the same type in a standard Medicare supplement benefit plan shall be combined for purposes of the refund or credit calculation prescribed in OAR 836-052-0145. Forms assumed under an assumption reinsurance agreement shall not be combined with the experience of other forms for purposes of the refund or credit calculation.

Stat. Auth.: ORS 743.683

Stats. Implemented: ORS 743.010, 743.684(1)-(2) & 743.683(2)

Hist.: ID 7-1992, f. & cert. ef. 5-8-92; ID 5-1993(Temp), f. 8-11-93, cert. ef. 9-1-93; ID 9-1993, f. 9-28-93, cert. ef. 10-1-93; ID 2-1995, f. & cert. ef. 4-26-95; ID 10-2005, f. & cert. ef. 7-26-05; ID 7-2011, f. & cert. ef. 2-23-11; ID 15-2011, f. & cert. ef. 10-31-11

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

Adm. Order No.: ID 16-2011

Filed with Sec. of State: 10-31-2011

Certified to be Effective: 10-31-11

Notice Publication Date: 8-1-2011

Rules Amended: 836-100-0105, 836-100-0110, 836-100-0115

Subject: This rule adopts by reference uniform standards for administrative simplification of health care claims transactions developed and recommended by the Oregon Health Authority under Section 2, chapter 130, Oregon Laws 2011 (replacing Section 1192, Chapter 595, Oregon Laws 2009). The standards adopted by this rulemaking pertain to health care claims and encounter transactions and are set forth in the "Oregon Companion Guide for the Implementation of the EDI Transaction: ASC X12/005010X222 Health Care Claim: Professional (837)," "The Oregon Companion Guide for the Implementation of the EDI Transaction: ASC X12/005010X223 Health Care Claim: Institutional (837)" and "The Oregon Companion Guide for the Implementation of the EDI Transaction: ASC X12/005010X224 Health Care Claim: Dental (837)."

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

The rules also clarify that "health care entity" does not include a pharmacy or a pharmacy benefits manager, thus exempting these entities from the requirements of the rules.

Rules Coordinator: Sue Munson—(503) 947-7272

836-100-0105

Definitions

(1) "Electronic transaction" means to conduct a transaction:

(a) Through the use of a computer program or an electronic or other automated means independently to initiate an action or respond to electronic records or performances in whole or in part, without review or action by an individual; or

(b) Through the use of a web portal or the internet.

(2)(a) "Health care entity" includes:

(A) A health care service contractor as required under ORS 750.055;

(B) A multiple employer welfare arrangement as required under ORS 750.333;

(C) A prepaid managed care health services organization as defined in ORS 414.736;

(D) Any entity licensed as a third party administrator under ORS 744.702;

(E) Any person or public body that either individually or jointly established a self-insurance plan, program or contract, including but not limited to persons and public bodies that are otherwise exempt from the Insurance Code under ORS 731.036;

(F) A health care clearinghouse or other entity that processes or facilitates the processing of health care financial and administrative transactions from a nonstandard format to a standard format; and

(G) Any other person identified by the department that processes health care financial and administrative transactions between a health care provider and an entity described in this subsection.

(b) "Health care entity" does not include a pharmacy or a pharmacy benefits manager.

(3) "Health insurer" means any insurer authorized to transact health insurance in Oregon.

(4) "Oregon Companion Guide" means one of the compilations of uniform standards adopted by the Department of Consumer and Business Services and posted on the Oregon Insurance Division's website that provide standards for health care financial and administrative transactions. The following Oregon Companion Guides are applicable to respective transactions with health insurers and health care entities in Oregon:

(a) Oregon Companion Guide for the Implementation of the ASC X12N/005010X279 Health Care Eligibility Benefit Inquiry and Response (270/271).

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(b) The Oregon Companion Guide for the Implementation of the EDI Transaction: ASC X12/005010X222 Health Care Claim: Professional (837).

(c) The Oregon Companion Guide for the Implementation of the EDI Transaction: ASC X12/005010X223 Health Care Claim: Institutional (837).

(d) The Oregon Companion Guide for the Implementation of the EDI Transaction: ASC X12/005010X224 Health Care Claim: Dental (837).

(5) "Oregon Companion Guide Oversight Committee" means the committee appointed jointly by the Department of Consumer and Business Services and the Oregon Health Authority to carry out the responsibilities under OAR 836-100-0120.

(6) "Provider" means a health care provider that provides health care or medical services within Oregon for a fee and is eligible for reimbursement for these services.

Stat. Auth.: ORS 731.244 & 2011 OL Ch. 130 Sec. 2 (Enrolled SB 94)
Stats. Implemented: 2011 OL Ch. 130 Sec. 2 (Enrolled SB 94)
Hist.: ID 12-2011, f. & cert. ef. 7-15-11; ID 16-2011, f. & cert. ef. 10-31-11

836-100-0110

Adoption of Standards

(1) All health insurers and health care entities must conduct eligibility benefit inquiry and response transactions with health care providers as electronic transactions that conform to the uniform standards developed by the Office for Oregon Health Policy and Research pursuant to section 3, chapter 130, Oregon Laws 2011 (Enrolled Senate Bill 94) as set forth in the Oregon Companion Guide for Health Care Eligibility Benefit Inquiry and Response in accordance with the following schedule:

(a) On and after January 1, 2012 for those health care providers that submit the inquiry electronically on the effective date of these rules.

(b) On and after October 1, 2012, for all inquiries from all health care providers.

(2) All health insurers and health care entities must conduct claims or encounter transactions with health care providers in conformance with the uniform standards developed by the Office for Oregon Health Policy and Research pursuant to section 3, chapter 130, Oregon Laws 2011 (Enrolled Senate Bill 94) as set forth in the Oregon Companion Guide for Health Care Claim: Professional, Oregon Companion Guide for Health Care Claim: Institutional and Oregon Companion Guide for Health Care Claim: Dental in accordance with the following schedule:

(a) On and after October 1, 2012 for those health care providers that conduct claims or encounter transactions electronically on the effective date of these rules.

(b) On and after January 1, 2013, all claims or encounter transactions with all health care providers must be conducted electronically.

Stat. Auth.: ORS 731.244 & 2011 OL Ch. 130 Sec. 2 (Enrolled SB 94)
Stats. Implemented: 2011 OL Ch. 130 Sec. 2 (Enrolled SB 94)
Hist.: ID 12-2011, f. & cert. ef. 7-15-11; ID 16-2011, f. & cert. ef. 10-31-11

836-100-0115

Waiver

(1) If a health insurer or health care entity demonstrates that the insurer or entity is certified by the Council for Affordable Quality Healthcare's (CAQH) Committee on Operating Rules for Information Exchange (CORE), the Director of the Department of Consumer and Business Services shall grant a waiver from the requirement to comply with the Oregon Companion Guide. A health insurer or health care entity granted a waiver under this subsection shall be deemed in compliance with the standards of the applicable Oregon Companion Guide.

(2) Until January 1, 2014, the Director of the Department of Consumer and Business Services may grant a waiver to a health insurer or health care entity subject to OAR 836-100-0110 that demonstrates that the health insurer or health care entity is unable to comply with its provisions, or for whom compliance would be an undue hardship. A health insurer or health care entity requesting a waiver must submit a letter of need to the director. If the health insurer or health care entity requires an extension of the waiver, the health insurer or health care entity may apply to the Director of the Department of Consumer and Business Services for a temporary waiver of some or all of the provisions of the applicable Oregon Companion Guide. The waiver request must:

(a) Specify the name of the Oregon Companion Guide for which the waiver is requested;

(b) Indicate whether the waiver is for the entire Oregon Companion Guide or for specific provisions in the Oregon Companion Guide for which a waiver is requested.

(c) Explain the reasons the health insurer or health care entity is unable to comply or for which compliance would cause undue hardship,

including systemic or structural impediments, financial hardship, and any other factors the health insurer or health care entity believes pertinent to the request.

(d) Specify the period of time for which the waiver is requested. After January 1, 2014, an insurer or health care entity may not request a waiver for a period longer than twelve months. An insurer or entity may request a waiver for an additional twelve months as previous waivers lapse.

(e) Include the insurer's or entity's plan for coming into compliance with the provisions of OAR 836-100-0110 during the time granted by the waiver.

(3)(a) After considering a request for a waiver submitted under section (1) of this rule, and at the director's discretion, the director may grant or deny the request.

(b) In considering whether to allow a waiver requested pursuant to section (1) of this rule, the director shall consider the efforts of the health insurer or health care entity to comply with federal requirements contained in Section 1104 of the Patient Protection and Affordable Care Act.

(4) Information and standards related to CORE certification are located at the CAQH website: <http://www.caqh.org/benefits.php>

Stat. Auth.: ORS 731.244 & 2011 OL Ch. 130 Sec. 2 (Enrolled SB 94)
Stats. Implemented: 2011 OL Ch. 130 Sec. 2 (Enrolled SB 94)
Hist.: ID 12-2011, f. & cert. ef. 7-15-11; ID 16-2011, f. & cert. ef. 10-31-11

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

Adm. Order No.: ID 17-2011

Filed with Sec. of State: 10-31-2011

Certified to be Effective: 10-31-11

Notice Publication Date: 9-1-2011

Rules Amended: 836-031-0810, 836-031-0815

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

These changes are necessary to maintain Oregon's accreditation.

Rules Coordinator: Sue Munson—(503) 947-7272

836-031-0810

2001 CSO Preferred Class Structure Table

(1) At the election of the insurer, for each calendar year of issue, for any one or more specified plans of insurance and subject to satisfying the conditions stated in OAR 836-031-0800 to 836-031-0815, the 2001 CSO Preferred Class Structure Mortality Table may be substituted in place of the 2001 CSO Smoker or Nonsmoker Mortality Table as the minimum valuation standard for policies issued on or after January 1, 2007. For policies issued on or after January 1, 2004 (the date of adoption of OAR 836-051-0106, Life Insurance Valuation and Nonforfeiture Standards), and prior to January 1, 2007, the 2001 CSO Preferred Class Structure Mortality Tables may be substituted with the consent of the director and subject to the conditions of OAR 836-031-0815. In determining whether to consent to the substitution, the director may rely on the consent of the Insurance Commissioner of the company's state of domicile. No such election may be made until the insurer demonstrates at least 20 percent of the business to be valued on this table is in one or more of the preferred classes. A table from the 2001 CSO Preferred Class Structure Mortality Table used in place of a 2001 CSO Mortality Table, pursuant to the requirements of OAR 836-031-0800 to 836-031-0815, will be treated as part of the 2001 CSO Mortality Table only for purposes of reserve valuation pursuant to the requirements of the NAIC model regulation "Recognition of the 2001 CSO Mortality Table For Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits Model Regulation."

(2) Tables referenced in this rule are available from the Insurance Division of the Department of Consumer and Business Services.

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

Stat. Auth.: ORS 731.244 & 733.306
Stats. Implemented: ORS 733.306
Hist.: ID 2-2007, f. & cert. ef. 2-12-07; ID 17-2011, f. & cert. ef. 10-31-11

ADMINISTRATIVE RULES

836-031-0815

Conditions

(1) For each plan of insurance with separate rates for preferred and standard nonsmoker lives, an insurer may use the super preferred nonsmoker, preferred nonsmoker, and residual standard nonsmoker tables to substitute for the nonsmoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, except for business valued under the residual standard nonsmoker table, the appointed actuary shall certify that:

(a) The present value of death benefits over the next ten years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class;

(b) The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.

(2) For each plan of insurance with separate rates for preferred and standard smoker lives, an insurer may use the preferred smoker and residual standard smoker tables to substitute for the smoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, for business valued under the preferred smoker table, the appointed actuary shall certify that:

(a) The present value of death benefits over the next ten years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the preferred smoker valuation basic table corresponding to the valuation table being used for that class;

(b) The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the preferred smoker valuation basic table.

(3) Unless exempted by the Director, each authorized insurer using the 2001 CSO Preferred Class structure Table shall annually file with the Director, with the NAIC or with a statistical agent designated by the NAIC and acceptable to the Director, statistical reports showing mortality and such other information ask the Director may deem necessary or expedient for the administration of the provisions of OAR 836-031-0800 to 836-031-0815. The form of the reports shall be established by the Director or the Director may require the use of a form established by the NAIC or by a statistical agent designated by the NAIC and acceptable to the Director.

(4)(a) The use of the 2001 CSO Preferred Class Structure Table for the valuation of policies issued prior to January 1, 2007 is not permitted in any statutory financial statement in which a company reports, with respect to any policy or portion of a policy coinsured, either of the following:

(A) In cases where the mode of payment of the reinsurance premium is less frequent than the mode of payment of the policy premium, a reserve credit that exceeds, by more than the amount specified in the paragraph as Y, the gross reserve calculated before reinsurance. Y is the amount of the gross reinsurance premium that:

(i) Provides coverage for the period from the next policy premium due date to the earlier of the end of the policy year and the next reinsurance premium due date; and

(ii) Would be refunded to the ceding entity upon the termination of the policy.

(B) In cases where the mode of payment of the reinsurance premium is more frequent than the mode of payment of the policy premium, a reserve credit that is less than the gross reserve, calculated before reinsurance, by an amount that is less than the amount specified in this paragraph as Z. Z is the amount of the gross reinsurance premium that the ceding entity would need to pay the assuming company to provide reinsurance coverage from the period of the next reinsurance premium due date to the next policy premium due date minus any liability established for the proportionate amount not remitted to the reinsurer.

(b) A company may estimate and adjust its accounting on an aggregate basis in order to meet the conditions to use the 2001 CSO Preferred Class Structure Table. For purposes of this condition, but the reserve credit and the gross reserve before reinsurance:

(A) For the mean reserve method defined as the mean reserve minus the deferred premium asset; and

(B) For the mid-terminal reserve method which includes the unearned premium reserve.

(5) Tables referenced in this rule are available from the Insurance Division of the Department of Consumer and Business Services.

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

Stat. Auth: ORS 731.244 & 733.306

Stats. Implemented: ORS 733.306

Hist.: ID 2-2007, f. & cert. ef. 2-12-07; ID 17-2011, f. & cert. ef. 10-31-11

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

Rule Caption: Adopt changes federal changes to maritime activities and three standards in general industry.

Adm. Order No.: OSHA 3-2011

Filed with Sec. of State: 11-1-2011

Certified to be Effective: 11-1-11

Notice Publication Date: 8-1-2011

Rules Amended: 437-002-0140, 437-002-0220, 437-005-0001

Subject: This rulemaking is to keep Oregon OSHA in harmony with recent changes to Federal OSHA's standards.

Federal OSHA revised its standards in 29 CFR 1915 on general working conditions in shipyard employment. These revisions update existing requirements to reflect advances in industry practices and technology, consolidate some general safety and health requirements into a single subpart, and provide protection from hazards not addressed by existing standards, including the control of hazardous energy.

Oregon OSHA adopted the changes in general industry (1910.145, 1910.147, 1910.177) and maritime activities (1915) as published in the May 2, 2011 Federal Register. This adoption also captures the corrections Federal OSHA published in the July 25, 2011 Federal Register.

Except, in 1910.147 The Control of Hazardous Energy (lockout/tagout), Oregon OSHA did not adopt paragraph (a)(1)(ii)(A) of that rule which exempts construction and agriculture. Oregon OSHA's Division 4, Agriculture has its own Oregon-initiated OAR 437-004-1275 lockout/tagout rule, and in Division 3, Construction there are lockout/tagout rules for specific applications (1926.417, 1926.702) with an Oregon-initiated rule 437-003-0005 which allows moving to other Divisions of OAR 437 when applicable.

Also, Oregon OSHA did not adopt 1910.177 Servicing Multi-piece and Single Piece Rim Wheels, paragraph (a)(2) which exempts construction, agriculture, and longshoring. Oregon OSHA's Division 4, Agriculture has its own Oregon-initiated OAR 437-004-3550 rule on this procedure.

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Rules Coordinator: Sue C. Joye—(503) 947-7449

437-002-0140

Adoption by Reference

In addition to and not in lieu of any other safety and health codes contained in OAR chapter 437, the Department adopts by reference the following federal rules as printed in the Code of Federal Regulations, 29 CFR 1910, revised as of 7/1/98, and any subsequent amendments published in the Federal Register as listed below:

(1) 29 CFR 1910.141 Sanitation, 6/18/98, FR vol. 63, no. 117, p. 33467.

(2) Reserved for 29 CFR 1910.142 Temporary labor camps.

(3) 29 CFR 1910.143 Nonwater carriage disposal systems (Reserved).

(4) 29 CFR 1910.144 Safety color code for marking physical hazards, published 12/14/07, FR vol. 72, no. 240, p. 71061.

(5) 29 CFR 1910.145 Specifications for accident prevention signs and tags, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576; 7/25/11, FR vol. 76, no. 142, p. 44265.

(6) 29 CFR 1910.146 Permit-required confined spaces, published 1/4/99, FR vol. 64, no. 1, p.204.

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(7) 29 CFR 1910.147 The control of hazardous energy, (lock-out/tagout); published 5/2/11, Federal Register vol. 76, no. 84, p. 24576; 7/25/11, FR vol. 76, no. 142, p. 44265.

(8) 29 CFR 1910.148 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9239.

(9) 29 CFR 1910.149 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9239.

(10) 29 CFR 1910.150 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9239.

These federal standards are on file with the Oregon Occupational Safety and Health Division, Department of Consumer and Business Services and the United States Government Printing Office.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 2-1990, f. 1-19-90, cert. ef. 3-1-90; OSHA 4-1991, f. 2-25-91, cert. ef. 3-15-91; OSHA 13-1992, f. 12-7-92, cert. ef. 2-1-93; OSHA 8-1993, f. & cert. ef. 7-1-93; OSHA 5-1994, f. & cert. ef. 9-30-94; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 2-1999, f. & cert. ef. 4-30-99; OSHA 5-1999, f. & cert. ef. 5-26-99; OSHA 12-2001, f. & cert. ef. 10-26-01; OSHA 7-2008, f. & cert. ef. 5-30-08; OSHA 3-2011, f. & cert. ef. 11-1-11

437-002-0220

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal rules as printed in the Code of Federal Regulations, 29 CFR 1910, revised as of 7/1/03, and any subsequent amendments published in the Federal Register as listed below:

(1) 29 CFR 1910.176 Handling materials — general, published 10/24/78, FR vol. 43, p. 49749.

(2) 29 CFR 1910.177 Servicing of multi-piece and single piece rim wheels; published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.

(3) 29 CFR 1910.178 Powered industrial trucks, published 4/3/06, FR vol. 71, no. 63, p. 16669.

(4) 29 CFR 1910.179 Overhead and gantry cranes, published 3/7/96, FR vol. 61, no. 46, p. 9239.

(5) 29 CFR 1910.180 Crawler, locomotive and truck cranes, published 3/7/96, FR vol. 61, no. 46, p. 9239.

(6) 29 CFR 1910.181 Derricks, published 3/7/96, FR vol. 61, no. 46, p. 9240.

(7) 29 CFR 1910.182 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9240.

(8) 29 CFR 1910.183 Helicopters, published 6/18/98, FR vol. 63, no. 117, p. 33467.

(9) 29 CFR 1910.184 Slings, published 3/7/96, FR vol. 61, no. 46, p. 9240.

(10) 29 CFR 1910.189 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9240.

(11) 29 CFR 1910.190 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9240.

These rules are on file at the Oregon Occupational Safety and Health Division, Department of Consumer and Business Services, and the United States Government Printing Office.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 13-1993, f. 8-20-93, cert. ef. 11-1-93; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 2-1999, f. & cert. ef. 4-30-99; OSHA 6-1999, f. & cert. ef. 5-26-99; OSHA 12-2001, f. & cert. ef. 10-26-01; OSHA 7-2003, f. & cert. ef. 12-5-03; OSHA 4-2006, f. & cert. ef. 7-24-06; OSHA 3-2011, f. & cert. ef. 11-1-11

437-005-0001

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1915, in the Federal Register:

(1) Subdivision A.

(a) 29 CFR 1915.1. Purpose and authority, published 4/20/82, Federal Register (FR) vol. 47, p. 16984.

(b) 29 CFR 1915.2. Scope and application, published 4/20/82, FR vol. 47, p. 16984.

(c) 29 CFR 1915.3. Responsibility, published 4/20/82, FR vol. 47, p. 16984.

(d) 29 CFR 1915.4. Definitions, published 7/3/02, FR vol. 67, no. 128, p. 44541.

(e) 29 CFR 1915.5. Incorporation by reference, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.

(f) 29 CFR 1915.6. Commercial diving operations, published 4/20/82, FR vol. 47, p. 16984.

(g) 29 CFR 1915.7. Competent person, published 7/25/94, FR vol. 59, p. 37856.

(h) 29 CFR 1915.9. Compliance duties owed to each employee, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.

(2) Subdivision B.

(a) 29 CFR 1915.11. Scope, application and definitions applicable to this Subpart, published 7/25/94, FR vol. 59, p. 37857.

(b) 29 CFR 1915.12. Precautions before entering confined and enclosed spaces and other dangerous atmospheres, published 3/16/95, FR vol. 60, no. 51, p. 14218.

(c) 29 CFR 1915.13. Cleaning and other cold work, published 7/25/94, FR vol. 59, p. 37859.

(d) 29 CFR 1915.14. Hot work, published 7/3/02, FR vol. 67, no. 128, p. 44541.

(e) 29 CFR 1915.15. Maintenance of safe conditions, published 7/3/02, FR vol. 67, no. 128, p. 44541.

(f) 29 CFR 1915.16. Warning signs and labels, published 7/25/94, FR vol. 59, p. 37861.

Appendix A to Subpart B published 7/3/02, FR vol. 67, no. 128, p. 44541.

Appendix B to Subpart B published 7/25/94, FR vol. 59, p. 37816.

(3) Subdivision C.

(a) 29 CFR 1915.31. Scope & application of subdivision, published 4/20/82, FR vol. 47, p. 16984.

(b) 29 CFR 1915.32. Toxic cleaning solvents, published 5/24/96, FR vol. 61, no. 102, p. 26351.

(c) 29 CFR 1915.33. Chemical paint & preservative remover, published 5/24/96, FR vol. 61, no. 102, p. 26351.

(d) 29 CFR 1915.34. Mechanical paint removers, published 5/24/96, FR vol. 61, no. 102, p. 26351.

(e) 29 CFR 1915.35. Painting, published 7/3/02, FR vol. 67, no. 128, p. 44541.

(f) 29 CFR 1915.36. Flammable liquids, published 4/20/82, FR vol. 47, p. 16984.

(4) Subdivision D.

(a) 29 CFR 1915.51. Ventilation & protection in welding, cutting and heating, published 7/3/02, FR vol. 67, no. 128, p. 44541.

(b) 29 CFR 1915.52. Fire prevention. REMOVED 9/15/04, FR vol. 69, p. 55667.

(c) 29 CFR 1915.53. Welding, cutting and heating of hollow metal containers & structure not covered by 1915.12, published 7/3/02, FR vol. 67, no. 128, p. 44541.

(d) 29 CFR 1915.55. Gas welding & cutting, published 4/20/82, FR vol. 47, p. 16984.

(e) 29 CFR 1915.56. Arc welding and cutting, published 4/20/82, FR vol. 47, p. 16984.

(f) 29 CFR 1915.57. Uses of fissionable material in ship repairing and shipbuilding, published 4/20/82, FR vol. 47, p. 16984.

(5) Subdivision E.

(a) 29 CFR 1915.71. Scaffolds or staging, published 7/3/02, FR vol. 67, no. 128, p. 44541.

(b) 29 CFR 1915.72. Ladders, published 7/3/02, FR vol. 67, no. 128, p. 44541.

(c) 29 CFR 1915.73. Guarding of deck openings and edges, published 7/3/02, FR vol. 67, no. 128, p. 44541.

(d) 29 CFR 1915.74. Access to vessels, published 7/3/02, FR vol. 67, no. 128, p. 44541.

(e) 29 CFR 1915.75. Access to and guarding of dry docks and marine railways, published 7/3/02, FR vol. 67, no. 128, p. 44541.

(f) 29 CFR 1915.76. Access to cargo spaces and confined spaces, published 4/20/82, FR vol. 47, p. 16984.

(g) 29 CFR 1915.77. Working surfaces, published amended 7/3/02, FR vol. 67, no. 128, p. 44541.

(6) Subdivision F.

(a) 29 CFR 1915.80. Scope, application, definitions and effective dates, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.

(b) 29 CFR 1915.81. Housekeeping, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.

(c) 29 CFR 1915.82. Lighting, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.

(d) 29 CFR 1915.83. Utilities, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.

(e) 29 CFR 1915.84. Working alone, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.

(f) 29 CFR 1915.85. Vessel radar and communication systems, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.

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- (g) 29 CFR 1915.86 Lifeboats, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (h) 29 CFR 1915.87 Medical services and first aid, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (i) 29 CFR 1915.88 Sanitation, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (j) 29 CFR 1915.89 Control of hazardous energy (lockout/tagout), published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (k) 29 CFR 1915.90 Safety color code for marking physical hazards, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (l) 29 CFR 1915.91. Accident prevention signs and tags, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (m) 29 CFR 1915.92. Retention of DOT markings, placards, and labels, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (n) 29 CFR 1915.93. Motor vehicle safety equipment, operation, and maintenance, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (o) 29 CFR 1915.94. Servicing of multi-piece and single-piece rim wheels, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (7) Subdivision G.
- (a) 29 CFR 1915.111. Inspection, published 4/20/ 82, FR vol. 47, p. 16984.
- (b) 29 CFR 1915.112. Ropes, chains and slings, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (c) 29 CFR 1915.113. Shackles and hooks, published 9/29/86, FR vol. 51, p. 34562.
- (d) 29 CFR 1915.114. Chain falls and pull lifts, published 4/20/82, FR vol. 47, p. 16984.
- (e) 29 CFR 1915.115. Hoisting and hauling equipment, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (f) 29 CFR 1915.116. Use of gear, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (g) 29 CFR 1915.117. Qualifications of operators, published 4/20/82, FR vol. 47, p. 16984.
- (h) 29 CFR 1915.118. Tables, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (8) Subdivision H.
- (a) 29 CFR 1915.131. General precautions, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (b) 29 CFR 1915.132. Portable electric tools, published 4/20/82, FR vol. 47, p. 16984.
- (c) 29 CFR 1915.133. Hand tools, published 4/20/ 82, FR vol. 47, p. 16984.
- (d) 29 CFR 1915.134. Abrasive wheels, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (e) 29 CFR 1915.135. Powder actuated fastening tools, published 5/24/96, FR vol. 61, no. 102, p. 26351.
- (f) 29 CFR 1915.136. Internal combustion engines other than ship's equipment, published 4/20/82, FR vol. 47, p. 16984.
- (9) Subdivision I.
- (a) 29 CFR 1915.151. Scope, application and definitions, published 5/24/96, FR vol. 61, no. 102, p. 26352.
- (b) 29 CFR 1915.152. General requirements, published 11/15/07, FR vol. 72, no. 220, p. 64342.
- (c) 29 CFR 1915.153. Eye and face protection, published 9/9/09, FR vol. 74, no. 173, pp. 46350-46361.
- (d) 29 CFR 1915.154. Respiratory protection, published 5/24/96, FR vol. 61, no. 102, p. 26354.
- (e) 29 CFR 1915.155. Head protection, published 9/9/09, FR vol. 74, no. 173, pp. 46350-46361.
- (f) 29 CFR 1915.156. Foot protection, published 9/9/09, FR vol. 74, no. 173, pp. 46350-46361.
- (g) 29 CFR 1915.157. Hand and body protection, published 5/24/96, FR vol. 61, no. 102, p. 26354.
- (h) 29 CFR 1915.158. Lifesaving equipment, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (i) 29 CFR 1915.159. Personal fall arrest systems (PFAS), published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (j) 29 CFR 1915.160. Positioning device systems, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- Appendix A to Subpart I, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- Appendix B to Subpart I, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (10) Subdivision J.
- (a) 29 CFR 1915.161. Scope and application of subdivision, published 4/20/ 82, FR vol. 47, p. 16984.
- (b) 29 CFR 1915.162. Ship's boilers, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (c) 29 CFR 1915.163. Ship's piping systems, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (d) 29 CFR 1915.164. Ship's propulsion machinery, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (e) 29 CFR 1915.165. Ship's decking machinery, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (11) Subdivision K.
- (a) 29 CFR 1915.171. Scope and application of subdivision, published 4/20/ 82, FR vol. 47, p. 16984.
- (b) 29 CFR 1915.172. Portable air receiver and other unfired pressure vessels, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (c) 29 CFR 1915.173. Drums and containers, published 4/20/82, FR vol. 47, p. 16984.
- (12) Subdivision L. 29 CFR 1915.181. Electrical circuits and distribution boards, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (13) Subdivisions M–O (Reserved).
- (14) Subdivision P.
- (a) 29 CFR 1915.501. General provisions, published 9/15/04, FR vol. 69, p. 55667.
- (b) 29 CFR 1915.502. Fire safety plan, published 9/15/04, FR vol. 69, p. 55667.
- (c) 29 CFR 1915.503. Precautions for hot work, published 9/15/04, FR vol. 69, p. 55667.
- (d) 29 CFR 1915.504. Fire watches, published 9/15/04, FR vol. 69, p. 55667.
- (e) 29 CFR 1915.505. Fire response, published 10/17/06, FR vol. 71, no. 200, p. 60843.
- (f) 29 CFR 1915.506. Hazards of fixed extinguishing systems on board vessels and vessel sections, published 9/15/04, FR vol. 69, p. 55667.
- (g) 29 CFR 1915.507. Land-side fire protection systems, published 10/17/06, FR vol. 71, no. 200, p. 60843.
- (h) 29 CFR 1915.508. Training, published 9/15/04, FR vol. 69, p. 55667.
- (i) 29 CFR 1915.509. Definitions applicable to this subpart, published 9/15/04, FR vol. 69, p. 55667.
- Appendix A to Subpart P, published 9/15/04, FR vol. 69, p. 55667.
- (15) Subdivision Q–Y (Reserved).
- (16) Subdivision Z.
- (a) 29 CFR 1915.1000. Air Contaminants, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (b) 29 CFR 1915.1001. Asbestos, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.
- Appendix A to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.
- Appendix B to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.
- Appendix C to 1915.1001, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- Appendix D to 1915.1001, published 8/10/94, FR vol. 59, p. 40964.
- Appendix E to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.
- Appendix F to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.
- Appendix G to 1915.1001, published 8/10/94, FR vol. 59, p. 40964.
- Appendix H to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.
- Appendix I to 1915.1001, published 8/10/94, FR vol. 59, p. 40964.
- Appendix J to 1915.1001, published 8/10/94, FR vol. 59, p. 40964.
- Appendix K to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.
- Appendix L to 1915.1001, published 8/23/96, FR vol. 61, p. 43454.
- (c) 29 CFR 1915.1002. Coal tar pitch volatiles; interpretation of term, published 6/20/96, FR vol. 61, p. 31427.
- (d) 29 CFR 1915.1003. 13 Carcinogens (4 Nitrophenyl, etc.), published 6/20/96, FR vol. 61, p. 31427.
- (e) 29 CFR 1915.1004. alpha Naphthylamine, published 6/20/96, FR vol. 61, p. 31427.
- (f) 29 CFR 1915.1005. (Reserved)
- (g) 29 CFR 1915.1006. Methyl chloromethyl ether, published 6/20/96, FR vol. 61, p. 31427.
- (h) 29 CFR 1915.1007. 3,3'Dichlorobenzidene (and its salts), published 6/20/96, FR vol. 61, p. 31427.
- (i) 29 CFR 1915.1008. bis Chloromethyl ether, published 6/20/96, FR vol. 61, p. 31427.
- (j) 29 CFR 1915.1009. beta Naphthylamine, published 6/20/96, FR vol. 61, p. 31427.
- (k) 29 CFR 1915.1010. Benzidine, published 6/20/96, FR vol. 61, p. 31427.
- (l) 29 CFR 1915.1011. 4 Aminodiphenyl, published 6/20/96, FR vol. 61, p. 31427.
- (m) 29 CFR 1915.1012. Ethyleneimine, published 6/20/96, FR vol. 61, p. 31427.
- (n) 29 CFR 1915.1013. beta Propiolactone, published 6/20/96, FR vol. 61, p. 31427.

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(o) 29 CFR 1915.1014. 2 Acetylaminofluorene, published 6/20/96, FR vol. 61, p. 31427.

(p) 29 CFR 1915.1015. 4 Dimethylaminoazobenzene, published 6/20/96, FR vol. 61, p. 31427.

(q) 29 CFR 1915.1016. N Nitrosodimethylamine, published 6/20/96, FR vol. 61, p. 31427.

(r) 29 CFR 1915.1017. Vinyl chloride, published 6/20/96, FR vol. 61, p. 31427.

(s) 29 CFR 1915.1018. Inorganic arsenic, published 6/20/96, FR vol. 61, p. 31427.

(t) 29 CFR 1915.1020 Access to employee exposure and medical records, published 6/20/96, FR vol. 61, p. 31427.

(u) 29 CFR 1915.1025. Lead, published 6/20/96, FR vol. 61, p. 31427.

(v) 29 CFR 1915.1026 Chromium (VI), published 3/17/10, FR vol. 75, no. 51, pp. 12681-12686.

(w) 29 CFR 1915.1027. Cadmium, published 6/20/96, FR vol. 61, p. 31427.

(x) 29 CFR 1915.1028. Benzene, published 6/20/96, FR vol. 61, p. 31427.

(y) 29 CFR 1915.1030. Bloodborne pathogens, published 6/20/96, FR vol. 61, p. 31427.

(z) 29 CFR 1915.1044. 1,2 dibromo 3 chloropropane, published 6/20/96, FR vol. 61, p. 31427.

(aa) 29 CFR 1915.1045. Acrylonitrile, published 6/20/96, FR vol. 61, p. 31427.

(bb) 29 CFR 1915.1047. Ethylene oxide, published 6/20/96, FR vol. 61, p. 31427.

(cc) 29 CFR 1915.1048. Formaldehyde, published 6/20/96, FR vol. 61, p. 31427.

(dd) 29 CFR 1915.1050. Methylenedianiline, published 6/20/96, FR vol. 61, p. 31427.

(ee) 29 CFR 1915.1052 Methylene Chloride, published 1/10/97, Federal Register, vol. 62, no. 7, p. 1619.

(ff) 29 CFR 1915.1120 Access to employee exposure and medical records has been redesignated to §1915.1020.

NOTE: 29 CFR 1915.99, Hazard Communication was redesignated as 1915.1200 on 7/1/93, FR vol. 58, no. 125, p. 35514.

(gg) 29 CFR 1915.1200. Hazard communication, published 6/20/96, FR vol. 61, p. 31427.

(hh) 29 CFR 1915.1450. Occupational exposure to hazardous chemicals in laboratories, published 6/20/96, FR vol. 61, p. 31427.

Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 10-1992, f. 9-24-92, cert. ef. 11-1-92; OSHA 1-1993, f. & cert. ef. 1-22-93; OSHA 19-1993, f. & cert. ef. 12-29-93; OSHA 4-1994 f. & cert. ef. 8-4-94; OSHA 1-1995, f. & cert. ef. 1-19-95; OSHA 2-1995, f. & cert. ef. 1-25-95; OSHA 4-1995, f. & cert. ef. 3-29-95; OSHA 5-1995, f. & cert. ef. 4-6-95; OSHA 8-1995, f. & cert. ef. 8-25-95; OSHA 5-1996, f. & cert. ef. 11-29-96; OSHA 6-1996, f. & cert. ef. 11-29-96; OSHA 3-1997, f. & cert. ef. 3-28-97; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 6-1997, f. & cert. ef. 5-2-97; OSHA 7-1998, f. & cert. ef. 12-18-98; OSHA 6-1999, f. & cert. ef. 5-26-99; OSHA 4-2001, f. & cert. ef. 2-5-01; OSHA 4-2003, f. & cert. ef. 5-6-03; OSHA 8-2004, f. & cert. ef. 12-30-04; OSHA 1-2005, f. & cert. ef. 4-12-05; OSHA 4-2006, f. & cert. ef. 7-24-06; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 10-2006, f. & cert. ef. 11-30-06; OSHA 1-2007, f. 1-9-07 cert. ef. 1-16-07; OSHA 5-2008, f. 5-1-08, cert. ef. 5-15-08; OSHA 5-2009, f. & cert. ef. 5-29-09; OSHA 2-2010, f. & cert. ef. 2-25-10; OSHA 3-2010, f. 6-10-10, cert. ef. 6-15-10; OSHA 3-2011, f. & cert. ef. 11-1-11

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

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

Adm. Order No.: WCB 1-2011

Filed with Sec. of State: 11-2-2011

Certified to be Effective: 1-1-12

Notice Publication Date: 9-1-2011

Rules Amended: 438-009-0010

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

Rules Coordinator: Vicky Scott—(503) 378-3308

438-009-0010

Disputed Claim Settlements

(1) Any document submitted for approval by the Board or the Hearings Division as a settlement of a denied or disputed claim shall be in the form specified by this rule.

(2) A disputed claim settlement shall recite, at a minimum:

(a) The date and nature of the claim;

(b) That the claim has been denied and the date of the denial;

(c) That a bona fide dispute as to the compensability of all or part of the claim exists and that the parties have agreed to compromise and settle all or part of the denied and disputed claim under the provisions of ORS 656.289(4);

(d) The factual allegations and legal positions in support of the claim;

(e) The factual allegations and legal positions in support of the denial of the claim;

(f) That each of the parties has substantial evidence to support the factual allegations of that party;

(g) A list of medical service providers who shall receive reimbursement in accordance with ORS 656.313(4), including the specific amount each provider shall be reimbursed, and the parties' acknowledgment that this reimbursement allocation complies with the reimbursement formula prescribed in 656.313(4)(d); and

(h) The terms of the settlement, including the specific date on which those terms were agreed.

(3) If an accepted claim is later denied entirely at any time based on fraud, misrepresentation or other illegal activity by the worker, the disputed claim settlement shall further recite the specific factual allegations and legal positions of the parties concerning the fraud, misrepresentation or other illegal activity.

(4) If a claim was previously accepted in good faith but later denied, in whole or in part, based on later obtained evidence that the claim is not compensable or evidence that the paying agent is not responsible for the claim, the disputed claim settlement shall further recite:

(a) If the accepted claim is later denied entirely at any time up to two years from the date of claim acceptance, an allegation that the self-insured employer or insurer has obtained later evidence that the claim is not compensable or that the paying agent is not responsible for the claim; or

(b) If the denial is a denial of aggravation, current need for medical services or a partial denial of a medical condition on the ground that the condition is not related to the accepted injury, that the claimant retains all rights that may later arise under ORS 656.245, 656.273, 656.278 and 656.340, insofar as these rights may be related to the original accepted claim.

(5) If the claimant is unrepresented, the denial of the claim which is being settled by any document described in section (1) of this rule shall not be contained within that document, but rather shall be issued separately. In addition, any document described in section (1) of this rule shall recite that the unrepresented claimant has been orally advised of the following matters:

(a) The right to an attorney of the claimant's choice at no cost to the claimant for attorney fees;

(b) The existence of the office of the Ombudsman pursuant to ORS 656.709;

(c) Except with the consent of the worker, reimbursement made to medical service providers from the proceeds of a disputed claim settlement shall not exceed 40 percent of the total present value of the settlement amount; and

(d) Reimbursement from the proceeds of a disputed claim settlement made to medical service providers shall not prevent a medical service provider or health insurance provider from recovering the balance of amounts owing for such services directly from the worker, unless the worker agrees to pay all medical service providers directly from the settlement proceeds the amount provided under ORS 656.248.

(6) Any document described in section (1) of this rule shall also recite that the claimant has been orally advised that:

(a) The claimant has the right to request a hearing concerning the claim, after which an Administrative Law Judge will determine whether the claimant will receive workers' compensation benefits;

(b) If, following the hearing, the claim is finally determined compensable, the claimant would be entitled to workers' compensation benefits, which could include temporary disability, permanent disability, medical treatment, and vocational rehabilitation;

(c) If, following the hearing, the claim is finally determined not compensable, the claimant would not be entitled to workers' compensation benefits;

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(d) As a result of this agreement, the claimant's rights to seek workers' compensation benefits concerning this claim would be extinguished;

(e) Both parties agree that the terms of the agreement are reasonable; and

(f) The agreement shall not be binding upon the parties unless and until the agreement is approved by an Administrative Law Judge or the Board, depending upon which forum is considering the dispute.

(7) No document described in section (1) of this rule shall be approved unless the document submitted by the parties establishes that a bona fide dispute as to compensability exists and the proposed disposition of the dispute is reasonable. If an Administrative Law Judge or the Board is not satisfied that a bona fide dispute exists or that disposition of the dispute is reasonable, the Administrative Law Judge or Board may reject the agreement or specify the manner in which objection(s) can be cured.

(8) All disputed claim settlements shall:

(a) Recite whether a claim disposition agreement in the claim has been filed; and

(b) Be in a separate document from a claim disposition agreement.

Stat. Auth.: ORS 656.726(5)

Stats. Implemented: ORS 656.236, 656.289(4) & 656.313(4)

Hist.: WCB 1-1984, f. 4-5-84, ef. 5-1-84; WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 5-1990, f. 4-19-90, cert. ef. 5-21-90; WCB 7-1990(Temp), f. 6-14-90, cert. ef. 7-1-90; WCB 11-1990, f. 12-13-90, cert. ef. 12-31-90; WCB 3-1993, f. 10-27-93, cert. ef. 11-4-93; WCB 2-1995, f. 11-13-96, cert. ef. 1-1-96; WCB 3-2001, f. 11-14-01, cert. ef. 1-1-02; WCB 1-2004, f. 6-23-04 cert. ef. 9-1-04; WCB 2-2007, f. 12-11-07, cert. ef. 1-1-08; WCB 1-2011, f. 11-2-11, cert. ef. 1-1-12

Department of Corrections Chapter 291

Rule Caption: Use of the Static 99 Risk Assessment Tool to Establish Certain Eligibility Criteria for Inmate Participation in an Alternative Incarceration Program.

Adm. Order No.: DOC 20-2011(Temp)

Filed with Sec. of State: 10-17-2011

Certified to be Effective: 10-17-11 thru 4-13-12

Notice Publication Date:

Rules Amended: 291-062-0110, 291-062-0140

Subject: These temporary rule amendments are necessary to expressly incorporate by reference and identify by exhibits filed with the rules the Static 99 risk assessment tool adopted by the department to establish certain eligibility criteria for inmates to participate in an alternative incarceration program (AIP). Under the department's eligibility criteria, inmates who score six or higher on the Static 99 risk assessment tool are ineligible for participation in an AIP.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-062-0110

Definitions

(1) Alternative Incarceration Program (AIP): A highly structured corrections program that includes intensive interventions, rigorous personal responsibility and accountability, physical labor, and service to the community.

(2) Custody Cycle: The time period during which an offender begins incarceration with the Department of Corrections and is under the supervision of community corrections until discharge from all Department of Corrections and community corrections incarceration and supervision.

(3) Other charges: Any criminal or civil accusatory instrument that alleges wrong doing and for which a person may be imprisoned or incarcerated.

(4) Short-Term Transitional Leave/Non-Prison Leave: A leave for a period not to exceed 90 days preceding an established release date that allows an inmate opportunity to secure appropriate transitional support when necessary for successful reintegration into the community. Short-term transitional leave/non-prison leave is granted in accordance with ORS 421.148, 421.510 and the Department's rule on Short-Term Transitional Leave, Emergency Leaves and Supervised Trips (OAR 291-063). For purposes of these rules, short-term transitional leave is non-prison leave.

(5) Term of Incarceration: The period of commitment to the legal and physical custody of the Department imposed by a sentencing court in a judgment. For purposes of these administrative rules, "term of Incarceration" includes pre-sentence incarceration credit granted to an inmate by the Department under ORS 137.370(2)(a), as well as any time an inmate spends on short-term transitional/non-prison leave under ORS 421.510.

Stat. Auth.: ORS 179.040, 421.500 - 421.512, 423.020, 423.030, 423.075 & OL Ch. 35

Stats. Implemented: ORS 179.040, 421.500 - 421.512, 423.020, 423.030, 423.075

Hist.: DOC 1-2004(Temp), f. & cert. ef. 1-14-04 thru 6-12-04; DOC 5-2004, f. & cert. ef. 7-12-04; DOC 11-2005, f. 8-19-05, cert. ef. 8-22-05; DOC 3-2009(Temp), f. & cert. ef. 3-20-09 thru 9-11-09; DOC 12-2009, f. & cert. ef. 7-13-09; DOC 20-2011(Temp), f. & cert. ef. 10-17-11 thru 4-13-12

291-062-0140

Inmate Selection

(1) The Department in its discretion may accept eligible inmates into an alternative incarceration program based on its determination that the inmate's participation in such a program is consistent with the safety of the community, the welfare of the applicant, the program objectives and the rules of the Department.

(2) The functional unit manager or designee of each facility that has an alternative incarceration program shall appoint a committee that is responsible for making recommendations to the functional unit manager or designee on the placement of inmates in the program based on treatment readiness.

(3) An inmate will not be accepted into an alternative incarceration program unless the inmate submits a written request to participate.

(a) The request must contain a statement signed by the inmate applicant providing that he/she:

(A) Is physically and mentally able to withstand the rigors of the program; and

(B) Has reviewed the alternative incarceration program descriptions provided by the Department and agrees to comply with each of the requirements.

(b) Otherwise eligible inmate applicants with a physical or mental disability will be evaluated individually by the Department to determine whether the inmate may successfully participate in the fundamental components of an alternative incarceration program.

(c) The Department shall make the final determination regarding an inmate's physical or mental ability to withstand the rigors of the program.

(4) Inmates who score a six or higher on the Static 99 risk assessment tool (Exhibits AI and AII) will not be accepted into an AIP.

(5) Inmates with a predatory sex offender designation will not be accepted into an AIP.

Stat. Auth.: ORS 179.040, 421.500 - 421.512, 423.020, 423.030, 423.075 & 2008 OL Ch. 35

Stats. Implemented: ORS 179.040, 421.500 - 421.512, 423.020, 423.030, 423.075

Hist.: DOC 1-2004(Temp), f. & cert. ef. 1-14-04 thru 6-12-04; DOC 5-2004, f. & cert. ef. 7-12-04; DOC 11-2005, f. 8-19-05, cert. ef. 8-22-05; DOC 7-2007, f. & cert. ef. 10-9-07; DOC 3-2009(Temp), f. & cert. ef. 3-20-09 thru 9-11-09; DOC 12-2009, f. & cert. ef. 7-13-09; DOC 20-2011(Temp), f. & cert. ef. 10-17-11 thru 4-13-12

Rule Caption: Use of the Static 99 Risk Assessment Tool to Determine an Inmate's Eligibility for On-site Work Assignments.

Adm. Order No.: DOC 21-2011(Temp)

Filed with Sec. of State: 10-17-2011

Certified to be Effective: 10-17-11 thru 4-13-12

Notice Publication Date:

Rules Amended: 291-082-0105, 291-082-0110

Subject: These temporary rule amendments are necessary to expressly incorporate by reference and identify by exhibits filed with the rules the Static 99 risk assessment tool adopted by the department to establish specific criteria for an inmate to be eligible for on-site work assignments. These work assignments are on the grounds of the facility where an inmate is housed, but outside the perimeter fence of the facility. Under the department's eligible criteria, inmates who score six or higher on the Static 99 risk assessment tool are ineligible for on-site work assignments.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-082-0105

Definitions

(1) Agency Work Crew: One or more inmates assigned to work on an on-site or community crew.

(2) Agency Work Crew Supervisor: An employee or agent of the local, state or federal governmental agency or private non-profit and private entities who may supervise inmates assigned to an agency work crew pursuant to an intergovernmental agreement entered into by the agency and the Department of Corrections.

(3) Corrections Information System (CIS): A computer system dedicated to tracking information critical to the management of inmates and offenders under the custody, supervision or both of the Department of Corrections.

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(4) Custody Level: One of five levels of supervision assigned to an inmate through initial and classification procedures in accordance with the DOC rule on Classification (Inmate) (OAR 291-104).

(a) Level 5: An inmate assigned at this custody level meets one of the following criteria:

(A) Has demonstrated behaviors causing serious management concerns, or has demonstrated behaviors that in the judgment of the Department present a threat sufficient to require special security housing on intensive management status.

(B) Has been committed to the Oregon Department of Corrections with a sentence of death.

(b) Level 4: An inmate assigned at this custody level presents a serious risk of escape or institutional violence, or has extensive time remaining.

(c) Level 3: An inmate assigned at this custody level presents a moderate risk of escape, or has demonstrated behavior causing moderate management concern.

(d) Level 2: An inmate assigned at this custody level presents a limited risk of escape, or has demonstrated behavior causing limited management concern.

(e) Level 1: An inmate assigned at this custody level presents a minimal risk of escape and has demonstrated behavior causing minimal management concern.

(5) Department of Corrections Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(6) Department of Corrections Employee: Any person employed full-time, part-time, or under any temporary appointment by the Department of Corrections; any person under contractual agreement to provide services to the Department; any person employed by private or public sector agencies who is serving under Department-sanctioned special assignment to provide services or support to the Department programs. An agreement entered into under this section requires that the person exercising custodial supervision over inmates receive security training approved and provided by the Department of Corrections.

(7) Designator: Information, alerts or statutory designations important for sentence computation and crucial to determining work crew eligibility, unfenced housing assignment, and the management of inmates and offenders both in institutions and in the community.

(8) Direct Supervision: The responsibility of authorized supervisors to ensure the on-site presence of an inmate while outside the institution secure perimeter, and to immediately report any authorized absence or departure.

(9) Functional Unit Manager: Any person within the Department of Corrections who reports to either the Director, Deputy Director, an Assistant Director, or an administrator and has responsibility for the delivery of program services or coordination of program operations.

(10) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision or probation status.

(11) Institution Work Program Coordinator: A Department of Corrections employee that is responsible for overseeing daily planning and coordination of inmate work assignments.

(12) Protection/Restraining Order: Any valid court order intended to protect one person from another and restraining one person from any form of contact with another person.

(13) Stalking Conviction: Any court conviction for stalking as described in ORS 163.732 and 163.750.

(14) Stalking Order: Any court order prohibiting one person from stalking another as described in ORS 163.732 and 163.750.

(15) Unfenced Housing Assignment: A housing assignment to a Department of Corrections facility that does not have a secure perimeter fence.

(16) WHALE Work Assignment Levels:

(a) Inside: A work assignment restricted to inside the perimeter fence of a Department of Corrections facility.

(b) On-Site: A work assignment on the grounds of the facility in which an inmate is housed, but outside the perimeter fence of the facility.

(c) Community: A work assignment located outside the perimeter fence and off the grounds of the Department of Corrections facility in which an inmate is housed.

(17) Work Housing Assignment Level Evaluation (WHALE): The automated assessment program in the Corrections Information System (CIS) used by the Department of Corrections to determine an inmate's work assignment levels and unfenced housing assignment.

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

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075

Hist.: CD 29-1997(Temp), f. & cert. ef. 12-12-97 thru 6-11-98; DOC 13-1998, f. & cert. ef. 6-10-98; DOC 3-2002, f. & cert. ef. 1-16-02; DOC 1-2005(Temp), f. & cert. ef. 1-7-05 thru 7-6-05; Administrative correction 7-20-05; DOC 10-2005, f. & cert. ef. 8-1-05; Renumbered from 291-082-0020, DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08; DOC 21-2011(Temp), f. & cert. ef. 10-17-11 thru 4-13-12

291-082-0110

Work Housing Assignment Level Evaluation (WHALE) Eligibility

(1) All inmates at custody Level 1 or 2 are minimally eligible for an inside work assignment.

(2) Community Work Assignment: An inmate must meet the following criteria to be considered for a community work assignment:

(a) Served more than 60 days in DOC custody.

(b) No conviction for Arson I or Attempted Arson I.

(c) No conviction of a sex offense or a crime with a sexual element.

(d) No active protection/restraining order(s).

(e) No conviction for Stalking offense.

(f) No active court Stalking Order.

(g) Not found in violation of Sexual Assault or Sexual Coercion as described in OAR 291-105-0015, Rules of Misconduct.

(h) Minimal escape risk as defined in the Custody Classification Guide and the rule on Classification (Inmate) (OAR 291-104).

(i) No felony detainer(s) that are untried or expire after the inmate's projected release date.

(j) No multiple misdemeanor detainees that expire after the inmate's projected release date.

(k) No designators on file disqualifying community assignment.

(3) Unfenced Housing: An inmate must meet the following criteria to be considered for an unfenced housing assignment:

(a) Custody Classification Level 1.

(b) Meets all community work assignment criteria.

(c) No conviction for Arson II, Attempted Arson II, Reckless Burning or other related arson crimes, including attempts.

(d) No escape history.

(e) No misdemeanor detainees that are untried.

(f) No consecutive misdemeanor detainee that expires one year or less from the inmate's projected release date.

(4) On-Site Work Assignment: An inmate must meet the following criteria to be considered for an on-site work assignment:

(a) Served more than 60 days in DOC custody,

(b) No predatory sex offender designation in Oregon or any other state, and

(c) Scores six or higher on the Static 99 risk assessment tool (Exhibits AI and AII).

Stat. Auth.: ORS 179.040, 421.445, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 421.425, 423.020, 423.030 & 423.075

Hist.: DOC 10-2008(Temp), f. 5-8-08, cert. ef. 5-13-08 thru 11-7-08; DOC 27-2008, f. & cert. ef. 11-7-08; DOC 21-2011(Temp), f. & cert. ef. 10-17-11 thru 4-13-12

Rule Caption: Suspension/Restriction of Visits/Removal From Inmate Visiting List.

Adm. Order No.: DOC 22-2011(Temp)

Filed with Sec. of State: 11-1-2011

Certified to be Effective: 11-1-11 thru 4-29-12

Notice Publication Date:

Rules Amended: 291-127-0320

Subject: OAR 291-127-0320, by its terms, requires that a superintendent or designee issue a final decision on a recommended action to suspend, restrict, or remove a visitor from an inmate's approved visiting list within 45 days of receipt of a review request. The department has determined that this timeframe for review and issuing a final decision is inadequate in instances in which the circumstances giving rise to the suspension, restriction or removal action are part of a pending administrative or criminal investigation, or in other extraordinary circumstances.

These temporary rule amendments are necessary for the department to establish a flexible, extended timeframe for a superintendent or designee to issue a final order on review of a recommended action to suspend, restrict, or remove a visitor from an inmate's approved visiting list beyond 45 days when the circumstances giving rise to the suspension, restriction, or removal action are part of a pending administrative or criminal investigation, or in other extraor-

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dinary circumstances, which in the sole judgment of the superintendent or designee requires or warrants additional time.

These temporary rule amendments are also needed to clarify in the rule that if a visitor does not timely submit a written review request, the recommended action contained in the notification and written report shall be accepted by the superintendent/designee and serve as the superintendent's/designee's decision without further action.

These temporary rule amendments apply retroactively to notifications of visiting suspensions and decisions issued prior to, on, and after November 1, 2011.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-127-0320

Suspension/Restriction of Visits/Removal From Inmate Visiting List

(1) The superintendent or designee may suspend the inmate's visits with the visitor, or restrict visitation to basic visiting, or remove a visitor from an inmate's approved visiting list if the superintendent or designee determines that:

(a) The visitor does not qualify for visits in accordance with these rules; or

(b) There exists reasonable suspicion that continued visitation between the visitor and the inmate poses a threat to the safety, security, health and good order of the facility, and/or the safety and security of other inmates, staff, visitors, contractors or the community; or

(c) There is a court order or Board of Parole and Post-Prison Supervision action form which prohibits contact with the visitor.

(2) Notification and Decision: A written report (CD 704D) documenting the suspension shall be prepared and sent to the inmate and to the inmate's visitor within seven days of the action. The report shall contain a short and concise statement of the reason(s) for the suspension and a recommendation for the action to be taken. The recommended action may be assignment to basic visiting, restriction of visiting for a limited duration, or permanent removal.

(a) The visitor may request review of the recommended action by submitting a written review request to the superintendent/designee. A review request must be received by the superintendent/designee no later than 30 days of the date of the issuance of the notification of suspension.

(b) If the visitor does not timely submit a written review request, the recommended action contained in the written report shall be accepted by the superintendent/designee and serve as the superintendent's/designee's decision without further action.

(c) If the visitor timely submits a written review request the superintendent/designee shall issue a final decision on the recommended action within 45 days of the receipt of the request, absent a pending administrative or criminal investigation or other extraordinary circumstance which in the sole judgment of the Superintendent or designee requires or warrants additional time.

(d) The visitor may request an administrative review of the superintendent's/designee's decision as specified in OAR 291-127-0330.

(e) The provisions of OAR 291-127-0320(2) apply retroactively to notifications of visiting suspensions and decisions issued prior to, on, and after November 1, 2011.

(3) The superintendent or designee may temporarily suspend an inmate's visits for 14 days in the event of an on-going investigation. The superintendent or designee shall provide written notification of the suspension to the inmate and the inmate's visitor(s). If at the conclusion of the investigation or 14 days whichever occurs first, the superintendent or designee determines the visitor's status shall be suspended, the notification process specified in section (2) above will begin.

(4) Reconsideration: Visitors who have been permanently removed from any inmate's approved visiting list, or whose visitation with any inmate has been permanently restricted to basic visiting, may request reconsideration five years after the date of the action. Requests for reconsideration must be in writing and submitted to the Assistant Director of Operations or designee.

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

Stat. Auth.: ORS 179.040, 183.315, 423.020, 423.030, 423.075 & 423.078

Stats. Implemented: ORS 179.040, 183.315, 423.020, 423.030, 423.075 & 423.078

Hist.: DOC 10-2000, f. & cert. ef. 4-25-00; DOC 3-2005, f. 3-11-05, cert. ef. 3-14-05; DOC 22-2011(Temp), f. & cert. ef. 11-1-11 thru 4-29-12

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

Adm. Order No.: DOE 7-2011

Filed with Sec. of State: 10-25-2011

Certified to be Effective: 10-25-11

Notice Publication Date: 10-1-2011

Rules Adopted: 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

Rules Amended: 330-090-0105, 330-090-0110, 330-090-0120, 330-090-0130, 330-090-0133, 330-090-0150

Rules Repealed: 330-090-0450

Subject: These permanent rule amendments implement changes made by the 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 Management 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—(503) 373-2127

330-090-0105

What a BETC Is

(1) A Business Energy Tax Credit (BETC) for up to 35 percent of the eligible cost of qualifying facilities may be offset against owed Oregon income and corporation excise taxes. Qualifying renewable energy resource facilities including high efficiency combined heat and power facilities, completed on or after January 1, 2007 but excluding wind facilities with an installed capacity of more than 10 megawatts for which preliminary certification is issued on or after January 1, 2010 are eligible for a tax credit equal to 50 percent of eligible costs. Wind facilities with an installed capacity of more than 10 megawatts, for which preliminary certification is issued on or after January 1, 2010, are eligible for a tax credit equal to 5 percent of eligible costs. Qualifying homebuilder installed renewable energy facilities are eligible for a tax credit of up to \$9,000 and qualifying high performance homes are eligible for a tax credit of up to \$12,000. An Oregon business or non-profit entity qualifying for the tax credit may transfer the credit through the Pass-through Option in return for a cash payment.

(2) The Oregon Department of Energy (Department) must issue a final certificate pursuant to ORS 469.215 before the credit can be claimed. The credit is an incentive for Oregonians to invest in qualifying facilities. Oregon Administrative Rules Chapter 330, Division 90 applies to all BETC applications. These rules apply to all applications pending as of the effective date of these rules and preliminary and final applications received on or after July 1, 2009.

(3) The Department may also apply these rules to applications currently being reviewed by the Department where a final determination is pending or has been made, when the Department finds that its failure to apply the new criteria set forth in these rules may hamper the Department's efforts to reduce the costs of the BETC program.

Stat. Auth.: ORS 469.040 & 469.165

Stats. Implemented: ORS 469.185 - 469.225

Hist.: DOE 7-1985, f. 12-31-85, ef. 1-1-86; DOE 3-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 2-1993, f. & cert. ef. 1-28-93; DOE 5-1993, f. & cert. ef. 12-14-93; DOE 2-1995, f. 12-12-95, cert. ef. 12-15-95; DOE 3-1996, f. & cert. ef. 11-27-96; DOE 2-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 2-1999, f. 12-22-99, cert. ef. 1-1-00; DOE 1-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 2-2004, f. & cert. ef. 1-21-04; DOE 3-2004, f. & cert. ef. 7-1-04; DOE 1-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 2-2006, f. 9-29-06, cert. ef. 10-1-06; DOE 3-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 3-2008, f. & cert. ef. 3-21-08; DOE 4-2008, f. 6-19-08, cert. ef. 6-20-08; DOE 2-2009(Temp), f. & cert. ef. 11-3-09 thru 5-1-10; DOE 3-2010, f. & cert. ef. 4-

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30-10; DOE 4-2010(Temp), f. 5-21-10, cert. ef. 5-27-10 thru 11-2-10; Administrative correction 11-23-10; DOE 14-2010, f. & cert. ef. 11-23-10; DOE 7-2011, f. & cert. ef. 10-25-11

330-090-0110

Definitions

For the purposes of Oregon Administrative Rules, Chapter 330, Division 90, the following definitions apply unless the context requires otherwise:

(1) "Alternative Fuel": A motor vehicle fuel, other than petroleum gasoline or diesel, certified by the U.S. Environmental Protection Agency for roadway use that results in equivalent or lower exhaust emissions or higher energy efficiency when used. Alternative fuels include electricity, biofuels, hydrogen, hythane, methane, methanol, natural gas, liquefied natural gas, liquefied petroleum gas (propane), renewable diesel and other fuels the Director allows. Blends of these alternative fuels with conventional fuels will only be considered an alternative fuel under these rules when the concentration of the alternative fuel is 20 percent of the entire volume of the blended fuel or greater. Hydrated fuels must have a water content of 10 percent of the entire volume of the blended fuel or greater to be considered eligible as an alternative fuel under these rules.

(2) "Alternative Fuel Fueling Station": A renewable energy resource facility necessary to refuel alternative fuel vehicle fleets. This will include the facilities for mixing, storing, compressing, charging, and dispensing alternative fuels, and any other necessary and reasonable equipment. It can be a facility for either public or private use.

(3) "Alternative Fuel Vehicle (AFV)" is a vehicle designed to operate on an alternative fuel and includes vehicles direct from the factory or vehicles modified to allow the use of alternative fuels. AFV does not include vehicles owned or leased by the State of Oregon acquired to comply with federal requirements for fleet acquisition of alternative fueled vehicles or vehicles leased by an investor-owned utility (IOU) to others. For purposes of qualifying for a BETC, gasoline-hybrid AFVs purchased on or after January 1, 2010 must also be designed for electrical plug-in.

(4) "Applicant": An applicant means:

(a) A person who applies for a preliminary certification of a BETC under this section includes:

(A) Individuals, corporations, associations, firms, partnerships, limited liability companies and joint stock companies.

(B) Any cooperative, non-profit corporation, or federal, state or local governments including school districts, water districts, or any other special districts. These entities are qualified applicants when they have a qualified pass-through partner, or commit to select such a partner prior to final certification. These entities must follow all procurement processes, including competitive bid, where applicable.

(C) A contractor installing an alternative fueled vehicle fueling station in a dwelling.

(b) A person who applies for a final certification of a BETC under this section must be the facility owner listed on the preliminary certification.

(c) The tax credit certificate will be issued to a facility owner or a qualified pass-through partner, but the tax credit may only be claimed pursuant to ORS 315.354.

(d) An applicant for preliminary certification or final certification or a tax credit recipient may not include any business or non-profit corporation or cooperative that restricts membership, sales or service on the basis of race, color, creed, religion, national origin, sexual preference or gender.

(5) "Biofuels": A motor vehicle or thermal combustion fuel other than petroleum gasoline or diesel which includes ethanol or is an ethanol blend at concentrations of 11 percent of the entire volume of the blended fuel or greater or biodiesel or is a biodiesel blend at concentrations of 20 percent of the entire volume of the blended fuel or greater, including:

(a) Biodiesel which is a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of American Standards and Testing Measurement (ASTM) D 6751 in effect on December 1, 2007 and is registered with the US EPA as a fuel and a fuel additive under Section 211(b) of the Clean Air Act,

(b) Biodiesel Blends is biodiesel fuel meeting the requirements of ASTM D 6751 in effect on December 1, 2007, blended with petroleum-based diesel fuel, designated BXX, where XX represents the volume percentage of biodiesel fuel in the blend,

(c) Ethanol (CH₃CH₂OH) is an alcohol fuel also known as ethyl alcohol, grain alcohol, and EtOH made from starch crops or from cellulosic biomass materials, such as grass, wood, crop residues, or used cellulose materials where component sugars are fermented into ethanol meeting the requirements of ASTM designation D 4806-01a; "Standard Specification

for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel" in effect on December 1, 2007,

(d) Ethanol Blends which is ethanol fuel meeting the requirements of ASTM D 4806, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel" in effect on December 1, 2007, blended with petroleum-based gasoline fuel, designated EXX, where XX represents the volume percentage of ethanol fuel in the blend, and

(e) "E85," a motor vehicle fuel that is a blend of agriculturally derived denatured ethanol and gasoline or natural gasoline that typically contains 85 percent ethanol by volume, but at a minimum must contain 75 percent ethanol by volume. For the purposes of this chapter, the energy content of E85 is considered to be eighty-two thousand BTUs per gallon. E85 produced for use as a motor fuel shall comply with ASTM specification D 5798-99 in effect on December 1, 2007.

(6) "Biomass": An organic matter such as agricultural crops and residue, wood and wood waste, animal waste, aquatic plants and organic components of municipal and industrial wastes comprised of uncontaminated carbohydrates and other cellulosic material, and organic by products from wood pulping and other biologically derived materials including organic fibers that are available on a renewable or naturally recurring basis. This definition excludes cordwood or wood used for burning in fireplaces.

(7) "Building Automation Controls Facility": Energy facilities that control energy consuming equipment in a building are eligible when energy saving features exceed standard practice and applicable building code requirements. Eligible cost does not include costs associated with operations, maintenance, or repair as defined in these rules. Facilities are eligible when energy saving features meet the following requirements and applicable code:

(a) For existing systems within their service life, the following standards apply:

(A) The baseline will be based on the existing system's capabilities in fully functional and operating condition.

(B) Eligible costs will be based on the incremental cost and energy savings of the proposed system as compared to a fully functioning baseline system (savings and costs associated with maintenance and repair activities are not eligible).

(b) For systems beyond service life or new buildings, the following standards apply:

(A) Eligible costs and energy savings will be based on the incremental cost and energy savings between the proposed system and the baseline system.

(B) Only the components of the project that achieve energy savings will be considered eligible. If the component does not achieve energy savings it will not be considered an eligible cost.

(C) The baseline system must incorporate similar technologies to the proposed system. The minimum standard or baseline system will have the following features, plus any additional features required by code: a start/stop program, night setback program, enthalpy control program (economizer), lighting control program (sweep > 5,000 sq.ft.) and a variable flow (10 hp and above).

(8) "Building Code": Applicable state and local codes as defined in ORS 455.010 that are in effect the date the Department receives the application for preliminary certification.

(9) "Building Envelope": That element of a building which encloses conditioned spaces through which thermal energy may be transmitted to or from the exterior or to or from unconditioned spaces.

(10) "Car Sharing Facility": A facility in which drivers pay to become members in order to have joint access to a fleet of cars from a common parking area on an hourly basis. It does not include operations conducted by a car rental agency.

(11) "Certified cost": The cost certified in the final certification issued pursuant to ORS 469.215.

(12) "Combined Heat and Power (Cogeneration)": Means a facility designed to generate electrical power and thermal energy from a single fuel source with a fuel-chargeable-to-heat rate calculation demonstrating a heat rate of 6,120 Btu/kWh or less (10 percent better than the 6,800 Btu/kWh current standard generation). This facility may be eligible for a 35 percent BETC. Facilities that do not meet this heat rate requirement may still qualify in part for a credit relating to the heat recovery portion of the project. The equation for the fuel chargeable to power heat rate calculation is FCP = (FI - FD) / P, where:

(a) FCP = Fuel chargeable to power heat rate.

(b) FI = Annual fuel input applicable to the co-generation process in Btu (higher heating value).

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(c) FD = Annual fuel displaced in any industrial or commercial process, heating, or cooling application by supplying useful thermal energy from a co-generation facility.

(d) P = Annual net electric output of the co-generation facility in kilowatt-hours.

(13) "Commercial New Construction Facility": An energy facility which includes a new structure or one of the following:

(a) An addition to an existing structure, which provides additional square footage;

(b) An alteration to an existing structure, which changes the functional use of the entire structure;

(c) An alteration to an existing structure occurring within six months of a change in the facility's ownership; or

(d) A major renovation to 50 percent or more of the square footage of an existing structure in which three or more building systems are changed. Systems include but are not limited to: envelope, space conditioning, lighting, water heating and process.

(14) "Commercial Process": An energy facility that is an energy-using system (e.g., lighting, HVAC, or water heating). Such a system can be studied and judged on its own.

(15) "Commuter Parking Space" means a facility that is a parking space that is:

(a) Located in an area where parking spaces are regularly available for lease by the day or month to the public.

(b) Leased by the employer for an employee's use;

(A) Separate from the lease for the business premises.

(B) As an integral part of the lease for the business premises if the employer has the right to sublease the parking space to a commuter.

(c) Owned by the employer.

(d) Not located in a lot used primarily for business customers.

(e) Not provided to an employee for parking a vehicle the employee regularly uses to perform the employee's job duties.

(16) "Completed Application": Contains all of the information required in these rules and payments under OAR 330-090-0150. All questions on the application must be answered. Except for a facility using or producing renewable energy resources with a certified cost that exceeds \$10 million, a completed application for final certification must also include a completed, signed pass-through partner(s) agreement form, where the facility owner chooses to transfer the tax credit. Except as provided in Oregon Laws, 2011, Chapter 693, Section 3(2)(c) and OAR 330-090-0133, no application for a final certification in which the facility owner has indicated a choice to transfer the tax credit under ORS 469.206 is considered complete until the Department receives both the completed final certification application form from the facility owner and the completed pass-through partner agreement form for the tax credit, or portion of the tax credit, being transferred to the pass-through partner.

(17) "Completed Facility": A facility for which all costs have been paid or committed by a binding contract or agreement and that is installed and operating or, in the case of a Research, Development and Demonstration facility, which the Director determines the applicant has made all reasonable efforts to operate, including making changes required by the Department.

(18) "Component Parts of Electric Vehicles": means component parts for use solely in Electric Vehicles and not in conventional vehicles. Component parts shall be distinguished by their absence from conventional vehicles and shall not include components that can be used interchangeably in both electric and conventional vehicles. For the purpose of this definition, "conventional vehicle" is a production vehicle that is powered with an internal combustion engine, excluding hybrids.

(19) "Cooperative Agreement Organization": The Department may enter into cooperative agreements with qualified public purpose, governmental, or other organizations to assist in the development and qualification of BETC applications, with the scope of the agreement defined by the Department based on the qualifications of the organization and subject to conditions specified in the agreement.

(20) "Cost": The actual capital costs and expenses needed to acquire, erect, design, build, modify, or install a facility that is eligible to receive a BETC. Costs that are incurred to bring a facility up to building code standards or otherwise repair the building in order to install the facility are considered necessary features, and may not be eligible. Costs financed with federal funds, subject to specific restrictions, terms and conditions may be eligible expenses, including but not limited to costs incurred by federal agencies directly for capital, operating, or other expenses.

(a) Cost can include payments for:

(A) Fees to finance, design or engineer the facility, including but not limited to debt fees and equity fees;

(B) Title searches, escrow fees, government fees, excluding fees required by OAR 330-090-0150, and shipping;

(C) All materials and supplies needed for the erection, construction, installation or acquisition of the proposed facility; and

(D) Work performed by employees or independent contractors of the applicant based on the following conditions:

(i) Employees or contractors must be certified, accredited, licensed, or otherwise qualified to do the work;

(ii) The work must be associated with the erection, construction, installation or acquisition of the proposed facility or in the case of a research development and demonstration facility, the work shall be directly related to the research, development, demonstration, facility design, monitoring, assessment, evaluation and reporting related to the product or technology;

(iii) Project management and other similar costs may only account for up to 15 percent of the total eligible costs; and

(iv) Costs for employee's or contractor's work on the energy facility must be detailed and documented as to specific tasks, hours worked, and compensation costs. Donated, in-kind or volunteer labor is not eligible.

(E) Costs for legal counsel that is directly related to the development of a qualifying facility (non-litigation related) or directly linked to the research, development or demonstration facility (excluding patents, copyrights, etc.); and

(F) Facilities or equipment required for vehicles to provide transportation services to serve riders (such as a wheelchair lift system) under the American with Disabilities Act.

(b) Cost may not include:

(A) Interest and warranty charges;

(B) Litigation or other operational-related legal fees and court costs;

(C) Patent searches, application and filing payments;

(D) Costs to maintain, operate, or repair a facility;

(E) Administrative costs to apply for grants, loans, tax credits or other similar funding for a facility including, but not limited to, the BETC review charge, costs associated with the creation and development of the CPA verification letter and costs associated with securing a pass-through partner for the facility;

(F) Routine operational or maintenance costs associated with the facility, other than a transportation services facility, including services, supplies and labor;

(G) Expenses related to training, education or other related expenses;

(H) Expenses that are directly or indirectly offset with federal fee waivers; or

(I) Other costs the Director excludes.

(c) If a facility is built under a lease, lease-option or lease-purchase contract, the lessee's cost to acquire the facility is the value paid for the facility. If that amount is not known, the cost is the sum of:

(A) Tax credits passed through by the lessor to the lessee;

(B) The amount paid when the facility is transferred; and

(C) The lease payments not including taxes, insurance, interest, and operating costs.

(D) Payments to be made in the future must be discounted to present value.

(d) If a facility serves more than one purpose, cost includes only items needed to save energy and/or use renewable energy resources. This includes new or replacement equipment that costs more because of its energy saving features. The Department may do inspections to verify eligible costs.

(e) Incremental cost is the cost above a reasonable minimum expected to construct a similar facility without energy efficient features. Cost may be limited to incremental cost for conservation applications for new facilities or for the replacement of facilities beyond their service life, including when a code, standard or other base system is required.

(A) In commercial new construction, it is the difference between building to code, or standard practice if this exceeds code, and building to meet or exceed the standards for substantial energy savings.

(B) In other facilities, it is the difference between prevailing practices for that business or industry and a more energy efficient method.

(f) Eligible facility costs are limited by the following:

(A) Facilities must have a more than one to 15-year simple payback period unless otherwise specified in these rules. If the simple payback period exceeds those limits, eligible costs will be prorated down to the highest amount that would result in a qualifying payback; and

(B) Facilities must have a simple payback of more than one year and less than the service life of the facility.

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(C) Rental dwelling weatherization facilities are limited to a 30-year simple payback.

(D) Solar photovoltaic (PV) facilities are limited by the maximum eligible facility cost ratio (MEC), expressed in terms of \$/watt. PV facility eligible cost shall be calculated by multiplying the appropriate rate provided below by the facility size. Once a facility has received preliminary certification the calculated cost shall be effective for 36 months for facilities to be owned by the public and 12 months for all other facilities, from the date of certification. If the Department has not received a complete application for final certification within this time, the cost shall be recalculated based on the rate in effect at that time the final application is submitted. The minimum module performance certified by the manufacturer shall be used to calculate eligible cost. The MEC for a facility rated to produce:

(i) Up to and including 30 kW is \$7.50/watt.

(ii) More than 30 kW, but less than 200 kW, is $-0.01 \times (\text{system size in kW}) + 7.8$.

(iii) 200 kW or more is \$5.80/watt.

(E) Costs for a facility, or portion thereof, that has previously received a BETC.

(F) Costs to replace the same baseline facility more than once.

(i) The Department may require the baseline facility to be specifically identified and/or permanently decommissioned.

(G) For solar thermal (ST) systems,

(i) The maximum eligible cost (MEC), not including pool heating facilities, shall be calculated using the following formula: $\text{MEC} = \text{SOC} \times \text{Number of modules} \times \text{Solar Thermal Rate}$. Standard Oregon Conditions (SOC) is based on the OG-100 collector performance data published by the Solar Rating and Certification Corporation (SRCC) on the date the preliminary application is issued. SOC is calculated using a weighted average of the values in the "Mildly Cloudy" (1500Btu/ft²-day) test data using the following equation:

$\text{SOC} = 0.1(\text{Category A}) + 0.2(\text{Category B}) + 0.3(\text{Category C}) + 0.4(\text{Category D})$.

(ii) The system size is defined as the SOC multiplied by the number of collectors in the system. The following thermal rates are divided into three tiers based on the system size:

(I) For a system size of less than 100KBtu/day, the rate is \$220/KBtu/day

(II) For a system size that is 100 KBtu/day or greater, but less than 250 KBtu/day, the rate is \$210/KBtu/day

(III) For a system size greater than 250 KBtu/day, the rate is \$200/KBtu/day.

(H) Sustainable building practices facilities, recycling market development, high performance homes, homebuilder installed renewable energy facilities and transportation facilities, excluding efficient truck technology, are exempt from simple payback requirements.

(I) For renewable energy facility installations, the following are ineligible costs: roofing, re-roofing and engineering for roofing on renewable facilities.

(g) Costs for space conditioning or individual metering of a facility(s) are limited to incremental costs, except when existing equipment is within its Service Life when costs will be limited to the total eligible facility costs. Incremental costs are limited to 40 percent of the cost to install a replacement space or hot water heating system in rental dwellings, except as defined in (i) below.

(h) Eligible costs for transportation facilities include, but are not limited to, telework, commuter pool vehicles, bicycles, Transportation Management Association fees, incentive programs, transit passes, car sharing, vanpool, individualized behavior change program, Research, Development and Demonstration (RD&D), purchasing or otherwise obtaining alternative fuel vehicles that are designed to transport five or more passengers, transportation services and transportation services for K-12 students. Except for RD&D facilities, bicycle purchases, and commuter pool vehicles with special equipment, the maximum eligible cost for transportation facilities is the result of the cost-per-vehicle mile calculated by a formula adopted by the Oregon Department of Energy multiplied by the estimated vehicle miles reduced (VMR) by the facility.

(i) Costs for premium efficient appliances as defined in this rule are limited to incremental costs. The Department may determine the incremental cost as a portion of the facility cost based on similar facilities up to forty percent of the purchase cost.

(j) In implementing the utility pass-through in OAR 330-090-0140(2), utilities may set a minimum eligible cost to participate. The following requirements apply:

(A) The utility must submit exact specifications of the limit to and receive approval by the Department prior to implementation of the limit.

(B) The utility must provide notification to the customer that there is no minimum when applying directly to the Department, however, payments required by OAR 330-090-0150(3) do apply.

(k) Sustainable building practices facilities are exempt from the previous requirements of this definition, as the eligible cost for these facilities is calculated using data established in Table 1.

[ED. NOTE: Table reference is available from the agency.]

(L) The sum of any rebates or cash payments under ORS 469.631 to 469.645, 469.649 to 469.659, 469.673 to 469.683, or 757.612(5)(a), or from a public purpose organization or federal grants or credits and the BETC may not exceed total costs.

(21) "Cost-per-Vehicle Mile": The total cost of one vehicle mile driven by a single occupant. The components of calculating the total cost include, but are not limited to, vehicle operation cost, fuel cost, travel time, congestion and pollution. The calculation formula for the total costs is available on the Department's website.

(22) "Director": The Director of the Oregon Department of Energy or designees.

(23) "Energy Department": The Department of Energy.

(24) "Energy Facility": is defined in ORS 469.185 (5).

(25) "Facility": is defined in ORS 469.185 (6) and also includes a Research, Development & Demonstration (RD&D) facility that complies with these rules. A facility must be located within the geographical confines of Oregon. The dollar value of the first year energy savings must be less than the cost of such facility, except as allowed for a Research Development & Demonstration facility, transportation or recycling market development.

(a) An energy conservation measure (ECM), is a facility if it results in substantial savings in the amount of purchased energy used at a site by a business or other eligible entity. Energy conservation measures include equipment installed for the purpose of reducing energy use.

(b) Costs for a facility needed to obtain substantial energy savings for a new commercial, institutional, or industrial building. Savings will be compared to energy used by a building, unit, or industrial process that does not have the proposed conservation. But, such buildings must comply with the Building Code and have the same use, size, space heat fuel, and orientation as the applicant's building, unit, or industrial process.

(c) A space conditioning system(s) is a facility if it provides substantial energy savings and complies with the following BETC program requirements:

(A) A report demonstrating any mercury-switch thermostats that is replaced or have been recycled and, if so, how.

(B) Space conditioning systems installed in an existing dwelling unit must not involve changing the fuel source. An incremental upgrade, as defined in these rules, of a fuel switching facility will be allowed if the upgrade complies with these rules.

(d) For buildings to be owned, leased, or otherwise operated and maintained by the state, including the State System of Higher Education, to qualify for the credit it must comply with the requirements of the State Energy-Efficient Design Program (SEED) as defined in OAR Chapter 330, Division 130 and associated guidelines, in addition to meeting requirements of these rules.

(e) For a solar photovoltaic facility to be eligible to receive a BETC, all qualifying installations must meet the following minimum facility specifications:

(A) Facility must be permitted and in compliance with all applicable building and electrical codes.

(B) All facility equipment must be rated for the temperature and exposure conditions in which it will operate.

(C) All facility components must be new (modules, inverter, batteries, mounting hardware).

(D) Array mounting must not reduce the expected life or durability of the structure on which it is located.

(E) The facility must include all building code required signage and a customer manual.

(F) A customer manual must contain the following information:

(i) Facility documentation, including:

(I) As-built drawings that accurately describe the components installed and the wiring design, including wire sizes, and estimated length of wire runs.

(II) Facility site plan that indicates array and inverter location.

(III) Sunchart used to determine facility total solar resource fraction.

(IV) Operation and maintenance requirements including the name and phone number of person(s) or company to call in the case of a facility failure.

(ii) Warranties and installation documentation

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(I) Minimum two-year contractor warranty for materials and workmanship

(II) Manufacturer's warranty for PV modules and inverter

(III) Permit documentation

(iii) Manuals and data sheets

(I) Bill of material listing all primary facility components including part numbers

(II) Inverter owner's manual

(III) Manufacturer data sheets for major components, including but not limited to: inverters, modules, racking/mounting facility, charge controller and batteries.

(G) All facilities must include one or more meters that are capable of recording the facility's total energy production. Meters must be equivalent to American National Standards Institute (ANSI) certified revenue meters with a 0.5 or better accuracy class and, if digital, it must have non-volatile data memory.

(H) Array must be sized to operate within the current, voltage and power limits approved and warranted by the inverter manufacturer. The temperature-adjusted voltage must remain within the inverter limits at the historical record low temperature for the location in which it is installed.

(I) Wires must be sized to keep the total voltage drop below 2 percent on the DC conductors from the array to the inverter including the existing wire whips on the PV modules, and/or 2 percent on the AC conductors from the inverter to the point of interconnection (total not to exceed 4 percent).

(J) The installing contractor must provide a minimum 24-month full warranty on parts and labor to the facility owner.

(K) The solar array must be used exclusively for business purposes. The applicant must supply a recent utility billing statement and a power purchase or net metering agreement, with a local utility in the name of the business. If the system is being placed on a rental dwelling, a signed rental agreement must be provided and the property must remain a rental property for at least five years. Arrays erected at a location that includes a residence that is not a rental dwelling, must be separately metered from the residence to qualify for a BETC.

(L) Facilities participating in the pilot Feed-In Tariff program under ORS 757.365 are not eligible to receive a BETC.

(f) For a solar thermal facility to be eligible to receive a BETC, all qualifying installations must meet the following minimum facility specifications:

(A) The facility must be permitted and in compliance with all applicable building, electrical, and plumbing codes.

(B) All equipment must be rated for the temperature and exposure conditions in which it will operate.

(C) All primary facility components must be new (collectors, tanks, controls, pumps).

(D) Array mounting must not reduce the expected life or durability of the structure on which it is located.

(E) The facility must include a customer manual containing the following information:

(i) Facility documentation, including:

(1) As-built drawings that accurately describe the components installed, including a valve chart.

(2) Facility site plan that indicates the location of collectors and storage tank.

(3) Sunchart used to determine facility total solar resource fraction.

(4) Operation and maintenance requirements including the name and phone number of person(s) or company to call in the case of a facility failure.

(5) Permit documentation.

(ii) Warranties and installation documentation, including:

(1) A minimum two-year contractor warranty for materials and workmanship

(2) Manufacturer's warranty for collector, tanks, pumps and heat exchanger (if present) and any other components under warranty by the manufacturer.

(3) Permit documentation.

(iii) Manuals and data sheets, including:

(1) Bill of material listing all primary facility components, including part numbers

(2) Facility controller owner's manual

(3) Manufacturer data sheets for major components, including, but not limited to: collectors, tank, controllers, pumps, Btu meter, expansion tank, etc.

(F) Facility is sized appropriately for the load. The solar savings fraction is not to exceed 0.70 for domestic water heating systems without a means of rejecting heat once the load is met.

(G) Thermal storage is adequate to accommodate daily use pattern. For typical domestic load profiles, this is defined as a minimum of 1.25 gallons per square foot of collector area. For facilities with loads that are coincident with solar generate this storage amount may be reduced if documentation is provided.

(H) All solar storage tanks must be insulated with not less than R15 insulation.

(I) The following standards are for pipe insulation:

(i) Collector loop insulation must be rated for conditions in which it operates. Pipe insulation shall have a maximum K value of 0.25 Btu in/hr. sq. ft. F° and a minimum thickness of 0.75 inches.

(ii) Potable water pipe located outdoors must be insulated to a minimum R-value of 12. Pipe insulation must be protected with a U-V rated tape or pipe jacket. U-V paint is not sufficiently durable.

(J) Anti-convective pipe loop or trap is required on the inlet and outlet of the storage tank. These loops or traps shall have a minimum 8-inch vertical drop to constitute an effective convective heat barrier. Heat trap nipples alone are not reliable in stopping heat migration, and will not meet this requirement.

(K) Install thermometers on collector supply and return pipes. One movable thermometer for two wells is sufficient.

(L) Install a BTU meter capable of measuring total delivered energy on all facilities with standard Oregon conditions rating greater than 250 KBTU/day. A Btu meter must have a designated flow meter and temperature sensors and be located on the load side of the system.

(M) Install a properly sized thermostatic mixing valve on the output of the domestic hot water system to ensure that delivered temperature does not exceed 140°F.

(N) Solar thermal facilities must be installed in compliance with the Oregon Mechanical Specialty Code (Chapter 14 OMSC), the Oregon Residential Specialty Code (Chapter 23), the Oregon Plumbing Specialty Code and all other local regulations with jurisdiction.

(O) Facilities must be designed and installed for complete automatic operation including protection from freeze damage and overheating of collectors.

(P) Pressurized storage tanks must not be allowed to be heated above 180°F.

(g) A facility does not include:

(A) A residential structure or dwelling that is being used for a residence, except for residential structures that are used exclusively as a rental dwelling or that qualify as a licensed homebuilder installed renewable energy facility or high performance home facility.

(B) A renewable energy system or device, other than a homebuilder installed renewable energy facility or high performance home facility, that is placed on or at a residence, except for those used exclusively as a rental dwelling, for the purpose of supplying energy to the residence.

(C) Swimming pools and hot tubs used to store heat.

(D) Wood stoves.

(E) Space conditioning systems and back-up heating systems, including systems that do not meet code or minimum standards listed in the BETC rules.

(F) Devices and substances whose use is common in the applicant's business, except hog fuel boilers that replace fossil fuel boilers.

(G) Pollution control facilities and alternate energy devices for which a tax credit or ad valorem tax relief is granted under ORS 307.405, 316.097 or 316.116.

(H) Devices or materials which are standard practice.

(I) Recycling automotive air conditioning chlorofluorocarbons (CFC).

(J) Conservation in rental dwellings, for applicants listed in ORS 469.205(1)(c)(A) and (B), which were issued an occupancy permit on or after January 1, 1996.

(K) Other items the Director finds are not allowed under ORS 469.185 to 469.225.

(26) "Facility Eligible Square Footage": For the purpose of calculating the tax credit amount for a Sustainable Building Practices Facility, facility eligible square footage includes all temperature-conditioned floor areas, and one level of parking structures or parking structure elements of the facility. It does not include exterior square footage beneath overhangs, awnings, canopies; walkways or unconditioned plaza areas beneath conditioned portions of the building.

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(27) "Facility Operator": The person or people to whom the applicant gives authority to manage a facility. Such person or people will be the applicant's agent for all reasons related to the facility once its development begins.

(28) "Facility Owner": An applicant who purchases and owns a qualified facility.

(29) "Facility Start" prior to erection, construction, installation or acquisition: The earliest date on or after the date of the application that meets one of the following criteria:

- (a) A non-refundable deposit will be placed on the facility equipment;
- (b) A purchase order will be placed for the equipment;
- (c) A contract for the design of the facility will be executed;
- (d) A document that obligates the applicant to proceed with a facility will be executed; or

(e) Any other type of financial commitment towards the erection, construction, installation or acquisition of the facility. or

(f) For a Sustainable Building Practices Facility, the eligible cost date is within 30 days of receiving the LEED registration number, before 50 percent of Design Document for the facility are complete, or prior to receiving building permits for the facility. or

(g) For a renewable energy facility, the applicant shall not be considered to have started erection, construction, installation or acquisition of a proposed facility until excavation or actual physical construction of the renewable energy facility has begun. Eligible costs include all costs as defined in these rules, including costs incurred prior to the receipt by the department of the preliminary certification application related to site and facility development and approval. Applicants who start a facility prior to issuance of preliminary certification shall not be eligible to reapply.

(30) "Federal Grant": Any grant received from the federal government in connection with a facility, includes grants authorized under §1603 of the American Recovery and Reinvestment Act of 2009 (ARRA).

(31) "Final Certification": Final certificate issued after completion of an approved BETC facility.

(32) "Geothermal Energy": Natural heat in any form below the earth's surface. It also means minerals in solution, or other products of naturally heated substances below the earth's surface. It includes:

(a) Products of geothermal processes, such as steam, hot water, and hot brines; or

(b) Steam and gases, hot water and brine caused by injecting substances into the earth; or

(c) Heat or other related energy in the earth; or

(d) By-products of (a) through (c).

(33) "Ground Source Heat Pump": means a heating, ventilating and air-conditioning system, also known as a ground water heat pump, earth-coupled heat pump, geothermal heat pump or ground loop alternative energy device that utilizes a subsurface closed loop heat exchanger to extract or reject heat to the earth. A ground source heat pump is eligible for a 35 percent BETC.

(34) "High Efficiency Combined Heat and Power" (Cogeneration): means a renewable energy resource facility designed to generate electrical power and thermal energy from a single fuel source with a fuel-chargeable-to-heat rate yielding annual average energy savings of 20 percent is eligible for a 50 percent BETC. The fuel chargeable-to-heat rate calculations shall demonstrate a heat rate of 5,440 Btu/kWh or less (20 percent better than the 6,800 Btu/kWh current standard generation). Facilities that do not meet this requirement may still qualify for a 35 percent tax credit (see Combined Heat and Power) or in part for a tax credit relating to the heat recovery portion of the project. The equation for the fuel chargeable to power heat rate calculation is $FCP = (FI - FD) / P$, where:

(a) FCP = Fuel chargeable to power heat rate.

(b) FI = Annual fuel input applicable to the co-generation process in Btu (higher heating value).

(c) FD = Annual fuel displaced in any industrial or commercial process, heating, or cooling application by supplying useful thermal energy from a co-generation facility

(d) P = Annual net electric output of the co-generation facility in kilowatt-hours.

(35) "High Performance Home": Meets the criteria in ORS 469.185(8) and 469.197 and is a home that is a dwelling unit constructed by a licensed builder under the Oregon Residential Specialty Code with its own space conditioning and water heating facilities and intended for sale to an end-use homebuyer. The facility must meet the following requirements:

(a) Shall be certified through the ENERGY STAR® Homes Northwest program.

(b) Designed and constructed to reduce net purchased energy through use of both energy efficiency and on-site renewable energy resources;

(c) Meet the criteria established for a high-performance home under ORS 469.197

(d) The building shell shall be constructed to at least the minimum values specified in the following prescriptive path:

(A) Ceilings: $U \leq 0.030$

(B) Walls: above grade $U \leq 0.050$

(C) Walls: below grade $U \leq 0.060$

(D) Floors: above grade $U \leq 0.025$

(E) Floors: on grade, [slab edge] perimeter R-15 min. 2 feet vertical or combined vertical/horizontal – heated slab also requires R-10 foam board under slab.

(F) Windows and glass doors: $U \leq 0.32$ (weighted average). Exception: solar glazing that is part of a passive solar design may have a higher U-factor. Glass doors are doors that contain 50 percent or more glazing.

(G) Glazing area: glazing to floor area ratio ≤ 16 percent (including windows, skylights, and glass doors considered as glazing in the code) for homes larger than 1,500 square feet of conditioned space floor area and < 18 percent for homes 1,500 square feet of conditioned space floor area and smaller.

(H) Shell tightness: 5.0 ACH50 Pa confirmed by blower door test

(e) HVAC system and air ducts shall be incorporated into conditioned space, or eliminate forced-air ductwork.

(f) Space conditioning equipment shall meet one of the following requirements:

(i) Two-stage gas or propane furnace, minimum AFUE 0.92

(ii) Gas or propane boiler, minimum AFUE 0.88

(iii) Central AC SEER ≥ 14 (if installed)

(iv) Ducted heat pump \geq HSPF 8.5, air source, and ground source COP ≥ 3.0

(v) Ductless mini-split heat pump with inverter drive, no incorporated electric backup heat, sized and installed as per ENERGY STAR® Homes Northwest specifications in effect at the time the preliminary application is issued.

(g) A Renewable Energy Facility shall provide on-site energy savings or generation of not less than 1kWh/yr per square foot of conditioned floor space.

(h) Water heating systems shall meet ENERGY STAR® Homes Northwest specifications including secondary water heating equipment that backs up solar domestic water heating facilities.

(i) Includes at least one of the following measures:

(A) Obtain certification through a Green Building program recognized by the Department.

(B) Meet ENERGY STAR Homes Northwest Builder Option Package #2 ventilation specifications through the use of a heat or energy recovery ventilator, except that the sensible recovery efficiency shall be > 50 percent at 32°F and the EU1 shall be < 1.5 Watts/cfm.

(C) Use a gas or propane water heater with a minimum EF of 0.80 for primary water heating. The water heater may not also be used for space heating or as the backup to a solar water heating facility to be considered a qualifying measure under this section.

(j) A High performance home may meet a package of alternate shell or HVAC measures that are equivalent to these requirements. Shell measures may be increased to offset HVAC efficiency, however HVAC measures may not be used to reduce minimum shell requirements.

(a) Shell measures shall be a combination of assemblies that together have a total $U \times A$ no higher than a base case home described in section (C)(c), above. Trade-offs will be evaluated according to the thermal trade-off procedure in Oregon Residential Specialty Code Chapter 11, Energy Efficiency, Table N1104.1(1).

(b) Mechanical facilities will be evaluated for comparable annual energy use.

(k) Shall be a detached single-family dwelling unit or a single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.

(36) "Homebuilder Installed Renewable Energy Facility" is defined in ORS 469.185(9). The amount of the tax credit for homebuilder-installed renewable energy facilities shall be capped at \$9,000 per high performance home. For purposes of this section, renewable energy resource facilities may include: photovoltaic, solar domestic water heating, active solar space heating, passive solar, and ground source heat pumps. The following requirements must be met:

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(a) Photovoltaic: The credit amount is based on \$3 per watt of installed capacity as determined by the Department. Eligible installations have a Total Solar Resource Fraction of at least 75 percent using the Total Solar Resource Fraction (TSRF) method as described in the BETC application. Installations must be verified by a Tax Credit Certified Solar PV Technician. This verification must cover performance, longevity, and proper documentation of the facility design, operation and maintenance. Installers must provide a warranty covering all parts and labor for two years.

(b) Solar domestic water heating: The credit amount is equal to \$0.60 per kWh saved annually. The savings are based on values published by the Solar Rating and Certification Corporation (SRCC) plus 100 kWh, which are added to represent Oregon water heating loads. Solar thermal domestic water heating installations must have a Total Solar Resource Fraction (TSRF) of at least 75 percent and be designed to provide no less than 25 percent but not more than 70 percent of the annual domestic water heating load. Installations must be OG-300 certified. Installations must be verified by a solar thermal Tax Credit Certified Technician. This verification must cover performance, longevity, and proper documentation of the facility design, operation and maintenance. Installers must provide a warranty covering all parts and labor of the facility for two years.

(c) Active solar space heating: The credit amount is equal to \$0.60 per kWh saved based on a calculation procedure approved by Department staff. Active solar space heating installations must demonstrate a whole building annual energy savings of at least 15 percent to be eligible. Installations that combine space heating and domestic water heating are allowed providing that the solar storage tank is not heated by a backup heat source (e.g. gas or electric water heater). Installations must be verified by a solar thermal Tax Credit Certified Technician. This verification must cover performance, longevity, and proper documentation of the facility design, operation and maintenance. Installers must provide a warranty covering all parts and labor of the facility for two years.

(d) Passive solar: The credit amount is equal to \$600 per home plus \$0.60 per square foot of heated floor space. Passive solar design strategies must demonstrate a whole building annual energy savings of at least 20 percent to be eligible. This can be achieved by either meeting the prescriptive requirements for a passive solar home under the Residential Energy Tax Credit or demonstrated with whole building energy modeling and certified by a professional engineer.

(e) Ground source heat pumps: Ground source heat pumps must have a coefficient of performance (COP) of 3.5 or greater. The savings is based on the incremental savings over the energy savings provided by the ground source heat pump with a COP of 3.0. The credit amount is equal to \$0.60 per kWh saved.

(f) Other: Other renewable energy resource facilities (e.g. wind turbines, fuel cells) will be evaluated on a case-by-case basis and the credit amount will be equal to \$0.60 per kWh saved. Facilities must be connected to home's main service panel and installers must provide a warranty covering all parts and labor of the facility for two years.

(37) "HVAC Equipment": Heating, Ventilation, and Air Conditioning (HVAC) systems are eligible for a 35 percent BETC.

(a) Eligible combustion equipment (furnaces, boilers, water heaters, and burners) must have a minimum combustion efficiency of 86 percent Annual Fuel Use Efficiency (AFUE) rating. An exception may be granted if the system efficiency is proven to be higher due to application of a different distribution system (e.g.: radiant systems in high infiltration spaces), control strategies (e.g.: pony boilers), or reduced stand-by losses (e.g.: low-mass boilers).

(b) Heat pumps must have an energy input that is entirely electric and be rated with a Heating Season Performance Factor (HSPF) or Coefficient of Performance (COP) as follows or higher:

(A) Air source heat pumps: 8.5 HSPF

(B) Water source heat pumps: ten percent greater than COP listed in Oregon Energy Efficiency Specialty Code Chapter 5, Table 503.2.3(2)

(C) Air Conditioning: ten percent greater than COP listed in Oregon Energy Efficiency Specialty Code Chapter 5, Table 503.2.3(1)

(38) "Hybrid Electric Vehicle": An energy facility that is a vehicle which draws propulsion energy from onboard sources of stored energy which include both an internal combustion engine and a rechargeable energy storage system. The charging system for the energy storage system must have an operating voltage of 100 Volts or higher. In addition to a hybrid drive train, a Hybrid Electric Vehicle (HEV) must also have a regenerative braking system. A vehicle purchased after January 1, 2010 is not eligible to receive a BETC.

(39) "Individualized Travel Behavior Change Program": A facility that is a program approved by the Oregon Department of Energy that reduces vehicle miles traveled through one-on-one contact with participants in a specific geographical area or in a targeted group.

(40) "Lease Contract": A contract between a lessor and a lessee of a facility.

(a) In a lease-purchase contract the lessee owns the facility at the end of the lease and is eligible for the BETC.

(b) In a lease or lease-option contract the lessor owns the facility through the life of the contract and is eligible for the BETC.

(41) "Lighting Facility": An energy facility that will reduce the affected lighting energy use by at least 25 percent or by at least 10 percent for a new facility. For non-residential structures, an eligible facility must also report whether there will be any lamps in the facility that will be subsequently replaced and if those lamps will be recycled, how.

(42) "Low Interest Loan":

(a) For an electric utility, a loan with interest that is not more than 6.5 percent per year for those measures identified as cost effective in the utility audit. All other measures identified in the utility audit will be financed by a rate established by the OPUC. The combined interest rate will not exceed 12 percent.

(b) For all utilities, the loan principal or interest rate will be reduced by the present value of the tax credit earned under these rules. If the principal or interest is reduced to zero by applying the present value of the credit without allotting all that value, the excess will accrue to the owner who receives the loan. The loan will be repaid in a reasonable time not more than 10 years after it is issued.

(c) Some utilities may offer cash payment incentives as an option to a loan. The present value of the tax credit may be added to this incentive as provided in OAR 330-090-0140(2) of this rule.

(43) "Mass Transit District": A mass transit district included in ORS 184.675(7).

(44) "Metropolitan Service District": A metropolitan service district included in ORS 184.675(7).

(45) "Necessary Feature": A necessary feature does not qualify as an eligible cost and is a feature for which the primary purpose is:

(a) Complying with the Building Code, including remodeling or new construction that includes facilities to comply with the Building Code;

(b) Complying with specific state or federal statutes or requirements for pollution control or recycling facility equipment. Recycling facilities are necessary features except as noted under the definition of "Recycling Facility" in ORS 469.185(11); or

(c) Routine maintenance or repair, such as replacing water damaged insulation, a broken window, dry-rotted wood siding or trim.

(46) "Net Present Value": A cash payment equivalent to the net present value of the BETC as determined under OAR 330-090-0140. This is also referred to as the "pass-through rate."

(47) "Organization": A corporation, association, firm, partnership, limited liability company, joint stock company, cooperative, non-profit corporation, or federal, state or local government including school district, water district, or any other special district.

(48) "Pass-through Option": An option that allows a facility owner to transfer the facility's tax credit eligibility to certain persons or businesses in return for a cash payment equivalent to the net present value. A tax credit may be transferred one time only, from the facility owner to an eligible pass-through partner or partners.

(49) "Pass-through Partner": A personal income tax payer, individual, C corporation or S corporation that is transferred a tax credit certificate in return for a cash payment equivalent to the net present value of the BETC.

(50) "Preliminary Certification": Preliminary certificate issued upon successful completion of the first stage in obtaining a BETC.

(51) "Premium Efficient Appliance": An energy facility that is an appliance that has been certified by the Department to have premium energy efficiency characteristics. Residential appliances are listed in the Department's Alternative Energy Devices Systems Directory. Commercial appliances are listed in the Department's Premium Efficient Commercial Appliances Directory.

(52) "Public Purpose Organization": The entity administering the conservation and renewable public purpose funds described in ORS 757.612(3)(b)(A) and (B) or its agents.

(53) "Qualified Transit Pass Contract": is defined in ORS 469.185(10).

(54) "Recycling": A process to change a waste stream into a useable product or material. It does not include re-use in the same way the product or material first was used unless it changes the product or material. It does

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not include the combustion or incineration of a waste stream or components thereof, although these processes may be a part of an "Energy Facility" or "Waste to Energy Facility" where they include characteristics required to meet those definitions.

(55) "Recycling Facility": is defined in ORS 469.185(11)

(56) "Recycling Market Development Facility": Facilities that stimulate demand for recycled materials. It includes facilities that meet one of the following criteria:

(a) The facility uses recycled materials as feedstock to produce new products; or

(b) Equipment that allows reuse of pre or post consumer waste in the production of new products; or

(c) Recycled material equipment which yields a feedstock with new and changed characteristics for the production of new products; or

(d) Equipment that enables a higher amount of recycled material feedstock to be used in the manufacture of a product.

(57) "Renewable Diesel": A diesel fuel derived from biomass as defined in United States Energy Policy Act 2005 Section 45K (C)(3), using the process of thermal depolymerization that meets the following:

(a) Registration requirements for fuels and chemicals established by the EPA under Section 211 of the Clean Air Act (42 U.S.C. 7454) in effect on December 1, 2007, and

(b) Requirements of the ASTM D975 or D396 in effect on December 1, 2007, and

(c) Has a producer's Certificate of Analysis which certifies that the lot, batch or produced volume for sale has an organic content concentration of greater than 50 percent of the entire volume of the resultant fuel and the organic feedstock material is described.

(58) "Renewable Energy Resource": is defined in ORS 469.185(12).

(59) "Renewable Energy Resource Facility": means an energy facility used in the processing utilization, or storage of renewable energy resources to:

(a) Replace a substantial part or all of an existing use of electricity, petroleum or natural gas;

(b) Provide the initial use of energy where electricity, petroleum or natural gas would have been used;

(c) Generate electricity to replace an existing source of electricity or to provide a new source of electricity for sale by or use in the trade or business;

(d) Perform a process that obtains energy resources from material that would otherwise be solid waste as defined in ORS 459.005; or

(e) Manufacture or distribute alternative fuels, including but not limited to electricity, ethanol, methanol, gasohol or biodiesel.

(60) "Renewable Energy Storage Device": A facility that enables the storage of energy derived from Renewable Energy Resources as defined in ORS 469.185(12). To qualify as a renewable energy storage device a facility does not need to be directly connected to a renewable energy resource, but a beneficial relationship must be demonstrated between the energy output of the resource or resources and the charge and discharge capabilities of the facility. A Renewable Energy Storage Device includes, but is not limited to, batteries or similar devices used to provide propulsive energy in electric vehicles. The storage device may be designed to store energy for transmission lines provided that the transmission lines serve, at least in part, renewable energy resources.

(61) "Rental Dwelling": means any property that meets the requirements of the state building codes and contains a dwelling unit or rooming unit with permanent living facilities. Living facilities include facilities for sleeping, eating, cooking and sanitation, for one or more persons, other than the property owner, which is subject to a rental agreement that provides for meaningful compensation to the owner and which compensation is subject to Oregon income or excise tax.

(62) "Rental Weatherization": means energy conservation and efficiency measures that improve the energy efficiency of a rental dwelling. In order to qualify for a BETC, an applicant must meet requirements (a) through (c):

(a) An applicant must be planning to perform a minimum of two weatherization measures on the rental dwelling if one of the measures is to replace windows on the rental dwelling. Eligible second measures include one of the following:

(A) Adding floor insulation to R-21,

(B) Attic/ceiling/roof insulation to R-38 or cavity fill,

(C) Wall insulation to R-13 or cavity fill,

(D) Replacing exterior doors to R-5,

(E) Duct sealing and testing by a contractor certified by the Residential Energy Tax Credit program, or

(F) An applicant can demonstrate that the measures (A) through (E) above have already been completed by providing an energy audit from the Energy Trust of Oregon or the applicant's utility, if unavailable the Department may approve another type of energy audit.

(b) Prior to being eligible to receive a BETC for installing a renewable facility on a rental dwelling, all standard weatherization measures, including roof insulation to a minimum of R-38, floor to minimum of R-21 and walls to a minimum of R-13 (where achievable on outside walls where no insulation is present) must be completed. An applicant shall provide appropriate documentation, such as an energy audit as described above in section (a)(F), to verify standard weatherization measures.

(c) For purposes of meeting the requirements of ORS 469.207, when a utility audit is not available, a vendor-provided audit demonstrating substantial savings and approved by the Department will suffice. A self-audit based upon the following list may be substituted when accompanied by U-values, areas, and other appropriate general information regarding the measures, including:

(A) Caulking, weather-stripping and other prescriptive actions to seal the heated space and ducts in a dwelling;

(B) Insulation of ceilings or attics to R-38 if achievable in areas with R-19 or less, including insulation installed on flat roofs and associated ventilation;

(C) Insulation of outside walls to a nominal R-13 if achievable in areas where no insulation is present, of unfinished walls adjacent to unheated areas to R-21 if achievable in areas where no insulation is present, and of finished walls adjacent to unheated areas to R-11 if achievable in areas where no insulation is present;

(D) Insulation of floors over unheated spaces to at least R-25 if achievable in areas where no insulation is present, and materials to support the insulation and needed ground cover and ventilation;

(E) Insulation and sealing of supply and return air ducts in unheated spaces to at least R-8 if achievable and no insulation is present and the ducts are in unheated areas;

(F) Insulation of water heaters, water pipes, or steam pipes in unheated spaces and for at least 10 feet from the water heater in unheated areas to at least R-3 if achievable and no insulation is present;

(G) Double-glazed windows (including sliding doors) with a U-value of 0.30 or lower, when replacing single-glazed windows;

(H) Insulated exterior doors with a U-value of 0.20 or lower (R-5 or higher);

(I) Programmable thermostats; or

(J) Blower door tests and blower door assisted whole house air sealing or duct sealing performed by a contractor certified by the Department's Residential Energy Tax Credit technician certification program.

(d) If an applicant undertakes envelope measures, the following requirements apply:

(A) Replacement windows must have a U-value of 0.30 or less for residences.

(B) U-values must be 10 percent better (lower) than code requirements for commercial.

(C) Insulation that exceeds code requirements or when not required by code is an eligible measure if substantial savings and economic criteria required in the OARs are met.

(63) "Research, Development, and Demonstration Facility (RD&D)": A facility that complies with (a) through (f):

(a) A facility that is not standard practice and that is likely to produce or produces products or technologies that are likely to qualify as a facility in Oregon when commercialized. BETC RD&D applicants' total lifetime project costs will be determined for a defined period established at the time of the initial application and will be capped at \$20,000,000 for renewable energy RD&D and high efficiency CHP RD&D and \$10,000,000 for all other RD&D project types. Additionally, eligible RD&D facilities must comply with one or more of the following criteria:

(A) Research facilities that include a test bench research, prototype or pilot scale construction of a theoretically proved or primary researched technology;

(B) Development facilities that include the new manufacture or initiation of the capability to produce or deliver facilities in Oregon, excluding development facilities that increase established manufacturing or production capacity in Oregon;

(C) Demonstration facilities that are likely to resolve questions on how to apply new technology or that inform the public about new or improved technology through pilot or production scale applications of technology;

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(D) Innovative travel reduction facilities that reduce vehicle miles traveled. The applicant must conduct pre and post surveys that measure travel reductions and submit the results with the application for final certification. A transportation district, mass transit district, or metropolitan service district within a community of 50,000 or more people may not qualify for more than \$2 million annually in eligible costs for innovative travel reduction programs;

(E) Facilities that improve energy efficiency in a focused geographic area through the replacement of outmoded energy equipment with energy-efficient equipment; or

(F) Facilities in the Director's determination are likely to achieve Oregon Department of Energy goals.

(b) A facility that demonstrates a reasonable potential to result in energy or conservation benefits in Oregon for which the value is likely to exceed the value of the tax credit, based on information filed with the application for preliminary certification.

(c) A qualifying RD&D facility that exclusively supports renewable energy resource use will be eligible for a 50 percent BETC; all other qualifying RD&D facilities will be eligible for a 35 percent tax credit.

(d) Eligible costs for a Research, Development or Demonstration facility may include:

(A) Engineering, design and administrative costs

(B) Costs inherent in a research, development and demonstration facility that may not result directly in saved or produced energy. Such costs may include:

(i) Facility design, monitoring, assessment, evaluation and reporting. This includes but is not limited to: the development of standards, specifications, policies and procedures facilitating technology transfer; instruments, and controls.

(ii) Other equipment needed to monitor, assess or evaluate the facility and the impacts of the facility.

(C) The following costs related to demonstration model(s) may be considered eligible:

(i) Materials for the demonstration model(s).

(ii) The manufacturing, construction, assembly, and/or installation of the demonstration model(s).

(iii) Testing and monitoring the demonstration model(s).

(D) Eligible costs for a Research, Development or Demonstration facility are not subject to OAR 330-090-0110 (20)(f).

(E) Other eligible costs defined by Oregon Administrative Rule.

(e) Ineligible costs for a Research, Development or Demonstration facility may include:

(A) The lease or purchase of land or building(s) unless the applicant can clearly demonstrate to the Director that the cost is necessary and exclusive to the facility.

(B) Other ineligible costs defined by Oregon Administrative Rule.

(f) A Research, Development or Demonstration facility is not eligible to receive a BETC when the facility's activities are a refinement of an existing technology and do not represent a strategic, new or potentially large benefit to Oregon.

(64) "Residential Dwelling": means a structure or the part of a structure that meets the requirements of the state building codes and is used as a permanent home, residence or sleeping place by one or more persons who maintain a household or by two or more persons who maintain a common household. A BETC may not be claimed for a renewable energy facility located in, adjacent to, or on a one or two family home unless the home is used exclusively as a rental dwelling.

(65) "Residential Energy Tax Credit Qualifying Equipment": means equipment that qualifies under the standards and rules for the Residential Energy Tax Credit from the Department. The equipment is eligible for the BETC in either of the two following methods:

(a) A facility that consists solely of equipment that is on the qualifying equipment list at the time of the application submittal may apply as outlined in the Oregon Administrative Rules 330-090-0105 using operating schedules, capacity, efficiency and cost information to prove qualification; or

(b) The facility, made up of qualifying equipment may also effectively qualify what would otherwise be an eligible Residential Energy Tax Credit facility through the BETC Program by using the following formula. Residential tax credit amount (from qualifying appliance list) \div 0.35 = BETC eligible cost.

(66) "Riders": Employees, students, clients, customers, or other individuals using transportation facilities or transportation facilities for travel.

(67) "Service Life": Equipment service life is as established in the 2007 edition of the American Society of Heating, Refrigeration and Air

Conditioning Engineers (ASHRAE) Heating, Ventilating and Air Conditioning (HVAC) Applications Handbook or as determined by the Director for equipment not rated by ASHRAE. The Department may prorate the eligible project cost based on the remaining service life of the equipment. If the baseline facility has exceeded its service life, only an incremental facility will be considered eligible for a tax credit.

(68) "Simple Payback": The total eligible cost of a facility divided by the expected yearly energy cost savings, stated in years.

(69) "Standard Practice": Conventional equipment or material applied in a way that it may be observed as a common or necessary feature of new and existing businesses.

(a) In new commercial construction it may include but is not limited to: electronic fluorescent ballasts; T-8 fluorescent lamps, compact fluorescent lamps that are not hard wired; parabolic louvered fluorescent fixtures; R-19 insulated walls in wood frame construction; variable air volume space conditioning systems; the portion of energy management controls that monitor for life safety, maintenance, or control process for purposes other than saving energy.

(b) In other energy facilities it may include but not be limited to propane powered lift trucks, electric golf carts or curbside recycling bins.

(c) Any other equipment, material, or applications of equipment or material as determined by the Director.

(70) "Substantial Energy Savings": Means that the Department has determined that:

(a) A facility, other than a lighting retrofit or sustainable building facility and excluding Research Development & Demonstration, transportation, recycling market development, recycling facility, will save at least 10 percent of the energy used in a given facility;

(b) A lighting retrofit facility will reduce the affected lighting system energy use by at least 25 percent;

(c) The energy facility is a sustainable building practices facility as defined under "Sustainable Building Practices Facility" of this rule; or

(d) The facility measures are measures that would qualify under or are measures recommended in an energy audit completed under ORS 469.631 to 469.645, 469.649 to 469.659, and 469.673 to 469.683.

(71) "Sustainable Building Practices Facility": Means a building facility as defined under "Commercial New Construction" of this rule and that:

(a) Is rated and certified LEED-NC™, LEED-CS™, or LEED-CI™ under the Leadership in Energy & Environmental Design (LEED™) Green Building Rating System managed by the U.S. Green Building Council or is rated and certified by a program approved by the Department that provides comparable performance on environmental measures and equivalent or better energy performance as documented by whole building energy modeling, is commissioned and is verified by an independent third party. In addition, a facility must:

(A) In achieving its LEED™ rating, the facility must earn at least two points under Energy & Atmosphere Credit 1 (Optimize Energy Performance).

(B) In achieving its LEED™ rating, the facility must earn at least one point under Energy & Atmosphere Credit 3 (Enhanced Commissioning).

(b) Each LEED-NC™ or LEED-CS™ facility must calculate and report the building's annual solar income in Btu (not the site income). The calculation must account for the contribution from each face (orientation with surfaces exposed to direct sunlight) and must take into account any existing or reasonably expected shading (by other buildings or vegetation, e.g.) of these surfaces. Calculations may ignore such things as rooftop or wall-mounted mechanical facility components.

(c) Facilities using on-site renewable energy production technologies such as photovoltaic or wind technologies may treat these elements as a separate renewable energy resource facility for tax credit purposes, provided that any points earned for such features in the LEED™ rating are not required to achieve the rating on which the Sustainable Building facility credit is to be based. In cases where subtracting such points would result in a lowering of the LEED™ rating (e.g. from Gold to Silver), the tax credit will be awarded on the basis of the lower rating. The rating point total, net of renewable generation credits, can never be less than that required for a Silver rating.

(72) "Total Cost": The eligible cost of a facility not limited by ORS 469.200

(73) "Transportation District": A transportation district included in ORS 184.675(7).

(74) "Transportation Facility": A facility that reduces energy used for traveling, including but not limited to traveling to and from work or school,

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work-related travel or travel to obtain medical or other services. A transportation facility must meet one or more of the following criteria:

(a) Telework defined as working from home instead of commuting a longer distance to the principal place of employment. It does not include home-based businesses or extension of the workday. Telework equipment must be installed to reduce employee vehicle miles traveled a minimum of 45 working days per 12 consecutive months. Eligible costs include purchase and installation of new equipment at the telework site. Computer, facsimile device, modem, phone, printer, software, copier, and other equipment necessary to facilitate telework as determined by the Director are eligible costs. Eligible cost for telework facilities does not include replacement cost for equipment at the principal place of business when that equipment is relocated to the telework site; fees for maintenance and operation of any equipment; office furniture and office supplies or training costs.

(b) Telework for the purpose of reducing business vehicle miles traveled must reduce employee business related travel by 25 percent.

(c) Commuter pool vehicles transporting three or more riders dedicated to reducing vehicle miles traveled. The vehicle must be used a minimum of 150 working days per 12 consecutive months. Eligible cost includes the purchase or cost of the vehicle(s). If vehicles with special equipment are being purchased, a copy of the sales quotation showing the additional cost for the equipment must be submitted. The vehicle must remain in service for five years. Where vehicles are used for business travel other than transporting riders, eligible cost shall be reduced based on the estimated percent of miles dedicated to reducing travel. Transportation districts, mass transit districts, or metropolitan service districts within communities of 50,000 or more people are not eligible if they receive other federal or state funding for the purposes of offsetting the costs.

(d) Transit passes used by an applicant's riders or in fareless zones to reduce vehicle miles traveled. Eligible cost includes the cost of the transit pass or the cost specified in the contract for providing the fareless zone. Transportation districts, mass transit districts, or metropolitan service districts within communities of 50,000 or more people are not eligible. Eligible cost also includes the cost of equipment used as a shelter for riders waiting for transit. To be eligible, the shelter must be part of a transit pass facility. Applicants must subtract any employee contributions for transit passes from eligible costs.

(e) Bicycle used by an applicant's riders to reduce vehicle miles traveled a minimum of 45 work days per 12 consecutive months. Maximum eligible costs of \$800 include purchase of bicycles and equipment used to store bicycles. Accessory items, such as locks, panniers, rain gear helmets, etc. are not eligible, except for bicycle lights.

(f) Fees paid by an applicant to a Transportation Management Association (TMA) or nonprofit organization that provides transportation services for the purpose of reducing vehicle miles traveled by a passenger. The fee must be part of a transportation facility and cannot exceed the cost of the transportation facility. To be eligible, the applicant must provide verification of an agreement with the transportation provider for specific services that reduce vehicle miles traveled.

(g) The cost of an incentive program paid by the applicant that provides a financial incentive to a passenger for reducing vehicle miles a minimum of 45 work days per 12 consecutive months. To be eligible the applicant must provide a written incentive program plan for Energy Department approval.

(h) Car sharing is defined as a program in which drivers pay to become members in order to have joint access to a fleet of cars. Eligible cost for car sharing includes the cost of operating a car sharing program, including the fair market value of parking spaces used to store the cars available for the car sharing program, but does not include the cost of the fleet of cars. It does not include operations conducted by a car rental agency.

(i) Transportation Service is defined as a facility that provides transportation services to reduce vehicle miles driven by a single occupant vehicle. The eligible cost for a transportation service facility is the cost for providing the transportation service, but does not include the cost of the vehicle. The transportation service facility must provide service for a minimum of 150 days per 12 consecutive months. Transportation districts, mass transit districts, and metropolitan service districts in communities with 50,000 or more people are not eligible if they receive other federal or state funding for the purposes of offsetting the costs. Applicants must subtract any fare-box contributions from eligible costs.

(j) Individualized Travel Behavior Change is defined as a facility that is a program approved by the Oregon Department of Energy that reduces vehicle miles traveled through one-on-one contact with the participants in a specific geographical area or in a targeted group. Pre and post-facility sur-

veys must be conducted. The applicant must submit a report with the results of these surveys to measure travel reduction. Eligible costs include capital expenditures, administrative and communication costs. Facilities are subject to the VMR cost-effectiveness formula.

(k) Vanpool Program is defined as a facility that is an employer-sponsored or organization sponsored program that provides transportation to registered members to commute on a regular basis. Eligible costs include vehicle operation costs, but do not include the cost of the vehicle. The applicant must conduct pre and post-facility surveys and submit a report with the results of these surveys to measure reduction in vehicle miles. The program must provide service for a minimum of 150 work days per 12 consecutive months. Facilities are subject to the VMR cost-effectiveness formula.

(L) Transportation Services for K-12 Students is defined as a facility that is a program that provides transportation services for K-12 students during the school year. All entities, including transportation districts, mass transit districts, or metropolitan service districts within communities of greater than 50,000 people, are eligible.

(A) The tax credit amount shall be based on the cost per student and a reasonable estimate of the actual number of students served.

(B) Eligible agencies shall develop a monthly cost per student service, based on but not limited to lost revenues, added costs, and VMR cost-effectiveness to be approved by the Department.

(C) The applicant must conduct pre and post-facility surveys and submit a report with the results of these surveys to measure reduction in vehicle miles.

(m) The purchase of efficient truck technology for trucks and related truck trailers, as defined in ORS 801.580, for commercial motor vehicles, as defined in ORS 801.208, that are registered under ORS 803.420, or for commercial motor vehicles that are proportionally registered under ORS 826.009 or 826.011. Eligible efficient truck technology, such as an auxiliary power unit (APU), must be recognized as a verified technology by the U.S. Environmental Protection Agency (USEPA) SmartWay Transport Partnership to potentially qualify.

(A) Eligible projects must meet the following requirements:

(i) Retrofit a truck or add to a newly manufactured truck one or more USEPA SmartWay efficiency measures. With a newly manufactured truck, a new trailer with one or more SmartWay efficiency measures may also be included with this project. The new trailer and newly manufactured truck must independently qualify for tax credits; and

(ii) Eligible vehicles must demonstrate Oregon registration with a current Cab Card as part of the Application for Preliminary Certification by:

(I) Commercial (Oregon-only registration operated solely in Oregon) with a red Oregon-only commercial "YC" plate from the Oregon Motor Carrier Transportation Division (MCTD); or

(II) International Registration Plan (IRP), also referred to as Apportioned registration, with a red Apportioned "YA" plate from the Oregon MCTD. For IRP vehicles, eligible facilities must meet the following requirements as part of the application for preliminary certification:

(a) Provide the two most recent calendar year IRP billing notices that document the percentage of a vehicle's annual mileage that was driven in Oregon.

(b) For proposed eligible facilities that have no recent calendar year IRP billing notice documentation, provide a signed project owner statement indicating the anticipated percentage of miles that will be driven in Oregon over the next two years.

(B) Applicants that can document that 15 to 50 percent of the annual mileage of a vehicle that meets the requirement in (A) of this subsection occurs in Oregon are eligible to receive a tax credit equal to 35 percent of 71.5 percent of the facility's otherwise eligible certified costs.

(C) Applicants that can document that more than 50 percent of the annual mileage of a vehicle that meets the requirement in (A) of this subsection occurs in Oregon are eligible to receive a tax credit of 35 percent of the facility's eligible certified costs.

(D) Proof that the applicant has a sufficient nexus with the state of Oregon. This includes a dedicated location in Oregon for maintenance, dispatch, and monitoring of facilities.

(E) The facility's simple payback period must be between more than one and fifteen years.

(75) "Transportation Provider": is defined in ORS 469.185(16).

(76) "Transportation Services Contract": is defined in ORS 469.185(17).

(77) "Utility": Gas or electric utilities as defined below.

(a) An Investor Owned Utility (IOU) as defined in ORS 757.005, or its subsidiaries and affiliated interests as defined in ORS 757.015; or

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(b) A Publicly Owned Utility (POU) and people's utility district as defined in ORS 261.010, or a municipal or cooperative utility.

(78) "Vanpool Program": means a program that provides opportunities for a designated group of riders to share the usage of a vehicle to commute between different communities/neighborhoods on a regular basis.

(79) "Vehicle Miles Reduced (VMR)": Reduction in miles achieved by a facility when compared to single occupant vehicles.

(80) "Waste-to-Energy Facility": means an energy resource facility that recovers materials and energy from a waste stream under conditions listed below. The BETC program intends to encourage the responsible use of all resources including waste streams. Generally, recovery of a material will be preferred in comparison to recovery of energy. In order to respect the embedded energy of a material stream the following criteria have been established to define facilities that do not meet the definition of a recycling facility, but provide environmentally responsible recovery from a waste stream. Therefore, equipment used to recover materials and energy from a waste stream is an eligible facility when all of the following conditions are met:

(a) The value of the marketable materials and energy resources recovered from the waste stream, less the value of the external energy resources consumed in the recovery process is greater than the magnitude of the costs incurred or revenues derived in disposal of the waste stream in standard industry practice.

(b) Recovered material/end product, exclusive of fuel or lubricant, exceeds 50 percent or higher on a dry mass basis.

(c) The facility does not increase the release of toxins, fossil-derived greenhouse gas emissions, or other emissions.

(d) The facility does not divert materials from a higher value use.

(e) The facility has an acceptable energy balance as determined by the Director.

(81) "Wind Facility": means a facility that converts wind power into another energy resource.

(82) "Year": Calendar year.

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

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

Stat. Auth.: ORS 469.040 & 469.165

Stats. Implemented: ORS 469.185 - 469.225

Hist.: DOE 7-1985, f. 12-31-85, ef. 1-1-86; DOE 3-1986, f. & ef. 8-29-86; DOE 2-1988, f. & cert. ef. 3-17-88; DOE 3-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 3-1990, f. & cert. ef. 9-20-90; DOE 4-1991, f. & cert. ef. 12-31-91; DOE 2-1992(Temp), f. 12-14-92, cert. ef. 12-15-92; DOE 2-1993, f. & cert. ef. 1-28-93; DOE 5-1993, f. & cert. ef. 12-14-93; DOE 2-1995, f. 12-12-95, cert. ef. 12-15-95; DOE 3-1996, f. & cert. ef. 11-27-96; DOE 2-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 4-1998, f. 12-14-98, cert. ef. 12-15-98; DOE 2-1999, f. 12-22-99, cert. ef. 1-1-00; DOE 1-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 2-2004, f. & cert. ef. 1-21-04; DOE 3-2004, f. & cert. ef. 7-1-04; DOE 1-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 2-2006, f. 9-29-06, cert. ef. 10-1-06; DOE 3-2006, f. 11-27-06, cert. ef. 12-1-06; DOE 3-2008, f. & cert. ef. 3-21-08; DOE 4-2008, f. 6-19-08, cert. ef. 6-20-08; DOE 2-2009(Temp), f. & cert. ef. 11-3-09 thru 5-1-10; DOE 3-2010, f. & cert. ef. 4-30-10; DOE 4-2010(Temp), f. 5-21-10, cert. ef. 5-27-10 thru 11-2-10; Administrative correction 11-23-10; DOE 14-2010, f. & cert. ef. 11-23-10; DOE 3-2011(Temp), f. 4-15-11, cert. ef. 4-18-11 thru 10-14-11; DOE 6-2011, f. & cert. ef. 9-29-11; DOE 7-2011, f. & cert. ef. 10-25-11

330-090-0120

Preliminary Certificate Application Requirements for a BETC

(1) Eligible facilities

(a) The Department may issue only one BETC for each separate and distinct facility under these rules. The following facilities, as further defined in these rules, are eligible for a BETC: An energy facility, recycling facility, rental dwelling weatherization facility, transportation facility, car sharing facility, sustainable building practices facility, alternative fuel vehicle or facilities necessary to operate alternative fuel vehicles, including but not limited to an alternative fuel vehicle refueling station, a high-efficiency combined heat and power facility, a high-performance home, a home-builder-installed renewable energy system or a research development & demonstration facility that complies with these rules.

(b) A proposed facility must meet applicable codes and standards, must include a warranty and must be serviceable locally.

(2) Required information

(a) Persons requesting a BETC shall apply on the Department-approved form for a preliminary certificate. In addition to the information required in ORS 469.205, the applicant shall provide the following information:

(A) The name, address, and phone number of the applicant, owners of the facility, and the developers of the project.

(B) The applicant's federal tax identification number or social security number which may be shared with the Department of Revenue to facilitate the administration of the state tax law.

(C) Proposed facility construction and operational start and finish dates. A facility's start date is the date that the project applicant financially commits to the project. Financial commitment includes, but is not limited

to: making a down-payment or deposit, signing a contract with a vendor, ordering material or equipment, beginning construction or installation.

(D) The proposed facility location within the geographical confines of Oregon or in the case of an alternate fuel vehicle demonstrated intent that the vehicle will be titled in the State of Oregon.

(E) Information demonstrating that the proposed facility will comply with or have a variance from the land use laws of the city or county where the facility will be located;

(F) Information demonstrating that the proposed facility will comply with all other local, federal, and state laws, including but not limited to the following:

(i) A water power energy facility that uses navigable waters or that sells electricity must have a permit, license or exemption from the Oregon Department of Water Resources (DWR) and the Federal Energy Regulatory Commission (FERC). Proof of permits, licenses, or exemptions from DWR and the FERC must be submitted to the Department before a facility is eligible to receive final certification. Also, if the facility uses water from the Columbia River basin, it must comply with the Northwest Power and Conservation Council's Fish and Wildlife Program.

(ii) A geothermal energy facility must have the proper permit from the Oregon Department of Geology and Mineral Industries (DOGAMI) or a permit from DWR.

(iii) A biomass energy facility must have required permits from the Oregon Department of Environmental Quality (DEQ).

(G) A list of appropriate authorizations for all work performed including but not limited to appropriate licenses, permits, or other authorizations that are required by state or local jurisdiction for the facility.

(H) Information demonstrating the intended operation, maintenance and use of the facility, including but not limited to, where appropriate, the amount and type of jobs potentially created or eliminated in the construction, installation and operation of the facility in Oregon, the benefits of the facility with regard to overall economic activity in this state, the amount of projected energy saved, generated or transmitted and a demonstrated intent that the facility will be maintained and operated for at least five years after the facility is operational. Except that, as a condition of the preliminary and final certificate, the following facilities must remain in operation for one year: Tele-working equipment, transit passes, transportation services, incentive programs, car-share programs and individualized travel behavior change programs, and van-pool programs. If an applicant expects that a facility not listed in this subsection will operate less than five years, the applicant may submit a request for approval of the shorter operating period as part of their application for preliminary certification. This request shall include information describing the proposed facility and supporting the proposed operating period. The Director will determine whether to approve the shorter operating period and may include conditions, reductions or other limits on any potential tax credits.

(I) A declaration from the applicant that all property taxes for the facility have been paid and there are no delinquent property taxes associated with the facility.

(J) Applications for facilities using or producing renewable energy resources, or facilities listed as renewable energy resources as defined under ORS 469.185 shall provide all information required as part of the tiered priority system under OAR 330-090-0350.

(b) The Department may request additional information from the applicant in order to determine whether multiple applications have been made for the same facility. The department will make its determination based on the following:

(A) All applications under consideration will be reviewed against other current applications, facilities that have received preliminary certification and facilities that have received final certification within the past 12 months. Further review shall be given to applications which:

(i) when combined exceed the annual limit for a tax credit found in ORS 469.200.

(ii) are individually below the threshold for one year tax credit found in ORS 315.354, but if combined exceed this threshold; or

(iii) when combined, result in assessment within a different category or tier, or against different criteria or cost allowances.

(B) Applications for facilities using or producing renewable energy resources, or facilities listed as renewable energy resources as defined under ORS 469.185 will be determined to be a single facility, despite the number of applications, owners or construction phases, if three or more of the following apply:

(i) The facility is located on one or more adjacent parcels of land or parcels;

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(ii) The facility has been recognized in a license or permit as a single facility by a federal, state, county, city or local authority including, but not limited to siting council, state or local boards or commissions, or the facility has obtained or applied for siting or land use approval and other applicable permits, licenses or site certificates as a single facility or on a single application;

(iii) When the facility is designed to generate energy, the construction of the facility is performed under the same contract with a general contractor licensed under ORS 701 or multiple contracts entered into within one year of each other with one or more general contractors licensed under ORS 701. If facilities will be completed in phases over time, the applicant must demonstrate that each of the phases of the facility would independently qualify as an eligible facility and that each phase of the facility is not interdependent in purpose or the manner in which it will be owned, financed, constructed, operated, or maintained or the facilities or phases of the facility will be determined to be one facility for the purposes of these rules;

(iv) The facility owners have entered into or expect to enter into agreements to share project expenses, personnel, capital investments including generating equipment or other resources related to the facility;

(v) The generating equipment for the facility and the related facility was purchased by the same person or persons who own or operate the facility or have taken action under any of the above factors;

(vi) A facility is connected to the grid through a single connection or multiple connections when there is a shared net metering, power purchase or other applicable transmission agreement; or

(vii) Other factors or considerations which demonstrate that the facility is not a separate and distinct facility based on its construction, operation, maintenance and output.

(C) Applications other than those described in subsections (B) will be considered a single facility if three or more of the following apply:

- (i) shared ownership of facilities,
- (ii) shared location of facilities,
- (iii) project permits are issued to a common entity or at the same time

or

(iv) a shared contract to construct the facilities.

(c) Anticipated capital expenditures and other costs as defined in these rules for the erection, construction, installation or acquisition of the proposed facility, its expected operational life, and its simple payback as defined in ORS Chapter 469 and these rules.

(d) Information demonstrating anticipated substantial energy savings or a description of products that will result from the facility and how those products will result in substantial energy savings.

(e) For a proposed renewable energy resource facility, proof the resource level is adequate for a feasible facility. Such proof includes data listed in (A) through (G). Other data may be used if the listed data cannot be obtained at a reasonable cost, such as for RD&D facilities.

(A) For a solar energy facility: A sun chart and solar insolation data for the site. Facilities must have a Total Solar Resource Fraction of at Least 75 percent.

(B) For a wind energy facility:

(i) The average monthly wind speed for 12 consecutive months at the proposed site. Measure wind speed at or as close as practically feasible to the hub height of a horizontal axis wind machine; or, the equator of a vertical axis wind machine; or

(ii) Measure wind speed at two heights for 12 consecutive months, the lowest one at least 10 meters above ground and estimate the wind speed at hub or equator height; or

(iii) In the event of less than one year's measurements at the proposed site, include the months of on-site measurements and supplement these data with estimated average monthly wind speeds at or near the proposed site to complete the 12 consecutive month data set. Such estimated data should be obtained from a nationally recognized firm that provides estimated wind resource data based on advanced national wind mapping technology; or

(iv) The estimated average monthly wind speed for 12 consecutive months at or near the proposed site obtained from a nationally recognized firm that provides estimated wind resource data based on advanced national wind mapping technology.

(v) In the event that estimated wind resource data are used as described under section (iii) and (iv) above, the project owner shall provide to the Department not later than 14 months after the start-up date, one year of actual monthly energy production data and, if available, actual monthly average wind speed data at wind energy facility's site.

(vi) Proposed equipment must meet the following:

(I) Each proposed model of the system must demonstrate reliable operation of that model of equipment and show monthly data of average

energy produced (kWh) and average wind speed for one consecutive year at a site with average annual wind speeds of at least 12 mph; or

(II) Proof that the proposed wind system model is listed on the official list of Qualified Wind Generators published by the Energy Trust of Oregon, the California Energy Commission, or the New York State Energy Research and Development Authority (NYSERDA) in effect on April 30, 2010; or

(III) The proposed manufacturer's power curve, the estimated annual energy production based on the site's wind speed data, and the manufacturer's performance guarantees (on-line availability and power curve).

(vii) The Department reserves the right to deny eligibility for any wind system for any reason including, but not limited to: poor generator performance, concerns about wind generation system design or quality of data presented, lack of manufacturing support for maintenance, warranties, etc., and insufficient experience with generation.

(C) For a geothermal energy facility (except a heat pump system): A plot of well temperature versus time at the design flow rate at steady state temperature.

(D) For a water power facility: One year of actual or predicted average monthly stream flows. If flows are predicted, describe the method used to predict flows.

(E) For a biomass energy facility: Data that show the resource is available in an amount that meets the facility's energy requirements for a period of a minimum of five years.

(F) For a waste heat recovery facility: A table showing how much waste heat is available and from what sources.

(G) For wood-fired boilers or furnaces with heat output capacities of less than 2 million British Thermal Units per Hour: Certification that they produce particle emissions equal to or less than 2.5 grams per hour for catalytic stoves and 4.5 grams per hour for noncatalytic stoves by an independent wood stove laboratory currently certified by the United States Environmental Protection Agency (US EPA).

(f) The payment required by OAR 330-090-0150(3).

(g) For proposed alternative fuel vehicle facilities: proof that the proposed vehicle or conversion equipment is on DEQ's approved list in effect on December 1, 2007, the current exhaust emissions, the expected emission reductions, the expected annual energy and/or cost savings (if any).

(h) For proposed alternative fuel vehicle facilities: the proposed number of vehicles to be converted or new vehicles purchased, the expected annual fuel savings, the type of alternative fuel used, and the expected annual amount of alternative fuel used.

(i) For proposed alternative fuel fueling station facilities: a description of proposed fueling systems, the estimated number of alternative fuel vehicles that will use the proposed station, the type of alternative fuel that will be dispensed, and the expected annual amount that will be dispensed.

(j) For proposed transportation facilities: required documentation for each category specified under the definition of "Transportation Facility" in these rules.

(k) For a proposed waste-to-energy renewable energy resource facility that meets the definition of waste stream includes the anticipated percentage of waste stream product to be recovered and a remediation plan for anticipated emissions and byproducts.

(3) Standards When Reconstructing a Facility: If a facility is reconstructed and an application for preliminary certification is filed seeking a tax credit on the reconstructed facility, any tax credit certified for the reconstructed facility will be reduced by the amount of the original tax credit remaining for the original facility.

(4) If the Department determines that the applicant qualifies for a BETC, the Department may issue a preliminary certification. The preliminary certification may contain specific criteria and conditions for the facility to meet in order to obtain a final certification based on the information provided in the application for the BETC and type of facility that is described in the application. In addition, the Department may require the applicant to enter a performance agreement or other similar agreement as a condition of approval.

Stat. Auth.: ORS 469.040 & 469.165

Stats. Implemented: ORS 469.185 - 469.225

Hist.: DOE 7-1985, f. 12-31-85, ef. 1-1-86; DOE 4-1991, f. & cert. ef. 12-3-91; DOE 2-1993, f. & cert. ef. 1-28-93; DOE 5-1993, f. & cert. ef. 12-14-93; DOE 2-1995, f. 12-12-95, cert. ef. 12-15-95; DOE 3-1996, f. & cert. ef. 11-27-96; DOE 2-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 4-1998, f. 12-14-98, cert. ef. 12-15-98; DOE 2-1999, f. 12-22-99, cert. ef. 1-1-00; DOE 1-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 2-2004, f. & cert. ef. 1-21-04; DOE 3-2004, f. & cert. ef. 7-1-04; DOE 1-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 3-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 3-2008, f. & cert. ef. 3-21-08; DOE 4-2008, f. 6-19-08, cert. ef. 6-20-08; DOE 2-2009(Temp), f. & cert. ef. 11-3-09 thru 5-1-10; DOE 3-2010, f. & cert. ef. 4-30-10; DOE 4-2010(Temp), f. 5-21-10, cert. ef. 5-27-10 thru 11-2-10; Administrative correction 11-23-10; DOE 14-2010, f. & cert. ef. 11-23-10; DOE 7-2011, f. & cert. ef. 10-25-11

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330-090-0130

How the Oregon Department of Energy Processes a BETC Application

(1) General:

(a) The Director reviews a BETC application in two stages. The first stage is called preliminary certification. The second stage is called final certification. The final certification consists of the determination of eligible costs for purposes of the tax credit and the issuance of the BETC final certificate.

(b) To begin the review process for each stage, or to change the facility during the review process, an applicant must submit an application on the form approved by the Department. Applications for facilities that use or produce renewable energy resources, or are listed as renewable energy resources as defined under ORS 469.185, must be submitted under the tiered priority system described in OAR 330-090-0350 and include any additional requirements under this section.

(c) A facility owner planning to use a Pass-through Partner will select the pass-through option on the Application for Preliminary Certification.

(d) The Director may impose conditions in approving a preliminary or final certification that the facility must operate in accordance with the representations made by the applicant, and is in accordance with the provisions of ORS 469.185 to 469.225 and any applicable rules or standards adopted by the Director.

(e) If the Department determines that the applicant qualifies for a BETC, the Department may issue a preliminary certification. The preliminary certification may contain specific criteria and conditions for the facility to meet in order to obtain a final certification based on the information provided in the application for the BETC and type of facility that is described in the application. In addition, the Department may require the applicant to enter a performance agreement or other similar agreement as a condition of approval.

(2) Pre-Approval of Preliminary Certifications: The Director has pre-approved preliminary certifications for the following facilities that the Department has reviewed and determined to be otherwise qualified under these rules:

(a) Alternate energy devices qualifying for a tax credit under the Residential Energy Tax Credit Program, OAR 330-070-0010 through 330-070-0097, for which the Department has determined qualified costs, energy savings, and eligible tax credits. A facility owner may file for a preliminary certification to present documentation supporting different determinations for review and approval.

(b) Pre-qualified hybrid-electric vehicles.

(3) Preliminary Certification Review Process: Except as provided in OAR 330-090-0130(1) and (2), a completed application for preliminary certification shall be received by the Department on or prior to the erection, construction, installation or acquisition of a facility.

(a) Within 60 days after an application for preliminary certification is filed, the Director will decide if it is complete. An application is incomplete if it does not include information needed to demonstrate substantive compliance with the provisions of ORS 469.185 to 469.225 and any applicable rules or standards adopted by the Director. The Director will provide the applicant a written notice relating to the incomplete application and the information needed to make the application complete. If no action is taken within 30 days by the applicant, the application will expire.

(b) Within 120 days after a completed application is submitted the Director will notify the applicant of the status of the application, except as otherwise provided in subsection (5), if the applicant has not been notified otherwise the application has been denied.

(A) If it complies, the Director will approve the preliminary certification. The preliminary certification will state the amount of the costs that are eligible (eligible costs) for a BETC up to the maximum amount of certifiable costs under ORS 496.200. It may differ from the amount requested for reasons explained in the preliminary certification and based on these rules. Also, it will state any conditions that must be met before development, final certification, or some other event can occur. The Director will explain why each condition is needed to comply with these rules.

(B) If it does not comply, the Director will deny the application. No later than 60 days after the Director issues an order denying the application, the applicant may request reconsideration as provided in OAR 330-090-0133(4).

(C) An applicant can re-submit an application that is denied if features of the facility change, the applicant provides data the absence of which resulted in the denial, or other changes warrant. An application for preliminary certification can be amended or withdrawn by the applicant before the Director issues a preliminary certification. If an application is amended, the

time within which review occurs starts over. An applicant may request reconsideration of an application denial under this rule.

(4) Preliminary Certification After Start of a Facility:

(a) If a facility has been started an applicant may file a written request with the Director for approval of a preliminary certification after facility start. Such a request must contain information in accord with OAR 330-090-0120 and OAR 330-090-0130(5)(b).

(b) The Director may approve preliminary certification after facility start if:

(A) The request is in accord with OAR 330-090-0120;

(B) Special circumstances make application for preliminary certification before facility start up impracticable. Such circumstances include process delays beyond the applicant's control, facility funding and energy supplies or markets; and

(C) The Director receives the waiver request within 90 days of facility start date. Under extraordinary circumstances the Director may extend the waiver period provided the facility serves the aims of the program.

(D) Failing to submit an application for preliminary certification before signing contracts for the facility does not constitute special circumstances supporting a waiver.

(5) How Preliminary Certification Can be Revoked: The Director may alter, condition, suspend, deny or revoke a preliminary certification for a reason listed in this section

(a) A facility is not completed and a complete final certification application received before 1,095 days (3 years) after the preliminary certification was issued or a further 730 days (2 years) if an extension has been approved.

(b) Permits, waivers, and licenses required by OAR 330-090-0120 are not filed with the Department before facility development starts.

(c) The facility undergoes changes without the changes being approved under OAR 330-090-0130(7).

(d) Any other reason allowed by the amendments to ORS 469.210 (3) in Oregon Laws, 2010, Chapter 76, Section 11.

(6) Amendments to Preliminary Certifications: To change a facility that has a preliminary certification and amend the preliminary certification, the applicant must file a written request with the Director prior to the project completion date.

(a) The request must describe the change to the facility and reasons for the change. It may include changes in cost, tax credit amount, facility design, and materials. The request may also include changes in the amount of energy saved or produced, jobs created, project financing, the applicant, the location, or other matters that demonstrate substantial change in the project's scope. The request must be accompanied by the appropriate fee.

(b) If a request does not include information needed to demonstrate substantive compliance with the provisions of ORS 469.185 to 469.225 and any applicable rules or standards adopted by the Director, the department will provide the applicant a written notice relating to the information needed to make the request complete. If the applicant does not provide all of the requested information to the Department within 30 days, the request will expire and no changes will be made to the preliminary certification.

(c) Preliminary certifications issued for facilities using or producing renewable energy resources, or facilities listed as renewable energy resources as defined under ORS 469.185, shall not be eligible for consideration of amendments other than those listed below in (A) through (C). An eligible amendment cannot change the tier within which the application was reviewed.

(A) Equipment capacity within 10 percent of the approved specification;

(B) Amendments to the facility that do not result in an increased potential tax credit amount, but increase output or otherwise improve the facility; or

(C) Changes in ownership.

(d) Within 60 days after the applicant files the change request, the Director will decide if the facility as modified complies with these rules.

(A) If it complies, the Director may issue an amended preliminary certification which may contain new or amended criteria, conditions and requirements.

(B) If it does not comply, the Director will issue an order that denies the change and provide written reasons for the denial.

(e) The amendments to ORS 315.354, 315.356 and 469.220 by Oregon Laws, 2011, Chapter 693 Section 1 do not provide a basis for applicants to obtain amendments to certifications issued under ORS 469.210 or 469.215.

(7) If the facility does not proceed: The applicant must inform the Director in writing if it does not proceed with the facility or proceeds with-

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out the tax credit. In that case, the Director will cancel the preliminary certification.

(8) Pass-through Option Process and Application:

(a) In addition to the application for preliminary certification, an applicant who plans to transfer the tax credit certificate to a Pass-through Partner must complete and file the Pass-through Option Application form supplied by the Department.

(b) If the Pass-through Partner is not yet secured at the time of the Application for Preliminary Certification, the facility owner will complete that section of the application by inserting "Partner to be identified" and will submit an updated application when the Pass-through Partner is secured.

(c) The Department will not transfer and issue a final certificate to a pass-through partner until the facility owner provides evidence to the Department that the owner has received the pass-through payment in full.

(9) Extension of Preliminary Certification: Applicants who have not previously extended their certification and whose preliminary certification is anticipated to expire prior to completion of the facility may apply for an extension of an additional two years from the current expiry of the preliminary certification.

(a) Applicants must submit a written request to the department, accompanied by the appropriate fee, describing the progress made in developing the facility since the department issued the preliminary certification and verifying that the project will be developed in accordance with the initial approval, within two years from the current end of the preliminary certification and prior to the sunset date of the program. The request shall include the new proposed facility completion date. Requests may be made no earlier than 6 months prior to the expiration of the existing preliminary certification.

(b) If an applicant wishes to make changes other than to the completion date, the applicant must submit a request for amendment as described in ORS 330-090-0130(7).

(c) If a request or original application does not include information needed to demonstrate substantive compliance with the provisions of ORS 469.185 to 469.225 and any applicable rules or standards adopted by the Director the department will provide the applicant a written notice specifying the information needed to make the request complete. If the applicant does not provide all of the requested information to the Department within 30 days, the request will expire and no extension will be made to the preliminary certification expiration date.

(d) The department will review the previously approved application against current statute and rules. Within 60 days after the department receives the extension request, the Director will decide if the request complies with these rules.

(A) If it complies, the Director may issue an amended preliminary certification which may contain new or amended criteria, conditions and requirements.

(B) If it does not comply, the Director will issue an order that denies the extension and provide written reasons for the denial.

(10) Final Certification Review Process and Application: An application for final certification must be filed after the facility is completed as defined in these rules.

(11) An application for final certification must include:

(a) Evidence to demonstrate that:

(A) The facility complies with all conditions and criteria of the preliminary certification and with the provisions of ORS Chapter 469 and the rules adopted thereunder;

(B) The facility remains in compliance with local, state, and federal laws, including local land use laws and with any conditions imposed by the local government as a condition of land use approval; and

(C) The facility will be maintained and operated for at least five years after the facility is placed into operation, or a lesser period if approved and specified on the preliminary certification.

(i) An account of the facility costs, including prorated costs.

(I) If facility costs are less than \$50,000, the account may be records of facility costs paid or incurred based on canceled checks, invoices, receipts, a binding contract or agreement, or other documentation as may be required under these rules unless required by the Director to supply verification from a certified public accountant, who is not otherwise permanently employed by the facility owner or pass-through partner. If an applicant has an outstanding binding contract or loan agreement, the account shall demonstrate that payments on contract or loan are not in default; or

(II) If the facility costs are \$50,000 or more, a certified public accountant, who is not otherwise permanently employed by the facility owner or pass-through partner, must complete a written review and sum-

mary of costs paid or incurred based on canceled checks, invoices, or receipts, a binding contract or agreement, or other documentation as may be required under these rules. If an applicant has an outstanding binding contract or loan agreement, the certified public accountant shall include sufficient information to demonstrate that accounts directly related to the facility are not in default.

(III) The application must include information regarding any federal grants applied for or received in connection with the facility including, without limitation, the grant(s) applied for, the date of each application, the amount of the requested grant(s), when applicant expects to receive notice of grant approval or denial and any other information that may be required by the director. Final total costs will be reduced dollar for dollar by any federal grant amount received by a taxpayer in connection with the facility.

(C) For a Sustainable Building Practices Facility, a copy of the facility U.S. Green Building Council (USGBC) Rating Certificate, USGBC Final LEED™ Review, Energy Performance Documentation, Narrative for Energy and Atmosphere Credit 1, Annual Solar Income as described in the rules and method of calculation will be accepted in lieu of facility cost receipts.

(D) Proof the facility is completed and operating.

(E) If the facility is leased or rented, a copy of the lease or rental agreement.

(F) For Alternative Fuel Vehicle facilities, proof of conversion must include a copy of vehicle emission test performance results from DEQ or a conversion shop.

(G) Documentation that the applicant and facility owner or owners are current on their property taxes where the facility is located if appropriate; and

(H) Other data the Director finds are needed to assure a facility complies with these rules and conditions imposed in the preliminary certificate

(I) The names of the person or persons who are to be issued the final certificate. If the final certificate is to be issued to a pass-through partner, the Department will not issue the certificate until the appropriate criteria, conditions and requirements of the preliminary and final certification and these rules are satisfied.

Stat. Auth.: ORS 469.040 & 469.165

Stats. Implemented: ORS 469.185 - 469.225

Hist.: DOE 7-1985, f. 12-31-85, ef. 1-1-86; DOE 3-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 4-1991, f. & cert. ef. 12-31-91; DOE 2-1992(Temp), f. 12-14-92, cert. ef. 12-15-92; DOE 2-1993, f. & cert. ef. 1-28-93; DOE 5-1993, f. & cert. ef. 12-14-93; DOE 2-1995, f. 12-12-95, cert. ef. 12-15-95; DOE 3-1996, f. & cert. ef. 11-27-96; DOE 2-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 4-1998, f. 12-14-98, cert. ef. 12-15-98; DOE 2-1999, f. 12-22-99, cert. ef. 1-1-00; DOE 1-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 2-2004, f. & cert. ef. 1-21-04; DOE 3-2004, f. & cert. ef. 7-1-04; DOE 1-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 2-2006, f. 9-29-06, cert. ef. 10-1-06; DOE 3-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 3-2008, f. & cert. ef. 3-21-08; DOE 4-2008, f. 6-19-08, cert. ef. 6-20-08; DOE 2-2009(Temp), f. & cert. ef. 11-3-09 thru 5-1-10; DOE 3-2010, f. & cert. ef. 4-30-10; DOE 4-2010(Temp), f. 5-21-10, cert. ef. 5-27-10 thru 11-2-10; Administrative correction 11-23-10; DOE 14-2010, f. & cert. ef. 11-23-10; DOE 3-2011(Temp), f. 4-15-11, cert. ef. 4-18-11 thru 10-14-11; DOE 6-2011, f. & cert. ef. 9-29-11; DOE 7-2011, f. & cert. ef. 10-25-11

330-090-0133

How ODOE Processes a Final Application

(1) Processing the Final Certification: To qualify for a Final Certification, the facility must be completed as described in the Application for Preliminary Certification and the Preliminary Certificate. Any changes to the Preliminary Certificate and/or Application for Preliminary Certification must complete the amendment process outlined in these rules prior to the project completion date. Failure to obtain approval through the amendment process may result in denial of the Final Certification Application.

(a) Applications shall be considered received for the purposes of ORS 469.220 on the date marked received by the department, unless the application is incomplete. If the application for final certification is not complete, the date marked received by the department on the complete application containing all of the required information shall be considered the received date.

(A) When a facility owner chooses to transfer the tax credit under ORS 469.206, the Department may hold the application for final certification until pass-through partner(s) information is received by the Department. Except for a facility using or producing renewable energy resources with a certified cost that exceeds \$10 million, any application in which the facility owner has indicated a choice to transfer the tax credit under ORS 469.206 is not a "completed application" until the Department receives both the completed final certification application form from the facility owner and the completed pass-through partner agreement form for the tax credit, or portion of the tax credit, being transferred to that pass-through partner. The receipt of the completed application by the Department begins the certification period, as provided in ORS 469.220.

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(B) As provided in Oregon Laws, 2011, Chapter 693, Section(2)(c), a facility using or producing renewable energy resources with a certified cost that exceeds \$10 million and that receives final certification under ORS 469.215 after January 1, 2010, a final certification application shall be considered complete without the identification of a transferee for purposes of ORS 469.206 or 469.208. (C) If more than one pass-through partner is being transferred the credit, facility owners may have up to 18 months from the date the first pass-through partner agreement form is received by the Department to begin each certification period of the tax credit. For pass-through partner(s) agreement forms received by the Department after the 18-month period, the certification period begins 18 months from the date the first pass-through partner agreement form was received by the Department.

(D) For purposes of administering the sunset of the program, the Department may issue a Final Certificate to a facility owner who previously indicated a choice to transfer a tax credit to a pass-through partner under ORS 469.206, if the Department has not received a completed application that includes the signed pass-through partner agreement form at least sixty days prior to the sunset date for the BETC program provided under ORS 315.357. The Final Certificate will be issued to a facility owner if the only piece causing the application for final certification to be incomplete is the pass-through partner(s) agreement form.

(b) Within 30 days after a final certification application is received, the Director will determine whether the application is complete. An application is incomplete if it does not include information needed to demonstrate substantive compliance with the provisions of ORS 469.185 to 469.225 and any applicable rules or standards and preliminary certification conditions adopted by the Director. If it is not complete, the applicant will be provided a written explanation describing deficiencies. If it is complete, the Director will process the application. Within 60 days after a completed final certification application is received the director will either approve or deny the final certification. Prior to the program sunset, the Director will process a complete final certification application received by April 30, 2012. The Director does not guarantee that a complete final certification application received after April 30, 2012 will be processed prior to the program sunset.

(c) If the Director approves the application, the Director will issue final certification, which will state the amount of certified costs and the amount of the tax credit approved. The final certification may contain additional criteria and conditions that must be met in order to retain tax credit benefits or the tax credit certificate may be subject to revocation. If the facility fails to meet any of the criteria, conditions and requirements established in the final certification, the facility owner must notify the Department within 30 days.

(d) For efficient truck technology facilities the department may, upon the request of the applicant, issue no more than two final certificates for each preliminary certification, up to the amount of the preliminary certification.

(2) Basis for Denying Tax Credit Benefits

(a) If the Director does not approve the application, the Director will provide written notice of the action, including a statement of the findings and reasons for the denial by regular and certified mail.

(b) A final certification application that is denied can be submitted again. A final certification application can be amended or withdrawn by the applicant. If an application is submitted again or amended, the time within which final certification review occurs starts over.

(c) If the Director does not issue a final certification within 60 days after an application is filed, the application is denied pursuant to ORS 469.215(4).

(d) The Director may deny a final certificate if:

(A) The applicant does not provide information about the facility in a reasonable time after the Director requests it;

(B) The facility is significantly different than the proposed facility for which the preliminary certification was issued;

(C) The applicant misrepresents or fails to construct or operate the facility;

(D) The applicant fails to demonstrate that the facility described in the application is separate and distinct from previous or current applications reviewed by the Department;

(E) The facility does not meet all of the conditions and requirements contained in the preliminary certificate; or

(F) The applicant is unable to demonstrate that the facility complies with all applicable provisions of ORS Chapter 469 and the rules adopted thereunder.

(3) Basis for Revoking Tax Credit Benefits

(a) The Director may revoke certificates as provided in ORS 469.225 and ORS 315.354 (5). For the purposes of this section, "fraud or misrepresentation" means any misrepresentation made by an applicant for a preliminary or final certification, including but not limited to, misrepresentations as to the applicant's financial viability, facility construction and operation, or any other information provided as part of an application for a preliminary or final certification.

(b) After the Director issues a final certificate, an applicant must notify the director in writing of any of the following conditions:

(A) The facility has been moved;

(B) Title to the facility has been conveyed;

(C) The facility is subject to or part of a bankruptcy proceeding;

(D) The facility is not operating; or

(E) The term of a leased facility has ended.

(c) Pursuant to ORS 469.225, upon receiving information that a BETC certification was obtained by fraud or misrepresentation, or that the facility has not been constructed or operated in compliance with the requirements in the certificate, the Director shall revoke the certificate for the facility.

(d) A revocation of the final certification or portion of a certification due to fraud or misrepresentation results in the loss of all prior and future tax credits in connection with that facility. If all or a part of the tax credit certificate has been transferred to a Pass-through partner under ORS 469.206, the certificate is not considered revoked as to the Pass-through partner, but the facility owner is liable for the amount of tax credits claimed or that could be claimed.

(e) The revocation of a certificate due to failure to construct or operate the facility in compliance with the certificate results in the loss of any tax credits not yet claimed by the facility owner. If all or a part of the tax credit certificate has been transferred to a Pass-through partner under ORS 469.206, the certificate is not considered revoked as to the Pass-through partner, but the facility owner is liable for the amount of tax credits claimed or that could be claimed.

(4) Sale or Disposition of the Facility after Final Certification:

(a) Pursuant to ORS 315.354(5), upon receiving notice that the facility has been sold or otherwise transferred, the Director will revoke the final certificate, as of the date of the disposition of the facility, unless the BETC for the facility has already been transferred under ORS 468.206.

(b) The new owner or new or renewed lessee of a facility may apply for a final certificate. The request must comply with OAR 330-090-0130(10) and include information to allow the Director to determine the amount of tax credit not claimed by the former owner or former lessee. If the facility continues to comply with the requirements set out in these rules and any applicable conditions imposed by the Director, the Director will issue a new final certification consistent with the provisions of ORS 315.354(5).

(5) Request for Reconsideration: No later than 60 days after the Director issues an order on a preliminary certification, amendment to a preliminary certification, final certification, or canceling or revoking a final certificate under these rules, the applicant or certificate holder may request reconsideration in writing.

(6) Inspections: After an application is filed under ORS 469.205 or ORS 469.215 or a tax credit is claimed under these rules, the Department may inspect the facility. The Department will schedule the inspection during normal working hours, following reasonable notice to the facility operator.

Stat. Auth.: ORS 469.040 & 469.165

Stats. Implemented: ORS 469.185 - 469.225

Hist.: DOE 2-2009(Temp), f. & cert. ef. 11-3-09 thru 5-1-10; DOE 3-2010, f. & cert. ef. 4-30-10; DOE 4-2010(Temp), f. 5-21-10, cert. ef. 5-27-10 thru 11-2-10; Administrative correction 11-23-10; DOE 14-2010, f. & cert. ef. 11-23-10; DOE 3-2011(Temp), f. 4-15-11, cert. ef. 4-18-11 thru 10-14-11; DOE 6-2011, f. & cert. ef. 9-29-11; DOE 7-2011, f. & cert. ef. 10-25-11

330-090-0150

Budget Limits and Payments for BETC

(1) Amount of Credits Allowed for a Facility:

(a) During any calendar year, a BETC preliminary certification will not be issued for more than:

(A) \$20 million in maximum eligible facility costs for a renewable energy resource facility or high efficiency combined heat and power facility, not including wind facilities with an installed capacity of more than 10 megawatts;

(B) \$7 million in maximum eligible facility costs for a wind facility with an installed capacity of more than 10 megawatts issued a preliminary certification during 2010.

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(C) \$5 million in maximum eligible facility costs for a wind facility with an installed capacity of more than 10 megawatts issued a preliminary certification during 2011.

(D) \$3 million in maximum eligible facility costs for a wind facility with an installed capacity of more than 10 megawatts issued a preliminary certification on or after January 1, 2012.

(E) \$10 million in maximum eligible facility costs for any other facility, not including homebuilder-installed renewable energy facility and high performance home BETC subject to subsection (b).

(b) A final certification for a BETC will not be issued for more than 50 percent of the cost not to exceed \$9,000 for a homebuilder-installed renewable energy facility or \$12,000 if the facility also constitutes a high performance home.

(2) Return of Review Charge for Returned Incomplete Applications: This section does not apply to applications subject to the tiered priority system under OAR 330-090-0350. If under OAR 330-090-0130, the Department does not accept and returns an incomplete application for preliminary certification, the Department will also return the review charge submitted by the applicant.

(3) Cost of Reviews: ORS 469.217 requires applicants to pay all costs for the review of their applications. In order to meet this statutory requirement the Department has established the following schedule for payments to accompany an application.

(a) Included with each application for preliminary certification must be a payment payable to the Department, except for facilities qualifying under OAR 330-090-0130(2), for which a charge must be paid with the application for final certification.

(A) Applicants within tier two or three of the tiered priority system under OAR 330-090-0350 shall include with their initial application a payment to the department of \$500 for the costs of step one. Applicants who are notified that their application is approved for step two will be required to submit an additional fee as calculated under (B) prior to review.

(B) For all facilities except Sustainable Building Facilities or facilities qualifying under OAR 330-090-0130(2), the payment will be 0.0060 multiplied by the facility eligible cost, or \$30 whichever is greater. The maximum payment amount is \$35,000.

(C) For Sustainable Building Facilities, the payment will be 0.0035 multiplied by the eligible cost calculated as required under these rules.

(D) For facilities that qualify under OAR 330-090-0130(2), the payment will be 0.0035 multiplied by the eligible cost as requested in the final certification application.

(b) A refund of up to 75 percent of this payment may be granted up to 730 days (2 years) from the date the preliminary certification application was received by the Department. Under no circumstances will an amount over 75 percent be refunded. Conditions for which a refund may be granted are:

(A) Denial of a application for preliminary certification or for facilities that qualify under OAR 330-090-0130(2) of final certification; or

(B) Denial of a portion of costs requested in an application for preliminary certification or for facilities that qualify under OAR 330-090-0130(2) of final certification; or,

(C) A request to amend a preliminary certification resulting in decreased eligible costs. A refund will not be granted for any costs that are included in a pending certification.

(c) Requests for amendments or changes to a preliminary certification must be accompanied by a payment. The payment is the lesser of \$300 or the preliminary certification application fee for the project. If a request to amend a preliminary certification results in facility re-certification with increased eligible cost then additional application payments will be paid for the additional cost as specified in (3)(a) of this rule.

(d) Requests for extension of a preliminary certification under ORS 469.205 must be accompanied by a payment. The payment is the lesser of \$300 or the preliminary certification application fee for the project.

(e) No facilities will be exempt from these requirements including applications for BETC pass-through under OAR 330-090-0140.

(f) The payment is a required part of a completed preliminary certification application per OAR 330-090-0130, except for facilities that qualify under OAR 330-090-0130(2). Preliminary certifications will only be issued if the application is complete. In addition, the applicant may be required to pay for costs incurred in connection with the application that exceed these payments and which the Director of the Department determines are incurred solely in connection with processing the application. The applicant will be advised of any additional costs the applicant must pay before the costs are incurred.

Stat. Auth.: ORS 469.040 & 469.165
Stats. Implemented: ORS 469.185 - 469.225

Hist.: DOE 7-1985, f. 12-31-85, ef. 1-1-86; DOE 3-1986, f. & ef. 8-29-86; DOE 3-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 4-1991, f. & cert. ef. 12-31-91; DOE 2-1992(Temp), f. 12-14-92, cert. ef. 12-15-92; DOE 2-1993, f. & cert. ef. 1-28-93; DOE 5-1993, f. & cert. ef. 12-14-93; DOE 2-1995, f. 12-12-95, cert. ef. 12-15-95; DOE 3-1996, f. & cert. ef. 11-27-96; DOE 2-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 4-1998, f. 12-14-98, cert. ef. 12-15-98; DOE 2-1999, f. 12-22-99, cert. ef. 1-1-00; DOE 1-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 2-2004, f. & cert. ef. 1-21-04; DOE 3-2004, f. & cert. ef. 7-1-04; DOE 3-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 3-2008, f. & cert. ef. 3-21-08; DOE 4-2008, f. 6-19-08, cert. ef. 6-20-08; DOE 2-2009(Temp), f. & cert. ef. 11-3-09 thru 5-1-10; DOE 3-2010, f. & cert. ef. 4-30-10; DOE 4-2010(Temp), f. 5-21-10, cert. ef. 5-27-10 thru 11-2-10; Administrative correction 11-23-10; DOE 14-2010, f. & cert. ef. 11-23-10; DOE 7-2011, f. & cert. ef. 10-25-11

330-091-0100

Transfer of program to Oregon Business Development Department

House Bill 2523 (2011) transfers the duties of the Business Energy Tax Credit for renewable energy resource equipment manufacturing program from the Oregon Department of Energy to the Oregon Business Development Department on January 1, 2012. These rules remain in effect until replaced by rules adopted by the Oregon Business Development Department, any references to statute deleted by HB 2523(2011) become references to the replacement portion of statute adopted under the bill.

Stat. Auth.: ORS 469.040 & 469.165, 469.185 - 469.225, OL 2011, Ch. 474 HB2523
Stats. Implemented: OL 2011, Ch. 474 HB2523
Hist.: DOE 7-2011, f. & cert. ef. 10-25-11

330-091-0105

What a Business Energy Tax Credit for Renewable Resource Equipment Manufacturing (Manufacturing BETC) Is

(1) A Business Energy Tax Credit for up to 50 percent of the eligible cost of qualifying renewable energy resource equipment manufacturing facilities may be offset against owed Oregon income and corporation excise taxes. An Oregon business or non-profit entity qualifying for the tax credit may transfer the credit through the pass-through option in return for a cash payment.

(2) The Oregon Department of Energy (Department) must issue a final certificate pursuant to ORS 469.215 before the tax credit can be claimed. These rules apply to Business Energy Tax Credit applications for renewable energy resource equipment manufacturing facilities. These rules apply to all applications pending as of the effective date of these rules.

Stat. Auth.: ORS 469.040 & 469.165, 469.185 - 469.225, OL 2011, Ch. 474 HB2523
Stats. Implemented: OL 2011, Ch. 474 HB2523
Hist.: DOE 7-2011, f. & cert. ef. 10-25-11

330-091-0110

Definitions

The following definitions apply unless the context requires otherwise:

(1) "Applicant": An applicant means:

(e) A person who applies for a preliminary certification of a Manufacturing BETC under this section includes:

(A) Individuals, corporations, associations, firms, partnerships, limited liability companies and joint stock companies.

(B) Any cooperative, non-profit corporation, or federal, state or local governments including school districts, water districts, or any other special districts. These entities are qualified applicants when they have a qualified pass-through partner, or commit to select such a partner prior to final certification. These entities must follow all procurement processes, including competitive bid, where applicable.

(f) A person who applies for a final certification of a Manufacturing BETC under this section must be the facility owner listed on the preliminary certification.

(g) The tax credit certificate will be issued to a facility owner or a qualified pass-through partner, but the tax credit may only be claimed pursuant to ORS 315.354.

(h) An applicant for preliminary certification or final certification or a tax credit recipient may not include any business or non-profit corporation or cooperative that restricts membership, sales or service on the basis of race, color, creed, religion, national origin, sexual preference or gender.

(2) "Certified cost": The cost certified in the final certification issued pursuant to ORS 469.215.

(3) "Completed Application": Contains all of the information required in these rules and payments under OAR 330-091-0150. All questions on the application must be answered. A completed application for final certification must also include a completed, signed pass-through partner(s) agreement form, where the facility owner chooses to transfer the tax credit. No application for a final certification in which the facility owner has indicated a choice to transfer the tax credit under ORS 469.206 is considered complete until the Department receives both the completed final certification application form from the facility owner and the completed pass-through partner agreement form for the tax credit, or portion of the tax credit, being transferred to the pass-through partner.

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(4) “Completed Facility”: A facility for which all costs have been paid or committed by a binding contract or agreement and that is installed and operating or, in the case of a Research, Development and Demonstration facility, which the Director determines the applicant has made all reasonable efforts to operate, including making changes required by the Department.

(5) “Component Parts of Electric Vehicles”: means component parts for use solely in Electric Vehicles and not in conventional vehicles. Component parts shall be distinguished by their absence from conventional vehicles and shall not include components that can be used interchangeably in both electric and conventional vehicles. For the purpose of this definition, “conventional vehicle” is a production vehicle that is powered with an internal combustion engine, excluding hybrids.

(6) “Cost”: The actual capital costs and expenses needed to acquire, erect, design, build, modify, or install a facility that is eligible to receive a Manufacturing BETC. Costs financed with federal funds, subject to specific restrictions, terms and conditions may be eligible expenses, including but not limited to costs incurred by federal agencies directly for capital, operating, or other expenses.

(a) Cost can include payments for:

(A) Fees to finance, design or engineer the facility, including but not limited to debt fees and equity fees;

(B) Title searches, escrow fees, government fees, excluding fees required by OAR 330-091-0150, and shipping;

(C) All materials and supplies needed for the erection, construction, installation or acquisition of the proposed facility; and

(D) Work performed by employees or independent contractors of the applicant based on the following conditions:

(i) Employees or contractors must be certified, accredited, licensed, or otherwise qualified to do the work;

(ii) The work must be associated with the erection, construction, installation or acquisition of the proposed facility or in the case of a research development and demonstration facility, the work shall be directly related to the research, development, demonstration, facility design, monitoring, assessment, evaluation and reporting related to the product or technology;

(iii) Project management and other similar costs may only account for up to 15 percent of the total eligible costs; and

(iv) Costs for employee’s or contractor’s work on the energy facility must be detailed and documented as to specific tasks, hours worked, and compensation costs. Donated, in-kind or volunteer labor is not eligible; and

(E) Costs for legal counsel that is directly related to the development of a qualifying facility (non-litigation related) or directly linked to the research, development or demonstration facility (excluding patents, copyrights, etc.).

(b) Cost may not include:

(A) Interest and warranty charges;

(B) Litigation or other operational-related legal fees and court costs;

(C) Patent searches, application and filing payments;

(D) Costs to maintain, operate, or repair a facility;

(E) Administrative costs to apply for grants, loans, tax credits or other similar funding for a facility including, but not limited to, the BETC charge, costs associated with the creation and development of the CPA verification letter and costs associated with securing a pass-through partner for the facility;

(F) Routine operational or maintenance costs associated with the facility, including services, supplies and labor;

(G) Expenses related to training, education or other related expenses;

(H) Expenses that are directly or indirectly offset with federal fee waivers; or

(I) Other costs the Director excludes.

(c) If a facility is built under a lease, lease-option or lease-purchase contract, the lessee’s cost to acquire the facility is the value paid for the facility. If that amount is not known, the cost is the sum of:

(A) Tax credits passed-through by the lessor to the lessee;

(B) The amount paid when the facility is transferred; and

(C) The lease payments not including taxes, insurance, interest, and operating costs.

(D) Payments to be made in the future must be discounted to present value.

(d) The Department may conduct inspections to verify eligible costs.

(e) Eligible facility costs are limited by costs for a facility, or portion thereof, that has previously received a Business Energy Tax Credit.

(f) The sum of any payments from federal grants or credits and the Manufacturing BETC may not exceed total costs.

(7) “Director”: The Director of the Oregon Department of Energy or designees.

(8) “The Department”: The Department of Energy.

(9) “Facility Operator”: The person or people to whom the applicant gives authority to manage a facility. Such person or people will be the applicant’s agent for all reasons related to the facility once its development begins.

(10) “Facility Owner”: An applicant who purchases and owns a qualified facility.

(11) “Facility Start” prior to erection, construction, installation or acquisition: The earliest date on or after the date of the application that meets one of the following criteria:

(a) A non-refundable deposit will be placed on the facility equipment;

(b) A purchase order will be placed for the equipment;

(c) A contract for the design of the facility will be executed;

(d) A document that obligates the applicant to proceed with a facility will be executed; or

(e) Any other type of financial commitment towards the erection, construction, installation or acquisition of the facility

(12) “Federal Grant”: Any grant received from the federal government in connection with a facility.

(13) “Final Certification”: Final certificate issued after completion of an approved BETC facility.

(14) “Lease Contract”: A contract between a lessor and a lessee of a facility.

(a) In a lease-purchase contract the lessee owns the facility at the end of the lease and is eligible for the Manufacturing BETC.

(b) In a lease or lease-option contract the lessor owns the facility through the life of the contract and is eligible for the Manufacturing BETC.

(15) “Net Present Value”: A cash payment equivalent to the net present value of the Manufacturing BETC as determined under OAR 330-091-0140. This is also referred to as the “pass-through rate.”

(16) “Pass-through Option”: An option that allows a facility owner to transfer all or a portion of the facility’s tax credit eligibility to certain persons or businesses in return for a cash payment equivalent to the net present value. A tax credit may be transferred one time only, from the facility owner to an eligible pass-through partner or partners.

(17) “Pass-through Partner”: A personal income tax payer, individual, C corporation or S corporation that is transferred a tax credit certificate in return for a cash payment equivalent to the net present value of all or a portion of the Manufacturing BETC.

(18) “Preliminary Certification”: Preliminary certificate issued upon successful completion of the first stage in obtaining a Manufacturing BETC.

(19) “Renewable Energy Resource Equipment Manufacturing Facility”: means a facility as defined in ORS 469.185 (13) and subject to standards adopted by the Department in these rules.

(20) “Research, Development, and Demonstration Facility (RD&D)”: A facility that complies with (a) through (f):

(a) A facility that is not standard practice and that is likely to produce or produces qualified renewable energy resource equipment products or technologies that are likely to be manufactured in Oregon when commercialized. RD&D Manufacturing BETC applicants’ total lifetime project costs will be determined for a defined period established at the time of the initial application and will be capped at \$20,000,000. Additionally, eligible RD&D facilities must comply with one or more of the following criteria:

(A) Research facilities that include a test bench research, prototype or pilot scale construction of a theoretically proved or primary researched technology;

(B) Development facilities that include the new manufacture or initiation of the capability to produce new manufacturing or production capacity in Oregon, excluding development facilities that increase established manufacturing or production capacity in Oregon;

(C) Demonstration facilities that are likely to resolve questions on how to apply new or improve technology through pilot or production scale applications of technology;

(D) Facilities in the Director’s determination are likely to achieve Department goals.

(b) A facility that demonstrates a reasonable potential to result in energy or conservation benefits in Oregon for which the value is likely to exceed the value of the tax credit, based on information filed with the application for preliminary certification.

(c) A qualifying RD&D facility that exclusively supports renewable energy resource equipment manufacturing will be eligible for a 50 percent tax credit.

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(d) Eligible costs for a Research, Development or Demonstration facility may include:

(A) Engineering, design and administrative costs

(B) Costs inherent in a research, development and demonstration facility that may not result directly in saved or produced energy. Such costs may include:

(i) Facility design, monitoring, assessment, evaluation and reporting. This includes but is not limited to: the development of standards, specifications, policies and procedures facilitating technology transfer; instruments, and controls.

(ii) Other equipment needed to monitor, assess or evaluate the facility and the impacts of the facility.

(C) The following costs related to demonstration model(s) may be considered eligible:

(i) Materials for the demonstration model(s).

(ii) The manufacturing, construction, assembly, and/or installation of the demonstration model(s).

(iii) Testing and monitoring the demonstration model(s).

(E) Other eligible costs defined by Oregon Administrative Rule.

(e) Ineligible costs for a Research, Development or Demonstration facility may include:

(A) The lease or purchase of land or building(s) unless the applicant can clearly demonstrate to the Director that the cost is necessary and exclusive to the facility.

(B) Other ineligible costs defined by Oregon Administrative Rule.

(f) A Research, Development or Demonstration facility is not eligible to receive a tax credit when the facility's activities are a refinement of an existing technology and do not represent a strategic, new or potentially large benefit to Oregon.

(21) "Total Cost": The eligible cost of a facility not limited by ORS 469.200.

(22) "Year": Calendar year.

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

Stat. Auth.: ORS 469.040 & 469.165, 469.185 - 469.225, OL 2011, Ch. 474 HB2523

Stats. Implemented: OL 2011, Ch. 474 HB2523

Hist.: DOE 7-2011, f. & cert. ef. 10-25-11

330-091-0120

Preliminary Certificate Application Requirements

(1) Eligible facilities

(a) The Department may issue only one Manufacturing BETC for each separate and distinct facility under these rules.

(b) A proposed facility must meet applicable codes and standards.

(2) Required information

(a) Persons requesting a Manufacturing BETC shall apply on the Department-approved form for a preliminary certificate. In addition to the information required in ORS 469.205, the applicant shall provide the following information:

(A) The name, address, and phone number of the applicant, owners of the facility, and the developers of the project.

(B) The applicant's federal tax identification number or social security number which may be shared with the Department of Revenue to facilitate the administration of the state tax law.

(C) Proposed facility start date and date estimated for the commencement of operation. A facility's start date is the date that the project applicant financially commits to the project. Financial commitment includes, but is not limited to: making a down-payment or deposit, signing a contract with a vendor, ordering material or equipment, beginning construction or installation.

(D) The proposed facility location within the geographical confines of Oregon.

(E) Information demonstrating that the proposed facility will comply with or have a variance from the land use laws of the city or county where the facility will be located.

(F) Information demonstrating that the proposed facility will comply with all other local, federal, and state laws.

(G) A list of appropriate authorizations for all work performed including but not limited to appropriate licenses, permits, or other authorizations that are required by state or local jurisdiction for the facility.

(H) Information demonstrating the intended operation, maintenance and use of the facility, including but not limited to: the amount and type of jobs potentially created in the construction, installation and operation of the facility in Oregon, the benefits of the facility with regard to overall economic activity in this state and a demonstrated intent that the facility will be maintained and operated for at least five years after the facility is operational. If an applicant expects that a facility will operate less than five

years, the applicant may submit a request for approval of the shorter operating period as part of their application for preliminary certification. This request shall include information describing the proposed facility and supporting the proposed operating period. The Director will determine whether to approve the shorter operating period and may include conditions, reductions or other limits on any potential tax credits.

(I) A declaration from the applicant that all property taxes for the facility have been paid and there are no delinquent property taxes associated with the facility.

(J) Information that demonstrates that the facility will be used solely to manufacture equipment, machinery or other products that will be used exclusively for renewable energy resource facilities. An applicant shall provide sufficient information relating to the specific characteristics of the equipment, machinery or other products that demonstrate how such equipment, machinery or other products will be used exclusively for renewable energy resource facilities and not for other commercial purposes. In the case of a facility manufacturing Electric Vehicles under the all-terrain-vehicles standards, an applicant shall provide information that demonstrates that the vehicles will be used for agricultural, commercial, industrial or governmental purposes.

(b) The Department may request additional information from the applicant in order to determine whether multiple applications have been made for the same facility. The department will make its determination based on the following:

(A) All applications under consideration will be reviewed against other current applications, facilities that have received preliminary certification and facilities that have received final certification within the past 12 months. Further review shall be given to applications which when combined exceed the annual limit for a tax credit found in ORS 469.200.

(B) Applications will be considered a single facility unless each phase of development or each expansion of or addition to existing facilities or production lines can be demonstrated to meet, through increased production and number of jobs created, the requirements of ORS 469.197 (4) and these rules.

(c) Anticipated capital expenditures and other costs as defined in these rules for the erection, construction, installation or acquisition of the proposed facility and its expected operational life.

(d) The payment required by OAR 330-091-0150(3).

(e) For a proposed renewable energy resource equipment manufacturing facility:

(A) The applicant shall demonstrate that they can meet ORS 469.197(4)(c) through (f) by:

(i) Describing the minimum level of direct employment that will be provided by the facility during each of the tax years in which the tax credit will be claimed and by describing the anticipated average annual direct employment during each of those years, including the number of average hourly and annual wages of employees by employment classifications by geographic location. The applicant must also describe actions it will take to achieve cultural diversity in its work force.

(ii) Demonstrating its financial ability to construct and operate the proposed facility through documentation such as independent credit ratings; credit references, including letters from banks or other financial institutions attesting to the applicant's credit worthiness; and other documentation demonstrating the applicant's financial viability.

(iii) Demonstrating that the facility will achieve long-term operation and success by documenting the qualifications, capabilities and experience of the applicant in the construction and operation of such facilities, the long-term commercial and technical viability of the renewable energy resources manufacturing equipment and the renewable energy resource facilities for which the equipment is produced.

(iv) Certifying that allowance of the tax credit is integral to the decision to expand or locate the facility in Oregon.

(v) Before the Director will approve a final certification, the Department may require the applicant to enter into a performance agreement or other similar agreement for the facility. Failure to comply with the terms of the performance agreement or other similar agreement may be the basis for denial or revocation of the final certification pursuant to OAR 330-091-0133.

(B) Any other information necessary to find that a proposed facility complies with ORS 469.185 to 469.225 and these rules.

(C) In considering such applications, the Director may consult with other state agencies.

(D) The Director must find that:

(i) The applicant has demonstrated that it has a reasonable likelihood of achieving the minimum level of employment proposed and that such

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employment will contribute to public benefit, based on the number of average hourly and annual wages of employees including benefits by employment classifications by geographic location, and actions to achieve cultural diversity in its workforce.

(ii) The applicant has a reasonable likelihood of being financially viable based on its credit ratings and references from banks and financial institutions attesting to its credit worthiness.

(iii) The applicant has the organizational expertise as demonstrated by qualifications and experience to construct and operate the proposed facility.

(iv) The renewable energy resource equipment and the renewable energy resource facilities for which the equipment is produced have the commercial and technical viability to have a reasonable likelihood to achieve long-term success.

(v) The facility will contribute to a diversified portfolio of renewable energy resource equipment manufacturing facilities.

(vi) The applicant has certified that allowance of the tax credit is integral to the decision to expand or locate in Oregon.

(3) Standards When Reconstructing a Facility: If a facility is reconstructed and an application for preliminary certification is filed seeking a tax credit on the reconstructed facility, any tax credit certified for the reconstructed facility will be reduced by the amount of the original tax credit remaining for the original facility.

(4) Eligible Costs:

(a) A Manufacturing BETC may be granted based on the eligible costs of a facility that is used to manufacture equipment, machinery or other products that will be used exclusively for renewable energy resource facilities.

(b) Subject to the facility cost limitations of OAR 330-091-0150 (1)(a) and the provisions of OAR 330-091-0120 (4), eligible costs include any land purchase costs, structures, buildings, installations, excavations, machinery, equipment or devices, or any addition, reconstruction or improvements to land or existing structures, buildings, installations, excavations, machinery, equipment or devices, necessarily acquired, constructed or installed by a person in connection with the conduct of a trade or business, that is used to manufacture the equipment, machinery or other products that will be used exclusively for renewable energy resource facilities.

(A) Eligible costs do not include any costs of any land purchase costs, structures, buildings, installations, excavations, machinery, equipment or devices, or any addition, reconstruction or improvements to land or existing structures, buildings, installations, excavations, machinery, equipment or devices that have been subject in whole or in part to the facility cost limitation of OAR 330-091-0150 (1)(a) if such costs would exceed that cost limitation.

(B) Eligible costs do not include costs of a facility that is used to manufacture equipment, machinery or other products not used exclusively for renewable energy resource facilities.

(C) An application must demonstrate compliance with these provisions to be accepted, including clearly describing the specific characteristics of the equipment, machinery or other products that demonstrate why such equipment, machinery or other products will be used exclusively for renewable energy resource facilities and not for other commercial purposes and therefore why the costs of such of such equipment, machinery or other products are eligible costs.

(5) If the Department determines that the applicant qualifies for a Manufacturing BETC, the Department may issue a preliminary certification. The preliminary certification may contain specific criteria and conditions for the facility to meet in order to obtain a final certification based on the information provided in the application for the Manufacturing BETC and type of facility that is described in the application. In addition, the Department may require the applicant to enter into a performance agreement or other similar agreement as a condition of approval.

Stat. Auth.: ORS 469.040 & 469.165, 469.185 - 469.225, OL 2011, Ch. 474 HB2523

Stats. Implemented: OL 2011, Ch. 474 HB2523

Hist.: DOE 7-2011, f. & cert. ef. 10-25-11

330-091-0130

How the Department Processes Application for a Manufacturing BETC

(1) General:

(a) The Director reviews an application for a Business Energy Tax Credit for Renewable Energy Resource Equipment Manufacturing in two stages. The first stage is called preliminary certification. The second stage is called final certification. The final certification consists of the determination of eligible costs for purposes of the tax credit and the issuance of the final certificate.

(b) To begin the review process for each stage, or to change the facility during the review process, an applicant must submit an application on the form approved by the Department.

(c) A facility owner planning to use a pass-through partner will select the pass-through option on the Application for Preliminary Certification.

(d) The Director may impose conditions in approving a preliminary or final certification that the facility must operate in accordance with the representations made by the applicant, and is in accordance with the provisions of ORS 469.185 to 469.225 and any applicable rules or standards adopted by the Director.

(e) If the Department determines that the applicant qualifies for a Manufacturing BETC, the Department may issue a preliminary certification. The preliminary certification may contain specific criteria and conditions for the facility to meet in order to obtain a final certification based on the information provided in the application for the BETC and type of facility that is described in the application. In addition, the Department may require the applicant to enter into a performance agreement or other similar agreement as a condition of approval.

(2) Preliminary Certification Review Process: Except as provided in OAR 330-091-0130(1) and (2), a completed application for preliminary certification shall be received by the Department on or prior to the erection, construction, installation or acquisition of a facility.

(b) Within 60 days after an application for preliminary certification is filed, the Director will decide if it is complete. An application is incomplete if it does not include information needed to demonstrate substantive compliance with the provisions of ORS 469.185 to 469.225 and any applicable rules or standards adopted by the Director. The Director will provide the applicant a written notice relating to the incomplete application and the information needed to make the application complete. If no action is taken within 30 days by the applicant, the application will expire.

(b) Within 120 days after a completed application is submitted the Director will notify the applicant of the status of the application, except as otherwise provided in subsection (5), if the applicant has not been notified otherwise the application has been denied.

(A) If it complies, the Director will approve the preliminary certification. The preliminary certification will state the amount of the costs that are eligible (eligible costs) for a Manufacturing BETC up to the maximum amount of certifiable costs under ORS 496.200. It may differ from the amount requested for reasons explained in the preliminary certification and based on these rules. Also, it will state any conditions that must be met before development, final certification, or some other event can occur. The Director will explain why each condition is needed to comply with these rules.

(B) If it does not comply, the Director will deny the application. No later than 60 days after the Director issues an order denying the application, the applicant may request reconsideration as provided in OAR 330-091-0133(4).

(C) An applicant can re-submit an application that is denied if features of the facility change, the applicant provides data the absence of which resulted in the denial, or other changes warrant. An application for preliminary certification can be amended or withdrawn by the applicant before the Director issues a preliminary certification. If an application is amended, the time within which review occurs starts over. An applicant may request reconsideration of an application denial under this rule.

(3) Certifying Less than Total Eligible Costs: If under the provisions of ORS 469.200(2), the Director intends to certify less than the total or no amount of eligible costs of a renewable energy resource equipment manufacturing facility, the Director will notify the applicant in writing of that intent before approving the preliminary certification. The applicant will have 30 calendar days from the date notification was issued to inform the Director in writing whether it wishes to withdraw the application or suspend further consideration of the application until a future date specified or submit additional information in support of the application. If the Director has not received notification or additional information in support of the application within that period of time, the Director may certify less than the total or no amount of eligible costs of the renewable energy resource equipment manufacturing facility. Once eligible costs are certified and a preliminary certification is issued under this section, the certified eligible costs may be revised if conditions under ORS 469.200(2) change or upon notification from the applicant or other information indicating that the scope of the project or the facility has changed in such a way to impact the preliminary certificate.

(4) Preliminary Certification After Start of a Facility:

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(c) If a facility has been started an applicant may file a written request with the Director for approval of a preliminary certification after facility start. Such a request must contain information in accord with these rules.

(d) The Director may approve preliminary certification after facility start if:

(A) The request is in accord with these rules;

(B) Special circumstances make application for preliminary certification before facility start up impracticable. Such circumstances include process delays beyond the applicant's control, facility funding and energy supplies or markets; and

(C) The Director receives the waiver request within 90 days of facility start date. Under extraordinary circumstances the Director may extend the waiver period provided the facility serves the aims of the program.

(D) Failing to submit an application for preliminary certification before signing contracts for the facility does not constitute special circumstances supporting a waiver.

(5) How Preliminary Certification Can be Revoked: The Director may alter, condition, suspend, deny or revoke a preliminary certification for a reason listed in this section

(a) A facility is not completed and a complete final certification application received before 1,825 days (5 years) after the preliminary certification was issued.

(b) Permits, waivers, and licenses required by these rules are not filed with the Department before facility development starts.

(c) The facility undergoes changes without the changes being approved under these rules.

(d) Any other reason allowed by the amendments to ORS 469.210 (3) in Oregon Laws, 2010, Chapter 76, Section 11.

(6) Amendments to Preliminary Certifications: To change a facility that has a preliminary certification and amend the preliminary certification, the applicant must file a written request with the Director prior to the project completion date.

(a) The request must describe the change to the facility and reasons for the change. It may include changes in cost, tax credit amount, facility design, and materials. The request may also include changes in the amount of energy saved or produced, jobs created, project financing, the applicant, the location, or other matters that demonstrate substantial change in the project's scope. The request must be accompanied by the appropriate fee.

(b) If a request does not include information needed to demonstrate substantive compliance with the provisions of ORS 469.185 to 469.225 and any applicable rules or standards adopted by the Director, the department will provide the applicant a written notice relating to the information needed to make the request complete. If the applicant does not provide all of the requested information to the Department within 30 days, the request will expire and no changes will be made to the preliminary certification.

(c) Within 60 days after the applicant files the change request, the Director will decide if the facility as modified complies with these rules.

(A) If it complies, the Director may issue an amended preliminary certification which may contain new or amended criteria, conditions and requirements.

(B) If it does not comply, the Director will issue an order that denies the change and provide written reasons for the denial.

(7) If the facility does not proceed: The applicant must inform the Director in writing if it does not proceed with the facility or proceeds without the tax credit. In that case, the Director will cancel the preliminary certification.

(8) Pass-through Option Process and Application:

(a) In addition to the application for preliminary certification, an applicant who plans to transfer the tax credit certificate to a pass-through partner must complete and file the Pass-through Option Application form supplied by the Department.

(b) If the Pass-through Partner is not yet secured at the time of the Application for Preliminary Certification, the facility owner will complete that section of the application by inserting "Partner to be identified" and will submit an updated application when the Pass-through Partner is secured.

(c) The Department will not transfer and issue a final certificate to a pass-through partner until the facility owner provides evidence to the Department that the owner has received the pass-through payment in full.

(9) Final Certification Review Process and Application: An application for final certification must be filed after the facility is completed as defined in these rules. An application for final certification must include:

(a) Evidence to demonstrate that:

(A) The facility complies with all conditions and criteria of the preliminary certification and with the provisions of ORS Chapter 469 and the rules adopted thereunder;

(B) The facility remains in compliance with local, state, and federal laws, including local land use laws and with any conditions imposed by the local government as a condition of land use approval; and

(C) The facility will be maintained and operated for at least five years after the facility is placed into operation, or a lesser period if approved and specified on the preliminary certification.

(b) An account of the facility costs, including prorated costs.

(A) A certified public accountant, who is not otherwise permanently employed by the facility owner or pass-through partner, must complete a written review and summary of costs paid or incurred based on canceled checks, invoices, or receipts, a binding contract or agreement, or other documentation as may be required under these rules. If an applicant has an outstanding binding contract or loan agreement, the certified public accountant shall include sufficient information to demonstrate that accounts directly related to the facility are not in default.

(B) The application must include information regarding any federal grants applied for or received in connection with the facility including, without limitation, the grant(s) applied for, the date of each application, the amount of the requested grant(s), when applicant expects to receive notice of grant approval or denial and any other information that may be required by the director.

(c) Proof the facility is completed and operating.

(d) If the facility is leased or rented, a copy of the lease or rental agreement.

(e) Documentation that the applicant and facility owner or owners are current on their property taxes where the facility is located if appropriate; and

(f) Other data the Director finds are needed to assure a facility complies with these rules and conditions imposed in the preliminary certificate

(g) The names of the person or persons who are to be issued the final certificate. If the final certificate is to be issued to a pass-through partner, the Department will not issue the certificate until the appropriate criteria, conditions and requirements of the preliminary and final certification and these rules are satisfied.

Stat. Auth.: ORS 469.040 & 469.165, 469.185 - 469.225, OL 2011, Ch. 474 HB2523
Stats. Implemented: OL 2011, Ch. 474 HB2523
Hist.: DOE 7-2011, f. & cert. ef. 10-25-11

330-091-0133

(1) Processing the Final Certification: To qualify for a Final Certification, the facility must be completed as described in the Application for Preliminary Certification and the Preliminary Certificate. Any changes to the Preliminary Certificate and/or Application for Preliminary Certification must complete the amendment process outlined in these rules prior to the project completion date. Failure to obtain approval through the amendment process may result in denial of the Final Certification Application.

(a) Applications shall be considered received for the purposes of ORS 469.220 on the date marked received by the department, unless the application is incomplete. If the application for final certification is not complete, the date marked received by the department on the complete application containing all of the required information shall be considered the received date.

(A) When a facility owner chooses to transfer the tax credit under ORS 469.206, the Department may hold the application for final certification until pass-through partner(s) information is received by the Department.

(B) If more than one pass-through partner is being transferred the credit, facility owners may have up to 18 months from the date the first pass-through partner agreement form is received by the Department to begin each certification period of the tax credit. For pass-through partner(s) agreement forms received by the Department after the 18-month period, the certification period begins 18 months from the date the first pass-through partner agreement form was received by the Department.

(b) Within 30 days after a final certification application is received, the Director will determine whether the application is complete. An application is incomplete if it does not include information needed to demonstrate substantive compliance with the provisions of ORS 469.185 to 469.225 and any applicable rules or standards and preliminary certification conditions adopted by the Director. If it is not complete, the applicant will be provided a written explanation describing deficiencies. If it is complete, the Director will process the application. Within 60 days after a completed final certification application is received the director will either approve or

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deny the final certification. The Director will process a complete final certification application received prior to the date of the expiry of the preliminary certificate provided under ORS 469.205. Applications received after the expiry of the preliminary certificate are not eligible.

(c) If the Director approves the application, the Director will issue final certification, which will state the amount of certified costs, reduced as applicable by any federal grants received, and the amount of the tax credit approved. The final certification may contain additional criteria and conditions that must be met in order to retain tax credit benefits or the tax credit certificate may be subject to revocation. If the facility fails to meet any of the criteria, conditions and requirements established in the final certification, the facility owner must notify the Department within 30 days.

(2) Basis for Denying Tax Credit Benefits

(a) If the Director does not approve the application, the Director will provide written notice of the action, including a statement of the findings and reasons for the denial by regular and certified mail.

(b) A final certification application that is denied can be submitted again. A final certification application can be amended or withdrawn by the applicant. If an application is submitted again or amended, the time within which final certification review occurs starts over.

(c) If the Director does not issue a final certification within 60 days after an application is filed, the application is denied pursuant to ORS 469.215(4).

(d) The Director may deny a final certificate if:

(A) The applicant does not provide information about the facility in a reasonable time after the Director requests it;

(B) The facility is significantly different than the proposed facility for which the preliminary certification was issued;

(C) The applicant misrepresents or fails to construct or operate the facility;

(D) The applicant fails to demonstrate that the facility described in the application is separate and distinct from previous or current applications reviewed by the Department;

(E) The facility does not meet all of the conditions and requirements contained in the preliminary certificate; or

(F) The applicant is unable to demonstrate that the facility complies with all applicable provisions of ORS Chapter 469 and these rules.

(3) Basis for Revoking Tax Credit Benefits

(a) The Director may revoke certificates as provided in ORS 469.225 and 315.354(5). For the purposes of this section, "fraud or misrepresentation" means any misrepresentation made by an applicant for a preliminary or final certification, including but not limited to, misrepresentations as to the applicant's financial viability, facility construction and operation, or any other information provided as part of an application for a preliminary or final certification.

(b) After the Director issues a final certificate, an applicant must notify the director in writing of any of the following conditions:

(A) The facility has been moved;

(B) Title to the facility has been conveyed;

(C) The facility is subject to or part of a bankruptcy proceeding;

(D) The facility is not operating; or

(E) The term of a leased facility has ended.

(c) Pursuant to ORS 469.225, upon receiving information that a Manufacturing BETC certification was obtained by fraud or misrepresentation, or that the facility has not been constructed or operated in compliance with the requirements in the certificate, the Director shall revoke the certificate for the facility.

(e) Revocation of the certificate due to misrepresentation, fraud or failure to construct or operate the facility in compliance with the certificate results in the loss of all prior and future tax credits. If all or a part of the tax credit certificate has been transferred to a pass-through partner under ORS 469.206, the certificate is not considered revoked as to the pass-through partner, but the facility owner is liable for the amount of tax credits claimed or that could be claimed.

(4) Sale or Disposition of the Facility after Final Certification:

(a) Pursuant to ORS 315.354(5), upon receiving notice that the facility has been sold or otherwise transferred, the Director will revoke the final certificate, as of the date of the disposition of the facility, unless the Manufacturing BETC for the facility has already been transferred under ORS 469.206.

(b) The new owner or new or renewed lessee of a facility may apply for a final certificate. The request must comply with OAR 330-091-0130(10) and include information to allow the Director to determine the amount of tax credit not claimed by the former owner or former lessee. If the facility continues to comply with the requirements set out in these rules

and any applicable conditions imposed by the Director, the Director will issue a new final certification consistent with the provisions of ORS 315.354(5).

(5) Request for Reconsideration: No later than 60 days after the Director issues an order on a preliminary certification, amendment to a preliminary certification, final certification, or canceling or revoking a final certificate under these rules, the applicant or certificate holder may request reconsideration in writing.

(6) Inspections: After an application is filed under ORS 469.205 or ORS 469.215 or a tax credit is claimed under these rules, the Department may inspect the facility. The Department will schedule the inspection during normal working hours, following reasonable notice to the facility operator.

Stat. Auth.: ORS 469.040 & 469.165, 469.185 - 469.225, OL 2011, Ch. 474 HB2523

Stats. Implemented: OL 2011, Ch. 474 HB2523

Hist.: DOE 7-2011, f. & cert. ef. 10-25-11

330-091-0140

Pass-through Option Facilities

A pass-through partner may purchase a Manufacturing BETC certificate from an applicant with a facility that is otherwise eligible for the tax credit in return for a cash lump-sum pass-through payment equivalent to the net present value of the transferable tax credit. For the purposes of these rules, the net present value of the credit for purposes of the pass-through payment is calculated based on the formulas below:

(1) For original preliminary certifications issued on or after January 1, 2010: For a five year tax credit the net present value is determined by taking the total tax credit amount divided by 1.3579.Tax Credit/1.3579

(2) For original preliminary certifications issued on or before December 31, 2009: 50 percent BETC more than \$20,000 in eligible costs — 33.5 percent pass-through rate.

(3) If an applicant elects to use the pass-through option, the net present value of the credit (the pass-through payment) for a facility is determined by the date the department issues the initial preliminary certification for the project.

Stat. Auth.: ORS 469.040 & 469.165, 469.185 - 469.225, OL 2011, Ch. 474 HB2523

Stats. Implemented: OL 2011, Ch. 474 HB2523

Hist.: DOE 7-2011, f. & cert. ef. 10-25-11

330-091-0150

Budget Limits and Payments

(1) Amount of Credits Allowed for a Facility:

(a) During any calendar year, a Manufacturing BETC preliminary certification will not be issued for more than:

(A) \$40 million in maximum eligible facility costs for a renewable energy resource equipment manufacturing facility, not including those used to manufacture electric vehicles;

(B) \$2.5 million in maximum eligible facility costs for a renewable energy resource equipment manufacturing facility used to manufacture electric vehicles;

(2) Return of Review Charge for Returned Incomplete Applications: If the Department does not accept and returns an incomplete application for preliminary certification, the Department will also return the review charge submitted by the applicant.

(3) Cost of Reviews: ORS 469.217 requires applicants to pay all costs for the review of their applications. In order to meet this statutory requirement the Department has established the following schedule for payments to accompany an application.

(a) Included with each application for preliminary certification must be a payment payable to the Department. The payment will be 0.0060 multiplied by the facility eligible cost not to exceed a payment amount of \$75,000.

(b) A refund of up to 75 percent of this payment may be granted up to 730 days (2 years) from the date the preliminary certification application was received by the Department. Under no circumstances will an amount over 75 percent be refunded. Conditions for which a refund may be granted are:

(D) Denial of an application for preliminary certification; or

(E) Denial of a portion of costs requested in an application for preliminary certification; or,

(F) A request to amend a preliminary certification resulting in decreased eligible costs. A refund will not be granted for any costs that are included in a pending certification.

(c) Requests for amendments or changes to a preliminary certification must be accompanied by a payment. The payment is the lesser of \$300 or the preliminary certification application fee for the project. If a request to amend a preliminary certification results in facility re-certification with

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increased eligible cost then additional application payments will be paid for the additional cost as specified in (3)(a) of this rule.

(d) No facilities will be exempt from these requirements including applications for Manufacturing BETC pass-through under OAR 330-091-0140.

(e) The payment is a required part of a completed preliminary certification application. Preliminary certifications will only be issued if the application is complete. In addition, the applicant may be required to pay for costs incurred in connection with the application that exceed these payments and which the Director of the Department determines are incurred solely in connection with processing the application. The applicant will be advised of any additional costs the applicant must pay before the costs are incurred.

Stat. Auth.: ORS 469.040 & 469.165, 469.185 - 469.225, OL 2011, Ch. 474 HB2523
Stats. Implemented: OL 2011, Ch. 474 HB2523
Hist.: DOE 7-2011, f. & cert. ef. 10-25-11

330-091-0450

Prioritization System for Renewable Resource Equipment Manufacturing Facilities

Applications in excess of Biennial limits: In the event that the Director receives applications for preliminary certification with a total amount of potential tax credits in excess of the limitations in Oregon Laws, 2010, Chapter 76, the Director shall allocate the potential tax credits according to the order in which the applications are received.

Stat. Auth.: ORS 469.040 & 469.165, 469.185 - 469.225, OL 2011, Ch. 474 HB2523
Stats. Implemented: OL 2011, Ch. 474 HB2523
Hist.: DOE 7-2011, f. & cert. ef. 10-25-11

Rule Caption: Biomass Producer or Collector Tax Credit program rules.

Adm. Order No.: DOE 8-2011

Filed with Sec. of State: 11-4-2011

Certified to be Effective: 1-1-12

Notice Publication Date: 8-1-2011

Rules Amended: 330-170-0010, 330-170-0020, 330-170-0030, 330-170-0040, 330-170-0050, 330-170-0060, 330-170-0070

Subject: The current biomass producer or collector tax credit rules implement the process and provide criteria for certifying Biomass Producer or Collector Tax Credits, and establish the minimum discount value for transferred credits. The Oregon Department of Energy (ODOE) has identified improvements to these rules that will provide more clarity to applicants and ensure consistency for the certification process. The rules will also allow implementation of legislation from the 2011 session that made changes to the tax credit. This rulemaking will provide more clarity on the type of woody biomass that is eligible for a tax credit, ensure consistency in the way manure is measured for this tax credit, improve existing rule language, allow ODOE to conduct inspections as part of the review process, lower the application fee, adjust the supplemental information required with an application and adjust the minimum discount value for the transfer of these credits.

Rules Coordinator: Kathy Stuttaford—(503) 373-2127

330-170-0010

Purpose and Scope

(1) OAR chapter 330, division 170 establishes the procedure and criteria for certifying tax credits under ORS 315.141 and ORS 469.790.

(2) These rules apply to tax years beginning on or after January 1, 2012, and before January 1, 2018.

Stat. Auth.: ORS 351.141 & 469.791
Stats. Implemented: ORS 351.141 & 469.791
Hist.: DOE 9-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; DOE 13-2010, f. & cert. ef. 11-2-10; DOE 8-2011, f. 11-4-11, cert. ef. 1-1-12

330-170-0020

Definitions

For the purposes of OAR chapter 330, division 170 the definitions in ORS 315.141 apply and in addition the following definitions shall apply:

(1) "Applicant" or "taxpayer" means an individual or a legal entity (including but not limited to any domestic or foreign corporation, trust, partnership, cooperative, or limited liability company), but does not include a nonprofit organization or a government entity.

(2) "Certificate" means a document issued by the department representing the right to claim a tax credit described in ORS 315.141 for the amount described on the certificate.

(3) "Charcoal" means biomass produced into a densified, carbon rich product used in filters, as an absorbent, soil amendment, or a fuel marketed for cooking purposes and not including biofuels produced by torrefaction.

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

(5) "Director" means the Director of the Oregon Department of Energy.

(6) "Dry ton" means the amount of biomass that would weigh 2,000 pounds at zero percent moisture content.

(7) "Firewood" as used in this rule means whole or split pieces of wood that are in a form commonly used for burning in campfires, stoves, or fireplaces.

(8) "Manure" means feces and urine of domestic livestock as excreted.

(9) "Oil Seed Crops" means canola, camelina, soybean, sunflower, safflower, mustard, and flaxseed grown to produce biodiesel.

(10) "Rendering Offal" means the waste or by-products of a rendering process.

(11) "Used Cooking Oil" means waste vegetable oil from food preparation.

(12) "Vegetative Biomass from Agricultural Crops" means grass, wheat, straw and other types of biomass derived from crop production.

(13) "Virgin Oil" means un-used oil that has been extracted from an agricultural crop.

(14) "Waste Grease" means waste vegetable oil, animal fat, or organic grease from food preparation that is recovered from a grease trap, grease interceptor, grease recovery or similar device.

(15) "Wastewater Biosolids" means organic material generated during the treatment of wastewater or sewage in a treatment facility.

(16) "Yard Debris" is defined in ORS 459.005(30).

Stat. Auth.: ORS 351.141 & 469.791
Stats. Implemented: ORS 351.141 & 469.791

Hist.: DOE 9-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; DOE 13-2010, f. & cert. ef. 11-2-10; DOE 8-2011, f. 11-4-11, cert. ef. 1-1-12

330-170-0030

Applicant Eligibility

To be eligible for certification, the applicant must:

(1) Be an agricultural producer or biomass collector;

(2) Have title to the biomass at the time the biomass is delivered to the biofuel producer;

(3) Produce or collect the biomass in Oregon; and

(4) Deliver or cause the delivery of the biomass to be:

(a) Used as biofuel in Oregon; or

(b) Used to produce biofuel in Oregon.

Stat. Auth.: ORS 351.141 & 469.791

Stats. Implemented: ORS 351.141 & 469.791

Hist.: DOE 9-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; DOE 13-2010, f. & cert. ef. 11-2-10; DOE 8-2011, f. 11-4-11, cert. ef. 1-1-12

330-170-0040

Biomass Eligibility

(1) The following material is not eligible:

(a) Material used to produce firewood or charcoal;

(b) Construction and demolition debris, urban wood waste, yard debris, or other material that does not have a credit rate listed under ORS 469.790;

(c) Sawdust, bark and other residual wood waste generated at a mill operation;

(d) Algae;

(e) Material from pre-construction or construction activities and golf courses.

(2) The biomass must be produced into biofuel in Oregon or used as biofuel in Oregon.

(3) The biomass must meet the definition in these rules and ORS 315.141 and be listed in ORS 469.790.

(4) Biomass that is converted to electric energy through combustion must meet the following criteria:

(a) Prior to July 1, 2010 no additional criteria must be met;

(b) On or after July 1, 2010 and prior to November 2, 2010 biomass must be converted at a facility with a minimum overall thermal conversion efficiency of 40 percent; or

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(c) On or after November 2, 2010 and before January 1, 2012, biomass must be converted at a facility that meets the current criteria for qualifying cogeneration facilities found in 18 CFR 292.205.

(d) On or after January 1, 2012 no additional criteria must be met.

(5) Biomass that is converted for thermal use at residential, commercial, institutional, or industrial facilities is eligible.

(6) Waste grease that is not dewatered prior to delivery to a biofuel producer is considered to have an eligible biomass content of 20 percent of the delivered weight of the oil and water mixture, unless the applicant can demonstrate, to the satisfaction of the Department, an alternative measurement.

(7) Only one taxpayer may receive a certified credit for each unit of biomass.

Stat. Auth.: ORS 351.141 & 469.791

Stats. Implemented: ORS 351.141 & 469.791

Hist.: DOE 9-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; DOE 13-2010, f. & cert. ef. 11-2-10; DOE 8-2011, f. 11-4-11, cert. ef. 1-1-12

330-170-0050

Application Process

(1) Taxpayers requesting a Biomass Producer or Collector Tax Credit shall apply on the Department approved form. In addition to the information on the form, the applicant shall provide the following information:

(a) Proof that the agricultural producer or biomass collector held title to the biomass at the time the biomass was delivered;

(b) The physical address, or township, range, section, and quarter/quarter section, or other specific geographic indicator of the origination of the biomass;

(c) A summary or settlement sheet indicating each shipment that was received by the biofuel producer. Each summary or settlement sheet must include the following:

(A) The name and address of the biofuel producer to which the biomass was delivered;

(B) The date of delivery for each shipment of biomass;

(C) The type of biomass included in each shipment and applicable tax credit rate for each shipment;

(D) The amount of biomass delivered in each shipment;

(E) The delivered price for each shipment of biomass, including the dry ton payment rate if applicable;

(F) The weight ticket number or a similar unique identifier for each shipment; and

(G) For woody biomass and vegetative biomass from agricultural crops, the dry ton weight equivalent of the actual tonnage in each shipment, calculated in a manner acceptable to the Department.

(d) Receipts and certification from the biofuel producer(s) indicating the amount of biomass delivered to it by the agricultural producer or biomass collector and a statement from the biofuel producer indicating the amount of biomass that was used or is to be used as biofuel in Oregon or to produce biofuel in Oregon. The certification must be specific to the agricultural producer or biomass collector and the biomass that is included in the application;

(e) Documentation, from the biofuel producer indicating adherence to any additional criteria provided in 330-170-0040 that apply to the biomass;

(f) All calculations used to convert the measure of the biomass to another measure and source references for the calculations and all variables;

(g) An application fee equal to \$0.006 multiplied by the total amount of tax credits requested or \$50, whichever is greater;

(h) If eligible biomass is stored or aggregated with other biomass or materials after the initial production or collection activities and prior to delivery to a biofuel producer, the biomass producer or collector must provide detailed records certifying the amount and source of each type of biomass;

(i) Agricultural producers or biomass collectors that produce or collect animal manure must use the following formula to calculate the amount of eligible manure:

(A) $A \times B \times C / 2000$; where:

(i) A is equal to the number of 1,000 pound animal units contributing manure during the period,

(ii) B is equal to the average animal manure production value from the Natural Resources Conservation Service Agricultural Waste Management Field Handbook Revision 2, March 2008, and

(iii) C is equal to the number of days in the period.

(B) The following documentation must be included with the application:

(i) The log of animal numbers and calculation of 1,000 pound animal units: [Number of animals contributing manure, by classification, (conduct a separate calculation for milkers, dry cows, heifers, calves)] multiplied by [the average lbs./1,000] = number of 1,000 pound animal units.

(ii) Documentation indicating the manure was used or is to be used as biofuel in Oregon or to produce biofuel in Oregon;

(j) When it is not practicable to produce weight tickets for deliveries to a biofuel producer, agricultural producers that produce oil seed crops, grain crops, grass, wheat, straw or other vegetative biomass must include the following records with their application:

(A) Documentation demonstrating the quantity of biomass produced, which must include one or more of the following:

(i) Acreage report(s) or yield data submitted to the United States Department of Agriculture;

(ii) Crop insurance records of acreage planted and quantity harvested of biofuel crop; or

(iii) Additional documentation showing the actual yields of the biomass crop.

(B) Receipts or equivalent documentation indicating the biomass was used or is to be used as biofuel in Oregon, or to produce biofuel; and

(k) Applicants that physically transfer biomass to be processed into biofuel or used as biofuel in a manner that does not allow for weighing or calculating the weight of biomass, and is not detailed above, must supply documentation indicating the amount of biomass as measured by metering equipment or a similar device.

(A) Applicants must provide documentation, including manufacturer's specifications which indicate the measurements are accurate and reliable.

(B) Metering equipment or similar devices must be calibrated according to the manufacturer's specifications and the calibration records must be maintained for a period of no less than five years.

(2) The Department may require the applicant to provide further information as needed to complete a review of the application and verify compliance with statute and these rules. This information may include, but is not limited to, demonstration that the biomass is used as biofuel in an eligible manner.

(3) If a biomass collector requests a tax credit in place of the agricultural producer that produced the biomass, the application must include a signed statement from the agricultural producer that they are aware the biomass collector will be applying for the credit and that the agricultural producer will not apply for a tax credit for the same unit of biomass.

(4) Applications must be received within 60 days following the end of the applicant's tax year during which the biomass is delivered to a biofuel producer. Applications received after this date will be returned and any application fee will be fully refunded.

(5) The Department may refund up to 75 percent of the application fee if the application is withdrawn prior to review by the Department. Only refunds that are \$50 or greater will be issued.

(6) The Department may require the applicant to pay reasonable costs, not to exceed actual costs, incurred in connection with reviewing the application that exceed the original application fee and which the Director determines are incurred solely in connection with processing the application. The Department shall advise the applicant of any additional costs the applicant must pay before the Department incurs the costs.

(7) The applicant must maintain records of the application and any supporting documentation for a period of not less than five years from the date of application.

Stat. Auth.: ORS 351.141 & 469.791

Stats. Implemented: ORS 351.141 & 469.791

Hist.: DOE 9-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; DOE 13-2010, f. & cert. ef. 11-2-10; DOE 8-2011, f. 11-4-11, cert. ef. 1-1-12

330-170-0060

Certification and Denial

(1) If the Department approves an application, the Director will issue a Certificate to the applicant identifying the name of the Certificate holder, the biomass, and the amount of the tax credit certified.

(a) The amount of tax credit certified will be determined by multiplying the amount of biomass delivered to a biofuel producer by the applicable tax credit rate found in ORS 469.790.

(b) Except for oil seed crops, tax credit certificates will be issued for the tax year the biomass is delivered to a biofuel producer for use in Oregon. Tax credit certificates for the production of oil seed crops used to produce biofuel will be issued for the tax year in which the oil seeds are delivered to an oil seed processor. The Department will not certify tax credits for agricultural producers that produce oil seeds until documentation

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indicating the oil has been used to produce biofuel is provided in accordance with these rules.

(2) The department may adjust the amount of tax credit certified from the applied amount if miscalculations, inconsistencies or errors are found during the technical review.

(3) If multiple types of eligible biomass are included in a load that is appropriately documented under these rules, the department will apply the lowest credit rate associated with the biomass in determining the amount of certified credit for the entire load of eligible biomass.

(4) The Department may review the biomass origination, production or collection activities, or the operating activities of the biofuel producer. The information gathered during a review may be used to determine if the application complies with applicable statutory provisions and rules.

(5) If the Department does not approve an application, the Director will provide written notice of denial, including a statement of the findings and reasons for the denial, by mail. The Department may deny the application if:

(a) The application does not comply with applicable statutory provisions and rules;

(b) The applicant does not provide information requested by the Department within a reasonable time;

(c) The application is for biomass that is not eligible for the tax credit, or the Department cannot determine the amount of eligible biomass that is co-mingled or combined with biomass that is not eligible; or

(d) The Department is unable to determine the application complies with applicable statutory provisions and rules based on the information provided by the applicant or gathered during the review process.

(6) The applicant may request reconsideration in writing no later than 60 days after the Director issues a decision denying an application.

Stat. Auth.: ORS 351.141 & 469.791

Stats. Implemented: ORS 351.141 & 469.791

Hist.: DOE 9-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; DOE 13-2010, f. & cert. ef. 11-2-10; DOE 8-2011, f. 11-4-11, cert. ef. 1-1-12

330-170-0070

Minimum Discount Value

The minimum discounted value of a tax credit issued under ORS 315.141 is 90 percent of the amount of the tax credit.

Stat. Auth.: ORS 351.141 & 469.791

Stats. Implemented: ORS 351.141 & 469.791

Hist.: DOE 9-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; DOE 13-2010, f. & cert. ef. 11-2-10; DOE 8-2011, f. 11-4-11, cert. ef. 1-1-12

Department of Fish and Wildlife Chapter 635

Rule Caption: Additional Fall Commercial Drift Gill Net Season In Columbia River Mainstem Authorized.

Adm. Order No.: DFW 147-2011(Temp)

Filed with Sec. of State: 10-17-2011

Certified to be Effective: 10-18-11 thru 10-31-11

Notice Publication Date:

Rules Amended: 635-042-0031

Rules Suspended: 635-042-0031(T)

Subject: Amended rule authorizes three new fishing periods for the 2011 commercial fall salmon drift gill net season in the Columbia River mainstem. The first period begins at 7:00 p.m. Tuesday, October 18, 2011 in the area of Zones 4 and 5 (12 hours); the second fishing period begins at 6:00 a.m. Wednesday, October 19, 2011 in the area of Zones 1-3 (14 hours); and the third and final period begins at 7:00 p.m. Wednesday, October 19, 2011 in the area of Zone 4 and 5 (12 hours).

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0031

Early Fall Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes in the waters of the Columbia River:

(a) Zones 1-3, as identified in OAR 635-042-0001 as follows: 6:00 a.m. Wednesday, October 19 to 8:00 p.m. Wednesday, October 19, 2011 (14 hours).

(b) Zones 4-5, as identified in OAR 635-042-0001 as follows:

(A) 7:00 p.m. Tuesday, October 18 to 7:00 a.m. Wednesday, October 19, 2011 (12 hours); and

(B) 7:00 p.m. Wednesday, October 19 to 7:00 a.m. Thursday, October 20, 2011 (12 hours).

(2) During the fishing period described in section (1)(a) above, only unslacked floater gill nets with a maximum mesh size of six (6) inches may be used and nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. During the fishing period described in section (1)(b) above, only drift gill nets with 8-inch minimum and 9.75-inch maximum mesh sizes may be used. And nets not specifically authorized for use in this fishery may not be stored onboard the vessel. 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 two (2) 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-B, Cowlitz River, Kalama-B, Lewis-B, Washougal River and Sandy River sanctuaries are in effect during the open fishing period identified above.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & cert. ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. & cert. ef. 8-28-89, cert. ef. 8-29-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 85-1991, f. & cert. ef. 8-7-91, cert. ef. 8-12-91; FWC 91-1991(Temp), f. & cert. ef. 8-29-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 53-1996(Temp), f. & cert. ef. 9-16-96; FWC 49-1997, f. & cert. ef. 8-20-97, cert. ef. 8-24-97; DFW 74-1998(Temp), f. & cert. ef. 8-25-98 thru 8-26-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 75-1999(Temp), f. & cert. ef. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. & cert. ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. & cert. ef. 8-23-00, cert. ef. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. & cert. ef. 8-7-01, 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. & cert. ef. 8-2-02, cert. ef. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. & cert. ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. & cert. ef. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. & cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. & cert. ef. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. & cert. ef. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. & cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. & cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. & cert. ef. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. & cert. ef. 8-24-06, cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. & cert. ef. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. & cert. ef. 8-17-07, cert. ef. 8-23-07 thru 8-31-07; Administrative Correction 9-16-07; DFW 85-2008(Temp), f. & cert. ef. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. ef. 8-12-08 thru 12-31-08; DFW 95-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; DFW 100-2008(Temp), f. & cert. ef. 8-22-08, 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. & cert. ef. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 90-2009(Temp), f. & cert. ef. 8-7-09, cert. ef. 8-8-09 thru 12-31-09; DFW 96-2009(Temp), f. & cert. ef. 8-21-09 thru 8-31-09; DFW 97-2009(Temp), f. & cert. ef. 8-25-09 thru 8-31-09; DFW 100-2009(Temp), f. & cert. ef. 8-27-09 thru 8-31-09; Administrative correction 9-29-09; DFW 112-2010(Temp), f. & cert. ef. 7-30-10, cert. ef. 8-3-10 thru 8-31-10; DFW 121-2010(Temp), f. & cert. ef. 8-18-10 thru 8-31-10; Administrative correction 9-22-10; DFW 132-2010(Temp), f. & cert. ef. 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. & cert. ef. 8-2-11, cert. ef. 8-4-11 thru 8-31-11; DFW 120-2011(Temp), f. & cert. ef. 8-26-11, cert. ef. 8-28-11 thru 9-14-11; DFW 128-2011(Temp), f. & cert. ef. 9-14-11, cert. ef. 9-18-11 thru 9-30-11; DFW 134-2011(Temp), f. & cert. ef. 9-21-11, cert. ef. 9-22-11 thru 9-30-11; DFW 136-2011(Temp), f. & cert. ef. 9-28-11 thru 10-5-11; DFW 140-2011(Temp), f. & cert. ef. 10-4-11, cert. ef. 10-5-11 thru 10-12-11; DFW 144-2011(Temp), f. & cert. ef. 10-11-11, cert. ef. 10-13-11 thru 10-31-11; DFW 147-2011(Temp), f. & cert. ef. 10-17-11, cert. ef. 10-18-11 thru 10-31-11

Rule Caption: Closure of the Non-adipose Fin-clipped Adult Coho Fishery In the Siletz River Basin.

Adm. Order No.: DFW 148-2011(Temp)

Filed with Sec. of State: 10-20-2011

Certified to be Effective: 10-21-11 thru 12-31-11

Notice Publication Date:

Rules Amended: 635-014-0090

Rules Suspended: 635-014-0090(T)

Subject: The amended rule closes the Siletz River Basin non-adipose fin-clipped adult coho fishery which opened on September 15 due

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to the expected attainment of the 700 non-adipose fin-clipped adult coho allocation.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-014-0090

Inclusions and Modifications

(1) The **2011 Oregon Sport Fishing Regulations** provide requirements for the Northwest 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** pamphlet.

(2) Notwithstanding all other requirements provided in the 2011 Oregon Sport Fishing Regulations pamphlet, the following additional rules apply to adult salmon angling in waters of the Northwest Zone:

(a) All waters of the Necanicum River Basin, Nehalem River Basin (including North Fork), Tillamook Bay Basin, (including the Miami, Kilchis, Wilson, Trask, and Tillamook rivers), and the Nestucca River Basin (including the Little Nestucca and Three Rivers) and Salmon River that are open for Chinook salmon are limited to no more than 1 adult non fin-clipped Chinook salmon per day, or 2 adult non fin-clipped Chinook salmon per day from the Siletz or Yaquina rivers, and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest Zone and all state waters terminal area seasons in the Marine Zone with a 10 adult non fin-clipped Chinook salmon seasonal aggregate limit. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31 except in the Nehalem Basin where the seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between July 1 and December 31 and except in the Tillamook Terminal Area where the seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between October 1–31.

(b) Within the Nehalem Basin (including the North Fork) the following additional rules apply:

(A) Mainstem (bay) closed to all salmon and steelhead angling seaward from a line extending from Nehalem Bay State Park Boat Ramp to Fishery Point July 1 through September 14 and closed to all Chinook salmon angling upstream of Peterson Creek (RM 10.2) July 1 through December 31.

(B) Nehalem tidewater from the jetty tips upstream to Peterson Creek (RM 10.2) on South Fork and North Fork Road Bridge on the North Fork is open for non adipose fin-clipped coho salmon from September 15 through the earlier of November 30 or attainment of an adult coho salmon quota of 1,200 non adipose fin-clipped coho salmon.

(C) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit.

(c) Within the Tillamook Bay Basin the following additional rules apply:

(A) Tillamook Bay tidewater from the jetty tips upstream to Hwy. 101 Bridge on Miami, Kilchis, Wilson, and Trask rivers and Burton Bridge on Tillamook River is open for non adipose fin-clipped coho salmon from September 15 through 12:00 midnight Wednesday, October 5, 2011 attainment of a quota of 600 non adipose fin-clipped adult coho salmon is expected to have been met.

(B) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon per day, and no more than 1 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 1 adult non adipose fin-clipped coho salmon seasonal aggregate limit.

(d) Within the Nestucca Basin (including the Little Nestucca River and Three Rivers) the following rules apply:

(A) Mainstem Nestucca upstream of First Bridge (RM 15.8) near Beaver closed to all Chinook angling August 1 through December 31.

(B) Nestucca Bay tidewater (excluding Little Nestucca tidewater) from the bay mouth upstream to the Cloverdale Bridge (RM 7.1) is open for non adipose fin-clipped coho salmon from September 15 through 11:59 p.m. Sunday, October 9, 2011 when attainment of a quota of 200 non adipose fin-clipped adult coho salmon is expected to have been met.

(C) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon per day, and no more than 1 total adult non adipose fin-clipped coho

salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 1 adult non adipose fin-clipped coho salmon seasonal aggregate limit.

(e) Within the Siletz River Basin the following additional rules apply:

(A) Mainstem and tributaries above Ojalla Bridge (RM 31) closed to Chinook August 1–December 31; Drift Creek (Siletz River Basin) upstream of the confluence with Quarry Creek at RM 8 is closed for Chinook salmon from August 1 through December 31;

(B) Siletz River and Bay upstream to Ojalla Bridge (RM 31) is open for non adipose fin-clipped coho salmon from September 15 through 11:59 p.m. Friday, October 21, 2011 when attainment of a quota of 700 non adipose fin-clipped adult coho salmon is expected to have been met.

(C) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon per day, and no more than 5 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone.

(f) Within the Yaquina River Basin the following additional rules apply:

(A) All waters of the Yaquina River upstream of the confluence of the Yaquina River and Big Elk Creek at RM 18.3 and all waters of Big Elk Creek (Yaquina River Basin) are closed for Chinook salmon from August 1 through December 31;

(B) The Yaquina River and Bay upstream to the confluence of the Yaquina River and Big Elk Creek are open for non adipose fin-clipped coho salmon from September 15 through 11:59 p.m. Sunday, October 9, 2011 when attainment of a quota of 575 non adipose fin-clipped adult coho salmon is expected to have been met; and

(C) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon per day, and no more than 5 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone.

(g) Within the Alsea River Basin the following additional rules apply:

(A) All waters of Drift Creek (Alsea River Basin) within the Drift Creek Wilderness Area and upstream are closed for Chinook salmon from August 1 through December 31;

(B) All waters of the Alsea River upstream of the confluence with Five Rivers at RM 21 are closed for Chinook salmon from August 1 through December 31;

(C) All waters of Five Rivers are closed for Chinook salmon from August 1 through December 31.

(D) The Alsea River and Bay upstream to the confluence of the Alsea River and Five Rivers are open for non adipose fin-clipped coho salmon from September 15 through 12:00 midnight Monday, October 10, 2011 when attainment of a quota of 675 non adipose fin-clipped adult coho salmon is expected to have been met; and

(E) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon per day, and no more than 5 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone.

(h) Within the Siuslaw River Basin the following additional rules apply:

(A) All waters of the Siuslaw River upstream of the confluence with Lake Creek at RM 30.0 are closed for Chinook salmon from August 1 through December 31;

(B) All waters of Lake Creek are closed for Chinook salmon August 1 through December 31 and all waters of Lake Creek downstream of Fish Creek are closed to all angling from September 1 through November 30;

(C) The Siuslaw River and Bay upstream to the confluence of the Siuslaw River and Lake Creek are open for non adipose fin-clipped coho salmon from September 15 through 11:59 p.m. Sunday, October 9, 2011 when attainment of a quota of 900 non adipose fin-clipped adult coho salmon is expected to have been met; and

(D) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon per day, and no more than 5 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone.

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 28-1995(Temp), f. 3-31-95, cert. ef. 5-1-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 39-1995, f. 5-10-95, cert. ef. 5-12-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 19-1996, f. & cert. ef. 5-16-96; FWC 20-

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1996, f. & cert. ef. 4-29-96; FWC 29-1996, f. & cert. ef. 5-31-96; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 55-1996(Temp), f. 9-25-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 58-1997, f. 9-8-97, cert. ef. 10-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 12-1998(Temp), f. & cert. ef. 2-24-98 thru 4-24-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 69-1998, f. 8-28-98, cert. ef. 9-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 81-2001, f. & cert. ef. 8-29-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp) f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 91-2002(Temp) f. & cert. ef. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 118-2002(Temp), f. 10-22-02, cert. ef. 12-1-02 thru 3-31-03; DFW 120-2002(Temp), f. 10-24-02, cert. ef. 10-26-02 thru 3-31-03; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 18-2003(Temp) f. 2-28-03, cert. ef. 3-1-03 thru 4-30-03; DFW 38-2003(Temp), f. 5-7-03, cert. ef. 5-10-03 thru 10-31-03; DFW 51-2003(Temp), f. & cert. ef. 6-13-03 thru 10-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 108-2003(Temp), f. 10-28-03, cert. ef. 12-1-03 thru 3-31-04; DFW 123-2003(Temp), f. 12-10-03, cert. ef. 12-11-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 126-2003(Temp), f. 12-11-03, cert. ef. 1-1-04 thru 3-31-04; DFW 60-2004(Temp), f. 6-29-04, cert. ef. 7-1-04 thru 7-15-04; DFW 90-2004(Temp), f. 8-30-04, cert. ef. 10-1-04 thru 12-31-04; DFW 103-2004(Temp), f. & cert. ef. 10-4-04 thru 12-31-04; DFW 108-2004(Temp), f. & cert. ef. 10-18-04 thru 12-31-04; DFW 111-2004(Temp), f. 11-16-04, cert. ef. 11-20-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 62-2005(Temp), f. 6-29-05, cert. ef. 7-1-05 thru 7-10-05; Administrative correction 7-20-05; DFW 105-2005(Temp), f. 9-12-05, cert. ef. 10-1-05 thru 12-15-05; DFW 127-2005(Temp), f. & cert. ef. 11-23-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 53-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 7-9-06; Administrative correction 7-20-06; DFW 64-2006(Temp), f. 7-17-06, cert. ef. 8-1-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 104-2006(Temp), f. 9-19-06, cert. ef. 10-1-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 63-2007(Temp), f. 8-6-07, cert. ef. 8-11-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 25-2008(Temp), f. 3-13-08, cert. ef. 3-15-08 thru 9-10-08; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 43-2009(Temp), f. 5-5-09, cert. ef. 5-22-09 thru 10-31-09; DFW 67-2009(Temp), f. 6-9-09, cert. ef. 6-15-09 thru 10-31-09; DFW 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 99-2009(Temp), f. 8-26-09, cert. ef. 9-1-09 thru 12-31-09; DFW 115-2009(Temp), f. & cert. ef. 9-22-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 44-2010(Temp), f. 4-20-10, cert. ef. 4-21-10 thru 9-30-10; DFW 73-2010(Temp), f. 5-27-10, cert. ef. 6-1-10 thru 9-30-10; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 89-2010(Temp), f. 6-28-10, cert. ef. 7-1-10 thru 9-30-10; Administrative correction 10-26-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 57-2011(Temp), f. 5-27-11, cert. ef. 6-1-11 thru 6-30-11; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 139-2011(Temp), f. 10-3-11, cert. ef. 10-6-11 thru 12-31-11; DFW 141-2011(Temp), f. 10-6-11, cert. ef. 10-10-11 thru 12-31-11; DFW 143-2011(Temp), f. 10-10-11, cert. ef. 10-11-11 thru 12-31-11; DFW 148-2011(Temp), f. 10-20-11, cert. ef. 10-21-11 thru 12-31-11

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Rule Caption: Closure of the Non-Adipose Fin-clipped Coho Fishery In the Coos River Basin.

Adm. Order No.: DFW 149-2011(Temp)

Filed with Sec. of State: 10-20-2011

Certified to be Effective: 10-22-11 thru 12-31-11

Notice Publication Date:

Rules Amended: 635-016-0090

Rules Suspended: 635-016-0090(T)

Subject: Amended rule closes the Coos River Basin non adipose fin-clipped adult coho fishery which opened on September 15 due to the anticipated attainment of the preseason harvest allocation for this fishery.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-016-0090

Inclusions and Modifications

(1) The 2011 Oregon Sport Fishing Regulations provide requirements for the Southwest Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2011 Oregon Sport Fishing Regulations.

(2) Notwithstanding all other requirements provided in the 2011 Oregon Sport Fishing Regulations, the following restrictions apply to angling in waters of the Southwest Zone:

(a) Within the Umpqua River Basin the following additional rules apply:

(A) Open for non adipose fin-clipped coho salmon in the Mainstem Umpqua River and Bay from the mouth to Scottsburg Bridge at RM 27.5 from September 15 through the earlier of November 30 or attainment of an adult coho quota of 1,300 non adipose fin-clipped coho. The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit.

(B) Mainstem Umpqua River and Bay from the mouth to Scottsburg Bridge at RM 27.5 closed to retention of non adipose fin-clipped coho salmon beginning 12:01 a.m. Saturday, October 1, 2011.

(b) Within the Coos River Basin the following additional rules apply:

(A) All waters of the South Fork Coos River upstream from the head of tidewater at Dellwood at RM 10.0 are closed for all salmon angling from August 1 through December 31 and closed for steelhead from August 1 through November 14.

(B) Open for non adipose fin-clipped coho salmon upstream to the head of tide at Dellwood at RM 10.0 on the South Coos River and to the East Fork/West Fork Millicoma confluence from September 15 through the earlier of November 30 or attainment of an adult coho quota of 1,200 non adipose fin-clipped coho. The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon, and no more than 5 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone.

(C) Coos River Basin from the mouth upstream to the head of tide at Dellwood (RM 10.0) on the South Coos River and to the East Fork/West Fork Millicoma confluence closed to retention of non adipose fin-clipped coho salmon beginning 12:01 a.m. Saturday, October 22, 2011.

(c) Within the Coquille River Basin the following additional rules apply:

(A) Open for non adipose fin-clipped coho salmon in Coquille River and Bay upstream to the Highway 42S bridge (Sturdivant Park) at RM 24.0 from September 15 through the earlier of November 30 or attainment of an adult coho quota of 825 non adipose fin-clipped coho. The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon, and no more than 5 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone.

(B) Mainstem Coquille River and Bay from the mouth to Highway 42S Bridge at RM 24 closed to retention of non adipose fin-clipped coho salmon beginning 12:01 a.m. Wednesday, October 12, 2011.

(d)(A) Within the Tenmile Lakes Basin the following additional rules apply:

(B) Tenmile Lakes (Coos County) upstream from Hilltop Bridge are open for non adipose fin-clipped coho salmon from October 1 through the earlier of December 31 or attainment of an adult coho quota of 875 non adipose fin-clipped coho. The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon, and no more than 5 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone. Only one rod per angler may be used while angling for coho. Streams that empty into North and South Tenmile Lakes are not open to coho salmon angling, nor is the canal that connects North and South Tenmile Lakes.

(e) All waters of Floras Creek upstream of the County Road 124 bridge over Floras Creek at RM 5.0 are closed for Chinook salmon from August 1 through December 31.

(f) Within the Sixes River Basin the following additional rules apply:

(A) All waters of the Sixes River Basin that are open for Chinook salmon are limited to no more than 1 adult non fin-clipped Chinook salmon per day and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with waters of the Elk River and Elk River Ocean Terminal Area. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31.

(B) Closed to Chinook salmon upstream of Edson Creek at RM 10.0 from August 1 through December 31.

(g)(A) Within the Elk River Basin the following additional rules apply:

(B) All waters of the Elk River Basin that are open for Chinook salmon are limited to no more than 1 adult non fin-clipped Chinook salmon per day and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with waters of the Sixes River and Elk River Ocean Terminal Area. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31.

(h) All waters of the Chetco River mainstem upstream of the power-line crossing at RM 2.2 are closed to angling from August 1 through November 4.

(i) All waters of the Winchuck River mainstem, including tidewater, are closed to angling from August 1 through November 4.

(j) Diamond Lake is open April 23 through October 31, 2011.

(A) Effective April 23-30 and October 28-31, 2011 trout catch limits are 5 per day, two daily limits in possession; 8-inch minimum length, only

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one trout over 20 inches may be taken per day; and use of bait is not allowed.

(B) Effective May 1 through October 27 trout catch limits are increased to 8 per day — all other regulations remain as stated in section (2)(h)(A) above and in the *2011 Oregon Sport Fishing Regulations*.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.138 & 496.146
Stats. Implemented: ORS 496.162
Hist.: FWC 80-1993(Temp), f. 12-21-93, cert. ef. 1-1-94; FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 79-1994(Temp), f. 10-21-94, cert. ef. 7-22-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 57-1995(Temp), f. 7-3-95, cert. ef. 7-4-95; FWC 59-1995(Temp), f. 7-24-95, cert. ef. 8-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 82-1995(Temp), f. 9-29-95, cert. ef. 10-1-95; FWC 90-1995(Temp), f. 11-29-95, cert. ef. 1-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 52-1996, f. & cert. ef. 9-11-96; FWC 61-1996, f. & cert. ef. 10-9-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 32-1997(Temp), f. & cert. ef. 5-23-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 24-1998(Temp), f. & cert. ef. 3-25-98 thru 9-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 52-1998(Temp), f. 7-10-98, cert. ef. 7-11-98 thru 7-24-98; DFW 55-1998(Temp), f. & cert. ef. 7-24-98 thru 12-31-98; DFW 70-1998, f. & cert. ef. 8-28-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 48-2000(Temp), f. 8-14-00, cert. ef. 8-15-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 8-2001, f. & cert. ef. 3-5-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 42-2001(Temp), f. 5-25-01, cert. ef. 5-29-01 thru 7-31-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 97-2001(Temp), f. 10-4-01, cert. ef. 11-1-01 thru 12-31-01; DFW 105-2001(Temp), f. 10-26-01, cert. ef. 11-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 55-2002(Temp), f. 5-28-02, cert. ef. 7-1-02 thru 11-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 124-2002(Temp), f. & cert. ef. 10-30-02 thru 12-31-02 (Suspended by DFW 125-2002(Temp), f. 11-8-02, cert. ef. 11-9-2002); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 127-2004, f. 12-22-04, cert. ef. 1-1-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 24-2006(Temp), f. 4-25-06, cert. ef. 5-13-06 thru 10-31-06; DFW 37-2006(Temp), f. 6-2-06, cert. ef. 6-5-06 thru 12-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 47-2007(Temp), f. 6-18-07, cert. ef. 6-21-07 thru 10-31-07; DFW 56-2007(Temp), 7-6-07, cert. ef. 8-1-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 137-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 54-2008(Temp), f. 5-28-08, cert. ef. 6-1-08 thru 7-31-08; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 138-2008(Temp), f. 10-28-08, cert. ef. 11-1-08 thru 11-30-08; DFW 140-2008(Temp), f. 11-4-08, cert. ef. 11-5-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 57-2009(Temp), f. 5-27-09, cert. ef. 6-1-09 thru 7-31-09; DFW 77-2009(Temp), f. 6-29-09, cert. ef. 7-1-09 thru 7-31-09; DFW 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 113-2009(Temp), f. & cert. ef. 9-18-09 thru 12-31-09; DFW 141-2009(Temp), f. 11-4-09, cert. ef. 11-7-09 thru 12-21-09; DFW 143-2009(Temp), f. 11-17-09, cert. ef. 11-19-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 65-2010(Temp), f. 5-18-10, cert. ef. 5-22-10 thru 5-31-10; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 143-2010(Temp), f. 10-8-10, cert. ef. 10-10-10 thru 12-31-10; DFW 152-2010(Temp), f. 10-27-10, cert. ef. 10-30-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 31-2011(Temp), f. 4-18-11, cert. ef. 5-1-11 thru 10-27-11; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 137-2011(Temp), 9-30-11, cert. ef. 10-1-11 thru 12-31-11; DFW 145-2011(Temp), f. 10-11-11, cert. ef. 10-12-11 thru 12-31-11; DFW 149-2011(Temp), f. 10-20-11, cert. ef. 10-22-11 thru 12-31-11

Rule Caption: Treaty Indian Fall Sturgeon Set-Line Fishery In Bonneville Pool Closes.

Adm. Order No.: DFW 150-2011(Temp)

Filed with Sec. of State: 10-25-2011

Certified to be Effective: 10-26-11 thru 11-30-11

Notice Publication Date:

Rules Amended: 635-041-0063

Rules Suspended: 635-041-0063(T)

Subject: Amended rule closes the white sturgeon set-line fishery in the Bonneville Pool, effective 6:00 p.m. Wednesday, October 26, 2011. Fishing for subsistence purposes is allowed. Modifications are consistent with action taken October 24, 2011 by the Columbia River Compact agencies of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0063

Sturgeon Setline Fishery

(1) White sturgeon may be taken by setline for commercial purposes from 6:00 a.m. Monday, October 10 through 6:00 p.m. Monday, October 31, 2011 except for the Bonneville Pool which closes to the retention of white sturgeon for sale at 6:00 p.m. Wednesday, October 26, 2011.

(a) In The Dalles and John Day pools white sturgeon taken must be 43-54 inches in fork length.

(b) In the Bonneville Pool white sturgeon taken must be 38-54 inches in fork length.

(c) White sturgeon taken as described in subsections (1)(a) and (1)(b) of this rule may be sold or kept for subsistence use. Fish caught during open fishing periods may be sold at any time.

(2) Closed areas, with the exception of Spring Creek Hatchery sanctuary, set forth under OAR 635-041-0045.

(3) During the white sturgeon setline season it shall be *unlawful* to:

(a) Operate any fishing gear other than setlines except as provided in OAR 635-041-0060;

(b) Operate any setline having more than 100 hooks;

(c) Use other than single hooks size 9/0 or larger;

(d) Operate any setline on which the buoy or marker does not have the tribal identification number of the individual operating the line clearly marked on it and which is attached in a manner that will not allow it to float visibly on the surface at all times.

(4) Notwithstanding OAR 635-041-0045(6)–(11), it is lawful during the open season to fish for white sturgeon by means of set lines in the Columbia River within areas at and adjacent to the mouths of rivers.

Stat. Auth.: ORS 183.325 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; 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 635-035-0063; FWC 6-1980, f. & ef. 1-28-80; FWC 12-1980, f. & ef. 2-29-80; FWC 64-1980(Temp), f. & ef. 11-7-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 2-1983, f. 1-21-83, ef. 2-1-83; FWC 9-1983(Temp), f. & ef. 3-1-83; FWC 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. 1-30-85; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 48-1988, f. & cert. ef. 6-21-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 12-1989(Temp), f. & cert. ef. 3-21-89; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 9-1991, f. & cert. ef. 1-31-91; FWC 37-1991(Temp), f. & cert. ef. 4-3-91; FWC 4-1992, f. 1-30-92, cert. ef. 2-1-92; FWC 13-1992(Temp), f. & cert. ef. 3-5-92; FWC 41-1992(Temp), f. 6-30-92, cert. ef. 7-1-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 7-1993, f. & cert. ef. 2-1-93; FWC 15-1996(Temp), f. & cert. ef. 4-1-96; FWC 25-1996(Temp), f. 5-14-96, cert. ef. 5-15-96; FWC 23-1997(Temp), f. 4-4-97, cert. ef. 4-7-97; FWC 35-1997(Temp), f. & cert. ef. 6-13-97; FWC 40-1997(Temp), f. 6-20-97, cert. ef. 6-23-97; DFW 23-1998(Temp), f. & cert. ef. 3-20-98 thru 6-30-98; DFW 50-1998(Temp), f. 6-25-98, cert. ef. 6-26-98 thru 7-24-98; DFW 57-1998(Temp), f. & cert. ef. 7-24-98 thru 12-31-98; DFW 22-1999(Temp), f. & cert. ef. 4-1-99 thru 4-23-99; DFW 28-1999(Temp), f. & cert. ef. 4-23-99 thru 7-31-99; DFW 41-1999(Temp), f. & cert. ef. 6-7-99 thru 7-31-99; DFW 79-1999(Temp), f. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 14-2000(Temp), f. 3-17-00, cert. ef. 3-20-00 thru 7-31-00; DFW 31-2000(Temp), f. 6-9-00, cert. ef. 6-10-00 thru 7-31-00; DMV 43-2000(Temp), f. 8-7-00, cert. ef. 8-8-00 thru 8-20-00; DFW 66-2000(Temp), f. 9-29-00, cert. ef. 10-2-00 thru 12-31-00; DFW 43-2001(Temp), f. 5-23-01, cert. ef. 5-24-01 thru 11-20-01; DFW 65-2001(Temp), f. & cert. ef. 7-24-01 thru 12-31-01; DFW 94-2001(Temp), f. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 114-2001(Temp), f. & cert. ef. 12-13-01 thru 12-31-01; DFW 51-2002(Temp), f. & cert. ef. 5-22-02 thru 9-1-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 121-2002(Temp), f. 10-24-02, cert. ef. 10-27-02 thru 12-31-02; DFW 49-2003(Temp), f. & cert. ef. 6-5-03 thru 9-1-03; DFW 58-2003(Temp), f. & cert. ef. 7-9-03 thru 12-31-03; DFW 67-2003(Temp), f. 7-18-03, cert. ef. 7-21-03 thru 12-31-03; DFW 104-2003(Temp), f. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 69-2006(Temp), f. 7-28-06, cert. ef. 7-31-06 thru 12-31-06; DFW 131-2006(Temp), f. 12-20-06, cert. ef. 1-1-07 thru 6-29-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 60-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 19-2009, f. & cert. ef. 2-26-09; DFW 88-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; Administrative correction 1-25-10; DFW 103-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; DFW 142-2011(Temp), f. 10-6-11, cert. ef. 10-8-11 thru 10-31-11; DFW 150-2011(Temp), f. 10-25-11, cert. ef. 10-26-11 thru 11-30-11

Rule Caption: Elk River Terminal Area Ocean Sport Chinook Fishery Opens November 1, 2011.

Adm. Order No.: DFW 151-2011(Temp)

Filed with Sec. of State: 10-27-2011

Certified to be Effective: 11-1-11 thru 11-30-11

Notice Publication Date:

Rules Amended: 635-013-0007

Subject: This amended rule implements a change to the daily bag limit for Chinook salmon from one to two per day in the 2011 Elk River Terminal Area ocean recreational Chinook salmon fishery. Housekeeping and technical corrections to the regulations were made to ensure rule consistency with Southwest Zone Chinook salmon fisheries in the areas adjacent to the Elk River Terminal Area.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-013-0007

Special South Coast Seasons

In addition to the open seasons prescribed in OAR 635-013-0005 there are open seasons for Chinook salmon as follows:

(1) Elk River Area.

(a) From November 1 through November 30 in all Pacific Ocean waters shoreward of a line drawn from Cape Blanco (42°50'20" N. Lat.) thence SW to Black Rock (42°49'24" N. Lat. 124°35'00" W. Long.), thence SSW to Best Rock (42°47'24" N. Lat. 124°35'42" W. Long.), thence SE to

ADMINISTRATIVE RULES

42°40'30" N. Lat. 124°29'00" W. Long., thence to shore (Humburg Mountain);

(b) During the season described for the Elk River Area in section (1)(a) of this rule it is unlawful to take Chinook salmon less than 24 inches in length. Two Chinook salmon may be retained per day but, no more than one non fin-clipped Chinook salmon per day and 10 non fin-clipped Chinook salmon in the seasonal aggregate when combined with waters of the Sixes River and Elk River may be retained during the November 1-30 season. It is *unlawful* to use multipoint or barbed hooks.

(2) Chetco River Area.

(a) From October 1–12 in an area south of the north shore of Twin Rocks (42°05'36" N. Lat.) to the Oregon/California border (42°00'00" N. Lat.) and seaward three nautical miles offshore.

(b) During the seasons described in section (2)(a) of this rule it is unlawful to take Chinook salmon less than 24 inches in length. No more than one Chinook salmon may be retained per day and no more than 5 fish may be retained during the October 1–12 season. It is *unlawful* to use multipoint or barbed hooks.

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

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 25-1982, f. & ef. 4-30-82; FWC 62-1983(Temp), f. & ef. 11-1-83; FWC 69-1984(Temp), f. & ef. 10-2-84; FWC 59-1985(Temp), f. & ef. 9-13-85; FWC 59-1986(Temp), f. & ef. 9-19-86; FWC 77-1986(Temp), f. & ef. 11-26-86; FWC 76-1987, f. & ef. 9-15-87; FWC 84-1988, f. & cert. ef. 9-9-88; FWC 83-1989, f. 8-31-89, cert. ef. 9-16-89; FWC 86-1990, f. 8-24-90, cert. ef. 9-1-90; FWC 42-1991, f. 4-29-91, cert. ef. 5-1-91; FWC 101-1992, f. 9-29-92, cert. ef. 10-1-92; FWC 114-1992(Temp), f. 10-26-92, cert. ef. 10-27-92; FWC 62-1993, f. & cert. ef. 10-1-93; FWC 56-1994, f. 8-30-94, cert. ef. 9-1-94; FWC 78-1994(Temp), f. 10-20-94, cert. ef. 10-21-94; FWC 81-1995, f. 9-29-95, cert. ef. 10-1-95; FWC 84-1995(Temp), f. 10-13-95, cert. ef. 10-16-95; FWC 86-1995(Temp), f. 10-20-95, cert. ef. 10-21-95; FWC 56-1996, f. 9-27-96, cert. ef. 10-1-96; FWC 30-1997, f. & cert. ef. 5-5-97; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 121-2008(Temp), f. & cert. ef. 10-2-08 thru 12-31-08; Administrative correction 1-23-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; Administrative correction 1-25-10; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 151-2011(Temp), f. 10-27-11, cert. ef. 11-1-11 thru 11-30-11

Rule Caption: Treaty Indian Fall Sturgeon Set-Line Fishery Extended In The Dalles Pool.

Adm. Order No.: DFW 152-2011(Temp)

Filed with Sec. of State: 11-1-2011

Certified to be Effective: 11-2-11 thru 12-31-11

Notice Publication Date:

Rules Amended: 635-041-0063

Rules Suspended: 635-041-0063(T)

Subject: Amended rule extends the white sturgeon set-line fishery in The Dalles Pool, effective 6:00 a.m. Wednesday, November 2 through 6:00 p.m. Saturday, December 3, 2011. Fishing for the purpose of commercial sales and subsistence is allowed. Modifications are consistent with action taken November 1, 2011 by the Columbia River Compact agencies of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0063

Sturgeon Setline Fishery

(1) White sturgeon may be taken by setline for commercial purposes from 6:00 a.m. Wednesday, November 2 through 6:00 p.m. Saturday, December 3, 2011 (31.5 days) from The Dalles Pool only.

(a) In The Dalles and John Day pools white sturgeon taken must be 43–54 inches in fork length.

(b) In the Bonneville Pool white sturgeon taken must be 38-54 inches in fork length.

(c) White sturgeon taken in The Dalles Pool during open fishing periods may be sold at any time or kept for subsistence use.

(d) Fish taken from the John Day and Bonneville pools, as described in subsections (1)(a) and (1)(b) of this rule may not be sold but may be retained for subsistence purposes.

(2) Closed areas are set forth under OAR 635-041-0045.

(3) During the white sturgeon setline season it shall be *unlawful* to:

(a) Operate any fishing gear other than setlines except as provided in OAR 635-041-0060;

(b) Operate any setline having more than 100 hooks;

(c) Use other than single hooks size 9/0 or larger;

(d) Operate any setline on which the buoy or marker does not have the tribal identification number of the individual operating the line clearly

marked on it and which is attached in a manner that will not allow it to float visibly on the surface at all times.

(4) Notwithstanding OAR 635-041-0045(6)-(11), it is lawful during the open season to fish for white sturgeon by means of set lines in the Columbia River within areas at and adjacent to the mouths of rivers.

Stat. Auth.: ORS 183.325 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; 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 635-035-0063; FWC 6-1980, f. & ef. 1-28-80; FWC 12-1980, f. & ef. 2-29-80; FWC 64-1980(Temp), f. & ef. 11-7-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 2-1983, f. 1-21-83, ef. 2-1-83; FWC 9-1983(Temp), f. & ef. 3-1-83; FWC 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. 1-30-85; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 48-1988, f. & cert. ef. 6-21-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 12-1989(Temp), f. & cert. ef. 3-21-89; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 9-1991, f. & cert. ef. 1-31-91; FWC 37-1991(Temp), f. & cert. ef. 4-3-91; FWC 4-1992, f. 1-30-92, cert. ef. 2-1-92; FWC 13-1992(Temp), f. & cert. ef. 3-5-92; FWC 41-1992(Temp), f. 6-30-92, cert. ef. 7-1-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 7-1993, f. & cert. ef. 2-1-93; FWC 15-1996(Temp), f. & cert. ef. 4-1-96; FWC 25-1996(Temp), f. 5-14-96, cert. ef. 5-15-96; FWC 23-1997(Temp), f. 4-4-97, cert. ef. 4-7-97; FWC 35-1997(Temp), f. & cert. ef. 6-13-97; FWC 40-1997(Temp), f. 6-20-97, cert. ef. 6-23-97; DFW 23-1998(Temp), f. & cert. ef. 3-20-98 thru 6-30-98; DFW 50-1998(Temp), f. 6-25-98, cert. ef. 6-26-98 thru 7-24-98; DFW 57-1998(Temp), f. & cert. ef. 7-24-98 thru 12-31-98; DFW 22-1999(Temp), f. & cert. ef. 4-1-99 thru 4-23-99; DFW 28-1999(Temp), f. & cert. ef. 4-23-99 thru 7-31-99; DFW 41-1999(Temp), f. & cert. ef. 6-7-99 thru 7-31-99; DFW 79-1999(Temp), f. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 14-2000(Temp), f. 3-17-00, cert. ef. 3-20-00 thru 7-31-00; DFW 31-2000(Temp), f. 6-9-00, cert. ef. 6-10-00 thru 7-31-00; DMV 43-2000(Temp), f. 8-7-00, cert. ef. 8-8-00 thru 8-20-00; DFW 66-2000(Temp), f. 9-29-00, cert. ef. 10-2-00 thru 12-31-00; DFW 43-2001(Temp), f. 5-23-01, cert. ef. 5-24-01 thru 11-20-01; DFW 65-2001(Temp), f. & cert. ef. 7-24-01 thru 12-31-01; DFW 94-2001(Temp), f. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 114-2001(Temp), f. & cert. ef. 12-13-01 thru 12-31-01; DFW 51-2002(Temp), f. & cert. ef. 5-22-02 thru 9-1-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 121-2002(Temp), f. 10-24-02, cert. ef. 10-27-02 thru 12-31-02; DFW 49-2003(Temp), f. & cert. ef. 6-5-03 thru 9-1-03; DFW 58-2003(Temp), f. & cert. ef. 7-9-03 thru 12-31-03; DFW 67-2003(Temp), f. 7-18-03, cert. ef. 7-21-03 thru 12-31-03; DFW 104-2003(Temp), f. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 69-2006(Temp), f. 7-28-06, cert. ef. 7-31-06 thru 12-31-06; DFW 131-2006(Temp), f. 12-20-06, cert. ef. 1-1-07 thru 6-29-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 60-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 19-2009, f. & cert. ef. 2-26-09; DFW 88-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; Administrative correction 1-25-10; DFW 103-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; DFW 142-2011(Temp), f. 10-6-11, cert. ef. 10-8-11 thru 10-31-11; DFW 150-2011(Temp), f. 10-25-11, cert. ef. 10-26-11 thru 11-30-11; DFW 152-2011(Temp), f. 11-1-11, cert. ef. 11-2-11 thru 12-31-11

Rule Caption: Radio-Tagged Hatchery Winter Steelhead May Be Retained in Northwest Zone Streams.

Adm. Order No.: DFW 153-2011(Temp)

Filed with Sec. of State: 11-7-2011

Certified to be Effective: 11-15-11 thru 5-12-12

Notice Publication Date:

Rules Amended: 635-011-0100

Subject: This amended rule adds radio-tagged hatchery steelhead in Northwest Zone streams to the existing exception to non-retention of radio-tagged fish (item 17, found on page 10 of the 2011 *Oregon Sport Fishing Regulations* and page 10 of the 2012 *Oregon Sport Fishing Regulations* (available around December 1, 2011)). Modifications allow retention of radio-tagged fish in conjunction with a planned radio telemetry study in the Alsea and Nehalem basins. This amended rule encompasses the entire Northwest Zone do to the possibility that some radio-tagged hatchery winter steelhead may stray into adjacent basins.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-011-0100

General Rule

(1) It is *unlawful* to take any fish, shellfish, or marine invertebrates for personal use except as provided in these rules which include and incorporate the 2011 *Oregon Sport Fishing Regulations* by reference. 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) Page 10 of the 2011 *Oregon Sport Fishing Regulations*, item 17 of "General Restrictions: The following activities are unlawful:" is amended to read: "17. Take a fish which has had a radio tag inserted (a fish with an antenna trailing from its mouth or body) except radio-tagged fish may be retained, when otherwise legal, (consistent with all other existing regulations and applicable laws) in the mainstem Columbia River and its tributaries. And, radio-tagged hatchery steelhead may be retained, when otherwise

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legal, (consistent with all other existing regulations and applicable laws) in Northwest Zone streams.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162 & 506.129
Hist.: FWC 11-1982, f. & ef. 2-9-82; FWC 2-1984, f. & ef. 1-10-84; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 153-2011(Temp), f. 11-7-11, cert. ef. 11-15-11 thru 5-12-12

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.

Adm. Order No.: DHSD 8-2011

Filed with Sec. of State: 10-28-2011

Certified to be Effective: 11-1-11

Notice Publication Date: 10-1-2011

Rules Adopted: 407-007-0335

Rules Amended: 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

Rules Repealed: 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)

Subject: 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.

Rules Coordinator: Jennifer Bittel—(503) 947-5250

407-007-0200

Purpose and Scope

(1) The purpose of these rules, OAR 407-007-0200 to 407-007-0370, is to provide for the reasonable screening under ORS 181.534, 181.537, and 409.027 of subject individuals to determine if they have a history of criminal or abusive behavior such that they should not be allowed to work, volunteer, be employed, reside, or otherwise perform in positions covered by these rules.

(2) These rules apply to evaluating criminal records and potentially disqualifying conditions of a subject individual when conducting fitness determinations based upon such information. The fact that a subject individual is approved does not guarantee employment or placement. These rules do not apply to individuals subject to OAR 407-007-0000 to 407-007-0100.

(3) Providers for the Department of Human Services (Department) and the Oregon Health Authority (Authority) are subject to criminal and abuse checks. The Authority authorizes the Department to act on its behalf in carrying out criminal and abuse checks associated with the administration of programs or activities administered by the Authority. References in

these rules to the Department or Authority shall be construed to be references to either or both agencies.

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
Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; Renumbered from 410-007-0200, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11

407-007-0210

Definitions

As used in OAR 407-007-0200 to 407-007-0370, unless the context of the rule requires otherwise, the following definitions apply:

(1) "Abuse" has the meaning given in the administrative rules promulgated by the Department or Authority corresponding to the setting in which the abuse was alleged or investigated.

(2) "Abuse check" means obtaining and reviewing abuse allegations, abuse investigation reports, and associated exhibits and documents for the purpose of determining whether a subject individual has a history as a perpetrator of potentially disqualifying abuse (a potentially disqualifying condition) as described in OAR 407-007-0290(11).

(3) "Abuse investigation report" means a written report completed after an investigation into suspected abuse and retained by the Department or the Authority pursuant to ORS 124.085, 419B.030, or 430.757, or a similar report filed in another state agency or by another state.

(4) "Appointing authority" means the individual designated by the qualified entity responsible for appointing authorized designees and contact persons. Examples include but are not limited to human resources staff with the authority to offer and terminate employment, business owners, a member of the board of directors, a director, or a program administrator.

(5) "Approved" means, with regard to a fitness determination, that a subject individual, following a final fitness determination, is fit to work, volunteer, be employed, or otherwise perform in the position listed on the background check request.

(6) "Approved with restrictions" means an approval in which some restriction is made including but not limited to the subject individual, the subject individual's environment, the type or number of clients for whom the subject individual may provide care, or the information to which the subject individual has access.

(7) "Authority" means the Oregon Health Authority.

(8) "Authorized designee (AD)" means an individual designated by the Department, the Authority, or an approved qualified entity authorized by the Department or Authority to receive and process background check requests from subject individuals and criminal records information from the Background Check Unit.

(9) "Background check" means a criminal records check and an abuse check under these rules.

(10) "Background Check Unit (BCU)" means the Background Check Unit performing background checks for the Department and the Authority.

(11) "Care" means the provision of care, treatment, education, training, instruction, supervision, placement services, recreation, or support to children, the elderly, or individuals with disabilities (see ORS 181.537).

(12) "Children, Adults and Families Division (CAF)" means the Department's Children, Adults and Families Division.

(13) "Client" means any individual who receives services, care, or funding for care through the Department or Authority.

(14) "Closed case" means a background check request that has been closed without a final fitness determination.

(15) "Contact person (CP)" means an individual who is designated by the Department, the Authority, or an approved qualified entity to receive and process background check requests from subject individuals, but who is not authorized to receive criminal records information or abuse investigation reports, associated exhibits, or documents.

(16) "Criminal records check" means obtaining and reviewing criminal records as required by these rules and includes any or all of the following:

(a) An Oregon criminal records check where criminal offender information is obtained from the Oregon State Police (OSP) using the Law Enforcement Data System (LEDS). The Oregon criminal records check may also include a review of other criminal records information.

(b) A national criminal records check where records are obtained from the Federal Bureau of Investigation (FBI) through the use of fingerprint cards sent to OSP and other identifying information. The national

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criminal records check may also include a review of other criminal records information.

(c) A state-specific criminal records check where records are obtained from law enforcement agencies, courts, or other criminal records information resources located in, or regarding, a state or jurisdiction outside Oregon.

(17) "Criminal Information Management System (CRIMS)" means the electronic records system used to process and maintain background check records under these rules.

(18) "Criminal offender information" means records, including fingerprints and photographs, received, compiled, and disseminated by OSP for purposes of identifying criminal offenders and alleged offenders and maintained as part of an individual's records of arrest, the nature and disposition of criminal charges, sentencing, confinement, and release, but does not include the retention by OSP of records of transfer of inmates between penal institutions or other correctional facilities. It also includes the OSP Computerized Criminal History System (see OAR 257-010-0015).

(19) "Denied" means, with regard to a fitness determination, that a subject individual:

(a) Following a fitness determination including a weighing test, is not fit to work, volunteer, be employed, reside, or otherwise hold the position listed on the background check request.

(b) If determined to be a subject individual under OAR 407-007-0275, is not eligible to hold the position at or through the qualified entity listed on the background check request due to a conviction for one or more crimes listed in OAR 407-007-0275.

(20) "Department" means the Department of Human Services.

(21) "Fitness determination" means the decision in a case that is not closed and includes:

(a) The decision regarding a background check request and preliminary review (a preliminary fitness determination); or

(b) The decision regarding a background check request, completed background check, including gathering other information as necessary, and a final review by an AD (a final fitness determination).

(221) "Founded or substantiated" has the meaning given in the Department's administrative rules corresponding to the setting in which the abuse was alleged or investigated.

(23) "Good cause" means a valid and sufficient reason for not complying with time frames set during the background check process or contested case hearing process that includes but is not limited to an explanation of circumstances beyond a subject individual's reasonable control.

(24) "Hearing representative" means a Department employee representing the Department in a contested case hearing.

(25) "Hired on a preliminary basis" means a condition in which a qualified entity allows a subject individual to work, volunteer, be trained, or reside in an environment following the submission of a completed background check request. Hired on a preliminary basis may also be called probationary status.

(26) "Office of Investigation and Training (OIT)" means the Office of Investigation and Training, a shared service of the Department and Authority.

(27) "Other criminal records information" means information obtained and used in the criminal records check process that is not criminal offender information from OSP. Other criminal records information includes but is not limited to police investigations and records, information from local or regional criminal records information systems, justice records, court records, information from the Oregon Judicial Information Network, sexual offender registration records, warrants, Oregon Department of Corrections records, Oregon Department of Transportation's Driver and Motor Vehicle Services Division information, information provided on the background check requests, disclosures by a subject individual, and any other information from any jurisdiction obtained by or provided to the Department for the purpose of conducting a fitness determination.

(28) "Position" means the position listed on the background check request which determines whether the individual is a subject individual under these or Department program rules.

(29) "Qualified entity (QE)" means a community mental health or developmental disability program, local health department, or an individual, business, or organization, whether public, private, for-profit, nonprofit, or voluntary, that provides care, including a business or organization that licenses, certifies, or registers others to provide care (see ORS 181.537).

(30) "Subject individual (SI)" means an individual on whom the Department may conduct a criminal records check and an abuse check, and from whom the Department may require fingerprints for the purpose of conducting a national criminal records check.

(a) An SI includes any of the following:

(A) An individual who is licensed, certified, registered, or otherwise regulated or authorized for payment by the Department and who provides care.

(B) An employee, contractor, temporary worker, or volunteer who provides care, or has access to clients, client information, or client funds within any entity or agency licensed, certified, registered, or otherwise regulated by the Department.

(C) Any individual who is paid directly or indirectly with public funds who has or will have contact with recipients of:

(i) Services within an adult foster home (defined in ORS 443.705); or

(ii) Services within a residential facility (defined in ORS 443.400).

(D) Any direct care staff secured by any residential care facility, assisted living facility, or nursing facility through the services of a personnel services or staffing agency who works in the facility.

(E) Except as excluded in section (30)(b)(C) and (D) of this rule, an individual who lives in a facility that is licensed, certified, registered, or otherwise regulated by the Department to provide care. The position of this SI includes but is not limited to resident manager, household member, or boarder.

(F) An individual working or volunteering for a private licensed child caring agency or system of care contractor providing child welfare services pursuant to ORS chapter 418.

(G) A homecare worker as defined in ORS 410.600, a personal support worker as defined in ORS 410.600, a personal care services provider, or an independent provider employed by a Department client who provides care to the client if the Department helps pay for the services.

(H) A child care provider and their employees reimbursed through the Department's child care program and other individuals in child care facilities that are exempt from certification or registration by the Child Care Division of the Oregon Employment Department (OED). This includes all individuals who reside in or who are frequent visitors to the residence or facility where the child care services are provided and who may have unsupervised access to the children (see OAR 461-165-0180).

(I) An appointing authority, AD or CP in any entity or agency licensed, certified, registered, otherwise regulated by the Department, or subject to these rules.

(J) An individual providing on the job certified nursing assistant classes to staff within a long term care facility.

(K) A student enrolled in a long term care facility nursing assistant training program for employment at the facility.

(L) Any individual serving as an owner, operator, or manager of a room and board facility pursuant to OAR chapter 411, division 68.

(M) Any individual who is required to complete a criminal records check pursuant to other Department program rules or a contract with the Department or if the requirement is within the Department's statutory authority. Specific statutory authority or reference to these rules and the positions under the contract subject to a criminal records check must be specified in the contract. This inclusion as a subject individual would not be negated by section (30)(b) of this rule.

(b) An SI does not include:

(A) Any individual under 16 years of age.

(B) An individual receiving training in a Department-licensed or Department-certified QE as part of the required curriculum through any college, university, or other training program and who is not an employee in the QE in which training is provided. The individual may not be considered a volunteer under these rules. QEs must ensure that all students or interns have passed a substantially equivalent background check process through the training program or are:

(i) Actively supervised at all times as defined in OAR 407-007-0315; and

(ii) Not allowed to have unsupervised access to vulnerable individuals.

(C) Department clients or QE clients, unless specific written permission to conduct a background check is received from the Department. The only circumstance in which the Department shall allow a check to be performed on a client pursuant to this paragraph is if the client falls within the definition of "subject individual" as listed in sections (30)(a)(A)-(D) and (30)(a)(F)-(M) of this rule, or if the facility is dually licensed for different populations of vulnerable individuals.

(D) Individuals working in child care facilities certified or registered by the OED.

(E) Individuals employed by a private business that provides services to clients and the general public and is not regulated by the Department.

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(F) Individuals employed by a business that provides appliance or structural repair for clients and the general public, and who are temporarily providing these services in an environment regulated by the Department. The QE shall ensure active supervision of these individuals while on QE property and the QE may not allow unsupervised contact with QE clients or residents. This exclusion does not apply to a business that receives funds from the Department for care provided by an employee of the business.

(G) Individuals employed by a private business in which a client of the Department is working as part of a Department-sponsored employment service program. This exclusion does not apply to an employee of a business that receives funds from the Department for care provided by the employee.

(H) Employees and volunteers working in hospitals, ambulatory surgical centers, special inpatient care facilities, outpatient renal dialysis facilities, and freestanding birthing centers as defined in ORS 442.015.

(I) Volunteers, who are not under the direction and control of any entity licensed, certified, registered, or otherwise regulated by the Department.

(J) Individuals employed or volunteering in a Medicare-certified health care business which is not subject to licensure or certification by the State of Oregon.

(K) Individuals working in restaurants or at public swimming pools.

(L) Hemodialysis technicians.

(M) Employees, contractors, temporary workers, or volunteers who provide care, or have access to clients, client information, or client funds of an alcohol and drug program that is certified, licensed, or approved by the Department's Addictions and Mental Health Division to provide prevention, evaluation, or treatment services. This exclusion does not apply to programs specifically required by other Department rules to conduct criminal records checks in accordance with these rules.

(N) Individuals working for a transit service provider which conducts background checks pursuant to ORS 267.237.

(O) Individuals being certified by the Department as interpreters pursuant to ORS 409.623. This exclusion does not apply to Department-certified interpreters when being considered for a specific position.

(P) Provider group categories that were authorized for payment by the Department for care if the provider group categories were not covered by a Department criminal record check process prior to 2004.

(Q) Emergency medical technicians and first responders certified by the Department's Emergency Medical Services and Trauma Systems program.

(R) Employees, contractors, temporary workers, or volunteers of continuing care retirement communities registered under OAR chapter 411, division 67.

(30) "Weighing test" means a process in which one or more ADs consider available information to make a fitness determination when an SI has potentially disqualifying convictions or conditions.

Stat. Auth.: ORS 181.537, 409.027 & 409.050

Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 443.004

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 77-2004(Temp), f. & cert. ef. 10-1-04 thru 3-29-05; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0210, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; Hist.: DHSD 2-2008(Temp), f. & cert. ef. 3-31-08 thru 9-26-08; DHSD 7-2008, f. 8-29-08, cert. ef. 9-1-08; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 8-2010(Temp), f. & cert. ef. 8-12-10 thru 2-7-11; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11

407-007-0220

Background Check Required

(1) The Department or a Department authorized QE shall conduct criminal records checks on all SIs through LEDS maintained by OSP in accordance with ORS chapter 181 and the rules adopted thereto (see OAR chapter 257, division 15).

(2) If a national criminal records check of an SI is necessary, OSP shall provide the Department the results of national criminal records checks conducted pursuant to ORS 181.534, including fingerprint identification, through the FBI.

(3) The Department shall conduct abuse checks on all SIs using available abuse investigation reports and associated documents.

(4) An SI is required to have a background check in the following circumstances:

(a) An individual who becomes an SI on or after the effective date of these rules.

(b) The SI changes employers to a different QE.

(c) Except as provided in section (5) of this rule, the individual, whether previously considered an SI or not, changes positions under the same QE, and the new position requires a background check.

(d) The individual, whether previously considered an SI or not, changes Department-issued licenses, certifications, or registrations, and the license, certification, or registration requires a background check under these rules.

(e) For a student enrolled in a long term care facility nursing assistant training program for employment at the facility, a new background check is required when the student becomes an employee at the facility. A new background check is not required by the Department or the Authority at graduation from the training program or at the granting of certification by the Board of Nursing unless the Department or the AD have reason to believe that a background check is justified.

(f) A background check is required by federal or state laws or regulations, other Department administrative rules, or by contract with the Department.

(g) When the Department or AD has reason to believe that a background check is justified. Examples include but are not limited to any indication of possible criminal or abusive behavior by an SI or quality assurance monitoring of a previously conducted criminal records check or abuse check.

(5) If QEs or Department program rules require an SI to report any new arrests, charges, or convictions, the QE or Department may determine if personnel action is required, including whether a new background check is needed.

(5) A background check is not required under the following circumstances:

(a) A homecare worker, personal support worker, personal care services provider, Lifespan Respite or other respite care provider, or an independent provider paid with Department funds who changes or adds clients within the same QE or Department district, and the prior, documented criminal records check or abuse check conducted within the previous 24 months through the Department has been approved without restrictions.

(b) The SI is a child care provider as described in OAR 461-165-0180 who has been approved without restrictions and who changes or adds clients.

(c) The SI remains with a QE in the same position listed on the background check request while the QE merges with another QE, is sold to another QE, or changes names. The changes may be noted in documentation attached to the notice of fitness determination but do not warrant a background check.

(6) An AD must document in writing the reason why a new background check was not completed.

(7) Background checks are completed on SIs who otherwise meet the qualifications of the position listed on the background check request. A background check may not be used to screen applicants for a position.

Stat. Auth.: ORS 181.537, 409.027 & 409.050

Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 443.004

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 77-2004(Temp), f. & cert. ef. 10-1-04 thru 3-29-05; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0220, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11

407-007-0230

Qualified Entity

(1) A QE and its appointing authorities must be approved in writing by the Department pursuant to these rules in order to appoint an AD or CP. Unless specifically indicated otherwise in these rules, all QEs and appointing authorities discussed in these rules are considered approved.

(2) Except as provided in section (3) of this rule, all QEs shall ensure the completion of background checks for SIs who are the QE's employees, volunteers, or other SIs under the direction or control of the QE.

(a) The QE's appointing authority shall appoint ADs or CPs within 30 calendar days following Department approval, or within time frames required by Department program offices.

(b) Unless specifically allowed by the Department, an appointing authority may not appoint themselves as an AD.

(c) Appointing authorities in all QEs shall appoint one or more ADs, or have a written agreement with another QE to handle AD responsibilities.

(d) Appointing authorities in all QEs may also appoint one or more CPs, or may have a written agreement with another QE to perform CP responsibilities.

(3) The Department's appointing authorities shall appoint ADs and CPs within the Department. Department-employed ADs shall make fitness determinations for the following QEs:

(a) Private QEs with fewer than 10 employed SIs are not eligible to appoint ADs. These QEs shall do one of the following:

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(A) Use another QE to perform AD responsibilities instead of using the Department. If another QE is used, the two QEs must have a written agreement. The QE must provide the Department with a copy of the agreement.

(B) Appoint one or more CPs, or have a written agreement with another QE to perform CP responsibilities. The QE must provide the Department with a copy of the agreement.

(b) QEs whose employees do not have work-related access to the internet and CRIMS. These QEs shall do one of the following:

(A) Use another QE to perform AD responsibilities instead of using the Department. If another QE is used, the two QEs must have a written agreement. The QE must provide the Department with a copy of the agreement.

(B) Appoint one or more CPs, or have a written agreement with another QE to perform CP responsibilities. The QE must provide the Department with a copy of the agreement.

(c) QEs with SIs not under the direction and control of the QE but who provide care under programs administered by the QE may have the Department ADs make fitness determinations.

(A) The QE shall appoint one or more CPs, or use an AD or CP appointed under section (2) of this rule to perform CP responsibilities.

(B) The QE may appoint an AD for SIs not under the direction and control of the QE if the QE chooses to do so or is required to do so under other Department program rules or contract with the Department. The QE shall notify the Department in writing which programs are affected and which AD shall perform the responsibilities for each program.

(d) QEs may have specific direction by administrative rule or Department program about AD or CP appointments.

(A) Administrative rules governing certain QEs may prohibit AD appointment or CP appointment, such as private licensed child caring agencies.

(B) Department program offices may determine that:

(i) Certain QEs may not have their own ADs or CPs, but must use ADs or CPs at a local Department branch or a local QE. Examples include but are not limited to adult foster homes and child foster homes.

(ii) Specific QEs may have specific AD or CP requirements resulting from licensing actions, sanctions, or from quality assurance monitoring.

(e) The Department may require certain QEs to use Department-employed ADs to make fitness determinations. Examples include but are not limited to initial opening of a new QE, newly adopted administrative rules creating a new type of QE, or Department investigation or review of the QE.

(4) The Department may revoke approval of the QE to appoint or maintain ADs if the Department is investigating a compliance issue or determines that the QE, or an AD or CP appointed by the QE, has failed to comply with these rules. The BCU and the appropriate entity or program office within the Department may develop a plan of action to resolve the compliance issues.

(5) The QE's appointing authorities shall appoint ADs and CPs as needed to remain in compliance with these rules and shall communicate any changes to the BCU.

(a) If a QE no longer has an AD for any reason, the QE shall ensure the confidentiality and security of background check records by immediately providing all background check related documents to the BCU or to another QE as determined by the BCU.

(b) If a QE no longer has an AD or CP for any reason, the appointing authorities shall ensure that new ADs or CPs are appointed within 30 calendar days from the date of no longer having ADs or CPs.

(6) The Department shall provide QEs with periodic training and ongoing technical assistance.

(7) Any decisions made by the Department in regard to these rules are final and may not be overturned by any QE, its ADs or CPs.

Stat. Auth.: ORS 181.537, 409.027 & 409.050

Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 443.004

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 77-2004(Temp), f. & cert. ef. 10-1-04 thru 3-29-05; OMAP 85-2004(Temp), f. & cert. ef. 11-4-04 thru 3-29-05; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0230, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11

407-007-0240

Authorized Designees and Contact Persons

(1) All requirements in this section must be completed within 90 calendar days. To receive Department approval, all ADs and CPs must meet the following requirements:

(a) ADs and CPs for the Department must be employed by the Department. For QEs, the ADs and CPs must be one of the following:

(A) Employed by the agency for which they will handle criminal records check information.

(B) Contracted with the QE to perform as an AD or CP.

(C) Employed by another similar QE or a parent QE (e.g., assisted living facility AD helping another assisted living facility).

(b) ADs and CPs shall complete a certification program and successfully pass any testing as required by the Department.

(c) An appointing authority shall appoint an AD or CP in writing on a form provided by the Department. The applicant AD or CP shall complete and submit the form to the Department for processing and registration.

(d) The Department shall conduct an abuse check, an Oregon criminal records check, a national criminal records check, and if necessary, a state-specific criminal records check. The AD or CP must have:

(A) No conviction for a potentially disqualifying permanent review crime;

(B) No convictions for any other crime in the past 15 years;

(C) No potentially disqualifying conditions; and

(D) If an AD, Criminal Justice Information Systems (CJIS) clearance and approval to view criminal records in accordance with OSP rules.

(E) With consideration of OAR 407-007-0290(11), no determination that the AD or CP was found responsible for potentially disqualifying abuse of a vulnerable person.

(2) The Department shall deny the individual's status as an AD or CP if the individual does not meet the AD or CP requirements. Once denied, the individual may no longer perform the duties of an AD or CP. There are no exceptions for individuals who do not meet the AD or CP requirements.

(3) Approved ADs and CPs shall have the following responsibilities:

(a) Demonstrate understanding of and adherence to these rules in all actions pertaining to the background check process.

(b) Act as the Department's designee in any action pursuant to these rules and the background check process. The AD or CP may not advocate for an SI during any part of the background check process, including contesting a fitness determination.

(c) Ensure that adequate measures are taken to protect the confidentiality of the records and documents required by these rules. Only an AD may view criminal offender information. A CP may not view criminal offender information. ADs and CPs at QEs may not view abuse investigation reports and associated abuse investigation exhibits or documents as part of the background check process under these rules.

(d) Verify the identity of an SI. The AD or CP shall verify identity or ensure that the same verification requirements are understood by each individual responsible for verifying identity.

(A) If conducting a background check on the SI for the first time or at rehire of the SI, the AD or CP shall verify identity by using methods which include but are not limited to reviewing the SI's current and valid government-issued photo identification and confirming the information on the photo identification with the SI, the information written on the background check request, and the information written on the fingerprint card if a national criminal records check is conducted.

(B) If an AD or CP is verifying the identity of an SI who is being rechecked, review of government-issued photo identification may not be necessary, but the AD or CP shall verify the SI's name, current address, and any aliases or previous names.

(c) Ensure that an SI is not permitted to work, volunteer, reside, or otherwise hold any position covered by these rules before the completion of a preliminary fitness determination and submission of the background check request to the Department along with a fingerprint card if the SI discloses out-of-state criminal records or residency.

(f) Ensure that when an SI is hired on a preliminary basis, the need for active supervision is understood by each individual responsible for providing active supervision.

(g) Ensure that if an SI is removed from working on a preliminary basis, the SI is immediately removed from the position and remains removed until the completion of a final fitness determination or unless the BCU reinstates hired on a preliminary basis.

(h) Notify the Department of any changes regarding an SI who still has a background check being processed, including but not limited to address or employment status changes.

(i) Monitor the status of background check applications and investigate any delays in processing.

(j) Ensure that documentation required by these rules is processed and maintained in accordance with these rules.

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(k) Notify the BCU immediately if arrested, charged, or convicted of any crime, or if found responsible for abuse by the Department.

(4) A CP may not conduct final fitness determinations. A CP has the following limitations when making preliminary fitness determinations:

(a) The CP may review the SI's completed background check request to ensure completeness of the form, verify identity, and to determine if the SI has any potentially disqualifying convictions or conditions.

(b) The CP may allow the SI to be hired on a preliminary basis only after the CP has reviewed the background check request and determined there is no indication that the SI has any potentially disqualifying convictions under OAR 407-007-0280 or conditions under OAR 407-007-0290.

(c) The CP shall not allow an SI who discloses any potentially disqualifying convictions or conditions to work on a preliminary basis.

(d) If the SI discloses potentially disqualifying convictions or conditions, the CP shall forward the background check request to an AD for preliminary fitness determination, or to the BCU for processing if there is no local AD available.

(5) In addition to the responsibilities listed in section (3) of this rule, the AD shall:

(a) Review the completed background check request (if not already done so by a CP) and conduct a preliminary fitness determination to determine eligibility for probationary status before forwarding the background check request to the BCU.

(b) Make a final fitness determination on all SIs when the Department returns their background check request to the AD for final review. The decision of an AD may not be overruled by an employee, owner, or board member of a QE who is not an AD.

(c) Participate in the appeal process if requested by the Department.

(d) Ensure the confidentiality and integrity of criminal records check documents. After the completion of a background check, ADs not involved with original fitness determinations may not review criminal records check documents to gain information on an SI's criminal history unless a new background check is being conducted. If a review is necessary, the AD must have written approval from the Department prior to reviewing any documents.

(6) ADs must have work-related access to the internet for the processing of background checks. CPs may also submit background checks through the internet if they have work-related access to the internet.

(7) An AD may not have access to criminal offender information, other criminal information (except the background check request), or make a fitness determination if there is a conflict of interest between the AD and the SI.

(a) A conflict of interest includes but is not limited to the following situations:

(A) If the AD is related to the SI. In this context, "related" means spouse, domestic partner, natural parent, child, sibling, adopted child, adopted parent, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild, aunt, uncle, niece, nephew, or cousin.

(B) If the AD has a close personal or financial relationship, other than an employee-employer relationship, with the SI.

(b) When there is a conflict of interest and the QE has no other ADs available to conduct the fitness determination, the Department shall complete the fitness determination.

(8) The Department may change AD or CP status in the following circumstances which include but are not limited to:

(a) The Department shall inactivate AD or CP status when the AD or CP position with the QE ends or when the QE terminates the appointment. The QE shall notify the Department immediately upon the end of the position or termination of the appointment.

(b) The Department or QE shall suspend or revoke the appointment if an AD or CP fails to comply with responsibilities or fails to continue to meet the requirements for AD or CP, as applicable. After suspending or revoking the appointment, the QE must immediately notify the BCU in writing. If the Department takes the action, it must immediately notify the QE in writing.

(c) The Department shall revoke AD or CP status if an AD or CP fails to recertify.

(9) Any changes to AD or CP status are not subject to appeal rights unless the denial or termination results in immediate loss of employment or position. ADs or CPs losing employment or position have the same hearing rights as other SIs under these rules.

(10) If an AD or CP leaves employment with the QE for any reason, the Department shall inactivate AD or CP status. If the individual finds

employment with another QE, a new appointment, application, and registration must be completed.

(11) The Department shall review and recertify appointments of ADs and CPs, up to and including a new application, background check, and additional training, under the following circumstances:

(a) Every three years; or

(b) Any time the Department has reason to believe the individual no longer meets the AD or CP requirements including but not limited to indication of criminal or abusive behavior or indication of noncompliance with these rules.

Stat. Auth.: ORS 181.537, 409.027 & 409.050

Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 443.004

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0240, DHS 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHS 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHS 2-2009, f. & cert. ef. 4-1-09; DHS 7-2009, f. & cert. ef. 10-1-09; DHS 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHS 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHS 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHS 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHS 8-2011, f. 10-28-11, cert. ef. 11-1-11

407-007-0250

Background Check Process

(1) A QE and SI shall use the background check request or internet-based equivalent to request a background check which shall include the following information:

(a) Name and aliases;

(b) Date of birth;

(c) Address and recent residency information;

(d) Driver license or identification card information;

(e) Position for the SI is completing the background check request;

(f) Disclosure of all criminal history;

(A) The SI must disclose all arrests, charges, and convictions regardless of outcome or when the arrests, charges, or convictions occurred.

(B) The disclosed crimes and the dates must reasonably match the SI's criminal offender information and other criminal records information, as determined by the Department.

(g) Disclosure of other information to be considered in the event of a weighing test.

(2) The background check request shall include the following notices:

(a) A notice regarding disclosure of Social Security number indicating that:

(A) The SI's disclosure is voluntary; and

(B) The Department requests the Social Security number solely for the purpose of positively identifying the SI during the criminal records check process.

(b) A notice that the SI may be subject to fingerprinting as part of a criminal records check.

(c) A notice that the BCU shall conduct an abuse check on the SI. The SI is not required to disclose any history of potentially disqualifying abuse, but may provide the BCU with mitigating or other information.

(3) The BCU shall review each background check request received for completeness and timeliness. If the BCU rejects the form, the QE's AD or CP shall immediately remove the SI from the position. If the QE still plans to hire the SI, the QE shall resolve the reasons for rejection and re-submit the form.

(4) Using identifying information submitted on the Department's background check request, the BCU shall conduct an abuse check to determine if the subject individual has potentially disqualifying abuse.

(5) The BCU shall conduct an Oregon criminal records check after a completed background check request is received. Using information submitted on the background check request, the Department or QE may obtain criminal offender information from LEDS and may request other criminal records information as needed.

(6) The Department and all QEs receiving LEDS information shall handle criminal offender information in accordance with applicable OSP requirements in ORS chapter 181 and the rules adopted pursuant thereto (see OAR chapter 257, division 15).

(7) The Department may conduct a fingerprint-based national criminal records check after an Oregon criminal records check has been completed.

(a) A fingerprint-based national criminal records check may be completed under any of the following circumstances:

(A) The SI has been outside Oregon:

(i) For 60 or more consecutive days during the previous 18 months and the SI is a child care provider or other individual included in OAR 461-165-0180.

(ii) For 60 or more consecutive days during the previous five years for all other SIs.

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(B) The LEDS check, SI disclosures, or any other criminal records information obtained by the Department indicate there may be criminal records outside of Oregon.

(C) The SI has an out-of-state driver license or out-of-state identification card.

(D) The Department has reason to question the identity or criminal record of the SI.

(E) A fingerprint-based criminal records check is required by federal or state laws or regulations, other Department rules, or by contract with the Department.

(F) The SI is an AD or CP.

(G) The Department has reason to believe that fingerprints are needed to make a final fitness determination.

(b) The Department must receive consent from the parent or guardian to obtain fingerprints from an SI under 18 years of age.

(c) The SI shall complete and submit a fingerprint card when requested by the Department. The Department shall send the request to the QE and the AD or CP shall notify the SI.

(A) The SI shall use a fingerprint card provided by the Department. The Department shall give the SI notice regarding the Social Security number as set forth in OAR 407-007-0250(2)(a).

(B) The SI shall submit the fingerprint card to the BCU within 21 calendar days of the request.

(i) The Department shall close the application, making it a closed case, if the fingerprint card is not received within 21 calendar days. When a case is closed, the SI may not be allowed to work, volunteer, be employed, or otherwise perform in positions covered by these rules, and shall be immediately terminated and removed from the position.

(ii) The Department may extend the time allowed for good cause provided by the SI or QE.

(C) The Department may require new fingerprint cards if previous cards are rejected by OSP or the FBI.

(8) The Department may also conduct a state-specific criminal records check instead of or in addition to a national criminal records check. Reasons for a state-specific criminal records check include but are not limited to:

(a) When the Department has reason to believe that out-of-state criminal records may exist and a national criminal records check may not be accomplished.

(b) When the Department has been unable to complete a national criminal records check due to illegible fingerprints.

(c) When the national criminal records check results show incomplete information about charges or criminal records without final disposition.

(d) When there is indication of residency or criminal records in a state that does not submit all criminal records to the FBI.

(e) When, based on available information, the Department has reason to believe that a state-specific criminal records check is necessary.

(9) In order to complete a background check and fitness determination, the Department may require additional information from the SI including but not limited to additional criminal, judicial, other background information, or proof of identity.

(10) The Department may conduct a background check in situations of imminent danger.

(a) If the Department determines there is indication of criminal or abusive behavior that could more likely than not pose an immediate risk to vulnerable individuals, the Department shall conduct a new criminal records check on an SI without the completion of a new background check request.

(b) If the Department determines that a fitness determination based on the new background check would be adverse to the SI, the Department shall provide the SI, if available, the opportunity to disclose criminal records, potentially disqualifying conditions, and other information as indicated in OAR 407-007-0300 before completion of the fitness determination.

(11) All criminal records checks conducted under this rule shall be documented in writing.

Stat. Auth.: ORS 181.537, 409.027 & 409.050

Stats. Implemented: ORS 181.534, 181.537, 409.010

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0250, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11

407-007-0290

Other Potentially Disqualifying Conditions

The following are potentially disqualifying conditions:

(1) The SI makes a false statement to the QE, AD, or Department, including the provision of materially false information, false information regarding criminal records, or failure to disclose information regarding criminal records. Nondisclosure of violation or infraction charges may not be considered a false statement.

(2) The SI is a registered sex offender in any jurisdiction. There is a rebuttable presumption that an SI is likely to engage in conduct that would pose a significant risk to vulnerable individuals if the SI has been designated a predatory sex offender in any jurisdiction under ORS 181.585 or found to be a sexually violent dangerous offender under ORS 144.635 (or similar statutes in other jurisdictions).

(3) The SI has an outstanding warrant for any crime in any jurisdiction.

(4) The SI has a deferred sentence, conditional discharge, or is participating in a diversion program for any crime in any jurisdiction.

(5) The SI is currently on probation, parole, or post-prison supervision for any crime in any jurisdiction, regardless of the original conviction date (or date of guilty or no contest plea if there is no conviction date).

(6) The SI has been found in violation of post-prison supervision, parole, or probation for any crime in any jurisdiction, regardless of the original conviction date (or date of guilty or no contest plea if there is no conviction date), within five years from the date the background check request was signed or the date the Department conducted a criminal records check due to imminent danger.

(7) The SI has an unresolved arrest, charge, or a pending indictment for any crime in any jurisdiction.

(8) The SI has been arrested in any jurisdiction as a fugitive from another state or a fugitive from justice, regardless of the date of arrest.

(9) The SI has an adjudication in a juvenile court in any jurisdiction, finding that the SI was responsible for a potentially disqualifying crime that would result in a conviction if committed by an adult. Subsequent adverse rulings from a juvenile court, such as probation violations, shall also be considered potentially disqualifying if within five years from the date the background check request was signed or the date the Department conducted a criminal records check due to imminent danger.

(10) The SI has a finding of "guilty except for insanity," "guilty except by reason of insanity," "not guilty by reason of insanity," "responsible except for insanity," "not responsible by reason of mental disease or defect," or similarly worded disposition in any jurisdiction regarding a potentially disqualifying crime, unless the local statutes indicate that such an outcome is considered an acquittal.

(11) Potentially disqualifying abuse as determined from abuse investigation reports which have an outcome of founded, substantiated, or valid and in which the SI is determined to have been responsible for the abuse.

(a) For SIs associated with child foster homes licensed through the Department's Seniors and People with Disabilities Division, child foster homes licensed through a private licensed child caring agency, or adoptive families through a private licensed child caring agency, potentially disqualifying abuse includes:

(A) Child protective services history held by the Department regardless of the date of initial report or outcome;

(B) Child protective services history reviewed pursuant to the federal Adam Walsh Act requirements, determined by BCU ADs to be potentially disqualifying; and

(C) Adult protective services investigations of physical abuse, sexual abuse, or financial exploitation initiated on or after January 1, 2010, as provided to BCU by the Office of Investigation and Training and the Seniors and People with Disabilities Division based on severity.

(b) For staff and volunteers of a private licensed child caring agency:

(A) Child protective services history held by the Department regardless of the date of initial report or outcome; and

(B) Adult protective services investigations of physical abuse, sexual abuse, or financial exploitation initiated on or after January 1, 2010, as provided to BCU by the Office of Investigation and Training and the Seniors and People with Disabilities Division based on severity.

(c) For child care providers and associated subject individuals defined in OAR 407-007-0210(30)(a)(H);

(A) Child protective services history held by the Department regardless of the date of initial report, date of outcome, and considered potentially disqualifying pursuant to OAR 461-165-0420; and

(B) Adult protective services investigations of physical abuse, sexual abuse, or financial exploitation initiated on or after January 1, 2010, as provided to BCU by the Office of Investigation and Training and the Seniors and People with Disabilities Division based on severity.

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(d) For all other SIs, potentially disqualifying abuse includes founded or substantiated adult protective services investigations of physical abuse, sexual abuse, or financial exploitation initiated on or after January 1, 2010, as provided to the BCU by the Office of Investigation and Training and the Seniors and People with Disabilities Division based on severity.

Stat. Auth.: ORS 181.537, 409.027 & 409.050

Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 443.004

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0290, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11

407-007-0300

Weighing Test

When making a fitness determination, the AD shall consider any of the following factors if an SI has potentially disqualifying convictions or conditions as disclosed by the SI or which is otherwise known:

(1) Circumstances regarding the nature of potentially disqualifying convictions and conditions including but not limited to:

(a) The details of incidents leading to the charges of potentially disqualifying convictions or resulting in potentially disqualifying conditions.

(b) Age of the SI at time of the potentially disqualifying convictions or conditions.

(c) Facts that support the convictions or potentially disqualifying conditions.

(d) Passage of time since commission of the potentially disqualifying convictions or conditions.

(e) Consideration of state or federal laws, regulations, or rules covering the position, facility, employer, or QE regarding the potentially disqualifying convictions or conditions.

(2) If applicable, circumstances regarding the nature of potentially disqualifying abuse including but not limited to:

(a) Circumstances leading to the incident of abuse;

(b) The nature and type of abuse; and

(c) Other information gathered during the scope of the abuse investigation.

(d) The date of the abuse incident and abuse investigation, and the age of the SI at the time of the abuse.

(e) The quality of the abuse investigation including, if applicable, any exhibits and related documents with consideration taken into account regarding completeness, objectivity, and sufficiency.

(f) Due process provided to the SI after the abuse investigation.

(g) Required action resulting from the founded or substantiated abuse including but not limited to training, counseling, corrective or disciplinary action, and the SI's compliance.

(3) Other factors when available including but not limited to:

(a) Other information related to criminal activity including charges, arrests, pending indictments, and convictions. Other behavior involving contact with law enforcement may also be reviewed if information is relevant to other criminal records or shows a pattern relevant to criminal history.

(b) Periods of incarceration.

(c) Status of and compliance with parole, post-prison supervision, or probation.

(d) Evidence of alcohol or drug issues directly related to criminal activity or potentially disqualifying conditions.

(e) Evidence of other treatment or rehabilitation related to criminal activity or potentially disqualifying conditions.

(f) Likelihood of repetition of criminal behavior or behaviors leading to potentially disqualifying conditions including but not limited to patterns of criminal activity or behavior.

(g) Information from the Department's protective services, abuse, or other investigations in which the investigator documented behavior or conduct by the SI that would pose a risk to or jeopardize the safety of vulnerable individuals.

(h) Changes in circumstances subsequent to the criminal activity or disqualifying conditions including but not limited to:

(A) History of high school, college, or other education related accomplishments.

(B) Work history (employee or volunteer).

(C) History regarding licensure, certification, or training for licensure or certification.

(D) Written recommendations from current or past employers, including Department client employers.

(i) Indication of the SI's cooperation, honesty, or the making of a false statement during the criminal records check process, including acknowledgment and acceptance of responsibility of criminal activity and potentially disqualifying conditions.

(4) The AD shall consider the relevancy of the SI's criminal activity or potentially disqualifying conditions to the paid or volunteer position, or to the environment in which the SI will reside, work, or visit.

Stat. Auth.: ORS 181.537, 409.027 & 409.050

Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 443.004

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0300, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11

407-007-0315

Hired on a Preliminary Basis

A preliminary fitness determination is required to determine if an SI may work, volunteer, be employed, or otherwise perform in the position listed on the background check request prior to a final fitness determination. The SI may not be hired on a preliminary basis prior to the completion of a preliminary fitness determination.

(1) The SI must complete required information on a background check request and the AD or CP must review the form.

(2) The AD or CP shall review the background check request, complete a preliminary fitness determination, and shall then make one of the following determinations:

(a) An SI may be hired on a preliminary basis, only during the period of time prior to a final fitness determination, into the position listed on the background check request and be allowed to participate in training, orientation, and position activities under the one of the following circumstances:

(A) If there is no indication of a potentially disqualifying conviction or condition on the background check request and the AD or CP have no reason to believe the SI has potentially disqualifying history. This is the only situation in which a CP may hire an SI on a preliminary basis.

(B) If the SI discloses any potentially disqualifying convictions or conditions, the SI may be hired on a preliminary basis only after the completion of a weighing test by an AD. The SI may be hired on a preliminary basis only if, based on information available at the time, the AD determines that more likely than not, the SI poses no potential threat to vulnerable individuals.

(b) The QE may not hire a SI on a preliminary basis under any of the following circumstances:

(A) Being hired on a preliminary basis or probationary status is not allowed by program rules.

(B) The SI has disclosed potentially disqualifying convictions or conditions and the QE does not have an AD to make a preliminary fitness determination.

(C) The AD or Department determine that:

(i) More likely than not, the SI poses a potential threat to vulnerable individuals, based on a preliminary fitness determination and weighing test;

(ii) The SI's most recent background check under these rules or other Department criminal records check rules or abuse check rules resulted in a denial; or

(iii) The SI is currently involved in contesting a background check under these or other Department criminal records check rules or abuse check rules.

(D) An outcome of no hiring on a preliminary basis may only be overturned by the Department.

(3) The QE shall forward the background check request to the Department immediately upon completion of the preliminary fitness determination or, if the QE cannot make a preliminary fitness determination, immediately after the SI's completion of the form and verification of the SIs identity.

(4) The Department shall review the preliminary fitness determination made by the QE.

(a) The Department may change the outcome of the preliminary fitness determination based on available information.

(b) A QE without access to an AD may request the Department make a preliminary fitness determination if the SI discloses potentially disqualifying convictions or conditions.

(5) An SI hired on a preliminary basis shall be actively supervised at all times.

(a) The individual providing active supervision at all times shall do the following:

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(A) Be in the same building as the SI or, if outdoors of QE buildings or any location off the QE property, be within line-of-sight and hearing, except as provided in section (5)(b)(B) of this rule;

(B) Know where the SI is and what the SI is doing; and

(C) Periodically observe the actions of the SI.

(b) The individual providing the active supervision may be either:

(A) An SI who has been approved without restrictions pursuant to these rules or previous Department criminal records check rules; or

(B) The adult client, an adult client's adult relation, the client's legal representative, or a child's parent or guardian. Active supervision by these individuals is appropriate in situations where care is given directly to clients usually in a home such as but not limited to in-home care, home health, or care by home care workers, personal care assistants, or child care providers.

(i) The adult client may actively supervise a homecare worker, personal care services provider, independent provider, or a employee of an in-home care agency or home health agency if the client makes an informed decision to employ the provider. Someone related to the client may also provide active supervision if the relative has been approved by the Department, the AD, or the private-pay client receiving services through an in-home care or home health agency.

(ii) A child client's parent or guardian shall be responsible for providing active supervision in the case of child care providers. The supervision is not required to be performed by someone in the same building as the child.

(6) An SI approved without restrictions within the previous 24 months through a documented criminal records check or abuse check pursuant to these rules or prior Department criminal records check rules or abuse check rules may be hired on a preliminary basis without active supervision. Twenty-four months is calculated from date of previous approval to the date of hire in the new position. This exemption from active supervision is not allowed in any of the following situations:

(a) If the SI cannot provide documented proof that he or she worked continuously under the previous approval for at least one year.

(b) If there is evidence of criminal activity or potentially disqualifying abuse within the previous 24 months.

(c) If, as determined by the AD or the Department, the job duties in the new position are so substantially different from the previous position that the previous fitness determination is inadequate for the current position.

(7) Revocation of hired on a preliminary basis is not subject to hearing or appeal. The QE or the Department may immediately revoke hired on a preliminary basis for any of the following reasons:

(a) There is any indication of falsification of application.

(b) The SI fails to disclose convictions for any potentially disqualifying crimes, any arrests that did not result in convictions or any out of state arrests or convictions.

(c) The QE or Department determines that allowing the SI to be hired on a preliminary basis is not appropriate, based on the application, criminal record, position duties, or Department program rules.

(8) Nothing in this rule is intended to require that an SI who is eligible to be hired on a preliminary basis be allowed to work, volunteer, be employed, or otherwise perform in the position listed on the background check request prior to a final fitness determination.

(9) Preliminary fitness determinations must be documented in writing, including any details regarding a weighing test, if required.

Stat. Auth.: ORS 181.537, 409.027 & 409.050

Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 443.004

Hist.: DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11

407-007-0320

Final Fitness Determinations

The AD shall make a final fitness determination after all necessary background checks have been received and a weighing test, if necessary, has been completed. The AD may obtain and consider additional information as necessary to complete the final fitness determination.

(1) The final fitness determination results in one of the following outcomes:

(a) The AD may approve an SI if:

(A) The SI has no potentially disqualifying convictions or potentially disqualifying conditions; or

(B) The SI has potentially disqualifying convictions or potentially disqualifying conditions and, after a weighing test, the AD determines that more likely than not, the SI poses no risk to the physical, emotional, or financial well-being of vulnerable individuals.

(b) The AD may approve an SI with restrictions if the AD determines that more likely than not, the SI poses no risk to the physical, emotional, or financial well-being of vulnerable individuals, if certain restrictions are placed on the SI. Restrictions may include but are not limited to restrictions to one or more specific clients, job duties, or environments. A new background check and fitness determination shall be completed on the SI before removing a restriction.

(c) The AD shall deny an SI whom the AD determines, after a weighing test, more likely than not poses a risk to the physical, emotional, or financial well-being of vulnerable individuals.

(2) The Department shall make a final fitness determination in the following situations:

(a) A national or state-specific criminal records check has been completed on the SI;

(b) The Department determines that the SI has potentially disqualifying abuse as described in OAR 407-007-0290(11). Only ADs employed by the Department or Authority are authorized to receive abuse investigation reports, associated exhibits, or documents from the Department or Authority for the purposes of determining potentially disqualifying abuse, or conducting fitness determinations or weighing tests in accordance with these rules.

(c) If Oregon laws or program administrative rules governing the QE or the position require that the Department makes the final fitness determination;

(d) The SI has the following history regarding criminal records checks or abuse checks:

(A) The SI's most recent criminal records check or abuse check under these rules or other Department rules resulted in a denial; or

(B) The SI's most recent criminal records check or abuse check under these or other Department rules required a weighing test which was completed by the Department.

(e) If, after conducting a criminal records check or abuse check, the Department determines that, based on the presence of a potentially disqualifying crime or condition, there is a potential for imminent danger to vulnerable individuals;

(f) If the QE requests the Department to make the final fitness determination because the QE is temporarily unable to provide an AD to conduct a fitness determination;

(g) Upon request of an AD, the Department may provide technical assistance or make the final fitness determination;

(h) If the Department has reason to believe a final fitness determination has not been conducted in compliance with these rules, the Department may repeat the background check and make a final fitness determination; or

(i) If the QE or AD is under investigation regarding compliance with these rules and the status of all ADs have been suspended during the investigation.

(3) The Department may review final fitness determinations made by local ADs and make a new final fitness determination at its discretion.

(4) Upon completion of a final fitness determination, the Department or AD making the decision shall provide written notice to the SI.

(a) The notice shall be in a Department-approved format.

(b) If approved, the background check request shall indicate the final fitness determination and the completed background check request shall be the notice of fitness determination.

(A) If the final fitness determination is completed by the Department, the QE shall ensure the SI receives a copy of the background check request after the Department returns the background check request to the QE.

(B) If the final fitness determination is completed by the local AD, the local AD shall ensure that the SI receives a copy of the background check request after the AD completes the background check request.

(c) If the final fitness determination is a denial based on potentially disqualifying abuse under OAR 407-007-290(11)(d) and there are no other potentially disqualifying convictions or conditions, the Department shall issue a Notice of Intent to Deny and provide hearing rights under OAR 407-007-0335.

(d) Except as required by section (4)(c) of this rule, if denied or approved with restrictions, the notice of fitness determination shall include the potentially disqualifying convictions or conditions that the outcome was based upon, information regarding appeal rights and the notice becoming a final order in the event of a withdrawal or failure to appear at the hearing.

(A) If the final fitness determination is completed by the Department, the Department shall issue the SI the notice of fitness determination and a copy of the background check request. The Department shall provide the QE with a copy of the background check request to the QE with indication

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of the final fitness determination being either denied or approved with restrictions.

(B) If the final fitness determination is completed by the local AD, the local AD shall issue the SI the notice of fitness determination and a copy of the background check request after the AD completes the background check request.

(e) The notice of fitness determination shall be mailed or hand-delivered to the SI within 14 calendar days after the final fitness determination has been completed. The effective date of action shall be recorded on the notice.

(5) When an SI is denied, the SI shall not be allowed to work, volunteer, be employed, or otherwise perform in the position listed on the background check request. A denial applies only to the position and application in question. A denial shall result in immediate termination, dismissal, or removal of the SI.

(6) When an SI is approved with restrictions, the SI shall only be allowed to work, volunteer, be employed, or otherwise perform in the position listed on the background check request and only under the stated restrictions. A restricted approval applies only to the position and application in question. A restricted approval shall result in immediate implementation of the restrictions.

(7) Final fitness determinations must be documented in writing, including any details including but not limited to the potentially disqualifying convictions or conditions, the factors considered during weighing test, and restrictions in a restricted approval. The authorized designee shall also maintain any documents obtained during the fitness determination, such as written statements and certificates from the subject individual, police reports, or court records.

(8) The Department or AD shall make new fitness determinations for each application. The outcome of previous fitness determinations does not set a precedent for subsequent fitness determinations.

Stat. Auth.: ORS 181.537, 409.027 & 409.050
Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 443.004
Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0320, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11

407-007-0325

Closed Case

If the SI discontinues the application or fails to cooperate with the criminal records check or fitness determination process, the application is considered incomplete and may be closed.

(1) Discontinuance or failure to cooperate includes but is not limited to the following circumstances:

(a) The SI fails to disclose all criminal history on the background check request.

(b) The SI refuses to be fingerprinted when required by these rules.

(c) The SI fails to respond within a stated time period to a request for corrections to the application, fingerprints, or any other information necessary to conduct a criminal records check or an abuse check and there is not enough information available to make a fitness determination.

(d) The SI withdraws the application, leaves the position prior to completion of the background check, or the Department cannot locate or contact the subject individual.

(e) The SI is determined to be ineligible for the position for reasons other than the background check.

(2) When the application is closed without a final fitness determination, the SI does not have a right to contest the closure.

(3) When a case is closed, the SI shall not be allowed to work, volunteer, be employed, or otherwise perform in the position listed on the background check request. A closed case applies only to the position in question. A closed case shall result in immediate termination, dismissal, or removal of the SI.

(4) The AD or CP shall document in writing the reasons for a closed case, and shall provide that information to the SI.

Stat. Auth.: ORS 181.537, 409.027 & 409.050
Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 443.004
Hist.: DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11

407-007-0330

Contesting a Fitness Determination

(1) A final fitness determination of denied or restricted approval is considered an adverse outcome. An SI with an adverse outcome may con-

test that fitness determination unless already granted contested case hearing rights under OAR 407-007-0335.

(2) If an SI is denied, the SI may not hold the position, provide services or be employed, licensed, certified, or registered, or otherwise perform in positions covered by these rules. An SI appealing a restricted approval may only work under the terms of the restriction during the appeal.

(3) If an adverse outcome is changed at any time during the appeal process, the change does not guarantee employment or placement.

(4) An SI may challenge the accuracy or completeness of information provided by the OSP, the FBI, or other agencies reporting information to the Department, by appealing to the entity providing the information. These challenges are not subject to the Department's appeal process.

(5) An SI has the right to represent him or herself or have legal representation during the appeal process. For the purpose of this rule, the term "SI" shall be considered to include the SI's legal representative.

(a) An SI who is appealing an adverse outcome regarding the position of homemaker as defined in ORS 410.600 or personal support worker as defined in ORS 410.600 may be represented by a labor union representative pursuant to ORS 183.459.

(b) For all other SIs, the SI may not be represented by a lay person.

(6) An SI may contest an adverse fitness determination by requesting a contested case hearing. The contested case hearing process is conducted in accordance with ORS 183.411 to 183.497 and the Attorney General's Uniform and Model Rules of Procedure for the Office of Administrative Hearings (OAH), OAR 137-003-0501 to 137-003-0700.

(a) To request a contested case hearing, the SI shall complete and sign the Hearing Request form.

(b) The completed and signed form must be received by the Department within 45 calendar days after the effective date of action listed on the notice of the fitness determination.

(c) In the event an appeal is not timely, the Department shall determine, based on a written statement from the SI and available information, if there is good cause to proceed with the appeal.

(d) The Department may refer an untimely request to the OAH for a hearing on the issue of timeliness.

(7) The Department may conduct an administrative review before referring the appeal to OAH.

(a) The SI must participate in the administrative review. Participation may include but is not limited to providing additional information or additional documents requested by the BCU within a specified amount of time.

(b) The administrative review is not open to the public.

(8) The Department may conduct additional criminal records checks or abuse checks during the contested case hearing process to update or verify the SI's potentially disqualifying convictions or conditions and factors to consider in the weighing test. If needed, the Department shall amend the notice of fitness determination while still maintaining the original hearing rights and deadlines.

(9) The Department shall be represented by a hearing representative in contested case hearings. The Department may also be represented by the Office of the Attorney General.

(a) The Department shall provide the administrative law judge and the SI a complete copy of available information used during the background checks and fitness determinations. The notice of contested case and pre-hearing summary and other documents may be mailed by regular first class mail or provided electronically.

(b) An SI may not have access to confidential information contained in abuse investigation reports or other records collected or developed during the abuse check process without a protective order limiting further disclosure of the information.

(A) A protective order issued pursuant to this section must be issued by an administrative law judge as provided for in OAR 137-003-0570(8) or by a court of law.

(B) In conjunction with a protective order issued pursuant to this section, individually identifying information relating to clients, witnesses, and other persons identified in abuse investigation reports or other records collected or developed during the abuse check process shall be redacted prior to disclosure, except for the information identifying the SI.

(c) The contested case hearing is not open to the public.

(d) The administrative law judge shall make a new fitness determination based on evidence and the contested case hearing record.

(e) The only remedy an administrative law judge may grant is a fitness determination that the subject individual is approved, approved with restrictions, or denied. Under no circumstances shall the Department or the QE be required to place an SI in any position, nor shall the Department or

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the QE be required to accept services or enter into a contractual agreement with an SI.

(f) A hearing pursuant to these rules may be conducted in conjunction with a licensure or certification hearing for the SI.

(10) The notice of fitness determination issued is final as if the SI never requested a hearing in the following situations:

(a) The SI failed to request a hearing in the time allotted in this rule. No other document will be issued after the notice of fitness determination.

(b) The SI withdraws the request for hearing at any time during the appeal process.

(11) The Department may make an informal disposition based on the administrative review. The Department shall issue a final order and new notice of fitness determination. If the resulting fitness determination is an adverse outcome, the appeal shall proceed to contested case hearing.

(12) The Department shall issue a dismissal order in the following situations:

(a) The SI may withdraw a hearing request verbally or in writing at any time before the issuance of a final order. A dismissal order due to the withdrawal is effective the date the withdrawal is received by the Department or the OAH. The SI may cancel the withdrawal in writing within 14 calendar days after the date of withdrawal.

(b) The Department shall dismiss a hearing request when the SI fails to participate in the administrative review. Failure to participate in the administrative review shall result in termination of hearing rights. The order is effective on the due date for participation in the administrative review. The Department shall review a good cause request to reinstate hearing rights if received in writing by the Department within 14 calendar days.

(c) The Department shall dismiss a hearing request when the SI fails to appear at the time and place specified for the contested case hearing. The order is effective on the date scheduled for the hearing. The Department shall review a good cause request to reinstate hearing rights if received in writing by the Department within 14 calendar days of the order.

(13) After a hearing, the administrative law judge shall issue a proposed and final order.

(a) If no written exceptions are received by the Department within 14 calendar days after the service of the proposed and final order, the proposed and final order becomes the final order.

(b) If timely written exceptions to the proposed and final order are received by the Department, the Department's Director or designee shall consider the exceptions and serve a final order, or request a written response or a revised proposed and final order from the administrative law judge.

(14) Final orders, including dismissal and default orders, are subject to reconsideration or rehearing petitions within 60 calendar days after the order is served, pursuant to OAR 137-003-0675.

(15) The Department may provide the QE's AD with the results of the appeal.

Stat. Auth.: ORS 181.537, 183.459, 409.027 & 409.050
Stats. Implemented: ORS 181.534, 181.537, 183.459, 409.010, 409.027 & 443.004
Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0330, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 2-2008(Temp), f. & cert. ef. 3-31-08 thru 9-26-08; DHSD 7-2008, f. 8-29-08, cert. ef. 9-1-08; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11

407-007-0335

Decision and Hearing Rights for Potentially Disqualifying Abuse

(1) This rule applies only to:

(a) Background checks in which an SI has potentially disqualifying abuse under OAR 407-007-0290(11)(d) with no other potentially disqualifying convictions or conditions; and

(b) After a weighing test under OAR 407-007-0300, the Department determines that more likely than not, SI poses a risk to the physical, emotional, or financial well-being of vulnerable individuals.

(2) The Department shall provide the SI a Notice of Intent to Deny in writing.

(a) The Department shall indicate on the Notice of Intent to Deny the date the final fitness determination was made and the date of the intended action if the SI fails to request an expedited hearing.

(b) The Department shall mail the Notice of Intent to Deny to the SI using the mailing address provided by the SI by the next business day after the date of the final fitness determination.

(c) The Department shall include a copy of the background check request and an Expedited Hearing Request form with the Notice of Intent to Deny.

(3) An SI may contest a Notice of Intent to Deny by requesting an expedited hearing. The expedited hearing process is conducted in accordance with ORS 183.411 to 183.497 and the Attorney General's Uniform and Model Rules of Procedure for the Office of Administrative Hearings (OAH), OAR 137-003-0501 to 137-003-0700.

(4) To request an expedited hearing, the SI must submit a completed and signed Expedited Hearing Request form. The request for an expedited hearing must be received by the Department within 10 calendar days after the date of the final fitness determination.

(5) An SI has the right to represent him or herself or have legal representation during the expedited hearing process. For the purpose of this rule, the term "SI" shall be considered to include the SI's legal representative if the SI has provided the Department with the such information.

(a) An SI who is appealing a Notice of Intent to Deny regarding the position of homecare worker as defined in ORS 410.600 or personal support worker as defined in ORS 410.600 may be represented by a labor union representative pursuant to ORS 183.459.

(b) For all other SIs, the SI may not be represented by a lay person.

(6) If the SI fails to request an expedited hearing under this rule within the allowed time, the Department shall issue a Notice of Denial to the SI and to the QE. The SI shall have no further hearing rights under OAR 407-007-0330.

(7) If the SI requests an expedited hearing in a timely manner, the SI shall remain in the same status made in a preliminary fitness determination under OAR 407-007-0315 until the date of a final order or the Notice of Denial.

(8) The Department may conduct an administrative review before referring the appeal to OAH.

(a) The SI must participate in the administrative review. Participation may include but is not limited to providing additional information or additional documents requested by the BCU within a specified amount of time.

(b) The administrative review is not open to the public.

(c) The Department may make an informal disposition based on the administrative review. The Department shall issue a final order and a notice of fitness determination.

(9) The Department shall be represented by a hearing representative in expedited hearings. The Department may also be represented by the Office of the Attorney General.

(a) The Department shall provide the administrative law judge and the SI a complete copy of available information used during the background checks and fitness determinations. The claimant is entitled to reasonable notice of all hearing documents either through personal service, electronically, regular mail, or certified mail.

(b) An SI may not have access to confidential information contained in abuse investigation reports or other records collected or developed during the abuse check process without a protective order limiting further disclosure of the information.

(A) A protective order issued pursuant to this section must be issued by an administrative law judge as provided for in OAR 137-003-0570(8) or by a court of law.

(B) In conjunction with a protective order issued pursuant to this section, individually identifying information relating to clients, witnesses, and other persons identified in abuse investigation reports or other records collected or developed during the abuse check process shall be redacted prior to disclosure, except for the information identifying the SI.

(10) The expedited hearing shall be conducted by the OAH by telephone within 10 business days from the receipt of the completed and signed Expedited Hearing Request form.

(a) The expedited hearing is not open to the public.

(b) The administrative law judge shall make a new fitness determination based on evidence and the record.

(c) The only remedy an administrative law judge may grant is a fitness determination that the subject individual is approved, approved with restrictions, or denied. Under no circumstances shall the Department or the QE be required to place an SI in any position, nor shall the Department or the QE be required to accept services or enter into a contractual agreement with an SI.

(12) The Department shall issue a dismissal order in the following situations:

(a) The SI may withdraw an expedited hearing request verbally or in writing at any time before the issuance of a final order. A dismissal order due to the withdrawal is effective the date the withdrawal is received by the Department or the OAH. The SI may cancel the withdrawal in writing within four calendar days after the date of withdrawal.

ADMINISTRATIVE RULES

(b) The Department shall dismiss a hearing request when the SI fails to participate in the administrative review. Failure to participate in the administrative review shall result in termination of hearing rights. The order is effective on the due date for participation in the administrative review.

(c) The Department shall dismiss a hearing request when the SI fails to appear at the time specified for the expedited hearing. The order is effective on the date scheduled for the hearing.

(13) After an expedited hearing, the administrative law judge shall issue a final order within three business days.

(a) If the final order maintains the Department's intent to deny, the Department shall issue a Notice of Denial by the next business day after the date of the final order. The SI shall have no further hearing rights under OAR 407-007-0330.

(b) If the final order reverses the Department's intent to deny to an approval or a restricted approval, the Department shall issue a Notice of Fitness Determination by the next business day after the date of the final order unless the Department formally stays the final order.

(14) Final orders, including dismissal and default orders, are subject to reconsideration or rehearing petitions within 60 calendar days after the order is served, pursuant to OAR 137-003-0675.

Stat. Auth.: ORS 181.537, 183.459, 409.027 & 409.050
Stats. Implemented: ORS 181.534, 181.537, 183.459, 409.010, 409.027 & 443.004
Hist.: DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11

407-007-0340

Record Keeping, Confidentiality

(1) All LEDES reports are confidential and the AD shall maintain the reports in accordance with applicable OSP requirements in ORS chapter 181 and the rules adopted pursuant thereto (see OAR chapter 257, division 15).

(a) LEDES reports are confidential and may only be shared with another AD if there is a need to know consistent with these rules.

(b) The LEDES report and any photocopies may not be shown or given to the SI.

(2) The results of a national criminal records check provided by the FBI or the OSP are confidential and may not be disseminated by the Department unless:

(a) If a fingerprint-based criminal records check was conducted on the SI, the SI shall be provided a copy of the results if requested.

(b) The state and national criminal offender information shall be provided as exhibits during the contested case hearing.

(3) The results of an abuse check are confidential and may not be disseminated by the Department except in compliance with confidentiality statutes and guidelines of the Department. An SI may not have access to confidential information contained in abuse investigation reports or other records collected or developed during the abuse check process without a protective order limiting further disclosure of the information during the contested case hearing process.

(4) All completed background check requests, other criminal records information, and other records collected or developed during the background check or contested case process shall be kept confidential and disseminated only on a need-to-know basis.

(5) The Department shall retain and destroy all criminal records check documents pursuant to federal law and records retention schedules published by Oregon State Archives.

(6) Documents may be requested and reviewed by the Department and the OSP for the purposes of determining and ensuring compliance with these rules.

(7) Neither local ADs nor the Department may re-create past notices of fitness determinations. If an error is discovered on a notice of fitness determination, the local AD or the Department may correct it by issuing an amended notice of fitness determination.

Stat. Auth.: ORS 181.537, 409.027 & 409.050
Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 443.004
Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0340, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11

407-007-0350

Immunity from Liability

(1) The Department, QE, AD, or CP, acting within the course and scope of employment, have immunity from any civil liability that might otherwise be incurred or imposed for determining, in accordance with ORS

181.537, that an SI is fit or not fit to hold a position, provide services, or be employed, licensed, certified, or registered.

(2) The Department, QE, AD, or CP, acting within the course and scope of employment, and an employer or employer's agent are not liable for the failure to hire a prospective employee or the decision to discharge an employee on the basis of the QE's decision if they in good faith comply with:

(a) ORS 181.537 and ORS 409.027; and

(b) The decision of the QE or employee of the QE acting within the course and scope of employment.

(3) No employee of the state, a business, or an organization, acting within the course or scope of employment, is liable for defamation, invasion of privacy, negligence, or any other civil claim in connection with the lawful dissemination of information lawfully obtained under ORS 181.537.

Stat. Auth.: ORS 181.537, 409.027 & 409.050
Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 443.004
Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0350, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11

407-007-0370

Variances

(1) The Department may consider variance requests regarding these rules.

(a) The outcomes of a fitness determination made pursuant to these rules is not subject to variance. Challenges to fitness determinations may only be made by SIs through contested case hearing rights set forth in these rules.

(b) The Department may not grant variances to ORS 181.534 and 181.537.

(2) The Department may grant a variance to any section of these rules based upon a demonstration by the QE that the variance would not pose a significant risk to physical, emotional, or financial well-being of vulnerable individuals.

(3) The QE requesting a variance must submit, in writing, an application to the BCU that contains:

(a) The section of the rule from which the variance is sought;

(b) The reason for the proposed variance;

(c) The alternative practice, service, method, concept, or procedure proposed;

(d) A plan and timetable for compliance with the section of the rule from which the variance is sought; and

(e) An explanation on how the welfare, health, or safety of individuals receiving care will be ensured during the time the variance is in effect.

(4) The Assistant Director or designee for the Department's Shared Services, Office of Human Resources shall approve or deny the request for a variance.

(5) The Department shall notify the QE of the decision within 60 calendar days of the receipt of the request and shall provide a copy to other relevant Department program offices.

(6) Appeal of the denial of a variance request must be made in writing to the Department's Director, whose decision is final.

(7) The Department shall determine the duration of the variance.

(8) The QE may implement a variance only after receipt of written approval from the Department.

(9) Granting a variance does not set a precedent that must be followed by the Department when evaluating subsequent variance requests.

Stat. Auth.: ORS 181.537 & 409.050
Stats. Implemented: ORS 181.534, 181.537 & 409.010
Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0370, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11

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**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 27-2011

Filed with Sec. of State: 11-3-2011

Certified to be Effective: 11-4-11

Notice Publication Date: 10-1-2011

Rules Adopted: 413-010-0501, 413-010-0502

ADMINISTRATIVE RULES

Rules Amended: 413-010-0500, 413-010-0505, 413-010-0510, 413-010-0515, 413-010-0520, 413-010-0525, 413-010-0530, 413-010-0535

Rules Repealed: 413-010-0500(T), 413-010-0501(T), 413-010-0502(T), 413-010-0505(T), 413-010-0510(T), 413-010-0515(T), 413-010-0520(T), 413-010-0525(T), 413-010-0530(T), 413-010-0535(T)

Subject: 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.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-010-0500

Purpose, Right to Request Hearing, Applicable Rules, and Computation of Time

(1) The purpose of these rules (OAR 413-010-0500 to 413-010-0535) is to:

(a) State the rights of individuals and entities to request a contested case hearing when the Department takes certain actions; and

(b) Set forth rules governing some aspects of the contested case hearing process.

(2) The individuals and entities described below have the right to request a contested case hearing under ORS Chapter 183. In order to exercise the right to a hearing, the individual or entity must submit and the Department must receive a hearing request which complies with OAR 413-010-0505 within the timeframes described in that rule.

(a) A child or young adult placed in substitute care by the Department may request a hearing in the manner set forth in OAR 413-010-0505 when the Department issues a notice and decision that includes a statement of hearing rights that:

(A) Reduces or terminates the base rate payment;

(B) Determines, denies, reduces or terminates a level of care payment;

(C) Determines, denies, reduces or terminates a level of personal care payment;

(D) Denies eligibility under Title IV-E of the Social Security Act when such denial impacts a benefit;

(E) Denies, reduces or terminates the base rate payment made on behalf of the child's or young adult's minor child when the minor child:

(i) Lives with the child or young adult in substitute care; and

(ii) Is not in the legal custody of the Department; or

(F) Denies eligibility for medical assistance under Child Welfare Policy I-E.6.2, "Title XIX and General Assistance Medical Eligibility;" (OAR 413-100-0400 through 413-100-0610) when such denial impacts assistance.

(b) Unless an adoption assistance agreement automatically expires, a pre-adoptive family or an adoptive family applying for or receiving adoption assistance under Child Welfare Policy I-G.3.1, "Adoption Assistance;" (OAR 413-130-0000 to 413-130-0130) may request a hearing in the manner set forth in 413-010-0505 when the Department issues a notice and decision that includes a statement of hearing rights and:

(A) Denies Title IV-E adoption assistance benefits;

(B) Denies adoption assistance from state funds;

(C) Reduces adoption assistance payments or terminates adoption assistance without the concurrence of the adoptive family;

(D) Reduces adoption assistance payments or terminates adoption assistance for a reason other than a child turning age 18 or a young adult turning age 21 when an extension has been granted; or

(E) Offers the family a specific amount or type of adoption assistance when the Department and the adoptive family or pre-adoptive family are unable to reach agreement through a negotiation or renegotiation under OAR 413-130-0070 or 413-130-0075.

(c) Unless a guardianship assistance agreement automatically expires, a potential guardian or a guardian applying for or receiving guardianship assistance payments under Child Welfare Policy I-E.3.6.2, "Guardianship Assistance;" (OAR 413-070-0900 to 413-070-0982) in the manner set forth in 413-010-0505 when the Department issues a notice and decision that includes a statement of hearing rights and:

(A) Denies Title IV-E guardianship assistance benefits;

(B) Terminates, reduces, or otherwise changes guardianship assistance payments without the concurrence of the guardian;

(C) Terminates guardianship assistance for a reason other than a child turning age 18 or a young adult turning age 21 when an extension has been granted; or

(D) Offers the family a specific amount or type of guardianship assistance when the Department and the guardian or potential guardian are unable to reach agreement through a negotiation or renegotiation under OAR 413-070-0917, 413-070-0939, or 413-070-0969.

(d) An applicant for a Certificate of Approval or a certified family may request a hearing in the manner set forth in OAR 413-010-0505 when the Department denies the application or revokes a certificate under Child Welfare Policy II-B.1, "Standards for Certification of Foster Parents, Relative Caregivers, and Approval of Potential Adoptive Resources;" (OAR 413-200-0301 to 413-200-0396);

(e) An applicant for a license to operate a private child-caring agency or a licensee may request a hearing in the manner set forth in OAR 413-010-0505 when the Department denies, suspends, or revokes a license or imposes a civil penalty under Child Welfare Policy II-C.1, "Licensing Umbrella Rules;" (OAR 413-215-0000 to 413-215-0131);

(f) An organization or school that operates a residential care program for children and is not also a private child-caring agency may request a hearing in the manner set forth in OAR 413-010-0505 when the Department orders the organization or school to alter the conditions under which a child lives or receives schooling or denies, suspends or revokes a license under Child Welfare Policy II-C.1, "Licensing Umbrella Rules;" (OAR 413-215-0000 to 413-215-0131);

(g) An applicant to adopt or an applicant for a Certificate of Approval may request a hearing in the manner set forth in OAR 413-010-0505 when the Department determines that the applicant is unfit based on the criminal offender information or a false statement regarding criminal offender information of the applicant or of another individual in the household of the applicant under Child Welfare Policy I-G.1.4, "Oregon Computerized Criminal History Checks and Nationwide Criminal History Checks through the FBI for Relative Caregivers, Foster Parents, Other Persons in the Household and Adoptive Parents for Children in the Care or Custody of DHS;" (OAR 413-120-0400 to OAR 413-120-0470).

(3) A person may request a hearing in the manner set forth in OAR 413-010-0505 when that person has the right to a contested case hearing under a statute concerning Child Welfare Programs or a rule in Chapter 413.

(4) These rules (OAR 413-010-0500 to 413-010-0535), apply to contested cases arising from the properly made hearings requests described in sections (2) and (3) of this rule. The following other rules do or do not apply as noted:

ADMINISTRATIVE RULES

(a) OAR 137-003-0501 to 137-003-0700 apply to these contested cases, except to the extent that rules in Chapter 413 are permitted to and provide otherwise.

(b) Rules in chapter 461 do not apply to these contested cases unless a rule in chapter 413 expressly refers to them.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 183.411 - 183.685, 411.095, 418.005

Hist.: SOSCF 32-2001, f. 6-29-01 cert. ef. 7-1-01; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 10-2009(Temp), f. & cert. ef. 9-1-09 thru 12-28-09; CWP 20-2009, f. & cert. ef. 12-29-09; CWP 8-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 27-2011, f. 11-3-11, cert. ef. 11-4-11

413-010-0501

Definitions

The following definitions apply to these rules (OAR 413-010-0500 to 413-010-0535):

(1) "Adoption assistance" means assistance provided on behalf of an eligible child or young adult to offset the costs associated with adopting and meeting the ongoing needs of the child or young adult. "Adoption assistance" may be in the form of payments, medical coverage, reimbursement of nonrecurring expenses, or special payments.

(2) "Adoptive family" means an individual or individuals who have legalized a parental relationship to the child who joined the family through a judgment of the court.

(3) "Base rate payment" means a payment to the foster parent or relative caregiver at a rate established by the Department for the costs of providing the child or young adult with the following:

(a) Food — including the cost to cover a child's or young adult's special or unique nutritional needs;

(b) Clothing — including purchase and replacement;

(c) Housing — including maintenance of household utilities, furnishings, and equipment;

(d) Daily supervision — including teaching and directing to ensure safety and well-being at a level which is appropriate based on the child's or young adult's chronological age;

(e) Personal incidentals — including personal care items, entertainment, reading materials, and miscellaneous items; and

(f) The cost of providing transportation — including local travel associated with expenditure for gas and oil, and vehicle maintenance and repair associated with transportation to and from extracurricular, child care, recreational, and cultural activities.

(4) "Certificate of Approval" means a document that the Department issues to approve the operation of a certified relative caregiver home or a foster home.

(5) "Certified family" means an individual or individuals who hold a current 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.

(6) "Child" means a person under 18 years of age.

(7) "Foster parent" means a person 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.

(8) "Guardian" means an individual who has been granted guardianship of a child through a judgment of the court.

(9) "Guardianship assistance" means assistance on behalf of an eligible child or young adult to offset the costs associated with establishing the guardianship and meeting the ongoing needs of the child or young adult. "Guardianship assistance" may be in the form of a payment, medical coverage, or reimbursement of guardianship expenses.

(10) "Level of care payment" means the payment provided to an approved or certified family, a guardian, a pre-adoptive family or an adoptive family based on the need for enhanced supervision of the child or young adult as determined by applying the CANS algorithm to the results of the CANS screening.

(11) "Level of personal care payment" means the payment to a qualified provider for performing the personal care services for an eligible child or young adult based on the child's or young adult's need for personal care services as determined by applying the personal care services algorithm to the results of the personal care services rating scale.

(12) "Licensee" means a private child-caring agency or an organization or school that offers a residential program for children (regulated pursuant to ORS 418.327) and holds a license issued by the Department.

(13) "Participating tribe" means a federally recognized Indian tribe in Oregon with a Title IV E agreement with the Department.

(14) "Party" means a person entitled to a contested case hearing under these rules.

(15) "Potential guardian" means an individual who:

(a) Has been approved by the Department or participating tribe to be a child's guardian; and

(b) Is in the process of legalizing the relationship to the child through the judgment of the court.

(16) "Pre-adoptive family" means an individual or individuals who:

(a) Has been selected to be a child's adoptive family; and

(b) Is in the process of legalizing the relationship to the child through the judgment of the court.

(17) "Private child-caring agency" is defined by the definitions in ORS 418.205, and means a "child-caring agency" that is not owned, operated, or administered by any governmental agency or unit.

(a) A "child-caring agency" means an agency or organization providing:

(A) Day treatment for disturbed children;

(B) Adoption placement services;

(C) Residential care, including but not limited to foster care or residential treatment for children;

(D) Outdoor youth programs (defined at OAR 413-215-0911); or

(E) Other similar services for children.

(b) A child-caring agency does not include residential facilities or foster care homes certified or licensed by the Department under ORS 443.400 to 443.455, 443.830, and 443.835 for children receiving developmental disability services.

(18) "Relative caregiver" means a person who operates a home that has been approved by the Department to provide care for a related child or young adult who is placed in the home by the Department.

(19) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 183.411 - 183.685, 411.095, 418.005

Hist.: CWP 8-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 27-2011, f. 11-3-11, cert. ef. 11-4-11

413-010-0502

Representation

(1) When a child or young adult has the right to a hearing because the Department takes an action under OAR 413-010-0500(2)(a), the foster parent or relative caregiver may:

(a) Request a hearing on behalf of the child or young adult; and

(b) Participate in the hearing as a representative on behalf of the child or young adult.

(2) When the Department takes an action to deny, reduce, or terminate a benefit or service that is provided under Title IV-E or Title XIX of the Social Security Act, a party may be represented by an attorney, a relative, a friend, or other spokesperson as authorized by federal law.

(3) In all other cases, a party may represent themselves or be represented by an attorney.

(4) The Department, with the consent of the Attorney General, has authorized its employees to represent the Department in cases involving the actions described in OAR 413-010-0500(2)(a).

(5) A Department employee acting as the Department's representative may not make legal argument on behalf of the Department.

(a) "Legal argument" includes argument on:

(A) The jurisdiction of the Department to hear the contested case;

(B) The constitutionality of a statute or administrative rule or the application of a constitutional requirement to the Department; and

(C) The application of court precedent to the facts of the particular contested case proceeding.

(b) "Legal argument" does not include presentation of a motion, evidence, examination and cross-examination of a witness, or presentation of a factual argument or arguments on:

(A) The application of a statute or administrative rule to the facts in the contested case;

(B) Comparison of a prior Department action when handling a similar situation;

(C) The literal meaning of a statute or administrative rule directly applicable to an issue in the contested case;

(D) The admissibility of evidence; and

(E) The correctness of a procedure being followed in the contested case hearing.

(6) The Department may be represented in any contested case proceeding by the Department of Justice.

(7) Contested cases under these rules are not open to the public and are closed to nonparticipants, except nonparticipants may attend subject to the consent of each party and the Department.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 183.411 - 183.685, 411.095, 418.005

ADMINISTRATIVE RULES

Hist.: CWP 8-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 27-2011, f. 11-3-11, cert. ef. 11-4-11

413-010-0505

Hearing Requests

- (1) To request a hearing under OAR 413-010-0500(2)(a):
 - (a) The party or the party's representative must complete and sign a hearing request form approved by the Department: and
 - (b) The form must be received by the Department not later than 30 days following the mailing date or date of personal delivery of the notice.
- (2) Requests for a hearing under OAR 413-010-0500(2)(b)-(g) must be in writing and must be received by the Department by the date specified in the Department's notice.
- (3) In the event a request for a hearing is not timely, OAR 137-003-0528 applies, except to the extent provided otherwise in section (5) of this rule.
- (4) If a contested case notice was sent by regular mail, and the party or party's representative indicates that neither the party nor the party's representative received or had actual knowledge of the contested case notice, the Department must advise the party or party's representative of the right to request a hearing under section (5) of this rule.
- (5) When the Department receives a hearing request that is not filed within the timeframe required by section (1) or section (2) of this rule but is filed no later than 60 days after a notice becomes a final order under OAR 413-010-0510(3):
 - (a) If the Department finds that the party and party's representative did not receive the written notice and did not have actual knowledge of the notice, the Department refers the request for a hearing to the Office of Administrative Hearings (OAH) for a contested case hearing on the merits of the Department's action described in the notice.
 - (b) The Department may refer the request for a hearing to the OAH for a contested case proceeding to determine whether the party or party's representative received the written notice or had actual knowledge of the notice. At the hearing, the Department must show that the party or party's representative had actual knowledge of the notice or that the Department mailed the notice to the correct address of the party or party's representative.
 - (6) Upon receipt of a hearing request that is not described in OAR 413-010-0500(2), the Department may enter an order that the hearing request is not eligible for referral to OAH. Alternately, the Department may refer a hearing request to OAH for a decision on the question of whether there is a right to a contested case hearing.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 183.411 - 183.685, 411.095, 418.005, 2009 OL Ch. 126

Hist.: CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 9-2009(Temp), f. & cert. ef. 8-12-09 thru 12-28-09; CWP 20-2009, f. & cert. ef. 12-29-09; CWP 8-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 27-2011, f. 11-3-11, cert. ef. 11-4-11

413-010-0510

Notice

- (1) When the Department takes any of the actions described in OAR 413-010-0500(2), the Department issues a written notice to the person that has the right to a contested case hearing.
- (2) When the Department takes any of the actions described in OAR 413-010-0500(2)(a)-(c), the written notice must:
 - (a) Specify the date the notice is mailed or personally delivered;
 - (b) Specify the action the Department intends to take and the effective date of the action. If benefits are reduced or closed to reflect cost-of-living adjustments in benefits or other mass change under a program operated by a federal agency or to reflect a mass change to payments in another program operated by the Department, it is sufficient to meet this requirement that the notice state all of the following:
 - (A) The general nature of the change.
 - (B) Examples of how the change affects the benefits of the group of affected clients.
 - (C) The month in which the change will take place.
 - (c) Specify the circumstances under which payments or benefits are continued if a hearing is requested and whether continued payments or benefits may be subject to recovery by the Department if the Department's action is upheld; and
 - (d) If the Department intends to terminate benefits or payments because the individual is ineligible for the benefits or payments or the program is terminated, state that the individual may reapply for assistance if circumstances affecting the eligibility of the individual change.
- (3) Department notices indicate that the Department designates the record of the proceeding, including information in the Department's file or

files and materials added by a party, as the record upon default. The Department's notice becomes a final order --

- (a) The day after the date prescribed in the notice as the deadline for requesting the hearing if the party fails to request a hearing; or
- (b) The day the Department or OAH mails an order dismissing the hearing request because the party withdraws the request or fails to appear on the date and at the time set for the hearing.
- (4) When the Department terminates or reduces benefits or services under subsections (2)(a) through (2)(c) of OAR 413-010-0500, the Department must send the notice --
 - (a) At least 10 calendar days before the effective date of the action, except as provided in subsection (b) of this section.
 - (b) When the Department changes a benefit standard that results in the reduction, suspension or closure of a grant of public assistance:
 - (A) At least 30 days before the effective date of the action; or
 - (B) At least 10 working days before the effective date of the action when the Department has fewer than 60 days before the effective date to implement the proposed change.
 - (c) For purposes of this rule, the term "changes a benefit standard" means a change to the applicable inflation-adjusted contribution, income, or payment standard. It does not include the annual adjustment to a standard based on a federal or state inflation rate.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 183.411 - 183.685, 411.095, 418.005

Hist.: CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 20-2009, f. & cert. ef. 12-29-09; CWP 8-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 27-2011, f. 11-3-11, cert. ef. 11-4-11

413-010-0515

Continuation of Benefits

- (1) Except as otherwise provided in this rule, a recipient of benefits is entitled to receive continuing benefits when the Department takes any action to suspend, reduce, or terminate benefits or services as described in subsections (2)(a)(A)-(F), (2)(b), or (2)(c) of OAR 413-010-0500, and the Department has:
 - (a) Provided at least 10 days notice of such action as required by OAR 413-010-0510;
 - (b) Received a request for a hearing from the recipient not later than 30 days following the mailing date or date of personal delivery of the notice, whichever is earlier; and
 - (c) Received such request prior to the effective date of the action.
- (2) Any continuing benefits authorized by this rule are subject to recovery by the Department to the extent that the Department's action is sustained or otherwise upheld.
- (3) Continuing benefits may not be provided:
 - (a) When the recipient specifically requests that he or she not receive continued assistance pending a hearing decision;
 - (b) After a final order is issued by the Department;
 - (c) After a change affecting the recipient's grant, as described in subsections (2)(a)(A), (B), (D), and (E), (2)(b) or (2)(c) of OAR 413-010-0500, occurs while the hearing decision is pending and the recipient fails to request a hearing after notice of the change; or
 - (d) After a determination is made at a hearing that the sole issue is one of state or federal law or policy or change in state or federal law and not one of incorrect grant computation.
- (4) Except as otherwise provided in this rule, if the Department provides less than 10 days notice of an action to suspend, reduce, or terminate benefits or services as described in subsections (2)(a)(A), (B), (D), and (E), (2)(b) or (2)(c) of OAR 413-010-0500, a recipient of benefits is entitled to receive continuing benefits if the Department:
 - (a) Receives a request for a hearing from the recipient within 10 days of the mailing of the notice of the action; and
 - (b) Determines that the action resulted from other than the application of federal or state law or policy or a change in state or federal law.
- (5) Except as otherwise provided in this rule, if the Department provides less than 10 days notice of an action to suspend, reduce, or terminate benefits or services as described in subsection (2)(a)(C) or (F) of OAR 413-010-0500, or 5 days notice in cases of probable fraud as described in 42 CFR 431.214, a recipient of benefits is entitled to receive continuing benefits if the Department:
 - (a) Receives a request for a hearing from the recipient within 10 days of the mailing of the notice of the action; and
 - (b) Determines that the action resulted from other than the application of federal or state law or policy.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 183.411 - 183.685, 411.095, 418.005

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Hist.: CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 9-2009(Temp), f. & cert. ef. 8-12-09 thru 12-28-09; CWP 20-2009, f. & cert. ef. 12-29-09; CWP 8-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 27-2011, f. 11-3-11, cert. ef. 11-4-11

413-010-0520

Informal Conference

(1) The Department representative and the party or party's representative may have an informal conference to discuss any of the matters listed in OAR 137-003-0575(4). The informal conference also may be used to:

- (a) Provide an opportunity for the Department and the party to settle the matter;
- (b) Ensure the party understands the reason for the action that is the subject of the hearing request;
- (c) Give the party an opportunity to review the documents that are the basis for that action;
- (d) Give the party an opportunity to review the rules that support the Department's action;
- (e) Give the party and the Department the chance to correct any misunderstanding of the facts; and
- (f) Give the Department an opportunity to review its action.

(2) The party may, at any time prior to the hearing date, request an additional informal conference with the Department representative.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 183.411 - 183.685, 411.095, 418.005

Hist.: CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 20-2009, f. & cert. ef. 12-29-09; CWP 8-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 27-2011, f. 11-3-11, cert. ef. 11-4-11

413-010-0525

Burden of Proof

In any contested case covered by these rules (OAR 413-010-0500 to 413-010-0535), the party has the burden of proof.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 183.411 - 183.685, 411.095, 418.005

Hist.: CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 20-2009, f. & cert. ef. 12-29-09; CWP 8-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 27-2011, f. 11-3-11, cert. ef. 11-4-11

413-010-0530

Withdrawals and Dismissals

(1) Withdrawals.

(a) A party or party's representative may withdraw a request for a hearing orally or in writing at any time before a final order has been issued on the contested case.

(b) Following a withdrawal under subsection (a) of this section, the Department or OAH sends an order dismissing the hearing request to the party's last known address. The party may cancel the withdrawal if a request to cancel the withdrawal is received by the Department representative up to the tenth work day following the date such an order is sent. If the party withdrew the hearing request in writing, the Department must receive a timely written request to cancel the withdrawal.

(c) The Department may withdraw any pending referral from OAH at any time before a final order is served when:

- (A) The Department provides to the party the relief sought; or
- (B) The Department and the party reach an agreement under ORS 183.417(3).

(2) Dismissals. An order dismissing a hearing request is issued when the party or the party's representative does not appear at the time and place specified for the hearing.

(a) The dismissal by order is effective on the date the order is issued.

(b) The Department may reconsider and cancel the dismissal under OAR 137-003-0675 on request of the party on a timely showing that the party was unable to attend the hearing and unable to request a postponement for reasons beyond party's reasonable control. The Department may refer the reconsideration decision to OAH.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 183.411 - 183.685, 411.095, 418.005

Hist.: CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 20-2009, f. & cert. ef. 12-29-09; CWP 8-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 27-2011, f. 11-3-11, cert. ef. 11-4-11

413-010-0535

Proposed and Final Orders

(1) When the Department refers a contested case under these rules (OAR 413-010-0500 to 413-010-0535) to OAH, the Department indicates on the referral whether the Department is authorizing:

- (a) A proposed order;
- (b) A proposed and final order (OAR 137-003-0645(4)); or
- (c) A final order.

(2) During or after a contested case hearing, when it is determined that the correct application of OAR 413-020-0230, 413-090-0133, or 413-090-0150 requires the consideration of facts that differ from the facts on which the Department made a decision to deny, reduce, or terminate either a level of care payment or a level of personal care payment, the Department will reapply 413-020-0230, 413-090-0133, or 413-090-0150 based on new or different facts.

(3) When the Department authorizes either a proposed order or a proposed and final order:

(a) The party may file written exceptions and written argument to be considered by the Assistant Director for Children, Adults, and Families Division or the Assistant Director's designee. The exceptions and argument must be received at the location indicated in the order not later than the tenth day after service of the proposed order or proposed and final order.

(b) If the party does not submit timely exceptions or argument following a proposed and final order, the proposed and final order becomes a final order on the eleventh day after service of the proposed and final order unless the Department has issued a revised order or has notified the parties and the administrative law judge that the Department will issue the final order.

(c) When the Department receives timely exceptions or argument, the Department issues the final order, unless the Department requests that OAH issue the final order under OAR 137-003-0655.

(4) A request by a party for reconsideration or rehearing must be filed with the person who signed the final order within the time limits of OAR 137-003-0675.

(5) A final order should be issued or the case otherwise resolved no later than 90 days following the receipt of the request for a hearing.

(6) A final order is effective immediately upon being signed or as otherwise provided in the order.

(7) The Department reserves the right to withdraw or amend any final order issued by OAH or the Department at any time permitted by law.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 183.411 - 183.685, 411.095, 418.005

Hist.: CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 20-2009, f. & cert. ef. 12-29-09; CWP 8-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 27-2011, f. 11-3-11, cert. ef. 11-4-11

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Rule Caption: Changing OARs affecting Child Welfare programs.

Adm. Order No.: CWP 28-2011

Filed with Sec. of State: 11-3-2011

Certified to be Effective: 11-4-11

Notice Publication Date: 10-1-2011

Rules Amended: 413-090-0000, 413-090-0005, 413-090-0010, 413-090-0021, 413-090-0030, 413-090-0040, 413-090-0050

Rules Repealed: 413-090-0000(T), 413-090-0005(T), 413-090-0010(T), 413-090-0021(T), 413-090-0030(T), 413-090-0040(T), 413-090-0050(T)

Subject: 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 Chafe 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

ADMINISTRATIVE RULES

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.

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.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-090-0000

Purpose

These rules, OAR 413-090-0000 to 413-090-0050, describe the responsibilities of the Department for payment of the following costs on behalf of a child or young adult.

(1) Foster care maintenance payments to a certified family;
(2) An independent living housing subsidy to an eligible child or young adult who is in the legal custody of the Department, living independently; and

(3) Payment to an individual eligible for a Chafee housing payment.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; CWP 9-2003, f. & cert. ef. 1-7-03; CWP 20-2006(Temp), f. & cert. ef. 10-13-06 thru 4-10-07; CWP 5-2007, f. 3-30-07, cert. ef. 4-1-07; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 9-2009(Temp), f. & cert. ef. 8-12-09 thru 12-28-09; CWP 10-2009(Temp), f. & cert. ef. 9-1-09 thru 12-28-09; CWP 11-2009(Temp), f. & cert. ef. 9-25-09 thru 12-28-09; CWP 21-2009, f. & cert. ef. 12-29-09; CWP 12-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 28-2011, f. 11-3-11, cert. ef. 11-4-11

413-090-0005

Definitions

The following definitions apply to OAR 413-090-0000 to 413-090-0050:

(1) "Adoption assistance payment" means a monthly payment made by the Department to the pre-adoptive family or adoptive family on behalf of an eligible child or young adult.

(2) "Base rate payment" means a payment to the foster parent or relative caregiver for the costs of providing the child or young adult with the following:

(a) Food — including the cost to cover a child or young adult's special or unique nutritional needs;

(b) Clothing — including purchase and replacement;

(c) Housing — including maintenance of household utilities, furnishings, and equipment;

(d) Daily supervision — including teaching and directing to ensure safety and well-being at a level which is appropriate based on the chronological age of the child or young adult;

(e) Personal incidentals — including personal care items, entertainment, reading materials, and miscellaneous items; and

(f) The cost of providing transportation — including local travel associated with expenditure for gas and oil, and vehicle maintenance and repair associated with transportation to and from extracurricular, child care, recreational, and cultural activities.

(3) "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of gathering information on a child or young adult's needs and strengths used for one or more of the following purposes:

(a) Identifying case planning, service planning, and supervision needs of the child or young adult in substitute care with a certified family; and

(b) Determining the level of care payment while in substitute care with a certified family; and

(c) Determining the level of care payment included in an adoption assistance agreement or guardianship assistance agreement.

(4) "Certified family" means an individual or individuals who hold a current 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.

(5) "Chafee housing payment" means a payment to assist in covering the costs of room and board made to an eligible individual between 18 and 20 years of age who was discharged from the care and custody of the

Department or one of the federally recognized tribes on or after reaching 18 years of age.

(6) "Child" means a person under 18 years of age.

(7) "Department" means the Department of Human Services, Child Welfare.

(8) "Dependent parent" means a child or young adult in the legal custody of the Department who is the parent of a child.

(9) "Enhanced shelter care payment" means a limited term payment provided to a certified family when a child or young adult in the care or custody of the Department moves to a certified family's home from a placement with a Behavior Rehabilitation Service provider and there is no current level of care determination applicable to the child or young adult.

(10) "Enhanced supervision" means the additional support, direction, observation, and guidance necessary to promote and ensure the safety and well-being of a child or young adult when the child or young adult qualifies for a level of care payment.

(11) "Foster care payments" means one or more of the following payments to a certified family, authorized at rates established by the Department, for the board and care of a child or young adult for whom the Department has placement and care responsibility:

(a) The base rate payment;

(b) The level of care payment, if any;

(c) Shelter care payment or enhanced shelter care payment;

(d) Mileage reimbursement, paid at the current Department mileage reimbursement rate paid to child welfare staff, for transportation of a child or young adult remaining in the same school he or she was attending prior to placement in substitute care; and

(e) The board and care of the child of a dependent parent, unless the dependent parent receives cash benefits under a program administered by the Department of Human Services under chapter 461 of the Oregon Administrative Rules.

(12) "Guardian" means an individual who has been granted guardianship of the child through a judgment of the court.

(13) "Guardianship assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the potential guardian or guardian setting forth the assistance the Department is to provide on behalf of the child or young adult, the responsibilities of the guardian and the Department, and the manner in which the agreement and amount of assistance may be modified or terminated.

(14) "Independent living housing subsidy" means a payment to assist in covering the costs of room, board, or other monthly expenses made to an eligible individual who is in the care and custody of the Department and living independently.

(15) "Level of care payment" means the payment provided to an approved or certified family, a guardian, a pre-adoptive family or an adoptive family based on the need for enhanced supervision of the child or young adult as determined by applying the CANS algorithm to the results of the CANS screening.

(16) "Potential guardian" means an individual who:

(a) Has been approved by the Department or participating tribe to be a child's guardian; and

(b) Is in the process of legalizing the relationship to the child through the judgment of the court.

(17) "Pre-adoptive family" means an individual or individuals who:

(a) Has been selected to be a child's adoptive family; and

(b) Is in the process of legalizing the relationship to the child through the judgment of the court.

(18) "Shelter care payment" means a payment provided to a certified family during the first 20 days of substitute care for a child or young adult in the care or custody of the Department.

(19) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SOSCF 20-1999, f. 9-15-99, cert. ef. 9-20-99; CWP 9-2003, f. & cert. ef. 1-7-03; CWP 20-2006(Temp), f. & cert. ef. 10-13-06 thru 4-10-07; CWP 5-2007, f. 3-30-07, cert. ef. 4-1-07; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 10-2009(Temp), f. & cert. ef. 9-1-09 thru 12-28-09; CWP 11-2009(Temp), f. & cert. ef. 9-25-09 thru 12-28-09; CWP 21-2009, f. & cert. ef. 12-29-09; CWP 12-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 28-2011, f. 11-3-11, cert. ef. 11-4-11

413-090-0010

Authorized Payments

(1) Family Foster Care.

(a) Shelter care payment. The Department reimburses a certified family a shelter care payment on behalf of a child or young adult during the first twenty days of substitute care in a certified family home after the

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Department has obtained physical or legal custody of the child or young adult. The daily shelter care payment is:

- (A) \$24.60 for a child five years or younger;
- (B) \$28.00 for a child 6 through 12 years of age; and
- (C) \$31.60 for a child or young adult 13 through 20 years of age.

(b) Base rate payment. The Department reimburses a certified family a base rate payment on behalf of a child or young adult in the Department's physical or legal custody when a child or young adult is placed in the certified family's home.

(A) Payment is made on a monthly basis, or prorated for a portion of a month, when the base rate payment is for less than all days in the month, and made after the month in which the care has been provided.

(B) The base rate payment starts the twenty-first day of a child's placement in substitute care and includes the day the child or young adult enters the home, but excludes the day the child or young adult leaves the home.

(C) The base rate payment amount.

(i) Prior to January 1, 2012, the base rate payment is \$639 per month for a child five years or younger. Starting January 1, 2012, the base rate payment is \$575 per month for a child five years or younger.

(ii) Prior to January 1, 2012, the base rate payment is \$728 per month for a child 6 through 12 years of age. Starting January 1, 2012, the base rate payment is \$655 per month for a child 6 through 12 years of age.

(iii) Prior to January 1, 2012, the base rate payment is \$823 per month for a child or young adult 13 through 20 years of age. Starting January 1, 2012, the base rate payment is \$741 for a child or young adult 13 through 20 years of age.

(D) The Department does not reimburse the base rate payment to a certified family when reimbursement for shelter care payment or enhanced shelter care payment applies.

(c) Enhanced shelter care payment. The Department reimburses a certified family an enhanced shelter care payment rate on behalf of a child or young adult during the first 20 days of substitute care with a certified family after a child or young adult has been in placement with a Behavior Rehabilitation Service provider and there is no current level of care payment determination applicable to the child or young adult. The daily enhanced shelter care payment is:

- (A) \$29.40 for a child five years or younger;
- (B) \$33.50 for a child 6 through 12 years of age; and
- (C) \$37.90 for a child or young adult 13 through 20 years of age.

(d) Mileage reimbursement. The Department reimburses a certified family for mileage, paid at the current Department mileage reimbursement rate paid to child welfare staff, when the certified family must provide transportation for a child or young adult in order to remain in the same school he or she was attending prior to placement in substitute care.

(2) Level of care payment.

(a) The Department reimburses a level of care payment to a certified family on behalf of a child or young adult when the CANS screening results indicate the child or young adult has enhanced supervision needs.

(b) The initial level of care payment to a certified family begins:

(A) No earlier than the twenty first day of substitute care; or

(B) Ninety days prior to the date an initial CANS screening was approved for a child or young adult in substitute care over 111 days.

(c) A level of care payment to a certified family may commence the first day following the end of enhanced shelter care payment.

(d) The Foster Care Program Manager may approve commencing the level of care payment beyond the timeframes in subsections (b) and (c) of this section when a delay in scheduling, completing, scoring or approving the CANS screening results in a potential loss or interruption of a level of care payment.

(e) When the CANS screening results indicate the child or the young adult eligible for adoption assistance or guardianship assistance needs enhanced supervision, the Department includes the level of care payment in:

(A) An adoption assistance agreement with a pre-adoptive family or an adoptive family pursuant to Child Welfare Policy I-G.3.1, "Adoption Assistance" OAR 413-130-0000 to 413-130-0130; or

(B) A guardianship assistance agreement with a potential guardian or a guardian pursuant to Child Welfare Policy I-E.3.6.2, "Guardianship Assistance", OAR 413-070-0900 to 413-070-0979.

(f) A CANS screener rates each element of a child or young adult's behavior and functioning through the CANS screening on a scale of zero to three and the ratings determine whether a child or young adult meets the criteria for one of three levels of care. These ratings are determined using

the following exhibits, which by this reference are incorporated into this rule:

(A) DHS 9601 — Child and Adolescent Needs and Strengths Comprehensive Screening Tool Ages Birth through Five, adopted January 5, 2009 and revised in June, 2011.

(B) DHS 9602 — Child and Adolescent Needs and Strengths Comprehensive Screening Tool Ages Six through Twenty, adopted January 5, 2009 and revised in June 2011.

(C) Child and Adolescent Needs and Strengths Algorithm, adopted February 9, 2009.

(D) The Department maintains these documents on the Department's website. Printed copies of all three exhibits may be obtained by contacting the Department of Human Services, Children, Adults and Families, ATTN: Level of Care Manager, 500 Summer Street NE, E93, Salem, OR 97301.

(g) The level of care payment is:

(A) \$212 per month for Level 1 (moderate needs).

(B) \$414 per month for Level 2 (intermediate needs).

(C) \$850 per month for Level 3 (advanced needs).

(3) The Department reimburses a certified family an applicable base rate payment for a child of a dependent parent when both are living with the certified family unless the dependent parent receives a TANF grant under programs administered by the Department of Human Services under chapter 461 of the Oregon Administrative Rules or has other means of financial support.

(4) The Department reimburses a Chafee housing payment or an independent living housing subsidy to an eligible individual up to a maximum of \$600 per month of eligibility pursuant to Child Welfare Policy I-B.2.3.5, "Youth Transitions", OAR 413-030-0400 to 413-030-0460.

(5) Payments prohibited. The Department may not authorize payment for the care of a child or young adult to more than one certified family per day.

(6) A payment by the Department under this rule is inalienable by any assignment or transfer and exempt from execution, levy, attachment, and garnishment under the laws of the state of Oregon.

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

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

Stat. Auth.: ORS 418.005 & 418.340

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

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 2-1999, f. & cert. ef. 3-5-99; SOSCF 20-1999, f. 9-15-99, cert. ef. 9-20-99; CWP 9-2003, f. & cert. ef. 1-7-03; CWP 20-2003(Temp), f. 1-31-03 thru 7-30-03; CWP 27-2003, f. & cert. ef. 7-31-03; CWP 34-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 4-28-04; CWP 7-2004, f. & cert. ef. 4-1-04; CWP 20-2006(Temp), f. & cert. ef. 10-13-06 thru 4-10-07; CWP 5-2007, f. 3-30-07, cert. ef. 4-1-07; CWP 28-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 10-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 9-2009(Temp), f. & cert. ef. 8-12-09 thru 12-28-09; CWP 10-2009(Temp), f. & cert. ef. 9-1-09 thru 12-28-09; CWP 11-2009(Temp), f. & cert. ef. 9-25-09 thru 12-28-09; CWP 21-2009, f. & cert. ef. 12-29-09; CWP 12-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 28-2011, f. 11-3-11, cert. ef. 11-4-11

413-090-0021

Periodic Review of Eligibility for Level of Care Payments

(1) When the Department conducts a CANS screening for a child or young adult in substitute care under subsection (1)(b) of OAR 413-020-0230 and the results indicate the child or young adult's level of care has changed, the Department adjusts the child or young adult's level of care payment as follows:

(a) When a level of care payment increases, change in payment begins the first day of the month in which the increased level of care payment was approved.

(b) When a level of care payment decreases, change in payment begins the first day of the month following the month in which the decreased level of care payment was approved unless continuing benefits have been requested through a request for a contested case hearing.

(2) When the Department determines, denies, adjusts or terminates a level of care payment to a child or young adult living with a certified family, the Department follows Child Welfare Policy I-A.5.2, "Contested Case Hearings" OAR 413-010-0500 to 413-010-0535.

(3) A CANS screening may be conducted for a child or young adult living with a potential guardian, a guardian, a pre-adoptive family, or an adoptive family when a referral is received pursuant to OAR 413-020-0230(3).

Stat. Auth.: ORS 418.005 & 418.340

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

Hist.: CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 11-2009(Temp), f. & cert. ef. 9-25-09 thru 12-28-09; CWP 21-2009, f. & cert. ef. 12-29-09; CWP 12-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 28-2011, f. 11-3-11, cert. ef. 11-4-11

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413-090-0030

Payment for Temporary Absences from Family Foster Care

(1) The Department may continue the base rate payment and any level of care payment to the certified family during a child or young adult's temporary absence from the home for 14 days or less, when:

(a) The plan is for the child or young adult to return to the care of the same certified family; and

(b) No other certified family is receiving a base rate payment or level of care payment for the child or young adult during the period of the absence.

(2) Hospitalization. The Department may continue the base rate payment and level of care payment to the certified family when the child or young adult requires hospitalization for medical treatment and the certified family continues to exercise caregiving responsibilities in anticipation of the return of the child or young adult. Hospitalization for medical treatment is not considered a substitute care placement with a duplicate payment.

Stat. Auth.: ORS 418.005 & 418.340

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

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 20-1999, f. 9-15-99, cert. ef. 9-20-99; CWP 9-2003, f. & cert. ef. 1-7-03; CWP 20-2006(Temp), f. & cert. ef. 10-13-06 thru 4-10-07; CWP 5-2007, f. 3-30-07, cert. ef. 4-1-07; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 9-2009(Temp), f. & cert. ef. 8-12-09 thru 12-28-09; CWP 11-2009(Temp), f. & cert. ef. 9-25-09 thru 12-28-09; CWP 21-2009, f. & cert. ef. 12-29-09; CWP 12-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 28-2011, f. 11-3-11, cert. ef. 11-4-11

413-090-0040

Payments During Adoptive Supervision

When a child is free for adoption and placed in an approved or certified family's home designated by the Department's Adoption Program Manager as the child's pre-adoptive family, the Department pays base rate payment and any level of care payment to the pre-adoptive family until the adoption assistance payment commences. See Child Welfare Policy I-G.3.1, "Adoption Assistance", OAR 413-130-0000 to 413-130-0130 for the adoption assistance eligibility requirements of the Adoption Assistance Program.

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

Stat. Auth.: ORS 418.005 & 418.340

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

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 20-1999, f. 9-15-99, cert. ef. 9-20-99; CWP 9-2003, f. & cert. ef. 1-7-03; CWP 5-2007, f. 3-30-07, cert. ef. 4-1-07; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 11-2009(Temp), f. & cert. ef. 9-25-09 thru 12-28-09; CWP 21-2009, f. & cert. ef. 12-29-09; CWP 12-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 28-2011, f. 11-3-11, cert. ef. 11-4-11

413-090-0050

Out-of-State Payment to a Certified Family Moving to Another State

(1) A certified family who receives Department approval to move out-of-state with a child or young adult who the Department has placed in the home may continue to receive base rate and level of care for that child or young adult for up to 180 days or until licensed or certified in the receiving state, whichever is earlier.

(2) The Foster Care Program Manager or Foster Care Program Assistant Manager may extend the 180 day limit for continuing to receive current base rate payment and level of care payment when the licensure or certification process in the receiving state has not been completed due to circumstances beyond the control of the Department.

(3) Once the home is licensed or certified in the receiving state, the Department authorizes payment at Oregon's established base rate payment and level of care payment rates.

Stat. Auth.: ORS 418.005 & 418.340

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

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 20-1999, f. 9-15-99, cert. ef. 9-20-99; CWP 9-2003, f. & cert. ef. 1-7-03; CWP 20-2006(Temp), f. & cert. ef. 10-13-06 thru 4-10-07; CWP 5-2007, f. 3-30-07, cert. ef. 4-1-07; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 11-2009(Temp), f. & cert. ef. 9-25-09 thru 12-28-09; CWP 21-2009, f. & cert. ef. 12-29-09; CWP 12-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 28-2011, f. 11-3-11, cert. ef. 11-4-11

**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 30-2011(Temp)

Filed with Sec. of State: 11-1-2011

Certified to be Effective: 11-1-11 thru 4-29-12

Notice Publication Date:

Rules Amended: 461-135-0075, 461-190-0211

Subject: OAR 461-135-0075 about the limitation on the eligibility period for the Temporary Assistance for Needy Families (TANF) program is being amended to state that months beginning October 1, 2011 in which a filing group is a two-parent family eligible for cash assistance based on the unemployment or underemployment of the primary wage earner do not count towards the 60-month limitation on the TANF eligibility period.

OAR 461-190-0211 about case plan activities and standards for support service payments for the Department's Temporary Assistance for Needy Families Job Opportunity and Basic Skills (JOBS) program is being amended to modify program restrictions implemented July 1, 2011 as a result of budget reductions from the 2011 legislative session. The changes include: Allowing individuals exempt from JOBS participation because of a child under two to volunteer for the JOBS program as district slots are available; Extending the length of unpaid work-site agreements from 60 days to four months in order to increase the period of time individuals may participate in work experience and supported work. The extended period could increase the number of employers interested in offering work-site slots, expanding the variety of work experience opportunities available to participants; Removing the monthly transportation support services limit of \$50 per month which will allow flexibility to address family needs within the monthly maximum support services limit; and Increasing the monthly maximum support services limit per family by \$50 which will offset the impact the removal of the \$50 monthly transportation limit will have against child care and other support services within the monthly maximum.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-135-0075

Limitation on Eligibility Period; TANF

(1) A minor parent head of household or an adult may not receive a TANF grant in Oregon if the minor parent head of household or adult has received a TANF grant in excess of 60 months except as allowed in this rule.

(2) The following months do not count toward the time limit in section (1) of this rule:

(a) Months prior to July 1, 2003 in which a minor parent head of household or an adult received a TANF grant in Oregon or another state.

(b) Months between July 1, 2003 and September 30, 2007 in which a minor parent head of household or adult received TANF in Oregon; and

(A) Participated in required JOBS activities or other education, employment, or job training program including teen parent programs; or

(B) Was not required to participate in JOBS activities or other education, employment, or job training program including teen parent programs.

(c) Months beginning July 1, 2003 in which the family resided in Indian Country (as defined in 18 U.S.C. 1151) and 50 percent or more of the adult residents of that area were unemployed.

(d) Months beginning October 1, 2007 in which the minor parent head of household or adult is a participant in the Oregon JOBS Plus, Pre-TANF, Post-TANF, or SFPSS programs.

(e) Months between October 1, 2007 and June 30, 2009 and months beginning October 1, 2011 in which the filing group (see OAR 461-110-0330) is a two-parent family receiving cash assistance in Oregon for which deprivation is based on unemployment or underemployment of the primary wage earner.

(f) Months beginning October 1, 2007 in which the individual who is now a parent or pregnant was in that month a minor child and neither the head of a household nor married to the head of a household.

(g) Months beginning October 1, 2007 in which a minor parent head of household or adult received aid in Oregon and is a participant in the Degree Completion Initiative (DCI) activity (see OAR 461-001-0025) enrolled in an educational institution.

(h) Months beginning October 1, 2008 in which a minor parent head of household or adult received aid in Oregon and is a participant in the Parents as Scholars (PAS) activity (see OAR 461-001-0025) enrolled in an educational institution consistent with OAR 461-190-0199.

(i) Months beginning October 1, 2007 in which the individual is unable to obtain or maintain employment for a sufficient number of hours in a month to satisfy the federally required participation rates (see OAR 461-001-0025) because the individual:

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- (A) Is a victim of domestic violence (see OAR 461-001-0000);
- (B) Has a certified learning disability;
- (C) Has a verified alcohol and drug or mental health condition;
- (D) Has a child with a disability (see OAR 461-001-0000), which prevents the parent from obtaining or keeping employment;
- (E) Is an individual with a disability;
- (F) Is providing care for a family member who lives in the home and is an individual with a disability;
- (G) Is deprived of needed medical care; or
- (H) Is subjected to battery or extreme cruelty. For purposes of this rule, an individual is subjected to battery or extreme cruelty if the individual has been subjected to one or more of the following:
 - (i) Physical acts that resulted in, or threatened to result in, physical injury to the individual.
 - (ii) Sexual abuse.
 - (iii) Sexual activity involving a dependent child.
 - (iv) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities.
 - (v) Threats of, or attempts at, physical or sexual abuse.
 - (vi) Mental abuse.
 - (vii) Neglect or deprivation of medical care.
- (j) Months beginning July 1, 2008 in which the individual does not qualify for any other TANF time-limit exemption under this rule, and is unable to obtain or maintain employment for a sufficient number of hours in a month to satisfy the federally required participation rates (see OAR 461-001-0025) when Oregon's statewide average unemployment rate as published by the Oregon Employment Department is equal to or greater than seven percent. For purposes of this rule, this determination is calculated based on a six-month period as follows:

(A) The time period during July 1, 2008 through June 30, 2009 is based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the period July 1, 2008 through December 31, 2008.

(B) In each six-month period, starting July 1, 2009:

(i) The time period during January 1 through June 30 is based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the period April 1 through September 30 of the preceding year.

(ii) The time period during July 1 through December 31 is based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the period October 1 through December 31 of the preceding year and January 1 through March 31 of the current year.

(3) Months that do not count toward the time limit based on a condition described in paragraphs (2)(i)(B) to (2)(i)(F) of this rule require documentation from a licensed or certified professional qualified to make such a determination.

(4) A minor parent head of household or an adult may not be denied a TANF grant under section (1) of this rule during months that qualify as exempt from time limits under sections (2), and (3) of this rule.

(5) Each minor parent head of household and adult who qualifies for a TANF grant under this rule must also meet all other TANF eligibility requirements and cooperate with the requirements of his or her case plan, unless good cause (see OAR 461-130-0327) exists.

(6) Except as provided otherwise in section (4) of this rule, a minor parent head of household or an adult in the benefit group who exceeds the 60-month time limit is removed from the need group (see OAR 461-110-0630). When a minor head of household or adult is removed from the need group under this section, the remaining need group members may continue to receive TANF benefits.

(7) If a minor parent head of household or adult qualifies under sections (2), (3), or (4) of this rule, any disqualifications that have been accrued for the benefit group remain in place.

Stat. Auth.: ORS 411.060, 412.049 & 412.079

Stats. Implemented: ORS 411.060, 411.117, 412.049 & 412.079

Hist.: AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 22-2008(Temp), f. & cert. ef. 10-1-08 thru 3-30-09; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 12-2009(Temp), f. 6-23-09, cert. ef. 7-1-09 thru 12-28-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 15-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 30-2011(Temp), f. & cert. ef. 11-1-11 thru 4-29-12

461-190-0211

Case Plan Activities and Standards for Support Service Payments; JOBS, Post-TANF, REF, SFPSS, TA-DVS, TANF, TANF-EDP

Notwithstanding any other administrative rule in Chapter 461 and subject to the limitations of state funding, the following special provisions apply:

(1) As provided in all of the following subsections, participation in a case plan (see OAR 461-001-0025) activity (see OAR 461-001-0025) is limited to:

(a) An individual who is determined to be a work-eligible individual according to federal definition (45 CFR 261.2(n)(1)). Unless subsection (d) of this section applies, no individual may volunteer to participate in an activity of a case plan if not otherwise determined to be a work-eligible individual.

(b) An individual who is an applicant in the TANF Eligibility Determination Period (TANF-EDP) or a recipient of TANF program benefits.

(c) Except in the JOBS Plus program, the minimum number of hours to meet federally required participation rates (see OAR 461-001-0025).

(d) An individual who is not a teen parent (see OAR 461-001-0000) and who is otherwise exempt from JOBS requirements as a one-parent household with a dependent child (see OAR 461-001-0000) under two years of age may volunteer, subject to the availability of services within the local district.

(2) For eligible individuals, subject to the requirements and limitations in sections (1), (5), (6), and (7) of this rule, the following activities will be available and include support services (see OAR 461-001-0025) payments:

(a) Job search (see OAR 461-001-0025).

(b) JOBS Plus (see OAR 461-001-0025 and OAR 461-101-0010) is limited to six months per individual.

(c) Work experience (see OAR 461-001-0025), alone or in combination with any other unpaid volunteer work, is limited to a four-month, work-site agreement per individual.

(d) Sheltered or supported work (see OAR 461-001-0025), alone or in combination with any other unpaid volunteer work, is limited to a four-month, work-site agreement per individual.

(e) High School or GED (see OAR 461-001-0025) limited to a teen parent (see OAR 461-001-0025).

(f) Parents as Scholars (see OAR 461-001-0025).

(3) The following activities will be available but will not include support services payments:

(a) Domestic Violence Intervention.

(b) Family Stability (see OAR 461-001-0000).

(c) Family Support & Connection.

(d) Post-TANF.

(e) Program entry (see OAR 461-001-0025).

(f) Self Initiated Training (see OAR 461-001-0025).

(g) SSI Application Process.

(h) Unsubsidized employment (work).

(4) Participation in an activity is based on whether an individual is Job Ready, Near Job Ready, or Not Job Ready.

(a) Job Ready means the individual has no barrier (see OAR 461-001-0025) or current barriers do not impact participation or employment. In addition, the individual has all of the following:

(A) Prior stable work history, either paid or unpaid.

(B) Had not voluntarily quit or been dismissed from their most recent employment (see OAR 461-135-0070), without good cause (see OAR 461-135-0070).

(C) Reliable or available transportation.

(D) No outstanding legal issues that would impact or prevent employment.

(E) Access to reliable child care within support services limits, or does not need help to pay for child care, or does not need child care.

(b) Near Job Ready means the individual has minimal barriers to participation or employment and the individual is addressing the barriers. In addition, the individual has all of the following:

(A) Limited or no work history, either paid or unpaid.

(B) Reliable or available transportation.

(C) No outstanding legal issues that would impact or prevent employment, or such legal issues are identified and are being addressed.

(D) Access to reliable child care within support services limits, or does not need help to pay for child care, or does not need child care.

(c) Not Job Ready means the individual has one or more barriers to participation or employment or is in crisis, and the individual is not

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addressing the barriers. For example, the individual has one or more of the following:

(A) Lack of stable housing that is preventing participation in an activity or employment.

(B) Domestic violence, mental health or alcohol and drug issues, and the individual is not addressing the issue.

(C) Medical issues that prevent participation in an activity or employment.

(D) Outstanding legal issues that would impact or prevent employment.

(E) Literacy issues that impact the ability for the individual to participate in an activity or obtain employment.

(5) In approving JOBS program support services payments, the Department must consider lower cost alternatives. It is not the intent of the Department or of this rule to supplant Department funding with other funding that is available in the community. It is the Department's expectation that case managers and clients will work collaboratively to seek resources that are reasonably available to the client in order to participate in activities.

(6) Payments for support services are only provided when:

(a) Necessary to participate in activities in a signed case plan;

(b) Authorized in advance; and

(c) All other provisions of this rule are met.

(7) Payments for support services are subject to the following limitations:

(a) Job Ready individuals may be eligible for child care, transportation, or other support services.

(b) Near Job Ready individuals may be eligible for child care, transportation, or other support services.

(c) Not Job Ready individuals are not eligible for support services.

(d) A teen parent (see OAR 461-001-0000) may be eligible for child care, transportation, or other support services, for participation in a basic education (see OAR 461-001-0025) component (see OAR 461-001-0025).

(e) Except as permitted in subsection (f) of this section, there is a:

(A) \$500 maximum per filing group, per month, for a filing group who resides in the District 2, 4, 5, 9, 10, 15, or 16 service area.

(B) \$425 maximum per filing group, per month, for a filing group who resides in the District 1, 3, 6, 7, or 8 service area.

(C) \$350 maximum per filing group, per month, for a filing group who resides in the District 11, 12, 13, or 14 service area.

(f) Within the limits of available funds and only with supervisory approval, support services may exceed the monthly limits in subsection (e) of this section for individuals --

(A) Who meet sections (1) and (4) of this rule;

(B) Who are determined to be highly likely to obtain employment based on demonstrated JOBS participation history or through agency assessment forms;

(C) Who could not otherwise obtain employment or participate in gaining work-site experience;

(D) When lower cost alternatives do not exist; and

(E) If the number of months the filing group receives support services in excess of the monthly limits in subsection (e) of this section is limited to four months per 12-month period.

(g) Child Care. Payments for child care may be authorized, as limited by OAR 461-160-0040, if necessary to enable a single-parent Job Ready or Near Job Ready individual or single teen parent to participate in an approved JOBS program activity specified in the individual's case plan. If authorized, payment for child care will be made for the lesser of:

(A) The maximum monthly support services amount based on District service area under this section of the rule. Authorized child care is subject to and counted towards the maximum monthly support services amount per filing group.

(B) The lesser of the actual rate charged by the care provider and the rate established in OAR 461-155-0150. The Department rate for children in care less than 158 hours in a month is limited by OAR 461-155-0150, except that the cost of child care may be paid up to the monthly maximum when children are in care less than 158 hours per month and the individual is a teen parent using on-site care while attending education activities.

(C) The minimum hours necessary, including meal and commute time, for the individual to participate in an approved JOBS program activity.

(h) Transportation. The Department may provide payments for a Job Ready or Near Job Ready individual or teen parent for transportation costs incurred in travel to and from an approved JOBS program activity. Payment is made only for the cost of public transportation or the cost of fuel. Payments are subject to the following considerations:

(A) Payment for transportation is subject to and counted towards the maximum monthly support services amount per family.

(B) Payment for public transportation is a priority over payment for a privately owned vehicle.

(C) Payment for fuel costs for a privately-owned vehicle is provided if the Job Ready or Near Job Ready individual, teen parent, or the individual providing the transportation has a valid driver's license and vehicle insurance and either of the following is true:

(i) No public transportation is available or the Job Ready or Near Job Ready individual or teen parent is unable to use public transportation because of a verifiable medical condition or disability for which no accommodation is available.

(ii) Public transportation is available but is more costly than the cost of fuel.

(i) Housing and Utilities. Payments for housing and utilities are not allowed.

(j) Other Payments. The Department may provide payments to individuals for costs directly related to obtaining unsubsidized employment which are subject to and counted towards the maximum monthly support services amount per filing group.

(8) The Department may require an individual to provide verification of a need for, or costs associated with, support services prior to approval and issuance of payment if verification is reasonably available.

(9) The Department may reduce, close, or deny in whole or in part an individual's request for a support services payment in the following circumstances:

(a) The individual is disqualified for failing to comply with a case plan, unless the payment in question is necessary for the individual to demonstrate cooperation with his or her case plan.

(b) The purpose for the payment is not related to the individual's case plan.

(c) The individual disagrees with a support services payment offered or made by the Department as outlined in the individual's case plan.

(d) The individual is not determined to be a Job Ready or Near Job Ready individual or teen parent.

Stat. Auth.: ORS 411.060, 412.006, 412.009, 412.014, 412.049, 412.124, 2011 Or. Laws 604
Stats. Implemented: ORS 411.060, 412.001, 412.006, 412.009, 412.014, 412.049, 412.124, 2011 Or. Laws 604

Hist.: AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 9-1991, f. 3-29-91, cert. ef. 4-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 26-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 18-1998, f. & cert. ef. 10-2-98; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 21-2004, f. & cert. ef. 10-1-04; SSP 11-2005(Temp), f. & cert. ef. 9-1-05 thru 12-31-05; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 42-2010(Temp), f. 12-30-10, cert. ef. 1-1-11 thru 6-30-11; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 19-2011(Temp), f. & cert. ef. 7-1-11 thru 12-28-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 30-2011(Temp), f. & cert. ef. 11-1-11 thru 4-29-12

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

Rule Caption: Application for Initial Licensure and License Renewal for Residential Care and Assisted Living Facilities .

Adm. Order No.: SPD 23-2011(Temp)

Filed with Sec. of State: 11-10-2011

Certified to be Effective: 11-10-11 thru 5-7-12

Notice Publication Date:

Rules Amended: 411-054-0005, 411-054-0013, 411-054-0016

Subject: The Department of Human Services (Department) is temporarily amending rules in OAR chapter 411, division 054 to clarify the requirement that residential care (RCF) and assisted living facilities (ALF) disclose the name and financial interest of any person with an ownership interest of 10 percent or more and who is the license applicant or facility operator. The existing language was determined by Legislative Counsel to exceed the intent and scope of the enabling statutes.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-054-0005

Definitions

For the purpose of these rules, the following definitions apply:

(1) "Abuse" means abuse as defined in OAR 411-020-0002 (Adult Protective Services).

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(2) "Activities of Daily Living (ADL)" mean those personal functional activities required by an individual for continued well being, health, and safety. Activities consist of eating, dressing/grooming, bathing/personal hygiene, mobility (ambulation and transfer), elimination (toileting, bowel, and bladder management), and cognition/behavior.

(3) "Administrator" means the person who is designated by the licensee that is responsible for the daily operation and maintenance of the facility.

(4) "Advance Directive" means a document that contains a health care instruction or a power of attorney for health care.

(5) "Applicant" means the person, persons, or entity, required to complete a facility application for license. Except as set forth in OAR 411-054-0013(1)(a), Applicant includes a sole proprietor, each partner in a partnership, and each member with a 10 percent or more ownership interest in a limited liability company, corporation, or entity that owns the residential care or assisted living facility business. Except as set forth in 411-054-0013(1)(a), Applicant also includes the sole proprietor, each partner in a partnership, and each member with a 10 percent or more ownership interest in a limited liability company, corporation, or entity that operates the assisted living or residential care facility on behalf of the facility business owner.

(6) "Area Agency on Aging (AAA)" as defined in ORS 410.040 means the Department designated agency charged with the responsibility to provide a comprehensive and coordinated system of services to seniors or individuals with disabilities in a planning and service area. For the purpose of these rules, the term Area Agency on Aging is inclusive of both Type A and B Area Agencies on Aging that contract with the Department to perform specific activities in relation to residential care and assisted living facilities including:

(a) Conducting inspections and investigations regarding protective service, abuse, and neglect;

(b) Monitoring; and

(c) Making recommendations to the Division regarding facility license approval, denial, revocation, suspension, non-renewal, and civil penalties.

(7) "Assistant Director" means the assistant director of the Division, or that individual's designee.

(8) "Assisted Living Facility (ALF)" means a building, complex, or distinct part thereof, consisting of fully, self-contained, individual living units where six or more seniors and adult individuals with disabilities may reside in homelike surroundings. The assisted living facility offers and coordinates a range of supportive services available on a 24-hour basis to meet the activities of daily living, health, and social needs of the residents as described in these rules. A program approach is used to promote resident self-direction and participation in decisions that emphasize choice, dignity, privacy, individuality, and independence.

(9) "Caregiver" means a facility employee who is trained in accordance with OAR 411-054-0070 to provide personal care services to residents. The employee may be either a direct care staff or universal worker as defined in this rule.

(10) "Change of Condition — Short Term" means a change in the resident's health or functioning that is expected to resolve or be reversed with minimal intervention or is an established, predictable, cyclical pattern associated with a previously diagnosed condition.

(11) "Change of Condition — Significant" means a major deviation from the most recent evaluation that may affect multiple areas of functioning or health that is not expected to be short term and imposes significant risk to the resident. Examples of significant change of condition include but are not limited to:

(a) Broken bones;

(b) Stroke, heart attack, or other acute illness or condition onset;

(c) Unmanaged high blood sugar levels;

(d) Uncontrolled pain;

(e) Fast decline in activities of daily living;

(f) Significant unplanned weight loss;

(g) Pattern of refusing to eat;

(h) Level of consciousness change; and

(i) Pressure ulcers (stage 2 or greater).

(12) "Choice" means a resident has viable options that enable the resident to exercise greater control over his or her life. Choice is supported by the provision of sufficient private and common space within the facility that allows residents to select where and how to spend time and receive personal assistance.

(13) "Condition" means a provision attached to a new or existing license that limits or restricts the scope of the license or imposes additional requirements on the licensee.

(14) "Department" means the Department of Human Services (DHS).

(15) "Dignity" means providing support in such a way as to validate the self-worth of the individual. Creating an environment that allows personal assistance to be provided in privacy, supports dignity as does delivering services in a manner that shows courtesy and respect.

(16) "Direct Care Staff" means a facility employee whose primary responsibility is to provide personal care services to residents. These personal care services may include:

(a) Medication administration;

(b) Resident-focused activities;

(c) Assistance with activities of daily living;

(d) Supervision and support of residents; and

(e) Serving meals, but not meal preparation.

(17) "Directly Supervised" means that a qualified staff member maintains visual contact with the supervised person.

(18) "Disaster" means a sudden emergency occurrence beyond the control of the licensee, whether natural, technological, or manmade that renders the licensee unable to operate the facility or the facility is uninhabitable.

(19) "Disclosure" means the written information the facility is required to provide to consumers to enhance the understanding of facility costs, services, and operations.

(20) "Division" means the Department of Human Services, Seniors and People with Disabilities Division (SPD).

(21) "Entity" means an individual, a trust, an estate, a partnership, a corporation, or a state or governmental unit, including associations, joint stock companies, and insurance companies, a state, or a political subdivision, or instrumentality including a municipal corporation.

(22) "Exception" means a written variance granted by the Division from a regulation or provision of these rules.

(23) "Facility" means the residential care or assisted living facility licensee and the operations, policies, procedures, and employees of the residential care or assisted living facility.

(24) "FPS" means the Facilities Planning and Safety Program within the Public Health Division.

(25) "Homelike Environment" means a living environment that creates an atmosphere supportive of the resident's preferred lifestyle. Homelike environment is also supported by the use of residential building materials and furnishings.

(26) "Incident of Ownership" means an ownership interest, an indirect ownership interest, or a combination of direct and indirect ownership interest.

(27) "Independence" means supporting resident capabilities and facilitating the use of those abilities. Creating barrier free structures and careful use of assistive devices supports independence.

(28) "Indirect Ownership Interest" means an ownership interest in an entity that has an ownership interest in another entity. Indirect ownership interest includes an ownership interest in an entity that has an indirect ownership interest in another entity.

(29) "Individuality" means recognizing variability in residents' needs and preferences and having flexibility to organize services in response to different needs and preferences.

(30) "Licensed Nurse" means an Oregon licensed practical or registered nurse.

(31) "Licensee" means the entity that owns the residential care or assisted living facility business, and to whom an assisted living or residential care facility license has been issued.

(32) "Managed Risk" means a process by which a resident's high-risk behavior or choices are reviewed with the resident. Alternatives to and consequences of the behavior or choices are explained to the resident and the resident's decision to modify behavior or accept the consequences is documented.

(33) "Management" or "Operator" means possessing the right to exercise operational or management control over, or directly or indirectly conduct, the day-to-day operation of a facility.

(34) "Modified Special Diet" means a diet ordered by a physician or other licensed health care professional that may be required to treat a medical condition (e.g., heart disease or diabetes).

(a) Modified special diets include but are not limited to:

(A) Small frequent meals;

(B) No added salt;

(C) Reduced or no added sugar; and

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- (D) Simple textural modifications.
- (b) Medically complex diets are not included.
- (35) "New Construction" means:
- (a) A new building;
- (b) An existing building or part of a building that is not currently licensed;
- (c) A major alteration to an existing building; or
- (d) Additions, conversions, renovations, or remodeling of existing buildings.
- (36) "Nursing Care" means the practice of nursing as governed by ORS Chapter 678 and OAR chapter 851, division 047.
- (37) "Owner" means a person with an ownership interest.
- (38) "Ownership Interest" means the possession of equity in the capital, the stock, or the profits of an entity.
- (39) "Personal Incidental Funds (PIF)" means the monthly amount allowed each Medicaid resident for personal incidental needs. For purposes of this definition, personal incidental funds include monthly payments, as allowed, and previously accumulated resident savings.
- (40) "Privacy" means a specific area or time over which the resident maintains a large degree of control. Privacy is supported with services that are delivered with respect for the resident's civil rights.
- (41) "P.R.N." means those medications and treatments that have been ordered by a qualified practitioner to be administered as needed.
- (42) "Psychoactive Medications" mean medications used to alter mood, level of anxiety, behavior, or cognitive processes. Psychoactive medications include antidepressants, anti-psychotics, sedatives, hypnotics, and anti-anxiety medications.
- (43) "Resident" means any person who is receiving room, board, care, and services on a 24-hour basis in a residential care or assisted living facility for compensation.
- (44) "Residential Care Facility (RCF)" means a building, complex, or distinct part thereof, consisting of shared or individual living units in a homelike surrounding where six or more seniors and adult individuals with disabilities may reside. The residential care facility offers and coordinates a range of supportive services available on a 24-hour basis to meet the activities of daily living, health, and social needs of the residents as described in these rules. A program approach is used to promote resident self-direction and participation in decisions that emphasize choice, dignity, individuality, and independence.
- (45) "Restraint" means any physical device that the resident cannot manipulate that is used to restrict movement or normal access to the resident's body.
- (46) "Retaliation" means to threaten or intimidate, or take an action that is detrimental to a person (e.g., harassment, abuse, coercion, etc.).
- (47) "Service Plan" means a written, individualized plan for services developed by a service planning team and the resident, or the resident's legal representative, that reflects the resident's capabilities, choices, and if applicable, measurable goals, and managed risk issues. The service plan defines the division of responsibility in the implementation of the services.
- (48) "Service Planning Team" means two or more individuals, as set forth in OAR 411-054-0036 that assist the resident in determining what services and care are needed, preferred, and may be provided to the resident.
- (49) "Services" means supervision or assistance provided in support of a resident's needs, preferences, and comfort, including health care and activities of daily living, that help develop, increase, maintain, or maximize the resident's level of independent, psychosocial, and physical functioning.
- (50) "Subject Individual" means any person 16 years of age or older on whom the Department may conduct a criminal records check and from whom the Department may require fingerprints for the purpose of conducting a national criminal records check.
- (a) For the purpose of these rules, subject individual includes:
- (A) All applicants, licensees, and operators of a residential care or assisted living facility;
- (B) All persons employed or that are receiving training in an assisted living or residential care facility;
- (C) Volunteers, if allowed unsupervised access to residents.
- (b) For the purpose of these rules, subject individual does not apply to:
- (A) Residents and visitors of residents; or
- (B) Persons employed by a private business that provides services to residents and is not regulated by the Department.
- (51) "Supportive Device" means a device that may have restraining qualities that supports and improves a resident's physical functioning.
- (52) "These Rules" mean the rules in OAR chapter 411, division 054.

(53) "Underserved" means services are significantly unavailable within the service area in a comparable setting for:

- (a) The general public; or
- (b) A specific population, for example, residents with dementia or traumatic brain injury.

(54) "Unit" means an individual living space constructed as a completely private apartment, including living and sleeping space, kitchen area, bathroom, and adequate storage areas.

(55) "Universal Worker" means a facility employee whose assignments include other tasks (e.g., housekeeping, laundry, food service, etc.) in addition to providing direct resident services. Universal worker does not include administrators, clerical or administrative staff, building maintenance staff, or licensed nurses who provide services as specified in OAR 411-054-0034.

Stat. Auth.: ORS 410.070 & 443.450

Stats. Implemented: ORS 443.400 - 443.455 & 443.991

Hist.: SPD 14-2007, f. 8-31-07, cert. ef. 11-1-07; SPD 16-2008, f. 12-31-08, cert. ef. 1-1-09; SPD 13-2009, f. 9-30-09, cert. ef. 10-1-09; SPD 23-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 10-2010, f. 6-30-10, cert. ef. 7-1-10; SPD 24-2010(Temp), f. & cert. ef. 10-5-10 thru 4-2-11; SPD 7-2011, f. 3-31-11, cert. ef. 4-1-11; SPD 23-2011(Temp), f. & cert. ef. 11-10-11 thru 5-7-12

411-054-0013

Application for Initial Licensure and License Renewal

(1) APPLICATION. Applicants for initial licensure and license renewal must complete an application on a form provided by the Division. The form must be signed by the applicant's legally authorized representative, dated, contain all information requested by the Division, and be accompanied by the required licensing fee.

(a) Applicants must provide all information and documentation as required by the Division including but not limited to identification of financial interest of any person, including stockholders who have an incident of ownership in the applicant representing an interest of 10 percent or more. For purposes of rule, a person with a 10 percent or more ownership interest is presumed to have an effect on the operation of the facility with respect to factors affecting the care or training provided, unless the person can establish the person has no involvement in the operation of the facility.

(b) If the owner of the assisted living or residential care facility is a different entity from the operator or management company of the facility, both the operator and the owner must complete an application for licensure. Only one license fee is required.

(c) The application shall require the identification of any individual with a 10 percent or more incident of ownership that has ever been convicted of a crime associated with the operation of a long-term, community-based, or health care facility or agency under federal law or the laws of any state.

(d) The application shall require the identification of all states where the applicant, or individual having a 10 percent or more incident of ownership in the facility, currently or previously has been licensed as owner or operator of a long-term, community-based, or health care facility or agency under the laws of any state including any facility, currently or previously owned or operated, that had its license denied or revoked or received notice of the same under the laws of any state.

(e) The Division may deny, revoke, or refuse to renew the license if the applicant fails to provide complete and accurate information on the application and the Division concludes that the missing or corrected information is needed to determine if a license should be granted.

(f) Each application for a new license must include a completed and signed credit history and criminal records request form for the applicant and for each person with 10 percent or more incident of ownership in the applicant.

(g) The Division may require financial information as stated in OAR 411-054-0016(3) (New Applicant Qualifications), when considering an applicant's request for renewal of a license.

(h) Applicants must provide other information and documentation as the Division may reasonably require for the proper administration of these rules, including but not limited to information about ownership interest and involvement in the operation of the facility in other business enterprises, as relevant.

(2) LICENSE RENEWAL. Application for a license renewal must be made at least 45 days prior to the expiration date of the existing license. Filing of an application for renewal and payment of the required non-refundable fee before the date of expiration extends the effective date of expiration until the Division takes action upon such application.

(a) The Division shall refuse to renew a license if the facility is not substantially in compliance with all applicable laws and rules or if the State

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Fire Marshal or authorized representative has given notice of noncompliance.

(b) An applicant for license renewal must provide the Division with a completed criminal records request form for the applicant and for each person with incident of ownership of 10 percent or more in the applicant when required by the Division.

(c) A building inspection may be requested at the Division's discretion. The Division may require physical improvements if the health or safety of residents is negatively impacted.

(3) DEMONSTRATED CAPABILITY.

(a) Prior to issuance of a license or a license renewal, the applicant must demonstrate to the satisfaction of the Division that the applicant is capable of providing care in a manner consistent with the requirements of these rules.

(b) The Division may consider the background and qualifications of any person with a 10 percent or more incident of ownership in the facility when determining whether an applicant may be licensed.

(c) The Division may consider the applicant's history of compliance with Division rules and orders including the history of compliance of any person with a 10 percent or more incident of ownership in the facility.

Stat. Auth.: ORS 410.070 & 443.450
Stats. Implemented: ORS 443.400 - 443.455, 443.991
Hist.: SPD 14-2007, f. 8-31-07, cert. ef. 11-1-07; SPD 10-2010, f. 6-30-10, cert. ef. 7-1-10; SPD 23-2011(Temp), f. & cert. ef. 11-10-11 thru 5-7-12

411-054-0016

New Applicant Qualifications

For the purpose of this rule, "applicant" means each person, as defined in ORS 442.015, who holds 10 percent or more incident of ownership in the facility as described in OAR 411-054-0013(1)(a). Applicants for licensure (excluding license renewal but including all changes of ownership, management, or operator) must meet the following criteria:

(1) **CRIMINAL RECORDS.** Each applicant may not have convictions of any of the crimes listed in OAR 407-007-0275 and must complete a criminal records check conducted by the Department in accordance with OAR 407-007-0200 to 407-007-0370.

(2) **PERFORMANCE HISTORY.** The Division shall consider an applicant's performance history, including repeat sanctions or rule violations, before issuing a license.

(a) Each applicant must be free of incident of ownership history in any facility in Oregon that provides or provided (at the time of ownership) care to children, elderly, ill, or individuals with disabilities that had its license or certification involuntarily suspended or voluntarily terminated during any state or federal sanction process during the past five years.

(b) Applicants must be free of incident of ownership history in any facility in any state that had its license or certification involuntarily suspended or voluntarily terminated during any state or federal sanction process during the past five years.

(c) Failure to provide accurate information or demonstrate required performance history could result in the Division's denial of a license.

(3) FINANCIAL HISTORY. Each applicant must:

(a) Be free of incident of ownership history in any facility or business that failed to reimburse any state for Medicaid overpayments or civil penalties during the past five years.

(b) Be free of incident of ownership history in any facility or business that failed to compensate employees or pay worker's compensation, food supplies, utilities, or other costs necessary for facility operation during the past five years.

(c) Submit proof of fiscal responsibility, including an auditor's certified financial statement, and other verifiable documentary evidence of fiscal solvency documenting that the prospective licensee has sufficient resources to operate the facility for 60 days. Proof of fiscal responsibility must include liquid assets sufficient to operate the facility for 45 days. Anticipated Medicaid income is not considered "liquid assets," but may be considered "financial resources." Liquid assets may be demonstrated by:

(A) An unencumbered line of credit;

(B) A performance bond; or

(C) Any other method satisfactory to the Division.

(d) Provide a pro forma (revenues, expenditures, and resident days) by month for the first 12 months of operation of the facility and demonstrate the ability to cover any cash flow problems identified by the pro forma.

(4) **EXPERIENCE.** If an applicant does not have experience in the management of nursing facilities, assisted living, or residential care, the applicant must employ the services of a consultant or management company with experience in the provision of assisted living or residential care for

a period of at least six months. The consultant and the terms and length of employment are subject to the approval of the Division.

Stat. Auth.: ORS 410.070 & 443.450
Stats. Implemented: ORS 443.400 - 443.455, 443.991
Hist.: SPD 14-2007, f. 8-31-07, cert. ef. 11-1-07; SPD 23-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 10-2010, f. 6-30-10, cert. ef. 7-1-10; SPD 23-2011(Temp), f. & cert. ef. 11-10-11 thru 5-7-12

Rule Caption: In-Home Services, Instrumental Activities of Daily Living (IADL).

Adm. Order No.: SPD 24-2011(Temp)

Filed with Sec. of State: 11-15-2011

Certified to be Effective: 1-1-12 thru 6-29-12

Notice Publication Date:

Rules Amended: 411-030-0070

Subject: In response to a budgetary shortfall, the Department of Human Services (Department) is temporarily amending OAR 411-030-0070 to reduce the in-home services maximum monthly hours for instrumental activities of daily living (IADL) by 10 percent. This reduction becomes effective January 1, 2012.

Meal preparation and housekeeping will be the only IADL service hours reduced since the current rule allows the highest allotment of hours in these two areas. This reduction will minimize the loss of IADL hours in areas the rule currently allows a small allotment (medication and oxygen management, transportation or escort assistance, and shopping). Reducing meal preparation and housekeeping hours will accomplish a total 10 percent reduction of the IADLs.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-030-0070

Maximum Hours of Service

(1) **LEVELS OF ASSISTANCE FOR DETERMINING SERVICE PLAN HOURS.**

(a) "Minimal Assistance" means the individual is able to perform the majority of an activity, but requires some assistance from another person.

(b) "Substantial Assistance" means the individual can perform only a small portion of the tasks that comprise the activity without assistance from another person.

(c) "Full Assistance" means the individual needs assistance from another person through all phases of the activity, every time the activity is attempted.

(2) MAXIMUM MONTHLY HOURS FOR ADL.

(a) The planning process uses the following limitations for time allotments for ADL tasks. Hours authorized must be based on the service needs of the individual. Case managers may authorize up to the amount of hours identified in these assistance levels (minimal, substantial, or full assist).

(A) Eating:

(i) Minimal assistance, 5 hours;

(ii) Substantial assistance, 20 hours;

(iii) Full assistance, 30 hours;

(B) Dressing/Grooming:

(i) Minimal assistance, 5 hours;

(ii) Substantial assistance, 15 hours;

(iii) Full assistance, 20 hours;

(C) Bathing and Personal Hygiene:

(i) Minimal assistance, 10 hours;

(ii) Substantial assistance, 15 hours;

(iii) Full assistance, 25 hours;

(D) Mobility:

(i) Minimal assistance, 10 hours;

(ii) Substantial assistance, 15 hours;

(iii) Full assistance, 25 hours;

(E) Elimination (Toileting, Bowel, and Bladder):

(i) Minimal assistance, 10 hours;

(ii) Substantial assistance, 20 hours;

(iii) Full assistance, 25 hours;

(F) Cognition/Behavior:

(i) Minimal assistance, 5 hours;

(ii) Substantial assistance, 10 hours;

(iii) Full assistance, 20 hours.

(b) Service plan hours for ADL may only be authorized for an individual if the individual requires assistance (minimal, substantial, or full assist) from another person in that activity of daily living as determined by a service assessment applying the parameters in OAR 411-015-0006.

ADMINISTRATIVE RULES

(c) For households with two or more eligible individuals, each individual's ADL service needs must be considered separately. In accordance with section (3)(c) of this rule, authorization of IADL hours shall be limited for each additional individual in the home.

(d) Hours authorized for ADL are paid at hourly rates in accordance with the rate schedule. The Independent Choices Program cash benefit is based on the hours authorized for ADLs paid at the hourly rates. Participants of the Independent Choices Program may determine their own employee provider pay rates.

(3) MAXIMUM MONTHLY HOURS FOR IADL.

(a) The planning process uses the following limitations for time allotments for IADL tasks. Hours authorized must be based on the service needs of the individual. Case managers may authorize up to the amount of hours identified in these assistance levels (minimal, substantial, or full assist).

(A) Medication and Oxygen Management:

- (i) Minimal assistance, 2 hours;
- (ii) Substantial assistance, 4 hours;
- (iii) Full assistance, 6 hours;

(B) Transportation or Escort Assistance:

- (i) Minimal assistance, 2 hours;
- (ii) Substantial assistance, 3 hours;
- (iii) Full assistance, 5 hours;

(C) Meal Preparation:

- (i) Minimal assistance prior to January 1, 2012:

- (I) Breakfast, 4 hours;
- (II) Lunch, 4 hours;
- (III) Supper, 8 hours.

- (ii) Minimal assistance effective January 1, 2012:

- (I) Breakfast, 3 hours;
- (II) Lunch, 3 hours;
- (III) Supper, 7 hours.

- (iii) Substantial assistance prior to January 1, 2012:

- (I) Breakfast, 8 hours;
- (II) Lunch, 8 hours;
- (III) Supper, 16 hours.

- (iv) Substantial assistance effective January 1, 2012:

- (I) Breakfast, 7 hours;
- (II) Lunch, 7 hours;
- (III) Supper, 14 hours.

- (v) Full assistance prior to January 1, 2012:

- (I) Breakfast, 12 hours;
- (II) Lunch, 12 hours;
- (III) Supper, 24 hours.

- (vi) Full assistance effective January 1, 2012:

- (I) Breakfast, 10 hours;
- (II) Lunch, 10 hours;
- (III) Supper, 21 hours.

(D) Shopping:

- (i) Minimal assistance, 2 hours;
- (ii) Substantial assistance, 4 hours;
- (iii) Full assistance, 6 hours;

(E) Housecleaning:

- (i) Minimal assistance:
- (I) Prior to January 1, 2012, 5 hours.
- (II) Effective January 1, 2012, 4 hours.

- (ii) Substantial assistance:

- (I) Prior to January 1, 2012, 10 hours.
- (II) Effective January 1, 2012, 9 hours.

- (iii) Full assistance:

- (I) Prior to January 1, 2012, 20 hours.
- (II) Effective January 1, 2012, 18 hours.

(b) Rates shall be paid in accordance with the rate schedule. When a live-in employee is present, these hours may be paid at less than minimum wage according to the Fair Labor Standards Act. The Independent Choices Program cash benefit is based on the hours authorized for IADL tasks paid at the hourly rates. Participants of the Independent Choices Program may determine their own employee provider pay rates.

(c) When two or more individuals eligible for IADL task hours live in the same household, the assessed IADL need of each individual must be calculated. Payment shall be made for the highest of the allotments and a total of four additional IADL hours per month for each additional individual to allow for the specific IADL needs of the other individuals.

(d) Service plan hours for IADL tasks may only be authorized for an individual if the individual requires assistance (minimal, substantial, or full

assist) from another person in that IADL task as determined by a service assessment applying the parameters in OAR 411-015-0007.

(e) Notwithstanding any other rule, an individual requesting a contested case hearing on the IADL service plan reductions effective January 1, 2012 resulting from the implementation of this rule are not entitled to continuation of benefits pending the outcome of a contested case hearing.

(4) TWENTY-FOUR HOUR AVAILABILITY.

(a) Payment for twenty-four hour availability shall be authorized only when an individual employs a live-in homecare worker or Independent Choices Program employee provider and requires twenty-four availability due to the following:

(A) The individual requires assistance with ADL or IADL tasks at unpredictable times throughout most 24 hour periods; and

(B) The individual requires minimal, substantial, or full assistance with ambulation and requires assistance with transfer (as defined in OAR 411-015-0006); or

(C) The individual requires full assistance in transfer or elimination (as defined in OAR 411-015-0006); or

(D) The individual requires full assist in at least three of the eight components of cognition/behavior (as defined in OAR 411-015-0006).

(b) The number of hours allowed per month shall have the following maximums. Hours authorized are based on the service needs of the individual. Case managers may authorize up to the amount of hours identified in these assistance levels (minimal, substantial, or full assist).

(A) Minimal assistance — 60 hours. Minimal assistance hours may be authorized when an individual requires one of these assessed needs as defined in OAR 411-015-0006:

- (i) Full assist in cognition; or
- (ii) Full assist in toileting or bowel or bladder.

(B) Substantial assistance — 110 hours. Substantial assistance hours may be authorized when an individual requires these assessed needs as defined in OAR 411-015-0006:

- (i) Assist in transfer; and
- (ii) Assist in ambulation; and
- (iii) Full assist in cognition; or
- (iv) Full assist in toileting or bowel or bladder.

(C) Full assistance — 159 hours. Full assistance hours may be authorized when:

(i) The authorized provider cannot get at least five continuous hours of sleep in an eight hour period during a 24-hour work period; and

(ii) The eligible individual requires these assessed needs as defined in OAR 411-015-0006:

- (I) Full assist in transfer; and
- (II) Assist in mobility; or
- (III) Full assist in toileting or bowel or bladder; or
- (IV) Full assist in cognition.

(c) Service plans that include full-time live-in homecare workers or Independent Choices Program employee providers must include a minimum of 60 hours per month of twenty-four hour availability. When a live-in homecare worker or Independent Choices Program employee provider is employed less than full time, the hours must be pro-rated. Full-time means the live-in homecare worker is providing services to the client-employer seven days per week throughout a calendar month.

(d) Rates for twenty-four hour availability shall be in accordance with the rate schedule and paid at less than minimum wage according to the Fair Labor Standards Act and ORS 653.020(2).

(e) Twenty-four hour availability assumes the homecare worker is available to address the service needs of an individual as they arise throughout a 24 hour period. A homecare worker who engages in employment outside the eligible individual's home or building during the work periods the homecare worker is on duty, is not considered available to meet the service needs of the individual.

(5) Under no circumstances shall any provider receive payment from the Department for more than the total amount authorized by the Department on the service plan authorization form. All service payments must be prior-authorized by the Department/AAA.

(6) AUTHORIZED HOURS ARE SUBJECT TO THE AVAILABILITY OF FUNDS. Case managers must assess and utilize as appropriate, natural supports, cost-effective assistive devices, durable medical equipment, housing accommodations, and alternative service resources (as defined in OAR 411-015-0005) which could reduce the individual's reliance on paid in-home services hours.

(7) The Department may authorize paid in-home services only to the extent necessary to supplement potential or existing resources within the individual's natural supports system.

ADMINISTRATIVE RULES

(8) Payment by the Department for waived in-home services shall only be made for those tasks described in this rule as ADL, IADL tasks, and twenty-four hour availability. Services must be authorized to meet the needs of the eligible individual and may not be provided to benefit the entire household.

(9) EXCEPTIONS TO MAXIMUM HOURS OF SERVICE.

(a) To meet an extraordinary ADL service need that has been documented, the hours authorized for ADL may exceed the full assistance hours (defined in section (2) of this rule) as long as the total number of ADL hours in the service plan does not exceed 145 hours per month.

(b) Monthly service payments that exceed 145 ADL hours per month may be approved by the Department when the exceptional payment criteria identified in OAR 411-027-0020 and 411-027-0050 is met.

(c) Monthly service plans that exceed 380 hours per month for a live-in homecare worker or Independent Choices Program employee provider, or that exceed the equivalent monthly service payment for an hourly services plan, may be approved by the Department when the exceptional payment criteria identified in OAR 411-027-0020 and 411-027-0050 is met.

(d) As long as the total number of IADL task hours in the service plan does not exceed 76 hours per month and the service need is documented, the hours authorized for IADL tasks may exceed the hours for full assistance (as defined in section (3) of this rule) for the following tasks and circumstances:

(A) Housekeeping based on medical need (such as immune deficiency);

(B) Short-term extraordinary housekeeping services necessary to reverse unsanitary conditions that jeopardize the health of the individual; or

(C) Extraordinary IADL needs in medication management or service-related transportation.

(e) Monthly service plans that exceed 76 hours per month in IADL tasks may be approved by the Department when the individual meets the exceptional payment criteria identified in OAR 411-027-0020 and 411-027-0050.

[ED. NOTE: Forms referenced are available from the agency.]
Stat. Auth.: ORS 409.050, 410.070 & 410.090
Stats. Implemented: ORS 410.010, 410.020 & 410.070
Hist.: SSD 4-1993, f. 4-30-93, cert. ef. 6-1-93; SSD 6-1994, f. & cert. ef. 11-15-94; SDDS 8-1999(Temp), f. & cert. ef. 10-15-99 thru 4-11-00; SDDS 3-2000, f. 4-11-00, cert. ef. 4-12-00; SPD 14-2003, f. & cert. ef. 7-31-03; SPD 15-2003 f. & cert. ef. 9-30-03; SPD 15-2004, f. 5-28-04, cert. ef. 6-7-04; SPD 15-2004, f. 5-28-04, cert. ef. 6-7-04; SPD 18-2005(Temp), f. 12-20-05, cert. ef. 12-21-05 thru 6-1-06; SPD 20-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 4-2008(Temp), f. & cert. ef. 4-1-08 thru 9-24-08; SPD 13-2008, f. & cert. ef. 9-24-08; SPD 15-2008, f. 12-26-08, cert. ef. 1-1-09; SPD 24-2011(Temp), f. 11-15-11, cert. ef. 1-1-12 thru 6-29-12

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Department of Justice
Chapter 137

Rule Caption: Protected personal information in child support orders.

Adm. Order No.: DOJ 8-2011(Temp)

Filed with Sec. of State: 11-2-2011

Certified to be Effective: 11-2-11 thru 4-28-12

Notice Publication Date:

Rules Amended: 137-055-1160

Subject: OAR 137-055-1160 is being amended to clarify what information is protected in a child support order.

Rules Coordinator: Vicki Tungate—(503) 986-6086

137-055-1160

Confidentiality — Finding of Risk and Order for Nondisclosure of Information

(1) For the purposes of this rule in addition to the definitions found in OAR 137-055-1020, the following definitions apply:

(a) Claim of risk for nondisclosure of information means a claim by a party to a paternity or support case made to the administrator, an administrative law judge or the court that there is reason to not contain or disclose the information specified in ORS 25.020(8)(a) or OAR 137-055-1140(6)(a) because the health, safety or liberty of a party or child would unreasonably be put at risk by disclosure of such information; (b) Finding of risk and order for nondisclosure of information means a finding and order by the administrator, an administrative law judge or the court, which may be made ex parte, that there is reason to not contain or disclose the information specified in ORS 25.020(8)(a) or OAR 137-055-1140(6)(a) because the health, safety or liberty of a party or child would unreasonably be put at risk by disclosure of such information.

(2) A claim of risk for nondisclosure of information may be made to the administrator by a party at any time that a child support case is open. Forms for making a claim of risk for nondisclosure of information will be available from all child support offices and be made available to other community resources. At the initiation of any legal process that would result in a judgment or administrative order establishing paternity or including a provision concerning support, the administrator will provide parties an opportunity to make a claim of risk for nondisclosure of information.

(3)(a) When a party makes a written and signed claim of risk for nondisclosure of information pursuant to section (2) of this rule, the administrator will make a finding of risk and order for nondisclosure of information unless the party does not provide a contact address pursuant to section (5) of this rule;

(b) When a party is accepted into the Address Confidentiality Program (ACP), the administrator will make a finding of risk and order for nondisclosure of information. The party's contact address will be the ACP substitute address designated by the Attorney General pursuant to OAR 137-079-0150.

(4) An administrative law judge will make a finding of risk and order for nondisclosure of information when a party makes a claim of risk for nondisclosure of information in a hearing unless the party does not provide a contact address pursuant to section (5) of this rule.

(5) A party who makes a claim of risk for nondisclosure of information under subsection (3)(a) or section (4) must provide a contact address that is releasable to the other party(ies) in legal proceedings. The claim of risk for nondisclosure of information form provided to the party by the administrator must have a place in which to list a contact address. If a requesting party does not provide a contact address, a finding of risk and order for nondisclosure of information will not be made.

(6) When an order for nondisclosure of information has been made, the administrator must ensure that all pleadings, returns of service, orders or any other documents that would be sent to the parties or would be available as public information in a court file does not contain or must have deleted any of the identifying information specified in ORS 25.020(8)(a) or OAR 137-055-1140(6)(a). Any document sent to the court that contains any of the information specified in ORS 25.020(8)(a) or OAR 137-055-1140(6)(a) must be in a sealed envelope with a cover sheet informing the court of the confidential nature of the contents or in the manner provided by UTCR 2.130.

(7) A finding of risk and order for nondisclosure of information entered pursuant to this rule will be documented on the child support case file and will remain in force until such time as the ACP participant or party who requested a claim of risk retracts the claim or requests dismissal in writing.

(8) A party who requested a claim of risk may retract the claim on a form provided by the administrator. When a signed retraction form is received by the administrator, the administrator will enter, or will ask the court to enter, a finding and order terminating the order for nondisclosure of information.

(9) Any information previously protected under an order for nondisclosure of information will be subject to disclosure when the order for nondisclosure of information is terminated. The retraction form provided by the administrator will advise the requestor that previously protected information may be released to the other party(ies).

(10) In cases where the administrator is not involved in the preparation of the support order or judgment establishing paternity, or when child support services under ORS 25.080 are not being provided, any claim of risk for nondisclosure of information pursuant to ORS 25.020 must be made to the court.

(11) Notwithstanding section (5) of this rule, where the court has made a finding of risk and order for nondisclosure of information and the case is receiving or subsequently receives child support services pursuant to ORS 25.080, the administrator will implement the courts finding pursuant to this rule. In such a case, the administrator will use, in order of preference, the party's contact address as contained in the court file, or the party's contact address previously provided to the Child Support Program. If no contact address is available through either of these sources, the administrator will send a written request to the party, asking that the party provide a contact address. The written request from the administrator must advise the party that if no contact address is provided within 30 days, the administrator will use, in order of preference, the party's mailing or residence address as the contact address, and the new contact address may be released to the other party(ies).

[ED. NOTE: Forms referenced are available from the agency.]
Stat. Auth.: ORS 25.020 & 180.345
Stats. Implemented: ORS 25.020, 192.820-192.858

ADMINISTRATIVE RULES

Hist.: AFS 23-1997, f. 12-29-97, cert. ef. 1-1-98; AFS 19-1998, f. 10-5-98, cert. ef. 10-7-98; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0291; SSP 4-2003, f. 2-25-03, cert. ef. 3-1-03; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-1160; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-1160; DOJ 2-2004, f. 1-2-04 cert. ef. 1-5-04; DOJ 12-2004, f. & cert. ef. 10-1-04; DOJ 8-2005(Temp), f. & cert. ef. 9-1-05 thru 2-17-06; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 1-2007, f. & cert. ef. 1-2-07; DOJ 5-2007, f. & cert. ef. 7-2-07; DOJ 8-2009, f. 7-1-09, cert. ef. 8-1-09; DOJ 12-2010(Temp), f. 7-1-10, cert. ef. 9-1-10 thru 2-25-11; DOJ 16-2010, f. & cert. ef. 10-1-10; DOJ 8-2011(Temp), f. & cert. ef. 11-2-11 thru 4-28-12

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**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.

Adm. Order No.: OSFM 4-2011

Filed with Sec. of State: 11-10-2011

Certified to be Effective: 1-1-12

Notice Publication Date: 10-1-2011

Rules Amended: 837-040-0020

Subject: Rule changes are needed to correct any immediate life threatening situations, conflicts in the codes, update references to nationally recognized standards and correlate the 2010 Oregon Fire Code with the 2010 Oregon Structural Specialty Code 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.

Rules Coordinator: Connie Dalke—(503) 934-8211

837-040-0020

Amendments to the Oregon Fire Code

(1) The Office of State Fire Marshal may amend the Oregon Fire Code approximately midway between publications of the International Fire Code based on proposed code amendments submitted for consideration by interested persons.

(2) Any time between publications of the international Fire Code, the Office of State Fire Marshal may initiate and adopt code amendments to the Oregon Fire Code, as circumstances merit (Referenced publications are available for review at the agency. See agency web site for information on where to purchase publications).

(3) Effective April 1, 2011, the 2010 Oregon Fire Code (OFC) is amended by the Office of State Fire Marshal as follows:

(a) Add new section 908.7, Carbon Monoxide alarms, to correlate with the change to the 2010 Oregon Structural Specialty Code.

(b) Amend Chapter 47, National Fire Protection Association (NFPA) Standards and Underwriters Laboratories Standards, as follows:

NFPA 720-09 Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment — 908.7.

UL 2034-08 Standard for single and Multiple Station Carbon Monoxide Alarms, with revisions through February 20, 2009 — 908.7.

(4) Effective January 1, 2012, the 2010 Oregon Fire Code (OFC) is amended by the Office of State Fire Marshal as follows:

(a) Amend Section 202, Definitions for Group R-3 Occupancy to correlate to the Oregon Structural Specialty Code, Section 310.

(b) Amend Section 510.2.2 by adding the words “at the agency’s antenna port” after -100 dBm and before shall be received..

(c) Amend Section 906.1 by using language from the 2012 International Fire Code.

(d) Amend Section 914.8.2 by adding a second exception to correlate to the Oregon Structural Specialty Codes, Section 412.4.5.

(e) Amend Section 4001.1, Exception 3 by adding “and SR” occupancies.

(f) Amend Section 4006.1 by adding “and SR” occupancies.

(g) Amend Section 4604.17 by updating with language from 2012 International Fire Code.

(h) Amend Chapter 47, National Fire Protection Association (NFPA) Standards, to current editions as follows:

NFPA 10 to the 2010 edition.
NFPA 13, 13R and 13D to the 2010 edition.
NFPA 17 to the 2009 edition.
NFPA 17A to the 2009 edition.
NFPA 20 to the 2010 edition.
NFPA 58 to the 2011 edition.
NFPA 72 to the 2010 edition.
NFPA 96 to the 2011 edition.
NFPA 409 to the 2011 edition.

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

Stat. Auth: ORS 476.030

Stats. Implemented: ORS 476.030

Hist.: OSFM 1-2006(Temp), f. 1-9-06 cert. ef. 2-1-06 thru 7-28-06; OSFM 9-2006, f. & cert. ef. 6-12-06; OSFM 13-2006, f. 12-1-06, cert. ef. 4-1-07; OSFM 6-2008, f. 9-2-08, cert. ef. 10-1-08; OSFM 10-2008, f. 12-18-09, cert. ef. 12-31-09; OSFM 4-2009, f. 11-19-09, cert. ef. 4-1-10; OSFM 2-2010(Temp), f. 2-3-10, cert. ef. 7-1-10 thru 9-30-10; Administrative correction 10-26-10; OSFM 4-2010, f. & cert. ef. 11-3-10; OSFM 2-2011, f. 3-15-11, cert. ef. 4-1-11; OSFM 4-2011, f. 11-10-11, cert. ef. 1-1-12

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**Department of Public Safety Standards and Training
Chapter 259**

Rule Caption: Implements the regulation of tribal law enforcement units and the certification of tribal police officers.

Adm. Order No.: DPSST 15-2011(Temp)

Filed with Sec. of State: 10-27-2011

Certified to be Effective: 10-27-11 thru 3-28-12

Notice Publication Date:

Rules Adopted: 259-008-0069

Subject: SB 412 was enacted during the 2011 Legislative Session and relates to the regulation of tribal law enforcement units and the certification of tribal police officers.

Rules Coordinator: Linsay Hale—(503) 378-2431

259-008-0069

Tribal Law Enforcement

(1) In order for individuals employed as public safety professionals by a tribal government to be eligible for certification as a public safety professional:

(a) The tribal government must comply with all requirements found in ORS 181.610 to 181.712 and OAR 259, Section 8 applicable to law enforcement units.

(b) Prior to eligibility for certification of tribal government employees, tribal governments must submit a resolution to the Department that includes the following:

(A) A declaration of compliance with all requirements of ORS 2011 Chapter 644;

(B) Proof of insurance. Acceptable proof of insurance consists of:

(i) A full copy of the public liability and property damage insurance for vehicles operated by the tribal government’s authorized tribal police officers and a full copy of the police professional liability insurance policy from a company licensed to sell insurance in the state of Oregon; or

(ii) A description of the tribal government’s self-insurance program which is in compliance with ORS 2011 Chapter 644.

(c) Tribal governments must file a written description of all material changes to insurance policies or the tribal government’s self-insurance program with the Department within 30 days of the change.

(d) Tribal law enforcement units must submit an Applicant Disclosure of Convictions in Tribal Jurisdiction (Form F-8) when:

(A) Reporting individuals hired into certified positions as prescribed in OAR 259-008-0020 (Personnel Action Report Form F-4); and

(B) Upon application for certification (Application for Certification Form F-7).

(e) Tribal law enforcement units must annually complete an Annual Affidavit for Tribal Law Enforcement Units (Form F-8a).

(f) A certified public safety professional employed by a tribal government must comply with all requirements found in ORS 181.610 to 181.712 and OAR 259, Section 8 applicable to public safety professionals.

(2) Failure of a tribal government to comply with any requirements of this rule will result in the lapse of certification of all certified public safety professionals employed with the affected tribal government. Upon reemployment as a public safety professional, or upon compliance with requirements by a tribal government, a person whose certification has lapsed may apply for recertification in the manner provided in ORS 2011 Chapter 644 and this rule.

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

Stat. Auth.: 2011 OL Ch. 644

Stats. Implemented: 2011 OL Ch. 644

Hist.: DPSST 15-2011(Temp), f. & cert. ef. 10-27-11 thru 3-28-12

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**Department of Transportation
Chapter 731**

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

Adm. Order No.: DOT 3-2011

Filed with Sec. of State: 10-26-2011

Certified to be Effective: 10-26-11

ADMINISTRATIVE RULES

Notice Publication Date: 9-1-2011

Rules Repealed: 731-007-0335

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

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

Rules Coordinator: Lauri Kunze—(503) 986-3171

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

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

Adm. Order No.: DMV 10-2011

Filed with Sec. of State: 10-26-2011

Certified to be Effective: 1-1-12

Notice Publication Date: 9-1-2011

Rules Amended: 735-150-0040

Subject: This rule amendment implements HB 2329 (Chapter 360, Oregon Laws 2011) which changed the statutory definitions of all-terrain vehicles and added a new Class IV all-terrain vehicle type.

DMV has amended OAR 735-150-0040 to include Class IV all-terrain vehicles to the list of vehicle types a qualified Oregon vehicle dealer may sell as a designated agent of DMV, pursuant to ORS 802.031.

Additionally, subsection (4)(f) of the rule was amended to clarify that vehicle dealers may only prepare, submit, or prepare and submit documents and collect fees for transfers of registration plates for vehicles they sell. The change is consistent with current policy and dealer practices.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-150-0040

Designation of Dealers as Agents

(1) Persons issued a dealer certificate under ORS 822.020 and who meet the qualifications set forth in OAR 735-150-0039, are designated as DMV's agent pursuant to ORS 802.031 and may perform the duties of an agent as identified in section (4) of this rule.

(2) Snowmobile dealers and Class I, Class III and Class IV all-terrain vehicle dealers are designated as agents of DMV pursuant to ORS 802.031.

(3) DMV may impose sanctions against a dealer's agent status as provided in OAR 735-150-0120.

(4) An agent of DMV may:

(a) Prepare, submit, or prepare and submit documents and collect fees necessary to title and register vehicles they sell, as provided in OAR 735-150-0050;

(b) Perform vehicle identification number inspections on vehicles they sell, as provided in OAR 735-022-0070, when the vehicle has been registered or titled in another jurisdiction subject to the limitations of OAR 735-022-0070;

(c) Issue temporary registration permits for unregistered vehicles they sell, as provided in ORS 803.625 and OAR 735-150-0060;

(d) Issue trip permits for unregistered vehicles they sell, as provided for in OAR 735-150-0070 and 735-150-0080;

(e) Issue 10-day trip permits for registered vehicles they sell, as provided in ORS 803.600, OAR 735-150-0070, 735-150-0080 and 735-034-0010. When issuing a 10-day trip permit as described in this subsection, a vehicle dealer:

(A) Must ensure any Oregon registration stickers have been removed from the registration plates in accordance with ORS 803.600;

(B) May not issue more than two permits for the same motor vehicle; and

(C) Must require the person applying for the permit to provide the insurance company name and policy number on the permit, and sign the certificate on the permit stating that the motor vehicle is covered by an

insurance policy that meets the requirements of ORS 806.080 and will continue to be covered as long as the permit is valid; and

(f) Except as provided under section (9) of this rule, prepare, submit, or prepare and submit documents and collect fees for transfers of registration plates, for vehicles they sell, in accordance with OAR 735-150-0050.

(5) A dealer who, on behalf of a purchaser, prepared, submitted, or prepared and submitted documents and collected fees necessary to title and register a vehicle and who then receives from DMV the registration plates, stickers or temporary registration for the vehicle, must ensure delivery of the items obtained to the purchaser. Within five working days of receipt from DMV, the dealer must:

(a) Deliver the items to the purchaser;

(b) Mail the items to the purchaser; or

(c) Advise the purchaser the items are at the dealership and, if the purchaser agrees, arrange to have the items picked up at the dealership.

(6) The dealer must document in the dealer's records the actions taken by the dealer to notify the purchaser or to deliver the registration plates, stickers and temporary registration.

(7) No dealer may, as a result of a dispute between the purchaser and dealer or for any other reason, withhold registration plates or stickers or temporary registration from the purchaser.

(8) Designated agents must only charge title, registration or plate transfer fees in the amount authorized by Oregon Revised Statutes and Oregon Administrative Rule when collecting such fees on behalf of DMV.

(9) A dealer may not prepare, submit, or prepare and submit an application and collect fees for the transfer of plates under subsection (4)(f) of this rule if the dealer determines that the plates that the purchaser wants to transfer are not from a current issue of plates, are not customized plates described under ORS 805.240 or are so old, damaged, mutilated or otherwise rendered illegible as to be not useful for purposes of identification.

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

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

Hist.: MV 2-1983, f. 3-10-83, ef. 5-1-83; MV 4-1983, f. 10-5-83, ef. 10-15-83; MV 1-1984, f. & ef. 1-10-84; MV 2-1985, f. & ef. 1-30-85; MV 20-1986, f. & ef. 12-1-86; Administrative Renumbering 3-1988, Renumbered from 735-071-0007; MV 39-1989, f. & cert. ef. 10-3-89; MV 8-1991, f. & cert. ef. 7-19-91; MV 19-1992, f. 12-23-92, cert. ef. 1-1-93; DMV 5-1998(Temp), f. & cert. ef. 4-30-98 thru 10-26-98; DMV 13-1998, f. & cert. ef. 10-15-98; DMV 7-2000, f. & cert. ef. 8-10-00; DMV 28-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 9-2004, f. & cert. ef. 5-24-04; DMV 20-2004, f. & cert. ef. 8-20-04; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05; DMV 24-2005, f. 11-18-05, cert. ef. 1-1-06; DMV 10-2011, f. 10-26-11, cert. ef. 1-1-12

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

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

Adm. Order No.: HWD 11-2011

Filed with Sec. of State: 10-26-2011

Certified to be Effective: 10-26-11

Notice Publication Date: 9-1-2011

Rules Amended: 734-020-0070

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

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

Rules Coordinator: Lauri Kunze—(503) 986-3171

ADMINISTRATIVE RULES

734-020-0070

Fee for Issuance of Parking Permits

(1) The fee for parking permits in winter recreation parking areas (Sno-Parks) shall be as follows:

- (a) One day — \$3;
- (b) Three consecutive days — \$7;
- (c) Annual, beginning each November — \$20.

(2) Sno-Park permits may be issued by the Department or persons appointed by the Department as provided in ORS 811.595.

Stat. Auth.: ORS 184.616, 811.595 & 811.600

Stats. Implemented: ORS 811.600

Hist.: 1 OTC 23-1979(Temp), f. & ef. 9-24-79; 1 OTC 28-1979, f. & ef. 11-26-79; 2HD 4-1982, f. & ef. 10-5-82; 2HD 17-1983, f. & ef. 9-23-83; HWY 13-1992, f. & cert. ef. 10-20-92; HWY 7-1993, f. & cert. ef. 10-27-93; HWY 9-1997, f. & cert. ef. 9-22-97; TO 2-1999(Temp), f. & cert. ef. 9-3-99 thru 2-29-00; TO 1-2000, f. & cert. ef. 1-19-00; HWD 7-2007, f. & cert. ef. 10-17-07; HWD 7-2010, f. 7-30-10, cert. ef. 8-1-10; HWD 11-2011, f. & cert. ef. 10-26-11

Rule Caption: Requirements for oversized load signs.

Adm. Order No.: HWD 12-2011

Filed with Sec. of State: 10-26-2011

Certified to be Effective: 10-26-11

Notice Publication Date: 9-1-2011

Rules Amended: 734-082-0037

Subject: These rules describe sign requirements for over-dimension vehicles or loads. Many types of self-propelled cranes do not have enough space on the front or rear of the vehicle to accommodate a sign the size required by rule without blocking headlights, turn signals, license plate, brake lights or taillights. The amended rule provides carriers an additional method to meet the rule requirements by allowing a vehicle's bumpers to be painted yellow and bear the words "OVERSIZE LOAD" painted or decaled in black. Such signage must meet lettering size, visibility, and reflective requirements in the rule. Self-propelled cranes that are registered in another jurisdiction may meet signage requirements on the bumper if the signage meets visibility and reflective rule provisions and the sign is in compliance with the vehicle's base state rules governing warning signs.

Rules Coordinator: Lauri Kunze—(503) 986-3171

734-082-0037

Warning Signs and Flags Required

(1) Over-length or over-width vehicles, or vehicles transporting over-length or over-width loads are required to display to the front and rear standard signs bearing the words "OVERSIZE LOAD":

(a) Signs must be seven feet wide by 18 inches high with black letters 10 inches high with 1-5/8 inch brush stroke in accordance with Federal Highway Administration series C on highway yellow background;

(b) The highway yellow background of the sign must be made of reflectorized material when operating between one half hour after sunset and one half hour before sunrise;

(c) Signs must be kept clean, legible and mounted horizontally with adequate support to provide full visibility at all times when in use;

(d) Signs may have a border with not more than 1-5/8 inch brush stroke around the edge of the sign;

(e) Signs must not cover or interfere with the visibility of the vehicle's registration plates. To meet this requirement, plates may be mounted to cover a portion of the sign's background, as long as the sign's legend remains readable; and

(f) All such signs must be removed or retracted when not required.

(2) Warning signs for vehicles transporting loads which are overwidth and under 80 feet in overall length may bear the words "WIDE LOAD" provided the sign meets the standards described in section (1) of this rule.

(3) Warning signs for vehicles transporting loads which are not over eight feet six inches wide may bear the words "LONG LOAD" when the vehicle and overhang are over 80 feet in overall length provided the sign meets the standards described in section (1) of this rule.

(4) The outermost extremities of any overwidth load must be marked during daylight hours with red flags not less than 18 inches square. Flags must be kept clean and must be clearly visible to the front and rear. The attachment device must not extend beyond the widest extremity by more than three inches on either side.

(5) When a load extends beyond the rear of the load carrying part of the vehicle four feet or more, the outermost extremity of the load must be visibly marked as described in ORS 815.275. When a red flag or cloth is used, it must be not less than 18 inches square, kept clean and must be

clearly visible. The attachment device must not extend beyond the rear of the load more than three inches.

(6) If placement of the sign described in section (1) on a self-propelled mobile crane obscures the vehicles headlights, turn signals, license plates, brake lights or taillights, the requirements of this rule may be met if the vehicle's front and rear bumpers are constructed or painted with a highway yellow background and the words "OVERSIZE LOAD" are painted, or applied by decal, on the bumper. Visibility of the sign may not be obscured by any other part of the vehicle, including but not limited to an auxiliary axle or jeep axle. The sign requirements in subsection (1)(a) through (1)(e) apply to this section.

(7) The provisions of subsection (1)(a), (1)(c) or (1)(d) of this rule regarding the warning sign size, color, lettering and border do not apply to operations of vehicles described in section (6) if conducted in compliance with regulations from the state in which the vehicle is registered. However, nothing in this subsection relieves a person from displaying a warning sign, visibility of sign, or using reflective material when required.

Stat. Auth.: ORS 184.616 & 184.619

Stats. Implemented: ORS 815.275, 818.220 & 818.225

Hist.: HWY 11-1992, f. & cert. ef. 9-16-92; HWY 5-1997, f. & cert. ef. 5-9-97; TO 7-1998, f. & cert. ef. 8-20-98; TO 3-2000, f. & cert. ef. 2-11-00; TO 8-2002, f. & cert. ef. 10-14-02; HWD 5-2006, f. 10-19-06, cert. ef. 1-1-07; HWD 12-2011, f. & cert. ef. 10-26-11

Department of Transportation, Motor Carrier Transportation Division Chapter 740

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

Adm. Order No.: MCTD 3-2011

Filed with Sec. of State: 10-26-2011

Certified to be Effective: 10-26-11

Notice Publication Date: 9-1-2011

Rules Amended: 740-100-0010

Subject: This rule adopts the federal motor carrier safety regulations and the intrastate exceptions. A recent Motor Carrier Safety Assistance Program (MCSAP) review identified intrastate exceptions that were determined not compatible with federal regulations. The amendments make corrections to the rule identified as deficient in the review.

Rules Coordinator: Lauri Kunze—(503) 986-3171

740-100-0010

Adoption of Federal Safety Regulations

(1) Except as provided in section (4) of this rule, the rules and regulations adopted by the United States Department of Transportation contained in Title 49, Code of Federal Regulations (CFR), Parts 380 (Special Training Requirements), 382 (Controlled Substances and Alcohol Use and Testing), 383 (Commercial Driver's License Standards Requirements and Penalties), 385 (Safety Fitness Procedures), 387 (Minimum Levels of Financial Responsibility for Motor Carriers), 390 (Federal Motor Carrier Safety Regulations: General), 391 (Qualification of Drivers), 392 (Driving of Motor Vehicles), 393 (Parts and Accessories Necessary for Safe Operation), 395 (Hours of Service of Drivers), 396 (Inspection, Repair, and Maintenance), 398 (Transportation of Migrant Workers), 399 (Employee Safety and Health Standards), and all amendments thereto in effect April 1, 2011, are adopted and prescribed by the Department of Transportation (ODOT) to be observed by carriers conducting operations in interstate commerce, subject to ORS Chapter 825.

(2) The provisions of section (1) of this rule as adopted are prescribed by the Department to be observed by carriers conducting operations in intrastate commerce, subject to ORS Chapter 825, except:

(a) Relating to Part 385:

(A) The provisions of Part 385.1(b), 385.13(b), 385.13(c), 385.13(d)(3), 385.301 through 385.337 and Appendix A to Part 385 do not apply to a motor carrier operating exclusively in intrastate commerce.

(B) With reference to Part 385.13(a), 385.19(c) and 385.19(d), current intrastate safety rating information is available from ODOT only by telephone at (503) 378-6963.

(C) With reference to Part 385.15 and 385.17, requests for administrative review of an intrastate safety rating or requests for a change to a proposed or final intrastate safety rating based on corrective actions must be submitted in writing to the ODOT Motor Carrier Transportation Division, 550 Capitol St. NE, Salem OR 97301-2530.

ADMINISTRATIVE RULES

(D) With reference to Appendix B of Part 385, a final intrastate safety rating will be determined by the Department, and the motor carrier to whom the rating applies will be notified in writing of its intrastate safety rating.

(E) In addition to the violations described in the List of Acute and Critical Violations in Appendix B of Part 385, the Department will include the following violations in a determination of an intrastate or an interstate safety rating:

(i) Financial responsibility requirements in OAR 740-040-0010 (critical) and 740-040-0020 (acute); and

(ii) Intrastate drivers hours-of-service requirements found in OAR 740-100-0010(2)(i) (critical).

(b) The provisions of Part 387 will apply to intrastate motor carriers only when transporting hazardous materials, hazardous substances or hazardous wastes.

(c) With reference to Part 390.21, external identification requirements do not apply to vehicles operated exclusively in intrastate private carriage provided that neither the gross vehicle weight, the gross vehicle weight rating, the gross combination weight or the gross combination weight exceeds 26,000 pounds, except those vehicles transporting hazardous materials of a type or quantity requiring placarding or passenger vehicles designed or used to transport more than 15 passengers including the driver.

(d) The rules in Part 391.11(b)(1) regarding the minimum age for a commercial motor vehicle operator do not apply to a driver engaged in intrastate commerce. A driver engaged in intrastate commerce must be at least 18 years old.

(e) The rules in Part 391 (except Part 391.11(b)(2), English Speaking Driver, Part 391.11(b)(5), Valid Operator's License, and Part 391.15, Disqualification of Drivers) do not apply to a driver who is employed by a private carrier and:

(A) Does not transport hazardous materials of a type or quantity requiring the vehicle to be marked or placarded in accordance with Title 49, CFR, Part 177.823, and drives a motor vehicle with a gross vehicle weight, gross vehicle weight rating, gross combination weight or gross combination weight rating of 26,000 pounds or less; or

(B) Operates a passenger vehicle designed or used to transport fewer than 16 passengers, including the driver.

(f) Notwithstanding Parts 391.41 to 391.49 (Subpart E -- Physical Qualifications and Examinations) the Department may issue a waiver of physical disqualification to a commercial vehicle driver who has met the conditions established by the Driver and Motor Vehicle Services Division.

(g) With reference to Part 395.1(e)(1), motor carriers conducting intrastate transportation of property may not require or permit any driver used by it to exceed 12 hours driving following ten consecutive hours off-duty;

(h) With reference to Part 395.1(g), motor carriers conducting intrastate transportation of property may not require or permit any driver used by it to drive a commercial motor vehicle, nor may any such driver:

(A) Exceed 12 hours driving following ten consecutive hours off-duty;

(B) Drive for any period beyond the 16th hour after coming on-duty following ten consecutive hours off-duty;

(i) With reference to Part 395.1(e)(2) and Part 395.3, a motor carrier conducting intrastate transportation of property may not require or permit any driver used by it to drive a commercial motor vehicle, nor may any such driver:

(A) Exceed 12 hours driving following ten consecutive hours off-duty;

(B) Drive for any period beyond the 16th hour after coming on-duty following ten consecutive hours off-duty;

(C) Drive for any period following 70 hours on-duty in any seven consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week, however, any period of seven consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours; or

(D) Drive for any period following 80 hours on-duty in any eight consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week, however, any period of eight consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours.

(j) The provisions of subsections (g) through (i) of this section are not applicable to the transportation of hazardous materials of a type or quantity requiring placarding. A motor carrier transporting hazardous materials of a type or quantity requiring placarding must comply with Part 395.

(3) The provisions of Part 386.83(a)(1) and Part 386.84(a)(1), related to sanctions for failure to pay civil monetary penalties are adopted for operations conducted in intrastate commerce, and apply to penalties and sanctions found in ORS Chapter 825, pursuant to the provisions of ORS Chapter 183.

(4) The intracity operation exemption adopted by the US Department of Transportation found in Part 391.62 is not adopted and prescribed.

(5) Wherever reference is made in Title 49 of the CFR as adopted by this rule to a federal entity, including but not limited to "Federal Highway Administrator," "Regional Director," "Special Agent of the Federal Highway Administration" or the "Federal Motor Carrier Safety Administration," it will be construed to mean the Oregon Department of Transportation or a person authorized by the Oregon Department of Transportation to act on its behalf.

(6) Copies of the federal regulations referred to in this rule are available from ODOT Motor Carrier Transportation Division or may be accessed on the Federal Motor Carrier Safety Administration website, www.fmcsa.dot.gov.

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

Stats. Implemented: ORS 825.210, 825.250 & 825.252

Hist.: PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); PUC 4-1979, f. & ef. 9-21-79 (Order No. 79-641); PUC 5-1979, f. & ef. 9-21-79 (Order No. 79-635); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order No. 79-805); Part 2, f. & ef. 6-30-80 (Order No. 80-475); PUC 7-1980, f. & ef. 11-6-80 (Order No. 80-845); Renumbered from 860-035-0010; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 12-1982(Temp), f. 12-20-82, ef. 1-1-83 (Order No. 82-872); PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 2-1983, f. & ef. 3-1-83 (Order No. 83-117); PUC 13-1984, f. & ef. 7-26-84 (Order No. 84-546); PUC 19-1984, f. & ef. 9-10-84 (Order No. 84-713); PUC 8-1985, f. & ef. 6-10-85 (Order No. 85-499); PUC 17-1986 (Temp), f. & ef. 12-3-86; (Order No. 86-1239); PUC 2-1987 (Temp), f. & ef. 2-25-87 (Order No. 87-248); PUC 4-1987, f. & ef. 6-9-87 (Order No. 87-509); PUC 16-1987(Temp), f. & ef. 12-11-87 (Order No. 87-1244); PUC 4-1988(Temp), f. & cert. ef. 2-12-88 (Order No. 88-161); PUC 6-1988(Temp), f. & cert. ef. 3-9-88 (Order No. 88-818); PUC 14-1988, f. & cert. ef. 7-22-88 (Order No. 88-245); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (and corrected 1-31-91) (Order No. 91-20); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 13-1992(Temp), f. & cert. ef. 9-4-92 (Order No. 92-1303); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0010; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 5-1996, f. & cert. ef. 9-17-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCT 2-1997, f. & cert. ef. 5-9-97; MCT 6-1997, f. & cert. ef. 8-26-97; MCT 10-1997, f. & cert. ef. 12-22-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 2-1998, f. & cert. ef. 8-20-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 5-2005(Temp), f. 9-16-05, cert. ef. 10-1-05 thru 3-29-06; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 3-2011, f. & cert. ef. 10-26-11

Land Conservation and Development Department Chapter 660

Rule Caption: Minor and technical amendments to conform to law, clarify wording and correct references.

Adm. Order No.: LCDD 6-2011

Filed with Sec. of State: 10-20-2011

Certified to be Effective: 10-20-11

Notice Publication Date: 11-1-2010

Rules Amended: 660-018-0005, 660-018-0010, 660-018-0020, 660-018-0021, 660-018-0022, 660-018-0030, 660-018-0035, 660-018-0040, 660-018-0045, 660-018-0150

Subject: The amendments modify rules to make minor and technical amendments to conform to statutes, laws and rules; respond to Land Use Board of Appeals and other court opinions; clarify ambiguous or unclear wording consistent with the intent of the rule; update and correct rule, statutory and other references and correct grammar.

Rules Coordinator: Casaria Tuttle—(503) 373-0050, ext. 322

660-018-0005

Purpose

This division is intended to implement provisions of ORS 197.610 through 197.625. The overall purpose is to carry out the state policies outlined in ORS 197.010.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.610 - 197.625

Hist.: LCDD 14-1981, f. & ef. 12-15-81; LCDD 12-1983, f. & ef. 12-29-83; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD 6-2011, f. & cert. ef. 10-20-11

ADMINISTRATIVE RULES

660-018-0010

Definitions

For the purpose of this division, the definitions contained in ORS 197.015 apply. In addition, the following definitions apply:

(1) "Computation of Time" means unless otherwise provided in this rule, the time within which an act is to be done is computed by excluding the first day and including the last unless the last day falls upon any legal holiday, Saturday, or Sunday in which case the last day is also excluded.

(2) "Electronic copy" means a computer file or files, which can be submitted as digital media such as disc, electronic mail, or other method of file transfer.

(3) "Final Decision" means the written, signed approval, or approval as modified, by the local government, of a proposed amendment to, or adoption of, a comprehensive plan or land use regulation. A denial of a proposed amendment by the local government shall not be considered a "Final Decision" and therefore is not subject to review under this administrative rule. The date of the "Final Decision" as described in OAR 660-018-0040 shall be the date on which the local government takes final action on the amendment to, or adoption of, a comprehensive plan or land use regulation. In order to be deemed final, the local government action must include the adoption of all supplementary findings and data. In addition, the date of final action shall be the day following exhaustion of all appeal rights before local government.

(4) "Final Hearing on Adoption" as described in OAR 660-018-0020 means the last hearing where all interested persons are allowed to present evidence and rebut testimony on the proposal to adopt or amend a comprehensive plan or land use regulation. "Final Hearing on Adoption" shall not include a hearing held solely on the record of a previous hearing held by the governing body or its designated hearing body.

(5) "First Evidentiary Hearing" means the first hearing conducted by the local government where interested persons are allowed to present and rebut evidence and testimony on a proposal to adopt or amend a comprehensive plan or land use regulation. "First evidentiary hearing" does not include a work session or briefing where testimony is not allowed.

(6) "Map Change" as used in OAR 660-018-0020 means a change in the designation of an area as shown on the comprehensive plan map, zoning map or both.

(7) "Substantially Amended" as used in OAR 660-018-0045 shall mean any change in text that differs from the proposal submitted under OAR 660-018-0020 to such a degree that the notice under OAR 660-018-0020 did not reasonably describe the nature of the local government final action.

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 197.610 - 197.625
Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. & ef. 11-12-87; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD 6-2011, f. & cert. ef. 10-20-11

660-018-0020

Filing of a Proposed Amendment to or Adoption of a Comprehensive Plan or Land Use Regulation with the Director

(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation must:

(a) Be submitted to the director at least 45 days before the first evidentiary hearing on adoption. The submittal must be received by the department at its Salem office;

(b) Be accompanied by appropriate forms provided by the department;

(c) Contain two copies of the text and any supplemental information the local government believes is necessary to inform the director as to the effect of the proposal. One of the required copies may be an electronic copy;

(d) Indicate the date of the final hearing on adoption. If a final hearing on adoption is continued or delayed, following proper procedures, the local government is not required to submit a new notice under OAR 660-018-0020.

(e) In the case of a map change, include a map showing the area to be changed as well as the existing and proposed designations. Wherever possible, this map should be on 8-1/2 by 11-inch paper;

(f) Where a goal exception is being proposed, include the proposed language of the exception. The commission urges the local government to submit information that explains the relationship of the proposal to the acknowledged plan and the goals, where applicable.

(2) The text submitted to comply with subsection (1)(c) of this rule must include the specific language being proposed as an addition to or deletion from the acknowledged plan or land use regulations. A general descrip-

tion of the proposal or its purpose is not sufficient. In the case of map changes, the text must include a graphic depiction of the change, and not just a legal description, tax account number, address or other similar general description.

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 197.610 - 197.625
Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. & ef. 11-12-87; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD 6-2011, f. & cert. ef. 10-20-11

660-018-0021

Submittal of Joint Amendments

Where two or more local governments are required to jointly consider or agree on a comprehensive plan or land use regulation amendment, the local governments shall jointly submit the proposed amendment and adopted action. Notice of jointly proposed amendments must be provided 45 days prior to the first evidentiary hearing. For purposes of notice and appeal, the date of the final decision is the date of the last local government's adoption.

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 197.610 - 197.625
Hist.: LCDC 3-1987, f. & ef. 11-12-87; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD 6-2011, f. & cert. ef. 10-20-11

660-018-0022

Exemptions to Filing Requirements Under OAR 660-018-0020

When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed amendment or new regulation, filing under OAR 660-018-0020 is not required. In addition, a local government may submit an amendment or new regulation with less than 45 days' notice if the local government determines that there are emergency circumstances requiring expedited review. In both cases:

(1) The amendment or new regulation shall be submitted after adoption as provided in ORS 197.615(1) and (2); and

(2) Notwithstanding the requirements of ORS 197.830(2) to have appeared before the local government in the proceedings concerning the proposal, the director or any other person may appeal the decision to the board under ORS 197.830 to 197.845.

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 197.610(2)
Hist.: LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. & ef. 11-12-87; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD 6-2011, f. & cert. ef. 10-20-11

660-018-0030

Report to Commission

When the department participates in a local government proceeding on a proposed amendment to an acknowledged comprehensive plan or land use regulation, the director must report the department position on proposed comprehensive plan or land use regulation adoption or amendments to the commission. This report shall indicate whether the director believes the proposal violates the goals.

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 197.610 - 197.625
Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD 6-2011, f. & cert. ef. 10-20-11

660-018-0035

Department Participation

If the department participates in a local government proceeding for which notice was received under OAR 660-018-0020, the department shall do so at least 15 days prior to the first evidentiary hearing as specified in the notice received under OAR 660-018-0020, provided the director received the proposal at least 45 days prior to the first evidentiary hearing.

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 197.610 - 197.625
Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD 6-2011, f. & cert. ef. 10-20-11

660-018-0040

Submittal of Adopted Material

(1) Amendments to acknowledged comprehensive plans or land use regulations, new land use regulations adopted by local government, and findings to support the adoption shall be mailed or otherwise submitted to the director within five working days after the final decision by the governing body and shall be accompanied by appropriate forms provided by the department. If the text and findings are mailed, they shall include a signed statement by the person mailing them indicating the date of deposit in the mail.

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(2) Local government must notify the department of withdrawals or denials of proposals previously sent to the department under requirements of OAR 660-018-0020.

(3) The local government must clearly indicate in its transmittal which provisions of ORS 197.610(2) are applicable where the adopted amendment was not submitted for review 45 days prior to the first evidentiary hearing on adoption.

NOTE: (ORS 197.610 clearly requires all adopted plan and land use regulation amendments and new land use regulations to be submitted to the director even if they were not required to be submitted for review prior to adoption.)

(4) Where amendments or new land use regulations, including supplementary materials, exceed 100 pages, a summary of the amendment briefly describing its purpose and requirements shall be included with the submittal to the director. Such amendments or new land use regulations may be submitted by electronic mail notwithstanding the requirement of OAR 660-018-0020 for at least one paper copy.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.610 - 197.625

Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDC 3-1987, f. & ef. 11-12-87; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD 6-2011, f. & cert. ef. 10-20-11

660-018-0045

Changes in Proposals

If a proposed amendment to a comprehensive plan or land use regulation or new land use regulations is substantially amended after notice has been provided under OAR 660-018-0020 but before the amendment or new regulation is adopted, the local government must specify the changes that have been made in the notice of adoption provided in OAR 660-018-0040.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.610 - 197.625

Hist.: LCDC 14-1981, f. & ef. 12-15-81; LCDC 12-1983, f. & ef. 12-29-83; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD 6-2011, f. & cert. ef. 10-20-11

660-018-0150

Time Limits Regarding Certified Industrial Sites

(1) Upon application for a comprehensive plan or land use regulation amendment or a new land use regulation necessary to expedite and facilitate industrial or traded sector development on any of the certified industrial sites identified and prioritized under Oregon Laws 2003, chapter 800, section 12, a local government shall take final action approving, approving with modifications, or denying the application no later than 180 days after the date the application is deemed complete by the local government.

(2) For purposes of this rule, "certified industrial sites" are those sites so designated by the Economic Revitalization Team Regulatory Efficiency Group established by Oregon Laws 2003, chapter 800, section 2 in accordance with the requirements of Oregon Laws 2003, chapter 800, section 12.

(3) Persons, including the director, who participated in the local government proceedings leading to the adoption of a comprehensive plan or land use regulation amendment or new land use regulation described in section (1) of this rule may appeal the final decision by the local government in accordance with requirements and time limits specified in ORS 197.610 through 197.625, except as provided in section (4) of this rule.

(4) For a final action to expand an urban growth boundary or designate an urban reserve necessary to expedite and facilitate industrial or traded sector development on any of the certified industrial sites identified and prioritized under Oregon Laws 2003, chapter 800, section 12, and provided the decision is subject to ORS 197.626, the commission shall review the action following the timelines and procedures specified in OAR 660-025-040, 660-025-140 through 660-025-160, and 660-025-175.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.610 - 197.625

Hist.: LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 3-2008, f. & cert. ef. 4-18-08; LCDD 6-2011, f. & cert. ef. 10-20-11

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Rule Caption: Minor and technical amendments to conform to law, clarify wording and correct references.

Adm. Order No.: LCDD 7-2011

Filed with Sec. of State: 10-20-2011

Certified to be Effective: 10-20-11

Notice Publication Date: 11-1-2010

Rules Amended: 660-021-0000, 660-021-0010, 660-021-0020, 660-021-0030, 660-021-0040, 660-021-0050, 660-021-0070, 660-021-0080

Subject: The amendments modify rules to make minor and technical amendments to conform to statutes, laws and rules; respond to Land Use Board of Appeals and other court opinions; clarify ambiguous

or unclear wording consistent with the intent of the rule; update and correct rule, statutory and other references; and correct grammar.

Rules Coordinator: Casaria Tuttle—(503) 373-0050, ext. 322

660-021-0000

Purpose

This division interprets and implements ORS 195.137 through 195.145 and statewide planning goals pertaining to Urbanization. Rules in this division authorize planning for areas outside urban growth boundaries to be reserved for eventual inclusion in an urban growth boundary and to be protected from patterns of development that would impede urbanization.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.137-195.145

Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDD 4-2000, f. & cert. ef. 3-22-00; LCDD 7-2011, f. & cert. ef. 10-20-11

660-021-0010

Definitions

For purposes of this division, the definitions contained in ORS 197.015 and the statewide planning goals (OAR chapter 660, division 15) apply. In addition, the following definitions apply:

(1) "Urban Reserve" means lands outside of an urban growth boundary that will provide for:

(a) Future expansion over a long-term period; and

(b) The cost-effective provision of public facilities and services within the area when the lands are included within the urban growth boundary.

(2) "Resource Land" means land subject to the statewide planning goals listed in OAR 660-004-0010(1)(a) through (g), except subsections (c) and (d).

(3) "Nonresource Land" means land not subject to one or more of the statewide planning goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d). Nothing in this definition is meant to imply that other goals do not apply to nonresource land.

(4) "Exception Areas" means rural lands for which an exception to statewide planning goals 3 or 4, or both, as defined in ORS 197.732 and OAR 660-004-0005(1), has been acknowledged.

(5) "Developable Land" means land that is not severely constrained by natural hazards or designated or zoned to protect natural resources and that is either entirely vacant or has a portion of its area unoccupied by structures or roads.

(6) "Adjacent Land" means abutting land.

(7) "Nearby Land" means land that lies wholly or partially within a quarter mile of an urban growth boundary.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.145

Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDD 4-2000, f. & cert. ef. 3-22-00; LCDD 1-2008, f. & cert. ef. 2-13-08; LCDD 7-2011, f. & cert. ef. 10-20-11

660-021-0020

Authority to Establish Urban Reserve

(1) Cities and counties cooperatively, and the Metropolitan Service District for the Portland Metropolitan area urban growth boundary, may designate urban reserves under the requirements of this division, in coordination with special districts listed in OAR 660-021-0050(2) and other affected local governments, including neighboring cities within two miles of the urban growth boundary. Where urban reserves are adopted or amended, they shall be shown on all applicable comprehensive plan and zoning maps, and plan policies and land use regulations shall be adopted to guide the management of these reserves in accordance with the requirements of this division.

(2) As an alternative to designation of urban reserves under the requirements of this division, Metro may designate urban reserves for the Portland Metropolitan area urban growth boundary under OAR chapter 660, division 27.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.145

Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDD 4-2000, f. & cert. ef. 3-22-00; LCDD 1-2008, f. & cert. ef. 2-13-08; LCDD 7-2011, f. & cert. ef. 10-20-11

660-021-0030

Determination of Urban Reserve

(1) Urban reserves shall include an amount of land estimated to be at least a 10-year supply and no more than a 30-year supply of developable land beyond the 20-year time frame used to establish the urban growth boundary. Local governments designating urban reserves shall adopt findings specifying the particular number of years over which designated urban reserves are intended to provide a supply of land.

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(2) Inclusion of land within an urban reserve shall be based upon the locational factors of Goal 14 and a demonstration that there are no reasonable alternatives that will require less, or have less effect upon, resource land. Cities and counties cooperatively, and the Metropolitan Service District for the Portland Metropolitan Area Urban Growth Boundary, shall first study lands adjacent to, or nearby, the urban growth boundary for suitability for inclusion within urban reserves, as measured by the factors and criteria set forth in this section. Local governments shall then designate, for inclusion within urban reserves, that suitable land which satisfies the priorities in section (3) of this rule.

(3) Land found suitable for an urban reserve may be included within an urban reserve only according to the following priorities:

(a) First priority goes to land adjacent to, or nearby, an urban growth boundary and identified in an acknowledged comprehensive plan as an exception area or nonresource land. First priority may include resource land that is completely surrounded by exception areas unless these are high value crop areas as defined in Goal 8 or prime or unique agricultural lands as defined by the United States Department of Agriculture;

(b) If land of higher priority is inadequate to accommodate the amount of land estimated in section (1) of this rule, second priority goes to land designated as marginal land pursuant to former ORS 197.247 (1991 edition);

(c) If land of higher priority is inadequate to accommodate the amount of land estimated in section (1) of this rule, third priority goes to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

(4) Land of lower priority under section (3) of this rule may be included if land of higher priority is found to be inadequate to accommodate the amount of land estimated in section (1) of this rule for one or more of the following reasons:

(a) Future urban services could not reasonably be provided to the higher priority area due to topographical or other physical constraints; or

(b) Maximum efficiency of land uses within a proposed urban reserve requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

(5) Findings and conclusions concerning the results of the consideration required by this rule shall be adopted by the affected jurisdictions.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.145

Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDC 7-1996, f. & cert. ef. 12-31-96; LCDD 4-2000, f. & cert. ef. 3-22-00; LCDD 1-2008, f. & cert. ef. 2-13-08; LCDD 7-2011, f & cert. ef. 10-20-11

660-021-0040

Urban Reserve Area Planning and Zoning

(1) Until included in the urban growth boundary, lands in urban reserves shall continue to be planned and zoned for rural uses in accordance with the requirements of this rule and the applicable statutes and goals, but in a manner that ensures a range of opportunities for the orderly, economic and efficient provision of urban services when these lands are included in the urban growth boundary.

(2) Urban reserve land use regulations shall ensure that development and land divisions in exception areas and nonresource lands will not hinder the efficient transition to urban land uses and the orderly and efficient provision of urban services. These measures shall be adopted by the time the urban reserves are designated, or in the case of those local governments with planning and zoning responsibility for lands in the vicinity of the Portland Metropolitan Area Urban Growth Boundary, by the time such local governments amend their comprehensive plan and zoning maps to implement urban reserve designations made by the Portland Metropolitan Service District. The measures may include:

(a) Prohibition on the creation of new parcels less than ten acres;

(b) Requirements for clustering as a condition of approval of new parcels;

(c) Requirements for preplating of future lots or parcels;

(d) Requirements for written waivers of remonstrance against annexation to a provider of sewer, water or streets; and

(e) Regulation of the siting of new development on existing lots for the purpose of ensuring the potential for future urban development and public facilities.

(3) For exception areas and nonresource land in urban reserves, land use regulations shall prohibit zone amendments allowing more intensive uses, including higher residential density, than permitted by acknowledged zoning in effect as of the date of establishment of the urban reserves. Such

regulations shall remain in effect until such time as the land is included in the urban growth boundary.

(4) Resource land that is included in urban reserves shall continue to be planned and zoned under the requirements of applicable statewide planning goals.

(5) Urban reserve agreements consistent with applicable comprehensive plans and meeting the requirements of OAR 660-021-0050 shall be adopted for urban reserves.

(6) Cities and counties are authorized to plan for the eventual provision of urban public facilities and services to urban reserves. However, this division is not intended to authorize urban levels of development or services in urban reserves prior to their inclusion in the urban growth boundary. This division is not intended to prevent any planning for, installation of, or connection to public facilities or services in urban reserves consistent with the statewide planning goals and with acknowledged comprehensive plans and land use regulations in effect on the applicable date of this division.

(7) A local government shall not prohibit the siting of a single family dwelling on a legal parcel pursuant to urban reserve planning requirements if the single family dwelling would otherwise have been allowed under law existing prior to the designation of the parcel as part of an urban reserve.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.145

Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDC 5-1994, f. & cert. ef. 4-20-94; LCDD 2-1997(Temp), f. & cert. ef. 5-21-97; LCDD 3-1997, f. & cert. ef. 8-1-97; LCDD 4-2000, f. & cert. ef. 3-22-00; LCDD 1-2008, f. & cert. ef. 2-13-08; LCDD 7-2011, f & cert. ef. 10-20-11

660-021-0050

Urban Reserve Agreements

Urban reserve planning shall include the adoption and maintenance of urban reserve agreements among cities, counties and special districts serving or projected to serve the designated urban reserves. These agreements shall be adopted by each applicable jurisdiction at or prior to the time of reserve designation and shall contain:

(1) Designation of the local government responsible for building code administration and land use regulation in the urban reserves, both at the time of reserve designation and upon inclusion of these reserves within the urban growth boundary.

(2) Designation of the local government or special district responsible for the following services: sewer, water, fire protection, parks, transportation and storm water. The agreement shall include maps indicating areas and levels of current rural service responsibility and areas projected for future urban service responsibility when included in the urban growth boundary.

(3) Terms and conditions under which service responsibility will be transferred or expanded for areas where the provider of the service is expected to change over time.

(4) Procedures for notification and review of land use actions to ensure involvement by all affected local governments and special districts.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.145

Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDD 4-2000, f. & cert. ef. 3-22-00; LCDD 1-2008, f. & cert. ef. 2-13-08; LCDD 7-2011, f & cert. ef. 10-20-11

660-021-0070

Adoption and Review of Urban Reserve

(1) Designation and amendment of urban reserves shall follow the applicable procedures of ORS 197.610 through 197.650.

(2) Disputes between jurisdictions regarding urban reserve boundaries, planning and regulation, or urban reserve agreements may be mediated by the department or commission upon request by an affected local government or special district.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.145

Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDD 2-1997(Temp), f. & cert. ef. 5-21-97; LCDD 3-1997, f. & cert. ef. 8-1-97; LCDD 4-2000, f. & cert. ef. 3-22-00; LCDD 1-2008, f. & cert. ef. 2-13-08; LCDD 7-2011, f & cert. ef. 10-20-11

660-021-0080

Applicability

The provisions of this division, and amendments to rules in this division, are effective upon filing with the Secretary of State.

Stat. Auth.: ORS 183, 197.040

Stats. Implemented: ORS 195.145

Hist.: LCDC 2-1992, f. & cert. ef. 4-29-92; LCDC 5-1994, f. & cert. ef. 4-20-94; LCDD 2-1997(Temp), f. & cert. ef. 5-21-97; LCDD 3-1997, f. & cert. ef. 8-1-97; LCDD 4-1997, f. & cert. ef. 12-23-97; LCDD 4-2000, f. & cert. ef. 3-22-00; LCDD 1-2008, f. & cert. ef. 2-13-08; LCDD 7-2011, f & cert. ef. 10-20-11

ADMINISTRATIVE RULES

Rule Caption: Minor and technical amendments to conform to law, clarify wording and correct references.

Adm. Order No.: LCDD 8-2011

Filed with Sec. of State: 10-20-2011

Certified to be Effective: 10-20-11

Notice Publication Date: 11-1-2010

Rules Amended: 660-025-0010, 660-025-0020, 660-025-0040, 660-025-0070, 660-025-0085, 660-025-0100, 660-025-0110, 660-025-0130, 660-025-0140, 660-025-0150, 660-025-0160, 660-025-0170, 660-025-0175, 660-025-0210, 660-025-0230

Subject: The amendments modify rules to make minor and technical amendments to conform to statutes, laws and rules; respond to Land Use Board of Appeals and other court opinions; clarify ambiguous or unclear wording consistent with the intent of the rule; update and correct rule, statutory and other references; and correct grammar.

Rules Coordinator: Casaria Tuttle—(503) 373-0050, ext. 322

660-025-0010

Purpose

The purpose of this division is to carry out the state policy outlined in ORS 197.010 and 197.628. This division is intended to implement provisions of ORS 197.626 through 197.651. The purpose for periodic review is to ensure that comprehensive plans and land use regulations remain in compliance with the statewide planning goals adopted pursuant to ORS 197.230, the commission's rules and applicable land use statutes. Periodic review also is intended to ensure that local governments plan for adequate provision for needed housing, economic development, transportation, public facilities and services, and urbanization, and that local plans are coordinated as described in ORS 197.015(5). Periodic Review is a cooperative process between the state, local governments, and other interested persons.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.010; ORS 197.628 - 197.646

Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 4-2006, f. & cert. ef. 5-15-06; LCDD 8-2011, f. & cert. ef. 10-20-11

660-025-0020

Definitions

For the purposes of this division, the definitions contained in ORS 197.015, and ORS 197.303, shall apply unless the context requires otherwise. In addition, the following definitions apply:

(1) "Economic Revitalization Team" means the team established under ORS 284.555.

(2) "Filed" or "Submitted" means that the required documents have been received by the Department of Land Conservation and Development at its Salem, Oregon, office.

(3) "Final Decision" means the completion by the local government of a work task on an approved work program, including the adoption of supporting findings and any amendments to the comprehensive plan or land use regulations. A decision is final when the local government's decision is transmitted to the department for review.

(4) "Metropolitan planning organization" means an organization located wholly within the State of Oregon and designated by the Governor to coordinate transportation planning in an urbanized area of the state pursuant to 49 USC 5303(c).

(5) "Objection" means a written complaint concerning the adequacy of an evaluation, proposed work program, or completed work task.

(6) "Participated at the local level" means to have provided substantive comment, evidence, documents, correspondence, or testimony to the local government during the local proceedings regarding a decision on an evaluation, work program or work task.

(7) "Work Program" means a detailed listing of tasks necessary to revise or amend the local comprehensive plan or land use regulations to ensure the plan and regulations achieve the statewide planning goals. A work program must indicate the date that each work task must be submitted to the department for review.

(8) "Work Task" or "task" means an activity, that is included on an approved work program and that generally results in an adopted amendment to a comprehensive plan or land use regulation.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.015 & 197.628 - 197.646

Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 4-2006, f. & cert. ef. 5-15-06; LCDD 8-2011, f. & cert. ef. 10-20-11

660-025-0040

Exclusive Jurisdiction of LCDC

(1) The commission, pursuant to ORS 197.644(2), has exclusive jurisdiction to review the evaluation, work program, and all work tasks for compliance with the statewide planning goals and applicable statutes and administrative rules. Pursuant to ORS 197.626, the commission has exclusive jurisdiction to review the following land use decisions for compliance with the statewide planning goals:

(a) If made by a city with a population of 2,500 or more inside its urban growth boundary, amendments to an urban growth boundary to include more than 50 acres;

(b) If made by a metropolitan service district, amendments to an urban growth boundary to include more than 100 acres;

(c) Plan and land use regulations that designate urban reserve areas.

(2) The director may transfer one or more matters arising from review of a work task, urban growth boundary amendment or designation or amendment of an urban reserve area to the Land Use Board of Appeals pursuant to ORS 197.825(2)(c)(A) and OAR 660-025-0250.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.145, 197.628 - 197.646, 197.825

Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 4-2006, f. & cert. ef. 5-15-06; LCDD 1-2008, f. & cert. ef. 2-13-08; LCDD 8-2011, f. & cert. ef. 10-20-11

660-025-0070

Need for Periodic Review

(1) The following conditions indicate the need for, and establish the scope of review for, periodic review of comprehensive plans and land use regulations when required under OAR 660-025-0030:

(a) There has been a substantial change in circumstances including but not limited to the conditions, findings, or assumptions upon which the comprehensive plan or land use regulations were based, so that the comprehensive plan or land use regulations do not comply with the statewide planning goals relating to economic development, needed housing, transportation, public facilities and services and urbanization;

(b) Decisions based on acknowledged comprehensive plan and land use regulations are inconsistent with the goals relating to economic development, needed housing, transportation, public facilities and services and urbanization;

(c) There are issues of regional or statewide significance, intergovernmental coordination, or state agency plans or programs affecting land use which must be addressed in order to bring comprehensive plans and land use regulations into compliance with the goals relating to economic development, needed housing, transportation, public facilities and services and urbanization; or

(d) The existing comprehensive plan and land use regulations are not achieving the statewide planning goals relating to economic development, needed housing, transportation, public facilities and services and urbanization.

(2) When a local government requests initiation of periodic review under OAR 660-025-0035(2), the need for periodic review may be based on factors not contained in section (1) of this rule and the scope of such a periodic review may be more limited than would be the case for scheduled periodic review under section (1) of this rule.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.628 - 197.646

Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 4-2006, f. & cert. ef. 5-15-06; LCDD 8-2011, f. & cert. ef. 10-20-11

660-025-0085

Commission Hearings Notice and Procedures

(1) Hearings before the commission on a referral of a local government submittal of an evaluation, work program, determination that a work program is not necessary, or hearings on referral or appeal of a work task must be noticed and conducted in accordance with this rule.

(2) The commission shall take final action on an appeal or referral within 90 days of the date the appeal was filed or the director issued notice of the referral unless:

(a) At the request of a local government and a person who files a valid objection or appeals the director's decision, the department may provide mediation services to resolve disputes related to the appeal. Where mediation is underway, the commission shall delay its hearing until the mediation process is concluded or the director, after consultation with the mediator, determines that mediation is of no further use in resolution of the work program or work task disagreements;

(b) If the appeal or referral raises new or complex issues of fact or law that make it unreasonable for the commission to give adequate considera-

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tion to the issues within the 90-day limit the commission is not required to take final action within that time limit; or

(c) If the parties to the appeal and the commission agree to an extension, the hearing may be continued for a period not to exceed an additional 90 days.

(3) The director must provide written notice of the hearing to the local government, the appellant, objectors, and individuals requesting notice in writing. The notice must contain the date and location of the hearing.

(4) The director may prepare a written report to the commission on an appeal or referral. If a report is prepared, the director must mail a copy to the local government, objectors, the appellant, and individuals requesting the report in writing.

(5) Commission hearings will be conducted using the following procedures:

(a) The chair will open the hearing and explain the proceedings;

(b) The director or designee will present an oral report regarding the nature of the matter before the commission, an explanation of the director's decision, if any, and other information to assist the commission in reaching a decision. If another state agency participated in the periodic review under ORS 197.637 or 197.638, the agency may participate in the director's oral report.

(c) Participation in the hearing is limited to:

(A) The local government or governments whose decision is under review;

(B) Persons who filed a valid objection to the local decision in the case of commission hearing on a referral;

(C) Persons who filed a valid appeal of the director's decision in the case of a commission hearing on an appeal; and

(D) Other affected local governments.

(d) Standing to file an appeal of a work task is governed by OAR 660-025-0150.

(e) Persons or their authorized representative may present oral argument.

(f) The local government that submitted the task may provide general information from the record on the task submittal and address those issues raised in the department review, objections, or the appeal. A person who submitted objections or an appeal may address only those issues raised in the objections or the appeal submitted by that person. Other affected local governments may address only those issues raised in objections or an appeal.

(g) The commission will not consider new evidence unless it requests it, at its discretion. If the commission considers new evidence, it will allow the parties an opportunity to review and respond to the new evidence, subject to the time limits in section (2) of this rule.

(h) The director or commission may take official notice of law defined as:

(A) The decisional, constitutional and public statutory law of Oregon, the United States and any state, territory or other jurisdiction of the United States.

(B) Public and private official acts of the legislative, executive and judicial departments of this state, the United States, and any other state, territory or other jurisdiction of the United States.

(C) Regulations, ordinances and similar legislative enactments issued by or under the authority of the United States or any state, territory or possession of the United States.

(D) Rules of court of any court of this state or any court of record of the United States or of any state, territory or other jurisdiction of the United States.

(E) The law of an organization of nations and of foreign nations and public entities in foreign nations.

(F) An ordinance, comprehensive plan or enactment of any local government in this state, or a right derived therefrom.

Stat. Auth.: ORS 197.040 & 197.633

Stats. Implemented: ORS 197.628 - 197.646

Hist.: LCDD 4-2006, f. & cert. ef. 5-15-06; LCDD 8-2011, f. & cert. ef. 10-20-11

660-025-0100

Notice and Filing of Objections (Work Program Phase)

(1) After the local government approves the evaluation and work program, or the evaluation and decision that no work program is necessary, the local government must notify the department and persons who participated at the local level orally or in writing during the local process. The local government notice must contain the following information:

(a) Where a person can review a copy of the local government's evaluation and work program or the evaluation and decision that no work program is necessary, and how a person may obtain a copy of the decision;

(b) The requirements listed in section (2) of this rule for filing a valid objection to the evaluation, work program or decision that no work program is necessary; and

(c) That objectors must give a copy of the objection to the local government.

(2) Persons who participated at the local level orally or in writing during the local process leading to the evaluation and work program or decision that no work program is necessary may object to the local government's decision. To be valid, an objection must:

(a) Be in writing and filed with the department no later than 21 days from the date the notice was mailed by the local government;

(b) Clearly identify an alleged deficiency in the evaluation, work program or decision that no work program is necessary;

(c) Suggest a specific work task that would resolve the deficiency;

(d) Demonstrate that the objecting party participated at the local level orally or in writing during the local process.

(3) Objections that do not meet the requirements of section (2) of this rule must not be considered by the director or commission.

(4) If no valid objections are received within the 21-day objection period, the director may approve the evaluation and work program or decision that no work program is required. Regardless of whether valid objections are received, the department may make its own determination of the sufficiency of the evaluation and work program or determination that no work program is necessary.

(5) If valid objections are received, the department must issue a report. The report must address the issues raised in valid objections. The report must identify specific work tasks to resolve valid objections or department concerns. A valid objection must either be sustained or rejected by the department or commission based on the statewide planning goals and related statutes and administrative rules.

Stat. Auth.: ORS 197.040 & 197.633

Stats. Implemented: ORS 197.628 - 197.646

Hist.: LCDD 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 4-2006, f. & cert. ef. 5-15-06; LCDD 8-2011, f. & cert. ef. 10-20-11

660-025-0110

Director and Commission Action (Work Program Phase)

(1) The director may:

(a) Issue an order approving the evaluation and work program or determination that no work program is necessary;

(b) Issue an order rejecting the evaluation and work program or determination that no work program is necessary and suggest modifications to the local government including a date for resubmittal; or

(c) Refer the evaluation and work program or determination that no work program is necessary to the commission for review and action.

(2) The director may postpone action, pursuant to subsections (1)(a)-(c) of this rule to allow the department, the jurisdiction, objectors or other persons who participated orally or in writing at the local level to reach agreement on specific issues relating to the evaluation and work program or determination that no work program is necessary.

(3) The director must provide written notice of the decision to the local government persons who filed objections, and persons who requested notice of the local government decision.

(4) The director's decision to approve an evaluation and work program or determination that no work program is necessary is final and may not be appealed.

(5) The director's decision to deny an evaluation and work program or determination that no work program is necessary may be appealed to the commission by the local government, or a person who filed an objection, or other person who participated orally or in writing at the local level.

(a) Appeal of the director's decision must be filed with the department within 21 days of the date notice of the director's action was mailed;

(b) A person appealing the director's decision must show that the person participated in the local government decision. The person appealing the director's decision must show a deficiency in the director's decision to deny the evaluation, work program or decision that no work program is necessary. The person appealing the director's decision also must suggest a specific modification to the evaluation, work program or decision that no work program is necessary to resolve the alleged deficiency.

(6) If no such appeal is filed, the director's decision shall be final.

(7) In response to an appeal, the director may prepare and submit a report to the commission. The provisions in OAR 660-025-0160(3) and (4) apply.

(8) The commission shall hear referrals and appeals of evaluations and work programs according to the procedures in OAR 660-025-0085.

ADMINISTRATIVE RULES

(9) Following its hearing, the commission must issue an order that either:

- (a) Establishes a work program; or
- (b) Determines that no work program is necessary.

Stat. Auth.: ORS 197.040 & 197.633

Stats. Implemented: ORS 197.628 - 197.646

Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95; LCDD 4-2006, f. & cert. ef. 5-15-06; LCDD 8-2011, f. & cert. ef. 10-20-11

660-025-0130

Submission of Completed Work Task

(1) A local government must submit completed work tasks as provided in the approved work program to the department along with the notice required in OAR 660-025-0140 and any form required by the department. A local government must submit to the department a list of persons who participated orally or in writing in the local proceedings leading to the adoption of the work task or who requested notice of the local government's final decision on a work task.

(2) After receipt of a work task, the department must determine whether the submittal is complete.

(3) To be complete a submittal must be a final decision containing all required elements identified for that task in the work program. A portion of a task or subtask may be accepted as a complete submittal if the work program identified that portion of the task or subtask as a separate item for adoption by the local government. Task submittals are subject to the following requirements:

(a) If the local record does not exceed 2,000 pages, a submittal must include the entire local record, including but not limited to adopted ordinances and orders, studies, inventories, findings, staff reports, correspondence, hearings minutes, written testimony and evidence, and any other items specifically listed in the work program;

(b) If the local record exceeds 2,000 pages, a submittal must include adopted ordinances and orders, findings, hearings minutes, written testimony and evidence, and a detailed index listing items not included in the submittal. Items in the local record not included in the submittal must be made available for public review during the period for submitting objections under OAR 660-025-0140. The director or commission may require submission of any materials not included in the initial submittal;

(c) A task submittal of over 500 pages must include an index of all submitted materials.

(4) A submittal includes only the materials provided to the department pursuant to section (3) of this rule. Following submission of objections pursuant to OAR 660-025-0140, the local government may provide written correspondence that is not part of the local record which identifies material in the record relevant to filed objections. The correspondence may not include or refer to materials not in the record submitted or listed pursuant to section (3) of this rule. The local government must provide the correspondence to each objector at the same time it is sent to the department.

(5) If the department determines that a submittal is incomplete, it must notify the local government. If the department determines that the submittal should be reviewed despite missing information, the department may commence a formal review of the submittal. Missing material may be identified as a deficiency in the review process and be a basis to require further work by the local government.

(6) A local government may request an extension of time for submitting a work task. The director may grant the request if the local government shows good cause for the extension. A local government may be permitted only one extension, which shall be for no more than one year.

(7) If a local government fails to submit a complete work task by the deadline set by the director, or the commission, including any extension, the director must schedule a hearing before the commission. The hearing must be conducted according to the procedures in OAR 660-025-0090(5).

Stat. Auth.: ORS 197.040 & 197.633

Stats. Implemented: ORS 197.628 - 197.646

Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 4-2006, f. & cert. ef. 5-15-06; LCDD 8-2011, f. & cert. ef. 10-20-11

660-025-0140

Notice and Filing of Objections (Work Task Phase)

(1) After the local government makes a final decision on a work task, the local government must notify the department and persons who participated at the local level orally or in writing during the local process or who requested notice in writing. The local government notice must contain the following information:

(a) Where a person can review a copy of the local government's final decision, and how a person may obtain a copy of the final decision;

(b) The requirements listed in section (2) of this rule for filing a valid objection to the work task; and

(c) That objectors must give a copy of the objection to the local government.

(2) Persons who participated orally or in writing in the local process leading to the final decision may object to the local government's work task submittal. To be valid, objections must:

(a) Be in writing and filed with the department's Salem office no later than 21 days from the date the local government mailed the notice;

(b) Clearly identify an alleged deficiency in the work task sufficient to identify the relevant section of the final decision and the statute, goal, or administrative rule the task submittal is alleged to have violated;

(c) Suggest specific revisions that would resolve the objection; and

(d) Demonstrate that the objecting party participated orally or in writing in the local process leading to the final decision.

(3) Objections that do not meet the requirements of section (2) of this rule will not be considered by the director or commission.

(4) If no valid objections are received within the 21-day objection period, the director may approve the work task. Regardless of whether valid objections are received, the director may make a determination of whether the work task final decision complies with the statewide planning goals and applicable statutes and administrative rules.

(5) When a subsequent work task conflicts with a work task that has been deemed acknowledged, or violates a statewide planning goal, applicable statute or administrative rule related to a previous work task, the director or commission shall not approve the submittal until all conflicts and compliance issues are resolved. In such case, the director or commission may enter an order deferring acknowledgment of all, or part, of the work task until completion of additional tasks.

(6) If valid objections are received or the department conducts its own review, the department must issue a report. The report shall address the issues raised in valid objections. The report shall identify specific work tasks to resolve valid objections or department concerns. A valid objection shall either be sustained or rejected by the department or commission based on the statewide planning goals, or applicable statutes or administrative rules.

Stat. Auth.: ORS 197.040 & 197.633

Stats. Implemented: ORS 197.628 - 197.646

Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 4-2006, f. & cert. ef. 5-15-06; LCDD 8-2011, f. & cert. ef. 10-20-11

660-025-0150

Director Action and Appeal of Director Action (Work Task Phase)

(1) The director may:

(a) Issue an order approving the completed work task;

(b) Issue an order remanding the work task to the local government including a date for resubmittal;

(c) Refer the work task to the commission for review and action; or

(d) The director may issue an order approving portions of the completed work task provided these portions are not affected by an order remanding or referring the completed work task.

(2) The director must send the order to the local government, persons who filed objections, and persons who, in writing, requested a copy of the action.

(3) The order or referral must be sent within 120 days of the date the department received the task submittal from the local government, unless the local government waives the 120-day deadline or the commission grants the director an extension. The local government may withdraw the submittal, in which case the 120-day deadline does not apply, provided the withdrawal will not result in the local government passing the deadline for work task submittal in the work program and any extension allowed in OAR 660-025-0130(6).

(4) If the director does not issue an order or refer the work task within the time limits set by section (3) of this rule, and the department did not receive any valid objections to the work task, the work task shall be deemed approved. In such cases, the department will provide a letter to the local government certifying that the work task is approved.

(5) If the department received one or more valid objections to the work task, the director must either issue an order or refer the work task to the commission for review.

(6) Appeals of a director's decision are subject to the following requirements:

(a) A director's decision approving or partially approving a work task may be appealed to the commission only by a person who filed a valid objection.

ADMINISTRATIVE RULES

(b) A director's decision remanding or partially remanding a work task may be appealed to the commission only by the local government, a person who filed a valid objection, or by another person who participated orally or in writing in the local proceedings leading to adoption of the local decision under review.

(c) Appeals of a director's decision must be filed with the department's Salem office within 21 days of the date the director's action was mailed;

(d) A person, other than the local government that submitted the work task and an affected local government, appealing the director's decision must:

(A) Show that the person participated in the local proceedings leading to adoption of the work task orally or in writing;

(B) Clearly identify a deficiency in the work task sufficiently to identify the relevant section of the submitted task and the statute, goal, or administrative rule the local government is alleged to have violated; and

(C) Suggest a specific modification to the work task necessary to resolve the alleged deficiency.

(7) If no appeal to the commission is filed within the time provided by section (6) of this rule, the director's order is deemed affirmed by the commission. If the order approved a work task, the work task is deemed acknowledged.

Stat. Auth.: ORS 197.040 & 197.633

Stats. Implemented: ORS 197.628 - 197.646

Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 4-2006, f. & cert. ef. 5-15-06; LCDD 8-2011, f. & cert. ef. 10-20-11

660-025-0160

Commission Review of Referrals and Appeals (Work Task Phase)

(1) The commission shall hear appeals and referrals of work tasks according to the applicable procedures in OAR 660-025-0085 and 660-025-0150.

(2) In response to a referral or appeal, the director may prepare and submit a report to the commission.

(3) The department must mail a copy of the report to the local government, all persons who submitted objections, and other persons who appealed the director's decision. The department must mail the report at least 21 days before the commission meeting to consider the referral or appeal.

(4) The persons specified in OAR 660-025-0085(5)(c) may file written exceptions to the director's report within ten (10) days of the date the report is mailed. The director may issue a response to exceptions and may make revisions to the director's report in response to exceptions. A response or revised report may be provided to the commission at or prior to its hearing on the referral or appeal. A revised director's report does not require mailing 21 days prior to the commission hearing.

(5) The commission shall hear appeals based on the record except as provided in OAR 660-025-0085(5)(g). The written record shall consist of the submittal, timely objections, the director's report, timely exceptions to the director's report, the director's response to exceptions and revised report if any, and the appeal if one was filed.

(6) Following its hearing, the commission must issue an order that does one or more of the following:

(a) Approves the work task or a portion of the task;

(b) Remands the work task or a portion of the task to the local government, including a date for resubmittal;

(c) Requires specific plan or land use regulation revisions to be completed by a specific date. Where specific revisions are required, the order shall specify that no further review is necessary. These changes are final when adopted by the local government. The failure to adopt the required revisions by the date established in the order shall constitute failure to complete a work task by the specified deadline requiring the director to initiate a hearing before the commission according to the procedures in OAR 660-025-0170(3);

(d) Amends the work program to add a task authorized under OAR 660-025-0170(1)(b); or

(e) Modifies the schedule for the approved work program in order to accommodate additional work on a remanded work task.

(7) If the commission approves the work task or portion of a work task under subsection (6)(a) of this rule and no appeal to the Court of Appeals is filed within the time provided in ORS 183.482, the work task or portion of a work task shall be deemed acknowledged. If the commission decision on a work task is under subsection (6)(b) through (e) of this rule and no appeal to the Court of Appeals is filed within the time provided in ORS 183.482, the decision is final.

Stat. Auth.: ORS 197.040 & 197.633

Stats. Implemented: ORS 197.628 - 197.646

Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 4-2006, f. & cert. ef. 5-15-06; LCDD 8-2011, f. & cert. ef. 10-20-11

660-025-0170

Modification of an Approved Work Program, Extensions, and Sanctions for Failure to Meet Deadlines

(1) The commission may direct, or, upon request of the local government, the director may authorize, a local government to modify an approved work program when:

(a) Issues of regional or statewide significance arising out of another local government's periodic review requires an enhanced level of coordination;

(b) Issues of goal compliance are raised as a result of completion of a work task resulting in a need to undertake further review or revisions;

(c) Issues relating to the organization of the work program, coordination with affected agencies or persons, or orderly implementation of work tasks result in a need for further review or revision; or

(d) Issues relating to needed housing, economic development, transportation, public facilities and services, or urbanization were omitted from the work program but must be addressed in order to ensure compliance with the statewide planning goals.

(2) Failure to complete a modified work task shall constitute failure to complete a work task by the specified deadline, requiring the director to initiate a hearing before the commission according to the procedures in section (3).

(3) If a local government fails to submit its evaluation and work program, a decision that no work program is necessary, or a work task by the deadline set by the director or the commission, including any extension, the director shall schedule a hearing before the commission. The notice must state the date and location at which the commission will conduct the hearing. The hearing will be conducted pursuant to OAR 660-025-0085 and as follows:

(a) The director shall notify the local government in writing that its submittal is past due and that the commission will conduct a hearing and consider imposing sanctions against the local government as required by ORS 197.636(2);

(b) The director and the local government may prepare written statements to the commission addressing the circumstances causing the local government to miss the deadline and the appropriateness of any of the sanctions listed in ORS 197.636(2). The written statements must be filed in a manner and according to a schedule established by the director;

(c) The commission shall issue an order imposing one or more of the sanctions listed in ORS 197.636(2) until the local government submits its evaluation and work program or its decision that no work program is required, or its work task required under OAR 660-025-0130, as follows:

(A) Require the local government to apply those portions of the goals and rules to land use decisions as specified in an order issued by the commission,

(B) Forfeiture of all or a portion of the grant money received to conduct the review, develop the work program or complete the work task,

(C) Completion of the work program or work task by the department. The commission may require the local government to pay the cost for completion of work performed by the department, following the withholding process set forth in ORS 197.335(4),

(D) Application of such interim measures as the commission deems necessary to ensure compliance with the statewide planning goals.

Stat. Auth.: ORS 197.040 & 197.633

Stats. Implemented: ORS 197.628 - 197.646

Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95; LCDD 1-1998, f. & cert. ef. 4-15-98; LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 4-2006, f. & cert. ef. 5-15-06; LCDD 8-2011, f. & cert. ef. 10-20-11

660-025-0175

Review of UGB Amendments and Urban Reserve Area Designations

(1) Land use decisions establishing or amending an urban growth boundary or urban reserve area must be submitted to the department for review for compliance with the applicable statewide planning goals, statutes and rules when:

(a) A metropolitan service district amends its urban growth boundary to include more than 100 acres;

(b) A city with a population of 2,500 or more within its urban growth boundary amends the urban growth boundary to include more than 50 acres; or

(c) A city or metropolitan service district designates or amends urban reserve areas under ORS 195.145.

ADMINISTRATIVE RULES

(2) The standards and procedures in this rule govern the local government process and submittal, and department and commission review.

(3) The local government must provide notice of the proposed amendment according to the procedures and requirements for post-acknowledgement plan amendments in ORS 197.610 and OAR 660-018-0020.

(4) The local government must submit its final decision amending its urban growth boundary, or designating urban reserve areas, to the department according to all the requirements for a work task submittal in OAR 660-025-0130 and 660-025-0140.

(5) Department and commission review and decision on the submittal from the local government must follow the procedures and requirements for review and decision of a work task submittal in OAR 660-025-0085, and 660-025-0140 to 660-025-0160.

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 195.145, 197.626 – 197.646
Hist.: LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 4-2006, f. & cert. ef. 5-15-06; LCDD 8-2011, f. & cert. ef. 10-20-11

660-025-0210

Updated Planning Documents

(1) Pursuant to ORS 195.025 and 195.040 and the legislative policy described in ORS 197.010, each local government must file two complete and accurate copies of its comprehensive plan and land use regulations bearing the date of adoption (including plan and zone maps bearing the date of adoption) with the department following completion of periodic review. These materials may be either a new printing or an up-to-date compilation of the required materials or upon approval of the department, an up-to-date copy on computer disk(s) or other electronic format.

(2) Materials described in section (1) of this rule must be submitted to the department within six months of completion of the last work task.

(3) The updated plan must be accompanied by a statement signed by a city or county official certifying that the materials are an accurate copy of current planning documents and that they reflect changes made as part of periodic review.

(4) Jurisdictions that do not file an updated plan on time shall not be eligible for grants from the department until such time as the required materials are provided to the department.

Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 197.190, 197.270 & 197.628 -197.646
Hist.: LCDC 1-1992, f. & cert. ef. 1-28-92; LCDC 6-1995, f. & cert. ef. 6-16-95; LCDD 4-2006, f. & cert. ef. 5-15-06; LCDD 8-2011, f. & cert. ef. 10-20-11

660-025-0230

Applicability

(1) Amendments to this division apply as follows:

(a) Local governments in periodic review that have not submitted an evaluation and work program, or decision that no work program is required, must apply the amendments to the evaluation and work program or decision that no work program is required;

(b) Local governments in periodic review must apply amendments to work tasks not completed or submitted to the department on the effective date of the amendments;

(c) The commission may modify approved work programs to carry out the priorities and standards reflected in amendments;

(d) The procedures and standards in amendments for department and commission review and action on periodic review submittals, requests for extensions, and late submittals apply to all such submittals and requests filed after the effective date of the amendments, as well as any such submittals and requests awaiting initial department action on the effective date of the amendments.

Stat. Auth.: ORS 197.040-197.245
Stats. Implemented: ORS 197.628 - 197.646
Hist.: LCDD 3-2000, f. & cert. ef. 2-14-00; LCDD 4-2006, f. & cert. ef. 5-15-06; LCDD 8-2011, f. & cert. ef. 10-20-11

Oregon Board of Dentistry

Chapter 818

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

Adm. Order No.: OBD 4-2011

Filed with Sec. of State: 11-15-2011

Certified to be Effective: 11-15-11

Notice Publication Date: 10-1-2011

Rules Adopted: 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

Rules Amended: 818-001-0002, 818-001-0087, 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, 818-035-0025, 818-035-0065, 818-035-0100, 818-042-0040, 818-042-0050, 818-042-0060, 818-042-0120, 818-042-0130

Rules Repealed: 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

Subject: The Board adopted 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, which allows fingerprinting and criminal records checks for employee applicants and employees.

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

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

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

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

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

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

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

The Board amended 818-021-0060 Continuing Education - Dentists and 818-021-0070 Continuing Education - Dental Hygienists to clarify that continuing education credit for volunteer pro bono dental services must be in Oregon.

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

The Board amended 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 continuously monitored.

The Board amended 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 amended 818-035-0025 Prohibitions to correct an error in the listing of a rule number that did not exist and clarify prohibitions.

The Board amended 818-035-0065 Limited Access Permits and 818-035-0100 Record Keeping to reflect the changes made by Senate Bill 738 (Chapter 716 2011 Oregon Laws) and to clarify duties.

The Board amended 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 amended 818-042-0050, 818-042-0060, 818-042-0120 and 818-042-0130 to reflect the name change from the Oregon Department of Human Services to the Oregon Health Authority.

ADMINISTRATIVE RULES

The Board repealed 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 were adopted and made permanent.

The Board repealed 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—(971) 673-3200

818-001-0002

Definitions

As used in OAR Chapter 818:

(1) "Board" means the Oregon Board of Dentistry, the members of the Board, its employees, its agents, and its consultants.

(2) "Dental Practice Act" means ORS Chapter 679 and 680.010 to 680.205 and the rules adopted pursuant thereto.

(3) "Dentist" means a person licensed pursuant to ORS Chapter 679 to practice dentistry.

(4) "Direct Supervision" means supervision requiring that a dentist diagnose the condition to be treated, that a dentist authorize the procedure to be performed, and that a dentist remain in the dental treatment room while the procedures are performed.

(5) "General Supervision" means supervision requiring that a dentist authorize the procedures, but not requiring that a dentist be present when the authorized procedures are performed. The authorized procedures may also be performed at a place other than the usual place of practice of the dentist.

(6) "Hygienist" means a person licensed pursuant to ORS 680.010 to 680.205 to practice dental hygiene.

(7) "Indirect Supervision" means supervision requiring that a dentist authorize the procedures and that a dentist be on the premises while the procedures are performed.

(8) "Informed Consent" means the consent obtained following a thorough and easily understood explanation to the patient, or patient's guardian, of the proposed procedures, any available alternative procedures and any risks associated with the procedures. Following the explanation, the licensee shall ask the patient, or the patient's guardian, if there are any questions. The licensee shall provide thorough and easily understood answers to all questions asked.

(9) "Licensee" means a dentist or hygienist.

(a) "Volunteer Licensee" is a dentist or dental hygienist licensed according to rule to provide dental health care without receiving or expecting to receive compensation.

(10) "Limited Access Patient" means a patient who is unable to receive regular dental hygiene treatment in a dental office.

(11) "Specialty." Specialty areas of dentistry are as defined by the American Dental Association, Council on Dental Education. The specialty definitions are added to more clearly define the scope of the practice as it pertains to the specialty areas of dentistry.

(a) "Dental Public Health" is the science and art of preventing and controlling dental diseases and promoting dental health through organized community efforts. It is that form of dental practice which serves the community as a patient rather than the individual. It is concerned with the dental health education of the public, with applied dental research, and with the administration of group dental care programs as well as the prevention and control of dental diseases on a community basis.

(b) "Endodontics" is the branch of dentistry which is concerned with the morphology, physiology and pathology of the human dental pulp and periradicular tissues. Its study and practice encompass the basic and clinical sciences including biology of the normal pulp, the etiology, diagnosis, prevention and treatment of diseases and injuries of the pulp and associated periradicular conditions.

(c) "Oral and Maxillofacial Pathology" is the specialty of dentistry and discipline of pathology that deals with the nature, identification, and management of diseases affecting the oral and maxillofacial regions. It is a science that investigates the causes, processes, and effects of these diseases. The practice of oral pathology includes research and diagnosis of diseases using clinical, radiographic, microscopic, biochemical, or other examinations.

(d) "Oral and Maxillofacial Radiology" is the specialty of dentistry and discipline of radiology concerned with the production and interpretation of images and data produced by all modalities of radiant energy that

are used for the diagnosis and management of diseases, disorders and conditions of the oral and maxillofacial region.

(e) "Oral and Maxillofacial Surgery" is the specialty of dentistry which includes the diagnosis, surgical and adjunctive treatment of diseases, injuries and defects involving both the functional and esthetic aspects of the hard and soft tissues of the oral and maxillofacial region.

(f) "Orthodontics and Dentofacial Orthopedics" is the area of dentistry concerned with the supervision, guidance and correction of the growing or mature dentofacial structures, including those conditions that require movement of teeth or correction of malrelationships and malformations of their related structures and the adjustment of relationships between and among teeth and facial bones by the application of forces and/or the stimulation and redirection of functional forces within the craniofacial complex. Major responsibilities of orthodontic practice include the diagnosis, prevention, interception and treatment of all forms of malocclusion of the teeth and associated alterations in their surrounding structures; the design, application and control of functional and corrective appliances; and the guidance of the dentition and its supporting structures to attain and maintain optimum occlusal relations in physiologic and esthetic harmony among facial and cranial structures.

(g) "Pediatric Dentistry" is an age-defined specialty that provides both primary and comprehensive preventive and therapeutic oral health care for infants and children through adolescence, including those with special health care needs.

(h) "Periodontics" is the specialty of dentistry which encompasses the prevention, diagnosis and treatment of diseases of the supporting and surrounding tissues of the teeth or their substitutes and the maintenance of the health, function and esthetics of these structures and tissues.

(i) "Prosthodontics" is the branch of dentistry pertaining to the restoration and maintenance of oral functions, comfort, appearance and health of the patient by the restoration of natural teeth and/or the replacement of missing teeth and contiguous oral and maxillofacial tissues with artificial substitutes.

(12) "Full-time" as used in ORS 679.025 and 680.020 is defined by the Board as any student who is enrolled in an institution accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency in a course of study for dentistry or dental hygiene.

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 679.010 & 680.010

Hist.: DE 11-1984, f. & ef. 5-17-84; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; Renumbered from 818-001-0001; DE 3-1997, f. & cert. ef. 8-27-97; OBD 7-2001, f. & cert. ef. 1-8-01; OBD 2-2005, f. 1-31-05, cert. ef. 2-1-05; OBD 1-2006, f. 3-17-06, cert. ef. 4-1-06; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08; OBD 4-2011, f. & cert. ef. 11-15-11

818-001-0087

Fees

(1) The Board adopts the following fees:

(a) Biennial License Fees:

(A) Dental — \$315;

(B) Dental — retired — \$0;

(C) Dental Faculty — \$260;

(D) Volunteer Dentist — \$0;

(E) Dental Hygiene — \$155;

(F) Dental Hygiene — retired — \$0;

(G) Volunteer Dental Hygienist — \$0.

(b) Biennial Permits, Endorsements or Certificates:

(A) Nitrous Oxide Permit — \$40;

(B) Minimal Sedation Permit — \$75;

(C) Moderate Sedation Permit — \$75;

(D) Deep Sedation Permit — \$75;

(E) General Anesthesia Permit — \$140;

(F) Radiology — \$75;

(G) Expanded Function Dental Assistant — \$50;

(H) Expanded Function Orthodontic Assistant — \$50;

(I) Instructor Permits — \$40;

(J) Dental Hygiene Restorative Functions Endorsement — \$50;

(K) Restorative Functions Dental Assistant — \$50;

(L) Anesthesia Dental Assistant — \$50.

(M) Dental Hygiene, Expanded Practice Permit — \$75;

(c) Applications for Licensure:

(A) Dental — General and Specialty — \$345;

(B) Dental Faculty — \$305;

(C) Dental Hygiene — \$180;

(D) Licensure Without Further Examination — Dental and Dental Hygiene — \$790.

(d) Examinations:

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(A) Jurisprudence — \$0;

(B) Dental Specialty:

(i) \$750 at the time of application; and

(ii) If only one candidate applies for the exam, an additional \$1,250 due ten days prior to the scheduled exam date;

(iii) If two candidates apply for the exam, an additional \$250 (per candidate) due ten days prior to the scheduled exam date;

(iv) If three or more candidates apply for the exam, no additional fee will be required.

(e) Duplicate Wall Certificates — \$50.

(2) Fees must be paid at the time of application and are not refundable.

(3) The Board shall not refund moneys under \$5.01 received in excess of amounts due or to which the Board has no legal interest unless the person who made the payment or the person's legal representative.

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 293.445, 679.060, 679.120, 680.050, 680.200, 680.205

Hist.: DE 6-1985(Temp), f. & cf. 9-20-85; DE 3-1986, f. & cf. 3-31-86; DE 1-1987, f. & cf. 10-7-87; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89, corrected by DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; Renumbered from 818-001-0085; DE 2-1989(Temp), f. & cert. ef. 11-30-89; DE 1-1990, f. 3-19-90, cert. ef. 4-2-90; DE 1-1991(Temp), f. 8-5-91, cert. ef. 8-15-91; DE 2-1991, f. & cert. ef. 12-31-91; DE 1-1992(Temp), f. & cert. ef. 6-24-92; DE 2-1993, f. & cert. ef. 7-13-93; OBD 1-1998, f. & cert. ef. 6-8-98; OBD 3-1999, f. 6-25-99, cert. ef. 7-1-99; Administrative correction, 8-2-99; OBD 5-2000, f. 6-22-00, cert. ef. 7-1-00; OBD 8-2001, f. & cert. ef. 1-8-01; OBD 2-2005, f. 1-31-05, cert. ef. 2-1-05; OBD 2-2007, f. 4-26-07, cert. ef. 5-1-07; OBD 3-2007, f. & cert. ef. 11-30-07; OBD 1-2009(Temp), f. 6-11-09, cert. e. 7-1-09 thru 11-1-09; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 3-2011(Temp), f. 6-30-11, cert. ef. 7-1-11 thru 12-27-11; OBD 4-2011, f. & cert., ef. 11-15-11

818-005-0000

Definitions

As used in OAR Chapter 818, Division 005, 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 an employee applicant/employee in a criminal case, unless that judgment has been reversed or set aside by a subsequent court decision.

(2) Criminal Offender Information: Records and related data as to physical description and vital statistics; fingerprints received and compiled by the Oregon 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.

(3) Crime Relevant to a Fitness Determination: A crime listed or described in OAR 818-005-0020.

(4) Criminal Records Check: One or more of the following processes used to check the criminal history of an employee applicant/employee:

(a) A name-based check of criminal offender information conducted through use of the Law Enforcement Data System (LEDS) maintained by the Oregon State Police, in accordance with the rules adopted and procedures established by the Oregon State Police (LEDS Criminal Records Check);

(b) A check of Oregon criminal offender information through fingerprint identification, conducted by the Oregon State Police at the Board's request (Oregon Criminal Records Check); or

(c) A nationwide check of federal criminal offender information through fingerprint identification, conducted by the Oregon State Police through the Federal Bureau of Investigation at the Board's request (Nationwide Criminal Records Check).

(5) Denied: A fitness determination by the Board pursuant to a final fitness determination under OAR 818-005-0025 that the subject individual is not fit to be an employee, volunteer, contractor, or vendor in a position covered by OAR 818-005-0025.

(6) False Statement: In association with an activity governed by these rules, an employee applicant/employee either:

(a) Provided the Board with materially false information about the employee applicant's/employee's criminal history, such as, but not limited to, materially false information about employee applicant/employee or conviction record; or

(b) Failed to provide to the Board information material to determining employee applicant's/employee's criminal history.

(7) Fitness Determination: A determination made by the Board pursuant to the process established in OAR 818-005-0025 that an employee applicant/employee is or is not fit to be a Board employee, volunteer, contractor, or vendor.

(8) Employee applicant/employee: An individual identified in OAR 818-005-0025 as someone from whom the Board may require a criminal records check.

Stat. Auth.: ORS 181.534, 676.303 & 679.253

Stats. Implemented: ORS 676.303 & 181.534

Hist.: OBD 4-2011, f. & cert., ef. 11-15-11

818-005-0005

Employee Applicant/Employee

The Board may require an Employee Applicant/Employee to complete a criminal records check pursuant to these rules if the person:

(1)(a) Is employed by or applying for employment with the Board; or

(b) Provides services or seeks to provide services to the Board as a volunteer, contractor, or vendor; and

(2) Is, or will be, working or providing services in a position in which the person:

(a) Provides information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems; or

(b) Accesses information, that state or federal laws, rules or regulations prohibit disclosing or define as confidential.

Stat. Auth.: ORS 181.534, 676.303 & 679.253

Stats. Implemented: ORS 676.303 & 181.534

Hist.: OBD 4-2011, f. & cert., ef. 11-15-11

818-005-0011

Criminal Records Check Required

The Board may conduct, or request the Oregon State Police to conduct, a criminal records check when:

(1) An individual meets the definition of an employee applicant/employee; or

(2) Required by federal law or regulation, by state or administrative rule, or by contract or written agreement with the Board.

Stat. Auth.: ORS 181.534, 676.303 & 679.253

Stats. Implemented: ORS 676.303 & 181.534

Hist.: OBD 4-2011, f. & cert., ef. 11-15-11

818-005-0015

Criminal Records Check Process

(1) Disclosure of Information by employee applicant/employee.

(a) Preliminary to a criminal records check, an employee applicant/employee shall complete and sign the Oregon Board of Dentistry Criminal Records Request form and, if requested by the Board, a fingerprint card within three business days of having received the card. The Oregon Board of Dentistry Criminal Records Request form shall require the following information: name, birth date, Social Security Number, driver's license or identification card number, prior residency in other states, and any other identifying information deemed necessary by the Board. The Oregon Board of Dentistry Criminal Records Request form may also require details concerning any circumstance listed in OAR 818-005-0020(1).

NOTE: The Board may extend the deadline for good cause.

(b) The Board may require additional information from the employee applicant/employee 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.

(2) When the Board determines under OAR 818-005-0005 that a criminal records check is required, the Board may request or conduct a LEADS Criminal Records Check, an Oregon Criminal Records Check, a Nationwide Criminal Records Check, or any combination thereof.

Stat. Auth.: ORS 181.534, 676.303 & 679.253

Stats. Implemented: ORS 676.303 & 181.534

Hist.: OBD 4-2011, f. & cert., ef. 11-15-11

818-005-0021

Potentially Disqualifying Crimes

(1) Crimes Relevant to a Fitness Determination:

(a) All felonies;

(b) All misdemeanors;

(c) Any Federal crime, United States Military crime or international crime.

(2) Evaluation Based on Oregon and Other Laws. An authorized designee shall evaluate a crime on the basis of Oregon laws and, if applicable, Federal laws or the laws of any other jurisdiction in which a criminal records check indicates an employee applicant/employee may have committed a crime, as those laws are in effect at the time of the fitness determination.

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(3) Expunged Juvenile Record. Under no circumstances shall an employee applicant/employee subject individual be denied under these rules on the basis of the existence or contents of a juvenile record that has been expunged pursuant to ORS 419A.260 and 419A.262.

Stat. Auth.: ORS 181.534, 676.303 & 679.253
Stats. Implemented: ORS 676.303 & 181.534
Hist.: OBD 4-2011, f. & cert., ef. 11-15-11

818-005-0025

Final Fitness Determination

(1) If the Board elects to conduct a criminal records check, the Board shall make a fitness determination about an employee applicant/employee based on information provided by the employee applicant/employee under OAR 818-005-0005, the criminal records check(s) conducted, and any materially false statements made by the employee applicant/employee.

(2) In making a fitness determination about an employee applicant/employee, the Board shall also consider the factors in subsections (a), (b), and (c) below in relation to information provided by the employee applicant/employee under OAR 818-005-0015, any LEDS report or criminal offender information obtained through a criminal records check, and other information known by the Board. To assist in considering these factors, the Board may obtain any other information deemed relevant, from the employee applicant/employee or any other credible source, including law enforcement and criminal justice agencies or courts within or outside of Oregon. To acquire other criminal offender information from the employee applicant/employee, the Board may request to meet with the employee applicant/employee and may request to receive written materials or authorization to obtain other relevant information, from employee applicant/employee. The employee applicant/employee shall meet with the Board when requested and provide additional information or authorization within a reasonable period of time, as arranged with the Board. The Board's final fitness determination regarding an employee applicant/employee will include considerations of:

(a) Potentially disqualifying crimes or conditions and any mitigating circumstances including, but not limited to:

(A) False Statement. Any materially false statements made by the employee applicant/employee to the Board;

(B) Sex Offender. The employee applicant/employee is registered, or is required to register, as a sex offender in Oregon or any other jurisdiction;

(C) Warrants. An outstanding warrant against the employee applicant/employee for any crime in any jurisdiction;

(D) Deferred Sentence, Diversion Program, Parole or Probation. The employee applicant/employee has a deferred sentence, conditional discharge, is participating in a diversion program, or has not completed a required diversion program or any condition of post-prison supervision, parole or probation, for any potentially disqualifying crime;

(E) Parole or Probation Violation. A post-prison supervision, parole or probation violation for any potentially disqualifying crime; or

(F) Unresolved Arrests, Charges or Indictments. An unresolved arrest, charge, or a pending indictment, for a potentially disqualifying crime.

(b) Evaluating any potentially disqualifying crime or condition identified in this subsection (a), the department shall consider:

(A) The nature of the crime;

(B) The facts that support the conviction or pending indictment or that indicate the making of a false statement;

(C) The relevancy, if any, of the crime or the false statement to the specific requirements of the employee applicant's/employee's present or proposed position, services, or employment.

(c) Intervening circumstances, when applicable, relevant to the responsibilities of the employment or services, including, but not limited to:

(A) The passage of time since the commission or alleged commission of a crime identified under subsection (a);

(B) The age of the employee applicant/employee at the time of the commission or alleged commission of a crime identified under subsection (a);

(C) The likelihood of a repetition of offenses or of the commission of another crime;

(D) The subsequent commission of another crime;

(E) Whether a conviction identified under subsection (a) has been set aside and the legal effect of setting aside the conviction; and

(F) A recommendation of an employer.

(3) If an employee applicant/employee refuses to consent to a criminal records check, including fingerprint identification, the Board shall deny the employment of the employee applicant/employee or deny any applicable position or authority to provide services. A person may not appeal any determination made based on a refusal to consent.

(4) If an employee applicant/employee is denied as not fit, the subject individual may not be employed by the Board, or provide services as a volunteer, contractor, or vendor.

(5) A final fitness determination is a final order of the Board unless the affected employee applicant/employee appeals by requesting either a contested case hearing as provided by OAR 818-005-0035.

(6) The Board shall inform the employee applicant/employee who has been determined not to be fit on the basis of a criminal records check, via courier, or registered or certified mail to the most current address provided by the employee applicant/employee, of such disqualification.

Stat. Auth.: ORS 181.534, 676.303 & 679.253
Stats. Implemented: ORS 676.303 & 181.534
Hist.: OBD 4-2011, f. & cert., ef. 11-15-11

818-005-0030

Incomplete Fitness Determination

(1) The Board will close a fitness determination as incomplete when:
(a) Circumstances change so that a person no longer meets the definition of an "employee applicant/employee" under OAR 818-005-0005;

(b) The employee applicant/employee does not provide materials or information under OAR 818-015-0015(1)(a) within the time frames established under that rule;

(c) The Board cannot locate or contact the employee applicant/employee;

(d) The Board applicant/employee fails or refuses to cooperate with the Board's attempts to acquire other relevant information under OAR 818-005-0015(1)(b);

(e) The Board determines that the employee applicant/employee 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) An employee applicant/employee does not have a right to a contested case hearing under OAR 818-005-0035(2).

Stat. Auth.: ORS 181.534, 676.303 & 679.253
Stats. Implemented: ORS 676.303 & 181.534
Hist.: OBD 4-2011, f. & cert., ef. 11-15-11

818-005-0035

Contesting a Fitness Determination

(1) This rule sets forth a contested case hearing process by which a subject individual may appeal a fitness determination made under OAR 818-005-0025 that he or she is fit or not fit to be a Board employee, volunteer, contractor, or vendor.

(2) The Attorney General's Model Rules of Procedure, OAR 137-003-0001 through 137-003-0092, apply unless the Board refers the matter to the Office of Administrative Hearings to assign an Administrative Law Judge. If the Board refers the matter to the Office of Administrative Hearings, 137-003-0501 through 137-003-0700 shall apply.

(3) Process.

(a) To request a contested case hearing, the employee applicant/employee or the employee applicant/employee individual's legal representative must submit a written request to the Executive Director of the Board. To be timely, the request must be received by the Executive Director of the Board within 21 business days of the postmark of the fitness determination notification letter.

(b) A contested case hearing shall be conducted by an Administrative Law Judge appointed by the Office of Administrative Hearings once a timely request has been received by the Board as outlined in section (3)(a).

(4) The Administrative Law Judge will establish the time and place of the hearing. Notice of the hearing shall be served on the Board or designee and participants at least ten working days in advance of the hearing date.

(5) No Public Attendance. Contested case hearings on fitness determinations are closed to non-participants.

(6) A fitness determination made under OAR 818-005-0025 becomes final when:

(a) A timely request for hearing is not filed; or

(b) A party withdraws a hearing request, notifies the Board or the Administrative Law Judge that the party will not appear, or fails to appear for the hearing.

(7) The Administrative Law Judge will issue a proposed order following a hearing. Exceptions, if any, must be received by the Board within 10 working days after the service of the proposed order.

(8) An employee applicant/employee currently employed by the Board who is denied as unfit pursuant to a final fitness determination may appeal the fitness determination either under the contested case process made available by this rule or through a process available under applicable personnel rules, policies and collective bargaining agreements. An employ-

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ee applicant's/employee's decision to appeal a fitness determination through applicable personnel rules, policies, and collective bargaining agreements 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.

(9) The only remedy that may be awarded is a determination that the employee applicant/employee is fit or not fit. Under no circumstances shall the Board be required to place an employee applicant/employee in any position, nor shall the Board be required to accept services or enter into a contractual agreement with a employee applicant/employee.

(10) An employee applicant/employee may not use the appeals process established by this rule to challenge the accuracy or completeness of information provided by the Oregon State Police, the Federal Bureau of Investigation, or agencies reporting information to the Oregon State Police or the Federal Bureau of Investigation. To challenge the accuracy or completeness of information identified in this section (10), a employee applicant/employee may use any process made available by the agency that provided the information.

(11) Appealing a fitness determination, 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 will not delay or postpone the Board's hiring process or employment decisions.

(12) Alternative Process. An employee currently employed by the Board 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, policies and collective bargaining provision. A subject individual's decision to appeal a fitness determination through applicable personnel rules, policies and collective bargaining provisions 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.

(13) The only remedy that may be awarded is a determination that the employee is fit or not fit. Under no circumstances shall the Board be required to place an employee in any position, or shall the Board be required to accept services or enter into a contractual agreement with an employee.

Stat. Auth.: ORS 181.534, 676.303 & 679.253
Stats. Implemented: ORS 676.303 & 181.534
Hist.: OBD 4-2011, f. & cert., ef. 11-15-11

818-005-0040

Agency Representation

(1) Subject to the approval of the Attorney General, an officer or employee of the Board, designated by the Executive Director, is authorized to appear on behalf of the Board in contested case hearings conducted pursuant to these rules.

(2) Board officers, employees, or other authorized personnel may not present legal argument as defined under OAR 137-003-0008 on behalf of the Board in contested case hearings conducted pursuant to these rules.

(3) When the Board determines it is necessary to consult with the Attorney General's office, the Administrative Law Judge will provide a reasonable period of time for a Board's representative to consult with the Attorney General's office and to obtain either written or oral legal argument or advice, if necessary.

Stat. Auth.: ORS 181.534, 676.303 & 679.253
Stats. Implemented: ORS 676.303 & 181.534
Hist.: OBD 4-2011, f. & cert., ef. 11-15-11

818-005-0045

Record Keeping, Confidentiality

Any information obtained in the criminal records check is confidential. The Board must restrict the dissemination of information obtained in the criminal records check. Only those persons, as identified by the Board, with a demonstrated and legitimate need to know the information, may have access to criminal records check records.

Stat. Auth.: ORS 181.534, 676.303 & 679.253
Stats. Implemented: ORS 676.303 & 181.534
Hist.: OBD 4-2011, f. & cert., ef. 11-15-11

818-013-0001

Definitions

For the purpose of this section, the following definitions apply:

(1) "Confidential" means that, to the highest degree possible, the identities of the licensees investigated for alleged addiction to, dependence upon, or abuse of alcohol, drugs, and mind altering substances, or mental health disorders, and who have a diagnosed substance abuse disorder or

mental health disorder, will be kept confidential by the Board and not be a matter of public record.

(2) "Diagnosis" means the principal mental health or substance use diagnosis listed in the DSM. The diagnosis is determined through the evaluation and any examinations, tests, or consultations suggested by the evaluation, and is the medically appropriate reason for services.

(3) "Direct Observe" means that a collection taker is in the restroom with donor and observes the providing of the sample throughout the entire process.

(4) "Diversion Coordinator" means the individual(s) authorized by the Board and the Executive Director to know the identities of the licensees who are candidates for or who are enrolled in HPSP.

(5) "Division" means the Oregon Health Authority, Addictions and Mental Health Division.

(6) "DSM" means the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association.

(7) "Evaluation" means the process a Board approved, independent evaluator uses to diagnose the licensee's symptoms and to recommend treatment options for the licensee.

(8) "Health Professionals' Services Program" (HPSP) means the consolidated, statewide health professionals program for licensees diagnosed with a substance use disorder, a mental health disorder, or both types of disorders, as established by ORS 676.190.

(9) "Independent evaluator" means a Board approved individual or entity qualified to evaluate, diagnose, and recommend treatment regimens for substance abuse disorders, mental health disorders, or co-occurring disorders.

(10) "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.

(11) "Monitoring agreement" means an individualized agreement between a licensee and the HPSP vendor that meets the requirements for a diversion agreement set by ORS 676.190.

(12) "Monitoring Entity" means an independent third-party that monitors licensees' program enrollment statuses and monitoring agreement compliance.

(13) "Non-disciplinary" means the Board will not take disciplinary action or enter disciplinary orders against a licensee who agrees to enter into the HPSP and remains compliant with that program.

(14) "Non-identifying" means a system where the licensee is referred to by number rather than name and the licensee's identity remains confidential to the Board.

(15) "Program" means the process whereby allegations of addiction to, dependence upon, or abuse of alcohol, drugs, or mind altering substances or mental health disorders are investigated, evaluated, and reported to the Board for action.

(16) "Self-referred licensee" means a licensee who seeks to participate in the HPSP program without referral from the Board.

(17) "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, etc., as defined in DSM criteria.

(18) "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.

(19) "Successful completion" means the licensee has complied with the licensee's monitoring agreement to the satisfaction of the Board.

(20) "Toxicology testing" means urine testing or alternative chemical monitoring including, but not limited to blood, saliva, or breath as conducted by a laboratory certified, accredited or licensed and approved for toxicology testing.

(21) "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.

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(22) "Vendor" means the entity that has contracted with the Division to conduct the program.

(23) "Voluntary" means that the Board cannot compel a licensee to enter the HPSP.

Stat. Auth.: ORS 676, 679 & 680
Stats. Implemented: ORS 676.185, 676.190, 676.195, 676.200 & 676.140(e)
Hist.: OBD 2-2010(Temp), f. & cert. ef. 8-6-10 thru 2-1-11; OBD 1-2011, f. 1-11-11, cert. ef. 2-1-11; OBD 4-2011, f. & cert. ef. 11-15-11

818-015-0007

Specialty Advertising

(1) A dentist may only advertise as a specialist in an area of dentistry which is recognized by the Board and in which the dentist is licensed or certified by the Board.

(2) The Board recognizes the following specialties:

- (a) Endodontics;
- (b) Oral and Maxillofacial Surgery;
- (c) Oral and Maxillofacial Radiology;
- (d) Oral and Maxillofacial Pathology;
- (e) Orthodontics and Dentofacial Orthopedics;
- (f) Pediatric Dentistry;
- (g) Periodontics;
- (h) Prosthodontics; and
- (i) Dental Public Health.

(3) A dentist whose license is not limited to the practice of a specialty under OAR 818-021-0017 may advertise that the dentist performs or limits practice to specialty services even if the dentist is not a specialist in the advertised area of practice so long as the dentist clearly discloses that the dentist is a general dentist or a specialist in a different specialty. For example, the following disclosures would be in compliance with this rule for dentists except those licensed pursuant to 818-021-0017: "Jane Doe, DDS, General Dentist, practice limited to pediatric dentistry." "John Doe, DMD, Endodontist, practice includes prosthodontics."

Stat. Auth.: ORS 679
Stats. Implemented: ORS 679.140(2)(e)
Hist.: DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE1-1989, f. 1-27-89, cert. ef. 2-1-89; DE 1-1990, f. 3-19-90, cert. ef. 4-2-90; DE 3-1997, f. & cert. ef. 8-27-97; OBD 5-2001, f. & cert. ef. 1-8-01; OBD 1-2006, f. 3-17-06, cert. ef. 4-1-06; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 4-2011, f. & cert. ef. 11-15-11

818-021-0012

Specialties Recognized

(1) A dentist may advertise that the dentist is an endodontist, oral and maxillofacial pathologist, oral and maxillofacial surgeon, oral and maxillofacial radiologist, orthodontist and dentofacial orthopedist, pediatric dentist, periodontist, prosthodontist or dental public health dentist, only if the dentist is licensed or certified by the Board in the specialty in accordance with Board rules.

(2) A dentist may advertise that the dentist specializes in or is a specialist in endodontics, oral and maxillofacial pathology, oral and maxillofacial surgery, oral and maxillofacial radiology, orthodontics and dentofacial orthopedics, pediatric dentistry, periodontics, prosthodontics or dental public health only if the dentist is licensed or certified by the Board in the specialty in accordance with Board rules.

Stat. Auth.: ORS 679
Stats. Implemented: ORS 679.140
Hist.: DE 5-1997, f. & cert. ef. 12-31-97; OBD 1-2006, f. 3-17-06, cert. ef. 4-1-06; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09; OBD 4-2011, f. & cert. ef. 11-15-11

818-021-0017

Application to Practice as a Specialist

(1) A dentist who wishes to practice as a specialist in Oregon, who does not have a current Oregon license, in addition to meeting the requirements set forth in ORS 679.060 and 679.065, shall submit to the Board satisfactory evidence of:

(a) Having graduated from a school of dentistry accredited by the Commission on Dental Accreditation of the American Dental Association and active licensure as a general dentist in another state. Licensure as a general dentist must have been obtained as a result of the passage of any clinical Board examination administered by any state or regional testing agency;

(b) Certification of having passed the dental examination administered by the Joint Commission on National Dental Examinations or Canadian National Dental Examining Board Examination; and

(c) Proof of satisfactory completion of a post-graduate specialty program accredited by the Commission on Dental Accreditation of the American Dental Association.

(2) A dentist who graduated from a dental school located outside the United States or Canada who wishes to practice as a specialist in Oregon,

who does not have a current Oregon license, in addition to meeting the requirements set forth in ORS 679.060 and 679.065, shall submit to the Board satisfactory evidence of:

(a) Completion of a post-graduate specialty program of not less than two years at a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, proficiency in the English language, and evidence of active licensure as a general dentist in another state obtained as a result of the passage of any clinical Board examination administered by any state or regional testing agency; or

(b) Completion of a post-graduate specialty program of not less than two years at a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, proficiency in the English language and certification of having successfully passed the clinical examination administered by any state or regional testing agency within the five years immediately preceding application; and

(c) Certification of having passed the dental examination administered by the Joint Commission on National Dental Examinations or Canadian National Dental Examining Board Examination; and

(3) An applicant who meets the above requirements shall be issued a specialty license upon:

(a) Passing a specialty examination approved by the Board.

(b) Passing the Board's jurisprudence examination.

(4) Any applicant who does not pass the first examination for a specialty license may apply for a second and third regularly scheduled specialty examination. The applicable fee and application for the reexamination shall be submitted to the Board at least 45 days before the scheduled examination. If the applicant fails to pass the third examination for the practice of a recognized specialty, the applicant will not be permitted to retake the particular specialty examination until he/she has attended and successfully passed a remedial program prescribed by a dental school accredited by the Commission on Dental Accreditation of the American Dental Association and approved by the Board.

(5) Licenses issued under this rule shall be limited to the practice of the specialty only.

Stat. Auth.: ORS 679
Stats. Implemented: ORS 679.140, 679.060, 679.065, 679.070, 679.080 679.090
Hist.: DE 4-1997, f. & cert. ef. 12-31-97; OBD 2-1999(Temp), f. 3-10-99, cert. ef. 3-15-99 thru 9-10-99; OBD 5-1999, f. 6-25-99, cert. ef. 7-1-99; OBD 11-2001, f. & cert. ef. 1-8-01; OBD 3-2005, f. 10-26-05, cert. ef. 11-1-05; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 2-2011(Temp), f. 5-9-11, cert. ef. 6-1-11 thru 1-27-11; OBD 4-2011, f. & cert. ef. 11-15-11

818-021-0025

Application for License to Practice Dental Hygiene Without Further Examination

(1) The Oregon Board of Dentistry may grant a license without further examination to a dental hygienist who holds a license to practice dental hygiene in another state or states if the dental hygienist meets the requirements set forth in ORS 680.040 and 680.050 and submits to the Board satisfactory evidence of:

(a) Having graduated from a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association; or

(b) Having graduated from a dental hygiene program located outside the United States or Canada, completion of not less than one year in a program accredited by the Commission on Dental Accreditation of the American Dental Association, and proficiency in the English language; and

(c) Evidence of having passed the clinical dental hygiene examination conducted by a regional testing agency or by a state dental or dental hygiene licensing authority; and

(d) Holding an active license to practice dental hygiene, without restrictions, in any state; including documentation from the state dental board(s) or equivalent authority, that the applicant was issued a license to practice dental hygiene, without restrictions, and whether or not the licensee is, or has been, the subject of any final or pending disciplinary action; and

(e) Having conducted licensed clinical practice in Oregon, in other states or in the Armed Forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or teaching all disciplines of clinical dental hygiene at a dental hygiene education program accredited by the Commission on Dental Accreditation of the American Dental Association for a minimum of 3,500 hours in the five years immediately preceding application. For dental hygienists employed by a dental hygiene program, documentation from the dean or appropriate administration of the institution regarding length and terms of employment, the applicant's duties and responsibilities, the actual hours involved in

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teaching all disciplines of clinical dental hygiene, and any adverse actions or restrictions; and

(f) Having completed 24 hours of continuing education in accordance with the Board's continuing education requirements contained in these rules within the two years immediately preceding application.

(2) Applicants must pass the Board's Jurisprudence Examination.

Stat. Auth.: ORS 680

Stats. Implemented: ORS 680.040, 680.050, 680.060, 680.070 & 680.072

Hist.: OBD 4-1999, f. 6-25-99, cert. ef. 7-1-99; OBD 4-2001, f. & cert. ef. 1-8-01; OBD 12-2001(Temp), f. & cert. ef. 1-9-01 thru 7-7-01; OBD 14-2001(Temp), f. 8-2-01, cert. ef. 8-15-01 thru 2-10-02; OBD 15-2001, f. 12-7-01, cert. ef. 1-1-02; OBD 1-2002(Temp), f. & cert. ef. 7-17-02 thru 1-12-03; Administrative correction 4-16-03; OBD 1-2003, f. & cert. ef. 4-18-03; OBD 1-2004, f. 5-27-04, cert. ef. 6-1-04; OBD 3-2004, f. 11-23-04 cert. ef. 12-1-04; OBD 1-2006, f. 3-17-06, cert. ef. 4-1-06; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09; OBD 4-2011, f. & cert. ef. 11-15-11

818-021-0026

State and Nationwide Criminal Background Checks, Fitness Determinations

(1) The Board requires fingerprints of all applicants for a dental or dental hygiene license to determine the fitness of an applicant. These will be provided on prescribed forms provided by the Board. Fingerprints may be obtained at a law enforcement office or at a private service. The Board will submit fingerprints to the Oregon State Police for checks against state and national data sources. Any original fingerprint cards will subsequently be destroyed by the Oregon State Police.

(2) These rules are to be applied when evaluating the criminal history of all licensees and applicants for a dental or dental hygiene license and conducting fitness determinations based upon such history. The fact that the applicant has cleared the criminal history check does not guarantee the granting of a license.

(3) Except as otherwise provided in section (1), in making the fitness determination the Board shall consider:

(a) The nature of the crime;

(b) The facts that support the conviction or pending indictment or that indicates the making of the false statement;

(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, employment, license, or permit; and

(d) Intervening circumstances relevant to the responsibilities and circumstances of the position, services, employment, license, or permit. 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.

(4) The Board may require fingerprints of any licensed Oregon dentist or dental hygienist, who is the subject of a complaint or investigation for the purpose of requesting a state or nationwide criminal records background check.

(5) All background checks shall be requested to include available state and national data, unless obtaining one or the other is an acceptable alternative.

(6) Additional information required. In order to conduct the Oregon and National Criminal History Check and fitness determination, the Board may require additional information from the licensee/applicant as necessary, such but not limited to, proof of identity; residential history; names used while living at each residence; or additional criminal, judicial or other background information.

(7) Criminal offender information is confidential. Dissemination of information received under HB 2157 is only to people with a demonstrated and legitimate need to know the information. The information is part of the investigation of an applicant or licensee and as such is confidential pursuant to ORS 676.175(1).

(8) The Board will permit the individual for whom a fingerprint-based criminal records check was conducted, to inspect the individual's own state and national criminal offender records and, if requested by the individual, provide the individual with a copy of the individual's own state and national criminal offender records.

(9) The Board shall determine whether an individual is fit to be granted a license or permit, based on the criminal records background check, on any false statements made by the individual regarding criminal history of the individual, or any refusal to submit or consent to a criminal records check including fingerprint identification, and any other pertinent informa-

tion obtained as a part of an investigation. If an individual is determined to be unfit, then the individual may not be granted a license or permit. The Board may make fitness determinations conditional upon applicant's acceptance of probation, conditions, or limitations, or other restrictions upon licensure.

(10) The Board may consider any conviction of any violation of the law for which the court could impose a punishment and in compliance with ORS 670.280. The Board may also consider any arrests and court records that may be indicative of a person's inability to perform as a licensee with care and safety to the public.

(11) If an applicant or licensee is determined not to be fit for a license or permit, they are entitled to a contested case process pursuant to ORS 183.414-183.470. Challenges to the accuracy of completeness of information provided by the Oregon State Police, Federal Bureau of Investigation and agencies reporting information must be made through the Oregon State Police, Federal Bureau of Investigation, or reporting agency and not through the contested case process pursuant to ORS 183.

(12) If the applicant discontinues the application process or fails to cooperate with the criminal history check process, then the application is considered incomplete.

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 181, 183, 670.280, 679.060, 679.115, 679.140, 679.160, 680.050, 680.082 & 680.100

Hist.: OBD 1-2006, f. 3-17-06, cert. ef. 4-1-06; OBD 4-2011, f. & cert. ef. 11-15-11

818-021-0060

Continuing Education — Dentists

(1) Each dentist must complete 40 hours of continuing education every two years. Continuing education (C.E.) must be directly related to clinical patient care or the practice of dental public health.

(2) Dentists must maintain records of successful completion of continuing education for at least four licensure years consistent with the licensee's licensure cycle. (A licensure year for dentists is April 1 through March 31.) The licensee, upon request by the Board, shall provide proof of successful completion of continuing education courses.

(3) Continuing education includes:

(a) Attendance at lectures, study clubs, college post-graduate courses, or scientific sessions at conventions.

(b) Research, graduate study, teaching or preparation and presentation of scientific sessions. No more than 12 hours may be in teaching or scientific sessions. (Scientific sessions are defined as scientific presentations, table clinics, poster sessions and lectures.)

(c) Correspondence courses, videotapes, distance learning courses or similar self-study course, provided that the course includes an examination and the dentist passes the examination.

(d) Continuing education credit can be given for volunteer pro bono dental services provided in the state of Oregon; community oral health instruction at a public health facility located in the state of Oregon; authorship of a publication, book, chapter of a book, article or paper published in a professional journal; participation on a state dental board, peer review, or quality of care review procedures; successful completion of the National Board Dental Examinations taken after initial licensure; a recognized specialty examination taken after initial licensure; or test development for clinical dental, dental hygiene or specialty examinations. No more than 6 hours of credit may be in these areas.

(4) At least three hours of continuing education must be related to medical emergencies in a dental office. No more than four hours of Practice Management and Patient Relations may be counted toward the C.E. requirement in any renewal period.

(5) All dentists licensed by the Oregon Board of Dentistry will complete a one-hour pain management course specific to Oregon provided by the Pain Management Commission of the Oregon Health Authority. All applicants or licensees shall complete this requirement by January 1, 2010 or within 24 months of the first renewal of the dentist's license.

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.250(9)

Hist.: DE 3-1987, f. & ef. 10-15-87; DE 4-1987(Temp), f. & ef. 11-25-87; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; Renumbered from 818-020-0072; DE 1-1990, f. 3-19-90, cert. ef. 4-2-90; OBD 9-2000, f. & cert. ef. 7-28-00; OBD 16-2001, f. 12-7-01, cert. ef. 4-1-02; OBD 3-2007, f. & cert. ef. 11-30-07; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09; OBD 3-2011(Temp), f. 6-30-11, cert. ef. 7-1-11 thru 12-27-11; OBD 4-2011, f. & cert. ef. 11-15-11

818-021-0070

Continuing Education — Dental Hygienists

(1) Each dental hygienist must complete 24 hours of continuing education every two years. An Expanded Practice Permit Dental Hygienist shall complete a total of 36 hours of continuing education every two years.

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Continuing education (C.E.) must be directly related to clinical patient care or the practice of dental public health.

(2) Dental hygienists must maintain records of successful completion of continuing education for at least four licensure years consistent with the licensee's licensure cycle. (A licensure year for dental hygienists is October 1 through September 30.) The licensee, upon request by the Board, shall provide proof of successful completion of continuing education courses.

(3) Continuing education includes:

(a) Attendance at lectures, study clubs, college post-graduate courses, or scientific sessions at conventions.

(b) Research, graduate study, teaching or preparation and presentation of scientific sessions. No more than six hours may be in teaching or scientific sessions. (Scientific sessions are defined as scientific presentations, table clinics, poster sessions and lectures.)

(c) Correspondence courses, videotapes, distance learning courses or similar self-study course, provided that the course includes an examination and the dental hygienist passes the examination.

(d) Continuing education credit can be given for volunteer pro bono dental hygiene services provided in the state of Oregon; community oral health instruction at a public health facility located in the state of Oregon; authorship of a publication, book, chapter of a book, article or paper published in a professional journal; participation on a state dental board, peer review, or quality of care review procedures; successful completion of the National Board Dental Hygiene Examination, taken after initial licensure; or test development for clinical dental hygiene examinations. No more than 6 hours of credit may be in these areas.

(4) At least three hours of continuing education must be related to medical emergencies in a dental office. No more than two hours of Practice Management and Patient Relations may be counted toward the C.E. requirement in any renewal period.

(5) Dental hygienists who hold a Nitrous Oxide Permit must meet the requirements contained in OAR 818-026-0040(9) for renewal of the Nitrous Oxide Permit.

Stat. Auth.: ORS 679

Stats. Implemented: ORS 279.250(9)

Hist.: DE 3-1987, f. & ef. 10-15-87; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; Renumbered from 818-020-0073; DE 1-1990, f. 3-19-90, cert. ef. 4-2-90; OBD 9-2000, f. & cert. ef. 7-28-00; OBD 2-2002, f. 7-31-02, cert. ef. 10-1-02; OBD 2-2004, f. 7-12-04, cert. ef. 7-15-04; OBD 3-2007, f. & cert. ef. 11-30-07; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 3-2011(Temp), f. 6-30-11, cert. ef. 7-1-11 thru 12-27-11; OBD 4-2011, f. & cert. ef. 11-15-11

818-026-0060

Moderate Sedation Permit

Moderate sedation, minimal sedation, and nitrous oxide sedation.

(1) The Board shall issue or renew a Moderate Sedation Permit to an applicant who:

(a) Is a licensed dentist in Oregon;

(b) Either holds a current Advanced Cardiac Life Support (ACLS) or Pediatric Advanced Life Support (PALS) certificate, whichever is appropriate for the patient being sedated, or successfully completes the American Dental Association's course "*Recognition and Management of Complications during Minimal and Moderate Sedation*" at least every two years; and

(c) Satisfies one of the following criteria:

(A) Completion of a comprehensive training program in enteral and/or parenteral sedation that satisfies the requirements described in Part III of the *ADA Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students (2007)* at the time training was commenced.

(i) Enteral Moderate Sedation requires a minimum of 24 hours of instruction plus management of at least 10 dental patient experiences by the enteral and/or enteral-nitrous oxide/oxygen route.

(ii) Parenteral Moderate Sedation requires a minimum of 60 hours of instruction plus management of at least 20 dental patients by the intravenous route.

(B) Completion of an ADA accredited postdoctoral training program (e.g., general practice residency) which affords comprehensive and appropriate training necessary to administer and manage parenteral sedation, commensurate with these Guidelines.

(C) In lieu of these requirements, the Board may accept equivalent training or experience in moderate sedation anesthesia.

(2) The following facilities, equipment and drugs shall be on site and available for immediate use during the procedures and during recovery:

(a) An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least two individuals to freely move about the patient;

(b) An operating table or chair which permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency, and provide a firm platform for the administration of basic life support;

(c) A lighting system which permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure;

(d) Suction equipment which permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure;

(e) An oxygen delivery system with adequate full face mask and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate backup system;

(f) A nitrous oxide delivery system with a fail-safe mechanism that will insure appropriate continuous oxygen delivery and a scavenger system;

(g) A recovery area that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area can be the operating room;

(h) Sphygmomanometer, precordial/pretracheal stethoscope or capnograph, pulse oximeter, oral and nasopharyngeal airways, laryngeal mask airways, intravenous fluid administration equipment, automated external defibrillator (AED); and

(i) Emergency drugs including, but not limited to: pharmacologic antagonists appropriate to the drugs used, vasopressors, corticosteroids, bronchodilators, antihistamines, antihypertensives and anticonvulsants.

(3) No permit holder shall have more than one person under moderate sedation, minimal sedation, or nitrous oxide sedation at the same time.

(4) During the administration of moderate sedation, and at all times while the patient is under moderate sedation, an anesthesia monitor, and one other person holding a Health Care Provider BLS/CPR level certificate or its equivalent, shall be present in the operatory, in addition to the dentist performing the dental procedures.

(5) Before inducing moderate sedation, a dentist who induces moderate sedation shall:

(a) Evaluate the patient and document, using the American Society of Anesthesiologists Patient Physical Status Classifications, that the patient is an appropriate candidate for moderate sedation;

(b) Give written preoperative and postoperative instructions to the patient or, when appropriate due to age or psychological status of the patient, the patient's guardian; and

(c) Obtain written informed consent from the patient or patient's guardian for the anesthesia.

(6) A patient under moderate sedation shall be visually monitored at all times, including the recovery phase. The dentist or anesthesia monitor shall monitor and record the patient's condition.

(7) The patient shall be monitored as follows:

(a) Patients must have continuous monitoring using pulse oximetry. The patient's blood pressure, heart rate, and respiration shall be recorded at regular intervals but at least every 15 minutes, and these recordings shall be documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration. If this information cannot be obtained, the reasons shall be documented in the patient's record. A patient under moderate sedation shall be continuously monitored;

(b) During the recovery phase, the patient must be monitored by an individual trained to monitor patients recovering from moderate sedation.

(8) A dentist shall not release a patient who has undergone moderate sedation except to the care of a responsible third party.

(9) The dentist shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met:

(a) Vital signs including blood pressure, pulse rate and respiratory rate are stable;

(b) The patient is alert and oriented to person, place and time as appropriate to age and preoperative psychological status;

(c) The patient can talk and respond coherently to verbal questioning;

(d) The patient can sit up unaided;

(e) The patient can ambulate with minimal assistance; and

(f) The patient does not have uncontrollable nausea or vomiting and has minimal dizziness.

(10) A discharge entry shall be made by the dentist in the patient's record indicating the patient's condition upon discharge and the name of the responsible party to whom the patient was discharged.

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(11) After adequate training, an assistant, when directed by a dentist, may introduce additional anesthetic agents to an infusion line under the direct visual supervision of a dentist.

(12) Permit renewal. In order to renew a Moderate Sedation Permit, the permit holder must provide documentation of having current ACLS or PALS certification or current certification of successful completion of the American Dental Association's course "*Recognition and Management of Complications during Minimal and Moderate Sedation*" and must complete 14 hours of continuing education in one or more of the following areas every two years: sedation, physical evaluation, medical emergencies, monitoring and the use of monitoring equipment, or pharmacology of drugs and agents used in sedation. Training taken to maintain current ACLS or PALS certification or successful completion of the American Dental Association's course "*Recognition and Management of Complications during Minimal and Moderate Sedation*" may be counted toward this requirement. Continuing education hours may be counted toward fulfilling the continuing education requirement set forth in OAR 818-021-0060.

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

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.250(7) & 679.250(10)

Hist.: OBD 2-1998, f. 7-13-98, cert. ef. 10-1-98; OBD 1-1999, f. 2-26-99, cert. ef. 3-1-99; OBD 6-1999, f. 6-25-99, cert. ef. 7-1-99; Administrative correction 8-12-99; OBD 2-2000(Temp), f. 5-22-00, cert. ef. 5-22-00 thru 11-18-00; OBD 2-2001, f. & cert. ef. 1-8-01; OBD 3-2003, f. 9-15-03, cert. ef. 10-1-03; OBD 1-2005, f. 1-28-05, cert. ef. 2-1-05; OBD 2-2005, f. 1-31-05, cert. ef. 2-1-05; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 2-2011(Temp), f. 5-9-11, cert. ef. 6-1-11 thru 1-27-11; OBD 4-2011, f. & cert. ef. 11-15-11

818-026-0065

Deep Sedation

Deep sedation, moderate sedation, minimal sedation, and nitrous oxide sedation.

(1) The Board shall issue a Deep Sedation Permit to a licensee who holds a Class 3 Permit on or before July 1, 2010 who:

(a) Is a licensed dentist in Oregon; and

(b) Holds a current Advanced Cardiac Life Support (ACLS) or Pediatric Advanced Life Support (PALS) certificate, whichever is appropriate for the patient being sedated.

(2) The following facilities, equipment and drugs shall be on site and available for immediate use during the procedures and during recovery:

(a) An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least two individuals to freely move about the patient;

(b) An operating table or chair which permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency, and provide a firm platform for the administration of basic life support;

(c) A lighting system which permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure;

(d) Suction equipment which permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure;

(e) An oxygen delivery system with adequate full face mask and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate backup system;

(f) A nitrous oxide delivery system with a fail-safe mechanism that will insure appropriate continuous oxygen delivery and a scavenger system;

(g) A recovery area that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area can be the operating room;

(h) Sphygmomanometer, precordial/pretracheal stethoscope or capnograph, pulse oximeter, electrocardiograph monitor (ECG), automated external defibrillator (AED), oral and nasopharyngeal airways, laryngeal mask airways, intravenous fluid administration equipment; and

(i) Emergency drugs including, but not limited to: pharmacologic antagonists appropriate to the drugs used, vasopressors, corticosteroids, bronchodilators, antihistamines, antihypertensives and anticonvulsants.

(3) No permit holder shall have more than one person under deep sedation or conscious sedation at the same time.

(4) During the administration of deep sedation, and at all times while the patient is under deep sedation, an anesthesia monitor, and one other person holding a Health Care Provider BLS/CPR level certificate or its equivalent, shall be present in the operatory, in addition to the dentist performing the dental procedures.

(5) Before inducing deep sedation, a dentist who induces deep sedation shall:

(a) Evaluate the patient and document, using the American Society of Anesthesiologists Patient Physical Status Classifications, that the patient is an appropriate candidate for deep sedation;

(b) Give written preoperative and postoperative instructions to the patient or, when appropriate

due to age or psychological status of the patient, the patient's guardian; and

(c) Obtain written informed consent from the patient or patient's guardian for the anesthesia.

(6) A patient under deep sedation shall be visually monitored at all times, including the recovery phase. The dentist or anesthesia monitor shall monitor and record the patient's condition.

(7) The patient shall be monitored as follows:

(a) Patients must have continuous monitoring using pulse oximetry. The patient's heart rhythm shall be continuously monitored and the patient's blood pressure, heart rate, and respiration shall be recorded at regular intervals but at least every 5 minutes, and these recordings shall be documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration. If this information cannot be obtained, the reasons shall be documented in the patient's record. A patient under deep sedation shall be continuously monitored;

(b) During the recovery phase, the patient must be monitored by an individual trained to monitor patients recovering from deep sedation.

(8) A dentist shall not release a patient who has undergone deep sedation except to the care of a responsible third party.

(9) The dentist shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met:

(a) Vital signs including blood pressure, pulse rate and respiratory rate are stable;

(b) The patient is alert and oriented to person, place and time as appropriate to age and preoperative psychological status;

(c) The patient can talk and respond coherently to verbal questioning;

(d) The patient can sit up unaided;

(e) The patient can ambulate with minimal assistance; and

(f) The patient does not have uncontrollable nausea or vomiting and has minimal dizziness.

(10) A discharge entry shall be made by the dentist in the patient's record indicating the patient's condition upon discharge and the name of the responsible party to whom the patient was discharged.

(11) After adequate training, an assistant, when directed by a dentist, may introduce additional anesthetic agents to an infusion line under the direct visual supervision of a dentist.

(12) Permit renewal. In order to renew a Deep Sedation Permit, the permit holder must provide documentation of having current ACLS or PALS certification and must complete 14 hours of continuing education in one or more of the following areas every two years: sedation, physical evaluation, medical emergencies, monitoring and the use of monitoring equipment, or pharmacology of drugs and agents used in sedation. Training taken to maintain current ACLS or PALS certification may be counted toward this requirement. Continuing education hours may be counted toward fulfilling the continuing education requirement set forth in OAR 818-021-0060.

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

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.250(7) & 679.250(10)

Hist.: OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 2-2011(Temp), f. 5-9-11, cert. ef. 6-1-11 thru 1-27-11; OBD 4-2011, f. & cert. ef. 11-15-11

818-026-0070

General Anesthesia Permit

General anesthesia, deep sedation, moderate sedation, minimal sedation and nitrous oxide sedation.

(1) The Board shall issue a General Anesthesia Permit to an applicant who:

(a) Is a licensed dentist in Oregon;

(b) Holds a current Advanced Cardiac Life Support (ACLS) Certificate or Pediatric Advanced Life Support (PALS) Certificate, whichever is appropriate for the patient being sedated; and

(c) Satisfies one of the following criteria:

(A) Completion of an advanced training program in anesthesia and related subjects beyond the undergraduate dental curriculum that satisfies the requirements described in the *ADA Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students (2007)* consisting of a minimum of 2 years of a postgraduate anesthesia residency at the time training was commenced.

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(B) Completion of any ADA accredited postdoctoral training program, including but not limited to Oral and Maxillofacial Surgery, which affords comprehensive and appropriate training necessary to administer and manage general anesthesia, commensurate with these Guidelines.

(C) In lieu of these requirements, the Board may accept equivalent training or experience in general anesthesia.

(2) The following facilities, equipment and drugs shall be on site and available for immediate use during the procedure and during recovery:

(a) An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least three individuals to freely move about the patient;

(b) An operating table or chair which permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency, and provide a firm platform for the administration of basic life support;

(c) A lighting system which permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure;

(d) Suction equipment which permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure;

(e) An oxygen delivery system with adequate full face mask and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate backup system;

(f) A nitrous oxide delivery system with a fail-safe mechanism that will insure appropriate continuous oxygen delivery and a scavenger system;

(g) A recovery area that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area can be the operating room;

(h) Sphygmomanometer, precordial/pretracheal stethoscope or capnograph, pulse oximeter, electrocardiograph monitor (ECG), automated external defibrillator (AED), oral and nasopharyngeal airways, laryngeal mask airways, intravenous fluid administration equipment; and

(i) Emergency drugs including, but not limited to: pharmacologic antagonists appropriate to the drugs used, vasopressors, corticosteroids, bronchodilators, intravenous medications for treatment of cardiac arrest, narcotic antagonist, antihistaminic, antiarrhythmics, antihypertensives and anticonvulsants.

(3) No permit holder shall have more than one person under general anesthesia, deep sedation, moderate sedation, minimal sedation or nitrous oxide sedation at the same time.

(4) During the administration of deep sedation or general anesthesia, and at all times while the patient is under deep sedation or general anesthesia, an anesthesia monitor and one other person holding a Health Care Provider BLS/CPR level certificate, or its equivalent, shall be present in the operatory in addition to the dentist performing the dental procedures.

(5) Before inducing deep sedation or general anesthesia the dentist who induces deep sedation or general anesthesia shall:

(a) Evaluate the patient and document, using the American Society of Anesthesiologists *Patient Physical Status Classifications*, that the patient is an appropriate candidate for general anesthesia or deep sedation;

(b) Give written preoperative and postoperative instructions to the patient or, when appropriate due to age or psychological status of the patient, the patient's guardian; and

(c) Obtain written informed consent from the patient or patient's guardian for the anesthesia.

(6) A patient under deep sedation or general anesthesia shall be visually monitored at all times, including recovery phase. A dentist who induces deep sedation or general anesthesia or anesthesia monitor trained in monitoring patients under deep sedation or general anesthesia shall monitor and record the patient's condition on a contemporaneous record.

(7) The patient shall be monitored as follows:

(a) Patients must have continuous monitoring of their heart rate, heart rhythm, oxygen saturation levels and respiration. The patient's blood pressure, heart rate and oxygen saturation shall be assessed every five minutes, and shall be contemporaneously documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration. The person administering the anesthesia and the person monitoring the patient may not leave the patient while the patient is under deep sedation or general anesthesia;

(b) During the recovery phase, the patient must be monitored, including the use of pulse oximetry, by an individual trained to monitor patients recovering from general anesthesia.

(8) A dentist shall not release a patient who has undergone deep sedation or general anesthesia except to the care of a responsible third party.

(9) The dentist shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met:

(a) Vital signs including blood pressure, pulse rate and respiratory rate are stable;

(b) The patient is alert and oriented to person, place and time as appropriate to age and preoperative psychological status;

(c) The patient can talk and respond coherently to verbal questioning;

(d) The patient can sit up unaided;

(e) The patient can ambulate with minimal assistance; and

(f) The patient does not have nausea or vomiting and has minimal dizziness.

(10) A discharge entry shall be made in the patient's record by the dentist indicating the patient's condition upon discharge and the name of the responsible party to whom the patient was discharged.

(11) After adequate training, an assistant, when directed by a dentist, may introduce additional anesthetic agents to an infusion line under the direct visual supervision of a dentist.

(12) Permit renewal. In order to renew a General Anesthesia Permit, the permit holder must provide documentation of having current ACLS or PALS certification and complete 14 hours of continuing education in one or more of the following areas every two years: deep sedation and/or general anesthesia, physical evaluation, medical emergencies, monitoring and the use of monitoring equipment, pharmacology of drugs and agents used in anesthesia. Training taken to maintain current ACLS or PALS certification may be counted toward this requirement. Continuing education hours may be counted toward fulfilling the continuing education requirement set forth in OAR 818-021-0060.

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

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.250(7) & 679.250(10)

Hist.: OBD 2-1998, f. 7-13-98, cert. ef. 10-1-98; OBD 6-1999, f. 6-25-99, cert. ef. 7-1-99; Administrative correction 8-12-99; OBD 2-2000(Temp), f. 5-22-00, cert. ef. 5-22-00 thru 11-18-00; Administrative correction 6-21-01; OBD 3-2003, f. 9-15-03, cert. ef. 10-1-03; OBD 1-2005, f. 1-28-05, cert. ef. 2-1-05; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 2-2011(Temp), f. 5-9-11, cert. ef. 6-1-11 thru 1-27-11; OBD 4-2011, f. & cert. ef. 11-15-11

818-035-0025

Prohibitions

A dental hygienist may not:

(1) Diagnose and treatment plan other than for dental hygiene services;

(2) Cut hard or soft tissue with the exception of root planing;

(3) Extract any tooth;

(4) Fit or adjust any correctional or prosthetic appliance except as provided by OAR 818-035-0030(1)(h);

(5) Prescribe, administer or dispense any drugs except as provided by OAR 818-035-0030, 818-035-0040, 818-026-0060(11) and 818-026-0070(11);

(6) Place, condense, carve or cement permanent restorations except as provided in OAR 818-035-0072, or operatively prepare teeth;

(7) Irrigate or medicate canals; try in cones, or ream, file or fill canals;

(8) Use the behavior management techniques of Hand Over Mouth (HOM) or Hand Over Mouth Airway Restriction (HOMAR) on any patient.

(9) Place or remove healing caps or healing abutments, except under direct supervision.

(10) Place implant impression copings, except under direct supervision.

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 679.020(1)

Hist.: DE 2-1992, f. & cert. ef. 6-24-92; DE 2-1997, f. & cert. ef. 2-20-97; OBD 7-1999, f. 6-25-99, cert. ef. 7-1-99; OBD 2-2000(Temp), f. 5-22-00, cert. ef. 5-22-00 thru 11-18-00; OBD 2-2001, f. & cert. ef. 1-8-01; OBD 15-2001, f. 12-7-01, cert. ef. 1-1-02; OBD 2-2005, f. 1-31-05, cert. ef. 2-1-05; OBD 2-2007, f. 4-26-07, cert. ef. 5-1-07; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08; OBD 4-2011, f. & cert. ef. 11-15-11

818-035-0065

Expanded Practice Dental Hygiene Permit

The Board shall issue an Expanded Practice Permit to a Dental Hygienist who holds an unrestricted Oregon license, and completes an application approved by the Board, pays the permit fee, and

(1) Certifies on the application that the dental hygienist has completed at least 2,500 hours of supervised dental hygiene clinical practice, or clinical teaching hours, and also completes 40 hours of courses chosen by the applicant in clinical dental hygiene or public health sponsored by continuing education providers approved by the Board; or

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(2) Certifies on the application that the dental hygienist has completed a course of study, before or after graduation from a dental hygiene program, that includes at least 500 hours of dental hygiene practice on patients described in ORS 680.205; and

(3) Provides the Board with a copy of the applicant's current professional liability policy or declaration page which will include, the policy number and expiration date of the policy.

(4) Notwithstanding OAR 818-035-0025(1), prior to performing any dental hygiene services an Expanded Practice Dental Hygienist shall examine the patient, gather data, interpret the data to determine the patient's dental hygiene treatment needs and formulate a patient care plan.

(5) An Expanded Practice Dental Hygienist may render the services described in paragraphs 6(a) to (d) of this rule to the patients described in ORS 680.205(1) if the Expanded Practice Dental Hygienist has entered into a written collaborative agreement in a format approved by the Board with a dentist licensed under ORS Chapter 679.

(6) The collaborative agreement must set forth the agreed upon scope of the dental hygienist's practice with regard to:

- (a) Administering local anesthesia;
- (b) Administering temporary restorations without excavation;
- (c) Prescribing prophylactic antibiotics and nonsteroidal anti-inflammatory drugs specified in the agreement; and
- (d) Overall dental risk assessment and referral parameters.

(7) The collaborative agreement must comply with ORS 679.010 to 680.990.

(8) From the date this rule is effective, the Board has the authority to grant a Limited Access Permit through December 31, 2011, pursuant to ORS 680.200.

Stat. Auth.: ORS 680
Stats. Implemented: ORS 680.200
Hist.: OBD 1-1998, f. & cert. ef. 6-8-98; OBD 3-2001, f. & cert. ef. 1-8-01; OBD 3-2007, f. & cert. ef. 11-30-07; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 4-2011, f. & cert. ef. 11-15-11

818-035-0100

Record Keeping

(1) An Expanded Practice Dental Hygienist shall refer a patient annually to a dentist who is available to treat the patient, and note in the patient's official chart held by the facility that the patient has been referred.

(2) When a licensed dentist has authorized an Expanded Practice Dental Hygienist to administer local anesthesia, place temporary restorations without excavation or prescribe prophylactic antibiotics and nonsteroidal anti-inflammatory drugs, the Expanded Practice Dental Hygienist shall document in the patient's official chart the name of the collaborating dentist and date the collaborative agreement was entered into.

Stat. Auth.: ORS 680
Stats. Implemented: ORS 680.205(2) & (3)
Hist.: OBD 1-1998, f. & cert. ef. 6-8-98; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09; OBD 4-2011, f. & cert. ef. 11-15-11

818-042-0040

Prohibited Acts

No licensee may authorize any dental assistant to perform the following acts:

- (1) Diagnose or plan treatment.
- (2) Cut hard or soft tissue.
- (3) Any Expanded Function duty (818-042-0070 and 818-042-0090) or Expanded Orthodontic Function duty (818-042-0100) without holding the appropriate certification.
- (4) Correct or attempt to correct the malposition or malocclusion of teeth or take any action related to the movement of teeth except as provided by OAR 818-042-0100.
- (5) Adjust or attempt to adjust any orthodontic wire, fixed or removable appliance or other structure while it is in the patient's mouth.
- (6) Administer or dispense any drug except fluoride, topical anesthetic, desensitizing agents or drugs administered pursuant to OAR 818-026-0060(11), 818-026-0065(11), 818-026-0070(11) and as provided in 818-042-0070 and 818-042-0115.
- (7) Prescribe any drug.
- (8) Place periodontal packs.
- (9) Start nitrous oxide.
- (10) Remove stains or deposits except as provided in OAR 818-042-0070.

(11) Use ultrasonic equipment intra-orally except as provided in OAR 818-042-0100.

(12) Use a high-speed handpiece or any device that is operated by a high-speed handpiece intra-orally.

(13) Use lasers, except laser-curing lights.

(14) Use air abrasion or air polishing.

(15) Remove teeth or parts of tooth structure.

(16) Cement or bond any fixed prosthetic or orthodontic appliance including bands, brackets, retainers, tooth moving devices, or orthopedic appliances except as provided in 818-042-0100.

(17) Condense and carve permanent restorative material except as provided in OAR 818-042-0095.

(18) Place any type of cord subgingivally.

(19) Take jaw registrations or oral impressions for supplying artificial teeth as substitutes for natural teeth, except diagnostic or opposing models or for the fabrication of temporary or provisional restorations or appliances.

(20) Apply denture relines except as provided in OAR 818-042-0090(2).

(21) Expose radiographs without holding a current Certificate of Radiologic Proficiency issued by the Board (818-042-0050 and 818-042-0060) except while taking a course of instruction approved by the Oregon Health Authority, Oregon Public Health Division, Office of Environmental Public Health, Radiation Protection Services, or the Oregon Board of Dentistry.

(22) Use the behavior management techniques known as Hand Over Mouth (HOM) or Hand Over Mouth Airway Restriction (HOMAR) on any patient.

(23) Perform periodontal probing.

(24) Place or remove healing caps or healing abutments, except under direct supervision.

(25) Place implant impression copings, except under direct supervision.

(26) Any act in violation of Board statute or rules.

Stat. Auth.: ORS 679 & 680
Stats. Implemented: ORS 679.020, 679.025 & 679.250
Hist.: OBD 9-1999, f. 8-10-99, cert. ef. 1-1-00; OBD 2-2000(Temp), f. 5-22-00, cert. ef. 5-22-00 thru 11-18-00; OBD 1-2001, f. & cert. ef. 1-8-01; OBD 15-2001, f. 12-7-01, cert. ef. 1-1-02; OBD 3-20BD 1-2010, f. 6-22-10, cert. ef. 7-1-10005, f. 10-26-05, cert. ef. 11-1-05; OBD 3-2007, f. & cert. ef. 11-30-07; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 4-2011, f. & cert. ef. 11-15-11

818-042-0050

Taking of X-Rays — Exposing of Radiographs

(1) A dentist may authorize the following persons to place films, adjust equipment preparatory to exposing films, and expose the films under general supervision:

(a) A dental assistant certified by the Board in radiologic proficiency;

(b) A radiologic technologist licensed by the Oregon Board of Medical Imaging and certified by the Oregon Board of Dentistry (OBD) who has completed ten (10) clock hours in a Board approved dental radiology course and submitted a satisfactory full mouth series of radiographs to the OBD.

(2) A dentist may authorize students in approved instructional programs to take dental x-rays under the conditions established by the Oregon Health Authority, Oregon Public Health Division, Office of Environmental Public Health, Radiation Protection Services, in OAR 333 division 106.

Stat. Auth.: ORS 679
Stats. Implemented: ORS 679.025 & 679.250
Hist.: OBD 9-1999, f. 8-10-99, cert. ef. 1-1-00; OBD 2-2003, f. 7-14-03 cert. ef. 7-18-03; OBD 4-2004, f. 11-23-04 cert. ef. 12-1-04; OBD 4-2011, f. & cert. ef. 11-15-11

818-042-0060

Certification — Radiologic Proficiency

(1) The Board may certify a dental assistant in radiologic proficiency by credential in accordance with OAR 818-042-0120, or if the assistant:

(2) Submits an application on a form approved by the Board, pays the application fee and:

(a) Completes a course of instruction in a program approved by the Oregon Health Authority, Oregon Public Health Division, Office of Environmental Public Health, Radiation Protection Services, or the Oregon Board of Dentistry, in accordance with OAR 333-106-0055 or submits evidence that RPS recognizes that the equivalent training has been successfully completed;

(b) Passes the written Dental Radiation Health and Safety Examination administered by the Dental Assisting National Board, Inc. (DANB), or comparable exam administered by any other testing entity authorized by the Board, or other comparable requirements approved by the Oregon Board of Dentistry; and

(c) Passes a clinical examination approved by the Board and graded by the Dental Assisting National Board, Inc. (DANB), or any other testing entity authorized by the Board, consisting of exposing, developing and mounting a full mouth series of radiographs (14 to 18 periapical and 4 bitewing radiographs) within one hour and under the supervision of a per-

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son permitted to take radiographs in Oregon. No portion of the clinical examination may be completed in advance; a maximum of three retakes is permitted; only the applicant may determine the necessity of retakes. The radiographs should be taken on an adult patient with at least 24 fully erupted teeth. The radiographs must be submitted for grading within six months after they are taken.

Stat. Auth.: ORS 679
Stats. Implemented: ORS 679.020, 679.025 & 679.250
Hist.: OBD 9-1999, f. 8-10-99, cert. ef. 1-1-00; OBD 2-2003, f. 7-14-03 cert. ef. 7-18-03; OBD 4-2004, f. 11-23-04 cert. ef. 12-1-04; OBD 3-2005, f. 10-26-05, cert. ef. 11-1-05; OBD 3-2007, f. & cert. ef. 11-30-07; OBD 4-2011, f. & cert. ef. 11-15-11

818-042-0120

Certification by Credential

(1) Dental Assistants who wish to be certified by the Board in Radiologic Proficiency or as Expanded Function Dental Assistants, or as Expanded Function Orthodontic Dental Assistants shall:

(a) Be certified by another state in the functions for which application is made. The training and certification requirements of the state in which the dental assistant is certified must be substantially similar to Oregon's requirements; or

(b) Have worked for at least 1,000 hours in the past two years in a dental office where such employment involved to a significant extent the functions for which certification is sought; and

(c) Shall be evaluated by a licensed dentist, using a Board approved checklist, to assure that the assistant is competent in the expanded functions.

(2) Applicants applying for certification by credential in Radiologic Proficiency must obtain certification from the Oregon Health Authority, Oregon Public Health Division, Office of Environmental Public Health, Radiation Protection Services, of having successfully completed training equivalent to that required by OAR 333-106-0055 or approved by the Oregon Board of Dentistry.

Stat. Auth.: ORS 679
Stats. Implemented: ORS 679.020, 679.025 & 679.250
Hist.: OBD 9-1999, f. 8-10-99, cert. ef. 1-1-00; OBD 2-2003, f. 7-14-03 cert. ef. 7-18-03; OBD 4-2004, f. 11-23-04 cert. ef. 12-1-04; OBD 3-2005, f. 10-26-05, cert. ef. 11-1-05; OBD 4-2011, f. & cert. ef. 11-15-11

818-042-0130

Application for Certification by Credential

An applicant for certification by credential shall submit to the Board:

(1) An application form approved by the Board, with the appropriate fee;

(2) Proof of certification by another state and any other recognized certifications (such as CDA or COA certification) and a description of the examination and training required by the state in which the assistant is certified submitted from the state directly to the Board; or

(3) Certification that the assistant has been employed for at least 1,000 hours in the past two years as a dental assistant performing the functions for which certification is being sought.

(4) If applying for certification by credential as an EFDA or EFODA, certification by a licensed dentist that the applicant is competent to perform the functions for which certification is sought; and

(5) If applying for certification by credential in Radiologic Proficiency, certification from the Oregon Health Authority, Oregon Public Health Division, Office of Environmental Public Health, Radiation Protection Services, or the Oregon Board of Dentistry, that the applicant has met that agency's training requirements for x-ray machine operators, or other comparable requirements approved by the Oregon Board of Dentistry.

Stat. Auth.: ORS 679
Stats. Implemented: ORS 679.020, 679.025 & 679.250
Hist.: OBD 9-1999, f. 8-10-99, cert. ef. 1-1-00; OBD 2-2003, f. 7-14-03 cert. ef. 7-18-03; OBD 4-2004, f. 11-23-04 cert. ef. 12-1-04; OBD 3-2005, f. 10-26-05, cert. ef. 11-1-05; OBD 4-2011, f. & cert. ef. 11-15-11

Oregon Board of Naturopathic Medicine Chapter 850

Rule Caption: Necessary fee increase approved with 2011–2013 Legislature, to be effective with the 2011 renewal cycle.

Adm. Order No.: OBNNM 5-2011(Temp)

Filed with Sec. of State: 10-17-2011

Certified to be Effective: 10-17-11 thru 1-17-12

Notice Publication Date:

Rules Amended: 850-030-0035

Subject: Fees are listed in OAR 850-030-0035. Fees for an active license renewal will be increased by \$25 annually effective October

12, 2011; Inactive license renewal will be increased \$15 annually effective October 12, 2011; the late fee will be increased by \$25 effective October 12, 2011; the initial license fee will become pro-rated effective January 1, 2012 (\$300 annually).

Rules Coordinator: Anne Walsh—(971) 673-0193

850-030-0035

Fees for Licensure, Examination and Certification

(1) Fees schedule:

(a) The fee to apply to take the jurisprudence and formulary examinations to be eligible for licensure shall be \$150.

(b) Effective January 1, 2012, the fee for an initial license to practice naturopathic medicine (including reciprocity) shall be \$300 and pro-rated according to receipt of application:

(A) If the application for initial licensure is received January 1 through March 31, the fee for initial licensure will be \$300;

(B) If the application for initial licensure is received April 1 through June 30, the fee for initial licensure will be \$225;

(C) If the application for initial licensure is received July 1 through September 30, the fee for initial licensure will be \$150; and

(D) If the application for initial licensure is received October 1 through December 31, the fee for initial licensure will be \$75.

(c) The fee for an initial certificate of special competency in natural childbirth shall be \$60.

(d) The annual license renewal fee for an active Naturopathic license shall be \$300.

(e) The annual license renewal fee for an inactive license shall be \$140.

(f) The annual renewal fee for a retired license shall be \$15.

(g) The annual renewal fee for a certificate of special competency in natural childbirth shall be \$60.

(h) A late fee of \$100 will be charged for any renewal that does not meet the December 15 deadline per OAR 850-030-0195.

(i) The fee to reinstate a lapsed license to active status within 12 months of being lapsed shall be \$275 plus a restoration fee of \$150.

(j) The annual fee mandated for all licensees with the authority to prescribe shall be \$25;

(k) Duplicate license fee shall be \$25;

(l) Wall certificate shall be \$25;

(m) The fee for mailing an examination packet shall be \$40 or the current rate charged for the secure overnight mailing of examinations;

(n) Mailing list in any version shall be \$50;

(o) Copies of public documents shall be \$15 for the first ten single-sided pages and 10 cents per page hereafter.

(2) All Board fees and fines are non-refundable.

Stat. Auth.: ORS 685.100(6)(b) & 685.100(6)(c)

Stats. Implemented: ORS 685.100 & 685.102

Hist.: NE 1-1987(Temp), f. 9-17-87, ef. 10-1-87; NE 1-1988, f. & cert. ef. 3-15-88; NE 1-1996, f. & cert. ef. 10-18-96; NE 2-1997(Temp), f. 12-1-97, cert. ef. 12-2-97 thru 5-31-98; BNE 1-1998(Temp), f. 7-15-98, cert. ef. 8-3-98 thru 1-30-99; BNE 2-1998, f. 7-31-98, cert. ef. 8-3-98; BNE 2-1999, f. & cert. ef. 9-24-99; BNE 5-2000, f. & cert. ef. 12-6-00; BNE 4-2003, f. & cert. ef. 10-9-03; Renumbered from 850-010-0035, BNE 8-2005, f. & cert. ef. 10-27-05; BNE 3-2008, f. 4-21-08, cert. ef. 6-10-08; BNE 3-2009, f. & cert. ef. 10-6-09; OBNNM 5-2011(Temp), f. & cert. ef. 10-17-11 thru 1-17-12

Oregon Business Development Department Chapter 123

Rule Caption: These rules relate to the Ports Planning and Marketing Fund.

Adm. Order No.: OBDD 5-2011

Filed with Sec. of State: 10-31-2011

Certified to be Effective: 11-1-11

Notice Publication Date: 10-1-2011

Rules Adopted: 123-025-0016

Rules Amended: 123-025-0010, 123-025-0012, 123-025-0015, 123-025-0017, 123-025-0021, 123-025-0025

Subject: 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 in January 29, 2010. This new section describes

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what is expected of ports with regards to the plan and potential funding with the authority.

Other basic housekeeping changes were made.

Rules Coordinator: Mindie Sublette—(503) 986-0036

123-025-0010

Definitions

For the purposes of these rules additional definitions may be found in Procedural Rules, OAR 123-001. The following terms will have the following definitions, unless the context clearly indicates otherwise:

- (1) "Fund" means Port Planning and Marketing Fund.
- (2) "Peer Review Committee" means a committee of Oregon port representatives, as determined by the authority. The Peer Review Committee shall:

(a) Recommend standards and priorities for typical Port Planning and Marketing Fund projects;

(b) Review and evaluate Port Planning and Marketing Fund proposals submitted to the authority for possible funding; and

(c) Review and evaluate project deliverables as described in the grant contract prior to disbursement of final payment.

(3) "Project" means any activity that is eligible for assistance from the Port Planning and Marketing Fund.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.654 - 285A.660

Hist.: EDD 8-1985(Temp), f. & cert. ef. 10-22-85, ef. 11-1-85; EDD 5-1987, f. & cert. ef. 10-9-87; EDD 6-1997, f. & cert. ef. 4-25-97; EDD 5-2001(Temp), f. & cert. ef. 7-13-01 thru 1-9-02; EDD 1-2002, f. & cert. ef. 1-30-02; EDD 4-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 15-2004, f. & cert. ef. 8-2-04; EDD 13-2007(Temp), f. & cert. ef. 12-7-07 thru 6-1-08; EDD 17-2008, f. & cert. ef. 6-4-08; EDD 18-2009, f. 10-30-09, cert. ef. 11-1-09; OBDD 5-2011, f. 10-31-11, cert. ef. 11-1-11

123-025-0012

Annual Funding of Program

The authority will transfer up to 5.00% of the assets of the Port Revolving Fund, not to exceed the annual accrued net income from the Port Revolving Fund into the Port Planning and Marketing Fund annually as calculated on receipt of the Fund Audit each year.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.654 - 285A.660

Hist.: EDD 4-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 15-2004, f. & cert. ef. 8-2-04; EDD 13-2007(Temp), f. & cert. ef. 12-7-07 thru 6-1-08; EDD 17-2008, f. & cert. ef. 6-4-08; EDD 18-2009, f. 10-30-09, cert. ef. 11-1-09; OBDD 5-2011, f. 10-31-11, cert. ef. 11-1-11

123-025-0015

Project Eligibility and Criteria

A planning or marketing project that meets the following criteria is eligible for assistance from the fund:

(1) The project is necessary for improving a port's capability to carry out its authorized functions and activities relating to trade and commerce;

(2) The project is feasible and will produce measurable results;

(3) The project will promote the long-term economic self-sufficiency of the port and will encourage cost-effective investments guided by prudent financial consideration and review;

(4) The project has a single focus and does not attempt to accomplish multiple disjointed or unrelated outcomes or tasks;

(5) The applicant has met the strategic planning requirements in 123-025-0016; and

(6) The project meets the standards and criteria as set by the authority and Peer Review Committee in this division of administrative rules.

Stat. Auth.: ORS 285A.075(5)

Stats. Implemented: ORS 285A.654 - 285A.660

Hist.: EDD 8-1985(Temp), f. 10-22-85, ef. 11-1-85; EDD 5-1987, f. & cert. ef. 10-9-87; EDD 6-1997, f. & cert. ef. 4-25-97; EDD 5-2001(Temp), f. & cert. ef. 7-13-01 thru 1-9-02; EDD 1-2002, f. & cert. ef. 1-30-02; EDD 4-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 15-2004, f. & cert. ef. 8-2-04; Suspend by EDD 13-2007(Temp), f. & cert. ef. 12-7-07 thru 6-1-08; EDD 17-2008, f. & cert. ef. 6-4-08; EDD 18-2009, f. 10-30-09, cert. ef. 11-1-09; OBDD 5-2011, f. 10-31-11, cert. ef. 11-1-11

123-025-0016

Strategic Business Plan Requirements

(1) Ports formed under ORS 777 shall develop and maintain strategic business plans before obtaining authority funding for other projects. This requirement will be phased in over several years. Ports must have a formally adopted strategic business plan that meets the standards and requirements of the authority identified in the Statewide Ports Strategic Business Plan.

(2) The Ports Statewide Strategic Business Plan was adopted by the Oregon Business Development Commission on January 29, 2010. Ports must have their plan in place within three years after the adoption of the

Statewide Ports Strategic Business Plan in order to obtain financial assistance from the authority. The strategic business plans required under this rule shall be updated at least every ten years.

(3) Exceptions may be made by the Board for funding to Ports without a strategic business plan if:

(a) A concerted effort is made by the port to begin drafting a strategic business plan based on the department's template that meets the requirements of the Statewide Ports Strategic Plan for adoption by the Board;

(b) During the phase in period of a project if the project complies with the recommendations of the Statewide Ports Strategic Plan;

(c) An extension of the three year deadline may be granted by the Board if a port is actively working to develop a department approved plan.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.654 - 285A.660

Hist.: OBDD 5-2011, f. 10-31-11, cert. ef. 11-1-11

123-025-0017

Application Submittal, Review and Approval

(1) An eligible port may submit an application after consulting with the authority on a preliminary determination of eligibility and otherwise follow the authority's procedures for submitting applications. The application must be in the form provided by the Authority and must contain or be accompanied by such information as the authority may require. The authority will process only completed applications.

(2) Upon receipt of a signed application the authority will within 14 days notify the port as to the status of the application and advise the port of any missing materials or incomplete application detail.

(3) Upon receipt of a completed application the authority will apply the following criteria to determine the project's eligibility:

(a) The project is cited in or conforms to a port's adopted strategic business plan required under OAR 123-025-0016 and approved by the authority and the Peer Review Committee.

(b) The project is not an unnecessary duplication of marketing efforts among ports. However, it is recognized that regional or cooperative projects may require ports to simultaneously perform similar tasks;

(c) The project does not subsidize regular port operating expenses;

(d) The project will not require or rely upon continuing subsidies from the authority or department;

(e) Financial need may be a consideration when reviewing a project proposal for funding; and,

(f) The requirements set out in OAR 123-025 are met. Should cite where these requirements are.

(4) Once an application is considered complete the authority will, within 60 days approve or reject the application.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.654 - 285A.660

Hist.: EDD 1-2002, f. & cert. ef. 1-30-02; EDD 4-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 15-2004, f. & cert. ef. 8-2-04; EDD 13-2007(Temp), f. & cert. ef. 12-7-07 thru 6-1-08; EDD 17-2008, f. & cert. ef. 6-4-08; EDD 18-2009, f. 10-30-09, cert. ef. 11-1-09; OBDD 5-2011, f. 10-31-11, cert. ef. 11-1-11

123-025-0021

Project Funding Priorities

(1) At the beginning of each state fiscal year the authority and the Ports will make reasonable efforts to identify and initiate high priority projects. Funding of up to 50% of that year's transfer of funds will be reserved exclusively for high priority projects for the first four months of the state fiscal year, after which it will become available for any eligible project.

(2) Projects to develop or update the strategic business plans as required under OAR 123-025-0016, or port marketing or financial plans, undertaken before the provisions of ORS 123-025-0016, will be given the highest priority.

(3) Other high priority projects are:

(a) Regional or cooperative projects that benefit more than one port;

(b) Projects that leverage other marketing and development efforts by the state or other government units;

(c) Projects leading to economic diversification, development of a new or emerging industry or redevelopment of existing public facilities.

(d) Priority will be given for immediate job or revenue creation projects. Other opportunities not cited in a port's adopted strategic business plan may be given priority, provided that the port consults with the authority and the Peer Review Committee and, if required to do so by the authority, the ruling body of the port acts to amend its strategic business plan.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.654 - 285A.660

Hist.: EDD 1-2002, f. & cert. ef. 1-30-02; EDD 4-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 15-2004, f. & cert. ef. 8-2-04; EDD 13-2007(Temp), f. & cert. ef. 12-7-07 thru 6-1-08; EDD 17-2008, f. & cert. ef. 6-4-08; EDD 18-2009, f. 10-30-09, cert. ef. 11-1-09; OBDD 5-2011, f. 10-31-11, cert. ef. 11-1-11

ADMINISTRATIVE RULES

123-025-0025

Project Administration

(1) The authority and the port must execute a grant contract prior to disbursement of grant funds.

(2) Documentation of project costs incurred by a port must be submitted to the authority prior to disbursement of funds.

(3) Disbursement of grant funds to a port will not exceed one disbursement per month. Ten percent of the grant funds will be withheld until the Peer Review Committee reviews and recommends approval of the appropriate grant contract deliverables of the project.

(4) Upon request the port must provide the authority with a copy of documents, studies, reports, and materials developed during the project, including written report on activities or results of the project, or any other information that may reasonably be requested by the authority.

(5) Prior to final disbursement, the Peer Review Committee will review all documents produced as a result of the project. The committee will evaluate and make recommendations to the authority on value of resulting document(s) and how closely the project delivered the outcome anticipated in the application.

(6) Any monies disbursed but not used for an approved project, must be returned to the authority.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.654 - 285A.660

Hist.: EDD 8-1985(Temp), f. 10-22-85, ef. 11-1-85; EDD 5-1987, f. & ef. 10-9-87; EDD 5-2001(Temp), f. & cert. ef. 7-13-01 thru 1-9-02; EDD 1-2002, f. & cert. ef. 1-30-02; EDD 4-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 15-2004, f. & cert. ef. 8-2-04; EDD 5-2006, f. 10-30-06, cert. ef. 10-31-06; EDD 13-2007(Temp), f. & cert. ef. 12-7-07 thru 6-1-08; EDD 17-2008, f. & cert. ef. 6-4-08; EDD 18-2009, f. 10-30-09, cert. ef. 11-1-09; OBDD 5-2011, f. 10-31-11, cert. ef. 11-1-11

Rule Caption: The Water/Wastewater rules have been amended to reflect changes in the definitions and appeals and exceptions.

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

Filed with Sec. of State: 11-3-2011

Certified to be Effective: 11-3-11 thru 4-30-12

Notice Publication Date:

Rules Amended: 123-043-0010, 123-043-0025, 123-043-0115

Subject: The Water/Wastewater rules include updating the definition of "project" as well as adding language to the Appeals and Exceptions rule.

Rules Coordinator: Minda Sublette—(503) 986-0036

123-043-0010

Definitions

For the purposes of these rules additional definitions may be found in Procedural Rules, OAR 123-001. As used in this division of administrative rules, the following terms shall have the following meaning, unless the context clearly indicates otherwise:

(1) "DEQ" means the State of Oregon Department of Environmental Quality.

(2) "Facilities" means something that is built or installed to perform some particular function.

(3) "Fund" means the water fund created by ORS 285B.563.

(4) "Grant" means an award to a municipality of monies that can be used to reimburse eligible project costs. Grant funds are not required to be repaid when contract conditions are met.

(5) "Non-compliance" means the municipality has received a notice of non-compliance with:

(a) Drinking water quality standards administered by the Oregon Department of Human Services Public Health Services Drinking Water Program; or

(b) Water quality statutes, rules, orders, or permits administered by DEQ or the Environmental Quality Commission.

(6) "Project" means only a project for constructing or improving a drinking water system, or a project for constructing or improving a system for waste water collection or treatment, including storm drainage systems as defined in ORS 285B.560(4) and (5).

(7) "System" means the interconnected facilities that are required or useful for performing the required function.

(8) "Technical Assistance" means preliminary engineering or planning; legal, financial, and economic investigations, reports and studies to determine the feasibility of a project. Technical Assistance also means required Water Master Plans or Wastewater Facility Studies needed to allow communities to properly plan for the future.

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

Stat. Auth.: ORS 285B.563 & 285A.075

Stats. Implemented: ORS 285B.560 - 285B.599

Hist.: EDD 10-1993(Temp), f. & cert. ef. 10-4-93; EDD 7-1994, f. & cert. ef. 4-7-94; EDD 7-2002, f. & cert. ef. 4-26-02; EDD 11-2006, f. & cert. ef. 11-3-06; EDD 14-2008(Temp), f. & cert. ef. 4-9-08 thru 10-5-08; EDD 32-2008, f. 10-2-08, cert. ef. 10-3-08; EDD 25-2009, f. 11-30-09, cert. ef. 12-1-09; OBDD 2-2010(Temp), f. & cert. ef. 1-14-10 thru 7-13-10; Administrative correction 7-27-10; OBDD 6-2011(Temp), f. & cert. ef. 11-3-11 thru 4-30-12

123-043-0025

Ineligible Project Costs

Expenses and costs expressly allowed by OAR 123-043-0015 are eligible for reimbursement from the fund. All other costs, including but not limited to those listed below, are ineligible for reimbursement:

(1) Costs incurred for facilities that are or will be privately owned.

(2) Cost of purchase of general purpose motor vehicles and other equipment not directly related to the project.

(3) Cost of purchase of off-site property for uses not directly related to the project.

(4) Project operating or maintenance expenses.

Stat. Auth.: ORS 285B.563 & 285A.075

Stats. Implemented: ORS 285B.560 - 285B.599

Hist.: EDD 7-2002, f. & cert. ef. 4-26-02; EDD 11-2006, f. & cert. ef. 11-3-06; EDD 25-2009, f. 11-30-09, cert. ef. 12-1-09; OBDD 2-2010(Temp), f. & cert. ef. 1-14-10 thru 7-13-10; Administrative correction 7-27-10; OBDD 42-2010, f. 11-30-10, cert. ef. 12-1-10; OBDD 6-2011(Temp), f. & cert. ef. 11-3-11 thru 4-30-12

123-043-0115

Appeals and Exceptions

(1) Appeals of decisions made by the municipality regarding a project must be made at the local level in accordance with the requirements and procedures of the municipality.

(2) The director or the director's designee will consider appeals of the Authority's funding decisions. Only the municipality may appeal. Appeals must be submitted in writing to the director within 30 days of the event or action that is being appealed. A project that would have been funded but for a technical error in the Authority's review of the application, as determined by the director, will be funded as soon as sufficient moneys become available in the fund, provided the project is still viable. The director's or the director's designee decision is final.

(3) The director or the director's designee may waive any non-statutory requirements of OAR chapter 123, division 43, if it is demonstrated such a waiver will further the goals and objectives of the program.

Stat. Auth.: ORS 285B.563 & 285A.075

Stats. Implemented: ORS 285B.560 - 285B.599

Hist.: EDD 7-2002, f. & cert. ef. 4-26-02; EDD 11-2006, f. & cert. ef. 11-3-06; EDD 25-2009, f. 11-30-09, cert. ef. 12-1-09; OBDD 2-2010(Temp), f. & cert. ef. 1-14-10 thru 7-13-10; Administrative correction 7-27-10; OBDD 6-2011(Temp), f. & cert. ef. 11-3-11 thru 4-30-12

Oregon Criminal Justice Commission Chapter 213

Rule Caption: Amends Oregon's sentencing guidelines in light of 2011 OR Laws Ch. 598 (SB 395).

Adm. Order No.: CJC 1-2011(Temp)

Filed with Sec. of State: 11-1-2011

Certified to be Effective: 11-1-11 thru 4-27-12

Notice Publication Date:

Rules Amended: 213-003-0001, 213-017-0006, 213-017-0008

Subject: 2011 Or Laws ch 3 § 1 (BM 73) became effective on December 2, 2010. Under BM 73, a Driving Under the Influence of Intoxicants offense under ORS 813.010 committed on or after December 2, 2010 is a class C felony if the defendant has two prior convictions for DUII entered within 10 years of the date of the new offense. Prior to the enactment of 2011 Or Laws ch 598 (SB 395), ORS 813.012(1) required that BM 73 DUIIs be categorized as a Crime Category 6 on the Crime Seriousness Scale. As amended by Section 1 of SB 395, ORS 813.012(1) now provides that a conviction for felony DUII has a crime-seriousness ranking of 6 only if the conviction is a felony under ORS 813.010(5). SB 395 went into effect on June 30, 2011. Since that time, there has been no crime seriousness ranking in the guidelines specifically categorizing BM 73 DUII offenses for purposes of sentencing. When a crime is unranked, the court must choose the appropriate the crime-seriousness ranking. OAR 213-004-0004. This has resulted in courts throughout the state imposing inconsistent sentences for BM 73 DUII.

The Criminal Justice Commission (CJC) is required under ORS 137.667 to review all legislation creating new crimes or modifying existing crimes, and to adopt by rule necessary changes to the sen-

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tencing guidelines. CJC may also classify offenses as person felonies or person misdemeanors. ORS 137.667(1). The rule change classifies BM 73 DUII as a Crime Category 4 on the Crime Seriousness Scale. It also clarifies that BM 73 DUII is a person felony. The rule change also clarifies that only felony DUII under ORS 813.010(5), not BM 73 felony DUII, is categorized as a Crime Category 6 on the Crime Seriousness Scale.

Rules Coordinator: Craig Prins—(503) 378-4830

213-003-0001

Definitions

As used in these rules:

(1) “Bench probation” means a probationary sentence, which directs the probationer to remain under the supervision and control of the sentencing judge.

(2) “Board” means the State Board of Parole and Post-Prison Supervision.

(3) “Correctional supervision status” means any form of incarcerative or non-incarcerative supervision which is served by an offender as part of a sentence for a criminal conviction.

(4) “Department” means the Department of Corrections.

(5) “Departure” means a sentence, except an optional probationary sentence, which is inconsistent with the presumptive sentence for an offender.

(6) “Dispositional departure” means a sentence which imposes probation when the presumptive sentence is prison or prison when the presumptive sentence is probation. An optional probationary sentence is not a dispositional departure.

(7) “Dispositional line” means the solid black line on the Sentencing Guidelines Grid (Appendix 1) which separates the grid blocks in which the presumptive sentence is a term of imprisonment and post-prison supervision from the grid blocks in which the presumptive sentence is probation which may include local custodial sanctions. [Appendix not included. See ED. NOTE.]

(8) “Durational departure” means a sentence which is inconsistent with the presumptive sentence as to term of incarceration, term of supervised probation or number of sanction units which may be imposed as a condition of probation.

(9) “Grid” means the Sentencing Guidelines Grid set forth as Appendix 1. [Appendix not included. See ED. NOTE.]

(10) “Grid block” means a box on the grid formed by the intersection of the crime seriousness ranking of a current crime of conviction and an offender’s criminal history classification.

(11) “Juvenile adjudication” means a formal adjudication or finding by a court that the juvenile has committed an act, which, if committed by an adult, would be punishable as a felony.

(12) “Non-person felonies” are any felonies not defined as a person felony in section (14) of this rule.

(13) “Optional probationary sentence” means any probationary sentence imposed pursuant to OAR 213-005-0006.

(14) “Person felonies” are in numerical statutory order: ORS 162.165 Escape I; ORS 162.185 Supplying Contraband as defined in Crime Categories 6 and 7 (OAR 213-018-0070(1) and (2)); ORS 163.095 Aggravated Murder; ORS 163.115 Murder; ORS 163.115 Felony Murder; ORS 163.118 Manslaughter I; ORS 163.125 Manslaughter II; ORS 163.145 Negligent Homicide; ORS 163.160(3) Felony Domestic Assault; ORS 163.165 Assault III; ORS 163.175 Assault II; ORS 163.185 Assault I; ORS 163.205 Criminal Mistreatment I; ORS 163.207 Female Genital Mutilation; ORS 163.208 Assaulting a Public Safety Officer; ORS 163.213 Use of Stun Gun, Tear Gas, Mace I; ORS 163.225 Kidnapping II; ORS 163.235 Kidnapping I; ORS 163.275 Coercion as defined in Crime Category 7 (OAR 213-018-0035(1)); ORS 163.355 Rape III; ORS 163.365 Rape II; ORS 163.375 Rape I; ORS 163.385 Sodomy III; ORS 163.395 Sodomy II; ORS 163.405 Sodomy I; ORS 163.408 Sexual Penetration II; ORS 163.411 Sexual Penetration I; ORS 163.425 Sexual Abuse II; ORS 163.427 Sexual Abuse I; ORS 163.465 Felony Public Indecency; ORS 163.479 Unlawful Contact with a Child; ORS 163.452 Custodial Sexual Misconduct in the First Degree; ORS 163.525 Incest; ORS 163.535 Abandon Child; ORS 163.537 Buying/Selling Custody of a Minor; ORS 163.547 Child Neglect I; ORS 163.670 Using Child In Display of Sexual Conduct; ORS 163.684 Encouraging Child Sex Abuse I; ORS 163.686 Encouraging Child Sex Abuse II; ORS 163.688, Possession of Material Depicting Sexually Explicit Conduct of Child I; ORS 163.689, Possession of Material Depicting Sexually Explicit Conduct of Child II; ORS 163.732 Stalking; ORS 163.750 Violation of Court’s Stalking Order; ORS 164.075

Theft by Extortion as defined in Crime Category 7 (OAR 213-018-0075(1)); ORS 164.225 Burglary I as defined in Crime Categories 8 and 9 (OAR 213-018-0025(1) and (2)); ORS 164.325 Arson I; ORS 164.395 Robbery III; ORS 164.405 Robbery II; ORS 164.415 Robbery I; ORS 164.877(3) Tree Spiking (Injury); ORS 166.087 Abuse of Corpse I; ORS 166.165 Intimidation I; ORS 166.220 Unlawful Use of a Weapon; ORS 166.275 Inmate In Possession of Weapon; ORS 166.385(3), Felony Possession of a Hoax Destructive Device; ORS 166.643 Unlawful Possession of Soft Body Armor as defined in Crime Category 6 (OAR 213-018-0090(1)); ORS 167.012 Promoting Prostitution; ORS 167.017 Compelling Prostitution; ORS 167.320(4) Felony Animal Abuse I; ORS 167.322 Aggravated Animal Abuse I; ORS 468.951 Environmental Endangerment; ORS 475.908 Causing Another to Ingest a Controlled Substance as defined in Crime Categories 8 and 9 (OAR 213-019-0007 and 0008); ORS 475.910 Unlawful Administration of a Controlled Substance as defined in Crime Categories 5, 8, and 9 (OAR 213-019-0007, 0008, and 0011); ORS 609.990(3)(b) Maintaining Dangerous Dog; ORS 811.705 Hit and Run Vehicle (Injury); ORS 813.010(5), Felony Driving Under the Influence of Intoxicants (as provided in OAR 213-004-0009); 2011 Or Laws ch 598, Felony Driving Under the Influence of Intoxicants (as provided in OAR 213-004-0009); ORS 830.475(2) Hit and Run Boat; ORS 97.981 Purchase or Sale of a Body Part for Transplantation or Therapy, ORS 97.982 Alteration of a Document of Gift; Subjecting Another Person to Involuntary Servitude I ORS 163.264, and II ORS 163.422, Trafficking in Persons; ORS 166.149 Aggravated Vehicular Homicide; ORS 167.057 Luring a Minor; Online Sexual Corruption of a Child I ORS 163.433, and II 163.422; ORS 166.070 Aggravated Harassment; 163.196; Aggravated Driving While Suspended or Revoked ORS 475.840(6)(a); Manufacturing or Delivering a Schedule IV Controlled Substance Thereby Causing Death to a Person; and attempts or solicitations to commit any Class A or Class B person felonies as defined herein.

(15) “Person Class A misdemeanors” are in numerical statutory order: ORS 162.315 Resisting Arrest; ORS 163.160 Assault IV; ORS 163.187 Strangulation; ORS 163.190 Menacing; ORS 163.195 Recklessly Endanger Another; ORS 163.200 Criminal Mistreatment II; ORS 163.212 Use of Stun Gun, Tear Gas, Mace II; ORS 163.415 Sexual Abuse III; ORS 163.454 Custodial Sexual Misconduct in the Second Degree; ORS 163.465, Public Indecency; ORS 163.467 Private Indecency; ORS 163.476 Unlawfully Being in a Location Where Children Regularly Congregate; ORS 163.545 Child Neglect II; ORS 163.575 Endanger Welfare of Minor; ORS 163.687 Encouraging Child Sex Abuse III; ORS 163.700 Invasion of Personal Privacy; ORS 163.709 Unlawfully Directing a Laser Pointer; ORS 163.732(1) Stalking; ORS 163.750(1) Violating Court’s Stalking Order; ORS 165.572 Interfering with Making a Police Report; ORS 166.065(4) Harassment/Offensive Sexual Contact; ORS 166.155 Intimidation II; ORS 166.385(2) Misdemeanor Possession of a Hoax Destructive Device; ORS 475.986(1)(d) Unlawful Administration of a Controlled Substance; ORS 609.990(3)(a) Maintaining Dangerous Dog; ORS 813.010, Driving Under the Influence of Intoxicants (as provided in OAR 213-004-0009); ORS 167.054 Furnishing Sexually Explicit Material to a Child; and attempts or solicitations to commit any Class C person felonies as defined in section (14) of this rule.

(16) “Presumptive sentence” means the sentence provided in a grid block for an offender classified in that grid block by the combined effect of the crime seriousness ranking of the current crime of conviction and the offender’s criminal history or a sentence designated as a presumptive sentence by statute.

(17) “Primary offense” means the offense of conviction with the highest crime seriousness ranking. If more than one offense of conviction is classified in the same crime category, the sentencing judge shall designate which offense is the primary offense.

(18) “Supervisory agent” means the local community corrections agency responsible for supervising the offender.

(19) “Supervisory authority” means the state and local corrections agency or official designated in each county by that county’s Board of County Commissioners or county court to operate corrections supervision services, custodial facilities or both.

(20) “Straight jail” means a sentence of jail imposed instead of a presumptive probationary sentence that is not followed by a term of post-prison supervision defined in OAR 213-005-0002.

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

Stat. Auth.: ORS 137.667, 475.986, 475.998 & 2003 OL Ch. 453

Stats. Implemented: ORS 137.667 - 137.669, 2001 OL Ch. 387, 510, 635, 828, 857, 884 & 2003 OL Ch. 453, 577 & 2007 OL Ch. 681, 811, 867, 869, 876 & 2009 OL Ch. 774, 783, 876, 898; 2011 OL Ch. 3 §1; 2011 OL Ch. 598

Hist.: SSGB 2-1988, f. 12-30-88, cert. ef. 9-1-89; SSGB 1-1989, f. 5-25-89, cert. ef. 9-1-89; SSGB 2-1993, f. 10-28-93, cert. ef. 11-1-93; CJC 2-1995, f. & cert. ef. 11-2-95; CJC 1-1996,

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f. 3-6-96, cert. ef. 3-8-96, Renumbered from 253-003-0001; CJC 3-1997, f. 10-29-97, cert. ef. 11-1-97; CJC 1-1999, f. & cert. ef. 11-1-99; CJC 2-2001, f. 12-26-01, cert. ef. 1-1-02; CJC 2-2003, f. 12-31-03, cert. ef. 1-1-04; CJC 1-2006, f. & cert. ef. 4-12-06; CJC 3-2007, f. 12-31-07 & cert. ef. 1-1-08; CJC 1-2009(Temp), f. 3-24-09, cert. ef. 1-1-10 thru 6-29-10; CJC 2-2009(Temp), f. 3-24-09, cert. ef. 1-1-10 thru 6-29-10; CJC 7-2009, f. 12-31-09, cert. ef. 1-1-10; CJC 1-2011(Temp), f. & cert. ef. 11-1-11 thru 4-27-12

213-017-0006

Crime Category 6

The following offenses are classified at crime category 6 on the Crime Seriousness Scale:

- (1) Chapter 59 – BLUE SKY LAWS & SECURITIES LAWS* – (C).
- (2) MAJOR DRUG OFFENSES (See division 19.)
- (3) ORS 162.015 – BRIBERY – (B).
- (4) ORS 162.025 – BRIBE RECEIVING – (B).
- (5) ORS 162.065 – PERJURY – (C).
- (6) ORS 162.117 – PUBLIC INVESTMENT FRAUD – (B).
- (7) ORS 162.155 – ESCAPE II – (C).
- (8) ORS 162.185 – SUPPLYING CONTRABAND – (C).
(The contraband involves a dangerous weapon not a firearm CC 7; Otherwise CC 4 or 5.)
- (9) ORS 162.265 – BRIBING A WITNESS – (C).
- (10) ORS 162.275 – BRIBE RECEIVING BY WITNESS – (C).
- (11) ORS 162.285 – TAMPERING W/ WITNESS – (C).
- (12) ORS 162.325 – HINDERING PROSECUTION – (C).
- (13) ORS 163.160(3) – FELONY DOMESTIC ASSAULT – (C).
- (14) ORS 163.165 – ASSAULT III – (C).
(If the offense cannot be ranked at CC 8).
- (15) ORS 163.208 – ASSAULT OF A PUBLIC SAFETY OFFICER – (C).
- (16) ORS 163.213 – USE OF A STUN GUN, TEAR GAS, MACE I – (C).
- (17) ORS 163.257 – CUSTODIAL INTERFERENCE I – (C).
- (18) ORS 163.264 – SUBJECTING ANOTHER PERSON TO INVOLUNTARY SERVITUDE I – (B).
(If offender physically restrained or threatened to physically restrain a person; otherwise CC 9.)
- (19) ORS 163.275 – COERCION – (C). (No threat of physical injury; otherwise CC 7.)
- (20) ORS 163.355 – RAPE III – (C).
- (21) ORS 163.385 – SODOMY III – (C).
- (22) ORS 163.432 – ONLINE SEXUAL CORRUPTION OF A CHILD II – (C).
- (23) ORS 163.465 – FELONY PUBLIC INDECENCY – (C).
- (24) ORS 163.525 – INCEST – (C).
(If one of the participants is under the age of 18; otherwise CC 1.)
- (25) ORS 163.547 – CHILD NEGLECT IN THE FIRST DEGREE – (B).
- (26) ORS 163.688 – POSSESSION OF MATERIAL DEPICTING SEX. EXPLICIT CONDUCT OF A CHILD I – (B).
- (27) ORS 164.055 – THEFT I* – (C).
- (28) ORS 164.057 – AGGRAVATED THEFT – (B).
(Economic loss was greater than \$50,000; otherwise CC 5.)
- (29) ORS 164.065 – THEFT OF LOST/MISLAID PROPERTY * – (C).
- (30) ORS 164.075 – THEFT BY EXTORTION* – (B).
- (31) ORS 164.085 – THEFT BY DECEPTION* – (C).
- (32) ORS 164.125 – THEFT OF SERVICES* – (C).
- (33) ORS 164.135 – UNAUTHORIZED USE OF VEHICLE* – (C).
- (34) ORS 164.138 – CRIMINAL POSSESSION OF A RENTED OR LEASED MOTOR VEHICLE* – (C).
- (35) ORS 164.140(4) – POSSESSION OF RENTED PROPERTY* – (C).
- (36) ORS 164.162 – MAIL THEFT OR RECEIPT OF STOLEN MAIL – (C).
(For sentences imposed prior to February 15, 2010, and for sentences imposed for crimes committed on or after January 1, 2012; otherwise a Class A misdemeanor.)
- (37) ORS 164.215 – BURGLARY II* – (C).
- (38) ORS 164.315 – ARSON II* – (C).
- (39) ORS 164.365 – CRIMINAL MISCHIEF I* – (C).
- (40) ORS 164.377 – COMPUTER FRAUD (LOTTERY)* – (C).
- (41) ORS 164.377(3) – COMPUTER CRIME* – (C).
- (42) ORS 164.868 – UNLAWFUL LABEL SOUND RECORDING* – (C).
- (43) ORS 164.869 – UNLAWFUL RECORD LIVE PERFORMANCE* – (C).
- (44) ORS 164.872 – UNLAWFUL LABEL VIDEOTAPE* – (C).
- (45) ORS 164.877(1) – TREE-SPIKING – (C).

(46) ORS 164.889 – INTERFERE W/ AGRICULTURAL RESEARCH* – (C).

(47) ORS 165.013 – FORGERY I* – (C).

(48) ORS 165.022 – CRIMINAL POSSESSION OF FORGED INSTRUMENT I* – (C).

(49) ORS 165.055(3)(A) – CREDIT CARD FRAUD* – (C).

(50) ORS 165.065 – NEGOTIATING BAD CHECKS* – (C).

(51) ORS 165.074 – UNLAWFUL FACTORING PAYMENT CARD* v (C).

(52) ORS 165.692 – FILING A FALSE CLAIM FOR HEALTH CARE PAYMENT – (C).

(53) ORS 165.800 – IDENTITY THEFT* – (C).

(54) ORS 166.015 – RIOT – (C).

(55) ORS 166.165 – INTIMIDATION I – (C).

(56) ORS 166.220 – UNLAWFUL USE OF WEAPON – (C).

(57) ORS 166.270 – EX-CON IN POSSESSION OF FIREARM – (C).

(58) ORS 166.272 – UNLAWFUL POSSESSION OF FIREARM – (B).

(59) ORS 166.370(1) – INTENT POSS. FIREARM OR DANG. WEAP. IN and (5)(a) – PUBLIC BUILDING; DISCHARGE FIREARM IN SCHOOL – (C).

(60) ORS 166.382 – POSSESSION OF DESTRUCTIVE DEVICE – (C).

(61) ORS 166.384 – UNLAWFUL MANUFACTURE OF DESTRUCTIVE DEVICE – (C).

(62) ORS 166.410 – ILLEGAL MANUFACTURE, IMPORTATION OR TRANSFER OF FIREARMS – (B).

(63) ORS 166.643 – UNLAWFUL POSSESS SOFT BODY ARMOR – (B).

(If offender committed or was attempting to commit a person felony or misdemeanor involving violence, otherwise CC 4.)

(64) ORS 167.057 – LURING A MINOR – (C).

(65) ORS 167.339 – ASSAULT OF A LAW ENFORCEMENT ANIMAL – (C).

(66) ORS 167.388 – INTERFERE LIVESTOCK PRODUCTION* – (C).

(67) ORS 647.145 – TRADEMARK COUNTERFEITING II* – (C).

(68) ORS 647.150 – TRADEMARK COUNTERFEITING I* – (B).

(69) ORS 811.182 – DRIVING WHILE SUSPENDED/REVOKED – (C).

(70) ORS 811.705 – HIT & RUN VEHICLE (INJURY) – (C).

(71) ORS 813.010(5) – FELONY DRIVING UNDER THE INFLUENCE – (C).

(72) ORS 819.300 – POSSESSION OF STOLEN VEHICLE* – (C).

(73) ORS 819.310 – TRAFFICKING IN STOLEN VEHICLES – (C).

(If part of an organized operation or if value of property taken from one or more victims was greater than \$50,000; otherwise CC 5.)

(74) ORS 830.475 – HIT AND RUN BOAT – (C).

(75) 2009 Oregon Laws Ch 783 – AGGRAVATED HARRASSMENT – (C).

* Property offenses marked with an asterisk shall be ranked at Crime Category 6 if the value of the property stolen or destroyed was \$50,000 or more, excluding the theft of a motor vehicle used primarily for personal rather than commercial transportation.

Stat. Auth.: ORS 137.667, 2003 OL Ch. 453, & 2009 OL Ch. 660

Stats. Implemented: ORS 137.667 - 137.669, 2001 OL Ch. 147, 635, 828 2003 2001 OL Ch. 383, 453, 543, 2005 OL Ch. 708, 2007 OL Ch. 684, 811, 869, 876, SB 1087 (2008), Ballot Measure 57 (2008), & 2009 OL Ch. 660 & HB 3508 (2009) & 2009 OL Ch. 783; 2011 OL Ch. 3 §1; 2011 OL Ch. 598

Hist.: CJC 1-1999, f. & cert. ef. 11-1-99; CJC 2-2001, f. 12-26-01, cert. ef. 1-1-02; CJC 2-2003, f. 12-31-03, cert. ef. 1-1-04; CJC 1-2005(Temp), f. & cert. ef. 10-14-05 thru 4-12-06; CJC 1-2006, f. & cert. ef. 4-12-06; CJC 3-2007, f. 12-31-07 & cert. ef. 1-1-08; CJC 2-2008(Temp), f. 12-31-08, cert. ef. 1-1-09 thru 6-29-09; CJC 2-2009(Temp), f. 3-24-09, cert. ef. 1-1-10 thru 6-29-10; CJC 3-2009(Temp), f. & cert. ef. 6-17-09 thru 12-13-09; CJC 4-2009(Temp), f. & cert. ef. 9-16-09 thru 3-14-10; CJC 5-2009, f. 12-11-09, cert. ef. 12-13-09; CJC 7-2009, f. 12-31-09, cert. ef. 1-1-10; CJC 3-2010(Temp), f. & cert. ef. 6-30-10 thru 12-26-10; CJC 5-2010, f. 12-13-10, cert. ef. 12-26-10; CJC 1-2011(Temp), f. & cert. ef. 11-1-11 thru 4-27-12

213-017-0008

Crime Category 4

The following offenses are classified at crime category 4 on the Crime Seriousness Scale:

(1) Chapter 59 – BLUE SKY LAWS & SECURITIES LAWS* – (C).

(2) DRUG OFFENSES (See division 19.).

(3) ORS 162.185 – SUPPLYING CONTRABAND – (C).

(If offense cannot be ranked at CC 5, 6 or 7.)

(4) ORS 162.205 – FAILURE TO APPEAR I – (C).

(5) ORS 163.245 – CUSTODIAL INTERFERENCE II – (C).

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- (6) ORS 163.689 – POSSESSION OF MATERIAL DEPICTING SEX. EXPLICIT CONDUCT OF CHILD II – (C).
- (7) ORS 164.055 – THEFT I* – (C).
- (8) ORS 164.065 – THEFT OF LOST/MISLAID PROPERTY* – (C).
- (9) ORS 164.075 – THEFT BY EXTORTION* – (B).
- (10) ORS 164.085 – THEFT BY DECEPTION* – (C).
- (11) ORS 164.125 – THEFT OF SERVICES* – (C).
- (12) ORS 164.135 – UNAUTHORIZED USE OF VEHICLE* – (C).
- (13) ORS 164.140(4) – POSSESSION OF RENTED PROPERTY* – (C).
- (14) ORS 164.215 – BURGLARY II* – (C).
- (15) ORS 164.315 – ARSON II* – (C).
- (16) ORS 164.365 – CRIMINAL MISCHIEF I* – (C). (Except ORS 164.365(1)(e).)
- (17) ORS 164.377(5) – COMPUTER FRAUD (LOTTERY)* – (C).
- (18) ORS 164.377(5) – COMPUTER CRIME* – (C).
- (19) ORS 164.868 – UNLAWFUL LABEL SOUND RECORDING* – (C).
- (20) ORS 164.869 – UNLAWFUL RECORD LIVE PERFORMANCE* – (C).
- (21) ORS 164.872 – UNLAWFUL LABEL VIDEOTAPE* – (C).
- (22) ORS 165.013 – FORGERY I* – (C).
- (23) ORS 165.022 – CRIMINAL POSSESSION OF FORGED INSTRUMENT I* – (C).
- (24) ORS 165.032 – CRIMINAL POSSESSION OF FORGERY DEVICE – (C).
- (25) ORS 165.055(3)(A) – CREDIT CARD FRAUD* – (C).
- (26) ORS 165.065 – NEGOTIATING BAD CHECKS* – (C).
- (27) ORS 165.074 – UNLAWFUL FACTORING PAYMENT CARD* – (C).
- (28) ORS 165.581 – CELLULAR COUNTERFEITING I – (B).
- (29) ORS 165.800 – IDENTITY THEFT* – (C).
- (30) ORS 165.810 – UNLAWFUL POSSESSION PERSONAL ID DEVICE. – (C).
- (31) ORS 166.023 – DISORDERLY CONDUCT I – (C).
- (32) ORS 166.643 – UNLAWFUL POSSESS SOFT BODY ARMOR – (B). (If not categorized at CC 6)
- (33) ORS 167.262 – USING A MINOR IN CONTROLLED SUBSTANCE OFFENSE – (A).

(CC 8 if minor 3 or more yrs. Younger than offender.)

(34) ORS 167.388 – INTERFERE LIVESTOCK PRODUCTION* – (C).

- (35) ORS 181.599 – FAIL/REPORT SEX OFFENDER – (C).
- (36) ORS 647.145 – TRADEMARK COUNTERFEITING II* – (C).
- (37) ORS 647.150 – TRADEMARK COUNTERFEITING I* – (B).
- (38) ORS 819.300 – POSSESSION OF STOLEN VEHICLE* – (C).
- (39) 2007 Oregon Laws Ch 498 - ORGANIZED RETAIL THEFT – (B).

(40) 2007 Oregon Laws Ch 681 – ALTERATION OF A DOCUMENT OF GIFT – (C).

(41) 2007 Oregon Laws Ch 684 – CRIMINAL POSSESSION OF A RENTED OR LEASED MOTOR VEHICLE* – (C).

(42) 2011 Or Laws Ch 598 – FELONY DRIVING UNDER THE INFLUENCE – (C).

* Property offenses marked with an asterisk shall be ranked at Crime Category 4 if either of the following factors was included in the commission of the offense:

- (a) The value of the property stolen or destroyed was \$5,000 or more but less than \$10,000; or
- (b) The property stolen was a vehicle valued at \$10,000 or more and used primarily for personal rather than commercial transportation.

Stat. Auth.: ORS 137.667 & 2003 OL Ch. 453
Stats. Implemented: ORS 137.667 - 137.669, 164.889, 166.643 & 2003 OL Ch. 383, 453, 543, 632, 2005 OL Ch. 708, 2007 OL Ch. 498, 681 & 684; 2011 OL Ch. 3 §1; 2011 OL Ch. 598

Hist.: CJC 1-1999, f. & cert. ef. 11-1-99; CJC 2-2001, f. 12-26-01, cert. ef. 1-1-02; CJC 2-2003, f. 12-31-03, cert. ef. 1-1-04; CJC 1-2005(Temp), f. & cert. ef. 10-14-05 thru 4-12-06; CJC 1-2006, f. & cert. ef. 4-12-06; CJC 3-2007, f. 12-31-07 & cert. ef. 1-1-08; CJC 1-2011(Temp), f. & cert. ef. 11-1-11 thru 4-27-12

Oregon Department of Education Chapter 581

Rule Caption: Changes term mental retardation to intellectual disabilities in education rules.

Adm. Order No.: ODE 12-2011

Filed with Sec. of State: 10-31-2011

Certified to be Effective: 10-31-11

Notice Publication Date: 8-1-2011

Rules Amended: 581-015-2000, 581-015-2155, 581-015-2170, 581-015-2390, 581-016-0536, 581-016-0740, 581-019-0005, 581-023-0100

Subject: Changes term from mental retardation to intellectual disabilities in education rules.

Rules Coordinator: Diane Roth—(503) 947-5791

581-015-2000

Definitions

The definitions below apply to OARs 581-015-2000–581-015-2999, unless the context indicates otherwise.

(1) “Adult student” is a student for whom special education procedural safeguard rights have transferred as described in OAR 581-015-2325.

(2) “Assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.

(3) “Assistive technology service” means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

- (a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child’s customary environment;
- (b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- (c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- (d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- (e) Training or technical assistance for a child with a disability or, if appropriate, that child’s family; and
- (f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child.

(4) “Children with disabilities” or “students with disabilities” means children or students who require special education because of: autism; communication disorders; deafblindness; emotional disturbances; hearing impairments, including deafness; intellectual disabilities; orthopedic impairments; other health impairments; specific learning disabilities; traumatic brain injuries; or visual impairments, including blindness.

(a) “Autism” means a developmental disability significantly affecting verbal and nonverbal communication and social interaction that adversely affects a child’s educational performance. Other characteristics that may be associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Essential features are typically but not necessarily manifested before age three. Autism may include autism spectrum disorders such as but not limited to autistic disorder, pervasive developmental disorder, not otherwise specified, and Asperger’s syndrome. The term does not apply if a child’s educational performance is adversely affected primarily because the child has an emotional disturbance. However, a child who qualifies for special education under the category of autism may also have an emotional disturbance as a secondary disability if the child meets the criteria under emotional disturbance.

(b) “Communication Disorder” means the impairment of speech articulation, voice, fluency, or the impairment or deviant development of language comprehension and/or expression, or the impairment of the use of a spoken or other symbol system that adversely affects educational performance. The language impairment may be manifested by one or more of the following components of language: morphology, syntax, semantics, phonology, and pragmatics.

(c) “Deafblindness” means having both hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that the child cannot be accommodated in special education programs designed solely for students having hearing or visual impairments

(d) “Emotional Disturbance” means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance:

(A) An inability to learn that cannot be explained by intellectual, sensory, or health factors;

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(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(C) Inappropriate types of behavior or feelings under normal circumstances;

(D) A general pervasive mood of unhappiness or depression; or

(E) A tendency to develop physical symptoms or fears associated with personal or school problems;

(F) The term includes schizophrenia but does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

(e) "Hearing Impairment" means a hearing condition, whether permanent or fluctuating, that adversely affects a child's educational performance. The term includes those children who are hard of hearing or deaf.

(f) "Intellectual disability" means significantly sub average general intellectual functioning, and includes a student whose intelligence test score is two or more standard deviations below the norm on a standardized individual intelligence test, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, and that adversely affects a child's educational performance.

(g) "Orthopedic Impairment" means a motor disability that adversely affects the child's educational performance. The term includes impairments caused by an anomaly, disease or other conditions (e.g., cerebral palsy, spinal bifida, muscular dystrophy or traumatic injury).

(h) "Other Health Impairment" means limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that:

(A) Is due to chronic or acute health problems (e.g. a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, attention deficit disorder, attention deficit hyperactivity disorder, leukemia, Tourette's syndrome or diabetes); and

(B) Adversely affects a child's educational performance.

(i) "Specific Learning Disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. Specific learning disability includes conditions such as perceptual disabilities, brain injury, dyslexia, minimal brain dysfunction, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, intellectual disability, emotional disturbance, or environmental, cultural, or economic disadvantage.

(j) "Traumatic Brain Injury" means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term includes open or closed head injuries resulting in impairments in one or more areas, including cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not include brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

(k) "Visual Impairment" means a visual impairment that, even with correction, adversely affects a child's educational performance. The term includes those children who are partially sighted or blind.

(5) "Consent" means that:

(a) The parent or adult student has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication;

(b) The parent or adult student understands and agrees in writing to the carrying out of the activity for which consent is sought; and the consent describes that activity and lists any records that will be released and to whom; and

(c) The parent or adult student understands that the granting of consent is voluntary and may be revoked at any time in accordance with OAR 581-015-2090(4) or 581-015-2735.

(6) "Day" means calendar day unless otherwise indicated as:

(a) "Business day," which means Mondays through Fridays, other than holidays; or as

(b) "School day," which means any day, including partial days that children are in attendance at school for instructional purposes. The term "school day" has the same meaning for all children in school, including those with and without disabilities.

(7) "Department" means the Oregon Department of Education.

(8) "EI/ECSE" means early intervention/early childhood special education and refers to services or programs for preschool children with disabilities.

(9) "Elementary or secondary school or facility" means a school or facility with any combination of grades K through 12.

(10) "Evaluation" means procedures used to determine whether the child has a disability, and the nature and extent of the special education and related services that the child needs.

(11) "General education curriculum" means the same curriculum as for children without disabilities (children without disabilities). For preschool children with disabilities, the term means age-appropriate activities.

(12) "Health assessment statement" means a written statement issued by a nurse practitioner licensed by a State Board of Nursing specially certified as a nurse practitioner, or by a physician assistant licensed by a State Board of Medical Examiners. Both a nurse practitioner and a physician assistant must be practicing within his or her area of specialty.

(13) "Homeless children" (or "homeless youth") has the same meaning as in section 725 of the McKinney-Vento Act, 42 USC Sec.11434a(2).

(14) "Identification" means the process of determining a child's disability and eligibility for special education and related services.

(15) "Individualized Education Program" (IEP) means a written statement of an educational program which is developed, reviewed, revised and implemented for a school-aged child with a disability.

(16) "Individualized Family Service Plan" (IFSP) is defined in OAR 581-051-2700.

(17) "Limited English proficient" has the same meaning as in the Elementary and Secondary Education Act, 20 USC § 9101(25).

(18) "Mediation" means a voluntary process in which an impartial mediator assists and facilitates two or more parties to a controversy in reaching a mutually acceptable resolution of the controversy and includes all contacts between a mediator and any party or agent of a party, until such a time as a resolution is agreed to by the parties or the mediation process is terminated.

(19) "Medical statement" means a written statement issued by a physician licensed by a State Board of Medical Examiners.

(20) "Native language", when used with respect to a person who is limited English proficient, means the language normally used by that person or, in the case of a child, the language normally used by the parent of the child. For an individual with deafness, blindness, deafblindness or no written language, the term means the mode of communication normally used by the person (such as sign language, Braille, or oral communication). In direct contact with a child, the term means the language normally used by the child.

(21) "Parent" means:

(a) One or more of the following persons:

(A) A biological or adoptive parent of the child;

(B) A foster parent of the child,

(C) A legal guardian, other than a state agency;

(D) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or

(E) A surrogate parent who has been appointed in accordance with OAR 581-015-2320, for school-age children, or 581-015-2760 for preschool children.

(b) Except as provided in subsection (c), if more than one party is qualified under subsection (a) to act as a parent and the biological or adoptive parent is attempting to act as the parent, the biological or adoptive parent is presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

(c) If a judicial decree or order identifies a specific person under subsection (a) to act as the parent of a child or to make educational decisions on behalf of a child, then that person will be the parent for special education purposes.

(22) "Participating agency" means a state or local agency, other than the school district responsible for a student's education, that is financially and legally responsible for providing transition services to the student.

(23) "Personally identifiable" means information that includes, but is not limited to:

(a) The name of the child, the child's parent or other family member;

(b) The address of the child;

(c) A personal identifier, such as the child's social security number or student number; and

(d) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

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(24) "Placement" means educational placement, not social service placement by a state agency.

(25) "Preschool child" means "preschool child with a disability" as defined under OAR 581-015-2700.

(26) "Private school" means an educational institution or agency not operated by a public agency.

(27) "Public agency" means a school district, an education service district, a state agency or institution, EI/ECSE contractor or subcontractor, responsible for early intervention, early childhood special education or special education.

(28) "Related services" includes transportation and such developmental, corrective and other supportive services as are required to assist a child with a disability to benefit from special education, and includes orientation and mobility services, speech language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation including therapeutic recreation, school health services and school nurse services, counseling services, including rehabilitation counseling services, social work services in schools, parent counseling and training, school health services and medical services for diagnostic or evaluation purposes, and includes early identification and assessment of disabling conditions in children. This definition incorporates the exception for services for children with surgically implanted devices, including cochlear implants, in 34 CFR 300.34(b) and the definitions for individual related services in 34 CFR 300.34(c).

(29) "School age child or children" means a child or children who have reached 5 years of age but have not reached 21 years of age on or before September 1 of the current school year.

(30) "School district" means the public education agency (school district, ESD, or state agency) that is responsible by statute, rule or contract for providing education to children with disabilities.

(31) "Services plan" is defined in OAR 581-015-2450.

(32) "Short term objectives" means measurable intermediate performance steps that will enable parents, students and educators to gauge, at intermediate times during the year, how well the child is progressing toward the annual goals by either:

(a) Breaking down the skills described in the goal into discrete components, or

(b) Describing the amount of progress the child is expected to make within specified segments of the year.

(33) "Special education" means specially designed instruction that is provided at no cost to parents to meet the unique needs of a child with a disability "Special education" includes instruction that:

(a) May be conducted in the classroom, the home, a hospital, an institution, a special school or another setting; and

(b) May involve physical education services, speech language services, transition services or other related services designated by rule to be services to meet the unique needs of a child with a disability.

(34) "Specially designed instruction" means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction:

(a) To address the unique needs of the child that result from the child's disability; and

(b) To ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.

(35) "Supplementary aids and services" means aids, services and other supports that are provided in regular education classes or other education-related settings and in extracurricular and nonacademic settings to enable children with disabilities to be educated with children without disabilities to the maximum extent appropriate.

(36) "Superintendent" means the State Superintendent of Public Instruction or the designee of the State Superintendent of Public Instruction.

(37) "Surrogate parent" means an individual appointed under OAR 581-015-2320 for school age children or 581-015-2760 for preschool children who acts in place of a biological or adoptive parent in safeguarding a child's rights in the special education decision-making process.

(38) "Transition services" means a coordinated set of activities for a student with a disability that:

(a) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student to facilitate the student's movement from school to post school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(b) Is based on the individual student's needs, taking into account the student's preferences and interests; and

(c) Includes:

(A) Instruction;

(B) Related services;

(C) Community experiences;

(D) The development of employment and other post school adult living objectives; and

(E) If appropriate, acquisition of daily living skills and functional vocational evaluation; and

(d) May be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

(39) "Ward of the state" means child who is in the temporary or permanent custody of, or committed to, the Department of Human Services or Oregon Youth Authority through the action of the juvenile court.

Stat. Auth.: ORS 343.041, 343.045, 343.155 & 343.223

Stats. Implemented: ORS 343.045, 343.155, 343.223, 34 CFR 300.5, 300.6, 300.8, 300.11, 300.15, 300.19, 300.22, 300.27, 300.28, 300.29, 300.30, 300.34, 300.37, 300.39, 300.42, 300.43 & 300.45

Hist.: 1EB 8-1978, f. & ef. 3-3-78; 1EB 35-1978, f. & ef. 10-5-78; 1EB 18-1979(Temp), f. & ef. 11-15-79; 1EB 5-1980, f. 2-22-80, ef. 2-23-80; 1EB 18-1983(Temp), f. & ef. 12-20-83; 1EB 5-1985, f. 1-30-85, ef. 1-31-85; EB 39-1988(Temp), f. & cert. ef. 11-15-88; EB 18-1989, f. & cert. ef. 5-15-89; EB 28-1989(Temp), f. & cert. ef. 10-16-89; EB 3-1990, f. & cert. ef. 1-26-90; EB 25-1991(Temp), f. & cert. ef. 11-29-91; EB 16-1992, f. & cert. ef. 5-13-92; EB 9-1993, f. & cert. ef. 3-25-93; EB 18-1994, f. & cert. ef. 12-15-94; EB 22-1995, f. & cert. ef. 9-15-95; ODE 10-2000, f. & cert. ef. 5-3-00; ODE 2-2003, f. & cert. ef. 3-10-03; Renumbered from 581-015-0005, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08; ODE 13-2009, f. & cert. ef. 12-10-09; ODE 12-2011, f. & cert. ef. 10-31-11

581-015-2155

Intellectual disability

(1) If a child is suspected of having an intellectual disability, the following evaluation must be conducted:

(a) Intelligence test. An individually administered standardized intelligence test meeting the reliability and validity standards of the American Psychological Association and administered by a licensed school psychologist, a psychologist licensed by the State Board of Psychological Examiners, or other individual assigned by a school district who has the training and experience to administer and interpret individually administered intelligence tests;

(b) Adaptive behavior scale. The administration of a valid adaptive behavior scale;

(c) Medical or health assessment statement. A medical statement or a health assessment statement indicating whether there are any sensory or physical factors that may be affecting the child's educational performance;

(d) Developmental history. A developmental history of the child;

(e) Other:

(A) Any additional assessments necessary to determine the impact of the suspected disability:

(i) On the child's educational performance for a school-age child; or

(ii) On the child's developmental progress for a preschool child; and

(B) Any additional evaluations or assessments necessary to identify the child's educational needs.

(2) To be eligible as a child with an intellectual disability, the child must meet all of the following minimum criteria:

(a) The child's intelligence test score is 2 or more standard deviations below the mean;

(b) The child has deficits in adaptive behavior coexistent with the child's impairment in intellectual functioning;

(c) The child's developmental level or educational achievement is significantly below age or grade norms; and

(d) The child's developmental or educational problems are not primarily the result of sensory disabilities or other physical factors.

(3) For a child to be eligible for special education services as a child with an intellectual disability, the eligibility team must also determine that:

(a) The child's disability has an adverse impact on the child's educational performance; and

(b) The child needs special education services as a result of the disability.

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

Stats. Implemented: ORS 343.035(1), 343.045, 343.146, 343.157, 34 CFR 300.8, 300.306
Hist.: 1EB 29-1978, f. & ef. 7-20-78; 1EB 18-1983(Temp), f. & ef. 12-20-83; 1EB 7-1986, f. & ef. 2-24-86; EB 25-1991(Temp), f. & cert. ef. 11-29-91; EB 16-1992, f. & cert. ef. 5-13-92; EB 22-1995, f. & cert. ef. 9-15-95; ODE 11-2000, f. 5-3-00, cert. ef. 7-1-00; ODE 8-2001, f. & cert. ef. 1-29-01; ODE 2-2003, f. & cert. ef. 3-10-03; Renumbered from 581-015-0051(6), ODE 10-2007, f. & cert. ef. 4-25-07; ODE 12-2011, f. & cert. ef. 10-31-11

ADMINISTRATIVE RULES

581-015-2170

Specific Learning Disability

(1) If a child is suspected of having a specific learning disability, the following evaluation must be conducted:

(a) Academic assessment. An assessment of the child's academic achievement toward Oregon grade-level standards;

(b) Review. A review of cumulative records, previous IEPs or IFSPs and teacher collected work samples;

(c) Observation. An observation of the child in the child's learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty, which must consist of:

(A) Information from an observation by a qualified professional in routine classroom instruction and monitoring of the child's performance before the child was referred for an evaluation; or

(B) An observation conducted by a qualified professional (who is a member of the evaluation team) of the child's academic performance in a regular classroom after the child has been referred for an evaluation and parent consent obtained; or

(C) For a child who is less than school age or out of school, an observation in an age-appropriate environment.

(d) Progress monitoring data, including:

(A) Data that demonstrate that before, or as part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and

(B) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress that is directly linked to instruction.

(e) For a student evaluated using a response to intervention model as part of a comprehensive evaluation process to determine if the child has a specific learning disability, the evaluation must include documentation of:

(A) The type, intensity, and duration of scientific, research-based instructional intervention(s) provided in accordance with the district's response to intervention model;

(B) The student's rate of progress during the instructional intervention(s);

(C) A comparison of the student's rate of progress to expected rates of progress.

(D) Progress monitoring on a schedule that:

(i) Allows a comparison of the student's progress to the performance of peers;

(ii) Is appropriate to the student's age and grade placement;

(iii) Is appropriate to the content monitored; and

(iv) Allows for interpretation of the effectiveness of intervention.

(f) For a student evaluated using a model that is based on the student's strengths and weaknesses, the evaluation must include an assessment of the student's strengths and weaknesses in classroom performance and academic achievement, relative to age, Oregon grade-level standards, or intellectual development.

(g) Other:

(A) If needed, a developmental history;

(B) If needed, an assessment of cognition, fine motor, perceptual motor, communication, social or emotional, and perception or memory if the child exhibits impairment in one or more these areas;

(C) If needed, a medical statement or health assessment indicating whether there are any physical factors that may be affecting the child's educational performance; and

(D) Any other assessments required to determine the impact of the suspected disability:

(i) On the child's educational performance for a school-age child; or

(ii) On the child's developmental progress for a preschool child.

(2) For consideration of eligibility in the area of specific learning disabilities, the eligibility team must include:

(a) A group of qualified professionals and the parent;

(b) The child's regular classroom teacher or, if the child does not have a regular classroom teacher, a regular classroom teacher qualified to teach a child of his or her age, or, for a child of less than school age, a preschool teacher; and

(c) A person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or other qualified professional.

(3) To be eligible as a child with a specific learning disability, the child must meet the following minimum criteria:

(a) The child does not achieve adequately for the child's age or to meet Oregon grade-level standards in one or more of the following areas

when provided with learning experiences and instruction appropriate for the child's age or Oregon grade-level standards:

(A) Basic reading skills;

(B) Reading fluency skills;

(C) Reading comprehension;

(D) Mathematics calculation;

(E) Mathematics problem-solving;

(F) Written Expression;

(G) Oral expression; or

(H) Listening comprehension.

(b) For a student evaluated using a response to intervention model, in relation to one or more of the areas in subsection (3)(a), the student does not make sufficient progress to meet age or Oregon grade-level standards based on the student's response to scientific, research-based intervention.

(c) For a student evaluated using a model that is based on the student's strengths and weaknesses, in relation to one or more of the areas in subsection (3)(a), the student exhibits a pattern of strengths and weaknesses in classroom performance, academic achievement, or both, relative to age, Oregon grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability.

(d) The child's rate of progress in subsection (3)(b) or pattern of strengths and weaknesses in subsection (3)(c) is not primarily the result of:

(A) A visual, hearing, or motor impairment; intellectual disability or emotional disturbance;

(B) Cultural factors;

(C) Environmental or economic disadvantage; or

(D) Limited English proficiency.

(4) For a child to be eligible for special education services as a child with a specific learning disability, the eligibility team must also determine that:

(a) The child's disability has an adverse impact on the child's educational performance; and

(b) The child needs special education services as a result of the disability.

(5) The eligibility team must prepare an evaluation report and written statement of eligibility documenting its findings, including:

(a) The evaluation data considered in determining the child's eligibility;

(b) A determination of whether the child meets the minimum criteria for a specific learning disability;

(c) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;

(d) The educationally relevant medical findings, if any;

(e) If the child participated in a response to intervention process, documentation that the parents were notified in a timely manner about: the state's policies regarding the amount and nature of student performance data that would be collected, and the general education services that would be provided, as part of the response to intervention process; strategies for increasing the child's rate of learning; and the parent's right to request an evaluation.

(f) The determination of the team concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level; and

(g) A determination of whether the primary basis for the suspected disability is:

(A) A lack of appropriate instruction in reading or math; or

(B) Limited English proficiency;

(h) A determination of whether the child's disability has an adverse impact on the child's educational performance;

(i) A determination of whether, as a result of the disability, the child needs special education services; and

(j) The signature of each member of the team indicating agreement or disagreement with the eligibility determination.

Stat. Auth.: ORS 343.035(1), 343.045, 343.146, 343.157, 34 CFR 300.8, 300.306
Stats. Implemented: ORS 343.035(1), 343.045, 343.146, 343.157, 34 CFR 300.8, 300.306
Hist.: 1EB 29-1978, f. & ef. 7-20-78; 1EB 18-1983(Temp), f. & ef. 12-20-83; 1EB 7-1986, f. & ef. 2-24-86; EB 25-1991(Temp), f. & cert. ef. 11-29-91; EB 16-1992, f. & cert. ef. 5-13-92; EB 22-1995, f. & cert. ef. 9-15-95; ODE 11-2000, f. 5-3-00, cert. ef. 7-1-00; ODE 8-2001, f. & cert. ef. 1-29-01; ODE 2-2003, f. & cert. ef. 3-10-03; Renumbered from 581-015-0051(9), ODE 10-2007, f. & cert. ef. 4-25-07; ODE 12-2011, f. & cert. ef. 10-31-11

581-015-2390

Definitions for Hearings Under Section 504 of the Rehabilitation Act

The following definitions apply to OAR 581-015-2395:

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(1) "Student with a disability under Section 504" means any student who has a physical or mental impairment that substantially limits one or more major life activities.

(2) As used in section (1) of this rule:

(a) "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; endocrine; any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(b) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working;

(3) "Qualified student with a disability under Section 504" means a student with a disability under Section 504 who is:

(a) Of an age during which persons without a disability are provided educational services;

(b) Of any age during which it is mandatory under state law to provide such services to students with disabilities; or

(c) To whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act.

(4) "School District" means a school district as defined in ORS 343.153.

Stat. Auth.: ORS 326 & 323.055

Stats. Implemented: ORS 343.041

Hist.: EB 7-1987(Temp), f. & ef. 5-11-87; EB 24-1988, f. & cert. ef. 5-24-88; ODE 6-2003, f. 4-29-03, cert. ef. 4-30-03; Renumbered from 581-015-0108, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08; ODE 12-2011, f. & cert. ef. 10-31-11

581-016-0536

Procedures for Referral and Placement

(1) The resident school district or the regional program shall contact the director of OSD to request a multidisciplinary team meeting to determine placement.

(2) The director or designee of OSD shall send the placement procedure packet to the district contact person and set a mutually agreed upon date, place and time for a meeting to determine placement.

(3) The district contact person shall obtain parent consent to send the following records to OSD and shall send the records for review to the director of OSD at least three working days prior to the multidisciplinary team meeting:

(a) The current audiological report (OSD);

(b) The current and previous medical, behavior, psychological, health immunization, and educational records, including previous IEPs, multidisciplinary team decisions and eligibility statements;

(c) The current statement of eligibility;

(d) The current IEP; and

(e) The signed parent consent for release of information.

(4) If the student is eligible for special education as a child with an intellectual or developmental disability, the resident school district shall contact the local mental health program case manager, who, in consultation with a Children's Services Division caseworker, shall review the IEP to determine if the student has need for residential care as part of the education program:

(a) If the student needs residential care or other support services as part of the education program, but community resources are not available as documented by the local community mental health program case manager, the resident school district shall proceed with the placement process;

(b) In cases where the student does not need residential care as a part of the education program, but needs other educational services provided by OSD, the resident school district shall proceed with the placement process.

(5) The resident school district is responsible for conducting the multidisciplinary team meeting to determine the student's placement.

(6) Participants in the placement meeting shall include persons knowledgeable about the student, the meaning of the evaluation data and placement options. The multidisciplinary team shall consist of:

(a) The student's parent(s), guardian, or surrogate if the student is under age 18 or has a court-appointed guardian, or alternatively the student, if the student is over age 18 and does not have a court-appointed guardian;

(b) The student, when appropriate;

(c) The resident school district representative;

(d) The regional program representative who is knowledgeable about the student's disability;

(e) The director or designee from OSD who has knowledge about services that can be provided by the special school and has the authority to commit resources for services;

(f) The local mental health case manager for students eligible for intellectual or developmental disability services;

(g) Other representatives from the student's local placement; and

(h) Other persons with pertinent information about the student.

(7) The multidisciplinary placement team shall designate a member to complete the placement form.

(8) When determining placement, the multidisciplinary team shall:

(a) Base its decision on the student's current IEP;

(b) Consider documented information from a variety of sources;

(c) Address the variety of educational programs and services available to students without disabilities;

(d) Review opportunities to participate in nonacademic and extracurricular services and activities with students without disabilities;

(e) Consider any potential harmful effects on the student or on the quality of services provided to the student;

(f) Consider the following factors:

(A) The services needed to implement the IEP which may include, but are not limited to, areas such as academics; self-help, social, interpersonal, independent living; vocational training; and language development;

(B) A learning environment in which there is ample opportunity for the student to have meaningful communication with other students and teachers and exposure to cultural factors related to the student's disability;

(C) The student's need for direct instruction in an alternative communication system; and

(D) The extent of curriculum and instructional adaptations needed.

(g) Determine whether the student needs additional services and specialized educational resources available at OSD that are not available at the local placement options;

(h) Consider the impact on the student regarding the length of daily transportation for each placement option considered;

(i) Compare the instructional time available at local placement options to implement the student's IEP with the instructional time available at OSD; and

(j) Document the placement options considered and the rationale for rejection or acceptance.

(9) Within 14 calendar days of the multidisciplinary team meeting, the resident school district shall submit the following documents to the Assistant Superintendent for the Office of Student Learning and Partnerships, Oregon Department of Education:

(a) The eligibility statement;

(b) The placement meeting notes;

(c) The parental consent for release of information;

(d) A letter of placement recommendation from the regional program and the resident school district; and

(e) A written statement from the local community mental health program case manager regarding the availability of local residential services, when appropriate.

(10) The Assistant Superintendent for the Oregon Department of Education's Office of Student Learning and Partnerships shall send written notification of the multidisciplinary team's placement decision to the parent(s), guardian or surrogate, the resident school district, the regional program, and OSD. Placement shall begin after written notification is received by the parent(s) and the resident school district.

(11) Prior to the student's enrollment at OSD, the school shall review the student's file to insure that the documents identified in section (3) of this rule have been received.

Stat. Auth.: ORS 346

Stats. Implemented: ORS 346.015

Hist.: 1EB 24-1986, f. & ef. 7-11-86; EB 36-1990, f. & cert. ef. 7-10-90; EB 2-1994, f. & cert. ef. 4-29-94; ODE 12-2009, f. & cert. ef. 12-10-09; ODE 12-2011, f. & cert. ef. 10-31-11

581-016-0740

Special Provisions

The Oregon School for the Deaf shall provide instruction which is uniquely designed for the hearing impaired and for accompanying handicaps such as vision impairment, autism, intellectual disability, orthopedic impairment, learning disability, emotional disturbance, and other health impairments; and for special abilities (i.e., talented and gifted).

Stat. Auth.: ORS 343 & 346

Stats. Implemented: ORS 346.010

Hist.: EB 31-1989, f. & cert. ef. 11-2-89; ODE 12-2011, f. & cert. ef. 10-31-11

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581-019-0005

Definitions

The following definitions apply to Oregon Administrative rules 581-019-0010 through 581-019-0035.

(1) "Advisory Committee" means the Oregon Department of Education advisory committee for the prekindergarten program and the parent education program established by Chapter 684, Oregon Laws 1987.

(2) "Applicant" means a public or private nonsectarian organization which applies for prekindergarten funds.

(3) "Approved Prekindergarten Programs" means those programs which are recognized by the Department as meeting the minimum program rules to be adopted by the State Board of Education.

(4) "At-Risk" means a child at least three years of age and not eligible for kindergarten whose family circumstances would qualify that child for eligibility under the federal Head Start Program.

(5) "Children with Disabilities" means children who are of the age served by the prekindergarten program of their residence and who require special education in order to obtain the education of which they are capable, because of mental, physical, emotional, or learning problems. These groups include but are not limited to those categories that have traditionally been designated: intellectually disabled, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired children.

(6) "Contractor" means an applicant which has been awarded state funds under the prekindergarten program, and which has entered into a contract with the Department of Education to provide a prekindergarten program. Contractors may be local public or private organizations which are nonsectarian in their delivery of services.

(7) "Department" means the Department of Education.

(8) "Eligible Child" means an at-risk child who is not a participant in a federal, state, or local program providing like comprehensive services and may include children who are eligible under rules adopted by the State Board of Education.

(9) "Family" means all persons living in the same household who are:

(a) Supported by the income of the parent(s), caretaker(s) or guardian(s) of the child enrolling in the prekindergarten program; and

(b) Related to the parent(s), caretaker(s) or guardian(s) by blood, marriage, or adoption.

(10) "Nonsectarian" means that no aspect of prekindergarten services will include any religious orientation.

(11) "Prekindergarten" means those programs which provide comprehensive health, education, and social services in order to maximize the potential of three- and four-year-old children. The "State Prekindergarten Programs" means the statewide administrative activities carried out within the Department of Education to allocate, award, and monitor state funds appropriated to create or assist local prekindergarten programs.

Stat. Auth.: ORS 684

Stats. Implemented: ORS 329.175 & 329.195

Hist.: EB 10-1988, f. & cert. ef. 2-24-88; ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08; ODE 12-2011, f. & cert. ef. 10-31-11

581-023-0100

Eligibility Criteria for Student Weighting for Purposes of State School Fund Distribution

(1) The following definitions apply to this rule:

(a) "Average Daily Membership" or "ADM" means the membership defined in ORS 327.006(3) and OAR 581-023-0006;

(b) "Days in Session" means number of days of instruction during which students are under the guidance and direction of teachers;

(c) "Department" means the Oregon Department of Education;

(d) "Language Minority Student" means:

(A) Individuals whose native language is not English; or

(B) Individuals who come from environments where a language other than English is dominant; or

(C) Individuals who are Native Americans or Native Alaskans and who come from environments where a language other than English has had a significant impact on their level of English proficiency.

(e) "Superintendent" means the State Superintendent of Public Instruction;

(f) "Weighted Average Daily Membership" or "ADMw" means the ADM plus an additional amount or weight as described in ORS 327.013.

(2) Pursuant to ORS 327.013(7)(a)(A) the resident school districts shall receive one additional ADM or "weight" for children with disabilities who comprise up to 11 percent of the district's ADM. The Department will calculate the percentage of children with disabilities on the basis of resident

counts of students eligible for weighting from the Special Education Child Count and the resident ADM:

(a) To be eligible, a student must be in the ADM of the school district and meet the following criteria:

(A) The student must be eligible for special education having been evaluated as having one of the following conditions: Intellectual disability, hearing impairment including difficulty in hearing and deafness, speech or language impairment, visual impairment, serious emotional disturbance, orthopedic or other health impairment, autism, traumatic brain injury or specific learning disabilities; and

(B) The student must be between the ages 5 and 21 and generate federal funding for purposes of special education.

(b) Districts may apply for an exception to the 11 percent ceiling. Applications are to be made on forms provided by the Department. Upon receipt of the application the Superintendent may conduct a complete review of a district's special education records. The Superintendent shall develop a process for conducting such reviews which will include the following elements:

(A) Comparison of district claims with those submitted by other districts;

(B) Participation of school district and education service district staff in the review. No district staff shall be asked to review claims submitted by the employing district.

(c) After considering the recommendations of the review committee the Superintendent may allow all or a portion of the requested added weighted ADM over 11 percent;

(d) The Superintendent shall make the determination of approval for funding above the 11 percent limitation. Such determination may be appealed for review by the State Board of Education according to a process established by the Superintendent;

(e) If the review indicates that a district has claimed ineligible special education students, the Superintendent also shall withhold the related federal funds from the district, pursuant to OAR 581-015-2020;

(f) A district must submit an application for an exception to the 11 percent ceiling no later than six months after the close of the year for which payment is being sought. Payments for allowable exceptions shall be made in the following school year as part of the May 15 payment.

(3) Pursuant to ORS 336.640(4), the resident school districts shall receive an additional 1.0 times the ADM of all eligible pregnant and parenting students:

(a) To be eligible, a student must be in the ADM of the resident school district and meet the following criteria:

(A) The student must be identified through systematic procedures established by the district;

(B) The student must be enrolled and receiving services described in ORS 336.640(1)(b) and (d);

(C) The student must have an individualized written plan for such services which identifies the specific services, their providers, and funding resources.

(b) Students counted in section (2) of this rule are not eligible under this section.

(4) Pursuant to ORS 327.013(7)(a)(B), the resident school districts shall receive an additional .5 times the ADM of all eligible students enrolled in an English as a Second Language program. To be eligible, a student must be in the ADM of the school district in grades K through 12 and be a language minority student attending English as a Second Language (ESL) classes in a program which meets basic U.S. Department of Education, Office of Civil Rights guidelines. These guidelines provide for:

(a) Educational Theory and Approach that describes the district's educational approach (e.g., ESL, transitional bilingual education, structured English immersion, dual language, etc.) for educating English Language Learner (ELL) students that is recognized as a sound approach by experts in the field, or recognized as a legitimate educational strategy to ensure that ELL students acquire English language proficiency and are provided meaningful access to the educational program.

(b) A systematic procedure for identifying students who may need ESL classes, and for assessing their language acquisition and academic needs;

(c) A planned program for ESL and academic development, using instructional methodologies recognized as effective with language minority students;

(d) Instruction by credentialed staff and trained in instructional strategies that are effective with second language learners and language minority students, or by tutors supervised by credentialed staff trained in

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instructional strategies that are effective with second language learners and language minority students;

(e) Adequate equipment and instructional materials;

(f) Evaluation of program effectiveness in preparing ESL students for academic success in the mainstream curriculum.

(g) Process for transition from ELL Services that include procedures and criteria for determining when students no longer need those services. The criteria shall include:

(A) Achieving at the Advanced level on the State's English Language Proficiency Assessment (ELPA).

(B) The Advanced level is a culmination of progress demonstrated on the same state proficiency measure over a legitimate period of time.

(5) Students served in the following programs are not eligible for weighting:

(a) Programs funded fully by state funds, programs funded fully by federal funds, and programs funded fully by a combination of state and federal funds;

(b) Private and parochial schools unless placed by the resident district in a registered private alternative program or state approved special education program;

(c) Instruction by a private tutor or parent under ORS 339.035.

(6) No later than January 15 of each year, the designated official for a school district shall submit to the Department a report of students eligible under sections (3) and (4) of this rule. The report shall include the following data for the period October 1 through December 31:

(a) Total days in session for the quarter ending December 31 for the school or program reporting;

(b) Total days membership for the quarter ending December 31 for all students served in eligible programs.

(7) Not later than July 10 of each year, the designated official for a school district shall submit to the Department a final report of students eligible under sections (3) and (4) of this rule. The report shall include the following:

(a) Total days in session during the regular school year for the school or program reporting;

(b) Name of each student;

(c) Total days membership beginning with the first day of instruction for each student and ending with the date of withdrawal from the eligible program or the end of the regular school year, whichever comes first;

(d) Grade level of the student.

(8) School districts must retain supporting documentation for a minimum of two years.

(9) The Department shall perform periodic reviews of the eligibility of students reported for additional weighting. Any funds provided for ineligible students shall be recovered by the Department for redistribution to school districts.

Stat. Auth.: ORS 327.013 & 327.125

Stats. Implemented: ORS 327.013 & 327.125

Hist.: EB 31-1992, f. & cert. ef. 10-14-92; EB 6-1994, f. & cert. ef. 4-29-94; ODE 20-2008, f. & cert. ef. 6-27-08; ODE 12-2011, f. & cert. ef. 10-31-11

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

Adm. Order No.: ODE 13-2011

Filed with Sec. of State: 10-31-2011

Certified to be Effective: 10-31-11

Notice Publication Date: 9-1-2011

Rules Amended: 581-015-2145

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

The 2004 Amendments to the IDEA, effective July 2005, and corresponding regulations, effective October 2006, required changes to state regulations. Regulations were updated to reflect more current language, and some regulations have been amended for clarity or to align more closely with the federal statutes and regulations. The enormous task to make changes in state regulations included amendments to rules in all sections, including: definitions, general supervision, free appropriate public education, child find, consent, evaluation and eligibility, parent participation, IEP, placement and least restrictive

environment, children in public schools placed by a private agency, procedural safeguards, Section 504 hearings, discipline for children with disabilities, children in private schools enrolled by their parents, use of public or private insurance, regional programs, special programs, and early intervention/early childhood special education.

Rules Coordinator: Diane Roth—(503) 947-5791

581-015-2145

Emotional Disturbance Eligibility Criteria

(1) If a child is suspected of having an emotional disturbance, the following evaluation must be conducted:

(a) Social-emotional evaluation. An evaluation of the child's emotional and behavioral status, including a developmental or social history, when appropriate.

(b) Medical or health assessment statement. A medical statement or a health assessment statement indicating whether there are any physical factors that may be affecting the child's educational performance;

(c) Behavior rating scales. The completion of at least two behavior-rating scales, at least one of which is a standardized behavior measurement instrument;

(d) Observation. An observation in the classroom and in at least one other setting by someone other than the child's regular teacher;

(e) Other:

(A) Any additional assessments necessary to determine the impact of the suspected disability;

(i) On the child's educational performance for a school-age child; or

(ii) On the child's developmental progress for a preschool child; and

(B) Any additional evaluations or assessments necessary to identify the child's educational needs.

(2)(a) To be eligible as a child with an emotional disturbance, the child must meet the following minimum criteria:

(b) The child exhibits one or more of the following characteristics over a long period of time and to a marked degree:

(A) An inability to learn that cannot be explained by intellectual, sensory, or health factors;

(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(C) Inappropriate types of behavior or feelings under normal circumstances;

(D) A general pervasive mood of unhappiness or depression; or

(E) A tendency to develop physical symptoms, or fears associated with personal, or school problems.

(3) For a child to be eligible for special education services as a child with an emotional disturbance, the eligibility team must also determine that:

(a) The child's disability has an adverse impact on the child's educational performance; and

(b) The child needs special education services as a result of the disability;

(4) A child who is socially maladjusted may not be identified as having an emotional disturbance unless the child also meets the minimum criteria under this rule.

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

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

Hist.: 1EB 29-1978, f. & ef. 7-20-78; 1EB 18-1983(Temp), f. & ef. 12-20-83; 1EB 7-1986, f. & ef. 2-24-86; EB 25-1991(Temp), f. & cert. ef. 11-29-91; EB 16-1992, f. & cert. ef. 5-13-92; EB 22-1995, f. & cert. ef. 9-15-95; ODE 11-2000, f. 5-3-00, cert. ef. 7-1-00; ODE 8-2001, f. & cert. ef. 1-29-01; ODE 2-2003, f. & cert. ef. 3-10-03; Renumbered from 581-015-0051(4), ODE 10-2007, f. & cert. ef. 4-25-07; ODE 13-2011, f. & cert. ef. 10-31-11

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Rule Caption: Career and Technical Education Revitalization Grant Program — enactment of HB 3362 (2011).

Adm. Order No.: ODE 14-2011(Temp)

Filed with Sec. of State: 10-31-2011

Certified to be Effective: 10-31-11 thru 4-28-12

Notice Publication Date:

Rules Adopted: 581-044-0210, 581-044-0220, 581-044-0230, 581-044-0240, 581-044-0250, 581-044-0260

Subject: The CTE Revitalization Grant was created and funded during the 2011 Regular Session of the Oregon Legislature as part of HB 3362. The legislation requires that the Oregon Department of Education (ODE) administer the grant program in collaboration with the Bureau of Labor and Industries (BOLI). Funds in the amount of \$2,000,000.00 were allocated for the 2011-2013 biennium. The funds

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are designated for competitive grants to public schools, school districts, education service districts, charter schools, or any combination of those institutions. The purpose of the grant is to:

(1) Develop or enhance career and technical education programs of study.

(2) Expand professional growth of and career opportunities for students through CTE programs.

(3) Assess the ability of CTE programs to meet workforce needs and give students skills required for jobs in Oregon that provide high wages and are in high demand.

(4) Support the achievement of the high school diploma requirements.

Rules Coordinator: Diane Roth—(503) 947-5791

581-044-0210

Definitions

The following definitions apply to OAR 581-044-0210 to 581-044-0260.

(1) “Diverse number of students” refers to a range of school sizes based on student enrollment.

(2) “High demand”, as defined by the Oregon Employment Department, means having more than the median number of total (growth plus replacement) openings for statewide or a particular region.

(3) “High wage”, as defined by the Oregon Employment Department, is a wage that is more than the all-industry, all-ownership median wage for statewide or a particular region.

(4) “Metropolitan County” is a county classified as Metropolitan by the U.S. Office of Management and Budget (OMB).

(5) “Reasonable geographic distribution” means that at least one-third of the funded proposals shall serve schools within a Metropolitan County, and at least one-third shall serve schools outside of a Metropolitan County.

(6) “The Act” refers to section 7, chapter 683, Oregon Laws 2011 (Enrolled House Bill 3362).1

Stat. Auth.: 2011 OL Ch. 683 Sec. 7

Stats. Implemented: 2011 OL Ch. 683 Sec. 7

Hist.: ODE 14-2011(Temp), f. & cert. ef. 10-31-11 thru 4-28-12

581-044-0220

Policy

A Career and Technical Education Revitalization Grant Program has been established to encourage the following:

(1) Enhance collaboration between education providers and employers.

(2) Develop or enhance career and technical education programs of study.

(3) Expand the professional growth of and career opportunities for students through career and technical education programs.

(4) Assess the ability of each career and technical education program to meet workforce needs and give students the skills required for jobs in Oregon that provide high wages and are in high demand.

(5) Support the achievement of the Oregon high school diploma requirements.

(6) Support programs of study that are part of a continuum across the educational enterprise.

Stat. Auth.: 2011 OL Ch. 683 Sec. 7

Stats. Implemented: 2011 OL Ch. 683 Sec. 7

Hist.: ODE 14-2011(Temp), f. & cert. ef. 10-31-11 thru 4-28-12

581-044-0230

Eligibility

(1) The following shall be the eligible applicant(s) for the Career and Technical Education Revitalization Grant Program:

- (a) School districts;
- (b) Education service districts;
- (c) Public schools; and
- (d) Public charter schools.

(2) A single grant proposal may include more than one eligible applicant and other partners, but the fiscal agent must be one of the eligible applicants identified in subsection (1) of this rule.

Stat. Auth.: 2011 OL Ch. 683 Sec. 7

Stats. Implemented: 2011 OL Ch. 683 Sec. 7

Hist.: ODE 14-2011(Temp), f. & cert. ef. 10-31-11 thru 4-28-12

581-044-0240

Criteria for Grant Awards

(1) The Oregon Department of Education shall establish a request for proposal solicitation and approval process to be conducted each biennium

for which Career and Technical Education Revitalization Grant funds are available. The Department shall notify eligible applicants of the proposal process and due dates, and make available necessary guidelines and application forms.

(2) All proposals must comply with requirements of the Act. Grants shall be awarded based on the following generally applicable criteria:

(a) The program shall focus on development and/or enhancement of a program of study in career and technical education;

(b) The program supports Oregon high school diploma requirements;

(c) There is a clear connection between the proposal and the workforce for the program of study based on high wages and high demand;

(d) The program shall serve to increase enrollment in programs of study which provide skills for employment in high-demand careers leading to high wages;

(e) The program demonstrates potential to teach a higher-level of academic and technical skills to all students, thereby increasing the knowledge and improving the skills of Oregon’s workforce, and meeting established or developing industry standards;

(f) The business industry and/or labor communities are actively involved in program development and implementation in a manner that strengthens the development and continued viability of the program of study;

(g) There is evidence that the program of study implemented or improved shall be sustained beyond the life of the grant;

(h) There are provisions for follow up of students/staff, evaluation of program results, and reporting of program results.

(3) Priority shall be given to proposals that meet the minimum criteria and:

(a) Support new or expanded CTE programs;

(b) Demonstrate long-term viability;

(c) Demonstrate commitments from business, industry, labor or education providers to enhance collaboration;

(d) Demonstrate a diverse number of students served;

(e) Contribute to a reasonable geographic distribution of grant monies; and

(f) Create regional collaborations between partners which may include multiple public schools or other partners in a region.

Stat. Auth.: 2011 OL Ch. 683 Sec. 7

Stats. Implemented: 2011 OL Ch. 683 Sec. 7

Hist.: ODE 14-2011(Temp), f. & cert. ef. 10-31-11 thru 4-28-12

581-044-0250

Proposal Review Committee

(1) The Oregon Department of Education and the Bureau of Labor and Industries shall jointly convene a Proposal Review Committee to review grant applications and recommend determinations on those applications.

(2) The Proposal Review Committee shall have representatives from business, industry, labor, and education providers. The Department and Bureau shall seek recommendations for membership on the committee from:

(a) Organizations who represent business, industry and labor; and

(b) Education providers including but not limited to the Department of Community Colleges and Workforce Development, community colleges, school districts and other public and private education providers.

(3) A member of the Proposal Review Committee may not review a grant for which they have a declared conflict of interest.

(4) The Proposal Review Committee shall receive training on the purpose of the Career and Technical Education Revitalization Grant program and RFP scoring procedures prior to scoring any proposals.

Stat. Auth.: 2011 OL Ch. 683 Sec. 7

Stats. Implemented: 2011 OL Ch. 683 Sec. 7

Hist.: ODE 14-2011(Temp), f. & cert. ef. 10-31-11 thru 4-28-12

581-044-0260

Method of Awarding Competitive Grants

(1) Funding awards for Career and Technical Education Revitalization projects shall be approved by the Oregon Department of Education designated project manager, fiscal manager, and the Superintendent of Public Instruction.

(2) The Oregon Department of Education shall design a Request for Proposal (RFP) and scoring sheets that reflect requirements of state law and criteria stated in OAR 581-044-0240.

(3) Mailing requirements and deadlines shall be included in the RFP.

(4) Each proposal shall be scored by a minimum of two reviewers who are members of the Proposal Review Committee. Where possible each

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proposal shall be scored by at least one reviewer representing business, industry, or labor and one reviewer representing education providers.

(5) The Proposal Review Committee shall make recommendations for funding based on the review of proposals and the intent of the Act.

(6) In the event that there are insufficient proposals that meet the requirements of the Act and ensure a reasonable geographic distribution, the Proposal Review Committee may recommend an alternative approach to determining reasonable geographic distribution.

(7) The Oregon Department of Education shall notify both successful and unsuccessful applicants. Both successful and unsuccessful applicants shall be allowed access to a summary of comments and suggestions related to their proposals.

(8) Applicants shall have one week from the date of the notification letter to appeal the funding decision related to their application to the Superintendent of Public Instruction. Decisions made by the Superintendent are final.

(9) Grant recipients may request minor changes in funded proposals from the Department of Education. Requests for changes and approved changes shall be kept as part of the grant file.

Stat. Auth.: 2011 OL Ch. 683 Sec. 7

Stats. Implemented: 2011 OL Ch. 683 Sec. 7

Hist.: ODE 14-2011(Temp), f. & cert. ef. 10-31-11 thru 4-28-12

Oregon Health Authority
Chapter 943

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

Adm. Order No.: OHA 23-2011

Filed with Sec. of State: 10-31-2011

Certified to be Effective: 11-1-11

Notice Publication Date: 10-1-2011

Rules Adopted: 943-001-0009

Rules Repealed: 943-001-0009(T)

Subject: 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—(503) 932-9663

943-001-0009

Lay Representation in Contested Case Hearings

(1) Contested case hearings are conducted in accordance with the Attorney General's model rules at OAR 137-003-0501 to 0700. Subject to the approval of the Attorney General, an officer or employee of the Oregon Health Authority (Authority) is authorized to appear on behalf of the agency in the following types of hearings conducted by the Authority:

(a) Eligibility and termination determinations related to medical assistance coverage.

(b) Suspension, reduction, or denial of medical assistance services, prior authorization, or medical management decisions.

(c) Enrollment or disenrollment decisions related to managed care plans.

(d) Eligibility for or termination of health insurance premium assistance, or determination of subsidy levels.

(e) Provider issues including provider enrollment or denial of enrollment, overpayment determinations, audits, and sanctions.

(f) Other administrative actions including criminal background checks, hardship waivers related to medical assistance, client overpayments related to medical assistance.

(g) Oregon State Hospital's involuntary administration of a significant procedure to a patient or resident.

(2) The agency representative may not make legal argument on behalf of the agency.

(a) "Legal argument" includes arguments on:

(A) The jurisdiction of the agency to hear the contested case;

(B) The constitutionality of a statute or rule or the application of a constitutional requirement to an agency; and

(C) The application of court precedent to the facts of the particular contested case proceeding.

(b) "Legal argument" does not include presentation of motions, evidence, examination and cross-examination of witnesses or presentation of factual arguments or arguments on:

(A) The application of the statutes or rules to the facts in the contested case;

(B) Comparison of prior actions of the agency in handling similar situations;

(C) The literal meaning of the statutes or rules directly applicable to the issues in the contested case;

(D) The admissibility of evidence;

(E) The correctness of procedures being followed in the contested case hearing.

(3) When an agency officer or employee appears on behalf of the Authority, the administrative law judge shall advise the representative of the manner in which objections may be made and matters preserved for appeal. Such advice is of a procedural nature and does not change applicable law on waiver or the duty to make timely objection. Where such objections involve legal argument, the administrative law judge provide reasonable opportunity for the agency officer or employee to consult legal counsel and permit the Authority's legal counsel to file written legal argument within a reasonable time after the conclusion of the hearing.

Stat. Auth.: ORS 413.042

Stats Implemented: ORS 183.452

Hist.: OHA 2-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 23-2011, f. 10-31-11, cert. ef. 11-1-11

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

Adm. Order No.: OHA 24-2011

Filed with Sec. of State: 10-31-2011

Certified to be Effective: 11-1-11

Notice Publication Date: 10-1-2011

Rules Adopted: 943-001-0020

Rules Repealed: 943-001-0020(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. The Authority is adopting 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—(503) 932-9663

943-001-0020

Oregon Health Authority Shared Service and Cooperative Relationships with Department of Human Services

(1) The Oregon Health Authority (Authority) will cooperate and collaborate with the Department of Human Services (Department) in order to effectively coordinate services to individuals, families and communities and realize operational efficiencies in the administration of services that are shared between them ("shared services").

(2) For all the programs, functions, and duties with respect to health or health care (generally described in Oregon Laws 2009, chapter 595, section 19(1)(a)), transferred to the Authority from the Department ("transferred program") or for shared services, the Authority declares that:

(a) All transferred program rules shall remain in effect until superseded by adoption of Authority rules or adoption of rules by the Authority coordinating shared services with the Department.

(b) All transferred program administration, policies, and procedures remain in effect pending the completion of review and adoption by the Authority or adoption of such policies and procedures related to coordination of shared services with the Department.

(c) Any judicial or administrative action, proceeding, contested case hearing, or administrative review matters, or new action, proceeding, or

ADMINISTRATIVE RULES

matter involving or relating to the duties or powers transferred to the Authority are the responsibility of the Authority.

(d) Rights and obligations legally incurred under transferred program contracts, leases, and business transactions remain legally valid and are the responsibility of the Authority.

(e) Statutorily required filings, notices or service of papers, applications, notices or other documents to be mailed, provided to, or served on the Authority shall be mailed, provided to, or served on the Authority. Any notices required by ORS 113.145, 114.525 and 130.370 to be sent to the Authority may be consolidated with similar notices to the Department and sent to the Estate Administration Unit of the Department. Any notices required by 416.530 to be sent to the Authority may be consolidated with similar notices to the Department and sent to the Personal Injury Lien Unit of the Department. Any consolidated notice shall be considered notice to the Authority as long as the Authority's interest or claim in the matter is identified in the notice consistent with requirements in applicable statute.

(f) A reference to an Administrator or Assistant Director in any transferred program rule of the Authority means the Director of the Authority's program that is covered by that chapter of the Oregon Administrative Rules or the Authority's program specified in the rule.

(3) As the state Medicaid agency for the administration of funds from Titles XIX and XXI of the Social Security Act, the Authority is charged with the administration of the medical assistance program. The Authority is responsible for facilitating outreach and enrollment efforts to connect eligible individuals with all available publicly funded health programs.

(a) The Authority and the Department recognize that there are many points of interconnection between their programs and the individuals who receive services through these programs. In addition, there are areas of natural connection between the Authority and the Department based upon the former and current structures of the Department in the administration of the medical assistance program.

(b) The Authority shall work cooperatively with the Department in the administration of the medical assistance program and to facilitate the outreach and enrollment in the program, including making determinations of eligibility and service need for medical assistance. The Authority has designated the Department as the operating agency for home and community-based waiver services and as an Organized Health Care Delivery System.

(c) The Authority and the Department are authorized by state law to delegate to each other any duties, functions and powers that they deem necessary for the efficient and effective operation of their respective functions. The Authority and the Department will work together to adopt rules to assure that medical assistance eligibility requirements, procedures, and determinations are consistent across both agencies. The Authority has authorized the Department to determine medical eligibility for medical assistance. Where that responsibility is given to the Department under ORS Chapter 411, the Department has delegated to the Authority the duties, functions, and powers to make medical eligibility determinations in accordance with OAR 410-120-0006.

(d) Where statute establishes duties and functions of the Authority or the Department in relation to medical assistance as a public assistance program, the Authority and the Department shall cooperate in the effective administration of the program.

Stat. Auth.:ORS 413.042

Statutes Implemented: ORS 413.042

Hist.: OHA 3-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 24-2011, f. 10-31-11, cert. ef. 11-1-11

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

Adm. Order No.: OHA 25-2011

Filed with Sec. of State: 10-31-2011

Certified to be Effective: 11-1-11

Notice Publication Date: 10-1-2011

Rules Adopted: 943-014-0200, 943-014-0205

Rules Repealed: 943-014-0200(T), 943-014-0205(T)

Subject: 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" OAR chapter 407 regarding disclosure of communications received as a result of mediation.

Rules Coordinator: Evonne Alderete—(503) 932-9663

943-014-0200

Confidentiality and Inadmissibility of Mediation Communications

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

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

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

(4) To the extent mediation communications would otherwise 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 involving two or more public bodies and a private party 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.

(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) The mediation communication includes information related to the health or safety of any child, then the mediation communication may be disclosed and may be admitted into evidence in a subsequent proceeding to the extent the disclosure is necessary to prevent or mitigate a threat or danger to the health or safety of any child.

(d) The mediation communication includes information relating to suffering by or commission of abuse upon certain persons and that information would otherwise be required to be reported by a public or private official under the provisions of ORS 124.060 (person 65 years of age or older), 430.765 (1) and (2) (person who is mentally ill or developmentally disabled who is 18 years of age or older and receives services from a community program or facility) or 441.640 (person who is a resident in a long-term care facility), in which case that portion of the mediation communication may be disclosed as required by statute.

(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.

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(8) Written Agreement. Section (7) of this rule does not apply to a mediation unless the parties to the mediation agree in writing, as provided in this section, that the mediation communications in the mediation will be confidential and/or nondiscoverable and inadmissible. If the mediator is the employee of and acting on behalf of a state agency, the mediator or an authorized agency representative must also sign the agreement. The parties' agreement to participate in a confidential mediation must be in substantially the following form. This form may be used separately or incorporated into an "agreement to mediate." [Form not included. See ED. NOTE.]

(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 agreement.

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

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

(A) A request for mediation; or

(B) A communication from the Employment Relations Board Conciliation Service establishing the time and place of mediation; or

(C) A final offer submitted by the parties to the mediator pursuant to ORS 243.712; or

(D) A strike notice submitted to the Employment Relations Board.

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

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

(A) Attorney-client privileged communications so long as they have been disclosed to no one other than the mediator in the course of the 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, or designee 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) 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).

(q) The mediation communication may be disclosed and may be admitted into evidence in a subsequent proceeding to the extent the disclosure is necessary to prevent or mitigate a threat or danger to the health or safety of any child or person 65 years of age or older, person who is mentally ill or developmentally disabled and receives services from a community program or facility as defined in ORS 430.735 or person who is a resident of a long-term care facility.

(10) When a mediation is subject to section (7) of this rule, the agency will provide to all parties to the mediation and the mediator a copy of this rule or a citation to the rule and an explanation of where a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

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

Stat. Authority: ORS 413.042

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

Hist.: OHA 9-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 25-2011, f. 10-31-11, cert. ef. 11-1-11

943-014-0205

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 formal grievance under a labor contract, 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.

ADMINISTRATIVE RULES

(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) The mediation communication includes information related to the health or safety of any child, then the mediation communication may be disclosed and may be admitted into evidence in a subsequent proceeding to the extent the disclosure is necessary to prevent or mitigate a threat or danger to the health or safety of any child.

(d) The mediation communication includes information relating to suffering by or commission of abuse upon certain persons and that information would otherwise be required to be reported by a public or private official under the provisions of ORS 124.060 (person 65 years of age or older), 430.765 (1) and (2) (person who is mentally ill or developmentally disabled who is 18 years of age or older and receives services from a community program or facility) or 441.640 (person who is a resident in a long-term care facility), in which case that portion of the mediation communication may be disclosed as required by statute.

(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 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) 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) The mediation communication may be disclosed and may be admitted into evidence in a subsequent proceeding to the extent the disclosure is necessary to prevent or mitigate a threat or danger to the health or safety of any child or person 65 years of age or older, person who is mentally ill or developmentally disabled and receives services from a community program or facility as defined in ORS 430.735 or person who is a resident of a long-term care facility.

(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 may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

Stat. Auth.: ORS 413.042

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

Hist.: OHA 9-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 25-2011, f. 10-31-11, cert. ef. 11-1-11

Rule Caption: Electronic Data Transmission (EDT) Rule.

Adm. Order No.: OHA 26-2011

Filed with Sec. of State: 10-31-2011

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Rules Adopted: 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
Rules Repealed: 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)

Subject: 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

ADMINISTRATIVE RULES

Portability and Accountability Act (HIPAA) transactions and codes set standards for the exchange of electronic data.

Rules Coordinator: Evonne Alderete—(503) 932-9663

943-120-0100

Definitions

The following definitions apply to OAR 943-120-0100 through 943-120-0200:

(1) “Access” means the ability or means necessary to read, write, modify, or communicate data or information or otherwise use any information system resource.

(2) “Agent” means a third party or organization that contracts with a provider, allied agency, or prepaid health plan (PHP) to perform designated services in order to facilitate a transaction or conduct other business functions on its behalf. Agents include billing agents, claims clearinghouses, vendors, billing services, service bureaus, and accounts receivable management firms. Agents may also be clinics, group practices, and facilities that submit billings on behalf of providers but the payment is made to a provider, including the following: an employer of a provider, if a provider is required as a condition of employment to turn over his fees to the employer; the facility in which the service is provided, if a provider has a contract under which the facility submits the claim; or a foundation, plan, or similar organization operating an organized health care delivery system, if a provider has a contract under which the organization submits the claim. Agents may also include electronic data transmission submitters.

(3) “Allied Agency” means local and regional allied agencies and includes local mental health authority, community mental health programs, Oregon Youth Authority, Department of Corrections, local health departments, schools, education service districts, developmental disability service programs, area agencies on aging, federally recognized American Indian tribes, and other governmental agencies or regional authorities that have a contract (including an interagency, intergovernmental, or grant agreement, or an agreement with an American Indian tribe pursuant to ORS 190.110) with the Oregon Health Authority to provide for the delivery of services to covered individuals and that request to conduct electronic data transactions in relation to the contract.

(4) “Authority” means the Oregon Health Authority.

(5) “Authority Network and Information Systems” means the Authority’s computer infrastructure that provides personal communications, confidential information, regional, wide area and local networks, and the internetworking of various types of networks on behalf of the Authority.

(6) “Clinic” means a group practice, facility, or organization that is an employer of a provider, if a provider is required as a condition of employment to turn over his fees to the employer; the facility in which the service is provided, if a provider has a contract under which the facility submits the claim; or a foundation, plan, or similar organization operating an organized health care delivery system, if a provider has a contract under which the organization submits the claim; and the group practice, facility, or organization is enrolled with the Authority, and payments are made to the group practice, facility, or organization. If the entity solely submits billings on behalf of providers and payments are made to each provider, then the entity is an agent.

(7) “Confidential Information” means information relating to covered individuals which is exchanged by and between the Authority, a provider, PHP, clinic, allied agency, or agents for various business purposes, but which is protected from disclosure to unauthorized individuals or entities by applicable state and federal statutes such as ORS 344.600, 410.150, 411.320, 418.130, or the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 and its implementing regulations. These statutes and regulations are collectively referred to as “Privacy Statutes and Regulations.”

(8) “Contract” means a specific written agreement between the Authority and a provider, PHP, clinic, or allied agency that provides or manages the provision of services, goods, or supplies to covered individuals and where the Authority and a provider, PHP, clinic, or allied agency may exchange data. A contract specifically includes, without limitation, an Authority provider enrollment agreement, fully capitated health plan managed care contract, dental care organization managed care contract, mental health organization managed care contract, chemical dependency organization managed care contract, physician care organization managed care contract, a county financial assistance agreement, or any other applicable written agreement, interagency agreement, intergovernmental agreement, or grant agreement between the Authority and a provider, PHP, clinic, or allied agency.

(9) “Covered Entity” means a health plan, health care clearing house, health care provider who transmits any health information in electronic form in connection with a transaction covered by 45 CFR 162.100 through 162.1902, or allied agency that transmits any health information in electronic form in connection with a transaction, including direct data entry (DDE), and who must comply with the National Provider Identifier (NPI) requirements of 45 CFR 162.402 through 162.414.

(10) “Covered Individual” means individuals who are eligible for payment of certain services or supplies provided to them or their eligible dependents by or through a provider, PHP, clinic, or allied agency under the terms of a contract applicable to a governmental program for which the Authority processes or administers data transmissions.

(11) “Data” means a formalized representation of specific facts or concepts suitable for communication, interpretation, or processing by individuals or by automatic means.

(12) “Data Transmission” means the transfer or exchange of data between the Authority and a web portal or electronic data interchange (EDI) submitter by means of an information system which is compatible for that purpose and includes without limitation, web portal, EDI, electronic remittance advice (ERA), or electronic media claims (EMC) transmissions.

(13) “Department” means the Department of Human Services.

(14) “Direct Data Entry (DDE)” means the process using dumb terminals or computer browser screens where data is directly keyed into a health plan’s computer by a provider or its agent, such as through the use of a web portal.

(15) “Electronic Data Interchange (EDI)” means the exchange of business documents from application to application in a federally mandated format or, if no federal standard has been promulgated, using bulk transmission processes and other formats as the Authority designates for EDI transactions. For purposes of these rules (OAR 943-120-0100 through 943-120-0200), EDI does not include electronic transmission by web portal.

(16) “Electronic Data Interchange Submitter” means an individual or entity authorized to establish the electronic media connection with the Authority to conduct an EDI transaction. An EDI submitter may be a trading partner or an agent of a trading partner.

(17) “Electronic Media” means electronic storage media including memory devices in computers or computer hard drives; any removable or transportable digital memory medium such as magnetic tape or disk, optical disk, or digital memory card; or transmission media used to exchange information already in electronic storage media. Transmission media includes but is not limited to the internet (wide-open), extranet (using internet technology to link a business with information accessible only to collaborating parties), leased lines, dial-up lines, private networks, and the physical movement of removable or transportable electronic storage media. Certain transmissions, including paper via facsimile and voice via telephone, are not considered transmissions by electronic media because the information being exchanged did not exist in electronic form before transmission.

(18) “Electronic Media Claims (EMC)” means an electronic media means of submitting claims or encounters for payment of services or supplies provided by a provider, PHP, clinic, or allied agency to a covered individual.

(19) “Electronic Remittance Advice (ERA)” means an electronic file in X12 format containing information pertaining to the disposition of a specific claim for payment of services or supplies rendered to covered individuals which are filed with the Authority on behalf of covered individuals by providers, clinics, or allied agencies. The documents include, without limitation, the provider name and address, individual name, date of service, amount billed, amount paid, whether the claim was approved or denied, and if denied, the specific reason for the denial. For PHPs, the remittance advice file contains information on the adjudication status of encounter claims submitted.

(20) “Electronic Data Transaction (EDT)” means a transaction governed by the Health Insurance Portability and Accountability Act (HIPAA) transaction rule, conducted by either web portal or EDI.

(21) “Envelope” means a control structure in a mutually agreed upon format for the electronic interchange of one or more encoded data transmissions either sent or received by an EDI submitter or the Authority.

(22) “HIPAA Transaction Rule” means the standards for electronic transactions at 45 CFR Part 160 and 162 as revised effective January 16, 2009 (from version in effect on January 1, 2008) adopted by the Department of Health and Human Services (DHHS) to implement the Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d et. seq.

ADMINISTRATIVE RULES

(23) "Incident" means the attempted or successful unauthorized access, use, disclosure, modification, or destruction of an information system or information asset including but not limited to unauthorized disclosure of information, failure to protect user IDs, and theft of computer equipment using or storing Authority information assets or confidential information.

(24) "Individual User Profile (IUP)" means Authority forms used to authorize a user, identify their job assignment, and the required access to the Authority's network and information system. It generates a unique security access code used to access the Authority's network and information system.

(25) "Information Asset" means all information, also known as data, provided through the Authority, regardless of the source, which requires measures for security and privacy of the information.

(26) "Information System" means an interconnected set of information resources under the same direct management control that shares common functionality. A system normally includes hardware, software, information, data, applications, communications, and trained personnel necessary for successful data transmission.

(27) "Lost or Indecipherable Transmission" means a data transmission which is never received by or cannot be processed to completion by the receiving party in the format or composition received because it is garbled or incomplete, regardless of how or why the message was rendered garbled or incomplete.

(28) "Mailbox" means the term used by the Authority to indicate trading partner-specific locations on the Authority's secure file transfer protocol (SFTP) server to deposit and retrieve electronic data identified by a unique Authority assigned trading partner number.

(29) "Password" means the alpha-numeric codes and special characters assigned to an EDI submitter by the Authority for the purpose of allowing access to the Authority's information system, including the web portal, for the purpose of successfully executing data transmissions or otherwise carrying out the express terms of a trading partner agreement or provider enrollment agreement and these rules.

(30) "Personal Identification Number (PIN)" means the alpha-numeric codes assigned to web portal submitters by the Authority for the purpose of allowing access to the Authority's information system, including the web portal, for the purpose of successfully executing DDE, data transmissions, or otherwise carrying out the express terms of a trading partner agreement, provider enrollment agreement, and these rules.

(31) "Prepaid Health Plan (PHP) or Plan" means a managed health care, dental care, chemical dependency, physician care organization, or mental health care organization that contracts with the Authority on a case managed, prepaid, capitated basis under the Oregon Health Plan (OHP).

(32) "Provider" means an individual, facility, institution, corporate entity, or other organization which supplies or provides for the supply of services, goods or supplies to covered individuals pursuant to a contract, including but not limited to a provider enrollment agreement with the Authority. A provider does not include billing providers as used in the Division of Medical Assistance (DMAP) general rules but does include non health care providers such as foster care homes. DMAP billing providers are defined in these rules as agents, except for DMAP billing providers that are clinics.

(33) "Provider Enrollment Agreement" means an agreement between the Authority and a provider for payment for the provision of covered services to covered individuals.

(34) "Registered Transaction" means each type of EDI transaction applicable to a trading partner that must be registered with the Authority before it can be tested or approved for EDI transmission.

(35) "Security Access Codes" means the access code assigned by the Authority to the web portal submitter or EDI submitter for the purpose of allowing access to the Authority's information system, including the web portal, to execute data transmissions or otherwise carry out the express terms of a trading partner agreement, provider enrollment agreement, and these rules. Security access codes may include passwords, PINs, or other codes. For password standards, refer to the Authority's ISPO best practice: http://www.dhs.state.or.us/policy/admin/security/090_002.htm.

(36) "Source Documents" means documents or electronic files containing underlying data which is or may be required as part of a data transmission with respect to a claim for payment of charges for medical services or supplies provided to a covered individual, or with respect to any other transaction. Examples of data contained within a specific source document include but are not limited to an individual's name and identification number, claim number, diagnosis code for the services provided, dates of service, service procedure description, applicable charges for the services pro-

vided, and a provider's, PHP's, clinic's, or allied agency's name, identification number, and signature.

(37) "Standard" means a rule, condition, or requirement describing the following information for products, systems, or practices:

- (a) Classification of components;
- (b) Specification of materials, performance, or operations; or
- (c) Delineation of procedures.

(38) "Standards for Electronic Transactions" mean a transaction that complies with the applicable standard adopted by DHHS to implement standards for electronic transactions.

(39) "Submitter" means a provider, PHP, clinic, or allied agency that may or may not have entered into a Trading Partner Agreement depending upon whether the need is to exchange Electronic Data Transactions or access the Authority's Web Portal.

(40) "Transaction" means the exchange of data between the Authority and a provider using web portal access or a trading partner using electronic media to carry out financial or administrative activities.

(41) "Trade Data Log" means the complete written summary of data and data transmissions exchanged between the Authority and an EDI submitter during the period of time a trading partner agreement is in effect and includes but is not limited to sender and receiver information, date and time of transmission, and the general nature of the transmission.

(42) "Trading Partner" means a provider, PHP, clinic, or allied agency that has entered into a trading partner agreement with the Authority in order to satisfy all or part of its obligations under a contract by means of EDI, ERA, or EMC, or any other mutually agreed means of electronic exchange or transfer of data.

(43) "Trading Partner Agreement (TPA)" means a specific written request by a provider, PHP, clinic, or allied agency to conduct EDI transactions that governs the terms and conditions for EDI transactions in the performance of obligations under a contract. A provider, PHP, clinic, or allied agency that has executed a TPA will be referred to as a trading partner in relation to those functions.

(44) "User" means any individual or entity authorized by the Authority to access network and information systems or information assets.

(45) "User Identification Security (UIS)" means a control method required by the Authority to ensure that only authorized users gain access to specified information assets. One method of control is the use of passwords and PINs with unique user identifications.

(46) "Web Portal" means a site on the World Wide Web that provides secure access with personalized capabilities to its visitors and a pathway to other content designed for use with the Authority specific DDE applications. (47) "Web Portal Submitter" means an individual or entity authorized to establish an electronic media connection with the Authority to conduct a DDE transaction. A web portal submitter may be a provider or a provider's agent.

Stat. Auth.: ORS 413.042 & 414.065
Stats. Implemented: ORS 413.042 & 414.065
Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11

943-120-0110

Purpose

(1) These rules establish requirements applicable to providers, PHPs, and allied agencies that want to conduct electronic data transactions with the Authority. These rules govern the conduct of all web portal or EDI transactions with the Authority. These rules only apply to services or items that are paid for by the Authority. If the service or item is paid for by a plan or an allied agency, these rules do not apply.

(2) These rules establish the Authority's electronic data transaction requirements for purposes of the Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d-1320d-8, Public Law 104-191, sec. 262 and sec. 264, and the implementing standards for electronic transactions rules. Where a federal HIPAA standard has been adopted for an electronic data transaction, this rule implements and does not alter the federal standard.

(3) These rules establish procedures that must be followed by any provider, PHP, or allied agency in the event of a security or privacy incident, regardless of whether the incident is related to the use of an electronic data transaction.

Stat. Auth.: ORS 413.042 & 414.065
Stats. Implemented: ORS 413.042 & 414.065
Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11

ADMINISTRATIVE RULES

943-120-0112

Scope and Sequence of Electronic Data Transmission Rules

(1) The Authority communicates with and receives communications from its providers, PHPs, and allied agencies using a variety of methods appropriate to the services being provided, the nature of the entity providing the services, and constantly changing technology. These rules describe some of the basic ways that the Authority will exchange data electronically. Additional details may be provided in the Authority's access control rules, provider-specific rules, or the applicable contract documents.

(2) Access to eligibility information about covered individuals may occur using one or more of the following methods:

- (a) Automated voice response, via a telephone;
- (b) Web portal access;
- (c) EDI submitter access; or
- (d) Point of sale (POS) for pharmacy providers.

(3) Claims for which the Authority is responsible for payment or encounter submissions made to the Authority may occur using one or more of the following methods:

(a) Paper, using the form specified in the provider specific rules and supplemental billing guidance. Providers may submit paper claims, except that pharmacy providers are required to use the POS process for claims submission and PHPs are required to use the 837 electronic formats;

- (b) Web portal access;
- (c) EDI submitter access; or
- (d) POS for pharmacy providers.

(4) Authority informational updates, provider record updates, depository for PHP reports, or EDT as specified by the Authority for contract compliance.

(5) Other Authority network and information system access is governed by specific program requirements, which may include but is not limited to IUP access. Affected providers, PHPs, and allied agencies will be separately instructed about the access and requirements. Incidents are subject to these rules.

(6) Providers and allied agencies that continue to use only paper formats for claims transactions are only subject to the confidentiality and security rule, OAR 943-120-0170.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11

943-120-0114

Provider Enrollment Agreement

(1) When a provider applies to enroll, the application form will include information about how to participate in the web portal for use of DDE and automated voice response (AVR) inquiries. The enrollment agreement will include a section describing the process that will permit the provider, once enrolled, to participate in DDE over the Internet using the secure Authority web portal. This does not include providers enrolled through the use of the DMAP 3108 Managed Care Plan and FFS Non Paid Provider Application.

(2) When the provider number is issued by the Authority, the provider will also receive two PINs: one that may be used to access the web portal and one that may be used for AVR.

(a) If the PINs are not activated within 60 days of issuance, the Authority will initiate a process to inactivate the PIN. If the provider wants to use PIN-based access to the web portal or AVR after deactivation, the provider must submit an update form to obtain another PIN.

(b) Activating the PIN will require Internet access and the provider must supply security data that will be associated with the use of the PIN.

(c) Providers using the PIN are responsible for protecting the confidentiality and security of the PIN pursuant to OAR 943-120-0170.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11

943-120-0116

Web Portal Submitter

(1) Any provider activating their web portal access for web portal submission may be a web portal submitter. The provider will be referred to as the web portal submitter when functioning in that capacity, and shall be required to comply with these rules governing web portal submitters.

(2) The authorized signer of the provider enrollment agreement shall be the individual who is responsible for the provider's DDE claims submission process.

(a) If a provider submits their own claims directly, the provider will be referred to as the web portal submitter when functioning in that capacity and shall be required to comply with these rules governing web portal submitters.

(b) If a provider uses an agent or clinic to submit DDE claims using the Authority's web portal, the agent or clinic will be referred to as the web portal submitter when functioning in that capacity and shall be required to comply with these rules governing web portal submitters.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11

943-120-0118

Conduct of Direct Data Entry Using Web Portal

(1) The web portal submitter is responsible for the conduct of the DDE transactions submitted on behalf of the provider, as follows:

(a) Accuracy of Web Portal Submissions. The web portal submitter must take reasonable care to ensure that data and DDE transmissions are timely, complete, accurate, and secure, and must take reasonable precautions to prevent unauthorized access to the information system or the DDE transmission. The Authority will not correct or modify an incorrect DDE transaction prior to processing. The transactions may be rejected and the web portal submitter will be notified of the rejection.

(b) Cost of Equipment. The web portal submitter and the Authority must bear their own information system costs. The web portal submitter must, at their own expense, obtain access to Internet service that is compatible with and has the capacity for secure access to the Authority's web portal. Web portal submitters must pay their own costs for all charges, including but not limited to charges for equipment, software and services, Internet connection and use time, terminals, connections, telephones, and modems. The Authority is not responsible for providing technical assistance for access to or use of Internet web portal services or the processing of a DDE transaction.

(c) Format of DDE Transactions. The web portal submitter must send and receive all data transactions in the Authority's approved format. Any attempt to modify or alter the DDE transaction format may result in denial of web portal access.

(d) Re-submissions. The web portal submitter must maintain source documents and back-up files or other means sufficient to re-create a data transmission in the event that re-creation becomes necessary for any purpose, within timeframes required by federal or state law, or by contractual agreement. Back ups, archives, or related files are subject to the terms of these rules to the same extent as the original data transmission.

(2) Security and Confidentiality. To protect security and confidentiality, web portal submitters must comply with the following:

(a) Refrain from copying, reverse engineering, disclosing, publishing, distributing, or altering any data or data transmissions, except as permitted by these rules or the contract, or use the same for any purpose other than that which the web portal submitter was specifically given access and authorization by the Authority or the provider.

(b) Refrain from obtaining access by any means to any data or the Authority's network and information system for any purpose other than that which the web portal submitter has received express authorization to receive access. If the web portal submitter receives data or data transmissions from the Authority which are clearly not intended for the receipt of web portal submitter, the web portal submitter will immediately notify the Authority and make arrangements to return or re-transmit the data or data transmission to the Authority. After re-transmission, the web portal submitter must immediately delete the data contained in the data transmission from its information system.

(c) Install necessary security precautions to ensure the security of the DDE transmission or records relating to the information system of either the Authority or the web portal submitter when the information system is not in active use by the web portal submitter.

(d) Protect and maintain, at all times, the confidentiality of security access codes issued by the Authority. Security access codes are strictly confidential and specifically subject, without limitation, to all of the restrictions in OAR 943-120-0170. The Authority may change the designated security access codes at any time and in any manner as the Authority in its sole discretion considers necessary.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11

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943-120-0120

Registration Process — EDI Transactions

(1) The EDI transaction process is preferred by providers, PHPs, and allied agencies for conducting batch or real time transactions, rather than the individual data entry process used for DDE. EDI registration is an administrative process governed by these rules. The EDI registration process begins with the submission of a TPA by a provider, PHP, clinic, or allied agency, including all requirements and documentation required by these rules.

(2) Trading partners must be Authority providers, PHPs, clinics, or allied agencies with a current Authority contract. The Authority will not accept a TPA from individuals or entities who do not have a current contract with the Authority.

(a) The Authority may receive and hold the TPA for individuals or entities that have submitted a provider enrollment agreement or other pending contract, subject to the satisfactory execution of the pending document.

(b) Termination, revocation, suspension, or expiration of the contract will result in the concurrent termination, revocation, suspension, or expiration of the TPA without any additional notice; except that the TPA will remain in effect to the extent necessary for a trading partner or the Authority to complete obligations involving EDI under the contract for dates of service when the contract was in effect. Contracts that are periodically renewed or extended do not require renewal or extension of the TPA unless there is a lapse of time between contracts.

(c) Failure to identify a current Authority contract during the registration process will result in a rejection of the TPA. The Authority will verify that the contract numbers identified by a provider, PHP, clinic, or allied agency are current contracts.

(d) If contract number or contract status changes, the trading partner must provide the Authority with updated information within five business days of the change in contract status. If the Authority determines that a valid contract no longer exists, the Authority shall discontinue EDI transactions applicable for any time period in which the contract no longer exists; except that the TPA will remain in effect to the extent necessary for the trading partner or the Authority to complete obligations involving EDI under the contract for dates of service when the contract was in effect.

(3) Trading Partner Agreement. To register as a trading partner with the Authority, a provider, PHP, clinic, or allied agency must submit a signed TPA to the Authority.

(4) Application for Authorization. In addition to the requirements of section (3) of this rule, a trading partner must submit an application for authorization to the Authority. The application provides specific identification and legal authorization from the trading partner for an EDI submitter to conduct EDI transactions on behalf of a trading partner.

(5) Trading Partner Agents. A trading partner may use agents to facilitate the electronic transmission of data. If a trading partner will be using an agent as an EDI submitter, the application for authorization required under section (4) of this rule must identify and authorize an EDI submitter and must include the EDI certification signed by an EDI submitter before the Authority may accept electronic submission from or send electronic transmission to an EDI submitter.

(6) EDI Registration. In addition to the requirements of section (3) of this rule, a trading partner must also submit its EDI registration form. This form requires the trading partner or its authorized EDI submitter to register an EDI submitter and the name and type of EDI transaction they are prepared to conduct. Signature of the trading partner or authorized EDI submitter is required on the EDI registration form. The registration form will also permit the trading partner to identify the individuals or EDI submitters who are authorized to submit or receive EDI registered transactions.

(7) Review and Acceptance Process. The Authority will review the documentation provided to determine compliance with sections (1) through (6) of this rule. The information provided may be subject to verification by the Authority. When the Authority determines that the information complies with these rules, the Authority will notify the trading partner and EDI submitter by email about any testing or other requirements applicable to place the registered transaction into a production environment.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11

943-120-0130

Trading Partner as EDI Submitter — EDI Transactions

(1) A trading partner may be an EDI submitter. Registered trading partners that also qualify as an EDI submitter may submit their own EDI transactions directly to the Authority. A trading partner will be referred to

as an EDI submitter when functioning in that capacity and will be required to comply with applicable EDI submitter rules, except as provided in section (3) of this rule.

(2) Authorization and Registration Designating Trading Partner as EDI Submitter. Before acting as an EDI submitter, a trading partner must designate in the application for application that they are an EDI submitter who is authorized to send and receive data transmissions in the performance of EDI transactions. A trading partner must complete the "Trading Partner Application for Authorization to Submit EDI Transactions" and the "EDI Submitter Information" required in the application. A trading partner must also submit the EDI registration form identifying them as an EDI submitter. A trading partner must notify the Authority of any material changes in the information no less than ten days prior to the effective date of the change.

(3) EDI Submitter Certification Conditions. Where a trading partner is acting as its own EDI submitter, the trading partner is not required to submit the EDI submitter certification conditions in the application for authorization applicable to agents.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11

943-120-0140

Trading Partner Agents as EDI Submitters — EDI Transactions

(1) Responsibility for Agents. If a trading partner uses the services of an agent, including but not limited to an EDI submitter in any capacity in order to receive, transmit, store, or otherwise process data or data transmissions or perform related activities, a trading partner shall be fully responsible to the Authority for the agent's acts.

(2) Notices Regarding EDI Submitter. Prior to the commencement of an EDI submitter's services, a trading partner must designate in the application for authorization the specific EDI submitters that are authorized to send and receive data transmissions in the performance of EDI transactions of a trading partner. A trading partner must complete the "Trading partner Authorization of EDI Submitter" and the "EDI Submitter Information" required in the application. A trading partner must also submit the EDI registration form identifying and providing information about an EDI submitter. A trading partner or authorized EDI submitter must notify the Authority of any material changes in the EDI submitter authorization or information no less than five days prior to the effective date of the changes.

(3) EDI Submitter Authority. A trading partner must authorize the actions that an EDI submitter may take on behalf of a trading partner. The application for authorization permits a trading partner to authorize which decisions may only be made by a trading partner and which decisions are authorized to be made by an EDI submitter. The EDI submitter information authorized in the application for authorization will be recorded by the Authority in an EDI submitter profile. The Authority may reject EDI transactions from an EDI submitter acting without authorization from a trading partner.

(4) EDI Submitter Certification Conditions. Each authorized EDI submitter acting as an agent of a trading partner must execute and comply with the EDI submitter certification conditions that are incorporated into the application for authorization. Failure to include the signed EDI submitter certification conditions with the application shall result in a denial of EDI submitter authorization by the Authority. Failure of an EDI submitter to comply with the EDI submitter certification conditions may result in termination of EDI submitter registration for EDI transactions with the Authority.

(5) EDI Submitters Responsibilities. In addition to the requirements of section (1) of this rule, a trading partner is responsible for ensuring that an EDI submitter makes no unauthorized changes in the data content of all data transmissions or the contents of an envelope, and that an EDI submitter will take all appropriate measures to maintain the timeliness, accuracy, truthfulness, confidentiality, security, and completeness of each data transmission. A trading partner is responsible for ensuring that its EDI submitters are specifically advised of, and will comply with, the terms of these rules and any TPA.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11

943-120-0150

Testing — EDI Transactions

(1) When a trading partner or authorized EDI submitter registers an EDI transaction with the Authority, the Authority may require testing before

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authorizing the transaction. Testing may include third party and business-to-business testing. An EDI submitter must be able to demonstrate its capacity to send and receive each transaction type for which it has registered. The Authority will reject any EDI transaction if an EDI submitter either refuses or fails to comply with the Authority testing requirements.

(2) The Authority may require EDI submitters to complete compliance testing at an EDI submitter's expense for each transaction type if either the Authority or an EDI submitter has experienced a change to hardware or software applications by entering into business-to-business testing.

(3) When third party and/or business-to-business testing is completed to the Authority's satisfaction, the Authority will notify an EDI submitter that it will register and accept the transactions in the production environment. This notification authorizes an EDI submitter to submit the registered EDI transactions to the Authority for processing and response, as applicable. If there are any changes in the trading partner or EDI submitter authorization, profile data or EDI registration information on file with the Authority, updated information must be submitted to the Authority as required in OAR 943-120-0190.

(4) Testing will be conducted using secure electronic media communications methods.

(5) An EDI submitter may be required to re-test with the Authority if the Authority format changes or if the EDI submitter format changes.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11

943-120-0160

Conduct of Transactions — EDI Transactions

(1) EDI Submitter Obligations. An EDI submitter is responsible for the conduct of the EDI transactions registered on behalf of a trading partner, including the following:

(a) EDI Transmission Accuracy. An EDI submitter shall take reasonable care to ensure that data and data transmissions are timely, complete, accurate, and secure; and shall take reasonable precautions to prevent unauthorized access to the information system, the data transmission, or the contents of an envelope which is transmitted either to or from the Authority. The Authority will not correct or modify an incorrect transaction prior to processing. The transaction may be rejected and an EDI submitter notified of the rejection.

(b) Re-transmission of Indecipherable Transmissions. Where there is evidence that a data transmission is lost or indecipherable, the sending party must make best efforts to trace and re-transmit the original data transmission in a manner which allows it to be processed by the receiving party as soon as practicable.

(c) Cost of Equipment. An EDI submitter and the Authority will pay for their own information system costs. An EDI submitter shall, at its own expense, obtain and maintain its own information system. An EDI submitter shall pay its own costs for all charges related to data transmission including, without limitation, charges for information system equipment, software and services, electronic mailbox maintenance, connect time, terminals, connections, telephones, modems, any applicable minimum use charges, and for translating, formatting, sending, and receiving communications over the electronic network to the electronic mailbox, if any, of the Authority. The Authority is not responsible for providing technical assistance in the processing of an EDI transaction.

(d) Back-up Files. EDI submitters must maintain adequate data archives and back-up files or other means sufficient to re-create a data transmission in the event that re-creation becomes necessary for any purpose, within timeframes required by state and federal law, or by contractual agreement. Data archives or back-up files shall be subject to these rules to the same extent as the original data transmission.

(e) Transmissions Format. Except as otherwise provided herein, EDI submitters must send and receive all data transmissions in the federally mandated format, or (if no federal standard has been promulgated) other formats as the Authority designates.

(f) Testing. EDI submitters must, prior to the initial data transmission and throughout the term of a TPA, test and cooperate with the Authority in the testing of information systems as the Authority considers reasonably necessary to ensure the accuracy, timeliness, completeness, and confidentiality of each data transmission.

(2) Security and Confidentiality. To protect security and confidentiality of transmitted data, EDI submitters must comply with the following:

(a) Refrain from copying, reverse engineering, disclosing, publishing, distributing, or altering any data, data transmissions, or the contents of an envelope, except as necessary to comply with the terms of these rules or the

TPA, or use the same for any purpose other than that which an EDI submitter was specifically given access and authorization by the Authority or a trading partner;

(b) Refrain from obtaining access by any means to any data, data transmission, envelope, mailbox, or the Authority's information system for any purpose other than that which an EDI submitter has received express authorization. If an EDI submitter receives data or data transmissions from the Authority which clearly are not intended for an EDI submitter, an EDI submitter shall immediately notify the Authority and make arrangements to return or re-transmit the data or data transmission to the Authority. After re-transmission, an EDI submitter shall immediately delete the data contained in the data transmission from its information system;

(c) Install necessary security precautions to ensure the security of the information systems or records relating to the information systems of either the Authority or an EDI submitter when the information system is not in active use by an EDI submitter;

(d) Protect and maintain the confidentiality of security access codes issued by the Authority to an EDI submitter; and

(e) Provide special protection for security and other purposes, where appropriate, by means of authentication, encryption, the use of passwords, or other means. Unless otherwise provided in these rules, the recipient of a protected data transmission must at least use the same level of protection for any subsequent transmission of the original data transmission.

(3) Authority Obligations. The Authority shall:

(a) Make available to an EDI submitter, by electronic media, those types of data and data transmissions which an EDI submitter is authorized to receive.

(b) Inform an EDI submitter of acceptable formats in which data transmissions may be made and provide notification to an EDI submitter within reasonable time periods consistent with HIPAA transaction standards, if applicable, or at least 30 days prior by electronic notice of other changes in formats.

(c) Provide an EDI submitter with security access codes that will allow an EDI submitter access to the Authority's information system. Security access codes are strictly confidential and EDI submitters must comply with all of the requirements of OAR 943-120-0170. The Authority may change the designated security access codes at any time and manner as the Authority, in its sole discretion, deems necessary. The release of security access codes shall be limited to authorized electronic data personnel of an EDI submitter and the Authority with a need to know.

(4) Department of Consumer and Business Services (DCBS) submission standards Health insurers and health care entities in Oregon shall make all necessary actions required by the DCBS Oregon Companion Guides to comply with the Health Insurance Reform Administrative Streamlining and Simplification as specified in OAR 836-100-0100 to 836-100-0120.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11

943-120-0165

Pharmacy Point of Sale Access

Pharmacy providers who electronically bill pharmaceutical claims must participate in and submit claims using the POS system, except as provided in OAR 410-121-0150.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11

943-120-0170

Security

(1) Individually Identifiable Health Information. All providers, PHPs, and allied agencies are responsible for ensuring the security of individually identifiable health information, consistent with the requirements of the privacy statutes and regulations, and shall take reasonable action to prevent any unauthorized disclosure of confidential information by a provider, PHP, allied agency, or other agent. A provider, web portal submitter, trading partner, EDI submitter, or other agent must comply with any and all applicable privacy statutes and regulations relating to confidential information.

(2) General Requirements for Electronic Submitters. A provider (web portal submitter), trading partner (EDI submitter), or other agent must maintain adequate security procedures to prevent unauthorized access to data, data transmissions, security access codes, or the Authority's information system, and must immediately notify the Authority of all unauthorized attempts by any individual or entity to obtain access to or otherwise tamper

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er with the data, data transmissions, security access codes, or the Authority's information system.

(3) Notice of Unauthorized Disclosures. All providers, PHPs, and allied agencies must promptly notify the Authority of all unlawful or unauthorized disclosures of confidential information that come to its agents' attention pursuant to the Authority's ISPO policy: http://www.dhs.state.or.us/policy/admin/security/090_005.pdf, and shall cooperate with the Authority if corrective action is required by the Authority. The Authority shall promptly notify a provider, PHP, or allied agency of all unlawful or unauthorized disclosures of confidential information in relation to a provider, PHP, or allied agency that come to the Authority's or its agents' attention, and will cooperate with a provider, PHP, or allied agency if corrective action is required.

(4) Wrongful use of the web portal, EDI systems, or the Authority's network and information system, or wrongful use or disclosure of confidential information by a provider, allied agency, electronic submitters, or their agents may result in the immediate suspension or revocation of any access granted under these rules or other Authority rules, at the sole discretion of the Authority.

(5) A provider, allied agency, PHP, or electronic submitter must report to the Authority's Information Security Office at dhsinfo.security@state.or.us and to the Authority program contact individual, any privacy or security incidents that compromise, damage, or cause a loss of protection to confidential information, information assets, or the Authority's network and security system. Reports must be made in the following manner:

(a) No later than five business days from the date on which a provider, allied agency, PHP, or electronic submitter becomes aware of the incident; and

(b) Provide the results of the incident assessment findings and resolution strategies no later than 30 business days after the report is due under section (4)(a).

(6) A provider, allied agency, PHP, or electronic submitter must comply with the Authority's requests for corrective action concerning a privacy or security incident and with applicable laws requiring mitigation of harm caused by the unauthorized use or disclosure of confidential information.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11

943-120-0180

Record Retention and Audit

(1) Records Retention. A provider, web portal submitter, trading partner, and EDI submitter shall maintain, for a period of no less than seven years from the date of service, complete, accurate, and unaltered copies of all source documents associated with all data transmissions.

(2) EDI Trade Data Log. An EDI submitter must establish and maintain a trade data log that must record all data transmissions taking place between an EDI submitter and the Authority during the term of a TPA. A trading partner and EDI submitter must take necessary and reasonable steps to ensure that the trade data log constitutes a current, truthful, accurate, complete, and unaltered record of all data transmissions between the parties and must be retained by each party for no less than 24 months following the date of the data transmission. The trade data log may be maintained on electronic media or other suitable means provided that, if necessary, the information may be timely retrieved and presented in readable form.

(3) Right to Audit. A provider must allow and require any web portal submitter to allow, and a trading partner must allow and require an EDI submitter or other agent to allow access to the Authority, the Oregon Secretary of State, the Oregon Department of Justice Medicaid Fraud Unit, or its designees, and DHHS or its designees to audit relevant business records, source documents, data, data transmissions, trade data logs, or information systems of a provider and its web portal submitter, and a trading partner, and its agents, as necessary, to ensure compliance with these rules. A provider must allow and require its web portal submitter to allow, and a trading partner must allow and require an EDI submitter or other agent to allow the Authority, or its designee, access to ensure that adequate security precautions have been made and are implemented to prevent unauthorized disclosure of any data, data transmissions, or other information.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11

943-120-0190

Material Changes

(1) Changes in Any Material Information - EDT Process. A trading partner must submit an updated TPA, application for authorization, or EDI registration form to the Authority within ten business days of any material change in information. A material change includes but is not limited to mailing or email address change, contract number or contract status (termination, expiration, extension), identification of authorized individuals of a trading partner or EDI submitter, the addition or deletion of authorized transactions, or any other change that may affect the accuracy of or authority for an EDI transaction. The Authority may act on data transmissions submitted by a trading partner and its EDI submitter based on information on file in the application for authorization and EDI registration forms until an updated form has been received and approved by the Authority. A trading partner's signature or the signature of an authorized EDI submitter is required to ensure that an updated TPA, authorization, or EDI registration form is valid and authorized.

(2) Changes in Any Material Information — Web Portal Access. Providers must submit an updated web portal registration form to the Authority within ten business days of any material changes in information. A material change includes but is not limited to mailing or email address change, contract number or contract status (termination, suspension, expiration), identification of web portal submitter contact information, or any other change that may affect the accuracy of or authority for a DDE transaction. The Authority is authorized to act on data transmissions submitted by a provider and its web portal submitter based on information on file in the web portal registration form until an updated form has been received and approved by the Authority. A provider's signature or the signature of an authorized business representative is required to ensure that an updated web portal registration form is valid and authorized.

(3) Failure to submit a timely updated form may impact the ability of a data transaction to be processed without errors. Failure to submit a signed, updated form may result in the rejection of a data transmission.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11

943-120-0200

Authority System Administration

(1) No individual or entity shall be registered to conduct a web portal or an EDI transaction with the Authority except as authorized under these rules. Eligibility and continued participation as a provider, PHP, allied agency or web portal submitter in the conduct of DDE transactions, or as a trading partner or EDI submitter in the conduct of registered transactions, is conditioned on the execution and delivery of the documents required in these rules, the continued accuracy of that information consistent with OAR 943-120-0190, and compliance with a requirements of these rules. Data, including confidential information, governed by these rules may be used for purposes related to treatment, payment, and health care operations and for the administration of programs or services by the Authority.

(2) In addition to the requirements of section (1) of this rule, in order to qualify as a trading partner:

(a) An individual or entity must be a Authority provider, PHP, clinic, or allied agency pursuant to a current valid contract; and

(b) A provider, PHP, clinic, or allied agency must have submitted an executed TPA and all related documentation, including the application for authorization, that identifies and authorizes an EDI submitter.

(3) In addition to the requirements of section (1) of this rule, in order to qualify as an EDI submitter:

(a) A trading partner must have identified the individual or entity as an authorized EDI submitter in the application for authorization;

(b) If a trading partner identifies itself as an EDI submitter, the application for authorization must include the information required in the "Trading Partner Authorization of EDI Submitter" and the "EDI Submitter Information"; and

(c) If a trading partner uses an agent as an EDI submitter, the application for authorization must include the information described in section (3)(b) and the signed EDI submitter certification.

(4) The EDI registration process described in these rules provides the Authority with essential profile information that the Authority may use to confirm that a trading partner or EDI submitter is not otherwise excluded or disqualified from submitting EDI transactions to the Authority.

(5) Nothing in these rules or a TPA prevents the Authority from requesting additional information from a trading partner or an EDI submit-

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ter to determine their qualifications or eligibility for registration as a trading partner or EDI submitter.

(6) The Authority shall deny a request for registration as a trading partner or for authorization of an EDI submitter or an EDI registration if it finds any of the following:

(a) A trading partner or EDI submitter has substantially failed to comply with the applicable administrative rules or laws;

(b) A trading partner or EDI submitter has been convicted of (or entered a plea of nolo contendere) a felony or misdemeanor related to a crime or violation of federal or state public assistance laws or privacy statutes or regulations;

(c) A trading partner or EDI submitter is excluded from participation in the Medicare program, as determined by the DHHS secretary; or

(d) A trading partner or EDI submitter fails to meet the qualifications as a trading partner or EDI submitter.

(7) Failure to comply with these rules, trading partner agreement, or EDI submitter certification or failure to provide accurate information on an application or certification may also result in sanctions and payment recovery pursuant to applicable Authority program contracts or rules.

(8) For providers using the DDE submission system by the Authority web portal, failure to comply with the terms of these rules, a web portal registration form, or failure to provide accurate information on the registration form may result in sanctions or payment recovery pursuant to the applicable Authority program contracts or rules.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11

**Oregon Health Authority,
Addictions and Mental Health Division:
Mental Health Services
Chapter 309**

Rule Caption: Handling Patient Mail In State Institutions.

Adm. Order No.: MHS 8-2011(Temp)

Filed with Sec. of State: 10-27-2011

Certified to be Effective: 10-27-11 thru 4-20-12

Notice Publication Date:

Rules Amended: 309-102-0100, 309-102-0110, 309-102-0120, 309-102-0130, 309-102-0140, 309-102-0150

Subject: These rules relate to mail being sent from and received by patients residing in each Oregon State Hospital campus and the Blue Mountain Recovery Center. These rules accomplish the following:

- Protect patient rights related to the posting and receipt of mail;
- Specify the circumstances under which staff of state institutions may confiscate a piece of mail arriving for, or being sent by a patient;
- Specify the procedures to be used when a piece of mail is confiscated; and
- Protect the safety and security of citizens and the state institution buildings.

Rules Coordinator: Nola Russell—(503) 945-7652

309-102-0100

Purpose and Scope

(1) Purpose. These rules prescribe the standards for handling mail belonging to patients in state institutions, including mail arriving for patients and mail patients are sending from the state institution.

(2) Scope. These rules apply to all individuals residing in a state institution as defined in OAR 309-102-0005.

Stat. Auth.: ORS 179.040, 409.050 & 426.385

Stats. Implemented: ORS 179.360 & 426.385

Hist.: MHS 5-2011, f. & cert. ef. 8-3-11; MHS 8-2011(Temp), f. & cert. ef. 10-27-11 thru 4-20-12

309-102-0110

Definitions

(1) “Contraband” means any controlled substance, drug paraphernalia, unauthorized currency or any other article which by statute, rule, order or the state institution’s policies, is prohibited from being in a patient’s possession, and the use of which could endanger the safety or security of the institution.

(2) “Controlled Substance” means a drug or it’s immediate precursor classified under the federal Controlled Substances Act and as modified under ORS 475.035.

(3) “Division” means the Addictions and Mental Health Division of the Oregon Health Authority.

(4) “Drug Paraphernalia” means all equipment, products and materials of any kind which are marketed for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of Oregon Revised Statute (ORS) 475.840 to 475.980 (ORS 475.525(2)).

(5) “Electronic Mail” means digital messages transmitted electronically.

(6) “Journalist Mail” means any mail sent to news media organizations such as, but not limited to newspapers, magazines and television station news departments.

(7) “Legal Mail” means any mail received from or addressed to, any attorney, court, tribal official, elected official, disability rights organizations or advocacy group that is part of the system outlined in ORS 192.517.

(8) “Limited Item” means any food, non-prescribed medicine, vitamins, supplements or other article which is allowed for patient use, but which must be held or kept in a specific area for reasons of maintaining public health standards to ensure proper dosage or to limit it’s ingestion, viewing or other use to the owner of the item.

(9) “Mail” means any letter, post card, periodical or any other type of envelope or package, except for legal mail and journalist mail.

(10) “Patient” means a person who is residing in a state institution.

(11) “Prohibited Item” means:

(a) Alcohol, controlled substances or drug paraphernalia;

(b) Any item that reasonably could be used as or turned into a weapon or instrument of escape;

(c) Any item the possession of which is considered detrimental to the treatment of a specific patient and which is recorded as prohibited with the rationale in the patient’s chart by the treating physician; or

(d) Any item the possession of which is disallowed to a clearly defined portion of the patient population or to the entire patient population pursuant to the institution’s policies.

(12) “Reasonable Cause” means a person has knowledge or notice of facts or circumstances which would lead a person of ordinary care and prudence to have a strong suspicion that a specific piece of mail contains a prohibited or limited item.

(13) “Safety” means the institution and all patients and others persons within and around it are free from injury, threats, harassment, identity theft or other dangers.

(14) “Security” means prevention of any patient’s potential escape from a state institution or the prevention of damage to institutional or personal property within the grounds of the state institution.

(15) “State Institution” means all Oregon State Hospital campuses including the Blue Mountain Recovery Center.

(16) “Superintendent” means the executive head of any state institution or that person’s designee.

(17) “Treatment Care Plan” means an individualized and comprehensive written plan of therapeutic interventions designed, in collaboration between the patient and his or her treatment team, to facilitate rehabilitation of psychiatric symptoms and eventual independence.

Stat. Auth.: ORS 179.040, 409.050 & 426.385

Stats. Implemented: ORS 179.360 & 426.385

Hist.: MHS 5-2011, f. & cert. ef. 8-3-11; MHS 8-2011(Temp), f. & cert. ef. 10-27-11 thru 4-20-12

309-102-0120

Patient Rights Related to Mail

(1) Except as outlined in OAR 309-102-0130 through 309-102-0140, all patients in state institutions shall have the right to communicate freely by sending and receiving sealed mail.

(2) All journalist, legal or other mail may be sent or delivered by hand or via any parcel delivery service.

(3) Except as provided in ORS 309-102-0130 through 309-102-0140, no employee or any person acting through or on behalf of the Division shall:

(a) Open, read, censor, inspect or otherwise examine any patient’s incoming or outgoing mail without the expressed permission of the patient who is the sender or the receiver of the mail;

(b) Prevent, obstruct or delay any patient’s outgoing mail from being promptly mailed;

(c) Prevent, obstruct or delay any patient’s incoming mail from being promptly delivered to the patient.

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(4) Except as required for treatment reasons, employees having read or examined a patient's mail shall protect the patient's confidentiality by refraining from discussions related to the mail.

(5) A patient shall be promptly informed, verbally and in writing, of:

- (a) Any limitation to the right to send or receive sealed mail;
- (b) Any item having been opened by staff; and
- (c) Any item being held pursuant to these rules.

(6) At the request of a patient with a need, an employee may assist in reading or sending mail. Need for this assistance shall first be documented in the patient's Treatment Care Plan by the physician.

(7) Patients shall be provided a reasonable amount of writing material by the state institution, as defined in policy. Stamps shall be available for purchase by patients with funds. Patients without funds will be provided a reasonable number of stamps by the state institution, as defined in policy.

(8) The exchange of electronic mail is an earned privilege and is related to the patient's recent behaviors, current level of care and other privileges.

(9) The application of these rules may be contested by way of the state institution's grievance procedures.

Stat. Auth.: ORS 179.040, 409.050 & 426.385

Stats. Implemented: ORS 179.360 & 426.385

Hist.: MHS 5-2011, f. & cert. ef. 8-3-11; MHS 8-2011(Temp), f. & cert. ef. 10-27-11 thru 4-20-12

309-102-0130

Mail Suspected To Contain Contraband, Limited Items or Evidence of a Crime

(1) The superintendent may designate in writing, certain areas of the state institution as locked high security areas that require additional precautions to protect the safety and security of the facility.

(2) In designated areas, employees of the state institutions may open all except legal mail in the presence of the patient as prescribed in this rule, even though there may not be reasonable cause to believe that a specific piece of mail contains a prohibited or limited item.

(3) In order to ensure the health or safety of individuals or the safety or security of the institution, the superintendent may additionally order:

(a) Incoming and outgoing mail be scanned with non-invasive technology including but not limited to x-rays or metal detectors;

(b) Mailed electronic equipment or other items which may have had contraband placed within, be given additional scrutiny such as, but not limited to turning the item on to ensure it's basic functionality or opening up the item to look inside.

(4) When there is reasonable cause to suspect mail contains a limited item, the superintendent may order the item be opened by staff in the presence of the patient.

(a) If a limited item is found within the mail, the item will be stored and made available to the patient pursuant to the state institution's related policies and procedures.

(b) If there is no limited or prohibited item within, the patient may retain possession of the limited item.

(5) When there is reasonable cause to suspect mail contains evidence of a real or potential crime, the following steps shall occur:

(a) If the real or potential crime may immediately threaten the health or safety of individuals or the safety or security of the institution or the health or safety of any affiliated person, the superintendent may hold, open or otherwise inspect the mail.

(b) If the real or potential crime does not appear to immediately threaten the health or safety of individuals or the safety or security of the institution, the superintendent is authorized to:

(A) Contact a law enforcement agency and request a judicial warrant to open the mail and

(B) Hold the mail until either the judicial warrant is denied or the warrant is received and the item is confiscated by the law enforcement agency.

(c) If the judicial warrant is denied the item must promptly be delivered to the patient.

(d) If the item is confiscated, opened and examined and found to be permissible the item must promptly be delivered to the patient.

(e) If the item is found to contain evidence of a real or potential crime, it will remain in possession of the law enforcement agency for further action.

(6) The intended recipient of any mail withheld pursuant to this rule will be promptly informed of the action unless there is reasonable cause to believe that doing so may:

(a) Increase the potential threat to the health or safety of individuals or the safety or security of the institution or

(b) Destroy or adversely alter the suspected evidence of a real or potential crime.

Stat. Auth.: ORS 179.040, 409.050 & 426.385

Stats. Implemented: ORS 179.360 & 426.385

Hist.: MHS 5-2011, f. & cert. ef. 8-3-11; MHS 8-2011(Temp), f. & cert. ef. 10-27-11 thru 4-20-12

309-102-0140

Disposition of Mail Retained or Delivered To Patient

(1) Once opened under staff supervision for inspection, permissible items shall not be read or otherwise further inspected and shall be delivered without undue delay to the patient.

(2) Any item retained from a patient's mail shall be clearly marked to identify, at minimum the date of the inspection and retention, the patient's name, the name and address of the sender, a description of the held items and both the printed name and the signature of the employee conducting the process. The item shall then be handled as provided in the Division's rules related to the handling of personal property of patients in state institutions.

(3) When any item is confiscated by a law enforcement agency, each part of the process shall be documented in the patient's chart with, at minimum, the date of inspection and confiscation, the patient's name, the name and address of the sender, a description of the confiscated item or items and both the printed name and the signature of the employee who witnessed the law enforcement's confiscation.

(4) All documentation related to any held item shall be in writing and kept in the patient's chart. The patient shall receive a legible copy of each document.

Stat. Auth.: ORS 179.040, 409.050 & 426.385

Stats. Implemented: ORS 179.360 & 426.385

Hist.: MHS 5-2011, f. & cert. ef. 8-3-11; MHS 8-2011(Temp), f. & cert. ef. 10-27-11 thru 4-20-12

309-102-0150

Notice to Patients and Employees

(1) Upon admission to the state institution, patients shall be informed of these rules and the institution's related policies and procedures, all their legal rights as detailed in ORS 426.385 and instructions on how to obtain a copy of these rules.

(2) The superintendent of the state institution shall ensure these rules and any related policies and procedures are thoroughly explained to each employee upon the commencement of their employment and annually thereafter.

(3) Violation of these rules and any related institutional policies or procedures by an employee of the Division shall constitute cause for disciplinary action.

Stat. Auth.: ORS 179.040, 409.050 & 426.385

Stats. Implemented: ORS 179.360 & 426.385

Hist.: MHS 5-2011, f. & cert. ef. 8-3-11; MHS 8-2011(Temp), f. & cert. ef. 10-27-11 thru 4-20-12

Oregon Health Authority, Division of Medical Assistance Programs Chapter 410

Rule Caption: July 2011 — update criteria for definitions, exceptional needs, client materials and payment.

Adm. Order No.: DMAP 29-2011

Filed with Sec. of State: 10-19-2011

Certified to be Effective: 10-20-11

Notice Publication Date: 5-1-2011

Rules Amended: 410-141-0300, 410-141-0420

Rules Repealed: 410-141-0110, 410-141-0115

Subject: The Oregon Health Plan (Managed Care) program administrative rules govern Division payments for services to clients. The Division will amend as follows:

- OAR 410-141-0300 to update client materials requirements and OHA stat line.
- OAR 410-141-0420 to update provider enrollment criteria and OHA stat line.

The Division will repeal as follows:

- OAR 410-141-0110 to remove PHP survey criteria; obsolete.
- OAR 410-141-0115 to remove PCM survey criteria; obsolete.

All Division rules reflect the name change from the Department of Human Services to the Oregon Health Authority. Other text may

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be revised to improve readability and to take care of necessary “housekeeping” corrections.

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

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-141-0300

Managed Care Prepaid Health Plan Member Education Requirements

A Managed Care Organization (MCO) plan member, also known as Division member (member), pertains to Division of Medical Assistance Programs’ (Division) clients enrolled in a Managed Care Organization (MCO).

(1) MCOs shall have written procedures, criteria and an ongoing process of member education and information sharing that include orientation to the MCO, a member handbook and health education.

(2) MCOs shall mail a new member packet to new members, and to members returning to the plan 9 months or more after previous enrollment, within 14 calendar days of the date the plan receives notice of the member’s enrollment, including at a minimum a member handbook, provider directory and welcome letter.

(3) MCO member handbook:

(a) For members who are ongoing enrollees, the MCO member handbook and provider directory shall be offered annually and sent on request. Whenever they are offered they shall be offered in print, and may also be offered online if available;

(b) Each version of the printed MCO member handbook and provider directory shall be submitted electronically to the Division of Medical Assistance Programs’ (Division) Materials Coordinator and Addictions and Mental Health (AMH) Division Representative for approval. At a minimum the MCO member handbook shall contain the following elements:

(A) Revision date;

(B) Tag lines in English and other languages spoken by substantial populations of MCO members. Substantial is defined as 35 or more households that speak the same language and in which no adult speaks English. The tag lines must describe how members are to access interpreter services including sign interpreters, translations, and materials in other formats;

(C) MCO’s office location, mailing address, web address if applicable, office hours and telephone numbers (including TTY);

(D) How to choose a Primary Care Provider (PCP) or Primary Care Dentist (PCD) and make an appointment, and policy on changing PCP/sor PCDs;

(E) How to access information on contracted providers currently accepting new members (which may be through an online provider directory), and any restrictions on the member’s freedom of choice among participating providers;

(F) What services can be self-referred to either participating or non-participating providers (Fully Capitated Health Plans (FCHP), PCOs and Mental Health Organizations (MHO) only);

(G) Policies on referrals for specialty care, including preauthorization requirements and how to request a referral;

(H) Explanation of Exceptional Needs Care Coordination (ENCC) and how members with special health care needs, who are aged, blind or disabled, or who have complex medical needs, can access ENCC services (FCHPs and PCOs);

(I) How and where members are to access urgent care services and advice, including when away from home;

(J) How and when members are to use emergency services both locally and when away from home, including examples of emergencies;

(K) Information on contracted hospitals in the member’s service area;

(L) Information on post-stabilization care after a member is stabilized in order to maintain, improve or resolve the member’s condition;

(M) Member appeal rights, including information on the MCO’s complaint process and information on the Division’s fair hearing procedures;

(N) Information on the member’s rights and responsibilities;

(O) Information on copayments, charges for non-covered services, and the member’s possible responsibility for charges if they go outside of MCO for non-emergent care;

(P) The transitional procedures for new members to obtain prescriptions, supplies and other necessary items and services in the first month of enrollment with the MCO if they are unable to meet with a PCP/ PCD, other prescribing practitioner, or obtain new orders during that period;

(Q) (FCHPs, PCOs and MHOs only) Information on advance directive policies including:

(i) Member rights under federal and Oregon law to make decisions concerning their medical care, including the right to accept or refuse medical or surgical treatment, and the right to formulate advance directives;

(ii) The contractor’s policies for implementation of those rights, including a statement of any limitation regarding the implementation of advanced directives as a matter of conscience;

(R) Whether or not the MCO uses physician incentives to reduce cost by limiting services;

(S) The member’s right to request and obtain copies of their clinical records (and whether they may be charged a reasonable copying fee), and to request that the record be amended or corrected;

(T) How and when members are to obtain ambulance services (FCHP, MHO and PCO only);

(U) Possible resources for help with transportation to appointments with providers;

(V) Explanation of the covered and non-covered services in sufficient detail to ensure that members understand the benefits to which they are entitled;

(W) How members are to obtain prescriptions including information on the process for obtaining non-formulary and over-the-counter drugs;

(X) MCO’s confidentiality policy;

(Y) How and where members are to access any benefits that are available under the Oregon Health Plan (OHP) but are not covered under the MCO’s’ contract, including any cost sharing;

(Z) When and how members can voluntarily and involuntarily disenroll from OHP managed care and change MCOs.

(c) The MCO shall compile a printed provider directory for distribution to members, which may be part of their member handbook or separate, and shall include currently contracted provider names and specialty, non-English languages spoken, office location, telephone numbers including TTY, office hours, and accessibility for members with disabilities;

(d) If the MCO handbook is returned with a new address, the MCO shall re-mail the handbook to the new address;

(e) MCOs shall, at a minimum, annually review their member handbook for accuracy and update it with new and corrected information as needed to reflect OHP program changes and the MCO’s internal changes. If changes impact the member’s ability to use services or benefits, the updated member handbook shall be offered to all members;

(f) The “Oregon Health Plan Client Handbook” is in addition to the MCO’s member handbook and cannot be used to substitute for any component of the MCO’s member handbook.

(4) Member health education shall include:

(a) Information on specific health care procedures, instruction in self-management of health care, promotion and maintenance of optimal health care status, patient self-care, and disease and accident prevention. Health education may be provided by MCO’s practitioners or other individuals or programs approved by the MCO. MCOs shall endeavor to provide health education in a culturally sensitive manner in order to communicate most effectively with individuals from non-dominant cultures.

(b) MCOs shall ensure development and maintenance of an individualized health educational plan for members who have been identified by their practitioner as requiring specific educational intervention. The Oregon Health Authority (Authority) may assist in developing materials that address specifically identified health education problems to the population in need.

(c) Explanation of Exceptional Needs Care Coordination (ENCC) and how to access ENCC, through outreach to members with special health care needs, who are aged, blind or disabled, or who have complex medical needs;

(d) The appropriate use of the delivery system, including proactive and effective education of members on how to access Emergency Services and Urgent Care Services appropriately;

(e) MCOs shall provide written notice to affected members of any significant changes in program or service sites that impact the members’ ability to access care or services from MCO’s participating providers. Such notice shall be provided at least 30 calendar days prior to the effective date of that change, or as soon as possible if the participating provider(s) has not given the MCO sufficient notification to meet the 30 days notice requirement. The Division or AMH will review and approve such materials within two working days.

(5) Informational materials that MCOs develop for members shall meet the language requirements of, and be culturally sensitive to, members with disabilities or reading limitations, including substantial populations whose primary language is not English;

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(a) MCOs shall be required to translate materials for substantial populations of non-English speaking members in the MCO's caseload. Substantial is defined as follows: 35 or more households that speak the same non-English language and in which no adult speaks English. The MCO shall be required to provide informational materials which at a minimum shall include the member handbook in the primary language of each substantial population. Alternative forms may include, but are not limited to audio recordings, close-captioned videos, large type and Braille;

(b) Form correspondence sent to members, including but not limited to, enrollment information, choice and member counseling letters and notices of action to deny, reduce or stop a benefit shall include instructions in the language of each substantial population of non-English speaking members on how to receive an oral or written translation of the material;

(c) All written informational materials and identification (ID) cards distributed to members shall be written at the sixth grade reading level and printed in 12 point font or larger;

(6) MCOs shall provide an ID card to members, unless waived by the Division or AMH, which contains simple, readable and usable information on how to access care in an urgent or emergency situation. Such ID cards shall confer no rights to services or other benefits under the OHP and are solely for the convenience of the PHP, members and providers.

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

Stat. Auth.: ORS ORS 413.042

Stats. Implemented: ORS 414.725

Hist.: HR 31-1993, f. 10-14-93, cert. ef. 2-1-94; HR 39-1994, f. 12-30-94, cert. ef. 1-1-95; HR 19-1996, f. & cert. ef. 10-1-96; HR 25-1997, f. & cert. ef. 10-1-97; OMAP 39-1999, f. & cert. ef. 10-1-99; OMAP 29-2001, f. 8-13-01, cert. ef. 10-1-01; OMAP 57-2002, f. & cert. ef. 10-1-02; OMAP 50-2003, f. 7-31-03 cert. ef. 8-1-03; OMAP 37-2004(Temp), f. 5-27-04 cert. ef. 6-1-04 thru 11-15-04; OMAP 47-2004, f. 7-22-04 cert. ef. 8-1-04; OMAP 27-2005, f. 4-20-05, cert. ef. 5-1-05; OMAP 46-2005, f. 9-9-05, cert. ef. 10-1-05; OMAP 23-2006, f. 6-12-06, cert. ef. 7-1-06; DMAP 16-2010, f. 6-11-10, cert. ef. 7-1-10; DMAP 42-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 29-2011, f. 10-19-11, cert. ef. 10-20-11

410-141-0420

Managed Care Prepaid Health Plan Billing and Payment under the Oregon Health Plan

The Division of Medical Assistance Programs (Division) may have specific definitions for common terms. Please use OAR 410-141-0000, Definitions, in conjunction with this rule.

(1) Providers must submit all billings for Oregon Health Plan (OHP) clients to Prepaid Health Plans (PHPs) and to the Division within four (4) months and twelve (12) months, respectively, of the date of service, subject to other applicable Division billing rules. Providers must submit billings to PHPs within the four (4) month time frame except in the following cases:

(a) Pregnancy;

(b) Eligibility issues such as retroactive deletions or retroactive enrollments;

(c) Medicare is the primary payer;

(d) Other cases that could have delayed the initial billing to the PHP (which does not include failure of provider to certify the Division member's (see definition) eligibility); or

(e) Third Party Liability (TPL). Pursuant to 42 CFR 36.61, subpart G: Indian Health Services and the amended Public Law 93-638 under the Memorandum of Agreement that Indian Health Service and 638 Tribal Facilities are the payer of last resort and is not considered an alternative liability or TPL.

(2) Providers must be enrolled with the Division to be eligible for Division fee-for-service (FFS) payments. Mental health providers, except Federally Qualified Health Centers (FQHC), must be approved by the Local Mental Health Authority (LMHA) and the Addictions and Mental Health (AMH) Division before enrollment with the Division or to be eligible for PHP payment for services. Providers may be retroactively enrolled, in accordance with OAR 410-120-1260, Provider Enrollment.

(3) Providers, including mental health providers (see definition), must be enrolled with the Division either as a Medicaid provider or an encounter-only provider prior to submission of encounter data to ensure the servicing provider is not excluded per federal and State standard as defined in OAR 407-120-0300.

(4) Providers shall verify, before rendering services, which Division member is eligible for the Medical Assistance Program on the date of service using the Division tools and optionally the PHP's tools, as applicable and that the service to be rendered is covered under the Oregon Health Plan Benefit Package of covered services. Providers shall also identify the party responsible for covering the intended service and seek pre-authorizations from the appropriate payer before rendering services. Providers shall inform Division members of any charges for non-covered services (see definition) prior to the services being delivered.

(5) Capitated services:

(a) PHPs receive a capitation payment to provide services to Division members. These services are referred to as capitated services;

(b) PHPs are responsible for payment of all capitated services. Such services should be billed directly to the PHP, unless the PHP or the Division specifies otherwise. PHPs may require providers to obtain preauthorization to deliver certain capitated services.

(6) Payment by the PHP to participating providers for capitated services is a matter between the PHP and the participating provider, except as follows:

(a) Pre-authorizations:

(A) PHPs shall have written procedures for processing pre-authorization requests received from any provider. The procedures shall specify time frames for:

(i) Date stamping pre-authorization requests when received;

(ii) Determining within a specific number of days from receipt whether a pre-authorization request is valid or non-valid;

(iii) The specific number of days allowed for follow up on pended preauthorization requests to obtain additional information;

(iv) The specific number of days following receipt of the additional information that a redetermination must be made;

(v) Providing services after office hours and on weekends that require preauthorization;

(vi) Sending notice of the decision with appeal rights to the Division member when the determination is made to deny the requested service as specified in 410-141-0263.

(B) PHPs shall make a determination on at least 95% of valid pre-authorization requests, within two working days of receipt of a preauthorization or reauthorization request related to urgent services; alcohol and drug services; and/or care required while in a skilled nursing facility. Preauthorization for prescription drugs must be completed and the pharmacy notified within 24 hours. If a preauthorization for a prescription cannot be completed within the 24 hours, the PHP must provide for the dispensing of at least a 72-hour supply if the medical need for the drug is immediate. PHP shall notify providers of such determination within 2 working days of receipt of the request;

(C) For expedited prior authorization requests in which the provider indicates, or the PHP determines, that following the standard timeframe could seriously jeopardize the Division member's life or health or ability to attain, maintain, or regain maximum function:

(i) The PHP must make an expedited authorization decision and provide notice as expeditiously as the Division member's health condition requires and no later than three working days after receipt of the request for service;

(ii) The PHP may extend the three working days time period by up to 14 calendar days if the Division member requests an extension, or if the PHP justifies to Division a need for additional information and how the extension is in the Division member's interest.

(D) For all other preauthorization requests, PHPs shall notify providers of an approval, a denial or a need for further information within 14 calendar days of receipt of the request. PHPs must make reasonable efforts to obtain the necessary information during that 14-day period. However, the PHP may use an additional 14 days to obtain follow-up information, if the PHP justifies (to the Division upon request) the need for additional information and how the delay is in the interest of the Division member. The PHP shall make a determination as the Division member's health condition requires, but no later than the expiration of the extension.

(b) Claims payment:

(A) PHPs shall have written procedures for processing claims submitted for payment from any source. The procedures shall specify time frames for:

(i) Date stamping claims when received;

(ii) Determining within a specific number of days from receipt whether a claim is valid or non-valid;

(iii) The specific number of days allowed for follow up of pended claims to obtain additional information;

(iv) The specific number of days following receipt of additional information that a determination must be made; and

(v) Sending notice of the decision with appeal rights to the Division member when the determination is made to deny the claim.

(B) PHPs shall pay or deny at least 90% of valid claims within 45 calendar days of receipt and at least 99% of valid claims within 60 calendar days of receipt. PHPs shall make an initial determination on 99% of all claims submitted within 60 calendar days of receipt;

(C) PHPs shall provide written notification of PHP determinations when such determinations result in a denial of payment for services, for

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which the Division member may be financially responsible. Such notice shall be provided to the Division member and the treating provider within 14 calendar days of the final determination. The notice to the Division member shall be a Division or AMH approved notice format and shall include information on the PHPs internal appeals process, and the Notice of Hearing Rights (DMAP 3030) shall be attached. The notice to the provider shall include the reason for the denial;

(D) PHPs shall not require providers to delay billing to the PHP;

(E) PHPs shall not require Medicare be billed as the primary insurer for services or items not covered by Medicare, nor require non-Medicare approved providers to bill Medicare;

(F) PHPs shall not deny payment of valid claims when the potential TPR is based only on a diagnosis, and no potential TPR has been documented in the Division member's clinical record;

(G) PHPs shall not delay nor deny payments because a co-payment was not collected at the time of service.

(c) FCHPs, PCOs, and MHOs are responsible for payment of Medicare coinsurances and deductibles up to the Medicare or PHP's allowable for covered services the Division member receives within the PHP, for authorized referral care, and for urgent care services or emergency services the Division member receives from non-participating providers (see definition). FCHPs, PCOs, and MHOs are not responsible for Medicare coinsurances and deductibles for non-urgent or non-emergent care Division members receive from non-participating providers;

(d) FCHPs and PCOs shall pay transportation, meals and lodging costs for the Division member and any required attendant for out-of-state services (as defined in General Rules, chapter 410, division 120) that the FCHP and PCO has arranged and authorized when those services are available within the state, unless otherwise approved by the Division;

(e) PHPs shall be responsible for payment of covered services (see definition) provided by a non-participating provider which was not pre-authorized if the following conditions exist:

(A) It can be verified that the participating provider (see definition) ordered or directed the covered services to be delivered by a non-participating provider; and

(B) The covered service was delivered in good faith without the pre-authorization; and

(C) It was a covered service that would have been pre-authorized with a participating provider if the PHP's referral protocols had been followed;

(D) The PHP shall be responsible for payment to non-participating providers (providers enrolled with the Division that do not have a contract with the PHP) for covered services that are subject to reimbursement from the PHP, the amount specified in OAR 410-120-1295. This rule does not apply to providers that are Type A or Type B hospitals, as they are paid in accordance with ORS 414.727.

(7) Other services:

(a) Division members enrolled with PHPs may receive certain services on a Division FFS basis. Such services are referred to as non-capitated services (see definition);

(b) Certain services must be authorized by the PHP or the Community Mental Health Program (CMHP) for some mental health services, even though such services are then paid by the Division on a Division FFS basis. Before providing services, providers should verify a Division member's eligibility via the web portal or AVR. For some mental health services, providers will need to contact the CMHP directly. In addition, the provider may call the PHP to obtain information about coverage for a particular service or pre-authorization requirements;

(c) Services authorized by the PHP or CMHP are subject to the rules and limitations of the appropriate Division administrative rules and supplemental information, including rates and billing instructions;

(d) Providers shall bill the Division directly for non-capitated services in accordance with billing instructions contained in the Division administrative rules and supplemental information;

(e) The Division shall pay at the Medicaid FFS rate in effect on the date the service is provided subject to the rules and limitations described in the relevant rules, contracts, billing instructions and Division administrative rules and supplemental information;

(f) The Division shall not pay a provider for provision of services for which a PHP has received a capitation payment unless otherwise provided for in OAR 410-141-0120;

(g) When an item or service is included in the rate paid to a medical institution, a residential facility or foster home, provision of that item or service is not the responsibility of the Division, AMH, nor a PHP except as provided for in Division administrative rules and supplemental information

(e.g., capitated services that are not included in the nursing facility all-inclusive rate);

(h) FCHPs and PCOs that contract with FQHCs and RHCs shall negotiate a rate of reimbursement that is not less than the level and amount of payment which the FCHP or PCO would make for the same service(s) furnished by a provider, who is not an FQHC nor RHC, consistent with the requirements of BBA 4712(b)(2).

(8) Coverage of services through the Oregon Health Plan Benefit Package of covered services is limited by OAR 410-141-0500, excluded services and limitations for OHP clients.

(9) OHP clients who are enrolled with a PCM receive services on a FFS basis:

(a) PCMs are paid a per client-per month payment to provide Primary Care Management Services, in accordance with OAR 410-141-0410, Primary Care Manager Medical Management;

(b) PCMs provide primary care access, and management services for preventive services, primary care services, referrals for specialty services, limited inpatient hospital services and outpatient hospital services. The Division payment for these PCM managed services is contingent upon PCCM authorization;

(c) All PCM managed services are covered services that shall be billed directly to the Division in accordance with billing instructions contained in the Division administrative rules and supplemental information;

(d) The Division shall pay at the Division FFS rate in effect on the date the service is provided subject to the rules and limitations described in the appropriate Division administrative rules and supplemental information.

(10) All OHP clients who are enrolled with a PCO receive inpatient hospital services on a Division FFS basis:

(a) May receive services directly from any appropriately enrolled Division provider;

(b) All services shall be billed directly to the Division in accordance with FFS billing instructions contained in the Division administrative rules and supplemental information;

(c) The Division shall pay at the Division FFS rate in effect on the date the service is provided subject to the rules and limitations described in the appropriate Division administrative rules and supplemental information.

(11) OHP clients who are not enrolled with a PHP receive services on a Division FFS basis:

(a) Services may be received directly from any appropriate enrolled Division provider;

(b) All services shall be billed directly to the Division in accordance with billing instructions contained in the Division administrative rules and supplemental information;

(c) The Division shall pay at the Division FFS rate in effect on the date the service is provided subject to the rules and limitations described in the appropriate Division administrative rules and supplemental information.

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

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

Hist.: HR 31-1993, f. 10-14-93, cert. ef. 2-1-94; HR 7-1994, f. & cert. ef. 2-1-94; HR 17-1995, f. 9-28-95, cert. ef. 10-1-95; HR 19-1996, f. & cert. ef. 10-1-96; HR 25-1997, f. & cert. ef. 10-1-97; OMAP 21-1998, f. & cert. ef. 7-1-98; OMAP 39-1999, f. & cert. ef. 10-1-99; OMAP 26-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 15-2001, f. 3-30-01, cert. ef. 4-1-01; OMAP 52-2001, f. & cert. ef. 10-1-01; OMAP 57-2002, f. & cert. ef. 10-1-02; OMAP 4-2003, f. 1-31-03, cert. ef. 2-1-03; OMAP 61-2003, 9-5-03, cert. ef. 10-1-03; OMAP 23-2004(Temp), f. & cert. ef. 3-23-04 thru 8-15-04; OMAP 33-2004, f. 5-26-04, cert. ef. 6-1-04; OMAP 37-2004(Temp), f. 5-27-04 cert. ef. 6-1-04 thru 11-15-04; OMAP 47-2004, f. 7-22-04 cert. ef. 8-1-04; OMAP 27-2005, f. 4-20-05, cert. ef. 5-1-05; OMAP 46-2005, f. 9-9-05, cert. ef. 10-1-05; OMAP 23-2006, f. 6-12-06, cert. ef. 7-1-06; OMAP 53-2006(Temp), f. 12-28-06, cert. ef. 1-1-07 thru 6-29-07; DMAP 9-2007, f. 6-14-07, cert. ef. 6-29-07; DMAP 45-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 16-2010, f. 6-11-10, cert. ef. 7-1-10; DMAP 42-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 29-2011, f. 10-19-11, cert. ef. 10-20-11

Rule Caption: Non-Participating Provider retroactive reimbursement change.

Adm. Order No.: DMAP 30-2011(Temp)

Filed with Sec. of State: 10-20-2011

Certified to be Effective: 10-20-11 thru 3-25-12

Notice Publication Date:

Rules Amended: 410-120-1295

Subject: The General Rules Program administrative rules govern the Division payments for services provided to clients. The Division temporarily amended OAR 410-120-1295 effective to October 1, 2011, to allow providers to be reimbursed at the correct rate for services

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rendered on or after Oct. 1. The formula established by the reimbursement methodology in ORS 414.743 gives correct and appropriate information to hospitals and managed care organizations when applying the formula to claims for reimbursement for services rendered to medical assistance clients. The statute is based on the budget period that coordinates with the managed care and Division contracts. The Division intends to permanently amend this rule.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-120-1295

Non-Participating Provider

(1) For purposes of this rule, a provider enrolled with the Division of Medical Assistance Programs (Division) that does not have a contract with a Division-contracted Prepaid Health Plan (PHP) is referred to as a non-participating provider.

(2) For covered services that are subject to reimbursement from the PHP, a non-participating provider, other than a hospital governed by (3) below, must accept from the Division-contracted PHP, as payment in full, the amount that the provider would be paid from the Division if the client was fee-for-service (FFS).

(3) For covered services provided on and after October 1, 2011, the Division-contracted Fully Capitated Health Plan (FCHP) that does not have a contract with a hospital, is required to reimburse, and hospitals are required to accept as payment in full, the following reimbursement:

(a) Non-participating Type A and Type B hospital: The FCHP will reimburse a non-participating Type A and Type B hospital fully for the cost of covered services based on the cost-to-charge ratio used for each hospital in setting the capitation rates paid to the FCHP for the contract period (ORS 414.727);

(b) All other non-participating hospitals (not designated as a rural access or Type A and Type B hospital): As specified in ORS 414.743, the FCHP shall reimburse inpatient and outpatient services using a Medicare payment methodology at a designated percentage point less than the percentage of Medicare costs used by the Oregon Health Authority (Authority) when calculating the base hospital capitation payment to FCHP's, excluding any supplemental payments:

(i) Effective for services on or after October 1, 2011, for a hospital providing 10 percent or more of the hospital admissions and outpatient hospital services to enrollees of the plan, the percentage of the Medicare reimbursement shall be equal to 64 percent;

(ii) Effective for services on or after October 1, 2011, for a hospital providing less than 10 percent of the hospital admissions and outpatient hospital services to enrollees of the plan, the percentage of the Medicare reimbursement shall be equal to 66 percent.

(4) A non-participating hospital must notify the FCHP within 2 business days of an FCHP patient admission when the FCHP is the primary payer. Failure to notify does not, in and of itself, result in denial for payment. The FCHP is required to review the hospital claim for:

(a) Medical appropriateness;

(b) Compliance with emergency admission or prior authorization policies;

(c) Member's benefit package;

(d) The FCHP contract and the Division's administrative rules.

(5) After notification from the non-participating hospital, the FCHP may:

(a) Arrange for a transfer to a contracted facility, if the patient is medically stable and the FCHP has secured another facility to accept the patient;

(b) Perform concurrent review; and/or

(c) Perform case management activities.

(6) In the event of a disagreement between the FCHP and hospital, the provider may appeal the decision by asking for an administrative review as specified in OAR 410-120-1580.

Stat. Auth.: ORS 409.040, 409.050& 414.065

Stats. Implemented: ORS 414.025, 414.065, 414.705 & 414.743

Hist.: OMAP 10-2001, f. 3-30-01, cert. ef. 4-1-01; OMAP 22-2004, f. & cert. ef. 3-22-04; OMAP 23-2004(Temp), f. & cert. ef. 3-23-04 thru 8-15-04; OMAP 33-2004, f. 5-26-04, cert. ef. 6-1-04; OMAP 75-2004(Temp), f. 9-30-04, cert. ef. 10-1-04 thru 3-15-05; OMAP 4-2005(Temp), f. & cert. ef. 2-9-05 thru 7-1-05; OMAP 33-2005, f. 6-21-05, cert. ef. 7-1-05; OMAP 35 2005, f. 7-21-05, cert. ef. 7-22-05; OMAP 49-2005(Temp), f. 9-15-05, cert. ef. 10-1-05 thru 3-15-06; OMAP 63-2005, f. 11-29-05, cert. ef. 1-1-06; OMAP 66-2005(Temp), f. 12-13-05, cert. ef. 1-1-06 thru 6-28-06; OMAP 72-2005(Temp), f. 12-29-05, cert. ef. 1-1-06 thru 6-28-06; OMAP 28-2006, f. 6-22-06, cert. ef. 6-23-06; OMAP 42-2006(Temp), f. 12-15-06, cert. ef. 1-1-07 thru 6-29-07; DMAP 2-2007, f. & cert. ef. 4-5-07; DMAP 24-2007, f. 12-11-07, cert. ef. 1-1-08; DMAP 28-2009(Temp), f. 9-11-09, cert. ef. 10-1-09 thru 3-25-10; DMAP 35-2009(Temp), f. & cert. ef. 12-4-09 thru 3-25-10; DMAP 38-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 38-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 4-2010, f. & cert. ef. 3-

26-10; DMAP 39-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 30-2011(Temp), f. & cert. ef. 10-20-11 thru 3-25-12

Rule Caption: Hospital Provider Tax Rate Change.

Adm. Order No.: DMAP 31-2011

Filed with Sec. of State: 10-28-2011

Certified to be Effective: 11-1-11

Notice Publication Date: 10-1-2011

Rules Amended: 410-050-0861

Rules Repealed: 410-050-0861(T)

Subject: The hospital provider tax rate is 5.08%, effective October 1, 2011. This permanent rulemaking action repeals the temporary rules in effect since July 1, 2011 where the provider tax rate was adjusted from 2.32% to 5.25% and then from 5.25% to 5.08%.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-050-0861

Tax Rate

(1) The tax rate for the period beginning January 1, 2005 and ending June 30, 2006 is .68 percent.

(2) The tax rate for the period beginning July 1, 2006 and ending December 31, 2007 is .82 percent.

(3) The tax rate for the period beginning January 1, 2008 and ending June 30, 2009 is .63 percent.

(4) The tax rate for the period of January 1, 2008 through June 30, 2009 does not apply to the period beginning July 1, 2009.

(5) The tax rate for the period beginning July 1, 2009 and ending September 30, 2009 is .15 percent.

(6) The tax rate for the period beginning October 1, 2009 and ending June 30, 2010 is 2.8 percent.

(7) The tax rate for the period beginning July 1, 2010 and ending June 30, 2011 is 2.32 percent.

(8) The tax rate for the period beginning July 1, 2011 and ending September 30, 2011 is 5.25 percent.

(9) The tax rate for the period beginning October 1, 2011 is 5.08 percent.

Stat. Auth.: ORS 413.042

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

Hist.: OMAP 28-2005(Temp), f. & cert. ef. 5-10-05 thru 11-5-05; OMAP 34-2005, f. 7-8-05, cert. ef. 7-11-05; OMAP 14-2006, f. 6-1-06, cert. ef. 7-1-06; DMAP 29-2007, f. 12-31-07, cert. ef. 1-1-08; DMAP 3-2008, f. & cert. ef. 1-25-08; DMAP 24-2009, f. & cert. ef. 7-1-09; DMAP 25-2009(Temp), f. & cert. ef. 7-15-09 thru 1-10-10; DMAP 27-2009, f. & cert. ef. 9-1-09; DMAP 33-2009, f. & cert. ef. 10-1-09; DMAP 21-2010, f. 6-30-10, cert. ef. 7-1-10; DMAP 16-2011(Temp), f. & cert. ef. 7-1-11 thru 11-1-11; DMAP 26- 2011(Temp), f. 9-29-11, cert. ef. 10-1-11 thru 11-1-11; DMAP 31-2011, f. 10-28-11, cert. ef. 11-1-11

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 8-2011(Temp)

Filed with Sec. of State: 10-19-2011

Certified to be Effective: 10-19-11 thru 2-27-12

Notice Publication Date:

Rules Amended: 409-050-0130

Subject: The Oregon Health Authority, Office for Oregon Health Policy and Research is implementing amendments to the Pain Management Commission rules to clarify pain management education program requirements for dentists licensed by the Oregon Board of Dentistry.

These temporary rules are available on the OHPR website: <http://www.oregon.gov/OHA/OHPR/rulemaking/index.shtml>

For hardcopy requests, call: (503) 373-1574.

Rules Coordinator: Zarie Haverkate—(503) 373-1574

409-050-0130

Pain Management Education Program Requirements

(1) Licensed health care professionals must complete a pain management education program in order to improve the care and treatment of individuals with painful conditions. The program includes:

(a) Six accredited hours of continuing education in pain management, end of life care or a combination of both; and

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(b) The web-based training offered by the Commission.

(c) Dentists licensed under Oregon Board of Dentistry are only required to complete the web-based training offered by the Commission.

(2) For out of state health care professionals obtaining Oregon licensure or newly licensed health care professionals within Oregon, the pain management education program must be completed within 24 months of their first license renewal.

Example: If an individual becomes newly licensed in Oregon on June 15, 2009, their first renewal will be June 15, 2011. The individual may obtain their training from June 15, 2009 through June 15, 2013 under section (2) to comply with this requirement.

(3) If the licensing board for a licensed health care professional adopts, by rule, a pain management education program with topics substantially similar to the topics in the Commission's curriculum, that program satisfies this rule for the continuing education portion of the requirement, as long as the total number of hours is the same.

(4) The Commission shall review its curriculum every two years and update as needed.

Stat. Authority: ORS 409.570

Stats. Implemented: ORS 409.500 - 409.570

Hist.: DHSD 1-2007, f. & cert. ef. 2-1-07; Renumbered from 407-020-0015, OHP 1-2011, f. 1-26-11, cert. ef. 2-1-11; OHP 8-2011(Temp), f. & cert. ef. 10-19-11 thru 2-27-12

Oregon Health Authority, Office of Private Health Partnerships Chapter 442

Rule Caption: Changes income criteria and modifies reservation list.

Adm. Order No.: OPHP 9-2011

Filed with Sec. of State: 11-4-2011

Certified to be Effective: 11-4-11

Notice Publication Date: 8-1-2011

Rules Amended: 442-005-0020, 442-005-0030, 442-005-0050, 442-005-0070

Subject: FHIAP is amending 442-005-0020 to add an additional reservation list for families with children.

FHIAP is amending 442-005-0030 to change non-self employment income document requirements from three months to one month to strengthen internal efficiency and lessen the paperwork burden for applicants.

FHIAP is amending 442-005-0050 to clarify eligibility.

FHIAP is amending 442-005-0070 to change non-self employment income document requirements from three months to one month to strengthen internal efficiency and lessen the paperwork burden for applicants.

Rules Coordinator: Margaret Moran—(503) 378-5664

442-005-0020

Reservation Lists

(1) To manage enrollment and ensure that funds are available to cover subsidy payments for those enrolled, FHIAP will establish three reservation lists for prospective applicants. One reservation list for each of the following:

- Applicants who have or will have access to group coverage;
- Applicants who do not have access to group coverage; and
- Applicants who are families with potentially eligible children.

(2) The Office will establish procedures to manage the reservation lists with the goal of equal distribution of funds between the reservation lists. This may require FHIAP to release applications from one reservation list ahead of the other.

(3) An applicant may obtain an individual or group application by first getting on the reservation list; or may access a group application via FHIAP's website, or from an employer or insurance producer.

(4) Prospective applicants will be added to the appropriate reservation list or assigned a reservation number in order of the date FHIAP receives a completed reservation request either in writing or over the telephone. A completed application form may be deemed a reservation request if no prior request was made.

(5) Each request will be assigned a reservation number, which will also function as confirmation of placement on the appropriate reservation list.

(6) Prospective applicants on the reservation list will be notified of their right to apply for FHIAP, as program funds are available.

(7) When enrollment in FHIAP reaches the maximum that funding will allow, additional enrollment may occur as current members terminate or if additional program funding becomes available.

(8) A prospective applicant has 75 calendar days from the date the Office mails the application form, or notifies the prospective applicant that they may apply for a FHIAP subsidy, to return a completed application form to the Office.

(9) If a prospective applicant does not return an application form within 75 calendar days from the original date of mailing or notification, the Office will remove the prospective applicant's name from the reservation list.

(10) A prospective applicant may enroll in a health benefit plan while on the reservation list as long as they have met the two-month period of uninsurance requirement or exceptions to the period of uninsurance requirement prior to enrolling in the plan.

(11) FHIAP applicants may add new dependents to an existing insurance plan or their FHIAP application without adding them to the reservation list first.

(12) Members who have terminated from FHIAP cannot re-enroll in the program without first being placed on the appropriate reservation list unless they have a family member who is still enrolled in FHIAP.

Stat. Auth.: ORS 735.734, 735.722(2) & 735.728(2)

Stats. Implemented: ORS 735.720 - 735.740

Hist.: IPGB 2-2006, f. & cert. ef. 6-1-06; OPHP 7-2011(Temp), f. & cert. ef. 7-15-11 thru 1-10-12; OPHP 9-2011, f. & cert. ef. 11-4-11

442-005-0030

Application Process

(1) FHIAP will use an application and any documentation required on the application, will be used to determine eligibility and subsidy level.

(2) Applicants may only send in information providing program eligibility during the application process. FHIAP will not accept information sent outside of the application timeframe to use in an audit, appeal or contested case hearing except as provided in OARs' OARs 442-005-0310, 442-005-0320, 442-005-0330 and 442-005-0340.

(3) Program openings occur when funds are available.

(4) Applicants are mailed an application on a first come first serve basis, when there are program openings.

(5) FHIAP reviews applications in the order they are received. Eligibility decisions include:

- Approval for immediate subsidy;
- Denial; or
- Request for more information.

(6) When there are no program openings, FHIAP may approve the application, but the applicant may not be eligible for a subsidy right away. These approved applications are held in a queue. Applicants are mailed a notice when they are able to enroll for subsidies.

(7) Documents that verify required information requested on the application must be provided with the application if FHIAP is not able to verify the information electronically. Required documentation includes but is not limited to:

(a) A copy of a current Oregon identification or other proof of Oregon residency for all adult applicants;

(b) For non-United States citizens, a copy of documentation from the Department of Homeland Security showing their status and when they arrived in the United States.

(c) Documents verifying all adult applicant's and spouse's earned and unearned income and children's unearned income for the one month prior to the month in which the application is signed. Documentation may include, but is not limited to, pay stubs, award letters, child support documentation and unemployment benefit stubs or printouts. If an applicant or spouse is employed by a business or partnership that is either partially or wholly owned by the applicant or spouse, business documentation as described in OAR 442-005-0070(2)(d) must also be submitted

(d) A completed Self-Employment Income Worksheet and documents verifying income from self-employment and fishing for the twelve months prior to the signature month on the application for those submitting an income attestation. Documentation may include, but is not limited to, business ledgers, profit and loss statements and bank statements;

(e) A completed Farming and Ranching Income Worksheet and documents verifying income from farming, fishing and ranching for the 12 months prior to the signature month on the application for those submitting an income attestation. Documentation may include, but is not limited to, business ledgers, profit and loss statements and bank statements;

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(f) The most recently filed federal tax return and all schedules for applicants who have income from self-employment, fishing, farming, or ranching, rentals or royalties, or capital gains, interest and dividends.

(g) A copy of any group insurance handbook, summary, or contract that is available to any applicant.

(h) A completed Group Insurance Information (GII) form, if the applicant has group insurance available to them.

(i) For applicants with no income, the completed No Income form or other signed statement explaining how the applicant is meeting their basic needs, such as food, clothing and shelter.

(8) Additional verification must be provided when FHIAP requests it.

(9) FHIAP may verify any factors affecting eligibility, benefit levels or any information reported, such as:

(a) Data or other information received by FHIAP that is inconsistent with information on the FHIAP application;

(b) Information provided on the application is inconsistent;

(c) Information reported on previous applications that is inconsistent with a current FHIAP application.

(10) FHIAP may decide at any time during the application process that additional eligibility factors must be verified.

(11) FHIAP may deny an application or end ongoing subsidy when acceptable verification or required documentation is not provided.

Stat. Auth.: ORS 735.734, 735.722(2) & 735.728(2)

Stats. Implemented: ORS 735.720 - 735.740

Hist.: IPGB 2-2006, f. & cert. ef. 6-1-06; OPHP 6-2010(Temp), f. & cert. ef. 10-11-10 thru 4-8-11; OPHP 1-2011(Temp), f. & cert. ef. 1-5-11 thru 4-8-11; Administrative correction 4-25-11; OPHP 5-2011, f. & cert. ef. 4-22-11; OPHP 7-2011(Temp), f. & cert. ef. 7-15-11 thru 1-10-12; OPHP 9-2011, f. & cert. ef. 11-4-11; OPHP 9-2011, f. & cert. ef. 11-4-11

442-005-0050

Eligibility

In order for an applicant to qualify for a FHIAP subsidy, applicants must:

(1) Be a resident of Oregon or a full-time college student with a parent who is a resident of Oregon.

(2) Be a United States citizen or a qualified non-citizen who meets the alien status requirement.

(3) Not be eligible for or receiving Medicare benefits.

(4) Have income of zero through 200 percent of the Federal Poverty Level in effect at the time of eligibility determination. Income determination is outlined in OAR 442-005-0070.

(5) Meet one of the statutory definitions of family in ORS 414.841(3) at the time of eligibility determination. To be included in the family size for FHIAP eligibility determination, the applicant's family members must meet the definition of dependent under OAR 442-005-0010(8):

(a) A dependent may be counted in two separate households for the purposes of determining eligibility for FHIAP and any other state assistance program;

(b) A dependent may be counted in two separate households for the purpose of determining eligibility for both families in FHIAP;

(c) A dependent may not be enrolled in FHIAP and OHP (or any other state medical assistance program) at the same time;

(d) A dependent may be enrolled in FHIAP and any other state assistance program (except medical) at the same time;

(e) If a dependent is counted in two separate households for the purpose of determining eligibility in two different assistance programs, enrollment will be determined by criteria established in procedure.

(6) Meet either a period of uninsurance requirement or exceptions listed in OAR 442-005-0060.

(7) Not be incarcerated for more than 30 days or be a ward of the State.

(8) Provide necessary materials by the due dates specified in FHIAP correspondence in order to allow for eligibility determination. If information is not submitted by the dates specified in FHIAP correspondence or the information is inconsistent or incomplete, the application may be denied.

(9) If applying for subsidy in the group market, must be able to enroll in a group insurance plan that meets the benchmark standard established by the Office within twelve months of eligibility determination. If an applicant to the group market does not have access to a group plan, the group plan they have access to does not meet the benchmark standard, or they cannot enroll into their group plan within twelve months of eligibility determination, the applicant will be denied and placed on the reservation list for an individual subsidy using the same date they were placed on the group reservation list.

(10) If an application is sent from the child-only reservation list, subsidies will only be approved for children. Adults are not eligible for subsidy on this type of application. If an application from the child-only list is

denied, the family will be placed at the end of the group or individual reservation list, depending on the available insurance market.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: IPGB 2-2006, f. & cert. ef. 6-1-06; IPGB 3-2006(Temp), f. & cert. ef. 11-27-06 thru 5-25-07; Administrative Correction, 6-16-07; OPHP 1-2007, f. & cert. ef. 6-18-07; OPHP 1-2010(Temp), f. & cert. ef. 1-7-10 thru 7-5-10; Administrative correction 7-27-10; OPHP 3-2010, f. & cert. ef. 7-22-10; OPHP 3-2011, f. & cert. ef. 2-25-11; OPHP 7-2011(Temp), f. & cert. ef. 7-15-11 thru 1-10-12; OPHP 9-2011, f. & cert. ef. 11-4-11; OPHP 9-2011, f. & cert. ef. 11-4-11

442-005-0070

Income Determination

(1) In order to qualify for FHIAP an applicant must have an average monthly gross income, from all sources, up through 200 percent of the federal poverty level in effect at the time of determination. Subsidies will be approved on a sliding scale determined by income and family size. Income from more than one source will be determined individually based on the criteria for each source and the results totaled for a final average monthly income amount. For the purposes of FHIAP, there are six primary categories of income; these categories are:

(a) Earned and unearned income from non-self-employment sources.

(b) Self-employment and fishing income.

(c) Farming and ranching income.

(d) Income to owners of corporations and/or partnerships.

(e) Rental and royalty income.

(f) Interest and dividend income.

(2) FHIAP will determine into which category or categories an applicant's income falls and treat each type of income appropriately. FHIAP will determine the applicant's income eligibility according to the following detail:

(a) For earned and unearned income from non-self-employment sources, average gross monthly income will be determined using income received in the one month prior to the month in which the application was signed.

(b) For self-employment and fishing, average income will be determined using figures from the applicant's most recently filed federal Schedule C or C-EZ.

(c) For farming and ranching, income will be determined using figures from the applicant's most recently filed federal Schedule F.

(d) For owners of corporations and partnerships, income will be determined using wages paid to the applicant(s) plus any payments made from business funds for personal expenses in the three-calendar months prior to the month in which the application was signed. The following documents are required for eligibility determination:

(A) Owners of corporations must submit the corporation's most recently filed federal taxes with all schedules.

(B) Owners of partnerships must submit the partnerships most recently filed federal taxes with all schedules.

(C) Owners of either corporations or partnerships must submit three months of both personal and business bank statements.

(e) Income from rentals and royalties will be determined using figures from the applicant's most recently filed federal Schedule E.

(f) Income from interest and dividends will be determined using figures from the applicant's most recently filed federal Schedule B, C, D, or 1099 DIV.

(3) In the event the taxes of an applicant with income in categories (1)(b) and (1)(c) do not reflect the applicant's current income, the applicant may submit an attestation of their income with documentation of their income for the previous six months for self-employed applicants or 12 months for farming, fishing and ranching applicants.

(a) Documentation includes but is not limited to business ledgers, profit and loss statements and bank statements.

(b) Average adjusted income will be determined by either method described below as specified by the applicant on the Self-Employment or Farming, Ranching and Fishing Income Worksheet. Whichever method the applicant chooses to use will be the method used throughout that year's eligibility determination, including appeal and contested case hearing processes.

(A) Income received from farming, fishing, ranching and self-employment will be reduced by 50 percent for business expenses; or

(B) Income received from farming, fishing, ranching or self-employment will be reduced by the actual allowable expenses incurred during the six or 12 months prior to the month in which the application was signed. Allowable expenses are listed on the Self-Employment or Farming, Ranching and Fishing Income Worksheets.

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(c) Attestations are subject to future audit for accuracy. The file may be referred for collection if misrepresentation or overpayment are found.

(4) Income is available immediately upon receipt, or when the applicant has a legal interest in the income and the legal ability to make the income available, except in the following situations when it is considered available as indicated:

(a) For earned and unearned income:

(A) Income available prior to any deductions such as garnishments, taxes, payroll deductions, or voluntary payroll deductions will be considered as available; however, support payments as defined in OAR 442-005-0010(25) may be deducted from gross income if the applicant is able to prove the payments were made.

(B) Income usually paid monthly or on some other regular schedule, but paid early or late is treated as available on the regular payday.

(C) Payments made in a "lump sum" will be divided out over the number of months the payment is for. "Lump sum" payments will only be divided if the applicant can provide proof of the period for which the payment was made.

(b) Earned income is available as follows:

(A) Income withheld or diverted at the request of an employee is considered available in the month the wages would have been paid;

(B) An advance or draw that will be subtracted from later wages is available when received; and

(c) Payments that should legally be made directly to an applicant, but are paid to a third party on behalf of an applicant, are considered available the date that is on the check or stub.

(6) Income is not available if:

(a) The wages are withheld by an employer, with the exception of garnishment, even if in violation of the law;

(b) The income is paid jointly to the applicant and other individuals and the other individuals do not pay the applicant his/her share; and

(c) It is received by a separated spouse. FHIAP will determine when an applicant's spouse is deemed separated for purposes of this subsection (5)(c).

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: IPGB 2-2006, f. & cert. ef. 6-1-06; OPHIP 5-2011, f. & cert. ef. 4-22-11; OPHIP 7-2011(Temp), f. & cert. ef. 7-15-11 thru 1-10-12; OPHIP 9-2011, f. & cert. ef. 11-4-11; OPHIP 9-2011, f. & cert. ef. 11-4-11

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

Rule Caption: Change of agency name and definition as a result of HB 2009 (2009).

Adm. Order No.: PH 11-2011

Filed with Sec. of State: 10-27-2011

Certified to be Effective: 10-27-11

Notice Publication Date: 10-1-2011

Rules Amended: 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

Rules Repealed: 333-003-0010(T), 333-003-0065(T), 333-004-0010(T), 333-009-0000(T), 333-010-0105(T), 333-010-0205(T), 333-012-0050(T), 333-015-0030(T), 333-015-0100(T), 333-020-0125(T), 333-025-0100(T), 333-027-0005(T), 333-030-0015(T), 333-048-0010(T), 333-052-0040(T), 333-053-0040(T), 333-061-0020(T), 333-102-0203(T), 333-106-0101(T), 333-175-0021(T), 333-536-0005(T), 333-700-0005(T)

Subject: The Oregon Health Authority, Public Health Division is permanently amending 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—(971) 673-1291

333-003-0010

Definitions

For purposes of OAR 333-003-0020 through 333-003-0080, the following definitions apply:

(1) "Authority" means the Oregon Health Authority.

(2) "Bioterrorism" has the meaning given that term in ORS 433.442.

(3) "Communicable disease" has the meaning given that term in ORS 431.260.

(4) "Condition of public health importance" has the meaning given that term in ORS 431.260.

(5) "Health care provider" has the meaning given that term in ORS 433.443.

(6) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996 and regulations adopted there under by the United States Department of Health and Human Services.

(7) "Individually identifiable health information" has the meaning given that term in ORS 433.443.

(8) "Local public health administrator" has the meaning given that term in ORS 431.260.

(9) "Local public health authority" has the meaning given that term in ORS 431.260.

(10) "Public health emergency" has the meaning given that term in ORS 433.442.

(11) "Public health law" has the meaning given that term in ORS 431.260.

(12) "Reportable disease" has the meaning given that term in ORS 431.260.

(13) "State Public Health Director" is the person appointed by the Director of the Oregon Health Authority under ORS 431.035(3) or his or her designee.

(14) "Strategic National Stockpile (SNS)" means the national repository of antibiotics, chemical antidotes, antitoxins, life-support medications, IV administration, airway maintenance supplies, and medical/surgical items, designed to supplement and re-supply state and local public health agencies in the event of a national emergency anywhere and at anytime within the U.S. or its territories.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 431.264 & 433.441 - 433.452

Hist.: PH 25-2004, f. & cert. ef. 7-16-04; PH 8-2008, f. & cert. ef. 5-5-08; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

333-003-0065

Civil Penalties

(1) Any person or entity that fails to comply with a protocol, order, other requirement imposed by the Public Health Director under ORS 431.262, 431.264, or 433.443 or these rules is subject to the imposition of civil penalties not to exceed \$500 per day per violation.

(2) In determining the amount of a civil penalty the Authority shall consider whether:

(a) The Authority made repeated attempts to obtain compliance;

(b) The person or entity has a history of noncompliance with public health laws; and

(c) The violation poses a serious risk to the public's health.

(3) Each day a violation continues will be considered an additional violation.

(4) A notice of imposition of civil penalties shall comply with ORS 183.745.

Stat. Auth.: ORS 413.042, 433.441 - 433.452

Stats. Implemented: ORS 433.441 - 433.452

Hist.: PH 8-2008, f. & cert. ef. 5-5-08; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

333-004-0010

Definitions

(1) "Acquisition cost" means the net amount paid per invoice line item to a pharmaceutical manufacturer, supplier or distributor for a contraceptive supply, plus any shipping and handling that is supported by the invoice.

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(2) "Approved medical services agreement" means the completed Family Planning Expansion Project agreement, submitted to and approved by the Office of Family Health.

(3) "Authority" means the Oregon Health Authority.

(4) "Citizenship verification" means confirming a client's claim of U.S. citizenship through documentation of a certified birth record, passport or other document(s) deemed acceptable proof of U.S. citizenship by the federal government.

(5) "CLIA" means the Clinical Laboratory Improvement Amendments of 1988, which establishes quality standards for all laboratory testing to ensure the accuracy, reliability and timeliness of patient test results, and allows for certification of clinical laboratories operating in accordance with these federal amendments.

(6) "Client" means a person of any age or gender who is enrolled in and receives contraceptive management services from the Family Planning Expansion Project.

(7) "Client Visit Record" or "CVR" means the form or set of information that is completed for each client visit, and that is used as a data collection instrument and a billing claim form for the Family Planning Expansion Project.

(8) "CMS" means the Centers for Medicare and Medicaid Services, located within the federal Department of Health and Human Services.

(9) "Contraceptive management" means a limited scope of family planning services as described in OAR 333-004-0040.

(10) "DMAP" means the Division of Medical Assistance Programs, within the Oregon Health Authority.

(11) "Established client" means a person who has been obtaining contraceptive services/supplies from the prescribing clinic for a minimum of three consecutive months.

(12) "Family Planning Expansion Project" or "FPEP" means the Medicaid waiver program that provides statewide family planning services to eligible clients, that is administered by the Office of Family Health within the Oregon Health Authority.

(13) "Family planning services" means services provided to clients of childbearing age, including minors who can be considered to be sexually active, who desire such services and that are intended to prevent pregnancy or otherwise limit family size.

(14) "Family planning service provider" or "provider" means a licensed health care provider operating within a scope of practice, who is authorized by the Office of Family Health to bill for contraceptive management services for eligible Family Planning Expansion Project clients.

(15) "FPEP Eligibility Database" means the web-based database designed and managed by the Office of Family Health for the statewide collection, tracking and storage of FPEP client eligibility information.

(16) "FPL" means the federal poverty level guidelines established each year by the Department of Health and Human Services, used to determine eligibility for the Family Planning Expansion Project and other federally funded programs.

(17) "Lawful Permanent Resident" means a person who, notwithstanding other eligibility requirements, is a qualified non-citizen as described in OAR 461-120-0125(4).

(18) "OFH" means the Office of Family Health, the office within the Oregon Health Authority, Public Health Division that administers the Family Planning Expansion Project.

(19) "Project number" means the administrative number assigned by the Office of Family Health to a family planning agency.

(20) "School-Based Health Center" means a health center certified by the School-Based Health Center Program located within the Office of Family Health.

(21) "Site number" means the administrative number assigned by the Office of Family Health to each clinic within a family planning agency.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: PH 4-2005, f. & cert. ef. 2-18-05; PH 3-2007(Temp), f. 2-23-07, cert. ef. 4-1-07 thru 9-28-07; PH 5-2007, f. 4-9-07, cert. ef. 4-23-07; PH 2-2009, f. & cert. ef. 3-2-09; PH 10-2010, f. & cert. ef. 6-30-10; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

333-009-0000

Definitions

For the purpose of OAR 333-009-0000 through 333-009-0030, the following definitions apply.

(1) "Act" means the "Oregon Death with Dignity Act" or Measure 16 as adopted by the voters on November 8, 1994.

(2) "Adult" means an individual who is 18 years of age or older.

(3) "Attending Physician" means the physician who has primary responsibility for the care of the patient and treatment of the patient's terminal disease.

(4) "Authority" means the Oregon Health Authority.

(5) "Capable" means that in the opinion of a court or in the opinion of the patient's attending physician or consulting physician, psychiatrist or psychologist, a patient has the ability to make and communicate health care decisions to health care providers, including communication through persons familiar with the patient's manner of communicating, if those persons are available.

(6) "Consulting physician" means a physician who is qualified by specialty or experience to make a professional diagnosis and prognosis regarding the patient's disease.

(7) "Counseling" means one or more consultations as necessary between a state licensed psychiatrist or psychologist and a patient for the purpose of determining that the patient is capable and not suffering from a psychiatric or psychological disorder or depression causing impaired judgment.

(8) "Dispensing Record" means a copy of the pharmacy dispensing record form.

(9) "Health Care Facility" shall have the meaning given in ORS 442.015.

(10) "Health Care Provider" means a person licensed, certified or otherwise authorized or permitted by the law of this state to administer health care or dispense medication in the ordinary course of business or practice of a profession and includes a health care facility.

(11) "Patient" means a person who is under the care of a physician.

(12) "Physician" means a doctor of medicine or osteopathy licensed to practice medicine by the Oregon Medical Board.

(13) "Qualified patient" means a capable adult who is a resident of Oregon and has satisfied the requirements of this Act in order to obtain a prescription for medication to end his or her life in a humane and dignified manner.

Stat. Auth.: ORS 127.865

Stats. Implemented: ORS 127.800-127.995

Hist.: HD 15-1997(Temp), f. & cert. ef. 11-6-97; OHD 4-1998, f. & cert. ef. 5-4-98; OHD 12-1999, f. & cert. ef. 12-28-99; PH 24-2006, f. & cert. ef. 10-19-06; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

333-010-0105

Definitions

(1) "Ancillary provider" means a provider that performs services beyond the scope of an enrolling provider. Ancillary providers may include laboratories, imaging centers, surgeons and surgical facilities, and hospitals.

(2) "Agency number" means the administrative number assigned to the service provider by the Office of Family Health (OFH) for identification as a BCCP provider.

(3) "Approved medical services agreement" means the completed Breast and Cervical Cancer Program agreement, submitted to and approved by the Office of Family Health.

(4) "Authority" means the Oregon Health Authority.

(5) "BCCM" means the Breast and Cervical Cancer Medical Program. ORS 414.534, 414.536.

(6) "BCCP" means the Oregon Breast and Cervical Cancer Program.

(7) "BCCP Provider Network" means the combination of all contracted BCCP providers, including enrolling and ancillary providers.

(8) "Breast and Cervical Cancer Program" means the program that provides statewide breast and cervical cancer screening and diagnostic services to eligible clients, that is administered by the Office of Family Health within the Oregon Health Authority.

(9) "Care coordination or case management" means that a client is provided with services, results, follow-up recommendations, and active tracking of progress towards follow-up recommendations.

(10) "CLIA" means the federal Clinical Laboratory Improvement Amendments of 1988, establishes quality standards for all laboratory testing to ensure the accuracy, reliability and timeliness of patient test results, and allows for certification of clinical laboratories operating in accordance with these federal amendments.

(11) "Client" means a person of any age or gender who is enrolled in and receives screening or diagnostic services from the Breast and Cervical Cancer Program.

(12) "Enrolling provider" means a provider that enrolls a client into the Breast and Cervical Cancer Program, provides care coordination for the BCCP client and timely data submission to the BCCP.

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(13) "FPL" means the federal poverty level guidelines established each year by the Department of Health and Human Services, used to determine eligibility for BCCP and other federally funded programs.

(14) "HIPAA" means the Health Insurance Portability and Accountability Act.

(15) "OFH" means the Office of Family Health, the office within the Oregon Health Authority that administers the Breast and Cervical Cancer Program.

(16) "Service provider" or "provider" means a licensed health care provider operating within a scope of practice, who is authorized by OFH to bill for breast and cervical cancer screening and diagnostic services for eligible BCCP clients.

(17) "Site number" means the administrative number assigned to the family planning service provider by OFH for identification of the geographic location of each BCCP provider.

(18) "Underinsured" means that insurance does not pay for preventive health exams that provide breast or cervical screening or diagnostic services, such as a mammogram or Pap smear, or that the deductible is \$500 or more.

Stat. Auth.: ORS 413.042

Stats. Implemented: 413.042

Hist.: PH 9-2008, f. & cert. ef. 6-16-08; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

333-010-0205

Definitions

(1) "Agency number" means the administrative number assigned to the service provider by the Office of Family Health (OFH) for identification as a BCCP/WW provider.

(2) "Ancillary provider" means an individual or entity that has met the eligibility requirements for enrollment in the WW Program, has executed a medical services agreement with the OFH, has been assigned a BCCP/WW Program agency number, and performs services beyond the scope of an enrolled provider, such as laboratory, imaging, or surgical services.

(3) "Approved medical services agreement" means the completed WW Program agreement, submitted to and approved by the Office of Family Health.

(4) "Authority" means the Oregon Health Authority.

(5) "BCCP" means the Oregon Breast and Cervical Cancer Program.

(6) "Care coordination" or "case management" means that a client is provided with services, results, follow-up recommendations, and active tracking of progress towards follow-up recommendations.

(7) "CLIA" means the federal Clinical Laboratory Improvement Amendments of 1988 (P.L. 100-578, 42 U.S.C. 201 and 263a)

(8) "Client" means a woman 40 to 64 years of age who is enrolled in and receives screening or services from the WW Program.

(9) "Enrolled provider" means an individual or entity that has met the eligibility requirements for enrollment in the WW Program, has executed a medical services agreement with the OFH, has been assigned a BCCP/WW Program agency number, and provides screening, services, or care coordination for WW Program clients.

(10) "FPL" means the federal poverty level guidelines established each year by the United States Department of Health and Human Services, used to determine eligibility for the WW Program and other federally funded programs.

(11) "HIPAA" means the Health Insurance Portability and Accountability Act.

(12) "OFH" means the Office of Family Health, within the Oregon Health Authority, Public Health Division.

(13) "Site number" means the administrative number assigned to the family planning service provider by OFH for identification of the geographic location of each WW provider.

(14) "Underinsured" means that a client's insurance does not pay for heart disease, stroke and diabetes screenings or services, such as cholesterol, triglyceride, A1C, and glucose testing and consultations.

(15) "WISEWOMAN (WW) Program" or "WW Program" means the program that provides statewide heart disease, stroke and diabetes screening and services to eligible clients, that is administered by the OFH.

(16) "WW Program provider network" means the combination of all contracted WW Program providers, including enrolling and ancillary providers.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

333-012-0050

General Rules Applicable to All Programs

(1) The purpose of these rules is to establish standards under which local public health authorities will provide environmental health services to establishments and facilities licensed under ORS chapters 446, 448 and 624.

(2) Definitions:

(a) "Administrative Costs" means those costs that are over the direct costs of providing delegated program services. These include actual departmental, agency or central government charges such as, but not limited to, accounting, purchasing, human resources, data management, legal council and central mail functions;

(b) "Administrator" means the Assistant Director for the Public Health Division of the Oregon Health Authority or an authorized representative;

(c) "Authority" means the Oregon Health Authority.

(d) "Complete Inspection" means the evaluation of a licensed establishment or facility conducted at the election of the local public health authority for compliance with all applicable regulations;

(e) "Consultation Services Remittance" means the biennial assessment of the Authority for consultation services and maintenance of the Foodborne Illness Prevention, Public Swimming Pool and Tourist Facility Programs;

(f) "Direct Costs" mean those costs for salaries and benefits of field and support staff and their associated costs including, but not limited to, rent, vehicles and travel, equipment, data management, training, phone, office supplies and the pro-rated portion of direct costs relating to supervision;

(g) "Fiscal Audit" means a comprehensive audit using standard audit procedures of the financial records of the local public health authority related to licenses and fees;

(h) "Local Public Health Authority" means county governments or health districts established under ORS 431.414 that are responsible for management of local public health services;

(i) "Recheck Inspection" means an inspection to determine whether specified corrections have been made or alternative procedures maintained for violations identified in previous inspections. In food service establishments, a recheck inspection also means an inspection to determine whether specific corrections have been maintained for critical violations creating a significantly increased risk for foodborne illness. Recheck inspections may be conducted either on pre-announced dates or unannounced.

Stat. Auth.: ORS 446.425, 448.100 & 624.510

Stats. Implemented: ORS 446.425, 448.100 & 624.510

Hist.: HD 105, f. & ef. 2-5-76; HD 1-1979, f. & ef. 1-18-79; HD 9-1994, f. & cert. ef. 4-1-94; HD 16-1995, f. 12-28-95, cert. ef. 1-1-96; HD 4-1996, f. & cert. ef. 9-17-96; PH 13-2004, f. & cert. ef. 4-9-04; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

333-015-0030

Definitions

For purposes of OAR chapter 333, division 15, the following definitions shall apply:

(1) "Act" means the Oregon Indoor Clean Air Act as it appears in ORS 433.835 through 433.875 and 433.990(5).

(2) "Authority" means the Oregon Health Authority.

(3) "Cigar bar" means a business that:

(a) Has on-site sales of cigars as defined in ORS 323.500;

(b) Has a humididor on the premises;

(c) Allows the smoking of cigars on the premises but prohibits the smoking of all other tobacco products in any form that includes, but is not limited to, loose tobacco, pipe tobacco, cigarettes as defined in ORS 323.010, and cigarillos as defined by OAR 333-015-0030(3);

(d) Has been issued and operates under a full on-premises sales license issued under ORS 471.175;

(e) Prohibits persons under 21 years of age from entering the premises and posts notice of the prohibition;

(f) Does not offer video lottery games as authorized under ORS 461.217;

(g) Has a maximum seating capacity of 40 persons;

(h) Has a ventilation system that is certified by the assistant to the State Fire Marshal described in ORS 476.060 for the jurisdiction in which the cigar bar is located as adequate to remove the cigar smoke in the cigar bar and vents the smoke from the cigar bar in a manner that prevents the smoke from entering any other establishment; and

(i) Requires all employees to read and sign a form approved and published by the Public Health Division, which explains the dangers of exposure to secondhand smoke.

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(4) “Cigarillos” means a smoking device wrapped in tobacco leaf, rather than paper, containing less than three grams of tobacco and measuring less than 100 mm in length.

(5) “Employer” means any entity or individual who engages an individual to perform work or services in an enclosed area under the control of said employer.

(6) “Enclosed area” means all space between a floor and a ceiling that is enclosed on three or more sides by permanent or temporary walls or windows, exclusive of doors or passageways, that extend from the floor to the ceiling.

(7) “Entity in charge of a public place” means any person or organization that has responsibility because of ownership, proprietorship, management, or oversight of a place that is open to the public. An entity in charge of a public place is used to refer to those instances where the person or organization in charge is not an employer.

(8) “Entrance” means any point of entry to premises whereby a person gains access to the interior of enclosed space from the exterior of outdoor space.

(9) “Exit” means any point on a premises whereby a person gains access to the exterior of an enclosed space from the interior of an indoor space.

(10) “Gross revenue” means all receipts from the sale of product(s) less the amount of any rebates, refunds, or credits.

(11) “Humidor” means a storage container designed to allow controlled airflow and equipped with a device that maintains the internal humidity in the range of 70 to 75 percent and an internal temperature in the range of 68 to 70 degrees Fahrenheit.

(12) “Local Public Health Authority” means the county government unless a health district has been formed under ORS 431.414, the county has contracted with a person or agency to act as the public health authority, or the county has relinquished its authority to the state.

(13) “Maximum seating capacity” means the total number of seats available to patrons including bar stools, seating at cocktail tables, seats at buddy-bar tables, banquette seating, and dining seating.

(14) “Noncommercial tobacco products” means unprocessed tobacco plants or tobacco by-products used for ceremonial or spiritual purposes by American Indians.

(15) “PHD” means the Public Health Division of the Oregon Health Authority.

(16) “Place of employment” means every enclosed area under the control of a public or private employer that employees frequent during the course of employment that includes, but is not limited to, work areas, employee lounges, rest rooms, conference rooms, classrooms, cafeterias, hallways, and work vehicles that are not operated exclusively by one employee. Place of employment does not include a private residence unless it is used as a child care facility as defined in ORS 657A.250 or a facility providing adult day care as defined in 410.490.

(17) “Private residence” means a residence or part of a residence that is not used as a place of business where clients or customers use the premises. A residence that is considered a place of employment or public place is subject to ORS 433.835 through 433.875 during its hours of operation. Only that part of a residence used as a place of business will be subject to 433.835 through 433.875.

(18) “Public place” means any enclosed area open to the public.

(19) “Temporary walls” means walls not intended to be permanent including walls constructed of non-permanent material that includes, but is not limited to, plastic, mesh or other screening materials, slats, louvered blinds, fabric, or blankets.

(20) “Rooms designated by the owner or entity in charge of a hotel or motel as rooms in which smoking is permitted” means sleeping rooms or suites in that hotel or motel.

(21) “Smoking instrument” means any cigar, cigarette, pipe, or other smoking equipment.

(22) “Smoke shop” means a business that:

(a) Is primarily engaged in the sale of tobacco with at least 75 percent of gross revenues resulting from tobacco sales in every fiscal year;

(b) Prohibits persons under 18 years of age from entering the premises;

(c) Does not offer video lottery games as authorized under ORS 461.217, social gaming, or betting on the premises;

(d) Does not sell or offer on-premises consumption of alcoholic beverages; and

(e) Is a stand-alone business with no other businesses or residential property attached to the premises.

(23) “Wall” means any architectural partition with a height and length greater than its thickness, used to divide or enclose an area or to support another structure.

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835

Hist.: HD 10-1983, f. & ef. 7-1-83; OH 8-2002(Temp), f. & cert. ef. 5-28-02 thru 11-22-02; OH 12-2002, f. & cert. ef. 8-27-02; PH 18-2004(Temp), f. & cert. ef. 5-7-04 thru 10-27-04; PH 27-2004, f. & cert. ef. 8-19-04; PH 12-2008, f. 8-15-08, cert. ef. 1-1-09; PH 18-2008, f. 11-14-08, cert. ef. 1-1-09; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

333-015-0100

Authority and Purpose

(1) These rules are adopted pursuant to the authority granted the Oregon Health Authority, Public Health Division in ORS 616.575.

(2) The purpose of the Oregon Menu Labeling Act is to provide consumers with basic nutrition information about prepared food sold at chain restaurants.

Stat. Auth.: ORS 616.575

Stats. Implemented: ORS 616.555 – 616.570

Hist.: PH 17-2009, f. 12-29-09, cert. ef. 1-1-10; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

333-020-0125

Definitions

As used in these rules:

(1) “Advisory Committee” means the Newborn Hearing Advisory Committee appointed by the Director of the Oregon Health Authority to advise the Authority and the legislature on the implementation and evaluation of universal newborn hearing screening in Oregon and the state newborn hearing screening test registry, tracking and recall system.

(2) “Authority” means the Oregon Health Authority.

(3) “Automated auditory brainstem response” means a specific test method that elicits an objective electro-physiological measurement of the brainstem’s response to acoustic stimulation of the ear, obtained with equipment that automatically provides a pass/refer outcome.

(4) “Birthing Center” means any health facility licensed by the State of Oregon for the primary purpose of performing low risk deliveries, as defined in ORS 442.015(14)(f).

(5) “Birthing Facility” means the location of a child’s birth, including hospital, birthing center (or) in the case of a home or out-of-facility birth, the child’s birthing attendant.

(6) “Child” (or plural “children”) means any individual (or individuals) who is (are) less than 36 months of age.

(7) “Diagnostic Facility” means any facility or person, including hospitals, private audiology practices, licenses health care providers and educational facilities that conduct newborn hearing diagnostic testing.

(8) “Diagnostic Testing” means the performance of physiologically-based testing on children to determine the presence or absence and extent of a hearing loss, using procedures specified by the Authority, for the purposes of establishing a diagnosis and serving as a basis for initiating therapy and/or intervention.

(9) “Director” means the Assistant Director of the Oregon Health Authority, Public Health Division.

(10) “Early intervention services” means services for children with disabilities from birth until three years of age that are designed to meet the developmental needs of children with disabilities and the needs of the family related to enhancing the child’s development, and that are selected in collaboration with the parents and caregivers.

(11) “Early intervention facility” is any public or private educational institution providing early intervention services.

(12) “EI” (or, alternately, “EI/ECSE”) means the Early Intervention/Early Childhood Special Education Program of the Office of Special Education of the Oregon Department of Education. EI/ECSE provides early intervention services under public supervision by personnel qualified in accordance with criteria established by rules of the State Board of Education and in conformity with an individualized family service plan, as defined in ORS 343.035(6).

(13) “Follow-up Hearing Test” means any hearing screening or diagnostic test procedure that is conducted on a child who is enrolled in the Tracking and Recall System.

(14) “Hospital” means any health care facility licensed by the State of Oregon and meeting the definition of “hospital” in ORS 442.015(14)(a).

(15) “Newborn” means a child less than one month of age.

(16) “Newborn Hearing Screening Test” means a physiologically-based test procedure utilizing either otoacoustic emissions or automated auditory brainstem response technologies, or other technologies as approved by the Authority. If a newborn achieves a ‘pass’ on the first

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screening test, screening is completed. If a newborn does not pass, a second screening test is carried out immediately using a different technology or, after an interval of 12 hours, using the same technology.

(17) "Newborn hearing screening test registry" means a listing of newborn children and information related to their newborn hearing screening tests.

(18) "Otoacoustic emissions" means a specific test method that elicits a physiologic response from the cochlea, and may include Transient Evoked Otoacoustic Emissions and Distortion Product Otoacoustic Emissions.

(19) "Pass" means a newborn hearing screening result that indicates that a child's hearing is most likely within normal limits.

(20) "Private educational institution" means any private institution providing early intervention services as defined in ORS 343.035(6) or the equivalent and which have been accepted for the Office of Special Education of the Oregon Department of Education's "Approved Private Schools" list.

(21) "Public educational institution" means any public educational institution providing early intervention services, as defined in ORS 343.035(6).

(22) "Refer" means a newborn hearing screening test result that indicates that a child needs a follow-up hearing test.

(23) "Regional Program" means any one of the Low Incidence Regional Programs for the Deaf and Hard-of-Hearing.

(24) "Screening Facility" means any facility or person, including hospitals, birthing centers, private audiology practices, licensed health care providers and educational facilities that conduct newborn hearing screening tests.

(25) "Tracking and recall system" means a system attached to the newborn hearing test registry designed to identify and contact the parent or guardian of a newborn child listed in the newborn hearing screening test registry for the purposes of assisting in testing and in enrollment of the child in early intervention services in a timely manner.

Stat. Auth.: ORS 433.323

Stat. Implemented: ORS 433.321-433.327

Hist.: OH 8-2000, f. & cert. ef. 7-20-00, PH 21-2003, f. & cert. ef. 12-16-03; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

333-025-0100

Definitions

As used in these rules:

(1) "Anonymous research" means scientific or medical genetic research conducted in such a manner that any DNA sample or genetic information used in the research is unidentified. "Anonymous research" does not include research conducted in such a manner that the identity of such an individual, or the identity of the individual's blood relatives, can be determined by use of a code, encryption key or other means of linking the information to a specific individual.

(2) "Biological sample" means any human biological specimen that may be used as a DNA sample.

(3) "Blanket informed consent" means that the individual has consented to the use of that individual's DNA sample or health information for any future research, but has not been provided with a description of or consented to the use of the sample in genetic research or any specific genetic research project.

(4) "Blood relative" means a person who is:

(a) Related by blood to an individual; and

(b) A parent, sibling, son, daughter, grandparent, grandchild, aunt, uncle, first cousin, niece or nephew of the individual.

(5) "Clinical" means relating to or obtained through the actual observation, diagnosis, or treatment of patients and not through research.

(6) "Coded" means identifiable only through the use of a system of encryption that links a DNA sample or genetic information to an individual or the individual's blood relative. A coded DNA sample or genetic information is supplied by a repository to an investigator with a system of encryption.

(7) "Covered entity," as applied to a health care provider, means a health care provider that transmits any health information in electronic form to carry out financial or administrative activities in connection with a transaction covered by ORS 192.518 to 192.524.

(8) "Deidentified" means lacking, or having had removed, the identifiers or system of encryption that would make it possible for a person to link a biological sample or health information to an individual or the individual's blood relative, and neither the investigator nor the repository can reconstruct the identity of the individual from whom the sample or information was obtained. DNA samples and genetic information will be con-

sidered deidentified only if they meet the following standards provided in the Federal Privacy Rule:

(a) A person with appropriate knowledge of and experience with generally accepted statistical and scientific principles and methods for rendering information not individually identifiable:

(A) Applying such principles and methods, determines that the risk is very small that the information could be used, alone or in combination with other reasonably available information, by an anticipated recipient to identify an individual who is a subject of the information; and

(B) Documents the methods and results of the analysis that justify such determination; or

(b) The following identifiers of the individual or of relatives, employers, or household members of the individual, are removed:

(A) Names;

(B) All geographic subdivisions smaller than a state, including street address, city, county, precinct, zip code, and their equivalent geocodes, except for the initial three digits of a zip code if, according to the current publicly available data from the Bureau of the Census:

(i) The geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and

(ii) The initial three digits of a zip code for all such geographic units containing 20,000 or fewer people is changed to 000.

(C) All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death; and all ages over 89 and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older;

(D) Telephone numbers;

(E) Fax numbers;

(F) Electronic mail addresses;

(G) Social security numbers;

(H) Medical record numbers;

(I) Health plan beneficiary numbers;

(J) Account numbers;

(K) Certificate/license numbers;

(L) Vehicle identifiers and serial numbers, including license plate numbers;

(M) Device identifiers and serial numbers;

(N) Web Universal Resource Locators (URLs);

(O) Internet Protocol (IP) address numbers;

(P) Biometric identifiers, including finger and voice prints;

(Q) Full face photographic images and any comparable images; and

(R) Any other unique identifying number, characteristic, or code; and

(c) The investigator and repository do not have actual knowledge that the information could be used alone or in combination with other information to identify an individual who is a subject of the information.

(9) "Direct provider" means a health care provider that is not an indirect treatment provider.

(10) "Disclose" means to release, publish, or otherwise make known to a third party a biological sample or health information.

(11) "DNA" means deoxyribonucleic acid.

(12) "DNA sample" means any human biological specimen that is obtained or retained for the purpose of extracting and analyzing the individual's DNA to perform a genetic test. "DNA sample" includes DNA extracted from the specimen.

(13) "Federal Common Rule" means the Federal Policy for the Protection of Human Subjects, as adopted by the following federal agencies and as revised through November 13, 2001: 7 CFR Part 1c, Department of Agriculture; 10 CFR Part 745, Department of Energy; 14 CFR Part 1230, National Aeronautics and Space Administration; 15 CFR Part 27, Department of Commerce; 16 CFR Part 1028, Consumer Product Safety Commission; 21 CFR Parts 50 and 56, Food and Drug Administration; 22 CFR Part 225, International Development Cooperation Agency, Agency for International Development; 24 CFR Part 60, Department of Housing and Urban Development; 28 CFR Part 46, Department of Justice; 32 CFR Part 219, Department of Defense; 34 CFR Part 97, Department of Education; 38 CFR Part 16, Department of Veterans Affairs; 40 CFR Part 26, Environmental Protection Agency; 45 CFR Part 690, National Science Foundation; 45 CFR Part 46, Department of Health and Human Services; 49 CFR Part 11, Department of Transportation. In the case of research not subject to federal regulation under one of these provisions, "Federal Common Rule" means 45 CFR Part 46.

(14) "Federal Privacy Rule" means the federal regulations under the Health Insurance Portability and Accountability Act, 45 CFR parts 160 and 164.

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(15) "Genetic characteristic" includes a gene, chromosome or alteration thereof that may be tested to determine the existence or risk of a disease, disorder, trait, propensity or syndrome or to identify an individual or a blood relative. "Genetic characteristic" does not include family history or a genetically transmitted characteristic whose existence or identity is determined other than through a genetic test.

(16) "Genetic information" means information about an individual or the individual's blood relatives obtained from a genetic test.

(17) "Genetic research" means research using human DNA samples, genetic testing or genetic information.

(18) "Genetic test" means a test for determining the presence or absence of genetic characteristics in a human individual or the individual's blood relatives, including tests of nucleic acids such as DNA, RNA, and mitochondrial DNA, chromosomes or proteins in order to diagnose or determine a genetic characteristic.

(19) "Health care facility" means a hospital, long term care facility, an ambulatory surgical center, a freestanding birthing center or an outpatient dialysis center. "Health care facility" does not mean:

(a) An establishment furnishing residential care or treatment not meeting federal intermediate care standards, not following a primarily medical model of treatment, prohibited from admitting persons requiring 24-hour nursing care and licensed or approved under the rules of the Oregon Health Authority, Department of Human Services or the Department of Corrections; or

(b) An establishment furnishing primarily domiciliary care.

(20) "Health care provider" has the meaning given in ORS 192.519(5).

(21) "Health information" means any information in any form or medium that:

(a) Is created or received by a health care provider, a state health plan, a health insurer, a healthcare clearinghouse, a public health authority, an employer, a life insurer, a school, or a university; and

(b) Relates to:

(A) The past, present or future physical or mental health or condition of an individual;

(B) The provision of health care to an individual; or

(C) The past, present or future payment for the provision of health care to an individual.

(22) "Human biological specimen" means any material derived from human subjects, such as blood, urine, tissues, organs, hair, nail clippings, or any other cells or fluids, whether collected for research purposes or as residual specimens from diagnostic, therapeutic, or surgical procedures.

(23) "Identifiable" or "Individually identifiable" means capable of being linked to the individual or a blood relative of the individual from whom the biological sample or health information was obtained, including demographic information that identifies the individual, or for which there is a reasonable basis to believe the information can be used to identify an individual.

(24) "Identified" means having an identifier that links, or that could readily allow the recipient to link, a DNA sample or genetic information directly to the individual or a blood relative of the individual from whom the sample or information was obtained.

(25) "Identifier" means data elements that directly link a DNA sample or genetic information to the individual or a blood relative of the individual from whom the sample or information was obtained. Identifiers include, but are not limited to, names, telephone numbers, electronic mail addresses, Social Security numbers, driver license numbers and fingerprints.

(26) "Indirect provider" means a health care provider having a relationship with an individual in which:

(a) The health care provider delivers health care to the individual based on the orders of another health care provider; and

(b) The health care provider typically provides services or products, or reports the diagnosis or results associated with the health care, directly to another health care provider, who provides the services or products or reports to the individual.

(27) "Institutional Review Board" or "IRB" means an Institutional Review Board established in accord with and for the purposes expressed in the Federal Common Rule.

(28) "IRB approval" means the determination of the IRB that the research has been reviewed and may be conducted within the constraints set forth by the IRB and by other institutional and Federal and State requirements.

(29) "Limited data set" means protected health information that, in accordance with the Federal Privacy Rule, excludes the following direct

identifiers of the individual or of relatives, employers, or household members of the individual:

(a) Names;

(b) Postal address information, other than town or city, state, and zip code;

(c) Telephone numbers;

(d) Fax numbers;

(e) Electronic mail addresses;

(f) Social security numbers;

(g) Medical record numbers;

(h) Health plan beneficiary numbers;

(i) Account numbers;

(j) Certificate/license numbers;

(k) Vehicle identifiers and serial numbers, including license plate numbers;

(l) Device identifiers and serial numbers;

(m) Web Universal Resource Locators (URLs);

(n) Internet Protocol (IP) address numbers;

(o) Biometric identifiers, including finger and voice prints; and

(p) Full face photographic images and any comparable images.

(30) "Obtain genetic information" means performing or getting the results of a genetic test.

(31) "Opt-out statement" means a written expression of an individual's desire to withhold his or her own biological specimen or clinical individually identifiable health information from use and disclosure for the purpose of anonymous research or coded research.

(32) "Person" includes but is not limited to any health care provider, health care facility, clinical laboratory, blood or sperm bank, insurer, insurance agent, insurance-support organization, as defined in ORS 746.600, government agency, employer, research organization or agent of any of them.

(33) "Personal representative" includes but is not limited to:

(a) A person appointed as a guardian under ORS 125.305, 419B.370, 419C.481 or 419C.555 with authority to make medical and health care decisions;

(b) A person appointed as a health care representative under ORS 127.505 to 127.660 or a representative under ORS 127.700 to 127.737 to make health care decisions or mental health treatment decisions; and

(c) A person appointed as a personal representative under ORS Chapter 113.

(34) "Recontact" means disclosure of genetic research findings to a research subject or the subject's physician through use of personal identifiers.

(35) "Research" means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalized knowledge.

(36) "Retain a DNA sample" means the act of storing the DNA sample.

(37) "Retain genetic information" means making a record of the genetic information.

(38) "Specific informed consent for genetic research" means the individual or the individual's representative has consented to the use of that individual's DNA sample or genetic information for genetic research or for a specified genetic research project.

(39) "Unidentified" means deidentified or not identifiable.

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

Stat. Auth.: ORS 192.531

Stats. Implemented: ORS 192.531

Hist.: OHD 14-2002, f. & cert. ef. 9-27-02; PH 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-16-04; PH 9-2004, f. & cert. ef. 3-23-04; PH 21-2005, f. 12-30-05, cert. ef. 1-1-06; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

333-027-0005

Definitions

The following definitions shall apply in OAR 333-027-0000 through 333-027-0170:

(1) "Admission" means acceptance of a patient for the provision of services by an agency.

(2) "Authority" means the Oregon Health Authority.

(3) "Branch Office" means a location or site from which a home health agency provides services to patients within a portion of the total geographic area served by the parent agency; generally, not to exceed one hour's travel time from the parent agency.

(4) "Clinical Note" means a dated, written, and signed notation by a member of the home health agency team of a contact with the patient that describes care rendered, signs and symptoms, treatment and/or drugs given,

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patient's reaction, and any changes in patient's physical or mental condition.

(5) "Clinical Record" means all information and documentation pertaining to the care of a patient.

(6) "Critical/fluctuating condition" means a situation where the patient's clinical and/or behavioral state is of a serious nature, expected to rapidly change, and in need of continuous reassessment and evaluation.

(7) "Governing Body" means the designated person(s) having ultimate responsibility for the home health agency.

(8) "Home Health Agency" ("Agency") means a public or private entity providing coordinated home health services on a home visiting basis.

(9) "Home Health Aide" means a person certified as such by the Oregon State Board of Nursing who assists licensed nursing personnel in providing home health services.

(10) "Home Health Service" means items and services furnished to an individual by a home health agency, or by others under arrangement with such agency, on a visiting basis in a place of temporary or permanent residence used as the individual's home for the purpose of maintaining that individual at home.

(11) "Licensed Physical Therapist Assistant" means a person licensed as such by the Oregon Physical Therapist Licensing Board.

(12) "Licensed Practical Nurse" means a person licensed as such by the Oregon State Board of Nursing.

(13) "Nurse Practitioner" means a registered nurse who has been certified by the Oregon State Board of Nursing as qualified to practice in an expanded specialty role within the practice of nursing.

(14) "Occupational Therapist" means a person who is licensed as such by the Oregon Occupational Therapy Licensing Board.

(15) "Occupational Therapy Assistant" means a person licensed as such by the Oregon Occupational Therapy Licensing Board.

(16) "Parent Home Health Agency" ("Parent Agency") means an agency that has branches and/or subunits.

(17) "Physical Therapist" means a person licensed as such by the Oregon Physical Therapist Licensing Board.

(18) "Physician" means a person who holds a degree of Doctor of Medicine or Doctor of Osteopathy and who is authorized to practice medicine or surgery by the state in which such function or action is performed.

(19) "Podiatrist" means a podiatric physician and surgeon whose practice is limited to treating the ailments of the human foot and is authorized to practice by the state in which such function or action is performed.

(20) "Primary Agency" means the agency that admits the patient for the provision of curative, rehabilitative, and/or preventive services in the patient's home by home health professionals.

(21) "Professional Policy-Making Committee" (Committee) means a group of individuals who are appointed by the governing body of an agency, and who has authority and responsibility for the development and monitoring of all professional policies pertaining to the home health agency.

(22) "Progress Note" means a written summary of a patient's response to care provided during a specific period of time.

(23) "Registered Nurse" means a person licensed as such by the Oregon State Board of Nursing.

(24) "Skilled Nursing" means the patient care services pertaining to the curative, rehabilitative, and/or preventive aspects of nursing performed by, or under the supervision of, a registered nurse pursuant to the plan of treatment.

(25) "Social Worker" means a person who has a master's degree from a school of social work accredited by the Council of Social Work Education and has one year of social work experience in a health care setting.

(26) "Social Work Assistant" means a person who has a baccalaureate degree in social work, psychology, or another field related to social work and has at least one year of social work experience in a health care setting.

(27) "Speech Pathologist" means a person who is licensed as such by the Oregon Board of Examiners for Speech Pathology and Audiology and has a Certificate of Clinical Competence in speech pathology or audiology from the American Speech and Hearing Association.

(28) "Stable/predictable condition" means a situation where the patient's clinical and/or behavioral state is known, not characterized by rapid changes, and does not require continuous reassessment and evaluation.

(29) "Subunit" means an agency that provides services for a parent agency in a geographic area different from that of the parent agency and at

a distance generally exceeding one hour's travel time from the parent agency.

(30) "Therapeutic services" means services provided for curative, rehabilitative, and/or preventive purposes.

Stat. Auth.: ORS 443.085

Stats. Implemented: ORS 443.005 & 443.085

Hist.: HD 151, f. & ef. 12-30-77; HD 1-1982, f. & ef. 2-4-82; HD 19-1987, f. 11-10-87, ef. 12-1-87; HD 22-1988, f. & cert. ef. 9-16-88; HD 20-1993, f. & cert. ef. 10-28-93; OHD 13-1998, f. & cert. ef. 11-6-98; OHD 9-2002, f. & cert. ef. 7-2-02; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

33-030-0015

Definitions

As used in these rules unless otherwise required by context:

(1) "Administrator" means the Public Health Director of the Oregon Health Authority or designee.

(2) "Activity Leader or Supervisor" means the staff member providing direct onsite supervision for a camp program or activity.

(3) "Ancillary Activity" means an individual or group using the camp facilities in a manner unrelated to the camp's mission or programs. An example might include a wedding party or a business group using a Boy Scout Camp for a reception or meeting. Such activities may require the camp to maintain a food service or traveler's accommodation license in addition to the organization camp license.

(4) "Approved" means approved in writing by the Oregon Health Authority, Public Health Division.

(5) "Aquatic Director" means a person over 18 years of age who is employed by or within the organizational camp and is a currently certified Red Cross Water Safety Instructor, Boy Scouts of America National Aquatic Instructor or having equivalent certification as determined by the Oregon Health Authority, Public Health Division.

(6) "Camp Director" means the person on-site who has the overall responsibility for all camp activities and functions.

(7) "Camp Staff" include paid and volunteer leaders working directly for the camp operator and may include contract or rental (user group) individuals.

(8) "Contract groups" or "Rental groups" are organized groups that are not participating in ancillary activities or the normal camp activities, but that use the camp facilities under contracted arrangement with the camp operator whether or not a fee is paid. These groups may or may not use all of the camp's facilities or staff.

(9) "Day Camp" means an organizational camp facility that campers attend for an established period of time, leaving at the end of the camping day. It provides creative and recreational opportunities in the out-of-doors utilizing trained leadership and the resources of the natural surroundings to contribute to the camper's mental, physical and spiritual growth. It is oriented to providing such programming for children between the ages of 5-13 when school is not in session.

(10) "Delegated County" means a county delegated to administer the Organizational Camp Program under ORS 446.425.

(11) "Division" means the Public Health Division of the Oregon Health Authority or delegated county.

(12) "Family Camp" means sessions operated or staffed by the camp or user group for parents and children as family groups. Parents and guardians are on-site and have frequent contact with and make decisions on behalf of their children.

(13) "Health History" means an up-to-date record of the camper's or staff's past and present health status. It should be as accurate and complete as possible and list immunizations, past medical treatment, allergies, medications currently being taken, date of the last tetanus shot, health problems and other health issues of concern.

(14) "Health Services" means the services provided to campers and staff including first aid, medication management, provision of prescribed medical treatment and health practices.

(15) "Lifeguard" means a currently certified Red Cross Lifeguard (with waterfront module where applicable), YMCA Lifeguard, Boy Scout Lifeguard, National Pool and Waterpark Lifeguard, or a person having equivalent certification as determined by the Oregon Health Authority, Public Health Division.

(16) "On-Site" means within the boundaries of the camp facility.

(17) "Organizational Camp" means any facility operating for recreational use by groups or organizations. Organizational Camps include, but are not limited to, youth camps, scout camps, summer camps, day camps, nature camps, science camps, survival camps, athletic camps, camps operated and maintained under the guidance, supervision or auspices of religious, public and private educational systems and community service

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organizations or other persons or organizations whether for-profit or non-profit. Organizational camps are distinguished from recreation parks, or hotels and motels by the existence of organized group activities comprising the majority of activities by all participants rather than individual or family recreation. Camps operating less than one week per year are excluded from these rules unless they have permanent structures or operate as a "day camp."

(18) "Outdoor Youth Program" means a program that provides, in an outdoor living setting, treatment services to youth who are enrolled in the program because they have behavioral problems, mental health problems or problems with abuse of alcohol or drugs. "Outdoor Youth Programs" must meet the requirements of OAR 413-215-0901 through 413-215-1031. Licensing with the Department of Human Services is required.

(19) "Permanent Sleeping Unit" means cabins, tents, huts and other shelters that are used for sleeping and remain stationary for more than six nights in an organizational camp.

(20) "Person" means individuals, corporations, associations, firms, partnerships and joint stock companies as well as public entities such as schools, colleges, public or private educational corporations.

(21) "Primitive Camping" means camp activities that take place in a wilderness setting far enough away from the organizational camp to require eating meals or sleeping away from the camp facilities.

(22) "Public Spa Pool" means any public swimming pool or wading pool designed primarily to direct water or air-enriched water under pressure onto the bather's body with the intent of producing a relaxing or therapeutic effect.

(23) "Public Swimming Pool" means an artificial structure, and its appurtenances, that contains water more than two feet deep that is used, or intended to be used, for swimming or recreational bathing and is for the use of any segment of the public. A "public swimming pool" includes, but is not limited to, swimming pools owned or operated by organizational camps.

(24) "Public Wading Pool" means an artificial structure, and its appurtenances, that contains water less than two feet deep that is expressly designated or is used with the knowledge and consent of the owner or operator for wading or recreational bathing and is for the use of any segment of the public, whether limited to patrons of a companion facility or not.

(25) "Recreation Park" means any area designated by the person establishing, operating, managing or maintaining the same for picnicking or overnight camping by the general public or any segment of the public. Recreation park includes, but is not limited to, areas open to use free of charge or through payment of a tax or fee or by virtue of rental, lease, license, membership, association or common ownership and further includes, but is not limited to, those areas divided into two or more lots, parcels, units or other interests for purposes of such use.

(26) "These Rules" means OAR 333-030-0005 through 333-030-0130.

(27) "Trip Camping" means camp activities that involve travel. Such travel may include eating meals or sleeping away from the organizational camp.

(28) "Unregulated Small Drinking Water System" means a facility licensed under the authority of these rules that is not regulated under OAR 333-061, (Public Water Systems). These systems must comply with the requirements of OAR 333-030-0080.

(29) "Waterfront Program" means those activities occurring in or on bodies of water other than public swimming and spa pools.

(30) "Wilderness Camping" means camp activities that take place in a wilderness setting far enough away from the organizational camp to require eating meals or sleeping away from the camp facilities.

Stat. Auth.: ORS 446.330

Stats. Implemented: ORS 445.310 - 446.350

Hist.: HD 25-1981, f. & ef. 11-25-81; HD 7-1996, f. & cert. ef. 12-10-96; PH 1-2005, f. & cert. ef. 1-14-05; PH 9-2007, f. & cert. ef. 7-13-07; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

333-048-0010

Definitions

As used in OAR 333-048-0010 through 333-048-0030:

(1) "Division" means the Public Health Division of the Oregon Health Authority.

(2) "Local Public Health Authority" means the district or county Board of Health, Public Health Officer, Public Health Administrator or health department having jurisdiction within the area.

(3) "Sponsor" means any medical practice, clinic, hospital, local health department, health system, long-term-care facility, home-care agency, occupational health program, pharmacy, or other entity that sponsors the direct provision of vaccination services in Oregon.

(4) "High Risk" means broad categories of people defined by the Advisory Committee on Immunization Practices or the State Public Health Officer as being at increased risk of severe disease or complications from a vaccine-preventable disease for which the State Health Officer has declared a vaccine shortage pursuant to OAR 333-048-0020. Risk categories may be further broken down into prioritized sub-categories.

(5) "Low Risk" means broad categories of people defined by the Advisory Committee on Immunization Practices or the State Public Health Officer as being unlikely to experience severe disease or complications from a vaccine-preventable disease for which the State Health Officer has declared a vaccine shortage pursuant to OAR 333-048-0020. Risk categories may be further broken down into prioritized sub-categories.

(6) "Provider" means any health care practitioner, or other person, who can administer vaccine directly to a patient.

(7) "Vaccine" means any vaccine, any immune product or chemo prophylactic medication.

(8) "Plan" means an Oregon Vaccine Education and Prioritization Plan.

(9) "CD Summary" means the Oregon CD Summary, an Oregon Health Authority publication sent to providers statewide.

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

Stat. Auth.: ORS 433.040

Stats. Implemented: ORS 433.040

Hist.: OHD 27-2001, f. & cert. ef. 12-4-01; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

333-052-0040

Definitions

(1) "Adequate Participant Access" means there are authorized farmers sufficient for participant need.

(2) "Agreement," means a written legal document binding the market or farmer and the Authority to designated terms and conditions.

(3) "Authority" means the Oregon Health Authority.

(4) "Authorized" or "authorization," means an eligible farmer or farmers' market has met the selection criteria and signed an agreement with the Authority allowing participation in FDNP, and is not currently disqualified.

(5) "Check," means a negotiable financial instrument by which FDNP benefits are provided to participants.

(6) "CMP," means a civil money penalty.

(7) "Disqualification," means the act of terminating the agreement of an authorized farmers' market, or farmer from the FDNP for noncompliance with program requirements.

(8) "Eligible foods," means fresh, nutritious, unprepared, locally grown fruits and vegetables and culinary herbs for human consumption. Eligible foods may not be processed or prepared beyond their natural state except for usual harvesting and cleaning processes. For example, checks cannot be used for honey, maple syrup, cider, nuts, seeds, plants, eggs, meat, cheese and seafood.

(9) "Farmer," means an individual who owns, leases, rents or share-crops land to grow, cultivate or harvest crops on that land.

(10) "Farm Direct Nutrition Program" or "FDNP," means the Farmers' Market Nutrition Program administered by the United States Department of Agriculture, Food and Nutrition Services and implemented by the State of Oregon.

(11) "Farmers' Market," means a group of five or more farmers who assemble over the course of a year at a defined location for the purpose of selling their eligible produce directly to consumers.

(12) "Farm Stand," means a location at which a farmer sells produce directly to consumers.

(13) "FDNP Participant" or "participant" means a senior participant or a WIC participant receiving FDNP benefits.

(14) "Fine," means a monetary penalty imposed against the farmer for non-compliance of FDNP rules.

(15) "Locally grown," means grown in the state of Oregon or in the following counties of a contiguous state: California — Del Norte, Modoc, Siskiyou; Idaho — Adams, Canyon, Idaho, Owyhee, Payette, Washington; Nevada — Humboldt, Washoe; Washington — Asotin, Benton, Clark, Columbia, Cowlitz, Garfield, Klickitat, Pacific, Skamania, Wahkiakum, Walla Walla.

(16) "Local WIC agency," means the agency or clinic where a participant receives WIC services and FDNP checks.

(17) "Market," means a farmers' market that has a signed agreement with the Authority to participate in the FDNP.

(18) "Market Coordinator," means an individual designated by the farmers' market manager (or market board members) responsible for overseeing the market's participation in the FDNP.

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(19) "Market Season" means the time period in which FDNP checks may be transacted as determined by the Authority.

(20) "Senior Participant" means an individual who is over 60 years of age, meets all the eligibility components of the program and who receives FDNP checks.

(21) "Trafficking," means the buying or exchanging of FDNP checks for cash, drugs, firearms or alcohol.

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

(23) "Validating," means stamping the FDNP check in the designated box with the farmer identification number using the stamp provided by the Authority.

(24) "Violation," means an activity that is prohibited by OAR 333-052-0030 through 333-052-0090 and classified in 333-052-0080 through 333-052-0130.

(25) "WIC" or "WIC program" means the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) authorized by Section 17 of the Federal Child Nutrition Act of 1966, as amended, 42 U.S.C. 1786.

(26) "WIC participant" means any pregnant, breastfeeding, or post-partum woman, infant, or child who receives WIC benefits.

Stat. Auth.: ORS 409.600

Stats. Implemented: ORS 409.600

Hist.: PH 10-2006, f. & cert. ef. 6-5-06; PH 7-2008, f. & cert. ef. 4-3-08; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

333-053-0040

Definitions

(1) "Adjunctively income eligible" means an applicant or participant is eligible for WIC if they are:

(a) Certified and fully eligible to receive benefits for the:

(A) Food Distribution Program on Indian Reservations (FDPIR);

(B) Food Stamp Program;

(C) Medicaid/Oregon Health Plan (OHP); or

(D) Temporary Assistance for Needy Families (TANF).

(b) Determined presumptively eligible for either TANF or Medicaid/OHP (pending completion of that program's process); or

(c) A member of a household with:

(A) A food stamp recipient;

(B) A pregnant woman or infant currently on Medicaid/OHP; or

(C) A TANF recipient.

(2) "Applicant" means any pregnant woman, breastfeeding woman, post-partum non-lactating woman, infant or child (through the end of the month he or she turns five years of age) or their guardian or proxy who applies to receive WIC benefits.

(3) "Authority" means the Oregon Health Authority.

(4) "Authorized food" means any supplemental foods listed on the WIC Authorized Food List, the food instrument or the CVV.

(5) "Authorized shopper" means:

(a) The participant or any person designated by the participant who has signed the WIC ID card on the second line (second authorized signer);

(b) A documented proxy;

(c) A participant's caretaker or the caretaker's designee; or

(d) Any Authority representative posing as a participant or participant designee as authorized by the Authority.

(6) "Cash Value Voucher" or "CVV" means a fixed-dollar amount check, voucher, electronic benefit transfer (EBT) card or other document which is used by a participant to obtain WIC authorized fruits and vegetables.

(7) "Certification" means the implementation of criteria and procedures to assess and document each applicant's eligibility for participation in the WIC program.

(8) "CFR" means Code of Federal Regulations.

(9) "Claim" means a demand for repayment for intentional misuse of WIC or FDNP benefits.

(10) "CSFP" means the Commodity Supplemental Food Program.

(11) "Disqualification" means termination of participation in the WIC program and cessation of WIC benefits due to an intentional participant violation for a specific amount of time. Participants may reapply for benefits at any time after the sanction period is over.

(12) "Dual participation" means simultaneous participation in more than one WIC program (more than one state or more than one local agency within Oregon) or participation in the WIC program and in the CSFP at the same time.

(13) "Farm Direct Nutrition Program" or "FDNP" means the Farmers' Market Nutrition Program administered by the United States

Department of Agriculture (USDA), Food and Nutrition Services and implemented by the state of Oregon, Oregon Health Authority.

(14) "Food instrument" means a negotiable financial instrument by which WIC benefits are provided to participants. Food instruments are also referred to as "checks" or "vouchers."

(15) "Hearing request" or "request for a hearing" means any clear expression by an individual, or the individual's parent, caretaker or representative, that they want a higher authority to review the adverse action that was taken against them by the local or state WIC program.

(16) "Local agency" means:

(a) A public or private non-profit health or human services agency that provides health services, either directly or through contract with the Authority to provide services, in accordance with 7 CFR § 246.5;

(b) An Indian Health Service unit in contract with the Authority to provide services;

(c) An Indian tribe, band or group recognized by the Department of the Interior that operates a health clinic or is provided health services by an Indian Health Service unit; or

(d) An intertribal council or group that is an authorized representative of Indian tribes, bands or groups recognized by the Department of the Interior that operates a health clinic or is provided health services by an Indian Health Service unit.

(17) "Offense" means any unintentional action of a participant, parent or caretaker of an infant or child participant, or a proxy that violates federal or state statutes, regulations, policies or procedures governing the WIC program.

(18) "Participant" means any pregnant woman, breastfeeding woman, post-partum non-lactating woman, infant or child (through the end of the month he or she turns five years of age) who has been certified to receive benefits from the WIC program.

(19) "Participant's caretaker" means a person who has significant responsibility for providing food to the infant or child. The caretaker is usually part of the family unit, for example the parent or legal guardian of the infant or child.

(20) "Proxy" means a third person (besides the participant or authorized individual whose signature appears on the WIC ID card) temporarily authorized to pick up or shop with WIC food instruments or cash value vouchers on behalf of a participant.

(21) "Restitution" means reimbursement to the Authority of the cash value of the benefits that were obtained or disposed of improperly as the result of an intentional participant violation.

(22) "Sanction" means a penalty imposed by the state WIC program due to an intentional misuse of program funds or other intentional violation including, but not limited to, misrepresentation of information provided to determine program eligibility.

(23) "Second authorized signer" means the individual who signed the WIC ID card on the second line.

(24) "Service area" means a local program or subdivision of a local program that encompasses a specific geographic area.

(25) "Termination from program" means a participant's file is closed and benefits cease for any reason including, but not limited to, lack of eligibility, no longer breastfeeding, or transferring out of state.

(26) "Trafficking" means the buying or exchanging of WIC food instruments, cash value vouchers or FDNP checks for alcohol, cash, credit, tobacco or any other non-food item.

(27) "Violation" means an intentional action of a participant, parent or caretaker of an infant or child participant, or a proxy that violates federal or state statutes, regulations, policies or procedures governing the WIC program.

(28) "WIC program" or "WIC" means the Special Supplemental Nutrition Program for Women, Infants and Children authorized by Section 17 of the Federal Child Nutrition Act of 1966, as amended, 42 U.S.C. § 1786.

Stat. Auth.: ORS 409.600

Stats. Implemented: ORS 409.600

Hist.: PH 17-2008, f. & cert. ef. 11-5-08; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

333-061-0020

Definitions

As used in these rules, unless the context indicates otherwise:

(1) "Act" means the Oregon Drinking Water Quality Act of 1981 (ORS 448.115-448.990 as amended).

(2) "Action Level" means the concentration of lead or copper in water which determines, in some cases, the treatment requirements that a water system is required to complete.

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(3) "Administrator" means the Director of the Oregon Health Authority or his/her designee.

(4) "Analytical Run" means the process during which a set of analytical drinking water samples along with an appropriate number of blanks, matrix spikes, or quality control samples are analyzed according to National Environmental Laboratory Accreditation Conference (NELAC) requirements to determine the presence, absence, or concentration of a specific target analyte or analytes. An analytical run is complete when the instrument performing the sample analysis generates a report of the sample analysis.

(5) "Approval" or "Approved" means approved in writing.

(6) "Approved Air Gap (AG)" means a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressurized receiving vessel. An "Approved Air Gap" shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel and in no case less than 1 inch (2.54 cm), and in accord with Oregon Plumbing Specialty Code.

(7) "Approved Backflow Prevention Assembly" means a Reduced Pressure Principle Backflow Prevention Assembly, Reduced Pressure Principle-Detector Backflow Prevention Assembly, Double Check Valve Backflow Prevention Assembly, Double Check-Detector Backflow Prevention Assembly, Pressure Vacuum Breaker Backsiphonage Prevention Assembly, or Spill-Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly, of a make, model, orientation, and size approved by the Authority. Assemblies listed in the currently approved backflow prevention assemblies list developed by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, or other testing laboratories using equivalent testing methods, are considered approved by the Authority.

(8) "Aquifer" means a water saturated and permeable geological formation, group of formations, or part of a formation that is capable of transmitting water in sufficient quantity to supply wells or springs.

(9) "Aquifer Parameter" means a characteristic of an aquifer, such as thickness, porosity or hydraulic conductivity.

(10) "Aquifer Test" means pumping a well in a manner that will provide information regarding the hydraulic characteristics of the aquifer.

(11) "Area of public health concern" means an area of the state with a confirmed presence of groundwater contaminants likely to cause adverse human health effects.

(12) "Atmospheric Vacuum Breaker (AVB)" means a non-testable device consisting of an air inlet valve or float check, a check seat and an air inlet port(s). This device is designed to protect against a non-health hazard or a health hazard under a backsiphonage condition only. Product and material approval is under the Oregon Plumbing Specialty Code.

(13) "Authority" means the Oregon Health Authority.

(14) "Auxiliary Water Supply" means any supply of water used to augment the supply obtained from the public water system, which serves the premise in question.

(15) "Average Groundwater Velocity" means the average velocity at which groundwater moves through the aquifer as a function of hydraulic gradient, hydraulic conductivity and porosity.

(16) "AWWA" means the American Water Works Association.

(17) "Backflow" means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any sources other than its intended source, and is caused by backsiphonage or backpressure.

(18) "Backflow Preventer" means a device, assembly or method to prevent backflow into the potable water system.

(19) "Backflow Prevention Assembly" means a backflow prevention assembly such as a Pressure Vacuum Breaker Backsiphonage Prevention Assembly, Spill-Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly, Double Check Valve Backflow Prevention Assembly, Double Check-Detector Backflow Prevention Assembly, Reduced Pressure Principle Backflow Prevention Assembly, or Reduced Pressure Principle-Detector Backflow Prevention Assembly and the attached shutoff valves on the inlet and outlet ends of the assembly, assembled as a complete unit.

(20) "Backpressure" means an elevation of pressure downstream of the distribution system that would cause, or tend to cause, water to flow opposite of its intended direction.

(21) "Backsiphonage" means a drop in distribution system pressure below atmospheric pressure (partial vacuum), that would cause, or tend to cause, water to flow opposite of its intended direction.

(22) "Bag filter" means a pressure-driven separation device that removes particulate matter larger than one micrometer using an engineered porous filtration media. It is typically constructed of a non-rigid, fabric fil-

tration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to the outside.

(23) "Bank Filtration" means a water treatment process that uses a horizontal or vertical well to recover surface water that has naturally infiltrated into groundwater through a river bed or bank(s). Infiltration is typically enhanced by the hydraulic gradient imposed by a nearby pumping water supply.

(24) "Best Available Technology" or "BAT" means the best technology, treatment techniques, or other means which the EPA finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available (taking cost into consideration).

(25) "Bore-Sighted Drain to Daylight" means an unrestricted straight-line opening in an enclosure that vents to grade, and is sized and constructed to adequately drain the full flow discharge from a reduced pressure principle backflow prevention assembly thus preventing any potential for submersion of the assembly.

(26) "Bottled Water" means potable water from a source approved by the Authority for domestic use which is placed in small, easily transportable containers.

(27) "Calculated Fixed Radius" means a technique to delineate a well-head protection area, based on the determination of the volume of the aquifer needed to supply groundwater to a well over a given length of time.

(28) "Cartridge filter" means a pressure-driven separation device that removes particulate matter larger than one micrometer using an engineered porous filtration media. It is typically constructed of rigid or semi-rigid, self-supporting filter elements housed in a pressure vessel in which flow is from the outside of the cartridge to the inside.

(29) "Certificate," for the purposes of OAR 333-061-0210 through 0295, means a certificate of competency issued by the Authority stating that the operator meets the requirements for a specific operator classification and level.

(30) "CFR" means the Code of Federal Regulations. Specifically, it refers to those sections of the code which deal with the National Primary and Secondary Drinking Water Regulations.

(31) "Check Valve" means a valve, which allows flow in only one direction.

(32) "Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into floc.

(33) "Coliform-Positive" means the presence of coliform bacteria in a water sample.

(34) "Combined distribution system" means the interconnected distribution system consisting of the distribution systems of wholesale water systems and of the purchasing water systems that receive finished water.

(35) "Community Water System" means a public water system that has 15 or more service connections used by year-round residents, or that regularly serves 25 or more year-round residents.

(36) "Compliance Cycle" means the nine-year calendar year cycle during which public water systems must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar year cycle begins January 1, 1993 and ends December 31, 2001.

(37) "Compliance Period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993 to December 31, 1995; the second from January 1, 1996 to December 31, 1998; and the third from January 1, 1999 to December 31, 2001.

(38) "Comprehensive performance evaluation (CPE)" means a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. The CPE must consist of at least the following components: Assessment of plant performance; evaluations of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report.

(39) "Conceptual Model" means a three-dimensional representation of the groundwater system, including the location and extent of the hydrogeologic units, areas of recharge and discharge, hydrogeologic boundaries and hydraulic gradient.

(40) "Confined Well" means a well completed in a confined aquifer. More specifically, it is a well which produces water from a formation that is overlain by an impermeable material of extensive area. This well shall be

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constructed according to OAR chapter 690, division 200 "Well Construction and Maintenance" standards.

(41) "Confluent Growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion thereof, in which bacterial colonies are not discrete.

(42) "Constructed Conveyance" means any human-made conduit such as ditches, culverts, waterways, flumes, mine drains, canals or any human-altered natural water bodies or waterways as determined by the Authority.

(43) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water that creates a health hazard.

(44) "Contingency Plan" means a document setting out an organized, planned and coordinated course of action to be followed in the event of a loss of capacity to supply water to the distribution system or in case of a fire, explosion or release of hazardous waste which could threaten human health or the environment.

(45) "Continuing Education Unit (CEU)" means a nationally recognized unit of measurement for assigning credits for education or training that provides the participant with advanced or post high school learning. One CEU is awarded for every 10 classroom hours of lecture or the equivalent of participation in an organized education experience, conducted under responsible sponsorship, capable direction and qualified instruction as determined by the Authority or its designee.

(46) "Conventional Filtration Treatment Plant" means a water treatment plant using conventional or direct filtration to treat surface water or groundwater under the direct influence of surface water.

(47) "Corrosion Inhibitor" means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

(48) "Cross Connection" means any actual or potential unprotected connection or structural arrangement between the public or user's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substances other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel, or change-over devices, and other temporary or permanent devices through which, or because of which, backflow can occur are considered to be cross connections.

(49) "CT" means the product of the residual disinfectant concentration "C" (measured in mg/l) and disinfectant contact time(s), "T" (measured in minutes).

(50) "Degree of Hazard" means either pollution (non-health hazard) or contamination (health hazard) and is determined by an evaluation of hazardous conditions within a system.

(51) "Delineation" means the determination of the extent, orientation and boundaries of a wellhead protection area using factors such as geology, aquifer characteristics, well pumping rates and time of travel.

(52) "Demonstration Study" means a series of tests performed to prove an overall effective removal and/or inactivation rate of a pathogenic organism through a treatment or disinfection process.

(53) "Direct Responsible Charge (DRC)" means an individual designated by the owner or authorized agent to make decisions regarding the daily operational activities of a public water system, water treatment facility and/or distribution system, that will directly impact the quality or quantity of drinking water.

(54) "Discharge" means the volume rate of loss of groundwater from the aquifer through wells, springs or to surface water.

(55) "Disinfectant Contact Time" means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of disinfection residual measurement to a point before or at the point where residual disinfectant concentration is measured.

(56) "Disinfectant Residual Maintenance" means a process where public water systems add chlorine (or other chemical oxidant) for the purpose of maintaining a disinfectant residual in the distribution system, when the source(s) is not at risk of microbial contamination.

(57) "Disinfection" means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

(58) "Disinfection profile" means a summary of *Giardia lamblia* inactivation through the treatment plant.

(59) "Distribution System" means the network of pipes and other facilities, which are used to distribute water from the source, treatment, transmission, or storage facilities to the water user.

(60) "Domestic" means provided for human consumption.

(61) "Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a public water system with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

(62) "Dose Equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

(63) "Double Check-Detector Backflow Prevention Assembly (DCDA)" means a specially designed assembly composed of a line size approved double check valve assembly assembled with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for only very low rates of flow up to three gallons per minute and shall show a registration for all rates of flow. This assembly is designed to protect against a non-health hazard.

(64) "Double Check Valve Backflow Prevention Assembly (DC)" means an assembly of two independently acting approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. This assembly is designed to protect against a non-health hazard.

(65) "Drawdown" means the difference, measured vertically, between the static water level in the well and the water level during pumping.

(66) "Drinking Water Protection" means implementing strategies within a drinking water protection area to minimize the potential impact of contaminant sources on the quality of water being used as a drinking water source by a Public Water System.

(67) "Drinking Water Protection Area (DWPA)" means the source area supplying drinking water to a Public Water System. For a surface water-supplied drinking water source the DWPA is all or a specifically determined part of a lake's, reservoir's or stream's watershed that has been certified by the Department of Environmental Quality. For a groundwater-supplied drinking water source the DWPA is the area on the surface that directly overlies that part of the aquifer that supplies groundwater to a well, well field or spring that has been certified by the Authority.

(68) "Drinking Water Protection Plan" means a plan, certified by the Department of Environmental Quality according to OAR 340-040-0160 to 340-040-0180, which identifies the actions to be taken at the local level to protect a specifically defined and certified drinking water protection area. The plan is developed by the local Responsible Management Authority and/or team and includes a written description of each element, public participation efforts, and an implementation schedule.

(69) "Dual sample set" means a set of two samples collected at the same time and same location, with one sample analyzed for TTHM and the other for HAA5. Dual sample sets are collected for the purposes of conducting an Initial Distribution System Evaluation (IDSE) as prescribed in 333-061-0036(4)(b) of these rules, and for determining compliance with the maximum contaminant levels for TTHM and HAA5 listed in OAR 333-061-0030(2)(b).

(70) "Effective Corrosion Inhibitor Residual" means a concentration sufficient to form a passivating film on the interior walls of a pipe.

(71) "Effective Porosity" means the ratio of the volume of interconnected voids (openings) in a geological formation to the overall volume of the material.

(72) "Element" means one of seven objectives considered by the U.S. EPA as the minimum required components in any state wellhead protection program: specification of duties, delineation of the wellhead protection area, inventory of potential contaminant sources, specification of management approaches, development of contingency plans, addressing new (future) wells, and ensuring public participation.

(73) "Emergency" means a condition resulting from an unusual calamity such as a flood, storm, earthquake, drought, civil disorder, volcanic eruption, an accidental spill of hazardous material, or other occurrence which disrupts water service at a public water system or endangers the quality of water produced by a public water system.

(74) "Emergency Response Plan" means a written document establishing contacts, operating procedures, and actions taken for a public water system to minimize the impact or potential impact of a natural disaster, accident, or intentional act which disrupts or damages, or potentially disrupts or potentially damages the public water system or drinking water supply, and returns the public water system to normal operating condition.

(75) "Enhanced coagulation" means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.

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(76) "Enhanced softening" means the improved removal of disinfection byproduct precursors by precipitative softening.

(77) "EPA" means the United States Environmental Protection Agency.

(78) "Filter profile" means a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from start-up to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

(79) "Filtration" means a process for removing particulate matter from water through porous media.

(a) "Conventional Filtration Treatment" means a series of processes including coagulation (requiring the use of a primary coagulant and rapid mix), flocculation, sedimentation, and filtration resulting in substantial particulate removal.

(b) "Direct Filtration Treatment" means a series of processes including coagulation (requiring the use of a primary coagulant and rapid mix) and filtration but excluding sedimentation resulting in substantial particulate removal.

(c) "Slow Sand Filtration" means a treatment process involving passage of raw water through a bed of sand at low velocity (generally less than 235 gallons per square foot per day) resulting in substantial particulate removal by physical and biological mechanisms.

(d) "Diatomaceous Earth Filtration" means a process resulting in substantial particulate removal in which:

(A) A precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum); and

(B) While the water is filtered by passing through the cake on the septum, additional filter media, known as body feed, is continuously added to the feed water, in order to maintain the permeability of the filter cake.

(80) "Filtration Endorsement" means a special provision added to a Water Treatment Operator's certification that includes experience in and knowledge of the operational decision making at a Conventional or Direct Filtration Treatment Plant.

(81) "Finished water" means water that is introduced into the distribution system of a public water system and intended for distribution and consumption without further treatment, except as necessary to maintain water quality in the distribution system such as booster disinfection or the addition of corrosion control chemicals.

(82) "First Customer" means the initial service connection or tap on a public water supply after any treatment processes.

(83) "First Draw Sample" means a one-liter sample of tap water that has been standing in plumbing pipes at least 6 hours and is collected without flushing the tap.

(84) "Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

(85) "Flowing stream" means a course of running water flowing in a definite channel.

(86) "Future Groundwater Sources" means wells and/or springs that may be required by the public water system in the future to meet the needs of the system.

(87) "GAC 10" means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days, except that the reactivation frequency for GAC10 used as a best available technology for compliance with OAR 333-061-0030(2)(b) shall be 120 days.

(88) "GAC 20" means granular activated carbon filter beds with an empty-bed contact time of 20 minutes based on average daily flow and a carbon reactivation frequency of every 240 days.

(89) "Gross Alpha Particle Activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

(90) "Gross Beta Particle Activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

(91) "Groundwater" means any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir or other body of surface water within the boundaries of this state, whatever may be the geologic formation or structure in which such water stands, flows, percolates or otherwise moves.

(92) "Groundwater System" means any public water system that uses groundwater, including purchasing water systems that receive finished groundwater, but excluding public water systems that combine all of their groundwater with surface water or groundwater under the direct influence of surface water prior to treatment.

(93) "Groundwater under the direct influence of surface water (GWUDI)" means any water beneath the surface of the ground with significant occurrence of insects or other macro-organisms, algae or large-diameter pathogens such as *Giardia lamblia* or *Cryptosporidium*, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

(94) "Haloacetic acids (five) (HAA5)" mean the sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid and dibromoacetic acid), rounded to two significant figures after addition.

(95) "Hauled Water" means water for human consumption transported from a Public Water System in a manner approved by the Authority.

(96) "Health Hazard (Contamination)" means an impairment of the quality of the water that could create an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, or other substances.

(97) "Human Consumption" means water used for drinking, personal hygiene bathing, showering, cooking, dishwashing, and maintaining oral hygiene.

(98) "Hydraulic Conductivity" means the capacity of the medium, e.g., soil, aquifer, or any hydrogeological unit of interest, to transmit water.

(99) "Hydraulic Connection" refers to a well, spring or other groundwater collection system in which it has been determined that part of the water supplied by the collection system is derived, either naturally or induced, from a surface water source.

(100) "Hydraulic Gradient" means the slope of the water table or potentiometric surface, calculated by dividing the change in hydraulic head between two points by the horizontal distance between the points in the direction of groundwater flow.

(101) "Hydraulic Head" means the energy possessed by the water mass at a given point, related to the height above the datum plane that water resides in a well drilled to that point. In a groundwater system, the hydraulic head is composed of elevation head and pressure head.

(102) "Hydrogeologic Boundary" means physical features that bound and control direction of groundwater flow in a groundwater system. Boundaries may be in the form of a constant head, e.g. streams, or represent barriers to flow, e.g. groundwater divides and impermeable geologic barriers.

(103) "Hydrogeologic Mapping" means characterizing hydrogeologic features (e.g. hydrogeologic units, hydrogeologic boundaries, etc.) within an area and determining their location, areal extent and relationship to one another.

(104) "Hydrogeologic Unit" means a geologic formation, group of formations, or part of a formation that has consistent and definable hydraulic properties.

(105) "Impermeable Material" means a material that limits the passage of water.

(106) "Impounding Reservoir" means an uncovered body of water formed behind a dam across a river or stream, and in which water is stored.

(107) "Infiltration Gallery" means a system of perforated pipes laid along the banks or under the bed of a stream or lake installed for the purpose of collecting water from the formation beneath the stream or lake.

(108) "Initial Compliance Period" means the 1993-95 three-year compliance period for systems with 150 or more service connections and the 1996-98 three-year compliance period for systems having fewer than 150 service connections for the contaminants prescribed in OAR 333-061-0036(2)(a)(A)(v), 333-061-0036(3)(a)(K) and (3)(b)(O).

(109) "Interfering Wells" means wells that, because of their proximity and pumping characteristics, and as a result of the aquifer's hydraulic properties, produce drawdown cones that overlap during simultaneous pumping. The result is a lowering of the pumping level in each well below what it would be if that well were pumping by itself.

(110) "Inventory of Potential Contaminant Sources" means the reconnaissance level location of land use activities within the Drinking Water Protection Area that as a category have been associated with groundwater or surface water contamination in Oregon and elsewhere in the United States.

(111) "Lake/reservoir" means a natural or man-made basin or hollow on the Earth's surface in which water collects or is stored that may or may not have a current or single direction of flow.

(112) "Lead Free" when used with respect to solders and flux shall mean solders and flux containing not more than 0.2 percent lead, and when used with respect to pipes and fittings shall mean pipes and fittings con-

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taining not more than 8.0 percent lead. When used with respect to plumbing fittings and fixtures intended for dispensing water for human consumption shall mean in compliance with standards established in accordance with 42 U.S.C. 300g-6(e) and ANSI/NSF standard 61, section 9.

(113) "Lead Service Line" means a service line made of lead, which connects the water main to the building inlet and any pigtail, gooseneck or other fitting, which is connected to such lead line.

(114) "Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

(115) "Local Administrative Authority" means the individual official, board, department or agency established and authorized by a state, county or city to administer and enforce the provisions of the Oregon State Plumbing Specialty Code adopted under OAR 918-750-0110.

(116) "Locational running annual average (LRAA)" means the arithmetic average of analytical results for samples taken at a specific monitoring location during the previous four calendar quarters.

(117) "Major Additions or Modifications" means changes of considerable extent or complexity including, but not limited to, projects involving water sources, treatment facilities, facilities for continuous disinfection, finished water storage, pumping facilities, transmission mains, and distribution mains, except main replacements of the same length and diameter.

(118) "Man-made Beta Particle and Photon Emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, NBS Handbook 69, except the daughter products of Thorium-232, Uranium-235 and Uranium-238.

(119) "Master Plan" means an overall plan, which shows the projected development of a distribution system and alternatives for source development.

(120) "Maximum Contaminant Level (MCL)" means the maximum allowable level of a contaminant in water delivered to the user's of a public water system, except in the case of turbidity where the maximum allowable level is measured at the point of entry to the distribution system.

(121) "Maximum Residual Disinfectant Level (MRDL)" means a level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects.

(122) "Membrane filtration" means a pressure or vacuum driven separation process in which particulate matter larger than one micrometer is rejected by an engineered barrier, primarily through a size-exclusion mechanism, and which has a measurable removal efficiency of a target organism that can be verified through the application of a direct integrity test. This definition includes the common membrane technologies of microfiltration, ultrafiltration, nanofiltration, and reverse osmosis.

(123) "Multi-purpose Piping System" means a piping system within residential dwellings intended to serve both domestic and fire protection needs. This type of system is considered part of a potable water system.

(124) "New Groundwater Sources" means additional or modified wells and/or springs owned by the Public Water System.

(125) "Non-Health Hazard (Pollution)" means an impairment of the quality of the water to a degree that does not create a hazard to the public health, but does adversely affect the aesthetic qualities of such water for potable use.

(126) "Non-Transient Non-Community Water System (NTNC)" means a public water system that is not a Community Water System and that regularly serves at least 25 of the same persons over 6 months per year.

(127) "Open Interval" means in a cased well, the sum of the length(s) of the screened or perforated zone(s) and in an uncased (open-hole) well, the sum of the thickness(es) of the water-bearing zones or, if undeterminable, 10 percent of the length of the open hole.

(128) "Operating Experience" means the routine performance of duties, tasks, and responsibilities at a drinking water system or in a related field as allowed under OAR 333-061-0245(6)(b).

(129) "Operational Decision Making" means having responsibility for making decisions among the alternatives in the performance of the water treatment plant or the water distribution system regarding water quality or quantity which affect public health.

(130) "Operator," for the purposes of OAR 333-061-0210 through 0295, means an individual with responsibilities that directly impact the quality of drinking water including individuals making process control or system integrity decisions about water quality or quantity that affect public health. This term does not include officials, managers, engineers, directors of public works, or equivalent whose duties do not include the actual

"hands-on" operation or supervision on-site of water system facilities or operators.

(131) "Optimal Corrosion Control Treatment" means the corrosion control treatment that minimizes the lead and copper concentrations at user's taps while insuring that the treatment does not cause the water system to violate any national primary drinking water regulations.

(132) "Pathogenic" means a specific agent (bacterium, virus or parasitic) causing or capable of causing disease.

(133) "Peak Daily Demand" means the maximum rate of water use, expressed in gallons per day, over the 24-hour period of heaviest consumption.

(134) "Permit" means official permission granted by the Authority for a public water system which exceeds maximum contaminant levels to delay, because of economic or other compelling factors, the installation of water treatment facilities which are necessary to produce water which does not exceed maximum contaminant levels.

(135) "Person" means any individual, corporation, association, firm, partnership, municipal, state or federal agency, or joint stock company and includes any receiver, special master, trustee, assignee, or other similar representative thereof.

(136) "Pecurie (pCi)" means that quantity of radioactive material producing 2.22 nuclear transformations per minute.

(137) "Pilot Study" means the construction and operation of a scaled down treatment system during a given period of time to determine the feasibility a full-scale treatment facility.

(138) "Plant intake" means the works or structures at the head of a conduit through which water is diverted from a source, such as a river or lake, into a treatment plant.

(139) "Plug Flow" means movement of water in a pipe such that particles pass through the pipe and are discharged in the same sequence in which they entered.

(140) "Point of Delivery (POD)" means the point of connection between a public water system and the user's water system. Beyond the point of delivery, the Oregon Plumbing Specialty Code applies. See "Service Connection."

(141) "Point of Disinfectant Application" is the point where the disinfectant is applied and water downstream of that point is not subject to recontamination by surface water runoff.

(142) "Point-of-Entry Treatment Device" is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

(143) "Point-of-Use Treatment Device" is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

(144) "Pollutant" means a substance that creates an impairment of the quality of the water to a degree which does not create a hazard to the public health, but which does adversely affect the aesthetic qualities of the water.

(145) "Porous Media Assumption" means the assumption that groundwater moves in the aquifer as if the aquifer were granular in character, i.e. moves directly down-gradient, and the velocity of the groundwater can be described by Darcy's Law.

(146) "Post High School Education" means that education acquired through programs such as short schools, bona fide correspondence courses, trade schools, colleges, universities, formalized workshops or seminars that are acceptable to the Authority and for which college or continuing education credit is issued by the training sponsor.

(147) "Potable Water" See Safe Drinking Water.

(148) "Potential Contaminant Source Inventory" means the determination of the location within the wellhead protection area of activities known to use or produce materials that can contaminate groundwater.

(149) "Potential Cross Connection" means a cross connection that would most likely occur, but may not be taking place at the time of an inspection.

(150) "Potentiometric Surface" means a surface that denotes the variation of hydraulic head in the given aquifer across an area.

(151) "Premise" means real estate and the structures on it.

(152) "Premise Isolation" means the practice of protecting the public water supply from contamination or pollution by installing backflow prevention assemblies at, or near, the point of delivery where the water supply enters the premise. Premise isolation does not guarantee protection to persons on the premise.

(153) "Presedimentation" means a preliminary treatment process used to remove gravel, sand and other particulate material from the source water

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through settling before the water enters the primary clarification and filtration processes in a treatment plant.

(154) "Pressure Vacuum Breaker Backsiphonage Prevention Assembly (PVB)" means an assembly consisting of an independently operating, internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with properly located resilient seated test cocks and tightly closing resilient seated shutoff valves attached at each end of the assembly. This assembly is designed to protect against a non-health hazard or a health hazard under backsiphonage conditions only.

(155) "Provisional Delineation" means approximating the wellhead protection area for a well by using the wellhead protection area from another well in the same hydrogeologic setting or by using generalized values for the aquifer characteristics to generate an approximate wellhead protection area for the well. Used only for the purpose of evaluating potential siting of new or future groundwater sources. Not an acceptable way to formally delineate a wellhead protection area.

(156) "Public Health Hazard" means a condition, device or practice which is conducive to the introduction of waterborne disease organisms, or harmful chemical, physical, or radioactive substances into a public water system, and which presents an unreasonable risk to health.

(157) "Public Water System" means a system for the provision to the public of piped water for human consumption, if such system has more than three service connections, or supplies water to a public or commercial establishment that operates a total of at least 60 days per year, and that is used by 10 or more individuals per day. Public water system also means a system for the provision to the public of water through constructed conveyances other than pipes to at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days of the year. A public water system is either a "Community Water System," a "Transient Non-Community Water System," a "Non-Transient Non-Community Water System" or a "State Regulated Water System."

(158) "Purchasing Water System" means a public water system which obtains its water in whole or in part from another public water system. Delivery may be through a direct connection or through the distribution system of one or more purchasing water systems.

(159) "Recharge" means the process by which water is added to a zone of saturation, usually by downward infiltration from the surface.

(160) "Recharge Area" means a land area in which water percolates to the zone of saturation through infiltration from the surface.

(161) "Recovery" means the rise in water level in a well from the pumping level towards the original static water level after pumping has been discontinued.

(162) "Reduced Pressure Principle Backflow Prevention Assembly (RP)" means an assembly containing two independently acting approved check valves, together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a non-health hazard or a health hazard.

(163) "Reduced Pressure Principle-Detector Backflow Prevention Assembly (RPDA)" means a specifically designed assembly composed of a line size approved reduced pressure principle backflow prevention assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for only very low rates of flow up to three gallons per minute and shall show a registration for all rates of flow. This assembly is designed to protect against a non-health hazard or a health hazard.

(164) "Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.

(165) "Repeat Compliance Period" means any subsequent compliance period after the initial compliance period.

(166) "Residual disinfectant concentration" means the concentration of disinfectant measured in mg/l in a representative sample of water.

(167) "Responsible Management Authority" means the Public Water System whose water supply is being protected and any government entity having management, rule or ordinance-making authority to implement wellhead protection management strategies within the wellhead protection area. The Responsible Management Authority is responsible for implementation of the Wellhead Protection Plan and includes cities, counties, special districts, Indian tribes, state/federal entities as well as public water systems.

(168) "Safe Drinking Water" means water which has sufficiently low concentrations of microbiological, inorganic chemical, organic chemical,

radiological or physical substances so that individuals drinking such water at normal levels of consumption, will not be exposed to disease organisms or other substances which may produce harmful physiological effects.

(169) "Sanitary Survey (Water System Survey)" means an on-site review of the water source(s), facilities, equipment, operation, maintenance and monitoring compliance of a public water system to evaluate the adequacy of the water system, its sources and operations in the distribution of safe drinking water. The sanitary survey also identifies sources of contamination by using the results of source water assessments where available.

(170) "Secondary Contaminant" means those contaminants, which, at the levels generally found in drinking water, do not present an unreasonable risk to health, but do:

- (a) Have adverse effects on the taste, odor and color of water;
- (b) Produce undesirable staining of plumbing fixtures; or
- (c) Interfere with treatment processes applied by water suppliers.

(171) "Secondary Maximum Contaminant Level (SMCL)" means the level of a secondary contaminant which when exceeded may adversely affect the aesthetic quality of the drinking water which thereby may deter public acceptance of drinking water provided by public water systems or may interfere with water treatment methods.

(172) "Sedimentation" means a process for removal of solids before filtration by gravity or separation.

(173) "Seller's Designee" means the person assigned by the seller to complete the necessary paperwork and submit the lab results to the Authority and can be the seller's attorney, real estate agent or broker, the person conducting the tests or a private party.

(174) "Sensitivity" means the intrinsic characteristics of a drinking water source such as depth to the aquifer for groundwater or highly erodible soils in a watershed that increase the potential for contamination to take place if a contaminant source is present.

(175) "Service Connection" means the piping connection by means of which water is conveyed from a distribution main of a public water system to a user's premise. For a community water system, the portion of the service connection that conveys water from the distribution main to the user's property line, or to the service meter, where provided, is under the jurisdiction of the water supplier.

(176) "Significant Deficiency" means a defect in design, operation, or maintenance, or a malfunction of the source(s), treatment, storage, or distribution system that has been determined to cause or have the potential for causing the introduction of contamination into the water delivered to consumers.

(177) "Single Connection System" means a public water system serving only one installation, such as a restaurant, campground or place of employment.

(178) "Single Family Structure" means a building constructed as a single-family residence that is currently used as either a residence or a place of business.

(179) "Small Water System," for the purposes of OAR 333-061-0210 through 0295, means a community or non-transient non-community water system serving fewer than 150 connections and either uses groundwater as its only source or purchases its water from another public water system without adding any additional treatment.

(180) "Source Water Assessment" means the information compiled by the Authority and the Department of Environmental Quality (DEQ), consisting of the delineation, inventory and susceptibility analyses of the drinking water source, which enable public water systems to develop and implement drinking water protection plans.

(181) "Specific Ultraviolet Absorption (SUVA) at 254 nanometers" means an indicator of the humic content of water as a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nanometers (UV254) by its concentration of dissolved organic carbon (DOC) (in milligrams per liter).

(182) "Spill Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly (SVB)" means an assembly containing an independently operating, internally loaded check valve and independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with a properly located resilient seated test cock, a properly located bleed/vent valve, and tightly closing resilient seated shutoff valves attached at each end of the assembly. This assembly is designed to protect against a non-health hazard or a health hazard under a backsiphonage condition only.

(183) "Spring" means a naturally occurring discharge of flowing water at the ground surface, or into surface water where the flow of water is the result of gravity or artesian pressure. Springs can be derived from groundwater or they can be surface water influenced.

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(184) "Stand-alone Fire Suppression System" means a piping system within a premise intended to only serve as a fire protection system separated from the potable water system.

(185) "State Regulated Water System" means a public water system, which serves 4 to 14 service connections or serves 10 to 24 people. Monitoring requirements for these systems are the same as those for Transient Non-Community water systems.

(186) "Static Water Level" means the vertical distance from ground surface to the water level in the well when the well is at rest, i.e., the well has not been pumped recently and the water level is stable. This is the natural level of water in the well.

(187) "Submeter" means a water meter by which a property owner (or association of property owners) meters individual water use after the water passes through a master meter. For the purposes of OAR 333-061-0010, submetering does not constitute applying a direct charge for water or directly selling water to a person.

(188) "Surface Water" means all water, which is open to the atmosphere and subject to surface runoff.

(189) "Susceptibility" means the potential, as a result of the combination of land use activities and source water sensitivity that contamination of the drinking water source may occur.

(190) "Team" means the local Wellhead Protection team, which includes representatives from the Responsible Management Authorities and various interests and stakeholders potentially affected by the Wellhead Protection Plan.

(191) "Thermal Expansion" means the pressure increase due to a rise in water temperature that occurs in water piping systems when such systems become "closed" by the installation of a backflow prevention assembly or other means, and will not allow for expansion beyond that point of installation.

(192) "These Rules" means the Oregon Administrative Rules encompassed by OAR 333-061-0005 through 333-061-0335.

(193) "Time-of-Travel (TOT)" means the amount of time it takes groundwater to flow to a given well. The criterion that effectively determines the radius in the calculated fixed radius method and the up-gradient distance to be used for the analytical and numerical models during delineation of the wellhead protection area.

(194) "Too Numerous To Count (TNTC)" means that the total number of bacterial colonies exceeds 200 on a 47 mm diameter membrane filter used for coliform bacteria detection.

(195) "Total Organic Carbon (TOC)" means total organic carbon in milligrams per liter measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

(196) "Total Trihalomethanes (TTHM)" means the sum of the concentrations in milligrams per liter of the trihalomethane compounds bromodichloromethane, dibromochloromethane, tribromomethane (bromofrom) and trichloromethane (chlorofrom), rounded to two significant figures after addition.

(197) "Transient Non-Community Water System (TNC)" means a public water system that serves a transient population of 25 or more persons.

(198) "Turbidity" means a measure of the cloudiness of water caused by suspended particles. The units of measure for turbidity are nephelometric turbidity units (NTU).

(199) "Two-stage lime softening" means a process in which a chemical addition and hardness precipitation occur in each of two distinct unit clarification processes in series prior to filtration.

(200) "Unconfined Well" means a well completed in an unconfined aquifer. More specifically, a well which produces water from a formation that is not overlaying by impermeable material. This well shall be constructed according to OAR chapter 690, division 200 "Well Construction and Maintenance" standards.

(201) "Uncovered finished water storage facility" means a tank, reservoir, or other facility used to store water that will undergo no further treatment to reduce microbial pathogens except residual disinfection and is directly open to the atmosphere.

(202) "University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research (USC FCCCHR)" is an agency that conducts laboratory and field tests to evaluate and grant "Certificates of Approval" to backflow prevention assemblies meeting approved standards.

(203) "Vadose Zone" means the zone between the ground surface and the water table where the available open spaces between soil and sediment particles, in rock fractures, etc., are most filled with air.

(204) "Variance" means official permission granted by the Authority for public water systems to exceed maximum contaminant levels because the quality of the raw water is such that the best available treatment techniques are not capable of treating the water so that it complies with maximum contaminant levels, and there is no unreasonable risk to health.

(205) "Vault" means an approved enclosure above or below ground to house a backflow prevention assembly that complies with the local administrative authority having jurisdiction.

(206) "Virus" means a virus of fecal origin, which is infectious to humans by waterborne transmission.

(207) "Waiver" means official permission from the Authority for a public water system to deviate from the construction standards set forth in these rules.

(208) "Water-bearing Zone" means that part or parts of the aquifer encountered during drilling that yield(s) water to a well.

(209) "Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system which is deficient in treatment, as determined by the Authority.

(210) "Water Source" means any lake, stream, spring, groundwater supply, impoundment or other source of water from which water is obtained for a public water system. In some cases, a public water system can be the source of supply for one or more other public water systems.

(211) "Water Supplier" means a person, group of persons, municipality, district, corporation or other entity, which owns or operates a public potable water system.

(212) "Water System" means a system for the provision of piped water for human consumption.

(213) "Water System Operations Manual" means a written document describing the actions and procedures necessary to operate and maintain the entire water system.

(214) "Water Table" means the upper surface of an unconfined aquifer, the surface of which is at atmospheric pressure and fluctuates seasonally. It is defined by the levels at which water stands in wells that penetrate the aquifer.

(215) "Water Treatment" means a process of altering water quality by physical or chemical means and may include domestic, industrial or commercial applications.

(216) "Well" means an artificial opening or artificially altered natural opening, however made, by which ground water is sought or through which ground water flows under natural pressure or is artificially withdrawn or injected, provided that this definition shall not include a natural spring, or wells drilled for the purpose of exploration or production of oil or gas.

(217) "Wellfield" means two or more drinking water wells, belonging to the same water system that are within 2,500 feet, or as determined by the Authority, and produce from the same and no other aquifer.

(218) "Wellhead Protection." See Drinking Water Protection.

(219) "Wellhead Protection Area (WHPA)." See Drinking Water Protection Area.

(220) "Wellhead Protection Plan." See Drinking Water Protection Plan.

(221) "Wholesale system" means a public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water system. Delivery may be through a direct connection or through the distribution system of one or more purchasing water systems.

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

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 431.110, 431.150, 448.131, 448.150, 448.273, 448.279

Hist.: HD 106, f. & ef. 2-6-76; HD 4-1980, f. & ef. 3-21-80; HD 10-1981, f. & ef. 6-30-81; HD 17-1981(Temp), f. & ef. 8-28-81; HD 4-1982, f. & ef. 2-26-82; Renumbered from 333-042-0205, HD 2-1983, f. & ef. 2-23-83; HD 21-1983, f. 10-20-83, ef. 11-1-83; HD 11-1985, f. & ef. 7-2-85; HD 30-1985, f. & ef. 12-4-85; HD 3-1987, f. & ef. 2-17-87; HD 3-1988(Temp), f. & cert. ef. 2-12-88; HD 17-1988, f. & cert. ef. 7-27-88; HD 9-1989, f. & cert. ef. 11-13-89; HD 26-1990, f. 12-26-90, cert. ef. 12-29-90; HD 7-1992, f. & cert. ef. 6-9-92; HD 12-1992, f. & cert. ef. 12-7-92; HD 3-1994, f. & cert. ef. 1-14-94; HD 1-1996, f. 1-2-96, cert. ef. 1-5-96; HD 14-1997, f. & cert. ef. 10-31-97; OHD 4-1999, f. 7-14-99, cert. ef. 7-15-99; OHD 3-2000, f. 3-8-00, cert. ef. 3-15-00; OHD 7-2000, f. 7-11-00, cert. ef. 7-15-00; OHD 23-2001, f. & cert. ef. 10-31-01; OHD 17-2002, f. & cert. ef. 10-25-02; PH 16-2004(Temp), f. & cert. ef. 4-9-04 thru 10-5-04; PH 20-2004, f. & cert. ef. 6-18-04; PH 33-2004, f. & cert. ef. 10-21-04; PH 34-2004, f. & cert. ef. 11-2-04; PH 2-2006, f. & cert. ef. 1-31-06; PH 4-2009, f. & cert. ef. 5-18-09; PH 7-2010, f. & cert. ef. 4-19-10; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

ADMINISTRATIVE RULES

333-102-0203

Definitions

The following definitions apply for Radioactive Material Licenses issued pursuant to this division and divisions 105, 113, 115, 117, and 121 of this chapter:

NOTE: Unless otherwise specified in this rule, the licenses described in this rule are limited by conditions of the radioactive materials license issued pursuant to OAR 333-102-0200, and other applicable rules in this chapter.

(1) "Analytical Leak Test" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(a), authorizing possession of environmental samples, sealed source leak-test, contamination wipe, etc. samples for radioanalytical measurements. This license does not authorize collection of samples, or decommissioning or decontamination activities.

(2) "Assets" means anything of material value or usefulness. In the context of a materials license, assets include all existing capital, effects, possessions, and belongings and all probable future economic benefits obtained or controlled by a particular entity.

(3) "Basic License" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(b) authorizing the receipt, possession, use, transfer, and disposal of sources of radiation or radioactive materials incident to gauge service, teletherapy service, medical afterloader service, and other licensed service activities; pre-packaged waste pickup (not packaging), storage of materials prior to license termination, instrument quality control servicing or calibration (excluding activities authorized by 333-103-0010(2)(m)), or other minor activities not otherwise specified in these rules, such as authorization for "systems," as defined in these rules, pursuant to that definition.

(4) "Beneficiating" means subjecting a product to any process that will increase or concentrate any component (including the radioactive materials) to benefit the product.

(5) "Brachytherapy" means a Healing Arts facility-specific license issued pursuant to OAR 333-103-0010(2)(c) authorizing the use of brachytherapy sources for in vivo application of radiation in accordance with 333-116-0420. Brachytherapy includes radioactive material sealed sources in seeds, needles, plaques, or other localized medical devices, but excludes remote afterloaders.

(6) "Broad Scope A" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(d), authorizing activities in 333-102-0900(1)(a), under the authority of a Radiation Safety Committee.

(7) "Broad Scope B" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(e) authorizing activities described in 333-102-0900(1)(b), under the authority of a Radiation Safety Officer.

(8) "Broad Scope C" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(f) authorizing activities described in 333-102-0900(1)(c), under the authority of an authorized user.

(9) "Commencement of construction" means any clearing of land, excavation or other substantial action related to a proposed activity for specific licensing that would adversely affect the natural environment of a site.

(10) "Current assets" means cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

(11) "Decontamination and Decommissioning" means:

(a) A facility specific license issued pursuant to OAR 333-103-0010(2)(w) authorizing activities that result in returning a site to its original pre-license condition prior to termination of licensed activities; and

(b) Activities performed pursuant to OAR 333-102-0335 on any portion of a site prior to license termination.

(12) "Diagnosis" means examination, determination, identification, study, or analysis of a medical condition.

(13) "Distribution" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(g), authorizing transfer or distribution (sale) of general or specific license radioactive material to persons granted a general license or issued a specific license, or, in the case of NARM, to persons exempt from the rules in this chapter.

(14) "Exempt Source" means radioactive material, exempt from the rules in this chapter.

(15) "Facility" means location of licensed activities under the direct control of licensee management. If a "facility," as used in this division, includes multiple separate addresses, the Authority may determine how the scope of licensed activities, pursuant to OAR 333-102-0190, 333-102-0300, 333-102-0305, 333-102-0315, 333-102-0320, or 333-102-0325, is authorized.

(16) "Fixed Gauge" means a source-specific license for measuring, gauging, or controlling devices pursuant to OAR 333-103-0010(2)(h). The fixed gauge license also includes X-ray & Hybrid Gauges pursuant to division

115 of this chapter, that contain either an X-ray source or a radioactive sealed source.

(17) "General License" means a granted license, as opposed to an issued license, effective under these rules, to acquire, own, possess, use, or transfer radioactive material or a device that contains radioactive material.

(18) "General License Depleted Uranium" means the general license granted subject to receipt of the registration application pursuant to OAR 333-101-0007, and fee, pursuant to 333-103-0015, for depleted uranium used for shielding or counter weights and issued pursuant to 333-102-0103.

(19) "General License Device" means the general license for in vitro materials granted subject to receipt of the registration application pursuant to OAR 333-101-0007, and fee, pursuant to 333-103-0015, for measuring, gauging.

(20) "General License In Vitro Laboratory" means the general license granted by OAR 333-102-0130, subject to receipt of the registration application pursuant to 333-101-0007, and fee, pursuant to 333-103-0015, for in vitro materials granted a general license by 333-102-0130.

(21) "General License Source Material" means the general license granted for use and possession of source material pursuant to OAR 333-102-0101.

(22) "General License for Certain Devices and Equipment" means the general license granted for use and possession of devices consisting of not more than 500 microcuries of polonium-210 or not more than 50 millicuries of tritium (H-3) per device, pursuant to 10 CFR 31.3.

(23) "General License for Luminous Devices for Aircraft" means the general license granted for use and possession of devices containing not more than ten curies of tritium or not more than 300 millicuries of promethium-147.

(24) "General License for Ownership of Radioactive Material and Limits of Possession" means the general license granted to own material that is not necessarily possessed; conversely, material that is possessed is, by grant of general license, not necessarily owned, pursuant to the general license in OAR 333-102-0120.

(25) "General License for Calibration and Reference Sources" means the general license granted to possess not more than five microcuries (185 kBq) of americium-241, plutonium-238, plutonium-239, or radium-226, pursuant to the general license in OAR 333-102-0125.

(26) "General License for Ice Detection Devices" means the general license granted to possess not more than 50 microcuries (1.85 MBq) of strontium-90, pursuant to the general license in OAR 333-102-0135.

(27) "Generators and Kits" means "Imaging and Localization."

(28) "Healing Arts Specific License" means a specific license authorizing activities in division 116 of this chapter.

(29) "High Doserate Remote Afterloader" means a source-specific license issued pursuant to OAR 333-103-0010(2)(i) authorizing the use of sources in accordance with 333-116-0475, which may be either mobile or stationary, and which deliver a doserate in excess of two Gray (200 rad) per hour at the point or surface where the dose is prescribed. A device may be designated as being high, medium, or pulsed dose remote afterloader or mobile high, medium, or pulsed doserate remote afterloader.

(30) "Hybrid Gauge" means a fixed gauging device that contains both a sealed source and an X-ray source, pursuant to division 115 of this chapter.

(31) "In Vitro Laboratory" means a Healing Arts facility-specific license, under management of a physician or Healing Arts specialist, issued pursuant to OAR 333-103-0010(2)(k) authorizing the use of prepackaged radioactive materials in quantities greater than those authorized by the General License granted by 333-102-0130(2).

(32) Imaging and Localization means a Healing Arts facility-specific license issued pursuant to OAR 333-103-0010(2)(j) authorizing the use of generators and kits for nuclear medicine imaging and localization in accordance with 333-116-0320 or positron emission tomography studies in accordance with 333-116-0800 through 333-116-0880.

(33) "Industrial Radiography" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(l) authorizing activities in division 105 of this chapter.

(34) "Instrument Calibration" means a source-specific radioactive materials license issued pursuant to OAR 333-103-0010(2)(m) for sources of radiation used to calibrate instruments.

(35) "Investigational New Drug" means a Healing Arts facility-specific license issued pursuant to OAR 333-103-0010(2)(n) authorizing the use of any investigational product or device approved by the US Food and Drug Administration (FDA) for human use research, diagnosis, or therapy, in accordance with the rules in this chapter.

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(36) "Irradiator-Other" means an irradiator with greater than 10,000 curies (370 TBq) licensed pursuant to OAR 333-103-0010(2)(w) and 333-103-0010(7), designed to produce extremely high dose rates as authorized by division 121 of this chapter.

(37) "Irradiator Self-shielded or Other -- Less than 10,000 Curies" means a source-specific license issued pursuant to OAR 333-103-0010(2)(o) authorizing self-shielded irradiators, including blood irradiators, panoramic irradiators, and converted teletherapy units, with less than 10,000 Ci (370 TBq) activity.

(38) "Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

(39) "Lot Tolerance Percent Defective" means, expressed in percent defective, the poorest quality in an individual inspection lot that should be accepted.

(40) "Low Doserate Remote Afterloader Device" means a Healing Arts source-specific license issued pursuant to OAR 333-103-0010(2)(b) authorizing devices 333-116-0475, which remotely deliver a doserate of less than two Gray (200 rad) per hour at the point or surface where the dose is prescribed.

(41) "Manufacturing or Compounding" means a facility-specific radioactive materials license issued pursuant to OAR 333-103-0010(2)(p) authorizing manufacture, fabrication, assembly, construction, combining, processing, concentrating, beneficiating, or processing items or products using or containing radioactive materials into a finished product containing radioactive material in accordance with applicable requirements in division 102 of this chapter.

(42) "Manufacturing or Compounding and Distribution" means activities performed as defined in sections (13) and (41) of this rule and require separate specific licenses for each activity.

(43) "Mobile Nuclear Medicine Service" means a facility-specific Healing Arts license issued pursuant to OAR 333-116-0120 authorizing the medical use of radioactive material at specified temporary locations.

(44) "Nationally Tracked Source" means a sealed source containing a quantity equal to or greater than Category 1 or 2 levels of any radioactive material listed in 10 CFR 20 Appendix E.

(45) "Naturally occurring radioactive material (NORM)" means radioactive material in the uranium or thorium decay series existing in nature in concentrations less than 0.05% source material.

(46) "Net working capital" means current assets minus current liabilities.

(47) "Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

(48) "Neutron Howitzer" means a device that contains a sealed source containing Special Nuclear Material (see definition in OAR 333-100-0005) that generates neutrons that are used for analytical, teaching, or research purposes.

(49) "Neutron Production" denotes a process in which neutrons are produced, either by natural or artificial means.

(50) "NORM (no processing)" means a facility-specific license pursuant to OAR 333-103-0010(2)(n) authorizing possession, use, and transfer of NORM in accordance with division 117 of this chapter.

NOTE: NORM licenses authorize licensable quantities of radioactive material in the uranium or thorium decay series. Licensable quantities of NORM are derived from disposal limits in OAR 345-050. Any material that contains NORM requires a specific license unless exempted in OAR 345-050. Zircon sand is used as the NORM model for licensing purposes. Quantities of zircon sand in excess of 20,000 pounds in a year constitute a licensable quantity of NORM. NORM materials that are not zircon are based on the zircon model.

(51) "Nuclear Laundry" means a laundry facility designed specifically to clean or launder clothing contaminated with licensed radioactive materials. Nuclear Laundry facilities must have process and waste management control procedures to prevent reconcentrating of licensed materials in sewers, drains, premises, and the environment. Nuclear Laundry activities are authorized pursuant to OAR 333-103-0010(2)(w), "Radioactive Material Not Otherwise Specified Facility," see 333-102-0203(61).

(52) "Nuclear Pharmacy" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(s) for activities authorized by 333-102-0285 and the Oregon Board of Pharmacy rules, to compound Radiopharmaceutical and distribute (sell or transfer) to persons specifically licensed to receive such compounds or products.

NOTE: Nuclear Pharmacies, pursuant to policy provisions of chapter 345 division 50 may collect syringes containing residual licensed material from spent patient doses, since the syringe is considered to be a transport device under the administrative control of the pharmacy rather than the licensed material transferred as the dose. Residual licensed material may be considered either to be exempt pursuant to Table 1 of division 50 or under the authority of a division license if the receding licensee stores syringes for decay. In either case, the division license should specify which disposal method is being used by the pharmacy and licensee to avoid compatibility conflicts with division 50 requirements.

(53) "Other Measuring Device" means a source-specific license issued pursuant to OAR 333-103-0010(2)(t), authorizing analytical instruments, gas chromatograph electron capture detectors, and other non-portable analytical instruments, including those devices that contain multiple sources but are configured and used as a "system," in accordance with the definition in this rule.

NOTE: General license gas chromatograph detectors that formerly were granted a general license by OAR 333-102-0115, but which required a registration fee pursuant to 333-103-0015(2)(b), now are subject to the specific license in 333-103-0010(2)(t).

(54) "Pool-type Irradiator" means an irradiator with greater than 10,000 curies (370 TBq) in which water provides the radiation shielding, authorized in accordance with division 121 of this chapter.

(55) "Portable Gauge" means a source-specific license issued pursuant to OAR 333-103-0010(2)(u) for sources used in devices that can be transported and used at temporary job sites.

NOTE: Any device that meets the definition of "portable gauge" and is transported or used at temporary job sites within the state of Oregon, requires an application for and issuance of an Oregon specific license subject to OAR 333-103-0010(2)(u).

(56) "Positron Emission Tomography" (PET) means a licensed healing arts activity authorized by OAR 333-116-0800 and included in the facility specific license issued pursuant to 333-103-0010(2)(j). PET nuclides, which are NARM, are subject to all Oregon rules.

(57) "Possession or Storage of Industrial Wastes Containing Radioactive Material" means activities subject to division 110 of this chapter for the production or storage of wastes that are exempt from division 50 of chapter 345 facility siting requirements, and were generated under a current NRC, Agreement State, or Licensing State specific radioactive materials license.

(58) "Possession or Storage of Uranium Tailings" means activities incident to uranium processing or milling operations resulting in the production of tailings.

(59) "Principal Activities" means activities authorized by the license that are essential to achieving the purpose(s) for which the license was issued or amended. Storage during which no licensed material is accessed for use or disposal and activities incidental to decontamination or decommissioning are not principal activities.

(60) "Processing" means chemically or physically changing a licensed material from one physical form to another form or specie (e.g., breaking an ore down into its components resulting in "tailings"; milling a raw licensed material and combining to form another product or material. See "Beneficiating"; "Manufacturing or Compounding").

(61) "Radiation Source" means source of radiation (see definition of "Source of radiation" in OAR 333-100-0005).

(62) "Radioactive Material Not Otherwise Specified Facility" means a license issued pursuant to OAR 333-103-0010(2)(w) authorizing activities that includes, but are not limited to, complex licensable activities such as facility decontamination and decommissioning, nuclear laundry activities, uranium mill tailings storage, storage of industrial wastes containing radioactive materials, large irradiator management, and other complex activities not otherwise specified in these rules.

(63) "Radioactive Materials License" means the document, pursuant to OAR 333-102-0300, issued after an application, pursuant to OAR 333-102-0190, has been accepted as adequate, that specifies radioactive materials, use authorizations, safety procedures, and use locations.

(64) "Radiopharmaceutical Therapy" means a Healing Arts facility-specific license issued pursuant to OAR 333-103-0010(2)(v) authorizing the use of Radiopharmaceutical for therapy in accordance with 333-116-0360.

(65) "Remote Afterloader" means a medical device that moves a sealed source to an interstitial (in vivo) location without exposing the practitioner to the radiation dose. Remote afterloader sources may be manipulated using computer software and engineering techniques.

(66) "Research & Development" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(x) authorizing research and development activities, as defined in 333-100-0005, but does not authorize additional specific sources of radiation, which must be licensed separately pursuant to 333-103-0010 and 333-103-0015.

(67) "Responsible Representative" means

(a) The person designated as having responsibility for general license device or general license material;

(b) The person management has selected to certify general license inventory; and

(c) The individual responsible to the Authority and to management to ensure that all regulatory elements are adequate.

(68) "Sealed Source/Device Evaluation" means the review of a licensee's prototype source or device prior to registration by the Nuclear Regulatory Commission in the Sealed Source and Device Catalog.

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NOTE: The Authority no longer has authority to review sources or devices. All source or device reviews must be forwarded to the NRC for review. Authority to conduct device or source evaluations was rescinded by the NRC in 1998.

06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

(69) "Site Area Emergency" means events may occur, are in progress, or have occurred that could lead to a significant release of radioactive material and that could require a response by offsite response organizations to protect persons offsite.

(70) "Sealed Sources for Diagnosis" means a Healing Arts source-specific license issued pursuant to OAR 333-103-0010(2)(y) authorizing the use of sealed sources for diagnosis in accordance with 333-116-0400.

(71) "Special Nuclear Material" means:

(a) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the NRC, pursuant to the provisions of section 51 of the act, determines to be special nuclear material, but does not include source material; or

(b) Any material artificially enriched by any of the foregoing but does not include source material.

(72) "Specific License Radioactive Material" means radioactive material that requires authorization in a specific license document pursuant to OAR 333-102-0075(2) where materials must be annotated on the specific license, and validated with a specific license fee pursuant to 333-103-0010(2)(a) through 333-103-0010(2)(hh) (see "Radioactive Materials License").

(73) "System," as used in this division, means multiple separate (individual) sources of radiation (sealed radioactive sources), which together, rather than independently, achieve a desired functionality. Such "system" is subject to one specific license fee or general license registration fee, as the case may be.

(74) "Tangible Net Worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

(75) "Teletherapy" means a Healing Arts source-specific license issued pursuant to OAR 333-103-0010(2)(cc) authorizing teletherapy procedures in accordance with OAR 333-116-0480. This license also includes other high dose rate external beam therapy devices such as the "gamma knife."

(76) "Temporary Job Site" means any location, where specific license material is used that is either:

(a) Not the specific location of the licensee if an in-state licensee; or

(b) Any location in the State if an out-of-state specific licensee pursuant to a specific radioactive materials license.

NOTE: Persons authorized for temporary jobsites in Oregon must have a specific license for such activities.

(77) "Therapy" means a process that is meant to be restorative, promotes healing, or is beneficial to a patient in a healing arts context.

(78) "Unique" means a specific license issued pursuant to OAR 333-103-0010(2)(dd) to Agencies in the Oregon Health Authority.

(79) "Uptake and Dilution" means a Healing Arts facility-specific license issued pursuant to OAR 333-103-0010(2)(ee) authorizing activities in OAR 333-116-0300 for uptake, dilution, and excretion studies.

(80) "Use and Possession of Source Material" means a facility-specific radioactive materials license issued pursuant to OAR 333-103-0010(2)(z) to possess, use, process, or transfer source material, as defined in OAR 333-100-0005, in quantities greater than general license quantities or in concentrations greater than 0.05 percent source material.

NOTE: This definition was amended to avoid confusion between the definition of "source material" in division 100 of this chapter and the specific license (billable object) in division 103 of this chapter.

(81) "Use of Xenon Gas" means a Healing Arts facility-specific license issued pursuant to OAR 333-103-0010(2)(ff) authorizing the use of Xe-133 for diagnosis pursuant to OAR 333-116-0280;

(82) "Waste Packaging" means a facility-specific license issued pursuant to OAR 333-103-0010(2)(gg), authorizing packaging, collection, storage, and transfer of radioactive waste. This specific license does not authorize storage of radioactive wastes, but does authorize temporary job sites.

(83) "Well Logging" means a license issued pursuant to OAR 333-103-0010(2)(hh) authorizing the possession, use, transfer, or disposal of sources of radiation used for well logging activities authorized by division 113 of this chapter.

NOTE: Unless specifically authorized in this rule or in a radioactive materials license that authorizes temporary job sites, specific licenses must be used only at one authorized site.

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

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1995, f. & cert. ef. 4-26-95; HD 2-1995(Temp), f. & cert. ef. 7-11-95; HD 4-1995, f. & cert. ef. 9-8-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-

333-106-0101

Diagnostic X-ray Systems

Additional Requirements. In addition to other requirements of this division, all diagnostic X-ray systems shall meet the following requirements:

(1) **Warning Label.** The control panel containing the main power switch shall bear the warning statement, legible and accessible to view: "WARNING: This X-ray unit may be dangerous to patient and operator unless safe exposure factors and operating instructions are observed."

(2) The state will attach an identification number to each X-ray control panel or an appropriate location:

(a) Identification numbers shall not be removed without written permission of the Authority;

(b) Identification numbers shall not be defaced.

(3) Mobile and portable X-ray systems shall meet the requirements of a stationary system when used for greater than seven consecutive days in the same location.

(4) **Battery Charge Indicator.** On battery-powered X-ray generators, visual means shall be provided on the control panel to indicate whether the battery is in a state of charge adequate for proper operation.

(5) **Leakage Radiation from the Diagnostic Source Assembly.** The leakage radiation from the diagnostic source assembly measured at a distance of one meter in any direction from the source shall not exceed 100 mR (25.8 C/kg) in one hour when the X-ray tube is operated at its leakage technique factors. Compliance shall be determined by measurements averaged over an area of 100 square cm with no linear dimension greater than 20 cm.

(6) **Radiation from Components Other Than the Diagnostic Source Assembly.** The radiation emitted by a component other than the diagnostic source assembly shall not exceed 2 mR (0.516 C/kg) in one hour at 5 cm from any accessible surface of the component when it is operated in an assembled X-ray system under any conditions for which it was designed. Compliance shall be determined by measurements averaged over an area of 100 square cm with no linear dimension greater than 20 cm.

(7) **Beam Quality:**

(a) **Half-Value Layer (HVL):**

The HVL of the useful beam for a given X-ray tube potential shall not be less than the values shown in Table 4. If it is necessary to determine such HVL at an X-ray tube potential which is not listed in Table 4, linear interpolation or extrapolation may be made; The referenced table is available on the Program's website: <http://www.oregon.gov/DHS/ph/rps/index.shtml>

(A) The HVL required in subsection (7)(a) of this rule will be considered to have been met if it can be demonstrated that the aluminum equivalent of the total filtration in the primary beam is not less than that shown in Table 5. The referenced table is available on the Program's website: <http://www.oregon.gov/DHS/ph/rps/index.shtml>

(B) In addition to the requirements of section (5) of this rule, all intra-oral dental radiographic systems manufactured on and after December 1, 1980, shall have a minimum HVL not less than 1.5 mm aluminum (Al) equivalent filtration permanently installed in the useful beam;

(C) Beryllium window tubes shall have a minimum of 0.5 mm Al equivalent filtration permanently installed in the useful beam;

(D) For capacitor energy storage equipment, compliance with the requirements of section (5) of this rule shall be determined with the maximum quantity of charge per exposure;

(E) The required minimal aluminum equivalent filtration shall include the filtration contributed by all materials, which are always, present between the source and the patient.

(b) **Filtration Controls.** For X-ray systems which have variable kVp and variable filtration for the useful beam, a device shall link the kVp selector with the filter(s) and shall prevent an exposure unless the minimum amount of filtration required by subsection (5)(a) of this rule is in the useful beam for the given kVp, which has been selected.

(8) **Multiple Tubes.** Where two or more radiographic tubes are controlled by one exposure switch, the tube or tubes, which have been selected, shall be clearly indicated prior to initiation of the exposure. This indication shall be both on the X-ray control panel and at or near the tube housing assembly, which has been selected.

(9) **Mechanical Support of Tube Head.** The tube housing assembly supports shall be adjusted such that the tube housing assembly will remain stable during an exposure unless the tube housing movement is a designed function of the X-ray system.

(10) **Technique Indicators:**

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(a) The technique factors to be used during an exposure shall be indicated before the exposure begins. If automatic exposure controls are used, the technique factors, which are set prior to the exposure, shall be indicated;

(b) The requirement of subsection (10)(a) of this rule may be met by permanent marking on equipment having fixed technique factors.

(11) There shall be provided for each X-ray machine a means for determining the proper SID.

(12) X-ray film developing requirements. Compliance with this section is required of all healing arts registrants and is designed to ensure that patient and operator exposure is minimized and to produce optimum image quality and diagnostic information:

(a) Manual processing of films.

(A) The relationship between temperature of the developer and development time indicated in Table 6 or the manufacturer's recommendations must be used with standard developing chemistry. The referenced table is available on the Program's website: <http://www.oregon.gov/DHS/ph/rtps/index.shtml>

(B) Processing of film. All films shall be processed in such a fashion as to achieve adequate sensitometric performance. This criterion shall be adjudged to have been met if:

(i) Film manufacturer's published recommendations for time and temperature are followed; or

(ii) Each film is developed in accordance with the time-temperature chart (see subsection (12)(a) of this rule).

(C) Chemical-film processing control.

(i) Chemicals shall be mixed in accordance with the chemical manufacturer's recommendations;

(ii) Developer replenisher shall be periodically added to the developer tank based on the recommendations of the chemical or film manufacturer. Solution may be removed from the tank to permit the addition of an adequate volume of replenisher.

(D) All processing chemicals shall be completely replaced at least every two months or as indicated by the manufacturer.

(E) Devices shall be available which will:

(i) Give the actual temperature of the developer; and

(ii) Give an audible or visible signal indicating the termination of a preset development time (in minutes or seconds).

(b) Automatic film processing. Films shall be processed in such a manner that the degree of film development is the same as would be achieved by proper adherence to subsection (a) of this rule (manual processing).

(c) Darkrooms. Darkrooms shall be constructed so that film being processed, handled, or stored will be exposed only to light which has passed through an appropriate safelight filter.

(d) Safelights shall be mounted in accordance with manufacturer's recommendations.

(e) Light bulbs used in safelights shall be the type and wattage recommended by the manufacturer.

(f) Safelight lenses shall be the type recommended for use by the film manufacturer.

(g) Rapid film processing. Special chemicals have been designed for use in Endodontics. These chemicals have special development requirements and do not permit as large of a margin of error in darkroom technique as do standard developing chemicals. Failure to precisely follow manufacturer's recommendations can easily lead to overexposure and underdevelopment. Darkroom procedures shall include:

(A) The manufacturer's time temperature development is crucial and shall be followed exactly;

(B) Caution: A timer capable of accurately measuring the short development times required shall be used;

(C) If rapid chemical processing is used for general radiography all applicable requirements of section (12) of this rule shall be followed.

(h) The Authority shall make such tests as may be necessary to determine compliance with this section.

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

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 5-2005, f. & cert. ef. 4-11-05; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

333-175-0021

Definitions

(1) "Approved" means approved by the Oregon Health Authority.

(2) "Assessment" means to determine whether the food worker understood the concepts represented by the learning objectives. The assessment used by the program providers must be provided or approved by the Authority.

(3) "Authority" means the Oregon Health Authority, Foodborne Illness Prevention Program.

(4) "Certificate of Program Completion" confirms that a person has successfully completed the food handler training program.

(5) "Certified Food Manager" means that a manager has successfully completed an Authority-approved food manager program.

(6) "Computer-Based Training" means self-training through the use of a computer program or the Internet.

(7) "Designated Agent" means an individual or organization who/that has been authorized by the Oregon Health Authority or Local Public Health Authority to provide a food handler training program and issue certificates of program completion.

(8) "Food Handler" means those persons involved in the supervision or preparation or service of food in a restaurant or food service facility licensed under ORS 624.020 or 624.320. This includes, but is not limited to, managers, cooks, wait staff, dishwashers, bartenders and bus persons.

(9) "Local Public Health Authority" means those counties to which the Oregon Health Authority has entered into an Intergovernmental Agreement under ORS 624.510.

(10) "Program" means an Authority-approved food handler training program.

(11) "Program Provider" means the Oregon Health Authority, Local Public Health Authority or a Designated Agent.

(12) "Self-Training" means a training process wherein the individual learns without the presence or intervention of a trainer or instructor.

(13) "Trainer" means the person actively delivering food handler training to learners.

Stat. Auth.: ORS 624.570

Stats. Implemented: ORS 624.570

Hist.: PH 21-2004, f. & cert. ef. 6-18-04; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11

PH 11-2011, f. & cert. ef. 10-27-11

333-536-0005

Definitions

As used in 333-536-0000 through 333-536-0095, the following definitions apply:

(1) Abuse.

(A) As it applies to an adult, includes but is not limited to:

(i) Any physical injury caused by other than accidental means, or that appears to be at variance with the explanation given of the injury.

(ii) Neglect that leads to physical harm through withholding of services necessary to maintain health and well-being.

(iii) Abandonment, including desertion or willful forsaking of a person or the withdrawal or neglect of duties and obligations owed a person.

(iv) Willful infliction of physical pain or injury.

(v) Use of derogatory or inappropriate names, phrases or profanity, ridicule, harassment, coercion, threats, cursing, intimidation or inappropriate sexual comments or conduct of such a nature as to threaten significant physical or emotional harm to a person.

(vi) Wrongfully taking or appropriating money or property, of knowingly subjecting a person to harm by conveying a threat to wrongfully take or appropriate money or property, which threat reasonably would be expected to cause the person to believe that the threat will be carried out.

(vii) Sexual contact with a non-consenting person or with a person considered incapable of consenting to a sexual act as described in ORS 163.315. As used in this paragraph, "sexual contact" has the meaning given that term in ORS 163.305.

(B) As it applies to a child, has the same meaning as "abuse" as that term is defined in ORS 419B.005.

(2) "Activities of Daily Living" means self-care activities that must be accomplished by an individual to meet his or her daily needs.

(3) "Agency" means In-Home Care Agency.

(4) "Authentication" means verification by the author that an entry in the client record is genuine.

(5) "Authority" means the Oregon Health Authority.

(6) "Branch office" means a location or site from which an in-home care agency provides services within a portion of the total geographic area served by the parent agency. The site of the branch office generally does not exceed one hour of travel time from the parent agency. The branch office is part of the in-home care agency and is located sufficiently close to share administration, supervision, and services in a manner that renders it unnecessary.

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essary for the branch to independently meet the requirements of an in-home care agency.

(7) "Caregiver" means a person providing assistance with activities of daily living or assistance with personal care tasks, household and supportive services, or medication services as authorized by these rules.

(8) "Client Representative" means:

(a) A parent, stepparent, foster parent, or other adult with primary caregiving responsibility for the client when the client is a child; or

(b) An individual, paid or unpaid, related or unrelated, who acts on behalf of, or cares for the client when the client is an adult.

(9) "Governing Body" means the owner or designee legally responsible for the direction and control of the operation of the in-home care agency.

(10) "Home health agency" means a public or private agency that provides coordinated home health services on a home visiting basis. Home health agencies provide skilled nursing services and at least one of the following therapeutic services:

- (a) Physical therapy;
- (b) Occupational therapy;
- (c) Speech therapy;
- (d) Home health aide services.

(11) "In-home care agency" means an agency primarily engaged in providing in-home care services for compensation to an individual in that individual's place of residence. "In-home care agency" does not include a home health agency or portion of an agency providing home health services as defined in ORS 443.005.

(12) "In-home care services" means personal care services furnished by an in-home care agency, or an individual under an arrangement or contract with an in-home care agency, that are necessary to assist an individual in meeting the individual's daily needs, but do not include curative or rehabilitative services.

(13) "Licensed" means that the person or agency for which the term applies is currently licensed, certified, or registered by the proper authority within the State of Oregon.

(14) "Medication assistance" means self-administration of non-injectable medication which the client is not physically able to administer to him or herself, but fully self directs its administration.

(15) "Medication administration" means agency staff administering medications to a client or directly supervising the client who is not able or not willing to self-direct, but may be physically able to perform the tasks.

(16) "Medication set up" means taking the client's medications from original containers and putting the medications into closed secondary containers designed and manufactured for this purpose.

(17) "Parent agency" means the in-home care agency that develops and maintains administrative controls of subunits or branch offices.

(18) "Personal care services" means the provision of or assistance with tasks intended to supplement a client's own personal abilities which are necessary to accomplish the client's activities of daily living and other activities as described in OAR 333-536-0045(1), and are preventive and maintaining in nature.

(19) "Registered Nurse" (RN) means a person licensed under ORS Chapter 678.

(20) "Schedule caregivers" means to plan appointments for caregivers to deliver specific in-home care services to clients; the times and dates of these appointments are set by the in-home care agency.

(21) "Skilled nursing services" means the patient care services pertaining to the curative, rehabilitative, and/or preventive aspects of nursing performed by, or under the supervision of, registered nurse pursuant to the plan of treatment established by a physician or nurse practitioner.

(22) "Stable and predictable condition" means a situation where the client's clinical and behavioral state is known, not characterized by rapid changes, and does not require continuous reassessment and evaluation.

(23) "Subunit" means an in-home care agency that provides for a parent agency in a geographic area different from that of the parent agency and generally exceeding one hour of travel time from the location of the parent agency.

(24) "Written "pro re nata (prn) parameters" means directions that are so specific that the unlicensed caregivers uses no discretion when administering prn (as needed) medications or treatments.

Stat. Auth.: ORS 443.340

Stats. Implemented: ORS 443.305 - 443.350

Hist.: OH 19-2002, f. 12-4-02, cert. ef. 2-1-03; PH 3-2004(Temp), f. & cert. ef. 2-6-04 thru 7-30-04; PH 22-2004, f. & cert. ef. 6-25-04; PH 14-2007, f. 12-19-07, cert. ef. 1-1-08; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

333-700-0005

Definitions

As used in OAR chapter 333, division 700, unless the context requires otherwise, the following definitions apply:

(1) "Health care facility" (HCF) has the meaning given the term in Oregon Revised Statute (ORS) 442.015, and includes but is not limited to the classifications defined in subsections (a) through (e) of this section. The phrases "subject health care facility(ies)" and "subject HCF(s)" refer to those classifications subject to Oregon Health Authority or Department of Human Services licensure; i.e., hospitals, special inpatient care facilities, long-term care facilities, ambulatory surgical centers, outpatient renal dialysis facilities, and freestanding birthing centers.

(a) "Hospital" means an establishment with an organized medical staff, with permanent facilities that include inpatient beds, and with medical services, including physician services and continuous nursing services under the supervision of registered nurses, to provide diagnosis and medical or surgical treatment primarily for, but not limited to, acutely ill patients and accident victims, or to provide treatment for the mentally ill or to provide treatment in special inpatient care facilities. "Special inpatient care facilities" are facilities with permanent inpatient beds and other facilities designed and utilized for special health care purposes, to include but not be limited to: Rehabilitation center, college infirmary, chiropractic facility, facility for the treatment of alcoholism or drug abuse, freestanding hospice facility, infirmary for the homeless, or inpatient care facility meeting the requirements of ORS 441.065, and any other establishment falling within a classification established by the Authority, after determination of the need for such classification and the level and kind of health care appropriate for such classification.

(b) "Long-term care facility" includes the terms "skilled nursing facility" and "intermediate care facility," but such definition shall not be construed to include facilities licensed and operated pursuant to ORS 443.400 to 443.455.

(c) "Ambulatory surgical center" (ASC) means a health care facility which performs outpatient surgery not routinely or customarily performed in a physician's or dentist's office, and is able to meet health facility licensure requirements.

(d) A freestanding birthing center means a health care facility licensed for the primary purpose of performing low risk deliveries.

(e) An outpatient renal dialysis facility means a facility licensed to provide ESRD services on an outpatient basis.

(2) "Administrator" means a person designated by the governing body to have overall management of the facility. The administrator enforces the rules and regulations relative to the health care and safety of patients. The administrator plans, organizes, and directs those responsibilities delegated to the administrator by the governing body.

(3) As used in 333-700-0085 and 333-700-0090, the term "assessment" means an assessment done by a registered nurse, social worker, or dietitian that is appropriate for the scope of practice for that discipline. This includes:

(a) Systematic and ongoing collection of information to determine an individual's health status and need for intervention;

(b) Comparison with past information; and

(c) Judgment, evaluation, or conclusion that occurs as a result of parts (a) and (b) of this definition.

(4) "Agreement", as used in these rules, means a written document executed between a dialysis facility and another facility in which the other facility agrees to assume responsibility for furnishing specified services to patients and for obtaining reimbursement for those services.

(5) "Arrangement", as used in these rules, means a written document executed between a dialysis facility and another facility in which the other facility agrees to furnish specified services to patients but the dialysis facility retains responsibility for those services and for obtaining reimbursement for them.

(6) "Authentication" means verification that an entry in the patient medical record is genuine.

(7) "Authority" means the Oregon Health Authority.

(8) "CMS" means the Center for Medicare and Medicaid Services.

(9) "Dialysis" means a process by which dissolved substances are removed from a patient's body by diffusion from one fluid compartment to another across a semi-permeable membrane. The two types of dialysis that are currently in common use are hemodialysis and peritoneal dialysis.

(10) "Discharge", as used in these rules, means the process whereby a patient who was receiving services in a facility is either sent home, transferred to another facility or has died.

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(11) "End-Stage Renal Disease (ESRD)" means that stage of renal impairment that appears irreversible and permanent, and requires a regular course of dialysis or kidney transplantation to maintain life.

(12) "ESRD service" means the type of care or services furnished to a dialysis patient.

(13) "Facility", as used in these rules, means an outpatient renal dialysis facility.

(14) "Furnishes directly" means the facility provides the service through its own staff and employees, or through individuals who are under direct contract to furnish such services personally for the facility (i.e., not through Agreements" or "arrangements").

(15) "Furnishes on the premises" means the facility furnishes services on its main premises; or on its other premises that are contiguous with or in immediate proximity to the main premises, and under the direction of the same professional staff and governing body as the main premises.

(16) "Governing body" means the body or person legally responsible for the direction and control of the operation of the facility.

(17) "Governmental unit" means the state, or any county, municipality, or other political subdivision, or any related department, division, board or other agency.

(18) "Health Care Facility Licensing Law" means ORS 441.005 to 441.990 and rules there under.

(19) "Histocompatibility testing" means laboratory test procedures which determine compatibility between a potential organ donor and a potential organ transplant recipient.

(20) "Licensed" means that the person or facility to whom the term is applied is currently licensed, certified or registered by the proper authority to follow his or her profession or vocation within the State of Oregon, and when applied to a subject health care facility means that the facility is currently and has been duly and regularly licensed by the Authority.

(21) "Licensed nurse" means a Registered Nurse (RN) or a Licensed Practical Nurse (LPN).

(22) "Licensed Practical Nurse" (LPN) means a person licensed under ORS Chapter 678 to practice practical nursing.

(23) "Major alteration" means changes other than repair or replacement of building materials and equipment with materials and equipment of a similar type.

(24) "Network" means Northwest Renal Network (Network 16). The Network is a Quality Improvement Organization under contract to the federal Centers for Medicare and Medicaid Services.

(25) "New Construction" means a new building or an addition to an existing building.

(26) "NFPA" means National Fire Protection Association.

(27) "Nurse Practitioner" means a registered nurse who has been certified by the Oregon State Board of Nursing (OSBN) as qualified to practice in an expanded specialty role within the practice of nursing.

(28) "Outpatient dialysis" means dialysis furnished on an outpatient basis at an outpatient renal dialysis facility. Outpatient dialysis includes:

(a) Staff-assisted dialysis. Dialysis performed by the staff of the facility;

(b) Self-dialysis. Dialysis performed, with little or no professional assistance, by a dialysis patient who has completed an appropriate course of training;

(c) "Home dialysis" means dialysis performed by an appropriately trained patient or helper at home;

(d) "Self-dialysis and home dialysis training" means a program that trains dialysis patients to perform self-dialysis or home dialysis with little or no professional assistance, and trains other individuals to assist patients in performing self-dialysis or home dialysis.

(29) "Organ procurement", as used in these rules, means the process of acquiring donor kidneys.

(30) "Oregon Sanitary Code" means the Food Sanitation Rules, OAR 333-150-0000 through 333-168-0020 except 333-157-0000 through 333-158-0030.

(31) "Patient audit" means review of the medical record and/or physical inspection and/or interview of a patient.

(32) "Patient care staff" as used in these rules means registered nurses, licensed practical nurses, hemodialysis technicians, social workers, and dietitians.

(33) "Person" means an individual, a trust or estate, a partnership or corporation (including associations, joint stock, companies and insurance companies, a state or a political subdivision or instrumentality including a municipal corporation).

(34) "Physician" means a person licensed under ORS Chapter 677 to practice medicine by the Board of Medical Examiners.

(35) "Physician's Assistant" means a person who is registered as a physician's assistant in accordance with ORS Chapter 677.

(36) "Qualified instructor" means a person who is qualified in the field of instruction by education and experience.

(37) "Qualified personnel" means personnel who meet the requirements specified in this paragraph.

(a) "Chief executive officer" means a person who:

(A) Holds at least a baccalaureate degree or its equivalent and has at least 1 year of experience in a dialysis facility; or

(B) Is a registered nurse or physician director as defined in this definition; or

(C) Has demonstrated capability by acting for at least 2 years as a chief executive officer in a dialysis facility or transplantation program.

(b) "Dietitian" means a person who is a licensed dietitian as specified in ORS 691.435.

(c) "Medical record practitioner" means a person who:

(A) Has graduated from a program for Medical Record Administrators accredited by the Council on Medical Education of the American Medical Association and the American Medical Record Association, and is eligible for certification as a Registered Record Administrator (RRA) by the American Medical Record Association; or

(B) Has graduated from a program for Medical Record Technicians approved jointly by the Council on Medical Education of the American Medical Association and the American Medical Record Association, and is eligible for certification as an Accredited Record Technician (ART) by the American Medical Record Association, or

(C) Has successfully completed and received a satisfactory grade in the American Medical Record Association's Correspondence Course for Medical Record Personnel approved by the Accrediting Commission of the National Home Study Council, and is eligible for certification as an Accredited Record Technician by the American Medical Record Association.

(d) "Nurse responsible for nursing service" means a person who is licensed as a registered nurse by the State in which practicing, and

(A) Has at least 12 months of experience in clinical nursing, and an additional 6 months of experience in nursing care of the patient with permanent kidney failure or who is undergoing kidney transplantation including training in and experience with the dialysis process; or

(B) Has 18 months of experience in nursing care of the patient on maintenance dialysis, or in nursing care of the patient with a kidney transplant including training in and experience with the dialysis process.

(e) "Physician-director" or medical director means a physician who:

(A) Is board-eligible or board-certified in internal medicine or pediatrics by a professional board, and has had at least 12 months of experience or training in the care of patients at dialysis facilities; or

(B) As of the date of these rules served for at least 12 months as director of a dialysis or transplantation program.

(f) "Social worker" means a person who:

(A) Has completed a course of study with specialization in clinical practice at, and holds a masters degree from, a graduate school of social work accredited by the Council on Social Work Education; or

(B) Has served for at least 2 years as a social worker, 1 year of which was in a dialysis unit or transplantation program prior to September 1, 1976, and has established a consultative relationship with a social worker who qualifies under paragraph (f)(A) of this definition.

(g) "Transplantation surgeon" means a physician who:

(A) Is board-eligible or board-certified in general surgery or urology by a professional board; and

(B) Has at least 12 months training or experience in the performance of renal transplantation and the care of patients with renal transplants.

(38) "Records" are defined as case histories, clinical records, x-rays, treatment charts, progress reports and other similar written accounts of the patients of any provider.

(39) "Registered Nurse" (RN) means a person licensed under ORS Chapter 678 by the OSBN.

Stat. Auth.: ORS 441.020 & 442.015

Stats. Implemented: ORS 441.020 & 442.015

Hist.: PH 7-2003, f. & cert. ef. 6-6-03; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11

Oregon Housing and Community Services Department Chapter 813

Rule Caption: Amends the Application Process and Review Requirements for Participation in Program.

ADMINISTRATIVE RULES

Adm. Order No.: OHCS 10-2011(Temp)

Filed with Sec. of State: 10-17-2011

Certified to be Effective: 10-17-11 thru 4-12-12

Notice Publication Date:

Rules Amended: 813-140-0096

Subject: 813-140-0096 Clarifies and amends the application process and requirements for projects receiving funding from the Community Development Incentive Project Fund.

Rules Coordinator: Sandy McDonnell—(503) 986-2012

813-140-0096

Application Process for Funding from Housing Preservation Community Incentive Fund

(1) All housing projects financed by OHCS with HUD Section 8 rental assistance contracts that have been renewed or will be renewed are eligible to apply for funding from the Community Development Incentive Project Fund.

(2) An applicant for funding from the fund shall submit an application for funding to the Department on the form provided by the Department.

(3) If the Department determines that funding is needed for financing developments because other state or private financing sources are inadequate or unavailable, unless the Department determines that financing is needed for the purpose of preserving affordable housing, the Department shall submit a funding application under section (2) of this rule to the Community Development Incentive Advisory Board for its review and recommendation.

(4) An application for funding that has been reviewed by the board under section (3) of this rule is subject to the Department's approval or disapproval after the Director has reviewed the Board's recommendation. The Department's determination under this section is subject to its evaluation of the application on the basis of applicable statutory criteria.

Stat. Auth.: ORS 458.705 - 458.740

Stats. Implemented: ORS 458.705 - 458.740

Hist.: OHCS 6-2008, f. & cert. ef. 6-23-08; OHCS 2-2010, f. & cert. ef. 1-7-10; OHCS 10-2011(Temp), f. & cert. ef. 10-17-11 thru 4-12-12

Oregon Liquor Control Commission Chapter 845

Rule Caption: Amendment removing “knowingly” standard from allowing a visibly intoxicated person to consume alcoholic beverages.

Adm. Order No.: OLCC 8-2011

Filed with Sec. of State: 11-1-2011

Certified to be Effective: 1-1-12

Notice Publication Date: 8-1-2011

Rules Amended: 845-006-0345

Subject: This rule describes a variety of acts which both licensees (including their employees or agents) and service permittees are prohibited from engaging in. Previously, section (9) specified that no licensee or permittee will “knowingly” allow a visibly intoxicated person (VIP) to drink alcoholic beverages, but that if they make a “good faith effort” to remove the alcohol they will not be in violation of allowing a VIP to consume. This rule section also defines what “good faith effort” means. The 2011 legislature has passed House Bill (HB) 2361, effective January 1, 2012. HB 2361 amends ORS 471.315 and ORS 471.412, removing the “knowingly” standard from the violation of allowing a VIP to consume. Amending OAR 845-006-0345, section (9), brings our rule into compliance with this new statutory language.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845-006-0345

Prohibited Conduct

The Commission holds licensees accountable for the acts of their agents and employees. (OAR 845-006-0362). No employee or agent of a licensee may violate any provision of this rule. A violation of any section of this rule by an employee or agent of a licensee is considered a violation by the licensee.

(1) Drinking on Duty: No licensee or permittee will drink or be under the influence of intoxicants while on duty.

(a) “On duty” means from the beginning of a work shift that involves the mixing, sale or service of alcoholic beverages, checking identification

or controlling conduct on the premises, to the end of the shift including coffee and meal breaks.

(b) “On duty” also means, for those working outside a scheduled work shift, having the authority to put himself or herself on duty and performing acts on behalf of the licensee which involve the mixing, sale or service of alcoholic beverages, checking identification or controlling conduct on the premises. Whether a person is paid or scheduled for work is not determinative of whether the person is considered “on duty” under this subsection.

(c) “A work shift that involves the sale and service of alcoholic beverages” includes supervising those who mix, sell or serve, check identification or control the premises.

(d) Being under the influence of intoxicants on duty is a Category II violation.

(e) Drinking on duty is a Category III violation.

(2) No licensee or permittee will fail to call the police when a Commission regulatory employee directs the licensee or permittee to call. Violation of this section is a Category II violation.

(3) Evidence:

(a) No licensee or permittee will:

(A) Destroy, damage, alter, remove, or conceal potential evidence, or attempt to do so;

(B) Refuse to give a Commission regulatory employee or police officer this evidence when the employee or officer lawfully requests it; or

(C) Ask or encourage another person to do subsections (a) or (b) of this section.

(b) Violation of this section is a Category III violation.

(4) Access to Premises:

(a) No licensee or permittee will deny entrance to the licensed premises during regular business hours to a Commission regulatory employee or police officer who enters or wants to enter to conduct reasonable search to ensure compliance with alcoholic beverage law. Once the regulatory employee or police officer is on the licensed premises, no licensee or permittee will ask the regulatory employee or officer to leave until the regulatory employee or officer has had an opportunity to conduct a reasonable search to ensure compliance with the alcoholic beverage laws;

(b) Examination of premises that are or appear closed occurs only when there is reason to believe an alcoholic beverage law violation is occurring. No licensee or permittee will refuse or fail to promptly admit a Commission regulatory employee or police officer to the licensed premises when the regulatory employee or officer identifies him/herself and asks to enter to conduct a reasonable search to ensure compliance with the alcoholic beverage laws.

(c) Violation of this section is a Category II violation.

(5) Open Containers: No licensee or permittee will permit a person to take an open container of alcoholic beverages from the licensed premises, except as ORS 471.178, 471.200 and 471.175 allow. Except for tastings as allowed in OAR 845-006-0450, no Off-Premises Sales licensee will permit an open container of alcoholic beverages on the licensed premises unless the licensee also holds another license at the premises that allows on-premises consumption. Violation of this section is a Category V violation.

(6) Liquor on Premises: No licensee or permittee will have or permit any alcoholic liquor on the licensed premises which the licensee does not allow the licensee to sell or serve. Notwithstanding this requirement, a limited on-premises or brewery-public house sales licensee may have distilled spirits on the premises if the distilled spirits are used only for cooking, are kept in a container only in the food preparation area, and the container is clearly marked “for cooking only”. Violation of this section is a Category V violation.

(7) Drive-up Window: No licensee or permittee will sell or deliver any alcoholic beverages through a drive-up window. Violation of this section is a Category III violation.

(8) Liquor as a Prize: Except as allowed in ORS 471.408, no licensee or permittee will give or permit any alcoholic beverage as a prize, premium, or consideration for any lottery, contest, game of chance or skill, exhibition, or any competition of any kind on the licensed premises. Violation of this section is a Category V violation.

(9) “Good Faith Effort”: ORS 471.315(1)(a)(H), and 471.412(1) prohibit a licensee or permittee from allowing a visibly intoxicated person to drink alcoholic beverages. A licensee or permittee who makes a good faith effort to remove the alcoholic beverage does not violate these statutes.

(a) As used in ORS 471.412(2) and this rule, “good faith effort” means:

(A) Placing a hand on the drink and trying to remove it; or

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(B) Making a verbal request for the drink, if the server has reason to believe that touching the patron's drink could cause a disturbance.

(b) The Commission will issue letters of reprimand for the first three violations of this section within a two-year period. A fourth violation within a two-year period is a Category III violation assessed at the fourth level (cancellation).

(10) Promotions.

(a) The following practices are prohibited:

(A) The sale, offer or service to any person of an unlimited number of alcoholic beverage(s) during any set period of time for a fixed price;

(B) The sale, offer or service of alcoholic beverages by the drink for a price per drink that is less than the licensee's cost for the alcohol to any person paying a fixed "buy in" price, entry fee, cover or door charge;

(C) Price reductions on alcoholic beverages by the drink from 12:00 midnight until 2:30 a.m. A price reduction is a lower price as compared to the usual, customary, or established non-discounted price the licensee charges for a drink of that type on the licensed premises;

(D) The sale, offer or service of distilled spirits by the bottle for consumption on the premises, except as allowed in OAR 845-006-0433 (Minibars in Hotel Guest Rooms) and OAR 845-006-0434 (Minibars in Arena Suites). This subsection does not prohibit a Full On-Premises Public Location Sales Licensee (F-PL) or Full On-Premises Catering Sales Licensee (F-Cat) from charging clients by the bottle for distilled spirits that are served by the drink at hotel suites, banquets, receptions or catered events where the reasonably projected attendance is at least 20 patrons;

(E) Operating, encouraging or permitting games of chance or skill, contests, exhibitions, or competitions of any kind on the licensed premises that involve drinking alcoholic beverages, (i.e. beer pong, "21 for 21");

(F) Dispensing, pouring or otherwise serving any alcoholic beverage directly into a person's mouth, including through any device such as a "bong";

(G) Permitting use of an alcohol vaporization device on a premises licensed for the sale of alcoholic liquor. An alcohol vaporization device, also called an alcohol without liquid machine, is a device, machine or process which mixes spirits, alcoholic liquors or any product containing alcoholic liquor with oxygen or any other gas to produce a vaporized product for consumption by humans by inhalation.

(b) Violation of this section is a Category III violation.

Stat. Auth.: ORS 471.471.030, 471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.030, 471.040, 471.175, 471.178, 471.200, 471.315(1)(a)(H), 471.405(1), 471.408, 471.412, 471.675 & 471.730

Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 6-2001, f. 8-15-01, cert. ef. 9-1-01; OLCC 4-2003, f. 3-31-03 cert. ef. 4-1-03; OLCC 5-2007, f. 3-22-07, cert. ef. 4-1-07; OLCC 3-2009, f. 4-21-09, cert. ef. 5-1-09; OLCC 18-2010, f. 12-22-10, cert. ef. 1-1-11; OLCC 8-2011, f. 11-1-11, cert. ef. 1-1-12

Rule Caption: Amendments expanding age verification equipment operating standards and removing every point of sale location requirement.

Adm. Order No.: OLCC 9-2011

Filed with Sec. of State: 11-1-2011

Certified to be Effective: 11-1-11

Notice Publication Date: 8-1-2011

Rules Amended: 845-009-0140

Subject: This rule describes the Commission's standards and requirements for licensees who choose to purchase age verification equipment (AVE) to offset (or in lieu of) a civil penalty in the case of sale of alcohol to a minor, or failure to properly verify the age of a minor purchaser. In the new section (2), staff recommends amending this rule to expand the requirements that AVE must fulfill in order to meet the Commission's minimum operating standards. Additional equipment requirements would include being able to produce at least 7 days of transaction records (whether stored in memory or via hard copy printout), the ability to process ID from all U.S. states, and the capacity for equipment updates or upgrades. Staff also recommends replacing the current section (5) with the new section (6) in order to reflect more flexibility in the timeline requirements for electing and implementing the AVE credit option. Staff further recommends deletion of the current section (6) and its replacement with the new section (7). Because some acceptable AVE can be portable, rather than proscribing the number of pieces of age verification that a licensee must purchase and where they must be located, the licens-

ee would be responsible for ensuring that all sellers have access to and use AVE when selling alcohol.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845-009-0140

Age Verification Equipment

(1) As used in this rule:

(a) "Retail licensee" and "licensee" mean a retail licensee as defined in ORS 471.392;

(b) "Equipment" and "age verification equipment" mean equipment used to verify the age of customers who purchase alcoholic beverages.

(2) In order to qualify for the credit provided under sections (3) and (4) of this rule, age verification equipment must meet all of the following standards:

(a) The equipment must trigger an age verification process or the equipment itself must verify the age. In either case, the equipment must indicate to the licensee or employee if the customer is of legal age to purchase alcoholic beverages;

(b) The equipment must have a memory function and must be capable of producing a hard copy printout of the results of any verification transaction within the last seven days, either directly from the equipment or through a computer;

(c) The equipment must be able to perform the age verification function for identification from all states in the United States, via either the equipment reading the identification automatically or manual entry of the information; and

(d) The equipment must have the capacity to be updated or upgraded.

(3) For the first or second violation of ORS 471.410(2) or 845-006-0335(1) in a two-year period, the licensee may choose to purchase age verification equipment in lieu of the standard first level Category III sanction, not to exceed 10 days of the suspension or \$1650 of the civil penalty. The licensee is responsible for paying or serving any portion of the sanction charged in excess of the standard sanction.

(4) For the first or second violation of ORS 471.410(2) or 845-006-0335(1) in a two-year period by a member of the Responsible Vendor Program, the licensee may choose to purchase age verification equipment in lieu of the standard Category III(a) sanction. The licensee is responsible for paying or serving any portion of the sanction charged in excess of the standard sanction.

(5) A licensee may choose this option only one time per license. If the licensee previously purchased equipment, the Commission may allow the licensee to use the purchase of the equipment in lieu of paying up to \$1650 of the civil penalty or serving up to 10 days of the suspension, if the licensee has not previously received this option.

(6) In order to receive the credit under this rule, the licensee must be using the age verification equipment within the timeframe specified in either the Request to Exercise Age Verification Equipment Option form or a settlement agreement; otherwise the licensee is responsible for the full sanction.

(7) A licensee who has received a credit under this rule for age verification equipment is expected to maintain the equipment in working order and to use the equipment to verify age as OAR 845-006-0335 requires.

Stat. Auth.: ORS 471.471.030, 471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.342

Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 5-2003, f. 3-31-03 cert. ef. 4-1-03; OLCC 9-2006, f. 7-19-06, cert. ef. 8-1-06; OLCC 9-2011, f. & cert. ef. 11-1-11

Rule Caption: Amend rule to allow suppliers to exchange adulterated alcohol products.

Adm. Order No.: OLCC 10-2011

Filed with Sec. of State: 11-1-2011

Certified to be Effective: 11-1-11

Notice Publication Date: 8-1-2011

Rules Amended: 845-013-0070

Subject: Certain alcohol energy drinks were determined to be adulterated products by the U.S. Food and Drug Administration (FDA) on November 17, 2010. Based on the warnings issued to the manufacturers of these alcohol products by the FDA, as well as the Federal Trade Commission (FTC) and the Alcohol and Tobacco Tax and Trade Bureau (TTB), the Commission found that these products contain an adulterated ingredient. While these specific products no longer pose a threat, there may be other adulterated alcohol products in the future that find their way into the consumer market. Previously, Oregon rules did not allow wholesalers and manufacturers to

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1-1-01; OLCC 9-2003, f. 6-27-03, cert. ef. 7-1-03; OLCC 15-2010(Temp), f. & cert. ef. 12-3-10 thru 5-31-11; Administrative correction, 6-28-11; OLCC 10-2011, f. & cert. ef. 11-1-11

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exchange products containing adulterated ingredients that were previously delivered to retailers for other equivalent products. This means that a substantial amount of these adulterated products would remain in the state where they might be available to the public rather than being safely returned to the wholesalers or manufacturers. The amendments make the temporary rule amendments adopted December 3, 2010 through May 31, 2011 permanent. These amendments allow wholesalers to exchange products containing adulterated ingredients for comparable saleable products and this is necessary to ensure that all of the adulterated products are promptly removed from retail premises in the state, thereby significantly reducing the risk that the products will be sold or otherwise made available to be consumed.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845-013-0070

Services of Nominal Value; ORS 471.398(5)

(1) ORS 471.398(5) prohibits a manufacturer or wholesaler from giving a retailer any services except those described in 471.398(5) and the two categories of services of nominal value described in this rule.

(2) A manufacturer or wholesaler may give basic services that support products on draft such as:

- (a) Inspecting draft equipment, coolers and cooling equipment for sanitation and quality control;
- (b) Performing emergency repairs on draft equipment;
- (c) Instructing retail licensees in the proper use, maintenance and care of draft and cooling equipment;
- (d) Tapping kegs during regular delivery calls.

(3) A manufacturer or wholesaler may give basic marketing support services for the manufacturer's or wholesaler's alcoholic beverage products such as:

- (a) Delivering to the designated place on the retailer's premises. If a retailer closes a store, the wholesaler or manufacturer may move product to another of the retailer's stores in the wholesaler's territory. The manufacturer or wholesaler may move only his/her brands;
- (b) Rearranging or replenishing bottles or cans of the manufacturer or wholesaler's brands;
- (c) Pricing packages and containers of the manufacturer's or wholesaler's brands but not repricing packages and containers. Repricing includes entering the Uniform Price Code (UPC) or pricing information in the retailer's system but does not include changing shelf tags;
- (d) Promptly exchanging alcoholic beverages delivered in error for the proper product, provided both businesses reflect the exchange in their records;

(e) Exchanging products that are leaking, deteriorating, near or past their shelf date, have damaged or missing labels, or have damaged containers for an equal quantity of identical product, or exchanging products that have been found to contain adulterated ingredients (See also OAR 845-013-0020(1)(b)). If the amount exchanged is one case or less of malt beverages or if the product contains adulterated ingredients, the manufacturer or wholesaler may substitute another malt beverage product of similar value. A manufacturer or wholesaler may not exchange product that the retailer or wholesaler's customer damaged;

(f) Installing, cleaning and repairing point of sale materials allowed in OAR 845-013-0050;

(g) Providing an employee to assist in educational seminars and wine or malt beverage tastings that a retailer conducts for the public as long as each licensee complies with OAR 845-006-0353 and 845-006-0450.

NOTE: ORS 471.186(4) prohibits a manufacturer or wholesaler from providing or paying for a person to serve samples at package stores except as provided in ORS 471.402.

(h) Providing celebrities or performers to promote the manufacturer's or wholesaler's product on a retailer's premises as long as:

- (A) Neither the manufacturer/wholesaler nor retailer advertise or promote the celebrity or performer's visit;
- (B) The celebrity or performer does only a brief performance, if any;
- (C) The manufacturer or wholesaler provides no alcoholic beverages to the retailer's customers;
- (D) The manufacturer or wholesaler provides the celebrities no more than once per year per retail premises.

Stat. Auth.: ORS 471, 471.030, 471.040, 471.730(1) & (5)

Stats. Implemented: ORS 471.398(5) & 471.446(2)

Hist.: OLCC 8-1987, f. 3-13-87, ef. 4-1-87; OLCC 7-1992, f. & cert. ef. 7-1-92; Renumbered from 845-010-0126; OLCC 8-1996, f. 5-6-96, cert. ef. 7-1-96; OLCC 8-1997, f. 2-28-97, cert. ef. 3-15-97; OLCC 17-2000, f. 11-9-00, cert. ef. 12-1-00; OLCC 19-2000, f. 12-6-00, cert. ef.

Rule Caption: Fee changes as approved.

Adm. Order No.: OMB 22-2011

Filed with Sec. of State: 10-18-2011

Certified to be Effective: 10-18-11

Notice Publication Date: 8-1-2011

Rules Amended: 847-005-0005

Subject: The fee amendments were approved as part of the budget proposal(s) that were presented to the Oregon Legislature.

The proposed rule change amends fees for physicians, podiatric physicians, physician assistants, and acupuncturists when licenses are renewed each biennium. Licensees with Active, Inactive, Locum Tenens, Teleradiology, and Telemedicine, and Military/Public Health statuses are included in the fee amendments.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

847-005-0005

Fees

(1) Fees to be effective upon adoption:

- (a) Doctor of Medicine/Doctor of Osteopathy (MD/DO) Initial License Application — \$375
- (b) MD/DO Registration: Active, Military/Public Health, and Teleradiology, Inactive, Locum Tenens, and Telemedicine — \$232/year**
- (c) MD/DO Emeritus Registration — \$50/year
- (d) Limited License, SPEX/COMVEX, Visiting Professor, Fellow, Medical Faculty, Postgraduate, Special — \$185
- (e) Acupuncture Initial License Application — \$245
- (f) Acupuncture Registration: Active, Inactive, and Locum Tenens — \$148/year**
- (g) Acupuncture Limited License, Special, Visiting Professor, Postgraduate — \$75
- (h) Physician Assistant Initial License Application — \$245
- (i) Physician Assistant Registration: Active, Inactive, and Locum Tenens — \$175/year**
- (j) Physician Assistant Limited License, Special, Postgraduate — \$75
- (k) Podiatrist Initial Application — \$340
- (l) Podiatrist Registration: Active, Inactive, and Locum Tenens — \$222/year**
- (m) Podiatrist Emeritus Registration — \$50/year
- (n) Podiatrist Limited License, Special, Postgraduate — \$185
- (o) Workforce Data Fee — \$5/license period
- (p) Miscellaneous: All Fines and Late Fees:
 - (A) MD/DO Registration Renewal Late Fee — \$159
 - (B) Acupuncture Registration Renewal Late Fee — \$80
 - (C) Physician Assistant Registration Renewal Late Fee — \$80
 - (D) Podiatrist Registration Renewal Late Fee — \$159
- (q) Electronic Prescription Monitoring Program — \$25/year per license***
- (r) Dispensing MD/DO/DPM Failure to Register — \$159
- (s) Oral Specialty or Competency Examination (\$1,000 deposit required) — Actual costs
- (t) Affidavit Processing Fee for Reactivation — \$50
- (u) Licensee Information Requests:
 - (A) Verification of Licensure-Individual Requests (1-4 Licenses) — \$10 per license
 - (B) Verification of Licensure-Multiple (5 or more) — \$7.50 per license
 - (C) Verification of MD/DO License Renewal — \$150 Biennially
 - (D) Malpractice Report - Individual Requests — \$10 per license
 - (E) Malpractice Report - Multiple (monthly report) — \$15 per report
 - (F) Disciplinary - Individual Requests — \$10 per license
 - (G) Disciplinary Report - Multiple (quarterly report) — \$15 per report
- (v) Base Service Charge for Copying — \$5 + .20/page[
- (w) Record Search Fee (+ copy charges see section (v) of this rule):
 - (A) Clerical — \$20 per hour*
 - (B) Administrative — \$40 per hour*
 - (C) Executive — \$50 per hour*
 - (D) Medical — \$75 per hour*
- (x) Data Order:

ADMINISTRATIVE RULES

- (A) Standard Data License Order — \$150 each
- (B) Custom Data License Order — \$150.00 + \$40.00 per hour
- (C) Address Label Disk — \$100 each
- (D) Active and Locum Tenens MD/DO list — \$75 each
- (E) DPM, PA, or AC list — \$10 each
- (F) Quarterly new MD/DO, DPM, PA, or AC list — \$10 each

Administrative time

- (2) All Board fees and fines are non-refundable, and non-transferable.

*Plus photocopying charge above, if applicable.

**Collected biennially except where noted in the Administrative Rules.

All active MD/DO registration fees include \$10.00 for the Oregon Health and Science University Library, and are collected biennially.

***Per SB 355 (2009), physician, podiatric physician and physician assistant licensees authorized to prescribe or dispense controlled substances in Oregon assessed \$25/year; funds transferred to the Department of Human Services, minus administrative costs, to support the Electronic Prescription Monitoring Program. Licensees with Active, Locum Tenens, Telemonitoring, Teleradiology, and Telemedicine status are included. Licensees with a limited license are not included.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265

Hist.: ME 7-1984, f. & ef. 1-26-84; ME 17-1984, f. & ef. 11-5-84; ME 6-1985, f. & ef. 7-30-85; ME 3-1986(Temp), f. & ef. 4-23-86; ME 4-1986, f. & ef. 4-23-86; ME 9-1986, f. & ef. 7-31-86; ME 2-1987, f. & ef. 1-10-87; ME 7-1987(Temp), f. & ef. 1-26-87; ME 9-1987, f. & ef. 4-28-87; ME 25-1987, f. & ef. 11-5-87; ME 9-1988, f. & cert. ef. 8-5-88; ME 14-1988, f. & cert. ef. 10-20-88; ME 1-1989, f. & cert. ef. 1-25-89; ME 5-1989 (Temp), f. & cert. ef. 2-16-89; ME 6-1989, f. & cert. ef. 4-27-89; ME 9-1989(Temp), f. & cert. ef. 8-1-89; ME 7-1989, f. & cert. ef. 10-20-89; ME 4-1990, f. & cert. ef. 4-25-90; ME 9-1990, f. & cert. ef. 8-2-90; ME 5-1991, f. & cert. ef. 7-24-91; ME 11-1991(Temp), f. & cert. ef. 10-21-91; ME 6-1992, f. & cert. ef. 5-26-92; ME 1-1993, f. & cert. ef. 1-29-93; ME 13-1993, f. & cert. ef. 11-1-93; ME 14-1993(Temp), f. & cert. ef. 11-1-93; ME 1-1994, f. & cert. ef. 1-24-94; ME 6-1995, f. & cert. ef. 7-28-95; ME 7-1996, f. & cert. ef. 10-29-96; ME 3-1997, f. & cert. ef. 11-3-97; BME 7-1998, f. & cert. ef. 7-22-98; BME 7-1999, f. & cert. ef. 4-22-99; BME 10-1999, f. & cert. ef. 7-8-99; BME 4-1999, f. & cert. ef. 10-28-99; BME 4-2000, f. & cert. ef. 2-22-00; BME 6-2001(Temp), f. & cert. ef. 7-18-01 thru 11-30-01; BME 10-2001, f. & cert. ef. 10-30-01; BME 8-2003, f. & cert. ef. 4-24-03; BME 16-2003, f. & cert. ef. 10-23-03; BME 17-2004, f. & cert. ef. 9-9-04; BME 6-2005, f. & cert. ef. 7-20-05; BME 15-2006, f. & cert. ef. 7-25-06; BME 1-2007, f. & cert. ef. 1-24-07; BME 1-2008, f. & cert. ef. 1-22-08; BME 15-2008, f. & cert. ef. 7-21-08; BME 1-2009, f. & cert. ef. 1-22-09; BME 15-2009(Temp), f. & cert. ef. 9-11-09 thru 3-8-10; BME 1-2010, f. & cert. ef. 1-26-10; OMB 10-2011(Temp), f. & cert. ef. 7-13-11 thru 1-4-12; OMB 18-2011(Temp), f. & cert. ef. 10-13-11 thru 4-10-12; OMB 22-2011, f. & cert. ef. 10-18-11

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Rule Caption: Fines on use of non legal practice name; house-keeping language changes.

Adm. Order No.: OMB 23-2011

Filed with Sec. of State: 10-18-2011

Certified to be Effective: 10-18-11

Notice Publication Date: 8-1-2011

Rules Amended: 847-008-0065

Subject: The proposed rule clarifies licensees practice under their legal name, imposes a fine if the rule is violated. Additional language was added that further disciplinary action may be taken by the Board for violations. The rule also addresses some housekeeping language changes.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

847-008-0065

Use of Name

(1) Each licensee of the Board must be licensed under licensee's legal name and must practice under that legal name.

(2) When a name is changed, all of the following must be submitted to the Board within 30 days of the name change:

(a) A signed change of name notification affidavit provided by this Board;

(b) A copy of the legal document showing the name change; and

(c) The returned original Oregon license and license card, or engrossed certificate, whichever is applicable.

(3) Violation of this rule will result in \$195 fine and may be cause for further disciplinary action by the Board.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265

Hist.: ME 5-1990, f. & cert. ef. 4-25-90; BME 24-2007, f. & cert. ef. 10-24-07; OMB 23-2011, f. & cert. ef. 10-18-11

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Rule Caption: Notify patients and Board if leaving active status, imposes fine for violation.

Adm. Order No.: OMB 24-2011

Filed with Sec. of State: 10-18-2011

Certified to be Effective: 10-18-11

Notice Publication Date: 8-1-2011

Rules Amended: 847-012-0000

Subject: The proposed rule amendment adds language requiring licensees leaving active practice to notify patients and the Board of their status and method to obtain patient records; clarifies fine amount and possible disciplinary action by the Board. Housekeeping changes in language and grammar.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

847-012-0000

Patient's Access to Medical Records

(1) Licensees of the Oregon Medical Board must make protected health information in the medical record available to the patient or the patient's representative upon their request, to inspect and obtain a copy of protected health information about the individual, except as provided by law and this rule. The patient may request all or part of the record. A summary may substitute for the actual record only if the patient agrees to the substitution. Board licensees are encouraged to use the written authorization form provided by ORS 192.522.

(2) For the purpose of this rule, "health information in the medical record" means any oral or written information in any form or medium that is created or received and relates to:

(a) The past, present, or future physical or mental health of the patient.

(b) The provision of healthcare to the patient.

(c) The past, present, or future payment for the provision of healthcare to the patient.

(3) Upon request, the entire health information record in the possession of the Board licensee will be provided to the patient. This includes records from other healthcare providers. Information which may be withheld includes:

(a) Information which was obtained from someone other than a healthcare provider under a promise of confidentiality and access to the information would likely reveal the source of the information;

(b) Psychotherapy notes;

(c) Information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding; and

(d) Other reasons specified by federal regulation.

(4) Licensees who have retired, failed to renew their license, relocated their practice out of the area, had their license revoked, or had their license suspended for one year or more must notify each patient seen within the previous two years and the Oregon Medical Board of the change in licensee's status and how patients may access or obtain their medical records. Notifications must be in writing and sent by regular mail to each patient's last known address within 45 days of the change in licensee's status.

(5) Licensees who have been suspended for less than one year must notify the Board within 10 days of the suspension how patients may access or obtain their medical records.

(6) A reasonable cost may be imposed for the costs incurred in complying with the patient's request for health information. These costs may include:

(a) No more than \$30 for copying 10 or fewer pages of written material, and no more than 50 cents per page for pages 11 through 50, and no more than 25 cents for each additional page;

(b) A bonus charge of \$5 if the request for records is processed and the records are mailed by first class mail to the requester within seven business days after the date of the request;

(c) Postage costs to mail copies of the requested records;

(d) Actual costs of preparing an explanation or summary of the health information, if such information is requested by the patient; and

(e) Actual costs of reproducing films, x-rays, or other reports maintained in a non-written form.

(7) A patient may not be denied summaries or copies of his/her medical records because of inability to pay.

(8) Requests for medical records must be complied with within a reasonable amount of time not to exceed 30 days from the receipt of the request.

(9) Violation of this rule will result in a \$195 fine and may be cause for further disciplinary action by the Board.

Stat. Auth.: ORS 677.265, 192.521

Stats. Implemented: ORS 677.265, 192.521

Hist.: ME 7-1988, f. & cert. ef. 4-20-88; BME 1-2004, f. & cert. ef. 1-27-04; BME 18-2004, f. & cert. ef. 10-20-04; BME 17-2008, f. & cert. ef. 7-21-08; OMB 24-2011, f. & cert. ef. 10-18-11

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Rule Caption: New Osteopathic school opening in Oregon and clarifies the standards for re-entry to practice.

ADMINISTRATIVE RULES

Adm. Order No.: OMB 25-2011

Filed with Sec. of State: 10-18-2011

Certified to be Effective: 10-18-11

Notice Publication Date: 8-1-2011

Rules Amended: 847-020-0183

Subject: The proposed rule adds language to include the new Osteopathic school which is opening in Oregon and clarifies the standards for re-entry to practice.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

847-020-0183

Re-Entry to Practice — SPEX or COMVEX Examination, Re-Entry Plan and Personal Interview

If an applicant has ceased the practice of medicine for a period of 12 or more consecutive months immediately preceding the application for licensure or reactivation, the applicant may be required to demonstrate clinical competency.

(1) The applicant who has ceased the practice of medicine for a period of 12 or more consecutive months may be required to pass the Special Purpose Examination (SPEX) or Comprehensive Osteopathic Medical Variable-Purpose Examination (COMVEX). This requirement may be waived if the applicant has done one or more of the following:

(a) The applicant has received a current appointment as Professor or Associate Professor at the Oregon Health and Science University or the Western University of Health Sciences College of Osteopathic Medicine of the Pacific; or

(b) The applicant has within ten years of filing an application with the Board:

(A) Completed one year of an accredited residency, or an accredited or Board-approved clinical fellowship; or

(B) Been certified or recertified by a specialty board recognized by the American Board of Medical Specialties or the American Osteopathic Association; or

(c) The applicant has subsequently:

(A) Completed one year of an accredited residency, or

(B) Completed one year of an accredited or Board-approved clinical fellowship, or

(C) Been certified or recertified by a specialty board recognized by the American Board of Medical Specialties or the American Osteopathic Association, or

(D) Obtained continuing medical education to the Board's satisfaction.

(2) The applicant who has ceased the practice of medicine for a period of 24 or more consecutive months may be required to complete a re-entry plan to the satisfaction of the Board. The Board must review and approve a re-entry plan prior to the applicant beginning the re-entry plan. Depending on the amount of time out-of-practice, the applicant may be required to do one or more of the following:

(a) Pass the SPEX/COMVEX examination;

(b) Practice for a specified period of time under a mentor/supervising physician who will provide periodic reports to the Board;

(c) Obtain certification or re-certification by a specialty board recognized by the American Board of Medical Specialties (ABMS) or the American Osteopathic Association's Bureau of Osteopathic Specialists (AOA-BOS);

(d) Complete a re-entry program as determined appropriate by the Board;

(e) Complete one year of accredited postgraduate or clinical fellowship training, which must be pre-approved by the Board's Medical Director;

(f) Complete at least 50 hours of Board-approved continuing medical education each year for the past three years.

(3) The applicant who fails the SPEX or COMVEX examination three times, whether in Oregon or other states, must successfully complete one year of an accredited residency or an accredited or Board-approved clinical fellowship before retaking the SPEX or COMVEX examination.

(4) The Limited License, SPEX/COMVEX may be granted for a period of up to 6 months. It permits the licensee to practice medicine only until the grade results of the SPEX or COMVEX examination are available and the applicant completes the initial registration process. If the applicant fails the SPEX or COMVEX examination, the Limited License SPEX/COMVEX becomes invalid, and the applicant must cease practice in this state as expeditiously as possible, but not to exceed two weeks after the applicant receives notice of failure of the examination.

(5) The applicant may be required to appear before the Board for a personal interview regarding information received during the processing of

the application. The interview must be conducted during a regular meeting of the Board.

(6) All of the rules, regulations and statutory requirements pertaining to the medical school graduate remain in full effect.

Stat. Auth.: ORS 677.175 & 677.265

Stats. Implemented: ORS 677.010, 677.175 & 677.265

Hist.: BME 20-2007, f. & cert. ef. 10-24-07; BME 4-2008, f. & cert. ef. 1-22-08; BME 6-2010, f. & cert. ef. 4-26-10; OMB 25-2011, f. & cert. ef. 10-18-11

Rule Caption: Requirements for re-entry to practice; includes housekeeping in language and grammar.

Adm. Order No.: OMB 26-2011

Filed with Sec. of State: 10-18-2011

Certified to be Effective: 10-18-11

Notice Publication Date: 8-1-2011

Rules Amended: 847-080-0018

Subject: The proposed rule amendment clarifies requirements on re-entry to practice for podiatric physicians, by meeting requirements stated in the rule, such as obtaining Continuing Medical Education, (CME) preceding an application for licensure or reactivation. The rule also addresses some housekeeping language changes.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

847-080-0018

Endorsement, Competency Examination, Re-Entry to Practice and Personal Interview

(1) The applicant must base an application upon certification by the National Board of Podiatric Medical Examiners (NBPME).

(a) For applicants who graduated from a school or college of podiatric medicine on or after January 1, 2001, certification by the NBPME must include Part III of the examination. This requirement may be waived if the applicant is:

(A) Licensed as a podiatric physician in another state; or

(B) Certified by the American Board of Podiatric Orthopedics and Primary Podiatric Medicine or the American Board of Podiatric Surgery.

(b) All three Parts of the NBPME examination must be passed within a seven-year period which begins when the first Part, either Part I or Part II, is passed. The score achieved on each Part of the examination must equal or exceed the figure established by the National Board of Podiatric Medical Examiners as a recommended passing score.

(c) An applicant who graduated from a school or college of podiatric medicine on or after January 1, 2001, and who has not passed all three Parts within the seven-year period may request an exception to the seven-year requirement if he/she:

(A) Has current certification by the American Board of Podiatric Orthopedics and Primary Podiatric Medicine or the American Board of Podiatric Surgery, or

(B) Suffered from a documented significant health condition which by its severity would necessarily cause a delay to the applicant's podiatric study.

(d) Except as noted in Section (1)(e) of this rule, effective April 25, 2008, to be eligible for licensure, the applicant who graduated from a school or college of podiatric medicine on or after January 1, 2001, must have passed NBPME Part III within four attempts whether for Oregon or for any other state. After the third failed attempt, the applicant must have completed one additional year of postgraduate training in the United States prior to readmission to the examination. The Board must approve the additional year of training to determine whether the applicant is eligible for licensure. The applicant, after completion of the required year of training, must have passed Part III on their fourth and final attempt. If the fourth attempt of Part III is failed, the applicant is not eligible for Oregon licensure. If the applicant did not complete a year of training approved by the Board between the third and fourth attempt to pass Part III, the applicant is not eligible for licensure.

(e) An applicant who has passed the NBPME Part III, but not within the four attempts required by OAR 847-080-0018(1)(d), may request a waiver of this requirement if he/she has current certification by the American Board of Podiatric Orthopedics and Primary Podiatric Medicine or the American Board of Podiatric Surgery.

(2) The applicant who has ceased practice for a period of 12 or more consecutive months immediately preceding an application for licensure or reactivation may be required to pass a competency examination in podiatry. The competency examination may be waived if, within ten years of filing the application with the Board, the applicant has:

(a) Passed the examination administered by the NBPME, or

ADMINISTRATIVE RULES

(b) Been certified or recertified by the American Board of Podiatric Orthopedics and Primary Podiatric Medicine (ABPOPPM) or the American Board of Podiatric Surgery (ABPS), or

(c) Completed a Board-approved one-year residency or clinical fellowship, or

(d) Obtained continuing medical education to the Board's satisfaction.

(3) The applicant who has ceased the practice of medicine for a period of 24 or more consecutive months may be required to complete a re-entry plan to the satisfaction of the Board. The Board must review and approve a re-entry plan prior to the applicant beginning the re-entry plan. Depending on the amount of time out of practice, the applicant may be required to do one or more of the following:

(a) Pass the NBPME examination;

(b) Practice for a specified period of time under a mentor/supervising podiatric physician who will provide periodic reports to the Board;

(c) Obtain certification or re-certification by the ABPOPPM or the ABPS;

(d) Complete a re-entry program as determined appropriate by the Board;

(e) Complete one year of an accredited postgraduate or clinical fellowship training, which must be pre-approved by the Board's Medical Director;

(f) Complete at least 50 hours of Board-approved continuing medical education each year for the past three years.

(4) The applicant may be required to appear before the Board for a personal interview regarding information received during the processing of the application. The interview shall be conducted during a regular meeting of a committee of the Board or the Board.

(5) Licensure shall not be granted until all requirements of OAR 847-080-0002 through 847-080-0020 are completed satisfactorily.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.825 & 677.830

Hist.: ME 6-1986, f. & ef. 4-23-86; ME 17-1987, f. & ef. 8-3-87; ME 23-1989(Temp), f. & cert. ef. 10-20-89; ME 3-1990, f. & cert. ef. 1-29-90; ME 13-1992, f. & cert. ef. 10-22-92; ME 8-1994, f. & cert. ef. 4-29-94; ME 11-1996, f. & cert. ef. 10-29-96; BME 2-1999, f. & cert. ef. 1-26-99; BME 4-1999, f. & cert. ef. 2-17-99; BME 10-2005, f. & cert. ef. 7-20-05; BME 19-2006, f. & cert. ef. 7-25-06; BME 17-2007, f. & cert. ef. 7-23-07; BME 18-2007(Temp), f. & cert. ef. 7-23-07 thru 1-8-08; BME 22-2007, f. & cert. ef. 10-24-07; BME 12-2008, f. & cert. ef. 4-24-08; BME 27-2008, f. & cert. ef. 10-31-08; OMB 26-2011, f. & cert. ef. 10-18-11

Rule Caption: Temporary rule suspension.

Adm. Order No.: OMB 27-2011(Temp)

Filed with Sec. of State: 10-26-2011

Certified to be Effective: 10-26-11 thru 4-10-12

Notice Publication Date:

Rules Suspended: 847-008-0040(T)

Subject: SB 224, passed by the 2011 Legislature, requires practice agreements to be updated every 2 years. The temporary rule filed and effective on October 13, 2011 clarified when a supervising physician must provide the practice agreement update to the board. However, SB 224 does not become effective until January 1, 2012, so this temporary rule is being suspended and will be re-filed with an effective date of January 1, 2012.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

Rule Caption: Temporary rule suspension.

Adm. Order No.: OMB 28-2011(Temp)

Filed with Sec. of State: 10-26-2011

Certified to be Effective: 10-26-11 thru 4-10-12

Notice Publication Date:

Rules Suspended: 847-050-0005(T), 847-050-0010(T), 847-050-0015(T), 847-050-0020(T), 847-050-0023(T), 847-050-0025(T), 847-050-0026(T), 847-050-0027(T), 847-050-0029(T), 847-050-0035(T), 847-050-0037(T), 847-050-0038(T), 847-050-0040(T), 847-050-0041(T), 847-050-0042(T), 847-050-0043(T), 847-050-0046(T), 847-050-0050(T), 847-050-0055(T), 847-050-0060(T), 847-050-0063(T), 847-050-0065(T)

Subject: SB 224, passed by the 2011 Legislature, changed the practice standards and licensing procedures for physician assistants. The temporary rule filed and effective on October 13, 2011 clarified the requirements of physician assistants and supervising physicians based on the statutory changes made by SB 224. However, SB 224

does not become effective until January 1, 2012, so this temporary rule is being suspended and will be re-filed with an effective date of January 1, 2012.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

Rule Caption: Amendment establishes requirements for re-entry to practice and contains language and grammar housekeeping.

Adm. Order No.: OMB 29-2011

Filed with Sec. of State: 10-27-2011

Certified to be Effective: 10-27-11

Notice Publication Date: 8-1-2011

Rules Amended: 847-050-0043

Subject: The proposed rule amendments establishes requirements for re-entry to practice after ceasing practice for more than one year and contains general language and grammar housekeeping.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

847-050-0043

Inactive Registration and Re-Entry to Practice

(1) Any physician assistant licensed in this state who changes location to some other state or country, or who is not in a current supervisory relationship with a licensed physician for 6 months or more, will be listed by the Board as inactive.

(2) If the physician assistant wishes to resume active status to practice in Oregon, the physician assistant must submit the Affidavit of Reactivation and processing fee, satisfactorily complete the reactivation process and be approved by the Board before beginning active practice in Oregon.

(3) The Board may deny active registration if it judges the conduct of the physician assistant during the period of inactive registration to be such that the physician assistant would have been denied a license if applying for an initial license.

(4) If a physician assistant applicant has ceased practice for a period of 12 or more consecutive months immediately preceding the application for licensure or reactivation, the applicant may be required to do one or more of the following:

(a) Obtain certification or re-certification by the National Commission on the Certification of Physician Assistants (N.C.C.P.A.);

(b) Provide documentation of current N.C.C.P.A. certification;

(c) Complete 30 hours of Category I continuing medical education acceptable to the Board for every year the applicant has ceased practice;

(d) Agree to increased chart reviews upon re-entry to practice.

(5) The physician assistant applicant who has ceased practice for a period of 24 or more consecutive months may be required to complete a re-entry plan to the satisfaction of the Board. The Board must review and approve a re-entry plan prior to the applicant beginning the re-entry plan. Depending on the amount of time out of practice, the re-entry plan may contain one or more of the requirements listed in section (4) of this rule and such additional requirements as determined by the Board.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.512

Hist.: ME 12-1986, f. & ef. 7-31-86; ME 2-1990, f. & cert. ef. 1-29-90; ME 10-1992, f. & cert. ef. 7-17-92; ME 5-1996, f. & cert. ef. 7-26-96; BME 11-1998, f. & cert. ef. 7-22-98; BME 2-2000, f. & cert. ef. 2-7-00; BME 25-2008, f. & cert. ef. 10-31-08; [OMB 21-2011(Temp), f. & cert. ef. 10-13-11 thru 4-10-12; Suspend temporary by OBDD 28-2011(Temp), f. & cert. ef. 10-26-11 thru 4-10-12]; OMB 29-2011, f. & cert. ef. 10-27-11

Rule Caption: Clarify correct fine for failure to register as a dispensing physician or podiatric physician.

Adm. Order No.: OMB 30-2011

Filed with Sec. of State: 10-27-2011

Certified to be Effective: 10-27-11

Notice Publication Date: 8-1-2011

Rules Amended: 847-015-0025

Subject: The proposed rule amendments reflect the correct fine for failure to register as a dispensing physician or podiatric physician and contains general language and grammar housekeeping.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

847-015-0025

Dispensing Physicians and Podiatric Physicians

(1) Any actively licensed physician or podiatric physician who dispenses drugs must register with the Board as a dispensing physician before beginning to dispense drugs.

ADMINISTRATIVE RULES

(2) A physician must register with the Board as a dispensing physician before supervising a physician assistant or any other health care provider with emergency dispensing privileges.

(3) Dispensing of samples, without charge, is not dispensing under this rule.

(4) Administering drugs in the physician's or podiatric physician's office is not dispensing under this rule.

(5) At the time of license registration renewal, all dispensing physicians must indicate their status as a dispensing physician on the registration renewal form.

(6) Any physician or podiatric physician who dispenses drugs after January 1, 1988, without first registering with the Board will be fined \$195 and may be subject to further disciplinary action by the Board.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.010 & 677.089

Hist.: ME 22-1987, f. & ef. 10-29-87; ME 9-1993, f. & cert. ef. 7-27-93; BME 1-2005, f. & cert. ef. 1-27-05; BME 24-2007, f. & cert. ef. 10-24-07; OMB 30-2011, f. & cert. ef. 10-27-11

Oregon State Marine Board Chapter 250

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

Adm. Order No.: OSMB 14-2011

Filed with Sec. of State: 11-1-2011

Certified to be Effective: 11-1-11

Notice Publication Date: 9-1-2011

Rules Amended: 250-010-0430, 250-010-0440

Rules Repealed: 250-010-0400, 250-010-0450, 250-010-0460

Subject: This rule action modified and consolidated current BUII rules.

Rules Coordinator: June LeTarte—(503) 378-2617

250-010-0430

Chemical Analyses

(1) The chemical analysis of a person's breath for alcohol can be performed using breath testing equipment as approved under OAR 257-030-0040

(2) Accuracy testing of approved breath testing equipment shall be performed in accordance with OAR 257-030-0170.

Hist.: MB 2-1992, f. & cert. ef. 3-13-92; OSMB 3-2001, f. & cert. ef. 3-29-01; OSMB 2-2011, f. 1-14-11, cert. ef. 2-1-11; OSMB 14-2011, f. & cert. ef. 11-1-11

250-010-0440

Qualifications and Training of Breath Test Equipment Operators

(1) No individual shall operate approved breath testing equipment to determine the alcohol content of the blood of a person in accordance with the provisions of ORS 830.535 unless that individual has been issued a permit to operate such equipment by the Oregon State Police or the State Marine Director.

(2) To qualify for training in the operation of approved breath testing equipment, an individual must be a police officer as defined under ORS 181.610 or a technician of the Marine Board, or a technician of the Oregon State Police:

(3) Upon request of the administrative head of a city, port or county law enforcement unit, as defined in ORS 181.610, the Oregon State Police, or the State Marine Director will provide training in the operation of approved breath test equipment for individuals qualified under OAR 250-010-0440.

(4) The Oregon State Police or the State Marine Director will provide a course of instruction as outlined in OAR 257-030-0160.

Stat. Auth.: ORS 830.110 & 830.505 - 830.530

Stats. Implemented: ORS 830.535

Hist.: MB 2-1992, f. & cert. ef. 3-13-92; MB 4-1995, f. & cert. ef. 7-14-95; OSMB 14-2011, f. & cert. ef. 11-1-11

Rule Caption: Outfitter and Guide Program Update.

Adm. Order No.: OSMB 15-2011

Filed with Sec. of State: 11-1-2011

Certified to be Effective: 11-1-11

Notice Publication Date: 9-1-2011

Rules Adopted: 250-016-0020, 250-016-0025, 250-016-0030, 250-016-0035, 250-016-0040, 250-016-0045, 250-016-0050, 250-016-0055, 250-016-0060, 250-016-0065, 250-016-0070, 250-016-0075, 250-016-0080, 250-016-0085

Rules Repealed: 250-016-0001, 250-016-0002, 250-016-0003, 250-016-0004, 250-016-0005, 250-016-0006, 250-016-0007, 250-016-0008, 250-016-0009, 250-016-0010, 250-016-0011, 250-016-0012, 250-016-0014, 250-016-0015

Subject: These rules provide program regulations for outfitters and guides.

Rules Coordinator: June LeTarte—(503) 378-2617

250-016-0020

Definitions

(1) "Deposit" is a collection of fees prior to providing outdoor recreational activities.

(2) "Drop Camp" is a site whose location is chosen either by the Outfitter and Guide or the client but where no guided hunt services are provided to the client.

(3) "Guide Boatsman Trainee" is an individual who is an Outfitter and Guide or an employee of an Outfitter and Guide who is receiving experience on whitewater as required in ORS 704.070.

(4) "Outfitter and Guide Hunt" is an outdoor recreational activity in which the client is physically accompanied in the field by the registered Outfitter and Guide or the employee(s) of the registered Outfitter and Guide during the hunt.

(5) "Owned or Controlled" land means any lands owned or under a formal leasing giving the individual as a sole-proprietor, partnership, or other corporation exclusive control of the use of the lands.

(6) "Packing" is the act by the registered Outfitter and Guide to lead clients in overland outdoor recreational activities including but not limited to the transportation of client, equipment and supplies, harvested game, by machine, boat, animal or guide.

(7) "Person" means an individual, partnership, corporation or non-profit organization.

(8) "Resident" is a person who permanently or continuously resides in Oregon.

Stat. Auth.: ORS 830.110 & 830.435

Stats. Implemented: ORS 704 & 705

Hist.: OSMB 15-2011, f. & cert. ef. 11-1-11

250-016-0025

Employees, Agents or Parties in Interest

(1) At the time of application, the Outfitter and Guide will supply the Marine Board a current record of all employees, including agents and parties in interest, as outlined in ORS 704.020(1)(c), who physically provide, or directly assist in physically providing Outfitting and Guiding services in Oregon.

(2) The Marine Board shall be notified of all changes to the record before any Outfitting and Guiding services are provided.

(3) Written change notifications will be dated, include the Outfitter and Guide's name and address, and indicate the added or deleted employee's full name.

(4) The change notification must be received by the Marine Board by email, facsimile or U.S. mail.

Stat. Auth.: ORS 830.110 & 830.435

Stats. Implemented: ORS 704 & 705

Hist.: OSMB 15-2011, f. & cert. ef. 11-1-11

250-016-0030

Exclusions

Outfitter and Guide services do not include:

(1) Services provided by governmental agencies that conduct outdoor recreational activities.

(2) Services provided by state or private colleges and universities that teach outdoor recreational activities as part of their curriculum open only to enrolled students and faculty members.

(3) Services provided by schools that teach outdoor recreational activities including but not limited to equestrian, swimming, scuba, sailing, flying, photography or other outdoor activities that accompany the primary course of instruction or study.

(4) Services provided by non-profit organizations that meet the criteria in 250-016-0030(2) and 250-016-0030(3).

(5) Services provided by Outfitter and Guide employees who work as office staff, shuttle staff, warehouse worker, lunch packer or other capacity not directly involved with leading or assisting clients in outdoor recreation activities.

Stat. Auth.: ORS 830.110 & 830.435

Stats. Implemented: ORS 704 & 705

Hist.: OSMB 15-2011, f. & cert. ef. 11-1-11

ADMINISTRATIVE RULES

250-016-0035

Registration Requirement

(1) The completed and signed application, with all required attachments, original first aid card if applicable, certificate of insurance, proof of surety bond or letter of credit if applicable, copy of US Coast Guard Operator's license if applicable and the fee required by ORS 704.020 must be submitted to the Marine Board. The required fee is non-refundable. Where an application is submitted for a partnership, one partner must sign the application and provide their proof of first aid. For a corporation or non-profit organization, the application must be signed by an authorized officer of the corporation or organization. The authorized officer of the corporation or organization must sign a statement certifying that all their employees possess in their name a current standard first aid card or a medical equivalent. The certificate of insurance shall be:

- (a) Provided by fax, e-mail or US Mail to the Marine Board;
- (b) Be issued in the applicant's name;
- (c) Reflect all insured business names;
- (d) Reflect the lawfully required insurance minimum amounts.

(2) Proof of first aid training and CPR shall consist of one of the following:

(a) The original card or certificate issued by the American Red Cross showing completion of a standard or multimedia first aid course or equivalent including CPR (original card will be returned to the applicant);

(b) Proof of training and certification as an Emergency Medical Technician I, II, or III (original card will be returned to applicant), or licensed or registered nurse or medical doctor (copy of license is acceptable).

(c) Should an Outfitter and Guide's first aid card, CPR, or the equivalent expire, the Outfitter and Guide is responsible for submitting the original updated card to the Marine Board. If there is a lapse of time between expiration and renewal, the Outfitter and Guide's registration is automatically suspended during that period of time.

(3) An incomplete application will not be processed. An incomplete application will be deemed inactive following twelve (12) months from date of receipt and lacking any action on the applicant's part to complete.

Stat. Auth.: ORS 830.110 & 830.435
Stats. Implemented: ORS 704 & 705
Hist.: OSMB 15-2011, f. & cert. ef. 11-1-11

250-016-0040

Proof of Registration Compliance

(1) Outfitter and Guide certificate of registration:

(a) Upon meeting the registration requirements as outlined in ORS 704.020, the Marine Board will issue proof of compliance in the form of a registration card to the applicant. This card will contain the applicant's:

- (A) Name and address;
- (B) Registration number;
- (C) Business name (if any)
- (D) Expiration date; and
- (E) Area of operation as defined by permits or licenses issued by the federal government, including but not limited to the US Coast Guard, US Forest Service, Bureau of Land Management or others.

(b) When the registration is for a corporation or non-profit organization, the provided Outfitter and Guide certificate of registration shall contain:

- (A) Registration number;
- (B) Corporation or non-profit organization name and address;
- (C) Expiration date; and
- (D) The Statement "Corporation (or Non-Profit Organization) Identification Only — Not for personal identification."

(E) Area of operation as defined by permits or licenses issued by the federal government, including but not limited to the US Coast Guard, US Forest Service, Bureau of Land Management or others.

(c) If the Outfitter and Guide uses boat(s) in their business, a decal will be issued with the following information:

(A) For motorized boats used on federally navigable waters, an oval decal shall show the type of US Coast Guard operator's license the Outfitter and Guide possesses, the area of operation allowed by the license, and the passenger carrying capacity.

(B) For all non-motorized and motorized boats where the operator does not have a US Coast Guard license, a square decal shall show the passenger carrying capacity.

(C) Passenger carrying capacity information shall not be required on the decal for non-motorized boats.

(D) Boats not under the direct operation of an Outfitter and Guide or employee of an Outfitter and Guide are exempt from the decal requirement.

Boats operated exclusively by the client of an Outfitter and Guide are exempt from the decal requirement.

(d) If an Outfitter and Guide want to participate in Oregon Department of Fish & Wildlife allocation of non-resident tags for outfitter and guides established under ORS 496.151, the individual must obtain a hunting certification in addition to Outfitter and Guide registration. To be certified, an Outfitter and Guide must:

(A) Certify that they have three (3) years hunting experience working as a registered Outfitter and Guide in Oregon or another state, or working as an employee of an Outfitter and Guide registered or licensed in Oregon or another state. If the experience has been gained working as an employee, the Outfitter and Guide must submit a signed affidavit outlining the employee's experience. Outfitter and Guides who participated in the Oregon Department of Fish and Wildlife Outfitter and Guides Hunting Tag Program in 1998 are exempt from the experience requirement.

(B) Pass a written examination on the Outfitter and Guide program and Oregon Department of Fish and Wildlife laws and rules. If the applicant fails the test, they may retake it after a thirty (30) day waiting period. If the applicant fails it a second time, the hunting certification for that year will be denied. The passing score is (75) seventy five percent.

(C) Provide, along with their application, proof that the Outfitter and Guide has the necessary federal government permits (U.S. Forest Service and/or Bureau of Land Management) or private land leases or authorizations of not less than 1,280 contiguous acres for the area in which the Department of Fish and Wildlife hunting tags are to be requested. Proof shall be a copy of the federal permit, or for Land Owner Preference tags issued for private land leases, a map of the area and the applicable lease agreement.

(D) Submit a \$75.00 certification fee. The renewal fee is \$25.00.

(2) Duplicates:

(a) A duly registered Outfitter and Guide may apply to the Marine Board for a duplicate proof of compliance card when an original has been lost, stolen or mutilated;

(b) A duplication fee of \$5.00 shall be paid for each replacement requested.

(3) The Outfitter and Guide identification card issued shall be carried at all times while providing outfitting or guiding services and shall be presented to any peace officer upon demand.

Stat. Auth.: ORS 830.110 & 830.435
Stats. Implemented: ORS 704 & 705
Hist.: OSMB 15-2011, f. & cert. ef. 11-1-11

250-016-0045

Registration Requirements

(1) Registration Renewal:

(a) The Marine Board will notify a registered Outfitter and Guide, in writing, no later than thirty (30) days in advance of the impending registration expiration.

(b) The notification will include instructions for registration renewal and identify the required forms.

(2) Registration Cancellation:

(a) An Outfitter and Guide registration will be cancelled upon notification from an insurance company that such Outfitter and Guide's required insurance has been suspended or cancelled.

(b) The Marine Board will give written notice to such Outfitter and Guide of the effective date of such insurance suspension or cancellation.

(c) The affected Outfitter and Guide shall, within ten working days of receipt of such registration suspension or cancellation notice, return the previously issued Outfitter and Guide identification card to the Marine Board.

(3) Registration Reinstatement:

(a) A previously cancelled Outfitter and Guide registration will be reinstated upon receipt of notification (certificate of insurance) from an insurance company.

(b) The Marine Board will return the previously surrendered Outfitter and Guide identification card and it will remain effective for the unexpired duration of its issuance.

Stat. Auth.: ORS 830.110 & 830.435
Stats. Implemented: ORS 704 & 705
Hist.: OSMB 15-2011, f. & cert. ef. 11-1-11

250-016-0050

Marine Board's Authority to Reprimand an Outfitter and Guide or Suspend, Revoke, or Deny a Registration

(1) The Marine Board, with input from the Guide Advisory Committee, will monitor application of statute and rule and modify, as recommended, to encourage high standards of ethical conduct, customer service, safety and natural resource protection.

ADMINISTRATIVE RULES

(2) The Marine Board Director may reprimand, suspend, revoke, or deny for a period of up to twenty-four (24) months the registration of an outfitter and guide for:

(a) Any serious or repeated violation of ORS Chapter 477, 496, 497, 498, 501, 506, 508, 509, 511, 704 or 830, or any rule adopted pursuant thereto;

(b) Any serious or repeated violation of the fish and wildlife laws or regulations of the Federal Government or of another state for committing or omitting acts which, if committed or omitted in this State, would be a violation of ethical or professional standards established by the Marine Board. A certified copy of the record of suspension or revocation of the state making such suspension or revocation is conclusive evidence thereof;

(c) Having an Outfitter and Guide registration, license, permit or certificate suspended, revoked, canceled, or denied by another state or by an agency of the United States for committing or omitting acts which, if committed or omitted in this State, would be a violation of ethical or professional standards established by the Marine Board;

(d) Having a US Coast Guard operator license revoked, suspended, or canceled by the United States Coast guard for committing or omitting acts that if committed or omitted in this state would be a violation of standards established by the Marine Board; or

(e) Engaging in fraudulent, untruthful, or seriously misleading advertising in the conduct of the outfitting and guiding services.

(f) Convictions of crimes under ORS 166 while in the conduct of outfitting and guiding services.

(g) Repeated violations of Outfitter and Guide Ethical and Professional Standards in OAR 250-016-0060.

(3) Upon receipt of notice of conviction from the court of a certified copy of a record of suspension, revocation, or cancellation, it will be the discretion of the Marine Board Director to determine to reprimand an Outfitter and Guide or suspend, revoke, or deny the Outfitter and Guide registration based on the following criteria:

(a) Serious violation shall be conviction of a Class A or B misdemeanor or three Class A or B infractions in a three (3) year period;

(b) Repeated violations shall constitute two Class A or B misdemeanor convictions within a period of ten (10) years;

(4) The Marine Board may issue conditional registrations contingent on the Outfitter and Guide not having any violations or convictions as defined in this section for a period of twenty-four (24) months from issue.

(5) The Marine Board may seek advice from the Guide Advisory Committee prior to taking action under 250-016-0050(2), and will provide an annually summary report to the Guide Advisory Committee of all said action.

(6) Any actions taken under 250-016-0050(2) that are not reversed through a contested case hearing shall be made a part of the public record.

Stat. Auth.: ORS 830.110 & 830.435
Stats. Implemented: ORS 704 & 705
Hist.: OSMB 15-2011, f. & cert. ef. 11-1-11

250-016-0055

Contested Case Hearings

The Marine Board will accord opportunity for a hearing as provided in ORS 183.310 to 183.550. The Marine Board has adopted the current edition of the Attorney General's Model Rules of Procedure, as referenced in OAR 250-001-0005.

Stat. Auth.: ORS 830.110 & 830.435
Stats. Implemented: ORS 704 & 705
Hist.: OSMB 15-2011, f. & cert. ef. 11-1-11

250-016-0060

Outfitter and Guide Ethical and Professional Standards

(1) All Outfitter and Guides shall:

(a) Make every effort to operate with respect for the rights of others, private and public property, and provide for the health, safety, and well-being of their clients, employees, and the general public;

(b) Provide services on public land in a manner such that they do not interfere with the general public access to public land or waterways or access to wildlife on public land;

(c) Leave clean camps, striving to maintain the environment in as good or better condition than before and dispose of all garbage, debris, and human waste in a proper, approved manner;

(d) Cooperate with Federal, State, and local fish and wildlife officials; advise clients of all applicable conservation standards, fish and game laws, license requirements, statutes and regulations and not condone their violation;

(e) Not use any illegal drug, or excessively use alcohol, or any other drug or substance, to the extent that the use impairs the user physically or mentally while engaged by a client;

(f) Not violate any law, rule, or policy of the Oregon Department of Fish and Wildlife concerning the certification of residents and nonresidents for procuring hunting and fishing licenses;

(g) Not engage in fraud, deceit, misrepresentation, or concealment of any material fact in advertising, soliciting, or providing professional services to members of the public;

(h) Provide any animal used in the conduct of business with proper food, water, and shelter and not subject any animal to needless abuse or cruel and inhuman treatment;

(i) Not solicit clients or another Outfitter and Guide while client is engaging in an outfitting activity;

(j) Promptly refund deposits paid by participants upon request if such deposits are due to the participant in accordance with the Outfitter and Guide's written deposit refund policy;

(k) Not substantially breach a contract with any person using guiding services of the Outfitter and Guide;

(1) Treat clients, employees, and the general public in a fair and professional manner.

(2) It is unprofessional and unethical to have an Outfitter and Guide registration, license, permit or certificate suspended, revoked, canceled, or denied by another state or by an agency of the United States.

Stat. Auth.: ORS 830.110 & 830.435
Stats. Implemented: ORS 704 & 705
Hist.: OSMB 15-2011, f. & cert. ef. 11-1-11

250-016-0065

Surety Bond

(1) Outfitter and Guides who collect deposits in excess of \$100.00 per person for a trip are required to furnish proof of a \$5,000.00 surety bond or a fully-executed Letter of Credit issued by a financial institution licensed to do business in Oregon in the amount of \$5,000.00.

(2) Proof shall consist of a fully executed Surety Bond or a Letter of Credit.

Stat. Auth.: ORS 830.110 & 830.435
Stats. Implemented: ORS 704 & 705
Hist.: OSMB 15-2011, f. & cert. ef. 11-1-11

250-016-0070

Requirements of Recreational Activities

(1) An "Outdoor Recreational Activity" as defined in ORS 704.010(5)(a) begins at the time the Outfitter and Guide provides direct service to the client. This time period excludes any preparation activities by the Outfitter and Guide including transportation of equipment.

(2) The Outfitter and Guide and client will complete a written and signed contract outlining the packing services the Outfitter and Guide will provide a client to a drop camp. These services will include but are not limited to:

(a) Transportation of the client and equipment to and from the drop camp;

(b) A basic description of the drop camp, camp amenities and equipment provided;

(c) Pack-out of harvested game animal and gear;

(d) Maintaining regular communication with client via cell or satellite telephone or other communication device and be ready to provide services, as needed;

(e) Other services the Outfitter and Guide and client agree upon.

(3) The Outfitter and Guide and client will complete a written and signed contract outlining the packing services the Outfitter and Guide will provide in an Outfitter and Guide Hunt. These services will include but are not limited to:

(a) The physical accompaniment of the client in the field by the registered Outfitter and Guide or the employee(s) of the registered Outfitter and Guide during the hunt.

(b) Transportation of the client and equipment to and from the camp site;

(c) A basic description of the camp site, camp amenities and equipment provided;

(d) Pack-out of harvested game animal and gear;

(e) Maintaining regular communication with client via cell or satellite telephone or other communication device and be ready to provide services, as needed;

(f) Other services the Outfitter and Guide and client agree upon.

Stat. Auth.: ORS 830.110 & 830.435
Stats. Implemented: ORS 704 & 705
Hist.: OSMB 15-2011, f. & cert. ef. 11-1-11

ADMINISTRATIVE RULES

250-016-0075

Requirements for Safety Equipment, Experience and Training

(1) Registered outfitters and guides who carry passengers for consideration on rivers rated as Class III or higher on a commonly accepted scale of river difficulty are required to have all employees and passengers wear a properly secured personal flotation device on those sections of river that are rated Class III or higher.

(2) The personal flotation devices used by outfitters and guides must:

(a) Be approved by the U.S. Coast Guard as a Type I, III, or V personal flotation device that is suitable for use on whitewater rivers.

(b) Not have a limitation or restriction on its approval that would prevent its use on whitewater rivers.

(c) Not be an inflatable personal flotation device, regardless of rating type.

(3) A Guide Boatsman Trainee may operate a boat to transport equipment and gear, but not passengers for consideration, on those sections of rivers rated as Class III or higher. The Guide Boatsman must be either a registered Outfitter and Guide, or a listed employee of a registered Outfitter and Guide.

Stat. Auth.: ORS 830.110 & 830.435
Stats. Implemented: ORS 704 & 705
Hist.: OSMB 15-2011, f. & cert. ef. 11-1-11

250-016-0080

Reciprocity Provisions for Outfitters and Guides on the lower Columbia River downstream of the bridge at Longview - Rainier

(1) The purpose of this rule is to give outfitters and guides operating on the lower Columbia River downstream of the Lewis and Clark Bridge at Longview - Rainier the opportunity to share in the reciprocity between Oregon and Washington regarding the licensing of charter vessels. Reciprocity avoids the conflict, confusion and difficulty of attempting to find the exact location of the state boundary in or on the waters of the Columbia River downstream of the bridge at Longview - Rainier while operating on the lower Columbia River.

(2) ORS 830.435(2) provides authority for the Marine Board to adopt rules allowing persons with a license or registration issued by the State of Washington to engage in the business of carrying passengers for hire for angling, sightseeing or other recreational purposes in Oregon ocean waters north of Cape Falcon or in the Columbia River if the State of Washington adopts provisions that allow vessels with an Oregon ocean charter vessel license to engage in these activities in Washington ocean waters south of Leadbetter Point and in the Columbia River.

(3) The Revised Code of Washington RCW 77.65.010(3) provides authority for reciprocity between Washington charter boat licenses and equivalent Oregon licenses on the Columbia River, if the director of the Washington Department of Fish and Wildlife identifies what Oregon licenses are equivalent to a Washington charter boat license, and if Oregon recognizes as valid the equivalent Washington license.

(4) ORS 704.025(1) provides that the State Marine Board may adopt rules that exempt persons possessing a valid Washington license, permit or registration from the outfitter and guide registration required under Chapter 704, if the Board determines the license, permit or registration requirements of Washington are comparable to those of Oregon. Washington has decided to grant reciprocity to Oregon Ocean Charter boats on the lower Columbia River (WAC 220-20-005).

(5) The Marine Board finds that a Washington charter license issued under RCW 77.65.150 is comparable to an Oregon Ocean Charter license for the carrying of passengers for hire for angling purposes on the lower Columbia River downstream of the Lewis and Clark bridge at Longview-Rainier.

(6) Outfitters and Guides registered under ORS Chapter 704 may obtain an Ocean Charter Vessel license in addition to their outfitter and guide registration. As authorized by the Oregon Legislature, the Marine Board waives the fee for an Ocean Charter Vessel License for Oregon resident outfitters and guides who conduct activities on the Lower Columbia River downstream of the Lewis and Clark bridge.

(7) Oregon Outfitters and Guides who choose not to obtain an Ocean Charter Vessel License for operations on the Columbia downstream of the Lewis and Clark bridge at Longview - Rainier must ensure that their operations remain in Oregon waters at all times.

(8) The reciprocity provisions of this rule, and those of the State of Washington, do not authorize the launching, pick-up or discharge of passengers for any purpose in a state other than the state where the outfitter and guide is registered or charter vessel is licensed.

Stat. Auth.: ORS 830.110 & 830.435
Stats. Implemented: ORS 704 & 705
Hist.: OSMB 15-2011, f. & cert. ef. 11-1-11

250-016-0085

Reciprocity Provisions for Outfitters and Guides on the Columbia River upstream of the bridge at Longview-Rainier

(1) The purpose of this rule is to give outfitters and guides operating on the Columbia River upstream of the Lewis and Clark bridge at Longview-Rainier the opportunity to share in reciprocity between Oregon and Washington regarding the registration of outfitters and guides. Reciprocity avoids the conflict, confusion and difficulty of attempting to find the exact location of the state boundary in or on the waters of the Columbia River upstream of the bridge at Longview-Rainier while operating on the Columbia River.

(2) ORS 704.025(1) provides that the State Marine Board may adopt rules that exempt persons possessing a valid Washington license, permit or registration from the outfitter and guide registration required under Chapter 704, if the Board determines the license, permit or registration requirements of Washington are comparable to those of Oregon. Washington has decided to grant reciprocity to Oregon Outfitters and Guides on the upper Columbia River (WAC 220-20-005(3)).

(3) The State Marine Board finds that a Washington Professional Salmon Guide License under RCW 77.65.370 or a Washington Professional Game Fish License under RCW 77.65.480(3) is comparable to an Oregon Outfitter and Guide registration for the carrying of passengers for hire for angling purposes on the Columbia River upstream of the Lewis and Clark bridge at Longview-Rainier.

(4) Oregon grants reciprocity for Washington fishing guides on the Columbia River upstream of the Lewis and Clark Bridge at Longview-Rainier, provided the Washington Department of Fish and Wildlife adopts regulations that provide the same reciprocity for Oregon Outfitters and Guides.

(5) The reciprocity provisions of this rule and those of the State of Washington do not authorize the launching, pick-up or discharge of passengers for any purpose in a state other than the state where the outfitter and guide is registered or licensed.

Stat. Auth.: ORS 830.110 & 830.435
Stats. Implemented: ORS 704 & 705
Hist.: OSMB 15-2011, f. & cert. ef. 11-1-11

Oregon University System Chapter 580

Rule Caption: To adopt tuition and fees for the 2011–12 Academic Year, including room and board rates.

Adm. Order No.: OUS 3-2011

Filed with Sec. of State: 10-19-2011

Certified to be Effective: 10-19-11

Notice Publication Date: 5-1-2011

Rules Amended: 580-040-0040

Subject: To establish tuition and fees for the 2011–12 Academic Year, including room and board rates. The fee book, as approved, is available at: <http://www.ous.edu/sites/default/files/dept/budget/files/AY11-12Fbk-final-06-06-11.pdf>.

Rules Coordinator: Marcia M. Stuart—(541) 346-5749

580-040-0040

Academic Year Fee Book

Through this action, the document entitled “Academic Year Fee Book” dated June 3, 2011, is hereby amended by reference as a permanent rule. All prior adoptions of academic year fee documents are hereby repealed except as to rights and obligations previously acquired or incurred there under. The Chancellor or designated staff are permitted to make revisions as needed to comport with any subsequent legislative actions as well as to authorize minor adjustments to the final document, if necessary.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: HEB 4-1978, f. & ef. 6-15-78; HEB 5-1979, f. & ef. 7-20-79; HEB 11-1979, f. & ef. 8-22-79; HEB 1-1980, f. & ef. 4-18-80; HEB 7-1980, f. & ef. 6-18-80; HEB 11-1980, f. & ef. 8-20-80; HEB 4-1981(Temp), f. 6-30-81, ef. 7-1-81; HEB 5-1981, f. & ef. 8-18-81; HEB 15-1981(Temp), f. & ef. 12-18-81; HEB 5-1982, f. & ef. 7-14-82; HEB 4-1983, f. & ef. 7-29-83; HEB 4-1984, f. & ef. 6-20-84; HEB 5-1985, f. & ef. 8-12-85; HEB 12-1986, f. & ef. 7-30-86; HEB 6-1987, f. & ef. 8-4-87; HEB 8-1988, f. & cert. ef. 8-5-88; HEB 10-1988, f. & cert. ef. 11-16-88; HEB 3-1989, f. & cert. ef. 11-27-89; HEB 6-1989, f. & cert. ef. 7-28-89; HEB 7-1990, f. & cert. ef. 6-4-90; HEB 8-1990(Temp), f. & cert. ef. 7-26-90; HEB 12-1990, f. & cert. ef. 10-3-90; HEB 5-1991, f. & cert. ef. 8-15-91; HEB 8-1992, f. & cert. ef. 7-31-92; HEB 2-1993, f. & cert. ef. 2-5-93; HEB 5-1993, f. & cert. ef. 8-11-93; HEB 7-1994, f. & cert. ef. 8-4-94; HEB 3-1995, f. & cert. ef. 8-1-95; HEB 3-1996, f. & cert. ef. 8-8-96; HEB 5-1996, f. & cert. ef. 12-18-96; HEB 3-1997, f. & cert. ef. 7-24-97; OSSHE 4-1998, f. & cert. ef. 7-22-98; OSSHE 5-1998(Temp), f. & cert. ef. 8-21-98 thru 1-31-99; OSSHE 9-1998, f. & cert. ef. 12-23-98; OSSHE 3-1999(Temp), f. & cert. ef. 7-22-99 thru 1-14-00; OSSHE 4-1999, f. &

ADMINISTRATIVE RULES

cert. ef. 9-16-99; OSSHE 3-2000, f. & cert. ef. 7-26-00; OSSHE 4-2001, f. & cert. ef. 7-27-01; OSSHE 8-2002, f. & cert. ef. 8-14-02; OSSHE 2-2003, f. & cert. ef. 8-4-03; OSSHE 6-2004, f. & cert. ef. 6-15-04; OSSHE 2-2006, f. & cert. ef. 6-8-06; OSSHE 3-2007, f. & cert. ef. 6-21-07; OSSHE 6-2008(Temp), f. & cert. ef. 3-20-08 thru 9-1-08; OSSHE 8-2008, f. & cert. ef. 6-17-08; OSSHE 2-2009(Temp), f. & cert. ef. 2-20-09 thru 6-30-09; OSSHE 4-2009(Temp), f. & cert. ef. 3-13-09 thru 6-30-09; Administrative correction 7-21-09; OSSHE 5-2009(Temp), f. & cert. ef. 7-20-09 thru 1-8-10; OSSHE 6-2009(Temp), f. & cert. ef. 10-1-09 thru 1-8-10; Administrative correction 1-25-10; OUS 2-2010, f. & cert. ef. 2-11-10; OUS 3-2010, f. & cert. ef. 6-17-10; OUS 2-2011, f. & cert. ef. 6-23-11; OUS 3-2011, f. & cert. ef. 10-19-11

Rule Caption: Delegation of authority in matters of Real Property, Facility, and Campus Planning.

Adm. Order No.: OUS 4-2011(Temp)

Filed with Sec. of State: 11-10-2011

Certified to be Effective: 11-10-11 thru 5-7-12

Notice Publication Date:

Rules Amended: 580-060-0050

Subject: At the September 2011 Board Retreat, the Board expressed its desire to delegate authority to execute certain transactions to its Finance and Administration Committee or other entities, such as the Chancellor or presidents. This discussion and subsequent review by staff has resulted in proposed changes to the Finance and Administration Committee charter and procurement rules.

Rules Coordinator: Marcia M. Stuart—(541) 346-5749

580-060-0050

Transfers of Interests in Real Property

(1) Private Activity Limitations: If an Institution intends to execute any transfer of an interest in real property owned by the Board or the right to use Board real property, including a lease or license, and either (a) the term of the transfer exceeds 50 days in total or (b) the arrangement was not set at fair market value, then prior to the execution of that transfer of interest in real property, the Institution President or designee will confer with the OUS Controller's Division to determine compliance with bond restrictions.

(2) Authority to Execute Agreements: The Institution President or designee is authorized to execute documents transferring such interests for real property owned or controlled by the Board or real property for the use of the Institution if the term of the agreement and all extensions do not exceed ten years or the consideration for the transfer of an interest does not exceed \$5 million over the term of the agreement. The Chancellor or designee may approve transfers of interest if the term of the agreement and all extensions do not exceed 15 years or the consideration for the transfer of an interest does not exceed \$15 million over the term of the agreement. All other transfers of interests for real property will be approved by the Finance and Administration Committee of the Board.

(3)(a) Improvements to Board-Owned Property: The Institution President or designee will obtain prior approval of the Finance and Administration Committee of the Board for agreements permitting the construction on or renovation to Board-owned property if such improvements exceed \$5 million during the term of the agreement. To obtain approval from the Finance and Administration Committee of the Board, the Institution must specify where funding for operations and maintenance will come from.

(b) If the Institution permits construction on or renovation to Board-owned property, the Institution must approve all plans and specifications prior to the commencement of work and obtain record drawings upon termination of the agreement or completion of the work, whichever first occurs.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08; OUS 4-2011(Temp), f. & cert. ef. 11-10-11 thru 5-7-12

Rule Caption: Delegation of authority in matters of OUS Procurement and Contracting Code.

Adm. Order No.: OUS 5-2011(Temp)

Filed with Sec. of State: 11-10-2011

Certified to be Effective: 11-10-11 thru 5-7-12

Notice Publication Date:

Rules Amended: 580-061-0010, 580-061-0030

Subject: At the September 2011 Board Retreat, the Board expressed its desire to delegate authority to execute certain transactions to its Finance and Administration Committee or other entities, such as the Chancellor or presidents. This discussion and subsequent review by

staff has resulted in proposed changes to the Finance and Administration Committee charter and procurement rules.

Rules Coordinator: Marcia M. Stuart—(541) 346-5749

580-061-0010

Definitions

The following Definitions will apply to chapter 580, divisions 60, 61, 62, and 63, unless the context requires otherwise:

(1) "Addendum" or "Addenda" means an addition to, deletion from, a material change in, or general interest explanation of the Solicitation Document. Addenda will be labeled as such and distributed to all interested Bidders or Proposers.

(2) "Award" or "Awarding" means, as the context requires, identifying the Entity with whom the Institution intends to enter into a Contract following the resolution of any protest of the selection of that Entity and the completion of all Contract negotiations.

(3) "Bid" means an offer, binding on the Bidder and submitted in response to an ITB.

(4) "Bidder" means an Entity that submits a Bid in response to an ITB.

(5) "Board" means the Oregon State Board of Higher Education or its Finance and Administration Committee.

(6) "Change Order" or "Contract Amendment" means a written order issued by an Institution to the Contractor requiring a change in the Work within the general scope of the original Contract.

(7) "Closing" means the date and time specified in a Solicitation Document as the deadline for submitting Bids or Proposals.

(8) "Competitive Process" means the process of procuring goods and services and construction-related services by fair and open competition, under varying market conditions, with the intent of minimizing opportunities for favoritism and assuring that Contracts are award equitably and economically using various factors in determining such equitability and economy.

(9) "Contract" means a contract for sale or other disposal, or a purchase, lease, rental, or other acquisition, by an Institution of personal property, services, including personal or professional services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a Public Improvement. "Contract" does not include grants. "Contract" may also mean a purchase order, Price Agreement, or other Contract document in addition to an Institution's Solicitation Document and the accepted portions of a Bid or Proposal.

(10) "Contract Officer" means the Vice President for Finance and Administration or his or her designee at an Institution or the Vice Chancellor for Finance and Administration or his or her designee with the authority to negotiate and execute Contracts.

(11) "Contract Price" means, as the context requires, the maximum monetary obligation that an Institution either will or may incur under a Contract, including bonuses, incentives and contingency amounts, Addenda, Change Orders, or approved alternates, if the Contractor fully performs under the Contract.

(12) "Contractor" means the Entity awarded a Contract to furnish an Institution goods, services, or Work.

(13) "Days" means calendar days, including weekdays, weekends, and holidays, unless otherwise specified.

(14) "Disadvantaged Business Enterprise" means a small business concern as defined in ORS 200.005.

(15) "Disqualification or Disqualify" means the preclusion of an Entity from contracting with an agency of the State of Oregon in accordance with OAR 580-061-0160.

(16) "Electronic Bid or Proposal" means a response to a Solicitation Document submitted to an Institution via the World Wide Web or some other internet protocol.

(17) "Emergency" means an unexpected, serious situation that creates a significant risk of loss, damage, interruption of service, or threat to the public health or safety that requires prompt action to remedy the condition.

(18) "Emerging Small Business" means an Emerging Small Business as defined in ORS 200.005 and that maintains a current certification issued by the Oregon Department of Consumer and Business Services.

(19) "Entity" means a natural person capable of being legally bound, sole proprietorship, corporation, partnership, limited liability company or partnership, limited partnership, profit or nonprofit unincorporated association, business trust, two or more persons having a joint or common economic interest, or any other person with legal capacity to contract, or a government or governmental subdivision.

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(20) "Facsimile" means a document that has been transmitted to and received by an Institution in a format that is capable of being received via a device commonly known as a facsimile machine.

(21) "Grant" means:

(a) An agreement under which an Institution receives money, property, or other assistance, including, but not limited to, federal assistance that is characterized as a Grant by federal law or regulations, loans, loan guarantees, credit enhancements, gifts, bequests, commodities, or other assets, from a grantor for the purpose of supporting or stimulating a program or activity of the Institution and in which no substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with the Grant conditions; or

(b) An agreement under which an Institution provides money, property, or other assistance, including, but not limited to, federal assistance that is characterized as a Grant by federal law or regulations, loans, commodities, or other assets, to a recipient for the purpose of supporting or stimulating a program or activity of the recipient and in which no substantial involvement by the Institution is anticipated in the program or activity other than involvement associated with monitoring compliance with the Grant conditions.

(c) "Grant" does not include a Public Improvement Contract or a Contract for Emergency work.

(22) "Institution" or "Institutional" means a university under the authority of the Board, including the Chancellor's Office.

(23) "Invitation to Bid" (ITB) means a Solicitation Document for the solicitation of competitive, written, signed, and sealed Bids in which Specifications, price, and delivery (or project completion) are the predominant award criteria.

(24) "Minority Business Enterprise" means a Minority Business Enterprise as defined in ORS 200.005 and that maintains a current certification issued by the Oregon Department of Consumer and Business Services.

(25) "Opening" means the date, time, and place specified in the Solicitation Document for the public opening of written sealed Bids or Proposals.

(26) "Owner" means the State of Oregon acting by and through the Board, in its own right or on behalf of one of its Institutions as identified in the Solicitation Document, also known as the Oregon University System (OUS).

(27) "President" means the president of one of the Institutions and, in the case of the Chancellor's Office, the Chancellor. Where the term "Institution President" is used, it refers to the president of the Institution at issue.

(28) "Personal or Professional Services" means a Contract with an Entity whose primary purpose is to acquire specialized skills, knowledge, and resources in the application of technical or scientific expertise, or the exercise of professional, artistic, or management discretion or judgment, including, without limitation, a Contract for the services of an accountant, physician or dentist, educator, consultant, broadcaster or artist (including a photographer, filmmaker, painter, weaver, or sculptor). "Personal or Professional Services" under this definition does not include an architect, engineer, planners, land surveyors, appraisers, construction managers, and similar professional consultants for construction work.

(29) "Price Agreement" means a nonexclusive agreement in which the Contractor agrees to provide specific items or services to an Institution at a set price during a specified period of time.

(30) "Proposal" means a binding competitive offer submitted in response to a Request for Proposals.

(31) "Proposer" means an Entity that submits a Proposal in response to a Request for Proposals.

(32) "Public Improvement" means a project for construction, reconstruction, or major renovation on real property by or for an Institution. "Public Improvement" does not include:

(a) Projects for which no funds of an Institution are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or

(b) Emergency work, minor alteration, ordinary repair or maintenance necessary to preserve a Public Improvement.

(33) "Public Improvement Contract" means a Contract for a Public Improvement. "Public Improvement Contract" does not include a Contract for Emergency work, minor alterations, or ordinary repair or maintenance necessary to preserve a Public Improvement.

(34) "Public Work" is defined by the Bureau of Labor and Industries (BOLI) in ORS 279C.800(6).

(35) "Qualified Rehabilitation Facility" means a nonprofit activity center or rehabilitation facility authorized by the Oregon Department of Administrative Services to provide goods or services in accordance with ORS 279.835 et seq.

(36) "Request for Information (RFI)" means a Solicitation Document seeking information regarding products or services that an Institution is interested in procuring.

(37) Request for Proposals (RFP)" means a Solicitation Document to obtain written, competitive Proposals to be used as a basis for making an acquisition or entering into a Contract when price will not necessarily be the predominant award criteria.

(38) "Request for Qualifications (RFQ)" means a Solicitation Document issued by an Institution to which interested Contractors respond in writing by describing their experience with and qualifications to provide the services, personal services or architectural, engineering or land surveying services, or related services described in the Solicitation Document.

(39) "Responsible Bidder or Proposer" means an Entity that demonstrates their ability to perform satisfactorily under a Contract by meeting the applicable standards of responsibility outlined in OAR 580-061-0130.

(40) "Responsive Bid or Proposal" means a Bid or Proposal that has substantially complied in all material respects with the criteria outlined in a Solicitation Document.

(41) "Retainer Contract" means a Contract by which, pursuant to a Request for Proposals or Invitation to Bid, multiple Contractors are authorized to provide specific supplies or equipment to or perform specific services for an Institution(s). Contractors on a Retainer Contract may provide goods or services on a non-exclusive and as-needed basis.

(42) "Signed or Signature" mean any Written mark, word, or symbol that is made or adopted by an Entity with the intent to be bound and that is attached to or logically associated with a Written document to which the Entity intends to be bound.

(43) "Single Seller" means the only Contractor of a particular product or service reasonably available.

(44) "Solicitation Document" means an Invitation to Bid, Request for Proposals, Request for Qualifications, Request for Information or any other written document issued or posted on the OUS procurement website by an Institution that outlines the required Specifications necessary to submit a Bid, Proposal, or other response.

(45) "Specifications" means a description of the physical or functional characteristics, or of the nature of the goods or services, including any requirement for inspecting, testing, or preparing the goods or services for delivery and the quantities or qualities of the goods or services to be furnished under a Contract. Specifications generally will state the result to be obtained and may describe the method and manner of performance.

(46) "Women Business Enterprise" means a Women Business Enterprise as defined in ORS 200.005 and that maintains a current certification issued by the Oregon Department of Consumer and Business Services.

(47) "Work" means the furnishing of all materials, equipment, labor, transportation, services, and incidentals necessary to successfully complete any individual item or the entire Contract and carrying out and completion of all duties and obligations imposed by the Contract.

(48) "Written or Writing" means letters, characters, and symbols inscribed on paper by hand, print, type, or other method of impression intended to represent or convey particular ideas or means. "Writing," when required or permitted by law, or required or permitted in a Solicitation Document, also means letters, characters, and symbols made in electronic form and intended to represent or convey particular ideas or meanings.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08; OUS 5-2011(Temp), f. & cert. ef. 11-10-11 thru 5-7-12

580-061-0030

Affirmative Action; General Policy

(1) The general policy of OUS Institutions will be to expand economic opportunities for Minority Business Enterprises, Women Business Enterprises, and Emerging Small Businesses by offering them the contracting and subcontracting opportunities available through Institution Contracts. Notice of all Contracts over \$25,000 procured through a Competitive Process will be provided to the Advocate for Minority, Women, and Emerging Small Business, unless otherwise provided, by fully completing the information set out on the OUS procurement website. Institutions are encouraged to unbundle contracts, when appropriate, to expand contract opportunities for Minority, Women, and Emerging Small Businesses and Oregon based businesses.

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(2) OUS will not knowingly contract with or procure goods or services from any Entity that discriminates on the basis of age, disability, national origin, race, marital status, religion, sex, or sexual orientation.

(3) Bidders and Proposers will certify, as part of the Bids or Proposals that such Bidder or Proposer has not discriminated against Minority, Women or Emerging Small Business Enterprises in obtaining any required subcontracts.

(4) On an annual basis, Institution Presidents will report to the Finance and Administration Committee of the Board statistical information regarding the number of Contracts awarded and the cumulative dollar amount of Contracts awarded to Minority Business Enterprises, Women Business Enterprises, Emerging Small Businesses, and Oregon-based businesses. The report will include information describing Institutional programs or initiatives to expand contracting opportunities to Minority, Women, Emerging Small Businesses, and Oregon based businesses.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08; OUS 5-2011(Temp), f. & cert. ef. 11-10-11 thru 5-7-12

Rule Caption: Delegation of authority in matters of OUS Purchasing and Contracts for Personal or Professional Services.

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

Filed with Sec. of State: 11-10-2011

Certified to be Effective: 11-10-11 thru 5-7-12

Notice Publication Date:

Rules Amended: 580-062-0020

Subject: At the September 2011 Board Retreat, the Board expressed its desire to delegate authority to execute certain transactions to its Finance and Administration Committee or other entities, such as the Chancellor or presidents. This discussion and subsequent review by staff has resulted in proposed changes to the Finance and Administration Committee charter and procurement rules.

Rules Coordinator: Marcia M. Stuart—(541) 346-5749

580-062-0020

Methods of Procurement

Institutions will use the following methods of procurement when procuring personal or professional services or goods and services.

(1) Direct Procurement. A process where the Institution negotiates directly with a single Entity to provide personal or professional services or goods and services.

(2) Informal Procurement. A Competitive Process where the Institution posts an advertisement of the opportunity on the OUS procurement website for a reasonable time necessary to obtain at least three Bids or Proposals. The Institution may also directly contact prospective Bidders or Proposers. If the notice has been posted for a reasonable time period and fewer than three Bids or Proposals have been submitted, the Institution may enter into a Contract with a Responsible Bidder or Proposer based on the Specifications contained in the Solicitation Document.

(3) Formal Procurement. A Competitive Process where the Institution:

(a) Creates a Solicitation Document that contains the procurement procedures and necessary Specifications.

(b) Publishes a notice of the procurement on the OUS procurement website and, if beneficial to the procurement, in a trade periodical, newspaper of general circulation, or other minority, women, and emerging small business targeted periodicals, Institution website, or other medium for advertising. The notice must specify when and where the Solicitation Document may be obtained and the Closing Date/Time. The notice must be published for a duration reasonable under the circumstances for the procurement.

(c) Conducts the procurement in accordance with chapter 580, division 61, section 0000 through 0160.

(4) Emergency Procurement. The Institution President, Chancellor, or designee may declare an Emergency when such a declaration is deemed appropriate. The reasons for the declaration will be documented and will include justifications for the procedure used to select the Entity for a Contract within the scope of the Emergency declaration. After the Institution President, Chancellor, or designee has declared an Emergency, the Institution may negotiate a Contract with any qualified Entity for services included in the scope of the Emergency. The Institution will maintain appropriate records of negotiations carried out as part of the contracting process.

(5) Retainer. Institutions may conduct a Formal Procurement to enter into Retainer Contracts with multiple Entities to provide personal or professional services or goods and services at contracted rates of compensation or based on pre-qualifications.

(6) Alternative Processes. Notwithstanding the foregoing procedures, the Institution Contract Officer may authorize alternative procurement methods that provide a Competitive Process to two or more Entities to contract with the Institution and meet the following objectives:

(a) Responds to innovative business and market methods; or

(b) Contributes to Institution productivity improvement and process redesign; or

(c) Results in comprehensive cost-effectiveness and productivity for the Institution.

(7) Exempt. Institutions need not follow, regardless of value, a Competitive Process when seeking or acquiring or paying for the following goods and services:

(a) Educational services.

(b) Advertising and media services, excluding consulting services.

(c) Price-regulated goods and services, including utilities, where the rate or price for the goods or services being purchased is established by federal, state, or local regulatory authority.

(d) Goods or services under federal contracts. When the price of goods and services has been established by a contract with an agency of the federal government pursuant to a federal contract award, Institutions may purchase the goods and services in accordance with the federal contract. In addition, Institutions may purchase specific equipment that is only available from one source or use specific Entities that are expressly required under the terms of the contract.

(e) Copyrighted materials. Copyrighted materials covered by this exemption may include, but are not limited to, textbooks, workbooks, curriculum kits, reference materials, software, periodicals, library books, library materials, and audio, visual, and electronic media.

(f) Investment contracts and retirement plan services, excluding consulting services.

(g) Food and food-related products.

(h) Maintenance services directly from the contractor providing the goods.

(i) Used personal property.

(j) Goods purchased for resale to outside entities.

(k) Goods or services related to intercollegiate athletic programs.

(l) Cadavers or cadaveric organs.

(m) Hotel sites for large conferences and workshops.

(n) Dues, registrations, and membership fees.

(o) Gasoline, diesel fuel, heating oil, lubricants, natural gas, electricity, and similar commodities and products and the transportation thereof.

(p) Supplies, maintenance, and services for ocean-going vessels when they are in other than home port.

(q) Repair and overhaul of goods or equipment.

(r) Goods or services purchased in foreign countries.

(s) Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135, and 414.145 for purposes of source selection.

(t) Grants, including Grant applications and proposals.

(u) Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which an Institution is or may become interested.

(v) Contracts entered into, issued, or established in connection with:

(A) The incurring of debt by an Institution, including but not limited to the issuance of bonds, certificates of participation, and other debt repayment obligations, and any associated Contracts, regardless of whether the obligations that the Contracts establish are general, special, or limited;

(B) The making of program loans and similar extensions or advances of funds, aid, or assistance by an Institution to a public or private body for the purpose of carrying out, promoting, or sustaining activities or programs authorized by law; or

(C) The investment of funds by an Institution as authorized by law and other financial transactions of an Institution that by their character cannot practically be established under the Competitive Process.

(w) Contracts for employee benefit plans as authorized by law.

(x) Services provided by those in the medical community including, but not limited to, doctors, physicians, psychologists, nurses, veterinarians, and those with specific license to administer treatments for the health and well-being of people or animals.

(y) Artists, performers, photographers, graphic designers, website design, and speakers.

(z) Sponsorship agreements for Institution events or facilities.

ADMINISTRATIVE RULES

(8) Sole Source. A process where the Institutional President, the Chancellor or designee has made a Written determination that due to special needs or qualifications, only a Single Seller is reasonably available to provide such personal or professional services or goods or services. Sole source procurement will be avoided except when no reasonably available alternative source exists.

(a) Each Institution will provide public notice of its determination that the person or professional services or goods or services are only available from a Single Seller. Public notice may be provided on the OUS procurement website. The public notice will describe the personal or professional services or goods or services to be acquired from the Single Seller, identify the prospective Contractor, and include the date, time and place that protests are due. The Institution shall give Entities at least seven (7) Days from the date of notice publication to protest the sole source determination.

(b) An Entity may protest the Institution's determination that the personal or professional services or goods or services are available from a Single Seller in accordance with OAR 580-061-0145.

(c) On an annual basis, Institution Presidents, or their designees will submit a report to the Finance and Administration Committee of the Board summarizing approved sole source procurements for the Institution for the prior fiscal year. The report will be made available for public inspection.

(9) Special Entity. Institutions may enter into Contracts without using a Competitive Process when the contracting Entity is a federal, state, or local governmental agency, or a state Qualified Rehabilitation Facility certified by the Oregon Department of Human Services or the Oregon State Procurement Office. Institutions may participate in cooperative procurements with other contracting agencies if it is determined, in Writing, that the solicitation and award process for the Contract is reasonably equivalent to the respective process established in these rules and that the solicitation was advertised in Oregon.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08; OUS 6-2011(Temp), f. & cert. ef. 11-10-11 thru 5-7-12

Rule Caption: Delegation of authority in matters of Capital Construction and Contracting.

Adm. Order No.: OUS 7-2011(Temp)

Filed with Sec. of State: 11-10-2011

Certified to be Effective: 11-10-11 thru 5-7-12

Notice Publication Date:

Rules Amended: 580-063-0005, 580-063-0020

Subject: At the September 2011 Board Retreat, the Board expressed its desire to delegate authority to execute certain transactions to its Finance and Administration Committee or other entities, such as the Chancellor or presidents. This discussion and subsequent review by staff has resulted in proposed changes to the Finance and Administration Committee charter and procurement rules.

Rules Coordinator: Marcia M. Stuart—(541) 346-5749

580-063-0005

Authorization to Undertake Capital Construction Projects

Before an Institution contracts for Capital Construction on land owned or controlled by the Board, or prepares other than conceptual plans or preconstruction design, the Institution will obtain approval as set out in this rule, regardless of the source of funds or method by which the project is to be financed. To obtain approval, the Institution will describe the project, the financing plan for design and construction, and the operation and maintenance cost of the proposed project.

(1) If appropriate Systemwide limitation exists for a Capital Construction project that totals \$500,000 or more but less than \$5 million, inclusive of all fund sources, the Chancellor or designee may approve the allocation of the existing expenditure authority to the Institution.

(2) Any Capital Construction project that does not meet the criteria in subsection (1) of this section shall be approved by the Finance and Administration Committee of the Board and submitted to the Legislature.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08; OUS 7-2011(Temp), f. & cert. ef. 11-10-11 thru 5-7-12

580-063-0020

Methods of Procurement

Institutions will use the following methods of procurement when procuring Professional Consultant services, Construction-Related Services,

or a combination of Professional Consultant services and Construction-Related Services.

(1) Direct Procurement. A process where the Institution negotiates directly with a single Entity to provide Professional Consultant services, Construction-Related Services, or a combination of Professional Consultant services and Construction-Related Services.

(2) Informal Procurement. A competitive process where the Institution posts an advertisement of the opportunity on the OUS procurement website for a reasonable time necessary to obtain at least three Bids or Proposals. The Institution may also directly contact prospective Bidders or Proposers. If the notice has been posted for a reasonable time period and fewer than three Bids or Proposals have been submitted, the Institution may enter into a Contract with a Responsible Bidder or Proposer based on the Specifications contained in the Solicitation Document.

(3) Formal Procurement. A Competitive Process where the Institution:

(a) Creates a Solicitation Document that contains the procurement procedures and necessary Specifications.

(b) Publishes a notice of the procurement on the OUS procurement website and, if beneficial to the procurement, in a trade periodical, newspaper of general circulation, or other minority, women, and emerging small business targeted periodicals, institutional website, or other medium for advertising. The notice must specify when and where the Solicitation Document may be obtained and the Closing Date/Time. The notice must be published for a duration reasonable under the circumstances for the procurement.

(c) Conducts the procurement in accordance with chapter 580, division 61, section 0000 through 0160.

(4) Emergency Procurement. The Institution President, Chancellor, or designee may declare an Emergency when such a declaration is deemed appropriate. The reasons for the declaration will be documented and will include justifications for the procedure used to select the Contractor or Professional Consultant for a Contract or Public Improvement Contract within the scope of the Emergency declaration. After the Institution President, Chancellor, or designee has declared an Emergency, the Institution may negotiate a Contract or Public Improvement Contract with any qualified Entity or Professional Consultant for services included in the scope of the Emergency declaration. The Institution will maintain appropriate records of negotiations carried out as part of the contracting process.

(5) OUS Retainer Contract Program.

(a) The OUS Capital Construction and Planning Office will maintain Retainer Contracts for Professional Consultants, Construction-Related Services, and any other service that may from time to time benefit Institutions. The Retainer Contracts will be established in accordance with this subsection.

(A) Periodically, but no less often than every two years, the OUS Capital Construction and Planning Office will invite interested Contractors to submit business information that meets minimum qualifications as described in a Solicitation Document. Contractors that meet the minimum qualifications and have not been disbarred or disqualified by an agency of the State of Oregon as outlined in OAR 580-061-0160, may be offered a Retainer Contract to be listed on the respective retainer program to provide services in a non-exclusive and on an as-needed basis.

(B) Notice of the procurement will be published on the OUS procurement website and, if beneficial to the procurement, in a trade periodical, newspaper of general circulation, or other minority, women, and emerging small business targeted periodicals, Institution website, or other medium for advertisement.

(b) The OUS Capital Construction and Planning Office may enter into interagency agreements to permit other public agencies to utilize the services offered by Entities that have entered into Retainer Contracts if the public agency agrees to conditions, including but not limited to:

(A) Follow the procurement processes established in these rules.

(B) Use the contract templates associated with each retainer program.

(C) Any service procured will be the sole financial responsibility of the public agency.

(D) The public agency will be solely liable to resolve all disputes that may arise from breach of contract.

(E) The OUS Capital Construction, Planning, and Budget Office may impose a reasonable administrative fee on the public agency using the Retainer Contracts based on the compensation for services procured to recover administrative costs, legal review fees, and to improve or expand retainer programs.

(c) The OUS Capital Construction, Planning, and Budget Office will maintain an electronic roster of all Professional Consultants and

ADMINISTRATIVE RULES

Contractors who have entered into Retainer Contracts. Institutions that utilize retainer programs will follow the procedures established in these rules and will only execute contracts from templates that have been approved for each respective retainer program.

(6) Sole Source. A process where the Institution President, the Chancellor or designee has made a Written determination that due to special needs, experience, or qualifications, only a Single Seller is reasonably available to provide certain Professional Consultant services, Construction-Related Services, or a combination of Professional Consultant services and Construction-Related Services. Sole source procurement will be avoided except when no reasonably available alternative source exists.

(a) Authority. Institutions may authorize sole source procurements up to \$1,000,000 cumulative for all Institution projects throughout a fiscal year. The Chancellor or designee may authorize sole source procurements up to \$5,000,000 cumulative for each Institution's projects throughout a fiscal year. The Finance and Administration Committee of the Board will approve all other sole source procurements.

(b) Each Institution will provide public notice of its determination that the Professional Consultant services, Construction-Related Services, or combination of Professional Consultant services and Construction-Related Services are only available from a Single Seller. Public notice may be provided on the OUS procurement website. The public notice will describe the Professional Consultant services, Construction-Related Services, or combination of Professional Consultant services and Construction-Related Services to be acquired from the Single Seller, identify the prospective Professional Consultant or Contractor, and include the date, time and place that protests are due. The Institution shall give Entities at least seven (7) Days from the date of notice publication to protest the sole source determination.

(c) On an annual basis, Institution Presidents, or their designees will submit a report to the Finance and Administration Committee of the Board summarizing approved sole source procurements for the Institution for the prior fiscal year. The report will be made available for public inspection.

(7)(a) Special Procurement.

(b) A special procurement is an exemption from competitive procedures that the Finance and Administration Committee of the Board determines is appropriate because it:

(A) Is reasonably expected to result in substantial cost savings to the Institution or to the public; or

(B) Otherwise substantially promotes the public interest in a manner that could not practicably be realized by complying with others processes described in this rule.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: OSSHE 5-2008(Temp), f. & cert. ef. 2-19-08 thru 8-16-08; OSSHE 7-2008(Temp), f. & cert. ef. 6-5-08 thru 8-16-08; OSSHE 9-2008, f. & cert. ef. 7-21-08; OUS 7-2011(Temp), f. & cert. ef. 11-10-11 thru 5-7-12

Oregon University System, Eastern Oregon University Chapter 579

Rule Caption: To create rules for ID Card Replacement Fees and transcript Mailing Fees.

Adm. Order No.: EOU 4-2011(Temp)

Filed with Sec. of State: 11-14-2011

Certified to be Effective: 11-14-11 thru 5-6-12

Notice Publication Date:

Rules Amended: 579-020-0006

Subject: Create rule for Identification Card Replacement Fee. Create rule for transcript International Postage Fee. Create rule for Transcript Rush Delivery Fee.

Rules Coordinator: Teresa Carson-Mastrude—(541) 962-3773

579-020-0006

Special Student Fees

Eastern Oregon University intends to adopt by reference Special Student Fees effective November 9, 2011

Replacement ID Card: \$10.

Transcript — International Postage Fee: \$2.50 per transcript.

Transcript — Rush Delivery Fee: \$15 + actual delivery cost.

[ED NOTE: Fee list referenced is available from the agency.]

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: EOSC 3, f. & ef. 6-23-76; EOSC 8, f. & ef. 6-16-77; EOSC 6-1978, f. & ef. 10-2-78; EOSC 1-1979, f. & ef. 6-27-79; EOSC 1-1981, f. & ef. 1-12-81; EOSC 3-1981, f. & ef. 7-1-81; EOSC 2-1983, f. & ef. 12-16-83; EOSC 2-1984, f. & ef. 10-25-84; EOSC 1-1986, f. & ef. 2-13-86; EOSC 2-1988, f. & cert. ef. 10-28-88; EOSC 2-1989, f. & cert. ef. 7-31-89;

EOSC 2-1990, f. & cert. ef. 10-9-90; EOSC 3-1991, f. & cert. ef. 9-20-91; EOSC 5-1990, f. & cert. ef. 12-20-91 (and corrected 1-2-92); EOSC 1-1992, f. & cert. ef. 5-13-92; EOSC 2-1992, f. & cert. ef. 8-24-92; EOSC 4-1993, f. & cert. ef. 8-2-93; EOSC 4-1994, f. & cert. ef. 7-25-94; EOSC 1-1996, f. & cert. ef. 8-15-96; EOU 1-2001, f. & cert. ef. 9-28-01; EOU 1-2003, f. & cert. ef. 7-31-03; EOU 1-2005, f. & cert. ef. 5-16-05; EOU 1-2006, f. & cert. ef. 4-14-06; EOU 1-2007, f. & cert. ef. 5-14-07; EOU 4-2007(Temp), f. & cert. ef. 8-15-07 thru 1-15-08; Administrative Correction 1-24-08; EOU 1-2008, f. & cert. ef. 3-14-08; EOU 5-2008, f. & cert. ef. 8-15-08; EOU 1-2009, f. & cert. ef. 3-12-09; EOU 2-2009, f. & cert. ef. 8-14-09; EOU 3-2009, f. & cert. ef. 12-15-09; EOU 1-2010, f. & cert. ef. 5-13-10; EOU 2-2010, f. & cert. ef. 7-15-10; EOU 1-2011, f. & cert. ef. 6-6-11; EOU 3-2011, f. & cert. ef. 8-5-11; EOU 4-2011(Temp), f. & cert. ef. 11-14-11 thru 5-6-12

Oregon University System, Portland State University Chapter 577

Rule Caption: Schedule of Fines and Fees for General Services and Other Charges.

Adm. Order No.: PSU 4-2011

Filed with Sec. of State: 11-10-2011

Certified to be Effective: 11-10-11

Notice Publication Date: 8-1-2011

Rules Amended: 577-060-0020

Rules Repealed: 577-060-0020(T)

Subject: *Error was detected, re-filing pursuant to Legislative Counsel.

Portland State University hereby adopts by reference a list of fees and other charges for fiscal year 2011–2012. The list of fees and other charges is available at Portland State University's Office of Finance and Administration, Market Center Building, 1600 SW Fourth Avenue, Suite. 515, Portland, Oregon 97207 or online at www.pdx.edu/fadm/rulemaking-portland-state and is hereby incorporated by reference in the rule.

Rules Coordinator: Diane Kirk—(503) 725-2656

577-060-0020

Schedule of Fines and Fees for General Services and Other Charges

The Schedule of Fines and Fees for General Services and Other Charges for the 2011–2012 Fiscal Year are hereby adopted by reference by Portland State University.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: PSU 16(Temp), f. 8-24-77, ef. 9-1-77; PSU 18, f. & ef. 10-4-77; PSU 19(Temp), f. & ef. 10-11-77; PSU 20, f. & ef. 11-18-77; PSU 3-1978(Temp), f. 6-19-78, ef. 7-1-78; PSU 7-1978, f. & ef. 9-5-78; PSU 1-1979, f. & ef. 9-17-79; PSU 3-1980, f. & ef. 9-4-80; PSU 2-1981, f. & ef. 9-10-81; PSU 3-1982, f. & ef. 9-3-82; PSU 1-1983, f. & ef. 2-8-83; PSU 2-1983, f. 6-22-83, ef. 7-1-83; PSU 1-1984, f. 6-8-84, ef. 7-1-84; PSU 1-1985, f. 6-26-85, f. 7-1-85; PSU 1-1986, f. 6-25-86, ef. 7-1-86; PSU 1-1987, f. 6-19-87, ef. 7-1-87; PSU 3-1987(Temp), f. & ef. 8-11-87; PSU 5-1987, f. & ef. 10-27-87; PSU 5-1988, f. & cert. ef. 7-18-88; PSU 7-1988(Temp), f. & cert. ef. 11-29-88; PSU 3-1989, f. & cert. ef. 7-26-89; PSU 5-1990, f. & cert. ef. 7-5-90; PSU 2-1991(Temp), f. & cert. ef. 6-28-91; PSU 3-1991, f. & cert. ef. 8-7-91; PSU 4-1991(Temp), f. & cert. ef. 12-4-91; PSU 1-1992, f. & cert. ef. 1-17-92; PSU 2-1992, f. & cert. ef. 6-16-92 (and corrected 6-19-92); PSU 1-1993, f. & cert. ef. 6-11-93; PSU 2-1993(Temp), f. & cert. ef. 7-13-93; PSU 3-1993(Temp), f. & cert. ef. 7-30-93; PSU 4-1994, f. & cert. ef. 11-3-94; PSU 1-1995, f. & cert. ef. 8-9-95; PSU 1-1996(Temp), f. 1-18-96, cert. ef. 3-1-96; PSU 3-1996, f. & cert. ef. 6-27-96; PSU 1-1997, f. & cert. ef. 8-1-97; PSU 4-1998, f. & cert. ef. 9-17-98; PSU 4-1999, f. & cert. ef. 8-11-99; PSU 2-2000, f. & cert. ef. 8-1-00; PSU 1-2001, f. & cert. ef. 8-14-01; PSU 2-2003, f. 6-27-03, cert. ef. 7-1-03; PSU 4-2003(Temp), f. & cert. ef. 11-18-03 thru 5-14-04; PSU 1-2004, f. & cert. ef. 8-20-04; PSU 1-2005(Temp), f. & cert. ef. 7-15-05 thru 12-28-05; PSU 3-2005, f. & cert. ef. 12-13-05; PSU 2-2006, f. & cert. ef. 6-30-06; PSU 5-2006(Temp), f. & cert. ef. 8-30-06 thru 1-31-07; Administrative correction, 2-16-07; PSU 3-2007, f. & cert. ef. 7-5-07; PSU 5-2008(Temp), f. 6-13-08, cert. ef. 7-1-08 thru 12-26-08; Administrative correction 1-23-09; PSU 1-2009(Temp), f. & cert. ef. 5-14-09 thru 11-10-09; PSU 2-2009, f. 7-15-09, cert. ef. 8-1-09; PSU 6-2009(Temp), f. & cert. ef. 8-24-09 thru 11-1-09; Administrative correction 11-19-09; PSU 1-2010(Temp), f. 4-5-10, cert. ef. 7-1-10 thru 11-1-10; PSU 2-2010, f. 6-16-10, cert. ef. 8-1-10; PSU 1-2011(Temp), f. 6-10-11, cert. ef. 7-1-11 thru 12-28-11; PSU 2-2011, f. & cert. ef. 9-21-11; PSU 4-2011, f. & cert. ef. 11-10-11

Oregon Watershed Enhancement Board Chapter 695

Rule Caption: Immediate rule updates necessary to implement SB 342 and administer ongoing grant programs.

Adm. Order No.: OWEB 1-2011

Filed with Sec. of State: 10-18-2011

Certified to be Effective: 10-18-11

Notice Publication Date: 8-1-2011

Rules Amended: 695-010-0030, 695-010-0060, 695-015-0030, 695-030-0060, 695-035-0010, 695-035-0050, 695-035-0060

ADMINISTRATIVE RULES

Subject: The administrative rule amendments adopted by the Oregon Watershed Enhancement Board update administrative rules directly affected by the passage of Ballot Measure 76 (November 2010) and its ongoing legislation, Senate Bill 342 (2011). These immediate updates were necessary to ensure a smooth transition for ongoing programs for the 2011–2013 biennium. OWEB changed the name of the Watershed Improvement Grant Fund in five rules to the Watershed Conservation Grant Fund. OWEB also amended two Small Grant Program rules containing a deleted statutory reference and updated a Restoration Grant Program rule to match the amended statutory language.

Rules Coordinator: Melissa Leoni—(503) 986-0179

695-010-0030

Watershed Restoration Priorities

For grant applications to be funded by the Watershed Conservation Grant Fund, the following preferences will apply:

(1) Projects that address altered watershed functions affecting water quality, water flow volume and duration, and the production capacity for fish over projects that address site-specific land use problems where the greatest benefit is to a private resource or land.

(2) Projects that include removal or remediation of human-caused alterations (roads, culverts, channelization, etc.) to improve water quality and/or fish habitat over projects that enhance naturally functioning systems.

(3) Projects that change land management practices to address the causes of chronic disturbances to the watershed over projects that address only symptoms of disturbance.

(4) Projects with direct evidence of collaboration between stakeholders and agencies over single-party projects.

(5) Projects focusing on upslope and upstream treatments over projects focusing on downslope and downstream treatments, unless the project addresses tidal-driven systems or addresses other specific issues (e.g. historic losses) that encompass whole watershed conditions.

Stat. Auth.: ORS 541.396

Stats. Implemented: ORS 541.351 - 541.401

Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 1-2011, f. & cert. ef. 10-18-11

695-010-0060

Evaluation Criteria

(1) Project applications will be reviewed for compliance with the items in OAR 695-005-0030 and 695-010-0050.

(2) Watershed restoration projects funded from the Watershed Conservation Grant Fund must provide a public benefit by supporting improved:

- (a) Water quality;
- (b) Native fish or wildlife habitat; or
- (c) Watershed or ecosystem function.

(3) Watershed restoration project proposals must meet the following criteria to be considered for funding by the Board:

(a) The project demonstrates sound principles of watershed management;

(b) The project uses methods adapted to the project locale;

(c) The project complies with state land use planning goals and is compatible with acknowledged comprehensive plans as required under ORS 197.180; and

(d) The project meets the requirements in the Oregon Aquatic Habitat Restoration and Enhancement Guide.

(4) Watershed restoration projects meeting the criteria established by subsection (1) above will be further evaluated on the basis of the extent to which the project:

(a) Is based on a watershed assessment or other analytical tool that identifies specific watershed health problems;

(b) Is part of a watershed action plan or other strategic plan that prioritizes subwatersheds or project types within subwatersheds;

(c) Clearly defines and addresses a watershed health problem or known limiting factors;

(d) Has clearly stated objectives and is likely to meet these;

(e) Will be implemented using a clearly defined method to address the problem;

(f) Provides educational opportunities or promotes public awareness of watershed enhancement benefits;

(g) Fits within the context of past and planned future restoration efforts in the watershed;

(h) Improves watershed function;

(i) Treats the causes of the identified problems, rather than treating symptoms;

(j) Encourages the use of non structural methods to enhance riparian areas and associated uplands;

(k) Includes funds or in-kind services from non-Board sources;

(l) Is proposed in the context of fish and wildlife species life stages, upland conditions and year-round watershed functions;

(m) Takes into consideration the quality of the watershed above and below the project area;

(n) Takes into consideration known potential future events that may affect the success of the project;

(o) Takes into consideration potential impacts to other properties and streams in the area;

(p) Is ready to be implemented; and

(q) Identifies and evaluates alternatives to address the identified problem.

(5) Watershed restoration projects shall also be evaluated based on the following administrative and fiscal criteria:

(a) The amount of the administrative costs relative to the project's fiscal management complexity;

(b) The applicant's past grant record with regard to timely project completeness, accounting and reporting as well as whether past projects were completed as proposed, using information provided by Board staff;

(c) The extent to which the personnel costs reflect the tasks involved in implementing the project;

(d) Whether the direct costs and match values reflect local market rates; and

(e) Whether the overall budget reflects the expected watershed health benefit.

Stat. Auth.: ORS 541.396

Stats. Implemented: ORS 541.351 - 541.401

Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 1-2011, f. & cert. ef. 10-18-11

695-015-0030

Education and Outreach Priorities

For grant applications to be funded by the Watershed Conservation Grant Fund, the following preference shall apply: Watershed and riparian education projects that provide education and awareness about watershed processes for landowners over projects that create curriculum materials.

Stat. Auth.: ORS 541.396

Stats. Implemented: ORS 541.351 - 541.401

Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 1-2011, f. & cert. ef. 10-18-11

695-030-0060

Assessment and Action Plan Priorities

For grant applications to be funded by the Watershed Conservation Grant Fund, the following preferences will apply:

(1) Watershed assessment projects that address whole basin conditions to focus restoration needs over single-function research projects; and

(2) Projects developed from a watershed-level assessment and analysis of conditions that includes an action plan for restoration or enhancement of watershed functions.

Stat. Auth.: ORS 541.396

Stats. Implemented: ORS 541.351 - 541.401

Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 1-2011, f. & cert. ef. 10-18-11

695-035-0010

Small Grant Program

(1) The Oregon Watershed Enhancement Board (OWEB) may provide funding for a locally administered Small Grant Program from its Watershed Conservation Grant Fund. Funds may be allocated for the Small Grant Program in amounts and at times decided by the Board.

(2) The goals of the Small Grant Program are to:

(a) Support implementation of the Oregon Plan for Salmon and Watersheds.

(b) Support projects designed to improve water quality, water quantity, and fish and wildlife habitat. Such projects include, but are not limited to, those developed to address Total Maximum Daily Loads (TMDLs), Agricultural Water Quality Management Area Plans, urban nonpoint source pollution management plans, and the Board of Forestry's Forestry Program for Oregon.

(c) Make funds available to local Small Grant Teams to address local priority resource concerns, habitat values, and watershed functions.

(d) Encourage landowner participation in watershed improvement by making funds available more quickly than is possible through OWEB's Regular Grant Program.

(e) Treat the source of watershed health problems through technically sound projects that use proven techniques from one of the approved

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sources listed in OAR 695-035-0030(3), and that demonstrate benefits to aquatic species, wildlife, or watershed health across all land uses.

(f) Encourage partnerships among watershed councils, soil and water conservation districts (SWCDs), and tribes.

Stat. Auth.: ORS 541.396

Stats. Implemented: ORS 541.351 - 541.401

Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 3-2005, f. & cert. ef. 6-8-05; OWEB 1-2011, f. & cert. ef. 10-18-11

695-035-0050

Eligible Small Grant Projects

(1) The Small Grant Program will fund only those projects that:

(a) Demonstrate in the Small Grant Project application a clear watershed benefit to aquatic species, wildlife, or watershed health.

(b) Are consistent with the local Small Grant Team's priority watershed concerns, as identified in their program grant agreements with OWEB.

(c) Adhere to OWEB administrative rules, OAR 695-005-0010–695-005-0060 and 695-050-0010–695-050-0050.

(d) Implement a project to restore, enhance, or protect native fish or wildlife habitat, watershed or ecosystem functions, or water quality.

(e) Are implemented in a manner consistent with the Oregon Aquatic Habitat Restoration and Enhancement Guide.

(f) Use and clearly identify in the small grant application technical guidance from at least one of the approved sources in OAR 695-035-0030(3), and cite in the application the practice code(s), or the page number and paragraph, for the technical guidance source listed.

(g) Where applicable, have been approved for technical sufficiency by the appropriate state agency, or by the appropriate tribal government for projects on Tribal Trust Lands.

(2) Small Grant Projects to be completed in phases on the same property are eligible for Small Grant Project funding, provided only one phase is submitted for funding consideration per OWEB fiscal year, and provided all phases occur at different locations on the property. In general, OWEB encourages multi-phased project applications to be submitted through the OWEB Regular Grant Program.

(3) Teams must select from the following list when identifying priority watershed concerns for their Small Grant Area:

(a) Instream Process and Function;

(b) Fish Passage;

(c) Urban Impact Reduction;

(d) Riparian Process and Function;

(e) Wetland Process and Function;

(f) Upland Process and Function;

(g) Water Quantity and Quality/Irrigation Efficiency;

(h) Road Impact Reduction.

(4) The following project types are eligible for funding. Teams are encouraged to be strategic in identifying eligible project types in an effort to better support salmon recovery objectives and Agricultural Water Quality Management Area Plans. Teams may petition OWEB to allow project types not appearing on the list, as described in OAR 695-035-0020(9)(c).

(a) Instream Process and Function.

(A) Improve Instream Habitat: place large wood, boulders, or salmon carcasses;

(B) Manage Erosion: bioengineer stream banks, slope stream banks, or develop water gaps, streambank barbs;

(C) Eradicate or Control Exotic Aquatic Species.

(b) Fish Passage.

(A) Remove Irrigation or Push-Up Dams: install alternatives (e.g., infiltration galleries, point-of-diversion transfers) or convert from gravity diversion to pumps;

(B) Remove and/or Replace Culverts (as a condition of funding, such projects require ODFW or ODF technical review and approval, or tribal government review and approval for projects on Tribal Trust Lands, using a standard OWEB form; and for culverts under state roads, a 50 percent ODOT match);

(C) Remove or Replace Stream Crossings (as a condition of funding, such projects require ODFW or ODF technical review and approval, or tribal government review and approval for projects on Tribal Trust Lands, using a standard OWEB form).

(c) Urban Impact Reduction.

(A) Install Stormwater Runoff Treatments (e.g., create bioswales, pervious surfaces, native plant buffers, green roofs);

(B) Create Off-Channel Flood Storage;

(C) Employ Integrated Pest Management.

(d) Riparian Process and Function.

(A) Manage Nutrient and Sediment Inputs through managed grazing (e.g., fencing and developing off-channel watering) and plantings;

(B) Manage Vegetation: plant or seed native riparian species, propagate native riparian plants, or control weeds in conjunction with a restoration project;

(C) Employ Integrated Pest Management.

(e) Wetland Process and Function.

(A) Manage Nutrient and Sediment Inputs: fence out livestock or develop alternative watering sites;

(B) Manage Vegetation: control weeds (in conjunction with a restoration project), or plant native wetland species;

(C) Restore Wetlands: excavate or remove fill, or eliminate drainage structures;

(D) Employ Integrated Pest Management.

(f) Upland Process and Function.

(A) Manage Erosion on Agricultural Lands: terrace land; employ laser leveling; create windbreaks; install water and sediment control basins (WASCBs); develop filter strips/grassed waterways; manage mud (e.g., gravel high-use areas, develop paddocks); seed bare areas (OWEB may require a grazing management plan, if appropriate, prior to release of funds. For post-fire areas, seed only where natural regeneration is unlikely — e.g., on slopes of 30 percent or more — or where it can be demonstrated that seeding would retard or prevent the spread of noxious weeds); or reduce tillage.

(B) Manage Nutrient and Sediment Inputs to Streams through the management of grazing, vegetation cover, animal waste, or irrigation runoff.

(C) Manage Vegetation: prescribed burning, except when conducted as part of a commercial harvest; non-commercial thinning; control/remove juniper (except late-seral/old growth); plant or seed (native upland species or native beneficial mixes preferred); or control weeds (in conjunction with a restoration project). Projects for prescribed burning to reduce fuel loads require ODF technical review and approval, or tribal government review and approval for projects on Tribal Trust Lands, using a standard OWEB form.

(D) Manage Wildlife: install water guzzlers.

(E) Employ Integrated Pest Management.

(g) Water Quantity and Quality/Irrigation Efficiency.

(A) Recharge Groundwater: roof water harvesting;

(B) Implement Irrigation Practices (e.g., pipe existing ditch, install drip or sprinkler systems, install automated soil moisture sensors where water and electrical savings can be documented, or recover or eliminate tail water). Such projects must either not adversely impact the current level of groundwater in a Groundwater Management Area, or must measurably reduce the diversion of water at the point of diversion. As a condition of funding, irrigation efficiency projects require local watermaster technical review and approval, or tribal government review and approval for projects on Tribal Trust Lands, using a standard OWEB form.

(h) Private Road Impact Reduction.

(A) Decommission Roads;

(B) Improve Surface Drainage: surface road drainage improvements, gravel surfacing, stream crossings.

Stat. Auth.: ORS 541.396

Stats. Implemented: ORS 541.351 - 541.401

Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 3-2005, f. & cert. ef. 6-8-05; OWEB 1-2011, f. & cert. ef. 10-18-11

695-035-0060

Ineligible Small Grant Projects

(1) The Small Grant Program will not fund projects that:

(a) Do not demonstrate a clear watershed benefit to aquatic species, wildlife, or watershed health.

(b) Are not consistent with the local Small Grant Team's priority watershed concerns, as identified in their program grant agreements with OWEB.

(c) Do not adhere to OWEB administrative rules: OAR 695-005-0010–695-005-0060, 695-035-0010–695-035-0070, and 695-050-0010–695-050-0050.

(d) Do not implement a project to restore, enhance, or protect native fish or wildlife habitat, watershed or ecosystem functions, or water quality.

(e) Do not use and clearly identify in the small grant application technical guidance and standards from one of the approved sources listed in OAR 695-035-0030(3).

(f) Are at the same location as, and are identical to, projects that have already been funded, are currently being funded, or are currently being con-

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sidered for funding through either the Small Grant Program or the OWEB Regular Grant Program.

(2) The following project types are ineligible for funding through the Small Grant Program:

- (a) Project planning and design not done in conjunction with the implementation of funded restoration or enhancement activities.
- (b) Routine maintenance.
- (c) Trash removal.
- (d) Fish screens and trash racks.
- (e) Tide gate removal, replacement, or installation.
- (f) Constructed stream bank armoring.
- (g) Development of off-channel watering systems not done in conjunction with fencing a riparian area or managing nutrient and sediment inputs in upland areas.
- (h) Pond cleaning and pond creation (does not include off-channel watering systems and pump-back systems).
- (i) Residential landscaping not done in conjunction with the implementation of funded riparian restoration or enhancement activities.
- (j) Weed control not done in conjunction with the implementation of funded restoration or enhancement activities.
- (k) Projects required as a condition of a local, state, or federal permit, order, or enforcement action (e.g., mitigation projects, manure storage and management projects that are required by a permit from ODA).
- (l) Irrigation practices that adversely impact the current level of groundwater in a Groundwater Management Area, or do not measurably reduce the diversion of water at the point of diversion.
- (m) Irrigation water conservation projects that propose any of the following activities:
 - (A) Irrigation system maintenance or renovation of existing pipe.
 - (B) Restoring a system that has deteriorated due to lack of maintenance and/or inadequate design.
 - (C) Portable pipe (does not include gated pipe) or ditch cleaning.
 - (D) Electrical costs resulting from conversion to pump from flood irrigation.
 - (n) Western juniper management that involves the removal of lateral/old growth juniper.
 - (o) Reforestation or tree planting on lands following a commercial harvest.
 - (p) Prescribed burning when conducted as part of a commercial operation.
 - (q) Commercial thinning.

Stat. Auth.: ORS 541.396
Stats. Implemented: ORS 541.351 - 541.401
Hist.: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05; OWEB 3-2005, f. & cert. ef. 6-8-05; OWEB 1-2011, f. & cert. ef. 10-18-11

Public Utility Commission Chapter 860

Rule Caption: In the Matter of a Rulemaking Regarding Greenhouse Gas Emissions Requirements.

Adm. Order No.: PUC 11-2011

Filed with Sec. of State: 11-15-2011

Certified to be Effective: 11-15-11

Notice Publication Date: 10-1-2011

Rules Adopted: 860-085-0005, 860-085-0010, 860-085-0020, 860-085-0030, 860-085-0040, 860-085-0050

Subject: These rules result from legislation enacted by the 2009 Legislative Assembly (Senate Bill 101), codified in ORS 757.522 through 757.538, regarding the greenhouse gas emissions standard applicable to electric companies, electricity service suppliers, and natural gas companies. The rules govern the implementation of the greenhouse gas emissions standards and establish the restriction on long-term financial commitments, rate impact estimating, and reports.

Rules Coordinator: Diane Davis—(503) 378-4372

860-085-0005

Scope and Applicability of Greenhouse Gas Emissions Requirements

(1) OAR 860-085-0005 through 860-085-0050 (the “Greenhouse Gas Emissions Requirements”) govern implementation of the greenhouse gas emissions standard for electric companies and electricity service suppliers, under ORS 757.522 through 757.538, and natural gas companies.

(2) Upon request or its own motion, the Commission may waive any of the Greenhouse Gas Emissions Requirements if good cause is shown.

Stat. Auth.: ORS 756.040 & 757.538
Stats. Implemented: 757.538
Hist.: PUC 11-2011, f. & cert. ef. 11-15-11

860-085-0010

Definitions

(1) As used in OAR 860-085-0010 through 860-085-0050:

(a) “Baseload electricity” has the meaning given that term in ORS 757.522.

(b) “Carbon dioxide equivalent” means a unit of measurement that allows the effect of different greenhouse gases and other factors to be compared using carbon dioxide as a standard unit for reference.

(c) “Cogeneration facility” means a facility that produces electric energy and steam or other forms of useful thermal energy (such as heat) by cogeneration that is used for industrial, commercial, heating, or cooling purposes.

(d) “Commission” has the meaning given that term in ORS 756.010.

(e) “Electric company” has the meaning given that term in ORS 757.600.

(f) “Electricity service supplier” has the meaning given that term in ORS 757.600.

(g) “Generating facility” has the meaning given that term in ORS 757.522.

(h) “Greenhouse gas” has the meaning given that term in ORS 468A.210.

(i) “Greenhouse gas emissions” means gaseous emissions expressed as a carbon dioxide equivalent.

(j) “Greenhouse gas emission factors” means the factors, and procedure for use of these factors, as published in United States Environmental Protection Agency publication AP-42 Compilation of Air Pollutant Emission Factors, 2009 Update.

(k) “Long-term financial commitment” has the meaning given that term in ORS 757.522.

(l) “Low-carbon emissions resource” means a generating facility with a greenhouse gas emission rate that is no more than the greenhouse gas emissions standard.

(m) “Natural gas company” has the meaning given that term in ORS 772.610.

(n) “Useful thermal energy” means kilowatt hours (kWh) of energy actually sent to be used in a process (whether it be in the form of steam, water, air, products of combustion, or product) net of the kWh of energy discharged from the process as waste (whether it be in the form of steam, water, air, or products of combustion).

(2) As used in ORS 757.522 through 757.536:

(a) “Combined-cycle natural gas generating facility” means a generating facility that employs one or more combustion turbine generators (gas turbine) fueled by natural gas to generate electricity, and one or more gas turbine exhaust heat recovery steam generators producing steam for generation of additional electricity using one or more steam turbine generators (steam turbine).

(b) “Commercially available” means available for purchase and in operation in the United States at no less than 80 percent of rated output (adjusted for the elevation and ambient temperature at the installed location) for no less than 7000 hours during the preceding year.

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

Stat. Auth.: ORS 756.040 & 757.538

Stats. Implemented: 757.538

Hist.: PUC 11-2011, f. & cert. ef. 11-15-11

860-085-0020

Greenhouse Gas Emissions Standard Applicable to Electric Companies and Electricity Service Suppliers

Electric companies and electricity service suppliers will be given an opportunity to comment regarding a proposed modification of the greenhouse gas emissions standard. Electric companies and electricity service suppliers must consider in their comments the effects of modifying the greenhouse gas emissions standard on their system reliability and overall costs to their electricity consumers in this state.

Stat. Auth.: ORS 756.040 & 757.538

Stats. Implemented: 757.538

Hist.: PUC 11-2011, f. & cert. ef. 11-15-11

860-085-0030

Emissions Standard-Based Restrictions on Long-Term Financial Commitments by Electric Companies or Electricity Service Suppliers

(1) Unless the Commission has already made a determination under ORS 757.536(b)(3), an electric company or electricity service supplier must demonstrate to the Commission that the baseload electricity acquired

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under a long-term financial commitment is produced by a generating facility that complies with the greenhouse gas emissions standard:

(a) For electric companies, the demonstration required in this section must be made when the electric company first seeks recovery of costs of a long-term financial commitment.

(b) For electricity service suppliers, the demonstration required in this section must be made when the electricity service supplier first seeks certification renewal after making a long-term financial commitment.

(2) For electricity supplied from long-term financial commitments for which emissions can readily be determined with specificity, the demonstration required in section (1) of this rule for those sources must use the emissions calculation procedures provided in OAR 340-215-0010 through 340-215-0060, or greenhouse gas emission factors.

(3) For the demonstration required in section (1) of this rule, electric companies and electricity service suppliers must identify long-term financial commitments for which emissions cannot readily be determined with any specificity. The electric companies and electricity service suppliers must propose for approval by the Commission the greenhouse gas emissions rate to be applied to these sources.

(4) Electric companies and electricity service suppliers may submit to the Commission for determination under ORS 757.531(2)(c) a plan for a generating facility to be a low-carbon emissions resource.

Stat. Auth.: ORS 756.040 & 757.538
Stats. Implemented: 757.538
Hist.: PUC 11-2011, f. & cert. ef. 11-15-11

860-085-0040

Commission Review of Plans and Rates to Ensure Compliance with Greenhouse Gas Emissions Standard Rules

ORS 757.536(1) does not apply to a facility that meets one or more of the requirements for exemption set forth by ORS 757.531(2).

Stat. Auth.: ORS 756.040 & 757.538
Stats. Implemented: 757.538
Hist.: PUC 11-2011, f. & cert. ef. 11-15-11

860-085-0050

Rate Impact Estimating and Reports

(1) Electric companies and natural gas companies must submit a report to the Commission by July 1 of even numbered years, beginning in 2012, presenting estimates of, and analysis methods used and assumptions made in estimating the impacts to customer rates for meeting the following Oregon energy consumption based greenhouse gas emission reduction goals by January 1, 2020:

(a) Ten percent below 1990 levels, under ORS 468A.205; and

(b) Fifteen percent below 2005 levels. The rate impacts must be presented as the percent of change compared to a base case with no greenhouse gas emission reduction goals.

(2) Electric companies and natural gas companies must use analysis methods and assumptions that are technically and economically feasible, and that contain all life-cycle costs.

(3) Electric companies and natural gas companies must include a calculation of their Oregon energy consumption based greenhouse gas emissions for 1990 (estimated actual), 2005 (estimated actual) and 2020 (projected) in the report required in section (1) of this rule.

(4) For electric companies the calculation required in section (3) of this rule must:

(a) Utilize greenhouse gas emission factors for the specific generating technology used at each electric company's own generating facilities. An electric company's own generating facilities include company-owned resources and wholesale purchases from specific generating units, less wholesale sales from those specific generating units.

(b) Utilize the greenhouse gas emission rate proposed by the electric company and approved by the Commission for net market purchases, standard offer sales, and electricity service suppliers where generating technology cannot readily be determined with specificity.

(5) For natural gas companies the calculation required in section (3) of this rule must reflect greenhouse gas emissions due to all natural gas company operations, activities and facilities.

(6) The Commission will develop estimates of the rate impacts for electric companies and natural gas companies to meet the following alternative greenhouse gas emission reduction goals for 2020:

(a) Ten percent below 1990 levels, as specified in ORS 468A.205; and

(b) Fifteen percent below 2005 levels.

(7) The Commission will submit a report presenting the estimates and explaining the analysis used to develop the estimates to the appropriate interim committee of the Legislative Assembly prior to November 1 of each even-numbered year.

(8) Sections (1) through (7) of this rule are repealed on January 2, 2020.

Stat. Auth.: ORS 756.040 & 2009 OL Ch. 751 § 9
Stats. Implemented: 757.538 & 2009 OL Ch. 751 § 9
Hist.: PUC 11-2011, f. & cert. ef. 11-15-11

Public Utility Commission, Board of Maritime Pilots Chapter 856

Rule Caption: Adjusts license fees by percentage in consumer price index for previous 24 months.

Adm. Order No.: BMP 6-2011

Filed with Sec. of State: 10-31-2011

Certified to be Effective: 11-1-11

Notice Publication Date: 10-1-2011

Rules Amended: 856-010-0016

Subject: 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-Sale, OR-WA, Consumer Price Index for All Urban Consumers for All Items, as published by the Bureau of Labor Statistics of the United States 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—(971) 673-1530

856-010-0016

License Fees

The annual license fee for pilots shall be \$2,718.

Stat. Auth.: ORS 776 & 670
Stats. Implemented: ORS 776.115, 776.355, 776.357 & 670.310
Hist.: MP 1-1991(Temp), f. 6-19-91, cert. ef. 7-1-91; MP 2-1991, f. & cert. ef. 12-27-91; MP 3-1992(Temp), f. 6-26-92, cert. ef. 7-1-92; MP 4-1992, f. 11-13-92, cert. ef. 12-28-92; BMP 3-2007(Temp), f. & cert. ef. 7-26-07 thru 1-21-08; BMP 1-2008, f. & cert. ef. 1-24-08; BMP 6-2009, f. & cert. ef. 8-24-09; BMP 6-2011, f. 10-31-11, cert. ef. 11-1-11

Real Estate Agency Chapter 863

Rule Caption: Amends licensing rules to implement new electronic licensing processes.

Adm. Order No.: REA 7-2011

Filed with Sec. of State: 11-15-2011

Certified to be Effective: 11-15-11

Notice Publication Date: 8-1-2011

Rules Adopted: 863-014-0066, 863-022-0060, 863-024-0066

Rules Amended: 863-014-0003, 863-014-0010, 863-014-0015, 863-014-0020, 863-014-0030, 863-014-0035, 863-014-0040, 863-014-0050, 863-014-0062, 863-014-0063, 863-014-0065, 863-014-0076, 863-014-0095, 863-022-0010, 863-022-0015, 863-022-0025, 863-024-0003, 863-024-0010, 863-024-0015, 863-024-0020, 863-024-0030, 863-024-0045, 863-024-0050, 863-024-0062, 863-024-0063, 863-024-0065, 863-024-0076, 863-024-0095

Rules Repealed: 863-014-0066(T), 863-022-0060(T), 863-024-0066(T), 863-014-0003(T), 863-014-0010(T), 863-014-0015(T), 863-014-0020(T), 863-014-0030(T), 863-014-0035(T), 863-014-0040(T), 863-014-0050(T), 863-014-0062(T), 863-014-0063(T), 863-014-0065(T), 863-014-0076(T), 863-014-0095(T), 863-022-0010(T), 863-022-0015(T), 863-022-0025(T), 863-024-0003(T), 863-024-0010(T), 863-024-0015(T), 863-024-0020(T), 863-024-0030(T), 863-024-0045(T), 863-024-0050(T), 863-024-0062(T), 863-024-0063(T), 863-024-0065(T), 863-024-0076(T), 863-024-0095(T)

Subject: *Note: These rules were adopted on August 15, 2011 and filed on August 15, 2011 to become effective September 1, 2011. These rules were submitted to Legislative Counsel after the 10 day period as required under ORS 183.715 and were, therefore void. The Real Estate Agency is refiled these rules at this time.*

These rules amend the real estate broker, principal broker and property manager licensing rules in OAR chapter 863, Divisions 14 and 24 and implement the statutory changes in SB 156, which

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became effective May 27, 2011. The purposes of these amendments are to align the license application process with the Agency's new electronic licensing system. Changes to processes and requirements include: 1) the license application processes and payment of fees for fingerprinting and examination services, which have been contracted to a service provider; 2) the requirement of a licensee to renew online; 3) new requirement to maintain a license applicant or licensee's email address; 4) establishes the Agency's primary and preferred method of notification, correspondence or confirmation is to a licensee's email address; and 5) allows the Agency to require an original or electronic signature.

New rules in Division 14 and 24 establish the new requirements for a licensee's name change. A new rule in Division 22 establishes new requirements of the pre-license education providers to certify course completion to the examination service provider.

Rules Coordinator: Laurie Skillman—(503) 378-4630

863-014-0003

Definitions

As used in this division, unless the context requires otherwise, the following definitions apply:

- (1) "Agency" is defined in ORS 696.010.
- (2) "Agency-approved form" means an electronic or paper form approved by the Real Estate Agency.
- (3) "Board" means the Real Estate Board established pursuant to ORS 696.405.
- (4) "Branch office" is defined in ORS 696.010.
- (5) "Commissioner" is defined in ORS 696.010.
- (6) "Incapacitated" means the physical or mental inability to perform the professional real estate activities described in ORS 696.010.
- (7) "Legal name" means the first name, middle name and last or surname, without the use of initials or nicknames and is the name given at birth or subsequently acquired through marriage, court order or adoption.
- (8) "Licensed Name" means the name of a real estate licensee as it appears on the current, valid real estate license issued to the licensee pursuant to ORS 696.020.
- (9) "Principal broker" means "principal real estate broker;" as defined in ORS 696.010.
- (10) "Real estate activity," "professional real estate activity," and "real estate business" mean "professional real estate activity" as defined in ORS 696.010.
- (11) "Real estate broker" is defined in ORS 696.010 and includes a principal real estate broker, as that term is defined in ORS 696.010, unless the context requires otherwise.
- (12) "Real estate licensee" and "licensee" mean a "real estate licensee" as defined in ORS 696.010, unless the context requires otherwise.
- (13) "Registered business name" is defined in ORS 696.010.
- (14) "Signed" or "Signature" means original or electronic signature as provided by OAR-014-0076.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-014-0010

License Application Form and Content

- (1) Effective July 1, 2011, before the Agency will accept any documents or information relating to an applicant's qualifications, an applicant for a real estate broker or principal broker license must submit an application and fee required under this rule.
- (2) Effective September 15, 2011, before the Agency will accept any documents or information relating to an applicant's qualifications, an applicant for a real estate broker license or principal broker license must submit an application and pay the fee required under this rule using an online application process that is available through the Agency's website.
- (3) The license application includes:
 - (a) The applicant's legal name as defined in OAR 863-014-0003, mailing address, email address and phone number.
 - (b) The applicant's date and place of birth.
 - (c) The applicant's Social Security Number.
 - (d) Certification by the applicant that the applicant has a high school diploma, General Educational Development (GED) certificate or the international equivalent.

(e) Certification by the applicant that the applicant is at least 18 years of age.

(f) For a real estate broker license applicant or a principal broker license applicant, who is not an active or inactive Oregon real estate licensee, whether the applicant:

- (A) Has ever been convicted of or is under arrest, investigation, or indictment for a felony or misdemeanor;
 - (B) Has ever been refused a real estate license or any other occupational or professional license in any other state or country;
 - (C) Has ever had any real estate license or other occupational or professional license revoked or suspended; or
 - (D) Has ever been fined or reprimanded as such a licensee.
- (g) Any other information the commissioner considers necessary to evaluate the applicant's trustworthiness and competency to engage in professional real estate activity in a manner that protects the public interest.
- (h) Certification by the applicant that all information provided by the applicant is true and correct.

(4) In addition to the requirements of (3) of this rule, a real estate broker license applicant, who is basing the applicant's examination qualifications on a broker license from another state, must provide the applicant's certified license history from the state where such examination was taken.

(5) In addition to the requirements in (3) of this rule, a principal broker license applicant must provide proof that the applicant has three years of active real estate experience.

(6) Every license application must be accompanied by the license fee authorized by ORS 696.270. At all periods of the year, the fee for all licenses issued is as authorized by 696.270. That is, the Agency does not pro-rate license fees.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 1-2003(Temp), f. 2-27-03, cert. ef. 2-28-03 thru 8-27-03; REA 3-2003, f. 7-28-03, cert. ef. 8-1-03; Renumbered from 863-015-0010, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-014-0015

Background Check Application and Fingerprint

(1) An applicant for real estate broker or principal real estate broker license must submit to a background check, except an applicant who is currently licensed as a real estate broker, principal real estate broker, or real estate property manager or who is eligible for renewal of such licenses.

(2) The background check includes a criminal background check as provided in OAR chapter 863, division 005, which requires the applicant to provide fingerprints.

(3) Effective July 1, 2011, the Agency and a vendor for fingerprinting services ("fingerprint service provider") have contractually agreed that:

(a) The fingerprint service provider will provide fingerprint services to license applicants and submit the fingerprints to the Oregon State Police for Oregon and nationwide criminal history checks.

(b) A license applicant may only submit fingerprints required by the Agency through the fingerprint services provider.

(c) A license applicant must pay the fee for fingerprinting, authorized under ORS 696.270, directly to the fingerprint services provider.

(d) A license applicant must provide fingerprints according to the requirements and instructions of the fingerprint services provider.

(e) A license applicant must have submitted a license application to the Agency before providing fingerprints.

(4) As provided in ORS 181.540, all fingerprint cards, photographs, records, reports, and criminal offender information obtained or compiled by the Agency are confidential and exempt from public inspection. The commissioner will keep such information segregated from other information on the applicant or licensee and maintain such information in a secure place.

(5) If the Agency determines that additional information is necessary to conduct a background check, the Agency may request such information in writing, and the applicant must provide the requested information. If the applicant fails to provide the requested information, the Agency may determine that the license application is incomplete and terminate the application.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 3-2003, f. 7-28-03, cert. ef. 8-1-03; REA 4-2003(Temp), f. 12-18-03, cert. ef. 1-1-04 thru 6-29-04; REA 3-2004, f. 4-28-04 cert. ef. 5-3-04; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; Renumbered from 863-015-0015, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

ADMINISTRATIVE RULES

863-014-0020

Examinations

(1) For purposes of this rule, "examination provider" means the vendor, under a contract with the Agency, which provides licensing examination services and collects the fee for such services directly from a license applicant.

(2) In addition to any other licensing eligibility requirements:

(a) A real estate broker license applicant must pass a real estate broker examination, consisting of a state portion and a national portion.

(b) A principal broker license applicant must pass a principal real estate broker examination.

(c) A principal broker license applicant who was licensed in Oregon as a salesperson prior to July 1, 2002 is not required to take the real estate broker examination, but must pass the principal broker examination.

(d) A real estate broker or principal broker who has not held an active license for two or more consecutive years must pass a reactivation examination.

(3) To be eligible to take an examination:

(a) A license applicant must have submitted a license application and fee to the Agency required under OAR 863-014-0010 or a license reactivation application and fee required under OAR 863-014-0065;

(b) A real estate broker license applicant must have successfully completed the required courses of study for a real estate broker license under OAR 863-022-0010 from an approved school(s);

(c) A principal broker license applicant, who has never held an Oregon real estate broker license and who has not completed the required courses of study for a real estate broker license, must have successfully completed the required courses of study for a real estate broker license under OAR 863-022-0010 from an approved school(s);

(d) A principal real estate broker license applicant must have successfully completed the brokerage administration and sales supervision course required under OAR 863-022-0025 from an approved school; and

(e) The school providing the course(s) under (b), (c) or (d) of this section, must have certified to the examination provider that the applicant completed the course(s) as provided in OAR 863-022-0060.

(4) To be admitted to an examination site:

(a) A license applicant must be eligible to take an examination under section (3) of this rule;

(b) The applicant must register with the examination provider in advance of the examination and comply with the provider's requirements and instructions; and

(c) The examination provider will collect the examination fee under ORS 696.270 directly from the applicant.

(5) An applicant must pay a separate examination fee for each examination.

(6) If an applicant for a principal real estate broker license passes an examination but is not issued a license within one year from the date of the examination:

(a) The applicant is no longer qualified for the license on the basis of the examination; and

(b) The applicant must retake and pass the examination as required by this rule.

(7) If an applicant for a real estate broker license passes both the national and the state portions of an examination but is not issued a license within one year from the date of the examination:

(a) The applicant is no longer qualified for the license on the basis of the examination; and

(b) The applicant must retake and pass the examination as required by this rule.

(8) A real estate broker license applicant who passes only one portion of a license examination (state or national portion) must pass the remaining portion within one year from the examination date of the passed portion in order to qualify for a license on the basis of the examination.

(9) In lieu of the national portion of the examination required for a real estate broker license in this rule, the Board may accept an applicant's passing results of the national portion of a broker examination taken in another state if:

(a) The examination was taken after November 1, 1973 and the license issued as a result of that examination has not been expired for more than one year; or

(b) The examination was taken within the 12 months before the license application date and

(c) The applicant provides the Agency with the applicant's certified license history from the state where such examination was taken.

Stat. Auth.: ORS 696.385 & 696.425

Stats. Implemented: ORS 696.020, 696.022 & 696.425

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 3-2004, f. 4-28-04, cert. ef. 5-3-04; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; REA 2-2005(Temp), f. 6-9-05, cert. ef. 7-1-05 thru 12-26-05; Administrative correction 1-20-06; REA 2-2007(Temp), f. & cert. ef. 3-21-07 thru 9-16-07; REA 4-2007, f. & cert. ef. 9-26-07; Renumbered from 863-015-0020, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 2-2010, f. 12-15-10, cert. ef. 1-1-11; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-014-0030

License Issue, Term and Form

(1) The Agency will issue a real estate license to an applicant after determining that the applicant meets the license requirements contained in ORS 696.022 and 696.790, has paid all required fees, and meets:

(a) The requirements under OAR 863-014-0035 for real estate broker license applicant; or

(b) The requirements under OAR 863-014-0040 for a principal broker license applicant.

(2) A licensee may engage in professional real estate activities allowed for that license by ORS Chapter 696 and OAR chapter 863 from the date the license is issued until the license expires, becomes inactive, or is revoked, surrendered, or suspended.

(3) A licensee may hold only one of the following Oregon real estate licenses at any time:

(a) Real estate broker;

(b) Principal real estate broker; or

(c) Property manager.

(4) The license expiration date is the last day of the month of a licensee's birth month.

(5) The license term is not more than 24 months plus the number of days between the date the license is issued or renewed and the last day of the month of the licensee's birth month.

(6) The license will include the following information:

(a) The licensee's legal name;

(b) The license number, effective date, and expiration date;

(c) The name under which the licensee conducts real estate business or the registered business name;

(d) The licensee's business address;

(e) The seal of the Real Estate Agency; and

(f) Any other information the Agency deems appropriate.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 1-2003(Temp), f. 2-27-03, cert. ef. 2-28-03 thru 8-27-03; REA 3-2003, f. 7-28-03, cert. ef. 8-1-03; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; REA 2-2007(Temp), f. & cert. ef. 3-21-07 thru 9-16-07; REA 4-2007, f. & cert. ef. 9-26-07; Renumbered from 863-015-0030, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-014-0035

Real Estate Broker Licensing Requirements

(1) Effective July 1, 2011, to be eligible for a real estate broker's license, an individual must complete the following steps in the order listed:

(a) Submit a license application and pay the fee to the Agency required by OAR 863-014-0010.

(b) Successfully complete the required courses of study for a real estate broker license required by OAR 863-022-0010.

(c) Ensure that the school providing the required course of study certifies to the examination provider that the applicant completed the course as required by OAR 863-014-0020.

(d) Pass the real estate broker licensing examination and pay the fee to the examination provider as required by OAR 863-014-0020.

(e) Provide fingerprints for a criminal background check and pay the fee to the fingerprint services provider as required by OAR 863-0014-0015.

(2) If the applicant's qualifications for the required examination under (1) of this rule are based upon an active real estate license held in another state, the applicant must furnish a certificate of active license history from the other state.

(3) After the applicant meets the requirements under (1) and (2) of this rule, the Agency will complete a background check on the applicant, which includes a criminal background check under OAR 863-014-0015.

(4) A real estate broker must be associated with a principal broker. Effective July 1, 2011 until September 14, 2011, after the requirements in (1) and (2) of this rule are met, the applicant must submit to the Agency:

(a) The name and address of the principal broker who will supervise the applicant's professional real estate activity and name and address of the registered business name of the principal broker; and

(b) The written authorization of the principal broker to be associated with the principal broker and use the principal broker's registered business name.

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(5) Effective September 15, 2011, after the requirements in (1) and (2) of this rule are met:

(a) The applicant must submit to the Agency the name and address of the principal broker who will supervise the applicant's professional real estate activity and name and address of the registered business name of the principal broker; and

(b) The Agency will contact the principal broker for authorization for the applicant to be associated with the principal broker and to use the registered business name.

(6) Effective September 15, 2011, a currently licensed principal broker who wishes to be licensed as a real estate broker must submit a license application and pay the fee to the Agency required by OAR 863-014-0010.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; Renumbered from 863-015-0035, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-014-0040

Principal Real Estate Broker Licensing Requirements

(1) Effective July 1, 2011, to be eligible for a principal real estate broker's license, an individual must complete the following steps in the order listed:

(a) Submit a license application and pay the fee to the Agency required by OAR 863-014-0010. The license application includes proof satisfactory to the Agency that the applicant has three years of active real estate experience.

(b) If the applicant has never held an Oregon real estate broker license and has not completed the required courses of study for a real estate broker license, the applicant must complete such required courses under OAR 863-022-0010 from an approved school(s).

(c) Ensure that the school providing the courses of study for a real estate broker license under (b) of this section, certifies to the examination provider that the applicant completed the course as required by OAR 863-014-0020.

(d) Successfully complete the brokerage administration and sales supervision course required by OAR 863-022-0025.

(e) Ensure that the school providing the brokerage administration and sales supervision course certifies to the examination provider that the applicant completed the course as required by OAR 863-014-0020.

(f) Pass the principal broker licensing examination and pay the fee to the examination provider required by OAR 863-014-0020.

(g) If the applicant is not an active or inactive Oregon real estate licensee, provide fingerprints for a criminal background check and pay the fee to the fingerprint services provider as required by OAR 863-0014-0015.

(2) If the applicant is required to submit fingerprints under (1) of this rule, the Agency will complete a background check on the applicant, which includes a criminal background check, as required by OAR 863-014-0015.

(3) Effective July 1, 2011 to September 14, 2011, after the requirements in (1) and (2) of this rule are met:

(a) The applicant must state that the applicant will be conducting professional real estate activity under the applicant's licensed name or is registering a business name as provided in (5) of this rule; or

(b) The applicant must submit to the Agency the name, address and authorization of a principal broker with whom the applicant will be associated, and the authorization of the principal broker to use the principal broker's registered business name.

(4) Effective September 15, 2011, after the requirements in (1) and (2) of this rule are met:

(a) The applicant must state whether the applicant will be conducting professional real estate activity under the applicant's licensed name or is registering a business name as provided in (5) of this rule; or

(b) After the applicant has submitted the following, the Agency will contact the principal broker for authorization for the applicant to be associated with the principal broker and to use the registered business name:

(A) The name and address of a principal broker with whom the applicant will be associated; and

(B) The address of the registered business name.

(5) If an applicant wishes to conduct professional real estate activity under a registered business name registered by the applicant, the applicant must first obtain the principal broker license and then register a business name under 863-014-0095.

(6) If the applicant's qualifications for three years of active experience are based wholly or partially upon an active real estate license held in another state, the applicant must furnish with the application a certificate of active license history from the other state.

(7) Effective September 15, 2011, a currently licensed real estate broker who has held a principal broker license and who wishes to be licensed as a principal broker must apply for a principal broker license, pay the required fee and meet all the qualifications for a principal broker license under this rule.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 1-2003(Temp), f. 2-27-03, cert. ef. 2-28-03 thru 8-27-03; REA 3-2003, f. 7-28-03, cert. ef. 8-1-03; REA 2-2005(Temp), f. 6-9-05, cert. ef. 7-1-05 thru 12-26-05; Administrative correction 1-20-06; Renumbered from 863-015-0040, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-014-0050

License Renewal

(1) Effective July 1, 2011 a licensee may only submit a license renewal application and pay the fee using an online application process, which will be available through the Agency's website.

(2) For purposes of this rule, "received by the Agency" means the date a licensee completed the online renewal process and paid the fee required under ORS 696.270.

(3) A real estate broker or principal broker license expires if a licensee fails to renew the license on or before the license expiration date. A real estate licensee may not engage in any professional real estate activity after a license expires. A real estate licensee may renew an expired license as provided in this rule.

(4) The Agency will renew an active real estate license to active status for the term prescribed in OAR 863-014-0030 when the Agency has received the following:

(a) The renewal fee authorized by ORS 696.270; and

(b) An active renewal application that includes certification by the licensee that the licensee has met the continuing education renewal requirements under section OAR 863-020-0010.

(5) The Agency will renew an active real estate license to inactive status for the term prescribed in OAR 863-014-0030, when the Agency has received the following:

(a) The renewal fee authorized by ORS 696.270; and

(b) An inactive renewal application.

(6) The Agency will renew an inactive active real estate license to inactive status for the term prescribed in OAR 863-014-0030, when the Agency has received the following:

(a) The renewal fee authorized by ORS 696.270; and

(b) An inactive renewal application.

(7) The Agency will renew an inactive real estate license to active status for the term prescribed in OAR 863-014-0030, when the Agency has received the following:

(a) The renewal fee authorized by ORS 696.270; and

(b) An Agency-approved active renewal application form that includes certification by the licensee that the licensee has met the real estate continuing education renewal requirements under OAR 863-020-0010.

(8) The Agency will renew an expired real estate license to active status when the Agency receives, within one year of the date the license expired, the following:

(a) The renewal fee and a late fee authorized by ORS 696.270; and

(b) An Agency-approved active renewal application form that includes certification by the licensee that the licensee met the real estate continuing education renewal requirements under OAR 863-020-0010.

(9) The Agency will renew an expired real estate license to inactive license status when the Agency receives, within one year of the date the license expired, the following:

(a) The renewal fee and a late fee authorized by ORS 696.270; and

(b) An Agency-approved inactive renewal application form.

(10) When the Agency renews an expired license, the renewed license is effective the date the renewal requirements are met. The renewal is not retroactive to the date the license expired and an expired license retains the status of expired during the expiration period.

(11) A license renewed under this rule expires two years from the date of the original expiration date.

(12) A real estate license that has expired for more than one year is lapsed, as defined in ORS 696.010.

(13) A license may not be renewed if it is lapsed, surrendered, suspended, or revoked. Except as provided in 863-014-0075, the former licensee must reapply and meet all the licensing qualifications required of new license applicants.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

ADMINISTRATIVE RULES

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 3-2004, f. 4-28-04 cert. ef. 5-3-04; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; REA 2-2007(Temp), f. & cert. ef. 3-21-07 thru 9-16-07; REA 4-2007, f. & cert. ef. 9-26-07; Renumbered from 863-015-0050, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-014-0062

Mailing Address, Email Address, Address Change, Service of Notice

(1) Each active, inactive and expired real estate licensee must maintain on file with the Agency a current mailing address and email address and notify the Agency within 10 calendar days of a change to a mailing or email address.

(2) A forwarding address is effective as a "current mailing address" when the Agency receives notice of the forwarding address by the United States Postal Service.

(3) Agency notice by mail, whether registered, certified, or regular, to the real estate licensee's current mailing address on file with the Agency constitutes service on the licensee.

(4) The Agency is not required by law to send notification or correspondence by regular mail to a licensee or license applicant regarding license or application status. The Agency may send notification or correspondence to a licensee or license applicant to the email address of the licensee or applicant on file with the Agency. Failure by a licensee or applicant to receive notification or correspondence provided via email does not relieve the licensee or applicant of the responsibility to maintain a current license or complete an application process.

(5) Effective September 15, 2011, the Agency's primary and preferred method of notification and correspondence is to the licensee or license applicant's email address.

(6) For purposes of this rule, "notification or correspondence" in (4) and (5) of this rule means:

(a) Notification, correspondence or confirmation to licensees about license renewal, change of license status to active or inactive, license transfers, registered business name, branch office registration, license reactivation, license expiration, and name and address changes.

(b) Notification, correspondence or confirmation to license applicants about license application status, receipt of documents or information from third parties on license qualifications, and license issuance.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; Renumbered from 863-015-0062, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-014-0063

Real Estate License Transfers, Principal Brokers' Responsibilities, Authority to Use Registered Business Name

(1) As used in this rule:

(a) "Authorized licensee" means a principal broker who has authority and is responsible for a registered business name;

(b) "License transfer form" means a completed and signed form that does one of the following:

(A) Transfers a real estate broker license to a receiving principal broker in order to become associated with the receiving principal broker, or

(B) Authorizes a real estate licensee to use a registered business name to conduct professional real estate activity.

(c) "Sending principal broker" means the authorized licensee or principal broker with whom an active real estate broker is associated before the license transfer;

(d) "Receiving principal broker" means the authorized licensee or principal broker with whom an active real estate broker will be associated after the license transfer.

(2) A license transfer form includes:

(a) The name, mailing address, email address and license number of the licensee who is transferring the license or documenting the authorized use of a registered business name;

(b) The current status of the license, whether active or inactive;

(c) If the real estate broker is associated with a sending principal broker, certification that the real estate broker provided written notice of the transfer to the sending principal broker, and that such notice was provided before the date the transfer form is submitted to the Agency, including:

(A) The date of personal service of such notice; or

(B) The date a certified letter was delivered by the post office to the sending principal broker's address;

(d) If the form is used to authorize the use of a different registered business name, certification that the licensee provided written notice of such change to the authorized licensee for the current registered business

name, and that such notice was provided before the date the license transfer form is submitted to the Agency, including:

(A) The date of personal service of such notice; or

(B) The date a certified letter was delivered to the authorized licensee's address;

(c) If applicable, the receiving principal broker's registered business name, street address, and registered business name identification number;

(f) If applicable, the street address, registered business name identification number, and the registered business name under which the real estate licensee will be authorized to conduct professional real estate activity; and

(g) The receiving broker's or authorized licensee's name, license number, telephone number, date, and signature.

(3) The Agency will transfer the license of an active real estate broker associated with a sending principal broker to a receiving principal broker when the Agency receives a license transfer form and the transfer fee authorized by ORS 696.270.

(4) The Agency will transfer the license of an active principal real estate broker to a receiving principal broker when the Agency receives a license transfer form and the transfer fee authorized by ORS 696.270.

(5) The Agency will transfer the license of an inactive real estate licensee, who has been inactive for a period of 30 days or less, to a receiving principal broker when the Agency receives a license transfer form and the transfer fee authorized by ORS 696.270.

(6) A principal real estate broker with whom a licensee is associated remains responsible for the licensee's professional real estate activity until the Agency receives one of the following:

(a) An Agency-approved form submitted by the principal real estate broker terminating the relationship with the licensee under OAR 863-014-0065; or

(b) A license transfer form and fee.

(7) If a principal real estate broker with whom a real estate broker is associated voluntarily gives the license to the real estate broker named in the license, the principal real estate broker remains responsible for the licensee's subsequent professional real estate activity until the Agency receives one of the following:

(a) An Agency-approved form submitted by the principal real estate broker terminating the relationship with the licensee under OAR 863-014-0065;

(b) An Agency-approved form submitted by the licensee terminating the relationship with the principal real estate broker under OAR 863-014-0065; or

(c) A license transfer form and fee.

(8) The Agency will document the registered business name under which a real estate licensee is authorized to conduct professional real estate activity when the Agency receives a license transfer form and the transfer fee authorized by ORS 696.270.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 4-2007, f. & cert. ef. 9-26-07; Renumbered from 863-015-0063, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-014-0065

Inactive License, Change License Status to Active, Change License Category, License Reactivation

(1) A real estate licensee whose license is on inactive status may not engage in professional real estate activity.

(2) The commissioner may reprimand, suspend, revoke, or impose a civil penalty against an inactive licensee under ORS 696.301.

(3) The Agency will change an active real estate license to inactive license status when the Agency actually receives the following:

(a) The license;

(b) A request by the licensee submitted on an Agency-approved form to change the license status to inactive; or

(c) An Agency-approved form submitted by the licensee terminating the relationship with the principal real estate broker under this rule.

(4) The Agency will change the status of an active real estate broker who is associated with a principal real estate broker to inactive status when the Agency receives one of the following:

(a) The real estate broker license, submitted by the licensee;

(b) The real estate broker license, submitted by the principal real estate broker;

(c) An Agency-approved form, submitted by the principal real estate broker, terminating the principal real estate broker's relationship with the real estate broker; or

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(d) An Agency-approved form submitted by the real estate broker terminating the relationship with the principal real estate broker.

(5) An inactive real estate licensee may renew such license under OAR 863-014-0050.

(6) For a period of 30 days after a real estate broker license becomes inactive, the licensee may change such license status from inactive to active and transfer the license to a principal real estate broker under OAR 863-014-0063.

(7) Except as provided in section (8) of this rule, for a period of 30 days after the real estate license becomes inactive, the licensee may change such license category to an active principal real estate broker only if:

- (a) The licensee is qualified for such license and
- (b) The licensee submits to the Agency:

(A) An Agency-approved application form to change the license category and to change the license status to active,

(B) A license transfer form under OAR 863-014-0063, if applicable, and

(C) Payment of the transfer fee authorized by ORS 696.270.

(8) If the licensee under section (7) of this rule is changing license category to a principal real estate broker and has never been licensed as a principal real estate broker, the licensee must submit to the Agency:

- (a) An Agency-approved broker license application form and
- (b) The licensing fee authorized by ORS 696.270.

(9) If a license has not been on active status for two or more consecutive years, the licensee must complete the following steps in the order listed to reactivate the license:

(a) Submit a reactivation application and pay the fee to the Agency required under ORS 696.270.

(b) Pass the real estate reactivation examination and pay the fee to the examination provider as required by OAR 863-014-0020.

(10) After the 30-day period specified in sections (6) and (7) of this rule, and subject to the examination requirements in section (9) of this rule, a licensee may change the license status from inactive to active only by submitting to the Agency:

- (a) An application for license reactivation; and
- (b) Payment of the reactivation fee authorized by ORS 696.270.

(11) Subject to the examination requirements in section (9) of this rule, if an inactive licensee renews a license and maintains inactive status under section (5) of this rule, the licensee may, within 60 days of the date of renewal, change the license status to active by submitting to the Agency:

(a) An Agency-approved application for license reactivation that includes certification that the licensee met the real estate continuing education renewal requirements under OAR 863-020-0008 or 863-020-0010; and

(b) Payment of the active renewal fee authorized by ORS 696.270, less the amount of the inactive renewal fee already paid by the licensee.

(12) The change of license status, transfer, change of license category or the reactivation of a license is effective when the Agency actually receives all required forms and fees.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-1991, f. & cert. ef. 11-4-91; REA 1-2002, f. 5-31-02, cert. ef. 7-1-02, Renumbered from 863-010-0081; REA 1-2003(Temp), f. 2-27-03, cert. ef. 2-28-03 thru 8-27-03; REA 3-2003, f. 7-28-03, cert. ef. 8-1-03; REA 3-2004, f. 4-28-04 cert. ef. 5-3-04; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; REA 2-2007(Temp), f. & cert. ef. 3-21-07 thru 9-16-07; REA 4-2007, f. & cert. ef. 9-26-07; Renumbered from 863-015-0065, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-014-0066

License Name Change

A licensee may apply for a name change by submitting to the Agency:

(1) A name change application and payment of the fee authorized under ORS 696.270; and

(2) Legal proof of the name change, which must be in the form of an official record such as a marriage certificate, divorce certificate, or a court order/decreed.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-014-0076

Signature Requirements

(1) Subject to ORS 84.001 to 84.061, the Agency may, but is not required to, accept any electronic or facsimile signature created, generated, sent, communicated, received, or stored regarding licensing documents including, but not limited to, background check applications, examination

applications, license applications, license change forms, and license surrender forms.

(2) The Agency may require an individual to submit an original or electronic signature on any document or Agency-approved form.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; Renumbered from 863-015-0076, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-014-0095

Business Name Registration

(1) If a principal real estate broker wishes to conduct real estate business in a name other than the licensee's legal name, the principal broker must first register the business name with the Agency. For the purposes of this rule, "business name" means an assumed name or the name of a business entity, such as a corporation, partnership, limited liability company, or other business entity recognized by law. A licensee must maintain the registered business name in active status with the Oregon Secretary of State's Corporation Division.

(2) To register a business name, the principal broker must submit to the Agency on an Agency-approved form the following:

(a) The business name in which the licensee wishes to conduct real estate business, which must be the exact name on file with the Oregon Secretary of State.

(b) Written authority to register the business name;

(c) A copy of the registration on file with the Oregon Secretary of State Business Registry showing the business name is active; and

(d) The fee authorized by ORS 696.270.

(3) A licensee who wishes to use a registered business name must submit to the Agency the following:

(a) The registered business name the licensee wishes to use; and

(b) Authorization from the principal broker who is responsible for the registered business name on the records of the Agency to use the name.

(4) Business names registered with the Agency do not expire and need not be renewed by the licensee. Any change in the business name registered with the Agency will be treated as the registration of a new business name, and an application for the change in business name must be submitted to the Agency together with the fee authorized by ORS 696.270.

(5) If a principal broker wishes to transfer the right to use and the responsibility for a business name that is registered with the Agency, the principal broker acquiring the right to use the name must file a change of business name registration with the Agency together with the fee authorized by ORS 696.270. A licensee must notify the Agency in writing if the licensee terminates its use of a business name.

(6) A business name registration becomes void when the Agency receives notice of termination of the use of a business name. A business name registration becomes void when no licensees are affiliated with the registered business name. A business name registration may be reactivated within one year from the voiding of a registration, unless a new user has registered the business name, without paying the fee authorized by ORS 696.270.

(7) Except as provided in OAR 863-014-0085 and this section, no real estate broker or principal broker may engage in professional real estate activities under more than one registered business name. A principal broker may engage in professional real estate activities under more than one registered business name if the business entity is an affiliated or subsidiary organization as described in OAR 863-014-0061.

Stat. Auth.: ORS 696.026 & 696.385

Stats. Implemented: ORS 696.026

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 1-2003(Temp), f. 2-27-03, cert. ef. 2-28-03 thru 8-27-03; REA 3-2003, f. 7-28-03, cert. ef. 8-1-03; Renumbered from 863-015-0095, REA 5-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-022-0010

Course Requirements for Real Estate Broker License Applicants

(1) The real estate broker license applicant course of study required by OAR 863-014-0035 must include 150 clock-hours in the seven courses listed in section (2) of this rule.

(a) Courses offered by private career schools must be approved by the Agency under OAR 863-022-0030.

(b) Courses offered by community colleges, colleges, and universities must be approved by the Agency under OAR 863-022-0035.

(c) To be eligible for credit, all courses must be presented for the designated number of hours and according to the percentages allocated for each topic.

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(2) The courses required for real estate broker license applicants are:

- (a) Real Estate Law (30 hours).
- (b) Oregon Real Estate Practice (30 hours).
- (c) Real Estate Finance (30 hours).
- (d) Contracts (15 hours).
- (e) Agency Law (15 hours).
- (f) Property Management (10 hours).
- (g) Real Estate Brokerage (20 hours).

(3) The seven required courses must include the following number of hours and percentages allocated for the topics within each course:

(a) Real Estate Law Course (30 hours). This course covers general real estate law with an emphasis on Oregon real property law and includes the following topics:

(A) (20% or 6 hours) Basic real property law, types of estates and forms of ownership, such as fee simple absolute, severalty, various concurrent estates, trust, by business organizations; the nature of real property versus the nature of personal property; fixtures, emblements, water rights (riparian rights, natural drainage rights, state ownership of navigable riverbed), estoppel, condemnation, and severance.

(B) (10% or 3 hours) Ways to legally describe real property, including the proper and complete writing of legal descriptions for real estate transaction documents commonly used in Oregon.

(C) (10% or 3 hours) Transfer of title, including voluntary and involuntary transfers and proper deed conveyance (types and their requirements, statutory deed forms, recording requirements, acknowledgment).

(D) (15% or 4.5 hours) Encumbrances, including easements, such as easement appurtenant, easements in gross, easement by necessity, easements by prescription, as well as how easements are created and terminated; voluntary and involuntary encumbrances, especially statutory liens, such as mechanic's liens, tax liens, judgment liens, and federal income tax liens.

(E) (10% or 3 hours) Title insurance and escrow recording, including types of coverage and exclusions in title insurance policies; escrow procedures; requirements for recording documents.

(F) (10% or 3 hours) Taxes and assessments, especially the levy and collection process; foreclosure and redemption rights, exemptions, special assessments, and the Bancroft Bonding Act.

(G) (25% or 7.5 hours) Land use control, including private controls such as covenants, conditions and restrictions; public controls such as planning, zoning, city and county subdivision platting, building regulations, implied warranties on new homes, consumer protection in land sales through recording land sales contracts, public reporting under Oregon Subdivision Control Law; and condominiums, including their creation and statutory obligations of condominium developers.

(b) Oregon Real Estate Practice Course (30 hours). This course covers the requirements for Oregon real estate licensees contained in the Oregon Revised Statutes chapter 696 and the Oregon Administrative Rules chapter 863 and includes the following topics:

(A) (5% or 1.5 hours) The basic business relationships between principal brokers and associated brokers including, for example, the agency relationship and the principal broker's supervisory responsibilities, duties, and liabilities to third parties.

(B) (25% or 7.5 hours) The Oregon real estate license requirements and the limitations on licensing as set forth in the Oregon Real Estate License Law; also the rules and regulations, especially their applications to real estate transactional documents, advertising, competitive market analyses, property management, and licensees.

(C) (20% or 6 hours) Listing agreements, specifically the Oregon administrative rules concerning marketing and advertising listed properties.

(D) (20% or 6 hours) Sale agreements, such as offers to purchase and seller's counter offers, earnest money agreements, options to buy real property, the statutes and rules affecting sale agreements.

(E) (15% or 4.5 hours) The Civil Rights Act and real estate-related provisions of the Americans with Disabilities Act and their administration and enforcement.

(F) (15% or 4.5 hours) The basic roles of the real estate broker, including additional requirements, liabilities, and needs for advanced training in related activities, such as competitive market analyses, property management (including renting and leasing), exchanging, securities, business opportunities (i.e., business chance brokering.); auctions, farms, vacation homes, and campgrounds.

(c) Real Estate Finance Course (30 hours). This course covers real estate finance and appraisal methods, including the methods for performing mathematical computations commonly required of real estate licensees, and includes the following topics:

(A) (10% or 3 hours) Lending laws, including federal laws and regulations such as Regulation Z, the Federal Equal Credit Opportunity Act, and the Real Estate Settlement Procedures Act.

(B) (10% or 3 hours) The money market and sources of financing; private versus government sources, the primary and secondary mortgage market, the federal money market, and federal monetary controls.

(C) (10% or 3 hours) Financing documents, including mortgages, trust deeds, and land sale contracts.

(D) (10% or 3 hours) Foreclosure; terms, methods, procedures and remedies.

(E) (10% or 3 hours) Governmental loan programs; FHA, federal VA, Oregon DVA.

(F) (10% or 3 hours) Non-governmental loan programs, such as conventional loans, construction loans, and mobile home loans.

(G) (10% or 3 hours) Competitive market analyses; principles, terminology, processes, and approaches commonly used.

(H) (15% or 4.5 hours) Mathematical calculations used in financing real estate transactions.

(I) (10% or 3 hours) Other methods of financing, including wrap-around mortgages, second mortgages, sale-leasebacks, collateral assignments, and use of personal property.

(J) (5% or 1.5 hours) Taxation and its impact in financing arrangements.

(d) Contracts Course (15 hours). This course covers the basic requirements for common real estate contracts, including listings, offers to purchase, leases, and land sales contracts. The course highlights Oregon-specific contract requirements and includes the following topics:

(A) (40% or 6 hours) Basic contract law, including the elements necessary to form a contract, breaches, and interference with an existing contract.

(B) (40% or 6 hours) Real estate contracts, especially required provisions and suggested language for listing agreements, earnest money/sale agreements, options land sales contracts, leases, and escrow agreements.

(C) (20% or 3 hours) Special requirements and limitations on contracts for the sale of subdivided lands, condominiums, and planned developments under Oregon law.

(e) Agency Law Course (15 hours). This course covers agency law, both its common law aspects and Oregon's statutory requirements for real estate licensees and includes the following topics:

(A) (40% or 6 hours) The common law of agency, including an in-depth study of the fiduciary requirements and its application to real estate brokerage.

(B) (60% or 9 hours) ORS 696.800 to 696.880 generally, with an emphasis on the obligations and duties of an agent to clients and others, as set out in ORS 696.805 to 696.815.

(f) Property Management Course (10 hours). This course covers basic property management law and includes the following topics:

(A) (35% or 3.5 hours) Oregon real estate license statutes and administrative rules as applied to property management activity.

(B) (10% or 1 hour) Oregon Residential Landlord and Tenant Act, including tenants' and landlords' rights and obligations; evictions, forcible entry, and detainer procedures.

(C) (10% or 1 hour) Economics of property management, including analysis of markets, properties, and evaluating the owner's objectives.

(D) (5% or .5 hours) Leases, including leaseholds, types of leases, and common lease clauses.

(E) (10% or 1 hour) Agency relationship between property owner and property manager.

(F) (5% or .5 hours) Tenant relations, including maintenance.

(G) (20% or 2 hours) Property management recordkeeping, including operating reports, budgets, income tax records, types of insurance, trust accounts, and trust account reconciliation.

(H) (5% or .5 hours) Anti-discrimination statutes, federal and state, that apply to tenant selection and advertising; Fair Credit Reporting Act and its application to tenant selection.

(g) Real Estate Brokerage Course (20 hours). This covers basic real estate brokerage, including the legal requirements for record-keeping and clients' trust account reconciliation and includes the following topics:

(A) (10% or 2 hours) Advertising, including supervising content, format, and layout; public relations, image development, the Internet, and relations between competitors; office policy on private transactions of licensees; effect of disciplinary action on licensees.

(B) (20% or 4 hours) Financial records, such as general checking account and its use for paying commissions; receipt of competitive market analysis fees; legal requirements for the clients' trust account, including

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documentation required, reconciliation, use of interest-bearing accounts, commingling of funds, the trust account's use in cooperative transactions, earnest money, advance fees, and rental fees.

(C) (10% or 2 hours) Office facilities and the regulatory requirement for real estate offices, including site selection, space and office layout, furniture and equipment; broker license requirements; regulations affecting the office, such as signs; requirements for branch offices, limitations on licenses, effect of actions on licenses, and reporting of adverse litigation.

(D) (15% or 3 hours) The legal requirements for neutral escrows and co-op transactions; the mathematics of a real estate closing, such as tax proration, computing commission splits, and making closing estimates; closing procedures, such as title insurance, recording, and acknowledging documents.

(E) (10% or 2 hours) Financial reports, such as income statements, balance sheets, tax returns, and payroll records.

(F) (15% or 3 hours) Non-financial records, such as listing files, transaction records, cooperative transaction records, advertising folders, showing reports, competitive market analysis records and reports; legal requirements, such as management review of broker transactions.

(G) (10% or 2 hours) Office manuals that specify office policy and procedures; use of the manual in training and to set out grievance procedures.

(H) (10% or 2 hours) Office activity other than real estate sales; property management, competitive market analyses, investment counseling, construction and development, including supervisory requirements, as well as the nature of the activities in relation to real estate law and rules.

(4) Except for Real Estate Finance courses, as provided in section (7) of this rule, an applicant must complete the required courses through Agency-approved private career schools or in-state community colleges, colleges, or universities, as those terms are defined in OAR 863-022-0005.

(5) To receive credit for courses provided by private career schools, the following provisions apply:

(a) License applicants must complete the course of study and receive a passing score of at least 75% on a final examination for each course.

(b) Except for Real Estate Finance, only courses completed on or after July 1, 2002 are eligible for credit.

(c) Real Estate Finance courses must have been completed on or after July 1, 1978 to be eligible for credit.

(6) To receive credit for courses provided by in-state community colleges, colleges, and universities, the following provisions apply:

(a) License applicants must complete the course of study, including a final examination for each course and achieve a minimum grade of "C."

(b) Except for Real Estate Finance, only courses completed on or after July 1, 2002 are eligible for credit.

(c) Real Estate Finance courses must have been completed on or after July 1, 1973 to be eligible for credit.

(7) To receive credit for Real Estate Finance courses taken through out-of-state community colleges, colleges, and universities:

(a) The courses must have been completed on or after July 1, 1973,

(b) The applicant must have achieved a minimum grade of "C;" and

(c) The applicant must obtain a transcript and submit it to the Agency as part of the application process.

(8) The real estate broker license applicant course of study is not eligible for continuing education credit under OAR 863-020-0008 or 863-020-0010.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.174, 696.182, & 696.184

Hist.: REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-022-0015

Course Requirements for Property Manager License Applicants

(1) The course required by OAR 863-024-0045 for real estate property manager license applicants consists of a 60-hour Agency-approved real estate property manager course. The property manager course covers the specialized area of the management of rental real estate, including Oregon's legal requirements.

(2) To be eligible for credit, the 60-hour course must include 60 clock-hours allocated among topics in the number of hours and percentages as follows:

(a) (30% or 18 hours) Oregon real estate license statutes and administrative rules applicable to the management of rental real estate.

(b) (15% or 9 hours) Clients' trust accounts and account reconciliation.

(c) (10% or 6 hours) Oregon Residential Landlord and Tenant Act, including tenants' and landlords' rights and obligations; evictions, forcible entry and detainer procedures.

(d) (5% or 3 hours) Economics of property management, including analysis of markets, properties, and evaluating the owner's objectives.

(e) (5% or 3 hours) Leases, including leaseholds, types of leases and common lease clauses.

(f) (5% or 3 hours) Agency relationship between property owner and property manager and tenant relations, including maintenance.

(g) (15% or 9 hours) Management recordkeeping, including operating reports, budgets, income tax records, insurance types.

(h) (5% or 3 hours) Federal and state anti-discrimination laws and their applicability to tenant selection and advertising; the Fair Credit Reporting Act and its applicability to tenant selection.

(i) (10% or 6 hours) General real estate law applicable to property management activity, including types of estates and forms of ownership; transfer of title; taxes and assessments, including the levy and collection process, foreclosure and redemption rights, exemptions, and special assessments; land use controls, including private controls such as covenants, conditions, and restrictions, and public controls such as planning and zoning.

(3) The course must be completed through either Agency-approved private career schools or in-state community colleges, colleges, and universities, as those terms are defined in OAR 863-022-0005.

(4) To receive credit for a course provided by a private career school, applicants must complete the course, including a final examination, and receive a passing score of at least 75% on a final exam.

(5) To receive credit for a course provided by an in-state community college, college, or university, applicants must complete the course, including a final examination and achieve a minimum grade of "C."

(6) Only courses completed on or after July 1, 2002 are eligible for credit.

(7) The property manager license applicant course is not eligible for continuing education credit under OAR 863-020-0008 or 863-020-0010.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.174, 696.182, & 696.184

Hist.: REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-022-0025

Education Course Requirements for Principal Broker License Applicants

(1) The course required by OAR 863-014-0040 for principal real estate broker license applicants is a 40-hour Agency-approved brokerage administration and sales supervision course.

(2) The brokerage administration and sales supervision course covers legal requirements unique to principal brokers and reviews the material introduced in the 150-hour real estate broker applicant course of study described in OAR 863-022-0010.

(3) To be eligible for credit, the 40-hour course must include 40 clock-hours, allocated among topics in the number of hours and percentages as follows:

(a) (10% or 4 hours) Introduction to management theory, characteristics of successful management, the functions of management, organizational formats such as corporate, partnerships, and proprietorship, various problems associated with management, and types of licenses and their legal requirements.

(b) (10% or 4 hours) Planning, including management objectives, planning under the employer-employee relationship versus independent contractor relationship, individual and office planning, budget planning, market research, growth, and anticipation of expansion, and bottom line planning.

(c) (15% or 6 hours) Selecting, training, and supervising real estate personnel, including job descriptions, recruiting, interviewing, and characteristics of a successful real estate broker; training in Oregon real estate law, real estate documents; supervising transactions, performance evaluations, commission arrangements; major theories of human motivation, for example, those of Maslow, Herzberg, and McClelland; selecting, training, and evaluating office support personnel.

(d) (5% or 2 hours) Leadership, authority, discipline; office regulations, relationships between office personnel; office policy on private transactions of licensees; effect of disciplinary action on licensees.

(e) (5% or 2 hours) Communication methods; formal versus informal; verbal versus non-verbal; reading, writing, listening, speaking; office sales meetings.

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(f) (5% or 2 hours) Advertising, including supervising content, format, and layout; public relations, image development, and relations between competitors.

(g) (5% or 2 hours) Office facilities, including legal requirements for real estate offices, such as site selection, space and office layout, furniture and equipment, signs; broker license requirements; legal requirements concerning branch offices; limitations on licenses, effect of actions on licenses, and reporting of adverse litigation.

(h) (20% or 8 hours) Financial records, such as general checking account and its use for paying commissions, receipt of competitive market analysis fees; the clients' trust account, legal requirements concerning its use, including required documentation, use of interest-bearing accounts, commingling of funds, the trust account's use in cooperative transactions, earnest money, advance fees, and rental fees.

(i) (5% or 2 hours) Financial reports, such as income statements, balance sheets, tax returns, and payroll records.

(j) (5% or 2 hours) Non-financial records, such as listing files, transaction records, cooperative transaction records, advertising folders, showing reports, competitive market analysis records and reports; legal requirements, such as broker review of salesperson transactions.

(k) (5% or 2 hours) Office manuals that specify office policy and procedures, use of the manual in training and to set out grievance procedures.

(l) (5% or 2 hours) Office activity other than real estate sales; competitive market analyses, investment counseling, construction, and development, including supervisory requirements, and the nature of the activities relative to real estate legal requirements.

(m) (5% or 2 hours) Property management: legal requirements for accounting and record keeping, Oregon Landlord Tenant Law.

(4) License applicants must complete the course, including a final examination, and receive a passing score of at least 75% on a final exam.

(5) An Agency-approved brokerage administration and sales supervision course is eligible for continuing education credit for licensees renewing under OAR 863-020-0008 or 863-020-0010 as follows:

(a) If the licensee completed the course on or before December 31, 2010; or

(b) If the licensee completed the course on or after January 1, 2011 and the course provider was a certified continuing education course provider.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.174, 696.182, & 696.184

Hist.: REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-024-0003

Definitions

As used in this division, unless the context requires otherwise, the following definitions apply to this division:

(1) "Agency" is defined in ORS 696.010.

(2) "Agency-approved form" means an electronic or paper form approved by the Real Estate Agency.

(3) "Board" means the Real Estate Board established pursuant to ORS 696.405.

(4) "Branch office" is defined in ORS 696.010.

(5) "Commissioner" is defined in ORS 696.010.

(6) "Legal name" means the first name, middle name and last or surname, without the use of initials or nicknames and is the name given at birth or subsequently acquired through marriage, court order or adoption.

(7) "Licensed Name" means the name of a real estate licensee as it appears on the current, valid real estate license issued to the licensee pursuant to ORS 696.020.

(8) "Management of rental real estate" is defined in ORS 696.010.

(9) "Principal broker" means "principal real estate broker," as defined in ORS 696.010.

(10) "Property manager" means "real estate property manager," as defined in ORS 696.010.

(11) "Real estate activity," "professional real estate activity," and "real estate business" mean "professional real estate activity" as defined in ORS 696.010, which includes managing rental real estate.

(12) "Real estate broker" is defined in ORS 696.010.

(13) "Real estate licensee" and "licensee" mean a "real estate licensee" as defined in ORS 696.010.

(14) "Registered business name" is defined in ORS 696.010.

(15) "Signed" or "Signature" means original or electronic signature as provided by OAR-024-0076.

Stat. Auth.: ORS 696.385

Stat. Implemented: ORS 696.010 & 696.020

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-024-0010

License Application Form and Content

(1) Effective July 1, 2011, before the Agency will accept any documents or information relating to an applicant's qualifications, an property manager license applicant must submit an application and fee required under this rule.

(2) Effective September 15, 2011, before the Agency will accept any documents or information relating to an applicant's qualifications, an property manager license applicant must submit an application and pay the fee required under this rule using an online application process that is available through the Agency's website.

(3) The license application includes:

(a) The applicant's legal name as defined in OAR 863-024-0003, mailing address, email address and phone number;

(b) The applicant's date and place of birth;

(c) The applicant's Social Security Number;

(d) Certification by the applicant that the applicant has a high school diploma, General Educational Development (GED) certificate or the international equivalent.

(e) Certification by the applicant that the applicant is at least 18 years of age.

(f) Whether the applicant:

(A) Has ever been convicted of or is under arrest, investigation, or indictment for a felony or misdemeanor;

(B) Has ever been refused a real estate license or any other occupational or professional license in any other state or country;

(C) Has ever had a real estate or any other occupational or professional license revoked or suspended; or

(D) Has ever been fined or reprimanded as such a licensee; and

(g) Any other information the commissioner considers necessary to evaluate the applicant's trustworthiness and competency to engage in the management of rental real estate in a manner that protects the public interest.

(h) Certification by the applicant that all information provided by the applicant is true and correct.

(4) Every license application must be accompanied by the license fee authorized by ORS 696.270. At all periods of the year, the fee for all licenses issued is as authorized by 696.270. That is, the Agency does not pro-rate license fees.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-024-0015

Background Check and Fingerprint Requirements

(1) An applicant for a property manager license must submit to a background check, except an applicant who is currently licensed as a real estate broker or principal real estate broker or who is eligible for renewal of such licenses.

(2) The background check includes a criminal background check as provided in OAR chapter 863, division 005, which requires the applicant to provide fingerprints.

(3) Effective July 1, 2011, the Agency and a vendor for fingerprinting services ("fingerprint service provider") have contractually agreed that:

(a) The fingerprint service provider will provide fingerprint services to license applicants and submit the fingerprints to the Oregon State Police for Oregon and nationwide criminal history checks.

(b) A license applicant may only submit fingerprints required by the Agency through the fingerprint services provider.

(c) A license applicant must pay the fee for fingerprinting, authorized under ORS 696.270, directly to the fingerprint services provider.

(d) A license applicant must provide fingerprints according to the requirements and instructions of the fingerprint services provider.

(e) A license applicant must have submitted a license application to the Agency before providing fingerprints.

(4) As provided in ORS 181.540, all fingerprint cards, photographs, records, reports, and criminal offender information obtained or compiled by the Agency are confidential and exempt from public inspection. The commissioner will keep such information segregated from other information on the applicant or licensee and maintain such information in a secure place.

(5) If the Agency determines that additional information is necessary in order to conduct a background check, the Agency may request such

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information in writing, and the applicant must provide the requested information. If the applicant fails to provide the requested information, the Agency may determine that the license application is incomplete and terminate the application.

Stat. Auth.: ORS 696.385
Stats. Implemented: ORS 696.020 & 696.022
Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-024-0020

Examinations

(1) For purposes of this rule, "examination provider" means the vendor, under a contract with the Agency, which provides licensing examination services and collects the fee for such services directly from a license applicant.

(2) In addition to any other licensing eligibility requirements:

(a) A property manager license applicant must pass a property manager examination.

(b) A property manager who has not held an active license for two or more consecutive years must pass a reactivation examination.

(3) To be eligible to take an examination:

(a) A license applicant must have submitted a license application and fee to the Agency required under OAR 863-024-0010 or a license reactivation application and fee required under OAR 863-024-0065;

(b) A license applicant must have successfully completed the required course of study for a property manager license under OAR 863-022-0015 from an approved school; and

(c) The school providing the course under (b) of this section must have certified to the examination provider that the applicant completed the course as provided in OAR 863-022-0060;

(4) To be admitted to an examination site:

(a) A license applicant must be eligible to take an examination under section (3) of this rule;

(b) The applicant must register with the examination provider in advance of the examination and comply with the provider's requirements and instructions; and

(c) The examination provider will collect the examination fee under ORS 696.270 directly from the applicant.

(5) An applicant must pay a separate examination fee for each examination.

(6) If an applicant for a property manager license examination passes the examination but is not issued a license within one year from the date of the examination:

(a) The applicant is no longer qualified for the license on the basis of the examination; and

(b) The applicant must retake and pass the examination as required by this rule.

Stat. Auth.: ORS 696.385
Stats. Implemented: ORS 696.020, 696.022 & 696.425
Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-024-0030

License Issue, Term, Form

(1) The Agency will issue a property manager license to an applicant after determining that the applicant meets the license requirements contained in ORS 696.022 and 696.790, has paid all required fees and meets the requirements under OAR 863-024-0045.

(2) A licensee may engage in property management from the date the license is issued until the license expires, becomes inactive, or is revoked, surrendered, or suspended.

(3) A licensee may hold only one of the following Oregon real estate licenses at any time:

(a) Real estate broker,

(b) Principal real estate broker, or

(c) Property manager.

(4) The license expiration date is the last day of the month of a licensee's birth month.

(5) The license term is not more than 24 months plus the number of days between the date the license is issued or renewed and the last day of the month of the licensee's birth month.

(6) The license will include the following information:

(a) The licensee's legal name,

(b) The license number, effective date, and expiration date,

(c) The name under which the licensee conducts real estate business or the registered business name,

(d) The licensee's business address,

(e) The seal of the Real Estate Agency, and

(f) Any other information the Agency deems appropriate.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020, 696.022 & 696.270

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2009, f. 12-15-09, cert. ef. 1-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-024-0045

Property Manager Licensing Requirements

(1) Effective July 1, 2011, to be eligible for a property manager license, an individual must complete the following steps in the order listed:

(a) Submit a license application and pay the fee to the Agency required by OAR 863-024-0010.

(b) Successfully complete the required courses of study for a property manager license required by OAR 863-022-0015.

(c) Ensure that the school providing the required course of study certifies to the examination provider that the applicant completed the course as required by OAR 863-024-0020.

(d) Pass the property manager licensing examination and pay the fee to the examination provider as required by OAR 863-012-0020.

(e) Provide fingerprints for a criminal background check and pay the fee to the fingerprint services provider as required by OAR 863-0014-0015.

(2) After the applicant meets the requirements under (1) of this rule, the Agency will complete a background check on the applicant, which includes a criminal background check under OAR 863-024-0015.

(3) Effective July 1, 2011 to September 14, 2011, after the requirements in (1) and (2) of this rule are met:

(a) The applicant must state that the applicant will be conducting professional real estate activity under the applicant's licensed name or is registering a business name as provided in (5) of this rule; or

(b) The applicant must submit to the Agency the name and address and authorization of a property manager or principal broker with whom the applicant will be associated and the authorization of the property manager or principal broker to use the registered business name.

(4) Effective September 15, 2011, after the requirements in (1) and (2) of this rule are met:

(a) The applicant must state whether the applicant will be conducting professional real estate activity under the applicant's licensed name or is registering a business name as provided in (5) of this rule; or

(b) After the applicant has submitted the following, the Agency will contact the property manager or principal broker for authorization for the applicant to be associated with the property manager or principal broker and to use the registered business name:

(A) The name and address of a property manager or principal broker with whom the applicant will be associated; and

(B) The address of the registered business name.

(5) If an applicant wishes to conduct professional real estate activity under a registered business name registered by the applicant, the applicant must first obtain a property manager license and then register a business name under 863-024-0095.

(6) A real estate property manager may only engage in the management of rental real estate. The licensee may not offer to, negotiate, attempt to, or engage in the sale, purchase, lease-option, appraisal, or exchange of real estate for another individual for compensation. The licensee may not charge, pay, receive, or accept a referral fee, finder's fee, or compensation from or share in a commission paid to a real estate broker for any activity involving the sale, purchase, lease-option, appraisal, or exchange of real estate. However, the licensee may charge, pay, receive, or accept a referral fee or finder's fee from or to a real estate broker or another real estate property manager for finding or referring an owner, renter, or lessee in real estate property management activity.

(7) A real estate property manager is responsible for all property management activity conducted under the property manager's license and for the actions of the property manager's nonlicensed property management employees. A licensed property manager may not authorize an unlicensed individual to supervise that property manager's licensed activity in the manager's absence. Except as provided for in OAR 863-024-0085, a property manager may not authorize another real estate licensee to supervise that property manager's licensed activity in the property manager's absence.

(8) A real estate property manager may be associated with a principal real estate broker to engage in property management activity on behalf of the principal real estate broker and under the supervision of that principal real estate broker. However, a property manager may not act in the broker's absence under OAR 863-024-0085.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

ADMINISTRATIVE RULES

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 1-2003(Temp), f. 2-27-03, cert. ef. 2-28-03 thru 8-27-03; REA 3-2003, f. 7-28-03, cert. ef. 8-1-03; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; REA 2-2005(Temp), f. 6-9-05, cert. ef. 7-1-05 thru 12-26-05; Administrative correction 1-20-06; Renumbered from 863-015-0045, REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-024-0050

License Renewal

(1) Effective July 1, 2011 a licensee may only submit a license renewal application and pay the fee using an online application process, which will be available through the Agency's website.

(2) For purposes of this rule, "received by the Agency" means the date a license renewal is received by the Agency or the postmarked date.

(3) A property manager license expires if a licensee fails to renew the license on or before the license expiration date. A licensee may not engage in any professional real estate activity after a license expires. A property manager may renew an expired license as provided in this rule.

(4) The Agency will renew an active property manager license to active status for the term prescribed in OAR 863-024-0030 when the Agency has received the following:

(a) The renewal fee authorized by ORS 696.270; and

(b) An Agency-approved active renewal application form requesting active license status that includes certification by the licensee that the licensee has met the real estate continuing education renewal requirements under section OAR 863-020-0010.

(5) The Agency will renew an active property manager license to inactive status for the term prescribed in OAR 863-024-0030, when the Agency has received the following:

(a) The renewal fee authorized by ORS 696.270; and

(b) An Agency-approved active renewal application form requesting active license status that includes certification by the licensee that the licensee has met the real estate continuing education renewal requirements under section (3) or (4) of this rule.

(c) The Agency will renew an inactive property manager license to inactive status for the term prescribed in OAR 863-024-0030 when the Agency has received the following:

(a) The renewal fee authorized by ORS 696.270; and

(b) An Agency-approved inactive renewal application form.

(7) The Agency will renew an inactive property manager license to active status for the term prescribed in OAR 863-024-0030, when the Agency has received the following:

(a) The renewal fee authorized by ORS 696.270; and

(b) An Agency-approved active renewal application form requesting active license status that includes certification by the licensee that the licensee has met the real estate continuing education renewal requirements under section (3) or (4) of this rule.

(8) The Agency will renew an expired property manager license to active status when the Agency receives, within one year of the date the license expired, the following:

(a) The renewal fee and a late fee authorized by ORS 696.270; and

(b) An Agency-approved active renewal application form that includes certification by the licensee that the licensee met the real estate continuing education renewal requirements under section OAR 863-020-0010.

(9) The Agency will renew an expired property manager license to inactive status when the Agency receives, within one year of the date the license expired, the following:

(a) The renewal fee and a late fee authorized by ORS 696.270; and

(b) An Agency-approved inactive renewal application form.

(10) When the Agency renews an expired license, the renewed license is effective the date the renewal requirements are met. The renewal is not retroactive to the date the license expired, and the expired license retains the status of expired during the expiration period.

(11) A license renewed under this rule expires two years from the date of the original expiration date.

(12) A real estate license that has expired for more than one year is lapsed, as defined in ORS 696.010.

(13) A license may not be renewed if it is lapsed, surrendered, suspended, or revoked. Except as provided in OAR 863-024-0075, the former licensee must reapply and meet all the licensing qualifications required of new license applicants.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020, 696.022 & 696.270

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-022-0060

Responsibilities of Providers of Real Estate Broker, Principal Broker and Property Manager License Application Courses

(1) This rule is effective July 1, 2011.

(2) For purposes of this rule, a "course provider" is:

(a) A private career school, in-state community college, college, and university that provides the 150-hour real estate broker license applicant course of study under OAR 863-022-0010, the 60-hour property manager license applicant course under OAR 863-022-0015; or the 40-hour brokerage administration and sales supervision course under OAR 863-022-0025; and

(b) A continuing education provider who provides the 40-hour brokerage administration and sales supervision course under OAR 863-022-0025.

(3) For purposes of this rule, "examination provider" means the vendor, under a contract with the Agency, which provides licensing examination services and collects the fee for such services directly from a license applicant.

(4) A course provider must certify to the examination provider that an applicant for a real estate license has successfully completed the course or courses according to the requirements and instructions of the examination provider.

(5) Before certifying completion of a course as provided in (4) of this rule, a course provider must obtain proof from a license applicant that the applicant has submitted a license application to the Agency.

(6) A course provider must inform each student taking a course that:

(a) The course provider will certify to the examination provider that an applicant for a real estate license has successfully completed the course or courses; and

(b) Before a course provider may certify successful course completion, a student must provide proof to the provider that the student has made application to the Agency for a real estate broker, principal broker or property manager license.

(7) In addition to the requirements under this rule, a course provider must provide a certificate of completion to each student.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-024-0062

Mailing Address, Email Address, Address Change, Service of Notice

(1) Each active, inactive and expired property manager licensee must maintain on file with the Agency a current mailing address and email and notify the Agency within 10 calendar days of a change of mailing or email address.

(2) A forwarding address is effective as a "current mailing address" when the Agency receives notice of the forwarding address by the United States Postal Service.

(3) Agency notice by mail, whether registered, certified, or regular, to the real estate licensee's current mailing address on file with the Agency constitutes service on the licensee.

(4) The Agency is not required by law to send notification or correspondence by regular mail to a licensee or license applicant regarding license or application status. The Agency may send notification or correspondence to a licensee or license applicant to the email address of the licensee or applicant on file with the Agency. Failure by a licensee or applicant to receive notification or correspondence provided via email does not relieve the licensee or applicant of the responsibility to maintain a current license or complete an application process.

(5) Effective September 15, 2011, the Agency's primary and preferred method of notification and correspondence is to the licensee or license applicant's email address.

(6) For purposes of this rule, "notification or correspondence" in (4) and (5) of this rule means:

(a) Notification, correspondence or confirmation to licensees about license renewal, change of license status to active or inactive, license transfers, registered business name, branch office registration, license reactivation, license expiration, and name and address changes.

(b) Notification, correspondence or confirmation to license applicants about license application status, receipt of documents or information from third parties on license qualifications, and license issuance.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

ADMINISTRATIVE RULES

863-024-0063

Property Manager License Transfers, Principal Brokers' Responsibilities, Authority to Use Registered Business Name

- (1) As used in this rule:
- (a) "Authorized licensee" means a property manager or principal broker who has authority over the use of a registered business name;
- (b) "License transfer form" means a completed and signed Agency-approved form that does one of the following:
- (A) Transfers a property manager license to a receiving principal broker in order to become associated with the receiving principal broker, or
- (B) Authorizes a property manager to use a registered business name to conduct management of rental real estate.
- (c) "Sending principal broker" means the principal real estate broker with whom an active property manager license is associated before the license transfer;
- (d) "Receiving principal broker" means the principal real estate broker with whom an active property manager license will be associated after the license transfer.
- (2) The property manager licensee must provide the following information on a license transfer form:
- (a) The name, mailing address, email address and license number of the property manager licensee who is transferring the license or documenting the authorized use of a registered business name;
- (b) The current status of the license, whether active or inactive;
- (c) If the property manager is associated with a sending principal broker, certification that the property manager provided written notice of the transfer to the sending principal broker, and that such notice was provided before the date the transfer form is submitted to the Agency, including:
- (A) The date of personal service of such notice; or
- (B) The date a certified letter was delivered by the post office to the sending principal broker's address;
- (d) If the form is used to authorize the use of a different registered business name, certification that the property manager licensee provided written notice of such change to the authorized licensee for the current registered business name, and that such notice was provided before the date the license transfer form is submitted to the Agency, including:
- (A) The date of personal service of such notice; or
- (B) The date a certified letter was delivered to the authorized licensee's address;
- (e) If applicable, the receiving principal broker's registered business name, street address, and registered business name identification number;
- (f) If applicable, the street address, registered business name identification number, and the registered business name under which the property manager licensee will be authorized to conduct management of rental real estate; and
- (g) The receiving broker's or authorized licensee's name, license number, telephone number, date, and signature.
- (3) The Agency will transfer the license of an active property manager associated with a sending principal broker to a receiving principal broker when the Agency receives a license transfer form and the transfer fee authorized by ORS 696.270.
- (4) The Agency will transfer the license of a property manager to a receiving principal broker when the Agency receives a license transfer form and the transfer fee authorized by ORS 696.270.
- (5) The Agency will transfer the license of an inactive property manager licensee, who has been inactive for a period of 30 days or less, to a receiving principal broker when the Agency receives a license transfer form and the transfer fee authorized by ORS 696.270.
- (6) A principal real estate broker with whom a property manager licensee is associated remains responsible for the licensee's management of rental real estate until the Agency receives one of the following:
- (a) An Agency-approved form submitted by the principal real estate broker terminating the relationship with the licensee under OAR 863-024-0065; or
- (b) A license transfer form and fee.
- (7) If a principal real estate broker with whom a property manager is associated voluntarily gives the license to the property manager named in the license, the principal real estate broker remains responsible for the licensee's subsequent management of rental real estate until the Agency receives one of the following:
- (a) An Agency-approved form submitted by the principal real estate broker terminating the relationship with the licensee under OAR 863-024-0065;

(b) An Agency-approved form submitted by the licensee terminating the relationship with the principal real estate broker under OAR 863-024-0065; or

(c) A license transfer form and fee.

(8) The Agency will document the registered business name under which a property manager licensee is authorized to conduct management of rental real estate when the Agency receives a license transfer form and the transfer fee authorized by ORS 696.270.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-024-0065

Inactive License, Change License Status to Active, License Reactivation

- (1) A property manager licensee whose license is on inactive status may not engage in management of rental real estate.
- (2) The commissioner may reprimand, suspend, revoke, or impose a civil penalty against an inactive licensee under ORS 696.301.
- (3) The Agency will change an active property manager license to inactive license status when the Agency actually receives a request by the licensee submitted on an Agency-approved form to change the license status to inactive.
- (4) An inactive property manager licensee may renew such license under OAR 863-024-0050.
- (5) For a period of 30 days after a property manager license becomes inactive, a property manager may change such license status from inactive to active under OAR 863-024-0063.
- (6) If a property manager license has not been on active status for two or more consecutive years, the licensee must complete the following steps in the order listed to reactivate the license:
- (a) Submit an application for licensing reactivation examination and pay the fee to the Agency authorized by ORS 696.270; and
- (b) Pass the property manager reactivation examination and pay the fee to the examination provider as required by OAR 863-024-0020.
- (7) After the 30-day period in section (5) of this rule, and subject to the examination requirements in section (6) of this rule, a property manager may change the license status from inactive to active only by submitting to the Agency:
- (a) An application for license reactivation; and
- (b) Payment of the reactivation fee authorized by ORS 696.270.
- (8) Subject to the examination requirements in section (6) of this rule, if an inactive licensee renews a license and maintains inactive status, the licensee may, within 60 days of the date of renewal, change the license status to active by submitting to the Agency:
- (a) An Agency-approved application for license reactivation that includes certification that the licensee met the real estate continuing education renewal requirements under OAR 863-020-0010; and
- (b) Payment of the active renewal fee authorized by ORS 696.270, less the amount of the inactive renewal fee already paid by the licensee.
- (9) The change of license status, transfer of license, or the reactivation of a license is effective when the Agency actually receives all required forms and fees.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-024-0066

Licensee Name Change

A licensee may apply for a name change by submitting to the Agency:

- (1) A name change application and payment of the fee authorized under ORS 696.270; and
- (2) Legal proof of the name change, which must be in the form of an official record such as a marriage certificate, divorce certificate, or a court order/decre.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-024-0076

Signature Requirements

- (1) Subject to ORS 84.001 to 84.061, the Agency may, but is not required to, accept any electronic or facsimile signature created, generated, sent, communicated, received, or stored regarding licensing documents including, but not limited to, background check applications, examination

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applications, license applications, license change forms, and license surrender forms.

(2) The Agency may require an individual to submit an original or electronic signature on any document or Agency-approved form.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

863-024-0095

Business Name Registration

(1) Before conducting business in a name other than the licensee's legal name, the property manager must register the business name with the Agency. For the purposes of this rule, "business name" means an assumed name or the name of a business entity, such as a corporation, partnership, limited liability company, or other business entity recognized by law. A licensee must maintain the registered business name with the Oregon Secretary of State's Corporation Division.

(2) To register a business name, the property manager must submit to the Agency, on a Agency-approved form, the following:

(a) The business name in which the licensee wishes to conduct business, which must be the exact name on file with the Oregon Secretary of State;

(b) Written authority by which the licensee is authorized to use the business name;

(c) A copy of the registration on file with the Oregon Secretary of State Business Registry, showing the business name is active; and

(d) The fee authorized by ORS 696.270.

(3) A property manager who wishes to use a registered business name must submit to the Agency the following:

(a) The registered business name the licensee wishes to use; and

(b) Authorization from the property manager or principal broker who is responsible for the registered business name on the records of the Agency to use the name.

(4) Business names registered with the Agency do not expire and need not be renewed by the licensee. Any change in the business name registered with the Agency will be treated as the registration of a new business name, and the change in business name must be registered with the Agency together with the fee authorized by ORS 696.270.

(5) If a licensee wishes to transfer the right to use a business name that is registered with the Agency, the licensee acquiring the right to use the name must file a change of business name registration with the Agency together with the fee authorized by ORS 696.270. A licensee must notify the Agency in writing if the licensee terminates its use of a business name.

(6) A business name registration becomes void when the Agency receives notice of termination of the use of a business name. A business name registration becomes void when no licensees are affiliated with the registered business name. A business name registration may be reactivated within one year from the voiding of a registration, unless a new user has registered the business name, without paying the fee set forth in ORS 696.270.

(7) No real estate property manager may engage in professional real estate activities under more than one registered business name. An exception to this requirement is that a real estate property manager may engage in the management of rental real estate under more than one registered business name if the business entity is an affiliated or subsidiary organization as described in OAR 863-024-0061.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.026

Hist.: REA 7-2008, f. 12-15-08, cert. ef. 1-1-09; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 7-2011, f. & cert. ef. 11-15-11

Rule Caption: Payment of fees to the Real Estate Agency.

Adm. Order No.: REA 8-2011

Filed with Sec. of State: 11-15-2011

Certified to be Effective: 11-15-11

Notice Publication Date: 8-1-2011

Rules Adopted: 863-001-0020

Subject: *Note: These rules were adopted on August 15, 2011 and filed on August 15, 2011 to become effective September 1, 2011. These rules were submitted to Legislative Counsel after the 10 day period as required under ORS 183.715 and were, therefore void. The Real Estate Agency is refiling these rules at this time.*

Establishes that the Real Estate Agency's primary method for accepting payments for licensing following fees is electronic funds

transfer or credit card payment using an online authorization and payment process.

Rules Coordinator: Laurie Skillman—(503) 378-4630

863-001-0020

Payment of Fees to the Agency

(1) As used in this rule, the following definitions apply:

(a) "Electronic funds transfer" (EFT) has the same meaning given the term in ORS 293.525.

(b) "EFT — ACH Credit" means the electronic funds transfer from a person's or entity's bank account, initiated by the person or entity, and cleared through the Automated Clearing House (ACH) network for deposit to the Agency.

(c) "EFT — ACH Debit" means the electronic funds transfer from a person's or entity's bank account, initiated by the Agency and cleared through the ACH network to debit a person's or entity's bank account and deposit to the Agency's account.

(2) Effective September 12, 2011, it is the policy of the Oregon Real Estate Agency that the payment method for accepting payments by persons or entities doing business with the Agency for the following fees shall be by EFT or credit/debit card payments:

(a) An application fee for a real estate broker, principal real estate broker or real estate property manager license.

(b) An application fee for renewal of a real estate broker, principal real estate broker or real estate property manager license.

(c) An application fee for the registration of a branch office of a principal real estate broker or property manager.

(d) An application fee for a licensee name change.

(e) An application fee to transfer a real estate broker's, principal real estate broker's or real estate property manager's license.

(f) An application fee to renew an inactive real estate broker, principal real estate broker or real estate property manager inactive license.

(h) An application fee for the reactivation of an inactive license of a real estate broker, principal real estate broker or real estate property manager.

(i) A late renewal fee that is in addition to the renewal fee, for late renewal.

(k) An application fee for the initial registration of a business name.

(l) An application fee for a membership campground contract broker, operator or salesperson.

(3) Electronic payments to the Agency shall be made using one of the following methods:

(a) Online payment process available on the Agency's website. A person or entity will authorize the Agency to charge their credit/debit card or debit their bank account using an EFT — ACH Debit through the Agency's online payment process.

(b) EFT — ACH Credit to the Agency's designated bank account. A person or entity choosing to send EFT — ACH Credits to the Agency's bank account, shall complete a form provided by the Agency. This form shall be submitted to the Agency to authorize EFT — ACH Credit payments to the Agency.

(4) Notwithstanding (3) of this rule, the Agency will grant an exception and accept payments by check when a person or entity presents satisfactory evidence of special circumstances, which the Agency will review on a case by case basis and will consider based on whether the processing of a paper check would be in the best interests of the Agency. A request for exception must be made in writing.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.270 & 296.525

Hist.: REA 4-2011, f. 8-15-11, cert. ef. 9-1-11; REA 8-2011, f. & cert. ef. 11-15-11

Rule Caption: Amends rule for petition to Board for continuing education provider.

Adm. Order No.: REA 9-2011

Filed with Sec. of State: 11-15-2011

Certified to be Effective: 11-15-11

Notice Publication Date: 8-1-2011

Rules Amended: 863-020-0025

Rules Repealed: 863-020-0025(T)

Subject: *Note: These rules were adopted on August 15, 2011 and filed on August 15, 2011 to become effective September 1, 2011. These rules were submitted to Legislative Counsel after the 10 day*

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period as required under ORS 183.715 and were, therefore void. The Real Estate Agency is refiling these rules at this time.

OAR 863-020-0025 establishes the requirements for a petitioner who wishes to petition the Real Estate Board for the Board to approve the petitioner's qualifications to apply to become a continuing education provider. A person not otherwise qualified to be a continuing education provider must apply to the Board and request the Board's approval of the person's qualifications.

Rules Coordinator: Laurie Skillman—(503) 378-4630

863-020-0025

Board Approval of Continuing Education Provider Qualification

(1) A person not otherwise qualified under OAR 863-020-0020(1)(a) through (g) seeking the Board's approval as an applicant for certification must petition the Board under this rule.

(2) The person must submit a petition for approval to the Agency on an Agency-approved form at least 21 days before the scheduled Board meeting at which the applicant wishes the Board to act. The petition must include the following:

(a) The petitioner's name, address, and phone number.

(b) Sufficient information about the petitioner named in the application to allow the Board to determine whether the petitioner qualifies for certification, including specifics about one or both of the following:

(A) Petitioner's demonstrated expertise and experience in providing educational courses to real estate licensees;

(B) Petitioner's demonstrated experience and expertise in at least two course topics eligible for continuing education credit under OAR 863-020-0035(4)(a)-(gg).

(c) Attestation by the petitioner that the petitioner knows and understands:

(A) The responsibilities of a continuing education provider under OAR 863-020-0050;

(B) The requirements of an instructor under ORS 696.186 and the information required on a continuing education instructor form under OAR 863-020-0060.

(3) If the Board approves the petition, the Agency will mail a letter to the petitioner confirming the Board's approval, and the petitioner may apply for certification as a course provider under OAR 863-020-0030.

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.182

Hist.: REA 1-2010, f. 6-14-10, cert. ef. 7-1-10; REA 1-2011(Temp), f. 2-3-11, cert. ef. 2-4-11 thru 8-3-11; REA 2-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 5-2011, f. 8-15-11, cert. ef. 9-1-11; REA 9-2011, f. & cert. ef. 11-15-11

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Teacher Standards and Practices Commission Chapter 584

Rule Caption: Aligns Basic and Standard licenses with Initial and Continuing Licenses. Removes reference to "building limitations" except in Specialty Endorsements.

Adm. Order No.: TSPC 7-2011(Temp)

Filed with Sec. of State: 11-15-2011

Certified to be Effective: 11-15-11 thru 5-11-12

Notice Publication Date:

Rules Amended: 584-036-0015

Subject: 584-036-0015 — *Basic and Standard Teaching Licenses with Authorizations and Endorsements* — Amends rule to align the Basic and Standard teaching licenses with the Initial and Continuing licenses. Removes reference to "building limitations" except in Specialty Endorsements.

Rules Coordinator: Lynn Beaton—(503) 373-0981

584-036-0015

Basic and Standard Teaching Licenses with Authorizations and Endorsements

(1) A Basic Teaching License issued under rules adopted prior to 1999 is valid for three years and may be renewed under conditions set forth in division 048. Except as provided in subsection (b) immediately below, the endorsements are valid only for assignments in grades K through grade nine if requirements leading to standard licensure are not met.

(a) To retain authorization for teaching in a high school, holders of subject matter endorsements must meet renewal requirements leading to standard licensure (See, Division 40 for further information).

(b) If the Basic Teaching License is endorsed in art, library (educational) media, world (foreign) language, health, family and consumer sci-

ence (home economics), technology (industrial arts), music, physical education and reading, the assignment is limited to preprimary programs and grades 1 through 8, in any school and grade 9 if the teacher is teaching in a middle school or a junior high.

(2) A Standard Teaching License issued under rules adopted prior to 1999 is valid for five years and may be renewed. A Standard Teaching License is valid for the same assignments as a Basic Teaching License with similar authorizations and endorsements. In addition, the Standard Teaching License authorizes assignments in grades five through twelve or in preprimary through grade twelve for which a renewed Basic Teaching License may not provide authorization. These authorizations and endorsements are explained in the following sections.

(3) Grade level authorizations are stated on a Basic or Standard Teaching License as follows:

(a) Preprimary through nine, except as provided in section (1)(b) of this rule;

(b) Preprimary through twelve;

(c) Grades five through nine; or

(d) Grades five through twelve.

(4) Assignments: Assignments which are permitted on Basic and Standard Teaching Licenses are stated as endorsements as follows:

(a) Elementary (014): An elementary subject matter endorsement issued before January 14, 1987 is valid for the self-contained classroom and for departmental assignments in preprimary through grade nine except assignments of .51 percent or more in:

(A) Art;

(B) Library media;

(C) World language;

(D) Health;

(E) Home economics;

(F) Technology education;

(G) Music;

(H) Physical education;

(I) Reading;

(J) ESOL; and

(K) School Counseling.

(b) Elementary (016): An elementary subject matter endorsement issued after January 14, 1987 is valid for assignments in preprimary through grade nine except assignments of .51 percent or more in:

(A) Art;

(B) Library media;

(C) World language;

(D) Health;

(E) Home economics;

(F) Technology education;

(G) Mathematics;

(H) Music;

(I) Physical education;

(J) Reading;

(K) ESOL; and

(L) School Counseling.

(c) The elementary endorsement is also valid for assignments in the high school in which the holder is teaching elementary basic skills as it relates to more than one of the following high school subject areas:

(A) Language arts;

(B) Social studies;

(C) Mathematics; or

(D) Reading.

(d) Middle School endorsements: Middle school endorsements in language arts, social studies or science may be added to a Basic or Standard teaching license. These endorsements are valid to teach the subject in grades 5 through 9.

(e) Subject matter endorsements valid in preprimary through 12: The following subject matter endorsements are valid for teaching in the subject area in grades preprimary through grade twelve:

(A) Art;

(B) ESOL;

(C) World language;

(D) Health;

(E) Home economics;

(F) Technology education;

(G) Library media;

(H) Mathematics;

(I) Music;

(J) Physical education; or

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(K) Reading.

(5) Special Education Assignments: The appropriate special education endorsement is required for a special education assignment in a state-reimbursed or state-approved program. Special education endorsements are valid in preprimary through grade twelve, but are limited to teaching in the special education endorsement area only.

(a) The Exceptional Learner I and II endorsements are valid for teaching exceptional learners and severe exceptional needs learners, except hearing impaired, speech impaired, and visually impaired, which require the specific endorsement.

(b) The Severe Exceptional Needs Learner endorsement is valid for teaching those defined in OAR 584-036-0005.

(6) Basic special education license must qualify for standard: Upon expiration of the second Basic Teaching License, the holder of a special education endorsement must qualify for a Standard Teaching License with a standard special education endorsement. The severe exceptional needs learner endorsement is an exception to this rule; it may be renewed without completion of a Standard Teaching License. (See OAR 584-048-0030 regarding renewal of the severe exceptional needs learner endorsement.)

(7) Career and Technical Education endorsements: A career and technical education endorsement is valid for teaching in career and technical education programs approved by the Oregon Department of Education and as noted on the license. Any career and technical education endorsement is valid for assignments in diversified occupations or as work experience coordinators. (See OAR 584 division 42 for Career and Technical Education Licenses.)

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430 & 342.985

Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 2-1979, f. 8-21-79, ef. 1-1-80; TS 2-1981(Temp), f. & ef. 8-17-81; TS 1-1982, f. & ef. 1-5-82; TS 6-1982, f. & ef. 12-9-82; TS 3-1983, f. & ef. 5-16-83; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 7-1986, f. 10-15-86, ef. 1-15-87; TS 1-1987, f. & ef. 3-3-87; TS 1-1988, f. 1-14-88, cert. ef. 1-15-88; TS 3-1988, f. & cert. ef. 4-7-88; TS 2-1989, f. & cert. ef. 2-16-89; TS 3-1989, f. & cert. ef. 7-31-89; TS 5-1989(Temp), f. & cert. ef. 10-6-89; TS 7-1989, f. & cert. ef. 12-13-89; TS 2-1990, f. 6-1-90, cert. ef. 6-14-90; TS 1-1992, f. & cert. ef. 1-15-92; TS 4-1992, f. & cert. ef. 10-1-92; TS 6-1997, f. 9-25-97, cert. ef. 1-15-01; TSPC 5-2001, f. & cert. ef. 12-13-01; TSPC 4-2005(Temp), f. & cert. ef. 5-6-05 thru 9-30-05; TSPC 7-2005, f. & cert. ef. 8-24-05; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 2-2009, f. & cert. ef. 3-12-09; TSPC 7-2011(Temp), f. & cert. ef. 11-15-11 thru 5-11-12

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137-055-1020	7-1-2011	Amend	8-1-2011	137-055-6023	7-1-2011	Amend	8-1-2011
137-055-1020(T)	7-1-2011	Repeal	8-1-2011	137-055-6120	3-31-2011	Amend(T)	5-1-2011
137-055-1090	3-31-2011	Amend(T)	5-1-2011	137-055-6120	7-1-2011	Amend	8-1-2011
137-055-1090	7-1-2011	Amend	8-1-2011	137-055-6120(T)	7-1-2011	Repeal	8-1-2011
137-055-1090(T)	7-1-2011	Repeal	8-1-2011	137-055-7020	3-31-2011	Amend(T)	5-1-2011
137-055-1120	3-31-2011	Amend(T)	5-1-2011	137-055-7020	7-1-2011	Amend	8-1-2011
137-055-1120	7-1-2011	Amend	8-1-2011	137-055-7020(T)	7-1-2011	Repeal	8-1-2011
137-055-1120(T)	7-1-2011	Repeal	8-1-2011	137-055-7040	3-31-2011	Amend(T)	5-1-2011
137-055-1145	3-31-2011	Amend(T)	5-1-2011	137-055-7040	7-1-2011	Amend	8-1-2011
137-055-1145	7-1-2011	Amend	8-1-2011	137-055-7040(T)	7-1-2011	Repeal	8-1-2011
137-055-1145(T)	7-1-2011	Repeal	8-1-2011	137-055-7060	3-31-2011	Amend(T)	5-1-2011
137-055-1160	11-2-2011	Amend(T)	12-1-2011	137-055-7060	7-1-2011	Amend	8-1-2011
137-055-3200	10-3-2011	Amend	11-1-2011	137-055-7060(T)	7-1-2011	Repeal	8-1-2011
137-055-3220	3-31-2011	Amend(T)	5-1-2011	137-055-7080	3-31-2011	Suspend	5-1-2011
137-055-3220	7-1-2011	Amend	8-1-2011	137-055-7080	7-1-2011	Repeal	8-1-2011
137-055-3220(T)	7-1-2011	Repeal	8-1-2011	137-055-7100	3-31-2011	Amend(T)	5-1-2011
137-055-3240	3-31-2011	Amend(T)	5-1-2011	137-055-7100	7-1-2011	Amend	8-1-2011
137-055-3240	7-1-2011	Amend	8-1-2011	137-055-7100(T)	7-1-2011	Repeal	8-1-2011
137-055-3240(T)	7-1-2011	Repeal	8-1-2011	137-055-7120	3-31-2011	Amend(T)	5-1-2011
137-055-3360	10-3-2011	Amend	11-1-2011	137-055-7120	7-1-2011	Amend	8-1-2011
137-055-3400	3-31-2011	Amend(T)	5-1-2011	137-055-7120(T)	7-1-2011	Repeal	8-1-2011
137-055-3400	7-1-2011	Amend	8-1-2011	137-055-7140	3-31-2011	Amend(T)	5-1-2011
137-055-3400(T)	7-1-2011	Repeal	8-1-2011	137-055-7140	7-1-2011	Amend	8-1-2011
137-055-3420	3-31-2011	Amend(T)	5-1-2011	137-055-7140(T)	7-1-2011	Repeal	8-1-2011
137-055-3420	7-1-2011	Amend	8-1-2011	137-055-7160	3-31-2011	Amend(T)	5-1-2011
137-055-3420(T)	7-1-2011	Repeal	8-1-2011	137-055-7160	7-1-2011	Amend	8-1-2011
137-055-3430	12-27-2010	Amend	2-1-2011	137-055-7160(T)	7-1-2011	Repeal	8-1-2011
137-055-3430(T)	12-27-2010	Repeal	2-1-2011	137-055-7180	3-31-2011	Amend(T)	5-1-2011
137-055-4040	3-31-2011	Amend(T)	5-1-2011	137-055-7180	7-1-2011	Amend	8-1-2011
137-055-4040	7-1-2011	Amend	8-1-2011	137-055-7180(T)	7-1-2011	Repeal	8-1-2011
137-055-4040(T)	7-1-2011	Repeal	8-1-2011	137-055-7190	3-31-2011	Amend(T)	5-1-2011
137-055-4060	7-1-2011	Amend	8-1-2011	137-055-7190	7-1-2011	Amend	8-1-2011

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137-078-0000	12-1-2010	Amend	1-1-2011	141-085-0560	3-1-2011	Amend	4-1-2011
137-078-0000(T)	12-1-2010	Repeal	1-1-2011	141-085-0565	3-1-2011	Amend	4-1-2011
137-078-0005	12-1-2010	Amend	1-1-2011	141-085-0575	3-1-2011	Amend	4-1-2011
137-078-0005(T)	12-1-2010	Repeal	1-1-2011	141-085-0585	3-1-2011	Amend	4-1-2011
137-078-0010	12-1-2010	Amend	1-1-2011	141-085-0590	3-1-2011	Amend	4-1-2011
137-078-0010(T)	12-1-2010	Repeal	1-1-2011	141-085-0595	3-1-2011	Amend	4-1-2011
137-078-0015	12-1-2010	Amend	1-1-2011	141-085-0665	3-1-2011	Amend	4-1-2011
137-078-0015(T)	12-1-2010	Repeal	1-1-2011	141-085-0675	3-1-2011	Repeal	4-1-2011
137-078-0020	12-1-2010	Amend	1-1-2011	141-085-0676	3-1-2011	Amend	4-1-2011
137-078-0020(T)	12-1-2010	Repeal	1-1-2011	141-085-0680	3-1-2011	Amend	4-1-2011
137-078-0025	12-1-2010	Amend	1-1-2011	141-085-0685	3-1-2011	Amend	4-1-2011
137-078-0025(T)	12-1-2010	Repeal	1-1-2011	141-085-0690	3-1-2011	Amend	4-1-2011
137-078-0030	12-1-2010	Amend	1-1-2011	141-085-0695	3-1-2011	Amend	4-1-2011
137-078-0030(T)	12-1-2010	Repeal	1-1-2011	141-085-0700	3-1-2011	Amend	4-1-2011
137-078-0035	12-1-2010	Amend	1-1-2011	141-085-0705	3-1-2011	Amend	4-1-2011
137-078-0035(T)	12-1-2010	Repeal	1-1-2011	141-085-0710	3-1-2011	Amend	4-1-2011
137-078-0040	12-1-2010	Amend	1-1-2011	141-085-0715	3-1-2011	Amend	4-1-2011
137-078-0040(T)	12-1-2010	Repeal	1-1-2011	141-085-0720	3-1-2011	Amend	4-1-2011
137-078-0041	12-1-2010	Adopt	1-1-2011	141-085-0725	3-1-2011	Amend	4-1-2011
137-078-0041(T)	12-1-2010	Repeal	1-1-2011	141-085-0730	3-1-2011	Amend	4-1-2011
137-078-0045	12-1-2010	Amend	1-1-2011	141-085-0735	3-1-2011	Amend	4-1-2011
137-078-0045(T)	12-1-2010	Repeal	1-1-2011	141-085-0740	3-1-2011	Amend	4-1-2011
137-078-0050	12-1-2010	Amend	1-1-2011	141-085-0745	3-1-2011	Amend	4-1-2011
137-078-0050(T)	12-1-2010	Repeal	1-1-2011	141-085-0755	3-1-2011	Amend	4-1-2011
137-078-0051	12-1-2010	Adopt	1-1-2011	141-085-0760	3-1-2011	Amend	4-1-2011
137-078-0051(T)	12-1-2010	Repeal	1-1-2011	141-085-0765	3-1-2011	Amend	4-1-2011
137-082-0210	4-1-2011	Amend	5-1-2011	141-085-0770	3-1-2011	Amend	4-1-2011
137-082-0220	4-1-2011	Amend	5-1-2011	141-085-0775	3-1-2011	Amend	4-1-2011
137-082-0230	4-1-2011	Amend	5-1-2011	141-085-0780	3-1-2011	Amend	4-1-2011
137-082-0240	4-1-2011	Amend	5-1-2011	141-085-0785	3-1-2011	Amend	4-1-2011
137-082-0250	4-1-2011	Amend	5-1-2011	141-089-0095	3-1-2011	Repeal	4-1-2011
137-082-0260	4-1-2011	Amend	5-1-2011	141-089-0100	3-1-2011	Repeal	4-1-2011
137-082-0270	4-1-2011	Amend	5-1-2011	141-089-0105	3-1-2011	Repeal	4-1-2011
137-082-0280	4-1-2011	Amend	5-1-2011	141-089-0110	3-1-2011	Repeal	4-1-2011
137-083-0000	4-1-2011	Amend	5-1-2011	141-089-0115	3-1-2011	Repeal	4-1-2011
137-083-0010	4-1-2011	Amend	5-1-2011	141-089-0120	3-1-2011	Repeal	4-1-2011
137-083-0020	4-1-2011	Amend	5-1-2011	141-089-0125	3-1-2011	Repeal	4-1-2011
137-083-0040	4-1-2011	Amend	5-1-2011	141-089-0130	3-1-2011	Repeal	4-1-2011
137-083-0050	4-1-2011	Amend	5-1-2011	141-089-0135	3-1-2011	Repeal	4-1-2011
141-040-0211	1-1-2011	Amend	1-1-2011	141-089-0140	3-1-2011	Repeal	4-1-2011
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141-040-0213	1-1-2011	Amend	1-1-2011	141-089-0150	3-1-2011	Repeal	4-1-2011
141-040-0214	1-1-2011	Amend	1-1-2011	141-089-0155	3-1-2011	Repeal	4-1-2011
141-040-0220	1-1-2011	Amend	1-1-2011	141-089-0160	3-1-2011	Repeal	4-1-2011
141-085-0506	3-1-2011	Amend	4-1-2011	141-089-0165	3-1-2011	Repeal	4-1-2011
141-085-0510	3-1-2011	Amend	4-1-2011	141-089-0170	3-1-2011	Repeal	4-1-2011
141-085-0515	3-1-2011	Amend	4-1-2011	141-089-0175	3-1-2011	Repeal	4-1-2011
141-085-0520	3-1-2011	Amend	4-1-2011	141-089-0180	3-1-2011	Repeal	4-1-2011
141-085-0525	3-1-2011	Amend	4-1-2011	141-089-0185	3-1-2011	Repeal	4-1-2011
141-085-0530	3-1-2011	Amend	4-1-2011	141-089-0190	3-1-2011	Repeal	4-1-2011
141-085-0534	3-1-2011	Amend	4-1-2011	141-089-0192	3-1-2011	Repeal	4-1-2011
141-085-0535	3-1-2011	Amend	4-1-2011	141-089-0195	3-1-2011	Repeal	4-1-2011
141-085-0540	3-1-2011	Amend	4-1-2011	141-089-0200	3-1-2011	Repeal	4-1-2011
141-085-0545	3-1-2011	Amend	4-1-2011	141-089-0205	3-1-2011	Repeal	4-1-2011
141-085-0550	3-1-2011	Amend	4-1-2011	141-089-0210	3-1-2011	Repeal	4-1-2011

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141-100-0030	3-1-2011	Amend	4-1-2011	162-014-0020	1-27-2011	Repeal	3-1-2011
141-100-0035	3-1-2011	Adopt	4-1-2011	162-014-0030	1-27-2011	Repeal	3-1-2011
141-100-0040	3-1-2011	Amend	4-1-2011	162-014-0040	1-27-2011	Repeal	3-1-2011
141-100-0050	3-1-2011	Am. & Ren.	4-1-2011	162-014-0050	1-27-2011	Repeal	3-1-2011
141-100-0052	3-1-2011	Adopt	4-1-2011	162-014-0060	1-27-2011	Repeal	3-1-2011
141-100-0055	3-1-2011	Amend	4-1-2011	162-014-0070	1-27-2011	Repeal	3-1-2011
141-100-0060	3-1-2011	Amend	4-1-2011	162-014-0080	1-27-2011	Repeal	3-1-2011
141-100-0070	3-1-2011	Amend	4-1-2011	162-014-0090	1-27-2011	Repeal	3-1-2011
141-100-0080	3-1-2011	Amend	4-1-2011	162-014-0100	1-27-2011	Repeal	3-1-2011
141-100-0090	3-1-2011	Amend	4-1-2011	162-014-0110	1-27-2011	Repeal	3-1-2011
150-280.075	1-1-2011	Amend	2-1-2011	162-014-0120	1-27-2011	Repeal	3-1-2011
150-293.525(1)(b)	1-1-2011	Amend	2-1-2011	162-014-0130	1-27-2011	Repeal	3-1-2011
150-294.175(2)-(B)	1-1-2011	Amend	2-1-2011	162-014-0140	1-27-2011	Repeal	3-1-2011
150-307.126	1-1-2011	Adopt	2-1-2011	162-014-0150	1-27-2011	Repeal	3-1-2011
150-311.160	1-1-2011	Repeal	2-1-2011	162-014-0160	1-27-2011	Repeal	3-1-2011
150-314.402(1)	1-1-2011	Amend	2-1-2011	162-014-0170	1-27-2011	Repeal	3-1-2011
150-314.665(2)-(A)	12-1-2010	Amend(T)	1-1-2011	162-014-0180	1-27-2011	Repeal	3-1-2011
150-314.665(2)-(A)	3-21-2011	Amend	5-1-2011	162-014-0190	1-27-2011	Repeal	3-1-2011
150-314.665(2)-(A) (Temp)	3-21-2011	Repeal	5-1-2011	162-014-0200	1-27-2011	Repeal	3-1-2011
150-314.665(2)-(C)	12-1-2010	Suspend	1-1-2011	162-014-0210	1-27-2011	Repeal	3-1-2011
150-314.665(2)-(C)	3-21-2011	Adopt	5-1-2011	162-014-0220	1-27-2011	Repeal	3-1-2011
150-314.665(2)-(C) (Temp)	3-21-2011	Repeal	5-1-2011	162-014-0230	1-27-2011	Repeal	3-1-2011
150-314.760	1-1-2011	Repeal	2-1-2011	162-014-0240	1-27-2011	Repeal	3-1-2011
150-315.354	12-17-2010	Amend(T)	2-1-2011	162-015-0000	1-27-2011	Repeal	3-1-2011
150-315.HB3672	10-12-2011	Adopt(T)	11-1-2011	162-015-0010	1-27-2011	Repeal	3-1-2011
150-316.587(8)-(A)	1-1-2011	Amend	2-1-2011	162-015-0020	1-27-2011	Repeal	3-1-2011
150-316.OL2010.CH66	1-1-2011	Adopt	2-1-2011	162-015-0030	1-27-2011	Repeal	3-1-2011
150-323.500(9)	1-1-2011	Amend	2-1-2011	162-015-0040	1-27-2011	Repeal	3-1-2011
150-323.500(9) (T)	1-1-2011	Repeal	2-1-2011	162-015-0050	1-27-2011	Repeal	3-1-2011
150-465.101(5)-(B)	1-1-2011	Adopt	2-1-2011	162-015-0060	1-27-2011	Repeal	3-1-2011
150-465.101(5)-(B) (T)	1-1-2011	Repeal	2-1-2011	162-015-0070	1-27-2011	Repeal	3-1-2011
160-050-0230	9-22-2011	Amend	11-1-2011	162-015-0080	1-27-2011	Repeal	3-1-2011
160-050-0240	9-22-2011	Amend	11-1-2011	162-015-0090	1-27-2011	Repeal	3-1-2011
161-006-0025	7-1-2011	Amend(T)	6-1-2011	162-015-0100	1-27-2011	Repeal	3-1-2011
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	165-007-0250	9-30-2011	Repeal	11-1-2011
162-013-0020	1-27-2011	Repeal	3-1-2011	165-007-2012	8-23-2011	Adopt(T)	10-1-2011
162-013-0030	1-27-2011	Repeal	3-1-2011	165-007-2012	9-26-2011	Adopt(T)	11-1-2011
162-013-0040	1-27-2011	Repeal	3-1-2011	165-007-2012(T)	9-26-2011	Suspend	11-1-2011
162-013-0050	1-27-2011	Repeal	3-1-2011	165-010-0005	2-4-2011	Amend	3-1-2011
162-013-0060	1-27-2011	Repeal	3-1-2011	165-010-0005	8-16-2011	Amend(T)	10-1-2011
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165-012-0005	9-30-2011	Amend(T)	11-1-2011	177-052-0000	9-2-2011	Adopt(T)	10-1-2011
165-013-0010	4-8-2011	Amend	5-1-2011	177-052-0010	9-2-2011	Adopt(T)	10-1-2011
165-014-0030	9-26-2011	Amend	11-1-2011	177-052-0020	9-2-2011	Adopt(T)	10-1-2011
165-014-0032	9-26-2011	Repeal	11-1-2011	177-052-0030	9-2-2011	Adopt(T)	10-1-2011
165-014-0100	8-1-2011	Amend	9-1-2011	177-052-0040	9-2-2011	Adopt(T)	10-1-2011
165-014-0110	9-26-2011	Amend	11-1-2011	177-052-0050	9-2-2011	Adopt(T)	10-1-2011
165-014-0260	8-11-2011	Amend	9-1-2011	177-052-0060	9-2-2011	Adopt(T)	10-1-2011
165-014-0275	8-4-2011	Amend	9-1-2011	177-052-0070	9-2-2011	Adopt(T)	10-1-2011
165-020-0005	2-4-2011	Amend	3-1-2011	177-070-0016	9-1-2011	Adopt	10-1-2011
165-020-2027	2-11-2011	Adopt(T)	3-1-2011	177-085-0065	12-12-2010	Amend	1-1-2011
165-020-2028	2-18-2011	Adopt(T)	4-1-2011	177-094-0080	12-1-2010	Amend	1-1-2011
165-020-2029	2-18-2011	Adopt(T)	4-1-2011	177-098-0010	12-12-2010	Amend	1-1-2011
165-020-2030	2-22-2011	Adopt(T)	4-1-2011	177-098-0040	12-12-2010	Amend	1-1-2011
165-020-2031	3-8-2011	Adopt(T)	4-1-2011	177-098-0060	12-12-2010	Amend	1-1-2011
166-030-0060	7-15-2011	Amend(T)	8-1-2011	177-098-0110	12-12-2010	Amend	1-1-2011
166-500-0040	6-10-2011	Amend(T)	7-1-2011	177-099-0000	9-1-2011	Amend	10-1-2011
166-500-0040	7-1-2011	Amend(T)	8-1-2011	177-099-0015	9-1-2011	Adopt	10-1-2011
166-500-0040	10-14-2011	Amend	11-1-2011	177-099-0020	9-1-2011	Amend	10-1-2011
166-500-0040(T)	7-1-2011	Suspend	8-1-2011	177-099-0030	9-1-2011	Amend	10-1-2011
170-061-0015	2-28-2011	Amend	4-1-2011	177-099-0100	3-1-2011	Adopt	4-1-2011
170-062-0000	12-1-2010	Amend(T)	1-1-2011	177-200-0020	9-18-2011	Amend(T)	10-1-2011
170-062-0000	4-1-2011	Amend	5-1-2011	177-200-0032	9-18-2011	Amend(T)	10-1-2011
170-062-0000(T)	4-1-2011	Repeal	5-1-2011	190-001-0000	12-1-2010	Repeal	1-1-2011
172-001-0005	1-10-2011	Amend	2-1-2011	190-001-0005	12-1-2010	Repeal	1-1-2011
172-005-0000	1-10-2011	Amend	2-1-2011	190-010-0000	1-3-2011	Repeal	2-1-2011
172-005-0010	1-10-2011	Amend	2-1-2011	190-010-0005	1-3-2011	Repeal	2-1-2011
172-005-0020	1-10-2011	Amend	2-1-2011	190-010-0010	1-3-2011	Repeal	2-1-2011
172-005-0030	1-10-2011	Amend	2-1-2011	190-010-0015	1-3-2011	Repeal	2-1-2011
172-005-0040	1-10-2011	Amend	2-1-2011	190-010-0020	1-3-2011	Repeal	2-1-2011
172-005-0050	1-10-2011	Amend	2-1-2011	190-010-0025	1-3-2011	Repeal	2-1-2011
172-005-0060	1-10-2011	Amend	2-1-2011	190-010-0030	1-3-2011	Repeal	2-1-2011
172-005-0065	1-10-2011	Adopt	2-1-2011	190-010-0035	1-3-2011	Am. & Ren.	2-1-2011
172-005-0070	1-10-2011	Amend	2-1-2011	190-010-0040	1-3-2011	Repeal	2-1-2011
177-040-0000	1-1-2011	Amend	2-1-2011	213-003-0001	11-1-2011	Amend(T)	12-1-2011
177-040-0001	1-1-2011	Amend	2-1-2011	213-013-0010	1-1-2012	Amend	1-1-2011
177-040-0003	1-1-2011	Amend	2-1-2011	213-017-0006	12-26-2010	Amend	1-1-2011
177-040-0005	5-1-2011	Amend	6-1-2011	213-017-0006	11-1-2011	Amend(T)	12-1-2011
177-040-0024	1-1-2011	Adopt	2-1-2011	213-017-0006(T)	12-26-2010	Repeal	1-1-2011
177-040-0070	1-1-2011	Amend	2-1-2011	213-017-0008	11-1-2011	Amend(T)	12-1-2011
177-045-0000	5-1-2011	Amend	6-1-2011	213-070-0000	1-1-2011	Adopt	1-1-2011
177-045-0010	5-1-2011	Amend	6-1-2011	213-070-0005	1-1-2011	Adopt	1-1-2011
177-051-0000	8-1-2011	Amend	9-1-2011	213-070-0010	1-1-2011	Adopt	1-1-2011
177-051-0010	8-1-2011	Amend	9-1-2011	213-070-0020	1-1-2011	Adopt	1-1-2011
177-051-0020	8-1-2011	Repeal	9-1-2011	213-070-0030	1-1-2011	Adopt	1-1-2011
177-051-0030	8-1-2011	Amend	9-1-2011	213-070-0040	1-1-2011	Adopt	1-1-2011
177-051-0035	8-1-2011	Adopt	9-1-2011	213-070-0050	1-1-2011	Adopt	1-1-2011
177-051-0040	8-1-2011	Amend	9-1-2011	250-010-0400	11-1-2011	Repeal	12-1-2011
177-051-0050	8-1-2011	Repeal	9-1-2011	250-010-0430	2-1-2011	Amend	2-1-2011
177-051-0060	8-1-2011	Repeal	9-1-2011	250-010-0430	11-1-2011	Amend	12-1-2011
177-051-0070	8-1-2011	Repeal	9-1-2011	250-010-0440	11-1-2011	Amend	12-1-2011
177-051-0080	8-1-2011	Repeal	9-1-2011	250-010-0450	2-1-2011	Amend	2-1-2011
177-051-0090	8-1-2011	Repeal	9-1-2011	250-010-0450	11-1-2011	Repeal	12-1-2011
177-051-0100	8-1-2011	Repeal	9-1-2011	250-010-0460	11-1-2011	Repeal	12-1-2011
177-051-0110	8-1-2011	Repeal	9-1-2011	250-010-0650	2-1-2011	Amend	2-1-2011
177-051-0120	8-1-2011	Amend	9-1-2011	250-010-0650	8-18-2011	Amend(T)	10-1-2011

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250-016-0001	11-1-2011	Repeal	12-1-2011	255-036-0030	6-23-2011	Amend	8-1-2011
250-016-0002	11-1-2011	Repeal	12-1-2011	255-060-0018	1-11-2011	Adopt	2-1-2011
250-016-0003	11-1-2011	Repeal	12-1-2011	255-080-0001	12-1-2010	Amend	1-1-2011
250-016-0004	11-1-2011	Repeal	12-1-2011	255-080-0005	12-1-2010	Amend	1-1-2011
250-016-0005	11-1-2011	Repeal	12-1-2011	255-080-0008	12-1-2010	Adopt	1-1-2011
250-016-0006	11-1-2011	Repeal	12-1-2011	255-080-0008	12-1-2010	Amend	1-1-2011
250-016-0007	11-1-2011	Repeal	12-1-2011	255-080-0011	12-1-2010	Amend	1-1-2011
250-016-0008	11-1-2011	Repeal	12-1-2011	257-010-0015	2-28-2011	Amend	3-1-2011
250-016-0009	11-1-2011	Repeal	12-1-2011	257-010-0015(T)	2-28-2011	Repeal	3-1-2011
250-016-0010	11-1-2011	Repeal	12-1-2011	257-010-0020	2-28-2011	Amend	3-1-2011
250-016-0011	11-1-2011	Repeal	12-1-2011	257-010-0020(T)	2-28-2011	Repeal	3-1-2011
250-016-0012	11-1-2011	Repeal	12-1-2011	257-010-0025	2-28-2011	Amend	3-1-2011
250-016-0014	11-1-2011	Repeal	12-1-2011	257-010-0025(T)	2-28-2011	Repeal	3-1-2011
250-016-0015	11-1-2011	Repeal	12-1-2011	257-010-0045	2-28-2011	Amend	3-1-2011
250-016-0020	11-1-2011	Adopt	12-1-2011	257-010-0045(T)	2-28-2011	Repeal	3-1-2011
250-016-0025	11-1-2011	Adopt	12-1-2011	257-010-0050	2-28-2011	Amend	3-1-2011
250-016-0030	11-1-2011	Adopt	12-1-2011	257-010-0050(T)	2-28-2011	Repeal	3-1-2011
250-016-0035	11-1-2011	Adopt	12-1-2011	257-010-0055	2-28-2011	Amend	3-1-2011
250-016-0040	11-1-2011	Adopt	12-1-2011	257-010-0055(T)	2-28-2011	Repeal	3-1-2011
250-016-0045	11-1-2011	Adopt	12-1-2011	257-050-0050	9-7-2011	Amend	10-1-2011
250-016-0050	11-1-2011	Adopt	12-1-2011	257-050-0155	9-7-2011	Amend	10-1-2011
250-016-0055	11-1-2011	Adopt	12-1-2011	257-050-0157	9-7-2011	Amend	10-1-2011
250-016-0060	11-1-2011	Adopt	12-1-2011	257-050-0200	3-8-2011	Amend	4-1-2011
250-016-0065	11-1-2011	Adopt	12-1-2011	259-001-0015	8-29-2011	Amend	10-1-2011
250-016-0070	11-1-2011	Adopt	12-1-2011	259-003-0015	8-29-2011	Amend	10-1-2011
250-016-0075	11-1-2011	Adopt	12-1-2011	259-005-0015	8-29-2011	Amend	10-1-2011
250-016-0080	11-1-2011	Adopt	12-1-2011	259-008-0010	6-28-2011	Amend	8-1-2011
250-016-0085	11-1-2011	Adopt	12-1-2011	259-008-0010	10-1-2011	Amend	11-1-2011
250-020-0151	1-3-2011	Amend(T)	2-1-2011	259-008-0011	12-23-2010	Amend	2-1-2011
250-020-0151	5-2-2011	Amend	6-1-2011	259-008-0011	6-28-2011	Amend	8-1-2011
250-020-0151(T)	5-2-2011	Repeal	6-1-2011	259-008-0011	10-1-2011	Amend	11-1-2011
250-020-0221	4-8-2011	Amend(T)	5-1-2011	259-008-0011(T)	12-23-2010	Repeal	2-1-2011
250-020-0221	7-1-2011	Amend(T)	8-1-2011	259-008-0025	5-1-2011	Amend	5-1-2011
250-020-0221(T)	8-5-2011	Suspend	9-1-2011	259-008-0060	6-24-2011	Amend	8-1-2011
250-020-0241	5-2-2011	Amend	6-1-2011	259-008-0069	10-27-2011	Adopt(T)	12-1-2011
250-020-0280	5-25-2011	Amend	4-1-2011	259-008-0070	7-1-2011	Amend	8-1-2011
250-020-0280	6-1-2011	Amend	6-1-2011	259-008-0072	6-30-2011	Repeal	8-1-2011
250-020-0280	6-15-2011	Amend(T)	6-1-2011	259-009-0005	5-1-2011	Amend	5-1-2011
250-021-0040	1-3-2011	Amend(T)	2-1-2011	259-009-0005	8-1-2011	Amend	9-1-2011
250-021-0040	5-2-2011	Amend	6-1-2011	259-009-0062	5-1-2011	Amend	5-1-2011
250-021-0040(T)	5-2-2011	Repeal	6-1-2011	259-009-0070	4-1-2011	Amend	4-1-2011
255-001-0005	1-11-2011	Amend	2-1-2011	259-009-0070	7-1-2011	Amend	8-1-2011
255-001-0010	1-11-2011	Amend	2-1-2011	259-009-0072	6-30-2011	Repeal	8-1-2011
255-001-0016	1-11-2011	Amend	2-1-2011	259-020-0030	6-23-2011	Amend	8-1-2011
255-005-0005	12-1-2010	Amend	1-1-2011	259-020-0031	6-13-2011	Amend(T)	7-1-2011
255-005-0005(T)	12-1-2010	Repeal	1-1-2011	259-020-0031	8-1-2011	Amend	9-1-2011
255-015-0015	12-1-2010	Amend	1-1-2011	259-020-0031	8-1-2011	Repeal	9-1-2011
255-020-0005	3-4-2011	Amend	4-1-2011	259-025-0000	6-1-2011	Amend	6-1-2011
255-020-0015	3-4-2011	Amend	4-1-2011	259-060-0305	6-30-2011	Repeal	8-1-2011
255-030-0027	12-1-2010	Amend	1-1-2011	259-060-0500	7-1-2011	Amend(T)	7-1-2011
255-030-0027(T)	12-1-2010	Repeal	1-1-2011	259-060-0500	8-1-2011	Amend	9-1-2011
255-032-0036	5-26-2011	Adopt(T)	7-1-2011	259-060-0500	8-1-2011	Repeal	9-1-2011
255-036-0005	6-23-2011	Amend	8-1-2011	274-031-0001	3-24-2011	Adopt	5-1-2011
255-036-0010	6-23-2011	Amend	8-1-2011	274-031-0002	3-24-2011	Adopt	5-1-2011
255-036-0020	6-23-2011	Amend	8-1-2011	274-031-0003	3-24-2011	Adopt	5-1-2011

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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
291-015-0125	11-19-2010	Amend	1-1-2011	291-048-0160	12-13-2010	Am. & Ren.(T)	1-1-2011
291-015-0125(T)	11-19-2010	Repeal	1-1-2011	291-048-0160	4-1-2011	Am. & Ren.	5-1-2011
291-015-0130	11-19-2010	Repeal	1-1-2011	291-048-0160(T)	4-1-2011	Repeal	5-1-2011
291-015-0135	11-19-2010	Amend	1-1-2011	291-048-0170	12-13-2010	Am. & Ren.(T)	1-1-2011
291-015-0135(T)	11-19-2010	Repeal	1-1-2011	291-048-0170	4-1-2011	Am. & Ren.	5-1-2011
291-015-0140	11-19-2010	Repeal	1-1-2011	291-048-0170(T)	4-1-2011	Repeal	5-1-2011
291-015-0145	11-19-2010	Repeal	1-1-2011	291-048-0180	12-13-2010	Suspend	1-1-2011
291-015-0150	11-19-2010	Repeal	1-1-2011	291-048-0180	4-1-2011	Repeal	5-1-2011
291-019-0047	7-15-2011	Repeal	8-1-2011	291-048-0190	12-13-2010	Am. & Ren.(T)	1-1-2011
291-019-0110	7-15-2011	Amend	8-1-2011	291-048-0190	4-1-2011	Am. & Ren.	5-1-2011
291-019-0130	7-15-2011	Amend	8-1-2011	291-048-0190(T)	4-1-2011	Repeal	5-1-2011
291-019-0150	7-15-2011	Amend	8-1-2011	291-048-0230	12-13-2010	Adopt(T)	1-1-2011
291-024-0005	5-31-2011	Amend(T)	7-1-2011	291-048-0230	4-1-2011	Adopt	5-1-2011
291-024-0010	5-31-2011	Amend(T)	7-1-2011	291-048-0230(T)	4-1-2011	Repeal	5-1-2011
291-024-0015	5-31-2011	Amend(T)	7-1-2011	291-048-0240	12-13-2010	Adopt(T)	1-1-2011
291-024-0016	5-31-2011	Amend(T)	7-1-2011	291-048-0240	4-1-2011	Adopt	5-1-2011
291-024-0020	5-31-2011	Amend(T)	7-1-2011	291-048-0240(T)	4-1-2011	Repeal	5-1-2011
291-024-0025	5-31-2011	Amend(T)	7-1-2011	291-048-0270	12-13-2010	Adopt(T)	1-1-2011
291-024-0055	5-31-2011	Amend(T)	7-1-2011	291-048-0270	4-1-2011	Adopt	5-1-2011
291-024-0060	5-31-2011	Amend(T)	7-1-2011	291-048-0270(T)	4-1-2011	Repeal	5-1-2011
291-024-0066	5-31-2011	Amend(T)	7-1-2011	291-048-0280	12-13-2010	Adopt(T)	1-1-2011
291-024-0071	5-31-2011	Amend(T)	7-1-2011	291-048-0280	4-1-2011	Adopt	5-1-2011
291-024-0080	5-31-2011	Amend(T)	7-1-2011	291-048-0280(T)	4-1-2011	Repeal	5-1-2011
291-027-0020	5-2-2011	Amend	6-1-2011	291-048-0320	12-13-2010	Adopt(T)	1-1-2011
291-027-0030	5-2-2011	Amend	6-1-2011	291-048-0320	4-1-2011	Adopt	5-1-2011
291-027-0040	5-2-2011	Amend	6-1-2011	291-048-0320(T)	4-1-2011	Repeal	5-1-2011
291-027-0050	5-2-2011	Amend	6-1-2011	291-062-0110	10-17-2011	Amend(T)	12-1-2011
291-027-0055	5-2-2011	Adopt	6-1-2011	291-062-0140	10-17-2011	Amend(T)	12-1-2011
291-027-0060	5-2-2011	Repeal	6-1-2011	291-063-0010	12-1-2010	Amend(T)	1-1-2011
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291-063-0016	12-1-2010	Amend(T)	1-1-2011	291-124-1020	6-16-2011	Adopt(T)	8-1-2011
291-063-0016	6-2-2011	Amend	7-1-2011	291-124-1020	10-11-2011	Adopt	11-1-2011
291-063-0016(T)	6-2-2011	Repeal	7-1-2011	291-124-1030	6-16-2011	Adopt(T)	8-1-2011
291-063-0030	12-1-2010	Amend(T)	1-1-2011	291-124-1030	10-11-2011	Adopt	11-1-2011
291-063-0030	6-2-2011	Amend	7-1-2011	291-124-1040	6-16-2011	Adopt(T)	8-1-2011
291-063-0030(T)	6-2-2011	Repeal	7-1-2011	291-124-1040	10-11-2011	Adopt	11-1-2011
291-082-0105	10-17-2011	Amend(T)	12-1-2011	291-124-1050	6-16-2011	Adopt(T)	8-1-2011
291-082-0110	10-17-2011	Amend(T)	12-1-2011	291-124-1050	10-11-2011	Adopt	11-1-2011
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291-083-0015	10-6-2011	Amend	11-1-2011	291-131-0020	4-1-2011	Amend(T)	4-1-2011
291-097-0010	4-8-2011	Amend	5-1-2011	291-131-0020	8-15-2011	Amend	9-1-2011
291-097-0010(T)	4-8-2011	Repeal	5-1-2011	291-131-0025	4-1-2011	Amend(T)	4-1-2011
291-097-0020	4-8-2011	Amend	5-1-2011	291-131-0025	8-15-2011	Amend	9-1-2011
291-097-0020(T)	4-8-2011	Repeal	5-1-2011	291-131-0035	4-1-2011	Amend(T)	4-1-2011
291-097-0025	4-8-2011	Amend	5-1-2011	291-131-0035	8-15-2011	Amend	9-1-2011
291-097-0025(T)	4-8-2011	Repeal	5-1-2011	291-131-0037	4-1-2011	Amend(T)	4-1-2011
291-097-0031	4-8-2011	Adopt	5-1-2011	291-131-0037	8-15-2011	Amend	9-1-2011
291-097-0040	4-8-2011	Amend	5-1-2011	291-180-0115	3-4-2011	Suspend	4-1-2011
291-097-0040(T)	4-8-2011	Repeal	5-1-2011	291-180-0125	3-4-2011	Suspend	4-1-2011
291-097-0050	4-8-2011	Amend	5-1-2011	291-180-0135	3-4-2011	Suspend	4-1-2011
291-097-0050(T)	4-8-2011	Repeal	5-1-2011	291-180-0145	3-4-2011	Suspend	4-1-2011
291-105-0005	6-10-2011	Amend(T)	7-1-2011	291-180-0155	3-4-2011	Suspend	4-1-2011
291-105-0100	6-10-2011	Amend(T)	7-1-2011	291-180-0165	3-4-2011	Suspend	4-1-2011
291-109-0100	3-1-2011	Amend	4-1-2011	291-180-0175	3-4-2011	Suspend	4-1-2011
291-109-0110	3-1-2011	Amend	4-1-2011	291-180-0185	3-4-2011	Suspend	4-1-2011
291-109-0120	3-1-2011	Amend	4-1-2011	291-180-0195	3-4-2011	Suspend	4-1-2011
291-109-0125	3-1-2011	Adopt	4-1-2011	291-180-0205	3-4-2011	Suspend	4-1-2011
291-109-0140	3-1-2011	Amend	4-1-2011	291-180-0215	3-4-2011	Suspend	4-1-2011
291-109-0150	3-1-2011	Amend	4-1-2011	291-180-0225	3-4-2011	Suspend	4-1-2011
291-109-0160	3-1-2011	Amend	4-1-2011	291-180-0235	3-4-2011	Suspend	4-1-2011
291-109-0170	3-1-2011	Amend	4-1-2011	291-180-0245	3-4-2011	Suspend	4-1-2011
291-109-0180	3-1-2011	Amend	4-1-2011	291-180-0251	3-4-2011	Adopt(T)	4-1-2011
291-109-0190	3-1-2011	Amend	4-1-2011	291-180-0255	3-4-2011	Suspend	4-1-2011
291-124-0005	11-19-2010	Amend	1-1-2011	291-180-0261	3-4-2011	Adopt(T)	4-1-2011
291-124-0010	11-19-2010	Amend	1-1-2011	291-180-0285	3-4-2011	Suspend	4-1-2011
291-124-0015	11-19-2010	Repeal	1-1-2011	291-180-0295	3-4-2011	Suspend	4-1-2011
291-124-0016	11-19-2010	Adopt	1-1-2011	291-180-0305	3-4-2011	Suspend	4-1-2011
291-124-0017	11-19-2010	Adopt	1-1-2011	291-180-0315	3-4-2011	Suspend	4-1-2011
291-124-0020	11-19-2010	Amend	1-1-2011	291-180-0325	3-4-2011	Suspend	4-1-2011
291-124-0025	11-19-2010	Repeal	1-1-2011	291-180-0335	3-4-2011	Suspend	4-1-2011
291-124-0030	11-19-2010	Amend	1-1-2011	291-180-0345	3-4-2011	Suspend	4-1-2011
291-124-0035	11-19-2010	Amend	1-1-2011	291-180-0355	3-4-2011	Suspend	4-1-2011
291-124-0041	11-19-2010	Amend	1-1-2011	291-180-0365	3-4-2011	Suspend	4-1-2011
291-124-0055	11-19-2010	Amend	1-1-2011	291-180-0375	3-4-2011	Suspend	4-1-2011
291-124-0060	11-19-2010	Amend	1-1-2011	291-180-0385	3-4-2011	Suspend	4-1-2011
291-124-0065	11-19-2010	Amend	1-1-2011	291-180-0395	3-4-2011	Suspend	4-1-2011
291-124-0070	11-19-2010	Amend	1-1-2011	291-180-0405	3-4-2011	Suspend	4-1-2011
291-124-0075	11-19-2010	Amend	1-1-2011	291-180-0415	3-4-2011	Suspend	4-1-2011
291-124-0080	11-19-2010	Amend	1-1-2011	291-180-0425	3-4-2011	Suspend	4-1-2011
291-124-0085	11-19-2010	Amend	1-1-2011	291-180-0435	3-4-2011	Suspend	4-1-2011
291-124-0090	11-19-2010	Adopt	1-1-2011	291-180-0445	3-4-2011	Suspend	4-1-2011
291-124-0095	11-19-2010	Repeal	1-1-2011	291-180-0455	3-4-2011	Suspend	4-1-2011
291-124-1000	6-16-2011	Adopt(T)	8-1-2011	291-180-0465	3-4-2011	Suspend	4-1-2011
291-124-1000	10-11-2011	Adopt	11-1-2011	291-180-0475	3-4-2011	Suspend	4-1-2011
291-124-1010	6-16-2011	Adopt(T)	8-1-2011	291-180-0485	3-4-2011	Suspend	4-1-2011

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291-180-0495	3-4-2011	Suspend	4-1-2011	309-034-0180	2-4-2011	Repeal	3-1-2011
291-180-0505	3-4-2011	Suspend	4-1-2011	309-034-0190	2-4-2011	Repeal	3-1-2011
291-180-0515	3-4-2011	Suspend	4-1-2011	309-034-0205	2-4-2011	Repeal	3-1-2011
291-180-0525	3-4-2011	Suspend	4-1-2011	309-034-0210	2-4-2011	Repeal	3-1-2011
291-180-0535	3-4-2011	Suspend	4-1-2011	309-034-0240	2-4-2011	Repeal	3-1-2011
291-180-0545	3-4-2011	Suspend	4-1-2011	309-034-0250	2-4-2011	Repeal	3-1-2011
291-180-0555	3-4-2011	Suspend	4-1-2011	309-034-0260	2-4-2011	Repeal	3-1-2011
291-180-0565	3-4-2011	Suspend	4-1-2011	309-034-0270	2-4-2011	Repeal	3-1-2011
291-180-0575	3-4-2011	Suspend	4-1-2011	309-034-0290	2-4-2011	Repeal	3-1-2011
291-180-0585	3-4-2011	Suspend	4-1-2011	309-034-0310	2-4-2011	Repeal	3-1-2011
291-180-0595	3-4-2011	Suspend	4-1-2011	309-034-0320	2-4-2011	Repeal	3-1-2011
291-180-0605	3-4-2011	Suspend	4-1-2011	309-034-0400	2-4-2011	Amend	3-1-2011
291-180-0615	3-4-2011	Suspend	4-1-2011	309-034-0410	2-4-2011	Amend	3-1-2011
291-180-0625	3-4-2011	Suspend	4-1-2011	309-034-0420	2-4-2011	Amend	3-1-2011
291-180-0635	3-4-2011	Suspend	4-1-2011	309-034-0430	2-4-2011	Amend	3-1-2011
291-180-0645	3-4-2011	Suspend	4-1-2011	309-034-0440	2-4-2011	Amend	3-1-2011
291-180-0655	3-4-2011	Suspend	4-1-2011	309-034-0450	2-4-2011	Amend	3-1-2011
291-180-0665	3-4-2011	Suspend	4-1-2011	309-034-0460	2-4-2011	Amend	3-1-2011
291-202-0020	1-28-2011	Amend	3-1-2011	309-034-0470	2-4-2011	Amend	3-1-2011
291-202-0100	1-28-2011	Adopt	3-1-2011	309-034-0480	2-4-2011	Amend	3-1-2011
291-202-0110	1-28-2011	Adopt	3-1-2011	309-034-0490	2-4-2011	Amend	3-1-2011
291-202-0120	1-28-2011	Adopt	3-1-2011	309-034-0500	2-4-2011	Adopt	3-1-2011
291-202-0130	1-28-2011	Adopt	3-1-2011	309-041-0200	2-1-2011	Repeal	3-1-2011
291-207-0005	8-15-2011	Adopt	9-1-2011	309-041-0205	2-1-2011	Repeal	3-1-2011
291-207-0010	8-15-2011	Adopt	9-1-2011	309-041-0210	2-1-2011	Repeal	3-1-2011
291-207-0015	8-15-2011	Adopt	9-1-2011	309-041-0215	2-1-2011	Repeal	3-1-2011
291-207-0020	8-15-2011	Adopt	9-1-2011	309-041-0220	2-1-2011	Repeal	3-1-2011
291-207-0025	8-15-2011	Adopt	9-1-2011	309-041-0225	2-1-2011	Repeal	3-1-2011
291-207-0030	8-15-2011	Adopt	9-1-2011	309-041-0230	2-1-2011	Repeal	3-1-2011
291-208-0010	9-9-2011	Adopt(T)	10-1-2011	309-041-0235	2-1-2011	Repeal	3-1-2011
291-208-0020	9-9-2011	Adopt(T)	10-1-2011	309-041-0240	2-1-2011	Repeal	3-1-2011
291-208-0030	9-9-2011	Adopt(T)	10-1-2011	309-041-0245	2-1-2011	Repeal	3-1-2011
291-208-0040	9-9-2011	Adopt(T)	10-1-2011	309-041-0250	2-1-2011	Repeal	3-1-2011
291-208-0050	9-9-2011	Adopt(T)	10-1-2011	309-041-0255	2-1-2011	Repeal	3-1-2011
309-014-0300	9-1-2011	Adopt(T)	10-1-2011	309-041-1300	2-1-2011	Repeal	3-1-2011
309-014-0310	9-1-2011	Adopt(T)	10-1-2011	309-041-1310	2-1-2011	Repeal	3-1-2011
309-014-0320	9-1-2011	Adopt(T)	10-1-2011	309-041-1320	2-1-2011	Repeal	3-1-2011
309-014-0330	9-1-2011	Adopt(T)	10-1-2011	309-041-1330	2-1-2011	Repeal	3-1-2011
309-014-0340	9-1-2011	Adopt(T)	10-1-2011	309-041-1340	2-1-2011	Repeal	3-1-2011
309-032-0175	9-26-2011	Repeal	11-1-2011	309-041-1350	2-1-2011	Repeal	3-1-2011
309-032-0180	9-26-2011	Repeal	11-1-2011	309-041-1360	2-1-2011	Repeal	3-1-2011
309-032-0185	9-26-2011	Repeal	11-1-2011	309-041-1370	2-1-2011	Repeal	3-1-2011
309-032-0190	9-26-2011	Repeal	11-1-2011	309-043-0000	2-1-2011	Repeal	3-1-2011
309-032-0195	9-26-2011	Repeal	11-1-2011	309-043-0005	2-1-2011	Repeal	3-1-2011
309-032-0200	9-26-2011	Repeal	11-1-2011	309-043-0010	2-1-2011	Repeal	3-1-2011
309-032-0205	9-26-2011	Repeal	11-1-2011	309-043-0015	2-1-2011	Repeal	3-1-2011
309-032-0210	9-26-2011	Repeal	11-1-2011	309-043-0020	2-1-2011	Repeal	3-1-2011
309-032-0301	9-26-2011	Adopt	11-1-2011	309-043-0025	2-1-2011	Repeal	3-1-2011
309-032-0311	9-26-2011	Adopt	11-1-2011	309-043-0030	2-1-2011	Repeal	3-1-2011
309-032-0321	9-26-2011	Adopt	11-1-2011	309-043-0035	2-1-2011	Repeal	3-1-2011
309-032-0331	9-26-2011	Adopt	11-1-2011	309-043-0040	2-1-2011	Repeal	3-1-2011
309-032-0341	9-26-2011	Adopt	11-1-2011	309-043-0045	2-1-2011	Repeal	3-1-2011
309-032-0351	9-26-2011	Adopt	11-1-2011	309-043-0050	2-1-2011	Repeal	3-1-2011
309-034-0150	2-4-2011	Repeal	3-1-2011	309-043-0055	2-1-2011	Repeal	3-1-2011
309-034-0160	2-4-2011	Repeal	3-1-2011	309-043-0060	2-1-2011	Repeal	3-1-2011
309-034-0170	2-4-2011	Repeal	3-1-2011	309-043-0065	2-1-2011	Repeal	3-1-2011

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309-043-0075	2-1-2011	Repeal	3-1-2011	309-102-0130	10-27-2011	Amend(T)	12-1-2011
309-043-0080	2-1-2011	Repeal	3-1-2011	309-102-0140	8-3-2011	Adopt	9-1-2011
309-043-0085	2-1-2011	Repeal	3-1-2011	309-102-0140	10-27-2011	Amend(T)	12-1-2011
309-043-0090	2-1-2011	Repeal	3-1-2011	309-102-0150	8-3-2011	Adopt	9-1-2011
309-043-0095	2-1-2011	Repeal	3-1-2011	309-102-0150	10-27-2011	Amend(T)	12-1-2011
309-043-0100	2-1-2011	Repeal	3-1-2011	309-114-0005	11-19-2010	Amend(T)	1-1-2011
309-043-0105	2-1-2011	Repeal	3-1-2011	309-114-0005	5-19-2011	Amend	7-1-2011
309-043-0110	2-1-2011	Repeal	3-1-2011	309-114-0020	11-19-2010	Amend(T)	1-1-2011
309-043-0115	2-1-2011	Repeal	3-1-2011	309-114-0020	5-19-2011	Amend	7-1-2011
309-043-0120	2-1-2011	Repeal	3-1-2011	309-114-0030	11-19-2010	Amend(T)	1-1-2011
309-043-0125	2-1-2011	Repeal	3-1-2011	309-114-0040	11-19-2010	Adopt(T)	1-1-2011
309-043-0130	2-1-2011	Repeal	3-1-2011	309-114-0050	11-19-2010	Adopt(T)	1-1-2011
309-043-0135	2-1-2011	Repeal	3-1-2011	309-114-0060	11-19-2010	Adopt(T)	1-1-2011
309-043-0140	2-1-2011	Repeal	3-1-2011	309-114-0070	11-19-2010	Adopt(T)	1-1-2011
309-043-0145	2-1-2011	Repeal	3-1-2011	325-005-0015	7-1-2011	Amend	8-1-2011
309-043-0150	2-1-2011	Repeal	3-1-2011	330-070-0010	12-22-2010	Amend	2-1-2011
309-043-0155	2-1-2011	Repeal	3-1-2011	330-070-0010(T)	12-22-2010	Repeal	2-1-2011
309-043-0160	2-1-2011	Repeal	3-1-2011	330-070-0013	12-22-2010	Amend	2-1-2011
309-043-0165	2-1-2011	Repeal	3-1-2011	330-070-0013(T)	12-22-2010	Repeal	2-1-2011
309-043-0170	2-1-2011	Repeal	3-1-2011	330-070-0014	12-22-2010	Amend	2-1-2011
309-043-0175	2-1-2011	Repeal	3-1-2011	330-070-0019	12-22-2010	Adopt	2-1-2011
309-043-0180	2-1-2011	Repeal	3-1-2011	330-070-0019(T)	12-22-2010	Repeal	2-1-2011
309-043-0185	2-1-2011	Repeal	3-1-2011	330-070-0020	12-22-2010	Amend	2-1-2011
309-043-0190	2-1-2011	Repeal	3-1-2011	330-070-0021	12-22-2010	Amend	2-1-2011
309-043-0195	2-1-2011	Repeal	3-1-2011	330-070-0022	12-22-2010	Amend	2-1-2011
309-043-0200	2-1-2011	Repeal	3-1-2011	330-070-0022(T)	12-22-2010	Repeal	2-1-2011
309-049-0000	2-1-2011	Renumber	3-1-2011	330-070-0024	12-22-2010	Amend	2-1-2011
309-049-0005	2-1-2011	Renumber	3-1-2011	330-070-0025	12-22-2010	Amend	2-1-2011
309-049-0010	2-1-2011	Renumber	3-1-2011	330-070-0026	12-22-2010	Amend	2-1-2011
309-049-0015	2-1-2011	Renumber	3-1-2011	330-070-0027	12-22-2010	Amend	2-1-2011
309-049-0020	2-1-2011	Renumber	3-1-2011	330-070-0045	12-22-2010	Amend	2-1-2011
309-100-0100	1-7-2011	Adopt(T)	2-1-2011	330-070-0055	12-22-2010	Amend	2-1-2011
309-100-0110	1-7-2011	Adopt(T)	2-1-2011	330-070-0059	12-22-2010	Amend	2-1-2011
309-100-0120	1-7-2011	Adopt(T)	2-1-2011	330-070-0060	12-22-2010	Amend	2-1-2011
309-100-0130	1-7-2011	Adopt(T)	2-1-2011	330-070-0062	12-22-2010	Amend	2-1-2011
309-100-0140	1-7-2011	Adopt(T)	2-1-2011	330-070-0063	12-22-2010	Amend	2-1-2011
309-100-0150	1-7-2011	Adopt(T)	2-1-2011	330-070-0064	12-22-2010	Amend	2-1-2011
309-102-0000	1-7-2011	Suspend	2-1-2011	330-070-0070	12-22-2010	Amend	2-1-2011
309-102-0000	8-3-2011	Repeal	9-1-2011	330-070-0073	12-22-2010	Amend	2-1-2011
309-102-0005	1-7-2011	Suspend	2-1-2011	330-070-0089	12-22-2010	Amend	2-1-2011
309-102-0005	8-3-2011	Repeal	9-1-2011	330-070-0091	12-22-2010	Amend	2-1-2011
309-102-0010	1-7-2011	Suspend	2-1-2011	330-070-0097	12-22-2010	Amend	2-1-2011
309-102-0010	8-3-2011	Repeal	9-1-2011	330-09-0140	4-18-2011	Amend(T)	5-1-2011
309-102-0015	1-7-2011	Suspend	2-1-2011	330-090-0105	11-23-2010	Amend	1-1-2011
309-102-0015	8-3-2011	Repeal	9-1-2011	330-090-0105	10-25-2011	Amend	12-1-2011
309-102-0020	1-7-2011	Suspend	2-1-2011	330-090-0105(T)	11-23-2010	Repeal	1-1-2011
309-102-0020	8-3-2011	Repeal	9-1-2011	330-090-0110	11-23-2010	Amend	1-1-2011
309-102-0025	1-7-2011	Suspend	2-1-2011	330-090-0110	4-18-2011	Amend(T)	5-1-2011
309-102-0025	8-3-2011	Repeal	9-1-2011	330-090-0110	9-29-2011	Amend	11-1-2011
309-102-0100	8-3-2011	Adopt	9-1-2011	330-090-0110	10-25-2011	Amend	12-1-2011
309-102-0100	10-27-2011	Amend(T)	12-1-2011	330-090-0110(T)	11-23-2010	Repeal	1-1-2011
309-102-0110	8-3-2011	Adopt	9-1-2011	330-090-0110(T)	9-29-2011	Repeal	11-1-2011
309-102-0110	10-27-2011	Amend(T)	12-1-2011	330-090-0120	11-23-2010	Amend	1-1-2011
309-102-0120	8-3-2011	Adopt	9-1-2011	330-090-0120	10-25-2011	Amend	12-1-2011
309-102-0120	10-27-2011	Amend(T)	12-1-2011	330-090-0120(T)	11-23-2010	Repeal	1-1-2011

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330-090-0130	4-18-2011	Amend(T)	5-1-2011	330-130-0020	6-27-2011	Amend	8-1-2011
330-090-0130	9-29-2011	Amend	11-1-2011	330-130-0025	6-27-2011	Adopt	8-1-2011
330-090-0130	10-25-2011	Amend	12-1-2011	330-130-0030	6-27-2011	Amend	8-1-2011
330-090-0130(T)	11-23-2010	Repeal	1-1-2011	330-130-0040	6-27-2011	Amend	8-1-2011
330-090-0130(T)	9-29-2011	Repeal	11-1-2011	330-130-0050	6-27-2011	Amend	8-1-2011
330-090-0133	11-23-2010	Amend	1-1-2011	330-130-0055	6-27-2011	Amend	8-1-2011
330-090-0133	4-18-2011	Amend(T)	5-1-2011	330-130-0060	6-27-2011	Amend	8-1-2011
330-090-0133	9-29-2011	Amend	11-1-2011	330-130-0070	6-27-2011	Amend	8-1-2011
330-090-0133	10-25-2011	Amend	12-1-2011	330-130-0080	6-27-2011	Amend	8-1-2011
330-090-0133(T)	11-23-2010	Repeal	1-1-2011	330-130-0090	6-27-2011	Amend	8-1-2011
330-090-0133(T)	9-29-2011	Repeal	11-1-2011	330-130-0100	6-27-2011	Amend	8-1-2011
330-090-0140	11-23-2010	Amend	1-1-2011	330-160-0015	2-22-2011	Amend	4-1-2011
330-090-0140	9-29-2011	Amend	11-1-2011	330-160-0015	3-4-2011	Amend	4-1-2011
330-090-0140(T)	11-23-2010	Repeal	1-1-2011	330-160-0015(T)	2-22-2011	Repeal	4-1-2011
330-090-0140(T)	9-29-2011	Repeal	11-1-2011	330-160-0020	3-4-2011	Amend	4-1-2011
330-090-0150	11-23-2010	Amend	1-1-2011	330-160-0025	3-4-2011	Amend	4-1-2011
330-090-0150	10-25-2011	Amend	12-1-2011	330-160-0030	3-4-2011	Amend	4-1-2011
330-090-0150(T)	11-23-2010	Repeal	1-1-2011	330-160-0040	2-22-2011	Adopt	4-1-2011
330-090-0350	11-23-2010	Adopt	1-1-2011	330-160-0040(T)	2-22-2011	Repeal	4-1-2011
330-090-0350(T)	11-23-2010	Repeal	1-1-2011	330-160-0050	3-4-2011	Adopt	4-1-2011
330-090-0450	11-23-2010	Adopt	1-1-2011	330-170-0010	1-1-2012	Amend	12-1-2011
330-090-0450	10-25-2011	Repeal	12-1-2011	330-170-0020	1-1-2012	Amend	12-1-2011
330-090-0450(T)	11-23-2010	Repeal	1-1-2011	330-170-0030	1-1-2012	Amend	12-1-2011
330-091-0100	10-25-2011	Adopt	12-1-2011	330-170-0040	1-1-2012	Amend	12-1-2011
330-091-0105	10-25-2011	Adopt	12-1-2011	330-170-0050	1-1-2012	Amend	12-1-2011
330-091-0110	10-25-2011	Adopt	12-1-2011	330-170-0060	1-1-2012	Amend	12-1-2011
330-091-0120	10-25-2011	Adopt	12-1-2011	330-170-0070	1-1-2012	Amend	12-1-2011
330-091-0130	10-25-2011	Adopt	12-1-2011	331-010-0050	3-1-2011	Adopt(T)	4-1-2011
330-091-0133	10-25-2011	Adopt	12-1-2011	331-010-0050	3-17-2011	Adopt(T)	5-1-2011
330-091-0140	10-25-2011	Adopt	12-1-2011	331-010-0050	8-15-2011	Adopt	9-1-2011
330-091-0150	10-25-2011	Adopt	12-1-2011	331-010-0050(T)	3-17-2011	Suspend	5-1-2011
330-091-0450	10-25-2011	Adopt	12-1-2011	331-020-0040	3-1-2011	Amend(T)	4-1-2011
330-105-0017	6-20-2011	Adopt(T)	8-1-2011	331-020-0040	3-17-2011	Amend(T)	5-1-2011
330-112-0000	12-15-2010	Adopt	1-1-2011	331-020-0040	8-15-2011	Amend	9-1-2011
330-112-0000(T)	12-15-2010	Repeal	1-1-2011	331-020-0040(T)	3-17-2011	Suspend	5-1-2011
330-112-0010	12-15-2010	Adopt	1-1-2011	331-020-0070	8-15-2011	Amend	9-1-2011
330-112-0010(T)	12-15-2010	Repeal	1-1-2011	331-105-0030	8-1-2011	Amend(T)	9-1-2011
330-112-0020	12-15-2010	Adopt	1-1-2011	331-105-0030	10-15-2011	Amend	11-1-2011
330-112-0020(T)	12-15-2010	Repeal	1-1-2011	331-105-0030(T)	10-15-2011	Repeal	11-1-2011
330-112-0030	12-15-2010	Adopt	1-1-2011	331-565-0090	4-1-2011	Amend(T)	5-1-2011
330-112-0030(T)	12-15-2010	Repeal	1-1-2011	331-565-0090	10-1-2011	Amend	11-1-2011
330-112-0040	12-15-2010	Adopt	1-1-2011	331-565-0090	10-15-2011	Amend	11-1-2011
330-112-0040(T)	12-15-2010	Repeal	1-1-2011	331-601-0010	8-1-2011	Amend(T)	9-1-2011
330-112-0050	12-15-2010	Adopt	1-1-2011	331-601-0010	10-15-2011	Amend	11-1-2011
330-112-0050(T)	12-15-2010	Repeal	1-1-2011	331-601-0010(T)	10-15-2011	Repeal	11-1-2011
330-112-0060	12-15-2010	Adopt	1-1-2011	331-705-0060	8-1-2011	Amend(T)	9-1-2011
330-112-0060(T)	12-15-2010	Repeal	1-1-2011	331-705-0071	5-10-2011	Adopt(T)	6-1-2011
330-112-0070	12-15-2010	Adopt	1-1-2011	332-015-0000	1-1-2011	Amend	2-1-2011
330-112-0070(T)	12-15-2010	Repeal	1-1-2011	332-015-0000	9-26-2011	Amend	11-1-2011
330-112-0080	12-15-2010	Adopt	1-1-2011	332-015-0010	1-1-2011	Repeal	2-1-2011
330-112-0080(T)	12-15-2010	Repeal	1-1-2011	332-015-0030	1-1-2011	Amend	2-1-2011
330-112-0090	12-15-2010	Adopt	1-1-2011	332-015-0040	1-1-2011	Amend	2-1-2011
330-112-0090(T)	12-15-2010	Repeal	1-1-2011	332-015-0050	1-1-2011	Amend	2-1-2011
330-112-0100	12-15-2010	Adopt	1-1-2011	332-015-0060	1-1-2011	Repeal	2-1-2011
330-112-0100(T)	12-15-2010	Repeal	1-1-2011	332-015-0065	1-1-2011	Repeal	2-1-2011

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332-015-0070	4-4-2011	Amend(T)	5-1-2011	333-002-0080	3-1-2011	Amend	4-1-2011
332-015-0070	9-26-2011	Amend	11-1-2011	333-002-0090	3-1-2011	Repeal	4-1-2011
332-015-0070(T)	9-26-2011	Repeal	11-1-2011	333-002-0100	3-1-2011	Amend	4-1-2011
332-015-0080	1-1-2011	Adopt	2-1-2011	333-002-0110	3-1-2011	Repeal	4-1-2011
332-020-0000	1-1-2011	Amend	2-1-2011	333-002-0120	3-1-2011	Amend	4-1-2011
332-020-0000	9-26-2011	Amend	11-1-2011	333-002-0130	3-1-2011	Amend	4-1-2011
332-020-0010	1-1-2011	Amend	2-1-2011	333-002-0140	3-1-2011	Amend	4-1-2011
332-020-0015	1-1-2011	Amend	2-1-2011	333-002-0150	3-1-2011	Amend	4-1-2011
332-020-0017	1-1-2011	Adopt	2-1-2011	333-002-0160	3-1-2011	Amend	4-1-2011
332-020-0017	9-26-2011	Amend	11-1-2011	333-002-0170	3-1-2011	Amend	4-1-2011
332-020-0020	1-1-2011	Amend	2-1-2011	333-002-0180	3-1-2011	Amend	4-1-2011
332-020-0020	9-1-2011	Amend(T)	10-1-2011	333-002-0190	3-1-2011	Amend	4-1-2011
332-020-0020	9-26-2011	Repeal	11-1-2011	333-002-0200	3-1-2011	Amend	4-1-2011
332-020-0020(T)	1-1-2011	Repeal	2-1-2011	333-002-0210	3-1-2011	Amend	4-1-2011
332-025-0020	1-1-2011	Amend	2-1-2011	333-002-0220	3-1-2011	Amend	4-1-2011
332-025-0020	4-4-2011	Amend(T)	5-1-2011	333-002-0230	3-1-2011	Amend	4-1-2011
332-025-0020	9-26-2011	Amend	11-1-2011	333-003-0010	7-1-2011	Amend(T)	8-1-2011
332-025-0020(T)	9-26-2011	Repeal	11-1-2011	333-003-0010	10-27-2011	Amend	12-1-2011
332-025-0021	1-1-2011	Amend	2-1-2011	333-003-0010(T)	10-27-2011	Repeal	12-1-2011
332-025-0021	4-4-2011	Amend(T)	5-1-2011	333-003-0065	7-1-2011	Amend(T)	8-1-2011
332-025-0021	9-26-2011	Amend	11-1-2011	333-003-0065	10-27-2011	Amend	12-1-2011
332-025-0021(T)	9-26-2011	Repeal	11-1-2011	333-003-0065(T)	10-27-2011	Repeal	12-1-2011
332-025-0022	1-1-2011	Amend	2-1-2011	333-004-0010	7-1-2011	Amend(T)	8-1-2011
332-025-0022	4-4-2011	Amend(T)	5-1-2011	333-004-0010	10-27-2011	Amend	12-1-2011
332-025-0022	9-26-2011	Amend	11-1-2011	333-004-0010(T)	10-27-2011	Repeal	12-1-2011
332-025-0022(T)	9-26-2011	Repeal	11-1-2011	333-005-0000	1-1-2011	Am. & Ren.	2-1-2011
332-025-0030	1-1-2011	Amend	2-1-2011	333-005-0010	1-1-2011	Am. & Ren.	2-1-2011
332-025-0030	9-26-2011	Am. & Ren.	11-1-2011	333-005-0020	1-1-2011	Am. & Ren.	2-1-2011
332-025-0040	1-1-2011	Amend	2-1-2011	333-005-0030	1-1-2011	Am. & Ren.	2-1-2011
332-025-0040	4-4-2011	Amend(T)	5-1-2011	333-005-0040	1-1-2011	Am. & Ren.	2-1-2011
332-025-0040	9-26-2011	Am. & Ren.	11-1-2011	333-005-0050	1-1-2011	Am. & Ren.	2-1-2011
332-025-0040	9-26-2011	Repeal	11-1-2011	333-005-0060	1-1-2011	Am. & Ren.	2-1-2011
332-025-0050	1-1-2011	Amend	2-1-2011	333-008-0010	7-1-2011	Amend(T)	8-1-2011
332-025-0050	9-26-2011	Am. & Ren.	11-1-2011	333-008-0010	10-1-2011	Amend	11-1-2011
332-025-0060	1-1-2011	Amend	2-1-2011	333-008-0020	12-28-2010	Amend	2-1-2011
332-025-0060	9-26-2011	Am. & Ren.	11-1-2011	333-008-0020	10-1-2011	Amend	11-1-2011
332-025-0070	1-1-2011	Adopt	2-1-2011	333-008-0020(T)	12-28-2010	Repeal	2-1-2011
332-025-0070	9-26-2011	Am. & Ren.	11-1-2011	333-008-0025	10-1-2011	Amend	11-1-2011
332-025-0080	1-1-2011	Adopt	2-1-2011	333-008-0030	10-1-2011	Amend	11-1-2011
332-025-0080	5-19-2011	Amend(T)	7-1-2011	333-008-0040	12-28-2010	Amend	2-1-2011
332-025-0080	9-26-2011	Am. & Ren.	11-1-2011	333-008-0040	10-1-2011	Amend	11-1-2011
332-025-0080	9-26-2011	Repeal	11-1-2011	333-008-0045	12-28-2010	Adopt	2-1-2011
332-025-0100	1-1-2011	Adopt	2-1-2011	333-008-0045	10-1-2011	Amend	11-1-2011
332-025-0100	9-26-2011	Renumber	11-1-2011	333-008-0050	10-1-2011	Amend	11-1-2011
332-025-0120	10-15-2011	Amend(T)	11-1-2011	333-008-0060	10-1-2011	Amend	11-1-2011
332-030-0000	1-1-2011	Amend	2-1-2011	333-008-0070	7-1-2011	Amend(T)	8-1-2011
332-040-0000	9-26-2011	Adopt	11-1-2011	333-008-0070	10-1-2011	Amend	11-1-2011
333-002-0000	3-1-2011	Amend	4-1-2011	333-008-0080	10-1-2011	Amend	11-1-2011
333-002-0010	3-1-2011	Amend	4-1-2011	333-008-0120	10-1-2011	Amend	11-1-2011
333-002-0020	3-1-2011	Amend	4-1-2011	333-009-0000	7-1-2011	Amend(T)	8-1-2011
333-002-0030	3-1-2011	Amend	4-1-2011	333-009-0000	10-27-2011	Amend	12-1-2011
333-002-0035	3-1-2011	Amend	4-1-2011	333-009-0000(T)	10-27-2011	Repeal	12-1-2011
333-002-0040	3-1-2011	Amend	4-1-2011	333-010-0105	7-1-2011	Amend(T)	8-1-2011
333-002-0050	3-1-2011	Amend	4-1-2011	333-010-0105	10-27-2011	Amend	12-1-2011
333-002-0060	3-1-2011	Amend	4-1-2011	333-010-0105(T)	10-27-2011	Repeal	12-1-2011

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333-010-0205	10-27-2011	Amend	12-1-2011	333-054-0010	9-30-2011	Amend	11-1-2011
333-010-0205(T)	10-27-2011	Repeal	12-1-2011	333-054-0020	9-30-2011	Amend	11-1-2011
333-012-0050	7-1-2011	Amend(T)	8-1-2011	333-054-0025	9-30-2011	Amend	11-1-2011
333-012-0050	10-27-2011	Amend	12-1-2011	333-054-0027	9-30-2011	Amend	11-1-2011
333-012-0050(T)	10-27-2011	Repeal	12-1-2011	333-054-0035	9-30-2011	Amend	11-1-2011
333-012-0250	3-29-2011	Am. & Ren.	5-1-2011	333-054-0040	9-30-2011	Amend	11-1-2011
333-015-0030	7-1-2011	Amend(T)	8-1-2011	333-054-0050	9-30-2011	Amend	11-1-2011
333-015-0030	10-27-2011	Amend	12-1-2011	333-054-0055	9-30-2011	Amend	11-1-2011
333-015-0030(T)	10-27-2011	Repeal	12-1-2011	333-054-0060	9-30-2011	Amend	11-1-2011
333-015-0100	7-1-2011	Amend(T)	8-1-2011	333-054-0070	9-30-2011	Amend	11-1-2011
333-015-0100	10-27-2011	Amend	12-1-2011	333-061-0020	7-1-2011	Amend(T)	8-1-2011
333-015-0100(T)	10-27-2011	Repeal	12-1-2011	333-061-0020	10-27-2011	Amend	12-1-2011
333-017-0000	8-19-2011	Amend	10-1-2011	333-061-0020(T)	10-27-2011	Repeal	12-1-2011
333-017-0005	8-19-2011	Amend	10-1-2011	333-064-0005	8-9-2011	Amend	9-1-2011
333-018-0000	8-19-2011	Amend	10-1-2011	333-064-0010	8-9-2011	Amend	9-1-2011
333-018-0005	8-19-2011	Amend	10-1-2011	333-064-0015	8-9-2011	Amend	9-1-2011
333-018-0010	8-19-2011	Amend	10-1-2011	333-064-0025	8-9-2011	Amend	9-1-2011
333-018-0013	8-19-2011	Amend	10-1-2011	333-064-0030	8-9-2011	Amend	9-1-2011
333-018-0015	8-19-2011	Amend	10-1-2011	333-064-0035	8-9-2011	Amend	9-1-2011
333-018-0018	8-19-2011	Amend	10-1-2011	333-064-0040	4-21-2011	Amend	6-1-2011
333-018-0020	8-19-2011	Amend	10-1-2011	333-064-0050	8-9-2011	Amend	9-1-2011
333-018-0030	8-19-2011	Repeal	10-1-2011	333-064-0060	8-9-2011	Amend	9-1-2011
333-018-0035	8-19-2011	Amend	10-1-2011	333-064-0065	8-9-2011	Amend	9-1-2011
333-019-0000	8-19-2011	Amend	10-1-2011	333-064-0070	4-21-2011	Repeal	6-1-2011
333-019-0002	8-19-2011	Amend	10-1-2011	333-068-0005	6-16-2011	Amend	8-1-2011
333-019-0003	8-19-2011	Adopt	10-1-2011	333-068-0015	6-16-2011	Amend	8-1-2011
333-019-0005	8-19-2011	Amend	10-1-2011	333-068-0020	6-16-2011	Amend	8-1-2011
333-019-0010	8-19-2011	Amend	10-1-2011	333-068-0025	6-16-2011	Amend	8-1-2011
333-019-0014	8-19-2011	Amend	10-1-2011	333-068-0030	6-16-2011	Amend	8-1-2011
333-019-0024	8-19-2011	Amend	10-1-2011	333-068-0035	6-16-2011	Amend	8-1-2011
333-019-0031	8-19-2011	Amend	10-1-2011	333-068-0040	6-16-2011	Amend	8-1-2011
333-019-0039	8-19-2011	Amend	10-1-2011	333-068-0045	6-16-2011	Amend	8-1-2011
333-019-0041	8-19-2011	Amend	10-1-2011	333-068-0050	6-16-2011	Amend	8-1-2011
333-019-0046	8-19-2011	Amend	10-1-2011	333-068-0055	6-16-2011	Amend	8-1-2011
333-020-0125	7-1-2011	Amend(T)	8-1-2011	333-068-0060	6-16-2011	Amend	8-1-2011
333-020-0125	10-27-2011	Amend	12-1-2011	333-068-0065	6-16-2011	Amend	8-1-2011
333-020-0125(T)	10-27-2011	Repeal	12-1-2011	333-069-0005	6-16-2011	Amend	8-1-2011
333-025-0100	7-1-2011	Amend(T)	8-1-2011	333-069-0015	6-16-2011	Amend	8-1-2011
333-025-0100	10-27-2011	Amend	12-1-2011	333-069-0020	6-16-2011	Amend	8-1-2011
333-025-0100(T)	10-27-2011	Repeal	12-1-2011	333-069-0030	6-16-2011	Amend	8-1-2011
333-027-0005	7-1-2011	Amend(T)	8-1-2011	333-069-0040	6-16-2011	Amend	8-1-2011
333-027-0005	10-27-2011	Amend	12-1-2011	333-069-0050	6-16-2011	Amend	8-1-2011
333-027-0005(T)	10-27-2011	Repeal	12-1-2011	333-069-0060	6-16-2011	Amend	8-1-2011
333-030-0015	7-1-2011	Amend(T)	8-1-2011	333-069-0070	6-16-2011	Amend	8-1-2011
333-030-0015	10-27-2011	Amend	12-1-2011	333-069-0075	6-16-2011	Repeal	8-1-2011
333-030-0015(T)	10-27-2011	Repeal	12-1-2011	333-069-0080	6-16-2011	Amend	8-1-2011
333-048-0010	7-1-2011	Amend(T)	8-1-2011	333-069-0085	6-16-2011	Amend	8-1-2011
333-048-0010	10-27-2011	Amend	12-1-2011	333-069-0090	6-16-2011	Amend	8-1-2011
333-048-0010(T)	10-27-2011	Repeal	12-1-2011	333-070-0075	6-16-2011	Amend	8-1-2011
333-052-0040	7-1-2011	Amend(T)	8-1-2011	333-070-0085	6-16-2011	Amend	8-1-2011
333-052-0040	10-27-2011	Amend	12-1-2011	333-070-0090	6-16-2011	Amend	8-1-2011
333-052-0040(T)	10-27-2011	Repeal	12-1-2011	333-070-0095	6-16-2011	Amend	8-1-2011
333-053-0040	7-1-2011	Amend(T)	8-1-2011	333-070-0100	6-16-2011	Amend	8-1-2011
333-053-0040	10-27-2011	Amend	12-1-2011	333-070-0105	6-16-2011	Amend	8-1-2011
333-053-0040(T)	10-27-2011	Repeal	12-1-2011	333-070-0110	6-16-2011	Amend	8-1-2011

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333-070-0120	6-16-2011	Amend	8-1-2011	333-106-0005	10-1-2011	Amend	11-1-2011
333-070-0125	6-16-2011	Amend	8-1-2011	333-106-0035	10-1-2011	Amend	11-1-2011
333-070-0130	6-16-2011	Amend	8-1-2011	333-106-0045	10-1-2011	Amend	11-1-2011
333-070-0135	6-16-2011	Amend	8-1-2011	333-106-0055	10-1-2011	Amend	11-1-2011
333-070-0140	6-16-2011	Amend	8-1-2011	333-106-0101	7-1-2011	Amend(T)	8-1-2011
333-070-0145	6-16-2011	Amend	8-1-2011	333-106-0101	10-27-2011	Amend	12-1-2011
333-070-0155	6-16-2011	Repeal	8-1-2011	333-106-0101(T)	10-27-2011	Repeal	12-1-2011
333-070-0160	6-16-2011	Amend	8-1-2011	333-106-0325	10-1-2011	Amend	11-1-2011
333-076-0101	12-15-2010	Amend	1-1-2011	333-106-0370	10-1-2011	Amend	11-1-2011
333-076-0106	12-15-2010	Amend	1-1-2011	333-106-0750	10-1-2011	Amend	11-1-2011
333-076-0108	12-15-2010	Amend	1-1-2011	333-111-0015	10-1-2011	Amend	11-1-2011
333-076-0109	12-15-2010	Amend	1-1-2011	333-116-0020	10-1-2011	Amend	11-1-2011
333-076-0111	12-15-2010	Amend	1-1-2011	333-116-0025	10-1-2011	Amend	11-1-2011
333-076-0114	12-15-2010	Amend	1-1-2011	333-116-0035	10-1-2011	Amend	11-1-2011
333-076-0115	12-15-2010	Amend	1-1-2011	333-116-0105	10-1-2011	Amend	11-1-2011
333-076-0125	12-15-2010	Amend	1-1-2011	333-116-0220	10-1-2011	Amend	11-1-2011
333-076-0130	12-15-2010	Amend	1-1-2011	333-116-0250	10-1-2011	Amend	11-1-2011
333-076-0135	12-15-2010	Amend	1-1-2011	333-116-0260	10-1-2011	Amend	11-1-2011
333-076-0140	12-15-2010	Amend	1-1-2011	333-116-0290	10-1-2011	Amend	11-1-2011
333-076-0145	12-15-2010	Amend	1-1-2011	333-116-0320	10-1-2011	Amend	11-1-2011
333-076-0155	12-15-2010	Amend	1-1-2011	333-116-0330	10-1-2011	Amend	11-1-2011
333-076-0160	12-15-2010	Amend	1-1-2011	333-116-0360	10-1-2011	Amend	11-1-2011
333-076-0165	12-15-2010	Amend	1-1-2011	333-116-0390	10-1-2011	Amend	11-1-2011
333-076-0170	12-15-2010	Amend	1-1-2011	333-116-0440	10-1-2011	Amend	11-1-2011
333-076-0175	12-15-2010	Amend	1-1-2011	333-116-0470	10-1-2011	Amend	11-1-2011
333-076-0180	12-15-2010	Amend	1-1-2011	333-116-0585	10-1-2011	Amend	11-1-2011
333-076-0190	12-15-2010	Amend	1-1-2011	333-116-0660	10-1-2011	Amend	11-1-2011
333-076-0250	12-15-2010	Adopt	1-1-2011	333-116-0670	10-1-2011	Amend	11-1-2011
333-076-0255	12-15-2010	Adopt	1-1-2011	333-116-0680	10-1-2011	Amend	11-1-2011
333-076-0260	12-15-2010	Adopt	1-1-2011	333-116-0683	10-1-2011	Amend	11-1-2011
333-076-0265	12-15-2010	Adopt	1-1-2011	333-116-0687	10-1-2011	Amend	11-1-2011
333-076-0270	12-15-2010	Adopt	1-1-2011	333-116-0715	10-1-2011	Amend	11-1-2011
333-100-0005	7-1-2011	Amend(T)	8-1-2011	333-116-1000	10-1-2011	Amend	11-1-2011
333-100-0005	10-1-2011	Amend	11-1-2011	333-119-0010	7-1-2011	Amend(T)	8-1-2011
333-100-0020	10-1-2011	Amend	11-1-2011	333-119-0010	10-1-2011	Amend	11-1-2011
333-100-0070	10-1-2011	Amend	11-1-2011	333-119-0090	10-1-2011	Amend	11-1-2011
333-101-0065	10-1-2011	Amend	11-1-2011	333-119-0100	10-1-2011	Amend	11-1-2011
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333-102-0115	10-1-2011	Amend	11-1-2011	333-120-0100	10-1-2011	Amend	11-1-2011
333-102-0130	10-1-2011	Amend	11-1-2011	333-120-0550	10-1-2011	Amend	11-1-2011
333-102-0190	10-1-2011	Amend	11-1-2011	333-120-0650	10-1-2011	Amend	11-1-2011
333-102-0203	7-1-2011	Amend(T)	8-1-2011	333-120-0660	10-1-2011	Amend	11-1-2011
333-102-0203	10-27-2011	Amend	12-1-2011	333-120-0720	10-1-2011	Amend	11-1-2011
333-102-0203(T)	10-27-2011	Repeal	12-1-2011	333-120-0730	10-1-2011	Amend	11-1-2011
333-102-0250	10-1-2011	Amend	11-1-2011	333-120-0740	10-1-2011	Amend	11-1-2011
333-102-0285	10-1-2011	Amend	11-1-2011	333-175-0021	7-1-2011	Amend(T)	8-1-2011
333-102-0290	10-1-2011	Amend	11-1-2011	333-175-0021	10-27-2011	Amend	12-1-2011
333-102-0293	10-1-2011	Amend	11-1-2011	333-175-0021(T)	10-27-2011	Repeal	12-1-2011
333-102-0305	10-1-2011	Amend	11-1-2011	333-255-0070	1-6-2011	Amend	2-1-2011
333-102-0310	10-1-2011	Amend	11-1-2011	333-255-0070(T)	1-6-2011	Repeal	2-1-2011
333-102-0340	10-1-2011	Amend	11-1-2011	333-255-0071	1-6-2011	Amend	2-1-2011
333-103-0010	10-1-2011	Amend	11-1-2011	333-255-0072	1-6-2011	Amend	2-1-2011
333-103-0030	10-1-2011	Amend	11-1-2011	333-255-0073	1-6-2011	Amend	2-1-2011
333-103-0035	10-1-2011	Amend	11-1-2011	333-265-0050	1-6-2011	Amend	2-1-2011
333-105-0530	10-1-2011	Amend	11-1-2011	333-265-0090	1-6-2011	Amend	2-1-2011

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333-265-0105	1-6-2011	Amend	2-1-2011	335-095-0030	10-10-2011	Amend	11-1-2011
333-265-0105(T)	1-6-2011	Repeal	2-1-2011	335-095-0040	2-1-2011	Amend	3-1-2011
333-265-0110	1-6-2011	Amend	2-1-2011	335-095-0040	10-10-2011	Amend	11-1-2011
333-500-0005	12-15-2010	Amend	1-1-2011	335-095-0050	10-10-2011	Amend	11-1-2011
333-500-0010	12-15-2010	Amend	1-1-2011	335-095-0055	2-1-2011	Repeal	3-1-2011
333-500-0020	12-15-2010	Amend	1-1-2011	338-005-0020	8-1-2011	Amend	9-1-2011
333-500-0025	12-15-2010	Amend	1-1-2011	338-005-0030	3-1-2011	Amend(T)	4-1-2011
333-500-0030	12-15-2010	Amend	1-1-2011	338-005-0030	3-4-2011	Amend(T)	4-1-2011
333-500-0031	12-15-2010	Adopt	1-1-2011	338-005-0030	8-1-2011	Amend	9-1-2011
333-500-0034	12-15-2010	Amend	1-1-2011	338-005-0030(T)	8-1-2011	Repeal	9-1-2011
333-500-0040	12-15-2010	Amend	1-1-2011	338-010-0015	8-1-2011	Amend	9-1-2011
333-500-0065	12-15-2010	Amend	1-1-2011	338-010-0016	8-1-2011	Adopt	9-1-2011
333-501-0010	12-15-2010	Amend	1-1-2011	338-010-0017	8-1-2011	Amend	9-1-2011
333-501-0015	12-15-2010	Amend	1-1-2011	338-010-0025	8-1-2011	Amend	9-1-2011
333-501-0035	12-15-2010	Amend	1-1-2011	338-010-0030	8-1-2011	Amend	9-1-2011
333-501-0040	12-15-2010	Amend	1-1-2011	338-010-0033	8-1-2011	Amend	9-1-2011
333-501-0045	12-15-2010	Amend	1-1-2011	338-010-0035	8-1-2011	Repeal	9-1-2011
333-501-0055	12-15-2010	Amend	1-1-2011	338-010-0038	8-1-2011	Amend	9-1-2011
333-501-0060	12-15-2010	Adopt	1-1-2011	338-010-0050	8-1-2011	Amend	9-1-2011
333-505-0005	12-15-2010	Amend	1-1-2011	338-010-0065	8-1-2011	Adopt	9-1-2011
333-505-0020	12-15-2010	Amend	1-1-2011	338-010-0070	8-1-2011	Adopt	9-1-2011
333-505-0030	12-15-2010	Amend	1-1-2011	338-020-0000	8-1-2011	Repeal	9-1-2011
333-505-0033	12-15-2010	Amend	1-1-2011	338-020-0030	8-1-2011	Amend	9-1-2011
333-505-0050	12-15-2010	Amend	1-1-2011	338-020-0050	8-1-2011	Amend	9-1-2011
333-536-0005	7-1-2011	Amend(T)	8-1-2011	338-020-0060	8-1-2011	Repeal	9-1-2011
333-536-0005	10-27-2011	Amend	12-1-2011	338-030-0020	8-1-2011	Repeal	9-1-2011
333-536-0005(T)	10-27-2011	Repeal	12-1-2011	339-001-0005	7-1-2011	Amend	7-1-2011
333-700-0005	7-1-2011	Amend(T)	8-1-2011	339-001-0006	7-1-2011	Amend	7-1-2011
333-700-0005	10-27-2011	Amend	12-1-2011	339-005-0000	7-1-2011	Amend	7-1-2011
333-700-0005(T)	10-27-2011	Repeal	12-1-2011	339-010-0012	7-1-2011	Adopt	7-1-2011
334-001-0012	1-1-2011	Amend	2-1-2011	339-010-0018	7-1-2011	Adopt	7-1-2011
334-001-0012	4-21-2011	Amend	6-1-2011	339-010-0020	7-1-2011	Amend	7-1-2011
334-001-0012	7-1-2011	Amend	8-1-2011	339-010-0050	7-1-2011	Amend	7-1-2011
334-001-0055	1-1-2011	Amend	2-1-2011	340-012-0054	3-15-2011	Amend	4-1-2011
334-001-0055	4-21-2011	Amend	6-1-2011	340-012-0140	3-15-2011	Amend	4-1-2011
334-001-0060	7-1-2011	Amend	8-1-2011	340-016-0080	12-20-2010	Amend	2-1-2011
334-010-0005	8-10-2011	Amend(T)	9-1-2011	340-016-0088	12-20-2010	Adopt	2-1-2011
334-010-0033	1-1-2011	Amend	2-1-2011	340-016-0100	12-20-2010	Repeal	2-1-2011
334-010-0033	4-21-2011	Amend	6-1-2011	340-016-0110	12-20-2010	Repeal	2-1-2011
335-001-0009	2-1-2011	Amend	3-1-2011	340-016-0120	12-20-2010	Repeal	2-1-2011
335-005-0010	10-10-2011	Amend	11-1-2011	340-016-0130	12-20-2010	Repeal	2-1-2011
335-060-0005	2-1-2011	Amend	3-1-2011	340-016-0140	12-20-2010	Repeal	2-1-2011
335-060-0005	10-10-2011	Amend	11-1-2011	340-016-0150	12-20-2010	Repeal	2-1-2011
335-060-0006	10-10-2011	Adopt	11-1-2011	340-016-0210	12-20-2010	Amend	2-1-2011
335-060-0007	10-10-2011	Adopt	11-1-2011	340-041-0007	7-13-2011	Amend	8-1-2011
335-060-0010	2-1-2011	Amend	3-1-2011	340-041-0009	7-13-2011	Amend	8-1-2011
335-060-0010	10-11-2011	Amend(T)	11-1-2011	340-041-0033	12-21-2010	Amend	2-1-2011
335-060-0030	2-1-2011	Amend	3-1-2011	340-041-0033	6-30-2011	Amend	8-1-2011
335-070-0020	2-1-2011	Amend	3-1-2011	340-041-0033	7-13-2011	Amend	8-1-2011
335-070-0055	2-1-2011	Amend	3-1-2011	340-041-0059	7-13-2011	Adopt	8-1-2011
335-070-0085	2-1-2011	Amend	3-1-2011	340-041-0061	7-13-2011	Amend	8-1-2011
335-080-0005	10-10-2011	Amend	11-1-2011	340-042-0040	7-13-2011	Amend	8-1-2011
335-080-0010	10-10-2011	Amend	11-1-2011	340-042-0080	7-13-2011	Amend	8-1-2011
335-080-0015	10-10-2011	Amend	11-1-2011	340-045-0070	9-12-2011	Amend	10-1-2011
335-080-0025	10-10-2011	Amend	11-1-2011	340-045-0075	7-1-2011	Amend	8-1-2011

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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
340-200-0040	2-24-2011	Amend	4-1-2011	340-225-0050	5-1-2011	Amend	6-1-2011
340-200-0040	3-15-2011	Amend	4-1-2011	340-225-0060	5-1-2011	Amend	6-1-2011
340-200-0040	5-1-2011	Amend	6-1-2011	340-225-0090	5-1-2011	Amend	6-1-2011
340-202-0010	5-1-2011	Amend	6-1-2011	340-228-0020	6-24-2011	Amend(T)	8-1-2011
340-202-0060	5-1-2011	Amend	6-1-2011	340-228-0200	6-24-2011	Amend(T)	8-1-2011
340-202-0210	5-1-2011	Amend	6-1-2011	340-228-0210	6-24-2011	Amend(T)	8-1-2011
340-210-0100	6-24-2011	Amend(T)	8-1-2011	340-228-0300	5-1-2011	Amend	6-1-2011
340-210-0110	6-24-2011	Amend(T)	8-1-2011	340-230-0030	2-24-2011	Amend	4-1-2011
340-210-0120	6-24-2011	Amend(T)	8-1-2011	340-230-0300	2-24-2011	Amend	4-1-2011
340-212-0140	6-24-2011	Amend(T)	8-1-2011	340-230-0400	2-24-2011	Repeal	4-1-2011
340-215-0010	7-21-2011	Amend	9-1-2011	340-230-0410	2-24-2011	Repeal	4-1-2011
340-215-0020	7-21-2011	Amend	9-1-2011	340-238-0040	2-24-2011	Amend	4-1-2011
340-215-0030	7-21-2011	Amend	9-1-2011	340-238-0060	2-24-2011	Amend	4-1-2011
340-215-0040	7-21-2011	Amend	9-1-2011	340-242-0500	2-24-2011	Amend	4-1-2011
340-215-0060	5-1-2011	Amend	6-1-2011	340-244-0030	2-24-2011	Amend	4-1-2011
340-215-0060	7-21-2011	Adopt	9-1-2011	340-244-0220	2-24-2011	Amend	4-1-2011
340-215-0060	7-21-2011	Amend	9-1-2011	340-244-0234	2-24-2011	Amend	4-1-2011
340-216-0020	2-24-2011	Amend	4-1-2011	340-244-0236	2-24-2011	Amend	4-1-2011
340-216-0020	5-1-2011	Amend	6-1-2011	340-244-0238	2-24-2011	Amend	4-1-2011
340-216-0020	7-21-2011	Amend	9-1-2011	340-244-0242	2-24-2011	Amend	4-1-2011
340-216-0020	7-21-2011	Amend	9-1-2011	340-244-0244	2-24-2011	Amend	4-1-2011
340-216-0020	7-21-2011	Amend	9-1-2011	340-244-0248	2-24-2011	Amend	4-1-2011
340-216-0025	5-1-2011	Amend	6-1-2011	340-246-0230	5-1-2011	Amend	6-1-2011
340-216-0040	5-1-2011	Amend	6-1-2011	340-257-0030	4-29-2011	Amend	6-1-2011

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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
340-262-0700	3-15-2011	Adopt	4-1-2011	350-070-0200	5-1-2011	Amend	5-1-2011
340-262-0800	3-15-2011	Adopt	4-1-2011	350-070-0210	5-1-2011	Amend	5-1-2011
340-262-0900	3-15-2011	Adopt	4-1-2011	350-070-0220	5-1-2011	Amend	5-1-2011
350-030-0015	5-1-2011	Amend	5-1-2011	350-070-0225	5-1-2011	Amend	5-1-2011
350-030-0020	5-1-2011	Amend	5-1-2011	350-081-0017	5-1-2011	Adopt	5-1-2011
350-030-0025	5-1-2011	Amend	5-1-2011	350-081-0020	5-1-2011	Amend	5-1-2011
350-030-0030	5-1-2011	Amend	5-1-2011	350-081-0036	6-16-2011	Amend(T)	8-1-2011
350-030-0060	5-1-2011	Amend	5-1-2011	350-081-0036	10-13-2011	Amend(T)	11-1-2011
350-030-0080	5-1-2011	Amend	5-1-2011	350-081-0042	6-16-2011	Amend(T)	8-1-2011
350-040-0010	5-1-2011	Amend	5-1-2011	350-081-0042	10-13-2011	Amend(T)	11-1-2011
350-040-0020	5-1-2011	Amend	5-1-2011	350-081-0054	6-16-2011	Amend(T)	8-1-2011
350-040-0050	5-1-2011	Amend	5-1-2011	350-081-0054	10-13-2011	Amend(T)	11-1-2011
350-040-0055	5-1-2011	Adopt	5-1-2011	350-081-0082	5-1-2011	Amend	5-1-2011
350-040-0060	5-1-2011	Amend	5-1-2011	350-081-0540	5-1-2011	Amend	5-1-2011
350-040-0065	5-1-2011	Amend	5-1-2011	350-081-0560	5-1-2011	Amend	5-1-2011
350-040-0070	5-1-2011	Amend	5-1-2011	350-081-0570	5-1-2011	Amend	5-1-2011
350-040-0080	5-1-2011	Amend	5-1-2011	350-081-0580	5-1-2011	Amend	5-1-2011
350-050-0020	5-1-2011	Amend	5-1-2011	350-081-0590	5-1-2011	Amend	5-1-2011
350-050-0035	5-1-2011	Amend	5-1-2011	350-120-0025	5-1-2011	Repeal	5-1-2011
350-050-0040	5-1-2011	Amend	5-1-2011	350-120-0030	5-1-2011	Repeal	5-1-2011
350-050-0045	5-1-2011	Amend	5-1-2011	350-120-0040	5-1-2011	Repeal	5-1-2011
350-050-0060	5-1-2011	Amend	5-1-2011	350-120-0050	5-1-2011	Amend	5-1-2011
350-050-0070	5-1-2011	Amend	5-1-2011	407-007-0200	4-15-2011	Amend(T)	5-1-2011
350-050-0080	5-1-2011	Amend	5-1-2011	407-007-0200	10-12-2011	Amend(T)	11-1-2011

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407-007-0200	11-1-2011	Amend	12-1-2011	407-014-0000	7-1-2011	Amend(T)	8-1-2011
407-007-0200(T)	11-1-2011	Repeal	12-1-2011	407-014-0015	7-1-2011	Adopt(T)	8-1-2011
407-007-0210	4-15-2011	Amend(T)	5-1-2011	407-014-0020	7-1-2011	Amend(T)	8-1-2011
407-007-0210	10-12-2011	Amend(T)	11-1-2011	407-014-0030	7-1-2011	Amend(T)	8-1-2011
407-007-0210	11-1-2011	Amend	12-1-2011	407-014-0040	7-1-2011	Amend(T)	8-1-2011
407-007-0210(T)	11-1-2011	Repeal	12-1-2011	407-014-0050	7-1-2011	Amend(T)	8-1-2011
407-007-0220	4-15-2011	Amend(T)	5-1-2011	407-014-0060	7-1-2011	Amend(T)	8-1-2011
407-007-0220	10-12-2011	Amend(T)	11-1-2011	407-014-0070	7-1-2011	Amend(T)	8-1-2011
407-007-0220	11-1-2011	Amend	12-1-2011	407-014-0300	8-9-2011	Amend(T)	9-1-2011
407-007-0220(T)	11-1-2011	Repeal	12-1-2011	407-014-0305	8-9-2011	Amend(T)	9-1-2011
407-007-0230	4-15-2011	Amend(T)	5-1-2011	407-014-0310	8-9-2011	Amend(T)	9-1-2011
407-007-0230	10-12-2011	Amend(T)	11-1-2011	407-014-0315	8-9-2011	Amend(T)	9-1-2011
407-007-0230	11-1-2011	Amend	12-1-2011	407-014-0320	8-9-2011	Amend(T)	9-1-2011
407-007-0230(T)	11-1-2011	Repeal	12-1-2011	407-020-0000	2-1-2011	Am. & Ren.	3-1-2011
407-007-0240	4-15-2011	Amend(T)	5-1-2011	407-020-0005	2-1-2011	Am. & Ren.	3-1-2011
407-007-0240	10-12-2011	Amend(T)	11-1-2011	407-020-0010	2-1-2011	Am. & Ren.	3-1-2011
407-007-0240	11-1-2011	Amend	12-1-2011	407-020-0015	2-1-2011	Am. & Ren.	3-1-2011
407-007-0240(T)	11-1-2011	Repeal	12-1-2011	407-043-0020	7-1-2011	Adopt(T)	8-1-2011
407-007-0250	4-15-2011	Amend(T)	5-1-2011	407-045-0260	1-1-2011	Amend	2-1-2011
407-007-0250	10-12-2011	Amend(T)	11-1-2011	407-045-0260(T)	1-1-2011	Repeal	2-1-2011
407-007-0250	11-1-2011	Amend	12-1-2011	407-045-0400	7-1-2011	Amend(T)	8-1-2011
407-007-0250(T)	11-1-2011	Repeal	12-1-2011	407-045-0410	7-1-2011	Suspend	8-1-2011
407-007-0290	4-15-2011	Amend(T)	5-1-2011	407-045-0420	7-1-2011	Suspend	8-1-2011
407-007-0290	10-12-2011	Amend(T)	11-1-2011	407-045-0430	7-1-2011	Suspend	8-1-2011
407-007-0290	11-1-2011	Amend	12-1-2011	407-045-0440	7-1-2011	Suspend	8-1-2011
407-007-0290(T)	11-1-2011	Repeal	12-1-2011	407-045-0450	7-1-2011	Suspend	8-1-2011
407-007-0300	4-15-2011	Amend(T)	5-1-2011	407-045-0460	7-1-2011	Suspend	8-1-2011
407-007-0300	10-12-2011	Amend(T)	11-1-2011	407-045-0470	7-1-2011	Suspend	8-1-2011
407-007-0300	11-1-2011	Amend	12-1-2011	407-045-0480	7-1-2011	Suspend	8-1-2011
407-007-0300(T)	11-1-2011	Repeal	12-1-2011	407-045-0490	7-1-2011	Suspend	8-1-2011
407-007-0315	4-15-2011	Amend(T)	5-1-2011	407-045-0500	7-1-2011	Suspend	8-1-2011
407-007-0315	10-12-2011	Amend(T)	11-1-2011	407-045-0510	7-1-2011	Suspend	8-1-2011
407-007-0315	11-1-2011	Amend	12-1-2011	407-045-0520	7-1-2011	Suspend	8-1-2011
407-007-0315(T)	11-1-2011	Repeal	12-1-2011	407-045-0820	1-1-2011	Amend	2-1-2011
407-007-0320	4-15-2011	Amend(T)	5-1-2011	407-045-0820(T)	1-1-2011	Repeal	2-1-2011
407-007-0320	10-12-2011	Amend(T)	11-1-2011	407-120-0100	7-1-2011	Amend(T)	8-1-2011
407-007-0320	11-1-2011	Amend	12-1-2011	407-120-0112	7-1-2011	Amend(T)	8-1-2011
407-007-0320(T)	11-1-2011	Repeal	12-1-2011	407-120-0114	7-1-2011	Amend(T)	8-1-2011
407-007-0325	4-15-2011	Amend(T)	5-1-2011	407-120-0150	7-1-2011	Amend(T)	8-1-2011
407-007-0325	10-12-2011	Amend(T)	11-1-2011	407-120-0200	7-1-2011	Amend(T)	8-1-2011
407-007-0325	11-1-2011	Amend	12-1-2011	409-015-0010	3-1-2011	Amend	3-1-2011
407-007-0325(T)	11-1-2011	Repeal	12-1-2011	409-023-0000	8-1-2011	Amend(T)	9-1-2011
407-007-0330	4-15-2011	Amend(T)	5-1-2011	409-023-0000	10-1-2011	Amend	11-1-2011
407-007-0330	10-12-2011	Amend(T)	11-1-2011	409-023-0000(T)	10-1-2011	Repeal	11-1-2011
407-007-0330	11-1-2011	Amend	12-1-2011	409-023-0010	8-1-2011	Amend(T)	9-1-2011
407-007-0330(T)	11-1-2011	Repeal	12-1-2011	409-023-0010	10-1-2011	Amend	11-1-2011
407-007-0335	11-1-2011	Adopt	12-1-2011	409-023-0010(T)	10-1-2011	Repeal	11-1-2011
407-007-0340	4-15-2011	Amend(T)	5-1-2011	409-023-0012	8-1-2011	Amend(T)	9-1-2011
407-007-0340	10-12-2011	Amend(T)	11-1-2011	409-023-0012	10-1-2011	Amend	11-1-2011
407-007-0340	11-1-2011	Amend	12-1-2011	409-023-0012(T)	10-1-2011	Repeal	11-1-2011
407-007-0340(T)	11-1-2011	Repeal	12-1-2011	409-023-0015	8-1-2011	Amend(T)	9-1-2011
407-007-0350	4-15-2011	Amend(T)	5-1-2011	409-023-0015	10-1-2011	Amend	11-1-2011
407-007-0350	10-12-2011	Amend(T)	11-1-2011	409-023-0015(T)	10-1-2011	Repeal	11-1-2011
407-007-0350	11-1-2011	Amend	12-1-2011	409-030-0000	3-1-2011	Renumber	3-1-2011
407-007-0350(T)	11-1-2011	Repeal	12-1-2011	409-030-0005	3-1-2011	Renumber	3-1-2011
407-007-0370	11-1-2011	Amend	12-1-2011	409-030-0010	3-1-2011	Renumber	3-1-2011

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409-030-0020	3-1-2011	Renumber	3-1-2011	410-120-1280	1-1-2011	Amend	2-1-2011
409-030-0030	3-1-2011	Renumber	3-1-2011	410-120-1295	1-1-2011	Amend	2-1-2011
409-030-0050	3-1-2011	Renumber	3-1-2011	410-120-1295	10-20-2011	Amend(T)	12-1-2011
409-030-0065	3-1-2011	Renumber	3-1-2011	410-120-1340	1-1-2011	Amend	2-1-2011
409-050-0110	9-1-2011	Amend(T)	10-1-2011	410-120-1340	8-1-2011	Amend(T)	9-1-2011
409-050-0120	9-1-2011	Amend(T)	10-1-2011	410-120-1560	7-1-2011	Amend	8-1-2011
409-050-0130	10-19-2011	Amend(T)	12-1-2011	410-121-0000	1-1-2011	Amend	2-1-2011
409-055-0000	10-1-2011	Adopt(T)	11-1-2011	410-121-0000	9-1-2011	Amend	10-1-2011
409-055-0010	10-1-2011	Adopt(T)	11-1-2011	410-121-0000	9-30-2011	Amend(T)	11-1-2011
409-055-0020	10-1-2011	Adopt(T)	11-1-2011	410-121-0030	1-1-2011	Amend	2-1-2011
409-055-0030	10-1-2011	Adopt(T)	11-1-2011	410-121-0030	3-1-2011	Amend(T)	4-1-2011
409-055-0040	10-1-2011	Adopt(T)	11-1-2011	410-121-0030	7-17-2011	Amend	8-1-2011
409-055-0050	10-1-2011	Adopt(T)	11-1-2011	410-121-0030(T)	7-17-2011	Repeal	8-1-2011
409-055-0060	10-1-2011	Adopt(T)	11-1-2011	410-121-0033	9-30-2011	Amend(T)	11-1-2011
409-055-0070	10-1-2011	Adopt(T)	11-1-2011	410-121-0040	1-1-2011	Amend	2-1-2011
409-055-0080	10-1-2011	Adopt(T)	11-1-2011	410-121-0040	9-30-2011	Amend(T)	11-1-2011
409-110-0000	2-1-2011	Amend	3-1-2011	410-121-0100	9-30-2011	Amend(T)	11-1-2011
409-110-0005	2-1-2011	Amend	3-1-2011	410-121-0110	9-30-2011	Adopt(T)	11-1-2011
409-110-0010	2-1-2011	Amend	3-1-2011	410-121-0147	7-1-2011	Amend	8-1-2011
409-110-0015	2-1-2011	Amend	3-1-2011	410-121-0149	1-1-2011	Amend	2-1-2011
409-110-0020	2-1-2011	Amend	3-1-2011	410-121-0150	9-1-2011	Amend	10-1-2011
410-050-0401	2-1-2011	Renumber	3-1-2011	410-121-0155	1-1-2011	Amend	2-1-2011
410-050-0411	2-1-2011	Renumber	3-1-2011	410-121-0155	7-1-2011	Amend	8-1-2011
410-050-0421	2-1-2011	Renumber	3-1-2011	410-121-0157	7-1-2011	Amend	8-1-2011
410-050-0431	2-1-2011	Renumber	3-1-2011	410-121-0160	1-1-2011	Amend	2-1-2011
410-050-0451	2-1-2011	Renumber	3-1-2011	410-121-0160	7-1-2011	Amend	8-1-2011
410-050-0461	2-1-2011	Renumber	3-1-2011	410-121-0160	8-1-2011	Amend(T)	9-1-2011
410-050-0471	2-1-2011	Renumber	3-1-2011	410-121-0185	7-1-2011	Amend	8-1-2011
410-050-0481	2-1-2011	Renumber	3-1-2011	410-121-0200	7-1-2011	Amend	8-1-2011
410-050-0491	2-1-2011	Renumber	3-1-2011	410-121-0320	1-1-2011	Repeal	2-1-2011
410-050-0501	2-1-2011	Renumber	3-1-2011	410-121-4000	5-5-2011	Adopt	6-1-2011
410-050-0511	2-1-2011	Renumber	3-1-2011	410-121-4005	5-5-2011	Adopt	6-1-2011
410-050-0521	2-1-2011	Renumber	3-1-2011	410-121-4010	5-5-2011	Adopt	6-1-2011
410-050-0531	2-1-2011	Renumber	3-1-2011	410-121-4015	5-5-2011	Adopt	6-1-2011
410-050-0541	2-1-2011	Renumber	3-1-2011	410-121-4020	5-5-2011	Adopt	6-1-2011
410-050-0551	2-1-2011	Renumber	3-1-2011	410-122-0080	3-25-2011	Amend	5-1-2011
410-050-0561	2-1-2011	Renumber	3-1-2011	410-122-0080(T)	3-25-2011	Repeal	5-1-2011
410-050-0591	2-1-2011	Renumber	3-1-2011	410-122-0180	3-25-2011	Amend	5-1-2011
410-050-0601	2-1-2011	Renumber	3-1-2011	410-122-0180(T)	3-25-2011	Repeal	5-1-2011
410-050-0861	7-1-2011	Amend(T)	8-1-2011	410-122-0186	8-1-2011	Amend(T)	9-1-2011
410-050-0861	10-1-2011	Amend(T)	11-1-2011	410-122-0520	7-1-2011	Amend	8-1-2011
410-050-0861	11-1-2011	Amend	12-1-2011	410-122-0630	8-1-2011	Amend(T)	9-1-2011
410-050-0861(T)	10-1-2011	Suspend	11-1-2011	410-123-1000	1-1-2011	Amend	1-1-2011
410-050-0861(T)	11-1-2011	Repeal	12-1-2011	410-123-1085	1-1-2011	Repeal	1-1-2011
410-120-0000	7-1-2011	Amend	8-1-2011	410-123-1220	1-1-2011	Amend	1-1-2011
410-120-0006	7-1-2011	Adopt	8-1-2011	410-123-1220	7-12-2011	Amend	8-1-2011
410-120-0006	7-15-2011	Amend(T)	8-1-2011	410-123-1260	1-1-2011	Amend	1-1-2011
410-120-0006	8-1-2011	Amend(T)	9-1-2011	410-123-1260	7-12-2011	Amend	8-1-2011
410-120-0006	10-1-2011	Amend(T)	11-1-2011	410-123-1540	1-1-2011	Amend	1-1-2011
410-120-0006(T)	8-1-2011	Suspend	9-1-2011	410-125-0047	1-1-2011	Amend	1-1-2011
410-120-0006(T)	10-1-2011	Suspend	11-1-2011	410-125-0080	1-1-2011	Amend	1-1-2011
410-120-0030	1-1-2011	Amend	2-1-2011	410-125-0085	1-1-2011	Amend	1-1-2011
410-120-0030	7-1-2011	Amend	8-1-2011	410-125-0100	1-1-2011	Repeal	1-1-2011
410-120-1195	1-1-2011	Amend	2-1-2011	410-125-0140	1-1-2011	Amend	1-1-2011
410-120-1200	1-1-2011	Amend	2-1-2011	410-125-0360	1-1-2011	Amend	1-1-2011
410-120-1230	1-1-2011	Amend	2-1-2011	410-125-0410	1-1-2011	Amend	1-1-2011

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410-125-0450	1-1-2011	Adopt	1-1-2011	410-138-0420	1-1-2011	Amend	2-1-2011
410-125-1020	1-1-2011	Amend	1-1-2011	410-138-0440	1-1-2011	Repeal	2-1-2011
410-125-2000	1-1-2011	Amend	1-1-2011	410-138-0460	1-1-2011	Repeal	2-1-2011
410-125-2020	1-1-2011	Amend	1-1-2011	410-138-0500	1-1-2011	Repeal	2-1-2011
410-125-2030	1-1-2011	Amend	1-1-2011	410-138-0540	1-1-2011	Repeal	2-1-2011
410-127-0020	1-1-2011	Amend	1-1-2011	410-138-0560	1-1-2011	Repeal	2-1-2011
410-127-0060	1-1-2011	Amend	1-1-2011	410-138-0600	1-1-2011	Repeal	2-1-2011
410-127-0060	8-1-2011	Amend(T)	9-1-2011	410-138-0640	1-1-2011	Repeal	2-1-2011
410-127-0065	1-1-2011	Amend	1-1-2011	410-138-0660	1-1-2011	Repeal	2-1-2011
410-127-0080	1-1-2011	Amend	1-1-2011	410-138-0680	1-1-2011	Repeal	2-1-2011
410-129-0220	3-25-2011	Amend	5-1-2011	410-138-0700	1-1-2011	Repeal	2-1-2011
410-129-0220(T)	3-25-2011	Repeal	5-1-2011	410-138-0710	1-1-2011	Repeal	2-1-2011
410-130-0200	1-1-2011	Amend	1-1-2011	410-138-0740	1-1-2011	Repeal	2-1-2011
410-130-0255	1-1-2011	Amend	1-1-2011	410-138-0760	1-1-2011	Repeal	2-1-2011
410-130-0580	1-1-2011	Amend	1-1-2011	410-138-0780	1-1-2011	Repeal	2-1-2011
410-130-0585	1-1-2011	Amend	1-1-2011	410-141-0000	1-1-2011	Amend	2-1-2011
410-130-0587	1-1-2011	Amend	1-1-2011	410-141-0070	1-1-2011	Amend	2-1-2011
410-130-0595	8-1-2011	Amend(T)	9-1-2011	410-141-0080	1-1-2011	Amend	2-1-2011
410-133-0040	7-1-2011	Amend	8-1-2011	410-141-0110	10-20-2011	Repeal	12-1-2011
410-133-0080	7-1-2011	Amend	8-1-2011	410-141-0115	10-20-2011	Repeal	12-1-2011
410-133-0120	7-1-2011	Amend	8-1-2011	410-141-0120	1-1-2011	Amend	2-1-2011
410-136-0030	1-1-2011	Amend	1-1-2011	410-141-0220	1-1-2011	Amend	2-1-2011
410-136-0040	1-1-2011	Amend	1-1-2011	410-141-0260	1-1-2011	Amend	2-1-2011
410-136-0045	1-1-2011	Amend	1-1-2011	410-141-0263	1-1-2011	Amend	2-1-2011
410-136-0050	1-1-2011	Amend	1-1-2011	410-141-0280	1-1-2011	Amend	2-1-2011
410-136-0060	1-1-2011	Amend	1-1-2011	410-141-0300	1-1-2011	Amend	2-1-2011
410-136-0070	1-1-2011	Amend	1-1-2011	410-141-0300	10-20-2011	Amend	12-1-2011
410-136-0080	1-1-2011	Amend	1-1-2011	410-141-0420	1-1-2011	Amend	2-1-2011
410-136-0140	1-1-2011	Amend	1-1-2011	410-141-0420	10-20-2011	Amend	12-1-2011
410-136-0160	1-1-2011	Amend	1-1-2011	410-141-0520	1-1-2011	Amend	2-1-2011
410-136-0180	1-1-2011	Amend	1-1-2011	410-141-0520	4-1-2011	Amend	5-1-2011
410-136-0200	1-1-2011	Amend	1-1-2011	410-141-0520	10-1-2011	Amend(T)	10-1-2011
410-136-0220	1-1-2011	Amend	1-1-2011	410-141-0520(T)	1-1-2011	Repeal	2-1-2011
410-136-0240	1-1-2011	Amend	1-1-2011	410-141-0860	10-1-2011	Amend(T)	11-1-2011
410-136-0300	1-1-2011	Amend	1-1-2011	410-142-0020	1-1-2011	Amend	1-1-2011
410-136-0320	1-1-2011	Amend	1-1-2011	410-142-0100	1-1-2011	Amend	1-1-2011
410-136-0340	1-1-2011	Amend	1-1-2011	410-142-0110	1-1-2011	Adopt	1-1-2011
410-136-0350	1-1-2011	Amend	1-1-2011	410-142-0200	1-1-2011	Amend	1-1-2011
410-136-0440	1-1-2011	Amend	1-1-2011	410-142-0225	1-1-2011	Amend	1-1-2011
410-136-0800	1-1-2011	Amend	1-1-2011	410-142-0240	1-1-2011	Amend	1-1-2011
410-136-0820	1-1-2011	Amend	1-1-2011	410-142-0280	1-1-2011	Amend	1-1-2011
410-136-0840	1-1-2011	Amend	1-1-2011	410-142-0300	1-1-2011	Amend	1-1-2011
410-136-0860	1-1-2011	Amend	1-1-2011	410-146-0020	10-1-2011	Amend(T)	11-1-2011
410-138-0000	1-1-2011	Amend	2-1-2011	410-146-0021	1-1-2011	Amend	1-1-2011
410-138-0005	1-1-2011	Amend	2-1-2011	410-146-0085	1-1-2011	Amend	1-1-2011
410-138-0007	1-1-2011	Amend	2-1-2011	410-146-0086	1-1-2011	Amend	1-1-2011
410-138-0009	1-1-2011	Amend	2-1-2011	410-146-0120	1-1-2011	Amend	1-1-2011
410-138-0020	1-1-2011	Amend	2-1-2011	410-146-0140	1-1-2011	Repeal	1-1-2011
410-138-0040	1-1-2011	Amend	2-1-2011	410-146-0440	7-1-2011	Amend	7-1-2011
410-138-0060	1-1-2011	Amend	2-1-2011	410-146-0460	7-1-2011	Amend	7-1-2011
410-138-0080	1-1-2011	Amend	2-1-2011	410-147-0120	1-1-2011	Amend	1-1-2011
410-138-0300	1-1-2011	Repeal	2-1-2011	410-147-0140	1-1-2011	Amend	1-1-2011
410-138-0360	1-1-2011	Repeal	2-1-2011	410-147-0200	1-1-2011	Amend	1-1-2011
410-138-0380	1-1-2011	Repeal	2-1-2011	410-147-0220	1-1-2011	Repeal	1-1-2011
410-138-0390	1-1-2011	Amend	2-1-2011	410-147-0320	1-1-2011	Amend	1-1-2011
410-138-0400	1-1-2011	Repeal	2-1-2011	410-147-0340	7-1-2011	Amend	7-1-2011

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410-147-0362	10-1-2011	Amend(T)	11-1-2011	411-308-0020	8-1-2011	Amend	9-1-2011
410-147-0400	7-1-2011	Amend	7-1-2011	411-308-0020(T)	8-1-2011	Repeal	9-1-2011
410-147-0480	1-1-2011	Amend	1-1-2011	411-308-0050	2-1-2011	Amend(T)	3-1-2011
410-147-0610	1-1-2011	Repeal	1-1-2011	411-308-0050	8-1-2011	Amend	9-1-2011
410-165-0000	7-1-2011	Adopt	8-1-2011	411-308-0050(T)	8-1-2011	Repeal	9-1-2011
410-165-0020	7-1-2011	Adopt	8-1-2011	411-308-0060	2-1-2011	Amend(T)	3-1-2011
410-165-0040	7-1-2011	Adopt	8-1-2011	411-308-0060	8-1-2011	Amend	9-1-2011
410-165-0060	7-22-2011	Adopt	9-1-2011	411-308-0060(T)	8-1-2011	Repeal	9-1-2011
410-165-0080	7-1-2011	Adopt	8-1-2011	411-308-0070	2-1-2011	Amend(T)	3-1-2011
410-165-0100	7-1-2011	Adopt	8-1-2011	411-308-0070	8-1-2011	Amend	9-1-2011
410-165-0120	7-1-2011	Adopt	8-1-2011	411-308-0070(T)	8-1-2011	Repeal	9-1-2011
410-165-0140	7-1-2011	Adopt	8-1-2011	411-308-0080	2-1-2011	Amend(T)	3-1-2011
411-030-0070	1-1-2012	Amend(T)	12-1-2011	411-308-0080	8-1-2011	Amend	9-1-2011
411-031-0020	12-1-2010	Amend	1-1-2011	411-308-0080(T)	8-1-2011	Repeal	9-1-2011
411-031-0020(T)	12-1-2010	Repeal	1-1-2011	411-308-0090	2-1-2011	Amend(T)	3-1-2011
411-031-0040	12-1-2010	Amend	1-1-2011	411-308-0090	8-1-2011	Amend	9-1-2011
411-031-0040(T)	12-1-2010	Repeal	1-1-2011	411-308-0090(T)	8-1-2011	Repeal	9-1-2011
411-034-0010	1-1-2011	Amend	2-1-2011	411-308-0120	2-1-2011	Amend(T)	3-1-2011
411-034-0020	1-1-2011	Amend	2-1-2011	411-308-0120	8-1-2011	Amend	9-1-2011
411-050-0412	1-1-2011	Amend	2-1-2011	411-308-0120(T)	8-1-2011	Repeal	9-1-2011
411-050-0499	1-1-2011	Repeal	2-1-2011	411-320-0020	1-1-2011	Amend	2-1-2011
411-054-0005	4-1-2011	Amend	5-1-2011	411-320-0020(T)	1-1-2011	Repeal	2-1-2011
411-054-0005	11-10-2011	Amend(T)	12-1-2011	411-320-0030	12-1-2010	Amend(T)	1-1-2011
411-054-0005(T)	4-1-2011	Repeal	5-1-2011	411-320-0030	6-2-2011	Amend	7-1-2011
411-054-0012	4-1-2011	Amend	5-1-2011	411-320-0045	12-1-2010	Amend(T)	1-1-2011
411-054-0012(T)	4-1-2011	Repeal	5-1-2011	411-320-0045	6-2-2011	Amend	7-1-2011
411-054-0013	11-10-2011	Amend(T)	12-1-2011	411-320-0080	1-1-2011	Amend	2-1-2011
411-054-0016	11-10-2011	Amend(T)	12-1-2011	411-320-0080(T)	1-1-2011	Repeal	2-1-2011
411-067-0000	4-1-2011	Amend	5-1-2011	411-320-0090	7-1-2011	Amend(T)	8-1-2011
411-067-0010	4-1-2011	Amend	5-1-2011	411-320-0110	7-1-2011	Amend(T)	8-1-2011
411-067-0020	4-1-2011	Amend	5-1-2011	411-320-0130	12-1-2010	Amend(T)	1-1-2011
411-067-0030	4-1-2011	Repeal	5-1-2011	411-320-0130	6-2-2011	Amend	7-1-2011
411-067-0050	4-1-2011	Amend	5-1-2011	411-320-0170	12-1-2010	Amend(T)	1-1-2011
411-067-0055	4-1-2011	Amend	5-1-2011	411-320-0175	1-1-2011	Amend	2-1-2011
411-067-0060	4-1-2011	Amend	5-1-2011	411-320-0175(T)	1-1-2011	Repeal	2-1-2011
411-067-0065	4-1-2011	Adopt	5-1-2011	411-323-0010	7-1-2011	Adopt	8-1-2011
411-067-0070	4-1-2011	Amend	5-1-2011	411-323-0010	7-1-2011	Amend(T)	8-1-2011
411-067-0080	4-1-2011	Amend	5-1-2011	411-323-0020	7-1-2011	Adopt	8-1-2011
411-067-0083	4-1-2011	Amend	5-1-2011	411-323-0020	7-1-2011	Amend(T)	8-1-2011
411-067-0086	4-1-2011	Adopt	5-1-2011	411-323-0030	7-1-2011	Adopt	8-1-2011
411-067-0087	4-1-2011	Repeal	5-1-2011	411-323-0030	7-1-2011	Amend(T)	8-1-2011
411-067-0090	4-1-2011	Amend	5-1-2011	411-323-0035	7-1-2011	Adopt(T)	8-1-2011
411-067-0100	4-1-2011	Amend	5-1-2011	411-323-0040	7-1-2011	Adopt	8-1-2011
411-070-0442	7-1-2011	Amend(T)	8-1-2011	411-323-0040	7-1-2011	Amend(T)	8-1-2011
411-070-0442	11-1-2011	Amend	11-1-2011	411-323-0050	7-1-2011	Adopt	8-1-2011
411-070-0442(T)	11-1-2011	Repeal	11-1-2011	411-323-0050	7-1-2011	Amend(T)	8-1-2011
411-070-0452	7-1-2011	Amend(T)	8-1-2011	411-323-0060	7-1-2011	Adopt	8-1-2011
411-070-0452	11-1-2011	Amend	11-1-2011	411-323-0060	7-1-2011	Amend(T)	8-1-2011
411-070-0452(T)	11-1-2011	Repeal	11-1-2011	411-323-0070	7-1-2011	Adopt	8-1-2011
411-200-0010	5-1-2011	Amend	6-1-2011	411-323-0070	7-1-2011	Amend(T)	8-1-2011
411-200-0020	5-1-2011	Amend	6-1-2011	411-325-0020	7-1-2011	Amend(T)	8-1-2011
411-200-0030	5-1-2011	Amend	6-1-2011	411-325-0025	7-1-2011	Adopt(T)	8-1-2011
411-200-0035	5-1-2011	Adopt	6-1-2011	411-325-0060	7-1-2011	Amend(T)	8-1-2011
411-200-0040	5-1-2011	Amend	6-1-2011	411-325-0080	7-1-2011	Suspend	8-1-2011
411-304-0035	1-1-2011	Amend	2-1-2011	411-325-0100	7-1-2011	Suspend	8-1-2011
411-308-0020	2-1-2011	Amend(T)	3-1-2011	411-325-0160	7-1-2011	Suspend	8-1-2011

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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
411-328-0600	7-1-2011	Suspend	8-1-2011	411-345-0020	7-1-2011	Amend(T)	8-1-2011
411-328-0610	7-1-2011	Suspend	8-1-2011	411-345-0025	7-1-2011	Adopt	8-1-2011
411-328-0630	7-1-2011	Amend(T)	8-1-2011	411-345-0030	2-7-2011	Amend(T)	3-1-2011
411-328-0670	7-1-2011	Suspend	8-1-2011	411-345-0030	7-1-2011	Amend	8-1-2011
411-328-0730	7-1-2011	Suspend	8-1-2011	411-345-0030	7-1-2011	Amend(T)	8-1-2011
411-328-0740	7-1-2011	Amend(T)	8-1-2011	411-345-0030(T)	7-1-2011	Repeal	8-1-2011
411-328-0805	7-1-2011	Suspend	8-1-2011	411-345-0040	7-1-2011	Repeal	8-1-2011
411-328-0810	2-7-2011	Amend(T)	3-1-2011	411-345-0050	7-1-2011	Amend	8-1-2011
411-328-0810	7-1-2011	Amend	8-1-2011	411-345-0050	7-1-2011	Amend(T)	8-1-2011
411-328-0810	7-1-2011	Suspend	8-1-2011	411-345-0060	7-1-2011	Repeal	8-1-2011
411-328-0810(T)	7-1-2011	Repeal	8-1-2011	411-345-0070	7-1-2011	Repeal	8-1-2011
411-328-0820	7-1-2011	Suspend	8-1-2011	411-345-0080	7-1-2011	Amend	8-1-2011
411-328-0830	7-1-2011	Suspend	8-1-2011	411-345-0080	7-1-2011	Suspend	8-1-2011
411-335-0010	7-1-2011	Amend(T)	8-1-2011	411-345-0090	7-1-2011	Amend	8-1-2011
411-335-0020	7-1-2011	Amend(T)	8-1-2011	411-345-0095	7-1-2011	Adopt	8-1-2011
411-335-0030	2-7-2011	Amend(T)	3-1-2011	411-345-0100	2-7-2011	Amend(T)	3-1-2011
411-335-0030	7-1-2011	Amend	8-1-2011	411-345-0100	7-1-2011	Amend	8-1-2011
411-335-0030	7-1-2011	Amend(T)	8-1-2011	411-345-0100	7-1-2011	Amend(T)	8-1-2011
411-335-0030(T)	7-1-2011	Repeal	8-1-2011	411-345-0100(T)	7-1-2011	Repeal	8-1-2011
411-335-0050	2-7-2011	Amend(T)	3-1-2011	411-345-0110	7-1-2011	Amend	8-1-2011
411-335-0050	7-1-2011	Amend	8-1-2011	411-345-0110	7-1-2011	Amend(T)	8-1-2011
411-335-0050	7-1-2011	Suspend	8-1-2011	411-345-0120	7-1-2011	Repeal	8-1-2011
411-335-0050(T)	7-1-2011	Repeal	8-1-2011	411-345-0130	7-1-2011	Amend	8-1-2011
411-335-0060	7-1-2011	Amend(T)	8-1-2011	411-345-0130	7-1-2011	Amend(T)	8-1-2011
411-335-0070	7-1-2011	Suspend	8-1-2011	411-345-0140	7-1-2011	Amend	8-1-2011
411-335-0080	7-1-2011	Suspend	8-1-2011	411-345-0150	7-1-2011	Repeal	8-1-2011
411-335-0090	7-1-2011	Suspend	8-1-2011	411-345-0160	7-1-2011	Amend	8-1-2011
411-335-0100	7-1-2011	Suspend	8-1-2011	411-345-0170	7-1-2011	Amend	8-1-2011
411-335-0110	7-1-2011	Suspend	8-1-2011	411-345-0180	7-1-2011	Amend	8-1-2011
411-335-0140	7-1-2011	Suspend	8-1-2011	411-345-0190	7-1-2011	Amend	8-1-2011
411-335-0300	7-1-2011	Suspend	8-1-2011	411-345-0190	7-1-2011	Amend(T)	8-1-2011
411-335-0310	7-1-2011	Amend(T)	8-1-2011	411-345-0200	7-1-2011	Amend	8-1-2011
411-335-0370	7-1-2011	Suspend	8-1-2011	411-345-0210	7-1-2011	Repeal	8-1-2011
411-335-0380	2-7-2011	Amend(T)	3-1-2011	411-345-0220	7-1-2011	Repeal	8-1-2011
411-335-0380	7-1-2011	Amend	8-1-2011	411-345-0230	7-1-2011	Amend	8-1-2011
411-335-0380	7-1-2011	Suspend	8-1-2011	411-345-0240	7-1-2011	Amend	8-1-2011
411-335-0380(T)	7-1-2011	Repeal	8-1-2011	411-345-0250	7-1-2011	Amend	8-1-2011
411-335-0390	7-1-2011	Suspend	8-1-2011	411-345-0260	2-7-2011	Amend(T)	3-1-2011
411-340-0030	11-17-2010	Amend(T)	1-1-2011	411-345-0260	7-1-2011	Amend	8-1-2011
411-340-0030	5-5-2011	Amend	6-1-2011	411-345-0260(T)	7-1-2011	Repeal	8-1-2011
411-340-0030(T)	5-5-2011	Repeal	6-1-2011	411-345-0270	7-1-2011	Amend	8-1-2011
411-340-0040	11-17-2010	Amend(T)	1-1-2011	411-345-0280	7-1-2011	Repeal	8-1-2011
411-340-0040	5-5-2011	Amend	6-1-2011	411-345-0290	7-1-2011	Repeal	8-1-2011
411-340-0040(T)	5-5-2011	Repeal	6-1-2011	411-345-0300	7-1-2011	Repeal	8-1-2011

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411-346-0110	2-10-2011	Amend(T)	3-1-2011	413-010-0505	6-30-2011	Amend(T)	8-1-2011
411-346-0110	7-1-2011	Adopt	8-1-2011	413-010-0505	11-4-2011	Amend	12-1-2011
411-346-0110(T)	7-1-2011	Repeal	8-1-2011	413-010-0505(T)	11-4-2011	Repeal	12-1-2011
411-346-0150	2-10-2011	Amend(T)	3-1-2011	413-010-0510	6-30-2011	Amend(T)	8-1-2011
411-346-0150	7-1-2011	Adopt	8-1-2011	413-010-0510	11-4-2011	Amend	12-1-2011
411-346-0150(T)	7-1-2011	Repeal	8-1-2011	413-010-0510(T)	11-4-2011	Repeal	12-1-2011
411-346-0160	2-10-2011	Amend(T)	3-1-2011	413-010-0515	6-30-2011	Amend(T)	8-1-2011
411-346-0160	7-1-2011	Adopt	8-1-2011	413-010-0515	11-4-2011	Amend	12-1-2011
411-346-0160(T)	7-1-2011	Repeal	8-1-2011	413-010-0515(T)	11-4-2011	Repeal	12-1-2011
411-346-0165	2-10-2011	Amend(T)	3-1-2011	413-010-0520	6-30-2011	Amend(T)	8-1-2011
411-346-0165	7-1-2011	Adopt	8-1-2011	413-010-0520	11-4-2011	Amend	12-1-2011
411-346-0165(T)	7-1-2011	Repeal	8-1-2011	413-010-0520(T)	11-4-2011	Repeal	12-1-2011
411-346-0190	2-10-2011	Amend(T)	3-1-2011	413-010-0525	6-30-2011	Amend(T)	8-1-2011
411-346-0190	7-1-2011	Adopt	8-1-2011	413-010-0525	11-4-2011	Amend	12-1-2011
411-346-0190(T)	7-1-2011	Repeal	8-1-2011	413-010-0525(T)	11-4-2011	Repeal	12-1-2011
411-346-0200	2-10-2011	Amend(T)	3-1-2011	413-010-0530	6-30-2011	Amend(T)	8-1-2011
411-346-0200	7-1-2011	Adopt	8-1-2011	413-010-0530	11-4-2011	Amend	12-1-2011
411-346-0200(T)	7-1-2011	Repeal	8-1-2011	413-010-0530(T)	11-4-2011	Repeal	12-1-2011
411-346-0220	2-10-2011	Amend(T)	3-1-2011	413-010-0535	6-30-2011	Amend(T)	8-1-2011
411-346-0220	7-1-2011	Adopt	8-1-2011	413-010-0535	11-4-2011	Amend	12-1-2011
411-346-0220(T)	7-1-2011	Repeal	8-1-2011	413-010-0535(T)	11-4-2011	Repeal	12-1-2011
411-360-0070	1-1-2011	Amend	2-1-2011	413-010-0705	10-6-2011	Amend(T)	11-1-2011
411-360-0070(T)	1-1-2011	Repeal	2-1-2011	413-010-0710	10-6-2011	Amend(T)	11-1-2011
411-370-0010	7-1-2011	Adopt	8-1-2011	413-010-0712	10-6-2011	Amend(T)	11-1-2011
411-370-0020	7-1-2011	Adopt	8-1-2011	413-010-0720	10-6-2011	Amend(T)	11-1-2011
411-370-0030	7-1-2011	Adopt	8-1-2011	413-010-0722	10-6-2011	Amend(T)	11-1-2011
411-370-0040	7-1-2011	Adopt	8-1-2011	413-010-0723	10-6-2011	Amend(T)	11-1-2011
413-010-0000	9-2-2011	Amend	10-1-2011	413-010-0732	10-6-2011	Amend(T)	11-1-2011
413-010-0010	9-2-2011	Amend	10-1-2011	413-010-0735	10-6-2011	Amend(T)	11-1-2011
413-010-0030	9-2-2011	Amend	10-1-2011	413-010-0738	10-6-2011	Amend(T)	11-1-2011
413-010-0035	9-2-2011	Amend	10-1-2011	413-010-0740	10-6-2011	Amend(T)	11-1-2011
413-010-0045	9-2-2011	Amend	10-1-2011	413-010-0743	10-6-2011	Amend(T)	11-1-2011
413-010-0055	12-29-2010	Amend	2-1-2011	413-010-0745	10-6-2011	Amend(T)	11-1-2011
413-010-0055	9-2-2011	Amend	10-1-2011	413-010-0746	10-6-2011	Amend(T)	11-1-2011
413-010-0055(T)	12-29-2010	Repeal	2-1-2011	413-010-0748	10-6-2011	Amend(T)	11-1-2011
413-010-0065	9-2-2011	Amend	10-1-2011	413-010-0750	10-6-2011	Amend(T)	11-1-2011
413-010-0068	9-2-2011	Amend	10-1-2011	413-020-0200	6-30-2011	Amend(T)	8-1-2011
413-010-0075	9-2-2011	Amend	10-1-2011	413-020-0210	6-30-2011	Amend(T)	8-1-2011
413-010-0081	12-29-2010	Amend	2-1-2011	413-020-0230	6-30-2011	Amend(T)	8-1-2011
413-010-0082	12-29-2010	Amend	2-1-2011	413-020-0233	6-30-2011	Amend(T)	8-1-2011
413-010-0083	12-29-2010	Amend	2-1-2011	413-020-0236	6-30-2011	Amend(T)	8-1-2011
413-010-0084	12-29-2010	Repeal	2-1-2011	413-020-0240	6-30-2011	Amend(T)	8-1-2011
413-010-0085	12-29-2010	Amend	2-1-2011	413-020-0245	6-30-2011	Amend(T)	8-1-2011
413-010-0086	12-29-2010	Repeal	2-1-2011	413-020-0255	6-30-2011	Amend(T)	8-1-2011
413-010-0360	12-29-2010	Repeal	2-1-2011	413-040-0240	1-4-2011	Amend	2-1-2011
413-010-0370	12-29-2010	Repeal	2-1-2011	413-040-0240(T)	1-4-2011	Repeal	2-1-2011
413-010-0380	12-29-2010	Repeal	2-1-2011	413-070-0063	6-30-2011	Amend(T)	8-1-2011
413-010-0500	6-30-2011	Amend(T)	8-1-2011	413-070-0500	12-29-2010	Amend	2-1-2011
413-010-0500	11-4-2011	Amend	12-1-2011	413-070-0505	12-29-2010	Amend	2-1-2011
413-010-0500(T)	11-4-2011	Repeal	12-1-2011	413-070-0510	12-29-2010	Amend	2-1-2011
413-010-0501	6-30-2011	Adopt(T)	8-1-2011	413-070-0514	12-29-2010	Adopt	2-1-2011
413-010-0501	11-4-2011	Adopt	12-1-2011	413-070-0514	3-22-2011	Amend(T)	5-1-2011
413-010-0501(T)	11-4-2011	Repeal	12-1-2011	413-070-0514	9-19-2011	Amend	11-1-2011
413-010-0502	6-30-2011	Adopt(T)	8-1-2011	413-070-0515	12-29-2010	Am. & Ren.	2-1-2011
413-010-0502	11-4-2011	Adopt	12-1-2011	413-070-0516	12-29-2010	Adopt	2-1-2011
413-010-0502(T)	11-4-2011	Repeal	12-1-2011	413-070-0516	3-22-2011	Amend(T)	5-1-2011

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413-070-0516	9-19-2011	Amend	11-1-2011	413-070-0934(T)	10-1-2011	Suspend	11-1-2011
413-070-0517	12-29-2010	Repeal	2-1-2011	413-070-0939	6-30-2011	Amend(T)	8-1-2011
413-070-0518	12-29-2010	Adopt	2-1-2011	413-070-0939	10-1-2011	Amend(T)	11-1-2011
413-070-0518	3-22-2011	Amend(T)	5-1-2011	413-070-0939(T)	10-1-2011	Suspend	11-1-2011
413-070-0518	9-19-2011	Amend	11-1-2011	413-070-0944	6-30-2011	Amend(T)	8-1-2011
413-070-0519	12-29-2010	Adopt	2-1-2011	413-070-0949	6-30-2011	Amend(T)	8-1-2011
413-070-0519	3-22-2011	Amend(T)	5-1-2011	413-070-0949	10-1-2011	Amend(T)	11-1-2011
413-070-0519	9-19-2011	Amend	11-1-2011	413-070-0949(T)	10-1-2011	Suspend	11-1-2011
413-070-0520	12-29-2010	Amend	2-1-2011	413-070-0959	6-30-2011	Amend(T)	8-1-2011
413-070-0524	12-29-2010	Amend	2-1-2011	413-070-0964	6-30-2011	Amend(T)	8-1-2011
413-070-0532	12-29-2010	Amend	2-1-2011	413-070-0964	10-1-2011	Amend(T)	11-1-2011
413-070-0536	12-29-2010	Amend	2-1-2011	413-070-0964(T)	10-1-2011	Suspend	11-1-2011
413-070-0540	12-29-2010	Amend	2-1-2011	413-070-0969	6-30-2011	Amend(T)	8-1-2011
413-070-0548	12-29-2010	Am. & Ren.	2-1-2011	413-070-0970	6-30-2011	Amend(T)	8-1-2011
413-070-0550	12-29-2010	Amend	2-1-2011	413-070-0974	6-30-2011	Amend(T)	8-1-2011
413-070-0550	3-22-2011	Amend(T)	5-1-2011	413-070-0974	10-1-2011	Amend(T)	11-1-2011
413-070-0550	9-19-2011	Amend	11-1-2011	413-070-0974(T)	10-1-2011	Suspend	11-1-2011
413-070-0552	12-29-2010	Amend	2-1-2011	413-070-0979	6-30-2011	Suspend	8-1-2011
413-070-0556	12-29-2010	Amend	2-1-2011	413-090-0000	6-30-2011	Amend(T)	8-1-2011
413-070-0565	12-29-2010	Amend	2-1-2011	413-090-0000	11-4-2011	Amend	12-1-2011
413-070-0570	12-28-2010	Adopt	2-1-2011	413-090-0000(T)	11-4-2011	Repeal	12-1-2011
413-070-0572	12-28-2010	Adopt	2-1-2011	413-090-0005	6-30-2011	Amend(T)	8-1-2011
413-070-0574	12-28-2010	Adopt	2-1-2011	413-090-0005	11-4-2011	Amend	12-1-2011
413-070-0600	12-29-2010	Amend	2-1-2011	413-090-0005(T)	11-4-2011	Repeal	12-1-2011
413-070-0620	12-29-2010	Amend	2-1-2011	413-090-0010	6-30-2011	Amend(T)	8-1-2011
413-070-0625	12-29-2010	Amend	2-1-2011	413-090-0010	11-4-2011	Amend	12-1-2011
413-070-0630	12-29-2010	Amend	2-1-2011	413-090-0010(T)	11-4-2011	Repeal	12-1-2011
413-070-0640	12-29-2010	Amend	2-1-2011	413-090-0021	6-30-2011	Amend(T)	8-1-2011
413-070-0645	12-29-2010	Amend	2-1-2011	413-090-0021	11-4-2011	Amend	12-1-2011
413-070-0651	12-29-2010	Adopt(T)	2-1-2011	413-090-0021(T)	11-4-2011	Repeal	12-1-2011
413-070-0651	6-28-2011	Amend	8-1-2011	413-090-0030	6-30-2011	Amend(T)	8-1-2011
413-070-0655	12-29-2010	Adopt(T)	2-1-2011	413-090-0030	11-4-2011	Amend	12-1-2011
413-070-0655	6-28-2011	Amend	8-1-2011	413-090-0030(T)	11-4-2011	Repeal	12-1-2011
413-070-0660	12-29-2010	Adopt(T)	2-1-2011	413-090-0040	6-30-2011	Amend(T)	8-1-2011
413-070-0660	6-28-2011	Amend	8-1-2011	413-090-0040	11-4-2011	Amend	12-1-2011
413-070-0665	12-29-2010	Adopt(T)	2-1-2011	413-090-0040(T)	11-4-2011	Repeal	12-1-2011
413-070-0665	6-28-2011	Amend	8-1-2011	413-090-0050	6-30-2011	Amend(T)	8-1-2011
413-070-0670	12-29-2010	Adopt(T)	2-1-2011	413-090-0050	11-4-2011	Amend	12-1-2011
413-070-0670	6-28-2011	Amend	8-1-2011	413-090-0050(T)	11-4-2011	Repeal	12-1-2011
413-070-0900	6-30-2011	Amend(T)	8-1-2011	413-100-0000	6-30-2011	Amend	8-1-2011
413-070-0900	10-1-2011	Amend(T)	11-1-2011	413-100-0010	6-30-2011	Amend	8-1-2011
413-070-0900(T)	10-1-2011	Suspend	11-1-2011	413-100-0020	6-30-2011	Amend	8-1-2011
413-070-0905	6-30-2011	Amend(T)	8-1-2011	413-100-0030	6-30-2011	Amend	8-1-2011
413-070-0905	10-1-2011	Amend(T)	11-1-2011	413-100-0060	6-30-2011	Amend	8-1-2011
413-070-0905(T)	10-1-2011	Suspend	11-1-2011	413-100-0070	6-30-2011	Amend	8-1-2011
413-070-0909	6-30-2011	Amend(T)	8-1-2011	413-100-0080	6-30-2011	Amend	8-1-2011
413-070-0917	6-30-2011	Amend(T)	8-1-2011	413-100-0110	6-30-2011	Amend	8-1-2011
413-070-0917	10-1-2011	Amend(T)	11-1-2011	413-100-0120	6-30-2011	Amend	8-1-2011
413-070-0917(T)	10-1-2011	Suspend	11-1-2011	413-100-0130	6-30-2011	Amend	8-1-2011
413-070-0919	6-30-2011	Amend(T)	8-1-2011	413-100-0135	6-30-2011	Amend(T)	8-1-2011
413-070-0925	6-30-2011	Amend(T)	8-1-2011	413-100-0150	6-30-2011	Amend(T)	8-1-2011
413-070-0925	10-1-2011	Amend(T)	11-1-2011	413-100-0160	6-30-2011	Amend	8-1-2011
413-070-0925(T)	10-1-2011	Suspend	11-1-2011	413-100-0180	6-30-2011	Amend	8-1-2011
413-070-0929	6-30-2011	Suspend	8-1-2011	413-100-0190	6-30-2011	Amend	8-1-2011
413-070-0934	6-30-2011	Amend(T)	8-1-2011	413-100-0200	6-30-2011	Amend	8-1-2011
413-070-0934	10-1-2011	Amend(T)	11-1-2011	413-100-0210	6-30-2011	Amend	8-1-2011

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413-100-0220	6-30-2011	Amend	8-1-2011	413-120-0230	12-29-2010	Repeal	2-1-2011
413-100-0230	6-30-2011	Amend	8-1-2011	413-120-0240	12-29-2010	Amend	2-1-2011
413-100-0240	6-30-2011	Amend	8-1-2011	413-120-0243	12-29-2010	Adopt	2-1-2011
413-100-0250	6-30-2011	Amend	8-1-2011	413-120-0246	12-29-2010	Adopt	2-1-2011
413-100-0260	6-30-2011	Amend	8-1-2011	413-120-0250	12-29-2010	Repeal	2-1-2011
413-100-0270	6-30-2011	Amend	8-1-2011	413-120-0255	12-29-2010	Repeal	2-1-2011
413-100-0280	6-30-2011	Amend	8-1-2011	413-120-0260	12-29-2010	Repeal	2-1-2011
413-100-0300	6-30-2011	Amend	8-1-2011	413-120-0265	12-29-2010	Repeal	2-1-2011
413-100-0310	6-30-2011	Amend	8-1-2011	413-120-0270	12-29-2010	Repeal	2-1-2011
413-100-0320	6-30-2011	Amend	8-1-2011	413-120-0275	12-29-2010	Repeal	2-1-2011
413-100-0335	6-30-2011	Amend	8-1-2011	413-120-0280	12-29-2010	Repeal	2-1-2011
413-100-0345	6-30-2011	Amend	8-1-2011	413-120-0285	12-29-2010	Repeal	2-1-2011
413-100-0905	6-30-2011	Amend(T)	8-1-2011	413-120-0290	12-29-2010	Repeal	2-1-2011
413-100-0915	6-30-2011	Amend(T)	8-1-2011	413-120-0300	12-29-2010	Repeal	2-1-2011
413-100-0925	6-30-2011	Amend(T)	8-1-2011	413-120-0310	12-29-2010	Repeal	2-1-2011
413-100-0930	6-30-2011	Amend(T)	8-1-2011	413-120-0500	12-29-2010	Amend	2-1-2011
413-110-0100	12-29-2010	Amend	2-1-2011	413-120-0510	12-29-2010	Amend	2-1-2011
413-110-0110	12-29-2010	Amend	2-1-2011	413-120-0520	12-29-2010	Repeal	2-1-2011
413-110-0120	12-29-2010	Repeal	2-1-2011	413-120-0521	12-29-2010	Adopt	2-1-2011
413-110-0130	12-29-2010	Amend	2-1-2011	413-120-0530	12-29-2010	Repeal	2-1-2011
413-110-0132	12-29-2010	Adopt	2-1-2011	413-120-0540	12-29-2010	Repeal	2-1-2011
413-110-0132	4-4-2011	Amend(T)	5-1-2011	413-120-0541	12-29-2010	Adopt	2-1-2011
413-110-0132	9-19-2011	Amend	11-1-2011	413-120-0550	12-29-2010	Am. & Ren.	2-1-2011
413-110-0140	12-29-2010	Repeal	2-1-2011	413-120-0570	12-29-2010	Adopt	2-1-2011
413-110-0150	12-29-2010	Adopt	2-1-2011	413-120-0590	12-29-2010	Adopt	2-1-2011
413-120-0000	12-29-2010	Amend	2-1-2011	413-120-0595	12-29-2010	Adopt	2-1-2011
413-120-0010	12-29-2010	Amend	2-1-2011	413-120-0700	12-29-2010	Adopt	2-1-2011
413-120-0015	12-29-2010	Repeal	2-1-2011	413-120-0710	12-29-2010	Adopt	2-1-2011
413-120-0020	12-29-2010	Amend	2-1-2011	413-120-0720	12-29-2010	Adopt	2-1-2011
413-120-0020	3-22-2011	Amend(T)	5-1-2011	413-120-0730	12-29-2010	Adopt	2-1-2011
413-120-0020	9-19-2011	Amend	11-1-2011	413-120-0730	3-22-2011	Amend(T)	5-1-2011
413-120-0021	12-29-2010	Adopt	2-1-2011	413-120-0730	9-19-2011	Amend	11-1-2011
413-120-0021	3-22-2011	Amend(T)	5-1-2011	413-120-0750	12-29-2010	Adopt	2-1-2011
413-120-0021	9-19-2011	Amend	11-1-2011	413-120-0750	3-22-2011	Amend(T)	5-1-2011
413-120-0025	12-29-2010	Adopt	2-1-2011	413-120-0750	9-19-2011	Amend	11-1-2011
413-120-0030	12-29-2010	Repeal	2-1-2011	413-120-0760	12-29-2010	Adopt	2-1-2011
413-120-0033	12-29-2010	Am. & Ren.	2-1-2011	413-120-0760	3-22-2011	Amend(T)	5-1-2011
413-120-0035	12-29-2010	Amend	2-1-2011	413-120-0760	9-19-2011	Amend	11-1-2011
413-120-0035	3-22-2011	Amend(T)	5-1-2011	413-120-0800	12-29-2010	Amend	2-1-2011
413-120-0035	9-19-2011	Amend	11-1-2011	413-120-0810	12-29-2010	Amend	2-1-2011
413-120-0040	12-29-2010	Repeal	2-1-2011	413-120-0820	12-29-2010	Repeal	2-1-2011
413-120-0045	12-29-2010	Am. & Ren.	2-1-2011	413-120-0830	12-29-2010	Amend	2-1-2011
413-120-0053	12-29-2010	Adopt	2-1-2011	413-120-0840	12-29-2010	Adopt	2-1-2011
413-120-0057	12-29-2010	Adopt	2-1-2011	413-120-0850	12-29-2010	Adopt	2-1-2011
413-120-0060	12-29-2010	Amend	2-1-2011	413-120-0860	12-29-2010	Adopt	2-1-2011
413-120-0060	3-22-2011	Amend(T)	5-1-2011	413-120-0870	12-29-2010	Adopt	2-1-2011
413-120-0060	9-19-2011	Amend	11-1-2011	413-120-0900	12-28-2010	Adopt	2-1-2011
413-120-0075	12-29-2010	Am. & Ren.	2-1-2011	413-120-0905	12-28-2010	Adopt	2-1-2011
413-120-0080	12-29-2010	Repeal	2-1-2011	413-120-0910	12-28-2010	Adopt	2-1-2011
413-120-0190	12-29-2010	Amend	2-1-2011	413-120-0920	12-28-2010	Adopt	2-1-2011
413-120-0195	12-29-2010	Amend	2-1-2011	413-120-0925	12-28-2010	Adopt	2-1-2011
413-120-0200	12-29-2010	Repeal	2-1-2011	413-120-0930	12-28-2010	Adopt	2-1-2011
413-120-0210	12-29-2010	Repeal	2-1-2011	413-120-0940	12-28-2010	Adopt	2-1-2011
413-120-0220	12-29-2010	Amend	2-1-2011	413-120-0945	12-28-2010	Adopt	2-1-2011
413-120-0222	12-29-2010	Adopt	2-1-2011	413-120-0950	12-28-2010	Adopt	2-1-2011
413-120-0225	12-29-2010	Adopt	2-1-2011	413-120-0960	12-28-2010	Adopt	2-1-2011

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413-120-0970	12-28-2010	Adopt	2-1-2011	413-200-0424	9-1-2011	Amend(T)	10-1-2011
413-130-0000	6-30-2011	Amend(T)	8-1-2011	414-205-0055	1-1-2011	Amend	2-1-2011
413-130-0010	6-30-2011	Amend(T)	8-1-2011	414-205-0100	1-1-2011	Amend	2-1-2011
413-130-0010	10-1-2011	Amend(T)	11-1-2011	414-205-0110	1-1-2011	Amend	2-1-2011
413-130-0010(T)	10-1-2011	Suspend	11-1-2011	414-205-0170	1-1-2011	Amend	2-1-2011
413-130-0015	6-30-2011	Adopt(T)	8-1-2011	414-300-0005	1-1-2011	Amend	2-1-2011
413-130-0020	6-30-2011	Amend(T)	8-1-2011	414-300-0010	1-1-2011	Amend	2-1-2011
413-130-0020	10-1-2011	Amend(T)	11-1-2011	414-300-0015	1-1-2011	Amend	2-1-2011
413-130-0020(T)	10-1-2011	Suspend	11-1-2011	414-300-0030	1-1-2011	Amend	2-1-2011
413-130-0030	6-30-2011	Am. & Ren.(T)	8-1-2011	414-300-0040	1-1-2011	Amend	2-1-2011
413-130-0040	6-30-2011	Amend(T)	8-1-2011	414-300-0110	1-1-2011	Amend(T)	2-1-2011
413-130-0040	10-1-2011	Amend(T)	11-1-2011	414-300-0110	6-1-2011	Amend	7-1-2011
413-130-0040(T)	10-1-2011	Suspend	11-1-2011	414-300-0110(T)	6-1-2011	Repeal	7-1-2011
413-130-0045	6-30-2011	Suspend	8-1-2011	414-300-0120	1-1-2011	Amend	2-1-2011
413-130-0050	6-30-2011	Amend(T)	8-1-2011	414-300-0250	1-1-2011	Amend	2-1-2011
413-130-0050	10-1-2011	Amend(T)	11-1-2011	414-300-0415	1-1-2011	Amend	2-1-2011
413-130-0050(T)	10-1-2011	Suspend	11-1-2011	414-350-0010	1-1-2011	Amend	2-1-2011
413-130-0055	6-30-2011	Adopt(T)	8-1-2011	414-350-0020	1-1-2011	Amend	2-1-2011
413-130-0055	10-1-2011	Adopt(T)	11-1-2011	414-350-0030	1-1-2011	Amend	2-1-2011
413-130-0055(T)	10-1-2011	Suspend	11-1-2011	414-350-0050	1-1-2011	Amend	2-1-2011
413-130-0060	6-30-2011	Suspend	8-1-2011	414-350-0060	1-1-2011	Amend	2-1-2011
413-130-0070	6-30-2011	Amend(T)	8-1-2011	414-350-0090	1-1-2011	Amend	2-1-2011
413-130-0070	10-1-2011	Amend(T)	11-1-2011	414-350-0100	1-1-2011	Amend	2-1-2011
413-130-0070(T)	10-1-2011	Suspend	11-1-2011	414-350-0110	1-1-2011	Amend(T)	2-1-2011
413-130-0075	6-30-2011	Amend(T)	8-1-2011	414-350-0110	6-1-2011	Amend	7-1-2011
413-130-0075	10-1-2011	Amend(T)	11-1-2011	414-350-0110(T)	6-1-2011	Repeal	7-1-2011
413-130-0075(T)	10-1-2011	Suspend	11-1-2011	414-350-0115	1-1-2011	Amend	2-1-2011
413-130-0077	10-1-2011	Amend(T)	11-1-2011	414-350-0200	1-1-2011	Amend	2-1-2011
413-130-0077(T)	10-1-2011	Suspend	11-1-2011	414-350-0210	1-1-2011	Amend	2-1-2011
413-130-0080	6-30-2011	Amend(T)	8-1-2011	414-350-0375	1-1-2011	Amend	2-1-2011
413-130-0080	10-1-2011	Amend(T)	11-1-2011	414-350-0380	1-1-2011	Amend	2-1-2011
413-130-0080(T)	10-1-2011	Suspend	11-1-2011	414-425-0010	5-1-2011	Amend(T)	6-1-2011
413-130-0090	6-30-2011	Amend(T)	8-1-2011	414-425-0010	6-30-2011	Amend(T)	8-1-2011
413-130-0090	10-1-2011	Amend(T)	11-1-2011	414-425-0010(T)	6-30-2011	Suspend	8-1-2011
413-130-0090(T)	10-1-2011	Suspend	11-1-2011	414-425-0030	5-1-2011	Amend(T)	6-1-2011
413-130-0100	6-30-2011	Amend(T)	8-1-2011	414-425-0030	6-30-2011	Amend(T)	8-1-2011
413-130-0100	10-1-2011	Amend(T)	11-1-2011	414-425-0030(T)	6-30-2011	Suspend	8-1-2011
413-130-0100(T)	10-1-2011	Suspend	11-1-2011	414-450-0010	5-1-2011	Amend(T)	6-1-2011
413-130-0110	6-30-2011	Amend(T)	8-1-2011	414-450-0010	6-30-2011	Amend(T)	8-1-2011
413-130-0110	10-1-2011	Amend(T)	11-1-2011	414-450-0010(T)	6-30-2011	Suspend	8-1-2011
413-130-0110(T)	10-1-2011	Suspend	11-1-2011	414-450-0030	5-1-2011	Amend(T)	6-1-2011
413-130-0115	6-30-2011	Suspend	8-1-2011	414-450-0030	6-30-2011	Amend(T)	8-1-2011
413-130-0125	6-30-2011	Amend(T)	8-1-2011	414-450-0030(T)	6-30-2011	Suspend	8-1-2011
413-130-0125	10-1-2011	Amend(T)	11-1-2011	415-054-0005	3-9-2011	Repeal	4-1-2011
413-130-0125(T)	10-1-2011	Suspend	11-1-2011	415-054-0010	3-9-2011	Repeal	4-1-2011
413-130-0130	6-30-2011	Amend(T)	8-1-2011	415-054-0015	3-9-2011	Repeal	4-1-2011
413-130-0130	10-1-2011	Amend(T)	11-1-2011	415-054-0017	3-9-2011	Repeal	4-1-2011
413-130-0130(T)	10-1-2011	Suspend	11-1-2011	415-054-0018	3-9-2011	Repeal	4-1-2011
413-130-0150	12-29-2010	Repeal	2-1-2011	415-054-0045	3-9-2011	Repeal	4-1-2011
413-130-0160	12-29-2010	Repeal	2-1-2011	415-054-0050	3-9-2011	Repeal	4-1-2011
413-130-0170	12-29-2010	Repeal	2-1-2011	415-054-0055	3-9-2011	Repeal	4-1-2011
413-130-0180	12-29-2010	Repeal	2-1-2011	415-054-0060	3-9-2011	Repeal	4-1-2011
413-200-0404	9-1-2011	Amend(T)	10-1-2011	415-054-0070	3-9-2011	Repeal	4-1-2011
413-200-0409	9-1-2011	Amend(T)	10-1-2011	415-054-0075	3-9-2011	Repeal	4-1-2011
413-200-0414	9-1-2011	Amend(T)	10-1-2011	415-054-0076	3-9-2011	Repeal	4-1-2011
413-200-0419	9-1-2011	Amend(T)	10-1-2011	415-054-0080	3-9-2011	Repeal	4-1-2011

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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
415-054-0310	3-9-2011	Repeal	4-1-2011	416-260-0015	9-15-2011	Adopt	10-1-2011
415-054-0320	3-9-2011	Repeal	4-1-2011	416-420-0010	9-15-2011	Amend	10-1-2011
415-054-0330	3-9-2011	Repeal	4-1-2011	416-420-0030	9-15-2011	Amend	10-1-2011
415-054-0340	3-9-2011	Repeal	4-1-2011	416-460-0000	9-7-2011	Repeal	10-1-2011
415-054-0350	3-9-2011	Repeal	4-1-2011	416-460-0010	9-7-2011	Repeal	10-1-2011
415-054-0360	3-9-2011	Repeal	4-1-2011	416-460-0020	9-7-2011	Repeal	10-1-2011
415-054-0370	3-9-2011	Repeal	4-1-2011	416-460-0030	9-7-2011	Repeal	10-1-2011
415-054-0400	3-9-2011	Adopt	4-1-2011	416-460-0040	9-7-2011	Repeal	10-1-2011
415-054-0400(T)	3-9-2011	Repeal	4-1-2011	416-600-0000	9-7-2011	Repeal	10-1-2011
415-054-0410	3-9-2011	Adopt	4-1-2011	416-600-0010	9-7-2011	Repeal	10-1-2011
415-054-0410(T)	3-9-2011	Repeal	4-1-2011	416-600-0020	9-7-2011	Repeal	10-1-2011
415-054-0420	3-9-2011	Adopt	4-1-2011	416-600-0030	9-7-2011	Repeal	10-1-2011
415-054-0420(T)	3-9-2011	Repeal	4-1-2011	416-600-0040	9-7-2011	Repeal	10-1-2011
415-054-0430	3-9-2011	Adopt	4-1-2011	416-600-0050	9-7-2011	Repeal	10-1-2011
415-054-0430(T)	3-9-2011	Repeal	4-1-2011	423-010-0024	9-12-2011	Amend	10-1-2011
415-054-0440	3-9-2011	Adopt	4-1-2011	423-010-0050	10-5-2011	Adopt(T)	11-1-2011
415-054-0440(T)	3-9-2011	Repeal	4-1-2011	436-009-0003	4-1-2011	Amend	4-1-2011
415-054-0450	3-9-2011	Adopt	4-1-2011	436-009-0004	4-1-2011	Amend	4-1-2011
415-054-0450(T)	3-9-2011	Repeal	4-1-2011	436-009-0005	4-1-2011	Amend	4-1-2011
415-054-0460	3-9-2011	Adopt	4-1-2011	436-009-0010	4-1-2011	Amend	4-1-2011
415-054-0460(T)	3-9-2011	Repeal	4-1-2011	436-009-0020	4-1-2011	Amend	4-1-2011
415-054-0470	3-9-2011	Adopt	4-1-2011	436-009-0030	4-1-2011	Amend	4-1-2011
415-054-0470(T)	3-9-2011	Repeal	4-1-2011	436-009-0040	4-1-2011	Amend	4-1-2011
415-054-0480	3-9-2011	Adopt	4-1-2011	436-009-0050	4-1-2011	Amend	4-1-2011
415-054-0480(T)	3-9-2011	Repeal	4-1-2011	436-009-0070	4-1-2011	Amend	4-1-2011
415-054-0490	3-9-2011	Adopt	4-1-2011	436-009-0080	4-1-2011	Amend	4-1-2011
415-054-0490(T)	3-9-2011	Repeal	4-1-2011	436-009-0080	7-5-2011	Amend(T)	8-1-2011
415-054-0500	3-9-2011	Adopt	4-1-2011	436-009-0090	4-1-2011	Amend	4-1-2011
415-054-0500(T)	3-9-2011	Repeal	4-1-2011	436-009-0114	4-1-2011	Adopt	4-1-2011
415-054-0510	3-9-2011	Adopt	4-1-2011	436-009-0120	4-1-2011	Amend	4-1-2011
415-054-0510(T)	3-9-2011	Repeal	4-1-2011	436-009-0125	4-1-2011	Amend	4-1-2011
415-054-0520	3-9-2011	Adopt	4-1-2011	436-009-0155	4-1-2011	Amend	4-1-2011
415-054-0520(T)	3-9-2011	Repeal	4-1-2011	436-009-0160	4-1-2011	Amend	4-1-2011
415-054-0530	3-9-2011	Adopt	4-1-2011	436-009-0180	4-1-2011	Amend	4-1-2011
415-054-0540	3-9-2011	Adopt	4-1-2011	436-009-0199	4-1-2011	Am. & Ren.	4-1-2011
415-054-0550	3-9-2011	Adopt	4-1-2011	436-009-0200	4-1-2012	Adopt	4-1-2011
415-054-0560	3-9-2011	Adopt	4-1-2011	436-009-0205	4-1-2012	Adopt	4-1-2011
415-054-0570	3-9-2011	Adopt	4-1-2011	436-009-0206	4-1-2012	Adopt	4-1-2011
415-054-0580	3-9-2011	Adopt	4-1-2011	436-009-0207	4-1-2012	Adopt	4-1-2011
415-065-0010	8-16-2011	Amend	10-1-2011	436-009-0210	4-1-2012	Adopt	4-1-2011
415-065-0015	8-16-2011	Amend	10-1-2011	436-009-0215	4-1-2012	Adopt	4-1-2011
415-065-0055	2-11-2011	Amend(T)	3-1-2011	436-009-0220	4-1-2012	Adopt	4-1-2011
415-065-0055	8-16-2011	Amend	10-1-2011	436-009-0225	4-1-2012	Adopt	4-1-2011
416-070-0010	6-14-2011	Adopt(T)	7-1-2011	436-009-0230	4-1-2012	Adopt	4-1-2011
416-070-0010	9-9-2011	Adopt	10-1-2011	436-009-0235	4-1-2012	Adopt	4-1-2011
416-070-0020	6-14-2011	Adopt(T)	7-1-2011	436-009-0240	4-1-2012	Adopt	4-1-2011
416-070-0020	9-9-2011	Adopt	10-1-2011	436-009-0245	4-1-2012	Adopt	4-1-2011
416-070-0030	6-14-2011	Adopt(T)	7-1-2011	436-009-0250	4-1-2012	Adopt	4-1-2011

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436-009-0260	4-1-2012	Adopt	4-1-2011	441-674-0910(T)	1-1-2011	Repeal	2-1-2011
436-009-0265	4-1-2012	Adopt	4-1-2011	441-674-0915	1-1-2011	Adopt	2-1-2011
436-009-0270	4-1-2012	Adopt	4-1-2011	441-674-0915(T)	1-1-2011	Repeal	2-1-2011
436-009-0275	4-1-2012	Adopt	4-1-2011	441-674-0920	1-1-2011	Adopt	2-1-2011
436-009-0280	4-1-2012	Adopt	4-1-2011	441-674-0920(T)	1-1-2011	Repeal	2-1-2011
436-009-0285	4-1-2012	Adopt	4-1-2011	441-710-0035	12-1-2010	Amend	1-1-2011
436-009-0290	4-1-2012	Adopt	4-1-2011	441-710-0071	12-1-2010	Adopt	1-1-2011
436-010-0230	4-1-2011	Amend	4-1-2011	441-710-0500	3-8-2011	Amend	4-1-2011
436-010-0265	4-1-2011	Amend	4-1-2011	441-860-0101	7-1-2011	Amend(T)	8-1-2011
436-010-0290	4-1-2011	Amend	4-1-2011	441-860-0101	10-3-2011	Amend	11-1-2011
436-060-0095	4-1-2011	Amend	4-1-2011	441-860-0101(T)	10-3-2011	Repeal	11-1-2011
436-085-0003	7-1-2011	Amend	7-1-2011	441-880-0400	7-1-2011	Amend(T)	8-1-2011
436-085-0005	7-1-2011	Amend	7-1-2011	441-880-0400	10-3-2011	Amend	11-1-2011
436-085-0025	7-1-2011	Amend	7-1-2011	441-880-0400(T)	10-3-2011	Repeal	11-1-2011
436-085-0030	7-1-2011	Amend	7-1-2011	441-930-0010	1-1-2011	Amend	2-1-2011
437-001-0057	10-1-2011	Amend	11-1-2011	441-930-0030	1-1-2011	Amend	2-1-2011
437-001-0706	10-1-2011	Amend	11-1-2011	441-930-0035	1-1-2011	Adopt	2-1-2011
437-002-0140	11-1-2011	Amend	12-1-2011	441-930-0045	1-1-2011	Adopt	2-1-2011
437-002-0220	11-1-2011	Amend	12-1-2011	441-930-0065	1-1-2011	Adopt	2-1-2011
437-003-0001	2-9-2011	Amend	3-1-2011	441-930-0068	1-1-2011	Adopt	2-1-2011
437-003-1423	2-9-2011	Adopt	3-1-2011	441-930-0070	1-1-2011	Amend	2-1-2011
437-003-3600	2-9-2011	Adopt	3-1-2011	441-930-0080	1-1-2011	Amend	2-1-2011
437-005-0001	11-1-2011	Amend	12-1-2011	441-930-0210	1-1-2011	Amend	2-1-2011
438-009-0010	1-1-2012	Amend	12-1-2011	441-930-0220	1-1-2011	Amend	2-1-2011
440-045-0020	1-1-2012	Amend	11-1-2011	441-930-0230	1-1-2011	Amend	2-1-2011
440-045-0025	1-1-2012	Amend	11-1-2011	441-930-0240	1-1-2011	Amend	2-1-2011
441-035-0010	2-15-2011	Amend	3-1-2011	441-930-0250	1-1-2011	Amend	2-1-2011
441-505-1135	12-1-2010	Adopt	1-1-2011	441-930-0255	1-1-2011	Adopt	2-1-2011
441-505-1135	7-1-2011	Suspend	8-1-2011	441-930-0260	1-1-2011	Amend	2-1-2011
441-505-1135	10-3-2011	Repeal	11-1-2011	441-930-0267	1-1-2011	Adopt	2-1-2011
441-674-0005	1-1-2011	Adopt	2-1-2011	441-930-0270	1-1-2011	Amend	2-1-2011
441-674-0005	1-20-2011	Amend	3-1-2011	441-930-0270	7-1-2011	Amend(T)	8-1-2011
441-674-0005(T)	1-1-2011	Repeal	2-1-2011	441-930-0270	10-3-2011	Amend	11-1-2011
441-674-0100	1-1-2011	Adopt	2-1-2011	441-930-0270(T)	10-3-2011	Repeal	11-1-2011
441-674-0100(T)	1-1-2011	Repeal	2-1-2011	441-930-0280	1-1-2011	Repeal	2-1-2011
441-674-0120	1-1-2011	Adopt	2-1-2011	441-930-0290	1-1-2011	Amend	2-1-2011
441-674-0120(T)	1-1-2011	Repeal	2-1-2011	441-930-0300	1-1-2011	Amend	2-1-2011
441-674-0130	1-1-2011	Adopt	2-1-2011	441-930-0310	1-1-2011	Amend	2-1-2011
441-674-0130(T)	1-1-2011	Repeal	2-1-2011	441-930-0320	1-1-2011	Amend	2-1-2011
441-674-0140	1-1-2011	Adopt	2-1-2011	441-930-0330	1-1-2011	Amend	2-1-2011
441-674-0140(T)	1-1-2011	Repeal	2-1-2011	441-930-0340	1-1-2011	Repeal	2-1-2011
441-674-0210	1-1-2011	Adopt	2-1-2011	441-930-0350	1-1-2011	Amend	2-1-2011
441-674-0210(T)	1-1-2011	Repeal	2-1-2011	441-930-0360	1-1-2011	Amend	2-1-2011
441-674-0220	1-1-2011	Adopt	2-1-2011	442-005-0000	5-19-2011	Amend	7-1-2011
441-674-0220(T)	1-1-2011	Repeal	2-1-2011	442-005-0010	2-25-2011	Amend	4-1-2011
441-674-0230	1-1-2011	Adopt	2-1-2011	442-005-0020	7-15-2011	Amend(T)	8-1-2011
441-674-0230(T)	1-1-2011	Repeal	2-1-2011	442-005-0020	11-4-2011	Amend	12-1-2011
441-674-0240	1-1-2011	Adopt	2-1-2011	442-005-0030	1-5-2011	Amend(T)	2-1-2011
441-674-0240(T)	1-1-2011	Repeal	2-1-2011	442-005-0030	4-22-2011	Amend	6-1-2011
441-674-0250	1-1-2011	Adopt	2-1-2011	442-005-0030	7-15-2011	Amend(T)	8-1-2011
441-674-0250(T)	1-1-2011	Repeal	2-1-2011	442-005-0030	11-4-2011	Amend	12-1-2011
441-674-0310	1-1-2011	Adopt	2-1-2011	442-005-0030(T)	1-5-2011	Suspend	2-1-2011
441-674-0310(T)	1-1-2011	Repeal	2-1-2011	442-005-0050	2-25-2011	Amend	4-1-2011
441-674-0510	1-20-2011	Adopt	3-1-2011	442-005-0050	7-15-2011	Amend(T)	8-1-2011
441-674-0520	1-20-2011	Adopt	3-1-2011	442-005-0050	11-4-2011	Amend	12-1-2011

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442-005-0070	4-22-2011	Amend	6-1-2011	442-010-0230	3-8-2011	Amend	4-1-2011
442-005-0070	7-15-2011	Amend(T)	8-1-2011	442-010-0240	1-18-2011	Adopt	3-1-2011
442-005-0070	11-4-2011	Amend	12-1-2011	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	459-010-0205	10-5-2011	Repeal	11-1-2011
442-010-0065	3-8-2011	Adopt	4-1-2011	459-011-0150	6-1-2011	Adopt	7-1-2011
442-010-0070	1-18-2011	Amend	3-1-2011	459-013-0050	8-4-2011	Adopt	9-1-2011
442-010-0070	3-8-2011	Amend	4-1-2011	459-015-0001	10-5-2011	Amend	11-1-2011
442-010-0075	3-8-2011	Adopt	4-1-2011	459-015-0020	10-5-2011	Amend	11-1-2011
442-010-0075	8-1-2011	Amend(T)	9-1-2011	459-015-0045	10-5-2011	Amend	11-1-2011
442-010-0080	1-18-2011	Amend	3-1-2011	459-015-0050	10-5-2011	Amend	11-1-2011
442-010-0080	3-8-2011	Amend	4-1-2011	459-015-0055	6-1-2011	Amend	7-1-2011
442-010-0085	3-8-2011	Adopt	4-1-2011	459-020-0005	8-4-2011	Repeal	9-1-2011
442-010-0090	3-8-2011	Amend	4-1-2011	459-020-0010	8-4-2011	Repeal	9-1-2011
442-010-0100	1-18-2011	Amend	3-1-2011	459-020-0012	8-4-2011	Repeal	9-1-2011
442-010-0100	3-8-2011	Amend	4-1-2011	459-020-0015	8-4-2011	Amend	9-1-2011
442-010-0110	1-18-2011	Amend	3-1-2011	459-020-0020	8-4-2011	Repeal	9-1-2011
442-010-0110	3-8-2011	Amend	4-1-2011	459-020-0025	8-4-2011	Repeal	9-1-2011
442-010-0120	1-18-2011	Amend	3-1-2011	459-020-0030	8-4-2011	Amend	9-1-2011
442-010-0120	3-8-2011	Amend	4-1-2011	459-020-0035	8-4-2011	Repeal	9-1-2011
442-010-0130	1-18-2011	Amend	3-1-2011	459-020-0040	8-4-2011	Repeal	9-1-2011
442-010-0130	3-8-2011	Amend	4-1-2011	459-020-0045	8-4-2011	Repeal	9-1-2011
442-010-0140	1-18-2011	Amend	3-1-2011	459-020-0050	8-4-2011	Amend	9-1-2011
442-010-0140	3-8-2011	Amend	4-1-2011	459-020-0055	8-4-2011	Repeal	9-1-2011
442-010-0150	1-18-2011	Amend	3-1-2011	459-050-0037	8-4-2011	Amend	9-1-2011
442-010-0150	3-8-2011	Amend	4-1-2011	459-050-0075	6-1-2011	Amend	7-1-2011
442-010-0160	1-18-2011	Amend	3-1-2011	459-050-0077	8-4-2011	Amend	9-1-2011
442-010-0160	3-8-2011	Amend	4-1-2011	459-050-0090	6-1-2011	Amend	7-1-2011
442-010-0170	1-18-2011	Amend	3-1-2011	459-050-0120	8-4-2011	Adopt	9-1-2011
442-010-0170	3-8-2011	Amend	4-1-2011	459-050-0150	8-4-2011	Amend	9-1-2011
442-010-0180	1-18-2011	Amend	3-1-2011	459-050-0300	8-4-2011	Amend	9-1-2011
442-010-0180	3-8-2011	Amend	4-1-2011	459-060-0020	11-24-2010	Amend	1-1-2011
442-010-0190	1-18-2011	Amend	3-1-2011	459-070-0100	2-2-2011	Amend	3-1-2011
442-010-0190	3-8-2011	Amend	4-1-2011	459-070-0110	2-2-2011	Amend	3-1-2011
442-010-0200	1-18-2011	Adopt	3-1-2011	459-076-0000	10-5-2011	Repeal	11-1-2011
442-010-0200	3-8-2011	Amend	4-1-2011	459-076-0001	10-5-2011	Amend	11-1-2011
442-010-0210	1-18-2011	Adopt	3-1-2011	459-076-0020	10-5-2011	Amend	11-1-2011
442-010-0210	3-8-2011	Amend	4-1-2011	459-076-0025	10-5-2011	Amend	11-1-2011
442-010-0220	1-18-2011	Adopt	3-1-2011	459-076-0050	10-5-2011	Amend	11-1-2011
442-010-0220	3-8-2011	Amend	4-1-2011	459-076-0055	10-5-2011	Amend	11-1-2011

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461-001-0000	10-1-2011	Amend	11-1-2011	461-130-0320	1-1-2011	Repeal	2-1-2011
461-001-0025	7-1-2011	Amend(T)	8-1-2011	461-130-0323	1-1-2011	Repeal	2-1-2011
461-012-0100	7-1-2011	Am. & Ren.	7-1-2011	461-130-0325	1-1-2011	Repeal	2-1-2011
461-012-0150	7-1-2011	Am. & Ren.	7-1-2011	461-130-0327	1-1-2011	Amend	2-1-2011
461-025-0310	10-1-2011	Amend	11-1-2011	461-130-0327	7-1-2011	Amend(T)	8-1-2011
461-025-0311	1-1-2011	Amend	2-1-2011	461-130-0328	1-1-2011	Amend	2-1-2011
461-025-0311(T)	1-1-2011	Repeal	2-1-2011	461-130-0330	1-1-2011	Amend	2-1-2011
461-025-0371	10-1-2011	Amend	11-1-2011	461-130-0330	10-1-2011	Amend(T)	11-1-2011
461-101-0010	1-1-2011	Amend	2-1-2011	461-130-0335	1-1-2011	Amend	2-1-2011
461-101-0010(T)	1-1-2011	Repeal	2-1-2011	461-130-0335	10-1-2011	Amend(T)	11-1-2011
461-110-0210	4-1-2011	Amend	5-1-2011	461-135-0010	1-1-2011	Amend	2-1-2011
461-110-0310	4-1-2011	Amend	5-1-2011	461-135-0070	7-1-2011	Amend(T)	8-1-2011
461-110-0330	4-1-2011	Amend	5-1-2011	461-135-0070	10-1-2011	Amend	11-1-2011
461-110-0340	4-1-2011	Amend	5-1-2011	461-135-0070(T)	10-1-2011	Repeal	11-1-2011
461-110-0350	4-1-2011	Amend	5-1-2011	461-135-0075	11-1-2011	Amend(T)	12-1-2011
461-110-0370	4-1-2011	Amend	5-1-2011	461-135-0089	10-1-2011	Amend(T)	11-1-2011
461-110-0370	10-1-2011	Amend	11-1-2011	461-135-0095	4-1-2011	Amend	5-1-2011
461-110-0390	4-1-2011	Amend	5-1-2011	461-135-0095(T)	4-1-2011	Repeal	5-1-2011
461-110-0400	4-1-2011	Amend	5-1-2011	461-135-0210	1-1-2011	Amend	2-1-2011
461-110-0410	4-1-2011	Amend	5-1-2011	461-135-0210(T)	1-1-2011	Repeal	2-1-2011
461-110-0430	4-1-2011	Amend	5-1-2011	461-135-0400	1-1-2011	Amend	2-1-2011
461-110-0530	4-1-2011	Amend	5-1-2011	461-135-0400	2-16-2011	Amend(T)	4-1-2011
461-110-0630	1-1-2011	Amend	2-1-2011	461-135-0400	3-22-2011	Amend(T)	5-1-2011
461-110-0630	4-1-2011	Amend	5-1-2011	461-135-0400	7-1-2011	Amend	8-1-2011
461-110-0630(T)	1-1-2011	Repeal	2-1-2011	461-135-0400(T)	1-1-2011	Repeal	2-1-2011
461-110-0750	4-1-2011	Amend	5-1-2011	461-135-0400(T)	3-22-2011	Suspend	5-1-2011
461-115-0016	8-1-2011	Adopt(T)	9-1-2011	461-135-0400(T)	7-1-2011	Repeal	8-1-2011
461-115-0030	8-1-2011	Amend(T)	9-1-2011	461-135-0475	7-1-2011	Amend(T)	8-1-2011
461-115-0050	10-1-2011	Amend(T)	11-1-2011	461-135-0475	10-1-2011	Amend(T)	11-1-2011
461-115-0071	1-1-2011	Amend	2-1-2011	461-135-0475(T)	10-1-2011	Suspend	11-1-2011
461-115-0071	10-1-2011	Amend	11-1-2011	461-135-0485	10-1-2011	Adopt(T)	11-1-2011
461-115-0071(T)	1-1-2011	Repeal	2-1-2011	461-135-0570	10-1-2011	Amend	11-1-2011
461-115-0140	10-1-2011	Amend	11-1-2011	461-135-0780	1-1-2011	Amend	2-1-2011
461-115-0230	7-22-2011	Amend(T)	9-1-2011	461-135-0950	4-1-2011	Amend	5-1-2011
461-115-0232	10-1-2011	Adopt	11-1-2011	461-135-0950	10-1-2011	Amend(T)	11-1-2011
461-115-0450	10-1-2011	Amend	11-1-2011	461-135-0960	10-1-2011	Suspend	11-1-2011
461-115-0530	3-1-2011	Amend(T)	4-1-2011	461-135-1100	1-1-2011	Amend	2-1-2011
461-115-0530	7-1-2011	Amend	8-1-2011	461-135-1100(T)	1-1-2011	Repeal	2-1-2011
461-115-0530(T)	7-1-2011	Repeal	8-1-2011	461-135-1110	7-1-2011	Amend(T)	8-1-2011
461-115-0690	7-22-2011	Amend(T)	9-1-2011	461-135-1110	10-1-2011	Amend	11-1-2011
461-115-0705	4-1-2011	Amend	5-1-2011	461-135-1110(T)	10-1-2011	Repeal	11-1-2011
461-115-0705(T)	4-1-2011	Repeal	5-1-2011	461-135-1120	3-1-2011	Amend(T)	4-1-2011
461-120-0210	1-1-2011	Amend	2-1-2011	461-135-1120	7-1-2011	Amend	8-1-2011
461-120-0210	4-1-2011	Amend	5-1-2011	461-135-1120(T)	7-1-2011	Repeal	8-1-2011
461-120-0315	7-1-2011	Amend	8-1-2011	461-135-1125	1-1-2011	Amend	2-1-2011
461-120-0340	10-5-2011	Amend(T)	11-1-2011	461-135-1125(T)	1-1-2011	Repeal	2-1-2011
461-120-0510	10-1-2011	Amend	11-1-2011	461-135-1195	1-1-2011	Amend	2-1-2011
461-125-0170	7-1-2011	Amend(T)	8-1-2011	461-135-1195	10-1-2011	Amend(T)	11-1-2011
461-125-0170	10-1-2011	Amend	11-1-2011	461-135-1197	1-1-2011	Adopt	2-1-2011
461-125-0170(T)	10-1-2011	Repeal	11-1-2011	461-135-1250	1-1-2011	Amend	2-1-2011
461-130-0305	1-1-2011	Amend	2-1-2011	461-135-1250	6-15-2011	Amend(T)	7-1-2011
461-130-0310	1-1-2011	Amend	2-1-2011	461-135-1250(T)	1-1-2011	Repeal	2-1-2011
461-130-0310	7-1-2011	Amend(T)	8-1-2011	461-135-1250(T)	6-29-2011	Suspend	8-1-2011
461-130-0310	10-1-2011	Amend	11-1-2011	461-135-1260	10-1-2011	Adopt(T)	11-1-2011
461-130-0310(T)	10-1-2011	Repeal	11-1-2011	461-140-0110	4-1-2011	Amend	5-1-2011

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461-145-0140	1-1-2011	Amend(T)	2-1-2011	461-155-0660	10-1-2011	Amend	11-1-2011
461-145-0140	7-1-2011	Amend	8-1-2011	461-155-0680	10-1-2011	Amend	11-1-2011
461-145-0143	1-1-2011	Suspend	2-1-2011	461-155-0688	1-1-2011	Amend	2-1-2011
461-145-0143(T)	7-1-2011	Repeal	8-1-2011	461-155-0688(T)	1-1-2011	Repeal	2-1-2011
461-145-0220	1-1-2011	Amend(T)	2-1-2011	461-155-0693	1-1-2011	Amend	2-1-2011
461-145-0220	7-1-2011	Amend	8-1-2011	461-155-0693	2-1-2011	Amend(T)	3-1-2011
461-145-0410	10-1-2011	Amend(T)	11-1-2011	461-155-0693	7-1-2011	Amend	8-1-2011
461-145-0530	2-4-2011	Amend(T)	3-1-2011	461-155-0693	7-15-2011	Amend(T)	8-1-2011
461-145-0530	7-1-2011	Amend	8-1-2011	461-155-0693(T)	1-1-2011	Repeal	2-1-2011
461-145-0530(T)	7-1-2011	Repeal	8-1-2011	461-160-0015	1-1-2011	Amend(T)	2-1-2011
461-150-0055	1-1-2011	Amend	2-1-2011	461-160-0015	4-1-2011	Amend	5-1-2011
461-150-0055	1-1-2011	Amend(T)	2-1-2011	461-160-0015	10-1-2011	Amend(T)	11-1-2011
461-150-0055	2-4-2011	Amend(T)	3-1-2011	461-160-0015(T)	4-1-2011	Repeal	5-1-2011
461-150-0055	4-1-2011	Amend	5-1-2011	461-160-0400	4-1-2011	Amend	5-1-2011
461-150-0055(T)	1-1-2011	Repeal	2-1-2011	461-160-0400(T)	4-1-2011	Repeal	5-1-2011
461-150-0055(T)	2-4-2011	Suspend	3-1-2011	461-160-0410	1-1-2011	Amend	2-1-2011
461-150-0055(T)	4-1-2011	Repeal	5-1-2011	461-160-0420	10-1-2011	Amend	11-1-2011
461-155-0030	1-1-2011	Amend	2-1-2011	461-160-0430	1-1-2011	Amend	2-1-2011
461-155-0030	1-1-2011	Amend(T)	2-1-2011	461-160-0430	1-1-2011	Amend(T)	2-1-2011
461-155-0030	4-1-2011	Amend	5-1-2011	461-160-0430	4-1-2011	Amend	5-1-2011
461-155-0030(T)	1-1-2011	Repeal	2-1-2011	461-160-0430	10-1-2011	Amend	11-1-2011
461-155-0030(T)	4-1-2011	Repeal	5-1-2011	461-160-0430(T)	1-1-2011	Repeal	2-1-2011
461-155-0035	1-1-2011	Amend	2-1-2011	461-160-0430(T)	4-1-2011	Repeal	5-1-2011
461-155-0035(T)	1-1-2011	Repeal	2-1-2011	461-160-0530	1-1-2011	Repeal	2-1-2011
461-155-0150	7-1-2011	Amend	8-1-2011	461-160-0620	7-1-2011	Amend(T)	8-1-2011
461-155-0180	1-1-2011	Amend	2-1-2011	461-160-0620	10-1-2011	Amend	11-1-2011
461-155-0180	1-20-2011	Amend(T)	3-1-2011	461-160-0620(T)	10-1-2011	Repeal	11-1-2011
461-155-0180	7-1-2011	Amend	8-1-2011	461-160-0700	1-1-2011	Amend	2-1-2011
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461-155-0180(T)	7-1-2011	Repeal	8-1-2011	461-160-0700	4-1-2011	Amend	5-1-2011
461-155-0190	10-1-2011	Amend	11-1-2011	461-160-0700(T)	1-1-2011	Repeal	2-1-2011
461-155-0225	1-1-2011	Amend	2-1-2011	461-160-0700(T)	4-1-2011	Repeal	5-1-2011
461-155-0225(T)	1-1-2011	Repeal	2-1-2011	461-160-0800	7-1-2011	Amend	8-1-2011
461-155-0235	1-20-2011	Amend	3-1-2011	461-165-0160	7-1-2011	Amend	8-1-2011
461-155-0290	3-1-2011	Amend(T)	4-1-2011	461-165-0171	7-1-2011	Amend	8-1-2011
461-155-0290	7-1-2011	Amend	8-1-2011	461-170-0010	4-1-2011	Amend	5-1-2011
461-155-0290(T)	7-1-2011	Repeal	8-1-2011	461-170-0010(T)	4-1-2011	Repeal	5-1-2011
461-155-0291	3-1-2011	Amend(T)	4-1-2011	461-170-0011	1-1-2011	Amend	2-1-2011
461-155-0291	7-1-2011	Amend	8-1-2011	461-170-0011	10-1-2011	Amend(T)	11-1-2011
461-155-0291(T)	7-1-2011	Repeal	8-1-2011	461-175-0010	1-1-2011	Amend	2-1-2011
461-155-0295	3-1-2011	Amend(T)	4-1-2011	461-175-0010(T)	1-1-2011	Repeal	2-1-2011
461-155-0295	7-1-2011	Amend	8-1-2011	461-175-0200	1-1-2011	Amend	2-1-2011
461-155-0295(T)	7-1-2011	Repeal	8-1-2011	461-175-0200	7-1-2011	Amend	8-1-2011
461-155-0320	1-1-2011	Amend	2-1-2011	461-175-0200(T)	1-1-2011	Repeal	2-1-2011
461-155-0320	8-19-2011	Amend(T)	10-1-2011	461-175-0250	1-1-2011	Amend	2-1-2011
461-155-0320(T)	1-1-2011	Repeal	2-1-2011	461-175-0250(T)	1-1-2011	Repeal	2-1-2011
461-155-0528	1-1-2011	Adopt	2-1-2011	461-180-0050	10-1-2011	Amend(T)	11-1-2011
461-155-0528	2-1-2011	Amend(T)	3-1-2011	461-180-0070	10-1-2011	Amend(T)	11-1-2011
461-155-0528	7-1-2011	Amend	8-1-2011	461-180-0130	6-29-2011	Amend(T)	8-1-2011
461-155-0528	8-1-2011	Amend(T)	9-1-2011	461-180-0130	10-1-2011	Amend(T)	11-1-2011
461-155-0528(T)	1-1-2011	Repeal	2-1-2011	461-180-0130(T)	10-1-2011	Suspend	11-1-2011
461-155-0528(T)	7-1-2011	Repeal	8-1-2011	461-190-0199	7-1-2011	Amend(T)	8-1-2011
461-155-0575	4-1-2011	Adopt(T)	5-1-2011	461-190-0199	10-1-2011	Amend	11-1-2011
461-155-0575	7-1-2011	Adopt	8-1-2011	461-190-0199(T)	10-1-2011	Repeal	11-1-2011
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461-190-0211	10-1-2011	Amend	11-1-2011	471-040-0041	8-26-2011	Amend(T)	10-1-2011
461-190-0211	11-1-2011	Amend(T)	12-1-2011	471-041-0070	8-26-2011	Amend(T)	10-1-2011
461-190-0211(T)	4-1-2011	Repeal	5-1-2011	471-041-0070	8-30-2011	Amend(T)	10-1-2011
461-190-0211(T)	10-1-2011	Repeal	11-1-2011	471-041-0070(T)	8-30-2011	Suspend	10-1-2011
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461-190-0212	6-29-2011	Adopt(T)	8-1-2011	571-004-0025	2-7-2011	Amend	3-1-2011
461-190-0212	10-1-2011	Adopt	11-1-2011	571-004-0030	2-7-2011	Amend	3-1-2011
461-190-0212(T)	6-29-2011	Suspend	8-1-2011	571-004-0035	2-7-2011	Repeal	3-1-2011
461-190-0212(T)	10-1-2011	Repeal	11-1-2011	571-004-0040	2-7-2011	Repeal	3-1-2011
461-190-0416	2-14-2011	Amend(T)	3-1-2011	571-004-0045	2-7-2011	Amend	3-1-2011
461-190-0416	7-1-2011	Amend	8-1-2011	571-004-0050	2-7-2011	Amend	3-1-2011
461-190-0416(T)	7-1-2011	Repeal	8-1-2011	571-004-0055	2-7-2011	Amend	3-1-2011
461-193-0560	1-1-2011	Amend	2-1-2011	571-060-0005	7-1-2011	Amend	8-1-2011
461-193-0560(T)	1-1-2011	Repeal	2-1-2011	573-001-0075	12-8-2010	Amend	1-1-2011
461-193-1190	10-1-2011	Repeal	11-1-2011	573-040-0005	6-13-2011	Amend	7-1-2011
461-195-0501	10-1-2011	Amend	11-1-2011	573-050-0005	6-13-2011	Amend	7-1-2011
461-195-0521	7-1-2011	Amend	8-1-2011	573-050-0015	6-13-2011	Amend	7-1-2011
461-195-0521	10-1-2011	Amend	11-1-2011	573-050-0016	6-13-2011	Adopt	7-1-2011
461-195-0541	10-1-2011	Amend	11-1-2011	573-050-0020	6-13-2011	Amend	7-1-2011
461-195-0621	10-1-2011	Amend	11-1-2011	573-050-0025	6-13-2011	Amend	7-1-2011
462-110-0010	10-1-2011	Amend	11-1-2011	573-050-0040	6-13-2011	Amend	7-1-2011
462-120-0040	10-1-2011	Amend	11-1-2011	573-076-0000	6-13-2011	Amend	7-1-2011
462-120-0120	10-3-2011	Amend	11-1-2011	573-076-0020	6-13-2011	Amend	7-1-2011
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462-150-0040	10-1-2011	Amend	11-1-2011	573-076-0130	6-13-2011	Amend	7-1-2011
462-150-0080	10-1-2011	Amend	11-1-2011	574-050-0005	2-2-2011	Amend	3-1-2011
462-200-0370	10-1-2011	Amend	11-1-2011	574-050-0005	5-2-2011	Amend	6-1-2011
462-210-0030	6-9-2011	Amend	7-1-2011	574-050-0005	8-5-2011	Amend	9-1-2011
462-210-0040	6-9-2011	Amend	7-1-2011	575-080-0100	11-16-2010	Adopt	1-1-2011
462-220-0030	6-9-2011	Amend	7-1-2011	575-080-0110	11-16-2010	Adopt	1-1-2011
471-010-0111	12-13-2010	Adopt	1-1-2011	575-080-0120	11-16-2010	Adopt	1-1-2011
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471-030-0037	8-3-2011	Amend	9-1-2011	575-080-0135	11-16-2010	Adopt	1-1-2011
471-030-0037(T)	8-3-2011	Repeal	9-1-2011	575-080-0140	11-16-2010	Adopt	1-1-2011
471-030-0038	3-1-2011	Amend(T)	4-1-2011	575-080-0145	11-16-2010	Adopt	1-1-2011
471-030-0038	8-3-2011	Amend	9-1-2011	576-001-0060	9-22-2011	Adopt(T)	11-1-2011
471-030-0038(T)	8-3-2011	Repeal	9-1-2011	576-010-0000	7-1-2011	Amend	7-1-2011
471-030-0048	7-1-2011	Amend(T)	6-1-2011	576-010-0006	6-13-2011	Adopt	7-1-2011
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471-031-0141	12-13-2010	Amend	1-1-2011	576-017-0005	6-13-2011	Amend	7-1-2011
471-031-0200	12-13-2010	Amend	1-1-2011	576-017-0010	6-13-2011	Repeal	7-1-2011
471-031-0225	12-13-2010	Repeal	1-1-2011	576-017-0015	6-13-2011	Repeal	7-1-2011
471-031-0230	12-13-2010	Repeal	1-1-2011	576-017-0020	6-13-2011	Repeal	7-1-2011
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471-040-0005	7-14-2011	Amend	8-1-2011	576-060-0020	6-13-2011	Amend	7-1-2011
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577-034-0001	9-29-2011	Amend	11-1-2011	581-051-0305	2-1-2011	Amend	3-1-2011
577-060-0020	7-1-2011	Amend(T)	7-1-2011	581-051-0306	2-1-2011	Amend	3-1-2011
577-060-0020	9-21-2011	Amend	11-1-2011	581-053-0002	3-17-2011	Amend	5-1-2011
577-060-0020	11-10-2011	Amend	12-1-2011	581-053-0006	3-17-2011	Amend	5-1-2011
577-060-0020(T)	9-21-2011	Repeal	11-1-2011	581-053-0512	7-1-2011	Amend	8-1-2011
577-060-0020(T)	11-10-2011	Repeal	12-1-2011	581-053-0516	7-1-2011	Adopt	8-1-2011
578-041-0030	6-20-2011	Amend	8-1-2011	581-056-0517	7-1-2011	Repeal	8-1-2011
578-041-0030	8-16-2011	Amend	10-1-2011	582-001-0010	3-1-2011	Amend(T)	3-1-2011
578-072-0030	7-25-2011	Amend	9-1-2011	582-001-0010	9-1-2011	Amend	9-1-2011
578-072-0030	7-29-2011	Amend	9-1-2011	582-030-0000	9-1-2011	Amend	9-1-2011
578-072-0030	8-16-2011	Amend	10-1-2011	582-030-0005	9-1-2011	Amend	9-1-2011
579-020-0006	6-6-2011	Amend	7-1-2011	582-030-0008	9-1-2011	Amend	9-1-2011
579-020-0006	8-5-2011	Amend	9-1-2011	582-030-0010	9-1-2011	Amend	9-1-2011
579-020-0006	11-14-2011	Amend(T)	12-1-2011	582-030-0020	9-1-2011	Amend	9-1-2011
579-050-0005	6-6-2011	Repeal	7-1-2011	582-030-0025	9-1-2011	Amend	9-1-2011
579-050-0005	8-5-2011	Repeal	9-1-2011	582-030-0030	9-1-2011	Amend	9-1-2011
580-040-0035	1-20-2011	Amend	3-1-2011	582-030-0040	3-1-2011	Amend(T)	3-1-2011
580-040-0040	6-23-2011	Amend	8-1-2011	582-030-0040	9-1-2011	Amend	9-1-2011
580-040-0040	10-19-2011	Amend	12-1-2011	582-030-0050	9-1-2011	Adopt	9-1-2011
580-060-0050	11-10-2011	Amend(T)	12-1-2011	582-050-0000	3-1-2011	Amend(T)	3-1-2011
580-061-0010	11-10-2011	Amend(T)	12-1-2011	582-050-0000	9-1-2011	Amend	9-1-2011
580-061-0030	11-10-2011	Amend(T)	12-1-2011	582-050-0005	3-1-2011	Amend(T)	3-1-2011
580-062-0020	11-10-2011	Amend(T)	12-1-2011	582-050-0005	9-1-2011	Amend	9-1-2011
580-063-0005	11-10-2011	Amend(T)	12-1-2011	582-050-0010	3-1-2011	Amend(T)	3-1-2011
580-063-0020	11-10-2011	Amend(T)	12-1-2011	582-050-0010	9-1-2011	Amend	9-1-2011
581-001-0005	4-22-2011	Amend	6-1-2011	582-050-0020	3-1-2011	Amend(T)	3-1-2011
581-015-2000	10-31-2011	Amend	12-1-2011	582-050-0020	9-1-2011	Amend	9-1-2011
581-015-2005	8-23-2011	Amend(T)	10-1-2011	582-050-0060	3-1-2011	Amend(T)	3-1-2011
581-015-2010	8-23-2011	Amend(T)	10-1-2011	582-050-0060	9-1-2011	Amend	9-1-2011
581-015-2030	4-22-2011	Amend	6-1-2011	582-060-0010	3-1-2011	Amend(T)	3-1-2011
581-015-2040	8-23-2011	Amend(T)	10-1-2011	582-060-0010	9-1-2011	Amend	9-1-2011
581-015-2075	8-23-2011	Amend(T)	10-1-2011	582-060-0020	3-1-2011	Amend(T)	3-1-2011
581-015-2080	8-23-2011	Amend(T)	10-1-2011	582-060-0020	9-1-2011	Amend	9-1-2011
581-015-2145	10-31-2011	Amend	12-1-2011	582-070-0010	3-1-2011	Amend(T)	3-1-2011
581-015-2155	10-31-2011	Amend	12-1-2011	582-070-0010	9-1-2011	Amend	9-1-2011
581-015-2170	10-31-2011	Amend	12-1-2011	582-070-0020	3-1-2011	Amend(T)	3-1-2011
581-015-2390	10-31-2011	Amend	12-1-2011	582-070-0020	9-1-2011	Amend	9-1-2011
581-016-0536	10-31-2011	Amend	12-1-2011	582-070-0025	3-1-2011	Amend(T)	3-1-2011
581-016-0740	10-31-2011	Amend	12-1-2011	582-070-0025	9-1-2011	Amend	9-1-2011
581-019-0005	10-31-2011	Amend	12-1-2011	582-070-0030	3-1-2011	Amend(T)	3-1-2011
581-020-0342	8-23-2011	Adopt(T)	10-1-2011	582-070-0030	9-1-2011	Amend	9-1-2011
581-020-0343	8-23-2011	Adopt(T)	10-1-2011	582-070-0040	3-1-2011	Amend(T)	3-1-2011
581-020-0345	2-1-2011	Amend	3-1-2011	582-070-0040	9-1-2011	Amend	9-1-2011
581-020-0350	12-17-2010	Repeal	2-1-2011	582-070-0041	9-1-2011	Amend	9-1-2011
581-022-0421	2-1-2011	Amend	3-1-2011	582-070-0042	3-1-2011	Amend(T)	3-1-2011
581-022-0610	7-1-2011	Amend	8-1-2011	582-070-0042	9-1-2011	Amend	9-1-2011
581-022-0615	7-1-2011	Amend	8-1-2011	582-070-0043	3-1-2011	Amend(T)	3-1-2011
581-022-0617	12-17-2010	Adopt	2-1-2011	582-070-0043	9-1-2011	Amend	9-1-2011
581-023-0100	10-31-2011	Amend	12-1-2011	582-070-0044	3-1-2011	Amend(T)	3-1-2011
581-044-0210	10-31-2011	Adopt(T)	12-1-2011	582-070-0044	9-1-2011	Amend	9-1-2011
581-044-0220	10-31-2011	Adopt(T)	12-1-2011	583-030-0010	11-16-2010	Amend	1-1-2011
581-044-0230	10-31-2011	Adopt(T)	12-1-2011	583-030-0035	11-16-2010	Amend	1-1-2011
581-044-0240	10-31-2011	Adopt(T)	12-1-2011	583-050-0011	11-16-2010	Amend	1-1-2011
581-044-0250	10-31-2011	Adopt(T)	12-1-2011	583-050-0016	11-16-2010	Amend	1-1-2011

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584-010-0090	1-1-2011	Amend	2-1-2011	584-070-0401	1-1-2011	Adopt	2-1-2011
584-017-0200	1-1-2011	Amend	2-1-2011	584-070-0411	1-1-2011	Adopt	2-1-2011
584-017-0201	1-1-2011	Amend	2-1-2011	584-070-0411	4-14-2011	Amend	5-1-2011
584-017-0300	1-1-2011	Amend	2-1-2011	584-070-0411	9-1-2011	Amend	9-1-2011
584-017-0390	1-1-2011	Amend	2-1-2011	584-070-0421	1-1-2011	Adopt	2-1-2011
584-017-0480	1-1-2011	Amend	2-1-2011	584-070-0421	4-14-2011	Amend	5-1-2011
584-017-0500	1-26-2011	Adopt	3-1-2011	584-070-0421	9-1-2011	Amend	9-1-2011
584-017-0510	1-26-2011	Adopt	3-1-2011	584-070-0431	1-1-2011	Adopt	2-1-2011
584-017-0520	1-26-2011	Adopt	3-1-2011	584-070-0431	4-14-2011	Amend	5-1-2011
584-017-0530	1-26-2011	Adopt	3-1-2011	584-070-0431	6-15-2011	Amend	7-1-2011
584-017-0541	1-26-2011	Adopt	3-1-2011	584-080-0008	9-1-2011	Adopt	9-1-2011
584-017-0551	1-26-2011	Adopt	3-1-2011	584-080-0031	1-1-2011	Amend	1-1-2011
584-017-0555	1-26-2011	Adopt	3-1-2011	584-080-0151	3-15-2011	Amend	4-1-2011
584-017-0560	1-26-2011	Adopt	3-1-2011	584-080-0152	3-15-2011	Amend	4-1-2011
584-017-0570	1-26-2011	Adopt	3-1-2011	584-080-0153	1-1-2011	Amend	1-1-2011
584-017-0580	1-26-2011	Adopt	3-1-2011	584-080-0161	1-1-2011	Amend	1-1-2011
584-020-0040	6-15-2011	Amend	7-1-2011	584-080-0171	1-1-2011	Amend	1-1-2011
584-021-0120	3-15-2011	Amend	4-1-2011	589-002-0100	4-20-2011	Amend	6-1-2011
584-021-0165	1-1-2011	Amend	1-1-2011	589-007-0800	7-29-2011	Adopt(T)	9-1-2011
584-023-0005	1-1-2011	Amend	1-1-2011	603-011-0250	1-7-2011	Amend	2-1-2011
584-036-0015	11-15-2011	Amend(T)	12-1-2011	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	603-011-0270	10-14-2011	Amend	11-1-2011
584-042-0006	1-1-2011	Repeal	2-1-2011	603-011-0281	1-7-2011	Amend	2-1-2011
584-042-0009	1-1-2011	Repeal	2-1-2011	603-011-0340	1-6-2011	Amend	2-1-2011
584-042-0044	1-1-2011	Amend	1-1-2011	603-011-0365	1-6-2011	Repeal	2-1-2011
584-048-0065	1-1-2011	Am. & Ren.	2-1-2011	603-027-0420	1-26-2011	Amend	3-1-2011
584-050-0015	9-1-2011	Amend	9-1-2011	603-027-0420	9-9-2011	Amend	10-1-2011
584-050-0016	9-1-2011	Amend	9-1-2011	603-027-0430	9-9-2011	Amend	10-1-2011
584-050-0018	9-1-2011	Amend	9-1-2011	603-042-0020	5-10-2011	Amend	6-1-2011
584-060-0014	3-15-2011	Amend	4-1-2011	603-052-0030	7-20-2011	Amend	9-1-2011
584-060-0062	1-28-2011	Amend	3-1-2011	603-052-0150	7-20-2011	Amend	9-1-2011
584-060-0062	9-1-2011	Amend	9-1-2011	603-052-0153	7-20-2011	Amend	9-1-2011
584-060-0162	1-1-2011	Amend	1-1-2011	603-052-0160	7-20-2011	Amend	9-1-2011
584-060-0171	1-1-2011	Amend	1-1-2011	603-052-0187	7-20-2011	Amend	9-1-2011
584-060-0181	1-1-2011	Amend	1-1-2011	603-052-0265	7-20-2011	Amend	9-1-2011
584-060-0181	3-15-2011	Amend	4-1-2011	603-052-0347	11-23-2010	Amend	1-1-2011
584-060-0182	1-1-2011	Amend	1-1-2011	603-052-1200	9-29-2011	Amend	11-1-2011
584-060-0190	1-1-2011	Amend	1-1-2011	603-052-1207	3-17-2011	Adopt(T)	5-1-2011
584-060-0200	1-1-2011	Amend	1-1-2011	603-052-1212	3-17-2011	Adopt(T)	5-1-2011
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584-060-0220	1-1-2011	Amend	2-1-2011	603-052-1230	12-17-2010	Amend	2-1-2011
584-060-0220	3-15-2011	Amend	4-1-2011	603-052-1230	9-9-2011	Amend	10-1-2011
584-065-0125	3-15-2011	Adopt	4-1-2011	603-052-1250	12-17-2010	Amend	2-1-2011
584-070-0001	1-1-2011	Amend	1-1-2011	603-052-1300	10-13-2011	Adopt	11-1-2011
584-070-0111	1-1-2011	Amend	1-1-2011	603-052-1310	10-13-2011	Adopt	11-1-2011
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584-070-0112	1-1-2011	Amend	1-1-2011	603-052-1330	10-13-2011	Adopt	11-1-2011
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584-070-0205	1-1-2011	Adopt	2-1-2011	603-052-1350	10-13-2011	Adopt	11-1-2011
584-070-0211	1-1-2011	Amend	2-1-2011	603-052-1360	10-13-2011	Adopt	11-1-2011
584-070-0221	1-1-2011	Amend	2-1-2011	603-052-1370	10-13-2011	Adopt	11-1-2011
584-070-0271	1-1-2011	Amend	2-1-2011	603-056-0145	7-1-2011	Amend(T)	8-1-2011

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603-058-0002	8-12-2011	Repeal	9-1-2011	604-030-0020(T)	10-7-2011	Repeal	11-1-2011
603-058-0005	8-12-2011	Repeal	9-1-2011	611-010-0005	9-29-2011	Amend	11-1-2011
603-058-0010	8-12-2011	Repeal	9-1-2011	617-030-0010	4-5-2011	Amend	5-1-2011
603-058-0011	8-12-2011	Repeal	9-1-2011	623-010-0010	10-24-2011	Amend	12-1-2011
603-058-0020	8-12-2011	Repeal	9-1-2011	629-001-0015	1-7-2011	Amend(T)	2-1-2011
603-058-0021	8-12-2011	Repeal	9-1-2011	629-001-0015	3-15-2011	Amend	4-1-2011
603-058-0026	8-12-2011	Repeal	9-1-2011	629-001-0015(T)	3-15-2011	Repeal	4-1-2011
603-058-0028	8-12-2011	Repeal	9-1-2011	629-001-0020	1-7-2011	Amend(T)	2-1-2011
603-058-0029	8-12-2011	Repeal	9-1-2011	629-001-0020	3-15-2011	Amend	4-1-2011
603-058-0031	8-12-2011	Repeal	9-1-2011	629-001-0020(T)	3-15-2011	Repeal	4-1-2011
603-058-0032	8-12-2011	Repeal	9-1-2011	629-041-0035	1-7-2011	Amend(T)	2-1-2011
603-058-0036	8-12-2011	Repeal	9-1-2011	629-041-0035	3-15-2011	Amend	4-1-2011
603-058-0040	8-12-2011	Repeal	9-1-2011	629-041-0035(T)	3-15-2011	Repeal	4-1-2011
603-058-0051	8-12-2011	Repeal	9-1-2011	635-001-0050	9-8-2011	Amend	10-1-2011
603-058-0052	8-12-2011	Repeal	9-1-2011	635-001-0055	9-8-2011	Adopt	10-1-2011
603-058-0065	8-12-2011	Repeal	9-1-2011	635-003-0003	5-1-2011	Amend	6-1-2011
603-058-0070	8-12-2011	Repeal	9-1-2011	635-003-0004	7-29-2011	Amend(T)	9-1-2011
603-058-0110	8-12-2011	Adopt	9-1-2011	635-003-0085	7-1-2011	Amend	8-1-2011
603-058-0120	8-12-2011	Adopt	9-1-2011	635-004-0005	3-22-2011	Amend	5-1-2011
603-058-0125	8-12-2011	Adopt	9-1-2011	635-004-0009	3-22-2011	Amend	5-1-2011
603-058-0125	9-19-2011	Amend	11-1-2011	635-004-0016	5-26-2011	Amend	7-1-2011
603-058-0130	8-12-2011	Adopt	9-1-2011	635-004-0017	3-4-2011	Amend(T)	4-1-2011
603-058-0140	8-12-2011	Adopt	9-1-2011	635-004-0017	5-26-2011	Amend	7-1-2011
603-058-0150	8-12-2011	Adopt	9-1-2011	635-004-0017	7-12-2011	Amend(T)	8-1-2011
603-058-0160	8-12-2011	Adopt	9-1-2011	635-004-0017	9-21-2011	Amend(T)	11-1-2011
603-058-0170	8-12-2011	Adopt	9-1-2011	635-004-0017(T)	9-21-2011	Suspend	11-1-2011
603-058-0180	8-12-2011	Adopt	9-1-2011	635-004-0018	1-1-2011	Amend	1-1-2011
603-058-0190	8-12-2011	Adopt	9-1-2011	635-004-0019	12-7-2010	Amend(T)	1-1-2011
603-058-0200	8-12-2011	Adopt	9-1-2011	635-004-0019	1-1-2011	Amend	1-1-2011
603-058-0210	8-12-2011	Adopt	9-1-2011	635-004-0019	1-1-2011	Amend(T)	2-1-2011
603-058-0220	8-12-2011	Adopt	9-1-2011	635-004-0019	1-11-2011	Amend(T)	2-1-2011
603-058-0230	8-12-2011	Adopt	9-1-2011	635-004-0019	3-3-2011	Amend(T)	4-1-2011
603-058-0240	8-12-2011	Adopt	9-1-2011	635-004-0019	5-13-2011	Amend(T)	6-1-2011
603-058-0250	8-12-2011	Adopt	9-1-2011	635-004-0019	6-20-2011	Amend(T)	8-1-2011
603-058-0260	8-12-2011	Adopt	9-1-2011	635-004-0019	7-7-2011	Amend(T)	8-1-2011
603-058-0270	8-12-2011	Adopt	9-1-2011	635-004-0019(T)	12-7-2010	Suspend	1-1-2011
603-058-0280	8-12-2011	Adopt	9-1-2011	635-004-0019(T)	1-1-2011	Suspend	2-1-2011
603-058-0290	8-12-2011	Adopt	9-1-2011	635-004-0019(T)	1-11-2011	Suspend	2-1-2011
603-073-0070	10-13-2011	Amend	11-1-2011	635-004-0019(T)	3-3-2011	Suspend	4-1-2011
603-074-0020	7-22-2011	Amend(T)	9-1-2011	635-004-0019(T)	5-13-2011	Suspend	6-1-2011
603-074-0020	10-18-2011	Amend	12-1-2011	635-004-0019(T)	6-20-2011	Suspend	8-1-2011
603-074-0020(T)	10-18-2011	Repeal	12-1-2011	635-004-0019(T)	7-7-2011	Suspend	8-1-2011
604-010-0005	6-30-2011	Amend(T)	8-1-2011	635-004-0025	1-1-2011	Amend	1-1-2011
604-010-0005	10-7-2011	Amend	11-1-2011	635-004-0033	7-5-2011	Amend(T)	8-1-2011
604-010-0005(T)	10-7-2011	Repeal	11-1-2011	635-004-0033	9-15-2011	Amend(T)	10-1-2011
604-010-0011	6-30-2011	Amend(T)	8-1-2011	635-004-0033(T)	9-15-2011	Suspend	10-1-2011
604-010-0011	10-7-2011	Amend	11-1-2011	635-004-0035	1-1-2011	Amend	1-1-2011
604-010-0011(T)	10-7-2011	Repeal	11-1-2011	635-004-0070	1-1-2011	Amend	1-1-2011
604-010-0015	6-30-2011	Amend(T)	8-1-2011	635-004-0075	1-1-2011	Amend	1-1-2011
604-010-0015	10-7-2011	Amend	11-1-2011	635-005-0020	7-3-2011	Amend(T)	8-1-2011
604-010-0015(T)	10-7-2011	Repeal	11-1-2011	635-005-0045	12-10-2010	Amend(T)	1-1-2011
604-030-0010	6-30-2011	Amend(T)	8-1-2011	635-005-0055	3-15-2011	Amend(T)	4-1-2011
604-030-0010	10-7-2011	Amend	11-1-2011	635-005-0190	1-1-2011	Amend	1-1-2011
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635-006-0225	8-1-2011	Amend(T)	9-1-2011	635-016-0080	1-1-2011	Amend	2-1-2011
635-006-0232	1-10-2011	Amend	2-1-2011	635-016-0090	1-1-2011	Amend	2-1-2011
635-006-1025	10-14-2011	Amend	11-1-2011	635-016-0090	5-1-2011	Amend(T)	6-1-2011
635-006-1075	11-23-2010	Amend(T)	1-1-2011	635-016-0090	7-1-2011	Amend	8-1-2011
635-006-1075	10-14-2011	Amend	11-1-2011	635-016-0090	10-1-2011	Amend(T)	11-1-2011
635-006-1085	10-14-2011	Amend	11-1-2011	635-016-0090	10-12-2011	Amend(T)	11-1-2011
635-006-1095	12-15-2010	Amend(T)	1-1-2011	635-016-0090	10-22-2011	Amend(T)	12-1-2011
635-007-0545	12-6-2010	Amend	1-1-2011	635-016-0090(T)	10-1-2011	Suspend	11-1-2011
635-007-0825	12-6-2010	Repeal	1-1-2011	635-016-0090(T)	10-12-2011	Suspend	11-1-2011
635-007-0830	12-6-2010	Repeal	1-1-2011	635-016-0090(T)	10-22-2011	Suspend	12-1-2011
635-008-0055	1-1-2011	Amend	2-1-2011	635-017-0080	1-1-2011	Amend	2-1-2011
635-008-0070	8-5-2011	Amend	9-1-2011	635-017-0090	1-1-2011	Amend	2-1-2011
635-008-0080	8-5-2011	Amend	9-1-2011	635-017-0095	1-1-2011	Amend	2-1-2011
635-008-0095	8-5-2011	Amend	9-1-2011	635-017-0095	1-1-2011	Amend(T)	2-1-2011
635-008-0105	8-5-2011	Amend	9-1-2011	635-017-0095	2-17-2011	Amend(T)	3-1-2011
635-008-0115	8-5-2011	Amend	9-1-2011	635-017-0095	3-17-2011	Amend(T)	5-1-2011
635-008-0120	8-5-2011	Amend	9-1-2011	635-017-0095	3-21-2011	Amend	5-1-2011
635-008-0130	8-5-2011	Amend	9-1-2011	635-017-0095(T)	2-17-2011	Suspend	3-1-2011
635-008-0145	8-5-2011	Amend	9-1-2011	635-017-0095(T)	3-17-2011	Suspend	5-1-2011
635-008-0148	1-14-2011	Amend	2-1-2011	635-018-0080	1-1-2011	Amend	2-1-2011
635-008-0149	1-14-2011	Amend	2-1-2011	635-018-0090	1-1-2011	Amend	2-1-2011
635-008-0151	1-14-2011	Amend	2-1-2011	635-018-0090	1-1-2011	Amend(T)	2-1-2011
635-008-0151	5-24-2011	Amend	7-1-2011	635-018-0090	4-15-2011	Amend(T)	4-1-2011
635-008-0153	1-1-2011	Amend	2-1-2011	635-018-0090	4-15-2011	Amend(T)	4-1-2011
635-008-0155	8-5-2011	Amend	9-1-2011	635-018-0090	5-10-2011	Amend(T)	6-1-2011
635-008-0163	7-1-2011	Adopt	7-1-2011	635-018-0090	8-1-2011	Amend(T)	8-1-2011
635-008-0163	8-5-2011	Amend	9-1-2011	635-018-0090	9-3-2011	Amend(T)	10-1-2011
635-008-0185	8-5-2011	Amend	9-1-2011	635-018-0090(T)	4-15-2011	Suspend	4-1-2011
635-008-0190	8-5-2011	Amend	9-1-2011	635-018-0090(T)	4-15-2011	Suspend	4-1-2011
635-010-0157	1-1-2011	Amend	2-1-2011	635-018-0090(T)	5-10-2011	Suspend	6-1-2011
635-011-0050	8-31-2011	Amend	9-1-2011	635-018-0090(T)	8-1-2011	Suspend	8-1-2011
635-011-0100	1-1-2011	Amend	2-1-2011	635-018-0090(T)	9-3-2011	Suspend	10-1-2011
635-011-0100	11-15-2011	Amend(T)	12-1-2011	635-019-0080	1-1-2011	Amend	2-1-2011
635-012-0020	6-29-2011	Amend(T)	8-1-2011	635-019-0090	1-1-2011	Amend	2-1-2011
635-012-0030	6-29-2011	Suspend	8-1-2011	635-019-0090	5-28-2011	Amend(T)	7-1-2011
635-012-0040	6-29-2011	Suspend	8-1-2011	635-019-0090	6-13-2011	Amend(T)	7-1-2011
635-012-0050	6-29-2011	Suspend	8-1-2011	635-019-0090	7-11-2011	Amend(T)	8-1-2011
635-012-0060	6-29-2011	Suspend	8-1-2011	635-019-0090	7-16-2011	Amend(T)	8-1-2011
635-013-0003	1-1-2011	Amend	2-1-2011	635-019-0090	7-23-2011	Amend(T)	9-1-2011
635-013-0003	5-1-2011	Amend	6-1-2011	635-019-0090	8-7-2011	Amend(T)	9-1-2011
635-013-0004	1-1-2011	Amend	2-1-2011	635-019-0090(T)	6-13-2011	Suspend	7-1-2011
635-013-0007	7-1-2011	Amend	8-1-2011	635-019-0090(T)	7-11-2011	Suspend	8-1-2011
635-013-0007	11-1-2011	Amend(T)	12-1-2011	635-019-0090(T)	7-16-2011	Suspend	8-1-2011
635-013-0009	7-1-2011	Amend	8-1-2011	635-019-0090(T)	7-23-2011	Suspend	9-1-2011
635-013-0009	10-1-2011	Amend(T)	11-1-2011	635-019-0090(T)	8-7-2011	Suspend	9-1-2011
635-014-0080	1-1-2011	Amend	2-1-2011	635-021-0080	1-1-2011	Amend	2-1-2011
635-014-0090	1-1-2011	Amend	2-1-2011	635-021-0090	1-1-2011	Amend	2-1-2011
635-014-0090	6-1-2011	Amend(T)	7-1-2011	635-021-0090	5-28-2011	Amend(T)	7-1-2011
635-014-0090	7-1-2011	Amend	8-1-2011	635-023-0080	1-1-2011	Amend	2-1-2011
635-014-0090	10-6-2011	Amend(T)	11-1-2011	635-023-0090	1-1-2011	Amend	2-1-2011
635-014-0090	10-10-2011	Amend(T)	11-1-2011	635-023-0095	1-1-2011	Amend	2-1-2011
635-014-0090	10-11-2011	Amend(T)	11-1-2011	635-023-0095	1-1-2011	Amend(T)	2-1-2011
635-014-0090	10-21-2011	Amend(T)	12-1-2011	635-023-0095	2-11-2011	Amend(T)	3-1-2011
635-014-0090(T)	10-10-2011	Suspend	11-1-2011	635-023-0095	3-21-2011	Amend	5-1-2011

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635-023-0095	6-27-2011	Amend(T)	8-1-2011	635-041-0020	5-5-2011	Amend(T)	6-1-2011
635-023-0095	7-9-2011	Amend(T)	8-1-2011	635-041-0025	5-5-2011	Amend(T)	6-1-2011
635-023-0095	7-30-2011	Amend(T)	9-1-2011	635-041-0045	3-21-2011	Amend	5-1-2011
635-023-0095	9-30-2011	Amend(T)	10-1-2011	635-041-0045	5-5-2011	Amend(T)	6-1-2011
635-023-0095(T)	2-11-2011	Suspend	3-1-2011	635-041-0045	5-10-2011	Amend(T)	6-1-2011
635-023-0095(T)	4-10-2011	Suspend	5-1-2011	635-041-0045	6-6-2011	Amend(T)	7-1-2011
635-023-0095(T)	6-27-2011	Suspend	8-1-2011	635-041-0045	6-9-2011	Amend(T)	7-1-2011
635-023-0095(T)	7-9-2011	Suspend	8-1-2011	635-041-0045	6-16-2011	Amend(T)	7-1-2011
635-023-0095(T)	7-30-2011	Suspend	9-1-2011	635-041-0045	7-10-2011	Amend(T)	8-1-2011
635-023-0095(T)	9-30-2011	Suspend	10-1-2011	635-041-0045	8-29-2011	Amend(T)	10-1-2011
635-023-0125	1-1-2011	Amend	2-1-2011	635-041-0045(T)	5-10-2011	Suspend	6-1-2011
635-023-0125	2-14-2011	Amend(T)	3-1-2011	635-041-0045(T)	6-6-2011	Suspend	7-1-2011
635-023-0125	4-8-2011	Amend(T)	5-1-2011	635-041-0045(T)	6-9-2011	Suspend	7-1-2011
635-023-0125	4-16-2011	Amend(T)	5-1-2011	635-041-0045(T)	6-16-2011	Suspend	7-1-2011
635-023-0125	4-21-2011	Amend(T)	6-1-2011	635-041-0045(T)	7-10-2011	Suspend	8-1-2011
635-023-0125	5-7-2011	Amend(T)	6-1-2011	635-041-0045(T)	8-29-2011	Suspend	10-1-2011
635-023-0125	5-15-2011	Amend(T)	6-1-2011	635-041-0063	8-1-2011	Amend(T)	9-1-2011
635-023-0125	5-27-2011	Amend(T)	7-1-2011	635-041-0063	10-8-2011	Amend(T)	11-1-2011
635-023-0125	6-2-2011	Amend(T)	7-1-2011	635-041-0063	10-26-2011	Amend(T)	12-1-2011
635-023-0125(T)	4-8-2011	Suspend	5-1-2011	635-041-0063	11-2-2011	Amend(T)	12-1-2011
635-023-0125(T)	4-16-2011	Suspend	5-1-2011	635-041-0063(T)	10-8-2011	Suspend	11-1-2011
635-023-0125(T)	4-21-2011	Suspend	6-1-2011	635-041-0063(T)	10-26-2011	Suspend	12-1-2011
635-023-0125(T)	5-7-2011	Suspend	6-1-2011	635-041-0063(T)	11-2-2011	Suspend	12-1-2011
635-023-0125(T)	5-15-2011	Suspend	6-1-2011	635-041-0065	2-1-2011	Amend(T)	3-1-2011
635-023-0125(T)	5-27-2011	Suspend	7-1-2011	635-041-0065	2-10-2011	Amend(T)	3-1-2011
635-023-0125(T)	6-2-2011	Suspend	7-1-2011	635-041-0065	3-21-2011	Amend	5-1-2011
635-023-0128	1-1-2011	Amend	2-1-2011	635-041-0065(T)	2-10-2011	Suspend	3-1-2011
635-023-0128	6-16-2011	Amend(T)	7-1-2011	635-041-0075	8-1-2011	Amend(T)	9-1-2011
635-023-0128	7-18-2011	Amend(T)	8-1-2011	635-041-0075	8-29-2011	Amend(T)	10-1-2011
635-023-0128(T)	7-18-2011	Suspend	8-1-2011	635-041-0075	9-12-2011	Amend(T)	10-1-2011
635-023-0130	1-1-2011	Amend	2-1-2011	635-041-0075	9-19-2011	Amend(T)	10-1-2011
635-023-0130	8-1-2011	Amend(T)	9-1-2011	635-041-0075	9-22-2011	Amend(T)	11-1-2011
635-023-0130	9-16-2011	Amend(T)	10-1-2011	635-041-0075	10-3-2011	Amend(T)	11-1-2011
635-023-0130(T)	9-16-2011	Suspend	10-1-2011	635-041-0075	10-8-2011	Amend(T)	11-1-2011
635-023-0134	1-1-2011	Amend	2-1-2011	635-041-0075(T)	8-29-2011	Suspend	10-1-2011
635-023-0134	4-23-2011	Amend(T)	5-1-2011	635-041-0075(T)	9-12-2011	Suspend	10-1-2011
635-023-0134	9-1-2011	Amend(T)	10-1-2011	635-041-0075(T)	9-19-2011	Suspend	10-1-2011
635-039-0080	1-1-2011	Amend	1-1-2011	635-041-0075(T)	9-22-2011	Suspend	11-1-2011
635-039-0080	3-22-2011	Amend	5-1-2011	635-041-0075(T)	10-3-2011	Suspend	11-1-2011
635-039-0085	3-22-2011	Amend	5-1-2011	635-041-0075(T)	10-8-2011	Suspend	11-1-2011
635-039-0085	6-4-2011	Amend(T)	7-1-2011	635-041-0076	5-10-2011	Amend(T)	6-1-2011
635-039-0085	7-1-2011	Amend(T)	8-1-2011	635-041-0076	6-16-2011	Amend(T)	7-1-2011
635-039-0085	7-6-2011	Amend(T)	8-1-2011	635-041-0076	6-27-2011	Amend(T)	8-1-2011
635-039-0085	8-12-2011	Amend(T)	9-1-2011	635-041-0076	7-5-2011	Amend(T)	8-1-2011
635-039-0085	10-1-2011	Amend(T)	11-1-2011	635-041-0076	7-10-2011	Amend(T)	8-1-2011
635-039-0085(T)	7-1-2011	Suspend	8-1-2011	635-041-0076	7-18-2011	Amend(T)	8-1-2011
635-039-0085(T)	7-6-2011	Suspend	8-1-2011	635-041-0076	7-25-2011	Amend(T)	9-1-2011
635-039-0085(T)	8-12-2011	Suspend	9-1-2011	635-041-0076(T)	6-16-2011	Suspend	7-1-2011
635-039-0085(T)	10-1-2011	Suspend	11-1-2011	635-041-0076(T)	6-27-2011	Suspend	8-1-2011
635-039-0090	1-1-2011	Amend	1-1-2011	635-041-0076(T)	7-5-2011	Suspend	8-1-2011
635-039-0090	3-22-2011	Amend	5-1-2011	635-041-0076(T)	7-10-2011	Suspend	8-1-2011
635-039-0090	7-20-2011	Amend(T)	9-1-2011	635-041-0076(T)	7-18-2011	Suspend	8-1-2011
635-039-0090	10-1-2011	Amend(T)	11-1-2011	635-041-0076(T)	7-25-2011	Suspend	9-1-2011
635-039-0090(T)	10-1-2011	Suspend	11-1-2011	635-041-0076(T)	8-1-2011	Suspend	9-1-2011
635-041-0005	5-5-2011	Amend(T)	6-1-2011	635-042-0010	3-21-2011	Amend	5-1-2011

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635-042-0022	3-29-2011	Amend(T)	5-1-2011	635-042-0170	3-21-2011	Amend	5-1-2011
635-042-0022	4-6-2011	Amend(T)	5-1-2011	635-042-0170	4-21-2011	Amend(T)	6-1-2011
635-042-0022	5-12-2011	Amend(T)	6-1-2011	635-042-0170	5-11-2011	Amend(T)	6-1-2011
635-042-0022	5-18-2011	Amend(T)	7-1-2011	635-042-0170	8-15-2011	Amend(T)	9-1-2011
635-042-0022(T)	5-18-2011	Suspend	7-1-2011	635-042-0170	9-19-2011	Amend(T)	10-1-2011
635-042-0027	6-16-2011	Amend(T)	7-1-2011	635-042-0170(T)	4-21-2011	Suspend	6-1-2011
635-042-0027(T)	6-16-2011	Suspend	7-1-2011	635-042-0170(T)	5-11-2011	Suspend	6-1-2011
635-042-0031	8-4-2011	Amend(T)	9-1-2011	635-042-0170(T)	9-19-2011	Suspend	10-1-2011
635-042-0031	8-28-2011	Amend(T)	10-1-2011	635-042-0180	2-13-2011	Amend(T)	3-1-2011
635-042-0031	9-18-2011	Amend(T)	10-1-2011	635-042-0180	3-21-2011	Amend	5-1-2011
635-042-0031	9-22-2011	Amend(T)	11-1-2011	635-042-0180	4-21-2011	Amend(T)	6-1-2011
635-042-0031	9-28-2011	Amend(T)	11-1-2011	635-042-0180	5-18-2011	Amend(T)	7-1-2011
635-042-0031	10-5-2011	Amend(T)	11-1-2011	635-042-0180	8-15-2011	Amend(T)	9-1-2011
635-042-0031	10-13-2011	Amend(T)	11-1-2011	635-042-0180(T)	4-21-2011	Suspend	6-1-2011
635-042-0031	10-18-2011	Amend(T)	12-1-2011	635-042-0180(T)	5-18-2011	Suspend	7-1-2011
635-042-0031(T)	8-28-2011	Suspend	10-1-2011	635-043-0051	5-4-2011	Amend	6-1-2011
635-042-0031(T)	9-18-2011	Suspend	10-1-2011	635-043-0051	6-3-2011	Amend	7-1-2011
635-042-0031(T)	9-22-2011	Suspend	11-1-2011	635-043-0100	1-28-2011	Amend(T)	3-1-2011
635-042-0031(T)	9-28-2011	Suspend	11-1-2011	635-043-0100	7-1-2011	Repeal	7-1-2011
635-042-0031(T)	10-5-2011	Suspend	11-1-2011	635-043-0105	8-5-2011	Amend	9-1-2011
635-042-0031(T)	10-13-2011	Suspend	11-1-2011	635-044-0000	2-15-2011	Amend	3-1-2011
635-042-0031(T)	10-18-2011	Suspend	12-1-2011	635-044-0060	2-15-2011	Amend	3-1-2011
635-042-0032	3-21-2011	Amend	5-1-2011	635-044-0200	7-1-2011	Amend	7-1-2011
635-042-0060	3-21-2011	Amend	5-1-2011	635-044-0205	7-1-2011	Amend	7-1-2011
635-042-0110	5-10-2011	Amend(T)	6-1-2011	635-044-0210	7-1-2011	Amend	7-1-2011
635-042-0110	6-21-2011	Amend(T)	8-1-2011	635-044-0215	7-1-2011	Amend	7-1-2011
635-042-0110(T)	6-21-2011	Suspend	8-1-2011	635-044-0220	7-1-2011	Repeal	7-1-2011
635-042-0115	5-10-2011	Amend(T)	6-1-2011	635-044-0225	7-1-2011	Repeal	7-1-2011
635-042-0115	6-21-2011	Amend(T)	8-1-2011	635-044-0230	7-1-2011	Repeal	7-1-2011
635-042-0115(T)	6-21-2011	Suspend	8-1-2011	635-044-0235	7-1-2011	Repeal	7-1-2011
635-042-0130	12-1-2010	Amend(T)	1-1-2011	635-044-0240	7-1-2011	Adopt	7-1-2011
635-042-0130	3-21-2011	Amend	5-1-2011	635-044-0245	7-1-2011	Adopt	7-1-2011
635-042-0135	1-15-2011	Amend(T)	2-1-2011	635-044-0250	7-1-2011	Adopt	7-1-2011
635-042-0145	2-13-2011	Amend(T)	3-1-2011	635-044-0255	7-1-2011	Adopt	7-1-2011
635-042-0145	3-21-2011	Amend	5-1-2011	635-044-0280	7-1-2011	Adopt	7-1-2011
635-042-0145	4-21-2011	Amend(T)	6-1-2011	635-044-0300	7-1-2011	Adopt	7-1-2011
635-042-0145	4-28-2011	Amend(T)	6-1-2011	635-044-0305	7-1-2011	Adopt	7-1-2011
635-042-0145	5-12-2011	Amend(T)	6-1-2011	635-044-0310	7-1-2011	Adopt	7-1-2011
635-042-0145	5-18-2011	Amend(T)	7-1-2011	635-045-0000	8-5-2011	Amend	9-1-2011
635-042-0145	6-27-2011	Amend(T)	8-1-2011	635-045-0002	1-1-2011	Amend	2-1-2011
635-042-0145	8-3-2011	Amend(T)	9-1-2011	635-046-0000	7-1-2011	Adopt	7-1-2011
635-042-0145	9-5-2011	Amend(T)	10-1-2011	635-046-0005	7-1-2011	Repeal	7-1-2011
635-042-0145(T)	4-21-2011	Suspend	6-1-2011	635-046-0010	7-1-2011	Repeal	7-1-2011
635-042-0145(T)	4-28-2011	Suspend	6-1-2011	635-046-0015	7-1-2011	Repeal	7-1-2011
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

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635-049-0265	6-3-2011	Amend	7-1-2011	635-065-0625	1-1-2011	Amend	2-1-2011
635-049-0265(T)	6-3-2011	Repeal	7-1-2011	635-065-0700	1-1-2011	Amend	2-1-2011
635-050-0045	7-1-2011	Amend	7-1-2011	635-065-0705	1-1-2011	Amend	2-1-2011
635-051-0000	8-5-2011	Amend	9-1-2011	635-065-0740	1-1-2011	Amend	2-1-2011
635-051-0048	1-19-2011	Amend(T)	3-1-2011	635-065-0760	1-1-2011	Amend	2-1-2011
635-051-0048	8-5-2011	Amend	9-1-2011	635-065-0765	6-3-2011	Amend	7-1-2011
635-051-0065	8-19-2011	Amend(T)	10-1-2011	635-066-0000	1-1-2011	Amend	2-1-2011
635-051-0076	1-28-2011	Adopt(T)	3-1-2011	635-067-0000	1-1-2011	Amend	2-1-2011
635-051-0076	7-1-2011	Suspend	7-1-2011	635-067-0000	6-3-2011	Amend	7-1-2011
635-051-0078	1-28-2011	Adopt(T)	3-1-2011	635-067-0030	8-16-2011	Amend(T)	10-1-2011
635-051-0078	7-1-2011	Suspend	7-1-2011	635-067-0030	8-19-2011	Amend(T)	10-1-2011
635-052-0000	8-5-2011	Amend	9-1-2011	635-067-0030	8-20-2011	Amend	8-1-2011
635-053-0000	8-5-2011	Amend	9-1-2011	635-067-0030(T)	8-19-2011	Suspend	10-1-2011
635-054-0000	8-5-2011	Amend	9-1-2011	635-067-0040	8-20-2011	Amend	8-1-2011
635-054-0020	8-5-2011	Amend	9-1-2011	635-068-0000	3-1-2011	Amend	3-1-2011
635-055-0000	1-14-2011	Amend	2-1-2011	635-068-0000	6-3-2011	Amend	7-1-2011
635-055-0000	8-9-2011	Am. & Ren.	9-1-2011	635-069-0000	2-1-2011	Amend	3-1-2011
635-055-0001	8-9-2011	Adopt	9-1-2011	635-069-0000	6-3-2011	Amend	7-1-2011
635-055-0010	8-9-2011	Amend	9-1-2011	635-070-0000	6-3-2011	Amend	7-1-2011
635-055-0015	8-9-2011	Amend	9-1-2011	635-071-0000	6-3-2011	Amend	7-1-2011
635-055-0020	8-9-2011	Amend	9-1-2011	635-072-0000	1-1-2011	Amend	2-1-2011
635-055-0025	8-9-2011	Amend	9-1-2011	635-073-0000	2-1-2011	Amend	3-1-2011
635-055-0030	1-14-2011	Amend	2-1-2011	635-073-0000	6-3-2011	Amend	7-1-2011
635-055-0030	8-9-2011	Amend	9-1-2011	635-073-0065	2-1-2011	Amend	3-1-2011
635-055-0035	1-14-2011	Amend	2-1-2011	635-073-0070	2-1-2011	Amend	3-1-2011
635-055-0035	8-9-2011	Amend	9-1-2011	635-073-0076	1-1-2011	Amend	2-1-2011
635-055-0037	1-14-2011	Amend	2-1-2011	635-075-0001	1-1-2011	Amend	2-1-2011
635-055-0037	8-9-2011	Amend	9-1-2011	635-075-0003	6-3-2011	Amend	7-1-2011
635-055-0040	8-9-2011	Amend	9-1-2011	635-075-0010	1-1-2011	Amend	2-1-2011
635-055-0050	8-9-2011	Amend	9-1-2011	635-080-0016	1-1-2011	Amend	2-1-2011
635-055-0055	8-9-2011	Amend	9-1-2011	635-080-0021	1-1-2011	Amend	2-1-2011
635-055-0060	8-9-2011	Amend	9-1-2011	635-080-0023	1-1-2011	Amend	2-1-2011
635-055-0065	8-9-2011	Repeal	9-1-2011	635-080-0026	1-1-2011	Amend	2-1-2011
635-055-0075	8-9-2011	Amend	9-1-2011	635-120-0020	5-4-2011	Repeal	6-1-2011
635-056-0000	2-15-2011	Amend	3-1-2011	635-135-0020	5-4-2011	Repeal	6-1-2011
635-056-0010	2-15-2011	Amend	3-1-2011	635-140-0000	5-4-2011	Amend	6-1-2011
635-056-0020	2-15-2011	Amend	3-1-2011	635-140-0005	5-4-2011	Amend	6-1-2011
635-056-0050	2-15-2011	Amend	3-1-2011	635-140-0010	5-4-2011	Amend	6-1-2011
635-056-0050	7-1-2011	Amend	7-1-2011	635-140-0015	5-4-2011	Adopt	6-1-2011
635-056-0060	2-15-2011	Amend	3-1-2011	635-140-0025	5-4-2011	Repeal	6-1-2011
635-056-0060	7-1-2011	Amend	7-1-2011	635-160-0000	5-4-2011	Amend	6-1-2011
635-056-0070	2-15-2011	Amend	3-1-2011	635-160-0030	5-4-2011	Repeal	6-1-2011
635-056-0070	7-1-2011	Amend	7-1-2011	635-170-0015	12-29-2010	Amend(T)	2-1-2011
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

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635-500-1010	8-9-2011	Amend	9-1-2011	660-004-0018	2-2-2011	Amend	3-1-2011
635-500-1020	8-9-2011	Amend	9-1-2011	660-004-0018	3-16-2011	Amend	5-1-2011
635-500-1150	8-9-2011	Amend	9-1-2011	660-004-0020	2-2-2011	Amend	3-1-2011
635-500-1160	8-9-2011	Amend	9-1-2011	660-004-0020	3-16-2011	Amend	5-1-2011
635-500-1280	8-9-2011	Amend	9-1-2011	660-004-0022	2-2-2011	Amend	3-1-2011
635-500-1290	8-9-2011	Amend	9-1-2011	660-004-0022	3-16-2011	Amend	5-1-2011
635-500-1300	8-9-2011	Amend	9-1-2011	660-004-0025	2-2-2011	Amend	3-1-2011
635-500-1370	8-9-2011	Amend	9-1-2011	660-004-0025	3-16-2011	Amend	5-1-2011
635-500-1380	8-9-2011	Amend	9-1-2011	660-004-0028	2-2-2011	Amend	3-1-2011
635-500-1400	8-9-2011	Amend	9-1-2011	660-004-0028	3-16-2011	Amend	5-1-2011
635-500-1410	8-9-2011	Amend	9-1-2011	660-004-0030	2-2-2011	Amend	3-1-2011
635-500-1420	8-9-2011	Amend	9-1-2011	660-004-0030	3-16-2011	Amend	5-1-2011
635-500-1440	8-9-2011	Amend	9-1-2011	660-004-0035	2-2-2011	Amend	3-1-2011
635-500-1470	8-9-2011	Amend	9-1-2011	660-004-0035	3-16-2011	Amend	5-1-2011
635-500-1480	8-9-2011	Amend	9-1-2011	660-004-0040	2-2-2011	Amend	3-1-2011
635-500-1490	8-9-2011	Amend	9-1-2011	660-004-0040	3-16-2011	Amend	5-1-2011
635-500-1500	8-9-2011	Amend	9-1-2011	660-006-0000	2-2-2011	Amend	3-1-2011
635-500-1520	8-9-2011	Amend	9-1-2011	660-006-0003	2-2-2011	Amend	3-1-2011
635-500-1620	8-9-2011	Amend	9-1-2011	660-006-0004	2-2-2011	Amend	3-1-2011
635-500-1630	8-9-2011	Amend	9-1-2011	660-006-0005	2-2-2011	Amend	3-1-2011
635-500-1661	8-9-2011	Amend	9-1-2011	660-006-0010	2-2-2011	Amend	3-1-2011
635-500-1662	8-9-2011	Amend	9-1-2011	660-006-0015	2-2-2011	Amend	3-1-2011
635-500-1663	8-9-2011	Amend	9-1-2011	660-006-0020	2-2-2011	Amend	3-1-2011
635-500-1664	8-9-2011	Amend	9-1-2011	660-006-0025	2-2-2011	Amend	3-1-2011
635-500-1665	8-9-2011	Amend	9-1-2011	660-006-0026	2-2-2011	Amend	3-1-2011
635-500-1666	8-9-2011	Amend	9-1-2011	660-006-0027	2-2-2011	Amend	3-1-2011
635-500-6600	8-9-2011	Adopt	9-1-2011	660-006-0029	2-2-2011	Amend	3-1-2011
635-500-6625	8-10-2011	Adopt	9-1-2011	660-006-0031	2-2-2011	Amend	3-1-2011
644-010-0010	1-1-2011	Amend(T)	1-1-2011	660-006-0035	2-2-2011	Amend	3-1-2011
644-010-0010	2-14-2011	Amend	3-1-2011	660-006-0040	2-2-2011	Amend	3-1-2011
644-010-0010(T)	2-14-2011	Repeal	3-1-2011	660-006-0050	2-2-2011	Amend	3-1-2011
646-040-0000	5-31-2011	Amend	7-1-2011	660-006-0055	2-2-2011	Amend	3-1-2011
647-010-0010	7-1-2011	Amend	6-1-2011	660-006-0057	2-2-2011	Amend	3-1-2011
660-001-0000	12-8-2010	Amend	1-1-2011	660-006-0060	2-2-2011	Amend	3-1-2011
660-001-0005	12-8-2010	Amend	1-1-2011	660-018-0005	10-20-2011	Amend	12-1-2011
660-001-0007	12-8-2010	Amend	1-1-2011	660-018-0010	10-20-2011	Amend	12-1-2011
660-001-0201	12-8-2010	Amend	1-1-2011	660-018-0020	10-20-2011	Amend	12-1-2011
660-001-0210	12-8-2010	Amend	1-1-2011	660-018-0021	10-20-2011	Amend	12-1-2011
660-001-0220	12-8-2010	Amend	1-1-2011	660-018-0022	10-20-2011	Amend	12-1-2011
660-001-0230	12-8-2010	Amend	1-1-2011	660-018-0030	10-20-2011	Amend	12-1-2011
660-003-0005	12-8-2010	Amend	1-1-2011	660-018-0035	10-20-2011	Amend	12-1-2011
660-003-0010	12-8-2010	Amend	1-1-2011	660-018-0040	10-20-2011	Amend	12-1-2011
660-003-0015	12-8-2010	Amend	1-1-2011	660-018-0045	10-20-2011	Amend	12-1-2011
660-003-0020	12-8-2010	Amend	1-1-2011	660-018-0150	10-20-2011	Amend	12-1-2011
660-003-0025	12-8-2010	Amend	1-1-2011	660-021-0000	10-20-2011	Amend	12-1-2011
660-003-0032	12-8-2010	Amend	1-1-2011	660-021-0010	10-20-2011	Amend	12-1-2011
660-003-0033	12-8-2010	Amend	1-1-2011	660-021-0020	10-20-2011	Amend	12-1-2011
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660-004-0000	3-16-2011	Amend	5-1-2011	660-021-0050	10-20-2011	Amend	12-1-2011
660-004-0005	2-2-2011	Amend	3-1-2011	660-021-0070	10-20-2011	Amend	12-1-2011
660-004-0005	3-16-2011	Amend	5-1-2011	660-021-0080	10-20-2011	Amend	12-1-2011
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660-004-0010	3-16-2011	Amend	5-1-2011	660-025-0020	10-20-2011	Amend	12-1-2011
660-004-0015	2-2-2011	Amend	3-1-2011	660-025-0040	10-20-2011	Amend	12-1-2011

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660-025-0085	10-20-2011	Amend	12-1-2011	690-095-0085	12-14-2010	Adopt	1-1-2011
660-025-0100	10-20-2011	Amend	12-1-2011	690-095-0090	12-14-2010	Adopt	1-1-2011
660-025-0110	10-20-2011	Amend	12-1-2011	690-095-0095	12-14-2010	Adopt	1-1-2011
660-025-0130	10-20-2011	Amend	12-1-2011	690-095-0100	12-14-2010	Adopt	1-1-2011
660-025-0140	10-20-2011	Amend	12-1-2011	695-010-0030	10-18-2011	Amend	12-1-2011
660-025-0150	10-20-2011	Amend	12-1-2011	695-010-0060	10-18-2011	Amend	12-1-2011
660-025-0160	10-20-2011	Amend	12-1-2011	695-015-0030	10-18-2011	Amend	12-1-2011
660-025-0170	10-20-2011	Amend	12-1-2011	695-030-0060	10-18-2011	Amend	12-1-2011
660-025-0175	10-20-2011	Amend	12-1-2011	695-035-0010	10-18-2011	Amend	12-1-2011
660-025-0210	10-20-2011	Amend	12-1-2011	695-035-0050	10-18-2011	Amend	12-1-2011
660-025-0230	10-20-2011	Amend	12-1-2011	695-035-0060	10-18-2011	Amend	12-1-2011
660-033-0010	3-16-2011	Amend	5-1-2011	731-001-0005	5-27-2011	Amend	7-1-2011
660-033-0020	3-16-2011	Amend	5-1-2011	731-003-0005	9-30-2011	Adopt(T)	11-1-2011
660-033-0030	3-16-2011	Amend	5-1-2011	731-007-0335	10-26-2011	Repeal	12-1-2011
660-033-0120	3-16-2011	Amend	5-1-2011	731-017-0005	12-22-2010	Adopt	2-1-2011
660-033-0130	11-23-2010	Amend	1-1-2011	731-017-0010	12-22-2010	Adopt	2-1-2011
660-033-0130	3-16-2011	Amend	5-1-2011	731-017-0015	12-22-2010	Adopt	2-1-2011
660-033-0130(T)	11-23-2010	Repeal	1-1-2011	731-017-0020	12-22-2010	Adopt	2-1-2011
660-033-0135	3-16-2011	Amend	5-1-2011	731-017-0025	12-22-2010	Adopt	2-1-2011
660-033-0140	3-16-2011	Amend	5-1-2011	731-017-0030	12-22-2010	Adopt	2-1-2011
660-033-0145	3-16-2011	Amend	5-1-2011	731-017-0035	12-22-2010	Adopt	2-1-2011
660-044-0000	6-1-2011	Adopt	7-1-2011	731-017-0040	12-22-2010	Adopt	2-1-2011
660-044-0005	6-1-2011	Adopt	7-1-2011	731-017-0045	12-22-2010	Adopt	2-1-2011
660-044-0010	6-1-2011	Adopt	7-1-2011	731-017-0050	12-22-2010	Adopt	2-1-2011
660-044-0020	6-1-2011	Adopt	7-1-2011	731-017-0055	12-22-2010	Adopt	2-1-2011
660-044-0025	6-1-2011	Adopt	7-1-2011	731-035-0070	12-22-2010	Amend	2-1-2011
660-044-0030	6-1-2011	Adopt	7-1-2011	733-030-0080	9-22-2011	Amend	11-1-2011
660-044-0035	6-1-2011	Adopt	7-1-2011	733-030-0450	9-22-2011	Amend	11-1-2011
678-010-0010	7-1-2011	Amend(T)	8-1-2011	734-020-0010	5-27-2011	Amend	7-1-2011
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678-010-0020	7-1-2011	Amend(T)	8-1-2011	734-020-0015	5-27-2011	Amend	7-1-2011
678-010-0020	11-2-2011	Amend	12-1-2011	734-020-0016	5-27-2011	Amend	7-1-2011
678-010-0030	7-1-2011	Amend(T)	8-1-2011	734-020-0017	5-27-2011	Amend	7-1-2011
678-010-0030	11-2-2011	Amend	12-1-2011	734-020-0070	10-26-2011	Amend	12-1-2011
678-010-0040	7-1-2011	Amend(T)	8-1-2011	734-024-0005	5-27-2011	Adopt	7-1-2011
678-010-0040	11-2-2011	Amend	12-1-2011	734-024-0015	5-27-2011	Adopt	7-1-2011
678-010-0050	11-2-2011	Amend	12-1-2011	734-024-0020	5-27-2011	Adopt	7-1-2011
678-030-0000	11-2-2011	Amend	12-1-2011	734-024-0030	5-27-2011	Adopt	7-1-2011
678-030-0010	11-2-2011	Amend	12-1-2011	734-024-0040	5-27-2011	Adopt	7-1-2011
678-030-0027	11-19-2010	Amend	1-1-2011	734-051-0020	1-19-2011	Amend	3-1-2011
690-095-0005	12-14-2010	Adopt	1-1-2011	734-051-0020(T)	1-19-2011	Repeal	3-1-2011
690-095-0010	12-14-2010	Adopt	1-1-2011	734-051-0040	1-19-2011	Amend	3-1-2011
690-095-0015	12-14-2010	Adopt	1-1-2011	734-051-0040(T)	1-19-2011	Repeal	3-1-2011
690-095-0020	12-14-2010	Adopt	1-1-2011	734-051-0045	1-19-2011	Amend	3-1-2011
690-095-0025	12-14-2010	Adopt	1-1-2011	734-051-0045(T)	1-19-2011	Repeal	3-1-2011
690-095-0030	12-14-2010	Adopt	1-1-2011	734-051-0070	1-19-2011	Amend	3-1-2011
690-095-0035	12-14-2010	Adopt	1-1-2011	734-051-0070(T)	1-19-2011	Repeal	3-1-2011
690-095-0040	12-14-2010	Adopt	1-1-2011	734-051-0080	1-19-2011	Amend	3-1-2011
690-095-0045	12-14-2010	Adopt	1-1-2011	734-051-0080(T)	1-19-2011	Repeal	3-1-2011
690-095-0050	12-14-2010	Adopt	1-1-2011	734-051-0135	1-19-2011	Amend	3-1-2011
690-095-0055	12-14-2010	Adopt	1-1-2011	734-051-0135(T)	1-19-2011	Repeal	3-1-2011
690-095-0060	12-14-2010	Adopt	1-1-2011	734-051-0245	1-19-2011	Amend	3-1-2011
690-095-0065	12-14-2010	Adopt	1-1-2011	734-051-0245(T)	1-19-2011	Repeal	3-1-2011
690-095-0070	12-14-2010	Adopt	1-1-2011	734-051-0255	1-19-2011	Amend	3-1-2011
690-095-0075	12-14-2010	Adopt	1-1-2011	734-051-0255(T)	1-19-2011	Repeal	3-1-2011

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734-051-0295(T)	1-19-2011	Repeal	3-1-2011	735-034-0010	3-16-2011	Amend	5-1-2011
734-051-0315	1-19-2011	Amend	3-1-2011	735-040-0098	1-28-2011	Amend	3-1-2011
734-051-0315(T)	1-19-2011	Repeal	3-1-2011	735-040-0098(T)	1-28-2011	Repeal	3-1-2011
734-051-0345	1-19-2011	Amend	3-1-2011	735-046-0050	1-1-2011	Amend	2-1-2011
734-051-0345(T)	1-19-2011	Repeal	3-1-2011	735-060-0000	1-1-2011	Amend	1-1-2011
734-051-0500	1-19-2011	Amend	3-1-2011	735-060-0120	1-1-2011	Amend	1-1-2011
734-051-0500(T)	1-19-2011	Repeal	3-1-2011	735-062-0002	1-1-2011	Amend	1-1-2011
734-051-0530	1-19-2011	Amend	3-1-2011	735-062-0016	6-21-2011	Amend	8-1-2011
734-051-0530(T)	1-19-2011	Repeal	3-1-2011	735-062-0070	1-1-2011	Amend	1-1-2011
734-060-0000	9-29-2011	Amend(T)	10-1-2011	735-062-0200	1-1-2011	Amend	1-1-2011
734-060-0007	9-29-2011	Adopt(T)	10-1-2011	735-063-0000	6-21-2011	Amend	8-1-2011
734-070-0005	5-27-2011	Amend	7-1-2011	735-063-0050	6-21-2011	Amend	8-1-2011
734-070-0010	5-27-2011	Amend	7-1-2011	735-063-0060	6-21-2011	Amend	8-1-2011
734-070-0010	9-30-2011	Amend(T)	11-1-2011	735-063-0065	6-21-2011	Amend	8-1-2011
734-070-0017	1-28-2011	Adopt	3-1-2011	735-063-0070	6-21-2011	Amend	8-1-2011
734-070-0025	5-27-2011	Amend	7-1-2011	735-064-0020	7-22-2011	Amend	9-1-2011
734-071-0010	5-27-2011	Amend	7-1-2011	735-072-0020	3-2-2011	Amend	4-1-2011
734-072-0010	5-27-2011	Amend	7-1-2011	735-072-0050	3-2-2011	Amend	4-1-2011
734-072-0015	5-27-2011	Amend	7-1-2011	735-074-0210	6-21-2011	Amend	8-1-2011
734-072-0020	5-27-2011	Amend	7-1-2011	735-074-0212	6-21-2011	Amend	8-1-2011
734-072-0022	5-27-2011	Amend	7-1-2011	735-076-0050	6-21-2011	Amend	8-1-2011
734-072-0023	5-27-2011	Amend	7-1-2011	735-076-0052	6-21-2011	Amend	8-1-2011
734-072-0030	5-27-2011	Amend	7-1-2011	735-080-0020	3-16-2011	Amend	5-1-2011
734-073-0050	5-27-2011	Amend	7-1-2011	735-080-0040	3-16-2011	Amend	5-1-2011
734-073-0056	5-27-2011	Amend	7-1-2011	735-080-0046	3-16-2011	Adopt	5-1-2011
734-073-0065	5-27-2011	Amend	7-1-2011	735-090-0000	1-1-2011	Amend	2-1-2011
734-074-0020	5-27-2011	Amend	7-1-2011	735-090-0020	1-1-2011	Amend	2-1-2011
734-074-0023	5-27-2011	Amend	7-1-2011	735-090-0042	1-1-2011	Adopt	2-1-2011
734-074-0051	5-27-2011	Amend	7-1-2011	735-090-0101	1-1-2011	Amend	2-1-2011
734-075-0010	6-21-2011	Amend	8-1-2011	735-100-0030	2-18-2011	Am. & Ren.	4-1-2011
734-075-0025	6-21-2011	Amend	8-1-2011	735-150-0015	4-22-2011	Amend	6-1-2011
734-075-0035	5-27-2011	Amend	7-1-2011	735-150-0040	1-1-2012	Amend	12-1-2011
734-075-0065	5-27-2011	Repeal	7-1-2011	735-150-0055	1-1-2011	Amend	2-1-2011
734-075-0075	5-27-2011	Repeal	7-1-2011	735-154-0005	3-16-2011	Amend	5-1-2011
734-075-0080	5-27-2011	Repeal	7-1-2011	735-176-0000	1-1-2011	Amend	1-1-2011
734-075-0085	5-27-2011	Adopt	7-1-2011	735-176-0010	1-1-2011	Amend	1-1-2011
734-076-0005	5-27-2011	Amend	7-1-2011	735-176-0017	1-1-2011	Amend	1-1-2011
734-076-0015	5-27-2011	Amend	7-1-2011	735-176-0019	1-1-2011	Amend	1-1-2011
734-076-0075	5-27-2011	Amend	7-1-2011	735-176-0020	1-1-2011	Amend	1-1-2011
734-076-0115	5-27-2011	Amend	7-1-2011	735-176-0021	1-1-2011	Amend	1-1-2011
734-076-0165	5-27-2011	Amend	7-1-2011	735-176-0022	1-1-2011	Amend	1-1-2011
734-076-0175	5-27-2011	Amend	7-1-2011	735-176-0023	1-1-2011	Adopt	1-1-2011
734-077-0010	5-27-2011	Amend	7-1-2011	735-176-0030	1-1-2011	Amend	1-1-2011
734-078-0020	5-27-2011	Amend	7-1-2011	735-176-0040	1-1-2011	Amend	1-1-2011
734-079-0005	5-27-2011	Amend	7-1-2011	735-176-0045	1-1-2011	Amend	1-1-2011
734-079-0015	5-27-2011	Amend	7-1-2011	736-010-0015	3-24-2011	Amend(T)	5-1-2011
734-082-0021	9-30-2011	Amend(T)	11-1-2011	736-010-0015	8-1-2011	Amend	9-1-2011
734-082-0025	6-21-2011	Amend	8-1-2011	736-010-0015(T)	8-1-2011	Repeal	9-1-2011
734-082-0035	5-27-2011	Amend	7-1-2011	736-010-0025	3-24-2011	Amend(T)	5-1-2011
734-082-0037	10-26-2011	Amend	12-1-2011	736-010-0025	8-1-2011	Amend	9-1-2011
734-082-0040	5-27-2011	Amend	7-1-2011	736-010-0025(T)	8-1-2011	Repeal	9-1-2011
734-082-0070	5-27-2011	Amend	7-1-2011	736-010-0026	3-24-2011	Amend(T)	5-1-2011
734-082-0080	5-27-2011	Amend	7-1-2011	736-010-0026	8-1-2011	Amend	9-1-2011
735-032-0065	12-22-2010	Adopt	2-1-2011	736-010-0026(T)	8-1-2011	Repeal	9-1-2011
735-034-0000	3-16-2011	Amend	5-1-2011	736-010-0030	3-24-2011	Amend(T)	5-1-2011

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736-010-0030(T)	8-1-2011	Repeal	9-1-2011	740-200-0020	2-18-2011	Amend	4-1-2011
736-010-0050	8-1-2011	Amend	9-1-2011	740-200-0040	2-18-2011	Amend	4-1-2011
736-010-0066	2-15-2011	Adopt	3-1-2011	741-125-0010	12-22-2010	Repeal	2-1-2011
736-015-0006	8-1-2011	Amend	9-1-2011	800-010-0015	2-1-2011	Amend	3-1-2011
736-015-0015	8-1-2011	Amend	9-1-2011	800-010-0030	2-1-2011	Amend	3-1-2011
736-015-0035	8-1-2011	Amend	9-1-2011	800-010-0040	2-1-2011	Amend	3-1-2011
736-019-0000	3-30-2011	Amend	5-1-2011	800-010-0041	2-1-2011	Amend	3-1-2011
736-019-0020	3-30-2011	Amend	5-1-2011	800-010-0050	2-1-2011	Amend	3-1-2011
736-019-0040	3-30-2011	Amend	5-1-2011	800-010-0050	7-1-2012	Amend	7-1-2011
736-019-0060	3-30-2011	Amend	5-1-2011	800-015-0010	2-1-2011	Amend	3-1-2011
736-019-0070	3-30-2011	Adopt	5-1-2011	800-015-0015	2-1-2011	Amend	3-1-2011
736-019-0080	3-30-2011	Amend	5-1-2011	800-015-0030	2-1-2011	Amend	3-1-2011
736-019-0100	3-30-2011	Amend	5-1-2011	800-020-0015	2-1-2011	Amend	3-1-2011
736-019-0120	3-30-2011	Amend	5-1-2011	800-020-0015	7-1-2012	Amend	7-1-2011
736-201-0000	8-15-2011	Amend	9-1-2011	800-020-0020	7-1-2011	Amend	3-1-2011
736-201-0005	8-15-2011	Amend	9-1-2011	800-020-0025	2-1-2011	Amend	3-1-2011
736-201-0015	8-15-2011	Amend	9-1-2011	800-020-0025	7-1-2011	Amend	3-1-2011
736-201-0020	8-15-2011	Amend	9-1-2011	800-020-0026	2-1-2011	Amend	3-1-2011
736-201-0030	8-15-2011	Amend	9-1-2011	800-025-0020	2-1-2011	Amend	3-1-2011
736-201-0035	8-15-2011	Amend	9-1-2011	800-025-0023	2-1-2011	Amend	3-1-2011
736-201-0040	8-15-2011	Amend	9-1-2011	800-025-0025	2-1-2011	Amend	3-1-2011
736-201-0042	8-15-2011	Adopt	9-1-2011	800-025-0027	2-1-2011	Amend	3-1-2011
736-201-0050	8-15-2011	Amend	9-1-2011	800-025-0030	2-1-2011	Amend	3-1-2011
736-201-0060	8-15-2011	Amend	9-1-2011	800-025-0050	2-1-2011	Amend	3-1-2011
736-201-0065	8-15-2011	Amend	9-1-2011	800-025-0060	2-1-2011	Amend	3-1-2011
736-201-0070	8-15-2011	Amend	9-1-2011	800-030-0025	2-1-2011	Amend	3-1-2011
736-201-0075	8-15-2011	Amend	9-1-2011	800-030-0030	2-1-2011	Adopt	3-1-2011
736-201-0080	8-15-2011	Amend	9-1-2011	800-030-0050	2-1-2011	Amend	3-1-2011
736-201-0095	8-15-2011	Amend	9-1-2011	801-001-0035	1-1-2011	Amend	1-1-2011
736-201-0115	8-15-2011	Amend	9-1-2011	801-005-0010	1-1-2011	Amend	1-1-2011
736-201-0120	8-15-2011	Amend	9-1-2011	801-010-0010	1-1-2011	Amend	1-1-2011
736-201-0125	8-15-2011	Amend	9-1-2011	801-010-0050	1-1-2011	Amend	1-1-2011
736-201-0130	8-15-2011	Amend	9-1-2011	801-010-0060	1-1-2011	Amend	1-1-2011
736-201-0135	8-15-2011	Amend	9-1-2011	801-010-0065	1-1-2011	Amend	1-1-2011
736-201-0145	8-15-2011	Amend	9-1-2011	801-010-0073	1-1-2011	Amend	1-1-2011
736-201-0150	8-15-2011	Amend	9-1-2011	801-010-0075	1-1-2011	Amend	1-1-2011
736-201-0155	8-15-2011	Amend	9-1-2011	801-010-0078	1-1-2011	Amend	1-1-2011
736-201-0160	8-15-2011	Amend	9-1-2011	801-010-0079	1-1-2011	Amend	1-1-2011
736-201-0165	8-15-2011	Amend	9-1-2011	801-010-0080	1-1-2011	Amend	1-1-2011
736-201-0170	8-15-2011	Amend	9-1-2011	801-010-0100	1-1-2011	Amend	1-1-2011
736-201-0175	8-15-2011	Amend	9-1-2011	801-010-0110	1-1-2011	Amend	1-1-2011
736-201-0180	8-15-2011	Amend	9-1-2011	801-010-0115	1-1-2011	Amend	1-1-2011
737-010-0020	1-28-2011	Amend	3-1-2011	801-010-0120	1-1-2011	Amend	1-1-2011
737-100-0010	2-18-2011	Adopt	4-1-2011	801-010-0125	1-1-2011	Amend	1-1-2011
737-100-0040	2-18-2011	Adopt	4-1-2011	801-010-0130	1-1-2011	Amend	1-1-2011
740-100-0010	5-27-2011	Amend	7-1-2011	801-010-0170	1-1-2011	Amend	1-1-2011
740-100-0010	10-26-2011	Amend	12-1-2011	801-010-0190	1-1-2011	Amend	1-1-2011
740-100-0020	5-27-2011	Amend	7-1-2011	801-010-0340	1-1-2011	Amend	1-1-2011
740-100-0065	5-27-2011	Amend	7-1-2011	801-010-0345	1-1-2011	Amend	1-1-2011
740-100-0070	5-27-2011	Amend	7-1-2011	801-040-0010	1-1-2011	Amend	1-1-2011
740-100-0080	5-27-2011	Amend	7-1-2011	801-040-0050	1-1-2011	Amend	1-1-2011
740-100-0085	5-27-2011	Amend	7-1-2011	804-001-0002	7-1-2011	Amend	7-1-2011
740-100-0090	5-27-2011	Amend	7-1-2011	806-001-0003	7-1-2011	Amend	7-1-2011
740-100-0100	5-27-2011	Amend	7-1-2011	806-001-0004	7-22-2011	Amend	9-1-2011
740-110-0010	5-27-2011	Amend	7-1-2011	806-001-0005	7-22-2011	Amend	9-1-2011

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806-010-0105	7-22-2011	Amend	9-1-2011	812-004-1001(T)	10-1-2011	Repeal	11-1-2011
808-001-0008	6-17-2011	Amend	8-1-2011	812-004-1110	7-8-2011	Adopt(T)	8-1-2011
808-001-0020	5-25-2011	Amend	7-1-2011	812-004-1110	10-1-2011	Adopt	11-1-2011
808-002-0020	1-28-2011	Amend(T)	3-1-2011	812-004-1110(T)	10-1-2011	Repeal	11-1-2011
808-002-0020	6-17-2011	Amend	8-1-2011	812-004-1120	7-8-2011	Adopt(T)	8-1-2011
808-002-0020(T)	6-17-2011	Repeal	8-1-2011	812-004-1120	10-1-2011	Adopt	11-1-2011
808-002-0200	8-1-2011	Amend	9-1-2011	812-004-1120(T)	10-1-2011	Repeal	11-1-2011
808-002-0455	8-1-2011	Amend	9-1-2011	812-004-1140	7-8-2011	Adopt(T)	8-1-2011
808-002-0500	8-1-2011	Amend	9-1-2011	812-004-1140	10-1-2011	Adopt	11-1-2011
808-002-0620	8-1-2011	Amend	9-1-2011	812-004-1140(T)	10-1-2011	Repeal	11-1-2011
808-003-0015	8-1-2011	Amend	9-1-2011	812-004-1160	7-8-2011	Adopt(T)	8-1-2011
808-003-0018	5-25-2011	Amend	7-1-2011	812-004-1160	10-1-2011	Adopt	11-1-2011
808-003-0130	1-27-2011	Amend	3-1-2011	812-004-1160(T)	10-1-2011	Repeal	11-1-2011
808-005-0020	8-1-2011	Amend	9-1-2011	812-004-1180	7-8-2011	Adopt(T)	8-1-2011
808-030-0010	8-1-2011	Amend	9-1-2011	812-004-1180	10-1-2011	Adopt	11-1-2011
808-030-0015	8-1-2011	Adopt	9-1-2011	812-004-1180(T)	10-1-2011	Repeal	11-1-2011
808-030-0018	8-1-2011	Adopt	9-1-2011	812-004-1195	7-8-2011	Adopt(T)	8-1-2011
808-040-0025	6-17-2011	Amend	8-1-2011	812-004-1195	10-1-2011	Adopt	11-1-2011
808-040-0040	6-17-2011	Amend	8-1-2011	812-004-1195(T)	10-1-2011	Repeal	11-1-2011
809-010-0001	7-1-2011	Amend	8-1-2011	812-004-1210	7-8-2011	Adopt(T)	8-1-2011
809-010-0025	7-1-2011	Amend	8-1-2011	812-004-1210	10-1-2011	Adopt	11-1-2011
809-030-0025	7-1-2011	Amend	8-1-2011	812-004-1210(T)	10-1-2011	Repeal	11-1-2011
809-050-0005	7-1-2011	Adopt	8-1-2011	812-004-1240	7-8-2011	Adopt(T)	8-1-2011
811-015-0036	6-13-2011	Adopt	7-1-2011	812-004-1240	10-1-2011	Adopt	11-1-2011
811-020-0006	11-8-2011	Amend	12-1-2011	812-004-1240(T)	10-1-2011	Repeal	11-1-2011
811-020-0011	11-8-2011	Amend	12-1-2011	812-004-1250	7-8-2011	Adopt(T)	8-1-2011
811-021-0005	11-8-2011	Amend	12-1-2011	812-004-1250	10-1-2011	Adopt	11-1-2011
812-001-0200	12-1-2010	Amend(T)	1-1-2011	812-004-1250(T)	10-1-2011	Repeal	11-1-2011
812-001-0200	3-1-2011	Amend	4-1-2011	812-004-1260	7-8-2011	Adopt(T)	8-1-2011
812-001-0200	5-1-2011	Amend	6-1-2011	812-004-1260	10-1-2011	Adopt	11-1-2011
812-001-0200(T)	3-1-2011	Repeal	4-1-2011	812-004-1260(T)	10-1-2011	Repeal	11-1-2011
812-001-0290	3-1-2011	Amend	4-1-2011	812-004-1300	7-8-2011	Adopt(T)	8-1-2011
812-002-0060	10-1-2011	Amend	11-1-2011	812-004-1300	10-1-2011	Adopt	11-1-2011
812-002-0160	10-1-2011	Amend	11-1-2011	812-004-1300(T)	10-1-2011	Repeal	11-1-2011
812-002-0280	10-1-2011	Amend	11-1-2011	812-004-1320	7-8-2011	Adopt(T)	8-1-2011
812-002-0320	1-1-2011	Amend	2-1-2011	812-004-1320	10-1-2011	Adopt	11-1-2011
812-002-0640	5-1-2011	Amend	6-1-2011	812-004-1320(T)	10-1-2011	Repeal	11-1-2011
812-002-0677	1-1-2011	Adopt	2-1-2011	812-004-1340	7-8-2011	Adopt(T)	8-1-2011
812-002-0700	5-1-2011	Amend	6-1-2011	812-004-1340	10-1-2011	Adopt	11-1-2011
812-002-0760	10-1-2011	Amend	11-1-2011	812-004-1340(T)	10-1-2011	Repeal	11-1-2011
812-002-0780	10-1-2011	Amend	11-1-2011	812-004-1350	7-8-2011	Adopt(T)	8-1-2011
812-003-0310	5-1-2011	Amend	6-1-2011	812-004-1350	10-1-2011	Adopt	11-1-2011
812-003-0320	5-1-2011	Amend	6-1-2011	812-004-1350(T)	10-1-2011	Repeal	11-1-2011
812-003-0321	5-1-2011	Adopt	6-1-2011	812-004-1360	7-8-2011	Adopt(T)	8-1-2011
812-004-0001	7-8-2011	Amend(T)	8-1-2011	812-004-1360	10-1-2011	Adopt	11-1-2011
812-004-0001	10-1-2011	Amend	11-1-2011	812-004-1360(T)	10-1-2011	Repeal	11-1-2011
812-004-0001(T)	10-1-2011	Repeal	11-1-2011	812-004-1400	7-8-2011	Adopt(T)	8-1-2011
812-004-0110	10-1-2011	Amend	11-1-2011	812-004-1400	10-1-2011	Adopt	11-1-2011
812-004-0120	10-1-2011	Amend	11-1-2011	812-004-1400(T)	10-1-2011	Repeal	11-1-2011
812-004-0140	10-1-2011	Amend	11-1-2011	812-004-1420	7-8-2011	Adopt(T)	8-1-2011
812-004-0300	10-1-2011	Amend	11-1-2011	812-004-1420	10-1-2011	Adopt	11-1-2011
812-004-0320	10-1-2011	Amend	11-1-2011	812-004-1420(T)	10-1-2011	Repeal	11-1-2011
812-004-0340	10-1-2011	Amend	11-1-2011	812-004-1440	7-8-2011	Adopt(T)	8-1-2011
812-004-0600	10-1-2011	Amend	11-1-2011	812-004-1440	9-9-2011	Adopt(T)	10-1-2011
812-004-1001	7-8-2011	Adopt(T)	8-1-2011	812-004-1440	10-1-2011	Adopt	11-1-2011

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812-004-1440(T)	10-1-2011	Repeal	11-1-2011	812-007-0350	10-1-2011	Amend	11-1-2011
812-004-1450	7-8-2011	Adopt(T)	8-1-2011	812-007-0370	10-1-2011	Amend	11-1-2011
812-004-1450	10-1-2011	Adopt	11-1-2011	812-007-0372	10-1-2011	Amend	11-1-2011
812-004-1450(T)	10-1-2011	Repeal	11-1-2011	812-007-0374	10-1-2011	Amend	11-1-2011
812-004-1460	7-8-2011	Adopt(T)	8-1-2011	812-008-0065	5-1-2011	Adopt	6-1-2011
812-004-1460	10-1-2011	Adopt	11-1-2011	812-008-0070	3-1-2011	Amend	4-1-2011
812-004-1460(T)	10-1-2011	Repeal	11-1-2011	812-008-0072	3-1-2011	Amend	4-1-2011
812-004-1480	7-8-2011	Adopt(T)	8-1-2011	812-008-0074	1-1-2011	Amend	2-1-2011
812-004-1480	10-1-2011	Adopt	11-1-2011	812-008-0074	3-1-2011	Amend	4-1-2011
812-004-1480(T)	10-1-2011	Repeal	11-1-2011	812-008-0077	5-1-2011	Adopt	6-1-2011
812-004-1490	7-8-2011	Adopt(T)	8-1-2011	812-008-0209	5-1-2011	Amend	6-1-2011
812-004-1490	10-1-2011	Adopt	11-1-2011	812-009-0010	7-8-2011	Amend(T)	8-1-2011
812-004-1490(T)	10-1-2011	Repeal	11-1-2011	812-009-0010	10-1-2011	Amend	11-1-2011
812-004-1500	7-8-2011	Adopt(T)	8-1-2011	812-009-0010(T)	10-1-2011	Repeal	11-1-2011
812-004-1500	10-1-2011	Adopt	11-1-2011	812-010-0020	7-8-2011	Amend(T)	8-1-2011
812-004-1500(T)	10-1-2011	Repeal	11-1-2011	812-010-0020	10-1-2011	Amend	11-1-2011
812-004-1505	7-8-2011	Adopt(T)	8-1-2011	812-010-0020(T)	10-1-2011	Repeal	11-1-2011
812-004-1505	10-1-2011	Adopt	11-1-2011	812-020-0090	1-1-2011	Amend	2-1-2011
812-004-1505(T)	10-1-2011	Repeal	11-1-2011	812-021-0015	7-1-2011	Amend(T)	8-1-2011
812-004-1510	7-8-2011	Adopt(T)	8-1-2011	812-021-0015	10-1-2011	Amend	11-1-2011
812-004-1510	10-1-2011	Adopt	11-1-2011	812-021-0015(T)	10-1-2011	Repeal	11-1-2011
812-004-1510(T)	10-1-2011	Repeal	11-1-2011	812-021-0016	4-28-2011	Amend(T)	6-1-2011
812-004-1520	7-8-2011	Adopt(T)	8-1-2011	812-021-0016	7-1-2011	Amend	8-1-2011
812-004-1520	10-1-2011	Adopt	11-1-2011	812-021-0016(T)	7-1-2011	Repeal	8-1-2011
812-004-1520(T)	10-1-2011	Repeal	11-1-2011	812-021-0019	7-1-2011	Amend	8-1-2011
812-004-1530	7-8-2011	Adopt(T)	8-1-2011	812-021-0021	7-1-2011	Adopt(T)	8-1-2011
812-004-1530	10-1-2011	Adopt	11-1-2011	812-021-0021	9-2-2011	Adopt(T)	10-1-2011
812-004-1530(T)	10-1-2011	Repeal	11-1-2011	812-021-0021	10-1-2011	Adopt	11-1-2011
812-004-1537	7-8-2011	Adopt(T)	8-1-2011	812-021-0021(T)	9-2-2011	Suspend	10-1-2011
812-004-1537	10-1-2011	Adopt	11-1-2011	812-021-0021(T)	10-1-2011	Repeal	11-1-2011
812-004-1537(T)	10-1-2011	Repeal	11-1-2011	812-021-0025	10-1-2011	Amend	11-1-2011
812-004-1600	7-8-2011	Adopt(T)	8-1-2011	812-021-0028	7-1-2011	Amend(T)	8-1-2011
812-004-1600	10-1-2011	Adopt	11-1-2011	812-021-0028	10-1-2011	Amend	11-1-2011
812-004-1600(T)	10-1-2011	Repeal	11-1-2011	812-021-0028(T)	10-1-2011	Repeal	11-1-2011
812-005-0140	10-24-2011	Amend(T)	12-1-2011	812-021-0031	10-1-2011	Amend	11-1-2011
812-005-0800	3-1-2011	Amend	4-1-2011	812-021-0035	10-1-2011	Amend	11-1-2011
812-005-0800	7-1-2011	Amend	8-1-2011	812-025-0000	1-1-2011	Adopt	2-1-2011
812-005-0800	10-1-2011	Amend	11-1-2011	812-025-0005	1-1-2011	Adopt	2-1-2011
812-006-0150	3-1-2011	Amend	4-1-2011	812-025-0010	1-1-2011	Adopt	2-1-2011
812-006-0250	3-1-2011	Amend	4-1-2011	812-025-0015	1-1-2011	Adopt	2-1-2011
812-007-0000	10-1-2011	Amend	11-1-2011	812-025-0020	1-1-2011	Adopt	2-1-2011
812-007-0020	10-1-2011	Amend	11-1-2011	812-025-0025	1-1-2011	Adopt	2-1-2011
812-007-0031	5-1-2011	Adopt	6-1-2011	812-025-0030	1-1-2011	Adopt	2-1-2011
812-007-0032	5-1-2011	Adopt	6-1-2011	812-025-0032	5-1-2011	Adopt	6-1-2011
812-007-0100	10-1-2011	Amend	11-1-2011	812-025-0035	1-1-2011	Adopt	2-1-2011
812-007-0110	10-1-2011	Amend	11-1-2011	812-025-0040	1-1-2011	Adopt	2-1-2011
812-007-0130	10-1-2011	Amend	11-1-2011	812-025-0045	1-1-2011	Adopt	2-1-2011
812-007-0150	10-1-2011	Amend	11-1-2011	812-030-0223	5-1-2011	Adopt	6-1-2011
812-007-0200	10-1-2011	Amend	11-1-2011	812-030-0235	5-1-2011	Adopt	6-1-2011
812-007-0210	10-1-2011	Amend	11-1-2011	813-001-0060	12-1-2010	Adopt(T)	1-1-2011
812-007-0230	10-1-2011	Amend	11-1-2011	813-001-0060	8-25-2011	Adopt	7-1-2011
812-007-0250	10-1-2011	Amend	11-1-2011	813-001-0060(T)	8-25-2011	Repeal	7-1-2011
812-007-0300	10-1-2011	Amend	11-1-2011	813-007-0055	3-21-2011	Repeal	5-1-2011
812-007-0323	12-22-2010	Adopt(T)	2-1-2011	813-007-0057	3-21-2011	Adopt	5-1-2011
812-007-0323	3-1-2011	Adopt	4-1-2011	813-007-0060	3-21-2011	Repeal	5-1-2011

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813-008-0005	8-26-2011	Am. & Ren.	10-1-2011	813-065-0200	3-1-2011	Adopt(T)	4-1-2011
813-008-0010	3-1-2011	Suspend	4-1-2011	813-065-0200	8-26-2011	Adopt	10-1-2011
813-008-0010	8-26-2011	Repeal	10-1-2011	813-065-0210	3-1-2011	Adopt(T)	4-1-2011
813-008-0015	3-1-2011	Am. & Ren.(T)	4-1-2011	813-065-0210	8-26-2011	Adopt	10-1-2011
813-008-0015	8-26-2011	Am. & Ren.	10-1-2011	813-065-0210(T)	8-26-2011	Repeal	10-1-2011
813-008-0020	3-1-2011	Suspend	4-1-2011	813-065-0220	3-1-2011	Adopt(T)	4-1-2011
813-008-0020	8-26-2011	Repeal	10-1-2011	813-065-0220	8-26-2011	Adopt	10-1-2011
813-008-0025	3-1-2011	Suspend	4-1-2011	813-065-0220(T)	8-26-2011	Repeal	10-1-2011
813-008-0025	8-26-2011	Repeal	10-1-2011	813-065-0230	3-1-2011	Adopt(T)	4-1-2011
813-008-0030	3-1-2011	Suspend	4-1-2011	813-065-0230	8-26-2011	Adopt	10-1-2011
813-008-0030	8-26-2011	Repeal	10-1-2011	813-065-0230(T)	8-26-2011	Repeal	10-1-2011
813-008-0040	3-1-2011	Suspend	4-1-2011	813-065-0240	3-1-2011	Adopt(T)	4-1-2011
813-008-0040	8-26-2011	Repeal	10-1-2011	813-065-0240	8-26-2011	Adopt	10-1-2011
813-020-0005	9-30-2011	Amend(T)	11-1-2011	813-065-0240(T)	8-26-2011	Repeal	10-1-2011
813-020-0010	9-30-2011	Suspend	11-1-2011	813-140-0096	10-17-2011	Amend(T)	12-1-2011
813-020-0015	9-30-2011	Suspend	11-1-2011	813-230-0000	2-7-2011	Amend	3-1-2011
813-020-0016	9-30-2011	Suspend	11-1-2011	813-230-0000(T)	2-7-2011	Repeal	3-1-2011
813-020-0017	9-30-2011	Am. & Ren.(T)	11-1-2011	813-230-0005	2-7-2011	Amend	3-1-2011
813-020-0020	9-30-2011	Amend(T)	11-1-2011	813-230-0005(T)	2-7-2011	Repeal	3-1-2011
813-020-0024	9-30-2011	Am. & Ren.(T)	11-1-2011	813-230-0007	2-7-2011	Adopt	3-1-2011
813-020-0025	9-30-2011	Amend(T)	11-1-2011	813-230-0007(T)	2-7-2011	Repeal	3-1-2011
813-020-0030	9-30-2011	Am. & Ren.(T)	11-1-2011	813-230-0015	2-7-2011	Amend	3-1-2011
813-020-0032	9-30-2011	Am. & Ren.(T)	11-1-2011	813-230-0015(T)	2-7-2011	Repeal	3-1-2011
813-020-0033	9-30-2011	Suspend	11-1-2011	817-005-0005	5-5-2011	Amend	6-1-2011
813-020-0035	9-30-2011	Amend(T)	11-1-2011	817-010-0065	5-5-2011	Amend	6-1-2011
813-020-0040	9-30-2011	Am. & Ren.(T)	11-1-2011	817-010-0090	5-5-2011	Repeal	6-1-2011
813-020-0041	9-30-2011	Am. & Ren.(T)	11-1-2011	817-020-0006	5-5-2011	Amend	6-1-2011
813-020-0042	9-30-2011	Am. & Ren.(T)	11-1-2011	817-030-0005	3-1-2011	Amend(T)	4-1-2011
813-020-0045	9-30-2011	Amend(T)	11-1-2011	817-030-0005	5-5-2011	Amend	6-1-2011
813-020-0050	9-30-2011	Am. & Ren.(T)	11-1-2011	817-030-0005(T)	5-5-2011	Repeal	6-1-2011
813-020-0051	9-30-2011	Am. & Ren.(T)	11-1-2011	817-030-0015	3-1-2011	Amend(T)	4-1-2011
813-020-0060	9-30-2011	Amend(T)	11-1-2011	817-030-0015	5-5-2011	Repeal	6-1-2011
813-020-0070	9-30-2011	Amend(T)	11-1-2011	817-030-0018	3-1-2011	Amend(T)	4-1-2011
813-041-0020	12-15-2010	Amend	1-1-2011	817-030-0018	5-5-2011	Repeal	6-1-2011
813-042-0030	2-17-2011	Amend	4-1-2011	817-030-0020	5-5-2011	Repeal	6-1-2011
813-043-0030	2-17-2011	Amend	4-1-2011	817-030-0030	5-5-2011	Amend	6-1-2011
813-044-0000	9-30-2011	Amend(T)	11-1-2011	817-030-0040	5-5-2011	Repeal	6-1-2011
813-044-0010	9-30-2011	Suspend	11-1-2011	817-030-0045	5-5-2011	Repeal	6-1-2011
813-044-0020	9-30-2011	Suspend	11-1-2011	817-030-0055	5-5-2011	Repeal	6-1-2011
813-044-0030	9-30-2011	Amend(T)	11-1-2011	817-030-0065	5-5-2011	Amend	6-1-2011
813-044-0040	9-30-2011	Amend(T)	11-1-2011	817-030-0071	5-5-2011	Adopt	6-1-2011
813-044-0050	9-30-2011	Amend(T)	11-1-2011	817-035-0010	5-5-2011	Amend	6-1-2011
813-044-0055	9-30-2011	Adopt(T)	11-1-2011	817-035-0030	5-5-2011	Repeal	6-1-2011
813-044-0060	9-30-2011	Suspend	11-1-2011	817-035-0050	3-1-2011	Amend(T)	4-1-2011
813-065-0120	3-1-2011	Adopt(T)	4-1-2011	817-035-0050	5-5-2011	Amend	6-1-2011
813-065-0120	8-26-2011	Adopt	10-1-2011	817-035-0050(T)	5-5-2011	Repeal	6-1-2011
813-065-0120(T)	8-26-2011	Repeal	10-1-2011	817-035-0070	5-5-2011	Amend	6-1-2011
813-065-0130	3-1-2011	Adopt(T)	4-1-2011	817-035-0110	5-5-2011	Amend	6-1-2011
813-065-0130	8-26-2011	Adopt	10-1-2011	817-040-0003	3-1-2011	Amend(T)	4-1-2011
813-065-0130(T)	8-26-2011	Repeal	10-1-2011	817-040-0003	5-5-2011	Amend	6-1-2011
813-065-0140	3-1-2011	Adopt(T)	4-1-2011	817-040-0003	6-1-2011	Amend	7-1-2011
813-065-0140	8-26-2011	Adopt	10-1-2011	817-040-0003(T)	5-5-2011	Repeal	6-1-2011
813-065-0140(T)	8-26-2011	Repeal	10-1-2011	817-060-0050	5-5-2011	Adopt	6-1-2011
813-065-0150	3-1-2011	Adopt(T)	4-1-2011	817-060-0050(T)	5-5-2011	Repeal	6-1-2011
813-065-0150	8-26-2011	Adopt	10-1-2011	817-090-0025	5-5-2011	Amend	6-1-2011

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817-090-0035	5-5-2011	Amend	6-1-2011	818-021-0017	11-15-2011	Amend	12-1-2011
817-090-0035	9-13-2011	Amend(T)	10-1-2011	818-021-0017(T)	11-15-2011	Repeal	12-1-2011
817-090-0045	5-5-2011	Amend	6-1-2011	818-021-0025	11-15-2011	Amend	12-1-2011
817-090-0045	9-13-2011	Amend(T)	10-1-2011	818-021-0026	11-15-2011	Amend	12-1-2011
817-090-0050	5-5-2011	Amend	6-1-2011	818-021-0060	7-1-2011	Amend(T)	8-1-2011
817-090-0055	5-5-2011	Amend	6-1-2011	818-021-0060	11-15-2011	Amend	12-1-2011
817-090-0065	5-5-2011	Amend	6-1-2011	818-021-0060(T)	11-15-2011	Repeal	12-1-2011
817-090-0070	5-5-2011	Amend	6-1-2011	818-021-0070	7-1-2011	Amend(T)	8-1-2011
817-090-0075	5-5-2011	Amend	6-1-2011	818-021-0070	11-15-2011	Amend	12-1-2011
817-090-0080	5-5-2011	Amend	6-1-2011	818-021-0070(T)	11-15-2011	Repeal	12-1-2011
817-090-0085	5-5-2011	Amend	6-1-2011	818-026-0060	6-1-2011	Amend(T)	6-1-2011
817-090-0090	5-5-2011	Amend	6-1-2011	818-026-0060	11-15-2011	Amend	12-1-2011
817-090-0095	5-5-2011	Amend	6-1-2011	818-026-0060(T)	11-15-2011	Repeal	12-1-2011
817-090-0100	5-5-2011	Amend	6-1-2011	818-026-0065	6-1-2011	Amend(T)	6-1-2011
817-090-0105	5-5-2011	Amend	6-1-2011	818-026-0065	11-15-2011	Amend	12-1-2011
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817-090-0110	5-5-2011	Amend	6-1-2011	818-026-0070	6-1-2011	Amend(T)	6-1-2011
817-090-0115	5-5-2011	Amend	6-1-2011	818-026-0070	11-15-2011	Amend	12-1-2011
817-120-0005	9-13-2011	Amend(T)	10-1-2011	818-026-0070(T)	11-15-2011	Repeal	12-1-2011
818-001-0002	11-15-2011	Amend	12-1-2011	818-035-0025	11-15-2011	Amend	12-1-2011
818-001-0087	7-1-2011	Amend(T)	8-1-2011	818-035-0065	11-15-2011	Amend	12-1-2011
818-001-0087	11-15-2011	Amend	12-1-2011	818-035-0100	11-15-2011	Amend	12-1-2011
818-001-0087(T)	11-15-2011	Repeal	12-1-2011	818-042-0040	11-15-2011	Amend	12-1-2011
818-005-0000	11-15-2011	Adopt	12-1-2011	818-042-0050	11-15-2011	Amend	12-1-2011
818-005-0005	11-15-2011	Adopt	12-1-2011	818-042-0060	11-15-2011	Amend	12-1-2011
818-005-0011	11-15-2011	Adopt	12-1-2011	818-042-0120	11-15-2011	Amend	12-1-2011
818-005-0015	11-15-2011	Adopt	12-1-2011	818-042-0130	11-15-2011	Amend	12-1-2011
818-005-0021	11-15-2011	Adopt	12-1-2011	820-010-0209	1-14-2011	Amend	2-1-2011
818-005-0025	11-15-2011	Adopt	12-1-2011	820-010-0210	1-14-2011	Amend	2-1-2011
818-005-0030	11-15-2011	Adopt	12-1-2011	820-010-0212	1-14-2011	Amend	2-1-2011
818-005-0035	11-15-2011	Adopt	12-1-2011	820-010-0213	1-14-2011	Amend	2-1-2011
818-005-0040	11-15-2011	Adopt	12-1-2011	820-010-0214	1-14-2011	Amend	2-1-2011
818-005-0045	11-15-2011	Adopt	12-1-2011	820-010-0215	12-28-2010	Amend(T)	2-1-2011
818-013-0001	2-1-2011	Amend	2-1-2011	820-010-0215	1-14-2011	Amend	2-1-2011
818-013-0001	11-15-2011	Amend	12-1-2011	820-010-0215(T)	1-14-2011	Repeal	2-1-2011
818-013-0001(T)	2-1-2011	Repeal	2-1-2011	820-010-0305	1-14-2011	Amend	2-1-2011
818-013-0005	2-1-2011	Amend	2-1-2011	820-010-0325	5-12-2011	Amend	6-1-2011
818-013-0005(T)	2-1-2011	Repeal	2-1-2011	820-010-0400	1-14-2011	Amend	2-1-2011
818-013-0010	2-1-2011	Amend	2-1-2011	820-010-0417	1-14-2011	Amend	2-1-2011
818-013-0010(T)	2-1-2011	Repeal	2-1-2011	820-010-0427	1-14-2011	Amend	2-1-2011
818-013-0015	2-1-2011	Amend	2-1-2011	820-010-0435	1-14-2011	Repeal	2-1-2011
818-013-0015(T)	2-1-2011	Repeal	2-1-2011	820-010-0463	1-14-2011	Amend	2-1-2011
818-013-0020	2-1-2011	Amend	2-1-2011	820-010-0505	1-14-2011	Amend	2-1-2011
818-013-0020(T)	2-1-2011	Repeal	2-1-2011	820-010-0520	1-14-2011	Amend	2-1-2011
818-013-0025	2-1-2011	Amend	2-1-2011	820-010-0635	5-12-2011	Amend	6-1-2011
818-013-0025(T)	2-1-2011	Repeal	2-1-2011	830-011-0000	8-1-2011	Amend	9-1-2011
818-013-0030	2-1-2011	Amend	2-1-2011	830-011-0010	8-1-2011	Amend	9-1-2011
818-013-0030(T)	2-1-2011	Repeal	2-1-2011	830-011-0020	8-1-2011	Amend	9-1-2011
818-013-0035	2-1-2011	Amend	2-1-2011	830-011-0030	8-1-2011	Repeal	9-1-2011
818-013-0035(T)	2-1-2011	Repeal	2-1-2011	830-011-0050	8-1-2011	Amend	9-1-2011
818-015-0007	11-15-2011	Amend	12-1-2011	830-011-0070	8-1-2011	Amend	9-1-2011
818-015-0015	11-15-2011	Repeal	12-1-2011	830-011-0080	8-1-2011	Amend	9-1-2011
818-015-0020	11-15-2011	Repeal	12-1-2011	830-020-0000	8-1-2011	Amend	9-1-2011
818-015-0040	11-15-2011	Repeal	12-1-2011	830-020-0010	8-1-2011	Amend	9-1-2011
818-021-0012	11-15-2011	Amend	12-1-2011	830-020-0020	8-1-2011	Amend	9-1-2011

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830-020-0040	8-1-2011	Amend	9-1-2011	836-031-0670	2-23-2011	Amend	4-1-2011
830-030-0000	8-1-2011	Amend	9-1-2011	836-031-0680	2-23-2011	Amend	4-1-2011
830-030-0004	8-1-2011	Amend	9-1-2011	836-031-0690	2-23-2011	Amend	4-1-2011
830-030-0030	8-1-2011	Amend	9-1-2011	836-031-0810	10-31-2011	Amend	12-1-2011
830-030-0070	8-1-2011	Amend	9-1-2011	836-031-0815	10-31-2011	Amend	12-1-2011
830-030-0090	8-1-2011	Amend	9-1-2011	836-051-0030	2-23-2011	Adopt	4-1-2011
830-030-0100	8-1-2011	Amend	9-1-2011	836-051-0032	2-23-2011	Adopt	4-1-2011
830-040-0000	8-1-2011	Amend	9-1-2011	836-051-0034	2-23-2011	Adopt	4-1-2011
830-040-0005	8-1-2011	Amend	9-1-2011	836-051-0036	2-23-2011	Adopt	4-1-2011
830-040-0010	8-1-2011	Amend	9-1-2011	836-051-0038	2-23-2011	Adopt	4-1-2011
830-040-0020	8-1-2011	Amend	9-1-2011	836-051-0040	2-23-2011	Adopt	4-1-2011
830-040-0030	8-1-2011	Amend	9-1-2011	836-052-0114	2-23-2011	Amend	4-1-2011
830-040-0050	8-1-2011	Amend	9-1-2011	836-052-0114	10-31-2011	Amend	12-1-2011
830-040-0060	8-1-2011	Amend	9-1-2011	836-052-0145	2-23-2011	Amend	4-1-2011
830-040-0070	8-1-2011	Amend	9-1-2011	836-052-0145	10-31-2011	Amend	12-1-2011
830-050-0000	8-1-2011	Repeal	9-1-2011	836-052-0151	2-23-2011	Amend	4-1-2011
830-050-0050	8-1-2011	Amend	9-1-2011	836-052-0151	10-31-2011	Amend	12-1-2011
833-020-0011	2-1-2011	Amend	2-1-2011	836-052-0160	2-23-2011	Amend	4-1-2011
833-020-0051	2-1-2011	Amend	2-1-2011	836-052-0636	2-10-2011	Amend	3-1-2011
833-020-0081	1-1-2011	Amend	1-1-2011	836-052-0756	2-10-2011	Amend	3-1-2011
833-040-0021	1-1-2011	Amend	1-1-2011	836-052-0776	2-10-2011	Amend	3-1-2011
833-050-0081	1-1-2011	Amend	1-1-2011	836-052-0790	2-10-2011	Adopt	3-1-2011
833-055-0001	1-1-2011	Repeal	1-1-2011	836-052-1000	2-23-2011	Amend	4-1-2011
833-055-0010	1-1-2011	Repeal	1-1-2011	836-053-0510	2-23-2011	Amend	4-1-2011
833-055-0020	1-1-2011	Repeal	1-1-2011	836-053-1030	7-7-2011	Amend(T)	8-1-2011
833-060-0012	1-1-2011	Amend	1-1-2011	836-053-1100	7-7-2011	Amend(T)	8-1-2011
833-060-0062	1-1-2011	Adopt	1-1-2011	836-053-1310	7-7-2011	Amend(T)	8-1-2011
833-100-0021	1-1-2011	Amend	1-1-2011	836-053-1340	7-7-2011	Amend(T)	8-1-2011
833-110-0021	1-1-2011	Amend	1-1-2011	836-053-1342	7-7-2011	Amend(T)	8-1-2011
833-120-0011	5-15-2011	Amend(T)	6-1-2011	836-053-1350	7-7-2011	Amend(T)	8-1-2011
833-120-0021	5-15-2011	Amend(T)	6-1-2011	836-071-0110	1-1-2011	Amend	2-1-2011
833-120-0031	5-15-2011	Amend(T)	6-1-2011	836-071-0118	1-1-2011	Adopt	2-1-2011
833-120-0041	5-15-2011	Amend(T)	6-1-2011	836-071-0120	1-1-2011	Amend	2-1-2011
833-130-0080	1-1-2011	Adopt	1-1-2011	836-080-0090	2-4-2011	Amend	3-1-2011
834-010-0050	10-1-2011	Amend(T)	11-1-2011	836-080-0095	2-4-2011	Am. & Ren.	3-1-2011
836-009-0007	1-1-2011	Amend	2-1-2011	836-080-0170	2-4-2011	Adopt	3-1-2011
836-011-0000	1-1-2011	Amend	2-1-2011	836-080-0172	2-4-2011	Adopt	3-1-2011
836-011-0250	2-4-2011	Adopt	3-1-2011	836-080-0175	2-4-2011	Adopt	3-1-2011
836-011-0253	2-4-2011	Adopt	3-1-2011	836-080-0178	2-4-2011	Adopt	3-1-2011
836-011-0255	2-4-2011	Adopt	3-1-2011	836-080-0180	2-4-2011	Adopt	3-1-2011
836-011-0255	9-21-2011	Amend	11-1-2011	836-080-0183	2-4-2011	Adopt	3-1-2011
836-011-0258	2-4-2011	Adopt	3-1-2011	836-080-0185	2-4-2011	Adopt	3-1-2011
836-011-0260	2-4-2011	Adopt	3-1-2011	836-080-0188	2-4-2011	Adopt	3-1-2011
836-011-0300	10-31-2011	Amend	12-1-2011	836-080-0193	2-4-2011	Adopt	3-1-2011
836-011-0305	10-31-2011	Amend	12-1-2011	836-080-0800	3-1-2011	Adopt	2-1-2011
836-011-0310	10-31-2011	Amend	12-1-2011	836-080-0805	3-1-2011	Adopt	2-1-2011
836-011-0320	10-31-2011	Amend	12-1-2011	836-080-0810	3-1-2011	Adopt	2-1-2011
836-011-0380	10-31-2011	Amend	12-1-2011	836-100-0010	2-10-2011	Adopt	3-1-2011
836-011-0390	10-31-2011	Amend	12-1-2011	836-100-0010	7-5-2011	Am. & Ren.	8-1-2011
836-011-0515	12-15-2010	Amend	1-1-2011	836-100-0010(T)	2-10-2011	Repeal	3-1-2011
836-031-0600	2-23-2011	Amend	4-1-2011	836-100-0011	7-5-2011	Adopt	8-1-2011
836-031-0620	2-23-2011	Amend	4-1-2011	836-100-0015	2-10-2011	Adopt	3-1-2011
836-031-0630	2-23-2011	Amend	4-1-2011	836-100-0015	7-5-2011	Repeal	8-1-2011
836-031-0640	2-23-2011	Amend	4-1-2011	836-100-0015(T)	2-10-2011	Repeal	3-1-2011
836-031-0650	2-23-2011	Repeal	4-1-2011	836-100-0016	7-5-2011	Adopt	8-1-2011

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836-100-0030	7-5-2011	Adopt	8-1-2011	839-009-0280	10-14-2011	Amend	11-1-2011
836-100-0035	7-5-2011	Adopt	8-1-2011	839-009-0330	10-14-2011	Amend	11-1-2011
836-100-0040	7-5-2011	Adopt	8-1-2011	839-009-0340	10-14-2011	Amend	11-1-2011
836-100-0045	7-5-2011	Adopt	8-1-2011	839-009-0365	10-14-2011	Amend	11-1-2011
836-100-0100	7-15-2011	Adopt	8-1-2011	839-009-0400	10-14-2011	Amend	11-1-2011
836-100-0105	7-15-2011	Adopt	8-1-2011	839-009-0450	10-14-2011	Amend	11-1-2011
836-100-0105	10-31-2011	Amend	12-1-2011	839-011-0051	7-13-2011	Amend(T)	8-1-2011
836-100-0110	7-15-2011	Adopt	8-1-2011	839-011-0070	7-13-2011	Amend(T)	8-1-2011
836-100-0110	10-31-2011	Amend	12-1-2011	839-011-0084	7-13-2011	Amend(T)	8-1-2011
836-100-0115	7-15-2011	Adopt	8-1-2011	839-011-0088	7-13-2011	Amend(T)	8-1-2011
836-100-0115	10-31-2011	Amend	12-1-2011	839-011-0140	7-13-2011	Amend(T)	8-1-2011
836-100-0120	7-15-2011	Adopt	8-1-2011	839-011-0141	7-13-2011	Amend(T)	8-1-2011
837-012-0315	1-1-2011	Amend(T)	2-1-2011	839-011-0142	7-13-2011	Amend(T)	8-1-2011
837-012-0315	6-29-2011	Amend	6-1-2011	839-011-0143	7-13-2011	Amend(T)	8-1-2011
837-012-0330	1-1-2011	Amend(T)	2-1-2011	839-011-0145	7-13-2011	Amend(T)	8-1-2011
837-012-0330	6-29-2011	Amend	6-1-2011	839-011-0290	7-13-2011	Amend(T)	8-1-2011
837-012-0510	5-2-2011	Amend	4-1-2011	839-020-0027	1-1-2011	Amend	2-1-2011
837-012-0515	5-2-2011	Amend	4-1-2011	839-025-0004	1-1-2011	Amend	2-1-2011
837-012-0520	5-2-2011	Amend	4-1-2011	839-025-0004	11-1-2011	Amend	12-1-2011
837-012-0525	5-2-2011	Amend	4-1-2011	839-025-0008	11-1-2011	Amend	12-1-2011
837-012-0535	5-2-2011	Amend	4-1-2011	839-025-0010	11-1-2011	Amend	12-1-2011
837-012-0540	5-2-2011	Amend	4-1-2011	839-025-0013	1-1-2011	Amend	2-1-2011
837-012-0550	5-2-2011	Amend	4-1-2011	839-025-0015	11-1-2011	Amend	12-1-2011
837-012-0555	5-2-2011	Amend	4-1-2011	839-025-0020	1-1-2011	Amend	2-1-2011
837-012-0560	5-2-2011	Amend	4-1-2011	839-025-0020	6-8-2011	Amend(T)	7-1-2011
837-012-0565	5-2-2011	Amend	4-1-2011	839-025-0020	7-22-2011	Amend(T)	9-1-2011
837-040-0020	4-1-2011	Amend	4-1-2011	839-025-0020	11-1-2011	Amend	12-1-2011
837-040-0020	1-1-2012	Amend	12-1-2011	839-025-0020(T)	7-22-2011	Suspend	9-1-2011
837-041-0050	12-1-2010	Amend	1-1-2011	839-025-0020(T)	11-1-2011	Repeal	12-1-2011
837-047-0100	12-28-2010	Adopt	1-1-2011	839-025-0025	11-1-2011	Amend	12-1-2011
837-047-0110	12-28-2010	Adopt	1-1-2011	839-025-0035	1-1-2011	Amend	2-1-2011
837-047-0120	12-28-2010	Adopt	1-1-2011	839-025-0037	11-1-2011	Amend	12-1-2011
837-047-0130	12-28-2010	Adopt	1-1-2011	839-025-0050	11-1-2011	Amend	12-1-2011
837-047-0135	12-28-2010	Adopt	1-1-2011	839-025-0060	1-1-2011	Amend	2-1-2011
837-047-0140	12-28-2010	Adopt	1-1-2011	839-025-0060	11-1-2011	Amend	12-1-2011
837-047-0150	12-28-2010	Adopt	1-1-2011	839-025-0065	11-1-2011	Amend	12-1-2011
837-047-0160	12-28-2010	Adopt	1-1-2011	839-025-0080	6-8-2011	Amend(T)	7-1-2011
837-047-0170	12-28-2010	Adopt	1-1-2011	839-025-0080	11-1-2011	Amend	12-1-2011
839-001-0200	1-1-2011	Amend	2-1-2011	839-025-0080(T)	11-1-2011	Repeal	12-1-2011
839-003-0005	10-14-2011	Amend	11-1-2011	839-025-0090	11-1-2011	Amend	12-1-2011
839-003-0025	10-14-2011	Amend	11-1-2011	839-025-0100	1-1-2011	Amend	2-1-2011
839-003-0100	10-14-2011	Amend	11-1-2011	839-025-0155	11-1-2011	Amend	12-1-2011
839-005-0010	10-14-2011	Amend	11-1-2011	839-025-0200	11-1-2011	Amend	12-1-2011
839-005-0026	10-14-2011	Amend	11-1-2011	839-025-0210	11-1-2011	Amend	12-1-2011
839-005-0031	10-14-2011	Amend	11-1-2011	839-025-0230	1-1-2011	Amend	2-1-2011
839-005-0070	10-14-2011	Amend	11-1-2011	839-025-0230	11-1-2011	Amend	12-1-2011
839-005-0080	10-14-2011	Amend	11-1-2011	839-025-0340	11-1-2011	Amend	12-1-2011
839-005-0200	10-14-2011	Amend	11-1-2011	839-025-0530	6-8-2011	Amend(T)	7-1-2011
839-005-0206	10-14-2011	Amend	11-1-2011	839-025-0530	11-1-2011	Amend	12-1-2011
839-005-0220	10-14-2011	Amend	11-1-2011	839-025-0530(T)	11-1-2011	Repeal	12-1-2011
839-006-0240	10-14-2011	Amend	11-1-2011	839-025-0700	1-1-2011	Amend	2-1-2011
839-006-0275	10-14-2011	Amend	11-1-2011	839-025-0700	4-1-2011	Amend	5-1-2011
839-006-0307	10-14-2011	Amend	11-1-2011	839-025-0700	7-1-2011	Amend	8-1-2011
839-006-0455	10-14-2011	Amend	11-1-2011	839-025-0700	10-12-2011	Amend	11-1-2011
839-009-0210	10-14-2011	Amend	11-1-2011	839-050-0440	2-1-2011	Amend	3-1-2011

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845-003-0670	1-1-2011	Amend	2-1-2011	847-035-0001	7-13-2011	Amend	8-1-2011
845-005-0311	3-1-2011	Amend	4-1-2011	847-035-0025	7-13-2011	Amend	8-1-2011
845-005-0331	3-1-2011	Amend	4-1-2011	847-035-0030	2-11-2011	Amend	3-1-2011
845-005-0355	3-1-2011	Amend	4-1-2011	847-035-0030	4-8-2011	Amend	5-1-2011
845-005-0428	9-1-2011	Amend	9-1-2011	847-035-0030	4-25-2011	Amend	6-1-2011
845-005-0440	1-1-2011	Amend	2-1-2011	847-050-0005	10-13-2011	Amend(T)	11-1-2011
845-006-0345	1-1-2011	Amend	2-1-2011	847-050-0005(T)	10-26-2011	Suspend	12-1-2011
845-006-0345	1-1-2012	Amend	12-1-2011	847-050-0010	10-13-2011	Amend(T)	11-1-2011
845-006-0425	5-1-2011	Amend	6-1-2011	847-050-0010(T)	10-26-2011	Suspend	12-1-2011
845-006-0480	3-1-2011	Amend	4-1-2011	847-050-0015	10-13-2011	Amend(T)	11-1-2011
845-006-0497	9-1-2011	Adopt	9-1-2011	847-050-0015(T)	10-26-2011	Suspend	12-1-2011
845-008-0050	1-1-2011	Adopt	2-1-2011	847-050-0020	10-13-2011	Amend(T)	11-1-2011
845-008-0070	1-1-2011	Adopt	2-1-2011	847-050-0020(T)	10-26-2011	Suspend	12-1-2011
845-008-0080	1-1-2011	Adopt	2-1-2011	847-050-0023	10-13-2011	Amend(T)	11-1-2011
845-008-0090	1-1-2011	Adopt	2-1-2011	847-050-0023(T)	10-26-2011	Suspend	12-1-2011
845-009-0010	1-1-2011	Amend	2-1-2011	847-050-0025	10-13-2011	Amend(T)	11-1-2011
845-009-0140	11-1-2011	Amend	12-1-2011	847-050-0025(T)	10-26-2011	Suspend	12-1-2011
845-010-0146	11-20-2010	Adopt(T)	1-1-2011	847-050-0026	10-13-2011	Amend(T)	11-1-2011
845-010-0154	1-1-2011	Am. & Ren.	2-1-2011	847-050-0026(T)	10-26-2011	Suspend	12-1-2011
845-013-0030	5-1-2011	Amend	6-1-2011	847-050-0027	2-11-2011	Amend	3-1-2011
845-013-0050	5-1-2011	Amend	6-1-2011	847-050-0027	10-13-2011	Amend(T)	11-1-2011
845-013-0070	12-3-2010	Amend(T)	1-1-2011	847-050-0027(T)	10-26-2011	Suspend	12-1-2011
845-013-0070	11-1-2011	Amend	12-1-2011	847-050-0029	10-13-2011	Amend(T)	11-1-2011
845-013-0080	9-1-2011	Adopt	9-1-2011	847-050-0029(T)	10-26-2011	Suspend	12-1-2011
845-015-0138	1-1-2011	Adopt	2-1-2011	847-050-0031	7-13-2011	Repeal	8-1-2011
845-015-0155	9-1-2011	Amend	9-1-2011	847-050-0032	7-13-2011	Repeal	8-1-2011
847-001-0005	4-25-2011	Amend	6-1-2011	847-050-0035	10-13-2011	Amend(T)	11-1-2011
847-001-0015	4-25-2011	Amend	6-1-2011	847-050-0035(T)	10-26-2011	Suspend	12-1-2011
847-001-0022	4-25-2011	Adopt	6-1-2011	847-050-0037	10-13-2011	Amend(T)	11-1-2011
847-002-0000	7-13-2011	Adopt	8-1-2011	847-050-0037(T)	10-26-2011	Suspend	12-1-2011
847-002-0005	7-13-2011	Adopt	8-1-2011	847-050-0038	10-13-2011	Amend(T)	11-1-2011
847-002-0010	7-13-2011	Adopt	8-1-2011	847-050-0038(T)	10-26-2011	Suspend	12-1-2011
847-002-0015	7-13-2011	Adopt	8-1-2011	847-050-0040	10-13-2011	Amend(T)	11-1-2011
847-002-0020	7-13-2011	Adopt	8-1-2011	847-050-0040(T)	10-26-2011	Suspend	12-1-2011
847-002-0025	7-13-2011	Adopt	8-1-2011	847-050-0041	10-13-2011	Amend(T)	11-1-2011
847-002-0030	7-13-2011	Adopt	8-1-2011	847-050-0041(T)	10-26-2011	Suspend	12-1-2011
847-002-0035	7-13-2011	Adopt	8-1-2011	847-050-0042	10-13-2011	Amend(T)	11-1-2011
847-002-0040	7-13-2011	Adopt	8-1-2011	847-050-0042(T)	10-26-2011	Suspend	12-1-2011
847-002-0045	7-13-2011	Adopt	8-1-2011	847-050-0043	10-13-2011	Amend(T)	11-1-2011
847-005-0005	7-13-2011	Amend(T)	8-1-2011	847-050-0043	10-27-2011	Amend	12-1-2011
847-005-0005	10-13-2011	Amend(T)	11-1-2011	847-050-0043(T)	10-26-2011	Suspend	12-1-2011
847-005-0005	10-18-2011	Amend	12-1-2011	847-050-0046	10-13-2011	Amend(T)	11-1-2011
847-008-0018	7-13-2011	Amend	8-1-2011	847-050-0046(T)	10-26-2011	Suspend	12-1-2011
847-008-0040	10-13-2011	Amend(T)	11-1-2011	847-050-0050	10-13-2011	Amend(T)	11-1-2011
847-008-0040(T)	10-26-2011	Suspend	12-1-2011	847-050-0050(T)	10-26-2011	Suspend	12-1-2011
847-008-0050	7-13-2011	Amend	8-1-2011	847-050-0055	10-13-2011	Amend(T)	11-1-2011
847-008-0055	7-13-2011	Amend	8-1-2011	847-050-0055(T)	10-26-2011	Suspend	12-1-2011
847-008-0065	10-18-2011	Amend	12-1-2011	847-050-0060	10-13-2011	Amend(T)	11-1-2011
847-008-0070	4-25-2011	Amend	6-1-2011	847-050-0060(T)	10-26-2011	Suspend	12-1-2011
847-008-0075	7-13-2011	Amend	8-1-2011	847-050-0063	10-13-2011	Amend(T)	11-1-2011
847-010-0100	2-11-2011	Renumber	3-1-2011	847-050-0063(T)	10-26-2011	Suspend	12-1-2011
847-012-0000	10-18-2011	Amend	12-1-2011	847-050-0065	10-13-2011	Amend(T)	11-1-2011
847-015-0025	10-27-2011	Amend	12-1-2011	847-050-0065(T)	10-26-2011	Suspend	12-1-2011
847-020-0155	10-13-2011	Amend(T)	11-1-2011	847-065-0005	2-11-2011	Amend	3-1-2011
847-020-0183	10-18-2011	Amend	12-1-2011	847-065-0010	4-25-2011	Amend	6-1-2011

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847-065-0020	4-25-2011	Amend	6-1-2011	851-063-0030	6-23-2011	Amend(T)	7-1-2011
847-065-0025	4-25-2011	Amend	6-1-2011	851-063-0030	10-6-2011	Amend	11-1-2011
847-065-0030	4-25-2011	Amend	6-1-2011	851-070-0000	12-2-2010	Adopt	1-1-2011
847-065-0035	4-25-2011	Amend	6-1-2011	851-070-0000(T)	12-2-2010	Repeal	1-1-2011
847-065-0040	4-25-2011	Amend	6-1-2011	851-070-0005	12-2-2010	Adopt	1-1-2011
847-065-0045	4-25-2011	Amend	6-1-2011	851-070-0005(T)	12-2-2010	Repeal	1-1-2011
847-065-0050	4-25-2011	Amend	6-1-2011	851-070-0010	12-2-2010	Adopt	1-1-2011
847-065-0055	4-25-2011	Amend	6-1-2011	851-070-0010(T)	12-2-2010	Repeal	1-1-2011
847-065-0060	4-25-2011	Amend	6-1-2011	851-070-0020	12-2-2010	Adopt	1-1-2011
847-065-0065	4-25-2011	Amend	6-1-2011	851-070-0020(T)	12-2-2010	Repeal	1-1-2011
847-065-0070	4-25-2011	Adopt	6-1-2011	851-070-0030	12-2-2010	Adopt	1-1-2011
847-070-0018	7-13-2011	Repeal	8-1-2011	851-070-0030(T)	12-2-2010	Repeal	1-1-2011
847-070-0042	7-13-2011	Repeal	8-1-2011	851-070-0040	12-2-2010	Adopt	1-1-2011
847-070-0050	7-13-2011	Amend	8-1-2011	851-070-0040(T)	12-2-2010	Repeal	1-1-2011
847-080-0018	10-18-2011	Amend	12-1-2011	851-070-0050	12-2-2010	Adopt	1-1-2011
847-080-0019	7-13-2011	Repeal	8-1-2011	851-070-0050(T)	12-2-2010	Repeal	1-1-2011
847-080-0020	7-13-2011	Repeal	8-1-2011	851-070-0060	12-2-2010	Adopt	1-1-2011
847-080-0025	7-13-2011	Repeal	8-1-2011	851-070-0060(T)	12-2-2010	Repeal	1-1-2011
848-005-0010	7-1-2011	Amend	8-1-2011	851-070-0070	12-2-2010	Adopt	1-1-2011
850-030-0035	10-17-2011	Amend(T)	12-1-2011	851-070-0070(T)	12-2-2010	Repeal	1-1-2011
850-035-0230	6-15-2011	Amend	7-1-2011	851-070-0080	12-2-2010	Adopt	1-1-2011
850-050-0200	4-12-2011	Adopt	5-1-2011	851-070-0080(T)	12-2-2010	Repeal	1-1-2011
850-060-0212	12-13-2010	Amend	1-1-2011	851-070-0090	12-2-2010	Adopt	1-1-2011
850-060-0225	4-12-2011	Amend	5-1-2011	851-070-0090(T)	12-2-2010	Repeal	1-1-2011
850-060-0226	12-13-2010	Amend	1-1-2011	851-070-0100	12-2-2010	Adopt	1-1-2011
850-060-0226	4-12-2011	Amend	5-1-2011	851-070-0100(T)	12-2-2010	Repeal	1-1-2011
850-060-0226	6-15-2011	Amend	7-1-2011	852-005-0005	7-1-2011	Amend	8-1-2011
851-002-0010	11-29-2010	Amend	1-1-2011	852-010-0080	7-1-2011	Amend	8-1-2011
851-002-0040	11-29-2010	Amend	1-1-2011	852-020-0045	7-1-2011	Amend	8-1-2011
851-021-0005	11-29-2010	Amend	1-1-2011	852-050-0005	7-1-2011	Amend	8-1-2011
851-021-0010	11-29-2010	Amend	1-1-2011	852-050-0006	7-1-2011	Amend	8-1-2011
851-021-0045	11-29-2010	Amend	1-1-2011	852-050-0012	7-1-2011	Amend	8-1-2011
851-021-0055	11-29-2010	Amend	1-1-2011	852-050-0025	7-1-2011	Adopt	8-1-2011
851-021-0065	11-29-2010	Amend	1-1-2011	855-010-0050	2-8-2011	Adopt(T)	3-1-2011
851-021-0090	11-29-2010	Amend	1-1-2011	855-010-0050	7-1-2011	Adopt	8-1-2011
851-031-0045	11-29-2010	Amend	1-1-2011	855-010-0055	2-8-2011	Adopt(T)	3-1-2011
851-031-0070	11-29-2010	Amend	1-1-2011	855-010-0055	7-1-2011	Adopt	8-1-2011
851-046-0000	12-2-2010	Repeal	1-1-2011	855-010-0057	2-8-2011	Adopt(T)	3-1-2011
851-046-0005	12-2-2010	Repeal	1-1-2011	855-010-0057	7-1-2011	Adopt	8-1-2011
851-046-0010	12-2-2010	Repeal	1-1-2011	855-010-0060	2-8-2011	Adopt(T)	3-1-2011
851-046-0020	12-2-2010	Repeal	1-1-2011	855-010-0060	7-1-2011	Adopt	8-1-2011
851-046-0030	12-2-2010	Repeal	1-1-2011	855-010-0065	2-8-2011	Adopt(T)	3-1-2011
851-046-0040	12-2-2010	Repeal	1-1-2011	855-010-0065	7-1-2011	Adopt	8-1-2011
851-056-0000	10-6-2011	Amend	11-1-2011	855-010-0067	2-8-2011	Adopt(T)	3-1-2011
851-056-0010	10-6-2011	Amend	11-1-2011	855-010-0067	7-1-2011	Adopt	8-1-2011
851-056-0012	10-6-2011	Amend	11-1-2011	855-010-0070	2-8-2011	Adopt(T)	3-1-2011
851-056-0016	10-6-2011	Amend	11-1-2011	855-010-0070	7-1-2011	Adopt	8-1-2011
851-061-0020	7-11-2011	Amend	8-1-2011	855-010-0075	2-8-2011	Adopt(T)	3-1-2011
851-061-0030	7-11-2011	Amend	8-1-2011	855-010-0075	7-1-2011	Adopt	8-1-2011
851-061-0040	7-11-2011	Amend	8-1-2011	855-010-0080	2-8-2011	Adopt(T)	3-1-2011
851-061-0050	7-11-2011	Amend	8-1-2011	855-010-0080	7-1-2011	Adopt	8-1-2011
851-061-0075	7-11-2011	Adopt	8-1-2011	855-010-0085	2-8-2011	Adopt(T)	3-1-2011
851-061-0080	7-11-2011	Amend	8-1-2011	855-010-0085	7-1-2011	Adopt	8-1-2011
851-061-0090	7-11-2011	Amend	8-1-2011	855-010-0087	2-8-2011	Adopt(T)	3-1-2011
851-061-0110	7-11-2011	Amend	8-1-2011	855-010-0087	7-1-2011	Adopt	8-1-2011

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855-011-0005(T)	12-23-2010	Repeal	2-1-2011	858-010-0036	1-25-2011	Amend	3-1-2011
855-011-0020	12-23-2010	Adopt	2-1-2011	858-010-0036	5-31-2011	Amend	7-1-2011
855-011-0020(T)	12-23-2010	Repeal	2-1-2011	858-010-0036	9-27-2011	Amend	11-1-2011
855-011-0030	12-23-2010	Adopt	2-1-2011	858-010-0037	9-27-2011	Amend	11-1-2011
855-011-0030(T)	12-23-2010	Repeal	2-1-2011	858-010-0038	9-27-2011	Amend	11-1-2011
855-011-0040	12-23-2010	Adopt	2-1-2011	858-010-0039	1-25-2011	Amend	3-1-2011
855-011-0040(T)	12-23-2010	Repeal	2-1-2011	858-010-0039	9-27-2011	Amend	11-1-2011
855-011-0050	12-23-2010	Adopt	2-1-2011	858-010-0061	5-31-2011	Adopt	7-1-2011
855-011-0050(T)	12-23-2010	Repeal	2-1-2011	858-010-0065	5-31-2011	Amend	7-1-2011
855-019-0120	7-1-2011	Amend	8-1-2011	858-020-0085	5-31-2011	Amend	7-1-2011
855-019-0265	4-18-2011	Adopt	6-1-2011	858-040-0015	1-25-2011	Amend	3-1-2011
855-021-0010	12-23-2010	Amend	2-1-2011	858-040-0035	5-31-2011	Amend	7-1-2011
855-041-0065	12-23-2010	Amend	2-1-2011	859-300-0001	2-15-2011	Adopt	3-1-2011
855-041-0600	4-18-2011	Amend	6-1-2011	859-300-0001(T)	2-15-2011	Repeal	3-1-2011
855-041-0645	4-18-2011	Adopt	6-1-2011	859-300-0010	2-15-2011	Adopt	3-1-2011
855-045-0220	4-18-2011	Amend	6-1-2011	859-300-0010(T)	2-15-2011	Repeal	3-1-2011
855-045-0240	4-18-2011	Amend	6-1-2011	859-300-0020	2-15-2011	Adopt	3-1-2011
855-080-0021	4-11-2011	Amend	5-1-2011	859-300-0020(T)	2-15-2011	Repeal	3-1-2011
855-080-0021(T)	4-11-2011	Repeal	5-1-2011	859-300-0030	2-15-2011	Adopt	3-1-2011
855-080-0100	10-31-2011	Amend(T)	12-1-2011	859-300-0030(T)	2-15-2011	Repeal	3-1-2011
855-080-0103	10-31-2011	Adopt(T)	12-1-2011	859-300-0040	2-15-2011	Adopt	3-1-2011
855-110-0005	7-1-2011	Amend(T)	8-1-2011	859-300-0040(T)	2-15-2011	Repeal	3-1-2011
855-110-0007	7-1-2011	Amend(T)	8-1-2011	859-300-0050	2-15-2011	Adopt	3-1-2011
855-110-0010	7-1-2011	Amend(T)	8-1-2011	859-300-0050	7-5-2011	Amend(T)	8-1-2011
856-010-0010	6-29-2011	Amend	8-1-2011	859-300-0050(T)	2-15-2011	Repeal	3-1-2011
856-010-0010	6-29-2011	Amend	8-1-2011	859-300-0060	2-15-2011	Adopt	3-1-2011
856-010-0011	6-29-2011	Amend	8-1-2011	859-300-0060(T)	2-15-2011	Repeal	3-1-2011
856-010-0012	6-29-2011	Amend	8-1-2011	859-300-0070	2-15-2011	Adopt	3-1-2011
856-010-0013	6-29-2011	Amend	8-1-2011	859-300-0070(T)	2-15-2011	Repeal	3-1-2011
856-010-0014	12-14-2010	Amend	1-1-2011	859-300-0080	2-15-2011	Adopt	3-1-2011
856-010-0015	6-29-2011	Amend	8-1-2011	859-300-0080(T)	2-15-2011	Repeal	3-1-2011
856-010-0016	11-1-2011	Amend	12-1-2011	859-300-0090	2-15-2011	Adopt	3-1-2011
856-010-0021	6-29-2011	Adopt	8-1-2011	859-300-0090(T)	2-15-2011	Repeal	3-1-2011
856-010-0022	6-29-2011	Amend	8-1-2011	859-300-0100	2-15-2011	Adopt	3-1-2011
856-010-0031	6-29-2011	Adopt	8-1-2011	859-300-0100(T)	2-15-2011	Repeal	3-1-2011
856-010-0035	6-29-2011	Amend	8-1-2011	859-300-0110	2-15-2011	Adopt	3-1-2011
856-010-0045	6-29-2011	Amend	8-1-2011	859-300-0110(T)	2-15-2011	Repeal	3-1-2011
856-010-0048	6-29-2011	Renumber	8-1-2011	859-300-0120	2-15-2011	Adopt	3-1-2011
856-030-0040	6-29-2011	Adopt	8-1-2011	859-300-0120(T)	2-15-2011	Repeal	3-1-2011
858-010-0001	9-27-2011	Amend	11-1-2011	859-300-0130	2-15-2011	Adopt	3-1-2011
858-010-0002	9-27-2011	Amend	11-1-2011	859-300-0130(T)	2-15-2011	Repeal	3-1-2011
858-010-0007	1-25-2011	Amend	3-1-2011	859-300-0140	2-15-2011	Adopt	3-1-2011
858-010-0010	1-25-2011	Amend	3-1-2011	859-300-0140(T)	2-15-2011	Repeal	3-1-2011
858-010-0010	5-31-2011	Amend	7-1-2011	859-300-0150	2-15-2011	Adopt	3-1-2011
858-010-0010	9-27-2011	Amend	11-1-2011	859-300-0150(T)	2-15-2011	Repeal	3-1-2011
858-010-0011	9-27-2011	Adopt	11-1-2011	859-300-0160	2-15-2011	Adopt	3-1-2011
858-010-0012	9-27-2011	Adopt	11-1-2011	859-300-0160(T)	2-15-2011	Repeal	3-1-2011
858-010-0013	9-27-2011	Adopt	11-1-2011	859-300-0170	2-15-2011	Adopt	3-1-2011
858-010-0015	1-25-2011	Amend	3-1-2011	859-300-0170(T)	2-15-2011	Repeal	3-1-2011
858-010-0015	9-27-2011	Amend	11-1-2011	859-300-0180	2-15-2011	Adopt	3-1-2011
858-010-0016	5-31-2011	Amend	7-1-2011	859-300-0180(T)	2-15-2011	Repeal	3-1-2011
858-010-0016	9-27-2011	Amend	11-1-2011	859-300-0190	2-15-2011	Adopt	3-1-2011
858-010-0017	5-31-2011	Amend	7-1-2011	859-300-0190(T)	2-15-2011	Repeal	3-1-2011
858-010-0017	9-27-2011	Amend	11-1-2011	859-300-0200	2-15-2011	Adopt	3-1-2011
858-010-0020	9-27-2011	Amend	11-1-2011	859-300-0200(T)	2-15-2011	Repeal	3-1-2011

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859-300-0210(T)	2-15-2011	Repeal	3-1-2011	860-033-0545	10-4-2011	Amend	11-1-2011
859-300-0220	2-15-2011	Adopt	3-1-2011	860-034-0010	9-14-2011	Amend	10-1-2011
859-300-0220(T)	2-15-2011	Repeal	3-1-2011	860-034-0050	9-14-2011	Amend	10-1-2011
859-300-0230	2-15-2011	Adopt	3-1-2011	860-034-0260	9-14-2011	Amend	10-1-2011
859-300-0230(T)	2-15-2011	Repeal	3-1-2011	860-034-0340	9-14-2011	Amend	10-1-2011
860-016-0005	9-14-2011	Adopt	10-1-2011	860-034-0390	9-14-2011	Amend	10-1-2011
860-021-0005	9-14-2011	Amend	10-1-2011	860-034-0393	12-20-2010	Amend	2-1-2011
860-022-0000	9-14-2011	Amend	10-1-2011	860-034-0730	12-20-2010	Amend	2-1-2011
860-022-0041	2-23-2011	Amend(T)	4-1-2011	860-036-0001	9-14-2011	Amend	10-1-2011
860-022-0045	9-14-2011	Amend	10-1-2011	860-036-0110	9-14-2011	Amend	10-1-2011
860-023-0000	9-14-2011	Amend	10-1-2011	860-036-0235	9-14-2011	Amend	10-1-2011
860-023-0054	9-14-2011	Amend	10-1-2011	860-036-0738	9-14-2011	Amend	10-1-2011
860-023-0055	9-14-2011	Amend	10-1-2011	860-036-0750	9-14-2011	Amend	10-1-2011
860-023-0081	1-1-2012	Adopt	11-1-2011	860-037-0001	9-14-2011	Amend	10-1-2011
860-023-0084	1-1-2012	Adopt	11-1-2011	860-037-0235	9-14-2011	Amend	10-1-2011
860-023-0091	1-1-2012	Adopt	11-1-2011	860-037-0545	9-14-2011	Amend	10-1-2011
860-023-0101	1-1-2012	Adopt	11-1-2011	860-037-0560	9-14-2011	Amend	10-1-2011
860-023-0111	1-1-2012	Adopt	11-1-2011	860-038-0001	9-14-2011	Amend	10-1-2011
860-023-0131	1-1-2012	Adopt	11-1-2011	860-038-0080	6-17-2011	Amend	8-1-2011
860-023-0151	1-1-2012	Adopt	11-1-2011	860-038-0480	6-17-2011	Amend	8-1-2011
860-023-0161	1-1-2012	Adopt	11-1-2011	860-038-0480	9-30-2011	Amend(T)	11-1-2011
860-024-0000	9-14-2011	Amend	10-1-2011	860-039-0005	9-7-2011	Amend	10-1-2011
860-024-0012	9-14-2011	Amend	10-1-2011	860-039-0005	9-14-2011	Amend	10-1-2011
860-024-0020	5-4-2011	Amend	6-1-2011	860-039-0010	9-7-2011	Amend	10-1-2011
860-024-0021	5-4-2011	Amend	6-1-2011	860-039-0065	9-7-2011	Amend	10-1-2011
860-025-0000	9-14-2011	Amend	10-1-2011	860-082-0010	9-14-2011	Amend	10-1-2011
860-025-0055	8-26-2011	Adopt	10-1-2011	860-083-0005	9-14-2011	Amend	10-1-2011
860-025-0060	8-26-2011	Adopt	10-1-2011	860-084-0000	9-14-2011	Amend	10-1-2011
860-025-0065	8-26-2011	Adopt	10-1-2011	860-084-0010	9-30-2011	Amend	11-1-2011
860-026-0000	9-14-2011	Amend	10-1-2011	860-084-0020	9-30-2011	Amend	11-1-2011
860-027-0000	9-14-2011	Amend	10-1-2011	860-084-0030	9-30-2011	Amend	11-1-2011
860-027-0043	9-14-2011	Amend	10-1-2011	860-084-0040	9-30-2011	Amend	11-1-2011
860-027-0044	9-14-2011	Amend	10-1-2011	860-084-0050	9-30-2011	Amend	11-1-2011
860-027-0050	12-20-2010	Amend	2-1-2011	860-084-0070	9-30-2011	Amend	11-1-2011
860-027-0175	12-2-2010	Adopt	1-1-2011	860-084-0100	9-30-2011	Amend	11-1-2011
860-028-0000	9-14-2011	Amend	10-1-2011	860-084-0120	9-30-2011	Amend	11-1-2011
860-029-0005	9-14-2011	Amend	10-1-2011	860-084-0130	9-30-2011	Amend	11-1-2011
860-029-0050	9-14-2011	Amend	10-1-2011	860-084-0140	9-30-2011	Amend	11-1-2011
860-030-0000	9-14-2011	Amend	10-1-2011	860-084-0150	9-30-2011	Amend	11-1-2011
860-031-0040	9-14-2011	Amend	10-1-2011	860-084-0180	9-30-2011	Amend	11-1-2011
860-032-0000	9-14-2011	Adopt	10-1-2011	860-084-0190	11-19-2010	Amend	1-1-2011
860-032-0007	9-14-2011	Amend	10-1-2011	860-084-0190	9-30-2011	Amend	11-1-2011
860-032-0012	9-14-2011	Amend	10-1-2011	860-084-0195	9-30-2011	Amend	11-1-2011
860-033-0001	9-14-2011	Amend	10-1-2011	860-084-0200	9-30-2011	Amend	11-1-2011
860-033-0005	10-4-2011	Amend	11-1-2011	860-084-0210	9-30-2011	Amend	11-1-2011
860-033-0006	10-4-2011	Amend	11-1-2011	860-084-0220	9-30-2011	Amend	11-1-2011
860-033-0007	10-4-2011	Amend	11-1-2011	860-084-0230	9-30-2011	Amend	11-1-2011
860-033-0008	10-4-2011	Amend	11-1-2011	860-084-0260	9-30-2011	Amend	11-1-2011
860-033-0009	10-4-2011	Amend	11-1-2011	860-084-0270	9-30-2011	Amend	11-1-2011
860-033-0030	10-4-2011	Amend	11-1-2011	860-084-0340	9-30-2011	Amend	11-1-2011
860-033-0045	10-4-2011	Amend	11-1-2011	860-084-0360	9-30-2011	Amend	11-1-2011
860-033-0505	10-4-2011	Amend	11-1-2011	860-084-0365	9-30-2011	Amend	11-1-2011
860-033-0506	10-4-2011	Amend	11-1-2011	860-084-0400	9-30-2011	Amend	11-1-2011
860-033-0510	10-4-2011	Repeal	11-1-2011	860-084-0420	9-30-2011	Amend	11-1-2011
860-033-0530	10-4-2011	Amend	11-1-2011	860-084-0430	9-30-2011	Amend	11-1-2011

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860-085-0005	11-15-2011	Adopt	12-1-2011	863-014-0063	11-15-2011	Amend	12-1-2011
860-085-0010	11-15-2011	Adopt	12-1-2011	863-014-0063(T)	9-1-2011	Repeal	9-1-2011
860-085-0020	11-15-2011	Adopt	12-1-2011	863-014-0063(T)	11-15-2011	Repeal	12-1-2011
860-085-0030	11-15-2011	Adopt	12-1-2011	863-014-0065	6-22-2011	Amend(T)	8-1-2011
860-085-0040	11-15-2011	Adopt	12-1-2011	863-014-0065	9-1-2011	Amend	9-1-2011
860-085-0050	11-15-2011	Adopt	12-1-2011	863-014-0065	11-15-2011	Amend	12-1-2011
863-001-0020	9-1-2011	Adopt	9-1-2011	863-014-0065(T)	9-1-2011	Repeal	9-1-2011
863-001-0020	11-15-2011	Adopt	12-1-2011	863-014-0065(T)	11-15-2011	Repeal	12-1-2011
863-014-0003	6-22-2011	Amend(T)	8-1-2011	863-014-0066	6-22-2011	Adopt(T)	8-1-2011
863-014-0003	9-1-2011	Amend	9-1-2011	863-014-0066	9-1-2011	Adopt	9-1-2011
863-014-0003	11-15-2011	Amend	12-1-2011	863-014-0066	11-15-2011	Adopt	12-1-2011
863-014-0003(T)	9-1-2011	Repeal	9-1-2011	863-014-0066(T)	9-1-2011	Repeal	9-1-2011
863-014-0003(T)	11-15-2011	Repeal	12-1-2011	863-014-0066(T)	11-15-2011	Repeal	12-1-2011
863-014-0010	6-22-2011	Amend(T)	8-1-2011	863-014-0076	6-22-2011	Amend(T)	8-1-2011
863-014-0010	9-1-2011	Amend	9-1-2011	863-014-0076	9-1-2011	Amend	9-1-2011
863-014-0010	11-15-2011	Amend	12-1-2011	863-014-0076	11-15-2011	Amend	12-1-2011
863-014-0010(T)	9-1-2011	Repeal	9-1-2011	863-014-0076(T)	9-1-2011	Repeal	9-1-2011
863-014-0010(T)	11-15-2011	Repeal	12-1-2011	863-014-0076(T)	11-15-2011	Repeal	12-1-2011
863-014-0015	6-22-2011	Amend(T)	8-1-2011	863-014-0095	6-22-2011	Amend(T)	8-1-2011
863-014-0015	9-1-2011	Amend	9-1-2011	863-014-0095	9-1-2011	Amend	9-1-2011
863-014-0015	11-15-2011	Amend	12-1-2011	863-014-0095	11-15-2011	Amend	12-1-2011
863-014-0015(T)	9-1-2011	Repeal	9-1-2011	863-014-0095(T)	9-1-2011	Repeal	9-1-2011
863-014-0015(T)	11-15-2011	Repeal	12-1-2011	863-014-0095(T)	11-15-2011	Repeal	12-1-2011
863-014-0020	1-1-2011	Amend	1-1-2011	863-020-0025	2-4-2011	Amend(T)	3-1-2011
863-014-0020	6-22-2011	Amend(T)	8-1-2011	863-020-0025	6-22-2011	Amend(T)	8-1-2011
863-014-0020	9-1-2011	Amend	9-1-2011	863-020-0025	9-1-2011	Amend	9-1-2011
863-014-0020	11-15-2011	Amend	12-1-2011	863-020-0025	11-15-2011	Amend	12-1-2011
863-014-0020(T)	9-1-2011	Repeal	9-1-2011	863-020-0025(T)	6-22-2011	Suspend	8-1-2011
863-014-0020(T)	11-15-2011	Repeal	12-1-2011	863-020-0025(T)	9-1-2011	Repeal	9-1-2011
863-014-0030	6-22-2011	Amend(T)	8-1-2011	863-020-0025(T)	11-15-2011	Repeal	12-1-2011
863-014-0030	9-1-2011	Amend	9-1-2011	863-022-0010	6-22-2011	Amend(T)	8-1-2011
863-014-0030	11-15-2011	Amend	12-1-2011	863-022-0010	9-1-2011	Amend	9-1-2011
863-014-0030(T)	9-1-2011	Repeal	9-1-2011	863-022-0010	11-15-2011	Amend	12-1-2011
863-014-0030(T)	11-15-2011	Repeal	12-1-2011	863-022-0010(T)	9-1-2011	Repeal	9-1-2011
863-014-0035	6-22-2011	Amend(T)	8-1-2011	863-022-0010(T)	11-15-2011	Repeal	12-1-2011
863-014-0035	9-1-2011	Amend	9-1-2011	863-022-0015	6-22-2011	Amend(T)	8-1-2011
863-014-0035	11-15-2011	Amend	12-1-2011	863-022-0015	9-1-2011	Amend	9-1-2011
863-014-0035(T)	9-1-2011	Repeal	9-1-2011	863-022-0015	11-15-2011	Amend	12-1-2011
863-014-0035(T)	11-15-2011	Repeal	12-1-2011	863-022-0015(T)	9-1-2011	Repeal	9-1-2011
863-014-0040	6-22-2011	Amend(T)	8-1-2011	863-022-0015(T)	11-15-2011	Repeal	12-1-2011
863-014-0040	9-1-2011	Amend	9-1-2011	863-022-0025	6-22-2011	Amend(T)	8-1-2011
863-014-0040	11-15-2011	Amend	12-1-2011	863-022-0025	9-1-2011	Amend	9-1-2011
863-014-0040(T)	9-1-2011	Repeal	9-1-2011	863-022-0025	11-15-2011	Amend	12-1-2011
863-014-0040(T)	11-15-2011	Repeal	12-1-2011	863-022-0025(T)	9-1-2011	Repeal	9-1-2011
863-014-0050	6-22-2011	Amend(T)	8-1-2011	863-022-0025(T)	11-15-2011	Repeal	12-1-2011
863-014-0050	9-1-2011	Amend	9-1-2011	863-022-0060	6-22-2011	Adopt(T)	8-1-2011
863-014-0050	11-15-2011	Amend	12-1-2011	863-022-0060	9-1-2011	Adopt	9-1-2011
863-014-0050(T)	9-1-2011	Repeal	9-1-2011	863-022-0060	11-15-2011	Adopt	12-1-2011
863-014-0050(T)	11-15-2011	Repeal	12-1-2011	863-022-0060(T)	9-1-2011	Repeal	9-1-2011
863-014-0062	6-22-2011	Amend(T)	8-1-2011	863-022-0060(T)	11-15-2011	Repeal	12-1-2011
863-014-0062	9-1-2011	Amend	9-1-2011	863-024-0003	6-22-2011	Amend(T)	8-1-2011
863-014-0062	11-15-2011	Amend	12-1-2011	863-024-0003	9-1-2011	Amend	9-1-2011
863-014-0062(T)	9-1-2011	Repeal	9-1-2011	863-024-0003	11-15-2011	Amend	12-1-2011
863-014-0062(T)	11-15-2011	Repeal	12-1-2011	863-024-0003(T)	9-1-2011	Repeal	9-1-2011
863-014-0063	6-22-2011	Amend(T)	8-1-2011	863-024-0003(T)	11-15-2011	Repeal	12-1-2011

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863-024-0010	9-1-2011	Amend	9-1-2011	863-024-0095	11-15-2011	Amend	12-1-2011
863-024-0010	11-15-2011	Amend	12-1-2011	863-024-0095(T)	9-1-2011	Repeal	9-1-2011
863-024-0010(T)	9-1-2011	Repeal	9-1-2011	863-024-0095(T)	11-15-2011	Repeal	12-1-2011
863-024-0010(T)	11-15-2011	Repeal	12-1-2011	863-025-0065	1-1-2011	Amend	1-1-2011
863-024-0015	6-22-2011	Amend(T)	8-1-2011	863-025-0068	1-1-2011	Adopt	1-1-2011
863-024-0015	9-1-2011	Amend	9-1-2011	875-010-0006	3-2-2011	Amend	4-1-2011
863-024-0015	11-15-2011	Amend	12-1-2011	875-010-0016	3-2-2011	Amend	4-1-2011
863-024-0015(T)	9-1-2011	Repeal	9-1-2011	875-010-0021	3-2-2011	Amend	4-1-2011
863-024-0015(T)	11-15-2011	Repeal	12-1-2011	875-015-0030	8-5-2011	Amend	9-1-2011
863-024-0020	6-22-2011	Amend(T)	8-1-2011	875-020-0005	3-2-2011	Repeal	4-1-2011
863-024-0020	9-1-2011	Amend	9-1-2011	875-020-0010	3-2-2011	Repeal	4-1-2011
863-024-0020	11-15-2011	Amend	12-1-2011	875-020-0015	3-2-2011	Repeal	4-1-2011
863-024-0020(T)	9-1-2011	Repeal	9-1-2011	875-020-0020	3-2-2011	Repeal	4-1-2011
863-024-0020(T)	11-15-2011	Repeal	12-1-2011	875-020-0025	3-2-2011	Repeal	4-1-2011
863-024-0030	6-22-2011	Amend(T)	8-1-2011	875-020-0030	3-2-2011	Repeal	4-1-2011
863-024-0030	9-1-2011	Amend	9-1-2011	875-020-0035	3-2-2011	Repeal	4-1-2011
863-024-0030	11-15-2011	Amend	12-1-2011	875-020-0040	3-2-2011	Repeal	4-1-2011
863-024-0030(T)	9-1-2011	Repeal	9-1-2011	875-020-0045	3-2-2011	Repeal	4-1-2011
863-024-0030(T)	11-15-2011	Repeal	12-1-2011	875-020-0050	3-2-2011	Repeal	4-1-2011
863-024-0045	6-22-2011	Amend(T)	8-1-2011	875-020-0055	3-2-2011	Repeal	4-1-2011
863-024-0045	9-1-2011	Amend	9-1-2011	875-030-0010	3-2-2011	Amend	4-1-2011
863-024-0045	11-15-2011	Amend	12-1-2011	875-030-0020	3-2-2011	Amend	4-1-2011
863-024-0045(T)	9-1-2011	Repeal	9-1-2011	875-030-0025	3-2-2011	Amend	4-1-2011
863-024-0045(T)	11-15-2011	Repeal	12-1-2011	877-001-0006	1-1-2011	Adopt	1-1-2011
863-024-0050	6-22-2011	Amend(T)	8-1-2011	877-001-0015	1-1-2011	Adopt	1-1-2011
863-024-0050	9-1-2011	Amend	9-1-2011	877-001-0020	1-1-2011	Adopt	1-1-2011
863-024-0050	11-15-2011	Amend	12-1-2011	877-001-0020	7-5-2011	Amend(T)	8-1-2011
863-024-0050(T)	9-1-2011	Repeal	9-1-2011	877-001-0025	1-1-2011	Adopt	1-1-2011
863-024-0050(T)	11-15-2011	Repeal	12-1-2011	877-005-0101	1-1-2011	Adopt	1-1-2011
863-024-0062	6-22-2011	Amend(T)	8-1-2011	877-010-0005	1-1-2011	Amend	1-1-2011
863-024-0062	9-1-2011	Amend	9-1-2011	877-010-0010	1-1-2011	Amend	1-1-2011
863-024-0062	11-15-2011	Amend	12-1-2011	877-010-0015	1-1-2011	Amend	1-1-2011
863-024-0062(T)	9-1-2011	Repeal	9-1-2011	877-010-0015	7-5-2011	Amend(T)	8-1-2011
863-024-0062(T)	11-15-2011	Repeal	12-1-2011	877-010-0020	1-1-2011	Amend	1-1-2011
863-024-0063	6-22-2011	Amend(T)	8-1-2011	877-010-0020	7-5-2011	Amend(T)	8-1-2011
863-024-0063	9-1-2011	Amend	9-1-2011	877-010-0025	1-1-2011	Amend	1-1-2011
863-024-0063	11-15-2011	Amend	12-1-2011	877-010-0030	1-1-2011	Amend	1-1-2011
863-024-0063(T)	9-1-2011	Repeal	9-1-2011	877-010-0040	1-1-2011	Amend	1-1-2011
863-024-0063(T)	11-15-2011	Repeal	12-1-2011	877-010-0045	1-1-2011	Amend	1-1-2011
863-024-0065	6-22-2011	Amend(T)	8-1-2011	877-015-0105	1-1-2011	Adopt	1-1-2011
863-024-0065	9-1-2011	Amend	9-1-2011	877-015-0105	7-5-2011	Amend(T)	8-1-2011
863-024-0065	11-15-2011	Amend	12-1-2011	877-015-0108	1-1-2011	Adopt	1-1-2011
863-024-0065(T)	9-1-2011	Repeal	9-1-2011	877-015-0108	7-5-2011	Amend(T)	8-1-2011
863-024-0065(T)	11-15-2011	Repeal	12-1-2011	877-015-0131	1-1-2011	Adopt	1-1-2011
863-024-0066	6-22-2011	Adopt(T)	8-1-2011	877-015-0136	1-1-2011	Adopt	1-1-2011
863-024-0066	9-1-2011	Adopt	9-1-2011	877-015-0136	7-5-2011	Amend(T)	8-1-2011
863-024-0066	11-15-2011	Adopt	12-1-2011	877-015-0146	1-1-2011	Adopt	1-1-2011
863-024-0066(T)	9-1-2011	Repeal	9-1-2011	877-015-0155	1-1-2011	Adopt	1-1-2011
863-024-0066(T)	11-15-2011	Repeal	12-1-2011	877-020-0000	1-1-2011	Amend	1-1-2011
863-024-0076	6-22-2011	Amend(T)	8-1-2011	877-020-0005	1-1-2011	Amend	1-1-2011
863-024-0076	9-1-2011	Amend	9-1-2011	877-020-0005	7-5-2011	Amend(T)	8-1-2011
863-024-0076	11-15-2011	Amend	12-1-2011	877-020-0008	1-1-2011	Amend	1-1-2011
863-024-0076(T)	9-1-2011	Repeal	9-1-2011	877-020-0008	7-5-2011	Amend(T)	8-1-2011
863-024-0076(T)	11-15-2011	Repeal	12-1-2011	877-020-0009	1-1-2011	Amend	1-1-2011
863-024-0095	6-22-2011	Amend(T)	8-1-2011	877-020-0010	1-1-2011	Amend	1-1-2011

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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	918-098-1510	10-1-2011	Amend	11-1-2011
877-030-0030	1-1-2011	Amend	1-1-2011	918-098-1520	5-1-2011	Adopt(T)	5-1-2011
877-030-0040	1-1-2011	Amend	1-1-2011	918-098-1520	7-1-2011	Adopt	8-1-2011
877-030-0050	1-1-2011	Repeal	1-1-2011	918-098-1530	5-1-2011	Adopt(T)	5-1-2011
877-030-0070	1-1-2011	Amend	1-1-2011	918-098-1530	7-1-2011	Adopt	8-1-2011
877-030-0080	1-1-2011	Amend	1-1-2011	918-098-1530	8-18-2011	Amend(T)	10-1-2011
877-030-0090	1-1-2011	Amend	1-1-2011	918-098-1530	10-1-2011	Amend	11-1-2011
877-030-0100	1-1-2011	Amend	1-1-2011	918-098-1540	5-1-2011	Adopt(T)	5-1-2011
877-035-0000	1-1-2011	Repeal	1-1-2011	918-098-1540	7-1-2011	Adopt	8-1-2011
877-035-0010	1-1-2011	Repeal	1-1-2011	918-098-1550	5-1-2011	Adopt(T)	5-1-2011
877-035-0012	1-1-2011	Repeal	1-1-2011	918-098-1550	7-1-2011	Adopt	8-1-2011
877-035-0013	1-1-2011	Repeal	1-1-2011	918-098-1560	5-1-2011	Adopt(T)	5-1-2011
877-035-0015	1-1-2011	Repeal	1-1-2011	918-098-1560	7-1-2011	Adopt	8-1-2011
877-040-0000	1-1-2011	Amend	1-1-2011	918-098-1570	5-1-2011	Adopt(T)	5-1-2011
877-040-0003	1-1-2011	Amend	1-1-2011	918-098-1570	7-1-2011	Adopt	8-1-2011
877-040-0010	1-1-2011	Amend	1-1-2011	918-098-1580	8-18-2011	Adopt(T)	10-1-2011
877-040-0019	1-1-2011	Adopt	1-1-2011	918-098-1580	10-1-2011	Adopt	11-1-2011
877-040-0050	1-1-2011	Amend	1-1-2011	918-100-0020	7-1-2011	Amend	8-1-2011
877-040-0050	7-5-2011	Amend(T)	8-1-2011	918-100-0040	7-1-2011	Amend	8-1-2011
918-001-0006	7-1-2011	Repeal	6-1-2011	918-251-0000	4-1-2011	Amend	4-1-2011
918-098-1000	3-11-2011	Amend	4-1-2011	918-251-0010	4-1-2011	Repeal	4-1-2011
918-098-1000	7-12-2011	Amend(T)	8-1-2011	918-251-0020	4-1-2011	Repeal	4-1-2011
918-098-1000	10-1-2011	Amend	9-1-2011	918-251-0050	4-1-2011	Repeal	4-1-2011
918-098-1010	3-11-2011	Amend	4-1-2011	918-251-0060	4-1-2011	Repeal	4-1-2011
918-098-1010	10-1-2011	Amend	9-1-2011	918-251-0080	4-1-2011	Repeal	4-1-2011
918-098-1015	3-11-2011	Amend	4-1-2011	918-251-0090	3-11-2011	Amend	4-1-2011
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918-098-1020	10-1-2011	Amend	9-1-2011	918-282-0270	4-1-2011	Amend(T)	5-1-2011
918-098-1025	3-11-2011	Amend	4-1-2011	918-282-0270	7-1-2011	Amend	8-1-2011
918-098-1025	10-1-2011	Amend	9-1-2011	918-282-0280	4-1-2011	Suspend	5-1-2011
918-098-1028	3-11-2011	Adopt	4-1-2011	918-282-0280	7-1-2011	Repeal	8-1-2011
918-098-1028	10-1-2011	Adopt	9-1-2011	918-305-0005	4-1-2011	Amend	4-1-2011
918-098-1210	3-11-2011	Amend	4-1-2011	918-305-0030	3-11-2011	Amend	4-1-2011
918-098-1210	10-1-2011	Amend	9-1-2011	918-305-0030	10-1-2011	Amend	9-1-2011
918-098-1215	3-11-2011	Amend	4-1-2011	918-305-0100	4-1-2011	Amend	4-1-2011
918-098-1215	10-1-2011	Amend	9-1-2011	918-305-0105	4-1-2011	Amend	4-1-2011

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918-305-0120	4-1-2011	Repeal	4-1-2011	918-465-0020	7-1-2011	Adopt	8-1-2011
918-305-0130	4-1-2011	Repeal	4-1-2011	918-465-0030	7-1-2011	Adopt	8-1-2011
918-305-0150	4-1-2011	Repeal	4-1-2011	918-465-0040	7-1-2011	Adopt	8-1-2011
918-305-0160	4-1-2011	Repeal	4-1-2011	918-465-0040	10-1-2011	Amend	11-1-2011
918-305-0165	4-1-2011	Repeal	4-1-2011	918-465-0070	7-1-2011	Adopt	8-1-2011
918-305-0180	4-1-2011	Repeal	4-1-2011	918-465-0070	10-1-2011	Amend	11-1-2011
918-305-0190	4-1-2011	Repeal	4-1-2011	918-480-0001	7-1-2011	Amend	6-1-2011
918-305-0205	4-1-2011	Repeal	4-1-2011	918-480-0002	7-1-2011	Amend	6-1-2011
918-305-0210	4-1-2011	Repeal	4-1-2011	918-480-0005	7-1-2011	Amend	6-1-2011
918-305-0250	4-1-2011	Repeal	4-1-2011	918-480-0010	1-1-2011	Amend	2-1-2011
918-305-0265	4-1-2011	Repeal	4-1-2011	918-480-0010	2-15-2011	Amend	3-1-2011
918-305-0270	4-1-2011	Repeal	4-1-2011	918-480-0010	4-15-2011	Amend(T)	5-1-2011
918-305-0280	4-1-2011	Repeal	4-1-2011	918-480-0010	7-1-2011	Amend	6-1-2011
918-305-0290	4-1-2011	Repeal	4-1-2011	918-480-0020	7-1-2011	Amend	6-1-2011
918-305-0300	4-1-2011	Repeal	4-1-2011	918-480-0030	7-1-2011	Amend	6-1-2011
918-305-0310	4-1-2011	Repeal	4-1-2011	918-480-0100	7-1-2011	Amend	6-1-2011
918-305-0320	4-1-2011	Repeal	4-1-2011	918-480-0110	7-1-2011	Amend	6-1-2011
918-400-0645	12-1-2010	Adopt	1-1-2011	918-480-0120	7-1-2011	Amend	6-1-2011
918-400-0660	12-1-2010	Amend	1-1-2011	918-480-0130	7-1-2011	Amend	6-1-2011
918-400-0755	1-1-2011	Adopt	2-1-2011	918-480-0140	7-1-2011	Amend	6-1-2011
918-400-0800	12-1-2010	Amend	1-1-2011	918-480-0150	7-1-2011	Amend	6-1-2011
918-440-0000	3-11-2011	Amend	4-1-2011	918-525-0005	5-2-2011	Amend(T)	6-1-2011
918-440-0000	10-1-2011	Amend	9-1-2011	918-525-0005	10-1-2011	Amend	11-1-2011
918-440-0010	3-11-2011	Amend	4-1-2011	918-525-0035	5-2-2011	Amend(T)	6-1-2011
918-440-0010	10-1-2011	Amend	9-1-2011	918-525-0035	10-1-2011	Amend	11-1-2011
918-440-0015	3-11-2011	Amend	4-1-2011	918-525-0040	10-1-2011	Amend	11-1-2011
918-440-0015	10-1-2011	Amend	9-1-2011	918-525-0042	10-1-2011	Amend	11-1-2011
918-440-0030	3-11-2011	Amend	4-1-2011	918-530-0070	10-1-2011	Amend	11-1-2011
918-440-0030	10-1-2011	Amend	9-1-2011	918-650-0000	10-1-2011	Amend	11-1-2011
918-440-0040	3-11-2011	Am. & Ren.	4-1-2011	918-650-0005	10-1-2011	Amend	11-1-2011
918-440-0040	10-1-2011	Am. & Ren.	9-1-2011	918-650-0010	10-1-2011	Amend	11-1-2011
918-440-0050	3-11-2011	Amend	4-1-2011	918-650-0015	10-1-2011	Repeal	11-1-2011
918-440-0050	10-1-2011	Amend	9-1-2011	918-650-0020	10-1-2011	Amend	11-1-2011
918-440-0500	3-11-2011	Amend	4-1-2011	918-650-0025	10-1-2011	Amend	11-1-2011
918-440-0500	10-1-2011	Amend	9-1-2011	918-650-0030	10-1-2011	Amend	11-1-2011
918-440-0510	3-11-2011	Amend	4-1-2011	918-650-0035	10-1-2011	Amend	11-1-2011
918-440-0510	10-1-2011	Amend	9-1-2011	918-650-0040	10-1-2011	Amend	11-1-2011
918-460-0000	3-11-2011	Amend	4-1-2011	918-650-0045	10-1-2011	Amend	11-1-2011
918-460-0000	10-1-2011	Amend	9-1-2011	918-650-0050	10-1-2011	Amend	11-1-2011
918-460-0010	3-11-2011	Amend	4-1-2011	918-650-0055	10-1-2011	Amend	11-1-2011
918-460-0010	10-1-2011	Amend	9-1-2011	918-650-0060	10-1-2011	Amend	11-1-2011
918-460-0015	1-1-2011	Amend	2-1-2011	918-650-0065	10-1-2011	Amend	11-1-2011
918-460-0015	2-15-2011	Amend	3-1-2011	918-650-0070	10-1-2011	Amend	11-1-2011
918-460-0015	5-13-2011	Amend(T)	6-1-2011	918-650-0075	10-1-2011	Amend	11-1-2011
918-460-0015	10-1-2011	Amend	11-1-2011	918-650-0080	10-1-2011	Amend	11-1-2011
918-460-0015	11-1-2011	Amend	12-1-2011	918-674-0033	3-11-2011	Amend	4-1-2011
918-460-0016	3-11-2011	Repeal	4-1-2011	918-674-0033	10-1-2011	Amend	9-1-2011
918-460-0016	10-1-2011	Repeal	9-1-2011	918-690-0300	2-15-2011	Amend	3-1-2011
918-460-0050	3-11-2011	Amend	4-1-2011	918-690-0310	2-15-2011	Repeal	3-1-2011
918-460-0050	10-1-2011	Amend	9-1-2011	918-690-0325	2-15-2011	Repeal	3-1-2011
918-460-0100	7-1-2011	Adopt	8-1-2011	918-690-0330	2-15-2011	Repeal	3-1-2011
918-460-0500	3-11-2011	Adopt	4-1-2011	918-690-0360	2-15-2011	Repeal	3-1-2011
918-460-0500	10-1-2011	Adopt	9-1-2011	918-690-0410	2-15-2011	Amend	3-1-2011
918-460-0510	3-11-2011	Adopt	4-1-2011	918-690-0420	2-15-2011	Amend	3-1-2011
918-460-0510	10-1-2011	Adopt	9-1-2011	918-690-0430	2-15-2011	Repeal	3-1-2011

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OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
918-750-0100	2-15-2011	Amend	3-1-2011	943-014-0000	9-2-2011	Adopt	10-1-2011
918-750-0110	2-15-2011	Amend	3-1-2011	943-014-0000(T)	9-2-2011	Repeal	10-1-2011
918-750-0120	2-15-2011	Repeal	3-1-2011	943-014-0010	7-1-2011	Adopt(T)	8-1-2011
918-750-0130	2-15-2011	Repeal	3-1-2011	943-014-0010	9-2-2011	Adopt	10-1-2011
918-750-0140	2-15-2011	Repeal	3-1-2011	943-014-0010(T)	9-2-2011	Repeal	10-1-2011
918-750-0150	2-15-2011	Repeal	3-1-2011	943-014-0015	7-1-2011	Adopt(T)	8-1-2011
918-750-0160	2-15-2011	Repeal	3-1-2011	943-014-0015	9-2-2011	Adopt	10-1-2011
918-750-0170	2-15-2011	Repeal	3-1-2011	943-014-0015(T)	9-2-2011	Repeal	10-1-2011
918-750-0180	2-15-2011	Repeal	3-1-2011	943-014-0020	7-1-2011	Adopt(T)	8-1-2011
918-750-0190	2-15-2011	Repeal	3-1-2011	943-014-0020	9-2-2011	Adopt	10-1-2011
943-001-0005	7-1-2011	Adopt	8-1-2011	943-014-0020(T)	9-2-2011	Repeal	10-1-2011
943-001-0007	7-1-2011	Adopt	8-1-2011	943-014-0030	7-1-2011	Adopt(T)	8-1-2011
943-001-0009	7-1-2011	Adopt(T)	8-1-2011	943-014-0030	9-2-2011	Adopt	10-1-2011
943-001-0009	11-1-2011	Adopt	12-1-2011	943-014-0030(T)	9-2-2011	Repeal	10-1-2011
943-001-0009(T)	11-1-2011	Repeal	12-1-2011	943-014-0040	7-1-2011	Adopt(T)	8-1-2011
943-001-0020	7-1-2011	Adopt(T)	8-1-2011	943-014-0040	9-2-2011	Adopt	10-1-2011
943-001-0020	11-1-2011	Adopt	12-1-2011	943-014-0040(T)	9-2-2011	Repeal	10-1-2011
943-001-0020(T)	11-1-2011	Repeal	12-1-2011	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	943-014-0200	11-1-2011	Adopt	12-1-2011
943-005-0010(T)	9-1-2011	Repeal	10-1-2011	943-014-0200(T)	11-1-2011	Repeal	12-1-2011
943-005-0015	7-1-2011	Adopt(T)	8-1-2011	943-014-0205	7-1-2011	Adopt(T)	8-1-2011
943-005-0015	9-1-2011	Adopt	10-1-2011	943-014-0205	11-1-2011	Adopt	12-1-2011
943-005-0015(T)	9-1-2011	Repeal	10-1-2011	943-014-0205(T)	11-1-2011	Repeal	12-1-2011
943-005-0020	7-1-2011	Adopt(T)	8-1-2011	943-014-0300	8-9-2011	Adopt(T)	9-1-2011
943-005-0020	9-1-2011	Adopt	10-1-2011	943-014-0305	8-9-2011	Adopt(T)	9-1-2011
943-005-0020(T)	9-1-2011	Repeal	10-1-2011	943-014-0310	8-9-2011	Adopt(T)	9-1-2011
943-005-0025	7-1-2011	Adopt(T)	8-1-2011	943-014-0315	8-9-2011	Adopt(T)	9-1-2011
943-005-0025	9-1-2011	Adopt	10-1-2011	943-014-0320	8-9-2011	Adopt(T)	9-1-2011
943-005-0025(T)	9-1-2011	Repeal	10-1-2011	943-045-0000	7-1-2011	Adopt(T)	8-1-2011
943-005-0030	7-1-2011	Adopt(T)	8-1-2011	943-045-0250	7-1-2011	Adopt(T)	8-1-2011
943-005-0030	9-1-2011	Adopt	10-1-2011	943-045-0260	7-1-2011	Adopt(T)	8-1-2011
943-005-0030(T)	9-1-2011	Repeal	10-1-2011	943-045-0280	7-1-2011	Adopt(T)	8-1-2011
943-007-0000	7-1-2011	Adopt(T)	8-1-2011	943-045-0290	7-1-2011	Adopt(T)	8-1-2011
943-007-0000	9-1-2011	Amend(T)	10-1-2011	943-045-0300	7-1-2011	Adopt(T)	8-1-2011
943-007-0000(T)	9-1-2011	Suspend	10-1-2011	943-045-0310	7-1-2011	Adopt(T)	8-1-2011
943-007-0500	7-1-2011	Adopt(T)	8-1-2011	943-045-0320	7-1-2011	Adopt(T)	8-1-2011
943-012-0005	7-1-2011	Adopt(T)	8-1-2011	943-045-0330	7-1-2011	Adopt(T)	8-1-2011
943-012-0005	9-1-2011	Adopt	10-1-2011	943-045-0340	7-1-2011	Adopt(T)	8-1-2011
943-012-0010	7-1-2011	Adopt(T)	8-1-2011	943-045-0350	7-1-2011	Adopt(T)	8-1-2011
943-012-0010	9-1-2011	Adopt	10-1-2011	943-045-0360	7-1-2011	Adopt(T)	8-1-2011
943-012-0015	7-1-2011	Adopt(T)	8-1-2011	943-045-0370	7-1-2011	Adopt(T)	8-1-2011
943-012-0015	9-1-2011	Adopt	10-1-2011	943-045-0400	7-1-2011	Adopt(T)	8-1-2011
943-012-0020	7-1-2011	Adopt(T)	8-1-2011	943-045-0410	7-1-2011	Adopt(T)	8-1-2011
943-012-0020	9-1-2011	Adopt	10-1-2011	943-045-0420	7-1-2011	Adopt(T)	8-1-2011
943-012-0025	7-1-2011	Adopt(T)	8-1-2011	943-045-0430	7-1-2011	Adopt(T)	8-1-2011
943-012-0025	9-1-2011	Adopt	10-1-2011	943-045-0440	7-1-2011	Adopt(T)	8-1-2011
943-014-0000	7-1-2011	Adopt(T)	8-1-2011	943-045-0450	7-1-2011	Adopt(T)	8-1-2011

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943-045-0460	7-1-2011	Adopt(T)	8-1-2011	943-120-0200(T)	11-1-2011	Repeal	12-1-2011
943-045-0470	7-1-2011	Adopt(T)	8-1-2011	943-120-0300	7-1-2011	Adopt(T)	8-1-2011
943-045-0480	7-1-2011	Adopt(T)	8-1-2011	943-120-0300	9-1-2011	Adopt	10-1-2011
943-045-0490	7-1-2011	Adopt(T)	8-1-2011	943-120-0300(T)	9-1-2011	Repeal	10-1-2011
943-045-0500	7-1-2011	Adopt(T)	8-1-2011	943-120-0310	7-1-2011	Adopt(T)	8-1-2011
943-045-0510	7-1-2011	Adopt(T)	8-1-2011	943-120-0310	9-1-2011	Adopt	10-1-2011
943-045-0520	7-1-2011	Adopt(T)	8-1-2011	943-120-0310(T)	9-1-2011	Repeal	10-1-2011
943-120-0100	7-1-2011	Adopt(T)	8-1-2011	943-120-0320	7-1-2011	Adopt(T)	8-1-2011
943-120-0100	11-1-2011	Adopt	12-1-2011	943-120-0320	9-1-2011	Adopt	10-1-2011
943-120-0100(T)	11-1-2011	Repeal	12-1-2011	943-120-0320(T)	9-1-2011	Repeal	10-1-2011
943-120-0110	7-1-2011	Adopt(T)	8-1-2011	943-120-0325	7-1-2011	Adopt(T)	8-1-2011
943-120-0110	11-1-2011	Adopt	12-1-2011	943-120-0325	9-1-2011	Adopt	10-1-2011
943-120-0110(T)	11-1-2011	Repeal	12-1-2011	943-120-0325(T)	9-1-2011	Repeal	10-1-2011
943-120-0112	7-1-2011	Adopt(T)	8-1-2011	943-120-0330	7-1-2011	Adopt(T)	8-1-2011
943-120-0112	11-1-2011	Adopt	12-1-2011	943-120-0330	9-1-2011	Adopt	10-1-2011
943-120-0112(T)	11-1-2011	Repeal	12-1-2011	943-120-0330(T)	9-1-2011	Repeal	10-1-2011
943-120-0114	7-1-2011	Adopt(T)	8-1-2011	943-120-0340	7-1-2011	Adopt(T)	8-1-2011
943-120-0114	11-1-2011	Adopt	12-1-2011	943-120-0340	9-1-2011	Adopt	10-1-2011
943-120-0114(T)	11-1-2011	Repeal	12-1-2011	943-120-0340(T)	9-1-2011	Repeal	10-1-2011
943-120-0116	7-1-2011	Adopt(T)	8-1-2011	943-120-0350	7-1-2011	Adopt(T)	8-1-2011
943-120-0116	11-1-2011	Adopt	12-1-2011	943-120-0350	9-1-2011	Adopt	10-1-2011
943-120-0116(T)	11-1-2011	Repeal	12-1-2011	943-120-0350(T)	9-1-2011	Repeal	10-1-2011
943-120-0118	7-1-2011	Adopt(T)	8-1-2011	943-120-0360	7-1-2011	Adopt(T)	8-1-2011
943-120-0118	11-1-2011	Adopt	12-1-2011	943-120-0360	9-1-2011	Adopt	10-1-2011
943-120-0118(T)	11-1-2011	Repeal	12-1-2011	943-120-0360(T)	9-1-2011	Repeal	10-1-2011
943-120-0120	7-1-2011	Adopt(T)	8-1-2011	943-120-0370	7-1-2011	Adopt(T)	8-1-2011
943-120-0120	11-1-2011	Adopt	12-1-2011	943-120-0370	9-1-2011	Adopt	10-1-2011
943-120-0120(T)	11-1-2011	Repeal	12-1-2011	943-120-0370(T)	9-1-2011	Repeal	10-1-2011
943-120-0130	7-1-2011	Adopt(T)	8-1-2011	943-120-0380	7-1-2011	Adopt(T)	8-1-2011
943-120-0130	11-1-2011	Adopt	12-1-2011	943-120-0380	9-1-2011	Adopt	10-1-2011
943-120-0130(T)	11-1-2011	Repeal	12-1-2011	943-120-0380(T)	9-1-2011	Repeal	10-1-2011
943-120-0140	7-1-2011	Adopt(T)	8-1-2011	943-120-0400	7-1-2011	Adopt(T)	8-1-2011
943-120-0140	11-1-2011	Adopt	12-1-2011	943-120-0400	9-1-2011	Adopt	10-1-2011
943-120-0140(T)	11-1-2011	Repeal	12-1-2011	943-120-0400(T)	9-1-2011	Repeal	10-1-2011
943-120-0150	7-1-2011	Adopt(T)	8-1-2011	943-120-1505	7-1-2011	Adopt(T)	8-1-2011
943-120-0150	11-1-2011	Adopt	12-1-2011	943-120-1505	9-1-2011	Adopt	10-1-2011
943-120-0150(T)	11-1-2011	Repeal	12-1-2011	943-120-1505(T)	9-1-2011	Repeal	10-1-2011
943-120-0160	7-1-2011	Adopt(T)	8-1-2011	945-001-0000	8-24-2011	Adopt(T)	10-1-2011
943-120-0160	11-1-2011	Adopt	12-1-2011	945-001-0005	8-24-2011	Adopt(T)	10-1-2011
943-120-0160(T)	11-1-2011	Repeal	12-1-2011	945-001-0010	8-24-2011	Adopt(T)	10-1-2011
943-120-0165	7-1-2011	Adopt(T)	8-1-2011	945-010-0000	8-24-2011	Adopt(T)	10-1-2011
943-120-0165	11-1-2011	Adopt	12-1-2011	945-010-0005	8-24-2011	Adopt(T)	10-1-2011
943-120-0165(T)	11-1-2011	Repeal	12-1-2011	945-010-0010	8-24-2011	Adopt(T)	10-1-2011
943-120-0170	7-1-2011	Adopt(T)	8-1-2011	945-010-0020	8-24-2011	Adopt(T)	10-1-2011
943-120-0170	11-1-2011	Adopt	12-1-2011	945-010-0030	8-24-2011	Adopt(T)	10-1-2011
943-120-0170(T)	11-1-2011	Repeal	12-1-2011	945-010-0040	8-24-2011	Adopt(T)	10-1-2011
943-120-0180	7-1-2011	Adopt(T)	8-1-2011	945-010-0050	8-24-2011	Adopt(T)	10-1-2011
943-120-0180	11-1-2011	Adopt	12-1-2011	945-010-0060	8-24-2011	Adopt(T)	10-1-2011
943-120-0180(T)	11-1-2011	Repeal	12-1-2011	945-010-0070	8-24-2011	Adopt(T)	10-1-2011
943-120-0190	7-1-2011	Adopt(T)	8-1-2011	945-010-0080	8-24-2011	Adopt(T)	10-1-2011
943-120-0190	11-1-2011	Adopt	12-1-2011	945-010-0090	8-24-2011	Adopt(T)	10-1-2011
943-120-0190(T)	11-1-2011	Repeal	12-1-2011	945-010-0100	8-24-2011	Adopt(T)	10-1-2011
943-120-0200	7-1-2011	Adopt(T)	8-1-2011	972-040-0000	3-7-2011	Amend	4-1-2011
943-120-0200	11-1-2011	Adopt	12-1-2011				