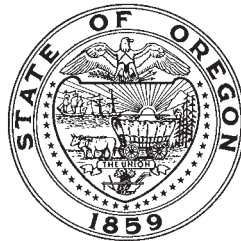


# OREGON BULLETIN

Supplements the 2012 *Oregon Administrative Rules Compilation*

**Volume 51, No. 12**  
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For October 16, 2012–November 15, 2012



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**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

## 2011–2012 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, 2011	January 1, 2012
January 13, 2012	February 1, 2012
February 15, 2012	March 1, 2012
March 15, 2012	April 1, 2012
April 13, 2012	May 1, 2012
May 15, 2012	June 1, 2012
June 15, 2012	July 1, 2012
July 13, 2012	August 1, 2012
August 15, 2012	September 1, 2012
September 14, 2012	October 1, 2012
October 15, 2012	November 1, 2012
November 15, 2012	December 1, 2012

## 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 910-2011, 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/pages/rules/index.html>>

## 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.

**Note:** The official copy of an Oregon Administrative Rule is contained in the Administrative Order filed at the Archives Division. Any discrepancies with the published version are satisfied in favor of the Administrative Order.

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# EXECUTIVE ORDERS

## EXECUTIVE ORDER NO. 12 - 17

### INFRASTRUCTURE PLANNING AND INVESTMENT

Creating opportunities for economic growth and jobs through the development of vital infrastructure is a task in which Oregon is fully prepared to engage in. Over the next ten years, it is anticipated that the state will have the financial potential to make nearly five billion dollars of General Fund and Lottery Fund supported capital investments in infrastructure.

Adequate public infrastructure systems are essential to restoring and maintaining a vibrant Oregon economy in the 21st century. Currently, Oregon's infrastructure systems are in need of modernization, expansion and repair. A focus on the planning and development of infrastructure systems provides the opportunity to create sustainable asset management over the life-cycle of investments, to enhance the benefits of capital investments and to pursue opportunities to leverage each state investment with public, private and community partners.

Oregon's economy is recovering from the recession, and as past debts are paid, Oregon will have a growing capacity to invest in capital assets to improve government efficiency, service public needs and support ongoing growth in our economy. This projected capacity for investments is within the limits on debt issuances protecting the state's bond rating.

Investments must be directed across a broad collection of areas that build our economic strength including:

- a) Education facilities and learning technology;
- b) Community services and thriving investments in the main streets of Oregon;
- c) State buildings and information systems that reduce costs;
- d) Direct support of business, industrial development and the acceleration of commerce;
- e) Regionally identified priority investments, such as the development of multiple-use water storage systems designed to support the needs of the environment and our economy, or the development of rail lines that open access to overseas trade; and
- f) Continued and sustained support for development of non-highway multi-modal passenger and freight transportation through a 10-year commitment to *Connect Oregon V, VI, VII, VIII and IX*.

The immediate challenge is to ensure that Oregon is a strategic investor and that our process leads us to make the optimal investments with the greatest return for the citizens of Oregon.

In order to achieve this objective, Oregon must develop a greater capacity to identify returns and benefits of capital projects and take a strategic long-term view of how our investments work together to support our future.

In the past, Oregon has utilized its ability to invest in capital projects to good effect. However, the state does not have an intentional plan of investment, or common standards for returns on investments, for bond financed projects supported by General and Lottery Funds.

To secure our future, the State of Oregon must pursue the development of new methods for selecting and financing projects. By establishing new financial relationships that optimize capital investment opportunities, the state can control future costs and reduce the risk of excessive borrowing.

Oregon must have an increased capacity to institute best practices for project identification and screening, analysis of returns, procurement and optimization of design, use, and financing. Resources must be directed to create new governance structures and facilitate integrated planning and financial processes.

Integration of investments is vital and has great potential to lower the cost and/or increase benefits of infrastructure investments. The state must provide full strategic coordination between public investments in education, local communities and economic development supported by the General and Lottery Funds and investments in transportation and energy and private business supported by different public funds and the private sector.

As individual consumers of the services and benefits that infrastructure provides, and as taxpayers, Oregonians will see strong returns from the active integration and planning for sustained investment in infrastructure intentionally designed by Oregonians to build a stronger economy for our future.

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

1. General Fund and Lottery Fund Infrastructure Planning Requirement. The State of Oregon shall create a capital planning process for General Fund and Lottery Fund projects that prioritizes the utilization of available debt capacity based upon historical categories of use that encompasses: all education system infrastructure; state buildings and technology investments; statewide investments that support the economy and regional communities; and the strategic reserving of funds to support emergent economic and other immediate opportunities that leverage capital investment in Oregon.
2. Outcome and Results Accountability for the 10-Year Capital Infrastructure and Investment Plan. The following overall 10-year outcome is established: Over the next ten years, create and direct the development of a capital planning process that strategically identifies Oregon's highest value capital investments and provides a sustained and consistent process for financing projects that align with achievement of statewide strategic outcomes identified in the 10-Year Plan for Oregon.
3. Agency Participation, Coordination and Integration. All Departments that have a role in state and local jurisdictional infrastructure grants and loan programs will participate in joint development of the capital plan. The Departments must be focused on prioritized outcomes and be prepared to focus on new ways to coordinate and integrate planning and implementation of existing diverse portfolios.
4. Establish Prudent Method for Determination of 10-Year Planning Capacity.
  - a. The plan shall be based upon projected sustainable financial resources and within prudent financial requirements and conventions to protect the state bond rating including the practice of limiting General Fund debt service to no more than 5% of total General Fund Revenue and limiting new lottery debt to levels where projected future revenues exceed debt service by 3-4 times (300 to 400 percent).
  - b. In consultation with the Oregon State Treasurer, it is further required that planning debt capacity is durable across the state's 10-year strategic planning period. The Chief Financial Officer, in consultation with the recommendations of the State Debt Policy Advisory Commission (SDPAC), will be responsible for determining a smoothing methodology that ensures sustained available capacity on an ongoing basis and accounts for cyclical fluctuations related to volatile income tax collections.



## EXECUTIVE ORDERS

c. Based upon the sustainable methodologies applied for determining planning capacity, the 10-Year Sustainable Planning Capacity is designated as:

*Sustainable Planning Capacity (2013-15 to 2021-23 Budgets)*

\$1.1 billion for each 2-year budget period

\$5.5 billion for the 10-Year capital planning period

### 5. General Distribution of Debt Planning Capacity.

a. Total available planning capacity as determined by the Chief Financial Officer shall be allocated and planned according to the following capacity distribution:

Education Infrastructure — 25%

State Infrastructure — 25%

Regional and Community Infrastructure — 30%

Reserving, Innovation, Emergent Opportunities — 20%

b. With the approval of the Chief Operating Officer, distribution percentages may be modified by periodic reviews under the established governing process created by this order.

c. The capacity distributed shall be accumulated and retained within the area of distribution from biennium-to-biennium and shall be reduced only when the Oregon Legislative Assembly approves funding of projects associated with the area of distribution.

d. The debt capacity planning, allocation and approval processes are not authorizations to sell bonds to support specific projects identified within an area of capacity distribution. The approval of bond sales for projects rests with the Oregon Legislative Assembly and the State Treasurer and it is through this process that projects and initiatives are made a part of the statewide plan and submitted to the Oregon Legislative Assembly for funding by the executive.

### 6. Specific Capacity Allocations with the Plan. The Governor orders that the following capacity allocations be made a part of the plan:

#### a. Education Planning Capacity

i. The central focus for planning education infrastructure shall be to advance Oregon's identified education access, capacity and improvement goals.

ii. \$65 million of available 10-year financial capacity is dedicated to development and implementation of a longitudinal education data system that will be utilized to improve educational outcomes and connect investments, achievements and costs.

iii. \$35 million of available 10-year financial capacity is distributed for infrastructure and information technology communications needs related to the provision of educational services through Student Achievement Centers. The centers will integrate and distribute educational and professional development services between post-secondary institutions, school districts and early learning hubs.

#### b. State Infrastructure Planning Capacity

i. The central focus for planning of state infrastructure shall be to provide effective service to the citizens of Oregon, to provide cost effective delivery of service and to meet the state's goals for improving government.

ii. \$325 million of available 10-year financial capacity is dedicated to lifecycle cost for preservation and maintenance of the value of state infrastructure investments.

iii. \$125 million of available 10-year financial capacity is dedicated to the replacement and modernization of financial systems to account for spending and to improve human resource personnel system's ability to provide current information on total compensation cost associated with the state workforce.

#### c. Regional and Community Planning Capacity

i. The focus for regional and community planning infrastructure shall be to efficiently plan for strategic capital investments throughout Oregon to support regional and state priorities for economic and community development.

ii. \$510 million of available 10-year financial capacity is dedicated to Connect Oregon multi-modal transportation investments.

iii. \$115 million of available 10-year financial capacity is dedicated to the Infrastructure Finance Authority for water and waste water treatment.

iv. \$100 million of available 10-year financial capacity is dedicated to the Infrastructure Finance Authority and shall be evenly distributed to the ten Oregon Regional Solutions Committees. These planning resources are available for investments as determined within the region. For planning purposes, the resources may be utilized in combination with other capital financing resources and the allocated planning capacity to each committee accumulates from one state budget to the next. Plans for the use of this capacity for regional and local projects are limited by requirements of the specific financing methods to be utilized and any limits or thresholds established for returns on investment and benefit identification created through the governance structure for the statewide plan. A governance panel shall affirm that minimal standards are met and these locally planned projects shall then become a part of the state 10-year capital plan.

v. \$205 million of available 10-year financial capacity is dedicated to the Infrastructure Finance Authority for community and regionally identified economic initiatives, associated projects or other necessary local infrastructure investments. These projects shall be recommended by Oregon Regional Solutions Committees, or state agencies, to the statewide coordinator as designated by the Chief Operating Officer for consideration and prioritization by the designated planning authority for community and regional capacity planning. For plan inclusion, the following requirements and considerations shall guide planning priority, including that planned projects:

1. Meet threshold levels for return on investments and benefits produced;

2. Relate to achievement of statewide outcomes;

3. Provide compelling evidence of linkage to longer-term economic development strategies within the Oregon Regional Solutions Center geographic area; and

4. Serve a public need related to water system development for consumptive or environmental use.

vi. \$20 million of available 10-year financial capacity is dedicated to the Infrastructure Finance Authority for the Governor's Strategic Development uses related to leveraging business investments and facilitating job and economic growth.

## EXECUTIVE ORDERS

vii. \$180 million of available 10-year financial capacity is dedicated to the development of water infrastructure to store and utilize water efficiently and to provide for related mitigating investments that support the sustainability of habitat for aquatic species.

### 7. Coordination of the 10-Year Capital Plan.

a. The Chief Operating Officer of Oregon along with the Chief Financial Officer shall, to the extent resources are made available, provide for the development of the 10-Year Capital Plan and make provision for statewide coordination of the plan within the Office of the Chief Operating Officer. Responsibilities and activities include:

i. Designation of a statewide coordinator.

ii. Development of a support structure for the overall planning process and the establishment of protocols for submitting proposals into the formal capital planning process, including the development of capital master plans and a process for capital budgeting.

iii. Development of return on investment and benefits analysis methodologies that are applicable to all projects and provide a comparative framework utilized to prioritize projects for inclusion within the 10-Year Capital Investment Plan.

iv. Provisions of technical services, to the extent financial resources are available, for planning related to Regional Solutions Center capital planning efforts.

v. Retention of expertise to develop analytic methodologies related to return on investment and benefit analysis, and performance contracting processes.

vi. Retention of expertise to facilitate innovative infrastructure performance partnerships and attract private and institutional investment in public infrastructure through the creation of capital exchanges including participation in the West Coast Infrastructure Exchange.

vii. Advisory governance oversight and lead responsibility for the planning of capital projects and project plans shall be provided to the Governor and the Chief Operating Officer. The purpose of this process is to consider and plan capital investments to advance statewide outcomes within allocated debt capacity limitations for each area of the capital planning process, and to structure investment packages for consideration by the Legislative Assembly that optimize capital leverage, return on investments and benefits. The advisory governance processes in each area of debt capacity planning is designated:

1. Education Infrastructure Planning shall reside with the Oregon Education Investment Board (OEIB) and the Chief Education Officer shall work with the OEIB to insure the central focus of educational capital planning is to achieve identified education access, capacity and improvement goals.

2. State Infrastructure Planning shall reside with the Office of the Chief Operating Officer in conjunction with the Chief Financial Officer.

3. Regional and Community Capital Planning shall reside with the designated chairpersons of the Regional Solutions Centers; established processes for planning associated with Connect Oregon will continue to oversee multimodal freight and passenger transportation planning (non-highway transportation investments); and a planning process for statewide water and wastewater development are to be established in conjunction with the Governor's Natural Resources Advisor.

4. Reserving, Innovation, Emergent Opportunities Capital Planning and Management shall reside with the Chief Financial Officer on behalf of the Governor.

viii. The Chief Operating Officer may provide for any additional governance processes to facilitate the planning of capital investments. Further, the Chief Operating Officer may approve periodic changes in the allocations of planning capacity to specific areas with a finding that the changes enhance the opportunity to optimize the use of state capital finance.

### 8. Capital Planning Project Integration.

a. The 10-year capital planning process for General and Lottery Funds should not be isolated from capital planning for highway fund projects or any other state infrastructure investment planning process.

b. Integration of planning can save millions of dollars of taxpayer cost in the operation of infrastructure assets. Integrated planning also ensures that "other" fund dollars can supplant the use of limited General Funds when projects are planned and financing is leveraged. This includes the possibility of private capital investments to extend the uses of General Fund and Lottery Fund debt to support infrastructure.

c. As the state's General Fund and Lottery fund planning process matures, the ability to analyze the integration and connection to other state infrastructure investments should also grow in sophistication, detail and utility for project planning and prioritization.

d. To ensure the objective for development of integrated capital investing, the Chief Operating Officer shall, at the enterprise level of state government, form an advisory committee charged with making recommendations for:

i. Planning, analysis and process requirements that facilitate the integration of non-General Fund and Lottery Investments with state infrastructure investments supported by General and Lottery Funds.

ii. This work will result in methods and practices that seek to:

1. Determine the increased value of investments, or combined investments, that are planned in an integrated manner.

2. Result in methods to reward coordinated planning in the process of project prioritization and lower the priority of projects that are not advanced in a coordinated manner.

### 9. Capital Project Innovation, Collaboration, and Performance Partnerships.

a. Oregon must provide for innovation within capital planning processes to stretch taxpayer investments, manage life cycle and climate risks, enhance the long term performance of our infrastructure assets, and leverage and attract outside capital to Oregon community infrastructure. Performance based partnership and project designed process offer the opportunity to both limit state risk and extend available project capital. This includes the following considerations and requirements:

i. Oregon will develop the capability to engage and enact performance based partnerships as a primary alternative to traditional infrastructure planning, investment and development processes.

ii. Capital projects that require more than \$20 million of state funding from any source shall be reviewed to determine whether each project is best implemented through traditional financing or performance-based partnerships.

## EXECUTIVE ORDERS

iii. Oregon shall participate in the West Coast Infrastructure Exchange and work with other states to develop and engage an active exchange structure that will facilitate the identification of capital projects and provide for active project development that facilitates private capital investment.

iv. Oregon shall consider the formation of an entity to concentrate performance infrastructure expertise and determine if such a structure will advance infrastructure development and financing in Oregon.

v. Oregon shall consult with the public entity Partnerships B.C., through its service agreement with the State of Oregon, to advance consideration and implementation of Oregon's capital plan.

### 10. Implementation Requirements and Budget Submittal by the Governor.

a. The Governor's Recommended Budget (GRB) will not exceed designated capital planning distributions for any category of capital planning infrastructure as identified in this Executive Order. For the 2013-2015 biennium the capital planning and budget dollar limits for bonding in the GRB by planning area are:

#### *Area — GRB Limitation 2013–15*

Education Capacity Planning — \$275 million

State Infrastructure Capacity Planning — \$275 million

Regional and Community Capacity Planning — \$330 million

Reserve, Innovation, Emergent Opportunities — \$220 million

b. The Governor's Recommended Budget (GRB) will not utilize significant capacity in the area of Reserving, Innovation, Emergent Opportunities in order to provide the Legislative Assembly the opportunity to consider developing proposals for student financial assistance to post-secondary institutions and for other emergent Legislative Assembly priorities.

c. Beginning in 2013, the Chief Operating Officer shall establish a process to identify and plan for projects through a submittal through to the statewide coordinator:

i. Projects or project plans submitted will be assigned to the appropriate planning advisory authority for review, analysis and inclusion within a prioritized statewide plan.

ii. The Chief Operating Officer shall make provision for a process of early submittals and provide allowance for later submittals for projects deemed necessary by the Chief Operating Officer.

iii. The Department of Administrative Services shall utilize its rulemaking authority to facilitate the development of an orderly process of project submittal if deemed necessary.

11. The Chief Operative Officer and the Chief Financial Officer may request modification to the terms of this Executive Order.

12. This Executive Order is a debt capacity planning document only and any dollars dedicated under the Executive Order are not authorizations for spending. The infrastructure planning and investment processes outlined within the Executive Order are contingent on the extent to which financial resources are made available for planning.

13. In the event of a conflict between any provision of Oregon law and this Executive Order, Oregon law will prevail and the remaining terms of this Executive Order shall remain in force and effect.

Done at Salem, Oregon, this 13th day of November, 2012.

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

ATTEST

/s/ Kate Brown  
Kate Brown  
SECRETARY OF STATE

## OTHER NOTICES

### REQUEST FOR COMMENTS PROPOSAL TO INCREASE REIMBURSEMENT TO CERTAIN PRIMARY CARE PHYSICIANS AND VACCINES FOR CHILDREN PROGRAM PARTICIPANTS

**COMMENTS DUE:** December 17, 2012

**PROPOSAL:** As required by the Affordable Care Act, the Oregon Health Authority (OHA) is proposing to increase primary care reimbursement rates for physicians with a specialty or subspecialty destination of family medicine, general internal medicine or pediatric medicine; and increase the administration fee for Vaccines for Children program vaccinations.

**BACKGROUND:** For background and detailed information, please see the Federal Register/ Vol 77, No 215 published on November 6 2012, available at <http://www.gpo.gov/fdsys/pkg/FR-2012-11-06/pdf/2012-26507.pdf>

**EFFECTIVE DATE:** 1/1/13

**HOW TO COMMENT:** Send written comments by fax, mail or e-mail to:

Jesse Anderson, State Plan Manager  
Division of Medical Assistance Programs  
500 Summer Street NE, E35  
Salem, Oregon 97301  
Fax: 503-947-1119  
E-mail: [jesse.anderson@state.or.us](mailto:jesse.anderson@state.or.us)

**NEXT STEPS:** OHA will consider all comments received. A State Plan Amendment will be submitted to the Centers for Medicare and Medicaid.

### REQUEST FOR COMMENTS PROPOSED PROSPECTIVE PURCHASER AGREEMENT FORMER WHO SONG & LARRY'S RESTAURANT PROPERTY IN SOUTHWEST PORTLAND

**COMMENTS DUE:** Monday, Dec. 31, 2012

**PROJECT LOCATION:** The former Who Song & Larry's restaurant property is located at 4850 SW Macadam Ave. and SW Landing Drive in Portland's John's Landing neighborhood. The name for this project is the Holt Distressed Properties Fund 2010 LP or Holt Properties for the purposes of this Prospective Purchaser Agreement proposal. This site has a history of commercial uses including a lumber yard, bulk fuels storage and sales, parking lot, and a restaurant.

**PROPOSAL:** The Department of Environmental Quality proposes to enter into a consent order for a prospective purchaser agreement with Holt Properties. Holt Properties plans to redevelop the site as two multi-story residential buildings with peripheral open space and a multi-use public trail. Parking for residents is proposed beneath the buildings. The construction project will include clean up and management of existing soil contamination at the property, ensuring that the site is safe for a variety of uses when completed.

**HIGHLIGHTS:** The Holt Properties' proposed redevelopment plans will have several public and environmental benefits. Holt Properties will remove any contaminated soil at the site during grading and excavation for subsurface parking garages. This soil excavation work will be performed under a DEQ-approved Contaminated Media Management Plan to ensure proper disposal of excavated soils. Remaining site soils will be tested to ensure that they do not pose an unacceptable risk to future residents and users of the site. In September 2012, groundwater sampled near the river bank was found to be free of detectable contaminants and thus does not pose a risk to the Willamette River. Also in September 2012, an investigation performed to locate possible underground storage tanks concluded that no tanks are present at the site. Holt Properties will develop the waterfront portion of this property near the Willamette River into public park greenway, and will improve the multi-use waterfront trail.

The proposed Prospective Purchaser Agreement Consent Order will provide Holt Properties with a release from liability for claims by the State of Oregon and third parties relating to historical releases of hazardous substances at the property or emanating from the property to the Willamette River. Holt Properties will be responsible for cleaning up contaminants at the site as defined in the proposed Prospective Purchaser Agreement.

DEQ created the Prospective Purchaser Program in 1995 through amendments to the state's Environmental Cleanup Law. The prospective purchaser agreement is a tool that facilitates the beneficial reuse of contaminated property and its cleanup, and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing contaminated property. DEQ has approved many prospective purchaser agreements throughout the state since the program began.

**ADDITIONAL INFORMATION:** Copies of the proposed Consent Order Prospective Purchaser Agreement and other information regarding the site can be found using the link below for the Holt Properties Residential Development on the DEQ ECSI Site #4612 database. <http://www.deq.state.or.us/Webdocs/Forms/Output/FPController.aspx?SourceId=4612&SourceIdType=11>. The ECSI database for this site includes property investigation documents, figures and maps.

**HOW TO COMMENT:** Send written comments to the DEQ Project Manager Kenneth Thiessen at DEQ Northwest Region, 2020 SW 4th Avenue, Suite 400, Portland, Oregon 97201, or [Thiessen.Kenneth@deq.state.or.us](mailto:Thiessen.Kenneth@deq.state.or.us) by Monday, Dec. 31, 2012. The proposed Consent Order Prospective Purchaser Agreement and the Holt Properties project file are available for public review at DEQ. For a file review appointment at the DEQ office, call 503-229-6729.

If there is adequate public interest in this project, DEQ will hold a public meeting to answer questions about this proposed Prospective Purchaser Agreement Consent Order and record public comments.

Direct questions to Kenneth Thiessen at the DEQ address above or at 503-229-6015.

**THE NEXT STEP:** DEQ will review and consider all comments received during the December 2012 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](mailto:deqinfo@deq.state.or.us)

People with hearing impairments may call 711.

### REQUEST FOR COMMENTS PROPOSED APPROVAL OF CLEANUP AT OWENS BROCKWAY/JOHNSON LAKE SITE

**COMMENTS DUE:** 5 p.m., Monday, Dec. 31, 2012

**PROJECT LOCATION:** 5850 NE 92nd Drive, Portland, OR

**PROPOSAL:** The Department of Environmental Quality invites public comment on the proposed conditional approval of environmental cleanup action at the Owens-Brockway Glass Container Inc. site, which includes the adjacent Johnson Lake. This is also known as a conditional no further action determination. DEQ is also proposing to issue Owens-Brockway Glass Container Inc. a Certificate of Completion for remedial action obligations described in their Consent Judgment with DEQ.

**HIGHLIGHTS:** Owens operates a glass manufacturing plant located at 5850 NE 92nd Drive in Portland on the south shore of Johnson Lake. Johnson Lake extends over 18 acres and is bounded to the south by the Owens facility and to the east by I-205. The Owens facility was built in approximately 1956. The glass manufacturing process at the Owens site involves the conversion of sand, limestone, soda ash and reclaimed crushed glass into new and/or recycled glass containers. Historical waste management practices, releases from an electrical substation, and stormwater discharge from the Owens facility and facilities located east of interstate highway I205 resulted in release of contaminants to Johnson Lake sediments.

Environmental investigations conducted at the site between 1994 and 2008 indicated the presence of polychlorinated biphenyls, known as PCBs, metals, and polycyclic aromatic hydrocarbons in Johnson Lake sediments at levels that exceed screening criteria for protection of aquatic organisms and people and wildlife that may consume fish from the lake. Elevated concentrations of PCBs were also detected in an upland portion of the Owens facility in the drainage area of the electrical substation.



## OTHER NOTICES

Between the fall of 2009 and 2010, Owens excavated PCB-contaminated soils in a lowland area on the site that drains to Johnson Lake and disposed of the excavated soils at a solid waste landfill. This area was then re-contoured and replanted to create a stormwater swale for detention of stormwater leaving a portion of the facility, allowing solids to settle prior to discharge to Johnson Lake.

Between September 2011 and March 2012, Owens placed a mixture of sand and topsoil over contaminated sediments in the lake in a six- to 12-inch thick layer cap to create a barrier between contaminated sediments and fish and other aquatic organisms in the lake. A portion of the lake was left uncapped to allow native mussels and other benthic organisms to survive and repopulate the lake. Gravels were placed along the shoreline and at stormwater outfalls to reduce erosion.

Owens prepared an Operations and Maintenance Plan for the cap that provides for visual inspection of shoreline portions of the cap, maintenance of warning signs, and replacement and re-contouring of any portions of the cap that show evidence of erosion. The plan also outlines fish tissue sampling that will be conducted five and potentially ten years following remedy implementation.

Based on evaluation of the actions described above, DEQ is proposing that no further action be required at the Owens-Brockway Glass Container Inc./Johnson Lake site and that Owens be issued a certificate of completion for obligations under DEQ Consent Judgment No. 0908-12087. The proposed cleanup approval is conditional because of the need to maintain engineering controls and conduct long-term monitoring and maintenance of cleanup measures at the site.

**HOW TO COMMENT:** A memorandum describing the basis for the no further action is available at: <http://www.deq.state.or.us/Webdocs/Forms/Output/FPCController.aspx?SourceId=1311&SourceIdType=11>.

Complete site files are available for public review at DEQ's Northwest Region Office in Portland. To schedule an appointment to review files, call 503- 229-6729. Send written comments to Project Manager Jennifer Sutter, DEQ Northwest Region, 2020 SW 4th Ave., Portland, OR 97201 or [sutter.jennifer@deq.state.or.us](mailto:sutter.jennifer@deq.state.or.us) by Monday, Dec. 31. Contact Sutter at 503- 229-6148.

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

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

People with hearing impairments may call 711.

### REQUEST FOR COMMENTS PROPOSED APPROVAL OF CLEANUP AT THE PRECISION EQUIPMENT FACILITY, PORTLAND, OREGON

**COMMENTS DUE:** 5pm, December 31, 2012

**PROJECT LOCATION:** 8440 North Kerby Avenue, Portland, Oregon

**PROPOSAL:** The Department of Environmental Quality is proposing to issue a "Conditional No Further Action" (CNFA) determination based on results of site investigation and remedial actions at the Precision Equipment facility located at 8440 North Kerby Avenue in Portland, Oregon. DEQ has determined that the engineering and institutional controls in place at the property will prevent risks to human health and the environment exceeding the acceptable levels defined in ORS 465.315. DEQ is therefore proposing issuance of a CNFA determination for the facility. This decision would exclude ongoing cleanup work at the adjacent Tax Lot 1103 (former Schnitzer Property) site.

**HIGHLIGHTS:** Precision Equipment has operated a hydraulic equipment repair and chrome plating shop at the site since 1979. In 1999, Precision sampled soil inside the vault of the chrome plating area and other areas within the building as well as soil and ground-

water below and outside the building. Two areas of significant soil contamination associated with chrome plating operations were found but they did not extend outside the building footprint. Another area of contaminated soil, from contaminated fill, was found in the NE corner of the parking lot. Groundwater investigation found limited groundwater contamination below the building but it also does not extend beyond the plant.

Repairs to the chrome plating equipment were made to prevent further contamination. Chromium-contaminated soil exceeding direct contact risk-based concentrations for workers and excavation workers extends to 15 feet below ground surface or more in the area of the chrome plating tanks. Additional soil above risk-based concentrations is found in the NE corner of the parking lot.

Contaminated soil areas above risk-based concentrations are currently capped by the building and parking lot and the remedy is to maintain these caps. Other restrictions include: a prohibition on residential and agricultural land use, limitation on groundwater use, a worker health and safety and soil management plan to protect workers, and a requirement for additional characterization and potential soil removal/treatment if the building is removed. The requirements have been documented in an Easement and Equitable Servitudes (EES).

DEQ concludes that no further action is required to address environmental contamination at the Precision Equipment Tax Lot 1102 property provided the engineering and institutional controls at the site are maintained.

**HOW TO COMMENT:** The DEQ No Further Action Recommendation Memo and Cleanup Record of Decision for the Precision Equipment site and other project file information are available for public review (by appointment) at DEQ's Northwest Region Office, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon, 97201. To schedule a file review appointment, call Dawn Weinberger at 503-229-6729; toll free at 1-800-452-4011; or TTY at 503-229-5471. Summary information and documents mentioned above are available in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet; go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter 152 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 152 in the Site ID/Info column. Please send written comments to Robert Williams, Project Manager, at the address listed above or via email at [williams.robert.k@deq.state.or.us](mailto:williams.robert.k@deq.state.or.us). To be considered, DEQ must receive written comments by 5 pm on December 31, 2012. Upon written request by ten or more persons or by a group with a membership of 10 or more, DEQ will hold a public meeting to receive verbal comments.

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

**ACCESSIBILITY INFORMATION:** DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications & Outreach (503) 229-6488 or toll free in Oregon at (800) 452-4011; fax to 503-229-6945; or e-mail to [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us). People with hearing impairments may call the Oregon Telecommunications Relay Service 1-800-735-2900 number.

### REQUEST FOR COMMENTS ANALYSIS OF BROWNFIELD CLEANUP ALTERNATIVES FOR RESER BUILDING

**COMMENTS DUE:** 5 p.m., December 31, 2012

**PROJECT LOCATION:** 228/234 S Main St., Condon

**PROPOSAL:** The Department of Environmental Quality (DEQ) is providing notice for a public opportunity to review and comment on the Analysis of Brownfield Cleanup Alternatives (ABCA) for the former Reser Building located at 228/234 S Main St. in Condon. The ABCA details the analysis and selection of protective cleanup options designed to address contamination at the site.

## OTHER NOTICES

**HIGHLIGHTS:** The site has been used for various purposes including a gas station, auto repair, and residential. Petroleum and other contaminants were documented at the site in 2011. The ABCA selected the limited excavation of petroleum contaminated soil, soil vapor sampling and engineering controls as the preferred remedial alternative.

The ABCA, as well as more information concerning previous site-specific investigations, is available in DEQ's Environmental Cleanup Site Information (ECSI) database located on the web at <http://www.deq.state.or.us/lq/ecsi/ecsi.htm> under Site ID 4217.

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

**HOW TO COMMENT:** Send comments by 5 p.m., December 31, 2012, 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](mailto:robertson.katie@deq.state.or.us) or by fax at 541-278-0168.

**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](mailto:deqinfo@deq.state.or.us), or 711 for people with hearing impairments.

### REQUEST FOR COMMENTS

#### PROPOSED NO FURTHER ACTION FOR WALLOWA COUNTY GRAIN GROWERS (WCGG) BULK PLANT

**COMMENTS DUE:** 5 p.m., December 31, 2012

**PROJECT LOCATION:** 107 Fish Hatchery Ln., Enterprise

**PROPOSAL:** The Oregon Department of Environmental Quality's Voluntary Cleanup Program proposes to issue a no further action determination for the WCGG Bulk Plant site located at 107 Fish Hatchery Ln., Enterprise. DEQ issues a no further action determination when a cleanup has met regulatory standards.

**HIGHLIGHTS:** The site is an active petroleum bulk plant that has operated since 1917. The above ground storage tanks (ASTs) store gasoline, diesel, and kerosene. A delivery truck released approximately 800 gallons of diesel to the surface of the site in July 2009 during AST filling operations. Approximately 110 tons of petroleum contaminated soil was excavated and transported to off-site for disposal.

Additional subsurface investigation was performed in September 2010. The investigation documented soil and groundwater contamination related to the site's long term operations. Additional investigations were performed to determine the full extent and degree of contamination. Soil and groundwater contamination present at the site was determined by DEQ not to pose a risk to human health or the environment. The Voluntary Cleanup Program has reviewed and determined no further action is required.

**HOW TO COMMENT:** Send comments by 5 p.m., December 31, 2012, 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](mailto: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](http://www.deq.state.or.us/lq/ECSI/ecsi.htm), select "Search complete ECSI database" link, enter 3099 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 3099 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](mailto:deqinfo@deq.state.or.us), or 711 for people with hearing impairments.

### REQUEST FOR COMMENTS

#### PROPOSED NO FURTHER ACTION DETERMINATION FOR THE UNION PACIFIC RAIL ROAD-ALBINA YARD

**COMMENTS DUE:** December 31, 2012 5:00 PM

**PROJECT LOCATION:** 1135 N Knott St., Portland, OR

**PROPOSAL:** In accordance with ORS 465.200, the Department of Environmental Quality (DEQ) invites public comment on the proposed No Further Action determination for the site.

**HIGHLIGHTS:** The Union Pacific Rail Road (UPRR)-Albina Yard property has been an active rail yard since the late 1800s. Historic and current operations at the yard include freight loading & transfer, and fueling operations. Environmental investigations identified an area of petroleum-impacted soil and groundwater in the southern portion of the rail yard. The investigations determined that the petroleum contamination is limited in area and not migrating to the nearby Willamette River. Low-level metals and polycyclic aromatic hydrocarbon (PAHs) impacts were also identified in shallow soil throughout the site. Higher levels of PAHs were present in a portion of the northern part of the site.

In 2011, UPRR completed a Remedial Investigation and Feasibility Study under DEQ. This work identified three areas of shallow soil in the north yard where PAHs exceeded risk based concentrations (RBCs) for human exposure. The petroleum-impacted area in the southern yard also exceeded applicable RBCs for human health, but there is no current complete exposure pathway as significant contamination is confined to shallow groundwater.

DEQ selected a cleanup action that involved excavation of shallow soil in the north yard, and institutional controls to prevent site worker contact with subsurface petroleum contamination in the south yard. UPRR completed the north yard cleanup action in August 2012. Engineering controls will be implemented for the petroleum-contaminated area of the south yard to prohibit groundwater use and minimize potential future exposure if excavation work occurs in this area. These controls will be memorialized in a deed restriction that will be recorded with the property deed in the Multnomah County recorder's office.

DEQ welcomes public comments on the proposed No Further Action determination for the UPRR site.

**HOW TO COMMENT:** To review project records, contact Dawn Weinburger at (503) 229-5425 and ask for records for Environmental Cleanup Site Information (ECSI) site #178. The DEQ Project Manager is Michael Romero (503-229-5563). Written comments should be sent to Michael Romero at the Department of Environmental Quality, Northwest Region, 2020 SW 4th Avenue, Suite 400, Portland, OR 97201 and must be received no later than 5 pm on December 31, 2012. A public meeting will be held to receive verbal comments if requested by 10 or more people or by a group with a membership of 10 or more. Site information can also be found in DEQ's on-line ECSI database at: <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, by searching on Site ID #178.

**THE NEXT STEP:** DEQ will consider all comments received and make a final decision on the proposed closure determination after consideration of these comments.

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

People with hearing impairments may call DEQ's TTY number, 1(800)735-2900.

# 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 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. Oral comments may be submitted at the appropriate time during a rulemaking hearing as outlined in OAR 137-001-0030.

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

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

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

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### Appraiser Certification and Licensure Board Chapter 161

**Rule Caption:** Revisions to appraiser licensing and AMC registration requirements, and appraiser and AMC enforcement

Date:	Time:	Location:
1-28-13	9 a.m.	3000 Market St. NE #541 Salem, OR

**Hearing Officer:** Daneene Fry

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

**Other Auth.:** Title XI of the Federal Financial Reform, Recovery & Enforcement Act of 1989 (12 USC 3310 et seq.), & Federal Dodd-Frank Wall Street Reform & Consumer Protection Act (H.R. 4173) of 2010

**Stats. Implemented:** ORS 674

**Proposed Adoptions:** 161-006-0155, 161-010-0065, 161-520-0035, 161-570-0025, 161-570-0055, 161-570-0060

**Proposed Amendments:** 161-002-0000, 161-003-0020, 161-006-0025, 161-006-0160, 161-010-0010, 161-010-0020, 161-010-0035, 161-010-0045, 161-010-0080, 161-015-0000, 161-015-0010, 161-015-0025, 161-015-0030, 161-020-0005, 161-020-0055, 161-020-0110, 161-025-0025, 161-025-0030, 161-025-0050, 161-050-0000, 161-050-0040, 161-050-0050, 161-510-0010, 161-520-0010, 161-520-0030, 161-520-0045, 161-520-0050, 161-530-0010, 161-570-0030

**Proposed Repeals:** 161-010-0065(T), 161-520-0035(T), 161-002-0000(T), 161-006-0025(T), 161-010-0010(T), 161-010-0020(T), 161-010-0080(T), 161-015-0010(T), 161-015-0025(T), 161-015-0030(T), 161-020-0005(T), 161-020-0110(T), 161-025-0025(T), 161-025-0030(T), 161-050-0000(T), 161-050-0050(T), 161-510-0010(T), 161-520-0030(T), 161-530-0010(T), 161-510-0030, 161-570-0045

**Last Date for Comment:** 1-28-13, Close of Hearing

**Summary:** Permanently adopts Oregon Administrative Rule 161, Division 06, Rule 0155 regarding allegation reports, Division 010, Rule 0065 regarding prerequisite experience and education require-

ments for state licensed appraiser; Division 520, Rule 0035 regarding form of application; Division 570, Rule 0025 regarding allegation reports, Rule 0055 regarding enforcement, and Rule 0060 regarding rules of procedure in contested cases; Permanently Amends Oregon Administrative Rules 161, Division 002, Rule 0000 regarding definitions; Division 003, Rule 0020 regarding fees; Division 006, Rule 0025 regarding licensee notification, and Rule 0160 regarding complaints, investigations and audits; Division 010, Rule 010 regarding renewal procedures, Rule 0020 regarding qualifying appraiser experience, Rule 0035 regarding experience and education requirements for state certified general appraisers, Rule 0045 regarding experience and education requirements for state certified residential appraisers, and Rule 0080 regarding appraiser assistant registration; Division 015, Rule 0000 regarding the application process, Rule 0010 regarding form of application, Rule 0025 regarding application from out-of-state credential holder, and Rule 0030 regarding submission of application; Division 020, Rule 0005 regarding scope, Rule 0055 regarding criteria for approval of continuing education course, and Rule 0110 regarding qualifying education course content guidelines; Division 025, Rule 0025 regarding supervising appraiser, Rule 0030 regarding appraiser assistant, and Rule 0050 regarding appraisal report retention requirements; Division 050, Rule 0000 regarding temporary non-resident registration, Rule 0040 regarding changes in application and renewal information, and Rule 0050 regarding reciprocity; Division 510, Rule 0010 regarding fees; Division 520, Rule 0010 regarding registration requirements, Rule 0030 regarding renewal or reactivation of registration, Rule 0045 regarding change in business name, and Rule 0050 regarding change of individual ownership; Division 530, Rule 0010 regarding criminal records check; and Division 570, Rule 0030 regarding complaints, investigations and audits; and Permanently Repeals Oregon Administrative Rule 161, Division 510, Rule 0030 regarding miscellaneous fees, and Division 570, Rule 0045 regarding appraisal management company investigations and audits. Additionally, all temporary rules adopted, amended or suspended effective August 6, 2012 are repealed.

**Rules Coordinator:** Karen Turnbow

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

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

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### Board of Accountancy Chapter 801

**Rule Caption:** Update the professional standards effective date.

**Stat. Auth.:** ORS 183.332

**Stats. Implemented:** ORS 183.335

**Proposed Amendments:** 801-001-0035

**Last Date for Comment:** 12-26-12, 5 p.m.

**Summary:** The professional standards as used throughout OAR Chapter 801 are those that are in effect as of January 1, 2013.

**Rules Coordinator:** Kimberly Sisk

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

**Telephone:** (503) 378-2268

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### Board of Architect Examiners Chapter 806

**Rule Caption:** Changes individual architect registration renewal cycle to coincide with calendar year.

**Date:** 12-14-12

**Time:** 9:30 a.m.

**Location:** OBAE Offices, 205 Liberty St. NE  
Salem, OR 97301

**Hearing Officer:** James Denno

**Stat. Auth.:** ORS 671.020 & 671.125

**Stats. Implemented:** ORS 671.020 & 671.125

**Proposed Amendments:** 806-010-0090

**Last Date for Comment:** 12-14-12, 4:30 p.m.



# NOTICES OF PROPOSED RULEMAKING

**Summary:** Changes individual architect registration renewal cycle to coincide with calendar year. This is a regulatory streamlining measure designed to more completely align Oregon's rules with NCARB Model Law relating to continuing education requirements associated with renewal of registration, making tracking and reporting continuing education less cumbersome for licensees who maintain registrations in multiple jurisdictions.

**Rules Coordinator:** Jim Denno

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

**Telephone:** (503) 763-0662

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## Board of Licensed Professional Counselors and Therapists Chapter 833

**Rule Caption:** License Portability.

**Stat. Auth.:** ORS 675.705–675.835

**Stats. Implemented:** ORS 675.705–675.835

**Proposed Amendments:** 833-020-0051, 833-020-0081, 833-030-0041, 833-040-0041

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

**Summary:** Amends experience and examination requirements for license applicants applying by reciprocity.

**Rules Coordinator:** Becky Eklund

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

**Telephone:** (503) 378-5499, ext. 3

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## Board of Optometry Chapter 852

**Rule Caption:** Rule revisions governing optometry for clarity and changes in standards of practice and agency budget.

Date:	Time:	Location:
12-21-12	10 a.m.	1900 Hines St. SE, Suite 290 Salem, Oregon 97302

**Hearing Officer:** Rose Thrush, JD

**Stat. Auth.:** ORS 683

**Other Auth.:** ORS 58, 63, 181, 182, 408, 431, 646, 670, 676 & 689  
**Stats. Implemented:** ORS 683.010–683.340, 683.990, 58.367, 63.074, 181.534, 182.460, 182.462, 182.466, 183.341, 183.413, 292.250, 292.495, 408.450, 431.962, 431.972, 646.605, 670.350, 676.110, 676.150, 676.303, 676.306, 676.340, 676.345, 689.225

**Proposed Adoptions:** 852-050-0022

**Proposed Amendments:** 852-001-0001 – 852-001-0002, 852-005-0005, 852-005-0015 – 852-005-0030, 852-010-0005 – 852-010-0080, 852-020-0029 – 852-020-0070, 852-050-0001 – 852-050-0025, 852-060-0025 – 852-060-0027, 852-060-0060 – 852-060-0070, 852-070-0005 – 852-070-0035, 852-070-0045, 852-070-0055 – 852-070-0060, 852-080-0020 – 852-080-0040

**Proposed Repeals:** 852-005-0040, 852-070-0040, 852-070-0050

**Proposed Ren. & Amends:** 852-070-0060 to 852-070-0054

**Last Date for Comment:** 12-15-12, 8 a.m.

**Summary:** Overall: Comprehensive review of Chapter 852 for plain language, clarity, consistency and grammar. Technical edits and housekeeping throughout.

Division 1: Updated and new definitions to reflect changes in standards of practice and terms.

Division 5:

0005: Revised 2011–13 Biennium budget to reflect limitation increase for under-funded payroll expenses and Board decision to upgrade computer systems and software within available fund reserves.

0015: Clarifies Board member compensation to reflect policy decisions of Board.

0030: Removes “temporary” status of adoption of State of Oregon contracting policies.

0040: Repealed, as required by 2011 HB 2381, bringing OBO staff under DAS HR Policies and Procedures on January 1, 2012.

Division 10:

0005: Clarifies that Board may delegate duties to Executive Director. Removes conflict with public meetings law.

0015: Clarifies current requirements for application for examination and licensure.

0020: Increases passing score on Oregon optometric law and administrative rules examination from 75 to 80.

0022: Clarifies current requirements for application for endorsement examination and licensure.

0023: Increases passing score on Oregon optometric law and administrative rules examination from 75 to 80.

0030: Clarifies responsibility for advertising not in compliance with Oregon law.

0051: Makes clear that patient records may be kept in an accessible electronic format. Adds provision for patient record transfer in the event of the death of an optometric physician. Clarifies that patient records and prescriptions cannot be withheld for lack of payment.

0080: Adds optional purchase of copy of portable multiple practice location license for \$25. Restores language for sliding fee scale for multiple failures to comply with rule.

Division 20:

0029: Clarifies required and optional prescription information; allows use of electronic signature. Makes optional the inclusion of number of contact lens refills and the FTC requirements for setting a limit.

0031: Clarifies federal and state requirements that patients do not need to request their prescriptions. Clarifies that direct communication includes mail.

0035: Expands definition of immediate family to include domestic partners, stepchildren and in-laws.

0045: Deletes obsolete provision for compliance prior to January 1, 2012.

0060: Clarifies responsibility for the delegation of the duties of an optometrist to employees and defines direct supervision of those employees.

0070: Deletes obsolete provision for compliance prior to January 1, 2009.

Division 50

0001: Removes obsolete provisions and definitions for optometric physicians' licenses.

0005: Clarifies licensing and posting requirements for practice locations. Adds new provision for optional purchase of additional copy of portable multiple location license for \$25. Clarifies that photocopies of licenses are prohibited.

0006: Clarifies that complete license renewals must be received or postmarked by due date. Adds language regarding Prescription Drug Monitoring Program fund. Puts seven-year limit on look-backs for failure to timely renew license.

0012: Clarifies that complete license renewals must be received or postmarked by due date. Clarifies that suspension notices for inactive licensees will be sent by first-class mail. Requires reactivation requests to be made on a Board-supplied form and with required proof of meeting requirements for pharmaceutical agents. Reiterates requirement for criminal background check.

0013: Clarifies licensing rights and responsibilities of licensees serving in and separating from active military service.

0014: Requires reinstatement requests to be made on a Board-supplied form. Reiterates requirement for criminal background check.

0016: Details requirements for reporting places of practice. Increases timeline for doing so from “immediately” to “within 14 days.” Allows multiple means of reporting, adding e-mail and electronic signatures.

0021: Clarifies optometric physician's rights and responsibilities in volunteer service.

0022: Enables 2012 law provisions in ORS 676.340 and 676.345 for new liability limitations for volunteers. Establishes registration program and process.



# NOTICES OF PROPOSED RULEMAKING

0025: Removes provision that Board will provide an individual with their own criminal offender records, as this is prohibited by Oregon State Police and the Law Enforcement Data System.

Division 60:

0025: Adds practicing optometry in a location not reported to the Board to the list of causes for disciplinary action.

0027: Adds to the list of unprofessional conduct to include: advertising professional methods or superiority; claiming "board certification" without defining by what board; failing to train employee and supervise work delegated by optometric physician; prescribing scheduled drugs improperly; interfering with the Board's enforcement activities; deception in application or renewal; altering or falsifying patient or business records to avoid discipline; asking for sexual history except when medically necessary; failing to follow federal and state requirements for prescription release to patient; failure to retain patient records or provide them to the Board on request; and failure to report own or other licensee's prohibited or unprofessional conduct, arrests or convictions as required by law.

0065: Changes required answers to charges as part of notices to parties in contested cases to comport with changes in Attorney General's Model Rules of Procedure.

0070: Changes requirements for hearing requests and answers to comport with changes in Attorney General's Model Rules of Procedure.

Division 70

0010: Clarifies that licensees may carry forward excess continuing education hours from the prior year upon written request to the Board. Adds new provision granting one hour of CE credit per year for attendance at an official meeting of the Board.

0040: Removes obsolete provision for separate \$20 CE fee; costs are already included in overall renewal fee.

0050: Removes obsolete provision; the Board no longer provides CE directly to licensees.

0055: Clarifies responsibilities of CE sponsors to proctor attendance and provide original source documentation to attendees.

0060: Renumber to 0054 and move above 0055. Reflects changes in categories of CE approved by the Council on Optometric Practitioner Education.

Division 80

0030: Clarifies that level of certification regarding pharmaceutical agents is printed on license. Encourages use of Oregon Prescription Drug Monitoring Program, for which licensees already pay during renewal.

0040: Clarifies process for certification to use pharmaceutical agents. Removes requirement that CPR certification renewal include a hands-on component. Removes obsolete provision for licensees prior to April 1, 2006.

**Rules Coordinator:** Nancy Sellers

**Address:** Board of Optometry, 1900 Hines St. SE, Suite 290, Salem, OR 97302

**Telephone:** (503) 399-0662, ext. 23

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**Board of Parole and Post-Prison Supervision**  
**Chapter 255**

**Rule Caption:** Change number of votes required to impose an extended deferral from unanimous to majority.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
1-10-13	2 p.m.	2575 Center St. NE Salem, OR 97301

**Hearing Officer:** Candace Wheeler

**Stat. Auth.:** ORS 144.228, 144.232, 163.105, 163.115, OL 2009 Ch. 660

**Stats. Implemented:** ORS 144.228, 144.232, 163.105, 163.115 & OL 2009 Ch. 660

**Proposed Amendments:** 255-062-0016

**Last Date for Comment:** 1-17-13, 5 p.m.

**Summary:** The rule amendment would change the number of Board votes required to impose a deferral of a projected parole date, of a

parole consideration date, or of a subsequent hearing eligibility date from unanimous to majority.

**Rules Coordinator:** Shawna Harnden

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

**Telephone:** (503) 945-0913

.....  
**Board of Tax Practitioners**  
**Chapter 800**

**Rule Caption:** 2012 overhaul of OAR's based on recommendations of the Rules Advisory Committee and the Board.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-18-12	10 a.m.	3218 Pringle Rd. SE, #120 Salem, Oregon 97302

**Hearing Officer:** Monica J. Walker

**Stat. Auth.:** ORS 673.605, 673.740 & 673.990

**Stats. Implemented:** ORS 673.605, 673.740 & 673.990

**Proposed Amendments:** Rules in 800-001, 800-010, 800-015, 800-020, 800-025, 800-030

**Last Date for Comment:** 12-18-12, 5 p.m.

**Summary:** 2012 overhaul of OAR's based on recommendations made by the Rules Advisory Committee and approved by the Board

**Rules Coordinator:** Monica J. Walker

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

**Telephone:** (503) 378-4860

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

**Rule Caption:** Amend the HB 3462 training program and certification rules.

**Stat. Auth.:** ORS 455.720, 455.730 & 455.735

**Other Auth.:** 2009 OL Ch. 593

**Stats. Implemented:** ORS 455.720, 455.730 & 455.735

**Proposed Amendments:** 918-098-1530, 918-098-1550

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

**Summary:** These proposed rules provide flexibility for the division to independently evaluate and certify individuals under the House Bill 3462 training and certification pilot program.

**Rules Coordinator:** Richard J. Baumann

**Address:** Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309-0404

**Telephone:** (503) 373-7559

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

**Rule Caption:** Repeal Temporary Rule and Adopt Permanent Rule Governing Interest Rate Swap Transactions.

**Stat. Auth.:** ORS 706.790

**Stats. Implemented:** ORS 706.795

**Proposed Adoptions:** 441-505-3090

**Proposed Repeals:** 441-505-3090(T)

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

**Summary:** Like the temporary rule, the permanent rule gives Oregon chartered commercial banks authority to engage in interest rate swap transactions with and on behalf of the banks' loan customers and to pledge the banks' assets in connection with such transactions. While national banks and other financial institutions currently possess this authority, Oregon chartered banks may not engage in these types of transactions unless the Director of the Department of Consumer and Business Services permits them to do so under ORS 706.795. Without this rule, Oregon chartered commercial banks will be unable to compete on equal terms with national banks and other institutions.

**Rules Coordinator:** Shelley Greiner

# NOTICES OF PROPOSED RULEMAKING

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

**Telephone:** (503) 947-7484

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

**Rule Caption:** OAR Chapter 438 provisions regarding Own Motion, Board review, and miscellaneous concepts.

**Date:** 1-11-13      **Time:** 10 a.m.      **Location:** 2601 25th St. SE, Suite 150  
Salem, OR 97302

**Hearing Officer:** Debra L. Young

**Stat. Auth.:** ORS 656.726(5)

**Stats. Implemented:** ORS 45.273, 45.275, 45.285, 45.288, 183.341(4), 656.005(30), 656.012(2)(b), 656.236, 656.262(4), 656.267(1), (3), 656.268, 656.278(1), (2), (6), 656.283(1), (9), 656.289(1)-(4), 656.295, 656.307, 656.327(1)(b), 656.587, 656.593, 656.594 & 656.726(5)

**Proposed Amendments:** 438-005-0015, 438-009-0005, 438-009-0020, 438-011-0010, 438-011-0045, 438-012-0001, 438-012-0020, 438-012-0031, 438-012-0035, 438-012-0036, 438-012-0050, 438-012-0060, 438-012-0062, 438-016-0005, 438-019-0010, 438-020-0010, 438-022-0005

**Last Date for Comment:** 1-11-13, Close of Business

**Summary:** The Board proposes to: (1) amend OAR 438-005-0015 to change the title to "Unacceptable Conduct"; (2) amend OAR 438-009-0005(3) to identify permanent disability benefits in stipulations that award permanent disability regarding dates

of injury occurring before January 1, 2005 (permanent partial disability) and those occurring on and after January 1, 2005 (whole person impairment and work disability); (3) amend OAR 438-009-0020(3) to update the year reference to "20\_\_"; (4) amend

OAR 438-011-0010 and OAR 438-011-0045(1), (4) to identify third party law as extending from "ORS 656.576 through 656.596"; (5) amend OAR 438-012-0001(2) to specify that "post-aggravation rights" "worsened condition" claims and new/omitted medical condition claims include such claims related to pre-1966 injuries; (6) amend OAR 438-012-0020(5) to delete the separate "notice" reference to pre-1966 injuries regarding "post-aggravation rights" "worsened condition" claims and new/omitted medical condition claims; (7) amend OAR 438-012-0031 to include contested cases under "ORS 656.283 through 656.298" and "a managed care disputed resolution review process" among the pending proceedings about which parties to an Own Motion proceeding are required to notify the Board; (8) amend OAR 438-012-0035(4) to add provisions for timely payment of temporary disability compensation awarded in an Own Motion Notice of Closure and in a litigation order; (9) amend OAR 438-012-0036(3) to add provisions for timely payment of permanent disability compensation; (10) amend OAR 438-012-0050(1) to identify contested cases under "ORS 656.283 through 656.298"; (11) amend OAR 438-012-0060(1), (3), (6), and (7), respectively, to change in section (1) the directive from "shall" to "should" regarding the list of information to be provided when requesting Board review of an Own Motion Notice of Closure, to change in section (3) the reference to a claimant's attorney to "or, if represented, to the claimant's attorney," to add new section (6) to list all the circumstances where a medical arbiter evaluation may be available for a "post-aggravation rights" new/omitted medical condition claim, to add a new section (7) to provide that, after completion of a medical arbiter examination, a claimant may withdraw his/her request for Board review only if the other party does not object, and to change the title of the rule to include "Referral for Medical Arbiter Evaluation; Withdrawal of Request for Review," and to renumber the remaining sections of the rule; (12) amend OAR 438-012-0062 to delete section (2), which authorized the Board to refer requests for suspension of temporary disability compensation

to the Hearings Division for an evidentiary hearing; (13) amend OAR 438-016-0005(1) to change the citation in that rule to "OAR 438-005-0046(1)," in order to include all filing methods; (14) amend OAR 438-019-0010(2) to delete an obsolete reference to "OAR 718-040-0040(3)"; (15) amend OAR 438-020-0010(1) to change the directive from "shall" to "should" regarding the list of information to be provided in the notification of the need for appointment of an interpreter; and (16) amend OAR 438-022-0005 to reflect the most current Attorney General's Model Rules for Rulemaking, which were adopted effective January 1, 2008.

**Rules Coordinator:** Karen Burton

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

**Telephone:** (503) 934-0123

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## Department of Corrections Chapter 291

**Rule Caption:** Death Row Housing Policy and Definitions for Classification of Inmates.

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

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

**Proposed Amendments:** 291-093-0005, 291-104-0111

**Last Date for Comment:** 1-16-13, 4:30 p.m.

**Summary:** It is the long-standing policy and practice of the Oregon Department of Corrections to house inmates with a sentence of death separately from the general inmate population in a death row housing unit or a death row status cell due to the unique security and management concerns presented by these inmates. These rule amendments are necessary for the department to clarify that its policy in this area includes all inmates confined in a department institution with a sentence of death, including inmates with a death sentence from another state or jurisdiction.

**Rules Coordinator:** Janet R. Worley

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

**Telephone:** (503) 945-0933

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**Rule Caption:** Access to Board of Parole Post-Prison Supervision Hearings.

**Stat. Auth.:** ORS 144.123, 179.040, 423.020, 423.030 & 423.075

**Stats. Implemented:** ORS 144.123, 179.040, 423.020, 423.030 & 423.075

**Proposed Amendments:** 291-153-0005, 291-153-0020

**Last Date for Comment:** 1-16-13, 4:30 p.m.

**Summary:** This is a joint rule with the Board of Parole and Post-Prison Supervision to establish policies governing who may accompany an inmate at a hearing before the Board. These amendments are necessary to clarify whom may attend Board hearings and reflect current and future technology changes that relate to holding hearings.

**Rules Coordinator:** Janet R. Worley

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

**Telephone:** (503) 945-0933

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## Department of Energy, Energy Facility Siting Council Chapter 345

**Rule Caption:** Establish rules for reporting requirements for shipments containing radioactive material and clarify civil penalties.

**Date:** 1-10-13      **Time:** 9 a.m.      **Location:** Oregon Dept. of Energy  
625 Marion St. NE  
Salem, OR 97301

**Hearing Officer:** Jo Morgan

**Stat. Auth.:** ORS 469.470 & 469.605

**Stats. Implemented:** ORS 469.805 & 469.603-469.619

# NOTICES OF PROPOSED RULEMAKING

**Proposed Amendments:** 345-029-0000, 345-029-0005, 345-029-0010, 345-029-0020, 345-029-0030, 345-029-0040, 345-029-0050, 345-029-0060, 345-029-0070, 345-029-0080, 345-029-0090, 345-029-0100, 345-060-0001, 345-060-0003, 345-060-0004, 345-060-0005, 345-060-0006, 345-060-0007, 345-060-0015, 345-060-0025, 345-060-0030, 345-060-0040, 345-060-0045, 345-060-0050, 345-060-0055

**Last Date for Comment:** 1-17-13, 5 p.m.

**Summary:** The proposed rules for the transport of radioactive materials describe the "Oregon Radioactive Materials Shipment Report" form requirements for carriers, and clarify civil penalties for failure to comply with Oregon rules. The reporting requirements described in the proposed rule are consistent with a long-standing process for carriers to report their shipping activity in Oregon. The rules also include housekeeping amendments to correct punctuation and update references. The department requests public comment on these draft rules.

A public hearing will be held on January 10, 2013 at 9:00 a.m. In addition, the Council will accept oral public comments, but no further written comments, at a later Council meeting when the Council takes final action on the proposed amendments.

**Rules Coordinator:** Kathy Stuttaford

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

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

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## Department of Fish and Wildlife Chapter 635

**Rule Caption:** Amendments to 2013 Big Game Regulations.

Date:	Time:	Location:
1-11-13	8 a.m.	3406 Cherry Ave. NE Salem, OR 97303

**Hearing Officer:** Fish and Wildlife Commission

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

**Stats. Implemented:** ORS 496.012, 496.138, 496.146 & 496.162

**Proposed Amendments:** Rules in 635-065, 635-070

**Last Date for Comment:** 1-11-13, Close of Business

**Summary:** Three edits to the 2013 Big Game Regulations are proposed:

(1) Clarify wording for Division 65, Section 0010, Mandatory Reporting Penalty;

(2) Add Pennsylvania to the list of states from which chronic wasting disease has been found; and

(3) Delete Elk Hunt 225C (Coffee Butte).

**Rules Coordinator:** Therese Kucera

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

**Telephone:** (503) 947-6033

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**Rule Caption:** Amend Division 060 Rule to Add Agency Fee for Game Bird Application.

Date:	Time:	Location:
1-11-13	8 a.m.	3406 Cherry Ave. NE Salem, OR 97303

**Hearing Officer:** Fish and Wildlife Commission

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

**Stats. Implemented:** ORS 496.012, 496.138, 496.146 & 496.162

**Proposed Amendments:** 635-060-0005

**Last Date for Comment:** 1-11-13, Close of Business

**Summary:** Amend rule so language is consistent with how other application fees are implemented.

**Rules Coordinator:** Therese Kucera

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

**Telephone:** (503) 947-6033

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

Date:	Time:	Location:
1-11-13	8 a.m.	3406 Cherry Ave. NE Salem, OR 97303

**Hearing Officer:** Fish and Wildlife Commission

**Stat. Auth.:** ORS 506.119

**Stats. Implemented:** ORS 506.109 & 506.720

**Proposed Amendments:** 635-006-0232

**Last Date for Comment:** 1-11-13

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

**Rules Coordinator:** Therese Kucera

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

**Telephone:** (503) 947-6033

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**Rule Caption:** Conservation Plan for Fall Chinook Salmon in the Rogue Species Management Unit.

Date:	Time:	Location:
1-11-13	8 a.m.	3406 Cherry Ave. NE Salem, OR 97303

**Hearing Officer:** Fish and Wildlife Commission

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

**Other Auth.:** Native Fish Conservation Policy (OAR 635-007-0502 through 0509); Federal Endangered Species Act.

**Stats. Implemented:** ORS 496.162, 506.109 & 506.129

**Proposed Adoptions:** Rules in 635-500

**Proposed Amendments:** Rules in 635-500

**Proposed Repeals:** Rules in 635-500

**Last Date for Comment:** 1-11-13

**Summary:** Adopt or amend rules, as necessary, relating to the *Rogue Fall Chinook Conservation Plan*. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

**Rules Coordinator:** Therese Kucera

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

**Telephone:** (503) 947-6033

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**Rule Caption:** Adopt Rules relating to Land Acquisition and Exchange.

Date:	Time:	Location:
1-11-13	1 a.m.	3406 Cherry Ave. N Salem, OR 97303

**Hearing Officer:** Fish and Wildlife Commission

**Stat. Auth.:** ORS 496.146 & 506.201

**Stats. Implemented:** ORS 496.146 & 506.201

**Proposed Adoptions:** Rules in 635-015

**Last Date for Comment:** 1-11-13, Close of Hearing

**Summary:** This rule establishes a methodology for consideration of land acquisition and land exchange. This rule establishes the rules and policy of the Oregon Department of Fish and Wildlife to acquire land or interests in lands, including easements and leases consistent with statutory authority and the Department's strategic plan and mission, for the conservation of fish and wildlife and their habitats and to provide fish and wildlife-related public use for educational and recreational purposes.

**Rules Coordinator:** Therese Kucera

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

**Telephone:** (503) 947-6033

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**Rule Caption:** Rules for Commercial and Recreational Fisheries in the Columbia River and Tributaries.

Date:	Time:	Location:
12-7-12	8 a.m.	Holiday Inn Portland Airport 8439 NE Columbia Blvd. Portland, OR 97220

**Hearing Officer:** Fish and Wildlife Commission



# NOTICES OF PROPOSED RULEMAKING

**Stat. Auth.:** ORS 183.325, 496.138, 496.146, 497.121, 506.036, 506.109, 506.119, 506.129 & 513.020

**Stats. Implemented:** ORS 496.004, 496.009, 496.162, 506.109, 506.129, 507.030, 508.025, 508.040 & 508.550

**Proposed Adoptions:** Rules in 635-004, 635-005, 635-006, 635-007, 635-014, 635-023, 635-042, 635-500

**Proposed Amendments:** Rules in 635-004, 635-005, 635-006, 635-007, 635-014, 635-023, 635-042, 635-500

**Proposed Repeals:** Rules in 635-004, 635-005, 635-006, 635-007, 635-014, 635-023, 635-042, 635-500

**Last Date for Comment:** 12-7-12, 8 a.m.

**Summary:** This is a re-filing of our Notice filed on October 15, 2012 and published in the November 1, 2012 Oregon Bulletin. The Fiscal Impact Statement for this filing has been corrected and updated. There are no other changes to the original filing.

These amended or adopted rules, as determined justified, will modify commercial and recreational fisheries in the Columbia River and tributaries; and establish management measures for future fisheries. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

**Rules Coordinator:** Therese Kucera

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

**Telephone:** (503) 947-6033

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

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

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-21-12	8:30 a.m.	500 Summer St. NE, Rm. 255 Salem, OR

**Hearing Officer:** Annette Tesch

**Stat. Auth.:** ORS 409.050, 418.005 & 418.240

**Other Auth.:** Public Law 105-89, Adoption & Safe Families Act; Section 477, Title IV-E of the Social Security Act; Public Law 106-169, Foster Care Independence Act of 1999, Title I; PL 110-351, Fostering Connections to Success & Increasing Adoptions Act of 2008; Foster Care Independence Act of 1999; Public Law 95-608, Indian Child Welfare Act of 1978; Public Law 104-193 Personal Responsibility & Work Opportunity Reconciliation Act; Refugee Act of 1980; 45 CFR Parts 1355, 1356, 1357

**Stats. Implemented:** ORS 109.328, 409.010, 418.005, 418.240, 418.312, 418.475, 418.647, 418.925, 418.945, 418.925, 419A.004, 419B.192, 419B.343, 419B.349, 419B.470 & 419B.476

**Proposed Adoptions:** 413-030-0456, 413-080-0054

**Proposed Amendments:** 413-020-0200 – 413-020-0255, 413-030-0000 – 413-030-0030, 413-030-0400 – 413-030-0460, 413-040-0000 – 413-040-0032, 413-040-0200 – 413-040-0330, 413-070-0520 – 413-070-0565, 413-070-0600 – 413-070-0645, 413-080-0040 – 413-080-0067, 413-120-0800 – 413-120-0880

**Proposed Repeals:** 413-080-0063

**Last Date for Comment:** 12-26-12, 5 p.m.

**Summary:** These rules about child welfare programs are being changed to align them with the child contact requirements required under federal law. These rules also are being revised to fully incorporate the provisions of P.L. 110-351, Fostering Connections to Success and Increasing Adoptions Act of 2008 and P.L. 106-169, Foster Care Independence Act of 1999 to provide certain children in substitute care information about their credit report annually, information regarding designating another individual to make health care treatment decisions if he or she is unable to participate in those decisions, and to require Department participation in the National Youth in Transition Database.

OAR 413-020-0236 about development, documentation, and termination of a supervision plan is being amended to clarify and correct the administrative rule reference to required contact with a child.

OAR 413-020-0245 about responsibilities in monitoring a child or young adult's supervision in a certified family is being amended to clarify and correct the administrative rule reference to required contact with a child.

OAR 413-030-0000 about the purpose of rules about family support services is being amended to clarify the rule and indicate when terms are defined.

OAR 413-030-0003 about the definitions of terms used in family support services rules is being amended to clarify the terms used in rules about family support services and to reflect current Department terminology.

OAR 413-030-0006 about eligibility for family support services is being amended to clarify who is eligible for family support services under these rules.

OAR 413-030-0009 about determination of service needs is being amended to clarify cross-references and use current Department terminology.

OAR 413-030-0013 about requirements when obtaining medical, psychological, or psychiatric evaluations; OAR 413-030-0016 about requirements for the family support services case plan; OAR 413-030-0019 about developing service agreements; OAR 413-030-0026 about family support services case plan review; and OAR 413-030-0030 about closing a family support services case plan are being amended to clarify cross-references and use current Department terminology.

OAR 413-030-0023 about contact and monitoring requirements for a family support services case plan is being amended to specify when monthly fact-to-face contacts are required, clarify cross-references, and use current Department terminology.

OAR 413-030-0405 defining terms used in rules about youth transitions is being amended to clarify the terms used in these rules and to reflect current Department terminology.

OAR 413-030-0410 about eligibility for youth transition services is being amended to describe the circumstances when an exception to eligibility requirements may be approved.

OAR 413-030-0445 about development of the comprehensive transition plan and OAR 413-030-0454 about benchmark review of the comprehensive transition plan are being amended to use of current Department terminology about legal guardians and guardians.

OAR 413-030-0449 about review of the comprehensive transition plan is being amended correct the administrative rule reference to required contact with a child

OAR 413-030-0456 about health care notifications, credit reports, and data tracking is being adopted to describe the Department responsibilities for notification of health care proxy to youth over 17 years, for ensuring an annual consumer credit report is reviewed with any youth in care over age 16, and to describe the requirements for collection and reporting of data for the National Youth in Transition Database.

OAR 413-040-0005 about definitions used in rules about developing and managing the case plan is being amended to clarify the terms used in these rules and to reflect current Department terminology.

OAR 413-040-0006 about requirements for the protective capacity assessment is being amended to clarify the caseworker responsibility to identify and review the conditions for return.

OAR 413-040-0009 about requirements for conditions for return is being amended to clarify requirements for the determination and documentation of conditions for return and the ongoing safety plan.

OAR 413-040-0008 about requirements for a family decision-making meeting, OAR 413-040-0010 about requirements for the case plan, and OAR 413-040-0011 about requirements of action agreements are being amended to use current Department terminology.

OAR 413-040-0013 about requirements for monitoring the case plan is being amended to clarify reasonable efforts requirements and to correct administrative rule reference to required contact with a child.



## NOTICES OF PROPOSED RULEMAKING

OAD 413-040-0016 about requirements for review of the case plan, OAD 413-040-0017 about requirements for return and reunification, OAD 413-040-0024 about requirements for an in-home ongoing safety plan prior to return and next day contact, and OAD 413-040-0032 about requirements for closing the in-home ongoing safety plan and closing the case are being amended to use current Department terminology.

OAD 413-040-0210 defining terms used in rules about the Interstate Compact on the Placement of Children is being amended to clarify the terms used in these rules and to reflect current Department terminology.

OAD 413-040-0215 about required forms is being amended to update the list of forms used in the rules.

OAD 413-040-0240 about the financial and medical responsibility of the sending agency is being amended to clarify and correct cross references.

OAD 413-040-0270 about preparing the referral to send a child out of Oregon is being amended to correct a reference to a Department form, specify Department staff who may approve out-of-state residential placement, and clarify cross-references to defined terms.

OAD 413-040-0290 about requests for placement in Oregon is being amended to use current Department terminology, correct and clarify cross-references, and correct the administrative rule reference to required contact with a child.

OAD 413-040-0300 about requests that by-pass the Oregon ICPC Office is being amended to use current Department terminology and clarify cross-references.

OAD 413-070-0524 about definitions of terms used in rules about another planned permanent living arrangement is being amended to clarify the terms used in these rules and to reflect current Department terminology.

OAD 413-070-0536 about consideration of APPLA as a permanency plan is being amended to use current terminology and correct cross-references.

OAD 413-070-0551 about contents of an APPLA case plan and OAD 413-070-0556 about APPLA permanency plan reviews are being amended to use current Department terminology.

OAD 413-070-0552 about ongoing Department responsibilities when APPLA is the child's or young adult's permanency plan is being amended to correct the administrative rule reference to required contact with a child and to correct cross-references to other child welfare rules.

OAD 413-070-0565 about termination of APPLA is being amended to correct cross-references.

OAD 413-070-0620 which defines certain terms used in rules about placement matching is being amended to clarify the terms used in these rules and to reflect current Department terminology.

OAD 413-070-0625 about identifying and assessing the needs of the child or young adult when placement in substitute care is required is being amended to use current Department terminology and to correct the required contact with a child.

OAD 413-070-0630 about monitoring the ongoing substitute care placement needs of the child or young adult is being amended to remove administrative rule references that no longer apply.

OAD 413-070-0640 about placement assessment and matching is being amended to use current Department terminology.

OAD 413-080-0040 about monthly contact and monitoring child and young adult safety is being amended to fit the purposes of rules OAD 413-080-0040 to 413-080-0067 consistent with amendments to them.

OAD 413-080-0050 about definitions used in rules about monthly contact and monitoring child and young adult safety is being amended to clarify the terms used in these rules and reflect current Department terminology.

OAD 413-080-0052 about mandatory reporting of a new safety threat on an open case is being amended to clarify the actions Department staff must take when a new or unscreened safety threat is identified in an open case.

OAD 413-080-0054 about monthly face-to-face contact requirements is being adopted to describe the monthly contacts required of Department staff.

OAD 413-080-0055 about monitoring an in-home ongoing safety plan is being amended to clarify the requirements of the Department in monitoring child safety when there is an in-home ongoing safety plan.

OAD 413-080-0059 about monitoring an out-of-home ongoing safety plan is being amended to clarify the requirements of the Department in monitoring child safety when there is an out-of-home ongoing safety plan.

OAD 413-080-0063 about additional documentation required when a child or young adult is placed in Oregon through the Interstate Compact for the Placement of Children is being repealed because these topics are covered in other rules and procedures.

OAD 413-080-0067 about contact requirements and exceptions is being amended to remove exceptions to required child contact not allowed under federal law.

OAD 413-120-0860 about placement and post-placement supervision is being amended to clarify the requirements of the monthly contact required of Department staff and to correct the administrative rule reference.

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 26, 2012 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 - Child Welfare Programs, 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:** Host Home Services for Children with Developmental Disabilities.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-14-12	2 p.m.	500 Summer St. NE, Rm. 160 Salem, OR 97301

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 409.050, 427.007 & 430.021

**Stats. Implemented:** ORS 430.215 & 430.610-430.670

**Proposed Adoptions:** 411-335-0500, 411-335-0510, 411-335-0520, 411-335-0530, 411-335-0540, 411-335-0550, 411-335-0560, 411-335-0570, 411-335-0580, 411-335-0590, 411-335-0600, 411-335-0610

**Proposed Repeals:** 411-335-0010, 411-335-0020, 411-335-0030, 411-335-0040, 411-335-0060, 411-335-0120, 411-335-0130, 411-335-0150, 411-335-0160, 411-335-0170, 411-335-0180, 411-335-0190, 411-335-0200, 411-335-0210, 411-335-0220, 411-335-0230, 411-335-0240, 411-335-0250, 411-335-0260, 411-335-0270, 411-335-0280, 411-335-0290, 411-335-0310, 411-335-0320, 411-335-0330, 411-335-0340, 411-335-0350, 411-335-0360

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

**Summary:** The Department of Human Services (Department) is proposing to replace the proctor care residential services rules for individuals with developmental disabilities in OAR chapter 411, division 335 with rules for host home services for children with developmental disabilities.

The purpose of the proposed rulemaking is to more accurately reflect a residential service model within the Department's Office of Developmental Disabilities Services by changing the title and rule

# NOTICES OF PROPOSED RULEMAKING

language from proctor care services for individuals with developmental disabilities to host home services for children with developmental disabilities.

Specifically, the proposed rulemaking:

- Changes the services from adults and children under the current proctor care rules by limiting host home services to children (under the age of 18);

- Provides rules and requirements for an agency intending to provide host home services, mirroring the rules and requirements currently required for an agency providing proctor care services;

- Standardizes rule language to provide consistency and reduce repetition with the rules for children's foster homes in OAR chapter 411, division 346 and the rules for developmental disability certification and endorsement in OAR chapter 411, division 323; and

- Allows for local development by having the Community Developmental Disability Program (CDDP) authorize host home services.

**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:** Comprehensive In-Home Support Services for Adults with Developmental Disabilities — Standards for Employers.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-18-12	2:30 p.m.	500 Summer St. NE, Rm. 160 Salem, Oregon 97301

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 409.050 & 410.070

**Stats. Implemented:** ORS 427.005, 427.007 & 430.610–430.670

**Proposed Adoptions:** 411-330-0065

**Proposed Amendments:** 411-330-0020

**Proposed Repeals:** 411-330-0020(T), 411-330-0065(T)

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

**Summary:** The Department of Human Services (Department) is proposing to permanently update the comprehensive in-home support services rules for adults with developmental disabilities in OAR chapter 411, division 330. The proposed rules create employer standards for an individual or an individual's representative who is an employer of an independent provider who is paid with public assistance funds through comprehensive in-home support services.

**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 Public Safety Standards and Training Chapter 259

**Rule Caption:** Clarify OLCC exemption from regulation as a private security provider (SB 1524).

**Stat. Auth.:** ORS 181.870, 181.873, 181.871 & 181.878

**Stats. Implemented:** ORS 181.870, 181.873, 181.871 & 181.878

**Proposed Amendments:** 259-060-0010, 259-060-0015

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

**Summary:** SB 1524, passed in the 2012 legislative session, updated the definition of "private security services" and adds to the list of individuals exempt from regulation as a private security provider persons with a valid service permit issued by OLCC and employed by an OLCC licensee when performing age verification and controlling access to a premises of the licensee if the person is not armed, permitted to initiate confrontational activities or hired with the preliminary responsibility of taking enforcement.

This rule update synchronizes the program definitions found in administrative rule to the statutory definitions. It also clarifies that the newly established OLCC licensure exemption applies only to those individuals whose primary duty does not include age

verification or controlling access to premises where minors are prohibited.

**Rules Coordinator:** Linsay Hale

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

**Telephone:** (503) 378-2431

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**Rule Caption:** Establish denial, revocation and suspension procedures for polygraph examiners and trainees.

**Stat. Auth.:** ORS 703.230

**Stats. Implemented:** ORS 703.210, 703.230

**Proposed Amendments:** 259-020-0010, 259-020-0015, 259-020-0030

**Proposed Repeals:** 259-020-0031

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

**Summary:** ORS 703.230 authorizes DPSST to adopt rules to administer and enforce the Polygraph Examiner's Act. DPSST recently recognized a need to develop denial, suspension and revocation procedures for polygraph examiner and polygraph examiner trainee licensure. New rule language was developed which clearly identifies minimum behavioral standards for polygraph examiners and trainees as well as develops a defensible denial/suspension/revocation process, which includes a discretionary review process, a time period in which an individual whose application for licensure has been denied or whose licensure has been revoked is ineligible to hold any level of polygraph examiner licensure, and a reconsideration process.

**Rules Coordinator:** Linsay Hale

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

**Telephone:** (503) 378-2431

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**Rule Caption:** Clarify private investigator application process.

**Stat. Auth.:** ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465 & 703.480

**Stats. Implemented:** ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465 & 703.480

**Proposed Amendments:** 259-061-0020

**Proposed Repeals:** 259-061-0030, 259-061-0050, 259-061-0055, 259-061-0060, 259-061-0070, 259-061-0080, 259-061-0090

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

**Summary:** This proposed update combines all of the private investigator application requirements into one rule. The title of OAR 259-061-0020 is changed from "Initial and Renewal Applications" to "Application for Private Investigator Licensure" and contains the information found in OAR 259-061-0030 (Application Requirements for Licensees with Expired License), OAR 259-061-0050 (Bonds and Letters of Credit), OAR 259-061-0055 (Errors and Omission Insurance), OAR 259-061-0060 (Photographs for Identification), OAR 259-061-0070 (Fingerprint ID Cards), OAR 259-061-0080 (References) and OAR 259-061-0090 (Review of Application Materials). As a result, these rule will be repealed.

**Rules Coordinator:** Linsay Hale

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

**Telephone:** (503) 378-2431

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**Rule Caption:** Update Private Security forms list.

**Stat. Auth.:** ORS 181.878

**Stats. Implemented:** ORS 181.878

**Proposed Amendments:** 259-060-0600

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

**Summary:** This proposed rule change updates the Private Security forms list found in rule. The title of Form PS-8 was changed to "Private Security Instructor Continuing Education," and Form PS-30 Reconsideration Application for Private Security Service Providers was added.

# NOTICES OF PROPOSED RULEMAKING

**Rules Coordinator:** Linsay Hale  
**Address:** Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317  
**Telephone:** (503) 378-2431

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**Rule Caption:** Clarify Private Investigator licensure fee schedule; Add current fees to rule.

**Stat. Auth.:** ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465 & 703.480

**Stats. Implemented:** ORS 703.401–703.995

**Proposed Amendments:** 259-061-0010

**Proposed Repeals:** 259-061-0015

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

**Summary:** DPSST is given statutory authority to prescribe and collect fees not to exceed the cost of administering the Private Investigator program. Administrative rule has been updated to include the fees currently charged for application, issuance of licensure, renewal, temporary licensure and inactivation/reactivation of licensure.

Additionally, the information contained in OAR 259-061-0015 (Payment of Fees) has been added into OAR 259-061-0010 (Fees) for readability and consistency. As a result, OAR 259-061-0015 is repealed.

**Rules Coordinator:** Linsay Hale

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

**Telephone:** (503) 378-2431

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**Rule Caption:** Define full-time undergraduate student; Remove reimbursement; Add department notification requirement; Housekeeping change.

**Stat. Auth.:** ORS 243.950

**Stats. Implemented:** ORS 243.962 & 243.968

**Proposed Amendments:** 259-070-0020

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

**Summary:** ORS 243.954(1) defines a “child” as “a person who is the natural child, adopted child or stepchild of a public safety officer and who is \*\*\* (b) 18 through 22 years of age and enrolled as a full-time undergraduate student \*\*\*.” To provide clarity, a definition of “full-time undergraduate student” was added to the rule using the current IRS definition as a guideline. Also, the word “reimbursement” was removed as the program currently pays the health/dental benefit proactively, and a requirement to immediately notify the Department upon any change of beneficiary eligibility status is added. Finally, “designee” was added to subsection (2)(a)(A) to correct and oversight from a previous rule revision.

**Rules Coordinator:** Linsay Hale

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

**Telephone:** (503) 378-2431

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**Rule Caption:** Define de minimis consideration (SB 635).

**Stat. Auth.:** ORS 181.870 & 181.878

**Stats. Implemented:** ORS 181.870 & 181.878

**Proposed Amendments:** 259-060-0010

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

**Summary:** SB 635, passed during the 2011 legislative session, adds to the list of individuals exempt from regulation as private security providers persons who provide “security services as a volunteer or for de minimis consideration other than money for an event operated for the benefit of a corporation that is organized not for profit ...” This rule defines “de minimis consideration” as non-monetary compensation which does not exceed a fair market value of \$125 per day.

**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:** Update certification recall process to certification suspension process in situations of maintenance training deficiencies.

**Stat. Auth.:** ORS 181.640, 181.644, 181.651, 181.652, 181.653, 181.654, 181.665 & 181.667

**Stats. Implemented:** ORS 181.640, 181.644, 181.651, 181.652, 181.653, 181.654, 181.665 & 181.667

**Proposed Amendments:** 259-008-0005, 259-008-0060, 259-008-0064, 259-008-0065, 259-008-0066, 259-008-0076

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

**Summary:** DPSST currently recalls the certification of any law enforcement officer who fails to meet the maintenance training requirements found in administrative rule. The recall is retroactive to the date that the training should have been completed and remains in effect until the required training is completed.

A recent DOJ analysis revealed that DPSST does not have the authority to recall a certification. The only option available to DPSST when an officer fails to complete the maintenance training is to suspend their certification. Pursuant to statute, a suspension is subject to the contested case proceedings, affording the holder of the certification the right to an administrative hearing prior to suspension of certification. Also, suspensions cannot be retroactive. Any suspension would be effective upon the entry of a final order and would remain in effect until the missing training is completed.

There are few substantive process changes making the transition from “certification recalls” to “certification suspensions.” In almost all cases the maintenance deficiencies are promptly resolved by the officer and agency. The contested case process would be available to officers in the event that there was a dispute and the maintenance deficiencies were not addressed. The letters sent to officers who fail to complete maintenance training will become part of the contested case process and will include formal written notice of DPSST’s proposed action and affected officer’s right to request a hearing pursuant to the Attorney General’s Model Rules of Procedure adopted by DPSST.

**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 State Lands Chapter 141

**Rule Caption:** Adopt new rules governing the management of remediation and restoration activities on state-owned land.

Date:	Time:	Location:
12-18-12	5 p.m.	North Bend Library 1800 Sherman Ave. North Bend, OR
1-9-13	5 p.m.	Linnton Community Ctr. 10614 NW St. Helens Rd. Portland, OR

**Hearing Officer:** Christopher Castelli or Jim Paul

**Stat. Auth.:** ORS 183 – regarding administrative procedures & rules of state agencies; ORS 273 – regarding the creation & general powers of the Land Board; ORS 274 – regarding submerged & submersible lands

**Other Auth.:** Oregon Constitution, Article VIII, Section 5

**Stats. Implemented:** ORS 274

**Proposed Adoptions:** 141-145-0000, 141-145-0005, 141-145-0010, 141-145-0015, 141-145-0015, 141-145-0020, 141-145-0025, 141-145-0030, 141-145-0035, 141-145-0040, 141-145-0045, 141-145-0050, 141-145-0055, 141-145-0060, 141-145-0065, 141-145-0070, 141-145-0075, 141-145-0080, 141-145-0085, 141-145-0090

**Last Date for Comment:** 1-31-13, Close of Business

**Summary:** On December 14, 2010 the State Land Board directed the Department of State Lands to initiate rulemaking to develop new rules governing the processes to be used by the Department to authorize environmental remediation and/or restoration activities



## NOTICES OF PROPOSED RULEMAKING

undertaken by, or pursuant to an order issued by DEQ or the EPA within the Portland Harbor Superfund Site and other locations throughout Oregon.

The proposed rules define the administrative process by which the Department will authorize remedial actions on state-owned submerged and/or submersible lands. The Department will authorize these uses by issuing access authorizations, easements, and leases. The authorization type can vary depending on the time requested, type of remediation, and applicant preference. The proposed rules also define the administrative process by which conservation easements for habitat restoration will be issued.

The Department convened a rulemaking advisory committee (RAC) to assist in the drafting of this rule. The RAC had seven all day meetings spanning from December of 2011 to September of 2012. The RAC discussed remediation and restoration issues; and provided comment, edits and proposed language for this rulemaking effort. At the September 6, 2012 meeting, the RAC voted unanimously that the draft rules were ready to move to the public comment phase.

For additional information on this rulemaking process please visit the following link on the Departments website [http://www.oregon.gov/dsl/Pages/rules\\_activity.aspx#Land\\_Management\\_Division](http://www.oregon.gov/dsl/Pages/rules_activity.aspx#Land_Management_Division)

To comment on this rulemaking, submit your comments by mail to:

Tiana Teeters, Rules Coordinator  
Division 145 Rulemaking  
Department of State Lands  
775 Summer Street N.E., Suite 100  
Salem, Oregon 97301

To comment on this rulemaking, submit your comments by e-mail to: [remediation.rulemaking@dsl.state.or.us](mailto:remediation.rulemaking@dsl.state.or.us)

**Rules Coordinator:** Tiana Teeters

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

**Telephone:** (503) 986-5239

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**Rule Caption:** Limiting Use of Motorized Vehicles in the Chetco River Owned by the State of Oregon.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-19-12	5 p.m.	City of Brookings City Hall 898 Elk Dr. Brookings, OR 97415

**Hearing Officer:** Christopher Castelli or Jim Paul

**Stat. Auth.:** ORS 183 - regarding administrative procedures & rules of state agencies; ORS 273 - regarding the creation & general powers of the Land Board; ORS 274 - regarding submerged & submersible lands

**Other Auth.:** OR Constitution, Art. VIII, Sec. 5

**Stats. Implemented:** ORS 273 & 274

**Proposed Adoptions:** 141-088-0055

**Last Date for Comment:** 1-31-13, 5 p.m.

**Summary:** This rulemaking will amend the Department's public recreational use rules relative to state-owned submerged and submersible land in the Chetco River. On October 20, 2011, the Department received a petition for rulemaking from the Chetco River Watershed Council, pursuant to ORS 183.390 and OAR 137-001-0070. The petition sought adoption of a rule limiting use of motorized vehicles in the wetted channel of the Chetco River, subject to certain exceptions. The petition asserted that use of motorized vehicles within the wetted river channel "poses a significant risk of harm and damage to the natural resource of the land and to the public." The Department recommended to the State Land Board that it grant the petition and authorize the Department to initiate rulemaking to impose additional restrictions on the public recreational use of state-owned land on the Chetco River as part of the Department's rules on "Public Recreational Use of State-Owned Property" found in Oregon Administrative Rules at OAR 141-088. The State Land Board approved this request at the December 13, 2011 meeting.

The Chetco River Watershed Council petition proposed a rule that provided:

All state-owned land that is under the jurisdiction of the Department that is between the line of ordinary high water and the line of ordinary low water on the Chetco River, and all state-owned land that is managed by the Department that is also in the vicinity of, or that comprises the Chetco River, is subject to the following prohibition:

(1) The driving in, across, or through the wetted channel of the river by motorized vehicles for recreational purposes is prohibited.

Excepted from the closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats, public and private utility vehicles performing company business, and vehicles operating in activities under permit, vehicles involved in rescue or emergency activities, and permitted vehicles engaged in repair of fences and placement of bank protection material.

Although the Department supports the adoption of a rule that limits use of motorized vehicles in the wetted channel of the Chetco River, subject to certain exceptions, the Department has identified a number of deficiencies in the form of the rule proposed by the Chetco River Watershed Council. First, although the proposed rule prohibits certain uses within the "wetted channel" of the Chetco River, the term "wetted channel" is not defined. Second, the proposed rule fails to identify with specificity the geographic limits of the state's ownership of the Chetco River and improperly includes "all state-owned land that is managed by the Department that is also in the vicinity of, or that comprises the Chetco River." Finally, the form of the proposed rule is inconsistent with the form of similar rules in Division 88 that limit recreational use in other state-owned waterways.

The Department convened a rule advisory committee (RAC) on October 30, 2012. The RAC included a number of stakeholders, including the petitioners of the rule. The RAC recommended rule language that clarified the focus of the rule on the main channel, or stem of the river, as opposed to small side channels that may need to be crossed in order to access gravel bars.

In order to correct these deficiencies, and meet the recommendations of the RAC, the Department is proposing adoption of an alternative rule that will accomplish the objectives sought by the Chetco River Watershed Council petition for rulemaking. The Department's proposed rule provides:

141-088-0055 Restrictions on Use of Motorized Vehicles in the State-Owned Bed and Banks of the Chetco River

(1) All state-owned land that is under the jurisdiction of the Department that is below the line of ordinary high water on the Chetco River from the Highway 101 Bridge to River Mile 11 (about one mile upstream from the mouth of Elk Creek) is closed to any and all use by motor vehicles within the wetted channel of the main stem of the river. Excepted from the closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching or the retrieving of boats, vehicles operating under an authorization issued by the Department, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.

(2) For the purposes of this rule, "wetted channel of the main stem" means state-owned submerged and/or submersible land of the primary segment of the river that is inundated by the waterway at the time of use.

The Department is seeking public comment on both the rule proposed by the Chetco River Watershed Council and on the alternative rule proposed by the Department, both of which would ban the use of motorized vehicles in the state-owned portion of the wetted channel of the Chetco River, subject to certain exceptions.

**Rules Coordinator:** Tiana Teeters

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

**Telephone:** (503) 986-5239



# NOTICES OF PROPOSED RULEMAKING

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

**Rule Caption:** Waiving Commercial Driver License Skills Test for Drivers with Military CMV Experience.

**Stat. Auth.:** ORS 184.616, 184.619, 802.010, 807.070, 807.072, 807.080 & 807.170

**Other Auth.:** Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation, CFR Title 49, Sec. 383.77

**Stats. Implemented:** ORS 807.070, 807.072, 807.080 & 807.170

**Proposed Amendments:** 735-062-0080

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

**Summary:** Many Americans are returning to civilian life from military service and are looking for employment. The public and private sectors are looking for employees trained to drive commercial motor vehicles. The U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), Department of Defense, Department of Labor and Department of Veterans Affairs have joined efforts to ease the transition process for returning service members. The FMCSA promulgated a rule that allows states to accept military truck driving experience in lieu of a skills test when a service member applies for a commercial driver license (CDL) if certain criteria are met. The FMCSA, U.S. Army and Department of Defense provided input to the American Association of Motor Vehicle Administrators (AAMVA) to assist with the establishment of a standardized application form states could use to waive skills testing based on military experience driving commercial motor vehicles. DMV wishes to join this effort to ease the transition of military personnel back into the civilian workforce by waiving the skills portion of the testing process to obtain a Class A or Class B CDL for qualified applicants.

ORS 807.072(3) allows DMV to waive the actual demonstration required under ORS 807.070 under circumstances established by DMV by rule. Therefore, DMV proposes to amend OAR 735-062-0080 to establish criteria for waiver of the CDL skills testing for those returning from military service who meet certain criteria, including that the applicant's primary duty while serving in the military was the operation of commercial motor vehicles. DMV further proposes to amend the rule to no longer consider waiving the skills test if the applicant is surrendering a CDL issued by a Canadian Province or the United Mexican States, as DMV is unable to determine what classification of vehicle is authorized by such license or the testing process the person goes through when obtaining such licensure.

**Rules Coordinator:** Lauri Kunze

**Address:** Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, MS 51, Salem, OR 97301

**Telephone:** (503) 986-3171

## Department of Transportation, Highway Division Chapter 734

**Rule Caption:** Rest Areas.

**Stat. Auth.:** ORS 164.245, 184.616, 184.619, 366.205 & 366.493

**Stats. Implemented:** ORS 164.805, 366.205, 366.493, 374.305, 377.030 & 810.030

**Proposed Adoptions:** 734-030-0016

**Proposed Amendments:** 734-030-0005, 734-030-0010, 734-030-0015

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

**Summary:** ORS 366.493 allows the Oregon Transportation Commission to adopt rules governing health and safety in rest areas under the jurisdiction of the Department of Transportation. These rules update the existing rule language and provide for the exclusion from a rest area for up to one year for violation of the rest area rules and other regulations.

**Rules Coordinator:** Lauri Kunze

**Address:** Department of Transportation, Highway Division, 355 Capitol St. NE, MS 51, Salem, OR 97301

**Telephone:** (503) 986-3171

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

**Rule Caption:** Annual re-adoption of IRP, HVUT and IFTA regulations.

**Stat. Auth.:** ORS 184.616, 184.619, 823.011 & 826.003

**Stats. Implemented:** ORS 803.370(5), 825.490, 825.494, 825.555, 826.005 & 826.007

**Proposed Amendments:** 740-200-0010, 740-200-0020, 740-200-0040

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

**Summary:** The proposed amendment constitutes an adoption of the rules of the International Registration Plan (IRP) to the date of January 1, 2013. Title 26 Code of Federal Regulations Part 41 (HVUT) requires the State to confirm proof of payment of the tax, and require proof of payment by the State as a condition of issuing a registration for a highway motor vehicle. The amendment of OAR 740- 740-200-0020 adopts HVUT and amendments with the effective date of January 1, 2013, and ensures Oregon remains current with national commercial motor vehicle registration standards. International Fuel Tax Agreement (IFTA) and associated material are applicable to Oregon-based motor carriers who participate in IFTA as a way to report and pay fuel tax to other jurisdictions. The revision to OAR 740-200-0040 adopts the most recent version of IFTA and associated material as the procedures and guidelines for Oregon-based IFTA participants with the effective date of January 1, 2013 to ensure Oregon remains current with the international IFTA standards.

**Rules Coordinator:** Lauri Kunze

**Address:** Department of Transportation, Motor Carrier Transportation Division, 355 Capitol St. NE, MS 51, Salem, OR 97301

**Telephone:** (503) 986-3171

## Economic Recovery Review Council Chapter 966

**Rule Caption:** This new chapter of rules relates to the designation of Regionally Significant Industrial Areas.

**Stat. Auth.:** ORS 197.723

**Stats. Implemented:** ORS 197.723

**Proposed Adoptions:** 966-100-0100 – 966-100-0500

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

**Summary:** The passage of SB 766 in the 2011 Legislative Session created the Economic Recovery Review Council. The ERRC is tasked with designating Regionally Significant Industrial Areas. These rules describe the property that has been designated regionally significant.

A Notice of Rulemaking for these rules was erroneously filed under Chapter 123 for the November 1, 2012 Oregon Bulletin. This refile reflects the correct chapter for the Economic Recovery Review Council.

**Rules Coordinator:** Mindee Sublette

**Address:** Economic Recovery Review Council, 775 Summer St. NE, Suite 200, Salem, OR 97301

**Telephone:** (503) 986-0036

## Oregon Business Development Department Chapter 123

**Rule Caption:** These rules have been amended to include minor housekeeping changes to the definitions and criteria.

**Stat. Auth.:** ORS 285A.075, 285A.227(2)

**Stats. Implemented:** ORS 285A.227, 285A.045 & 285A.055

**Proposed Amendments:** 123-009-0060, 123-009-0090

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

# NOTICES OF PROPOSED RULEMAKING

**Summary:** Minor housekeeping changes have been made to the definitions, deleting two definitions and making a small change to one. Statutory references and language were added to the criteria.

**Rules Coordinator:** Mindie Sublette

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

**Telephone:** (503) 986-0036

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**Oregon Department of Education**  
**Chapter 581**

**Rule Caption:** Reorganization and revision of rules relating to standards for public schools.

**Stat. Auth.:** ORS 326.051 & 329.075

**Stats. Implemented:** ORS 329, 327.102 & 327.103

**Proposed Adoptions:** 581-022-2200

**Proposed Amendments:** 581-011-0050, 581-011-0071, 581-011-0087, 581-015-2050, 581-015-2060, 581-016-0700, 581-016-0710, 581-020-0338, 581-021-0072, 581-021-0210, 581-022-0102, 581-023-0006, 581-023-0008

**Proposed Repeals:** 581-022-0405, 581-022-1020, 581-022-1030, 581-022-1365, 581-022-1630, 581-022-1360, 581-022-1362, 581-022-1363, 581-022-1366, 581-022-1367, 581-022-1368, 581-022-1370, 581-022-1371, 581-022-1372

**Proposed Ren. & Amends:** 581-022-0413 to 581-022-2045, 581-022-0416 to 581-022-2210, 581-022-0421 to 581-022-2215, 581-022-0606 to 581-022-2250, 581-022-0610 to 581-022-2100, 581-022-0612 to 581-022-2110, 581-022-0615 to 581-022-2115, 581-022-0617 to 581-022-2120, 581-022-0620 to 581-002-0025, 581-022-0705 to 581-022-2220, 581-022-0711 to 581-022-2205, 581-022-0807 to 581-022-2300, 581-022-1060 to 581-022-2255, 581-022-1065 to 581-002-0020, 581-022-1130 to 581-022-2000, 581-022-1131 to 581-022-2025, 581-022-1133 to 581-022-2015, 581-022-1134 to 581-022-2010, 581-022-1135 to 581-022-2020, 581-022-1140 to 581-022-2310, 581-022-1210 to 581-022-2030, 581-022-1215 to 581-022-2040, 581-022-1310 to 581-022-2325, 581-022-1320 to 581-022-2330, 581-022-1330 to 581-022-2500, 581-022-1340 to 581-022-2315, 581-022-1350 to 581-022-2505, 581-022-1364 to 581-022-2335, 581-022-1420 to 581-022-2225, 581-022-1430 to 581-022-2230, 581-022-1440 to 581-022-2050, 581-022-1510 to 581-021-0435, 581-022-1512 to 581-021-0013, 581-022-1520 to 581-020-0525, 581-022-1530 to 581-022-2345, 581-022-1610 to 581-022-2305, 581-022-1620 to 581-022-2320, 581-022-1622 to 581-022-2350, 581-022-1640 to 581-022-2355, 581-022-1650 to 581-022-2360, 581-022-1660 to 581-022-2260, 581-022-1661 to 581-022-2265, 581-022-1670 to 581-022-2270, 581-022-1710 to 581-022-2400, 581-022-1720 to 581-022-2405, 581-022-1723 to 581-022-2410, 581-022-1724 to 581-022-2415, 581-022-1725 to 581-022-2420, 581-022-1730 to 581-022-2430, 581-022-1910 to 581-021-0009, 581-022-1920 to 581-002-0035, 581-022-1940 to 581-002-0040, 581-022-1941 to 581-022-2370

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

**Summary:** OAR Division 22 establishes the standards for all public schools. Oregon law requires school districts to meet these standards and establishes sanctions for districts that do not meet these requirements. The revisions and reorganization of division 22 removes obsolete, redundant and old rules. Renumbers rules that direct the state to take action and are not appropriately currently in division 22. Reorganizes the rule division to make it more easily accessible to stakeholders. Below is an outline that identifies the changes. Others rules outside of division 22 are being amended to reflect the new rule numbers.

Division 22 Review and Revision 2012

Master List of Changes

Definitions:

0102 Definitions

Diplomas/Curriculum/Instruction:

2000 formerly 1130 Diploma Requirements

2010 formerly 1134 Modified Diploma

2015 formerly 1133 Extended Diploma  
2020 formerly 1135 Alternative Certificate  
2025 formerly 1131 Credit Options  
2030 formerly 1210 District Curriculum  
2040 formerly 1215 Literacy Instruction  
2045 formerly 0413 Prevention Education in Drugs and Alcohol  
2050 formerly 1440 Human Sexuality Education  
Assessment:  
2100 formerly 0610 Administration of State Assessments  
2110 formerly 0612 Exception of Students with Disabilities from State Assessment  
2115 formerly 0615 Assessment of Essential Skills  
2120 formerly 0617 Essential Skill Assessments for English Language Learners  
Health/Safety/Access:  
2200 formerly 1140(2) Harassment, Intimidation, Bullying and Cyberbullying  
2205 formerly 0711 Policies on Reporting of Child Abuse  
2210 formerly 0416 Anabolic Steroids and Performance Enhancing Substances  
2215 formerly 0421 Safety of School Sports — Concussions  
2220 formerly 0705 Health Services  
2225 formerly 1420 Emergency Plans and Safety Programs  
2230 formerly 1430 Asbestos Management Plans  
Accountability:  
2250 formerly 0606 District Improvement Plan  
2255 formerly 1060 School and District Performance Report Criteria  
2260 formerly 1660 Records and Reports  
2265 formerly 1661 Report on PE Data  
2270 formerly 1670 Individual Student Assessment, Record-keeping and Reporting  
Operations:  
2300 formerly 0807 Standardization  
2305 formerly 1610 Operating Policies and Procedures  
2310 formerly 1140(1) Equal Education Opportunities  
2315 formerly 1340 Special Education for Children with Disabilities  
2320 formerly 1620 Required Instructional Time  
2325 formerly 1310 Identification of Academically Talented and Intellectually Gifted Students  
2330 formerly 1320 Rights of Parents of TAG Students  
2335 formerly 1364 Expanded Options — Requirements for Oregon Public School Districts  
2345 formerly 1530 Auxiliary Services  
2350 formerly 1622 Independent Adoptions of Instructional Materials  
2355 formerly 1640 Instructional Materials Adoption  
2360 formerly 1650 Postponement of Purchase of State-Adopted Instructional Materials  
2370 formerly 1941 Complaint Procedure  
Personnel:  
2400 formerly 1710 Personnel  
2405 formerly 1720 Personnel Policies  
2410 formerly 1723 Teacher and Administrator Evaluation and Support  
2415 formerly 1724 Core Teaching Standards  
2420 formerly 1725 Educational Leadership — Administrator Standards  
2430 formerly 1730 Fingerprinting of Subject Individuals in Positions Not Requiring Licensure as Teachers, Administrators, Personnel Specialists, School Nurses  
Support Services:  
2500 formerly 1330 Programs and Services for TAG Students  
2505 formerly 1350 Alternative Education Programs  
Rules to be moved to new division 002 for State responsibilities:  
002-0020 formerly 1065 Substantive Appeals of AYP designation  
002-0025 formerly 0620 Oregon Statewide Assessment

# NOTICES OF PROPOSED RULEMAKING

002-0035 formerly 1920 School District Waivers  
002-0040 formerly 1940 Appeal Procedure  
Rules to be moved to division 20:  
-020-0525 formerly 1520 Media Programs  
Rules to be moved to division 21:  
021-0009 formerly 1910 Exemptions  
021-0013 formerly 1512 Child Development Specialist Programs  
(note move to div 21)

021-0435 formerly 1510 Comprehensive Guidance and Counseling

Rules to be completely removed and repealed:  
0405 Career Education  
1020 State Goals for Elementary and Secondary Education  
1030 Local District Goals  
1365 Expanded Options Annual Notice  
1369 Expanded Options Report to Legislative Committees and Joint Boards (already repealed)

1630 Daily Class Size  
1680 Interscholastic Activity Organizations (already repealed)  
1360 Expanded Options Annual Notice  
1362 Expanded Options Purpose  
1363 Expanded Options Definitions  
1366 Expanded Options Annual Credit Hour Cap  
1367 Expanded Options Responsibilities of Eligible Students  
1368 Expanded Options State School Fund, Expenditures,

Request for Waiver  
1370 Expanded Options Alternative Programs  
1371 Expanded Options Charter School Participation  
1372 Expanded Options request for Program Waiver

**Rules Coordinator:** Cindy Hunt  
**Address:** Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310  
**Telephone:** (503) 947-5651

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**Oregon Health Authority,  
Addictions and Mental Health Division:  
Mental Health Services  
Chapter 309**

**Rule Caption:** New Rules: Oregon Health Authority's Consumer Advisory Council.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-19-12	10:30 a.m.	500 Summer St. NE, Rm. 137-B Salem OR 97301

**Hearing Officer:** Nola J. Russell  
**Stat. Auth.:** ORS 413.042 & 430.073  
**Stats. Implemented:** ORS 430.073  
**Proposed Adoptions:** 309-011-0200, 309-011-0205, 309-011-0210, 309-011-0215, 309-011-0220, 309-011-0225, 309-011-0230  
**Proposed Repeals:** 309-011-0120, 309-011-0125, 309-011-0130, 309-011-0135, 309-011-0140

**Last Date for Comment:** 12-24-12, 5 p.m.  
**Summary:** These rules implement ORS 430.073, related to the Addiction and Mental Health (AMH) Division's Consumer Advisory Council (CAC). The CAC is established to advise the Director of the Oregon Health Authority (OHA) on the provision of mental health services.

**Rules Coordinator:** Nola Russell  
**Address:** Oregon Health Authority, Addictions and Mental Health Division: Mental Health Services, 500 Summer St. NE, E86, Salem, OR 97301-1118  
**Telephone:** (503) 945-7652

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**Rule Caption:** State Hospital Admissions and Discharges.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
1-9-13	1 p.m.	500 Summer St. NE, Rm.137-D Salem, OR 97301

**Hearing Officer:** Nola J. Russell  
**Stat. Auth.:** ORS 413.042

**Stats. Implemented:** ORS 179.321, 426.010, 426.020 & 426.072  
**Proposed Adoptions:** 309-091-0037  
**Proposed Amendments:** 309-091-0005, 309-091-0010, 309-091-0015, 309-091-0035, 309-091-0038  
**Last Date for Comment:** 1-16-13, 5 p.m.

**Summary:** These rules establish and define the criteria which support the proper management and utilization of services provided by the Oregon state hospital system, by limiting admissions to those most severely symptomatic individuals whose treatment and recovery needs cannot be met in a community treatment setting.

**Rules Coordinator:** Nola Russell  
**Address:** Oregon Health Authority, Addictions and Mental Health Division: Mental Health Services, 500 Summer St. NE, E86, Salem, OR 97301-1118  
**Telephone:** (503) 945-7652

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

**Rule Caption:** Permanent Adoption of the Pharmacy & Therapeutics Committee, Prior Authorization and Preferred Drug List Rules.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-18-12	10:30 a.m.	500 Summer St. NE, Rm. 137C Salem, OR 97301

**Hearing Officer:** Cheryl Peters  
**Stat. Auth.:** ORS 409.025, 409.040, 409.110, 413.032, 413.042, 414.065, 414.325, 414.330, 414.355, 414.360, 414.365, 414.370, 414.380, 414.414 & 2011 OL Ch. 720 (HB 2100)  
**Stats. Implemented:** ORS 414.065, 414.325, 414.334, 414.361, 414.369, 414.371 & 2011 OL Ch. 720 (HB 2100)

**Proposed Adoptions:** 410-121-0111  
**Proposed Amendments:** 410-121-0030, 410-121-0033, 410-121-0040, 410-121-0100

**Proposed Repeals:** 410-121-0030(T), 410-121-0033(T), 410-121-0040(T), 410-121-0100(T), 410-121-0111(T)  
**Last Date for Comment:** 12-20-12, 5 p.m.

**Summary:** The Pharmaceutical Services Program administrative rules (division 121) govern Division payments for services provided to certain clients. The Division permanently adopted 410-121-0111 retroactive to September 5, 2011, pursuant to Oregon Laws 2011, chapter 720 (HB 2100) and amended 410-121-0033 & 410-121-0100 to comply with State and Federal mandates regarding the combined Drug Use Review (DUR)/Pharmacy & Therapeutics Committee. The Division permanently amended 410-121-0030 & 410-121-0040 based on recommendations by the Oregon Pharmacy & Therapeutics Committee to ensure the safety of Oregon Health Plan recipients. The Division will also permanently repeal 410-121-0030(T), 410-121-0033(T), 410-121-0040(T), 410-121-0100(T), & 410-121-0111(T). Having temporarily adopted and amended rules listed below the Division will permanently adopt, amend and repeal with this Notice of Proposed Rulemaking:

410-121-0030 – Permanently adopt temporary changes filed on September 24, 2012 based on recommendations made by the Pharmacy & Therapeutics Committee during the July 28, 2012 meeting. Update the preferred drug list based on recommendations made by the Pharmacy & Therapeutics Committee during the September 27, 2012 meeting.

410-121-0033 – Permanently adopt temporary changes filed on September 19, 2012 based on recommendations made by a Rules Advisory Committee meeting held on November 11, 1011.

410-121-0040 – Permanently adopt temporary changes filed on September 24, 2012 based on recommendations made by the Pharmacy & Therapeutics Committee during the July 28, 2012 meeting. Update the prior authorization guide based on recommendations made by the Pharmacy & Therapeutics Committee during the September 27, 2012 meeting.



# NOTICES OF PROPOSED RULEMAKING

410-121-0100 – Permanently adopt temporary changes filed on September 19, 2012 based on recommendations made by a Rules Advisory Committee meeting held on November 11, 1011.

410-121-0111 – Permanently adopt temporary changes filed on September 19, 2012 based on recommendations made by a Rules Advisory Committee meeting held on November 11, 1011.

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

**Telephone:** (503) 945-6527

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**Rule Caption:** Amendment of DMEPOS rules due to legislative buyback and additional budget reductions.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-18-12	10:30 a.m.	500 Summer St. NE, Rm. 137C Salem, OR 97301

**Hearing Officer:** Cheryl Peters

**Stat. Auth.:** ORS 414.065

**Stats. Implemented:** ORS 414.065

**Proposed Amendments:** 410-122-0186, 410-122-0325

**Last Date for Comment:** 12-20-12, 5 p.m.

**Summary:** The Division needs to amend OAR 410-122-0186 to implement new payment methodology that reflects additional reimbursement provided by the legislative buyback to the DMEPOS program and factoring in additional budget reductions for the remainder of the biennium. The Division needs to amend OAR 410-122-0325 to implement new payment methodology as a cost saving to meet budget mandates.

**Rules Coordinator:** Cheryl Peters

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

**Telephone:** (503) 945-6527

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

**Rule Caption:** Amend administrative rules for the Family Health Insurance Assistance Program.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-18-12	10 a.m.	525 Trade St SE (Lower level) Salem OR 97301

**Hearing Officer:** John McLean

**Stat. Auth.:** ORS 414.842(2) & 414.858

**Stats. Implemented:** ORS 414.841–414.858

**Proposed Adoptions:** 442-005-0235

**Proposed Amendments:** 442-005-0000, 442-005-0010, 442-005-0020, 442-005-0030, 442-005-0040, 442-005-0050, 442-005-0070, 442-005-0080, 442-005-0090, 442-005-0100, 442-005-0110, 442-005-0120, 442-005-0130, 442-005-0140, 442-005-0150, 442-005-0160, 442-005-0170, 442-005-0180, 442-005-0190, 442-005-0200, 442-005-0210, 442-005-0220, 442-005-0230, 442-005-0240, 442-005-0260, 442-005-0270, 442-005-0280, 442-005-0290, 442-005-0300, 442-005-0310, 442-005-0320, 442-005-0330, 442-005-0340

**Proposed Repeals:** 442-005-0350

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

**Summary:** The Office of Private Health Partnerships (OPHP) Family Health Insurance Assistance Program (FHIAP) is amending the Oregon Administrative Rules to make corrections, modify procedures to increase efficiency, and make minor word changes. As a continued effort to make the Oregon Administrative Rules more efficient, the Office will delete OAR 442-005-0320, removing unnecessary text and placing other text in more appropriate rules.

**Rules Coordinator:** Wanda Davis

**Address:** Oregon Health Authority, Office of Private Health Partnerships, 250 Church St. SE, Suite 200, Salem, OR 97301

**Telephone:** (503) 378-5901

## Oregon Health Authority, Public Health Division Chapter 333

**Rule Caption:** Edits, amendments and adoption of rules related to Radiation Protection Service's programs.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-20-12	10 a.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1B Portland, OR 97232

**Hearing Officer:** Jana Fussell

**Stat. Auth.:** ORS 431.925–431.955 & 453.605–453.807

**Other Auth.:** Nuclear Regulatory Commission's 10 CFR Parts 1 through 50

**Stats. Implemented:** ORS 431.930 & 453.605–453.807

**Proposed Adoptions:** 333-119-0041, 333-123-0055, 333-123-0060, 333-123-0065, 333-123-0070, 333-123-0075, 333-123-0080, 333-123-0085, 333-123-0090, 333-123-0095, 333-123-0100, 333-123-0105, 333-123-0110, 333-123-0115

**Proposed Amendments:** 333-100-0005, 333-102-0115, 333-102-0203, 333-102-0250, 333-102-0285, 333-102-0340, 333-106-0045, 333-106-0101, 333-106-0305, 333-106-0315, 333-106-0325, 333-106-0370, 333-106-0720, 333-116-0040, 333-116-0050, 333-116-0090, 333-116-0640, 333-116-0660, 333-116-0670, 333-116-0680, 333-116-0683, 333-116-0687, 333-116-0690, 333-116-0700, 333-116-0715, 333-116-0720, 333-116-0740, 333-116-0880, 333-116-0905, 333-118-0150, 333-119-0040, 333-119-0080, 333-120-0630, 333-120-0730, 333-123-0005

**Proposed Repeals:** 333-116-0405

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

**Summary:** The Oregon Health Authority, Public Health Division, Center for Health Protection is proposing to permanently adopt, amend and repeal Oregon Administrative Rules (OAR) in chapter 333, divisions 100, 102, 106, 116, 118, 119, 120 and 123 related to programs within the Radiation Protection Services.

The Radiation Materials Licensing program is proposing to amend rules to comply with the Nuclear Regulatory Commission's 10 CFR Parts 1-50 to meet federal law pertaining to the medical use of radioactive material, clarifying the authorized material user's training requirements, and to amend the rule pertaining to the "180 day" term by revising to state "180 consecutive days" in relationship to reciprocity activities performed within the state.

The X-ray program is proposing to amend rules to recognize the Oregon Board of Medical Imaging's ORS 688.405 relating to radiologic technology training and to update the website addresses. The program proposes to adopt new rules in division 123 relating to the use of electronic brachytherapy machines. These units currently have no regulations to provide guidance to the user and the Authority's inspection staff. Also being revised is a rule to better define the definition of "Impracticable to transfer the patient to a stationary X-ray installation".

The Tanning program is proposing to amend rules to clarify construction and operations of tanning facilities by adding additional rules ensuring that clean sanitary towels and a receptacle be provided for soiled towels, and not allowing pets in the tanning facilities. Also being proposed is the adoption of a new rule that allows the tanning registrant to follow the manufactures' guidelines for use of sanitation solutions and discontinue the regulation of requiring the Authority to maintain a list of approved sanitizers.

**Rules Coordinator:** Brittany Sande

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

**Telephone:** (971) 673-1291

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**Rule Caption:** Revision of the Organizational Camp rules.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-17-12	10 a.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1D Portland, OR 97232

# NOTICES OF PROPOSED RULEMAKING

12-19-12 10:30 a.m. Douglas County Health & Social Services Bldg. 621 W. Madrone, Rm. 101 Roseburg, OR 97470

**Hearing Officer:** Shannon O'Fallon

**Stat. Auth.:** ORS 446.330

**Stats. Implemented:** ORS 446.310-446.350

**Proposed Amendments:** 333-030-0015, 333-030-0020, 333-030-0025, 333-030-0030, 333-030-0035, 333-030-0040, 333-030-0050, 333-030-0055, 333-030-0060, 333-030-0065, 333-030-0070, 333-030-0075, 333-030-0080, 333-030-0085, 333-030-0090, 333-030-0095, 333-030-0100, 333-030-0103, 333-030-0105, 333-030-0110, 333-030-0115, 333-030-0120, 333-030-0125, 333-030-0130

**Proposed Repeals:** 333-030-0045

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

**Summary:** The Oregon Health Authority, Public Health Division is proposing to permanently amend and repeal Oregon Administrative Rules in chapter 333, division 30, related to organizational camp licensing and inspection. The proposed changes to the organizational camp rules are being made at the request of Oregon camp operators. The proposed rules help address the concerns of camp license holders concerning clarifying responsibility and accountability for contract and rental operations using camps. The proposed rules also address concerns of camp operators that the rules have become unwieldy and, in some cases, impossible to comply with because they do not take into account the changes that have occurred in the way camps currently operate.

**Rules Coordinator:** Brittany Sande

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

**Telephone:** (971) 673-1291

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**Rule Caption:** Rule revisions to clarify regulatory requirements for public water suppliers.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-20-12	2 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1D Portland, OR 97232

**Hearing Officer:** Jana Fussell

**Stat. Auth.:** ORS 448.131 & 448.150

**Stats. Implemented:** ORS 431.110, 431.120, 431.123, 431.150, 448.115, 448.123, 448.131, 448.135, 448.150, 448.175, 448.268, 448.271, 448.273, 448.278, 448.279, 448.280, 448.285, 448.290, 448.295, 448.300, 448.450, 448.455, 448.460, 448.465 & 448.994

**Proposed Amendments:** 333-061-0025, 333-061-0030, 333-061-0032, 333-061-0034, 333-061-0036, 333-061-0040, 333-061-0042, 333-061-0043, 333-061-0045, 333-061-0050, 333-061-0065, 333-061-0070, 333-061-0071, 333-061-0072, 333-061-0073, 333-061-0074, 333-061-0077, 333-061-0087, 333-061-0090, 333-061-0098, 333-061-0220, 333-061-0225, 333-061-0228, 333-061-0235, 333-061-0245, 333-061-0250, 333-061-0335

**Proposed Repeals:** 333-061-0058

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

**Summary:** The Oregon Health Authority, Public Health Division, Drinking Water Services section is proposing to permanently amend and repeal Oregon Administrative Rules in chapter 333, division 61 related to public water systems for clarification and housekeeping. The proposed amendments have been identified by program staff and the Drinking Water Advisory Committee to improve rule clarity and ensure the rules are consistent with current industry practices. Revisions specify that ultraviolet light (UV) transmittance is a necessary measurement for water systems using UV disinfection of surface water sources, waives monitoring of residual chlorine for water systems that verify there is no residual before water enters the distribution system, better protect public health by ensuring that significant deficiencies identified during a sanitary survey are consistent with other regulatory requirements, and aligns the rule for disinfection of new or repaired facilities with industry best management

practices. The proposed repeal of OAR 333-061-0058 will improve rule organization and brevity.

**Rules Coordinator:** Brittany Sande

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

**Telephone:** (971) 673-1291

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**Rule Caption:** Update of rules pertaining to Emergency Medical Services Providers, Ambulance Service Licensing, and Ambulance Licensing.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-19-12	1 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1D Portland, OR 97232

**Hearing Officer:** Jana Fussell

**Stat. Auth.:** ORS 676.165, 676.175, 682.017, 682.025, 682.028, 682.208, 682.215, 682.216, 682.220 & 682.224

**Other Auth.:** SB 234 (2011 OL Ch. 703)

**Stats. Implemented:** ORS 682.017 – 682.991

**Proposed Adoptions:** 333-250-0031, 333-265-0011, 333-265-0024

**Proposed Amendments:** 333-250-0010, 333-250-0020, 333-250-0030, 333-250-0040, 333-250-0041, 333-250-0042, 333-250-0043, 333-250-0044, 333-250-0045, 333-250-0047, 333-250-0048, 333-250-0050, 333-250-0060, 333-250-0070, 333-250-0080, 333-250-0100, 333-255-0000, 333-255-0010, 333-255-0020, 333-255-0030, 333-255-0040, 333-255-0050, 333-255-0060, 333-255-0070, 333-255-0071, 333-255-0072, 333-255-0073, 333-255-0079, 333-255-0080, 333-255-0081, 333-255-0082, 333-255-0090, 333-255-0091, 333-255-0092, 333-255-0093, 333-265-0000, 333-265-0010, 333-265-0014, 333-265-0015, 333-265-0023, 333-265-0025, 333-265-0050, 333-265-0060, 333-265-0085, 333-265-0105, 333-265-0110, 333-265-0160

**Proposed Repeals:** 333-265-0190

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

**Summary:** The Oregon Health Authority, Public Health Division, Emergency Medical Services and Trauma Systems Program is proposing to make changes in Oregon Administrative Rules, chapter 333, divisions 250, 255, and 265, to streamline and clarify rules, address requirements for training, testing and licensure of emergency medical services providers, to comply with SB 234 passed during the 2011 legislative session, and to implement upcoming curriculum changes. The program is also proposing amendments to add definition and variance stipulations for rural ambulance agencies.

**Rules Coordinator:** Brittany Sande

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

**Telephone:** (971) 673-1291

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## Oregon Health Licensing Agency Chapter 331

**Rule Caption:** Allow agency to approve documentation for initial jewelry which shows metal composition and clean up.

**Stat. Auth.:** ORS 676.607 & 676.615

**Stats. Implemented:** ORS 690.390 & 690.405

**Proposed Amendments:** 331-900-0000, 331-900-0005, 331-900-0010, 331-900-0035, 331-900-0040, 331-900-0065, 331-900-0080, 331-900-0085, 331-900-0090, 331-900-0095, 331-900-0097, 331-900-0098, 331-900-0105, 331-900-0115, 331-900-0120, 331-900-0125, 331-900-0130, 331-905-0000, 331-905-0005, 331-905-0010, 331-905-0012, 331-905-0014, 331-905-0015, 331-905-0025, 331-905-0035, 331-905-0040, 331-905-0045, 331-905-0050, 331-905-0052, 331-905-0055, 331-905-0058, 331-905-0060, 331-905-0075, 331-905-0080, 331-905-0085, 331-905-0090, 331-905-0095, 331-905-0100, 331-905-0105, 331-905-0110, 331-905-0115, 331-905-0120, 331-910-0010, 331-910-0025, 331-910-0035, 331-910-0050, 331-910-0060, 331-910-0070, 331-910-0080, 331-910-0085, 331-915-0000, 331-915-0015, 331-915-0020, 331-915-0025, 331-915-

# NOTICES OF PROPOSED RULEMAKING

0035, 331-915-0050, 331-915-0055, 331-915-0060, 331-915-0065, 331-915-0070, 331-915-0075, 331-915-0080, 331-915-0085, 331-920-0000, 331-920-0005, 331-925-0000, 331-925-0005, 331-925-0010, 331-925-0015, 331-925-0020, 331-925-0025, 331-925-0030, 331-925-0035, 331-925-0040, 331-925-0050, 331-950-0010, 331-950-0020, 331-950-0040

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

**Summary:** Administrative rule change allows the Oregon Health Licensing Agency (Agency) to revive temporary practitioner licenses up to four times in a one-year period. Currently the statutes do not allow "renewal" of temporary licenses.

Clarify language related to disposal of waste with blood or bodily fluids and amend initial jewelry standards for both standard and specialty body piercing to allow the Agency to accept and approve documentation from jewelry manufacturers which shows the specific metal composition used to produce the jewelry. Initial jewelry for body piercing must meet a minimum standard under rule. The documentation may be in the form of 3rd party testing results.

During the 2012 administrative rulemaking, cheek piercing was removed from specialty piercing. Under informed consent for specialty piercing, cheek piercing was not removed.

Require that tattoo artists make copy of government issued identification for individuals over the age of 18, to be included in client record and specify documentation required from a physician prescribing a tattoo for a minor. Require the prescription from the physician and a copy of the minors photographic identification be included in the client record.

Amendments make general housekeeping changes.

Amend prohibitions for dermal implanting and scarification to denote that if the Agency implements an education and training program licensure may be possible in the future.

**Rules Coordinator:** Samantha Patnode

**Address:** Oregon Health Licensing Agency, 700 Summer St. NE, Suite 320, Salem, OR 97301-1287

**Telephone:** (503) 373-1917

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## Oregon Housing and Community Services Department Chapter 813

**Rule Caption:** Establish procedures for criminal records checks for applicants, employees, volunteers and contractors.

Date:	Time:	Location:
12-21-12	2 p.m.	725 Summer St. NE, Rm. 124B Salem, OR

**Hearing Officer:** Angelique Morgan-Goldschmidt

**Stat. Auth.:** ORS 181.534 & 456.135

**Stats. Implemented:** ORS 181.534 & 456.569

**Proposed Adoptions:** 813-004-0200, 813-004-0210, 813-004-0220, 813-004-0230, 813-004-0240, 813-004-0250, 813-004-0260, 813-004-0270, 813-004-0280, 813-004-0290, 813-004-0300, 813-004-0310

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

**Summary:** The adoption of these rules will provide for the reasonable screening of subject individuals to determine if they have a history of criminal behavior such that they are not fit to work or volunteer in positions covered within OAR 813-004-0220.

**Rules Coordinator:** Sandy McDonnell

**Address:** Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301

**Telephone:** (503) 986-2012

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## Oregon Liquor Control Commission Chapter 845

**Rule Caption:** Clarifying licensee must promptly admit inspector or police officer whether business is open or closed.

Date:	Time:	Location:
1-8-13	10 a.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

**Hearing Officer:** Jennifer Huntsman

**Stat. Auth.:** ORS 471, 471.030, 471.040, 471.730(1) & (5)

**Stats. Implemented:** ORS 471.030, 471.040, 471.175, 471.178, 471.200, 471.315(1)(a)(H), 471.351(1), 471.405(1), 471.408, 471.412, 471.675 & 471.730

**Proposed Amendments:** 845-006-0345

**Last Date for Comment:** 1-22-13, 5 p.m.

**Summary:** This rule describes a variety of acts which both licensees (including their employees or agents) and service permittees are prohibited from engaging in. Section (4) specifies that no licensee or permittee will refuse admittance to a regulatory employee or police officer, whether during regular business hours or when the business is or appears closed. Due to recent case history, staff is recommending the amendment of section (4) regarding access to the premises. Currently subsection (4)(a) (governing the time when a business is open) prohibits a licensee or permittee from denying entrance to a regulatory employee or police officer. The proposed amendments would add language to subsection (4)(a) that would parallel the existing language in current subsection (4)(b) (governing the time when a business is closed) whereby the licensee or permittee would also be required to promptly admit a regulatory employee or police officer. The current subsections (4)(a) and (4)(b) would be combined into one new subsection (4)(a) with an identical standard for entry to the premises applying, regardless of whether the premises is open for business or closed. The remainder of the current rule language in section (4) governing once a regulatory employee or police officer is inside the premises would be relocated to a new subsection (4)(b).

**Rules Coordinator:** Jennifer Huntsman

**Address:** Oregon Liquor Control Commission, 9079 SE McLoughlin Blvd., Portland, OR 97222

**Telephone:** (503) 872-5004

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**Oregon Medical Board  
Chapter 847**

**Rule Caption:** Use of Name.

**Stat. Auth.:** ORS 677.265

**Stats. Implemented:** ORS 677.265

**Proposed Amendments:** 847-008-0065

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

**Summary:** Proposed rule amendment clarifies the definition and proof of legal name.

**Rules Coordinator:** Nicole Krishnaswami

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

**Telephone:** (971) 673-2667

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**Rule Caption:** Approval of Supervising Physician.

**Stat. Auth.:** ORS 677.265

**Stats. Implemented:** ORS 677.510

**Proposed Amendments:** 847-050-0027

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

**Summary:** Proposed rule amendment adds a fine for failure to apply and be approved as a supervising physician by the Board prior to using the services of a physician assistant under a practice agreement.

**Rules Coordinator:** Nicole Krishnaswami

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

**Telephone:** (971) 673-2667

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**Rule Caption:** Fee schedule.

**Stat. Auth.:** ORS 431.972, 676.410, 677.265 & 677.290

**Stats. Implemented:** ORS 431.972, 676.410, 677.265 & 677.290

**Proposed Amendments:** 847-005-0005

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

**Summary:** Proposed rule amendment reorganizes the fee schedule for accuracy and clarity and corrects a typo in the fines for delinquent registrations for physicians and podiatrists.



# NOTICES OF PROPOSED RULEMAKING

**Rules Coordinator:** Nicole Krishnaswami  
**Address:** Oregon Medical Board, 1500 SW 1st Ave., Suite 620, Portland, OR 97201  
**Telephone:** (971) 673-2667

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**Rule Caption:** Physician Assistant dispensing and Physician Assistant Committee.

**Stat. Auth.:** ORS 677.265

**Stats. Implemented:** ORS 677.190, 677.205, 677.470, 677.515, 677.540 & 677.545

**Proposed Amendments:** 847-050-0041, 847-050-0065

**Proposed Repeals:** 847-050-0041(T), 847-050-0065(T)

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

**Summary:** Proposed rule amendments implement 2012 Senate Bill 1565 related to physician assistant dispensing, correct the reference to oral issuance of Schedule II drugs, and contain general language and grammar housekeeping.

**Rules Coordinator:** Nicole Krishnaswami

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

**Telephone:** (971) 673-2667

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## Oregon Watershed Enhancement Board Chapter 695

**Rule Caption:** Revisions to land acquisition grant rules to implement an efficient, transparent, streamlined grant-making process.

Date:	Time:	Location:
12-19-12	10 a.m.	Dept. of State Lands Land Board Rm. 775 Summer St. NE Salem, OR 97301

**Hearing Officer:** Renee Davis-Born

**Stat. Auth.:** ORS 541.932

**Stats. Implemented:** ORS 541.932(9) & 541.960

**Proposed Adoptions:** 695-045-0160, 695-045-0165, 695-045-0170, 695-045-0175, 695-045-0180, 695-045-0185, 695-045-0190, 695-045-0195, 695-045-0200, 695-045-0205, 695-045-0210, 695-045-0215, 695-045-0220

**Proposed Amendments:** 695-045-0010, 695-045-0020

**Proposed Repeals:** 695-045-0025, 695-045-0030, 695-045-0035, 695-045-0040, 695-045-0045, 695-045-0050, 695-045-0055, 695-045-0060, 695-045-0065, 695-045-0070, 695-045-0080, 695-045-0090, 695-045-0100, 695-045-0110, 695-045-0120, 695-045-0130, 695-045-0140, 695-045-0150

**Last Date for Comment:** 12-18-12, 5 p.m.

**Summary:** OWEB is proposing rule amendments and rulemaking related to the administration of the land acquisition grant program. The purpose of this process is to develop an efficient, streamlined process for grant-making. Specifically, minor revisions will be made to definitions [695-045-0010] and purpose [695-045-0020]. Rules outlining the previous land acquisition grant process [i.e., 695-045-0025 through 695-045-0150] will be repealed. These rules will be replaced by newly adopted rules describing the following components and requirements of the streamlined grant-making process: Application Limitations [695-045-0160]; Application Requirements [695-045-0165]; Grant Applicants [695-045-0170]; Use of Grant Funds [695-045-0175]; Matching Contributions [695-045-0180]; Application Evaluation Process [695-045-0185]; Board Approval and Delegation of Authority [695-045-0190]; Public Involvement [695-045-0195]; Director Funding Approval and Distribution of Funds [695-045-0200]; Director Funding Decision Reconsideration [695-045-0205]; Compliance and Enforcement [695-045-0210]; Subsequent Conveyances [695-045-0215]; and Waiver of Rules [695-045-0220].

Public comment will be accepted on the proposed rules from December 1, 2012 through 5 p.m. on December 18, 2012. Copies of

the proposed amendments will be available by December 1, 2012, on OWEB's website ([http://www.oregon.gov/OWEB/pages/admin\\_rules\\_statutes.aspx](http://www.oregon.gov/OWEB/pages/admin_rules_statutes.aspx)).

**Rules Coordinator:** Renee Davis-Born

**Address:** Oregon Watershed Enhancement Board, 775 Summer St. NE, Suite 360, Salem, OR 97301

**Telephone:** (503) 986-0029

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## Public Utility Commission Chapter 860

**Rule Caption:** In the Matter of Housekeeping Changes to OAR 860-027-0015, New Construction Budget.

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

**Other Auth.:** 2005 OL Ch. 232 (SB 600)

**Stats. Implemented:** ORS 756.015 & 757.105

**Proposed Amendments:** 860-027-0015

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

**Summary:** This proposed housekeeping change eliminates the language "and large telecommunications utilities" from the rule to make the rule consistent with changes to the statutes effective in 2006 as a result of 2005 Senate Bill 600. The change will eliminate confusion about the applicability of the new construction budget reporting requirements.

The Commission encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 568 on comments and file them by e-mail to the Commission's Filing Center at [PUC.FilingCenter//apps.puc.state.or.us/edockets/center.htm](http://apps.puc.state.or.us/edockets/center.htm). Interested persons may review all filings online at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=18001>. For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and 860-001-0200 through 860-001-0250 found online at [http://arcweb.sos.state.or.us/pages/rules/oars\\_800/oar\\_860/860\\_tofc.html](http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_tofc.html)

**Rules Coordinator:** Diane Davis

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

**Telephone:** (503) 378-4372

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## Real Estate Agency Chapter 863

**Rule Caption:** Amendments to pre-license and continuing education rules to comply with statutory changes.

Date:	Time:	Location:
12-17-12	10 a.m.	Real Estate Agency 1177 Center St. NE Salem, OR 97301

**Hearing Officer:** Laurie Skillman

**Stat. Auth.:** ORS 696.385

**Stats. Implemented:** ORS 696.174, 696.182, 696.184, 696.022 & 696.020

**Proposed Adoptions:** 863-022-0022

**Proposed Amendments:** 863-020-0000, 863-020-0005, 863-020-0007, 863-020-0010, 863-020-0015, 863-020-0020, 863-020-0025, 863-020-0030, 863-020-0035, 863-020-0040, 863-020-0045, 863-020-0050, 863-020-0055, 863-020-0060, 863-020-0065, 863-022-0000, 863-022-0005, 863-022-0010, 863-022-0015, 863-022-0020, 863-022-0025, 863-022-0030, 863-022-0035, 863-022-0045, 863-022-0050, 863-022-0055, 863-022-0060

**Proposed Repeals:** 863-020-0008, 863-022-0040

**Last Date for Comment:** 12-17-12, Close of Business

**Summary:** These amendments to Division 20, the continuing education rules, and Division 22, the license applicant course requirements and course approval rules, are needed to update the rules based on the extensive job analysis for all licensees and the subsequent updates to the examinations for license applicants. In addition, a new property manager advanced practices course will be required of all

## NOTICES OF PROPOSED RULEMAKING

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property manager who are renewing their license for the first time.  
The rule adoption and amendments to these rules were filed as temporary rules on August 15, 2012.

**Rules Coordinator:** Laurie Skillman

**Address:** Real Estate Agency, 1177 Center St. NE, Salem, OR  
97301-2505

**Telephone:** (503) 378-4630

# ADMINISTRATIVE RULES

## Board of Architect Examiners Chapter 806

**Rule Caption:** Amends agency 2011–13 Budget.

**Adm. Order No.:** BAE 4-2012

**Filed with Sec. of State:** 10-25-2012

**Certified to be Effective:** 11-1-12

**Notice Publication Date:** 9-1-2012

**Rules Amended:** 806-001-0003

**Subject:** Amends Board of Architect Examiners budget for 2011–13 biennium.

**Rules Coordinator:** Jim Denno—(503) 763-0662

### 806-001-0003

#### Biennial Budget

Pursuant to the provisions of ORS 182.462, the Board adopts by reference the Oregon State Board of Architect Examiners' 2011–2013 Biennial Budget of \$951,000 covering the period July 1, 2011, through June 30, 2013. The Board Administrator will amend budgeted accounts as necessary, within the approved budget of \$951,000, for the effective operation of the Board. The Board will not exceed the approved budget amount without amending this rule, notifying holders of licenses, and holding a public hearing. Copies of the budget are available from the Board's office.

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

Stat. Auth.: ORS 671.120, 671.125, 182.462 & 183.705

Stats. Implemented: ORS 671.125 & 182.462

Hist.: AE 1-1997(Temp), f. & cert. ef. 7-25-97; AE 3-1997, f. & cert. ef. 12-11-97; BAE2-1998, f. & cert. ef. 6-22-98; BAE 2-1999, f. & cert. ef. 5-25-99; BAE 2-2001, f. 6-6-01, cert. ef. 7-1-01; BAE 2-2003, f. 4-11-03 cert. ef. 7-1-03; BAE 1-2005, f. 3-14-05, cert. ef. 7-1-05; BAE 1-2007, f. 5-8-07, cert. ef. 7-1-07; BAE 2-2009, f. & cert. ef. 5-14-09; BAE 3-2009, f. 5-22-09, cert. ef. 7-1-09; BAE 1-2011, f. 6-6-11, cert. ef. 7-1-11; BAE 4-2012, f. 10-25-12, cert. ef. 11-1-12

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## Board of Licensed Professional Counselors and Therapists Chapter 833

**Rule Caption:** Client Records/Custodian of Records.

**Adm. Order No.:** BLPCT 4-2012

**Filed with Sec. of State:** 10-24-2012

**Certified to be Effective:** 11-1-12

**Notice Publication Date:** 6-1-2012

**Rules Adopted:** 833-020-0501

**Rules Amended:** 833-010-0001, 833-020-0401, 833-100-0051

**Subject:** Adds definition of "client records". Adds content requirements for client records. Adds requirement for designating "custodian of records". Revises code of ethics to eliminate inconsistent definition of "client records".

**Rules Coordinator:** Becky Eklund—(503) 378-5499, ext. 3

### 833-010-0001

#### Definitions

The definitions of terms used in ORS 675.705 to 675.835 and these administrative rules of the Board are:

(1) "Accredited college or university" means the college or university is a fully accredited member of one of the regional institutional accreditation bodies.

(2) "Accredited program" means the graduate program is fully accredited by COAMFTE, CACREP, or CORE.

(3) "Board approved program" means a graduate program that the Board has found to be comparable to an accredited program.

(4) "CACREP" means the Council for Accreditation of Counseling and Related Educational Programs.

(5) "Client record" means any information maintained in a written or electronic form about a client.

(6) "Clinical experience" means the professional practice of applying principles and methods to provide assessment, diagnosis, and treatment of individuals and families with mental health disorders.

(7) "COAMFTE" means the Commission on Accreditation of Marriage and Family Therapy Education.

(8) "CORE" means the Council on Rehabilitation Education.

(9) "Direct client contact hours" means only those clinical experience hours that are therapeutic or a combination of assessment and subsequent therapeutic interactions.

(10) "Distance learning" means coursework, or training that does not involve attending a presentation or program in the presence of the instructor or facilitator and other courses through electronic communication.

(11) "Distance Services" means any use of technology that replaces face to face delivery of counseling or therapy service. Such technologies include, but are not limited to, use of computer hardware and software, telephones, the internet, online assessment instruments and other communication devices.

(12) "Electronic communication" means communication through use of videoconference, telephone, teleconference, internet, electronic mail, chat-based, or video-based.

(13) "Equivalent" means comparable in content and quality, but not identical.

(14) "Intern registration plan" means a written description of post-graduate supervised work experience activities an applicant must complete to qualify for a license as a professional counselor or marriage and family therapist.

(15) "Official transcript" means a document certified by an accredited college or university indicating degree earned, hours and types of coursework, examinations and scores, completed by the student; and submitted by the school to the Board.

(16) "Practicing" means engaging in any of the activities listed in the definitions of marriage and family therapy and professional counseling set forth in ORS 675.705, including but not limited to providing clinical supervision to another mental health professional who is providing counseling or therapeutic services to clients.

(17) "Receipt" means the date received by the Board office as shown by US Postal Service postmark, or date received stamp if document was not mailed or without postmark.

(18) "Registered intern" means an applicant for licensure who has met the educational requirement for licensure, and is in the process of obtaining the required supervised work experience under a registration plan approved by the Board.

(19) "Hour Equivalents" means that when requirements for licensure are given in quarter hours, the following formula will be used to determine equivalent hours:

(a) Two semester hours is equal to three quarter hours;

(b) One semester is equal to 1.5 quarters;

(c) One quarter credit hour equals 10 clock hours;

(d) One semester credit hour equals 15 clock hours.

(20) "Supervision" means a professional relationship between a qualified supervisor and an intern, counselor, or therapist during which the supervisor provides guidance and professional skill development and oversight to the intern, counselor or therapist.

Stat. Auth.: ORS 675.715 & 675.785

Stats. Implemented: ORS 675.785

Hist.: LPCT 1-1990(Temp), f. & cert. ef. 3-6-90; LPCT 2-1990, f. 8-31-90, cert. ef. 9-1-90; LPCT 2-1992, f. 11-30-92, cert. ef. 12-1-92; LPCT 1-1993, f. 12-30-93, cert. ef. 1-1-94; LPCT 1-1998, f. 1-2-98, cert. ef. 1-5-98; BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 4-2012, f. 10-24-12, cert. ef. 11-1-12

### 833-020-0401

#### Client Records

(1) A licensed professional counselor and licensed marriage family therapist or registered intern must:

(a) Maintain client records for each client;

(b) Ensure that client records are legible;

(c) Keep records in a secure, safe, and retrievable condition; and

(d) Notify the Board if client records have been destroyed or lost.

(2) At a minimum, client records should be recorded concurrently with the services provided and must include:

(a) A formal or informal assessment of the client;

(b) Counseling goals or objectives; and

(c) Progress notes of therapy or counseling sessions.

(3) A licensee must retain client records for at least seven years from the date of the last session with the client.

Stat. Auth.: ORS 675.705 - 675.835

Stats. Implemented: ORS 675.705 - 675.835

Hist.: BLPCT 2-2012, f. 9-5-12, cert. ef. 10-1-12; BLPCT 4-2012, f. 10-24-12, cert. ef. 11-1-12

### 833-020-0501

#### Custodian of Record

(1) A licensee or registered intern must:

(a) Arrange for the maintenance of and access to client records that ensure the client's right to confidentiality and access to records in the event of the death or incapacity of the licensee;

(b) Register with the board the name and contact information of a custodian of record that will have case files and can make necessary referrals if licensee becomes incapacitated or dies; and

(c) Notify the board of changes of the custodian of record.



# ADMINISTRATIVE RULES

(2) If the licensee or registered intern is an employee of an organization, the organization may be named as the custodian of record.

(3) The board will not release the name of the custodian of record except in the following cases:

- (a) The death or incapacity of the licensee; or
- (b) When a client is unable to locate the licensee.

(4) A custodian of record under this rule must be a licensed mental health professional licensed under Oregon law, a licensed medical professional, a health care or mental health organization, an attorney, a school, or a medical records company.

Stat. Auth.: ORS 675.705 - 675.835

Stats. Implemented: ORS 675.705 - 675.835

Hist.: BLPCT 4-2012, f. 10-24-12, cert. ef. 11-1-12

## 833-100-0051 Confidentiality

(1) A licensee holds in confidence all information obtained in the course of professional services, as within the limits of the setting, such as a public agency. A licensee safeguards client confidences as permitted by rule or law.

(2) A licensee does not use any confidence of a client to the client's disadvantage.

(3) A licensee, including employees and professional associates of the licensee, does not disclose any confidential information that the licensee, employee, or associate may have acquired in rendering services except as provided by rule or law. All other confidential information is disclosed only with the written informed consent of the client.

(4) A licensee is responsible for being aware of the state and federal regulations concerning confidentiality and for informing clients of the limits of confidentiality as a part of informed consent for services in the context of couple, family, or group treatment. A licensee does not reveal any individual's confidences to others in the client unit without the prior written permission of that individual.

(5) Whenever a licensee provides services to groups of clients such as couples, families or therapy groups, special care must be taken related to issues of confidentiality. In group therapy, confidentiality issues are to be discussed in the beginning of the group. The parameters of confidentiality within marriage and family therapy are to be discussed early in the counseling process and a clear understanding achieved with all involved.

(6) Whenever a licensee's services are requested or paid for by one client for another, the licensee informs both clients of the licensee's responsibility to treat any information gained in the course of rendering the services as confidential information.

(7) A licensee limits access to client records and informs every individual associated with the agency or facility of the licensee, such as a staff member, student, or volunteer, that access to client records must be limited to only the licensee with whom the client has a professional relationship, an individual associated with the agency or facility whose duties require access, and an individual authorized to have access by the written informed consent of the client.

(8) A licensee maintains the records of a client after the professional relationship between the licensee and the client has ceased and informs clients as to how long records are retained. The licensee stores and disposes of records in ways that maintain confidentiality. The licensee makes advance provision for the confidential disposition of records in the event the licensee is unable to do so for reasons such as illness or death.

(9) A licensee discloses to the Board and its agents any client records that the Board and its agents consider germane to a disciplinary proceeding. The general requirement that licensees keep information confidential does not apply when:

- (a) Disclosure is required to prevent clear and imminent danger to the client or others; or
- (b) Legal requirements demand that confidential information must be revealed.

(10) A licensee must obtain written informed consent from each client before electronically recording sessions with that client or before permitting third party observations of their sessions.

(11) A licensee adequately disguises the identity of a client when using material derived from a counseling relationship for purposes of training, research, professional meetings, or publications.

(12) A licensee provides clients reasonable access to records concerning them and should take due care to protect the confidences of others contained in those records, or when information from others about the client could result in harm to that person or persons upon disclosure to the client. Following guidelines set forth in ORS 192.518(2) and 675.765(1), unless otherwise ordered by the court, parents shall have access to the client

records of juveniles who are receiving professional services from the licensee.

(13) When a licensee is unclear on professional issues or standards of practice, consultation is to be obtained while protecting any confidentiality issue that may be involved.

(14) Licensees proceed cautiously when asked to provide services to a client currently seeing another professional. Consideration is given to the client's welfare and the situation. Care is given to minimize the risk of confusion and conflict; and when appropriate, the other service provider is consulted. It is not ethical to provide the same therapeutic service that is simultaneously being provided by another professional without collaboration regarding the best interests of the client.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2012, f. 10-24-12, cert. ef. 11-1-12

## Board of Nursing Chapter 851

**Rule Caption:** To clarify and add language related to faculty and preceptor qualification requirements.

**Adm. Order No.:** BN 14-2012(Temp)

**Filed with Sec. of State:** 11-15-2012

**Certified to be Effective:** 11-15-12 thru 5-1-13

**Notice Publication Date:**

**Rules Amended:** 851-050-0000, 851-050-0009

**Subject:** The purpose of these revisions is to clarify the definition of an Oregon Based Nurse Practitioner Program, remove name of registration form, and to add language to clarify faculty and preceptor qualification requirements for clinical practicum in Oregon for Nurse Practitioner students enrolled in a non-Oregon based graduate program.

**Rules Coordinator:** Peggy A. Lightfoot—(971) 673-0638

### 851-050-0000

#### Definitions

(1) "Assessment" means a process of collecting information regarding a client's health status including, but not limited to, illness; response to illness; health risks of individuals, families and groups; resources; strengths and weaknesses, coping behaviors; and the environment. The skills employed during the assessment process may include, but are not limited to: obtaining client histories, conducting physical examinations, ordering, interpreting and conducting a broad range of diagnostic procedures (e.g., laboratory studies, EKGs, and x rays).

(2) "Asynchronous learning" means using multiple media for students to access the curriculum without the need to be onsite at the education site.

(3) "Client(s) or patient(s)" means a family, group or individual who has been assessed by and has a client/patient record established by the nurse practitioner.

(4) "Clinical Practice Experience" means the supervised provision of direct patient care in a clinical setting that complements course work and ensures acquisition of advanced practice nursing skills.

(5) "Clinical Preceptor" means health care provider qualified by education and clinical competency to provide direct supervision of the clinical practice experience of students in an Oregon nurse practitioner program.

(6) "Collaboration" means working with another health care provider to jointly provide client care.

(7) "Consultation" means discussion with another health care provider for the purpose of obtaining information or advice in order to provide client care.

(8) "Counseling" means a mutual exchange of information through which advice, recommendations, instruction, or education is provided to the client.

(9) "Delinquent Renewal" means the renewal of a nurse practitioner certificate previously held in Oregon which is expired.

(10) "Diagnosis" means identification of actual or potential health problems or need for intervention, based on analysis of the data collected.

(11) "Direct Supervision" means the clinical preceptor or faculty member physically present at the practice site who retains the responsibility for patient care while overseeing the student and if necessary, redirecting or intervening in patient care and is able to intervene if necessary.

(12) "Evaluation" means the determination of the effectiveness of the intervention(s) on the client's health status.

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(13) "Holistic Health Care" means an approach to diagnosis and treatment of clients, which considers the status of the whole person (physical, emotional, social, spiritual, and environmental).

(14) "Initial certification" means the first certification granted by the Board. This may follow the applicant's completion of a nurse practitioner program or be granted to an applicant in Oregon who has been recognized by and has practiced as a nurse practitioner in another state or jurisdiction.

(15) "Intervention" means measures to promote health, to protect against disease, to treat illness in its earliest stages, and to manage acute and chronic conditions and/or illness. Interventions may include, but are not limited to: issuance of orders, direct nursing care, prescribing or administering medications or other therapies, and consultation or referral.

(16) "Major curriculum change" means a change that results in a refocus of purpose and objectives or a substantive change in program structure or method of instructional delivery.

(17) "Management" means the provision and/or coordination of the care that the client receives related to physical and psycho-social health-illness status;

(18) "National Board Certification" means current certification as an advanced Nurse Practitioner in a role and population focus through testing accredited by the National Commission on Certifying Agencies or the American Boards of Nursing Specialties, as approved by the Board.

(19) "Nurse Practitioner Educator" refers to a licensed Nurse Practitioner faculty member, who has responsibility for developing and implementing the curriculum, policies, and practices associated with student advising and evaluation, mentoring and collaborating with clinical preceptors and other health care professionals.

(20) "Nurse Practitioner Program Administrator" refers to a licensed Nurse Practitioner appointed by the Dean or Director of the Nursing school who is assigned the responsibility and accountability for the nursing educational program within an accredited academic institution, including those functions aligned with program and curricular design and resource acquisition and allocation.

(21) "Nurse Practitioner" (NP) means an advanced practice registered nurse who is certified by the Board to independently assume responsibility and accountability for the care of clients. The title nurse practitioner and population foci of practice shall not be used unless the individual is certified by the Board.

(22) "Nurse Practitioner Orders" means written or verbal instructions or directions by the nurse practitioner for interventions, diagnostic tests, evaluations, drugs, or treatment modalities. Nurse practitioners may establish protocols and standing orders.

(23) "Oregon Based Nurse Practitioner Program" means an academic program that is physically located in Oregon and accredited by a nursing organization recognized by the United States Department of Education or the Council of Higher Education Accreditation that offers a graduate degree or graduate level certificate to qualified students.

(24) "Practice requirement" in an expanded specialty role means independent clinical practice in the specialty role of certification providing health care or other such activities, which have a clinical focus and are at an advanced nursing level. These activities include, but are not limited to, teaching, consulting, supervision and research related to the specialty area of certification.

(25) "Provision of Care" means holistic health care, which is continuous and comprehensive. Health care includes:

- (a) Health promotion;
- (b) Prevention of disease and disability;
- (c) Health maintenance;
- (d) Rehabilitation;
- (e) Identification of health problems;
- (f) Management of health problems;
- (g) Referral.

(26) "Referral" means directing the client to other resources for the purpose of assessment or intervention.

(27) "State Certification" means certification to practice as a Nurse Practitioner authorized by the Oregon State Board of Nursing.

Stat. Auth.: ORS 678.375, 678.385, 678.380, 678.385, 678.390

Stats. Implemented: ORS 678.375, 678.385, 678.380

Hist.: NB 3-1987, f. & ef. 3-12-87; NB 3-1990, f. & cert. ef. 4-2-90; NB 7-1996, f. & cert. ef. 10-29-96; BN 5-2000, f. & cert. ef. 4-24-00; BN 6-2001, f. & cert. ef. 4-24-01; BN 10-2003, f. & cert. ef. 10-2-03; BN 8-2004, f. 5-4-04, cert. ef. 5-12-04; BN 13-2006, f. & cert. ef. 10-5-06; BN 9-2009, f. 12-17-09, cert. ef. 1-1-10; BN 14-2012(Temp), f. & cert. ef. 11-15-12 thru 5-1-13

## 851-050-0009

### Clinical Practicum in Oregon for Nurse Practitioner Students Enrolled in a Non-Oregon Based Graduate Program

(1) A nurse practitioner student enrolled in a Non-Oregon Based Graduate Program may not participate in a clinical practicum in Oregon without prior Board authorization.

(2) Prior authorization will be predicated upon approval of the following:

- (a) A completed registration form;
- (b) Verification of a current, unencumbered registered nurse license in Oregon;
- (c) Verification of enrollment in a graduate program accredited by a United States Department of Education or the Council of Higher Education Accreditation approved national accrediting body;
- (d) Verification of regional accreditation and/or Board of Nursing approval from the state in which the program originates;
- (e) Proof of approval by the Office of Degree Authorization of the Non-Oregon Based Graduate Program;
- (f) Submission of a written signed agreement between the Non-Oregon Based Graduate Program responsible for the student and the Oregon licensed preceptor;
- (g) Identification of the faculty advisor accountable for general supervision from the Non-Oregon Based Graduate Program; and
- (h) Identification of the Oregon licensed nurse practitioner faculty providing direct clinical evaluation of the nurse practitioner student.

(3) Oregon licensed preceptors are responsible for validating that the student has registered and received Board authorization prior to participating in a clinical practicum in Oregon.

(4) A nurse practitioner student shall practice under the direct supervision of an approved Oregon licensed nurse practitioner, clinical nurse specialist, medical physician, or doctor of osteopathy who agrees to serve as preceptor, and general supervision of a faculty member as approved in the clinical practicum registration.

(5) Oregon faculty will be approved by the Board based on congruence of clinical scope and expertise to the student's clinical placement.

(6) The student's assigned preceptor may not simultaneously serve as their designated faculty providing direct clinical evaluation.

Stat. Auth.: ORS 678.150

Stats. Implemented: ORS 678.150

Hist.: BN 6-2012, f. 5-7-12, cert. ef. 6-1-12; BN 14-2012(Temp), f. & cert. ef. 11-15-12 thru 5-1-13

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**Rule Caption:** To clarify and add language related to faculty and preceptor qualification requirements.

**Adm. Order No.:** BN 15-2012(Temp)

**Filed with Sec. of State:** 11-15-2012

**Certified to be Effective:** 11-15-12 thru 5-1-13

**Notice Publication Date:**

**Rules Amended:** 851-052-0040

**Subject:** The purpose of these revisions is to remove name of registration form, and to add language to clarify faculty and preceptor qualification requirements for clinical practicum in Oregon for Certified Registered Nurse Anesthetist students enrolled in a non-Oregon based graduate program.

**Rules Coordinator:** Peggy A. Lightfoot—(971) 673-0638

## 851-052-0040

### Clinical Practicum in Oregon for Certified Registered Nurse Anesthetist Students Enrolled in a Non-Oregon Based Graduate Program

(1) A nurse anesthesia student enrolled in a Non-Oregon Based Graduate Program may not participate in a clinical practicum in Oregon without prior Board authorization.

(2) Prior authorization will be predicated upon approval of the following:

- (a) A completed registration form;
- (b) Verification of a current, unencumbered registered nurse license in Oregon;
- (c) Verification of enrollment in a graduate program accredited by a United States Department of Education or the Council of Higher Education Accreditation approved national accrediting body;
- (d) Verification of regional accreditation and/or Board of Nursing approval from the state in which the program originates;
- (e) Proof of approval by the Office of Degree Authorization of the Non-Oregon Based Graduate Program;

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(f) Submission of a written signed agreement between the Non-Oregon Based Graduate Program responsible for the student and the Oregon licensed preceptor;

(g) Identification of the faculty advisor accountable for general supervision from the Non-Oregon Based Graduate Program; and

(h) Identification of the Oregon licensed nurse anesthesia faculty providing direct clinical evaluation of the nurse anesthesia student.

(3) Oregon licensed preceptors are responsible for validating that the student has registered and received Board authorization prior to participating in a clinical practicum in Oregon.

(4) A nurse anesthesia student shall practice under the direct supervision of a CRNA or anesthesiologist who agrees to serve as preceptor, and general supervision of a faculty member as approved in the clinical practicum registration.

(5) Oregon faculty will be approved by the Board based on congruence of clinical scope and expertise to the student's clinical placement.

(6) The student's assigned preceptor may not simultaneously serve as their designated faculty providing direct clinical evaluation.

Stat. Auth.: ORS 678.285

Stats. Implemented: ORS 678.285

Hist.: BN 9-1998, f. 7-16-98, cert. ef. 9-1-98; BN 7-2012, f. 5-7-12, cert. ef. 6-1-12; BN 15-2012(temp), f. & cert. ef. 11-15-12 thru 5-1-13

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**Rule Caption:** To clarify and add language related to faculty and preceptor qualification requirements.

**Adm. Order No.:** BN 16-2012(Temp)

**Filed with Sec. of State:** 11-15-2012

**Certified to be Effective:** 11-15-12 thru 5-1-13

**Notice Publication Date:**

**Rules Amended:** 851-054-0060, 851-054-0100

**Subject:** The purpose of these revisions is to remove name of registration form, to add language to clarify faculty and preceptor qualification requirements for clinical practicum in Oregon for Clinical Nurse Specialist students enrolled in a non-Oregon based graduate program, and to remove references to repealed rules.

**Rules Coordinator:** Peggy A. Lightfoot—(971) 673-0638

## 851-054-0060

### Clinical Practicum in Oregon for Clinical Nurse Specialist Students Enrolled in a Non-Oregon Based Graduate Program

(1) A clinical nurse specialist student enrolled in a Non-Oregon Based Graduate Program may not participate in a clinical practicum in Oregon without prior Board authorization.

(2) Prior authorization will be predicated upon approval of the following:

(a) A completed registration form;

(b) Verification of a current, unencumbered registered nurse license in Oregon;

(c) Verification of enrollment in a graduate program accredited by a United States Department of Education or the Council of Higher Education Accreditation approved national accrediting body;

(d) Verification of regional accreditation and/or Board of Nursing approval from the state in which the program originates;

(e) Proof of approval by the Office of Degree Authorization of the Non-Oregon Based Graduate Program;

(f) Submission of a written signed agreement between the Non-Oregon Based Graduate Program responsible for the student and the Oregon licensed preceptor;

(g) Identification of the faculty advisor accountable for general supervision from the Non-Oregon Based Graduate Program; and

(h) Identification of the Oregon licensed clinical nurse specialist faculty providing direct clinical evaluation of the clinical nurse specialist student.

(3) Oregon licensed preceptors are responsible for validating that the student has registered and received Board authorization prior to participating in a clinical practicum in Oregon.

(4) A clinical nurse specialist student shall practice under the direct supervision of an approved Oregon licensed clinical nurse specialist, nurse practitioner, medical physician, or doctor of osteopathy who agrees to serve as preceptor, and general supervision of a faculty member as approved in the clinical practicum registration.

(5) Oregon faculty will be approved by the Board based on congruence of clinical scope and expertise to the student's clinical placement.

(6) The student's assigned preceptor may not simultaneously serve as their designated faculty providing direct clinical evaluation.

Stat. Auth.: ORS 678.150

Stats. Implemented: ORS 678.150

Hist.: BN 8-2012, f. 5-7-12, cert. ef. 6-1-12; BN 16-2012(Temp), f. & cert. ef. 11-15-12 thru 5-1-13

## 851-054-0100

### Disciplinary Action on Clinical Nurse Specialist Certification

(1) The Board may deny, suspend or revoke the authority of a Clinical Nurse Specialist (CNS) to practice under a limited or full certificate for the causes identified in ORS 678.111(1).

(2) Revocation, suspension, or any other encumbrance of a registered nurse license, or any special authority to practice as a CNS, in another state, territory of the United States, or any foreign jurisdiction may be grounds for denial of Clinical Nurse Specialist certification in Oregon.

(3) It shall be conduct derogatory to nursing standards for the CNS to:

(a) Charge the client or any third-party payer in a grossly negligent manner;

(b) Use ordering or prescriptive authority without sufficiently documented evidence of advanced nursing assessment and establishment of the client/provider relationship;

(c) Prescribe or dispense medications without specific authority under state or federal law;

(d) Practice as a CNS in a specialty area or scope of practice not supported by the licensee's clinical and didactic training

Stat. Auth.: ORS 678.150

Stats. Implemented: ORS 678.150, 678.370, 678.372, 678.385 & 678.390

Hist.: BN 4-2001, f. & cert. ef. 2-21-01; BN 11-2006, f. & cert. ef. 10-5-06; BN 16-2012(Temp), f. & cert. ef. 11-15-12 thru 5-1-13

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## Board of Parole and Post-Prison Supervision Chapter 255

**Rule Caption:** Amends rules and exhibits governing procedures for predatory sex offender designation.

**Adm. Order No.:** PAR 5-2012(Temp)

**Filed with Sec. of State:** 11-15-2012

**Certified to be Effective:** 11-15-12 thru 5-13-13

**Notice Publication Date:**

**Rules Amended:** 255-060-0011, 255-060-0016

**Subject:** Update the administrative rules relating to predatory sex offender designation to specify that the Board shall use the Static-99R (Exhibit Q-1), which has been approved by the Department of Corrections as required by ORS 181.585(2), effective November 14, 2012. Improve readability of rule and remove grammatical and other non-substantive errors.

**Rules Coordinator:** Shawna Harnden—(503) 945-0913

## 255-060-0011

### Procedures for Predatory Sex Offender Designation for Offenders on Parole and Post-Prison Supervision

(1) For purposes of this rule, a predatory sex offender is defined as a person who exhibits characteristics showing a tendency to victimize or injure others and has been convicted of one or more of the following offenses: Rape in any degree, Sodomy in any degree, Unlawful Sexual Penetration in any degree or Sexual Abuse in any degree, or has been convicted of attempting to commit one or has been found guilty except for insanity of one of these crimes. In determining whether an inmate or offender is a predatory sex offender under this rule, the Board shall use the Static-99R (Exhibit Q-1) and definitions (Exhibit Q-2), which have been approved by the Department of Corrections as required by ORS 181.585(2). The Board may also consider any other evidence that the offender exhibits characteristics showing a tendency to victimize or injure others.

(b) All exhibits referenced in this rule are filed with the rule and are available at the Secretary of State's office, the Board's website, or on request from the Board.

(2) Predatory sex offender designations made by the Board for inmates or offenders released from a Department of Corrections institution before November 14, 2012, are not included in this rule. Those designations are governed by the rules in effect when the designation was made.

(3) Subject to the procedures set forth in this rule, the Board will make a finding that an offender is a candidate for predatory sex offender designation, if the offender scores six or more points on the Static-99R and has been convicted of a qualifying offense or has been found guilty except for insanity of a qualifying offense.



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(4) Offenders who score six or more points on the Static-99R, and have been identified as a candidate for predatory designation, must be told. They must be provided with a copy of the Static-99R, the Notice of Rights (Exhibit PSO-5) and the Notice of Rights to File Written Objections form (Exhibit Q-3).

(a) The offender should submit any Written Objections (Exhibit Q-4) to the Static-99R score within three business days after signing the Notice of Rights (Exhibit Q-3).

(b) Unless the offender waives the right to submit Written Objections, no sooner than three days after providing the Notice of Rights, the supervising officer will forward the Static-99R, Notice of Rights and Written Objections, if submitted, to the Board. The supervising officer must also include a written report explaining why the offender should be considered for predatory designation. Other materials that support the offender's Static-99R score shall be included.

(c) Upon receipt of the required documents, the Board will review them to verify the accuracy of the score, obtain supporting documentation if necessary, and determine if there is sufficient information to conduct an evidentiary hearing for purposes of determining whether the offender should be designated a predatory sex offender. The Board will prepare a file memo that verifies the index offense, qualifying conviction, and each point awarded on the Static-99R. The file memo will address offender's written objections. If the Board determines there is sufficient information in the documents, it will forward them to its hearings officer, who will schedule an evidentiary hearing.

(5)(a) The supervising officer or the Board's hearings officer will provide the offender with: the documentation submitted by the supervising officer; the Static-99R; the memo prepared by the Board; and the Notice of Rights regarding an evidentiary hearing (Exhibit PSO-5).

(b) Unless the offender waives their right to an evidentiary hearing, a hearing will be held. Refusal to participate in the notice of rights process will be considered a waiver.

(c) The sole purpose of the evidentiary hearing will be to determine whether the offender exhibits characteristics showing a tendency to victimize or injure others.

(6)(a) At the evidentiary hearing, the hearings officer will consider the written report submitted by the supervising officer, the Static-99R, and any additional evidence supporting the Static-99R score or otherwise indicating that the offender exhibits characteristics showing a tendency to victimize or injure others.

(b) The offender may present evidence rebutting claims made in the supervising officer's written report, challenge the Static-99R score, or rebut other evidence that the offender exhibits characteristics showing a tendency to victimize or injure others.

(c) After consideration of all the evidence presented at the evidentiary hearing, the hearings officer will submit a report to the Board with a recommendation as to whether the offender is exhibiting characteristics showing a tendency to victimize or injure others.

(7)(a) Upon receipt of the report and recommendation from the Board's hearings officer, the Board will review the report and recommendation and determine whether the offender exhibits characteristics showing a tendency to victimize or injure others and is, therefore, a predatory sex offender.

(b) A finding that an offender is a predatory sex offender must be made by at least two Board members.

(c) The Board will issue an order of supervision containing the predatory designation. Upon receipt of the order, the offender's supervising officer must present it to the offender and document that the offender received the order.

(8) Pursuant to ORS 181.586, the community corrections agency supervising an offender found to be a predatory sex offender shall notify anyone whom the agency determines is appropriate that the person is a predatory sex offender. The agency shall make this determination as required by ORS 181.586.

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

Stat. Auth.: ORS 144.050, 144.140, 181.585 & 181.586

Stats. Implemented:

Hist.: PAR 4-2000, f. & cert. ef. 2-15-00; PAR 1-2002(Temp), f. & cert. ef. 1-15-02 thru 7-13-02; PAR 4-2002, f. & cert. ef. 3-12-02; PAR 5-2003, f. & cert. ef. 10-10-03; PAR 2-2004(Temp), f. & cert. ef. 1-41-04 thru 7-11-04; PAR 7-2004, f. & cert. ef. 6-14-04; PAR 1-2006(Temp), f. & cert. ef. 3-20-06 thru 9-15-06; PAR 5-2006, f. & cert. ef. 6-14-06; PAR 6-2006(Temp), f. 6-14-06 cert. ef. 6-15-06 thru 12-11-06; PAR 9-2006, f. & cert. ef. 10-9-06; PAR 1-2008, f. & cert. ef. 1-11-08; PAR 3-2008, f. & cert. ef. 9-12-08; PAR 5-2012(temp), f. & cert. ef. 11-15-12 thru 5-13-13

## 255-060-0016

### Procedures for Predatory Sex Offender Designation for Inmates

(1)(a) For purposes of this rule, a predatory sex offender is defined as a person who exhibits characteristics showing a tendency to victimize or injure others and has been convicted of one or more of the following offenses: Rape in any degree, Sodomy in any degree, Unlawful Sexual Penetration in any degree or Sexual Abuse in any degree, or has been convicted of attempting to commit one or has been found guilty except for insanity or one of these crimes. In determining whether an inmate or offender is a predatory sex offender under this rule, the Board shall use the Static-99R (Exhibit Q-1) and definitions (Exhibit Q-II2), which have been approved by the Department of Corrections as required by ORS 181.585(2). The Board may also consider evidence that the inmate is behaving in a manner that is consistent with exhibiting characteristics showing a tendency to victimize or injure others submitted in written reports prepared by an approved evaluator and a release counselor of any Department of Corrections institution.

(b) All exhibits referenced in this rule are filed with the rule and are available at the Secretary of State's office, the Board's website, or on request from the Board.

(2) Predatory sex offender designations made by the board for inmates released from a Department of Corrections institution before August 7, 2006 November 14, 2012, are not included in this rule. Those designations are governed by the rules in effect when the designation was made or when the inmate was released from custody.

(3) Subject to the procedures set forth in this rule, the Board will make a finding that an inmate is eligible a candidate for predatory sex offender designation, if the inmate scores six or more points on the Static-99R and has been convicted of a qualifying offense or has been found guilty except for insanity of a qualifying offense.

(4) A finding that an inmate or offender is a predatory sex offender may be made by one Board Member. The finding may only be made after the inmate has participated in a sex offender evaluation or refused participation in such an evaluation, and participated in an evidentiary hearing or waived participation in such a hearing to determine whether the offender is exhibiting characteristics showing a tendency to victimize or injure others. A finding that an offender is a predatory sex offender will be contained in the offender's original order of supervision or an amended order of supervision. Inmates who score six or more points on the Static-99R, and have been identified as a candidate for predatory designation, must be told. They must be provided with a copy of the completed Static-99R, the Notice of Rights (Exhibit PSO-5) and the Notice of Rights to File Written Objections form (Exhibit Q-3).

(a) The inmate should submit any Written Objections (Exhibit Q-4) to the Static-99R score within three business days after signing the Notice of Rights.

(b) Unless the inmate waives the right to submit Written Objections, no sooner than three days after providing the Notice of Rights, the counselor will forward the Static-99R, Notice of Rights and Written Objections, if submitted, to the Board. Other available materials that support the inmate's Static-99R score shall be included.

(c) Upon receipt of the required documents, the Board will review them to verify the accuracy of the score and obtain supporting documentation if necessary to determine if there is sufficient information to conduct an evidentiary hearing for purposes of determining whether the inmate should be designated a predatory sex offender. The Board will prepare a file memo that verifies the index offense, qualifying conviction, and each point awarded on the Static-99R. The file memo will address inmate's written objections. If the Board determines there is sufficient information in the documents, the inmate will be scheduled for a sex offender evaluation.

(d) Refusal to participate in a sex offender evaluation will not exclude inmate from predatory consideration.

(e) Should the sex offender evaluation determine that the inmate is exhibiting characteristics showing a tendency to victimize or injure others the inmate shall be provided with a copy of the sex offender evaluation and the Board's memo verifying the Static-99R points. Unless inmate waives the right to an evidentiary hearing, a hearing will be held. Refusal to participate in the notice of rights process will be considered a waiver.

(f) The sole purpose of the evidentiary hearing is to determine if the inmate exhibits characteristics showing a tendency to victimize or injure others.

(5) Subject to the procedures set forth below, inmates who score six or more points on the STATIC-99, and have been identified as eligible for predatory designation are required to participate in a sex offender evaluation to determine whether the inmate is exhibiting characteristics showing

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4-2007, f. & cert. ef. 7-17-07; PAR 3-2008, f. & cert. ef. 9-12-08; PAR 5-2012(Temp), f. & cert. ef. 11-15-12 thru 5-13-13

a tendency to victimize or injure others. Refusal to participate in such an evaluation will be used as evidence to determine whether the inmate is exhibiting characteristics showing a tendency to victimize or injure others.

(a) At the evidentiary hearing, the Board will consider the written report submitted by the sex offender evaluator, the Static-99R, and any additional evidence supporting the Static-99R score or otherwise indicating that the inmate exhibits characteristics showing a tendency to victimize or injure others.

(b) The inmate may present evidence rebutting claims made in the sex offender evaluator's written report, challenge the Static-99R score, or rebut other evidence that the inmate exhibits characteristics showing a tendency to victimize or injure others.

(c) After consideration of all the evidence presented at the hearing, the Board will make a determination as to whether the inmate should be designated as a predatory sex offender.

(6) A finding that an inmate is a predatory sex offender must be made by at least two Board members.

(7) Subject to the procedures set forth below, inmates who score six or more points on the STATIC-99, and have been identified as eligible for predatory designation, have the right to be advised of their score and submit written objections to the Board before the Board makes a predatory sex offender finding. The Notice of Rights and Written Objections form for this rule are Exhibits Q-III and Q-IV of the Board's rules.

(a) Written objections must be received by a Department of Corrections' institution or release counselor, or the Board within three days of the date the inmate signed the Notice of Rights (Exhibit Q-III).

(b) The Board must receive and review the signed Notice of Rights (Exhibit Q-III) or written documentation that the inmate refused to sign the Notice of Rights before an evidentiary hearing is conducted or waived to determine a predatory sex offender finding.

(c) The Board must consider any written objections to the score on the STATIC-99 timely submitted by the inmate before an evidentiary hearing is conducted or waived to determine a predatory sex offender designation if there is evidence to support a score on the STATIC-99 of six or more points.

(d) Inmates may elect to waive their right to submit written objections. Any such waiver must be in writing. When inmates waive their right to submit written objections, the Board may find an inmate or offender is eligible for predatory sex offender designation if the inmate's score on the STATIC-99 is six or more points.

(8) The sole purpose of the evidentiary hearing will be to determine whether the inmate is exhibiting characteristics showing a tendency to victimize or injure others. The Board shall receive the sex offender evaluation of the inmate, a copy of the STATIC-99, and any written objections from the inmate to consider at the hearing. The Board may receive a written report from a release counselor of any Department of Corrections institution indicating that the inmate is engaging in behavior that shows the inmate is exhibiting characteristics showing a tendency to victimize or injure others.

(a) Upon receipt of the abovementioned information, including the written report from a release counselor of any Department of Corrections institution, the Board will review it to determine whether it contains sufficient information to conduct an evidentiary hearing for purposes of determining whether the inmate should be designated as a predatory sex offender. If the Board determines there is sufficient information in the report, it will schedule an evidentiary hearing.

(b) The Board will provide the inmate with a copy of the Notice of Rights (Exhibit Q-V) prior to the evidentiary hearing. Upon receipt of the Notice of Rights (Exhibit Q-V), the inmate may proceed with the evidentiary hearing or waive his or her right to the hearing. At the evidentiary hearing, the inmate will be given the opportunity to rebut claims made in the sex offender evaluation, STATIC-99, and any written report submitted by a release counselor. At the conclusion of the evidentiary hearing, the Board will make a determination as to whether the inmate should be designated as a predatory sex offender.

(9) Pursuant to ORS 181.586, the community corrections agency supervising an inmate or offender found to be a predatory sex offender shall notify anyone whom the agency determines is appropriate that the person is a predatory sex offender. The agency shall make this determination as required by ORS 181.586.

[ED. NOTE: Exhibits referenced are available from the agency.]  
Stat. Auth.: 1999 OL Ch. 163, ORS 144.050, 144.140, 181.585 & 181.586  
Other Auth. V.L.Y v. Board of Parole & Post-Prison Supervision, 338 Or 44(2005)  
Hist.: PAR 7-2006(Temp), f. & cert. ef. 8-7-2006 thru 2-2-07; Suspended by PAR 8-2006(Temp), f. & cert. ef. 8-30-06 thru 2-2-07; PAR 10-2006, f. & cert. ef. 10-30-06; PAR

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**Rule Caption:** Increase payment for Board-appointed attorney in supervision violation proceedings.

**Adm. Order No.:** PAR 6-2012

**Filed with Sec. of State:** 11-15-2012

**Certified to be Effective:** 11-15-12

**Notice Publication Date:** 8-1-2012

**Rules Amended:** 255-075-0035

**Subject:** The amendment increases the maximum payment to be made to attorneys appointed by the Board, pursuant to rule, to represent offenders in proceedings relating to violations of post-prison supervision or parole.

**Rules Coordinator:** Shawna Harnden—(503) 945-0913

## 255-075-0035

### Representation/Ability to Pay Attorney Fees

(1) In all cases, the offender is entitled to representation by an attorney at the offender's own expense.

(2) For Board cases only, if the Hearings Officer or the Board deems the offender indigent, and unable to pay for an attorney, the offender is entitled to a Board appointed attorney if the Board or Hearings Officer further finds that the offender has made a timely and colorable claim that:

(a) The offender has not committed the alleged violation;

(b) There are substantial or complex mitigating circumstances which make revocation inappropriate even if the offender admits violation or it is a matter of record; or

(c) The offender appears incapable or representing himself/herself.

(3) For Board cases only, after a Board member has approved findings that there is a timely and colorable claim, the Hearings Officer may appoint an attorney. The Hearings Officer shall notify the Board of payment to be made to the appointed attorney. When the Board approves payment for a Board appointed attorney, it shall not exceed \$100 per hour and \$500 per case. The attorney shall send the Board a billing within 90 days of the violation hearing.

(4) When the Hearings Officer or Board refuses to appoint an attorney, the Hearings Officer or Board shall state the grounds for refusal in the record.

(5) For Local Supervisory Authority cases, the Local Supervisory Authority may set its own criteria for appointment of an attorney and shall set its own standards for payment of appointed attorneys.

Stat. Auth.: ORS 144.050, 144.140 & 144.346

Stats. Implemented: ORS 144.343

Hist.: 2PB 1-1979, f. & ef. 2-1-79; 2PB 1-1982, f. & ef. 5-19-82; 2PB 1-1984(Temp), f. & ef. 11-19-84; 2PB 1-1985, f. & ef. 2-28-85; PAR 1-1988(Temp), f. 3-11-88, ef. 3-14-88; PAR 6-1988, f. & ef. 5-19-88; PAR 10-1988(Temp), f. & ef. 7-14-88; PAR 15-1988, f. & ef. 9-20-88; PAR 3-1989, f. 10-13-89, ef. 10-16-89; PAR 6-1991, f. & cert. ef. 10-15-91; PAR 8-1992, f. & cert. ef. 10-9-92; PAR 11-1997(Temp), f. & cert. ef. 11-14-97; PAR 1-1998, f. & cert. ef. 5-11-98; PAR 3-2001, f. & cert. ef. 2-6-01; PAR 3-2005, f. & cert. ef. 12-29-05; PAR 6-2012, f. & cert. ef. 11-15-12

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## Board of Psychologist Examiners Chapter 858

**Rule Caption:** Notice and Investigation Process; Investigator's Report to the Board.

**Adm. Order No.:** BPE 4-2012(Temp)

**Filed with Sec. of State:** 10-18-2012

**Certified to be Effective:** 10-18-12 thru 4-16-13

**Notice Publication Date:**

**Rules Amended:** 858-020-0055

**Rules Suspended:** 858-020-0045

**Subject:** Temporarily suspends OAR 858-020-0045 and 858-020-0055(2).

**Rules Coordinator:** LaRee Felton—(503) 373-1196

## 858-020-0045

### Notice and Investigation Process

(1) Notice to Respondent. The Board's Administrator shall notify the respondent by letter when a complaint is filed, or an investigation has been initiated, into respondent's conduct or practice. The notice letter shall provide respondent with a citation to the laws and regulations that apply to the investigation. The notice letter shall also set out the general allegations to be investigated. The investigator may modify the scope of the investigation

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as needed. The Board Administrator may delegate this notification procedure to the Board's investigator.

(2) Notice to Supervisors. When a complaint is filed against an individual acting under the supervision of a licensed psychologist, the supervising psychologist(s) shall be notified that any investigation into the conduct of the supervisee may affect the licensure of the supervisor(s). The Board may open a companion investigation naming the supervisor(s).

(3) Purpose of Investigation. The purpose of the investigation shall be to determine whether sufficient credible evidence exists of violation of rules or laws administered by the Board to justify issuance of a Notice of Intent to Impose sanctions against a person licensed by the Board or such other action as the circumstances may warrant.

(4) Scope of Investigation. The investigator shall seek guidance as appropriate and necessary from individual Board members, the full Board, agency legal counsel, and the Board's administrator. Should the Board decide to operate with a Consumer Protection Committee structure, that committee shall serve as the primary source of guidance for the investigator.

(5) Cooperation. Failure by Respondent to cooperate with a board investigation constitutes unprofessional conduct per ORS 675.070(2). Cooperation by respondent includes:

(a) Submitting client records to the Board's investigator, with or without a signed release by the client, for a full investigation of the allegations presented in the notice letter;

(b) Sending a complete case file to the Board's investigator;

(c) Being available for a personal interview with the Board's investigator; and

(d) Responding to questions presented by the Board's investigator.

(6) Duty of the Investigator. The investigator shall collect evidence, interview witnesses and make a written report to the Board.

Stat. Auth.: ORS 675.020 & 675.110

Stats. Implemented: ORS 675.110

Hist.: BPE 3-1999, f. & cert. ef. 7-6-99; BPE 2-2004, f. & cert. ef. 8-30-04; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10; Suspended by BPE 4-2012(Temp), f. & cert. ef. 10-18-12 thru 4-16-13

## 858-020-0055

### Presentation to the Board

When the investigation is complete, the investigator will make an investigation report to the Board, in accordance with the timeline and procedures outlined in ORS 183.310 to 183.500 and 676.160 to 676.180, and shall clearly set forth the issues on which the Board should consider possible action.

Stats. Auth.: ORS 675.110

Stats. Implemented: ORS 675.110

Hist.: BPE 2-1999, f. & cert. ef. 7-6-99; BPE 2-2004, f. & cert. ef. 8-30-04; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 4-2012(Temp), f. & cert. ef. 10-18-12 thru 4-16-13

## Construction Contractors Board

### Chapter 812

**Rule Caption:** Housekeeping: LBP match EPA and OHA; clarify complaints filed; clarify proof CE required.

**Adm. Order No.:** CCB 8-2012

**Filed with Sec. of State:** 10-26-2012

**Certified to be Effective:** 11-1-12

**Notice Publication Date:** 10-1-2012

**Rules Amended:** 812-007-0020, 812-009-0010, 812-021-0037, 812-021-0040, 812-025-0020

**Subject:** 812-007-0020 is amended to define "minor repair and maintenance activities" to read the same as the rules adopted by the federal Environmental Protection Agency and the Oregon Health Authority.

812-009-0010 is amended to clarify that for Dispute Resolution Services (DRS) complaints filed before July 1, 2011 (pre-DRS-mediation only), sections in rules relating to exceptions and appeals apply.

812-021-0037 and 812-021-0040 are amended to clarify what proof of continuing education (CE) an inactive renewing contractor must provide. Removes language from OAR 812-021-0037 (general section) and places it in OAR 812-021-0040 (specific section governing inactive contractors).

812-025-020 is amended to conform OAR 812-025-0020(6) to Oregon Department of Energy rule OAR 330-112-0060(7).

**Rules Coordinator:** Catherine Dixon—(503) 934-2185

## 812-007-0020

### Definitions

The following definitions apply to division 7 of OAR chapter 812.

(1) "Abatement" means any measure or set of measures designed to permanently eliminate LBP hazards.

(2) "Accredited training program" means a training program provisionally accredited or accredited by the OHA, the Environmental Protection Agency (EPA) or an EPA-authorized state or tribal program.

(3) "Certified" means certified by OHA to perform LBP activities.

(4) "Certified lead-based paint renovation contractor" means a construction contractor that is licensed by the board to conduct LBP renovation under ORS 701.515.

(5) "Certified renovator" means an individual who has successfully completed a renovator course accredited by OHA, EPA, or EPA authorized program.

(6) "Child-occupied facility" means a building, or portion of a building, constructed before 1978 and visited regularly by the same child, under age six, on at least two different days within any week (Sunday through Saturday), provided that each day's visit lasts at least three hours and the combined weekly visit lasts at least six hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day-care centers, preschools and kindergarten classrooms. Child-occupied facilities may be located in target housing or in public or commercial buildings. With respect to common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age six, such as restrooms and cafeterias. Common areas that children under age six only pass through, such as hallways, stairways, and garages are not included. In addition, with respect to exteriors of public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under age six.

(7) "Component or building component" means specific design or structural elements or fixtures of a building or residential dwelling that are distinguished from each other by form, function, and location. These include, but are not limited to: interior components such as ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills or stools and troughs), built-in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and exterior components such as painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, corner boards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills or stools and troughs, casings, sashes and wells, and air conditioners.

(8) "Course completion certificate" means documentation issued by an accredited training program to an individual as proof of successful completion of an accredited renovator training program (initial or refresher).

(9) "Deteriorated lead-based paint (LBP)" means any interior or exterior paint or other covering that is peeling, chipping, chalking, cracking, flaking or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

(10) "Dust-lead hazard" means surface dust that contains a mass-per-area concentration of lead equal to or exceeding 40  $\mu\text{g}/\text{ft}^2$  on floors or 250  $\mu\text{g}/\text{ft}^2$  on interior windows or 400  $\mu\text{g}/\text{ft}^2$  in troughs based on wipe samples.

(11) "Emergency" means a situation in which failure to act promptly would likely result in immediate harm to persons or property.

(12) "Emergency renovation operations" means renovation activities, such as operations necessitated by non-routine failures of equipment, that were not planned but result from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment or property with significant damage. Interim controls performed in response to an elevated blood lead level in a resident child are also emergency renovations.

(13) "Inspection" means a surface-to-surface investigation to determine the presence of LBP and an accompanying report explaining the results of the investigation.

(14) "Lead abatement contractor" means a construction contractor that is licensed by the board to perform abatement.

(15) "Lead assessor" or "risk assessor" means an individual who has been trained by an accredited training program and certified by the Department to conduct risk assessments.



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(16) "Lead-based paint" or "LBP" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

(17) "Lead-based paint activities" means, in the case of target housing and child-occupied facilities, inspection, risk assessment, and abatement.

(18) "Lead inspection contractor" means a construction contractor that is licensed by the board to perform inspections or risk assessments.

(19) "Lead inspector" means an individual who has been trained by an accredited training program and certified by OHA to conduct inspections.

(20) "Lead supervisor" means an individual who has been trained by an accredited training program and certified by OHA to supervise and conduct abatements and prepare abatement reports.

(21) "Lead worker" or "lead abatement worker" means an individual who has been trained by an accredited training program and certified by OHA to perform abatements.

(22) "Minor repair and maintenance" means activities, (including minor heating, ventilation, air conditioning work, electrical work, or plumbing) that disrupt 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities, that do not involve prohibited or restricted work activities and do not involve window replacement or painted surface demolition. When removing painted components, or portions of painted components, the entire surface area removed is the amount of the painted surface disturbed. Jobs, other than emergency renovations, performed within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.

(23) "Prohibited or restricted work activities" include:

(a) Open flame burning or torching;

(b) Machines to remove paint through high-speed operation without HEPA exhaust control; and

(c) Operating a heat gun at temperatures at or above 1100 degrees Fahrenheit.

(24) "Recognized test kit" means a commercially available kit recognized by EPA under 40 CFR § 745.88 as being capable of allowing a user to determine the presence of lead at levels equal to or in excess of 1.0 milligrams per square centimeter, or more than 0.5 percent lead by weight, in a paint chip, paint powder, or painted surface.

(25) "Renovation" means the modification of any existing structure, or portion thereof, which results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement. The term renovation includes, but is not limited to:

(a) Removal, modification or repair of painted surfaces or painted components, such as modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping or other such activities that may generate paint dust);

(b) The removal of building components, such as walls, ceilings, plumbing and windows;

(c) Window replacement;

(d) Weatherization projects, such as cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, or planing thresholds to install weather-stripping;

(e) Interim controls that disturb painted surfaces. A renovation for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation. The term "renovation" does not include minor repair and maintenance.

(26) "Renovation Right Pamphlet" means the pamphlet entitled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* or any pamphlet approved by the Environmental Protection Agency (EPA) for the same purpose.

(27) "Risk assessment" means an on-site investigation to determine the existence, nature, severity, and location of a LBP hazard and an accompanying report explaining the results of the investigation and options for reducing LBP hazards.

(28) "Soil lead hazard" means 400 ppm of lead in child play areas or 1200 ppm in non-child play areas.

(29) "Target housing" means any housing constructed before 1978, except housing for the elderly or persons with disabilities or any housing with no bedrooms.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.505-701.520

Hist.: CCB 6-1996(Temp), f. & cert. ef. 11-26-96; Administrative Renumber from 812-007-0015, 5-19-97; CCB 1-1997, f. & cert. ef. 5-15-97; CCB 4-1997, f. & cert. ef. 11-3-97; CCB 8-1998, f. 10-29-98, cert. ef. 11-1-98; CCB 1-1999, f. 3-29-99, cert. ef. 4-1-99; CCB 7-2000, f. 6-29-00, cert. ef. 7-1-00; CCB 13-2006, f. 12-12-06, cert. ef. 1-1-07; CCB 2-2010, f. & cert. ef. 2-1-10; CCB 5-2010(Temp), f. & cert. ef. 3-11-10 thru 9-3-10; CCB 10-2010(Temp),

f. & cert. ef. 6-1-10 thru 9-3-10; CCB 14-2010, f. 8-24-10, cert. ef. 9-1-10; CCB 12-2011, f. 9-29-11, cert. ef. 10-1-11; CCB 3-2012, f. & cert. ef. 3-2-12; CCB 8-2012, f. 10-26-12, cert. ef. 11-1-12

## 812-009-0010

### Application of Rules

Subject to OAR 812-004-0590, complaints filed before July 1, 2011, arising under ORS 701.139-701.180 are governed by:

(1) OAR 812-009-0020-812-009-0220 and 137-003-0501-137-003-0700, with respect to contested cases;

(2) OAR 812-009-0400, 812-009-0430, and 812-009-0435, with respect to exceptions; and

(3) OAR 812-009-0440, with respect to meetings of the board's Appeal Committee.

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

Stats. Implemented: ORS 183.413 to 183.470 & 701.145

Hist.: CCB 1-2000(Temp), f. 1-20-00, cert. ef. 1-24-00 thru 7-22-00; CCB 4-2000, f. & cert. ef. 5-2-00; CCB 6-2002 f. 6-10-02 cert. ef. 7-1-02; CCB 15-2006, f. 12-12-06, cert. ef. 1-1-07; CCB 7-2011(Temp), f. & cert. ef. 7-8-11 thru 1-4-12; CCB 11-2011, f. 9-29-11, cert. ef. 10-1-11; CCB 8-2012, f. 10-26-12, cert. ef. 11-1-12

## 812-021-0037

### Certification, Recordkeeping, and Review — Continuing Education for Residential Contractors

(1) Contractors shall maintain records of continuing education courses completed for a period of:

(a) 24 months after the renewal date for which the education was reported; or

(b) For a lapsed license, a period of 24 months after the date the license ceased to be lapsed.

(2) The agency may request any contractor's continuing education records for review.

(3) If a contractor cannot prove that it completed the continuing education, the agency may suspend or refuse to renew the license until the contractor proves compliance or completes the missing courses.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

Hist.: CCB 5-2009, f. 6-25-09, cert. ef. 7-1-09; CCB 8-2012, f. 10-26-12, cert. ef. 11-1-12

## 812-021-0040

### Inactive Status During the License Period or Upon Renewal — Continuing Education for Residential Contractors

(1) If a contractor is inactive for less than a year and seeks to renew in an active status, the contractor must complete the total continuing education hours required in OAR 812-021-0015 in order to renew. If the inactive contractor cannot prove that it completed the continuing education, the agency may refuse to convert the license to active status until the contractor proves compliance or completes the missing courses.

(2) If a contractor is inactive for one year or more during the license period and seeks to renew in an active status, the contractor is not required to complete the continuing education hours as required in OAR 812-021-0015 in order to renew.

(3) If a contractor is inactive for any period of time and seeks to renew in an inactive status, the contractor is not required to complete the continuing education hours required in OAR 812-021-0015 in order to renew.

(4) If a contractor is active at the time of renewal and seeks to renew in an inactive status, the contractor is not required to complete the continuing education hours required in OAR 812-021-0015 in order to renew.

(5) Notwithstanding section (4) of this rule, if an active contractor renews to an inactive status and seeks to change to active status during the two-year license renewal period, the contractor must complete the continuing education requirements in OAR 812-021-0015 in order to change to active status. Continuing education hours earned during the prior two-year license period and the period of inactivity may be included for determining compliance. If the inactive contractor cannot prove that it completed the continuing education, the agency may refuse to convert the license to active status until the contractor proves compliance or completes the missing courses. Notwithstanding 812-021-0015, hours completed during this same period and credited towards renewal to active may not be included for the contractor's next renewal.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.063 & 701.126

Hist.: CCB 5-2009, f. 6-25-09, cert. ef. 7-1-09; CCB 4-2012, f. & cert. ef. 3-2-12; CCB 8-2012, f. 10-26-12, cert. ef. 11-1-12

## 812-025-0020

### Additional Qualifications for Certification

ODOE adopted standards that the board applies in granting certification. Under the ODOE standards, a contractor is qualified if:

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- (1) It is not listed by the Commissioner of BOLI as ineligible to receive a contract, or subcontract, for public works;
- (2) It is one or more of the following:
  - (a) An equal opportunity employer;
  - (b) A small business;
  - (c) A minority or women business enterprise; or
  - (d) A disadvantaged business enterprise.
- (3) It has complied with the rules and other requirements of:
  - (a) The board;
  - (b) The Workers' Compensation Division of the Department of Consumer and Business Services; and
  - (c) The Occupational Safety and Health Division of the Department of Consumer and Business Services.
- (4) It employs at least 80 percent of employees used for the EEAST program from the local work force, if a sufficient supply of skilled workers is available locally.
- (5) It has complied with federal and state wage and hour laws.
- (6) It pays wages to employees used for the EEAST program at a rate equal to at least 180 percent of the state minimum wage.
- (7) It pays wages to employees used for commercial structures at the prevailing wage rate for each trade or occupation employed.

Stat. Auth.: ORS 670.310 & 701.235  
Stats. Implemented: ORS 470, 670.310, 701.108, 701.119 & 2009 OL Ch. 753  
Hist.: CCB 17-2010, f. 12-22-10, cert. ef. 1-1-11; CCB 8-2012, f. 10-26-12, cert. ef. 11-1-12

## Department of Agriculture Chapter 603

**Rule Caption:** Establishes certificate and annual fees for persons engaged in the shellfish industry.

**Adm. Order No.:** DOA 25-2012

**Filed with Sec. of State:** 10-30-2012

**Certified to be Effective:** 1-1-13

**Notice Publication Date:** 9-1-2012

**Rules Adopted:** 603-100-0100, 603-100-0110

**Subject:** The rules establish new certificate fees for persons engaged in the growing, production, harvesting, or distributing of shellfish in Oregon. Certificate fees will be assessed in a manner that correlates with the annual gross income of the person engaged in the shellfish industry. The rule also establishes new annual fees that will be assessed to persons that use state lands to cultivate oysters, clams, or mussels. The annual fees will be assessed for each acre claimed by a person, and may vary depending on the classification of the land.

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

### 603-100-0100

#### Certificate Fees; Rules

As provided in ORS 622.080, the Oregon Department of Agriculture establishes the following fees for persons engaged in the growing, production, harvesting or distribution of shellfish:

- (1) Persons who receive \$50,000 or less in annual gross income from all shellfish operations shall pay:
  - (a) \$300 for a certificate of shellfish sanitation as a shucker-packer, or repacker. For a person operating a shellfish shucking, packing or repacking plant for the distribution of shellfish;
  - (b) \$200 for a certificate of shellfish sanitation as a grower. For a person engaged in the business of growing shellfish;
  - (c) \$200 for a certificate of shellfish sanitation as a distributor, reshipper, or shellstock shipper. For any jobber or wholesaler who furnishes or sells shellfish to retail outlets;
  - (d) \$125 for a certificate of shellfish sanitation as a commercial harvester. For any person harvesting clams or mussels for commercial purposes.
- (2) Persons who receive more than \$50,000, but not more than \$500,000 in annual gross income from all shellfish operations shall pay:
  - (a) \$600 for a certificate of shellfish sanitation as a shucker-packer, or repacker. For a person operating a shellfish shucking, packing or repacking plant for the distribution of shellfish;
  - (b) \$400 for a certificate of shellfish sanitation as a grower. For a person engaged in the business of growing shellfish;
  - (c) \$450 for a certificate of shellfish sanitation as a distributor, reshipper, or shellstock shipper. For any jobber or wholesaler who furnishes or sells shellfish to retail outlets;

(d) \$200 for a certificate of shellfish sanitation as a commercial harvester. For any person harvesting clams or mussels for commercial purposes.

(3) Persons who receive more than \$500,000 in annual gross income from all shellfish operations shall pay:

(a) \$1,200 for a certificate of shellfish sanitation as a shucker-packer, or repacker. For a person operating a shellfish shucking, packing or repacking plant for the distribution of shellfish;

(b) \$800 for a certificate of shellfish sanitation as a grower. For a person engaged in the business of growing shellfish;

(c) \$900 for a certificate of shellfish sanitation as a distributor, reshipper, or shellstock shipper. For any jobber or wholesaler who furnishes or sells shellfish to retail outlets;

(d) \$250 for a certificate of shellfish sanitation as a commercial harvester. For any person harvesting clams or mussels for commercial purposes.

Stat. Auth.: ORS 561.190 & 622.080  
Stat. Implemented: ORS 622.080  
Hist.: DOA 25-2012, f. 10-30-12, cert. ef. 1-1-13

### 603-100-0110

#### Annual Fees

As provided in ORS 622.290, the Oregon Department of Agriculture establishes the following annual cultivation fees for the use of state lands to cultivate oysters, clams, or mussels:

(1) For growing areas that have been classified as prohibited, persons shall pay \$5 per year for each acre claimed pursuant to Chapter 675, Oregon Laws 1969, or claimed pursuant to a plat made subsequent thereto.

(2) For growing areas that have been classified as approved, conditionally approved, restricted, or conditionally restricted shall pay \$14 per year for each acre claimed pursuant to Chapter 675, Oregon Laws 1969, or claimed pursuant to a plat made subsequent thereto.

Stat. Auth.: ORS 561.190 & 622.290  
Stat. Implemented: ORS 622.290  
Hist.: DOA 25-2012, f. 10-30-12, cert. ef. 1-1-13

**Rule Caption:** Makes consistent and streamlines recordkeeping requirements for pesticide applicators, pesticide apprentices, and trainees.

**Adm. Order No.:** DOA 26-2012

**Filed with Sec. of State:** 10-30-2012

**Certified to be Effective:** 10-30-12

**Notice Publication Date:** 9-1-2012

**Rules Amended:** 603-057-0130

**Subject:** The proposed amendments will add clarity and consistency with other administrative rules on requirements for records required to be maintained by the pesticide applicators and public applicators to now include their pesticide license number. Adds the requirement of the name of applicator to be "legible" to assist in identifying the person responsible for making a pesticide application.

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

### 603-057-0130

#### Applicator's Records and Reports

(1) Pursuant to subsection (13) of ORS 634.116, a public applicator shall prepare and maintain the records, and submit the reports, required of pesticide operators by 634.146.

(2) A pesticide applicator shall prepare and maintain the records, and submit the reports, required of pesticide operators by ORS 634.146 if the employer of such applicator is not a pesticide operator (greenskeepers, etc.).

(3) A pesticide applicator and public applicator shall include their full name and pesticide applicator license number legibly on the records required by ORS 634.116.

(4) If a pesticide application is conducted by a Pesticide Apprentice or an Immediately Supervised Pesticide Trainee, then the names and pesticide license numbers of both the Pesticide Apprentice or Immediately Supervised Pesticide Trainee and their supervising applicator must be included legibly on the record.

Stat. Auth.: ORS 561 & 634  
Stats. Implemented: ORS 634.146  
Hist.: AD 7-1977, f. & ef. 4-5-77; DOA 26-2012, f. & cert. ef. 10-30-12

**Rule Caption:** Reduces threshold for initiating seafood price negotiations from 75% to 51% for harvesters and dealers.

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**Adm. Order No.:** DOA 27-2012  
**Filed with Sec. of State:** 11-2-2012  
**Certified to be Effective:** 11-2-12  
**Notice Publication Date:** 10-1-2012  
**Rules Amended:** 603-076-0052

**Subject:** The rule change will reduce the threshold requirements for holding state supervised price negotiations from 75% of active seafood harvesters and 75% of dealers, as determined by pounds processed in the preceding year.

The ODA asserts that the percentage of participants in relation to the industry as a whole is sufficient to allow the harvesters and the dealers to bargain collectively to arrive at a negotiated season starting price that encourages an orderly start to the season and the efficient production and distribution of seafood products.

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

## 603-076-0052

### Active State Supervision of Season Starting Price Negotiations for Seafood Commodities

To ensure that the Director is actively supervising the conduct of the seafood harvester association representatives and the seafood dealers under the regulatory program in accordance with the requirements of the federal antitrust laws and the Oregon Antitrust Act:

(1)(a) The Director — at the request of a minimum of fifty-one percent (51%) of harvesters with active permits for the specific seafood subject to negotiations, and fifty-one percent (51%) of dealers by volume of pounds landed in the previous year of the specific seafood species subject to negotiations — shall convene duly elected or appointed representatives of the seafood harvesters and seafood dealers, at a predetermined location, date and time to enter into price negotiations with the objective of reaching agreement on a negotiated season starting price for review and approval by the Department.

(b) The Director may schedule a series of meetings between the representatives of the harvesters and dealers.

(c) The names and affiliations of the representatives of the seafood harvester and the dealers shall be provided to the Department at least two working days prior to the meeting.

(2) The Director or the Director's designee shall be present at and actively supervise all meetings between the seafood harvesters and dealer representatives pursuant to the regulatory program and, if necessary, mediate the price negotiations between the representatives at these meetings.

(3) The department shall designate someone to keep minutes of all state-supervised meetings between representatives of the seafood harvesters associations or cooperatives and dealer representatives; minutes of negotiations shall be distributed to all interested parties upon request.

(4) At the conclusion of the negotiations between the representatives of the seafood harvesters and dealers, the representatives shall by consensus take one of the following actions:

(a) Submit to the Director for review and approval a negotiated season starting price effective for the time period agreed to in the negotiations; or

(b) Notify the Director that the bargaining representatives cannot arrive at a negotiated price, and request that the Director establish the price based on all information presented in the negotiations; or

(c) Terminate the negotiations.

(5) Within two (2) days after the parties' submission under section (4), the Director shall review the negotiated price and approve it as the established price, or reject the parties' negotiated price and direct the parties to continue their negotiations if it is determined that the price does not reflect the interests of the State. The Director may request any information deemed necessary from the parties to review and approve the established price. The Director shall immediately notify the parties of the decision under this section in writing.

(6) In approving the established season opening price, the Director shall consider the negotiated price reached by representatives of the seafood harvesters and dealers. The Director may also consider information available from the parties, including inventories; previous price-harvest relationships; production and supply factors; competitive factors; local, national and world market production and supply, and prices; the influence of imported product on prices, and any other factors the Director deems necessary to approve the established price."

(7)(a) The Director must approve the established season opening price before the parties shall implement the season opening prices effective for

the parties which participated in and agreed to be bound by such through negotiations.

(b) The Director shall not be involved in adjustments to seafood prices once the time period effective for the season opening price has expired.

(c) However, if during the applicable time period effective for the season opening price, a majority of seafood harvesters and a majority of dealers who were parties to the negotiations request the Director to be involved in any adjustments to the established season starting price, a continuation of the supervised price negotiations may occur. Any proposed adjustments to an established season opening price or applicable time period require approval by the Director before they may become effective.

(8) The established season opening price shall be binding for all parties to the negotiations who have agreed to the prices and time frames and other terms and conditions as specified and approved by the Director.

(9) Parties to the negotiations shall reimburse the Department for costs associated with supervising and administering the regulatory program. The Department will provide the parties with an itemized list of costs associated with program supervision, and cost recovery shall be as follows:

(a) Department consultative fees for Attorney General counsel directly related to supervising the regulatory program shall be divided evenly between the parties and reimbursed to the Department.

(b) All parties to the negotiations will be assessed a fee of \$100 towards the cost of state supervision of the negotiations. Costs above the total collected from the parties for this \$100 flat fee will be evenly divided between all parties.

(c) Total costs for the department's supervisory role will include: \$45.00 per hour for time devoted to administration and supervision of the regulatory program, plus associated travel costs (mileage at state rates, and travel time) and expenses (copies, etc.).

Stat. Auth.: ORS 576.620 - 576.650, Ch. 487 OL 2003 & SB 673

Stats. Implemented: ORS 62.845, 646.515, 646.535 & 646.740

Hist.: DOA 13-2004, f. & cert. ef. 5-5-04; DOA 23-2011(Temp), f. & cert. ef. 12-8-11 thru 1-15-12; Administrative correction, 2-24-12; DOA 27-2012, f. & cert. ef. 11-2-12

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

**Rule Caption:** Amends HB 3462 training program and certification rules.

**Adm. Order No.:** BCD 13-2012(Temp)

**Filed with Sec. of State:** 11-7-2012

**Certified to be Effective:** 11-7-12 thru 5-6-13

**Notice Publication Date:**

**Rules Amended:** 918-098-1530, 918-098-1550

**Subject:** These temporary rules provide flexibility for the division to independently evaluate and certify individuals under the House Bill 3462 training and certification pilot program.

**Rules Coordinator:** Richard J. Baumann—(503) 373-7559

## 918-098-1530

### Training Programs

(1) Approved applicants must complete an appropriate division-approved training program and pass a division-approved examination for the desired specialized certification. Training program requirements are stated in OAR 918-098-1560 for the Specialized Solar Photo-Voltaic Inspector Certification, in 918-098-1570 for the Specialized Plumbing Inspector Certification, and in 918-098-1580 for the Specialized Electrical Inspector Certification, and in 918-098-1590 and 918-098-1591 for the Specialized Finals Inspector Certification.

(2) Approved fieldwork supervisors must be qualified by training, licensure, and experience to perform the specialized inspector certification fieldwork inspections being performed.

(3) Fieldwork Training. A specialized inspector certification applicant is eligible to perform the required fieldwork training after the applicant has begun the division training program.

(4) Fieldwork Supervision. All specialized certification fieldwork training must be supervised and verified by an inspector with a valid Oregon Inspector Certification required to conduct the inspections being performed.

(a) An applicant's fieldwork training must be documented on a division-approved form and signed by the inspector who supervised the inspections.



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(b) An inspector supervising and verifying an applicant's fieldwork training may not be qualified to conduct the inspections performed based solely on a specialized inspector certification issued according to these rules.

(5) Alternate Evaluation. The division may evaluate the skill and knowledge level of a specialized inspector applicant in lieu of some or all of the fieldwork requirements.

(6) Fieldwork Training Approval. A specialized inspector certification applicant must submit proof of completed fieldwork training, or alternate evaluation and approval by the division, to the division for verification and approval, and issuance of specialized inspector certification.

(7) Examination Approval. A specialized inspector certification applicant is eligible to take a certification examination once the application has been approved by the division. A certification will not be issued until the division receives proof that the applicant has successfully completed the required training program and passed the exam.

Stat. Auth.: ORS 455.720, 455.730 & 455.735  
Stats. Implemented: ORS 455.720, 455.730 & 455.735  
Hist.: BCD 10-2011(Temp), f. 4-15-11, cert. ef. 5-1-11 thru 6-30-11; BCD 15-2011, f. 6-30-11, cert. ef. 7-1-11; BCD 25-2011(Temp), f. & cert. ef. 8-18-11 thru 10-1-11; BCD 27-2011, f. 9-30-11, cert. ef. 10-1-11; BCD 2-2012(Temp), f. & cert. ef. 3-1-12 thru 6-30-12; BCD 7-2012, f. 6-27-12, cert. ef. 7-1-12; BCD 13-2012(Temp), f. & cert. ef. 11-7-12 thru 5-6-13

## 918-098-1550

### Specialized Inspector Certification Issuance and Expiration

(1) Upon receiving proof of completion of all requirements listed in these rules, the division may issue the appropriate specialized inspector certification.

(2) The scope of a certification may be tailored to an individual's knowledge level and skill as determined by the division through an independent evaluation, but may not exceed the scope of work allowed under the rules.

(3) All specialized certifications remain valid until January 2, 2018, if the holder maintains a current Oregon Inspector Certification. Should the holder fail to maintain a valid Oregon Inspector Certification, all certifications, including any specialized certification issued under this rule, become invalid and the holder may not conduct any inspections until the Oregon Inspector Certification is again valid.

Stat. Auth.: ORS 455.720, 455.730 & 455.735  
Stats. Implemented: ORS 455.720, 455.730 & 455.735  
Hist.: BCD 10-2011(Temp), f. 4-15-11, cert. ef. 5-1-11 thru 6-30-11; BCD 15-2011, f. 6-30-11, cert. ef. 7-1-11; BCD 13-2012(Temp), f. & cert. ef. 11-7-12 thru 5-6-13

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

**Rule Caption:** Establishes process for master trustee to calculate trust fund balance at least twice each year.

**Adm. Order No.:** FCS 6-2012

**Filed with Sec. of State:** 11-9-2012

**Certified to be Effective:** 11-9-12

**Notice Publication Date:** 10-1-2012

**Rules Adopted:** 441-930-0085

**Rules Amended:** 441-930-0010

**Subject:** This rule implements Section 10 of the 2012 Oregon Laws ch. 7 (Enrolled House Bill 4117). HB 4117 requires the Director of the Department of Consumer and Business Services to create a process, by rule, to allow a master trustee to calculate the balance of trust fund deposits at least two times each year. The permanent rules establish the two dates when a master trustee must calculate the value of the trust fund in order to recover expenses from earnings, in line with statutory requirements. The proposed rules also require some form of written notice to the Director that the master trustee chooses to recover expenses from the trust fund earning for the calendar year.

**Rules Coordinator:** Shelley Greiner—(503) 947-7484

## 441-930-0010

### Definitions

In addition to the definitions in ORS 97.010 and 97.923, the following definitions apply to OAR 441-930-0010 to 441-930-0360:

(1) "Applicant" means an entity applying to the director for a certification concerning prearrangement plans or for a registration to serve as a master trustee.

(2) "Director" means the Director of the Department of Consumer and Business Services.

(3) "Limited Operations Certified Provider" means a certified provider responsible for administering 10 or fewer prearrangement or pre-construction sales contracts which have a cumulative value of less than \$20,000.

(4) "Registrant" means an entity holding a registration for a master trustee, issued by the director.

(5) "Trust Agreement" means any agreement governing a trust fund established to receive the proceeds of a prearrangement or preconstruction plan and administered by a registered master trustee.

(6) "Trust fund balance" means the total of all prearrangement or pre-construction contract payments provided through certified providers, installment payments, plus the earnings of the trust fund through investments. Both deposits and accumulated earnings become part of the principal of the trust fund for the subsequent year.

(7) "Unconscionable tactics" include, but are not limited to, actions by which a person:

(a) Knowingly takes advantage of a customer's physical infirmity, ignorance, illiteracy or inability to understand the language of the agreement; or

(b) Knowingly permits a customer to enter into a transaction from which the customer will derive no material benefit.

Stat. Auth.: ORS 97.926  
Stats. Implemented: ORS 97.926  
Hist.: DO 1-2002, f. & cert. ef. 1-10-02; Renumbered from 440-300-0010; FCS 3-2004, f. & cert. ef. 9-30-04; FCS 2-2006, f. & cert. ef. 2-22-06; FCS 5-2007, f. 10-11-07, cert. ef. 1-1-08; FCS 14-2010, f. 12-30-10, cert. ef. 1-1-11; FCS 6-2012, f. & cert. ef. 11-9-12

## 441-930-0085

### Calculation of Trust Fund Deposit Earnings

If a master trustee elects to pay administrative fees and expenses, as described in ORS 97.943(9), from earnings on trust fund deposits for administrative fees, the master trustee or the certified provider shall calculate the principal amount of the trust fund in accordance with this rule.

(1) A master trustee or certified provider must calculate the allowable amount of earnings available by determining the principal amount of the trust fund on January 1 and on July 1 of the calendar year in which the earnings are appropriated for administrative expenses.

(2) By January 1 of each calendar year, a master trustee must submit, in a form and format fixed by the director, notice that the master trustee elects to pay administrative fees and expenses from the trust fund balance.

(3) By July 31 each calendar year, a master trustee must submit, in a form and format fixed by the director, the following calculations:

(a) The principal amount of the trust fund as of January 1;  
(b) Two percent of the principal amount of the trust fund as of January 1;

(c) The principal amount of the trust fund as of July 1;

(d) Two percent of the principal amount of the trust fund as of July 1;

(4) The calculation completed under subsection (3)(d) of this rule shall be the maximum amount of earnings on the principal amount of the trust fund that may be appropriated for administrative expenses.

Stat. Auth.: ORS 97.926  
Stats. Implemented: ORS 97.935  
Hist.: FCS 6-2012, f. & cert. ef. 11-9-12

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## Department of Consumer and Business Services, Insurance Division Chapter 836

**Rule Caption:** Permanent Rules Relating to Regulation and Licensing Captive Insurers in Oregon.

**Adm. Order No.:** ID 17-2012

**Filed with Sec. of State:** 11-7-2012

**Certified to be Effective:** 11-7-12

**Notice Publication Date:** 10-1-2012

**Rules Adopted:** 836-029-0000, 836-029-0005, 836-029-0010, 836-029-0015, 836-029-0020, 836-029-0025, 836-029-0030, 836-029-0035, 836-029-0040, 836-029-0045, 836-029-0050, 836-029-0055, 836-029-0060, 836-029-0065, 836-029-0070, 836-029-0075, 836-029-0080, 836-029-0085, 836-029-0090, 836-029-0095, 836-029-0100, 836-029-0105, 836-029-0110, 836-029-0115, 836-029-0120

**Rules Amended:** 836-009-0007

**Rules Repealed:** 836-029-0000(T), 836-029-0005(T), 836-029-0010(T), 836-029-0015(T), 836-029-0020(T), 836-029-0025(T),

# ADMINISTRATIVE RULES

836-029-0030(T), 836-029-0035(T), 836-029-0040(T), 836-029-0045(T), 836-029-0050(T), 836-029-0055(T), 836-029-0060(T), 836-029-0065(T), 836-029-0070(T), 836-029-0075(T), 836-029-0080(T), 836-029-0085(T), 836-029-0090(T), 836-029-0095(T), 836-029-0100(T), 836-029-0105(T), 836-029-0110(T), 836-029-0115(T), 836-029-0120(T)

**Subject:** These rules implement the provisions of chapter 84, Oregon Laws 2012 (Enrolled Senate Bill 1547, 2012 Legislative Session), setting out the regulatory and procedural details to administer the new captive insurers program. The rules include provisions that establish and clarify application requirements, annual reporting and audit requirements, documentation and recordkeeping requirements, and provisions to assure there is no conflict of interest by directors of captive insurers and their affiliates.

These rules allow captive insurers to locate in Oregon by providing the process for licensing captive insurers.

Upon adoption, these rules replace in their entirety temporary rules adopted on June 15, 2012.

**Rules Coordinator:** Sue Munson—(503) 947-7272

## 836-009-0007

### Fees

(1) The following fees apply to certificates of authority:

(a) The fee for application for a certificate of authority to transact insurance as an insurer is \$2,500. The fee for application as a domestic insurer must be paid when application for a permit to organize as a domestic insurer is made. Otherwise, the fee must be paid when the application for the certificate is made;

(b) The fee for annual continuation of a certificate of authority issued under subsection (a) of this section is \$1,500;

(c) The fee for obtaining a certificate of authority to transact insurance as a captive insurer for the year the director first issues a certificate is \$5,000. The fee for a domestic insurer must be paid when application for a permit to organize as a domestic insurer is made. Otherwise, the fee must be paid when the application for the certificate is made;

(d) The fee for annual renewal of a certificate of authority for a captive insurer issued under subsection (d) of this section is \$5,000;

(e) The fee for reinstatement of a certificate of authority is \$100.

(2) The fees in this section apply to examinations for licenses for insurance producers, adjusters and insurance consultants. The fees may be charged by the examination vendor under contract with the Department of Consumer and Business Services and are as follows:

(a) Examination fees:

(A) Insurance producer, property and casualty insurance or life and health insurance — \$55;

(B) Insurance producer, property insurance only, casualty insurance only, personal lines insurance only, life insurance only or health insurance only — \$45;

(C) Surplus lines licensee — \$45;

(D) Adjuster, general lines insurance or life and health insurance — \$45;

(E) Adjuster, health insurance or any single other line designated by rule — \$45;

(F) Consultant, life and health insurance or general lines insurance — \$55;

(G) Consultant, life insurance only, health insurance only or any other single line designated by rule — \$45;

(b) Reexamination fees, to be charged when the applicant retakes an examination:

(A) Insurance producer, property and casualty insurance or life and health insurance — \$55

(B) Insurance producer, property insurance only, casualty insurance only, personal lines insurance only, life insurance only or health insurance only — \$45;

(C) Surplus lines licensee — \$45;

(D) Adjuster, general lines insurance or life and health insurance — \$45;

(E) Adjuster, health insurance or any single other line designated by rule — \$45;

(F) Consultant, life and health insurance or general lines insurance — \$55;

(G) Consultant, life insurance only, health insurance only or any other single line designated by rule — \$45;

(c) For purposes of the fees charged under subsections (a) and (b) of this section:

(A) Surety is included in the casualty insurance line and marine and transportation insurance may be included in the property insurance line or the casualty insurance line; and

(B) The personal lines line is a subcategory of the casualty insurance line. Consequently, a person who holds a license that is endorsed to transact casualty insurance need not obtain a separate endorsement to transact personal lines insurance.

(3) The following fees apply to application for licenses for insurance producers, adjusters and insurance consultants:

(a) Resident insurance producer — \$30;

(b) Nonresident insurance producer — \$30;

(c) Adjuster — \$30;

(d) Insurance consultant — \$30.

(4) The following fees apply to issuance of licenses for insurance producers, adjusters and insurance consultants:

(a) Resident insurance producer — \$45;

(b) Nonresident insurance producer — \$45;

(c) Adjuster — \$45;

(d) Insurance consultant — \$45;

(e) In addition, the actual cost of any criminal records check under 836-072-0010. The amount charged will not exceed the actual cost of acquiring and furnishing criminal offender information as authorized by ORS 181.534(9)(g).

(5) The examination fee under section (2) of this rule must be paid to the examination vendor. The application fee under section (3) of this rule and the license issuance fee under section (4) of this rule must be paid at the same time. There is no refund of the application and examination fees. Refund of the license issuance fee is governed by section (14) of this rule.

(6) The fees established in this section apply to the renewal of licenses for insurance producers, adjusters and insurance consultants. A license expires biennially in the month of the individual's birthday anniversary. The fees are as follows:

(a) Resident insurance producer — \$45;

(b) Nonresident insurance producer — \$45;

(c) Adjuster — \$45;

(d) Insurance consultant — \$45.

(7) The applicable fee under sections (3) and (4) of this rule shall be paid for each category of insurance business appearing on a license.

(8) The following fees apply to certificates of registration for legal expense organizations:

(a) Application for a certificate of registration — \$350;

(b) Renewal of certificate of registration — \$350. The fee under this subsection shall be paid annually.

(9) Annual registration of a foreign risk retention group — \$350. The fee under this section shall be paid at the time of initial registration and annually thereafter.

(10) Annual registration of a purchasing group — \$100. The fee under this section shall be paid at the time of initial registration and annually thereafter.

(11) The license for a rating organization — \$180. The fee under this section shall be paid at the time of initial licensing and triennially thereafter.

(12) The fee for filing a statement by an acquiring party under ORS 732.521 for the purpose of acquiring a controlling interest in an insurer (a "Form A" filing as prescribed in OAR 836-027-0100) is \$50 per hour of Division staff time spent on reviewing the statement, with a minimum fee of \$5,000.

(13) The Fire Marshal shall pay \$50,000 each year for services provided by the Department in the collection of gross premium taxes on insurance covering the peril of fire under ORS 731.820.

(14) Fees paid as required under this rule are not refundable except as provided in this section. If the director determines that an amount paid exceeds the amount legally due and payable to the Department and the amount of the overpayment is less than \$20, the Department shall refund the amount only upon receipt of a written request from the payer or the representative of the payer. A fee paid for a license under section (4) of this rule is refundable if the license applicant fails the examination or if the license is otherwise not issued to the applicant.

(15) The amendments to section (2)(a), (b) and (d) of this rule that were filed in ID 15-2002 with the Secretary of State on June 26, 2002 to become effective on July 1, 2002, are re-adopted with the operative date of July 1, 2002, and those same amendments to section (2)(a) and (b) of this rule are repealed effective July 1, 2003.

Stat. Auth.: ORS 181.534, 293.445, 731.244, 731.804 & 744.037

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Stats. Implemented: ORS 181.534, 731.804, 744.001, 744.002, 744.004, 744.007, 744.058, 744.062, 744.063, 744.064, 744.072, 744.528, 744.531, 744.535, 744.619 & 744.621  
Hist.: ID 6-1989(Temp), f. & cert. ef. 7-3-89; ID 14-1989, f. 12-12-89, cert. ef. 1-1-90; ID 21-1990, f. & cert. ef. 12-18-90; ID 4-1991, f. & cert. ef. 4-25-91; ID 8-1991, f. & cert. ef. 10-21-91; ID 7-1993, f. & cert. ef. 9-3-93; ID 16-1997, f. 11-25-97, cert. ef. 1-1-98; ID 6-1999, f. 12-13-99, cert. ef. 1-1-00; ID 14-2000, f. 12-27-00, cert. ef. 1-1-01; ID 13-2001, f. 11-16-01, cert. ef. 1-1-02; ID 15-2002, f. 6-26-02, cert. ef. 7-1-02; ID 4-2003(Temp), f. 6-30-03, cert. ef. 7-1-03 thru 12-19-03; ID 8-2003, f. 12-12-03, cert. ef. 12-19-03; ID 8-2005, f. 5-18-05, cert. ef. 8-1-05; ID 11-2007(Temp), f. & cert. ef. 12-11-07 thru 6-1-08; ID 7-2008, f. 5-20-08, cert. ef. 6-2-08; ID 2-2010, f. 1-8-10, cert. ef. 2-1-10; ID 23-2010, f. 12-30-10, cert. ef. 1-1-11; ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0000

### Authority

OAR 836-029-0000 to 836-029-0120 are adopted under the general rulemaking authority of the Director of the Department of Consumer and Business Services under ORS 731.244 and the specific authority granted by Section 4, chapter 84, Oregon Laws 2012.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)  
Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)  
Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0005

### Purpose and Scope

The purpose of these rules is to set forth the financial, reporting, record-keeping and other requirements the Director of the Department of Consumer and Business Services considers necessary for the regulation of captive insurers, under sections 2 to 22, chapter 84, Oregon Laws 2012.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)  
Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)  
Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0010

### Definitions

As used in OAR 836-029-0000 to 836-029-0120:

(1) "GAAP" means generally accepted accounting principles.

(2) "Work Papers" or "working papers" include but are not limited to schedules, analyses, reconciliations, abstracts, memoranda, narratives, flow charts, copies of captive insurer records or other documents prepared or obtained by the independent certified public accountant and the accountant's employees in the conduct of their audit of a captive insurer.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)  
Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)  
Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0015

### Annual Reporting Requirements

(1) Not later than March 1, a captive insurer authorized in this state shall file an annual report of its financial condition as of the immediately preceding December 31 with the Director of the Department of Consumer and Business Services. The report shall be verified by oath of two of its executive officers and shall be prepared using GAAP. The annual report may be filed electronically in accordance with directions from the director.

(2) An association captive insurer shall comply with the requirements of section 13, chapter 84, Oregon Laws 2012 when filing an annual report on the captive insurer's financial condition.

(3) All captive insurers must use the "Captive Insurer Annual Statement Form" as set forth on the Insurance Division website of the Department of Consumer and Business Services at [www.insurance.oregon.gov](http://www.insurance.oregon.gov).

(4) The annual report required under section (1) of this rule must be accompanied by a management discussion and analysis that provides details of the captive's financial condition, changes in financial condition and results of operations. The Management Discussion and analysis shall be prepared in accordance with annual statement instructions set forth on the Insurance Division website of the Department of Consumer and Business Services at [www.insurance.oregon.gov](http://www.insurance.oregon.gov) and applicable to the required filing period as set forth in OAR 836-011-0000.

(5) The director may require a captive insurer to provide information applicable to its holding company systems covering activities for the preceding year.

(6) Upon request, the director may grant an extension of time for filing a report or document required under this rule.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)  
Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)  
Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0020

### Risk Limitation

The Director of the Department of Consumer and Business Services may:

(1) Limit the net amount of risk a captive insurer retains for a single risk after considering the impact of the retention on the captive insurer's capital and surplus; or

(2) Prescribe and demand additional capital and surplus of any captive insurer if the director determines that the captive insurer is not adequately capitalized for the type, volume and nature of the risk that is being covered by the captive insurer.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)

Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)

Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0025

### Annual Audit

(1) All captive insurers shall have an annual audit by an independent certified public accountant, approved by the Director of the Department of Consumer and Business Services, and shall file an audited financial report with the director on or before June 30 for the preceding year. Financial statements furnished under this section shall be prepared in accordance with generally accepted auditing standards as determined by the AICPA. At the discretion of the director, the requirement of an audit may be waived.

(2) The annual audit report shall be filed not later than June 30 and shall be considered part of the captive insurer's annual report of financial condition except with respect to the date by which it must be filed with the director. The director may grant an extension of time for filing the annual audit.

(3) The annual audit shall include all of the following:

(a) Opinion of an Independent Certified Public Accountant. The opinion of the independent certified public accountant shall:

(A) Cover all years presented; and

(B) Be addressed to the captive insurer on stationery of the accountant showing the address of issuance, shall bear original manual signatures and shall be dated.

(b) Internal Controls Letter.

(A) In accordance with AU Section 319 of the Professional Standards of the AICPA, Considerations of Internal Controls in a Financial Statement Audit, the independent certified public accountant shall obtain an understanding of internal controls sufficient to plan the audit. To the extent required by AU 319, for those insurers required to file a Management's Report of Internal Control over Financial Reporting pursuant to 836-029-0030, the independent certified public accountant shall consider (as that term is defined in Statement on Auditing Standards (SAS) No. 102, Defining Professional Requirements in Statements on Auditing Standards or its replacement) the most recently available report in planning and performing the audit of the financial statements.

(B) Based on such understanding, the accountant shall include a letter about the internal controls of the captive insurer relating to the methods and procedures used in the securing of assets and the reliability of the financial records, including but not limited to, controls as the system of authorization and approval and the separation of duties. The review shall be conducted in accordance with generally accepted auditing standards and procedures.

(c) Accountant's Letter of Qualifications. For a captive insurer that has an annual direct written premium of \$500 million or more, the accountant shall furnish the captive insurer, for inclusion in the filing of the audited annual report, a letter stating:

(A) That the accountant is independent with respect to the captive insurer and conforms to the standards of the profession as contained in the Code of Professional Ethics and pronouncements of the AICPA and pronouncements of the Financial Accounting Standards Board;

(B) The general background and experience of the staff engaged in the audit, including their experience in auditing captive or other insurance companies;

(C) That the accountant understands that the audited annual report and the accountant's opinions on the audited annual report will be filed in compliance with this rule.

(D) That the accountant consents to the requirements of OAR 836-029-0055;

(E) That the accountant consents and agrees to make the work papers available for review by the director and any designee or agent of the director; and



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(F) That the accountant is properly licensed by an appropriate state licensing authority.

(d) Financial Statements. The financial statements required shall include all of the following:

- (A) Balance sheet;
- (B) Statement of gain or loss from operations;
- (C) Statement of changes in financial position;
- (D) Statement of cash flow;

(E) Statement of changes in capital paid up, gross paid in and contributed surplus and unassigned funds (surplus); and

(F) Notes to financial statements required by GAAP including:

(i) A reconciliation of differences, if any, between the audited financial report and the statement or form filed with the director;

(ii) A summary of ownership and relationship of the captive insurer and all affiliated corporations or companies insured by the captive;

(iii) A narrative explanation of all material transactions with the captive insurer. For purposes of this provision, no transaction shall be deemed material unless it involves three percent or more of a captive insurer's admitted assets as of the immediately preceding December 31; and

(iv) A reconciliation of differences between capital paid up, gross paid in and contributed surplus and unassigned funds (surplus) prepared on a GAAP and Statutory Accounting basis.

(e) Certification of Loss Reserves and Loss Expense Reserves of the Captive Insurer's Opining Actuary. The annual audit shall include an actuarial opinion as to the reasonableness of the captive insurer's loss reserves and loss expense reserves.

(A) The individual who certifies as to the reasonableness of reserves shall be approved by the director and shall be a Fellow or Associate of the Casualty Actuarial Society and a member in good standing of the American Academy of Actuaries, for property and casualty companies.

(B) The director may waive the requirement under this section to include an actuarial opinion as to the reasonableness of the captive insurer's loss reserves and loss expense reserves.

(C) Certification under this subsection shall be in the form the director determines appropriate.

(4) As used in this rule, "AICPA" means American Institute of Certified Public Accountants.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)

Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)

Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0030

### Management's Report of Internal Control over Financial Reporting

(1) Each insurer required to file an audited financial report pursuant to OAR 836-029-0015 that has annual direct written and assumed premiums of \$500,000,000 or more, excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, shall prepare a report of the insurer's or group of insurers' internal control over financial reporting. The insurer shall file the report with the director, along with the Communication of Internal Control Related Matters Noted in an Audit, as described in 836-029-0035. The Management's Report of Internal Control over Financial Reporting shall be as of December 31 immediately preceding.

(2) A Management's Report of Internal Control over Financial Reporting must include:

(a) A statement that management is responsible for establishing and maintaining adequate internal control over financial reporting;

(b) A statement that management has established internal control over financial reporting and an assertion, to the best of management's knowledge and belief, after diligent inquiry, as to whether its internal control over financial reporting is effective to provide reasonable assurance regarding the reliability of financial statements in accordance with statutory accounting principles;

(c) A statement that briefly describes the approach or processes by which management evaluated the effectiveness of its internal control over financial reporting;

(d) A statement that briefly describes the scope of work that is included and whether any internal controls were excluded;

(e) Disclosure of any unremediated material weaknesses in the internal control over financial reporting identified by management as of December 31 immediately preceding;

(f) A statement regarding the inherent limitations of internal control systems; and

(g) Signatures of the chief executive officer and the chief financial officer (or equivalent position and title).

(3) For a Management's Report of Internal Control over Financial Reporting under section (2) of this rule, management may not conclude that the internal control over financial reporting is effective to provide reasonable assurance regarding the reliability of financial statements in accordance with statutory accounting principles if there is one or more unremediated material weaknesses in its internal control over financial reporting.

(4) Management shall document and make available upon financial condition examination the basis upon which its assertions, required in section (2) of this rule, are made. Management may base its assertions, in part, upon its review, monitoring and testing of internal controls undertaken in the normal course of its activities. In addition:

(a) Management shall have discretion as to the nature of the internal control framework used, and the nature and extent of documentation, in order to make its assertion in a cost effective manner and, as such, may include assembly of or reference to existing documentation.

(b) Management's Report on Internal Control over Financial Reporting, required by section (1) of this rule, and any documentation provided in support thereof during the course of a financial condition examination, shall be kept confidential by the Department.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)

Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)

Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0035

### Communication of Internal Control Related Matters Noted in an Audit

(1) In addition to the annual audited financial report, each captive insurer that has annual direct written premium of \$500,000,000 or more shall furnish the director with a written communication as to any unremediated material weaknesses in its internal control over financial reporting noted during the audit. The communication must be prepared by the accountant not later than the 60th day after the filing of the annual audited financial report and shall contain a description of any unremediated material weakness (as the term material weakness is defined by Statement on Auditing Standards 60, Communication of Internal Control Related Matters Noted in an Audit, or its replacement) as of December 31 immediately preceding (so as to coincide with the audited financial report required by OAR 836-029-0025 in the captive insurer's internal control over financial reporting noted by the accountant during the course of their audit of the financial statements. If no unremediated material weaknesses were noted, the communication must so state.

(2) The captive insurer shall submit with the report required under section (1) of this rule a description of remedial actions taken or proposed to correct unremediated material weaknesses, if the actions are not described in the accountant's report.

(3) The captive insurer shall maintain information about significant deficiencies communicated by the independent certified public accountant. The information must be made available to the examiner conducting a financial condition examination for review and kept in such a manner as to remain confidential.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)

Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)

Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0040

### Designation of Service Providers

(1) A certified public accountant retained to conduct the independent annual audit must be selected from the list of approved certified public accounting firms or individual certified public accountants maintained by the Director of the Department of Consumer and Business Services.

(2) A captive insurer that terminates the appointment of an independent certified public accountant retained to conduct the annual audit required in this rule shall report the name and address of the certified public accountant in writing to the director within ninety days after the appointment is terminated and shall within the same period report the name and address of the certified public accountant that is subsequently retained.

(3) A captive manager hired to manage a captive insurer must be selected from the list of approved captive managers maintained by the Director of the Department of Consumer and Business Services.

(4) A captive insurer that terminates the appointment of a captive manager hired to manage a captive insurer shall report the name and address of the captive manager in writing to the director within ninety days after the appointment is terminated and shall within the same period report the name and address of the captive manager that is subsequently retained.

# ADMINISTRATIVE RULES

(5) An actuary hired to opine on the reserves of a captive insurer must be selected from the list of approved actuaries maintained by the Director of the Department of Consumer and Business Services.

(6) A captive insurer that terminates the appointment of an actuary hired to opine on the reserves of a captive insurer shall report the name and address of the actuary in writing to the director within ninety days after the appointment is terminated and shall within the same period report the name and address of the actuary that is subsequently retained.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)  
Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)  
Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0045

### Notification of Material Misstatement of Financial Condition

A captive insurer shall require its certified public accountant to immediately notify an officer and all members of the board of directors of the captive insurer in writing of any determination by the independent certified public accountant that the captive insurer has materially misstated its financial condition in its report to the Director of the Department of Consumer and Business Services. The captive insurer shall furnish the notification to the director within five working days after receiving the notification from its certified public accountant.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)  
Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)  
Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0050

### Additional Deposit Requirement

(1) Whenever the Director of the Department of Consumer and Business Services determines that the financial condition of a captive insurer warrants additional security, the director may require the captive insurer to deposit with the director, in trust for the captive insurer, cash, securities approved by the director, or an irrevocable letter of credit issued by a bank chartered by the State of Oregon or a member bank of the Federal Reserve System with the director.

(2) The director shall return the deposit or letter of credit of a captive insurer if the captive insurer ceases to do any business only after being satisfied that all obligations of the captive insurer have been discharged.

(3) With the approval of the director a captive insurer may receive interest or dividends from the deposit or exchange the deposits for others of equal value.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)  
Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)  
Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0055

### Availability and Maintenance of Working Papers of the Independent Certified Public Accountant

Availability and Maintenance of Working Papers of the Independent Certified Public Accountant

(1) Each captive insurer shall require its independent certified public accountant to make all work papers prepared in the conduct of the audit of the captive insurer available for review by the Director of the Department of Consumer and Business Services or his appointed agent. The captive insurer shall require that the accountant retain the audit work papers for a period of not less than five years after the end of the report period.

(2) The review by the director shall be considered an official investigation by the director and all working papers obtained during the course of such investigation shall be confidential business papers and shall be classified as business confidential protected records. The captive insurer shall require that the independent certified public accountant provide photocopies to the department of any of the working papers that the department considers relevant. The department may retain any photocopies of working papers.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)  
Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)  
Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0060

### Documentation Required to be Held in Oregon by Licensed Captives

(1) Any captive insurer authorized by the Director of the Department of Consumer and Business Services, shall maintain and make ready for inspection and examination by the director, or the director's agent, any and all documents pertaining to the formation, operation, management, finances, insurance and reinsurance of the captive insurer.

(2) Original documents may be kept in the offices of the captive insurer's captive manager, the captive insurer's parent or the captive insurer itself. Accurate and complete copies shall be held in an office located in Oregon designated by the captive insurer and approved by the director as part of the application process.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)  
Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)  
Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0065

### Reinsurance

(1) Any captive insurer authorized to do business in this state may take credit for reserves on risks ceded to a reinsurer subject to the following limitations:

(a) No credit shall be allowed for reinsurance where the reinsurance contract does not result in the transfer of the risk or liability to the reinsurer.

(b) No credit shall be allowed, as an asset or a deduction from liability, to any ceding insurer for reinsurance unless the reinsurance is payable by the assuming insurer on the basis of the liability of the ceding insurer under the contract reinsured without diminution because of the insolvency of the ceding insurer.

(2) Reinsurance under this section shall be effected through a written agreement of reinsurance setting forth the terms, provisions and conditions governing such reinsurance.

(3) A captive insurer shall file with the Director of the Department of Consumer and Business Services complete copies of all reinsurance treaties and contracts for prior approval by the director. Any amendments to reinsurance agreements must be submitted to the director for prior approval.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)  
Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)  
Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0070

### Service Providers

A person may not act in or from this state, as a service provider, including but not limited to as a captive insurance manager, producer, actuary or certified public accountant, for a captive insurer without the authorization of the Director of the Department of Consumer and Business Services. Application for such authorization must be on a form prescribed by the director. The application shall include information regarding the service provider's character, reputation and experience, relative to captive insurer. Any person who solicits business entities to form a captive insurer must be licensed as a producer under ORS 744.052 to 744.089.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)  
Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)  
Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0075

### Directors

(1) Every captive insurer shall report any change in its executive officers or directors to the Director of the Department of Consumer and Business Services within thirty days after a change is made and include in its report, a biographical affidavit of any new executive officer or director.

(2) No director, officer or employee of a captive insurer shall, except on behalf of the captive insurer, accept, or be the beneficiary of, any fee, brokerage, gift or other emolument because of any investment, loan, deposit, purchase, sale, payment or exchange made by or for the captive insurer. The person may receive only reasonable compensation for necessary services rendered to the captive insurer in the person's usual private, professional or business capacity.

(3) Any profit or gain received by or on behalf of any person in violation of this section shall inure to and be recoverable by the captive insurer.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)  
Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)  
Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0080

### Conflict of Interest

(1) Each captive insurer licensed in Oregon shall adopt a conflict of interest statement for officers, directors and key employees. The statement shall disclose that the individual has no outside commitments, personal or otherwise, that would divert the person from the duty to further the interests of the captive insurer the person represents but this shall not preclude

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a person from being a director or officer in more than one insurance captive insurer.

(2) Each officer, director and key employee shall file a yearly disclosure with the board of directors.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)

Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)

Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0085

### Acquisition of Control of or Merger with Domestic Captive Insurer

The acquisition of control of, or merger of, a domestic captive insurer shall be regulated in accordance with section 9, chapter 84, Oregon Laws 2012. However, the Director of the Department of Consumer and Business Services may waive or modify the requirements for public notice and hearing when the director concludes the public hearing is not necessary due to limited public interest in the change of control.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)

Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)

Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0090

### Suspension or Revocation

(1) The Director of the Department of Consumer and Business Services may by order suspend or revoke the license of a captive insurer or place the captive insurer on probation on the following grounds:

(a) The captive insurer has not commenced business according to its plan of operation within two years of being authorized;

(b) The captive insurer has ceased to carry on insurance business in or from within Oregon;

(c) At the request of the captive insurer;

(d) The captive insurer uses methods that render the operation of the captive insurer detrimental to the public or the policyholders of the captive insurer according to standards set forth in OAR 836-029-0095 or

(e) Any reason provided in section 16, chapter 84, Oregon Laws 2012.

(2) Before the director takes any action set forth under section 16, chapter 84, Oregon Laws 2012 the director shall give the captive insurer notice in writing of the grounds on which the director proposes to act, and shall provide an opportunity for hearing on the proposed action in accordance with the provision applicable to a contested case proceeding in ORS 183.310 to 183.490.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)

Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)

Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0095

### Standards

The director may consider the following standards, either singly or in combination of two or more, to determine whether the continued operation of any captive insurer transacting insurance in this state might be determined to be hazardous to the policyholders, its creditors or the general public:

(1) Adverse findings reported in financial condition and audit reports, and actuarial opinions, reports or summaries.

(2) Whether the captive insurer has made adequate provision, according to presently accepted actuarial standards of practice, for the anticipated cash flows required by the contractual obligations and related expenses of the captive insurer, when considered in light of the assets held by the captive insurer with respect to such reserves and related actuarial items including but not limited to the investment earnings on such assets, and the considerations anticipated to be received and retained under such policies and contracts.

(3) The ability of an assuming reinsurer to perform and whether the captive insurer's reinsurance program provides sufficient protection for the captive insurer's remaining capital and surplus after taking into account the captive insurer's cash flow and the classes of business written as well as the financial condition of the assuming reinsurer.

(4) Whether the captive insurer's operating loss in the last 12-month period or any shorter period of time, including but not limited to net capital gain or loss, change in non-admitted assets and cash dividends paid to shareholders, is greater than 50 percent of the captive insurer's remaining capital and surplus in excess of the minimum required.

(5) Whether the captive insurer's operating loss in the last 12-month period or any shorter period of time, excluding net capital gains, is greater than 20 percent of the captive insurer's remaining surplus as regards policyholders in excess of the minimum required.

(6) Whether a reinsurer or obligor, or any entity within the captive insurer's insurance holding company system is insolvent, threatened with insolvency or delinquent in payment of its monetary or other obligations and which, in the opinion of the director may affect the solvency of the captive insurer.

(7) Contingent liabilities, pledges or guaranties that either individually or collectively involve a total amount that in the opinion of the director may affect the solvency of the captive insurer.

(8) Whether any "controlling person" of a captive insurer is delinquent in the transmitting to, or payment of, net premiums to the captive insurer.

(9) The age and collectability of receivables.

(10) Whether the management of a captive insurer, including officers, directors or any other person who directly or indirectly controls the operation of the captive insurer, fails to possess and demonstrate the competence, fitness and reputation determined by the director to be necessary to serve the captive insurer in such position.

(11) Whether management of a captive insurer has failed to respond to inquiries relating to the condition of the captive insurer or has furnished false and misleading information concerning an inquiry.

(12) Whether the captive insurer has failed to meet financial and holding company filing requirements in the absence of a reason satisfactory to the director.

(13) Whether management of an captive insurer either has filed a false or misleading sworn financial statement or has released a false or misleading financial statement to lending institutions or to the general public, or has made a false or misleading entry, or has omitted an entry of material amount in the books of the captive insurer.

(14) Whether the captive insurer has grown so rapidly and to such an extent that it lacks adequate financial and administrative capacity to meet its obligations in a timely manner.

(15) Whether the captive insurer has experienced or will experience in the foreseeable future cash flow or liquidity problems, or both.

(16) Whether management has established reserves that do not comply with minimum standards established by state insurance laws, regulations, statutory accounting standards, sound actuarial principles and standards of practice.

(17) Whether management persistently engages in material under reserving that results in adverse development.

(18) Whether transactions among affiliates, subsidiaries or controlling persons for which the captive insurer receives assets or capital gains, or both, do not provide sufficient value, liquidity or diversity to assure the captive insurer's ability to meet its outstanding obligations as they mature.

(19) Any other finding determined by the director to be hazardous to the captive insurer's policyholders, creditors or general public.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)

Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)

Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0100

### Director's Authority

(1) For the purposes of making a determination of the financial condition of a captive insurer under OAR 836-029-0090 to 836-029-0100, the director may do one or more of the following:

(a) Disregard any credit or amount receivable resulting from transactions with a reinsurer that is insolvent, impaired or otherwise subject to a delinquency proceeding;

(b) Make appropriate adjustments to asset values attributable to investments in or transactions with parents, subsidiaries or affiliates;

(c) Refuse to recognize the stated value of accounts receivable if the ability to collect receivables is highly speculative in view of the age of the account or the financial condition of the debtor; or

(d) Increase the captive insurer's liability in an amount equal to any contingent liability, pledge, or guarantee not otherwise included if there is a substantial risk that the captive insurer will be called upon to meet the obligation undertaken within the next 12-month period.

(2) An order of the director under ORS 731.385 regarding a foreign captive insurer may be limited to the extent provided by statute.

(3) In addition to the requirements the director may impose under ORS 731.385, if the director determines that the continued operation of the captive insurer licensed to transact business in this state may be hazardous to the policyholders or the general public, the director may require the captive insurer to:

(a) File reports in a form acceptable to the director concerning the market value of the captive insurer's assets;



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(b) Document the adequacy of premium rates in relation to the risks insured;

(c) In addition to regular annual statements, file interim financial reports on the form specified by the director;

(d) Correct corporate governance practice deficiencies, and adopt and utilize the governance practices acceptable to the director; or

(e) Provide a business plan to the director in order to continue to transact business in this state.

(4) Notwithstanding any other provision of law limiting the frequency or amount of premium rate adjustments, the director may include as a requirement under section (3) of this rule, any rate adjustment for any non-life insurance product written by the captive insurer that the director considers necessary to improve the financial condition of the captive insurer.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)

Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)

Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0105

### Change of Information in Initial Application

(1) Any material change in a captive insurer's business plan that is filed with the Director of the Department of Consumer and Business Services at the time of initial application and any subsequent amendment of the plan requires prior approval of the director.

(2) Any change in any other information filed with the initial application must be filed with the director within sixty days after the change, but does not require prior approval.

(3) The captive insurer shall immediately notify the director upon making changes in board members or officers of the captive insurer.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)

Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)

Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0110

### Application

(1) In order to form a domestic captive insurer a person shall apply to the Director of the Department of Consumer and Business Services for a permit to organize using the form, "Application for Permit to Organize Captive Insurer With or Without Capital Stock" as set forth on the Insurance Division website of the Department of Consumer and Business Services at [www.insurance.oregon.gov](http://www.insurance.oregon.gov). The written application for permit to organize, including all required attachments and information, must be submitted to the department in accordance with instructions provided with the application.

(2) In order to be authorized to transact insurance as a captive insurer a person shall apply to the director for authority to conduct a captive insurance using the form, "Application to Form a Captive Insurer" as set forth on the Insurance Division website of the Department of Consumer and Business Services at [www.insurance.oregon.gov](http://www.insurance.oregon.gov). The application materials must:

(a) Include one complete copy of the application including forms, attachments, exhibits and all other papers and documents filed as a part thereof, accompanied by the appropriate filing fee filed in writing or online with the director. The written application, including all required attachments and information, must be submitted to the department in accordance with instructions provided with the application.

(b) Be signed in the manner prescribed in the application. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of the power of attorney or other authority must also be filed with the application.

(c) Include with the application a business plan with supporting data and all other information required by the application.

(d) Include a feasibility study demonstrating the feasibility of the business plan of the captive insurer. The department may test the feasibility of the study by examining the captive insurer's corporate records, if any, including but not limited to the insurer's charter, bylaws and minute books, verification of capital and surplus, verification of principal place of business, determination of assets and liabilities, and any other factor the director considers necessary.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)

Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)

Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0115

### Fees

(1) At the time an applicant submits an application under OAR 836-029-0110 for a permit to organize a captive insurer or for a certificate of authority to operate as a captive insurer the applicant shall pay to the Director of the Department of Consumer and Business Services a non-refundable fee as set forth in 836-009-0007 for processing the initial application for a permit to organize or for a certificate of authority.

(2) In addition, each captive insurer that is authorized by the director shall pay prior to April 1 an annual continuation fee, without proration, for the year following the year during which the certificate of authority was originally issued and each year thereafter in the amount established in OAR 836-009-0007.

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)

Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)

Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

## 836-029-0120

### Authorized Forms

(1) The following forms must be used for any applicant applying for a certificate of authority as a new captive insurer:

(a) "Application for Permit to Organize Captive Insurer With or Without Capital Stock;"

(b) "Application to Form a Captive Insurer;"

(c) "Biographical Affidavit for Captive Insurer;"

(d) "Oregon Insurance Division Captive Insurer Reinsurance Exhibit;"

(e) "Oregon Approved Irrevocable Letter of Credit" if applicable;

(f) "Statement of Economic Benefit to the State of Oregon;" and

(g) "Appointment of a Registered Resident Agent as Attorney to Accept Service of Process."

(2) Except for a captive insurance producer applying to be licensed as a producer pursuant to ORS 744.052 to 744.089, the following forms must be used when applying to become an approved captive insurer service provider:

(a) "Application for Placement on Approved Captive Insurer Management Firm List;"

(b) "Application to Certify Loss and Expense for Captive Insurers Captive Actuary Application;" (c) "Application for Authorization as an Independent Certified Public Accountant for Captive Insurers;" and

(d) "Application for Authorization as Producer for Captive Insurers."

(3) All captive insurers must use the "Captive Insurer Annual Statement Form."

(4) The forms required in sections (1) to (3) of this section are set forth on the Insurance Division website of the Department of Consumer and Business Services at [www.insurance.oregon.gov](http://www.insurance.oregon.gov).

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84, Sec. 4 (Enrolled SB 1547)

Stats. Implemented: 2012 OL Ch. 84, Sec. 2-22 (Enrolled SB 1547)

Hist.: ID 11-2012(Temp), f. 6-15-12, cert. ef. 7-1-12 thru 12-27-12; ID 17-2012, f. & cert. ef. 11-7-12

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**Rule Caption:** Producer Licensing and Continuing Education Application Requirements and Establishing Mechanical Breakdown Limited License Class.

**Adm. Order No.:** ID 18-2012

**Filed with Sec. of State:** 11-7-2012

**Certified to be Effective:** 11-7-12

**Notice Publication Date:** 10-1-2012

**Rules Amended:** 836-071-0108, 836-071-0110, 836-071-0118, 836-071-0130, 836-071-0140, 836-071-0220, 836-071-0225, 836-071-0235, 836-071-0240, 836-071-0355, 836-071-0360, 836-071-0560, 836-071-0565, 836-072-0010, 836-075-0000, 836-075-0030

**Subject:** This rulemaking aligns licensing and continuing education rules to a new electronically-based system recently implemented by the Department of Consumer and Business Services. The rules also clarify that mechanical breakdown insurance requires a limited class insurance license rather than a limited class credit insurance license.

The Insurance Division of the Department of Consumer and Business Services recently transitioned from a paper-based system of licensing and tracking of continuing education requirements to an electronic system. This system will benefit stakeholders of the division by eliminating data processing errors, reducing processing time, and reducing the number of fingerprint submissions that are rejected for quality reasons. Failure to adopt these rules will result in harm

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to those who are affected by the rules applicants, producers and those involved in continuing education programs because the process under the new electronic system will not be in sync with the rules. In order to eliminate confusion to applicants, producers and continuing education providers, it is necessary that the rules be amended to align with the new system.

**Rules Coordinator:** Sue Munson—(503) 947-7272

## 836-071-0108

### Limited Class Insurance Licenses

For the purpose of ORS 744.062, the Director establishes the following classifications for limited class insurance licenses, for use on and after July 1, 2005:

(1) Under a “limited class credit insurance” license, the licensee may transact the following classes of insurance when the insurance is offered in connection with an extension of credit that is limited to partially or wholly extinguishing that credit obligation:

(a) Credit life insurance. Under this class, an insurance producer may transact credit life insurance as approved under ORS 743.371(1).

(b) Credit health insurance. Under this class an insurance producer may transact credit health insurance as approved under ORS 743.371(2).

(c) Credit unemployment and involuntary unemployment insurance. Under this class an insurance producer may transact approved liability coverage for unemployment.

(d) Credit property insurance. Under this class, an insurance producer may transact insurance against property loss or damage that may result in failure of debtors to pay their obligations to the insured, including but not limited to motor vehicle physical damage insurance. This class does not include mortgage insurance.

(e) Mortgage guarantee insurance. Under this class, an insurance producer may transact only the insurance that is issued by an authorized mortgage insurer under ORS 742.282 to 742.286.

(f) Mortgage life or disability insurance, or mortgage life and disability insurance. Under this class, a lending institution may transact mortgage cancellation insurance as approved under ORS 743.303(1)(b) and (5).

(g) Gap insurance. This class applies to a person described in ORS 731.036(9) who does not qualify for the exemption in 731.036(9) because the person imposes an additional charge to waive the amount described in 731.036(9)(b) pursuant to an agreement to lease or to finance the purchase of a motor vehicle.

(2) Under a “limited class insurance” license, the licensee may transact the following classes of insurance:

(a) Crop insurance. Under this class, an insurance producer may place insurance providing protection against damage to crops from unfavorable weather conditions, fire or lightning, flood, hail, insect infestation, disease or other yield-reducing conditions or perils provided by the private insurance market, or that is subsidized by the Federal Crop Insurance Corporation, including multi-peril crop insurance.

(b) Surety insurance. Under this class an insurance producer may place insurance or a bond that covers obligations to pay the debts of, or answer for the default of another, including faithlessness in a position of public or private trust as approved under ORS 742.350 to 742.376. For the purpose of this limited line license, surety does not include surety bail bonds.

(c) Mechanical breakdown insurance. Under this class an insurance producer may place insurance that provides repair or replacement service, or indemnification for repair or replacement service, for operational or structural failure of property due to defects in materials or workmanship or normal wear and tear, including but not limited to motor vehicles, mobile equipment, boats, appliances and electronics.

(3) Under a “trip travel insurance” license, the licensee may place insurance for trip cancellation, trip interruption, baggage, accidental death, sickness and accident, disability and personal effects. Trip travel coverage provides reimbursement of expenses resulting from an emergency in connection with travel. The following provisions apply to this limited license:

(a) An insurance producer may transact trip travel insurance that covers the risks of a specific trip and sold in connection with transportation provided by a common carrier, owner of a transportation ticket agency or filed with a city, county or state as a tour business.

(b) The limited license under this subsection may be endorsed for an employee or owner, either of whom is engaged in the sale of transportation tickets.

(c) The individual coverage may not be more than the duration of a specified trip.

(d) The limited license under this subsection is issued for the sale of coverage provided by an insurer holding a certificate of authority for casualty insurance or by an insurer holding a certificate of authority for health insurance when the insurer insures only accidental death, sickness and accident or disability coverages.

(4) For the purpose of making the transition to a mechanical breakdown insurance limited class insurance license under section (2) of this rule rather than as a limited class credit insurance license under section (1) of this rule, the change shall apply to renewals of limited class credit insurance licenses applied for on or after January 1, 2013. A licensee transacting mechanical breakdown insurance under a limited class credit insurance license may continue to do so until the first renewal of the limited class credit license after January 1, 2013.

Stat. Auth.: ORS 731.244, 744.062

Stats. Implemented: ORS 744.062

Hist.: ID 8-2005, f. 5-18-05, cert. ef. 8-1-05; ID 18-2012, f. & cert. ef. 11-7-12

## 836-071-0110

### Fingerprints

All applicants for a license shall furnish fingerprints required by the Director of the Department of Consumer and Business Services to the examination administrator who will perform the duties of obtaining electronically the fingerprints of applicants and submitting the fingerprints for Oregon or nationwide criminal history checks. The applicant shall submit the fingerprints according to the requirements and instructions of the examination administrator.

Stat. Auth.: ORS 181.534, 705.135 & 731.244

Stats. Implemented: ORS 181.534, 705.141, 744.001 & 744.059

Hist.: ID 3-1990, f. & cert. ef. 1-19-90; ID 23-2010, f. 12-30-10, cert. ef. 1-1-11; ID 12-2012(Temp), f. 6-19-12, cert. ef. 8-1-12 thru 1-25-12; ID 18-2012, f. & cert. ef. 11-7-12

## 836-071-0118

### Requirements That Must Be Completed Prior to Submitting Licensing Application

On and after August 1, 2012, all applicants for a license shall submit application materials electronically in accordance with directions provided on the website of the Insurance Division of the Department of Consumer and Business Services. Before submitting an application for a license for consideration by the Director, the applicant must complete the following steps in the application process:

(1) Completion of all pre-examination training and experience requirements under OAR 836-071-0180;

(2) Submission of fingerprints in accordance with OAR 836-071-0110;

(3) Satisfactory passage of a licensing examination under OAR 836-071-120 and 836-071-0127; and

(4) Completion of a criminal history check as set forth in OAR 836-072-0001.

Stat. Auth.: ORS 705.141, 731.244, 731.804, 744.001, 744.003, 744.058, 744.535, 744.619 & 744.621

Stats. Implemented: ORS 744.001, 744.003, 744.058, 744.535, 744.619 & 744.621

Hist.: ID 23-2010, f. 12-30-10, cert. ef. 1-1-11; ID 12-2012(Temp), f. 6-19-12, cert. ef. 8-1-12 thru 1-25-12; ID 18-2012, f. & cert. ef. 11-7-12

## 836-071-0130

### Adjuster or Insurance Consultant License Renewal

(1) The adjuster or insurance consultant license of an individual expires biennially in the month of the individual's birthday anniversary. The adjuster or insurance consultant license of a person other than an individual expires on the last day of the month in which the second anniversary of the initial issuance date occurs. Thereafter, the license of a person other than an individual shall expire on the second anniversary following each renewal.

(2) Not later than the license expiration date, an adjuster or insurance consultant licensee applying for renewal must submit electronically in the form and according to directions set forth on the Insurance Division website of the Department of Consumer and Business Services at [www.insurance.oregon.gov](http://www.insurance.oregon.gov) the following, as applicable:

(a) A completed renewal application;

(b) The renewal fee;

(c) A statement of current license status from the insurance department of the state of residence of the licensee, if the licensee is a non-resident licensee; and

(d) Evidence of current Federal Crop Insurance Corporation certification, if the applicant is a crop insurance adjuster.

(3) The Director may allow an adjuster or insurance consultant licensee not more than 30 days to submit missing information on the application form if the fees have been submitted on or before the expiration date.

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(4) The Director may request on the renewal application any information requested on the original application for a license.

Stat. Auth.: ORS 731.244 & 744.007  
Stats. Implemented: ORS 744.007  
Hist.: ID 3-1990, f. & cert. ef. 1-19-90; ID 3-1997, f. 4-7-97, cert. ef. 6-1-97; ID 6-1999, f. 12-13-99, cert. ef. 1-1-00; ID 9-2002, f. & cert. ef. 3-18-02; ID 11-2007(Temp), f. & cert. ef. 12-11-07 thru 6-1-08; ID 7-2008, f. 5-20-08, cert. ef. 6-2-08; ID 2-2010, f. 1-8-10, cert. ef. 2-1-10; ID 12-2012(Temp), f. 6-19-12, cert. ef. 8-1-12 thru 1-25-12; ID 18-2012, f. & cert. ef. 11-7-12

## 836-071-0140

### License Amendment

An applicant for an amendment to an adjuster or insurance consultant license shall apply electronically in the manner provided for application for the initial license under ORS 744.001.

Stat. Auth.: ORS 731.244, 731.804, 744.001, 744.003, 744.535, 744.619 & 744.621  
Stats. Implemented: ORS 744.001, 744.003, 744.535, 744.619 & 744.621  
Hist.: ID 3-1990, f. & cert. ef. 1-19-90; ID 4-1991, f. & cert. ef. 4-25-91; ID 9-2002, f. & cert. ef. 3-18-02; ID 12-2012(Temp), f. 6-19-12, cert. ef. 8-1-12 thru 1-25-12; ID 18-2012, f. & cert. ef. 11-7-12

## 836-071-0220

### Continuing Education; Documentation

(1) For the purpose of furnishing evidence of completion of a course for which an insurance producer claims credit, the documentation applicable to the course shall be submitted as follows:

(a) For a registered course taken for academic credit, to the extent possible, the institution offering the course shall submit electronically a transcript, certificate of completion or grade or course completion report, whichever is issued by the institution offering the course, or a copy thereof. If it is not possible for the institution offering the course to submit a transcript, certificate of completion or grade or course completion report, the insurance producer shall submit the transcript, certificate of completion or grade or course completion report in accordance with directions provided on the Insurance Division website of the Department of Consumer and Business Services at [www.insurance.oregon.gov](http://www.insurance.oregon.gov). For purposes of this subsection, a course is taken for academic credit if it is offered by a community college or four-year college or university, and the insurance producer is given academic credit for the course by such an institution;

(b) For coursework taken for the purpose of obtaining a nationally-recognized insurance industry designation, to the extent possible the entity granting the designation shall submit electronically directly to the Insurance Division, a transcript, certificate of completion or grade or course completion report, whichever is issued by the entity granting the designation;

(c) For a registered course that is not offered for academic credit, the provider shall submit to the department electronically course completion information. The information must include a statement of the hours of credit, the name of the insurance producer, the date of the course, the course registration number;

(d) For a course that is not offered for academic credit and is not registered when taken by an insurance producer, an insurance producer must comply with the requirements of OAR 836-071-0250.

(2) The Director may accept evidence of completion of a course from continuing education providers through electronic means as specified by the Director.

Stat. Auth.: ORS 731.244 & 744.072  
Stats. Implemented: ORS 744.072  
Hist.: ID 3-1990, f. & cert. ef. 1-19-90; ID 3-1997, f. 4-7-97, cert. ef. 6-1-97; ID 8-2005, f. 5-18-05, cert. ef. 8-1-05; ID 4-2007, f. 3-6-07, cert. ef. 1-1-08; ID 12-2012(Temp), f. 6-19-12, cert. ef. 8-1-12 thru 1-25-12; ID 18-2012, f. & cert. ef. 11-7-12

## 836-071-0225

### Continuing Education; Standards for Granting Credit Hours

(1) Subject to the subject matter requirements of OAR 836-071-0230, an insurance producer may receive credit for continuing education for a course taken for academic credit, for a course registered under 836-071-0240 or a course certified under 836-071-0250:

(a) For not more than the credit hours authorized by the Director;

(b) Only if an hour includes at least 50 minutes of instruction or study;

(c) For class hours in which an insurance producer is an instructor of a course if the course meets the continuing education requirements of an insurance producer attending it. Credit may be taken by an insurance producer with respect to a course only once in each renewal period in which the insurance producer instructs the course;

(d) For not more than eight credit hours in any given day;

(e) Only if the hour for which credit is taken was completed during the license period immediately preceding the renewal date;

(f) For a course taken through independent study, but only as provided in section (4) of this rule.

(2) An insurance producer may take credit for a course only if the insurance producer has successfully completed the course before the insurance producer applies for renewal or reinstatement. For the purpose of taking credit for a course other than one taken through independent study, an insurance producer successfully completes the course if the insurance producer is present for the full approved time and has signed in and out on the attendance register for the course.

(3) An insurance producer may not take continuing education credit for:

(a) Hours devoted to preparation for a course; when the insurance producer is acting as an instructor for the course;

(b) Travel time;

(c) Time exceeding the actual class time;

(d) Unplanned or incidental learning experiences;

(e) Any course not completed;

(f) Any course repeated within a two year period; or

(g) Any course during which the insurance producer is absent more than 5 minutes for each hour of credit granted, or is absent more than 20 minutes from the course as a whole.

(4) For purposes of subsection (1)(f) of this rule, a course is taken through independent study if the course is designed to allow each student to take the course at the student's own pace on an individual basis. An insurance producer may claim credit for an independent study course if the provider and the course are both registered with the Director when the course is taken, if the insurance producer passes an examination by a score of 70 percent or higher and if the proctor of the examination affirms and the provider certifies completion and passage as provided in this section. If the independent study course is a textbook, the examination must be conducted as a closed book examination. The examination for an independent study course need not be proctored if the course is computerized and includes safeguards ensuring that the insurance producer cannot review the study material while taking the examination and if the examination has safeguards ensuring that the insurance producer cannot change answers after completing the examination. Proctor affirmation and provider certification shall be made as follows:

(a) The proctor must submit materials electronically that affirm by affidavit that the insurance producer took the examination for the course without assistance from the textbook or from any person. The proctor must disclose in the affidavit the proctor's name, address, telephone number and the proctor's position or connection with the insurance producer, such as a continuing education school or a librarian, and the proctor's registration number, if the proctor is required to be registered under section (7) of this rule. The provider must retain the affidavit with the examination. A proctor affidavit is not required if the independent study course is taken from a provider that offers a nationally recognized insurance industry designation.

(b) If the provider determines that the insurance producer completed and passed the examination, the provider may issue the certificate of completion. The provider shall date the certificate according to the date on which the provider received the examination for grading, state on the certificate that to the best of the provider's knowledge the insurance producer passed the examination and submit the certificate electronically to the Insurance Division in accordance with directions provided on the Insurance Division website of the Department of Consumer and Business Services at [www.insurance.oregon.gov](http://www.insurance.oregon.gov).

(5) The provider of a course shall submit electronically completion information for the course for each qualifying insurance producer not later than the 15th day after the date on which an insurance producer completes a course or not later than the 15th day after the date on which the Director approved the course, whichever date is later. The period for issuance of a certificate does not apply to a provider who discloses to the insurance producer in writing, when the insurance producer pays for or registers for the class, the date by which or the time period within which the certificate will be issued.

(6) A provider shall notify the Director immediately of any change in authorized signers for certificates.

(7) A person may act as a proctor for one or more independent study courses under section (4) of this rule only if the person is registered as a proctor with the Insurance Division. A person applying for registration must submit the name, address and telephone number of the person; the location or locations at which examinations will be proctored; the fee or fees that will be charged, if any, for the proctoring service; and whether the person will proctor examinations for the general insurance producer population. There is no registration fee. If the person will proctor independent study course examinations for other than the general insurance producer population, the person must specify for whom the proctoring will be done.



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The registration requirement under this section does not apply to city, county and state public libraries, state colleges and universities, private colleges and universities other than those that are owned by or operated primarily for the insurance industry, law offices or currently licensed certified public accountants.

Stat. Auth.: ORS 731.244 & 744.119  
Stats. Implemented: ORS 744.119  
Hist.: ID 3-1990, f. & cert. ef. 1-19-90; ID 3-1997, f. 4-7-97, cert. ef. 6-1-97; ID 4-1997, f. 4-25-97, cert. ef. 6-1-97; ID 8-2005, f. 5-18-05, cert. ef. 8-1-05; ID 12-2012(Temp), f. 6-19-12, cert. ef. 8-1-12 thru 1-25-12; ID 18-2012, f. & cert. ef. 11-7-12

## 836-071-0235

### Provider Registration

(1) A provider of continuing education courses must register with the Director in order to register courses under OAR 836-071-0240. A provider must register electronically in the method required by the Director. The registration of a provider shall include the provider's business name, main business address, the business telephone number, email address and the name of a contact person. If a provider is a firm or corporation or a trade association, registration shall also include the names of all principal officers.

(2) A provider shall notify the Director of any change in the address, telephone number, email address or contact person of the provider within 30 days after any such change takes effect.

(3) Subject to revocation of registration under OAR 836-071-0245, a provider registration expires on the second January 1 following the date of registration.

(4) A provider is subject to rejection of registration by the Director if the provider fails to meet any requirement of OAR 836-071-0215 to 836-071-0250 applicable to the provider or to courses offered by the provider, or if any of its employees or contractors who supervise or conduct and certify completion of a course:

(a) Has a history of noncompliance with insurance statutes or rules; or

(b) Has had an insurance producer license or other insurance license revoked, suspended or refused because of violations of or noncompliance with insurance statutes or rules.

Stat. Auth.: ORS 731.244 & 744.119  
Stats. Implemented: ORS 744.119  
Hist.: ID 3-1990, f. & cert. ef. 1-19-90; ID 3-1997, f. 4-7-97, cert. ef. 6-1-97; ID 8-2005, f. 5-18-05, cert. ef. 8-1-05; ID 12-2012(Temp), f. 6-19-12, cert. ef. 8-1-12 thru 1-25-12; ID 18-2012, f. & cert. ef. 11-7-12

## 836-071-0240

### Course Registration

(1) A provider registered under OAR 836-071-0235 shall apply to the Director for registration of each course to be offered by the provider for continuing education credit. Application for registration shall be made electronically in the method required by the Director and shall include the name of the provider, the provider's registration number assigned by the Department, the course title and credit hours suggested by the provider for the course, and if known, the date, time and location of meetings of each course for which application is made. The provider shall include the course outline with the registration application and shall submit any other information requested by the Director. The course outline must show instruction in 50-minute periods.

(2) In order to ensure that a course is eligible to be registered prior to the date of the first meeting of the course, a registered provider must apply for registration of the course not later than the 60th day preceding the first date.

(3) The registration of a course expires on the last day of the 24th month after the date the course is registered unless the course is renewed prior to the date on which registration expires. The provider must apply for renewal of a course not later than the 21st day prior to the date on which registration expires. If the Director determines that the course materials submitted with the renewal application are sufficiently changed or otherwise so different that the course as a whole should be treated as a new course rather than renewed, the course and its materials shall be reviewed according to the review period established in section (2) of this rule.

(4) Each course registration application is subject to review by the Director for the purpose of evaluating and assigning credit hours and determining compliance with requirements of course content under OAR 836-071-0230. The Director may reject a course for registration or terminate a course's registration if the Director determines that the course does not so comply.

(5) A registered provider shall resubmit a registered course for review and approval whenever the provider substantially changes the content of the course as registered.

(6) A provider shall notify the Director immediately of a cancellation or a change of date, time or location of a scheduled class.

(7) A course registration application that is submitted after the 60th day before the date of the first meeting of the course is subject to approval or disapproval after the date of the first meeting. If the Director approves an application for registration of a course that is submitted after the 60th day before the date of the first meeting of the course and before the tenth day prior to the date of that meeting, and if the provider gives notice of the course meeting as required by OAR 836-071-0247, the provider may grant credit for the course retroactively.

(8) A provider domiciled in another state that is a member of the Midwest Zone Continuing Education Reciprocity Agreement may offer in this state a course that is registered in its domiciliary state if the provider registers the course as provided in this rule. Such a course qualifies for registration if the Director determines that the subject matter of the course is not disqualified for credit under OAR 836-071-0230(2). A course to which this section applies is subject to renewal of its registration and the provider and the course are subject to the other provisions of this rule.

(9) All materials required under this rule shall be submitted electronically in accordance with directions of the director set forth on the Insurance Division website of the Department of Consumer and Business Services at [www.insurance.oregon.gov](http://www.insurance.oregon.gov).

Stat. Auth.: ORS 731.244, ORS 744.119 & sec. 12, Enrolled SB 268 (2001 Reg. Session)  
Stats. Implemented: ORS 744.008, ORS 744.119 & sec. 12, Enrolled SB 268 (2001 Reg. Session)

Hist.: ID 3-1990, f. & cert. ef. 1-19-90; ID 6-1994, f. & cert. ef. 5-20-94; ID 3-1997, f. 4-7-97, cert. ef. 6-1-97; ID 19-1998, f. & cert. ef. 12-2-98; ID 10-2001, f. & cert. ef. 9-11-01; ID 12-2012(Temp), f. 6-19-12, cert. ef. 8-1-12 thru 1-25-12; ID 18-2012, f. & cert. ef. 11-7-12

## 836-071-0355

### Limited License Application, Rental Companies; Required Information

(1) On and after October 1, 2000, a rental company must hold a limited license in order to transact insurance as authorized by ORS 744.854. An applicant for a limited license as a rental company as authorized by 744.854 shall apply for a limited license to the Director of the Department of Consumer and Business Services electronically on a form established by the Director in accordance with directions set forth on the Insurance Division website of the Department of Consumer and Business Services at [www.insurance.oregon.gov](http://www.insurance.oregon.gov). The applicant shall include the following information in the application:

(a) The applicant's corporate, firm or other business entity name, the business address and telephone number of the principal place of business and the business address and telephone number of each additional location at which the applicant will transact business under the license;

(b) All assumed business names and other names under which the applicant will engage in business under the license;

(c) The names of all officers and directors or partners, or the sole proprietor or the owners if the applicant is other than a corporation or a partnership, and the name of the executive designated as the statewide filing officer as required by ORS 744.856;

(d) Whether any of the following has occurred with respect to an officer or director of the applicant, or a partner, or the sole proprietor or any of the owners if the applicant is other than a corporation or a partnership:

(A) Conviction of or indictment for a crime, including a felony involving dishonesty or a breach of trust to which 18 U.S.C. sec. 1033 applies;

(B) A judgment entered against the officer, director, partner, sole proprietor or owner if the applicant is other than a corporation or a partnership, for fraud;

(C) A claim of indebtedness by an insurer or agent, and the details of any such indebtedness; or

(D) Refusal, revocation or suspension of any license to act in any occupational or professional capacity in this or any other state;

(e) All states and provinces of Canada in which the applicant or an officer, director or partner of the applicant, or a sole proprietor or owner if the applicant is other than a corporation or a partnership, currently holds a license to engage in the transaction of insurance, or has held such a license within ten years prior to the date of the application;

(f) Whether any firm or corporation of which an officer, director or partner of the applicant, or the sole proprietor or an owner if the applicant is other than a corporation or a partnership, is or has been an officer, director, partner, sole proprietor or owner has ever filed for bankruptcy or been adjudged a bankrupt; and

(g) Any other information requested by the Director in the license application form.

(2) The applicant shall include with the application the following:

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(a) The course of study to be used by the applicant for the training program for employees concerning the kinds of coverage offered under the license;

(b) A certification by the applicant that all employees to be involved in the sale or offer of coverage to members of the public have completed or will complete the training program prior to conducting the sales or offers; and

(c) A certification by the applicant that all employees to be involved in the sale or offer of coverage to members of the public will receive continuing education on a regular basis concerning the topics covered in the training program.

(d) A copy of the insurance sales material to be made available to renters of vehicles through the licensee.

(3) Each application shall be accompanied by a \$200 fee.

(4) During the review of an application, the Director may require any other information that the Director determines will assist consideration of the application.

Stat. Auth.: ORS 731.244, 731.804, 744.852 & 744.858

Stats. Implemented: ORS 731.804, 744.852, 744.856 & 744.858

Hist.: ID 8-2000, f. & cert. ef. 7-24-00; ID 12-2012(Temp), f. 6-19-12, cert. ef. 8-1-12 thru 1-25-12; ID 18-2012, f. & cert. ef. 11-7-12

## 836-071-0360

### License Renewal

(1) A limited license expires on the last day of the month in which the second anniversary of the initial issuance date occurs. Thereafter, the limited license shall expire on the second anniversary following each renewal.

(2) Not later than the license expiration date, a limited licensee applying for renewal must submit the following electronically as set forth on the Insurance Division website of the Department of Consumer and Business Services at [www.insurance.oregon.gov](http://www.insurance.oregon.gov), as applicable:

(a) A completed renewal application, on a form provided by the Director;

(b) A copy of the insurance sales material made available to renters of vehicles through the limited licensee.

(c) A renewal fee of \$200.

(3) The Director may allow a limited licensee not more than 30 days to submit missing information on the application form if the fees, course of study and certifications have been submitted on or before the expiration date.

(4) The Director may request on the renewal application any information requested on the original application for a limited license.

(5) An expired license may be renewed according to the requirements and procedures in ORS 744.009, except that the person renewing an expired license must pay \$50 instead of twice the amount of the renewal fee.

Stat. Auth.: ORS 731.804 & 744.858

Stats. Implemented: ORS 731.804 & 744.856

Hist.: ID 8-2000, f. & cert. ef. 7-24-00; ID 12-2012(Temp), f. 6-19-12, cert. ef. 8-1-12 thru 1-25-12; ID 18-2012, f. & cert. ef. 11-7-12

## 836-071-0560

### Limited License Application, Portable Electronics Insurance Coverage; Required Information

(1) An applicant for a portable electronics limited license shall submit electronically to the Director of the Department of Consumer and Business Services a portable electronics limited license application on the form entitled "Portable Electronics Insurance Vendor." The form is set forth on the Insurance Division website of the Department of Consumer and Business Services at [www.insurance.oregon.gov](http://www.insurance.oregon.gov).

(2) In addition to the requirements in ORS 646A.577(2)(b), the applicant shall include all of the following information in the limited license application:

(a) The applicant's corporate, firm or other business entity name, the business address, e-mail address and telephone number of the principal place of business and the business address and telephone number of each additional location at which the applicant will transact business under the limited license.

(b) All assumed business names and other names under which the applicant will engage in business under the limited license.

(c) Whether any of the following has occurred with respect to the applicant or the employee, agent or authorized representative of the applicant that the applicant is designating as being responsible for the applicant's compliance with ORS 646A.575 to 646A.592:

(A) Conviction or indictment for a crime, including a felony involving dishonesty or a breach of trust to which 18 U.S.C. sec. 1033 applies;

(B) A judgment entered against the applicant or person designated by the applicant as being responsible for the applicant's compliance with ORS 646A.575 to 646A.592, for fraud;

(C) A claim of indebtedness by an insurer or agent, and the details of any such indebtedness; or

(D) Refusal, revocation or suspension of any license to act in any occupational or professional capacity in this or any other state.

(d) All states and provinces of Canada in which the applicant currently holds a license to engage in the transaction of insurance, or has held such a license within ten years prior to the date of the application.

(e) Whether the applicant has ever filed for bankruptcy or been adjudged a bankrupt.

(f) The syllabus for the training program that is developed by the insurer or supervising entity that issued the portable electronics insurance policy to the limited licensee.

(g) A certification by the supervising entity or the applicant that all employees, agents and authorized representatives to be involved in the issuance, sale or offering for sale of portable electronics insurance coverage to customers have completed or will complete the training program under ORS 646A.585(1)(b), prior to issuing, selling or offering for sale portable electronics insurance coverage.

(h) A certification by the supervising entity or the applicant that a copy of all written disclosure materials, as required under ORS 646A.582, that are currently being made available to prospective customers of portable electronics or have been made available to prospective customers in the past, shall be maintained by the supervising entity or the applicant. This information shall be maintained by the supervising entity or the applicant for a period of seven years and must be provided to the Director, upon request, within 21 calendar days.

(i) Any other information requested by the Director in the license application form.

(3) Each application shall be accompanied by a \$200 fee.

(4) During the review of an application, the Director may require any other information that the Director determines will assist consideration of the application.

Stat. Auth.: ORS 646A.575 - 646A.590 & 705.135

Stats. Implemented: ORS 646A.575 - 646A.590

Hist.: ID 22-2011, f. 12-16-11, cert. ef. 1-1-12; ID 12-2012(Temp), f. 6-19-12, cert. ef. 8-1-12 thru 1-25-12; ID 18-2012, f. & cert. ef. 11-7-12

## 836-071-0565

### Limited License Renewal

(1) A limited license expires on the last day of the month in which the second anniversary of the initial issuance date occurs. Thereafter, the limited license shall expire on the second anniversary following each renewal.

(2) A limited licensee applying for renewal must submit the following to the Director electronically as set forth on the Insurance Division website of the Department of Consumer and Business Services at [www.insurance.oregon.gov](http://www.insurance.oregon.gov):

(a) A completed renewal application on the form entitled "Renewal Notice for Portable Electronics Insurance Vendors." The renewal application must be returned to the director electronically in accordance with instructions set forth on the Insurance Division website of the Department of Consumer and Business Services at [www.insurance.oregon.gov](http://www.insurance.oregon.gov) not later than the limited license expiration date.

(b) An updated certification by the supervising entity or the limited licensee that all employees, agents and authorized representatives to be involved in the issuance, sale or offering for sale of portable electronics insurance coverage to customers have completed or will complete the training program under ORS 646A.585(1)(b), prior to issuing, selling or offering for sale portable electronics insurance coverage.

(c) An updated certification by the supervising entity or the limited licensee that a copy of all written disclosure materials, as required under ORS 646A.582, that are currently being made available to prospective customers of portable electronics or have been made available to prospective customers in the past, shall be maintained by the supervising entity or the applicant. This information shall be maintained by the supervising entity or the applicant for a period of seven years and must be provided to the Director, upon request, within 21 calendar days.

(d) A renewal fee of \$200.

(3) The Director may allow a limited licensee not more than 30 days after the limited license expiration date to submit missing information on the renewal application form if the renewal application, fees, certification and disclosure materials have been submitted on or before the expiration date.

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(4) The Director may request on the renewal application any information requested on the original application for a limited license.

(5) An expired limited license may be renewed up to one year after the limited license expiration date. The fee to renew an expired limited license is \$250.

Stat. Auth.: ORS 646A.575 - 646A.590 & 705.135  
Stats. Implemented: ORS 646A.575 - 646A.590  
Hist.: ID 22-2011, f. 12-16-11, cert. ef. 1-1-12; ID 12-2012(Temp), f. 6-19-12, cert. ef. 8-1-12 thru 1-25-12; ID 18-2012, f. & cert. ef. 11-7-12

## 836-072-0010

### Criminal Records Check Process

(1) An authorized designee:

(a) Shall conduct a LEADS-based criminal history check and request that the Oregon Department of State Police conduct a criminal records check for all applicants for an initial license; and

(b) May conduct a LEADS-based criminal history check, or request that the Oregon Department of State Police conduct, a criminal records check of an applicant for renewal of a license to whom OAR 836-072-0001 to 836-072-0045 apply.

(2) An applicant to whom OAR 836-072-0001 to 836-072-0045 apply must provide as required on the application form all identifying information requested including but not limited to name, birth date, Social Security number, physical characteristics, driver's license or identification card number and current address, and information about prior residences as requested in the DCBS Criminal Records Request form. The applicant shall submit the information and obtain the fingerprints in accordance with directions provided by the Department. An applicant, with the written consent of the authorized designee, may submit the materials necessary for the authorized designee to conduct a LEADS-based criminal history check or a criminal records check up to six months before the applicant intends to submit an application for a new license or for renewal of an existing license.

(3) If the Department and a vendor agree by contract that the vendor will perform duties of obtaining fingerprints of applicants and submitting the fingerprints for Oregon or nationwide criminal history checks, an applicant shall submit the fingerprint card according to the requirements and instructions of the vendor.

(4) Within a reasonable period of time established by an authorized designee, an applicant shall disclose additional information as requested by the Department to resolve an issue hindering the completion of either a LEADS-based criminal history check or a criminal records check, such as providing additional proof of identity.

(5) When an authorized designee determines under section (1) of this rule that a criminal records check is needed:

(a) The authorized designee shall conduct a LEADS -based criminal records check as part of any fitness determination conducted in regard to an applicant.

(b) The authorized designee may request that the Oregon Department of State Police conduct an Oregon criminal history check when:

(A) The authorized designee determines that an Oregon criminal history check is warranted after review of the information provided by the applicant, the results of a LEADS-based criminal history check or other criminal records information;

(B) The authorized designee requests a nationwide criminal history check; or

(C) Upon application for renewal, the Director has reason to believe an additional check is necessary based on information obtained by the Insurance Division.

(6) An authorized designee may request that the Oregon Department of State Police conduct a nationwide criminal history check when:

(a) An applicant for license issuance has lived outside Oregon continuously for nine years;

(b) An applicant for resident license renewal has lived outside Oregon for 60 or more consecutive days during the previous three years;

(c) For a renewal application, the Director has reason to believe an additional check is necessary based on information obtained by the Insurance Division;

(d) Information provided by the applicant or the results of a LEADS-based criminal history check or Oregon criminal history check gives reason to believe, as determined by an authorized designee, that the applicant has a criminal history outside of Oregon;

(e) As determined by an authorized designee, there is reason to question the identity of, or information provided by, an applicant, including but not limited to failure to disclose a Social Security Number, disclosure of a Social Security Number that appears to be invalid or lack of an Oregon driver's license or identification card; or

(f) A check is required by federal law or regulation, by state law or administrative rule, or by contract or written agreement with the Department.

Stat. Auth.: ORS 181.534, 705.135, 731.244  
Stats. Implemented: ORS 181.534, 705.141, 744.001, 744.059, 744.326  
Hist.: ID 19-2008, f. & cert. ef. 12-10-08; ID 12-2012(Temp), f. 6-19-12, cert. ef. 8-1-12 thru 1-25-12; ID 18-2012, f. & cert. ef. 11-7-12

## 836-075-0000

### Third Party Administrators; License Application; Required Information

An applicant for a third party administrator license shall provide the following electronically in accordance with directions set forth on the Insurance Division website of the Department of Consumer and Business Services at [www.insurance.oregon.gov](http://www.insurance.oregon.gov):

(1) Information relating to the organizational form of the applicant as follows:

(a) The name under which the applicant will transact business as a third party administrator;

(b) The principal place of business at which the applicant will transact business as a third party administrator, including the street and mailing addresses and telephone number;

(c) The organizational form of the applicant (corporation, partnership, sole proprietorship);

(d) All assumed business names and other names under which the applicant will transact business as a third party administrator;

(e) Whether the applicant has ever had a judgment entered against the applicant for fraud, and whether any insurer, insurance producer or other person claims the applicant to be indebted to it, together with the details of any such indebtedness;

(f) Whether any license of the applicant to act in any occupational or professional capacity has ever been refused, revoked or suspended in this or any other state, and whether the applicant has otherwise ever been the subject of a complaint to a professional licensing board or agency. If the applicant's answer is affirmative in any respect, the applicant must also provide the name and address of the licensing board or agency, the date of the complaint or the action taken against the license, a description of the nature of the complaint or the reason for the action taken against the license, and, with regard to a complaint, a description of the licensing board or agency's disposition of the complaint;

(g) Whether the applicant has ever filed for bankruptcy or been adjudged a bankrupt;

(h) All states and provinces of Canada in which the applicant currently holds a license or certificate of authority to transact business as a third party administrator, or has held such a license or certificate within ten years prior to the date of the application;

(i) The names, addresses, official positions and professional qualifications of the individuals who are responsible for the conduct of affairs of the administrator, including all members of the board of directors, board of trustees, executive committee or other governing board or committee; the principal officers in the case of a corporation or the partners or members in the case of a partnership or association; shareholders holding directly or indirectly ten percent or more of the voting securities of the administrator; and any other person who exercises control or influence over the affairs of the administrator;

(j) The name and telephone number of a contact person who is knowledgeable about preparation of the annual financial statements or reports required under section (4) of this rule.

(2) An appointment of the Director, on the application, as agent for service of process, if the third party administrator will be a nonresident licensee.

(3) Biographical information for each owner, partner, director and officer of the applicant, on the Biographical Affidavit form designed by the National Association of Insurance Commissioners.

(4) The following documents, which must accompany the application under section (1) of this rule:

(a) All basic organizational documents of the applicant, including any articles of incorporation, articles of association, partnership agreement, trade name certificate, trust agreement, share-holder agreement and other applicable documents and all amendments to such documents;

(b) The bylaws, rules, regulations or similar documents regulating the internal affairs of the applicant;

(c) Annual financial statements or reports for the two most recent years, which prove that the applicant is solvent, and such information as the Director may require in order to review the current financial condition of the applicant, except as provided in subsection (d) of this section;



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(d) If the applicant is a corporation that is newly formed for the purpose of transacting business as a third party administrator, the financial statements or reports of each incorporator, shareholder and officer for the two most recent years, a current balance sheet for the corporation and such information as the Director may require in order to review the current financial condition of the applicant;

(e) A statement describing the business plan, including information on staffing levels and activities proposed in this state and nationwide. The plan must provide details setting forth the applicant's capability for providing a sufficient number of experienced and qualified personnel in the areas of claims processing, recordkeeping and underwriting;

(f) Evidence that the applicant has a fiduciary account established in a federally or state-insured financial institution. An applicant that is an insurance producer licensed under ORS Chapter 744 need not comply with this subsection if the applicant is in compliance with 744.225 with respect to the premiums, charges and return premiums referred to in 744.730;

(g) Evidence of insurance coverage required by ORS 744.726;

(h) If the applicant will be managing the solicitation of new or renewal business, proof that it employs or has contracted with an insurance producer licensed by the Director for solicitation and taking of applications. Any applicant that intends directly to solicit insurance contracts or to otherwise act as an insurance producer must provide proof that it has a license as an insurance producer in this state.

Stat. Auth.: ORS 731.244, 744.303, 744.635, 744.704, 744.706, 744.712, 744.726

Stats. Implemented: ORS 744.706

Hist.: ID 1-1992, f. & cert. ef. 1-27-92; ID 8-2005, f. 5-18-05, cert. ef. 8-1-05; ID 19-2006, f. & cert. ef. 9-26-06; ID 12-2012(Temp), f. 6-19-12, cert. ef. 8-1-12 thru 1-25-12; ID 18-2012, f. & cert. ef. 11-7-12

## 836-075-0030

### Third Party Administrator License Renewal

(1) A third party administrator applying for renewal of the license must do the following, as applicable:

(a) Not later than the license expiration date, submit electronically a completed renewal application in accordance with directions set forth on the Insurance Division website of the Department of Consumer and Business Services at [www.insurance.oregon.gov](http://www.insurance.oregon.gov).

(b) Submit the renewal fee.

(2) The Director may allow a third party administrator not more than 30 days to submit missing information on the renewal application form, if the fees have been submitted on or before the expiration date.

(3) The Director may require on the renewal application any information required with regard to an original application for a license.

Stat. Auth.: ORS 731.244, 744.303, 744.635, 744.704, 744.706, 744.712 & 744.726

Stats. Implemented: ORS 744.712(3)

Hist.: ID 1-1992, f. & cert. ef. 1-27-92; ID 12-2012(Temp), f. 6-19-12, cert. ef. 8-1-12 thru 1-25-12; ID 18-2012, f. & cert. ef. 11-7-12

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

**Rule Caption:** OAR Chapter 438 provisions for attorney fees.

**Adm. Order No.:** WCB 2-2012

**Filed with Sec. of State:** 11-13-2012

**Certified to be Effective:** 1-1-13

**Notice Publication Date:** 11-1-2012

**Rules Amended:** 438-015-0005, 438-015-0015, 438-015-0019, 438-015-0025, 438-015-0029, 438-015-0035, 438-015-0038, 438-015-0050, 438-015-0055, 438-015-0095, 438-015-0110

**Subject:** After considering comments to its Notice of Rulemaking Hearing regarding proposed amendments to its attorney fee rules, the Board proposes to: (1) amend OAR 438-015-0005(7) to clarify the definition of "denied claim" to include claims under ORS 656.386(1)(b)(B), (C), or (D); (2) amend OAR 438-015-0015 by adding ORS 656.262(11)(a) and 656.308(2)(d) to the list of statutes that authorize attorney fees; (3) amend OAR 438-015-0019(5) to clarify when payment of costs are due; (4) amend OAR 438-015-0025 by adding reference to OAR 438-015-0055(2) and (3) to complete the list of out-of-compensation attorney fee rules; (5) amend OAR 438-015-0029(2)(a) and (3)(a) by changing the filing of requests and responses for assessed attorney fees on Board review to "no later than 14 days" from certain events; (6) amend OAR 438-015-0029(2)(c) and (3)(b) by providing that copies of requests and

"responses" for assessed attorney fees on Board review are served on "attorneys"; (7) amend OAR 438-015-0035 to provide that this rule "applies to denials under OAR 438-015-0005(7)"; (8) amend OAR 438-015-0038, OAR 438-015-0055(5), and OAR 438-015-0110 to provide the manner of calculation and notification of the maximum fee awardable under ORS 656.308(2)(d) and ORS 656.262(11)(a); (9) amend OAR 439-015-0050(1) to delete typographical error ("Administrative Law Judge"); (10) amend OAR 438-015-0055(5) to refer to section (2) of ORS 656.308; and (11) amend OAR 438-015-0095 to include reference to entire range of third party law ("ORS 656.576 through 656.596").

**Rules Coordinator:** Karen Burton—(503) 934-0123

## 438-015-0005

### Definitions

In addition to the definitions set forth in OAR 438-005-0040:

(1) "Approved fee" means an attorney fee paid out of a claimant's compensation.

(2) "Assessed fee" means an attorney fee paid to a claimant's attorney by an insurer or self-insured employer in addition to compensation paid to a claimant.

(3) "Attorney" means a member of the Oregon State Bar.

(4) "Attorney fee" means payment for legal services performed by an attorney on behalf and at the request of a claimant under ORS Chapter 656.

(5) "Compensation" means all benefits, including medical services, provided for a compensable injury to a subject worker or the beneficiaries of a subject worker pursuant to ORS Chapter 656.

(6) "Cost bill" means an itemized statement from the claimant of the amount of expenses and costs for records, expert opinions, and witness fees incurred as a result of the litigation involving a claim denial under ORS 656.386(1).

(7) "Denied claim" means a claim for compensation which an insurer or self-insured employer refuses to pay on the express ground that the injury or condition for which compensation is claimed is not compensable or otherwise does not give rise to an entitlement to any compensation or a claim under ORS 656.386(1)(b)(B), (C), or (D) to which the insurer or self-insured employer does not timely respond.

(8) "Expenses and costs" reimbursable under ORS 656.386(2) mean reasonable expenses and costs incurred by the claimant for things and services reasonably necessary to pursue a matter, but do not include attorney fees. Examples of expenses and costs referred to include, but are not limited to, costs of records, expert witness opinions, witness fees and mileage paid to execute a subpoena and costs associated with travel.

Stat. Auth.: ORS 656.726(5)

Stats. Implemented: ORS 656.388(3) & 656.726(5)

Hist.: WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 2-1989, f. 3-3-89, ef. 4-1-89; 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 2-1995, f. 11-13-95, cert. ef. 1-1-96; WCB 2-2007, f. 12-11-07, cert. ef. 1-1-08; WCB 2-2012, f. 11-13-12, cert. ef. 1-1-13

## 438-015-0015

### Charge for Legal Services Must Be Authorized

No charge for legal services for representation of claimants in connection with any matter concerning a claim before the Board or its Hearings Division under ORS Chapter 656 is valid unless the charge has been authorized in accordance with ORS 656.262(11)(a), 656.307, 656.308(2)(d), 656.382 to 656.390 or 656.593 or these rules.

Stat. Auth.: ORS 656.726(5)

Stats. Implemented: ORS 656.388(1)

Hist.: WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 4-1988(Temp), f. & ef. 11-15-88; WCB 2-1989, f. 3-3-89, ef. 4-1-89; 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 11-1990, f. 12-13-90, cert. ef. 12-31-90; WCB 3-2001, f. 11-14-01, cert. ef. 1-1-02; WCB 2-2012, f. 11-13-12, cert. ef. 1-1-13

## 438-015-0019

### Cost Bill Procedures

(1) If a claimant finally prevails against a denial under ORS 656.386(1), the Administrative Law Judge or the Board may order payment of the claimant's reasonable expenses and costs for records, expert opinions, and witness fees incurred in the litigation of the denied claim(s).

(2) In ordering payment under section (1), an Administrative Law Judge or the Board may award reasonable expenses and costs that the claimant incurred as a result of the litigation of the denied claim(s) under ORS 656.386(1). If the parties stipulate to the specific amount of the reasonable expenses and costs, the Administrative Law Judge's or the Board's award of expenses and costs shall be included in the order finding that the claimant finally prevails against a denied claim(s) under 656.386(1). In the

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absence of the parties' stipulation, the Administrative Law Judge or the Board may award reasonable expenses and costs as described in section (1), which the claimant may claim by submitting a cost bill under section (3) to the insurer or the self-insured employer, not to exceed \$1,500, unless the claimant demonstrates extraordinary circumstances justifying payment of a greater amount.

(3) If an order under section (2) does not specify the amount of a reasonable award for expenses and costs, the claimant shall submit, within 30 days after the order under section (2) becomes final, a cost bill to the insurer or self-insured employer. The cost bill, which may be submitted on a form prescribed by the Board, shall contain, but is not limited to, the following information:

(a) An itemization of the incurred expenses and costs for records, expert opinions, and witness fees that are due to the denied claim(s); and

(b) The claimant's signature confirming that the claimed expenses and costs were incurred in the litigation of the denied claim(s).

(4) If the parties disagree whether a claimed fee, expense, or cost is reasonable, a party may request a hearing seeking resolution of that dispute. The resolution of disputes under this section shall be made by a final, appealable order.

(5) Unless a hearing is requested by the insurer or self-insured employer under section (4), payments for witness fees, expenses, and costs shall be made by the insurer or self-insured employer within 30 days of its receipt of the cost bill submitted in accordance with section (3) or within 30 days after the order under section (2) becomes final, whichever is later, and are in addition to compensation payable to the claimant and in addition to attorney fees.

Stat. Auth.: ORS 656.726(5)

Stats. Implemented: ORS 656.386(2), 656.726(5)

Hist.: WCB 2-2007, f. 12-11-07, cert. ef. 1-1-08; WCB 2-2012, f. 11-13-12, cert. ef. 1-1-13

## 438-015-0025

### Maximum Attorney Fees Out of Compensation

Except in situations where a claimant's attorney fee is an assessed fee, in settlement of disputed claims or claim disposition agreements and in cases under the third-party law, unless there is a finding in a particular case by an Administrative Law Judge or the Board that extraordinary circumstances justify a higher fee, the established fees for attorneys representing claimants are as set forth in OAR 438-015-0040, 438-015-0045, 438-015-0055(1), (2), (3), and 438-015-0080.

Stat. Auth.: ORS 656.726(5)

Stats. Implemented: ORS 656.236(4), 656.289(4), 656.386(2), 656.388(3) & 656.593(1)(a)  
Hist.: WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 2-1989, f. 3-3-89, ef. 4-1-89; 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 2-2012, f. 11-13-12, cert. ef. 1-1-13

## 438-015-0029

### Request at Board Review Level for Assessed Fees

(1) On Board review of an Administrative Law Judge's order, to assist the Board in determining the amount of a reasonable assessed fee for services at the hearing level and/or for services on Board review, a claimant's attorney may file a request for a specific fee, which the attorney believes to be reasonable.

(2) The request shall be considered by the Board if:

(a) The request is filed no later than 14 days from the date of filing of the last appellate brief under OAR 438-011-0020;

(b) The request describes in detail the manner in which the factors set forth in OAR 438-015-0010(4) specifically apply to the case, as well as any other information deemed relevant; and

(c) A copy of the request is simultaneously served upon the attorneys who appeared at hearing and on Board review in the manner provided in OAR 438-005-0046(2)(a) and proof of such service is provided in accordance with 438-005-0046(2)(b).

(3) A written response raising objection to the request shall be considered by the Board if:

(a) The response is filed no later than 14 days from the date of filing of claimant's attorney's request for a specific fee under subsection (2)(a) of this rule; and

(b) A copy of the response is simultaneously served upon the attorneys who appeared at hearing and on Board review in the manner provided in OAR 438-005-0046(2)(a) and proof of such service is provided in accordance with 438-005-0046(2)(b).

(4) A request or response that does not comply with this rule shall not be considered by the Board in determining the amount of a reasonable assessed fee.

Stat. Auth.: ORS 654.025(2) & ORS 656.726(5)

Stats. Implemented: ORS 656.382(2), 656.386(1) & 656.388(3)

Hist.: WCB 1-1992, f. 3-5-92, cert. ef. 4-6-92; WCB 1-1994, f. 11-1-94, cert. ef. 1-1-95; WCB 2-2012, f. 11-13-12, cert. ef. 1-1-13

## 438-015-0035

### Attorney Fees When a Claimant Requests a Hearing on a Denied Claim

If the Administrative Law Judge orders the acceptance of a previously denied claim, the Administrative Law Judge shall award a reasonable assessed fee. This rule applies to denials under OAR 438-015-0005(7).

Stat. Auth.: ORS 656.307, 656.388, 656.593 & 656.726(5)

Stats. Implemented: ORS 656.386(1) & 656.388(3)

Hist.: WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 2-1989, f. 3-3-89, ef. 4-1-89; WCB 2-2012, f. 11-13-12, cert. ef. 1-1-13

## 438-015-0038

### Attorney Fees When a Claimant Requests a Hearing on a Responsibility Denial

If the claimant's attorney appears in any proceeding regarding a responsibility denial issued under ORS 656.308(2), and actively and meaningfully participates, and finally prevails against that responsibility denial, the Administrative Law Judge shall award a reasonable assessed fee to be paid by the insurer or self-insured employer who issued the responsibility denial. Absent a showing of extraordinary circumstances, the assessed attorney fee shall not exceed \$2,500. The maximum attorney fee awarded under this rule is subject to an annual adjustment on July 1 as calculated by the Workers' Compensation Division (on behalf of the Director) by the same percentage increase as made to the average weekly wage defined in ORS 656.211, if any. Before July 1 of each year, the Board, by bulletin, will publish the maximum fee, after adjusting the fee by the same percentage increase, if any, to the average weekly wage. Dollar amounts will be rounded to the nearest whole number.

Stat. Auth.: ORS 656.307, 656.388, 656.593 & 656.726(5)

Stats. Implemented: ORS 656.308(2), 656.386(1) & 656.388(3)

Hist.: WCB 2-1995, f. 11-13-95, cert. ef. 1-1-96; WCB 1-2009, f. 10-7-09, cert. ef. 1-1-10; WCB 2-2012, f. 11-13-12, cert. ef. 1-1-13

## 438-015-0050

### Attorney Fees in Connection with Disputed Claim Settlements

(1) When a denied and disputed claim is settled under the provisions of ORS 656.289(4) and OAR 438-009-0010, an attorney fee may be approved by the Administrative Law Judge or the Board in an amount up to 25 percent of the first \$17,500 of the settlement proceeds plus ten percent of any amount of the settlement proceeds in excess of \$17,500. Under extraordinary circumstances, a fee may be authorized in excess of this calculation.

(2) When the settlement proceeds are to be paid in more than one payment payable within a period of more than one year from the date of approval, for purposes of approving an attorney fee under section (1) of this rule, settlement proceeds shall be calculated based on the "present value" of the total settlement proceeds. "Present value" may be represented by the actual present value of the total settlement proceeds or the purchase price of any annuity designed to fund payment of the total settlement proceeds. The parties shall provide the Board with a written statement of the "present value" of the total settlement proceeds.

Stat. Auth.: ORS 656.388(4) & 656.726(5)

Stats. Implemented: ORS 656.289(4) & 656.388(3)

Hist.: WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 2-1989, f. 3-3-89, ef. 4-1-89; 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 6-1991(Temp), f. 8-29-91, cert. ef. 9-2-91; WCB 8-1991, f. 11-6-91, cert. ef. 11-7-91; WCB 1-1998, f. 11-20-98, cert. ef. 2-1-99; WCB 2-2012, f. 11-13-12, cert. ef. 1-1-13

## 438-015-0055

### Attorney Fees When a Claimant Requests Review by the Board

(1) If a claimant requests review of an Administrative Law Judge's order on the issue of compensation for temporary disability and the Board awards additional compensation, the Board shall approve a fee of 25 percent of the increased compensation, provided that the total of fees approved by the Administrative Law Judge and the Board shall not exceed \$5,000.

(2) If a claimant requests review of an Administrative Law Judge's order on the issue of compensation for permanent disability and the Board awards additional compensation, the Board shall approve a fee of 25 percent of the increased compensation, provided that the total of fees approved by the Administrative Law Judge and the Board shall not exceed \$6,000.

(3) If a claimant requests review of an Administrative Law Judge's order on the issue of compensation for permanent total disability and the Board awards additional compensation, the Board shall approve a fee of 25 percent of the increased compensation, provided that the total of fees approved by the Administrative Law Judge and the Board shall not exceed \$16,300.

# ADMINISTRATIVE RULES

(4) If a claimant requests review of an Administrative Law Judge's order that upheld a denial of compensability for a claim and the Board orders the claim accepted, the Board shall assess a reasonable attorney fee to be paid by the insurer or self-insured employer to the claimant's attorney.

(5) If a claimant requests review of an Administrative Law Judge's order that upheld a responsibility denial issued under ORS 656.308(2) and the claimant's attorney actively and meaningfully participates in finally prevailing against the responsibility denial, the Board shall award a reasonable assessed fee to be paid by the insurer or self-insured employer who issued the responsibility denial. Absent a showing of extraordinary circumstances, the assessed attorney fee for prevailing over the responsibility denial shall not exceed \$2,500. The maximum attorney fee awarded under this section is subject to an annual adjustment on July 1 as calculated by the Workers' Compensation Division (on behalf of the Director) by the same percentage increase as made to the average weekly wage defined in ORS 656.211, if any. Before July 1 of each year, the Board, by bulletin, will publish the maximum fee, after adjusting the fee by the same percentage increase, if any, to the average weekly wage. Dollar amounts will be rounded to the nearest whole number.

Stat. Auth.: ORS 656.386(1), 656.386(2), 656.388(3) & 656.726(5)  
Stats. Implemented: ORS 656.308(2), 656.386(1), 656.386(2) & 656.388(3)  
Hist.: WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 1-1998, f. 11-20-98, cert. ef. 2-1-99; WCB 1-2009, f. 10-7-09, cert. ef. 1-1-10; WCB 2-2012, f. 11-13-12, cert. ef. 1-1-13

## 438-015-0095

### Attorney Fees in Third-Party Cases

Unless otherwise ordered by the Board after a finding of extraordinary circumstances, an attorney fee not to exceed 33-1/3 percent of the gross recovery obtained by the plaintiff in an action maintained under the provisions of ORS 656.576 through 656.596 is authorized.

Stat. Auth.: ORS 656.307, 656.388, 656.593 & 656.726(5)  
Stats. Implemented: ORS 656.593(1)(a) & 656.388(3)  
Hist.: WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 2-1989, f. 3-3-89, ef. 4-1-89; WCB 2-2012, f. 11-13-12, cert. ef. 1-1-13

## 438-015-0110

### Attorney Fees in Cases Involving ORS 656.262(11)(a)

If the Director, an Administrative Law Judge, the Board, or the Court find that the insurer or self-insured employer unreasonably delayed or unreasonably refused to pay compensation, or unreasonably delayed acceptance or denial of a claim, an assessed attorney fee shall be awarded in a reasonable amount that:

- (1) Is proportionate to the benefit to the claimant;
- (2) Takes into consideration the factors set forth in OAR 438-015-0010(4), giving primary consideration to the results achieved and to the time devoted to the case; and
- (3) Does not exceed \$3,000, absent a showing of extraordinary circumstances. The maximum attorney fee awarded under this section is subject to an annual adjustment on July 1 as calculated by the Workers' Compensation Division (on behalf of the Director) by the same percentage increase as made to the average weekly wage defined in ORS 656.211, if any. Before July 1 of each year, the Board, by bulletin, will publish the maximum fee, after adjusting the fee by the same percentage increase, if any, to the average weekly wage. Dollar amounts will be rounded to the nearest whole number.

Stat. Auth.: ORS 656.283, 656.388 & 656.726(5)  
Stats. Implemented: ORS 656.262(11)(a)  
Hist.: WCB 3-2003, f. 12-12-03 cert. ef. 1-1-04; WCB 1-2009, f. 10-7-09, cert. ef. 1-1-10; WCB 2-2012, f. 11-13-12, cert. ef. 1-1-13

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## Department of Corrections Chapter 291

**Rule Caption:** Death Row Housing Policy, and Definitions for Classification of Inmates.

**Adm. Order No.:** DOC 11-2012(Temp)

**Filed with Sec. of State:** 11-5-2012

**Certified to be Effective:** 11-5-12 thru 5-4-13

**Notice Publication Date:**

**Rules Amended:** 291-093-0005, 291-104-0111

**Subject:** It is the long-standing policy and practice of the Oregon Department of Corrections to house inmates with a sentence of death separately from the general inmate population in a death row housing unit or a death row status cell due to the unique security and management concerns presented by these inmates. Immediate adoption of these temporary rule amendments is necessary in order for the department to clarify that its policy in this area includes all inmates

confined in a department of Corrections institution with a sentence of death, including inmates with a death sentence from another state or jurisdiction.

**Rules Coordinator:** Janet R. Worley—(503) 945-0933

## 291-093-0005

### Authority, Purpose, and Policy

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: The purpose of this rule is to establish guidelines for the daily operation of death row at the Oregon State Penitentiary.

(3) Policy: It is the policy of the Department of Corrections to assign inmates with a sentence of death to the Death Row Housing Unit or to a Death Row status cell.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075  
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075  
Hist.: CD 14-1989(Temp), f. & cert. ef. 7-11-89; CD 24-1994, f. 12-21-94, cert. ef. 1-3-95; DOC 11-2012(Temp), f. & cert. ef. 11-5-12 thru 5-4-13

## 291-104-0111

### Definitions

(1) Administrative Review: A review of classification scoring, classification level, or classification override requested by an inmate and completed by the Institution Classification Committee, facility functional unit manager, or Classification Manager.

(2) Classification Action: Initiation of initial classification, classification review or classification override to determine an inmate's custody classification level.

(3) Classification Manager: An Office of Population Management employee responsible for the development, implementation, training, auditing, oversight and management of the classification function within the Department.

(4) Classification Review: The process used by the Department to re-evaluate an inmate's assigned custody level. The assigned custody level may be changed as a result of the review.

(5) 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.

(6) Custody Classification Guide (Attachment 1): Criteria and guidelines that assist in assigning inmates to an appropriate custody level utilizing scoring elements determined by the Department of Corrections.

(7) Custody Level: One of five levels of supervision assigned to an inmate through initial and classification review procedures.

(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 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.

(8) Department of Corrections (DOC) Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(9) Designators: 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.

(10) Initial Classification: The process used by the Department of Corrections to assign an inmate a custody level upon his/her admission to the physical custody of the Department.



# ADMINISTRATIVE RULES

(11) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, probation, or post-prison supervision status.

(12) Institution Classification Committee: A committee within each facility consisting of at least three persons (one representative from management service, one representative from security, and one representative from Transitional Services) that reviews classification appeals.

(13) Office of Population Management: The functional unit that is responsible for capacity and resource management, new prison construction, community development, interstate compact, rental bed contracts, international transfers, special needs populations, juveniles sentenced as adults, high risk inmate placement, and overall system development related to classification functions.

(14) Override: An option utilized when there is a documented issue(s) not addressed in the classification scoring elements, or a degree of seriousness in a classification factor that justifies a higher or lower custody level than indicated by the classification action.

(15) Policy Elements: Areas of potential risk listed in the Custody Classification Guide (Attachment 1) that determine the inmate's classification level.

(16) Serious Management Concerns:

(a) Participation, either individually or in a group, in behavior that in the judgment of the Department poses a threat to the safe and secure operation of the facility, including but not limited to, threatening or inflicting serious bodily harm on another inmate or on staff, or that poses an immediate risk of escape;

(b) Promoting or engaging in group disruptive behavior, or being involved in the planning of any activities that in the judgment of the Department would significantly threaten the safe and secure operation of the facility; or

(c) Demonstration in behaviors that in the judgment of the Department pose a threat sufficient to require special secure housing on intensive management status.

(17) Special Population Management (SPM) Committee: A committee composed of at least three Department administrative staff to include a representative from Institution Operations, Counseling & Treatment Services, and the Office of Population Management, who are responsible to review classification status for inmates who score Level 5 in order to determine if assignment to Intensive Management Status is appropriate.

(18) Violence Predictor Score (VPS): A score based on a mathematical equation used to determine an inmate's risk for violence in an institutional setting. The equation includes calculations based on an inmate's age, gender, prior incarcerations, type of crime, aggression, drug history, and certain personality disorders. *This calculation is used only during the twelve months of incarceration.*

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

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

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

Hist.: DOC 4-2006, f. 5-31-06, cert. ef. 6-1-06; DOC 11-2008, f. 5-8-08, cert. ef. 5-13-08; DOC 11-2012(Temp), f. & cert. ef. 11-5-12 thru 5-4-13

## Department of Energy Chapter 330

**Rule Caption:** Defines "Oregon's share" of eligible generation under the Renewable Portfolio Standards in ORS 469A.020(3).

**Adm. Order No.:** DOE 11-2012

**Filed with Sec. of State:** 11-14-2012

**Certified to be Effective:** 11-14-12

**Notice Publication Date:** 9-1-2012

**Rules Amended:** 330-160-0015, 330-160-0050

**Subject:** The rule amendments define "Oregon's share" of eligible generation attributed to upgrades at Bonneville Power Administration's hydropower facilities as used in ORS 469A.020(3), for the purpose of compliance with the Renewable Portfolio Standard. The rule amendments also include the departmental process related to defining Oregon's share.

**Rules Coordinator:** Kathy Stuttaford—(503) 373-2127

### 330-160-0015

#### Definitions

For the purposes of Oregon Administrative Rules, Chapter 330, Division 160, the following definitions apply unless the context requires otherwise:

(1) "Banked Renewable Energy Certificate" has the meaning in ORS 469A.005.

(2) "Bundled Renewable Energy Certificate" has the meaning in ORS 469A.005.

(3) "Compliance Year" has the meaning in ORS 469A.005.

(4) "Department" means the Oregon Department of Energy.

(5) "Director" means the Director of the Oregon Department of Energy.

(6) "Electricity Service Supplier" has the meaning in ORS 469A.005.

(7) "Electric Utility" means an electric company or consumer-owned utility that is engaged in the business of distributing electricity to retail electricity consumers in this state.

(8) "Federal Columbia River Power System" (FCRPS) means the transmission system constructed and operated by Bonneville Power Administration (BPA) and the hydroelectric dams constructed and operated by the U.S. Army Corps of Engineers and the Bureau of Reclamation in Oregon, Washington, Montana and Idaho.

(9) "High Water Mark Contract" means a power sales contract between a consumer-owned utility and BPA that contains a contract high water mark, and under which the utility purchases power from BPA at rates established by BPA in accordance with the tiered rate methodology.

(10) "Joint Operating Entity" means an entity that was lawfully organized under State law as a public body or cooperative prior to September 22, 2000, and is formed by and whose members or participants are two or more public bodies or cooperatives, each of which was a customer of BPA on or before January 1, 1999.

(11) "Oregon's share" as used in ORS 469A.020(3), means the portion of Federal Columbia River Power System generation attributable to the Oregon load of hydroelectric efficiency upgrades that BPA provides to:

(a) Each consumer-owned utility serving load located in Oregon, pursuant to a High Water Mark Contract;

(b) Each Joint Operating Entity with retail utility members serving load located in Oregon, pursuant to a High Water Mark Contract; and

(c) Each investor-owned utility participating in the Residential Exchange Program that serves load located in Oregon.

(12) "Qualifying Electricity" has the meaning in ORS 469A.005.

(13) "Renewable Energy Certificate" (REC or Certificate) means a unique representation of the environmental, economic, and social benefits associated with the generation of electricity from renewable energy sources that produce Qualifying Electricity. One Certificate is created in association with the generation of one MegaWatt-hour (MWh) of Qualifying Electricity. While a Certificate is always directly associated with the generation of one MWh of electricity, transactions for Certificates may be conducted independently of transactions for the associated electricity.

(14) "Renewable Energy Source" has the meaning in ORS 469A.005.

(15) "Residential Exchange Program" means the arrangement, based on section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act, whereby regional utilities sell BPA an amount of power equal to their residential and small-farm load at their average system cost in exchange for federal electric power, and pass on the benefits to their residential and small-farm customers in the form of a bill credit.

(16) "RPS" means the Oregon renewable portfolio standard as established in ORS 469A.

(17) "Stranded electricity" means qualifying electricity that:

(a) Was generated between January 1, 2007 and the effective date of these rules by a generating unit that was registered in WREGIS on or before the effective date of these rules and;

(b) Is not associated with a WREGIS-issued renewable energy certificate and;

(c) Was reported to the Department on or before March 11, 2011.

(18) "Unbundled Renewable Energy Certificate" has the meaning in ORS 469A.005.

(19) "Vintage" means the month and year that qualifying electricity was created in accordance with WREGIS protocol or an interim tracking system approved by the Department pursuant to OAR 330-160-0020(4).

(20) "WREGIS" means the Western Renewable Energy Generation Information System, which is the renewable energy certificate tracking and reporting system established by the California Energy Commission and the Western Governors Association and governed by the Western Electricity Coordinating Council for use by states and provinces throughout the western power interconnection.

Stat. Auth.: ORS 469A.130  
Stats. Implemented: ORS 469A.130 - 469A.145

Hist.: DOE 6-2008, f. & cert. ef. 9-3-08; DOE 11-2010(Temp), f. & cert. ef. 8-31-10 thru 2-26-11; DOE 1-2011, f. & cert. ef. 2-22-11; DOE 2-2011, f. & cert. ef. 3-4-11; DOE 11-2012, f. & cert. ef. 11-14-12

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## 330-160-0050

### Hydroelectric Facility Upgrades

(1) Efficiency upgrades from an Oregon RPS qualifying hydroelectric facility, refers to additional incremental qualifying electricity production at an existing hydroelectric facility due to upgrades to existing generators, turbines and other Department-approved equipment changes. Efficiency upgrades do not include increased generation achieved through increased impoundments or increased appropriation or diversions of water.

(2) The Department will determine the eligibility of incremental hydroelectric power production at an existing hydroelectric facility for purposes of Oregon RPS compliance.

(a) Eligibility may not be based on any operational changes at the facility that are not directly associated with efficiency upgrades as defined in Subsection (1) of this rule.

(b) The determination of the percentage increase in the efficiency of hydroelectric power production as described in Subsection (1) of this rule shall be based on the best available evidence, including but not limited to, representations by the Federal Energy Regulatory Commission or, for federal projects, by the authorized power marketing agency or agencies with jurisdiction over the federal projects.

(c) The annual electricity production eligible for RPS-eligible renewable energy certificates is the annual hydroelectric power production at the facility multiplied by the percentage increase in efficiency from subsection (b) of this subsection.

(3) Capacity upgrades to a hydroelectric project are not eligible under ORS 469A.025(4)(b) for the Oregon RPS. Capacity upgrades to a hydroelectric project include any increase in generating capacity other than an increase from an efficiency upgrade.

(4) For hydroelectric efficiency upgrades made to a Federal Columbia River Power System facility consistent with this section, only the incremental generation attributable to Oregon's share, per ORS 469A.020(3), is eligible for the Oregon RPS.

(a) Utilities or Joint Operating Entities that make sales of electricity to retail customers or members in more than one state may receive Oregon's share only for their Oregon load.

(b) The Department will certify in WREGIS as eligible for compliance with the Oregon RPS those RECs associated with Oregon's share, as may be adjusted by the Department.

(5) Effective January 1, 2013, annually and no later than December 31, the Department will publish a list of electric utilities that make sales of electricity to retail customers in more than one state. The list will indicate the most recent proportion of retail load that is located in Oregon, or, for investor-owned utilities, the most recent proportion of eligible Residential Exchange Load located in Oregon.

(a) Annually and no later than October 1, the Department may request that a consumer owned utility that serves retail customers in more than one state provide its total retail load and state-by-state retail load percentages to the Department. Upon such request, the consumer owned utility must provide such retail load information by November 15.

(b) Annually and no later than October 1, the Department may request an investor-owned utility that serves retail customers in more than one state provide its total eligible Residential Exchange Load and state-by-state Residential Exchange Load percentages and values to the Department. Upon such request, the investor-owned utility must provide such retail load information by November 15. After the Department receives percentages and values, there may be a period of reconciliation.

(c) If no submission is received or no reasonably current information is available, the Department will not publish load information for that utility.

(6) Annually, on or around April 1, the Department may request that BPA provide the Department with a copy of the certificate transfer directions that BPA provides to WREGIS.

Stat. Auth.: ORS 469A.005 - 469A.210 & 469.040

Stats. Implemented: ORS 469A.005 - 469A.210

Hist.: DOE 2-2011, f. & cert. ef. 3-4-11; DOE 11-2012, f. & cert. ef. 11-14-12

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## Department of Environmental Quality Chapter 340

**Rule Caption:** Water quality permit 2.7 percent fee increase to address increasing permit program costs.

**Adm. Order No.:** DEQ 6-2012

**Filed with Sec. of State:** 10-31-2012

**Certified to be Effective:** 11-1-12

**Notice Publication Date:** 8-1-2012

**Rules Amended:** 340-045-0075, 340-071-0140

**Subject:** This amendment to Oregon Administrative Rules increases water quality permit fees. The rulemaking increases fees for most National Pollution Discharge Elimination System and Water Pollution Control Facility permits by 2.7 percent, except suction dredge (700-PM) and graywater (2401, 2402) general permits.

**Rules Coordinator:** Maggie Vandehey — (503) 229-6878

## 340-045-0075

### Permit Fee Schedule

(1) The fee schedule for onsite sewage disposal system permits, including WPCF permits, and graywater reuse and disposal system WPCF individual permits is found in OAR chapter 340, division 071.

(2) The department has established fees for various industrial, domestic and general permit categories. The industrial and domestic permit categories and fees are listed in Tables 70B and 70C. The general permit categories are defined in OAR 340-045-0033 and the fees are listed in Table 70G.

(3) The department must consider the following criteria when classifying a facility for determining applicable fees. For industrial sources that discharge to surface waters, discharge flowrate refers to the system design capacity. For industrial sources that do not discharge to surface waters, discharge flow refers to the total annual flow divided by 365:

(a) Tier 1 industry. A facility is classified as a Tier 1 industry if the facility:

(A) Discharges at a flowrate that is greater than or equal to 1 mgd; or

(B) Discharges large biochemical oxygen demand loads; or

(C) Is a large metals facility; or

(D) Has significant toxic discharges; or

(E) Has a treatment system that will have a significant adverse impact on the receiving stream if not operated properly; or

(F) Needs special regulatory control, as determined by the department.

(b) Tier 1 domestic facility. A facility is classified as a Tier 1 domestic facility if the facility:

(A) Has a dry weather design flow of 1 mgd or greater; or

(B) Serves an industry that can have a significant impact on the treatment system.

(c) Tier 2 industry or domestic facility: does not meet Tier 1 qualifying factors.

(4) New-permit application fee. Unless waived by this rule, the applicable new-permit application fee listed in Table 70A, 70C or 70G (available on the department's website or upon request) must be submitted with each application. The amount of the fee is based on the facility category and type of permit (e.g., individual vs. general).

(5) Permit modification fee. Permit modification fees are listed in Tables 70A and 70C (available on the department's website or upon request). They vary with the type of permit, the type of modification and the timing of modification as follows:

(a) Modification at time of permit renewal:

(A) Major modification — involves an increase in effluent limitations or any other change that involves significant analysis by the department;

(B) Minor modification — does not involve significant analysis by the department.

(b) Modification prior to permit renewal:

(A) Major modification — involves an increase in effluent limitations or any other change that involves significant analysis by the department. A permittee requesting a significant modification to their permit may be required by the department to enter into an agreement to pay for these services according to ORS 468.073. ORS 468.073 allows the department "to expedite or enhance a regulatory process by contracting for services, hiring additional staff or covering costs of activities not otherwise provided during the ordinary course of department business;"

(B) Minor modification — does not involve significant analysis by the department.

(6) Annual fees. Applicable annual fees for General and Industrial permit holders may be found in Tables 70G and 70B (available on the department's website or upon request). Annual fees for domestic sources may also be found in Table 70C (available on the department's website or upon request), and consist of the following:

(a) Base annual fee. This is based on the type of treatment system and the dry weather design flow;

(b) Population-based fee. A permit holder with treatment systems other than Type F (septage alkaline stabilization facilities) must pay a population-based fee. The applicable fee may be found in Table 70D (available on the department's website or upon request);

# ADMINISTRATIVE RULES

(c) Pretreatment fee. A source required by the department to administer a pretreatment program pursuant to federal pretreatment program regulations (40CFR, Part 403; January 29, 1981 and amendments thereto) must pay an additional annual fee plus a fee for each significant industrial user specified in their annual report for the previous year. The applicable fee may be found in Table 70E (available on the department's website or upon request).

(7) Technical activities fee. Technical activity fees are listed in Tables 70F and 70H (available on the department's website or upon request). They are categorized as follows:

(a) All permits. A permittee must pay a fee for NPDES and WPCF permit-related technical activities. A fee will be charged for initial submittal of engineering plans and specifications. Fees will not be charged for revisions and re-submittals of engineering plans and specifications or for facilities plans, design studies, reports, change orders, or inspections;

(b) General permits. A permittee must pay the technical activity fee shown in Table 70H (available on the department's website or upon request) when the following activities are required for application review:

(A) Disposal system plan review;

(B) Site inspection and evaluation.

(8) For permits administered by the Oregon Department of Agriculture, the following fees are applicable until superseded by a fee schedule established by the Oregon Department of Agriculture:

(a) WPCF and NPDES General Permits #800 for Confined Animal Feeding Operations Filing Fee — \$50;

(b) Individual Permits:

(A) Filing Fee — \$50;

(B) New applications — \$6,280;

(C) Permit renewals (including request for effluent limit modifications) — \$3,140;

(D) Permit renewals (without request for effluent limit modifications) — \$1,416;

(E) Permit modifications (involving increase in effluent limit modifications) — \$3,140;

(F) Permit modifications (not involving an increase in effluent limitations) — \$500;

(G) Annual compliance determination fee for dairies and other confined feeding operations — \$705;

(H) Annual compliance determination fee for facilities not elsewhere classified with disposal of process wastewater — \$1,885;

(I) Annual compliance determination fee for facilities not elsewhere classified that dispose of non-process wastewater (e.g., small cooling water discharges, boiler blowdown, filter backwash, log ponds) — \$1,180.

(c) Annual compliance determination fee for facilities that dispose of wastewater only by evaporation from watertight ponds or basins — \$705.

(9) A surcharge in the amount listed below is imposed on municipalities that are permittees as defined in 2007 Oregon Laws chapter 696, section 2. The surcharge is imposed to defray the cost of conducting and administering the study of persistent pollutants discharged in the State of Oregon required under 2007 Oregon Laws chapter 696, section 3. A permittee subject to the surcharge must pay one half of the surcharge on or before July 15, 2008 and the other half of the surcharge on or before July 15, 2009.

Each municipality will pay a surcharge based on a dry weather design flow in millions of gallons per day (mgd) as follows:  
less than 5 mgd = \$6,975.  
5 mgd to 9.9 mgd = \$13,950.  
10 mgd and greater = \$20,925.

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

Stat. Auth.: ORS 468.020, 468B.020 & 468B.035

Stats. Implemented: ORS 468.065, 468B.015, 468B.035 & 468B.050

Hist.: DEQ 113, f. & ef. 5-10-76; DEQ 129, f. & ef. 3-16-77; DEQ 31-1979, f. & ef. 10-1-79; DEQ 18-1981, f. & ef. 7-13-81; DEQ 12-1983, f. & ef. 6-2-83; DEQ 9-1987, f. & ef. 6-3-87; DEQ 18-1990, f. & ef. 6-7-90; DEQ 10-1991, f. & ef. 7-1-91; DEQ 9-1992, f. & ef. 6-5-92; DEQ 10-1992, f. & ef. 6-9-92; DEQ 30-1992, f. & ef. 12-18-92; DEQ 20-1994, f. & ef. 10-7-94; DEQ 4-1998, f. & ef. 3-30-98; Administrative correction 10-22-98; DEQ 15-2000, f. & ef. 10-11-00; DEQ 2-2002, f. & ef. 2-12-02; DEQ 7-2004, f. & ef. 8-3-04; DEQ 5-2005, f. & ef. 7-1-05; DEQ 11-2006, f. & ef. 8-15-06; DEQ 5-2007, f. & ef. 7-3-07; DEQ 8-2008, f. & ef. 6-27-08, cert. ef. 7-1-08; DEQ 7-2010, f. & ef. 8-27-10, cert. ef. 9-1-10; DEQ 9-2011, f. & ef. 6-30-11; DEQ 15-2011, f. & ef. 9-12-11; DEQ 6-2012, f. & ef. 10-31-12, cert. ef. 11-1-12

## 340-071-0140

### Onsite System Fees

(1) This rule establishes the fees for site evaluations, permits, reports, variances, licenses, and other services the department provides under this division.

(2) Site evaluation and existing system evaluation fees are listed in Table 9A. [Table not included. See ED. NOTE.]

(3) Permitting fees for systems not subject to WPCF permits are listed in Table 9B and Table 9C. [Table not included. See ED. NOTE.]

(4) WPCF permit fees. Fees in this section apply to WPCF permits issued pursuant to OAR 340-071-0162. WPCF permit fees are listed in Table 9D. [Table not included. See ED. NOTE.]

(5) Innovative or Alternative Technology or Material Review fees are listed in Table 9F. [Table not included. See ED. NOTE.]

(6) Material Plan Review fees are listed in Table 9F. [Table not included. See ED. NOTE.]

(7) Sewage Disposal Service License and Truck Inspection fees are listed in Table 9E. [Table not included. See ED. NOTE.]

(8) Contract county fee schedules.

(a) Each county having an agreement with the department under ORS 454.725 must adopt a fee schedule for services rendered and permits issued. The county fee schedule may not include the department's surcharge established in section (9) of this rule unless identified as a department surcharge.

(b) A copy of the fee schedule and any subsequent amendments to the schedule must be submitted to the department.

(c) Fees may not exceed actual costs for efficiently conducted services.

(9) Department surcharge.

(a) To offset a portion of the administrative and program oversight costs of the statewide onsite wastewater management program, the department and contract counties must levy a surcharge for each site evaluation, report permit, and other activity for which an application is required in this division. The surcharge fee is listed in Table 9F. [Table not included. See ED. NOTE.] This surcharge does not apply to sewage disposal service license applications, pumper truck inspections, annual report evaluation fees, or certification of installers or maintenance providers.

(b) Proceeds from surcharges collected by the department and contract counties must be accounted for separately. Each contract county must forward the proceeds to the department in accordance with its agreement with the department.

(10) Refunds. The department may refund all or a portion of a fee accompanying an application if the applicant withdraws the application before any field work or other substantial review of the application has been done.

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

Stat. Auth.: ORS 454.625, 468.020 & 468.065(2)

Stats. Implemented: ORS 454.745, 468.065 & 468B.050

Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 13-1986, f. & ef. 6-18-86; DEQ 15-1986, f. & ef. 8-6-86; DEQ 6-1988, f. & ef. 3-17-88; DEQ 11-1991, f. & ef. 7-3-91; DEQ 18-1994, f. 7-28-94, cert. ef. 8-1-94; DEQ 27-1994, f. & ef. 11-15-94; DEQ 12-1997, f. & ef. 6-19-97; Administrative correction 1-28-98; DEQ 8-1998, f. & ef. 6-5-98; DEQ 16-1999, f. & ef. 12-29-99; Administrative correction 2-16-00; DEQ 9-2001(Temp), f. & ef. 7-16-01 thru 12-28-01; DEQ 14-2001, f. & ef. 12-26-01; DEQ 2-2002, f. & ef. 2-12-02; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 7-2008, f. 6-27-08, cert. ef. 7-1-08; DEQ 10-2009, f. 12-28-09, cert. ef. 1-4-10; DEQ 7-2010, f. 8-27-10, cert. ef. 9-1-10; DEQ 9-2011, f. & ef. 6-30-11; DEQ 6-2012, f. f. 10-31-12, cert. ef. 11-1-12

## Department of Fish and Wildlife Chapter 635

**Rule Caption:** Amend the dates for the Miller Island Unit hunt in Klamath Wildlife Area.

**Adm. Order No.:** DFW 134-2012(Temp)

**Filed with Sec. of State:** 10-16-2012

**Certified to be Effective:** 10-17-12 thru 4-12-13

**Notice Publication Date:**

**Rules Amended:** 635-051-0001

**Subject:** Amend rules to correct the dates for the Miller Island Unit hunt in Klamath Wildlife Area.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

### 635-051-0001

**Times, Places, Bag Limits, Species, Sex, Manner of Taking**

(1) Hunt J-68: Controlled Sage Grouse.

(a) Bag Limit: 0.

(b) Open Season: No open season.

(2) Notwithstanding the provisions of the 2012-2013 Oregon Game Bird Regulations, the hunting dates listed on page 34 for the Miller Island Unit in the Klamath Wildlife Area are corrected to be all days in September except September 8-9, which are reserved for youth waterfowl hunters, October 6\*, 7\*, 9, 11, 13\*, 15, 17, 21\*, 23, 25, 27, 29, 31, even-numbered days in November and December, and odd-numbered days in January.

\*Reservation hunting is in effect.



# ADMINISTRATIVE RULES

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162  
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162  
Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 46-1983, f. & ef. 9-19-83; FWC 44-1993, f. & cert. ef. 8-4-93; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 57-1999(Temp), f. 8-13-99, cert. ef. 8-16-99 thru 2-11-00; Administrative correction 6-20-01; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 105-2012(Temp), f. & cert. ef. 8-10-12 thru 2-6-13; DFW 134-2012(Temp), f. 10-16-12, cert. ef. 10-17-12 thru 4-12-13

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**Rule Caption:** Closure of the Non-adipose Fin-clipped Adult Coho Fishery In the Alsea River Basin.

**Adm. Order No.:** DFW 135-2012(Temp)

**Filed with Sec. of State:** 10-22-2012

**Certified to be Effective:** 10-24-12 thru 12-31-12

**Notice Publication Date:**

**Rules Amended:** 635-014-0090

**Rules Suspended:** 635-014-0090(T)

**Subject:** The amended rule closes the Alsea River Basin non-adipose fin-clipped adult coho fishery which opened on October 1, effective 12:01 a.m. Wednesday, October 24, 2012 due to the expected attainment of the 950 non-adipose fin-clipped adult coho allocation.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-014-0090

### Inclusions and Modifications

(1) The **2012 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 **2012 Oregon Sport Fishing Regulations** pamphlet.

(2) Notwithstanding all other requirements provided in the **2012 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 2 adult non fin-clipped Chinook salmon per day, and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest 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.

(A) The Trask River will be closed from Gold Creek, at the hatchery, 200 feet upstream and 900 feet downstream August 1 through November 30, 2012; and for the Trask River segment from Cedar Creek wooden boat slide (RM 10.9) downstream to Loren's Drift wooden boat slide (RM 9.0) from June 1 to July 31 angling is restricted to fly angling and bobber angling only.

(i) Bobber angling gear must include a bobber and a leader no longer than 36-inches in length. Any weight (except the bobber) may be no more than 36-inches from the lowermost hook when suspended vertically. The leader below the bobber must remain suspended in the water column and not resting on the river bottom.

(ii) For purposes of this rule, a bobber is a hook-less, floating device that is attached to or slides along the mainline or leader above the hook(s) for the purpose of suspending hook(s) (which are part of the bait, lure or fly) off the bottom of the stream and visually signaling (from the surface of the water) a fish's strike at the hook(s).

(iii) For purposes of this rule, a leader is a section of line, other than the mainline, extending from the lowermost hook (part of bait, lure, or fly) to the first swivel, weight, bobber, or any other attachment.

(B) Three Rivers, a tributary of the Nestucca River, is open to angling for adipose fin-clipped spring Chinook and adipose fin-clipped summer steelhead through June 30, 2012.

(i) From June 1 through June 30, 2012, use of leaders longer than 36-inches is prohibited. Hooks are limited to no more than 1 single point, size 3/8-inch gap width (approximately size #2) or smaller hook.

(ii) For the purposes of this rule, a leader is defined as described in section (2)(a)(A)(iii) above.

(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 the earlier of November 30 or attainment of an adult coho salmon quota of 1,000 non adipose fin-clipped coho salmon.

(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 on Sundays and Mondays only 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 250 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 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 the earlier of November 30 or attainment of an adult coho salmon quota of 1,200 non adipose fin-clipped coho salmon; 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 2 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 the earlier of November 30 or attainment of an adult coho salmon quota of 575 non adipose fin-clipped coho salmon; 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;

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(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 October 1 through 12:01 a.m. October 24, 2012; 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 2 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 the earlier of November 30 or attainment of an adult coho salmon quota of 1,700 non adipose fin-clipped coho salmon; 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.

(i) Within the Youngs River Basin (Clatsop County) the following additional rules apply: Effective Saturday, October 13 through Friday, November 16, 2012, angling for salmon and steelhead is prohibited in Youngs Bay from the commercial fishing deadline at Battle Creek Slough upstream to Youngs River Falls; and in the Klaskanine River from its confluence with Youngs River upstream to the Klaskanine Hatchery angling deadline on the North Fork; and up to the first falls at approximately river mile 4.7 on the South Fork.

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 20-1996, 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; FWC 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. 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; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 53-2012(Temp), f. 5-29-12, cert. ef. 6-1-12 thru 10-31-12; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 63-2012(Temp), f. & cert. ef. 6-12-12 thru 10-31-12; DFW 71-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 11-30-12; DFW 130(Temp), f. 10-10-12, cert. ef. 10-13-12 thru 12-31-12; DFW 135-2012(Temp), f. 10-22-12, cert. ef. 10-24-12 thru 12-31-12

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**Rule Caption:** Amend rules to add Texas to cervid part importation ban.

**Adm. Order No.:** DFW 136-2012

**Filed with Sec. of State:** 10-24-2012

**Certified to be Effective:** 10-24-12

**Notice Publication Date:** 9-1-2012

**Rules Amended:** 635-065-0765

**Rules Repealed:** 635-065-0765(T)

**Subject:** Amend rules to add Texas to the list of states from which the importation of certain cervid parts is banned.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-065-0765

### Tagging, Possession, Transportation and Evidence of Sex

(1) When the owner of any game mammal tag kills a game mammal for which a tag is issued, the owner shall immediately remove in its entirety only the month and day of kill and attach the tag in plain sight securely to the game mammal. The tag shall be kept attached to such carcass or remain with any parts thereof so long as the same are preserved.

(2) It is unlawful to have in possession any game mammal tag from which all or part of any date has been removed or mutilated except when the tag is legally validated and attached to a game mammal.

(3) It is unlawful to possess the meat or carcass of any pronghorn antelope, bighorn sheep, or Rocky Mountain goat without the animal's scalp while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. The scalp shall include the attached eyes and ears, if the animal is female; or ears, horns, and eyes if the animal is male.

(4) It is unlawful to possess the meat or carcass of any deer or elk without evidence of sex while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. Evidence of sex for deer and elk is:

(a) Evidence of sex for deer and elk which will be taken out of Oregon is:

(A) For Bucks and Bulls: Either the head with antlers naturally attached to at least one quarter of the carcass or testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat. For hunts with antler restrictions, if the head is not attached to the carcass, in addition to leaving the testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat, the head or skull plate with both antlers naturally attached shall accompany the carcass or major portions of meat while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat.

(B) For Does and Cows: Either the head naturally attached to at least one quarter of the carcass or vulva or udder (mammary) naturally attached to one quarter of the carcass or to another major portion of meat.

(C) For Either Sex Hunts: Either the head naturally attached to at least one quarter of the carcass or reproductive organs (testicles, scrotum, penis, vulva, udder, mammary) naturally attached to one quarter of the carcass or to another major portion of meat. For bucks or bulls killed in either sex hunts with antler restrictions, if the head is not attached to the carcass, in addition to leaving the testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat, the head or skull plate with both antlers naturally attached shall accompany the carcass or major portions of meat while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat.

(D) For hunts where only white-tailed deer and for hunts where only mule deer are legal: in addition to evidence of sex, either the head or tail shall remain naturally attached to one quarter of the carcass or to another major portion of meat as evidence of the species taken while in the field,

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forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat.

(b) Evidence of sex for deer and elk which will not be taken out of Oregon is either:

(A) The animal's scalp while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. The scalp shall include the attached eyes and ears, if the animal is female; or ears, antlers, and eyes if the animal is male, or;

(B) The head naturally attached to at least one quarter of the carcass or reproductive organs naturally attached to one quarter of the carcass or to another major portion of meat as described in (4)(a)(A)–(D) above.

(5) When any game mammal or part thereof is transferred to the possession of another person, a written record describing the game mammal or part being transferred indicating the name and address of the person whose tag was originally attached to the carcass and the number of that tag shall accompany such transfer and shall remain with such game mammal or part so long as the same is preserved or until replaced by a tag or seal of the Department.

(6) All game mammals in possession in the field or forest or in transit more than 48 hours after the close of the open season for such mammal must be tagged with a tag or metal seal by the Department or by the Oregon State Police.

(7) All game mammals or portions thereof shipped by commercial carrier shall be tagged with a tag or metal seal provided by the Department or by the Oregon State Police.

(8) It is unlawful to receive or have in possession any game mammal or part thereof which:

(a) Is not properly tagged;

(b) Was taken in violation of any wildlife laws or regulations; or

(c) Was taken by any person who is or may be exempt from the jurisdiction of such laws or regulations.

(9) No person shall possess any game mammal or part thereof which has been illegally killed, found or killed for humane reasons, except shed antlers, unless he has notified and received permission from the Department or personnel of the Oregon State Police prior to transporting.

(10) No person shall possess the horns of bighorn sheep or Rocky Mountain goat that were not taken legally during an authorized season. Any horns of bighorn sheep or Rocky Mountain goat obtained by the Department may be made available to scientific and educational institutions and for ceremonial purposes.

(11) Except for the following parts, importation of a cervid carcass or parts of a cervid carcass is prohibited if the cervid was killed in a state or province with a documented case of Chronic Wasting Disease:

(a) Meat that is cut and wrapped commercially or privately;

(b) Meat that has been boned out;

(c) Quarters or other portions of meat with no part of the spinal column or head attached;

(d) Hides and/or capes with no head attached;

(e) Skull plates with antlers attached that have been cleaned of all meat and brain tissue;

(f) Antlers with no tissue attached;

(g) Upper canine teeth (buglers, whistlers, ivories);

(h) Finished taxidermy heads.

(12) For the purposes of the parts and carcass import ban in subsection (11), the states or provinces with a documented case of Chronic Wasting Disease (CWD) are Alberta, Colorado, Illinois, Maryland, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, Wyoming, Utah, Virginia, West Virginia, and Saskatchewan. The Department shall add by temporary rule any additional states or provinces when any new cases of CWD arise.

(13) The parts and carcass import ban in subsection (11) does not apply to parts or carcasses shipped to the National Fish and Wildlife Forensics Laboratory (Ashland, Oregon) for the purpose of law enforcement investigations and also does not apply to parts or carcasses of reindeer/caribou.

(14) Cervid carcasses or parts of cervid carcasses found in Oregon in violation of the parts and carcass ban in subsection (11) shall be disposed of in a manner as follows:

(a) Brain tissue, spinal columns, and whole heads or heads minus the cleaned skull plate and attached antlers, shall be disposed of either by incineration at temperatures exceeding 800° F or at lined landfills registered by Oregon Department of Environmental Quality capable of accepting animal carcasses without environmental contamination; rendering is not an allowed means of disposal.

(b) The person(s) who imported parts in violation of the parts and carcass ban in subsection (11) Shall pay for appropriate disposal of cervid carcasses or parts of cervid carcasses.

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

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1988, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 41-1987, f. & ef. 7-6-87; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 90-2002(Temp), f. & cert. ef. 8-16-02 thru 2-11-03; DFW 114-2002(Temp), f. & cert. ef. 10-18-02 thru 2-11-03; DFW 126-2002, f. & cert. ef. 11-12-02; DFW 127-2002(Temp), f. & cert. ef. 11-14-02 thru 2-11-03; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 61-2003, f. & cert. ef. 7-16-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 111-2005(Temp), f. & cert. ef. 9-23-05 thru 10-31-05; Administrative correction 11-18-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 135-2008, f. & cert. ef. 10-17-08; DFW 2-2009, f. & cert. ef. 1-9-09; DFW 8-2010(Temp), f. & cert. ef. 1-25-10 thru 7-24-10; DFW 21-2010(Temp), f. & cert. ef. 2-26-10 thru 8-24-10; DFW 36-2010(Temp), f. & cert. ef. 3-30-10 thru 9-25-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 92-2012(Temp), f. & cert. ef. 7-23-12 thru 1-19-13; DFW 136-2012, f. & cert. ef. 10-24-12

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**Rule Caption:** Amend rules to add Pennsylvania to Cervid part importation.

**Adm. Order No.:** DFW 137-2012(Temp)

**Filed with Sec. of State:** 10-24-2012

**Certified to be Effective:** 10-24-12 thru 4-22-13

**Notice Publication Date:**

**Rules Amended:** 635-065-0765

**Subject:** This temporary rule amends rules to add Pennsylvania to the list of states from which the importation of certain cervid parts is banned.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-065-0765

### Tagging, Possession, Transportation and Evidence of Sex

(1) When the owner of any game mammal tag kills a game mammal for which a tag is issued, the owner shall immediately remove in its entirety only the month and day of kill and attach the tag in plain sight securely to the game mammal. The tag shall be kept attached to such carcass or remain with any parts thereof so long as the same are preserved.

(2) It is unlawful to have in possession any game mammal tag from which all or part of any date has been removed or mutilated except when the tag is legally validated and attached to a game mammal.

(3) It is unlawful to possess the meat or carcass of any pronghorn antelope, bighorn sheep, or Rocky Mountain goat without the animal's scalp while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. The scalp shall include the attached eyes and ears, if the animal is female; or ears, horns, and eyes if the animal is male.

(4) It is unlawful to possess the meat or carcass of any deer or elk without evidence of sex while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. Evidence of sex for deer and elk is:

(a) Evidence of sex for deer and elk which will be taken out of Oregon is:

(A) For Bucks and Bulls: Either the head with antlers naturally attached to at least one quarter of the carcass or testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat. For hunts with antler restrictions, if the head is not attached to the carcass, in addition to leaving the testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat, the head or skull plate with both antlers naturally attached shall accompany the carcass or major portions of meat while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat.

(B) For Does and Cows: Either the head naturally attached to at least one quarter of the carcass or vulva or udder (mammary) naturally attached to one quarter of the carcass or to another major portion of meat.

(C) For Either Sex Hunts: Either the head naturally attached to at least one quarter of the carcass or reproductive organs (testicles, scrotum, penis, vulva, udder, mammary) naturally attached to one quarter of the carcass or to another major portion of meat. For bucks or bulls killed in either sex hunts with antler restrictions, if the head is not attached to the carcass, in addition to leaving the testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat, the head or skull



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plate with both antlers naturally attached shall accompany the carcass or major portions of meat while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat.

(D) For hunts where only white-tailed deer and for hunts where only mule deer are legal: in addition to evidence of sex, either the head or tail shall remain naturally attached to one quarter of the carcass or to another major portion of meat as evidence of the species taken while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat.

(b) Evidence of sex for deer and elk which will not be taken out of Oregon is either:

(A) The animal's scalp while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. The scalp shall include the attached eyes and ears, if the animal is female; or ears, antlers, and eyes if the animal is male, or;

(B) the head naturally attached to at least one quarter of the carcass or reproductive organs naturally attached to one quarter of the carcass or to another major portion of meat as described in (4)(a)(A)–(D) above.

(5) When any game mammal or part thereof is transferred to the possession of another person, a written record describing the game mammal or part being transferred indicating the name and address of the person whose tag was originally attached to the carcass and the number of that tag shall accompany such transfer and shall remain with such game mammal or part so long as the same is preserved or until replaced by a tag or seal of the Department.

(6) All game mammals in possession in the field or forest or in transit more than 48 hours after the close of the open season for such mammal must be tagged with a tag or metal seal by the Department or by the Oregon State Police.

(7) All game mammals or portions thereof shipped by commercial carrier shall be tagged with a tag or metal seal provided by the Department or by the Oregon State Police.

(8) It is unlawful to receive or have in possession any game mammal or part thereof which:

(a) Is not properly tagged;

(b) Was taken in violation of any wildlife laws or regulations; or

(c) Was taken by any person who is or may be exempt from the jurisdiction of such laws or regulations.

(9) No person shall possess any game mammal or part thereof which has been illegally killed, found or killed for humane reasons, except shed antlers, unless he has notified and received permission from the Department or personnel of the Oregon State Police prior to transporting.

(10) No person shall possess the horns of bighorn sheep or Rocky Mountain goat that were not taken legally during an authorized season. Any horns of bighorn sheep or Rocky Mountain goat obtained by the Department may be made available to scientific and educational institutions and for ceremonial purposes.

(11) Except for the following parts, importation of a cervid carcass or parts of a cervid carcass is prohibited if the cervid was killed in a state or province with a documented case of Chronic Wasting Disease:

(a) Meat that is cut and wrapped commercially or privately;

(b) Meat that has been boned out;

(c) Quarters or other portions of meat with no part of the spinal column or head attached;

(d) Hides and/or capes with no head attached;

(e) Skull plates with antlers attached that have been cleaned of all meat and brain tissue;

(f) Antlers with no tissue attached;

(g) Upper canine teeth (buglers, whistlers, ivories);

(h) Finished taxidermy heads.

(12) For the purposes of the parts and carcass import ban in subsection (11), the states or provinces with a documented case of Chronic Wasting Disease (CWD) are Alberta, Colorado, Illinois, Maryland, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Oklahoma, Pennsylvania, South Dakota, Texas, Wisconsin, Wyoming, Utah, Virginia, West Virginia, and Saskatchewan. The Department shall add by temporary rule any additional states or provinces when any new cases of CWD arise.

(13) The parts and carcass import ban in subsection (11) does not apply to parts or carcasses shipped to the National Fish and Wildlife Forensics Laboratory (Ashland, Oregon) for the purpose of law enforcement investigations and also does not apply to parts or carcasses of reindeer/caribou.

(14) Cervid carcasses or parts of cervid carcasses found in Oregon in violation of the parts and carcass ban in subsection (11) shall be disposed of in a manner as follows:

(a) Brain tissue, spinal columns, and whole heads or heads minus the cleaned skull plate and attached antlers, shall be disposed of either by incineration at temperatures exceeding 800° F or at lined landfills registered by Oregon Department of Environmental Quality capable of accepting animal carcasses without environmental contamination; rendering is not an allowed means of disposal.

(b) The person(s) who imported parts in violation of the parts and carcass ban in subsection (11) shall pay for appropriate disposal of cervid carcasses or parts of cervid carcasses.

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

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1988, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 41-1987, f. & ef. 7-6-87; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 90-2002(Temp), f. & cert. ef. 8-16-02 thru 2-11-03; DFW 114-2002(Temp), f. & cert. ef. 10-18-02 thru 2-11-03; DFW 126-2002, f. & cert. ef. 11-12-02; DFW 127-2002(Temp), f. & cert. ef. 11-14-02 thru 2-11-03; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 61-2003, f. & cert. ef. 7-16-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 111-2005(Temp), f. & cert. ef. 9-23-05 thru 10-31-05; Administrative correction 11-18-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 135-2008, f. & cert. ef. 10-17-08; DFW 2-2009, f. & cert. ef. 1-9-09; DFW 8-2010(Temp), f. & cert. ef. 1-25-10 thru 7-24-10; DFW 21-2010(Temp), f. & cert. ef. 2-26-10 thru 8-24-10; DFW 36-2010(Temp), f. & cert. ef. 3-30-10 thru 9-25-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 92-2012(Temp), f. & cert. ef. 7-23-12 thru 1-19-13; DFW 136-2012, f. & cert. ef. 10-24-12; DFW 137-2012(Temp), f. & cert. ef. 10-24-12 thru 4-22-13

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**Rule Caption:** Modifications to Southwest Zone Sport Chinook Salmon Regulations for the Chetco River.

**Adm. Order No.:** DFW 138-2012(Temp)

**Filed with Sec. of State:** 10-29-2012

**Certified to be Effective:** 10-31-12 thru 12-31-12

**Notice Publication Date:**

**Rules Amended:** 635-016-0090

**Subject:** Amended rule opens a sport Chinook salmon season in the Chetco River that was temporarily closed to protect Chinook concentrated at the head-of-tide, three days earlier than previously scheduled, due to early season low flows. Rule modifications allow opportunity for harvest of both naturally and hatchery produced fall Chinook in the Chetco River mainstem.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-016-0090

### Inclusions and Modifications

(1) The **2012 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 **2012 Oregon Sport Fishing Regulations**.

(2) Notwithstanding all other requirements provided in the **2012 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: 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 3,000 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 (Nehalem River, Siletz River, Yaquina River, Alsea River, Siuslaw River).

(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; and

(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

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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) Within the Coquille River Basin the following additional rules apply: 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 1,500 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.

(d) Within the Tenmile Lakes Basin the following additional rules apply: North and South Tenmile Lakes (Coos County) upstream from Hilltop Bridge are open for non adipose fin-clipped coho salmon from October 1 through December 31. 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) Within the Elk River Basin the following additional rules apply: 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 including tidewater, open for Chinook salmon and steelhead October 31 through December 31.

(i) All waters of the Winchuck River mainstem, including tidewater, are closed to angling from August 1 through November 2.

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

Stat. Auth.: ORS 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 80-1993(Temp), f. 12-21-93, cert. ef. 1-1-94; FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 79-1994(Temp), f. 10-21-94, cert. ef. 7-22-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 57-1995(Temp), f. 7-3-95, cert. ef. 7-4-95; FWC 59-1995(Temp), f. 7-24-95, cert. ef. 8-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 82-1995(Temp), f. 9-29-95, cert. ef. 10-1-95; FWC 90-1995(Temp), f. 11-29-95, cert. ef. 1-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 52-1996, f. & cert. ef. 9-11-96; FWC 61-1996, f. & cert. ef. 10-9-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 32-1997(Temp), f. & cert. ef. 5-23-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; FWC 24-1998(Temp), f. & cert. ef. 3-25-98 thru 9-15-98; FWC 34-1998, f. & cert. ef. 5-4-98; FWC 52-1998(Temp), f. 7-10-98, cert. ef. 7-11-98 thru 7-24-98; FWC 55-1998(Temp), f. & cert. ef. 7-24-98 thru 12-31-98; FWC 70-1998, f. & cert. ef. 8-28-98; FWC 100-1998, f. 12-23-98, cert. ef. 1-1-99; FWC 36-1999, f. & cert. ef. 5-20-99; FWC 96-1999, f. 12-27-99, cert. ef. 1-1-00; FWC 48-2000(Temp), f. 8-14-00, cert. ef. 8-15-00 thru 12-31-00; FWC 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; FWC 1-2001, f. 1-25-01, cert. ef. 2-1-01; FWC 8-2001, f. & cert. ef. 3-5-01; FWC 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; FWC 42-2001(Temp), f. 5-25-01, cert. ef. 5-29-01 thru 7-31-01; FWC 70-2001, f. & cert. ef. 8-10-01; FWC 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; FWC 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; FWC 97-2001(Temp), f. 10-4-01, cert. ef. 11-1-01 thru 12-31-01; FWC 105-2001(Temp), f. 10-26-01, cert. ef. 11-1-01 thru 12-31-01; FWC 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; FWC 123-2001, f. 12-31-01, cert. ef. 1-1-02; FWC 5-2002(Temp), f. 1-11-02, cert. ef. 1-12-02 thru 7-11-02; FWC 26-2002, f. & cert. ef. 3-21-02; FWC 37-2002, f. & cert. ef. 4-23-02; FWC 55-2002(Temp), f. 5-28-02, cert. ef. 7-1-02 thru 11-31-02; FWC 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); FWC 124-2002(Temp), f. & cert. ef. 10-30-02 thru 12-31-02 (Suspended by DFW 125-2002(Temp), f. 11-8-02, cert. ef. 11-9-2002); FWC 130-2002, f. 11-21-02, cert. ef. 1-1-03; FWC 90-2003(Temp), f. 9-12-03, cert. ef. 9-13-03 thru 12-31-03; FWC 125-2003, f. 12-11-03, cert. ef. 1-1-04; FWC 117-2004, f. 12-13-04, cert. ef. 1-1-05; FWC 127-2004, f. 12-22-04, cert. ef. 1-1-05; FWC 136-2005, f. 12-7-05, cert. ef. 1-1-06; FWC 24-2006(Temp), f. 4-

25-06, cert. ef. 5-13-06 thru 10-31-06; 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; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 138-2012(Temp), f. 10-29-12, cert. ef. 10-31-12 thru 12-31-12

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**Rule Caption:** Salmon and Steelhead Angling Prohibition in Youngs River Basin Ends Effective October 31.

**Adm. Order No.:** DFW 139-2012(Temp)

**Filed with Sec. of State:** 10-30-2012

**Certified to be Effective:** 10-31-12 thru 12-31-12

**Notice Publication Date:**

**Rules Amended:** 635-014-0090

**Rules Suspended:** 635-014-0090(T)

**Subject:** This rule ends the temporary closure of salmon and steelhead fisheries in the Youngs River Basin in the area from the commercial fishing deadline at Battle Creek Slough upstream to Youngs River Falls; and in the Klaskanine River from its confluence with Youngs River upstream to the Klaskanine Hatchery angling deadline on the North Fork; and up to the first falls at approximately river mile 4.7 on the South Fork effective 12:01 a.m. Wednesday, October 31, 2012.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-014-0090

### Inclusions and Modifications

(1) The **2012 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 **2012 Oregon Sport Fishing Regulations** pamphlet.

(2) Notwithstanding all other requirements provided in the **2012 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 2 adult non fin-clipped Chinook salmon per day, and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest 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.

(A) The Trask River will be closed from Gold Creek, at the hatchery, 200 feet upstream and 900 feet downstream August 1 through November 30, 2012; and for the Trask River segment from Cedar Creek wooden boat slide (RM 10.9) downstream to Loren's Drift wooden boat slide (RM 9.0) from June 1 to July 31 angling is restricted to fly angling and bobber angling only.

(i) Bobber angling gear must include a bobber and a leader no longer than 36-inches in length. Any weight (except the bobber) may be no more than 36-inches from the lowermost hook when suspended vertically. The leader below the bobber must remain suspended in the water column and not resting on the river bottom.

(ii) For purposes of this rule, a bobber is a hook-less, floating device that is attached to or slides along the mainline or leader above the hook(s) for the purpose of suspending hook(s) (which are part of the bait, lure or fly) off the bottom of the stream and visually signaling (from the surface of the water) a fish's strike at the hook(s).

# ADMINISTRATIVE RULES

(iii) For purposes of this rule, a leader is a section of line, other than the mainline, extending from the lowermost hook (part of bait, lure, or fly) to the first swivel, weight, bobber, or any other attachment.

(B) Three Rivers, a tributary of the Nestucca River, is open to angling for adipose fin-clipped spring Chinook and adipose fin-clipped summer steelhead through June 30, 2012.

(i) From June 1 through June 30, 2012, use of leaders longer than 36-inches is prohibited. Hooks are limited to no more than 1 single point, size 3/8-inch gap width (approximately size #2) or smaller hook.

(ii) For the purposes of this rule, a leader is defined as described in section (2)(a)(A)(iii) above.

(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 the earlier of November 30 or attainment of an adult coho salmon quota of 1,000 non adipose fin-clipped coho salmon.

(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 on Sundays and Mondays only 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 250 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 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 the earlier of November 30 or attainment of an adult coho salmon quota of 1,200 non adipose fin-clipped coho salmon; 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 2 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 the earlier of November 30 or attainment of an adult coho salmon quota of 575 non adipose fin-clipped coho salmon; 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 October 1 through the earlier of December 15 or attainment of an adult coho salmon quota of 950 non adipose fin-clipped coho salmon; 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 the earlier of November 30 or attainment of an adult coho salmon quota of 1,700 non adipose fin-clipped coho salmon; 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.

(i) Within the Youngs River Basin (Clatsop County) the following additional rules apply: Effective Saturday, October 13 through Tuesday, October 30, 2012, angling for salmon and steelhead is prohibited in Youngs Bay from the commercial fishing deadline at Battle Creek Slough upstream to Youngs River Falls; and in the Klaskanine River from its confluence with Youngs River upstream to the Klaskanine Hatchery angling deadline on the North Fork; and up to the first falls at approximately river mile 4.7 on the South Fork.

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 20-1996, 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. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-1-02 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.



# ADMINISTRATIVE RULES

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; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 53-2012(Temp), f. 5-29-12, cert. ef. 6-1-12 thru 10-31-12; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 63-2012(Temp), f. & cert. ef. 6-12-12 thru 10-31-12; DFW 71-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 11-30-12; DFW 130(Temp), f. 10-10-12, cert. ef. 10-13-12 thru 12-31-12; DFW 135-2012(Temp), f. 10-22-12, cert. ef. 10-24-12 thru 12-31-12; DFW 139-2012(Temp), f. 10-30-12, cert. ef. 10-31-12 thru 12-31-12

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**Rule Caption:** The Dalles Pool White Sturgeon Recreational Fishery Closed.

**Adm. Order No.:** DFW 140-2012(Temp)

**Filed with Sec. of State:** 10-31-2012

**Certified to be Effective:** 11-4-12 thru 12-31-12

**Notice Publication Date:**

**Rules Amended:** 635-023-0095

**Rules Suspended:** 635-023-0095(T)

**Subject:** This amended rule closes the recreational white sturgeon fishery in The Dalles Pool of the Columbia River effective 12:01 a.m. November 4, 2012 due to the expected attainment of the pre-season harvest guideline. Modifications are consistent with action taken October 29, 2012 by the Columbia River Compact agencies of Oregon and Washington.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-023-0095

### Sturgeon Season

(1) The **2012 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the **2012 Oregon Sport Fishing Regulations**.

(2) The mainstem Columbia River from Wauna powerlines (River Mile 40) upstream to Bonneville Dam, excluding the lower Willamette River upstream to Willamette Falls, Multnomah Channel, and the Gilbert River, is open to the retention of white sturgeon with a fork length of 38–54 inches, three days per week, Thursdays through Saturdays, during the period January 1 through July 31.

(3) The retention of white sturgeon in the area identified in section (2) of this rule is prohibited August 1 through December 31.

(4) The mainstem Columbia River from Wauna powerlines (River Mile 40) downstream to the mouth at Buoy 10, including Youngs Bay is open to the retention of white sturgeon seven days per week during the following periods:

- (a) January 1 through April 30;
- (b) May 12 through July 4.

(5) The retention of white sturgeon in the area identified in section (4) of this rule is prohibited May 1 through May 11 and July 5 through December 31.

(6) During the fishing period as identified in subsection (4)(a) of this rule, only white sturgeon with a fork length of 38–54 inches may be retained.

(7) During the fishing periods as identified in subsection (4)(b) of this rule, only white sturgeon with a fork length of 41–54 inches may be retained.

(8) Angling for sturgeon is prohibited from:

(a) Bonneville Dam downstream 9 miles to a line crossing the Columbia River from Navigation Marker 82 on the Oregon shore westerly to a boundary marker on the Washington shore upstream of Fir Point from May 1 through August 31;

(b) Highway 395 Bridge upstream to McNary Dam; and

(c) From the west end of the grain silo at Rufus upstream to John Day Dam during May 1 through July 31.

(d) The upper and lower ends of Sand Island and corresponding markers on the Oregon shoreline (slough at Rooster Rock State Park) from January 1 through April 30.

(9) Effective 12:01 a.m. Sunday, June 24, 2012 the retention of white sturgeon in Bonneville Reservoir and adjacent tributaries is prohibited.

(10) Effective 12:01 a.m. Monday May 21, 2012 the retention of white sturgeon in the John Day Pool and adjacent tributaries is prohibited.

(11) Effective 12:01 a.m. Sunday, November 4, 2012 the retention of white sturgeon in The Dalles Pool and adjacent tributaries is prohibited.

(12) The mainstem Columbia River from McNary Dam upstream to the Oregon-Washington border at river mile 309.5 is open to retention of white sturgeon with a fork length of 43–54 inches, seven days per week from February 1 through July 31.

(13) The retention of white sturgeon in the area identified in section (12) of this rule is prohibited August 1 through January 31.

(14) Retention of green sturgeon is prohibited all year in all areas.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: DFW 129-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 2-28-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 22-2005(Temp), f. 4-1-05, cert. ef. 4-30-05 thru 7-31-05; DFW 50-2005(Temp), f. 6-3-05, cert. ef. 6-11-05 thru 11-30-05; DFW 60-2005(Temp), f. 6-21-05, cert. ef. 6-24-05 thru 12-21-05; DFW 65-2005(Temp), f. 6-30-05, cert. ef. 7-10-05 thru 12-31-05; DFW 76-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 145-2005(Temp), f. 12-21-05, cert. ef. 1-1-06 thru 3-31-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 19-2006(Temp), f. 4-6-06, cert. ef. 4-8-06 thru 7-31-06; DFW 54-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 12-27-06; DFW 62-2006(Temp), f. 7-13-06, cert. ef. 7-24-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 131-2006(Temp), f. 12-20-06, cert. ef. 1-1-07 thru 6-29-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 20-2007(Temp), f. 3-26-07, cert. ef. 3-28-07 thru 7-30-07; DFW 38-2007(Temp), f. & cert. ef. 5-31-07 thru 11-26-07; DFW 59-2007(Temp), f. 7-18-07, cert. ef. 7-29-07 thru 12-31-07; DFW 75-2007(Temp), f. 8-17-07, cert. ef. 8-18-07 thru 12-31-07; DFW 102-2007(Temp), f. 9-28-07, cert. ef. 10-1-07 thru 12-31-07; DFW 135-2007(Temp), f. 12-28-07, cert. ef. 1-1-08 thru 6-28-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 8-2008, f. & cert. ef. 2-11-08; DFW 23-2008(Temp), f. 3-12-08, cert. ef. 3-15-08 thru 9-10-08; DFW 28-2008(Temp), f. 3-24-08, cert. ef. 3-26-08 thru 9-10-08; DFW 72-2008(Temp), f. 6-30-08, cert. ef. 7-10-08 thru 12-31-08; DFW 78-2008(Temp), f. 7-9-08, cert. ef. 7-12-08 thru 12-31-08; DFW 86-2008(Temp), f. & cert. ef. 7-25-08 thru 12-31-08; DFW 148-2008(Temp), f. 12-19-08, cert. ef. 1-1-09 thru 6-29-09; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 18-2009, f. & cert. ef. 2-26-09; DFW 33-2009(Temp), f. 4-2-09, cert. ef. 4-13-09 thru 10-9-09; DFW 63-2009(Temp), f. 6-3-09, cert. ef. 6-6-09 thru 10-9-09; DFW 83-2009(Temp), f. 7-8-09, cert. ef. 7-9-09 thru 12-31-09; DFW 86-2009(Temp), f. 7-22-09, cert. ef. 7-24-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 13-2010(Temp), f. 2-16-10, cert. ef. 2-21-10 thru 7-31-10; DFW 19-2010(Temp), f. 2-26-10, cert. ef. 3-1-10 thru 8-27-10; DFW 34-2010, f. 3-16-10, cert. ef. 4-1-10; DFW 49-2010(Temp), f. 4-27-10, cert. ef. 4-29-10 thru 7-31-10; DFW 50-2010(Temp), f. 4-29-10, cert. ef. 5-6-10 thru 11-1-10; DFW 88-2010(Temp), f. 6-25-10, cert. ef. 6-26-10 thru 7-31-10; DFW 91-2010(Temp), f. 6-29-10, cert. ef. 8-1-10 thru 12-31-10; DFW 99-2010(Temp), f. 7-13-10, cert. ef. 7-15-10 thru 12-31-10; DFW 165-2010(Temp), f. 12-28-10, cert. ef. 1-1-11 thru 6-29-11; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 11-2011(Temp), f. 2-10-11, cert. ef. 2-11-11 thru 7-31-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 26-2011(Temp), f. 4-5-11, cert. ef. 4-10-11 thru 9-30-11; DFW 74-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 7-31-11; DFW 87-2011(Temp), f. 7-8-11, cert. ef. 7-9-11 thru 7-31-11; DFW 96-2011(Temp), f. 7-20-11, cert. ef. 7-30-11 thru 12-31-11; DFW 129-2011(Temp), f. 9-15-11, cert. ef. 9-30-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 1-2012(Temp), f. & cert. ef. 1-5-12 thru 7-2-12; DFW 10-2012, f. & cert. ef. 2-7-12; DFW 16-2012(Temp), f. 2-14-12, cert. ef. 2-18-12 thru 7-31-12; DFW 44-2012(Temp), f. 5-1-12, cert. ef. 5-20-12 thru 7-31-12; DFW 73-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 8-31-12; DFW 97-2012(Temp), f. 7-30-12, cert. ef. 8-1-12 thru 12-31-12; DFW 129-2012(Temp), f. 10-3-12, cert. ef. 10-20-12 thru 12-31-12; DFW 140-2012(Temp), f. 10-31-12, cert. ef. 11-4-12 thru 12-31-12

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**Rule Caption:** Decreased Cumulative Trip Limit for Cabezon in Period 6.

**Adm. Order No.:** DFW 141-2012(Temp)

**Filed with Sec. of State:** 10-31-2012

**Certified to be Effective:** 11-1-12 thru 12-31-12

**Notice Publication Date:**

**Rules Amended:** 635-004-0355

**Rules Suspended:** 635-004-0355(T)

**Subject:** This amended rule decreases the cumulative trip limit for cabezon in the Commercial Nearshore Fishery in period 6. The

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cumulative trip limit for cabezon has been reduced from 1,500 (periods 1-5) to 100 pounds for period 6.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-004-0355

### Trip Limits

(1) The trip limits outlined in this rule are set at the beginning of each calendar year based on commercial harvest caps and projected fishing effort, and are subject to in-season adjustments and closures. Fishers should refer to Nearshore Commercial Fishery Industry Notices on the Marine Resources Program Commercial Fishing Rules and Regulations webpage for the most up-to-date information regarding trip limits and other regulations affecting the Nearshore Commercial Fishery.

(2) For black and blue rockfish combined, vessels with a Black Rockfish/Blue Rockfish/Nearshore Fishery Permit, with or without a Nearshore Endorsement, may land no more than the following cumulative trip limits:

- (a) 800 pounds in period 1;
- (b) 1,000 pounds in period 2;
- (c) 1,800 pounds in each of periods 3 and 4;
- (d) 2,100 pounds in period 5; and
- (e) 2,100 pounds in period 6.

(3) For all other nearshore species, vessels with a Black Rockfish/Blue Rockfish/Nearshore Fishery Permit with Nearshore Endorsement may land no more than the following cumulative trip limits in each period:

- (a) 700 pounds of other nearshore rockfish combined;
- (b) 1,500 pounds of cabezon in periods 1–5 and 100 pounds in period 6; and
- (c) 250 pounds of greenling species in periods 1–4 and 400 pounds in periods 5–6.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 79-2012(Temp), f. 6-28-12, cert. ef. 7-1-12 thru 12-27-12; DFW 118-2012(Temp), f. 9-10-12, cert. ef. 9-11-12 thru 12-31-12; DFW 141-2012(Temp), f. 10-31-12, cert. ef. 11-1-12 thru 12-31-12

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**Rule Caption:** Radio-Tagged Hatchery Winter Steelhead May Be Retained in Northwest Zone Streams.

**Adm. Order No.:** DFW 142-2012(Temp)

**Filed with Sec. of State:** 11-6-2012

**Certified to be Effective:** 11-15-12 thru 5-12-13

**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 both the *2012 Oregon Sport Fishing Regulations* and the *2013 Oregon Sport Fishing Regulations* (available around December 16, 2012)). Rule 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 **2012/2013 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 **2012/2013 Oregon Sport Fishing Regulations**.

(2) Page 10 of the **2012/2013 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 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; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 142-2012(Temp), f. 11-6-12, cert. ef. 11-15-12 thru 5-12-13

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**Rule Caption:** Treaty Indian Platform Sales Allowed In Columbia River.

**Adm. Order No.:** DFW 143-2012(Temp)

**Filed with Sec. of State:** 11-7-2012

**Certified to be Effective:** 11-8-12 thru 1-29-13

**Notice Publication Date:**

**Rules Amended:** 635-041-0045, 635-041-0075

**Subject:** Amended rules allow sales of fish, except white sturgeon, landed in Treaty platform and hook and line fisheries during the period from Thursday, November 8, 2012 through January 29, 2013. Modifications are needed to maintain consistency with Treaty Indian and Washington State rules which currently allow platform sales. Modifications are consistent with action taken November 7, 2012 by the State of Oregon in cooperation with the State of Washington and the Columbia River Treaty Tribes.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-041-0045

### Closed Commercial Fishing Areas

Unless otherwise specified in this rule and OAR 635-041-0063, the following waters are closed to commercial fishing:

- (1) All Oregon tributaries of the Columbia River.
- (2) The Columbia River westerly and downstream of the Bridge of the Gods except:

(a) Fisheries conducted by the Yakama, Warm Springs, Nez Perce and Umatilla tribes downstream of Bonneville Dam (bank fishing only) under provisions of the agreements with the states of Oregon and Washington are open until further notice.

(A) Effective 6:00 a.m. Thursday, November 8, 2012 through January 29, 2013, commercial sales of Chinook, steelhead, coho, walleye, shad, yellow perch, catfish, bass and carp are allowed. Sockeye salmon and sturgeon caught in the tribal fisheries below Bonneville Dam may not be retained or sold. Fish may not be sold on USACE property below Bonneville Dam, but may be caught and transported off USACE property for sale.

(B) Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, spears, gaffs, clubs, fouling hooks and rod and reel with hook-and-line.

(b) Platform and hook-and-line fisheries from the Bridge of the Gods downstream to the subsistence fishing deadline as described in OAR 635-041-0020(1) are open to commercial sales whenever sales are authorized for platform and hook-and-line fisheries in the remainder of Bonneville Pool.

(3) The Columbia River easterly and upstream of a line extending at a right angle across the thread of the river from a deadline marker one mile downstream of McNary Dam.

(4) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at the west end of 3-Mile Rapids located approximately 1.8 miles below The Dalles Dam, upstream to a line from a deadline marker on the Oregon shore located approximately 3/4 mile above The Dalles Dam east fishway exit, thence at a right angle to the thread of the river to a point in midriver, thence downstream to Light “1” on the Washington shore; except that dip nets, bag nets, and hoop nets are permitted during commercial salmon and shad fishing seasons at the Lone Pine Indian fishing site located immediately above The Dalles Interstate Bridge.

(5) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at Preachers Eddy light below the John Day Dam and a line approximately 4.3 miles upstream extending from a marker on the Oregon shore approximately one-half mile above the upper easterly bank of the mouth of the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, thence turning downstream to a marker located on the Washington shore approximately opposite the mouth of the John Day River.

(6) The Columbia River within areas at and adjacent to the mouths of the Deschutes River and the Umatilla River. The closed areas are along the Oregon side of the Columbia River and extend out to the midstream from



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a point one-half mile above the intersection of the upper bank of the tributary with the Columbia River to a point one mile downstream from the intersection of the lower bank of the tributary with the Columbia River. All such points are posted with deadline markers.

(7) The Columbia River within an area and adjacent to the mouth of the Big White Salmon River. The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

(8) The Columbia River within an area and adjacent to the mouth of Drano Lake (Little White Salmon River). The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upriver of the outlet of Drano Lake.

(9) The Columbia River within an area and adjacent to the mouth of the Wind River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(10) The Columbia River within areas at and adjacent to the mouth of Hood River. The closed area is along the Oregon side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at end of the breakwall at the west end of the Port of Hood River and 1/2 mile upriver from the east bank.

(11) The Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway, except that during the period of August 25–September 20 inclusive the closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between a marker located 1-1/2 miles downriver of the Spring Creek Hatchery fishway up to the downstream marker of the Big White Salmon sanctuary located approximately 1/2 mile upriver of the Spring Creek Hatchery fishway.

(12) Herman Creek upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(13) The Columbia River within an area and adjacent to the mouth of the Klickitat River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1-1/8 miles downstream from the west bank.

Stat. Auth.: ORS 183.325, 506.109 & 506.119  
Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 133, f. & ef. 8-4-77; FWC 149(Temp), f. & ef. 9-21-77 thru 1-18-78; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0045; FWC 6-1980, f. & ef. 1-28-80; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 4-1984, f. & ef. 1-31-84; FWC 55-1985(Temp), f. & ef. 9-6-85; FWC 4-1986 (Temp), f. & ef. 1-28-86; FWC 25-1986(Temp), f. & ef. 6-25-86; FWC 42-1986, f. & ef. 8-15-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 54-1989 (Temp), f. & cert. ef. 8-7-89; FWC 90-1989, f. & cert. ef. 9-6-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 40-2011(Temp), f. & cert. ef. 5-5-11 thru 10-31-11; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 60-2011(Temp), f. 6-2-11, cert. ef. 6-6-11 thru 10-31-11; DFW 63-2011(Temp), f. 6-8-11, cert. ef. 6-9-11 thru 10-31-11; DFW 66-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 10-31-11; DFW 88-2011(Temp), f. 7-8-11, cert. ef. 7-10-11 thru 10-31-11; DFW 119-2011(Temp), f. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 46-2012(Temp), f. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; DFW 74-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 10-31-12; DFW 87-2012(Temp), f. 7-11-12, cert. ef. 7-12-12 thru 8-31-12; DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; DFW 119-2012(Temp), f. 9-10-12, cert. ef. 9-11-12 thru 10-31-12; DFW 143-2012(Temp), f. 11-7-12, cert. ef. 11-8-12 thru 1-29-13

## 635-041-0075

### Late Fall Salmon Season

(1) Commercial sales of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River are allowed for fish caught from 6:00 a.m. Thursday, November 8, 2012 through January 29, 2013.

(a) Chinook, steelhead, coho, walleye, shad, carp, bass, catfish and yellow perch landed during an open commercial fishing period may be sold at any time or retained for subsistence purposes. Sturgeon may not be sold. However, white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be kept for subsistence use. Sockeye salmon may not be retained or sold.

(b) Gear is restricted to subsistence fishing gear: hoopnets, dipnets and rod and reel with hook-and-line are allowed.

(c) Closed areas in Zone 6, including the Spring Creek sanctuary, are as set forth in OAR 635-041-0045 and remain in effect.

(2) Sales of fish caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; Drano Lake; Icicle Creek, and Big White Salmon River are allowed during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods and concurrent with periods when sales from Zone 6 platform and hook-and-line fisheries are allowed.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 25-1979, f. & ef. 8-2-79; FWC 36-1979(Temp), f. & ef. 8-22-79; FWC 47-1979(Temp), f. & ef. 9-21-79; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 46-1980(Temp), f. & ef. 9-13-80; FWC 33-1981(Temp), f. & ef. 9-15-81; FWC 58-1982(Temp), f. & ef. 8-27-82; FWC 62-1982(Temp), f. & ef. 9-7-82; FWC 63-1982(Temp), f. & ef. 9-14-82; FWC 75-1982 (Temp), f. & ef. 10-29-82; FWC 36-1983, f. & ef. 8-18-83; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 51-1983(Temp), f. & ef. 9-30-83; FWC 55-1983(Temp), f. & ef. 10-4-83; FWC 46-1984, f. & ef. 8-30-84; FWC 55-1984(Temp), f. & ef. 9-10-84; FWC 58-1984(Temp), f. & ef. 9-17-84; FWC 61-1984 (Temp), f. & ef. 9-21-84; FWC 70-1984(Temp), f. & ef. 10-9-84; FWC 47-1985, f. & ef. 8-23-85; FWC 60-1985(Temp), f. & ef. 9-13-85; FWC 63-1985(Temp), f. & ef. 9-24-85; FWC 42-1986, f. & ef. 8-15-86; FWC 53-1986(Temp), f. & ef. 9-4-86; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 57-1986(Temp), f. & ef. 9-11-86; FWC 60-1986(Temp), f. & ef. 9-26-86; FWC 62-1986(Temp), f. & ef. 10-2-86; FWC 63-1987, f. & ef. 8-7-87; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987 (Temp), f. & ef. 9-1-87; FWC 78-1987(Temp), f. & ef. 9-15-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 89-1987(Temp), f. & ef. 10-12-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 72-1988(Temp), f. & cert. ef. 8-19-88; FWC 77-1988(Temp), f. & cert. ef. 9-2-88; FWC 91-1988(Temp), f. & cert. ef. 9-16-88; FWC 95-1988 (Temp), f. 9-27-88, cert. ef. 9-28-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 87-1989(Temp), f. & cert. ef. 9-1-89; FWC 95-1989(Temp), f. & cert. ef. 9-19-89; FWC 96-1989 (Temp), f. & cert. ef. 9-21-89; FWC 99-1989(Temp), f. & cert. ef. 9-27-89; FWC 100-1989(Temp), f. & cert. ef. 9-28-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. 9-7-90, cert. ef. 9-10-90; FWC 98-1990(Temp), f. 9-14-90, cert. ef. 9-17-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. 9-17-91, cert. ef. 9-18-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. 9-1-92, cert. ef. 9-2-92; FWC 87-1992(Temp), f. 9-4-92, cert. ef. 9-7-92; FWC 91-1992(Temp), f. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. 9-22-92, cert. ef. 9-23-92; FWC 105-1992(Temp), f. 10-2-92, cert. ef. 10-5-92; FWC 107-1992 (Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. 9-17-93, cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. 9-7-94, cert. ef. 9-8-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. 8-25-95, cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. 8-29-96, cert. ef. 9-2-96; FWC 51-1996(Temp), f. 9-6-96, cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. 8-29-97, cert. ef. 9-2-97; FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. 9-16-97, cert. ef. 9-17-97; DFW 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; DFW 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; DFW 77-1998(Temp), f. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; DFW 79-1998(Temp), f. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; DFW 80-1998(Temp), f. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 62-1999(Temp), f. 9-2-99, cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. 8-29-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. 10-12-04, cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 107-2006(Temp), f. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; DFW 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; DFW 141-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; DFW 88-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 95-2009(Temp), f. 8-19-09,



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cert. ef. 8-24-09 thru 12-31-09; DFW 111-2009(Temp), f. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; DFW 114-2009(Temp), f. 9-18-09, cert. ef. 9-21-09 thru 10-31-09; DFW 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; DFW 129-2009(Temp), f. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; DFW 111-2010(Temp), f. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; DFW 120-2010(Temp), f. 8-18-10, cert. ef. 8-24-10 thru 10-31-10; DFW 128-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; DFW 136-2010(Temp), f. 9-24-10, cert. ef. 9-27-10 thru 10-31-10; DFW 142-2010(Temp), f. 10-8-10, cert. ef. 10-9-10 thru 10-31-10; DFW 149-2010(Temp), f. 10-18-10, cert. ef. 10-19-10 thru 10-31-10; Administrative correction 11-23-10; DFW 103-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; DFW 119-2011(Temp), f. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; DFW 124-2011(Temp), f. 9-8-11, cert. ef. 9-12-11 thru 10-31-11; DFW 130-2011(Temp), f. 9-15-11, cert. ef. 9-19-11 thru 10-31-11; DFW 133-2011(Temp), f. 9-21-11, cert. ef. 9-22-11 thru 10-31-11; DFW 138-2011(Temp), f. 9-30-11, cert. ef. 10-3-11 thru 10-31-11; DFW 142-2011(Temp), f. 10-6-11, cert. ef. 10-8-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; DFW 107-2012(Temp), f. 8-15-12, cert. ef. 8-21-12 thru 10-31-12; DFW 119-2012(Temp), f. 9-10-12, cert. ef. 9-11-12 thru 10-31-12; DFW 120-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; DFW 124-2012(Temp), f. 9-25-12, cert. ef. 9-26-12 thru 10-31-12; DFW 127-2012(Temp), f. & cert. ef. 10-2-12 thru 10-31-12; DFW 143-2012(Temp), f. 11-7-12, cert. ef. 11-8-12 thru 1-29-13

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**Rule Caption:** Amend rule to authorize citing registered owner for unattended vehicles parked in violation of rules.

**Adm. Order No.:** DFW 144-2012(Temp)

**Filed with Sec. of State:** 11-13-2012

**Certified to be Effective:** 11-13-12 thru 5-10-13

**Notice Publication Date:**

**Rules Amended:** 635-008-0151

**Subject:** Rule amendment will give law enforcement the authority to cite the registered owner of an unattended vehicle parked in violation of Commission rules.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-008-0151

### Procedures for Issuance and Enforcement of Parking Permits for Department Wildlife Areas

The Oregon Department of Fish and Wildlife hereby adopts the following procedures relating to issuance and enforcement of parking permits for certain vehicles in Department Wildlife Area parking areas:

(1) Parking is permitted only in designated parking areas. A parking permit is required at all times for all fee parking areas.

(2) Fee parking areas are designated by the following signs:

(a) "Entering ODFW Wildlife Area — Parking Permit Required Beyond This Point";

(b) "Parking allowed only in designated areas — ODFW Wildlife Area Parking Permit Required".

(3) There are two separate permits: an annual permit and a daily permit.

(4) The fee for parking permits is \$5.00 (plus \$2.00 agent fee) for permits issued on a daily basis or \$20.00 (plus \$2.00 agent fee) for permits issued on an annual basis beginning each January 1. Beginning with 2012 licenses, any annual hunting license (including Combination and Sports Pac), and/or purchase of the Habitat Conservation Stamp will include a free annual parking permit.

(5) Permits are issued by selected local agents, Department offices that sell licenses and the Department's Online License Sales website to a party upon payment and may be transferred from vehicle to vehicle.

(6) The permits must be visible from outside the vehicle and be displayed in the front or rear window of the vehicle.

(7) No parking permits will be required for those vehicles which are owned or operated by government agencies. Notwithstanding paragraph (5), the Department reserves the right to issue free administrative parking permits for private vehicles used by volunteers while participating in official Department-related activities. Parking permits will not be required for individuals arriving in private vehicles to address fire, health or safety emergencies.

(8)(a) A person who operates or parks a motor-propelled vehicle in violation of restrictions established and posted under OAR 635-008-0146 through 635-008-0151 commits an offense punishable as provided in ORS 496.992;

(b) The procedure for a peace officer (or other person authorized to enforce the wildlife laws) to follow upon finding a non government vehicle parked in a designated fee parking area without a permit shall consist of the issuance of a citation which shall be either delivered to the defendant or placed in a conspicuous place upon the vehicle in the violation.

(c) A person who is the owner of an unattended motor-propelled vehicle parked in violation of the restrictions established and posted under OAR 635-008-0146 through 635-008-0151 shall be presumed to have violated 635-008-0151(8)(a). It is an affirmative defense to a prosecution of the reg-

istered owner of a vehicle under subsection (8)(a) of this section that the use of the vehicle was not authorized by the owner, either expressly or by implication.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 497.071

Stats. Implementation: ORS 496.012, 496.138, 496.146 & 497.071

Hist.: FWC 12-1990, f. & cert. ef. 2-2-90; FWC 8-1993, f. & cert. ef. 2-8-93; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 74-2003(Temp), f. 8-1-03, cert. ef. 8-3-03 thru 8-7-03; Administrative correction 1-12-04; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10; DFW 3-2011, f. & cert. ef. 1-14-11; DFW 54-2011, f. & cert. ef. 5-24-11; DFW 6-2012(Temp), f. & cert. ef. 2-6-12 thru 8-1-12; DFW 57-2012, f. & cert. ef. 6-11-12; DFW 144-2012(Temp), f. & cert. ef. 11-13-12 thru 5-10-13

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**Rule Caption:** Season Opening for the Ocean Commercial Dungeness Crab Fishery Delayed.

**Adm. Order No.:** DFW 145-2012(Temp)

**Filed with Sec. of State:** 11-14-2012

**Certified to be Effective:** 12-1-12 thru 12-31-12

**Notice Publication Date:**

**Rules Amended:** 635-005-0465

**Subject:** This amended rule delays the opening of the 2012 commercial ocean Dungeness crab fishing season from December 1 until December 16, 2012 in accordance with the Tri-State Memorandum-Of-Understanding and Preseason Testing Protocol.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-005-0465

### Closed Season in Pacific Ocean and Columbia River

(1) It is *unlawful* to take, land or possess Dungeness crab for commercial purposes from the Pacific Ocean or Columbia River from August 15 through December 15.

(2) The season opening for the commercial Ocean Dungeness crab fishery may be delayed in one or more fishing zones based on the results of crab quality testing. The Pre-season Testing Protocol for the Tri-State Coastal Dungeness crab Commercial Fishery (hereafter, "Tri-State Protocol") specifies the process for establishing fishing zones (section VI) and coordinating the opening of the fishery in Washington, Oregon, and California north of Point Arena (sections IV and V). Therefore, the following sections of the Tri-State Protocol (Revised August, 2011) are hereby incorporated into Oregon Administrative Rule by reference:

(a) Section IV — Season Opening Criteria.

(b) Section V — Test Fishing and Process for Setting the Season Opening Date.

(c) Section VI — Procedure for Establishing Fishing Zones.

(3) It is *unlawful* to land, receive or buy, Dungeness crab in the first thirty days of the ocean Dungeness crab fishery from a vessel that has not been certified by officials of the State of Oregon, Washington, or California to have been free of Dungeness crab before fishing in the ocean Dungeness crab fishery. In the event the area between Gray's Harbor, Washington and Point Arena, California is divided into zones with different season opening dates, the ocean Dungeness crab fishery refers to the fishery in that zone for the purposes of this rule.

(4) In the event the area between Gray's Harbor, Washington and Point Arena, California is divided into zones with different season opening dates, the transfer of a permit from one vessel to another is suspended from the earliest season opening date through thirty days after the latest season opening date, except in the event a vessel is unintentionally destroyed due to fire, capsizing, sinking, or other event.

(5) Upon a determination by the Department that catch in Oregon's ocean Dungeness crab fishery after May 31 is greater than ten percent of the catch in the previous December 1 through May 31 period, the Director shall adopt a temporary rule closing the commercial season until the following December 1.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.109, 506.129 & 506.306

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FC 285(74-20), f. 11-27-74, ef. 12-25-74; FC 293(75-6), f. 6-23-75, ef. 7-11-75; FWC 30, f. & ef. 11-28-75; FWC 132, f. & ef. 8-4-77; FWC 30-1985, f. 6-27-1985, ef. 7-1-85, Renumbered from 625-010-0155, Renumbered from 635-036-0125; FWC 56-1982, f. & ef. 8-27-82; FWC 13-1983, f. & ef. 3-24-83; FWC 39-1983(Temp), f. & ef. 8-31-83; FWC 11-1984, f. 3-30-84, ef. 9-16-84, except section (1) per FWC 45-1984, f. & ef. 8-30-84; FWC 30-1985, f. 6-27-85, ef. 7-1-85; FWC 78-1986(Temp), f. & ef. 12-1-86; FWC 36-1987, f. & ef. 7-1-87; FWC 97-1987(Temp), f. & ef. 11-17-87; FWC 102-1988, f. 11-29-88, cert. ef. 12-29-88; FWC 119-1989(Temp), f. 11-29-89, cert. ef. 12-1-89; FWC 135-1991(Temp), f. 12-10-91, cert. ef. 12-11-91; FWC 136-1991(Temp), f. & cert. ef. 12-19-91; FWC 112-1992, f. 10-26-92, cert. ef. 11-1-92; FWC 70-1993, f. 11-9-93, cert. ef. 11-11-93; FWC 88-1994(Temp), f. 11-30-94, cert. ef. 12-1-94; FWC 89-1994(Temp), f. & cert. ef. 12-1-94; FWC 89-1995(Temp), f. 11-28-95, cert. ef. 12-1-95; FWC 1-1996(Temp), f. 1-11-96, cert. ef. 1-13-96; DFW 51-1998(Temp), f. 6-29-98, cert. ef. 7-1-98 thru 9-15-98; DFW 54-1998(Temp), f. & cert. ef. 7-24-98 thru 9-15-98; DFW 40-1999, f. & cert. ef. 5-26-99; DFW 70-2000, f. & cert. ef. 10-23-00; DFW 77-2000(Temp), f. 11-27-00, cert. ef. 12-1-00 thru 12-14-00; DFW 39-2002, f. & cert. ef. 4-26-02; DFW 128-2002(Temp),

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f. & cert. ef. 11-15-02 thru 1-31-03; DFW 129-2002(Temp), f. & cert. ef. 11-20-02 thru 1-31-03; DFW 132-2002(Temp), f. & cert. ef. 11-25-02 thru 1-31-03 (Suspended by DFW 133-2002(Temp)); DFW 133-2002(Temp), f. & cert. ef. 12-6-02 thru 1-31-03; DFW 117-2003(Temp), f. 11-25-03, cert. ef. 12-1-03 thru 2-29-04; Administrative correction 10-26-04; DFW 113-2004(Temp), f. 11-23-04, cert. ef. 12-1-04 thru 3-1-05; DFW 116-2004(Temp), f. & cert. ef. 12-8-04 thru 3-1-05; DFW 126-2004(Temp), f. & cert. ef. 12-21-04 thru 3-1-05; DFW 132-2004(Temp), f. & cert. ef. 12-30-04 thru 3-1-05; Administrative correction, 3-18-05; DFW 129-2005(Temp), f. & cert. ef. 11-29-05 thru 12-31-05; DFW 140-2005(Temp), f. 12-12-05, cert. ef. 12-30-05 thru 5-31-06; Administrative correction 7-20-06; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 161-2010(Temp), f. 12-9-10, cert. ef. 12-10-10 thru 2-16-11; Administrative correction, 3-29-11; DFW 155-2011(Temp), f. 11-18-11, cert. ef. 12-1-11 thru 12-31-11; DFW 156-2011(Temp), f. 12-9-11, cert. ef. 12-15-11 thru 1-31-12; Administrative correction 4-24-12; DFW 37-2012, f. 4-24-12, cert. ef. 5-1-12; Renumbered from 635-005-0045, DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 145-2012(Temp), f. 11-14-12, cert. ef. 12-1-12 thru 12-31-12

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

**Rule Caption:** Adoption of Attorney General's Model Rules Effective January 1, 2012.

**Adm. Order No.:** DHSD 5-2012

**Filed with Sec. of State:** 10-31-2012

**Certified to be Effective:** 11-1-12

**Notice Publication Date:** 10-1-2012

**Rules Amended:** 407-001-0000

**Subject:** The Department of Human Services is amending the model rules of procedure to adopt the Attorney General Model Rules applicable to rulemaking, effective on January 1, 2012.

**Rules Coordinator:** Jennifer Bittel — (503) 947-5250

### 407-001-0000

#### Model Rules of Procedure

The Department of Human Services (Department) adopts the Attorney General Model Rules applicable to rulemaking, effective on January 1, 2012, with the exception of 137-001-0080.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Department of Human Services.]

Stat. Auth.: ORS 183.341 & 409.050

Stat. Implemented: ORS 183.341 & 409.050

Hist.: DHSD 3-2006, f. 5-11-06, cert. ef. 6-1-06; DHSD 9-2008, f. & cert. ef. 12-5-08; DHSD 5-2012, f. 10-31-12, cert. ef. 11-1-12

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**Rule Caption:** Amendment to Update Office Name in Definitions.

**Adm. Order No.:** DHSD 6-2012

**Filed with Sec. of State:** 10-31-2012

**Certified to be Effective:** 11-1-12

**Notice Publication Date:** 10-1-2012

**Rules Amended:** 407-045-0610

**Subject:** The definition, "Office of Investigations and Training," is being amended to reflect the new office name "Office of Adult Abuse Prevention and Investigations" in the rules for notice and review of substantiated abuse or neglect in 24-hour residential care for children with developmental disabilities.

**Rules Coordinator:** Jennifer Bittel — (503) 947-5250

### 407-045-0610

#### Definitions

For the purposes of these rules, the following words and phrases have these meanings:

(1) "24-Hour Program" means a residential program licensed by the Office of Developmental Disability Services (ODDS) in the Aging and People with Disabilities Division (APD) under the 24-hour rule and contracted by APD to serve children under the age of 18 who have developmental disabilities.

(2) "Legal Finding" means a Court finding, guilty plea or guilty verdict which identifies that the person inquiring about or requesting a review was responsible for the child abuse or neglect or any other offense stemming from the employee's or subcontracting individual's conduct which was the subject of the OAAPI substantiated determination.

(3) "Notice of Office of Developmental Disability Review Committee Decision" means a written notice of the decision of the ODDSRC. This notice is delivered to the agency or program employee or subcontracting individual identified as responsible for the child abuse or neglect.

(4) "Notice of OAAPI Substantiated Determination" means that OAAPI determined at the conclusion of an investigation of alleged child

abuse or neglect that there is reasonable cause to believe child abuse or neglect occurred; and, when known, that there is reasonable cause to believe that a specific person or persons employed by the 24-hour residential program or subcontracting with that program were responsible for the child abuse or neglect.

(5) "Notice of Waived Rights for Review" means a written notice that OAAPI staff may send to a person requesting a review, when OAAPI has documentation that a person refused to accept delivery of the notice of OAAPI substantiated determination or that the person accepted the delivery and did not request a review within 30 calendar days, or when there is a legal determination which indicates that the perpetrator was responsible for the subject child abuse or neglect.

(6) "Office of Developmental Disability Services Review Committee" or "ODDSRC" means a group of three APD employees selected by the ODDS Assistant Administrator or a designee, none of whom were involved in the investigation that resulted in the specific OAAPI substantiated determination under review.

(7) "OAAPI" means the Office of Adult Abuse Prevention and Investigations of the Department of Human Services, which performs investigations of alleged child abuse or neglect where the alleged victim has developmental disabilities and lives in an ODDS licensed 24-hour residential program and the perpetrator is an employee or subcontracting individual of that program.

(8) "OAAPI Determination" is a finding that completes an OAAPI investigation. Determinations are defined in OAR 309-045-0160 and summarized as follows:

(a) "Substantiated" means that based on the evidence there is reasonable cause to believe that conduct in violation of the abuse or neglect definitions occurred and such conduct is attributable to the person(s) alleged to have engaged in the conduct.

(b) "Unsubstantiated" means that based on the evidence, it was determined that there is reasonable cause to believe that the alleged incident was not in violation of the definitions of abuse and/or attributable to the person(s) alleged to have engaged in such conduct.

(c) "Inconclusive" means that the matter is not resolved and the available evidence does not support a final decision that there was reasonable cause to believe that abuse or neglect occurred or did not occur.

(9) "Perpetrator" means an individual employee or subcontracting individual identified by OAAPI as responsible for child abuse or neglect in an OAAPI substantiated determination.

(10) "Person Requesting Review" or "Requestor" means an individual who is identified as the perpetrator in an OAAPI substantiated determination and who requests a review of the determination because the individual believes the determination is in error.

(11) "Request for Review by Office of Development Disability Review Committee" means a written request from a person requesting review. The specific requirements for a request for review are described in OAR 309-045-0170.

(12) "Retain a Request for Review" means an ODDS manager or designee determines a request for review will be held until a court legal finding is made. More specific details are described in OAR 309-045-0180.

Stat. Auth.: ORS 409.050 & 430.041

Stats. Implemented: ORS 430.041

Hist.: MHD 14-2000(Temp), f. & cert. ef. 10-26-00 thru 4-23-01; MHD 1-2001, f. 4-9-01, cert. ef. 4-23-01; Renumbered from 309-045-0110, DHSD 9-2007, f. & cert. ef. 10-1-07; DHSD 6-2012, f. 10-31-12, cert. ef. 11-1-12

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

**Rule Caption:** Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

**Adm. Order No.:** SSP 33-2012(Temp)

**Filed with Sec. of State:** 10-31-2012

**Certified to be Effective:** 11-1-12 thru 4-30-13

**Notice Publication Date:**

**Rules Amended:** 461-155-0575

**Subject:** OAR 461-155-0575 about in-home supplementation in the Oregon Supplemental Income Program Medical (OSIPM) is being amended to reflect the increased authorized payment amount for eligible clients. Effective November 1, 2012, this amount will be \$30

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per month, and the amount will be stated in rule. The rule had not stated the payment amount authorized (currently \$10 per month).

**Rules Coordinator:** Annette Tesch—(503) 945-6067

## 461-155-0575

### Special Need; In-home Supplement; OSIPM

In the OSIPM program:

(1) The Department may provide a monthly supplementary payment for a client who meets the requirements of all of the following subsections:

- (a) The client must receive SSI as his or her only source of income.
- (b) The client must receive in-home services authorized by:
  - (A) The Independent Choices Program (covered under the State Medicaid Plan);

- (B) A 1915(c) Home and Community-Based Service Waiver; or
  - (C) State Plan Personal Care Services authorized under chapter 411, division 034 of Oregon Administrative Rules.

(2) An eligible client (under section (1) of this rule) receives a \$30 monthly payment. The payment is considered reimbursement for uncovered assistance needs.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706

Stats. Implemented: ORS 411.060, 411.070, 411.083, 411.404, 411.704, 411.706

Hist.: SSP 11-2011(Temp), f. 3-31-11, cert. ef. 4-1-11 thru 9-28-11; SSP 17-2011, f. & cert. ef. 7-1-11; SSP 21-2011(Temp), f. & cert. ef. 7-15-11 thru 1-11-12; SSP 31-2011(Temp), f. & cert. ef. 12-1-11 thru 1-11-12; Administrative correction, 2-6-12; SSP 33-2012(Temp), f. 10-31-12, cert. ef. 11-1-12 thru 4-30-13

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**Rule Caption:** Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

**Adm. Order No.:** SSP 34-2012(Temp)

**Filed with Sec. of State:** 11-6-2012

**Certified to be Effective:** 11-6-12 thru 5-5-13

**Notice Publication Date:**

**Rules Amended:** 461-190-0211

**Subject:** 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 (which are retroactive to November 1, 2012) are supported by recommendations included in the TANF budget note, and allow the flexibility needed to assist more families to become self-sufficient. The changes include removing the JOBS Plus six-month limit, allowing support service payments for vocational training, and expanding "other" support services for payments needed to help JOBS clients look for work.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

## 461-190-0211

### Case Plan Activities and Standards for Support Service Payments; JOBS, Post-TANF, Pre-TANF, REF, SFPSS, TA-DVS, TANF

In the JOBS, Post-TANF, Pre-TANF, REF, SFPSS, TA-DVS, and TANF programs, notwithstanding any other administrative rule in Chapter 461 and subject to the limitations of state funding, the following special provisions apply:

(1) Participation in an *activity* (see OAR 461-001-0025) is limited as provided in each of the following subsections:

- (a) An individual who is determined to be a work-eligible individual according to federal definition (45 CFR 261.2(n)(1)). Unless sections (10) or (11) of this rule apply, no other individual may participate in and access JOBS contract activities and *support services* (see OAR 461-001-0025).

- (b) An individual who is an applicant in the Pre-TANF program or a recipient of TANF or Post-TANF program benefits.

(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* payments if needed:

- (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, unless circumstances unique to the employment situation are identified and warrant the Department — starting November 1, 2012 — to approve a limited number of additional months.

- (c) *Work experience* (see OAR 461-001-0025).

- (d) *Sheltered or supported work* (see OAR 461-001-0025).

- (e) *High School or GED Completion Attendance* (see OAR 461-001-0025) limited to a *teen parent* (see 461-001-0000 and 461-001-0025).

- (f) *Parents as Scholars* (see OAR 461-001-0025).

- (g) *Limited family stability* (see OAR 461-001-0000).

- (A) *Drug and alcohol services* (see OAR 461-001-0025).

- (B) *Mental health services* (see OAR 461-001-0025).

- (C) *Attending medical appointments or services*.

- (D) *Rehabilitative activities* (see OAR 461-001-0025).

- (h) Starting November 1, 2012, *vocational training* (see OAR 461-001-0025).

(3) The following activities will not include *support services* payments:

- (a) *Domestic Violence Intervention*.

- (2)(g) of this rule applies.

- (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, Not Job Ready, or a *teen parent*.

- (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 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 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 and Near Job Ready individuals may be eligible for:

- (A) Child care;

- (B) Transportation; or



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(C) Starting November 1, 2012: other payments needed to look for work, accept a job offer, or complete district-approved *vocational training*.

(b) Not Job Ready individuals are not eligible for *support services*, unless subsection (2)(g) of this rule applies.

(c) A *teen parent* may be eligible for child care, transportation, or other *support services*, for participation in a *basic education* (see OAR 461-001-0025) *component* (see 461-001-0025).

(d) 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 *teen parent* to participate in an approved JOBS program activity specified in the individual's case plan, or a Not Job Ready individual approved by the district to complete a *family stability activity*. If authorized, payment for child care will be:

(A) The lesser of the actual rate charged by the care provider and the rate established in OAR 461-155-0150. The Department rate for children in care less than 158 hours in a month is limited by 461-155-0150.

(B) The minimum hours necessary, including meal and commute time, for the individual to participate in an approved JOBS program *activity*.

(e) 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 or a Not Job Ready individual approved by the district to complete a *family stability 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 public transportation is a priority over payment for a privately owned vehicle.

(B) Payment for fuel costs for a privately-owned vehicle is only provided if the client or 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 client 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.

(f) Housing and Utilities. Payments for housing and utilities are not allowed.

(g) Other Payments. When the need is identified by the district and no other sources are available, the Department may provide payments needed to look for work, accept a job offer, or for a *teen parent* to attain a high school diploma or GED. Other payments needed to complete district-approved *vocational training* may be provided with manager approval.

(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*.

(10) An individual who is not a *teen parent* 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 be a *volunteer* (see 461-130-0305) and participate, subject to the availability of services.

(11) An individual who has gone over-income for the TANF program due to earnings and needs to increase activity hours to meet Post-TANF *federally required participation rates* (see OAR 461-001-0025) may be a *volunteer* and participate.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 412.006, 412.009, 412.014, 412.049, 412.124 & 2011 OL 604

Stats. Implemented: ORS 409.010, 411.060, 411.070, 412.001, 412.006, 412.009, 412.014, 412.049, 412.124 & 2011 OL 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; SSP 11-2012, f. & cert. ef. 4-6-12; SSP 12-2012(Temp), f. & cert. ef. 4-6-12 thru 9-30-12; SSP 18-2012(Temp), f. & cert. ef. 5-23-12 thru 9-30-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 34-2012(Temp), f. & cert. ef. 11-6-12 thru 5-5-13

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

**Rule Caption:** Petroleum Load Fee.

**Adm. Order No.:** OSFM 11-2012(Temp)

**Filed with Sec. of State:** 11-1-2012

**Certified to be Effective:** 1-1-13 thru 6-30-13

**Notice Publication Date:**

**Rules Amended:** 837-090-1145

**Subject:** The rule is being modified to temporarily increase the Petroleum Load Fee. The fee will temporarily increase the PLF to \$5, which will result in increased revenues for this biennium.

**Rules Coordinator:** Connie Dalke—(503) 934-8211

### **837-090-1145**

#### **Petroleum Load Fee**

(1) Local government Hazardous Substance Possession Fees based on quantity or the Hazardous Substance Information Survey shall be used solely to supplement and not to duplicate the Office of State Fire Marshal's programs under ORS 453.307 to 453.372.

(2) Local government Hazardous Substance Possession Fees based on quantity or the Hazardous Substance Information Survey, shall be billed and collected only through contract with the Office of State Fire Marshal.

(3) Local governments shall not assess a hazardous Substance Possession Fee for the same substance to persons who are assessed a Hazardous Substance Possession Registration Fee by the Office of State Fire Marshal.

(4) The Office of State Fire Marshal shall not enter into a contract with a local government under OAR 837-090-1000(3) or section (2) of this rule, unless the local government meets the following requirements:

(a) The local government certifies that the revenue from the local Hazardous Substance Possession Fee will be used solely to supplement and not duplicate the Office of State Fire Marshal's programs under ORS 453.307 to 453.372; and

(b) The local Hazardous Substance Possession Fee system is structured to be compatible with the fee schedules adopted by OAR 837-090-1030; and

(c) The local Hazardous Substance Possession Fee assessment program will not raise moneys in excess of that needed to carry out the local government's supplemental Community Right-To-Know programs.

(5) The contract under these rules shall include:

(a) Provisions that assure that the local government pays the portion of the costs that may be attributed to its fee assessment program; and

(b) Conditions that require the local government to bear all costs related to collection of its fee, including but not limited to costs associated with conducting hearings or appeals on the fee;

(c) If appropriate, provisions to allow local government to conduct hearings or appeals on its fees.

(6) Any local government operating a Hazardous Substance Possession Fee assessment program shall comply with these rules on or before July 1, 1992.

(7) Local government programs funded by Hazardous Substance Possession Fees will be reviewed by the Office of State Fire Marshal to ensure against duplication, in accordance with ORS 453.402(7)(b).

(8) Failure of a local government to comply with section (4) of this rule will result in cancellation of the Office of State Fire Marshal's contract and the local government's Hazardous Substance Possession Fee assessment program.

Stat. Auth.: ORS 453.408

Stats. Implemented: ORS 453.402

Hist.: FM 5-1993, f. & cert. ef. 11-1-93; OSFM 9-2002, f. 11-14-02, cert. ef. 11-17-02; OSFM 12-2005, f. & cert. ef. 8-15-05; OSFM 3-2009, f. & cert. ef. 11-18-09; OSFM 11-2012(Temp), f. 11-1-12, cert. ef. 1-1-13 thru 6-3-13

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## Department of Public Safety Standards and Training Chapter 259

**Rule Caption:** Clarify discretionary disqualifier language; Remove comments.

**Adm. Order No.:** DPSST 22-2012

**Filed with Sec. of State:** 10-23-2012

**Certified to be Effective:** 10-23-12

**Notice Publication Date:** 10-1-2012

**Rules Amended:** 259-008-0070

**Subject:** A recent Administrative Law Judge decision interpreted the discretionary disqualifying language for criminal justice disciplines in a manner that is inconsistent with the statutory authority or intent of the Department Policy Committees and Board. The language has been changed to clearly indicate that it is the conduct engaged in by a public safety professional or instructor that is reviewed by the policy committees; not simply convictions.

In addition, questions have been raised about the intent of the rule's "comment" language. Legal counsel has advised that these comments, which were adopted with a goal of adding clarity, be removed as they are only creating confusion.

**Rules Coordinator:** Lindsay Hale—(503) 378-2431

### 259-008-0070

#### Denial/Revocation

(1) It is the responsibility of the Board to set the standards, and of the Department to uphold them, to insure the highest levels of professionalism and discipline. These standards shall be upheld at all times unless the Board determines that neither the safety of the public or respect of the profession is compromised.

#### Definitions

(2) For purposes of this rule, the following definitions apply:

(a) "Denial" or "Deny" means the refusal to grant a certification for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in (9) of this rule.

(b) "Discretionary Disqualifying Misconduct" means misconduct identified in OAR 259-008-0070(4).

(c) "Revocation" or "Revoke" means to withdraw the certification of a public safety professional or instructor for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in section (9) of this rule.

#### Grounds for Mandatory Denial or Revocation of Certification

(3) Mandatory Grounds for Denying or Revoking Certification of a Public Safety Professional or Instructor:

(a) The Department must deny or revoke the certification of any public safety professional or instructor after written notice and hearing, based upon a finding that:

(A) The public safety professional or instructor has been discharged for cause from employment as a public safety professional or instructor. For purposes of this rule, "discharged for cause," means an employer-initiated termination of employment for any of the following reasons after a final determination has been made. If, after service by the Department of a Notice of Intent to Deny or Revoke Certifications (NOI), the public safety professional or instructor provides notice to the Department within the time stated in the NOI that the discharge has not become final, then the Department may stay further action pending a final determination.

(i) Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification; (Comment: Conduct underlying the mandatory disqualifying misdemeanors involving these elements in Subsection (D) and the Category I offenses in section (4), is illustrative of the types of conduct falling within this definition. However, misconduct need not have resulted in a criminal conviction.)

(ii) Disregard for the Rights of Others: Includes violating the constitutional or civil rights of others, conduct demonstrating a disregard for the principles of fairness, respect for the rights of others, protecting vulnerable persons, and the fundamental duty to protect and serve the public. (Comment: Conduct underlying the Category II offenses identified in section (4) is illustrative of the types of conduct falling within this definition. However, misconduct need not have resulted in a criminal conviction.)

(iii) Gross Misconduct: means an act or failure to act that creates a danger or risk to persons, property, or to the efficient operation of the agency, recognizable as a gross deviation from the standard of care that a reasonable public safety professional or instructor would observe in a similar circumstance; (Comment: Conduct underlying the Category IV offenses

identified in section (4) is illustrative of the types of conduct falling within this definition. However, misconduct need not have resulted in a criminal conviction.)

(iv) Incompetence: means a demonstrated lack of ability to perform the essential tasks of a public safety professional or instructor that remedial measures have been unable to correct.

(v) Misuse of Authority: Includes abuse of public trust, abuse of authority to obtain a benefit, avoid a detriment, or harm another, and abuse under the color of office. (Comment: Conduct underlying the Category III offenses identified in section (4) is illustrative of the types of conduct falling within this definition. However, misconduct need not have resulted in a criminal conviction.)

(B) The public safety professional or instructor has been convicted in this state or any other jurisdiction of a crime designated under the law where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one year may be imposed;

(C) The public safety professional or instructor has been convicted of violating any law of this state or any other jurisdiction involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug except the Department may deny certification for a conviction of possession of less than one ounce of marijuana, which occurred prior to certification; or

(D) The public safety professional or instructor has been convicted in this state or any of the following offenses, or of their statutory counterpart(s) in any other jurisdiction, designated under the law where the conviction occurred as being punishable as a crime:

162.075 (False swearing);  
162.085 (Unsworn falsification);  
162.145 (Escape in the third degree);  
162.175 (Unauthorized departure);  
162.195 (Failure to appear in the second degree);  
162.235 (Obstructing governmental or judicial administration);  
162.247 (Interfering with a peace officer);  
162.257 (Interfering with a firefighter or emergency medical technician);  
162.295 (Tampering with physical evidence);  
162.305 (Tampering with public records);  
162.315 (Resisting arrest);  
162.335 (Compounding);  
162.365 (Criminal impersonation);  
162.369 (Possession of false law enforcement identification);  
162.375 (Initiating a false report);  
162.385 (Giving false information to a peace officer for a citation or arrest warrant);  
162.415 (Official misconduct in the first degree);  
163.200 (Criminal mistreatment in the second degree);  
163.454 (Custodial sexual misconduct in the second degree);  
163.687 (Encouraging child sexual abuse in the third degree);  
163.732 (Stalking);  
164.045 (Theft in the second degree);  
164.085 (Theft by deception);  
164.095 (Theft by receiving);  
164.125 (Theft of services);  
164.235 (Possession of a burglary tool or theft device);  
164.877 (Unlawful tree spiking; unlawful possession of substance that can damage certain wood processing equipment);  
165.007 (Forgery in the second degree);  
165.017 (Criminal possession of a forged instrument in the second degree);  
165.037 (Criminal simulation);  
165.042 (Fraudulently obtaining a signature);  
165.047 (Unlawfully using slugs);  
165.055 (Fraudulent use of a credit card);  
165.065 (Negotiating a bad check);  
165.080 (Falsifying business records);  
165.095 (Misapplication of entrusted property);  
165.100 (Issuing a false financial statement);  
165.102 (Obtain execution of documents by deception);  
165.825 (Sale of drugged horse);  
166.065(1)(b) (Harassment);  
166.155 (Intimidation in the second degree);  
166.270 (Possession of weapons by certain felons);  
166.350 (Unlawful possession of armor-piercing ammunition);  
166.416 (Providing false information in connection with a transfer of a firearm);  
166.418 (Improperly transferring a firearm);  
166.470 (Limitations and conditions for sales of firearms);  
167.007 (Prostitution);  
167.075 (Exhibiting an obscene performance to a minor);  
167.080 (Displaying obscene materials to minors);  
167.132 (Possession of gambling records in the second degree);  
167.147 (Possession of a gambling device);  
167.222 (Frequenting a place where controlled substances are used);  
167.262 (Adult using minor in commission of controlled substance offense);  
167.320 (Animal abuse in the first degree);  
167.330 (Animal neglect in the first degree);  
167.332 (Prohibition against possession of domestic animal);  
167.333 (Sexual assault of animal);  
167.337 (Interfering with law enforcement animal);  
167.355 (Involvement in animal fighting);  
167.370 (Participation in dogfighting);  
167.431 (Participation in cockfighting);  
167.820 (Concealing the birth of an infant);

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475.525 (Sale of drug paraphernalia);  
475.840 (Manufacture or deliver a controlled substance);  
475.860 (Unlawful delivery of marijuana);  
475.864 (Unlawful possession of marijuana);  
475.906 (Distribution of controlled substance to minors);  
475.910 (Application of controlled substance to the body of another person);  
475.912 (Unlawful delivery of imitation controlled substance);  
475.914 (Unlawful acts, registrant delivering or dispensing controlled substance);  
475.916 (Prohibited acts involving records and fraud);  
475.918 (Falsifying drug test results);  
475.920 (Providing drug test falsification equipment);  
475.950 (Failure to report precursor substances transaction);  
475.955 (Failure to report missing precursor substances);  
475.960 (Illegally selling drug equipment);  
475.965 (Providing false information on precursor substances report or record);  
475.969 (Unlawful possession of phosphorus);  
475.971 (Unlawful possession of anhydrous ammonia);  
475.973 (Unlawful possession of ephedrine, pseudoephedrine or phenylpropranolamine; unlawful distribution);  
475.975 (Unlawful possession of iodine in its elemental form);  
475.976 (Unlawful possession of iodine matrix);  
807.520 (False swearing to receive license);  
807.620 (Giving false information to police officer);  
Any offense involving any acts of domestic violence as defined in ORS 135.230.

(b) The Department must take action on a mandatory disqualifying conviction, regardless of when it occurred, unless the Department, or the Board, has previously reviewed the conviction and approved the public safety professional or instructor for certification under a prior set of standards.

**Discretionary Disqualifying Misconduct as Grounds for Denying or Revoking Certification**

(4) Discretionary disqualifying misconduct as Grounds for Denying or Revoking Certification(s) of a Public Safety Professional or Instructor:

(a) The Department may deny or revoke the certification of any public safety professional or instructor, after written notice, and a hearing, if requested, based upon a finding that:

(A) The public safety professional or instructor falsified any information submitted on the application for certification or on any documents submitted to the Board or Department;

(B) The public safety professional or instructor has engaged in conduct that fails to meet the applicable minimum standards as described in subsection (b), minimum training or the terms and conditions established under ORS 181.640;

(C) The public safety professional or instructor has engaged in conduct that resulted in the conviction of an offense, punishable as a crime, other than a mandatory disqualifying crime listed in section (3) of this rule, in this state or any other jurisdiction. Presumptive categories have been identified for the crimes listed in subsection (4), based solely on the elements of the crime. Other categories may apply based on the conduct leading to the conviction; or

(D) A public safety professional failed to attend at least one session with a mental health professional within six months after the public safety professional was involved in using deadly physical force, as required by ORS 181.789.

(b) For purposes of this rule, discretionary disqualifying misconduct includes misconduct falling within the following categories:

(A) Category I: Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification;

(B) Category II: Disregard for the Rights of Others: Includes violating the constitutional or civil rights of others, and conduct demonstrating a disregard for the principles of fairness, respect for the rights of others, protecting vulnerable persons, and the fundamental duty to protect or serve the public.

(C) Category III: Misuse of Authority: Includes abuse of public trust, obtaining a benefit, avoidance of detriment, or harming another, and abuses under the color of office.

(D) Category IV: Gross Misconduct: Means an act or failure to act that creates a danger or risk to persons, property, or to the efficient operation of the agency, recognizable as a gross deviation from the standard of care that a reasonable public safety professional or instructor would observe in a similar circumstance;

(E) Category V: Misconduct: Misconduct includes conduct that violates the law, practices or standards generally followed in the Oregon public safety profession. NOTE: It is the intent of this rule that "Contempt of Court" meets the definition of Misconduct within this category; or

(F) Category VI: Insubordination: Includes a refusal by a public safety professional or instructor to comply with a rule or order, where the order was reasonably related to the orderly, efficient, or safe operation of the agency, and where the public safety professional's or instructor's refusal to comply with the rule or order constitutes a substantial breach of that person's duties.

(c) For discretionary disqualifying misconduct, the applicable category will be determined based on the facts of each case. Discretionary disqualifying misconduct under (a)(C) includes, but is not limited to, the following list, which identifies the applicable category for each listed discretionary offense, based on the elements of the crime:

97.931 (Registration of Salesperson for Endowment Care Cemeteries, Pre-construction Sales and Prearrangement Sales) — Category V;  
97.933 (Certification of Provider of Prearrangement or Preconstruction) — Category V;  
97.937 (Deposit of Trust Funds made by Endowment Care Cemeteries) — Category V;  
97.941 (Prearrangement or Preconstruction Trust Fund Deposits) — Category V;  
97.990(4) (Maintaining a Nuisance) — Category V;  
162.405 (Official Misconduct in the Second Degree) — Category III;  
162.425 (Misuse of Confidential Information) — Category III;  
162.455 (Interfering with Legislative Operations) — Category V;  
162.465 (Unlawful Legislative Lobbying) — Category I;  
163.160 (Assault in the Fourth Degree) — Category II;  
163.187 (Strangulation) — Category II;  
163.190 (Menacing) — Category II;  
163.195 (Recklessly Endangering Another Person) — Category IV;  
163.212 (Unlawful Use of Stun Gun, Tear Gas or Mace in the Second Degree) — Category IV;  
163.415 (Sexual Abuse in the Third Degree) — Category II;  
163.435 (Contributing to the Sexual Delinquency of a Minor) — Category II;  
163.445 (Sexual Misconduct) — Category II;  
163.465 (Public Indecency) — Category II;  
163.467 (Private Indecency) — Category II;  
163.545 (Child Neglect in the Second Degree) — Category IV;  
163.693 (Failure to Report Child Pornography) — Category IV;  
163.575 (Endangering the Welfare of a Minor) — Category III;  
163.700 (Invasion of Personal Privacy) — Category II;  
163.709 (Unlawful Directing of Light from a Laser Pointer) — Category IV;  
164.043 (Theft in the Third Degree) — Category V;  
164.132 (Unlawful Distribution of Cable Equipment) — Category V;  
164.140 (Criminal Possession of Rented or Leased Personal Property) — Category V;  
164.162 (Mail Theft or Receipt of Stolen Mail) — Category I;  
164.243 (Criminal Trespass in the Second Degree by a Guest) — Category V;  
164.245 (Criminal Trespass in the Second Degree) — Category V;  
164.255 (Criminal Trespass in the First Degree) — Category V;  
164.265 (Criminal Trespass While in Possession of a Firearm) — Category IV;  
164.272 (Unlawful Entry into a Motor Vehicle) — Category V;  
164.278 (Criminal Trespass at Sports Event) — Category V;  
164.335 (Reckless Burning) — Category IV;  
164.345 (Criminal Mischief in the Third Degree) — Category V;  
164.354 (Criminal Mischief in the Second Degree) — Category V;  
164.373 (Tampering with Cable Television Equipment) — Category V;  
164.377 (Computer Crime) — Category V;  
164.775 (Deposit of Trash Within 100 Yards of Water) — Category V;  
164.785 (Placing Offensive Substances in waters/on highways or property) — Category IV;  
164.805 (Offensive Littering) — Category V;  
164.813 (Unlawful Cutting and Transporting of Special Forest Products) — Category V;  
164.815 (Unlawful Transport of Hay) — Category V;  
164.825 (Cutting and Transport of Coniferous Trees without Permit/Bill of Sale) — Category V;  
164.845 (FTA on Summons for ORS 164.813 or 164.825) — Category V;  
164.863 (Unlawful Transport of Meat Animal Carcasses) — Category V;  
164.865 (Unlawful Sound Recording) — Category V;  
164.875 (Unlawful Video Tape Recording) — Category V;  
164.887 (Interference with Agricultural Operations) — Category II;  
165.107 (Failing to Maintain a Metal Purchase Record) — Category V;  
165.109 (Failing to Maintain a Cedar Purchase Record) — Category V;  
165.540 (Obtaining Contents of Communications) — Category V;  
165.555 (Unlawful Telephone Solicitation) — Category V;  
165.570 (Improper Use of Emergency Reporting System) — Category IV;  
165.572 (Interference with Making a Report) — Category II;  
165.577 (Cellular Counterfeiting in the Third Degree) — Category I;  
165.805 (Misrepresentation of Age by a Minor) — Category I;  
166.025 (Disorderly Conduct in the Second Degree) — Category IV;  
166.027 (Disorderly Conduct in the First Degree) — Category IV;  
166.075 (Abuse of Venerated Objects) — Category II;  
166.076 (Abuse of a Memorial to the Dead) — Category II;  
166.090 (Telephonic Harassment) — Category II;  
166.095 (Misconduct with Emergency Telephone Calls) — Category IV;  
166.155 (Intimidation in the Second Degree) — Category II;  
166.180 (Negligently Wounding Another) — Category IV;  
166.190 (Pointing a Firearm at Another) — Category IV;  
166.240 (Carrying a Concealed Weapon) — Category V;  
166.250 (Unlawful Possession of a Firearm) — Category V;  
166.320 (Setting of a Springgun or Setgun) — Category IV;  
166.385 (Possession of Hoax Destructive Device) — Category IV;  
166.425 (Unlawful Purchase of Firearm) — Category I;  
166.427 (Register of Transfers of Used Firearms) — Category V;  
166.480 (Sale or Gift of Explosives to Children) — Category IV;  
166.635 (Discharging Weapon or Throwing Object at Trains) — Category IV;  
166.638 (Discharging Weapon Across Airport Operational Surfaces) — Category IV;  
166.645 (Hunting in Cemeteries) — Category V;  
166.649 (Throwing Object off Overpass in the Second Degree) — Category IV;  
167.122 (Unlawful Gambling in the Second Degree) — Category V;  
167.312 (Research and Animal Interference) — Category II;  
167.315 (Animal Abuse in the Second Degree) — Category IV;  
167.325 (Animal Neglect in the Second Degree) — Category IV;  
167.340 (Animal Abandonment) — Category IV;  
167.351 (Trading in Nonambulatory Livestock) — Category V;



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167.352 (Interfering with Assistance, Search and Rescue or Therapy Animal) — Category IV;  
167.385 (Unauthorized Use of Livestock Animal) — Category II;  
167.388 (Interference with Livestock Production) — Category II;  
167.390 (Commerce in Fur of Domestic Cats and Dogs) — Category V;  
167.502 (Sale of Certain Items at Unused Property Market) — Category V;  
167.506 (Record Keeping Requirements) — Category V;  
167.808 (Unlawful Possession of Inhalants) — Category IV;  
167.810 (Creating a Hazard) — Category IV;  
167.822 (Improper Repair Vehicle Inflatable Restraint System) — Category IV;  
411.320 (Disclosure and Use of Public Assistance Records) — Category II;  
468.922 (Unlawful disposal, storage or treatment of hazardous waste in the second degree) — Category V;  
468.929 (Unlawful transport of hazardous waste in the second degree) — Category V;  
468.936 (Unlawful Air Pollution in the Second Degree) — Category V;  
468.943 (Unlawful Water Pollution in the Second Degree) — Category V;  
468.956 (Refusal to Produce Material Subpoenaed by the Commission) — Category V;  
471.410 (Providing Liquor to Person under 21 or to Intoxicated Person) — Category IV;  
Chapter 496 – 498 (When treated as a misdemeanor crime) — Category based on the elements of the specific crime;  
609.341 (Permit Requirement for Keeping of Exotic Animals; Breeding of Animals) — Category V;  
609.405 (Requirement for Destroying Dog or Cat) — Category V;  
609.505 (Unlawfully Obtaining Dog or Cat) — Category V;  
609.520(c) (Animal Dealer Failing to Turn Over Dog or Cat) — Category V;  
609.805 (Misrepresentation of Pedigree; Mutilation of Certificate or Proof of Pedigree) — Category I;  
609.990(3)(a) (Violation of ORS 609.098 — Maintaining a Dangerous Dog) — Category IV;  
717.200 to 717.320 (Any violation) — Category V;  
803.225 (Failure to Designate Replica..Vehicle in Title or Registration Application) — Category I;  
807.430 (Misuse of Identification Card) — Category I;  
807.510 (Transfer of documents for the purpose of misrepresentation) — Category I;  
807.530 (False Application for License) — Category I;  
807.570 (Failure to Carry or Present License) — Category V;  
807.580 (Using Invalid License) — Category I;  
807.590 (Permitting Misuse of License) — Category I;  
807.600 (Using Another's License) — Category I;  
811.060 (Vehicular Assault of Bicyclist or Pedestrian) — Category V;  
811.140 (Reckless Driving) — Category IV;  
811.172 (Improperly Disposing of Human Waste) — Category V;  
811.182 (Criminal Driving While Suspended or Revoked) — Category V;  
811.231 (Reckless Endangerment of Highway Workers) — Category IV;  
811.540 (Fleeing or Attempt to Elude a Police Officer) — Category IV;  
811.700 (Failure to Perform Duties of Driver when Property is Damaged) — Category V;  
811.740 (False Accident Report) — Category I; and  
813.010 (Driving Under the Influence of Intoxicants) — Category IV.  
830.035(2) (Fleeing; Attempts to Elude) — Category IV;  
830.053 (False or Fraudulent Report of Theft of Boat) — Category I;  
830.315(1) (Reckless Operation) — Category IV;  
830.325 (Operation a Boat while Under the Influence of Intoxicating Liquor or Controlled Substance) — Category IV;  
830.383 (Person Required to Remedy Especially Hazardous Condition) — Category V;  
830.460(2) (Prohibited Activities — Operating a Vessel that Fails to Comply with Equipment Requirements) — Category V;  
830.460(3) (Prohibited Activities — Operating a Vessel without Liability Protection) — Category V;  
830.475(1) (Failure to Perform the Duties of an Operator at Accident) — Category V;  
830.730 (False Information) — Category I;  
830.909 (Abandoning Boat, Floating Home, or Boathouse) — Category V;  
830.955(1) (Prohibition of Installation of Submersible Polystyrene Device) — Category V;  
830.992 (Purchase of a Boat or Equipment from which Hull or Component Identification Number Removed) — Category V;  
830.994 (Operates a Boat in Violation of a Court Order) — Category;

## Initial Periods of Ineligibility

(d) Upon determination to proceed with the denial or revocation of a public safety professional's or instructor's certification based on discretionary disqualifying misconduct identified in subsection (a), an initial minimum period of ineligibility to apply for certification will be determined based upon the category of misconduct (i.e., Dishonesty, Disregard for Rights of Others, Misuse of Authority, Gross Misconduct, Misconduct or Insubordination).

(e) Following review and recommendation by a Policy Committee, the Board will determine the initial minimum period of ineligibility for discretionary disqualifying misconduct identified in subsection (a) from the time frame identified below for each category of discretionary disqualifying misconduct:

- (A) Category I: Dishonesty (5 years to Lifetime).
  - (B) Category II: Disregard for Rights of Others (5 years to 15 years).
  - (C) Category III: Misuse of Authority (5 years to 10 years).
  - (D) Category IV: Gross Misconduct (5 years to 10 years).
  - (E) Category V: Misconduct (3 years to 7 years).
  - (F) Category VI: Insubordination (3 years to 7 years).
- Eligibility to Reapply; Ineligibility Periods

(5) A person is not eligible to reapply for training or certification if the person had training or certification denied or revoked for:

- (a) Mandatory grounds identified in section (3) of this rule; or
- (b) Discretionary Disqualifying Misconduct identified in section (4) of this rule that is determined to be a Category I lifetime disqualifier.

(6) Eligibility to reapply for certification:

(a) In determining the initial minimum period of ineligibility within any category for discretionary disqualifying misconduct listed in section (4) of this rule, the Board will take into consideration any mitigating or aggravating factors, subject to the provisions of section (9) of this rule.

(b) The initial minimum period of ineligibility will be included in any Final Order of the Department.

(c) Any subsequent eligibility to apply for certification will be determined by the Board, after Policy Committee review, subject to the provisions of section (11) of this rule.

Guidelines for Denial or Revocation Based on Discretionary Disqualifying Misconduct

(7) In determining whether to take action on a conviction, the Department must use the following guidelines:

(a) In making a decision on a discretionary denial or revocation, the Department will consider the implementation dates relating to new mandatory conviction notification requirements adopted in 2003 and statutory changes dealing with lifetime disqualifier convictions for public safety officers adopted in 2001.

(b) The Department will not take action on a conviction constituting discretionary disqualifying misconduct that occurred prior to January 1, 2001. However, the Department may consider such conviction as evidence that a public safety professional or instructor does not meet the established moral fitness guidelines.

(c) The Department may take action on any conviction constituting discretionary disqualifying misconduct that occurred after January 1, 2001.

(d) The Board may reconsider any mandatory conviction which subsequently becomes a conviction constituting discretionary disqualifying misconduct, upon the request of the public safety professional or instructor.

(e) The length of ineligibility for training or certification based on a conviction begins on the date of conviction.

(f) The Department will not take action against a public safety professional, instructor, or agency for failing to report, prior to January 1, 2003, a conviction that constitutes discretionary disqualifying misconduct.

(g) The Department may take action against a public safety professional, instructor, or agency for failing to report, after January 1, 2003, any conviction that constitutes discretionary disqualifying misconduct.

## Procedure for Denial or Revocation of a Certificate

(8) Scope of Revocation. Whenever the Department revokes the certification of any public safety professional or instructor under the provisions of OAR 259-008-0070, the revocation will encompass all public safety certificates, except fire certification(s), the Department has issued to that person.

## (9) Denial and Revocation Procedure.

(a) Agency Initiated Review: When the entity utilizing a public safety professional or instructor requests that a public safety professional's or instructor's certification be denied or revoked, it must submit in writing to the Department the reason for the requested denial or revocation and all factual information supporting the request.

(b) Department Initiated Review: Upon receipt of factual information from any source, and pursuant to ORS 181.662, the Department may request that the public safety professional's or instructor's certification be denied or revoked.

(c) Department Staff Review: When the Department receives information, from any source, that a public safety professional or instructor may not meet the established standards for Oregon public safety professionals or instructors, the Department will review the request and the supporting factual information to determine if the request for denial or revocation meets statutory and administrative rule requirements.

(A) If the reason for the request does not meet the statutory and administrative rule requirements for denial or revocation the Department will notify the requestor.

(B) If the reason for the request does meet statutory and administrative rule requirements but is not supported by adequate factual information, the Department will request further information from the employer or conduct its own investigation of the matter.

(C) If the Department determines that a public safety professional or instructor may have engaged in discretionary disqualifying misconduct listed in subsection (4), the case may be presented to the Board, through a Policy Committee.

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(D) The Department will seek input from the affected public safety professional or instructor, allowing him or her to provide, in writing, information for the Policy Committee and Board's review.

(E) In misconduct cases in which there has been an arbitrator's opinion related to the public safety professional's or instructor's employment, the Department will proceed as follows:

(i) If the arbitrator's opinion finds that underlying facts supported the allegations of misconduct, the department will proceed as identified in paragraphs (A) through (D) of this subsection.

(ii) If the arbitrator has ordered employment reinstatement after a discharge for cause without a finding related to whether the misconduct occurred, the Department will proceed as identified in paragraphs (A) through (D) of this subsection.

(iii) If the arbitrator's opinion finds that underlying facts did not support the allegation(s) of misconduct, the Department will proceed as identified in paragraph (A) of this subsection and administratively close the matter.

(d) Policy Committee and Board Review: In making a decision to authorize initiation of proceedings under subsection (e) of this rule, based on discretionary disqualifying misconduct, the Policy Committees and Board will consider mitigating and aggravating circumstances, including, but not limited to, the following:

(A) When the misconduct occurred in relation to the public safety professional's or instructor's employment in public safety (i.e., before, during after);

(B) If the misconduct resulted in a conviction:

(i) Whether it was a misdemeanor or violation;

(ii) The date of the conviction(s);

(iii) Whether the public safety professional or instructor was a minor at the time and tried as an adult;

(iv) Whether the public safety professional or instructor served time in prison/jail and, if so, the length of incarceration;

(v) Whether restitution was ordered, and whether the public safety professional or instructor met all obligations;

(vi) Whether the public safety professional or instructor has ever been on parole or probation. If so, the date on which the parole/probation period expired or is set to expire; and

(vii) Whether the public safety professional or instructor has more than one conviction and if so, over what period of time;

(C) Whether the public safety professional or instructor has engaged in the same misconduct more than once, and if so, over what period of time;

(D) Whether the actions of the public safety professional or instructor reflect adversely on the profession, or would cause a reasonable person to have substantial doubts about the public safety professional's or instructor's honesty, fairness, respect for the rights of others, or for the laws of the state or the nation;

(E) Whether the misconduct involved domestic violence;

(F) Whether the public safety professional or instructor self-reported the misconduct;

(G) Whether the conduct adversely reflects on the fitness of the public safety professional or instructor to perform as a public safety professional or instructor;

(H) Whether the conduct renders the public safety professional or instructor otherwise unfit to perform their duties because the agency or public has lost confidence in the public safety professional or instructor; and

(I) What the public safety professional's or instructor's physical or emotional condition was at the time of the conduct.

(e) Initiation of Proceedings: Upon determination that the reason for denial or revocation is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared and served on the public safety professional or instructor.

(f) Contested Case Notice:

(A) All contested case notices will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules or Procedures adopted under OAR 259-005-0015.

(B) In discretionary cases heard by a policy committee, the contested case notice will be served on the public safety professional or instructor prior to Board review. If the Board disapproves the policy committee's recommendation, the Department will withdraw the Contested Case Notice.

(g) Response Time:

(A) A party who has been served with a "Contested Case Notice of Intent to Deny Certification" has 60 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(B) A party who has been served with the "Contested Case Notice of Intent to Revoke Certification" has 20 days from the date of mailing or personal service of the notice in which to file a written request for hearing with the Department.

(h) Default Order: If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672.

(i) Hearing Request: If a timely request for a hearing is received, the Department will refer the matter to the Office of Administrative Hearings in accordance with OAR 137-003-0515.

(j) Proposed and Final Orders:

(A) In cases in which a hearing is requested, proposed orders, exceptions, and final orders will be issued pursuant to the applicable provisions of the Attorney General's Model Rules of Procedures adopted under OAR 259-005-0015.

(B) Department-proposed amendments to a proposed order issued by an Administrative Law Judge in a case that was originally heard by a policy committee must be considered and approved by the policy committee that originally reviewed the case before a final order can be issued.

(k) Stipulated Order Revoking Certification: The Department may enter a stipulated order revoking the certification of a public safety professional or instructor upon the person's voluntary agreement to terminate an administrative proceeding to revoke a certification, or to relinquish a certification, under the terms and conditions outlined in the stipulated order.

Appeals, Reapplication, and Eligibility Determinations

(10) Appeal Procedure. A public safety professional or instructor, aggrieved by the findings and Order of the Department may, as provided in ORS 183.480, file an appeal with the Court of Appeals from the final Order of the Department.

(11) Reapplication Process.

(a) Any public safety professional or instructor whose certification has been denied or revoked pursuant to section (4) of this rule, may reapply for certification within the applicable timeframes described in sections (4) through (6) of this rule. The initial minimum ineligibility period will begin on the date an Order of the Department denying or revoking certification becomes final. The initial minimum ineligibility period will cease when the applicable timeframe stated in the Order has been satisfied.

(b) Any public safety professional or instructor whose certification has been denied or revoked based on discretionary disqualifying misconduct may not reapply for certification until:

(A) The initial minimum period of ineligibility stated in an Order of the Department denying or revoking certification has been satisfied;

(i) If the initial period of ineligibility for the individual was for a period of less than the maximum period identified in section (4) of this rule, and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not reapply for certification under the provisions of this rule until after the maximum initial period of ineligibility identified in (4) of this rule has been satisfied.

(ii) If the individual has satisfied the maximum initial period of ineligibility and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not submit any further requests for an eligibility determination, and the original denial or revocation remains permanent.

(B) A written request for an eligibility determination has been submitted to the Department and a Policy Committee has recommended that a public safety professional's or instructor's eligibility to apply for public safety or instructor certification be restored and the Board has upheld the recommendation;

(i) A request for an eligibility determination should include documentation or information that supports the public safety professional's or instructor's request for eligibility to apply for certification.

(ii) In considering a request for an eligibility determination, the Policy Committee and the Board may consider mitigating and aggravating circumstances identified in Section 9(d) of this rule.

(iii) After reviewing a written request for an eligibility determination, the Board, through a Policy Committee, may determine that the individual's eligibility to apply for certification be restored if the criteria for certification have been met; or determine that the factors that originally resulted in denial or revocation have not been satisfactorily mitigated and the individual must remain ineligible to apply for certification.

(C) The public safety professional or instructor is employed or utilized by a public safety agency; and

(D) All requirements for certification have been met.

Stat. Auth.: ORS 181.640, 181.661, 181.662, 181.664 & 183.341

Stats. Implemented: ORS 181.640, 181.661, 181.662 & 181.664

# ADMINISTRATIVE RULES

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1980(Temp), f. & ef. 6-26-80; PS 2-1980, f. & ef. 12-8-80; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0055, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1996, f. 5-15-96, cert. ef. 5-20-96; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 6-2000, f. & cert. ef. 9-29-00; BPSST 14-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; BPSST 5-2002(Temp), f. 4-3-02, cert. ef. 4-6-02 thru 8-1-02; BPSST 16-2002, f. & cert. ef. 7-5-02; BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 7-2003, f. & cert. ef. 4-11-03; DPSST 7-2004, f. & cert. ef. 4-23-04; DPSST 10-2006, f. & cert. ef. 7-6-06; DPSST 16-2008, f. & cert. ef. 10-15-08; DPSST 21-2008, f. 12-15-08, cert. ef. 1-1-09; DPSST 11-2011, f. & cert. ef. 7-1-11; DPSST 11-2012, f. & cert. ef. 4-24-12; DPSST 19-2012, f. & cert. ef. 8-31-12; DPSST 22-2012, f. & cert. ef. 10-23-12

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**Rule Caption:** Update requirements for intermediate and advanced levels of public safety officer certification.

**Adm. Order No.:** DPSST 23-2012

**Filed with Sec. of State:** 10-25-2012

**Certified to be Effective:** 11-1-12

**Notice Publication Date:** 9-1-2012

**Rules Amended:** 259-008-0060

**Subject:** Updates the requirements for achieving intermediate and advanced levels of certification in the criminal justice profession by updating the minimum years of experience, education and training requirements for members of the police, corrections and parole and probation disciplines, as well as updating the years of experience, training and education requirements and adding a competency requirement for members of the telecommunications discipline.

The new requirements are phased in by allowing officers to apply for intermediate or advanced certification under either the previous or newly updated requirements for a period of two years.

**Rules Coordinator:** Linsay Hale—(503) 378-2431

## 259-008-0060

### Public Safety Officer Certification

(1) Basic, Intermediate, Advanced, Supervisory, Management, Executive and Instructor Certificates are awarded by the Department to law enforcement officers and telecommunicators meeting prescribed standards of training, education, experience; and the levels established by the employing law enforcement units, or public or private safety agencies. Emergency medical dispatchers may be awarded basic certification only.

(2) Basic certification is mandatory and must be acquired by all police officers, parole and probation officers, telecommunicators, and emergency medical dispatchers within 18 months of employment, and by all corrections officers within one year of employment unless an extension is granted by the Department.

(3) To be eligible for the award of a certificate, law enforcement officers must be full-time employees as defined by ORS 181.610 and OAR 259-008-0005 or part-time parole and probation officers, as described in ORS 181.610 and OAR 259-008-0066.

(4) To be eligible for the award of a certificate, law enforcement officers must meet the Board's prescribed minimum employment standards as established by OAR 259-008-0010.

(5) To be eligible for the award of a certificate, telecommunicators must meet the Board's prescribed minimum employment standards as established by OAR 259-008-0011.

(6) To be eligible for the award of a certificate, law enforcement officers must subscribe to and swear or affirm to abide by the Criminal Justice Code of Ethics (Form F11). Telecommunicators and emergency medical dispatchers must subscribe to and swear or affirm to abide by the Telecommunicator Code of Ethics. (Form F-11T).

(7) Application for certification must be submitted on Form F7 (Application for Certification), with all applicable sections of the form completed. The form must be signed by the applicant. In order to ensure that the applicant meets the minimum standards of employment, training, education, and experience, and is competent to hold the level of certification for which the applicant has applied, the department head or authorized representative must sign the form recommending that the certificate be issued or withheld. If the department head chooses not to recommend the applicant's request for certification, the reason for this decision must be specified in writing and must accompany the Form F7.

(8) When a department head is the applicant, the above recommendation must be made by the department head's appointing authority such as the city manager or mayor, or in the case of a specialized agency, the applicant's superior. Elected department heads are authorized to sign as both applicant and department head.

(9) In addition to the requirements set forth above, each applicant must have completed the designated education and training, combined with the prescribed corrections, parole and probation, police or telecommunications experience for the award of an Intermediate, Advanced, Supervisory, Management, or Executive Certificate.

(a) Each quarter credit unit granted by an accredited college or university which operates on a quarterly schedule will equal one (1) education credit.

(b) Each semester credit unit granted by an accredited college or university operating on a semester schedule will equal one and one half (1-1/2) education credits.

(c) The Department must receive sealed official transcripts from a college prior to entering college credit on an individual's official record.

#### (10) Training:

(a) Basic courses certified by the Department shall be approved by the Board.

(b) The Department may record training hours for departmental or other in-service training which is recorded and documented in the personnel files of the trainee's department. These records must include the subject, instructor, classroom hours, date, sponsor, and location.

(c) Training completed in other states, military training, and other specialized training, if properly documented, may be accepted, subject to staff evaluation and approval. These records must include the subject, date, and classroom hours, and must be certified true copies of the original.

(d) College credits earned may be counted for either training hours or education credits, whichever is to the advantage of the applicant.

(e) College credit awarded based on training completed may be applied toward either training hours or education credits, whichever is to the advantage of the applicant.

(A) Prior to applying an applicant's college credit toward any upper level of certification, the Department must receive documentation of the number of college credits awarded based on training attended.

(B) The training hours identified under paragraph (A) and submitted as college credit toward an upper level of certification will not be included in any calculation of whether the applicant has earned sufficient training hours to qualify for the requested certification level.

(i) Any college credit received for practical or skills-based training attended will be calculated at a ratio of 1:20 hours for each quarter credit, for purposes of training hour deductions.

(ii) Any college credit received for academic training attended will be calculated at a ratio of 1:10 hours for each quarter credit, for purposes of training hour deductions.

(f) No credit can be applied toward both education credits and training hours when originating from the same training event.

#### (11) Experience/Employment:

(a) Experience gained as a corrections, parole and probation, or police officer employed full time with municipal, county, state, or federal agencies, may be accepted if the experience is in the field in which certification is requested and is approved by the Department. For the purpose of this rule, creditable service time for experience will not accrue under the following circumstances:

(A) When an individual is employed in a casual, seasonal, or temporary capacity;

(B) When an individual is on leave. A public safety professional may submit a written request for credit for military time served upon return from his or her military duty. The Department will evaluate each written request to determine whether an individual is eligible for any credit for time served;

(C) From the date a public safety professional's certification is recalled until it is reinstated by the Department; or

(D) When a public safety professional fails to obtain Basic certification within a mandated timeframe and is prohibited from being employed as a public safety professional.

(b) Experience acquired as a telecommunicator or emergency medical dispatcher employed with a public or private safety agency may be accepted if the experience is in the field in which certification is requested and is approved by the Department.

(c) Experience acquired as a certified part-time telecommunicator or emergency medical dispatcher as defined in OAR 259-008-0005, or part time parole and probation officer as defined under 259-008-0005 and 259-008-0066, will count on a pro-rated basis.

(d) Police, corrections, parole and probation, telecommunicator, or emergency medical dispatch experience in fields other than that in which certification is requested may receive partial credit when supported by job descriptions or other documentary evidence. In all cases, experience claimed is subject to evaluation and approval by the Department.



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(12) The Basic Certificate. In addition to the requirements set forth in section (1) of this rule, the following are required for the award of the Basic Certificate:

(a) Applicants must have completed a period of service of not less than nine (9) months with one or more law enforcement units or public or private safety agencies in a certifiable position in the field in which certification is being requested;

(b) Applicants must have satisfactorily completed the required Basic Course in the field in which certification is requested or have completed equivalent training as determined by the Department; and

(c) Applicants must have valid first aid and cardiopulmonary resuscitation (CPR) cards.

(13) The Intermediate Certificate. In addition to the requirements set forth in section (1) of this rule, the following are required for the award of the Intermediate Certificate:

(a) Applicants must possess a Basic Certificate in the field in which certification is requested; and

(b) Applicants must have acquired the combinations of education hours and training hours combined with the prescribed years of police, corrections, parole and probation or telecommunications experience, or the college degree designated combined with the prescribed years of experience as identified on the chart effective through October 31, 2012: [Table not included. See ED. NOTE.]

(14) Effective November 1, 2012:

(a) Applicants for an Intermediate Certificate in police, corrections or parole and probation must have acquired the combinations of education hours and training hours combined with the prescribed years of experience, or college degree designated combined with the prescribed years of experience as identified on the chart effective November 1, 2012: [Table not included. See ED. NOTE.]

(b) Applicants for an Intermediate Certificate in telecommunications must have acquired the following combinations of education hours, training hours, prescribed years of telecommunications experience, and competency as identified on the chart effective November 1, 2012: [Table not included. See ED. NOTE.]

(c) The years experience must be full-time employment within the discipline for which Intermediate certification is being applied.

(d) The training hours originating from a single training event that are used to meet the training hour requirement for Intermediate certification cannot be applied towards future levels of certification.

(e) The required years of experience are for the purpose of developing and demonstrating competency at the Intermediate level. The signature of the agency head or designee on an F-7 Application for Certification at the Intermediate level represents the agency's attestation that the applicant is performing at a level of competence expected at that certification level.

(15) Applicants for Intermediate certification may apply by satisfying the requirements described in subsection (13) or the requirements described in subsection (14) through October 31, 2014.

(16) The Advanced Certificate. In addition to the requirements set forth in section (1) of this rule, the following are required for the award of the Advanced Certificate:

(a) Applicants must possess or be eligible to possess the Intermediate Certificate in the field in which certification is requested; and

(b) Applicants must have acquired the combinations of education and training hours combined with the prescribed years of corrections, parole and probation, police, telecommunications experience, or the college degree designated combined with the prescribed years of experience as identified on the chart effective through October 31, 2012: [Table not included. See ED. NOTE.]

(17) Effective November 1, 2012:

(a) Applicants for an Advanced Certificate in police, corrections or parole and probation must have acquired the following combinations of education and training hours combined with the prescribed years of experience, or the college degree designated combined with the prescribed years of experience as identified on the chart effective November 1, 2012: [Table not included. See ED. NOTE.]

(b) Applicants for an Advanced Certificate in telecommunications must have acquired the following combinations of education hours, training hours, prescribed years of telecommunications experience, and competency as identified on the chart effective November 1, 2012: [Table not included. See ED. NOTE.]

(c) The years of experience must be full-time employment within the discipline for which Advanced certification is being applied.

(d) The training hours originating from a single training event that are used to meet the training hour requirement for Advanced certification cannot be applied towards future levels of certification.

(e) The required years of experience are for the purpose of developing and demonstrating competency at the Advanced level. The signature of the agency head or designee on an F-7 Application for Certification at the Advanced level represents the agency's attestation that the applicant is performing at a level of competence expected at that certification level.

(18) Applicants for Advanced certification may apply by satisfying the requirements described in subsection (16) or the requirements described in subsection (17) through October 31, 2014.

(19) The Supervisory Certificate. In addition to requirements set forth in section (1) of this rule, the following are required for the award of the Supervisory Certificate:

(a) Applicants must possess or be eligible to possess the Advanced Certificate in the field in which certification is requested;

(b) Applicants must have satisfactorily completed no less than 45 education credits as defined in section (10) of this rule;

(c) Applicants must have satisfactorily completed the prescribed Supervision training within five (5) years prior to application for the Supervisory Certificate; and

(d) Applicants must be presently employed in, or have satisfactorily performed the duties associated with, the position of a first-level supervisor as defined in OAR 259-008-0005 and as attested to by the applicant's department head during the time such duties were performed for a period of one (1) year. The required experience must have been acquired within five (5) years prior to the date of application.

(e) Upon request of the employing agency, the Department may waive the requirements of subsection (c) or (d) of this section, provided the employing agency demonstrates that the applicant performs, on a regular basis, supervisory duties.

(20) The Management Certificate. In addition to requirements set forth in section (1) of this rule, the following are required for the award of the Management Certificate:

(a) Applicants must possess or be eligible to possess the Supervisory Certificate in the field in which certification is requested;

(b) Applicants must have satisfactorily completed no less than 90 education credits as defined in section (10) of this rule;

(c) Applicants must have satisfactorily completed the prescribed Middle Management training within five (5) years prior to application for the Management Certificate; and

(d) Applicants must be presently employed in and must have served satisfactorily in a Middle Management position as a Department Head or Assistant Department Head as defined in OAR 259-008-0005 for a period of two (2) years. The required experience must have been acquired within five (5) years prior to the date of application.

(e) Upon request of the employing agency, the Department may waive the requirements of subsection (c) or (d) of this section, provided the employing agency demonstrates that the applicant performs, on a regular basis, management duties.

(21) The Executive Certificate. In addition to requirements set forth in section (1) of this rule, the following are required for the award of the Executive Certificate:

(a) Applicants must possess or be eligible to possess the Management Certificate in the field in which certification is requested;

(b) Applicants must have satisfactorily completed no less than 90 education credits as defined in section (10) of this rule;

(c) Applicants must have satisfactorily completed 100 hours of Department-approved executive level training within five (5) years prior to application for the Executive Certificate; and

(d) Applicants must be presently employed in and must have served satisfactorily in a Middle Management position as Department Head or Assistant Department Head as defined in OAR 259-008-0005 for a period of two (2) years. The required experience must have been acquired within five (5) years prior to the date of the application.

(e) Upon request of the employing agency, the Department may waive the requirements of subsection (c) or (d) of this section, provided the employing agency demonstrates that the applicant performs, on a regular basis, the duties associated with that of a department head or assistant department head.

(22) Multi-discipline Certification. Upon receiving written request from the department head stating a justified and demonstrated need exists for the efficient operation of the employing agency, the Department may approve multi-discipline certification for law enforcement officers who meet all minimum employment, training and education standards estab-

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lished in OAR 259-008-0010, 259-008-0011, 259-008-0025, and this rule, in the disciplines which they are requesting certification. The officer must meet the following requirements for the award of multi-discipline certification:

(a) Basic certification. A law enforcement officer who is certified in one discipline may apply for multi-discipline certification if employed in or transferred to another discipline within the same law enforcement unit. The applicant must demonstrate completion of all training requirements in the discipline in which certification is being requested.

(b) Higher levels of certification. Law enforcement officers who possess higher levels of certification in one discipline may, upon employment in or transfer to another discipline within the same law enforcement unit, apply for the same level of certification after completion of nine (9) months experience in the discipline in which they are requesting certification and meeting the requirements for those higher levels of certification as outlined in this rule. This section does not apply to the emergency medical dispatcher discipline since it only exists at the basic certification level.

(c) Retention of multi-discipline certification. In order to maintain multi-discipline certification, each discipline in which certification is held requires successful completion and documentation of training hours by the holders of the certificates every twelve (12) months. The training must be reported to the Department, as follows:

(A) For a law enforcement officer who also holds emergency medical dispatcher certification, a minimum of four (4) hours of training specific to the emergency medical dispatcher discipline must be reported annually as required under OAR 259-008-0064.

(B) For a law enforcement officer who also holds telecommunicator certification, a minimum of twelve (12) hours of training specific to the telecommunicator discipline must be reported annually as required under OAR 259-008-0064.

(C) A minimum of twenty (20) hours of training specific to each law enforcement discipline in which certification is held must be reported annually as required under subsections (h) through (l) of this section.

(d) The same training may be used for more than one discipline if the content is specific to each discipline. It is the responsibility of the agency head to determine if the training is appropriate for more than one discipline.

(e) The maintenance training cycle for law enforcement officers who are certified in more than one discipline begins on July 1st of each year and ends on June 30th the following year.

(f) The employing agency must maintain documentation of all required maintenance training completed.

(g) If reported on a Form F-6 (Course Attendance Roster), required maintenance training must be submitted to the Department by June 30th of each year. Training reported on a Form F-6 will result in credit for training hours. No training hours will be added to a law enforcement officer's record, unless accompanied by a Form F-6 Course Attendance Roster.

(h) On or after July 1st of each year, the Department will identify all law enforcement officers who are deficient in maintenance training according to Department records and provide notification to the individual and the employing agency.

(A) Within 30 days of receipt of notification, the agency must notify the Department of the training status of any law enforcement officer identified as deficient by submitting a Form F-16 (Maintenance Training Log) to the Department identifying the maintenance training completed during the previous one (1) year reporting period.

(B) Maintenance training hours reported to the Department on a Form F-16 will be used solely to verify completion of maintenance training requirements and will not be added to an officer's training record.

(i) Failure to notify the Department of completion of any required training for individuals with identified training deficiencies will result in a notification of recall letter being sent to the agency head and the officer.

(j) The Department will recall a law enforcement officer's certification for:

(A) Failure to complete or report any required maintenance training above on or before June 30th of each year; or

(B) Failure to submit a Form F-16 within 30 days after a warning notification letter has been sent.

(k) A law enforcement officer with a recalled certification is prohibited from being employed in any position for which the certification has been recalled.

(l) Recertification following a recall may be obtained at the approval of the Department by submitting the following:

(A) A written request from the employing agency head requesting recertification, along with a justification of why the maintenance training was not completed; and

(B) Verification that the missing training was completed.

(m) Failure to complete the required maintenance training may not result in a recall of certification if the law enforcement officer is on leave from a public or private safety agency.

(23) Certificates and awards are the property of the Department. The Department has the power to revoke or recall any certificate or award as provided in the Act.

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

Stat. Auth.: ORS 181.640, 181.644, 181.651, 181.652, 181.653, 181.654, 181.665  
Stats. Implemented: ORS 181.644, 181.651, 181.652, 181.653, 181.654 & 181.665  
Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1980(Temp), f. & ef. 6-26-80; PS 2-1980, f. & ef. 12-8-80; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0055, PS 1-1990, f. & cert. ef. 2-7-90; PS 1-1995, f. & cert. ef. 3-30-95, PS 2-1995, f. & cert. ef. 9-27-95; PS 7-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 1-1999, f. & cert. ef. 3-9-99; BPSST 6-1999, f. & cert. ef. 7-29-99; BPSST 11-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 13-2001(Temp), f. & cert. ef. 10-26-01 thru 4-10-02; BPSST 8-2002, f. & cert. ef. 4-3-02; BPSST 21-2002, f. & cert. ef. 11-21-02; DPSST 1-2004, f. 1-16-04, cert. ef. 1-20-04; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 2-2008, f. & cert. ef. 1-15-08; DPSST 9-2008, f. & cert. ef. 7-15-08; DPSST 22-2008, f. & cert. ef. 12-29-08; DPSST 4-2009, f. & cert. ef. 4-8-09; DPSST 1-2010, f. & cert. ef. 1-11-10; DPSST 2-2010, f. & cert. ef. 3-15-10; DPSST 4-2010, f. & cert. ef. 6-2-10; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10; DPSST 8-2010, f. & cert. ef. 8-13-10; DPSST 8-2011, f. & cert. ef. 6-24-11; DPSST 17-2011, f. & cert. ef. 12-23-11; DPSST 23-2012, f. 10-25-12, cert. ef. 11-1-12

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**Rule Caption:** Add judicial security personnel, liquor enforcement inspectors and humane investigators to definitions; Update police officer.

**Adm. Order No.:** DPSST 24-2012

**Filed with Sec. of State:** 10-26-2012

**Certified to be Effective:** 10-26-12

**Notice Publication Date:** 10-1-2012

**Rules Amended:** 259-008-0005

**Subject:** Synchronize definitions found in administrative rule with definitions found in statute.

2012 HB 4163 adds judicial security personnel to the definition of "law enforcement unit" and "police officer."

2012 SB 1528 adds liquor enforcement inspectors to the definition of "law enforcement unit," "police officer" and "public safety personnel."

2012 HB 4021 adds humane investigation agencies to the definition of "law enforcement unit," and individuals commissioned as humane investigators to the definition of "police officer."

Finally, the definition of "police officer" is changed to reflect a legislative housekeeping change to clarify the changes made to the definition in the 2011 legislative session.

**Rules Coordinator:** Linsay Hale—(503) 378-2431

## 259-008-0005

### Definitions

(1) "Assistant Department Head" means an officer occupying the first position subordinate to a Department Head who is primarily responsible for supervision of middle managers and supervisors.

(2) "Board" means the Board on Public Safety Standards and Training.

(3) "Casual employment" means employment that is occasional, irregular, or incidental for which the employee does not receive seniority rights or fringe benefits.

(4) "Certified Reserve Officer" means a reserve officer who has been designated by a local law enforcement unit, has received training necessary for certification and has met the minimum standards and training requirements established under ORS 181.640.

(5) "Commissioned" means being authorized to perform various acts or duties of a police officer or reserve officer and acting under the supervision and responsibility of a county sheriff or as otherwise provided by law.

(6) "Community College" means a public institution operated by a community college district for the purpose of providing courses of study limited to not more than two years full-time attendance and designed to meet the needs of a geographical area by providing educational services, including, but not limited to, vocational or technical education programs or lower division collegiate programs.

(7) "Corrections Officer" means an officer or member employed full-time by a law enforcement unit who:

(a) Is charged with and primarily performs the duty of custody, control or supervision of individuals convicted of or arrested for a criminal

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offense and confined in a place of incarceration or detention other than a place used exclusively for incarceration or detention of juveniles;

(b) Has been certified as a corrections officer described in paragraph (a) of this subsection and has supervisory or management authority for corrections officers as described in paragraph (a) of this subsections; or

(c) Is any full-time employee of the Department who possesses requisite qualifications and is so certified pursuant to ORS 181.652.

(8) "Department" and "DPSST" means the Department of Public Safety Standards and Training.

(9) "Department Head" means the chief of police, sheriff, or chief executive of a law enforcement unit or a public or private safety agency directly responsible for the administration of that unit.

(10) "Director" means the Director of the Department of Public Safety Standards and Training.

(11) "Educational Credits" are credits earned for studies satisfactorily completed at an accredited post-secondary education institution recognized under OAR 259-008-0045.

(12) "Emergency Medical Dispatcher" means a person who has responsibility to process requests for medical assistance from the public or to dispatch medical care providers.

(13) "First-Level Supervisor" means a law enforcement officer, telecommunicator, or emergency medical dispatcher occupying a position between the operational level and the middle manager position who is primarily responsible for the direct supervision of subordinates. A first level supervisor position does not include a position with limited or acting supervisory responsibilities.

(14) "Full-time employment" means the employment of a person who has the responsibility for, and is paid to perform the duties of a public safety professional for more than 80 hours per month for a period of more than 90 consecutive calendar days. For purposes of this rule, any employment that meets the definition of seasonal, casual, or temporary employment is not considered full-time employment as a public safety professional.

(15) "High School" is a school accredited as a high school by the Oregon Department of Education, a school accredited as a high school by the recognized regional accrediting body, or a school accredited as a high school by the state university of the state in which the high school is located.

(16) "Law Enforcement Officers" means police, corrections, and parole and probation officers as described in the Public Safety Standards and Training Act.

(17) "Law Enforcement Unit" means:

(a) A police force or organization of the state, a city, university that has established a police department under ORS 352.383, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal governments as defined in section 1, chapter 644, Oregon Laws 2011, that employs authorized tribal police officers as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Department of Corrections, the Oregon State Lottery Commission, the Security and Emergency Preparedness Office of the Judicial Department or common carrier railroad the primary duty of which, as prescribed by law, ordinance, or directive, is any one or more of the following:

(A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating to airport security;

(B) The custody, control, or supervision of individuals convicted of or arrested for a criminal offense and confined to a place of incarceration or detention other than a place used exclusively for incarceration or detention of juveniles; or

(C) The control, supervision, and reformation of adult offenders placed on parole or sentenced to probation and investigation of adult offenders on parole or probation or being considered for parole or probation.

(b) A police force or organization of a private entity with a population of more than 1,000 residents in an unincorporated area the employees of which are commissioned by a county sheriff;

(c) A district attorney's office;

(d) The Oregon Liquor Control Commission with regard to liquor enforcement inspectors; or

(e) A humane investigation agency as defined in section 1, chapter 67, Oregon Laws 2012.

(18) "Leave" means a leave granted to a public safety professional by their employing public or private safety agency.

(19) "Middle Manager" means a law enforcement officer, telecommunicator, or emergency medical dispatcher occupying a position between first-level supervisor and department head position and is primarily respon-

sible for management and command duties. A middle manager position does not include a position with limited, or acting middle management duties.

(20) "Part-time Employment" means the employment of a person who has the responsibility for, and is paid to perform the duties of a public safety professional for 80 hours or less per month for a period of more than 90 consecutive calendar days.

(21) "Parole and Probation Officer" means:

(a) An officer who is employed full-time by the Department of Corrections, a county or a court and who is charged with and performs the duty of:

(A) Community protection by controlling, investigating, supervising, and providing or making referrals to reformative services for adult parolees or probationers or offenders on post-prison supervision; or

(B) Investigating adult offenders on parole or probation or being considered for parole or probation; or

(b) Any officer who:

(A) Is certified and has been employed as a full-time parole and probation officer for more than one year;

(B) Is employed part-time by the Department of Corrections, a county or a court; and

(C) Is charged with and performs the duty of:

(i) Community protection by controlling, investigating, supervising, and providing or making referrals to reformative services for adult parolees or probationers or offenders on post-prison supervision; or

(ii) Investigating adult offenders on parole or probation or being considered for parole or probation; or

(c) A full-time employee of the Department who possesses requisite qualifications and is so certified pursuant to ORS 181.652.

(22) "Police Officer" means:

(a) An officer, member or employee of a law enforcement unit employed full-time as a peace officer who is:

(A) Commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a university that has established a police department under ORS 352.383, the Governor or the Department of State Police; and

(B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to airport security;

(b) An investigator of a district attorney's office if the investigator is or has been certified as a peace officer in this or another state;

(c) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011;

(d) A special agent commissioned under section 1, chapter 67, Oregon Laws 2012;

(e) An individual member of the judicial security personnel identified pursuant to ORS 1.177 who is trained pursuant to section 3, chapter 88, Oregon Laws 2012; or

(f) Any full-time employee of the Department who possesses requisite qualifications and is so certified pursuant to ORS 181.665.

(23) "Public or private safety agency" means:

(a) A law enforcement unit; or

(b) A unit of state or local government, a special purpose district or a private firm that provides, or has authority to provide, police, ambulance or emergency medical services.

(24) "Public Safety Personnel," "Public Safety Officer," and "Public Safety Professional" include corrections officers, emergency medical dispatchers, parole and probation officers, police officers, certified reserve officers, and telecommunicators and liquor enforcement inspectors.

(25) "Recall" means the administrative inactivation of a certificate issued by the Department until maintenance requirements or other administrative requirements for certification are met and certification is restored.

(26) "Regulations" mean written directives established by the Department or its designated staff describing training activities and student procedures at the Oregon Public Safety Academy.

(27) "Reimbursement" is the money allocated from the Police Standards and Training Account, established by ORS 181.690, to a law enforcement unit meeting the requirements of these regulations to defray the costs of officer salaries, relief duty assignments, and other expenses incurred while officers attend approved training courses certified by the Department.

(28) "Reserve Officer" means an officer or member of a law enforcement unit who is:



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(a) A volunteer or employed less than full time as a peace officer commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, the Governor, or the Department of State Police;

(b) Armed with a firearm; and

(c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordinances relating to airport security.

(29) "Seasonal Employment" means employment that can be carried on only at certain seasons or fairly definite portions of the year, with defined starting and ending dates based on a seasonally determined need.

(30) "Staff" means those employees occupying full-time, part-time, or temporary positions with the Department.

(31) "Telecommunicator" means:

(a) A person employed as an emergency telephone worker as defined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing and transmitting public safety information received through a 9-1-1 emergency reporting system as defined in ORS 403.105; or

(b) A full-time employee of the Department who possesses requisite qualifications and is so certified pursuant to ORS 181.652.

(32) "Temporary employment" means employment that lasts no more than 90 consecutive calendar days and is not permanent.

(33) "The Act" refers to the Public Safety Standards and Training Act (ORS 181.610 to 181.715).

(34) "Waiver" means to refrain from pressing or enforcing a rule.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0010, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1996, f. 5-15-96, cert. ef. 5-20-96; PS 3-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 7-2000, f. & cert. ef. 9-29-00; BPSST 11-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 12-2006, f. & cert. ef. 10-13-06; DPSST 3-2007, f. & cert. ef. 1-12-07; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10; DPSST 6-2012, f. & cert. ef. 3-27-12; DPSST 24-2012, f. & cert. ef. 10-26-12

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**Rule Caption:** Update/Reorganize the Private Security rule set (Chapter 259, Div. 60) for clarity and consistency.

**Adm. Order No.:** DPSST 25-2012

**Filed with Sec. of State:** 10-26-2012

**Certified to be Effective:** 11-1-12

**Notice Publication Date:** 9-1-2012

**Rules Adopted:** 259-060-0025, 259-060-0030, 259-060-0145

**Rules Amended:** 259-060-0005, 259-060-0010, 259-060-0015, 259-060-0020, 259-060-0060, 259-060-0090, 259-060-0092, 259-060-0120, 259-060-0130, 259-060-0135, 259-060-0300, 259-060-0450, 259-060-0500

**Rules Repealed:** 259-060-0065, 259-060-0070, 259-060-0075, 259-060-0080, 259-060-0085, 259-060-0095, 259-060-0115, 259-060-0150

**Subject:** A number of years ago, the Private Security and Investigator Policy Committee (PSIPC) recognized a need to review and update the private security rule set. A Rules Subcommittee was formed to review the current rules and work to develop new, legally defensible language which would more clearly identify the expectations and responsibilities of private security providers PSP as well as clarify Department processes.

A majority of the proposed changes are simply organizational, as the current practices have not changed, however, this proposed rewrite does implement a number of substantial changes, including a new definition for alarm monitors and alarm monitoring facilities based on the passage of SB878, new education requirements and new moral fitness standards for private security providers. A new rule was also developed to clarify the requirements for crowd management, event and guest services.

**Rules Coordinator:** Linsay Hale—(503) 378-2431

## 259-060-0005

### Objectives

(1) The objectives of the Board's and Department's rules on private security standards and certification are to improve the private security

industry services in Oregon by raising the level of competence of private security personnel, individually and collectively. This is accomplished by:

(a) Establishing and maintaining minimum standards and qualifications for the training, certification and licensure of private security providers;

(b) Establishing and maintaining minimum standards and qualifications for all training courses and testing required of private security providers; and

(c) Maintaining uniform compliance with all provisions of the Private Security Service Providers Act found in ORS 181.870 through 181.991, including the use of criminal records checks utilizing computerized criminal history information, fingerprint comparisons, and fact-finding investigations.

(2) The scope of authority between the Board and the Department as it relates to joint rulemaking is the same as ORS 181.640(4)(5)(6).

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.875, 181.878 & 181.880

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12

## 259-060-0010

### Definitions

(1) "Accreditation Program Manager" means a person who is designated as the administrator of an employer accredited training program and is primary liaison with the Department.

(2) "Alarm Monitor" means an individual whose primary duties are the processing of alarms in an Alarm Monitoring Facility.

(3) "Alarm Monitoring Facility" means any organization, contract or proprietary, with the primary responsibility of reviewing incoming traffic transmitted to alarm receiving equipment and follows up with actions that may include notification of public agencies to address imminent threats related to public safety. This does not include:

(a) Facilities that monitor only production or environmental signals not directly impacting public safety;

(b) Proprietary alarm systems being monitored by Department-certified private security professionals that generate an internal response by another Department-certified private security professional;

(c) Facilities that monitor Personal Emergency Response Systems (PERS) only; or

(d) Facilities utilizing alarms that never generate a response from a public safety agency.

(4) "Applicant" means an individual who is applying for or renewing certification or licensure as a private security provider.

(5) "Armed Private Security Professional" means a private security professional who is in possession of a firearm at any time while performing duties as a private security professional.

(6) "Assessment Module" means a Department-approved curriculum given to private security providers that includes, but is not limited to, the demonstration of task-related skills learned in the classroom instruction as applied to hypothetical situations.

(7) "Board" means the Board on Public Safety Standards and Training.

(8) "Certification" means recognition by the Department that a private security professional meets all the qualifications listed in ORS 181.875 and the rules set forth in this Division.

(9) "Denial" or "Deny" means the Department's refusal to grant private security certification or issue a license to an applicant who fails to meet the minimum standards for certification or licensure as identified in OAR 259-060-0020, including the mandatory and discretionary disqualifying misconduct identified in OAR 259-060-0300.

(10) "Department" and "DPSST" means the Department of Public Safety Standards and Training.

(11) "Director" means the Director of the Department of Public Safety Standards and Training.

(12) "Direct Supervision" means actively monitoring work by the ongoing and uninterrupted presence of a certified private security professional, or a licensed executive or supervisory manager.

(13) "Employer" means an individual or entity who employs persons to provide private security services.

(14) "Executive Manager" means a person:

(a) Who is authorized to act on behalf of the company or business in matters of licensure and certification;

(b) Who is authorized to hire and terminate personnel;

(c) Whose primary responsibility is the management of certified private security professionals; and

# ADMINISTRATIVE RULES

(d) Who has final responsibility for a company's or business's compliance with ORS 181.870- to 181.991.

(15) "Flagrant Violation" means an act by a provider, contractor, owner or manager who, after being notified of a violation, intentionally continues or repeats the violation within a 36 month period after the initial violation.

(16) "Fundamental" means a duty that is a basic task or function and may be low frequency, but is an essential component of a job.

(17) "Instructor" means any person who has been certified by the Department as meeting the requirements to provide instruction to private security providers or applicants.

(18) "License" means recognition by the Department that an employer, contractor, executive manager or supervisory manager meets the requirements adopted by the Board as necessary to provide private security services.

(19) "Policy Committee" means the Private Security and Investigator Policy Committee.

(20) "Primary Responsibility" means an activity that is fundamental to, and required or expected in, the regular course of employment and is not merely incidental to employment.

(21) "Private" as used in ORS 181.870-181.887 means those activities intended for, or restricted to, the use of a particular person, group or interest; or belonging to or concerning an individual person, company or interest.

(22) "Private Security Professional" means an individual who performs, as the individual's primary responsibility, private security services for consideration, regardless of whether the individual, while performing the private security services, is armed or unarmed or wears a uniform or plain clothes, and regardless of whether the individual is employed part-time or full-time to perform private security services.

(23) "Private Security Provider" means any individual who performs the functions of a private security professional, executive manager, supervisory manager or instructor.

(24) "Private Security Services" means the performance of at least one of the following activities:

(a) Observing and reporting of any unlawful activity;

(b) Preventing or detecting theft or misappropriation of goods, money or other items of value;

(c) Protecting individuals or property, including, but not limited to, proprietary information, from harm or misappropriation;

(d) Controlling access to premises being protected;

(e) Securely moving prisoners;

(f) Taking enforcement action by detaining persons or placing persons under arrest under ORS 133.225; or

(g) Providing canine services for guarding premises or for the detection of unlawful devices or substances.

(25) "Private Security Services Providers Act" or "The Act" means the Private Security Providers Act (ORS Chapter 181.870 through 181.991.)

(26) "Revocation" or "Revoke" means action taken by the Department to rescind the certification or licensure of a private security provider who fails to meet the minimum standards for certification or licensure as identified in OAR 259-060-0020, including the mandatory and discretionary disqualifying misconduct identified in OAR 259-060-0300.

(27) "Supervisory Manager" means an employee of or a person supervised by an executive manager who has as a primary responsibility the supervision of certified private security professionals.

(28) "Surrender" means the voluntary relinquishment of private security certification or licensure to the Department.

(29) "Suspension" or "Suspend" means action taken by the Department in temporarily depriving the holder of a license or certificate that authorizes the individual to provide private security services.

(30) "Temporary Work Permit" means a temporary certification or licensure issued by the employer to allow a company to employ and deploy a private security professional, executive or supervisory manager while the application for certification or licensure is being processed. A temporary work permit will not be issued for armed security applicants.

(31) "Unarmed Private Security Professional" means a private security professional who is not in possession of, or has access to, a firearm at any time while performing private security services.

(32) "Violation" means an act or omission that is prohibited under the Act or these rules.

Stat. Auth.: ORS 181.870 & 181.878

Stats. Implemented: ORS 181.870 & 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99;

BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 11-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 4-2007, f. & cert. ef. 2-15-07; DPSST 11-2007, f. & cert. ef. 10-15-07; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12

## 259-060-0015

### Private Security Provider Responsibilities

(1) A person may not act as a private security provider unless that person is certified or licensed under the Private Security Providers Act and these rules.

(2) Persons described in ORS 181.871 are exempt from regulation as private security providers.

(3) Private security providers are prohibited from:

(a) Providing private security services as a private security professional without having a certificate or license issued under the Act and these rules in the person's possession;

(b) Carrying a concealed weapon while providing security services unless currently certified as an armed private security professional and licensed under ORS 166.291; or

(c) Providing training to private security professionals or applicants unless currently certified as an instructor.

(4) For the purposes of these administrative rules, these prohibitions apply to any business, employer or entity that provides private security services within this state regardless of whether the business, employer or entity is located in this state.

(5) Change of Information.

(a) An applicant or private security provider must notify the Department within 14 calendar days of any change of address using the Form PS-23 (Private Security Services Provider Change of Information.)

(b) Executive managers may use the Form PS-23 to advise the Department of terminations of employment.

(6) Notification of Arrest. Pursuant to ORS 181.885, any private security provider or applicant who is charged with a crime must notify their employer or, if not employed, the Department no later than 48 hours after the charge is filed.

(a) The initial notification may be made by telephone or with a Recent Arrest Form.

(b) The Department may request immediate written notification documenting specific charges, the county and state where any charges are pending, the investigating agency, and the date of the arrest.

(7) Should any certified armed private security provider become ineligible to purchase, own or possess a firearm, the provider and the manager, employer or supervisor of the provider must notify the Department in writing within 48 hours of the circumstances causing the ineligibility. The notification must list all facts known and must identify a person whom the Department may contact for additional information.

Stat. Auth.: ORS 181.873, 181.871 & 181.878

Stats. Implemented: ORS 181.873, 181.871 & 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 11-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 9-2012, f. & cert. ef. 4-2-12; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12

## 259-060-0020

### Minimum Standards for Certification or Licensure

(1) Age. Private security providers must be:

(a) At least 18 years of age to be certified as an unarmed private security professional or licensed supervisory manager; and

(b) At least 21 years of age to be certified as an armed private security professional or instructor or be licensed as an executive manager.

(2) Education.

(a) Applicants for certification or licensure must provide documentary evidence of one of the following:

(A) A high school diploma;

(B) Successful completion of the General Education Development (GED) test; or

(C) Other documentation verifying a high school education or GED, which may be accepted at the discretion of the Department.

(b) Evidence of the above will consist of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted at the discretion of the Department.

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(c) Individuals who were certified or licensed on or before November 1, 2012 are exempt from the education requirements identified in subsection (2)(a).

(3) Training. An applicant for certification or licensing must satisfactorily complete the applicable training requirements prescribed by these rules.

(4) Moral Fitness. All private security providers must be of good moral fitness as determined by a criminal background check, department investigation or other reliable sources.

(a) Lack of good moral fitness includes, but is not limited to, mandatory and discretionary disqualifying misconduct as described in OAR 259-060-0300.

(b) For the purposes of this standard, the Department, through the Policy Committee and the Board, has defined core values that are integral to the private security profession. These values are:

(A) Honesty. Honesty includes integrity, credibility, acting honorably and maintaining confidences;

(B) Character. Good character includes being respectful and courteous, being faithful, diligent and loyal to the employer's charge, using discretion, demonstrating compassion and exhibiting courage;

(C) Fair Treatment of Others. Fair treatment of others includes treating others equitably, demonstrating good judgment and not being discriminatory;

(D) Public Trust. Public trust includes maintaining public confidences, being law-abiding and adhering to recognized industry standards; and

(E) Respect for the laws of this state and nation.

(5) Minimum Standards for Armed Certification.

(a) An applicant for certification as an armed private security professional or firearms instructor must not:

(b) Have been committed to the Mental Health and Development Disability Services Division under ORS 426.130, or similar order in another jurisdiction;

(c) Have been found to be mentally ill and subject to an order under ORS 426.130 prohibiting the person from purchasing or possessing a firearm as a result of that mental illness;

(d) Be prohibited under US Code Title 18, Section 922(g)(8) (relating to civil restraining orders including stalking or harassment) from possessing a firearm in interstate commerce; or

(e) Be prohibited under any law of this state or any federal law from purchasing, owning or possessing a firearm.

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

Stat. Auth.: ORS 181.875, 181.878 & 181.883

Stats. Implemented: ORS 181.875 & 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. & cert. ef. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 10-2003(Temp), f. & cert. ef. 6-16-03 thru 12-1-03; DPSST 12-2003, f. & cert. ef. 7-24-03; DPSST 6-2004, f. & cert. ef. 4-23-04; DPSST 9-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 19-2008, f. & cert. ef. 10-15-08; DPSST 25-2012, f. & cert. ef. 10-26-12, cert. ef. 11-1-12

## 259-060-0025

### Application for Certification and Licensure

(1) An applicant must meet all minimum standards for the certification or license being applied for as described in OAR 259-060-0020.

(2) Application Packet and Fees.

(a) The application packet for new certification or licensure as a private security provider must be completed in its entirety and must include:

(A) A completed Form PS-1 (Application for Licensure or Certification of Private Security Services Provider);

(B) A completed fingerprint packet. A fingerprint packet must include a pre-printed FBI fingerprint card and a Form PS-4 (Affidavit of Person Rolling Fingerprints) completed by the person rolling or scanning the fingerprints. The card and form must be enclosed in a tamper-proof bag and sealed by the person who rolled the fingerprints before the packet is returned to the applicant. The Department will supply pre-printed FBI fingerprint cards and tamper-proof bags.

(i) The Department will only accept fingerprint cards correctly rolled and completed by private security or public safety personnel trained to roll fingerprints, or a person who is employed and trained by a private business that provides fingerprinting services.

(ii) If a fingerprint card is rejected twice by the Federal Bureau of Investigation, the applicant will be charged a fee for a third submittal of fingerprint cards.

(C) The original Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results) completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program.

(D) A completed Form PS-7 (Private Security Instructor Evaluation) (optional);

(E) If currently employed, an original, completed Form PS-20 (Private Security Services Provider Temporary Work Permit). Temporary Work Permits will not be issued to armed private security professionals or private security instructors;

(F) A completed Form PS-27 (Private Security Professional Code of Ethics) affirming moral fitness and professional standards;

(G) All applicants for instructor certification must submit a resume demonstrating they meet the instructor prerequisites as described in OAR 259-060-0135; and

(H) Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500.

(b) The application packet for renewing certification or licensure as a private security provider must be completed in its entirety and must include:

(A) A completed Form PS-21 (Application for Renewal of Private Security Certification/Licensure);

(B) A completed Form PS-27 affirming moral fitness and professional standards;

(C) The original Form PS-6 completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program.

(D) All applicants for renewal of instructor certification must submit a Form PS-8 (Continuing Education Form); and

(E) Nonrefundable renewal certification or licensure fees as prescribed by OAR 259-060-0500;

(c) The application packet for adding certification or licensure as a private security provider must be completed in its entirety and must include:

(A) A completed Form PS-1;

(B) The original Form PS-6 completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program.

(C) If currently employed, an original, completed Form PS-20. Temporary Work Permits will not be issued to armed private security professionals or private security instructors;

(D) Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500;

(E) Individuals applying to add private security instructor certification must submit a resume demonstrating they meet the instructor prerequisites as described in OAR 259-060-0135.

(F) Individuals currently certified as an unarmed private security provider applying to add armed private security certification must carry a copy of the Form PS-6 and the Form PS-23 (Change of Information) while performing private security services until a new certificate is received.

(d) The application packet for upgrading from unarmed private security professional to an armed private security professional must be completed in its entirety and must include:

(A) A completed Form PS-1;

(B) The original Form PS-6 completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program.

(C) Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500;

(D) Individuals currently certified as an unarmed private security provider applying to upgrade to armed private security certification must carry a copy of the Form PS-6 and the Form PS-23 (Change of Information) while performing private security services until a new certificate is received.

(3) Timelines.

(a) A completed application packet must be mailed to the Department and postmarked prior to the applicant performing any private security services.

(b) Renewal application documents must be received by the Department within 180 days prior to the expiration date of the certification or licensure to allow for processing of the forms and criminal history check.



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(c) If a renewal applicant is currently employed and submits a renewal application packet less than 30 days prior to the expiration of certification or licensure, the submission of a Form PS-20 is required to continue providing private security services while the application packet is being processed.

(d) A late submission penalty will be assessed as prescribed in OAR 259-060-0500 if reapplying after the expiration date of the certification or licensure.

(e) Applicants renewing their certification or licensure more than four years after the expiration date of the certification or licensure must submit a new application packet in accordance with subsection (2)(a) of this rule.

(4) The Department may administratively terminate the application process if the Department is unable to complete the certification process due to non-response or non-compliance, or upon the discovery of disqualifying criminal convictions or any violation of the temporary work permit provisions, the Act or these rules.

(a) Once the application process has been administratively terminated, the applicant may not perform private security services.

(b) To re-apply, applicants will be required to re-submit an application packet with all deficiencies corrected, including new fees and proof of valid training.

(5) A Notice of Deficiency will be issued to an applicant whose application packet is determined by the Department to be incomplete or insufficient. If the deficiency is not corrected within 21 days of the date of the Notice of Deficiency, the application process will be administratively terminated.

(6) Any exception to the application process found in this rule must be approved by the Department.

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

Stat. Auth.: ORS 181.873 - 181.878 & 181.883 - 181.885

Stats. Implemented: ORS 181.873 - 181.878 & 181.883 - 181.885

Hist.: DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12

## 259-060-0030

### Temporary Assignments

(1) Temporary Work Permits. Employing, licensed managers may issue Temporary Work Permits to private security providers upon verification that all application requirements have been completed.

(a) Temporary work permits must be requested on a Form PS-20 (Temporary Work Permit). The Form PS-20 is a three-page document which requires an original signature on all three pages.

(A) The appropriate portion of the Form PS-20 must be mailed to the Department and must be postmarked on or before the first day the applicant performs private security services.

(B) The appropriate copy of the Form PS-20 must be retained by the employer and employee and kept on his person at all times while providing security services in the state of Oregon or while on duty.

(C) The employee's copy must be presented to any DPSST staff member, law enforcement officer or Oregon Liquor Control Commission agent upon demand or any other person upon reasonable request.

(b) Temporary Work Permits may be held for up to 120 days.

(c) Employing, licensed managers may only issue one Temporary Work Permit per employee. Subsequent Temporary Work Permits may be issued by contacting the Department and receiving approval.

(d) Upon request, an employing, licensed manager may replace a Temporary Work Permit that has been lost or destroyed.

(e) Temporary work permits may not be issued to armed private security professionals or instructors.

(f) Managers may self-issue a temporary work permit upon completion of all application requirements.

(g) The Department may, upon written notice, administratively terminate a Temporary Work Permit for the following reasons:

(A) The Department has reason to believe that a person with the applicant's name and birth date fails to meet the minimum moral fitness standards as described in OAR 259-060-0020 and 259-060-0300;

(B) An application is incomplete or the Department has been unable to verify application information to its satisfaction due to non-response or non-compliance of the applicant; or

(C) The holder of the Temporary Work Permit has violated any provisions of the Temporary Work Permit, the Act or these administrative rules.

(h) Upon notification from the Department that the Temporary Work Permit has been administratively terminated, the applicant may not perform private security services.

(i) A new application packet, including all required fees and proof of valid training, must be submitted as prescribed in OAR 259-060-0025 prior to the issuance of a new Temporary Work Permit.

(2) Reciprocity.

(a) As prescribed by ORS 181.873(2), an employing, licensed executive manager may temporarily assign a person who is not certified as a private security professional in the state of Oregon to perform private security services in this state for a period of time not to exceed 90 days if:

(A) The person is employed in another state;

(B) The person holds a private security professional's certification or license from another state; and

(C) The certification or licensing standards of the other state meet or exceed the standards of this state.

(b) Reciprocity must be requested on a Form PS-9 (Private Security Waiver for Reciprocity.) The Form PS-9 is a triplicate form.

(A) The appropriate portion of the Form PS-9 must be mailed to the Department and must be postmarked on or before the first day the applicant performs private security services.

(B) The appropriate copy of the Form PS-9 must be retained by the employer and employee and kept on his person at all times while providing security services in the state of Oregon or while on duty.

(C) The employee's copy must be presented to any DPSST staff member, law enforcement officer or Oregon Liquor Control Commission agent upon demand or any other person upon reasonable request.

(c) Only one Form PS-9 will be authorized per private security provider in a 24-month period. Additional Form PS-9's may be issued by contacting the Department and receiving approval prior to the issuance of the PS-9.

Stat. Auth.: ORS 181.873 - 181.878 & 181.883 - 181.885

Stats. Implemented: ORS 181.873 - 181.878 & 181.883 - 181.885

Hist.: DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12

## 259-060-0060

### Minimum Standards for Training

(1) All private security training courses and examinations will be based upon a curriculum approved by the Board.

(2) All required training and testing must be conducted by a certified private security instructor as defined in OAR 259-060-0010 or by a Department designee.

(3) All required firearms training must be administered by a certified private security firearms instructor.

(4) The Department will deliver orientation training to managers and instructors.

(5) All training must be delivered in English and assessments and written exams must be completed in English, without assistance.

(6) The Department website will provide names of instructors who have requested on a Department-approved form that their names be available to applicants.

(7) Only a certified private security instructor delivering the training on-site may sign a Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results).

(8) It is the responsibility of the applicant or private security provider to submit the original Form PS-6 to the Department upon completion of training as specified in these rules. The Form PS-6 must be signed by the certified instructor who administered the training and enclosed in a tamper-proof bag, sealed by the instructor.

(9) To satisfy the training requirements for private security certification or licensure, training must be completed and submitted to the Department on a Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results) within 180 days of the training being completed.

(10) Private Security Course Descriptions.

(a) Basic Classroom Instruction. Basic classroom consists of live classroom instruction which may include use of a subject matter expert, audio and visual instruction. Instructors must provide individuals with a manual of the basic curriculum. Applicants must complete a closed-book written examination.

(b) Assessment Module. The assessment module is a hands-on, practical exercise given to private security professionals that will reinforce the knowledge and techniques presented during classroom instruction. The module consists of evaluation and includes, but is not limited to, scenarios requiring application of task-related skills learned in the basic classroom instruction.

(c) Basic Firearms Training. Basic Firearms training must include:

(A) A minimum of 24 hours of instruction and an open-book written examination covering firearms instruction materials;

(B) A safe gun handling test; and

# ADMINISTRATIVE RULES

(C) A marksmanship qualification using firearms qualification standards and targets.

(d) Instructor Course. The instructor course teaches curriculum, instructing techniques, and Department policies and procedures. The course includes classroom instruction, an assessment module and a written examination. Training must be delivered by the Department or designee. Instructor applicants must use a Board-approved manual to review the training in a self-study environment; and

(e) Manager Course. The manager course trains on Department policies and procedures. The course includes classroom instruction, an assessment module and a written examination. Private security manager applicants must use a Board-approved manual to review the training in a self-study environment.

(11) Private Security Certification and Licensure Maintenance Course Descriptions.

(a) Annual Firearms Marksmanship Requalification and Refresher Course includes an annual firearms marksmanship requalification and the annual armed 4-hour classroom refresher course and closed-book written examination.

(b) Biennial Refresher Training includes four hours of biennial refresher training related to the current level of certification and in accordance with OAR 259-060-0120, 259-060-0130, and 259-060-0135.

(c) Annual Firearms Instructor Marksmanship Qualification includes an annual firearms marksmanship requalification.

(12) Applicants must achieve a score of 100 percent on all examinations and assessments with remediation in accordance with OAR 259-060-135(8).

(13) All private security providers who have previously been certified or licensed by the Department as a private security provider whose certification or licensure has been expired for over four years from must reapply and complete all required training again in accordance with OAR 259-060-0025(2)(a).

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

Stat. Auth.: ORS 181.878 & 181.883

Stats. Implemented: ORS 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 4-2007, f. & cert. ef. 2-15-07; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12

## 259-060-0090

### Challenge of Alarm Monitor Classroom Instruction and Assessment Module

(1) At the discretion of the Department, an applicant for alarm monitor supervisory manager licensure, alarm monitor executive manager licensure, or alarm monitor instructor certification employed outside the state of Oregon may challenge the basic classroom instruction training requirement described in these rules if the person has three or more years experience in the field of alarm monitoring.

(a) The applicant will only be given one opportunity to challenge the basic classroom instruction course by successfully completing the required written examination administered by the Department or designee in accordance with these rules.

(b) Failure to obtain a passing score on the challenged examination will require attendance at a basic classroom instruction course and successful completion of the examination.

(c) Upon a successful challenge of the classroom instruction, each applicant will receive a private security professional manual, containing the basic classroom instruction curriculum, to serve as a resource for the challenging applicant.

(2) The Department may waive the assessment module training requirement for alarm monitor instructor certification for applicants with three or more years experience instructing in the field of alarm monitoring.

Stat. Auth.: ORS 181.878 & 181.883

Stats. Implemented: ORS 181.878 & 181.883

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 11-2007, f. & cert. ef. 10-15-07; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12

## 259-060-0092

### Accreditation of Private Security Training Programs

(1) An employer seeking accreditation of training programs pursuant to ORS 181.878(3) must submit:

(a) A completed application on a form approved by the Department;

(b) A course syllabus with an hour- breakdown of the course outline and training schedule;

(c) A complete copy of the course curriculum; and

(d) Any required fees.

(2) Applications for accreditation that are determined by the Department to be incomplete or insufficient will be returned to the designated accreditation program manager and executive manager with a Notice of Deficiency.

(a) The provider must correct deficiencies and resubmit all required information in accordance with subsection (1) of this rule to reapply.

(b) If the deficiency is not corrected within 21 days of the date of the Notice of Deficiency, the request for accreditation will be administratively terminated.

(3) Upon approval of an application, a written accreditation agreement will be prepared. This agreement will not be valid until signed by the Department, the security service provider's executive manager, and the designated accreditation program manager who is responsible for the administration of the accredited program.

(4) The accreditation agreement must be renewed every two years in accordance with subsection (1) of this rule.

(5) Certified private security instructors must administer the delivery and instruction of the accredited curriculum in accordance with OAR 259-060-0135.

(6) The Department may conduct periodic reviews of an accredited program at its discretion or upon constituent request.

(a) The review may consist of physical audits, written questionnaires, and the monitoring of training and testing processes during the delivery of accredited portions of a training program.

(b) During a review, the Department will, within a reasonable amount of time, be given access to personnel training records to verify training received under an accredited program.

(7) An accreditation agreement may be terminated for any of the following reasons:

(a) Any violation of the Act or these administrative rules;

(b) Failure to comply with the terms of the accreditation agreement; or

(c) At the discretion of the Department or the service provider with 14 days written notice.

(8) The executive manager, on behalf of the private security company, business or entity, will have the right to appeal a proposed termination of an accreditation agreement. The appeal must be in writing and addressed to the Department.

(9) The Department may work with the company, business or entity to correct any violation and continue the accreditation agreement upon a finding of good cause.

(10) Individuals or private security companies, businesses or entities that use another company's, business's or entity's accredited training program must also enter into an accreditation agreement with the Department before using the accredited program.

Stat. Auth.: ORS 181.878 & 181.883

Stats. Implemented: ORS 181.878 & 181.883

Hist.: DPSST 4-2007, f. & cert. ef. 2-15-07; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12

## 259-060-0120

### Private Security Professional Certification and Responsibilities

(1) All private security professional applicants must complete an application in accordance with OAR 259-060-0025.

(2) All private security professionals must be in compliance with the minimum standards for certification as listed in OAR 259-060-0020.

(3) Alarm Monitor Private Security Professional.

(a) A certified private security alarm monitor professional is authorized to perform the duties defined in OAR 259-060-0010.

(b) Basic training consists of successful completion of eight hours of alarm monitor basic classroom instruction and exam and a four-hour alarm monitor assessment.

(c) Biennial alarm monitor renewal training consists of a four-hour alarm monitor renewal course and exam. To satisfy the renewal training requirements, training must be completed no more than 180 days before the expiration of the current certification.

(4) Unarmed Private Security Professional.

# ADMINISTRATIVE RULES

(a) A certified unarmed private security professional is authorized to perform the duties defined in OAR 259-060-0010.

(b) Basic training consists of successful completion of eight hours of unarmed basic classroom instruction and exam and a four-hour unarmed assessment.

(c) Biennial unarmed renewal training consists of a four-hour unarmed renewal course and exam. To satisfy the renewal training requirements, training must be completed no more than 180 days before the expiration of the current certification.

(5) Armed Private Security Professional.

(a) A certified armed private security professional is authorized to perform the duties defined in OAR 259-060-0010.

(b) In addition to the minimum standards for unarmed certification, armed professionals must also be in compliance with the firearms standards listed in OAR 259-060-0020.

(c) Basic training consists of successful completion of:

(A) Eight hours of unarmed basic classroom instruction, exam and four-hour unarmed assessment; and

(B) Basic firearms training as defined in OAR 259-060-0060 which consists of a minimum 24 hours of basic armed instruction, a written examination, safe gun handling test and marksmanship qualification.

(d) Armed annual refresher training consists of a minimum of four hours including the armed refresher training course and exam and firearms marksmanship requalification. To satisfy the training requirements, armed annual refresher training must be completed no more than 180 days before the certification anniversary or expiration of the current certification.

(e) In addition to the annual refresher training, armed private security professionals must complete an unarmed renewal training biennially. Renewal training must be completed no more than 180 days before the expiration of the current certification.

(6) Department-accredited training may satisfy the training requirements listed above.

(7) Failure to complete any training requirements as prescribed by this rule may result in denial or revocation of private security certification or licensure as prescribed in OAR 259-060-0300 and civil penalties as prescribed in OAR 259-060-0450.

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

Stat. Auth.: ORS 181.873 - 181.878 & 181.883 - 181.885

Stats. Implemented: ORS 181.873 - 181.878 & 181.883 - 181.885

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 3-2005(Temp), f. 4-25-05, cert. ef. 5-1-05 thru 10-28-05; DPSST 9-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 4-2007, f. & cert. ef. 2-15-07; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12

## 259-060-0130

### Private Security Executive Manager and Supervisory Manager Licensure and Responsibilities

(1) All private security executive or supervisory manager applicants must complete an application in accordance with OAR 259-060-0025.

(2) All private security executive or supervisory manager applicants must be in compliance with the minimum standards for licensure as listed in OAR 259-060-0020.

(3) Private security executive managers are responsible for ensuring compliance of all private security providers employed by businesses or entities by which the executive manager is employed or contracted. An executive manager is authorized to perform the duties defined in OAR 259-060-0010.

(4) Private security supervisory managers have the responsibility and authority of supervising persons providing security services. A supervisory manager is authorized to perform the duties defined in OAR 259-060-0010.

(5) Basic training for executive and supervisory private security managers consists of successful completion of the following:

(a) Eight-hour basic classroom instruction and exam; and

(b) Manager course, exam and assessment module.

(6) Biennial renewal training consists of the manager course, exam and assessment module.

(7) Each business, employer or entity with private security professional staff of at least one person must designate an individual to perform the duties of an executive manager as described in these rules. This provision applies to any business, employer or entity that provides private security services within this state, regardless of whether the business, employer or entity is located in or out of this state.

(a) An employer may obtain licensure for more than one executive manager.

(b) In the event of a staff change of executive managers or supervisory managers, the company or entity must select a replacement manager and immediately notify the Department of the staff change on the Form PS-23 (Change of Information.)

(8) Employing, licensed managers may issue temporary work permits to private security applicants upon verification that all application requirements have been completed.

(9) An executive manager is authorized to contract with businesses or entities to provide services as an executive manager.

(a) An executive manager is required to notify the Department in writing of the names, addresses and contact information of each business or entity with which they contract within two days of beginning the contract.

(b) An executive manager must notify the Department within two days of the termination or completion of a contract with a business or entity.

(10) A licensed manager who performs private security services must complete the full training required for that classification and be certified.

(11) Failure to complete any training requirements as prescribed by this rule may result in denial or revocation of private security certification or licensure as prescribed in OAR 259-060-0300 and civil penalties as prescribed in OAR 259-060-0450.

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

Stat. Auth.: ORS 181.873 - 181.878 & 181.883 - 181.885

Stats. Implemented: ORS 181.873 - 181.878 & 181.883 - 181.885

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12

## 259-060-0135

### Private Security Instructor Certification and Responsibilities

(1) The Department will certify instructors deemed qualified to instruct any required private security professional training courses.

(2) All private security instructor applicants must complete an application in accordance with OAR 259-060-0025.

(3) All private security instructor applicants must be in compliance with the minimum standards for certification as listed in OAR 259-060-0020. In addition, applicants must:

(a) Have a minimum three years of work experience in private security services, military police, or law enforcement fields; and

(b) Applicants for certification as a firearms private security instructor must be in compliance with the firearms standards listed in OAR 259-060-0020.

(4) Private security instructors are authorized to instruct and deliver private security professional courses based on the approved or accredited private security professional course content and materials provided by the Department.

(a) Private security instructors must remediate or fail applicants as necessary.

(b) Private security instructors must provide all applicants with appropriate training manuals.

(c) Only a certified private security instructor delivering the training on-site may sign a Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results).

(d) Only private security firearms instructors are authorized to instruct and administer basic and renewal firearms training.

(e) All private security instructors must instruct courses in a manner that is consistent with the minimum requirements of the Department, including safety provisions. Training facilities must be an environment conducive to learning.

(5) Alarm monitor private security instructor.

(a) Basic training consists of the successful completion of:

(A) Alarm monitor basic classroom instruction and exam;

(B) Alarm monitor assessment; and

(C) Alarm monitor private security instructor course.

(b) Biennial alarm monitor private security instructor renewal training consists of the successful completion of:

(A) Alarm monitor private security instructor course; and

(B) A minimum of eight hours of coursework relating to any of the specific subjects being taught or a minimum of eight hours of coursework relating to improving instructor skills.

(6) Unarmed private security instructor.



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- (a) Basic training consists of the successful completion of:
  - (A) Unarmed basic classroom instruction and exam;
  - (B) Unarmed assessment; and
  - (C) Unarmed private security instructor course and exam.
- (b) Biennial unarmed private security instructor renewal training consists of the successful completion of:
  - (A) Unarmed private security instructor course and exam; and
  - (B) A minimum of eight hour of coursework relating to any of the specific subjects being taught or a minimum of eight hours of coursework relating to improving instructor skills.
- (7) Firearms Private Security Instructor.
  - (a) Basic training consists of the successful completion of:
    - (A) Basic unarmed classroom instruction and exam;
    - (B) Basic unarmed assessment;
    - (C) Basic firearms training;
    - (D) Department-administered firearms private security instructor course and Department-approved marksmanship qualification; and
    - (E) Proof of successful completion of training from one or more of the following sources no more than five years prior to the time of application:
      - (i) The National Rifle Association Law Enforcement Firearms Instructor Development School;
      - (ii) A firearms instructor through the Federal Law Enforcement Training Center;
      - (iii) A Department-certified law enforcement or criminal justice firearms instructor course;
      - (iv) A firearms instructor through the Federal Bureau of Investigation;
      - (v) A private security firearms instructor through the Washington Criminal Justice Training Center; or
      - (vi) A qualified instructor certification or training course as determined by the Department.
  - (b) Firearms private security instructors must successfully complete annual firearms instructor marksmanship qualifications. Instructors must qualify on a target authorized by the Department, within three attempts in one day.
  - (c) Biennial renewal consists of successful completion of the firearms private security instructor course, written exam, and marksmanship qualifications.
  - (8) Certified private security instructors who simultaneously hold certification as a private security professional are exempt from the required private security professional renewal training if they deliver the basic curriculum of the discipline for which they are certified at least one time per year.
  - (9) Applicant Remediation/Failure. When an applicant fails to successfully complete any portion of the required training the instructor must remediate or fail the applicant as follows:
    - (a) If a test score is between 85 and 99 percent, the instructor must remediate the incorrect test responses by reviewing each incorrect test question with the applicant, explaining the principle behind the question, the correct answer, and the basis for the correct answer. The instructor must assess whether oral responses from the applicant indicate that the applicant understands the underlying principles. An inappropriate answer may result in the termination of training and indication on the training affidavit that the applicant has failed to successfully complete the required training.
    - (b) If a test score is below 85 percent correct, the instructor must fail the applicant or require the applicant repeat the deficient section missed of the curriculum and retake the exam.
    - (c) The instructor may remediate and re-test an applicant who fails to score 100% on the firearms marksmanship qualification course. Re-qualification attempts are limited to three in a single session.
    - (d) An applicant who is unable to successfully achieve a training standard must be failed. Any instructor who fails an applicant must:
      - (A) Fully document the reason for failure;
      - (B) Retain documentation of failure in the instructor's file for a minimum period of two years; and
      - (C) Notify the Department within 48 hours of the failure by submitting a Form PS-6 indicating that an individual has failed.
  - (10) Instructors may terminate training if, in the instructor's opinion, the applicant is unfit to proceed, taking into consideration the applicant's poor judgment, unsafe practices, abnormal behavior or other relevant factors. The instructor must immediately notify the applicant of the reason for termination of training and must also notify the Department within 48 hours in writing, using a Form PS-6.
  - (11) Training Records.
    - (a) Instructors must maintain the following documents in separate class files for a period of two years:

- (A) A Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results) for each applicant;
  - (B) All written exams, assessments and any applicable qualification records;
  - (C) A training outline for the curriculum used, including any references to any resources used; and
  - (D) A class roster, including the name and address of each applicant.
- (b) Upon successful completion of all requirements, the instructor must provide the applicant the accurately-completed, original Form PS-6, sealed in a tamper-proof bag. The instructor will also supply the applicant with a colored carbon copy of the Form PS-6.
  - (c) Instructors will provide additional copies of the Form PS-6 to applicants at any time during the life of their training at reasonable expense to the applicant.
  - (12) Failure to complete any training requirements as prescribed by this rule may result in denial or revocation or private security certification or licensure as prescribed in OAR 259-060-0300 and civil penalties as prescribed in OAR 259-060-0450.

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

Stat. Auth.: ORS 181.878 & 181.883

Stats. Implemented: ORS 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 11-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 4-2007, f. & cert. ef. 2-15-07; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12

## 259-060-0145

### Crowd Management, Event or Guest Services

- (1) A person performing crowd management, event or guest services who is armed, permitted to initiate confrontational activities, hired with the primary responsibility of taking enforcement action as described in ORS 181.870(8)(f), or performing any other private security service must be certified or licensed as described in the Act and these rules.
  - (2) Crowd Management, Event Services, or Guest Service managers, contractors or companies who employ individuals to provide private security services must:
    - (a) Employ or contract with a licensed executive manager;
    - (b) Require individuals performing or expected to perform private security services obtain certification;
    - (c) Require all individuals who supervise certified private security professionals or crowd management, event or guest services staff to be licensed in accordance to OAR 259-060-0130;
    - (d) Provide one certified private security professional on-site for every 10 or fewer crowd management or event staff;
    - (e) Provide documentation confirming private security certifications, licenses and appropriate staffing ratio found in (1)(d) upon request; and
    - (f) Provide crowd management staff technological communication or visibility of a certified private security professional when action is needed as required in ORS 181.871.
  - (3) Pursuant to ORS 181.871, non-certified and non-licensed staff performing crowd management can only be used during a time when a crowd has assembled for the purpose of attending or taking part in an organized event, including pre-event assembly, event operation hours and post-event departure activities.
  - (4) Civil penalties may be assessed for violation of these rules in accordance with OAR 259-060-0450.

Stat. Auth.: ORS 181.873 - 181.878 & 181.883 - 181.885  
Stats. Implemented: ORS 181.873 - 181.878 & 181.883 - 181.885  
Hist.: DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12
- ## 259-060-0300
- ### Denial/Suspension/Revocation
- (1) It is the responsibility of the Board, through the Private Security and Investigator Policy Committee, to set the standards, and of the Department to uphold them, to ensure the highest level of professionalism and discipline. The Board will uphold these standards at all times unless the Board determines that neither the safety of the public or respect of the profession is compromised.

Mandatory Grounds for Denying, Suspending or Revoking Private Security Certification or Licensure
  - (2) The Department must deny or revoke a certification or license of any applicant or private security provider after written notice and hearing, upon a finding that the applicant or private security provider:

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(a) Has been convicted of a person felony as defined by the Criminal Justice Commission in OAR 213-003-0001 or any crime with similar elements in any other jurisdiction;

(b) Is required to register as a sex offender under ORS 181.595, 181.596, 181.597 or 181.609; or

(c) Has, within a period of ten years prior to application or during certification or licensure, been convicted of the following:

(A) Any felony other than those described in subsection (a) above in this or any other jurisdiction;

(B) A person misdemeanor as defined by the Criminal Justice Commission in OAR 213-003-0001 or any crime with similar elements in any other jurisdiction;

(C) Any crime involving any act of domestic violence as defined in ORS 135.230 or any crime with similar elements in any other jurisdiction;

(D) Any misdemeanor or felony conviction involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic, or dangerous drug in this or any other jurisdiction;

(E) Any misdemeanor arising from conduct while on duty as a private security provider; or

(F) Any of the following misdemeanors:

161.405(2)(d) (Attempt to Commit a Class C Felony or Unclassified Felony)

161.435(2)(d) (Solicitation of a Class C Felony)

161.450(2)(d) (Conspiracy to Commit a Class A misdemeanor)

162.075 (False Swearing)

162.085 (Unsworn Falsification)

162.145 (Escape III)

162.235 (Obstructing Governmental or Judicial Administration)

162.247 (Interfering with a Peace Officer)

162.295 (Tampering with Physical Evidence)

162.335 (Compounding a Felony)

162.365 (Criminal Impersonation)

162.369 (Possession of a False Law Enforcement Identification Card)

162.375 (Initiating a False Report)

162.385 (Giving False Information to Police Officer for a Citation or Arrest on a Warrant)

162.415 (Official Misconduct I)

163.435 (Contributing to the Sexual Delinquency of a Minor)

164.043 (Theft III)

164.045 (Theft II)

164.125 (Theft of Services)

164.140 (Criminal Possession of Rented or Leased Personal Property)

164.235 (Possession of Burglar's Tools)

164.255 (Criminal Trespass I)

164.265 (Criminal Trespass while in Possession of a Firearm)

164.335 (Reckless Burning)

164.354 (Criminal Mischief II)

164.369 (Interfering with Police Animal)

164.377(4) (Computer Crime)

165.007 (Forgery II)

165.055(4)(a) (Fraudulent Use of a Credit Card)

165.065 (Negotiating a Bad Check)

165.750 (Improper Use of Emergency Reporting System)

166.115 (Interfering with Public Transportation)

166.240 (Carrying of Concealed Weapons)

166.250 (Unlawful Possession of Firearms)

166.350 (Unlawful Possession of Armor Piercing Ammunition)

166.425 (Unlawful Purchase of Firearm)

167.007 (Prostitution)

167.062 (Sodomosexual Abuse or Sexual Conduct in a Live Show)

167.075 (Exhibiting an Obscene Performance to a Minor)

167.080 (Displaying Obscene Material to Minors)

167.262 (Adult Using Minor in Commission of Controlled Substance Offense)

167.320 (Animal Abuse I)

167.330 (Animal Neglect I)

471.410 (Providing Liquor to a Person Under 21 or Intoxicated Person)

807.620 (Giving False Information to a Police Officer/Traffic)

811.540(3)(b) (Fleeing or Attempting to Elude Police Officer)

Any crime with similar elements in any other jurisdiction.

(3) Emergency Suspension Order: The Department may issue an emergency suspension order pursuant to OAR 137-003-0560 immediately suspending a private security provider's certification or licensure upon finding that a person has been charged with any of the mandatory disqualifying crimes listed in section (2) of this rule. The report may be in any form and from any source.

(a) The Department may combine the hearing on the Emergency Suspension Order with any underlying proceeding affecting the license or certificate.

(b) The sole purpose of the emergency suspension hearing will be to determine whether the individual was charged with a mandatory disqualifying crime. Upon showing that an individual was not charged with a mandatory disqualifying crime, the suspension of the individual's certification or licensure will be rescinded, otherwise the suspension will remain in effect until final disposition of the charges.

Discretionary Grounds for Denying, Suspending or Revoking Private Security Certification or Licensure

(4) The Department may deny or revoke the certification or licensure of any applicant or private security provider after written notice and hearing, upon finding that an applicant or private security provider:

(a) Fails to meet the minimum standards for certification or licensure as a private security provider as defined in OAR 259-060-0020;

(b) Has falsified any information submitted on the application for certification or licensure or any documents submitted to the Department pertaining to private security certification or licensure;

(c) Has violated any of the temporary assignment provisions of OAR 259-060-0120(1);

(d) Has failed to submit properly completed forms or documentation in a time frame as designated by the Department;

(e) Has failed to pay a civil penalty or fee imposed by the Department when due;

(f) Has failed to comply with any provisions found in the Act or these rules; or

(g) Lacks moral fitness. For the purposes of this standard, the Department, through the Policy Committee and Board, has defined lack of moral fitness as:

(A) Dishonesty. Lack of honesty includes, but is not limited to, untruthfulness, dishonesty by admission or omission, deception, misrepresentation or falsification;

(B) Lack of Good Character. Lack of good character includes, but is not limited to, failure to be faithful and loyal to the employer's charge and failure to use discretion and compassion;

(C) Mistreatment of Others. Mistreatment of others includes, but is not limited to, violating another person's rights and failure to respect others;

(D) Lack of Public Trust. Failure to maintain public trust and confidence includes, but is not limited to, acting in an unlawful manner or not adhering to recognized industry standards; or

(E) Lack of Respect for the Laws of this State or Nation. Lack of respect for the laws of this state and nation includes a pattern of behavior which leads to three or more arrests or convictions within a ten-year period prior to application or during certification or licensure. Procedure for Denial or Revocation of Certification or Licensure

(5) Scope of Revocation. Whenever the Department revokes the certification or licensure of a private security provider under the provisions of this rule, the revocation will encompass all private security certificates and licenses the Department has issued to that person.

(6) Denial and Revocation Procedure.

(a) Employer Request: When the employer of the private security provider requests that certification or licensure be denied or revoked, the employer must submit in writing to the Department the reason for the requested action and include all factual information supporting the request.

(b) Department Initiated Request: Upon receipt of factual written information from any source other than an employer, and pursuant to ORS 181.878, the Department may request that the Board deny, revoke or suspend the private security provider's certification or licensure.

(c) Department Staff Review:

(A) When the Department receives information, from any source, that a private security provider may not meet the established standards for Oregon private security providers, the Department will review the request and the supporting factual information to determine if a sufficient factual basis exists to support the request for denial, suspension, or revocation of a private security license or certification under the Act or these administrative rules

(B) If the Department determines that a private security provider may have engaged in discretionary disqualifying misconduct, the case may be presented to the Board, through the Policy Committee. The Department will seek input from the affected private security provider by allowing the individual to provide, in writing, information for the Policy Committee and Board's review.

(d) Policy Committee and Board Review: In making a decision to authorize initiation of proceedings under subsection (e) of this rule based on discretionary disqualifying misconduct, the Policy Committee and Board will consider mitigating and aggravating circumstances.

(e) Initiation of Proceedings: Upon determination that a sufficient factual basis exists to support the request for denial, suspension, or revocation of a private security license or certification under the Act or these administrative rules, the Department will prepare and serve a contested case notice on the private security provider.

(A) All contested case notices will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

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(B) In discretionary cases heard by a policy committee, the contested case notice will be served on the private security provider prior to Board review. If the Board disapproves the Policy Committee's recommendation, the Department will withdraw the contested case notice.

(C) Applicants who choose to withdraw their application forfeit their application fees.

(f) Response Time:

(A) A party who has been served with an Emergency Suspension Order has 90 days from the date of mailing or personal service of the Order in which to file a written request for hearing with the Department.

(B) A party who has been served with a Contested Case Notice of Intent to Deny Certification or Licensure has 60 days from the date of mailing or personal service of the notice in which to file a written request for hearing or a written request withdrawing their application from consideration with the Department.

(C) A party who has been served with a Contested Case Notice of Intent to Revoke Certification or Licensure has 20 days from the date of the mailing or personal service of the notice in which to file a written request for hearing with the Department.

(g) Default Order: If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672.

(h) Final Order:

(A) A final order will be issued pursuant to the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015 if a private security provider fails to file exceptions and arguments within 20 days of issuance of the proposed order.

(B) Department-proposed amendments to the proposed order in a case that was originally heard by a policy committee must be considered and approved by the policy committee that originally reviewed the case before a final order is issued.

(i) Stipulated Order Revoking Certification or Licensure: The Department may enter a stipulated order revoking certification or licensure of a private security provider upon the person's voluntary agreement to terminate an administrative proceeding to revoke a certification or license, or to surrender a certification or license, under the terms and conditions provided in the stipulated order.

Appeals, Ineligibility Period, and Reconsideration

(7) Appeal Procedure. Private security applicants and providers aggrieved by the findings and Order of the Department may file an appeal with the Court of Appeals from the Final Order of the Department, as provided in ORS 183.480.

(8) Notwithstanding section (9) of this rule, any private security applicant or provider whose certification or licensure is denied or revoked will be ineligible to hold any private security certification or licensure for a period of ten years from the date of the final order issued by the Department.

(9) Reconsideration Process. Any individual whose certification or license has been denied or revoked for discretionary grounds may apply for reconsideration of the denial or revocation after a minimum four-year ineligibility period from the date of the final order.

(a) All applicants for reconsideration are required to submit a new application packet along with a Form PS-XX Application for Reconsideration. The applicant may provide any mitigating information for the consideration of DPSST, Policy Committee, and Board.

(b) In reconsidering the application of an applicant whose certification or licensure was previously denied or revoked for discretionary grounds, DPSST, the Policy Committee and the Board may consider mitigating and aggravating circumstances.

(c) The Board's decision to deny an application for reconsideration will be subject to the contested case procedure described under subsection (6) of this rule.

(d) If an application for reconsideration is denied, the original ineligibility date remains in effect as described in subsection (8) of this rule.

Stat. Auth.: ORS 181.878, 181.882 & 181.885  
Stats. Implemented: ORS 181.878 & 181.885

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 10-2003(Temp), f. & cert. ef. 6-16-03 thru 12-1-03; DPSST 12-2003, f. & cert. ef. 7-24-03; DPSST 6-2004, f. & cert. ef. 4-23-04; DPSST 5-2005(Temp), f. & cert. ef. 8-3-05 thru 1-1-06; DPSST 10-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12

## 259-060-0450

### Compliance

(1) The Department may cause administrative proceedings or court action to be initiated to enforce compliance with the Act and these rules.

(2) Violations. The Department may find violation and recommend assessment of civil penalties upon finding that a private security provider, individual, business or entity has previously engaged in or is currently engaging in any of the following acts:

(a) Providing private security services without valid certification or licensure or Temporary Work Permit;

(b) The falsification of any documents submitted to the Department;

(c) Failure to cease providing private security services upon issuance of a cease and desist order, expiration of certification or licensure, notice of termination, suspension, denial or revocation;

(d) Failure to report criminal charges as required in ORS 181.885;

(e) Providing training without a valid certification;

(f) Failure of a private security instructor to instruct the full Department-approved curriculum;

(g) Failure to terminate employment as a private security provider of an individual whose application has been terminated, or whose certification or licensure has been suspended, denied or revoked, upon notice from the Department to do so;

(h) Employing private security providers who have not completed the training and application process required under the Act and these rules;

(i) Failure to employ a licensed executive manager;

(j) Failure to provide technological communication or visibility of a certified security professional to crowd management staff;

(k) Failure to provide documentation of one certified security professional to ten crowd management staff;

(l) Expecting crowd management staff to perform security services duties other than the duties incidental to crowd management; or

(m) Any other violation of requirements of the Act or these rules.

(3) The Department may issue a Demand to Examine Books and Records (DEBR) to obtain any record or document related to compliance.

(a) The Department may cause inspection or audits of the records of any private security provider, business or entity. Records inspected may include any document relating to the requirements of the Act and these rules.

(b) Failure to cooperate or respond to any investigative inquiries or DEBR may result in issuance of a civil penalty as described in this rule and the revocation or denial of certification or licensure as described in OAR 259-060-0300.

(4) The Department may issue a Cease and Desist Order when an individual, business or entity is not in compliance with these rules. The order requires the individual, business or entity to cease and desist providing private security services in the state of Oregon and will remain in effect until the individual, business or entity gains compliance.

(5) Complaints and Allegations of Violations.

(a) All complaints or allegations of violations must be submitted on a Department-approved complaint form before an investigation can be initiated, unless the Department grants an exception. The Department may consider additional credible sources of information to determine non-compliance.

(b) A preliminary administrative review of the complaint or allegation will be conducted by the Department to ensure there is sufficient information to proceed. Staff may conduct a fact-finding preliminary investigation.

(A) If sufficient information is determined to support the complaint or allegation, the Department may open and conduct an investigation and gather relevant information.

(B) Private security providers, applicants, or other involved parties will respond to any questions or requests with 20 days after a request is mailed by the Department, unless an extension is requested and approved by the Department.

(6) Procedures for Proposing a Civil Penalty.

(a) The Department may issue an Allegation of Non-Compliance when there is a reason to believe a violation has occurred. The purpose of this document is to provide education and allow an opportunity to gain compliance within 30 days without penalty.

(b) The Department will issue a Notice of Violation upon discovery of violation as described in this rule. The Notice will include a statement of found violations and proposed sanctions. An individual, business or entity may be given the opportunity to remedy the violation and pay a penalty within 10 days of the mailing of the notice.

(c) The Department, through the Policy Committee and Board, will issue a Notice of Intent to Propose a Civil Penalty upon the failure to rem-



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edy a violation or request an extension within 10 days of the mailing of the Notice of Violation.

(A) The Department may extend the time to remedy a violation upon a showing of good cause.

(B) An individual, business or entity will be given the opportunity to provide mitigation to the Department.

(7) Hearing Request.

(a) If the Department issues a Notice of Intent to Propose Civil Penalty, an individual, business or entity is entitled to a contested case hearing in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

(b) The Department must receive a request for hearing in writing within 20 days of the date the Notice of Intent to Propose Civil Penalty was served on the individual, business or entity.

(8) Default Order. If a timely request for a hearing is not received, the Notice of Intent to Impose a Civil Penalty will become a Final Order Imposing Civil Penalty.

(9) Resolution by Stipulation. The Department is authorized to seek resolution by stipulation, subject to acceptance and approval by the Board or Director, if:

(a) The matter is resolved before entry of a final order assessing penalty;

(b) The respondent satisfies all terms set forth by the Department within the time allowed; and

(c) Any stipulated penalty amount is received by the Department.

(10) Civil Penalty Amounts.

(a) Unarmed private security providers and alarm monitors will be charged a penalty of not less than \$250 for the first violation and a maximum of \$1,500 for each flagrant violation.

(b) Armed private security providers will be charged a penalty of not less than \$500 for the first violation and a maximum of \$1,500 for each flagrant violation.

(c) Private security instructors will be charged a penalty of not less than \$750 for the first violation and a maximum of \$1,500 for each flagrant violation.

(d) Private security managers, contract executive managers and business or entity owners that employ private security staff will be charged a penalty of not less than \$1,000 for the first violation and a maximum of \$1,500 for each flagrant violation.

(e) For the purposes of imposing civil penalties, each 30 day period in violation of the same statute or rule may be considered a separate violation by the Department.

(11) The Department may reduce or waive civil penalties from the amounts set in this rule in situations where further mitigation is warranted or the matter is resolved by stipulation at any time prior to the entry of a final order.

(12) Staff will recommend the full civil penalty amount for individuals, businesses or entities that fail to satisfy the terms as stipulated. The recommendation will be reviewed by the Policy Committee and Board.

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. & cert. ef. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 11-2007, f. & cert. ef. 10-15-07; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12

## 259-060-0500

### License Fees

(1) Payments to the Department are non-refundable, and must be paid by business check, money order, cashier's check or credit card. No personal checks or cash will be accepted.

(2) The Department will charge the following fees:

(a) The fee of \$65 for the issuance of each two-year certification as a private security professional.

(b) Appropriate fees must be submitted with each application for a fingerprint criminal history check. These fees are to recover the costs of administering the fingerprint check through the Oregon State Police and Federal Bureau of Investigation. An additional fee will be charged for the third submittal of fingerprint cards when rejected for filing by FBI. Current fee schedules for processing fingerprints may be obtained from the Department.

(c) The fee of \$75 for the issuance of a two-year license as a supervisory manager.

(d) The fee of \$250 for the issuance of a two-year license as an executive manager.

(e) The fee of \$90 for the issuance of a two-year certification as a private security instructor.

(f) The fee of \$20 for the issuance of each upgrade, duplicate or replacement card issued.

(g) The late submission penalty fee of \$25 will be added to the fees for recertification if the provider fails to complete certification by the expiration date of the license or certificate.

(h) In the event a non-sufficient check is received for payment, an additional \$25 administrative fee will be assessed.

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.878

Hist.: PS 1-1997(Temp), f. 2-21-97, cert. ef. 2-24-97; PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 12-2003, f. & cert. ef. 7-24-03; DPSST 3-2005(Temp), f. 4-25-05, cert. ef. 5-1-05 thru 10-28-05; DPSST 11-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 6-2008, f. & cert. ef. 4-15-08; DPSST 6-02010(T), f. 6-14-10, cert. ef. 7-1-10 thru 12-27-10; DPSST 12-2010, f. & cert. ef. 11-12-10; DPSST 6-2011(Temp), f. 6-14-11, cert. ef. 7-1-11 thru 12-1-11; DPSST 12-2011, f. & cert. ef. 8-1-11; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12

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## Department of State Lands

### Chapter 141

**Rule Caption:** Adopting new and amending existing rules governing the establishment marine reserves and marine protected areas.

**Adm. Order No.:** DSL 4-2012

**Filed with Sec. of State:** 10-16-2012

**Certified to be Effective:** 12-1-12

**Notice Publication Date:** 6-1-2012

**Rules Adopted:** 141-142-0045, 141-142-0050, 141-142-0055, 141-142-0060, 141-142-0065, 141-142-0070, 141-142-0075, 141-142-0080, 141-142-0085, 141-142-0090, 141-142-0095

**Rules Amended:** 141-142-0010, 141-142-0015, 141-142-0020, 141-142-0025

**Subject:** During the 2009 session of the Oregon Legislative Assembly, House Bill 3013 (codified as ORS 196.540 to 196.555) was enacted. ORS 195.540 provides that the State Land Board adopt administrative rules to: "...establish, study, monitor, evaluate and enforce a pilot marine reserve at Otter Rock and a pilot marine reserve and a marine protected area at Redfish Rocks..." and to study and evaluate "potential marine reserves at Cape Falcon, Cascade Head and Cape Perpetua". In addition, ORS 195.555 provides that the State Land Board: "...shall, based on review of the periodic reporting, initiate appropriate rulemaking adjustments that may include size, location and restrictions on marine reserves." In late 2009, pursuant to these statutes, the Department of State Lands developed, and the State Land Board adopted administrative rules governing the management of marine reserves and marine protected areas in the Territorial Sea. These rules specifically established the Otter Rock Marine Reserve and the Redfish Rocks Marine Reserve and Marine Protected Area.

The purpose of this rulemaking activity is to formally establish by rule three additional areas of marine reserves/marine protected areas at Cape Perpetua, Cascade Head and Cape Falcon and a Seabird Protection Area at Cape Perpetua (as recommended by the Oregon Ocean Policy Advisory Council) pursuant to ORS 195.540 and 195.555. These areas were recommended by the Ocean Policy Advisory Council and were established in law during the 2012 Regular Legislative Session.

**Rules Coordinator:** Tiana Teeters—(503) 986-5239

#### 141-142-0010

##### Purpose and Applicability

This division:

(1) Governs the State Land Board establishment and Department of State Lands (Department) management of marine reserves, marine protected areas and seabird protection areas in the Territorial Sea.

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(2) Describes uses that the Department may authorize within areas designated as a marine reserve, marine protected area, or seabird protection area.

(3) Identifies areas of state-owned submerged and submersible land in the Territorial Sea managed by the Department that the State Land Board has designated as a marine reserve, marine protected area, or seabird protection area.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 847

Hist.: DSL 10-2009, f. & cert. ef. 12-15-09; DSL 4-2012, f. 10-16-12, cert. ef. 12-1-12

## 141-142-0015

### Definitions

As used in this division, unless the context requires otherwise:

(1) "Authorization" means a lease, registration, short-term access authorization, temporary use authorization, public facility license, easement or other authorization the Department grants that allows a person to use, or place a structure in, on, under or over state-owned submerged land, state-owned submersible land, or both in the Territorial Sea.

(2) "Department" means the Department of State Lands.

(3) "Disturbance" means the extraction of living organisms and non-living materials, or human induced changes to the environment.

(4) "Extractive Activity" means any human effort to remove or attempt to remove any living or non-living marine resource.

(5) "Extreme Low Water" or "ELWL" [means the lowest elevation reached by the sea as recorded by a water level gauge during a given period. Extreme low water is generally seaward of the "line of ordinary low water" as defined in ORS 274.005(3).]

(6) "Marine Protected Area" means any area of the marine environment within Oregon's Territorial Sea that has been reserved by the state to provide lasting protection for part or all of the natural and cultural resources therein.

(7) "Marine Reserve" is an area within Oregon's Territorial Sea or adjacent rocky intertidal area that is protected from all extractive activities, including the removal or disturbance of living and non-living marine resources, except as necessary for monitoring or research to evaluate reserve condition, effectiveness, or impact of stressors.

(8) "Mean High Water" or "MHWL" is a tidal datum. It is the average of all the high water heights observed over the National Tidal Datum Epoch. For stations with shorter series, comparison of simultaneous observations with a control tide station is made in order to derive the equivalent datum of the National Tidal Datum Epoch. For purposes of the Department's jurisdiction, Mean High Water corresponds generally with the "line of ordinary high water" as defined in ORS 274.005(3).

(9) "National Tidal Datum Epoch" means the specific 19-year period adopted by the National Ocean Service as the official time segment over which tide observations are taken and reduced to obtain mean values (e.g., mean lower low water, etc.) for tidal datums. It is necessary for standardization because of periodic and apparent secular trends in sea level. The present National Tide Datum Epoch is 1983 through 2001 and is actively considered for revision every 20-25 years. Tidal datums in certain regions with anomalous sea level changes are calculated on a Modified 5-Year Epoch.

(10) "Removal-Fill Permit" means an authorization granted by the Department governing the removal, fill, alteration, or any combination thereof of material within the waters of the State of Oregon as provided in ORS 196.668 to 196.692 and ORS 196.800 to ORS 196.990.

(11) "Seabird Protection Area" is an area within Oregon's Territorial Sea that has been reserved by the state for the protection of seabirds.

(12) "State Land" as provided in ORS 273.006(8) means public land controlled by the Department.

(13) "Structure" means anything placed, constructed, or erected in, on, under or over state-owned submerged and submersible land.

(14) "Submerged Land" as provided in ORS 274.005(7), means lands lying below the line of ordinary low water of all navigable waters within the boundaries of this state as heretofore or hereafter established, whether such waters are tidal or nontidal, except as provided in ORS 274.705.

(15) "Submersible Land" as provided in ORS 274.005(8), means lands lying between the line of ordinary high water and the line of ordinary low water of all navigable waters and all islands, shore lands or other such lands held by or granted to this state by virtue of her sovereignty, wherever applicable, within the boundaries of this state as heretofore or hereafter established, whether such waters or lands are tidal or nontidal, except as provided in ORS 274.705.

(16) "Territorial Sea" as provided in ORS 196.405(5), means the waters and seabed extending three nautical/geographical miles seaward from the coastline in conformance with federal law.

(17) "Territorial Sea Plan" as provided in ORS 196.405(6), means the plan for Oregon's Territorial Sea. In addition to the Territorial Sea as defined in section (15), the scope of the Territorial Sea Plan includes the "ocean shore" as defined in ORS 390.605.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 847

Hist.: DSL 10-2009, f. & cert. ef. 12-15-09; DSL 4-2012, f. 10-16-12, cert. ef. 12-1-12

## 141-142-0020

### General Provisions

(1) The Department will only grant an authorization or a removal-fill permit for a regulated removal-fill activity if the use, or removal, fill or alteration of material is necessary to study, monitor, evaluate, enforce or protect or otherwise further the studying, monitoring, enforcement and protection of the marine reserve, marine protected area or seabird protection area.

(2) Applicants for an authorization within a marine reserve, marine protected area or seabird protection area must provide evidence suitable to the Department and other reviewing agencies that their proposed use meets the requirements of OAR 141-142-0020(1) and the management plan adopted and in force for the area at the time the application is submitted.

(3) The Department will honor the terms and conditions of any valid authorization (including any provisions providing for a right of renewal) previously granted by the Department for a use existing within an area designated as a marine reserve, marine protected area, or seabird protection area at the time of its designation if the holder of the authorization is, and continues to be in full compliance with the terms and conditions of the authorization.

(4) The Department will condition any authorization to use or place a structure on, in or over state-owned submerged and submersible land in an area designated as a marine reserve, marine protected area or seabird protection area to require that the holder receive all other authorizations required by the Department (such as a Removal-Fill Authorization under ORS 196.800 to 196.990) and other local, state, and federal entities before using the area.

(5) Any person applying to the Department for an authorization to place any structure on, in or over state-owned submerged and submersible land in an area designated as a marine reserve, marine protected area, or seabird protection area must describe in the application how they will remove the structure pursuant to the requirements of the Territorial Sea Plan.

(6) Notwithstanding the provisions of ORS 274.885 to 274.895, no person may harvest or remove any kelp or other seaweed for any purpose within an area designated as a marine reserve or marine protected area unless expressly authorized by the Department to do so in order to study, monitor, evaluate, enforce or otherwise further the purpose of the marine reserve, marine protected area or seabird protection area.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 847

Hist.: DSL 10-2009, f. & cert. ef. 12-15-09; DSL 4-2012, f. 10-16-12, cert. ef. 12-1-12

## 141-142-0025

### Establishing a Marine Reserve, Marine Protected Area and Seabird Protection Area

In order to be established, marine reserves, marine protected areas and seabird protection areas must be approved by the adoption of an amendment to this division by the State Land Board.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 847

Hist.: DSL 10-2009, f. & cert. ef. 12-15-09; DSL 4-2012, f. 10-16-12, cert. ef. 12-1-12

## 141-142-0045

### Cape Perpetua Marine Reserve

(1) All state-owned submerged and submersible land that is under the jurisdiction of the Department and is bounded by the following points is within the Cape Perpetua Marine Reserve:

(a) Beginning from a point at Latitude 44° 17.00' (44° 17' 0" N), Longitude -124° 6.73' (124° 6' 42" W) (Point A);

(b) Then south along the ELWL to Latitude 44° 16.82' (44° 16' 49.2" N), Longitude -124° 6.69' (124° 6' 41.4" W) (Point B);

(c) Then south along the MHWL to Latitude 44° 16.15' (44° 16' 9" N), Longitude -124° 6.56' (124° 6' 33.6" W) (Point C);

(d) Then south along the ELWL to Latitude 44° 15.81' (44° 15' 48.6" N), Longitude -124° 6.62' (124° 6' 37.2" W) (Point D);

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- (e) Then south along the MHWL to Latitude 44° 14.67' (44° 14' 40.2" N), Longitude -124° 6.84' (124° 6' 50.4" W) (Point E);
- (f) Then south along the ELWL to Latitude 44° 13.50' (44° 13' 30" N), Longitude -124° 6.74' (124° 6' 44.4" W) (Point F);
- (g) Then west to Latitude 44° 13.50' (44° 13' 30" N), Longitude -124° 11.00' (124° 11' 0" W) (Point G);
- (h) Then north to Latitude 44° 17.00' (44° 17' 0" N), Longitude -124° 11.00' (124° 11' 0" W) (Point H);
- (i) Then in a generally easterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 847  
Hist.: DSL 4-2012, f. 10-16-12, cert. ef. 12-1-12

## 141-142-0050

### Cape Perpetua North Marine Protected Area

(1) All state-owned submerged and submersible land that is under the jurisdiction of the Department and is bounded by the following points is within the Cape Perpetua North Marine Protected Area:

- (a) Beginning from a point at Latitude 44° 20.00' (44° 20' 0" N), Longitude -124° 6.04' (124° 6' 2.4" W) (Point A);
- (b) Then south along the MHWL to Latitude 44° 18.60' (44° 18' 36" N), Longitude 124° 6.37' (124° 6' 22.2" W) (Point B);
- (c) Then south to Latitude 44° 18.33' (44° 18' 19.8" N), Longitude -124° 6.39' (124° 6' 23.4" W) (Point C);
- (d) Then south along the MHWL to Latitude 44° 17.00' (44° 17' 0" N), Longitude 124° 6.73' (124° 6' 42" W) (Point D);
- (e) Then west to Latitude 44° 17.00' (44° 17' 0" N), Longitude -124° 10.50' (124° 10' 30" W) (Point E);
- (f) Then north to Latitude 44° 20.00' (44° 20' 0" N), Longitude -124° 10.50' (124° 10' 30" W) (Point F);
- (g) Then in a generally easterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 847  
Hist.: DSL 4-2012, f. 10-16-12, cert. ef. 12-1-12

## 141-142-0055

### Cape Perpetua South-East Marine Protected Area

(1) All state-owned submerged and submersible land that is under the jurisdiction of the Department and is bounded by the following points is within the Cape Perpetua South East Marine Protected Area:

- (a) Beginning from a point at Latitude 44° 13.50' (44° 13' 30" N), Longitude -124° 6.74' (124° 6' 44.4" W) (Point A);
- (b) Then south along the ELWL to Latitude 44° 5.75' (44° 5' 45" N), Longitude -124° 7.53' (124° 7' 31.8" W) (Point B);
- (c) Then west to Latitude 44° 5.75' (44° 5' 45" N), Longitude -124° 8.60' (124° 8' 36" W) (Point C);
- (d) Then north to Latitude 44° 13.50' (44° 13' 30" N), Longitude -124° 8.00' (124° 8' 0" W) (Point D);
- (e) Then in a generally easterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 847  
Hist.: DSL 4-2012, f. 10-16-12, cert. ef. 12-1-12

## 141-142-0060

### Cape Perpetua Seabird Protection Area

(1) All state-owned submerged and submersible land that is under the jurisdiction of the Department and is bounded by the following points is within the Cape Perpetua Seabird Protection Area:

- (a) Beginning from a point at Latitude 44° 13.50' (44° 13' 30" N), Longitude -124° 8.00' (124° 8' 0" W) (Point A);
- (b) Then south to Latitude 44° 5.75' (44° 5' 45" N), Longitude -124° 8.60' (124° 8' 36" W) (Point B);
- (c) Then west to Latitude 44° 5.75' (44° 5' 45" N), Longitude -124° 11.62' (124° 11' 37.2" W) (Point C);
- (d) Then north to Latitude 44° 13.50' (44° 13' 30" N), Longitude -124° 11.00' (124° 11' 0" W) (Point D);

(e) Then in a generally easterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 847  
Hist.: DSL 4-2012, f. 10-16-12, cert. ef. 12-1-12

## 141-142-0065

### Cascade Head Marine Reserve

(1) All state-owned submerged and submersible land that is under the jurisdiction of the Department and is bounded by the following points is within the Cascade Head Marine Reserve:

- (a) Beginning from a point at Latitude 45° 2.00' (45° 2' 0" N), Longitude -124° 0.52' (124° 0' 31.2" W) (Point A);
- (b) Then west along the ELWL to Latitude 45° 1.98' (45° 1' 58.8" N), Longitude -124° 0.65' (124° 0' 39" W) (Point B);
- (c) Then south along the MHWL to Latitude 45° 1.53' (45° 1' 31.8" N), Longitude -124° 0.74' (124° 0' 44.4" W) (Point C);
- (d) Then south along the ELWL to Latitude 44° 59.25' (44° 59' 15" N), Longitude -124° 0.89' (124° 0' 53.4" W) (Point D);
- (e) Then west to Latitude 44° 59.25' (44° 59' 15" N), Longitude -124° 4.50' (124° 4' 30" W) (Point E);
- (f) Then north to Latitude 45° 2.00' (45° 2' 0" N), Longitude -124° 4.50' (124° 4' 30" W) (Point F);
- (g) Then in a generally easterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 847  
Hist.: DSL 4-2012, f. 10-16-12, cert. ef. 12-1-12

## 141-142-0070

### Cascade Head North Marine Protected Area

(1) All state-owned submerged and submersible land that is under the jurisdiction of the Department and is bounded by the following points is within the Cascade Head North Marine Protected Area:

- (a) Beginning from a point at Latitude 45° 5.00' (45° 5' 0" N), Longitude -124° 0.40' (124° 0' 24" W) (Point A);
- (b) Then south along the MHWL to Latitude 45° 2.85' (45° 2' 51" N), Longitude -124° 0.69' (124° 0' 41.4" W) (Point B);
- (c) Then south along the ELWL to Latitude 45° 2.00' (45° 2' 0" N), Longitude -124° 0.52' (124° 0' 31.2" W) (Point C);
- (d) Then west to Latitude 45° 2.00' (45° 2' 0" N), Longitude -124° 5.00' (124° 5' 0" W) (Point D);
- (e) Then north to Latitude 45° 5.00' (45° 5' 0" N), Longitude -124° 5.00' (124° 5' 0" W) (Point E);
- (f) Then in a generally easterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 847  
Hist.: DSL 4-2012, f. 10-16-12, cert. ef. 12-1-12

## 141-142-0075

### Cascade Head South Marine Protected Area

(1) All state-owned submerged and submersible land that is under the jurisdiction of the Department and is bounded by the following points is within the Cascade Head South Marine Protected Area:

- (a) Beginning from a point at Latitude 44° 59.25' (44° 59' 15" N), Longitude -124° 0.89' (124° 0' 53.4" W) (Point A);
- (b) Then south along the ELWL to Latitude 44° 56.50' (45° 56' 30" N), Longitude -124° 1.47' (124° 1' 28.2" W) (Point B);
- (c) Then west to Latitude 44° 56.50' (44° 56' 30" N), Longitude -124° 5.00' (124° 5' 0" W) (Point C);
- (d) Then north to Latitude 44° 59.25' (44° 59' 15" N), Longitude -124° 5.00' (124° 5' 0" W) (Point D);
- (e) Then in a generally easterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

Stat. Auth.: ORS 183, 273, 274



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Stats. Implemented: ORS 847  
Hist.: DSL 4-2012, f. 10-16-12, cert. ef. 12-1-12

## 141-142-0080

### Cascade Head West Marine Protected Area

(1) All state-owned submerged and submersible land that is under the jurisdiction of the Department and is bounded by the following points is within the Cascade Head West Marine Protected Area:

- (a) Beginning from a point at Latitude 45° 2.00' (45° 2' 0" N), Longitude -124° 4.50' (124° 4' 30" W) (Point A);
- (b) Then south to Latitude 44° 59.25' (44° 59' 15" N), Longitude -124° 4.50' (124° 4' 30" W) (Point B);
- (c) Then west to Latitude 44° 59.25' (44° 59' 15" N), Longitude -124° 5.00' (124° 5' 0" W) (Point C);
- (d) Then north to Latitude 45° 2.00' (45° 2' 0" N), Longitude -124° 5.00' (124° 5' 0" W) (Point D);
- (e) Then in a generally easterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 847  
Hist.: DSL 4-2012, f. 10-16-12, cert. ef. 12-1-12

## 141-142-0085

### Cape Falcon Marine Reserve

(1) All state-owned submerged and submersible land that is under the jurisdiction of the Department and is bounded by the following points is within the Cape Falcon Marine Reserve:

- (a) Beginning from a point at Latitude 45° 48.00' (45° 48' 0" N), Longitude -123° 58.10' (123° 58' 6" W) (Point A);
- (b) Then south along the ELWL to Latitude 45° 46.80' (45° 46' 48" N), Longitude -123° 58.17' (123° 58' 10.2" W) (Point B);
- (c) Then south along the MHWL to Latitude 45° 45.79' (45° 45' 47.4" N), Longitude -123° 58.41' (123° 58' 24.6" W) (Point C);
- (d) Then south along the ELWL to Latitude 45° 45.44' (45° 45' 26.4" N), Longitude -123° 58.03' (123° 58' 1.8" W) (Point D);
- (e) Then south along the MHWL to Latitude 45° 44.62' (45° 44' 37.2" N), Longitude -123° 57.82' (123° 57' 49.2" W) (Point E);
- (f) Then south along the ELWL to Latitude 45° 44.00' (45° 44' 0" N), Longitude -123° 56.77' (123° 56' 46.2" W) (Point F);
- (g) Then west to Latitude 45° 44.00' (44° 44' 0" N), Longitude -124° 1.50' (124° 1' 30" W) (Point G);
- (h) Then north to Latitude 45° 48.00' (45° 48' 0" N), Longitude -124° 1.50' (124° 1' 30" W) (Point H);
- (i) Then in a generally easterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 847  
Hist.: DSL 4-2012, f. 10-16-12, cert. ef. 12-1-12

## 141-142-0090

### Cape Falcon West Marine Protected Area

(1) All state-owned submerged and submersible land that is under the jurisdiction of the Department and is bounded by the following points is within the Cape Falcon West Marine Protected Area:

- (a) Beginning from a point at Latitude 45° 48.00' (45° 48' 0" N), Longitude -124° 1.50' (124° 1' 30" W) (Point A);
- (b) Then south to Latitude 45° 44.00' (45° 44' 0" N), Longitude -124° 1.50' (124° 1' 30" W) (Point B);
- (c) Then west to Latitude 45° 44.00' (45° 44' 0" N), Longitude -124° 3.19' (124° 3' 11.4" W) (Point C);
- (d) Then northwest to Latitude 45° 44.31' (44° 44' 18.6" N), Longitude -124° 3.50' (124° 3' 30" W) (Point D);
- (e) Then north to Latitude 45° 48.00' (45° 48' 0" N), Longitude -124° 3.50' (124° 3' 30" W) (Point E);
- (f) Then in a generally easterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 847  
Hist.: DSL 4-2012, f. 10-16-12, cert. ef. 12-1-12

## 141-142-0095

### Cape Falcon Shoreside Marine Protected Area

(1) All state-owned submerged and submersible land that is under the jurisdiction of the Department and is bounded by the following points is within the Cape Falcon Shoreside Marine Protected Area:

- (a) Beginning from a point at Latitude 45° 48.00' (45° 48' 0" N), Longitude -123° 58.10' (123° 58' 6" W) (Point A);
- (b) Then south along the ELWL to Latitude 45° 46.80' (45° 46' 48" N), Longitude -123° 58.17' (123° 58' 10.2" W) (Point B).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 847  
Hist.: DSL 4-2012, f. 10-16-12, cert. ef. 12-1-12

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**Rule Caption:** Amend rules authorizing uses of state-owned submerged and submersible land.

**Adm. Order No.:** DSL 5-2012

**Filed with Sec. of State:** 10-16-2012

**Certified to be Effective:** 1-1-13

**Notice Publication Date:** 5-1-2012

**Rules Adopted:** 141-082-0250, 141-082-0255, 141-082-0260, 141-082-0265, 141-082-0270, 141-082-0275, 141-082-0280, 141-082-0285, 141-082-0290, 141-082-0295, 141-082-0300, 141-082-0305, 141-082-0310, 141-082-0315, 141-082-0320, 141-082-0325, 141-082-0330, 141-082-0335, 141-082-0340

**Rules Repealed:** 141-082-0000, 141-082-0010, 141-082-0020, 141-082-0030, 141-082-0040, 141-082-0046, 141-082-0049, 141-082-0060, 141-082-0070, 141-082-0080, 141-082-0090, 141-082-0100, 141-082-0101, 141-082-0105, 141-082-0110, 141-082-0120, 141-082-0130, 141-082-0140, 141-082-0150, 141-082-0160, 141-082-0170, 141-082-0190, 141-082-0200, 141-082-0210

**Subject:** These rules govern the granting of leases, public facility licenses and registrations for a wide variety of commercial and non-commercial and public uses in, on, under and over state-owned submerged and submersible land. These rules were last amended in 2002, and a number of changes need to be made to these rules to meet statutory changes; clarify various provisions; streamline some of the processes used; ensure that the definitions of terms used in the rules are the same as those recently used in other rules and statutes; and have the same format now used when creating new or amending existing rules. These rules provide for increases in the application fee for a public facility license and the fees for the registration of structures on state-owned submerged and submersible land.

**Rules Coordinator:** Tiana Teeters—(503) 986-5239

## 141-082-0250

### Purpose and Applicability

(1) These rules:

(a) Govern the granting and renewal of leases, public facility licenses and registrations (hereafter collectively referred to as waterway use authorizations) for a wide variety of commercial, non-commercial, and public uses in, on, under or over state-owned submerged and/or submersible land.

(b) Do not apply to the granting of:

(A) Easements on state-owned submerged and/or submersible land governed by Division 122 of the Department's administrative rules;

(B) Authorizations for hydroelectric projects on state-owned Trust and Non-Trust Land governed by Division 87 of the Department's administrative rules;

(C) Authorizations for the removal or use of rock, sand, gravel and silt from state-owned submerged and/or submersible land governed by Division 14 of the Department's administrative rules;

(D) Authorizations for special uses of state-owned submerged and/or submersible land such as for short term access; the conduct of scientific experiments and the removal of sunken logs governed by Division 125 of the Department's administrative rules; and

(E) Authorizations for ocean energy conversion devices and fiber optic and other cables in, on or over the Territorial Sea governed by Divisions 140 and 83 of the Department's administrative rules.

(F) Authorizations for uses and structures specifically governed by any other chapter of the Department's administrative rules

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(c) Provide that all uses of, and structures occupying state-owned submerged and/or submersible land not otherwise exempt from authorization under these rules, require prior written authorization from the Department pursuant to these rules.

(2) The Director may determine other uses and structures similar to those specified in OAR 141-082-0265 that are subject to a specific authorization under these rules.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274,

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13

## 141-082-0255

### Definitions

(1) "Actual Annual Gross Income" means the gross revenue received by a lessee during the prior lease year from the authorized use(s) of state-owned submerged and/or submersible land, including but not limited to the rental of boat slips, boat rental, launch fees or from associated incidental services within the authorized area.

(2) "Adjacent Riparian Owner" or "Riparian Owner" means a person holding recorded title to property that fronts or abuts state-owned submerged and/or submersible land.

(3) "Adjacent Riparian Property" or "Adjacent Riparian Tax Lot" means the non-state-owned portion of a tax lot that fronts or abuts state-owned submerged and/or submersible land.

(4) "Annual Lease Compensation" means the amount of compensation a lessee pays to the Department for the use of an authorized area.

(5) "Applicant" is any person applying for a waterway use authorization.

(6) "Appraised Value" means an estimate of current fair market value of a parcel (expressed in dollars per square foot) derived by a state certified appraiser or a salaried public employee of the federal government, the State of Oregon, or a political subdivision of the federal government or the State of Oregon while engaged in the performance of the duties of the employee as defined in ORS 674.110(2)(h).

(7) "Aquaculture" means the culture, farming, or harvesting of food fish, shellfish, and other plants (exclusive of kelp which is governed by Division 125 of the Department's administrative rules) and animals in fresh or salt-water areas. Aquaculture practices include, but are not limited to, the hatching, seeding or planting, cultivating, feeding, raising, and harvesting of planted or natural species so as to maintain an optimum yield, and the processing of plants or animals.

(8) "Assessed Value" means the current value in dollars per square foot assigned to the land within the adjacent riparian tax lot or comparable tax lot by the county tax assessor.

(9) "Assignment" or "Assign" means a transfer by the lessee with the Department's approval of the rights of use and occupancy of the leasehold to another person.

(10) "Authorization" or "Waterway Use Authorization" means a lease, registration or public facility license granted by the Department to an applicant conveying a right to limited use of a specific area of state-owned submerged and/or submersible land for a specific purpose for a fixed period of time.

(11) "Authorized Area" is the area of state-owned submerged and/or submersible land defined in the waterway use authorization for which a use is authorized.

(12) "Boat House" means a covered or enclosed structure used to store, shelter, or protect a boat or boats and boating equipment. A structure containing a dwelling does not qualify as a boat house. A boathouse may include an unenclosed recreation area, or a roof that is:

(a) Used as a viewing platform, for sunbathing, or for other related short-term recreational uses;

(b) Surrounded by a railing or other safety device;

(c) Accessible from the lower deck by a permanent or temporary stairway; or

(d) Used to gain access to a waterslide.

(13) "Boat Lift" is a device that is used to lift a boat from the water for out-of-water moorage or storage; movement to another location; or to enable maintenance to be conducted on the watercraft.

(14) "Boat Ramp" is a specific area that has been improved through the placement of a concrete pad or strips, steel mats, rails, gravel or other similar durable material that is used for the launching of boats into a waterway.

(15) "Commercial Marina" is a marina, the operation of which results in, or is associated with any monetary consideration or gain.

(16) "Commercial Use" means an activity conducted on, within, or over state-owned submerged and/or submersible land that results in, or is

associated with any monetary consideration or gain, including but not limited to: offices, stores, hotels, banks, marinas, restaurants, or retail service outlets.

(17) "Compensation" or "Compensatory Payment" is the amount of money paid by an applicant for, or holder of an authorization to the Department for the use of Department-managed land.

(18) "Department" means the Department of State Lands.

(19) "Diking District" means a public body organized under the provisions of ORS Chapter 551 for the purposes of improving by diking or damming the lands contained therein which are subject to overflow by tide-water or by freshets.

(20) "Director" means the Director of the Department of State Lands or designee.

(21) "Dock/Float" means an individual, unenclosed, structure which may either be secured to the adjacent or underlying land or that floats that is used for mooring boats and for similar recreational uses such as sunbathing or as a swimming platform. A structure does not lose its designation as a dock/float if it has an unenclosed recreation area, or includes a second level that is used primarily to protect a boat, but which may also be used for a recreational purpose such as a viewing platform or sunbathing deck.

(22) "Dolphin" is a cluster of piles or piling which is bound together.

(23) "Drainage District" means a public body organized under the provisions of ORS Chapter 547 for the purpose of having swamp, wet or overflowed lands or irrigated lands reclaimed and protected by drainage or otherwise from the effects of water for sanitary or agricultural purposes, or when the same may be conducive to the public health, convenience and welfare or of public utility or benefit.

(24) "Dwelling" means a structure designed or occupied as the permanent or temporary living quarters which is equipped with, but not limited to, any or a combination of sleeping cooking, bathing, toilet and heating facilities.

(25) "Flat Rate Method" means a manner of calculating annual compensation based on a fixed dollar amount per square foot of leasehold area that varies by use classification.

(26) "Floating Home" means a moored floating structure that is used as a dwelling.

(27) "Floating Recreational Cabin" is a moored floating structure, only accessible by boat, used wholly or in part as a dwelling, not physically connected to any upland utility services (for example, water, sewer, or electricity), and used only periodically or seasonally.

(28) "Gangway" means a walkway or access ramp which connects, and is used exclusively for the purpose of traversing from the upland to the first structure or use subject to an authorization by the Department such as a dock/float, marina, floating home, or boat house.

(29) "Goods or Merchandise" means products and raw materials transported in pursuit of trade, business, and/or economic gain. Goods and merchandise does not include passengers or materials used by a vessel for its maintenance, alteration, or operation.

(30) "Government Functions" are activities federal, state or local government agencies are assigned to perform to protect the health and safety of the public they serve. A ship, boat or vessel exclusively engaged in, or currently inactive but dedicated to, helping to maintain public health and safety is said to be performing a government function.

(31) "Highest Qualified Bidder" is a person who provides the highest bid at an auction and who submits a complete application to, and meets all the requirements of the Department for an authorization as provided in OAR 141-082-0280(1) and (3).

(32) "Historical Vessel" or "Historical Structure" is a vessel or structure listed or eligible for listing on the National Register of Historic Places that is used for a non-commercial/not for profit purpose.

(33) "Holder" is the person who has been issued a waterway use authorization under these rules.

(34) "Incidental Services" include, but are not limited to restrooms, showers, minor boat and motor repair facilities; mooring buoys; refueling facilities; boat hoists/lifts; boat launch ramp; small office for marina management; club house and/or meeting room; vending machines; small retail area for marine, fishing and other outdoor supplies and equipment; ice, packaged beverages and foods; limited service restaurants; and temporary restaurants.

(35) "Industrial Use" means an activity conducted on, under, within, or over state-owned submerged and/or submersible land for business purposes that involves wholly or in part the fabrication, assembly, processing, or manufacture of products, structures or vessels from raw materials or fab-

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ricated parts, or that provides services such as, but not limited to storage, warehouses, factories, or shipyards.

(36) "Lease" for the purposes of these rules, is a valid, enforceable contract executed by the Department and signed by the lessee allowing the use of a specific area of state-owned submerged and/or submersible land for a specific use under the terms and conditions of the lease and these rules.

(37) "Lease Anniversary Date" means the date the lease was initially entered into and on which, in subsequent years, the annual lease compensation is due.

(38) "Limited Service Restaurant" means a business serving only pre-wrapped or pre-prepared food products, and nonperishable beverages as defined in ORS 624.010(4).

(39) "Line of Ordinary High Water" as defined in ORS 274.005, means the line on the bank or shore to which the high water ordinarily rises annually in season.

(40) "Line of Ordinary Low Water" as defined in ORS 274.005, means the line on the bank or shore to which the low water ordinarily recedes annually in season.

(41) "Log Boom Area" means a water surface area bounded by floating, connected logs or other devices, used for confining loose logs, grading and sorting logs, making log rafts, or to feed whole or partially processed wood products to a mill.

(42) "Log Raft" means a group of loose or bundled logs which can be stored or moved on water.

(43) "Log Raft Storage Area" means the unbounded water surface area used for mooring and storing log rafts, usually marked by piles and dolphins to which the rafts are fastened.

(44) "Marina" means a small harbor, boat basin, or moorage facility providing boat berthing, docking and mooring, and incidental services for recreational, commercial and/or charter fishing boats.

(45) "Marine Industrial/Marine Service" means structures or uses which are commercial or industrial in nature and which need to be located in or adjacent to water areas because the use requires water access. Such uses include, but are not limited to: ship, tugboat, barge and workboat moorage and storage; vessel repair facilities; aquaculture facilities; tour boat moorage; sea water desalination, mineral extraction, and processing facilities.

(46) "Mooring Buoy" means a floating device anchored to the bed of a waterway to which a boat is fastened through the use of lines or ropes for the purpose of mooring the boat in a stationary position in the water.

(47) "Multi-Family Dock" means a non-commercial dock, maintained and owned in common by several families, and where no dues or fees are required to be paid for use of the dock. A multi-family dock is not an ownership-oriented facility.

(48) "Navigation Aids" are structures or devices such as navigation buoys, channel markers, beacons, approach and landing lights, and radio navigation and landing aids, etc., placed in, on or over or along a waterway, by or with the consent of appropriate public agencies, to aid persons engaged in navigation of a waterway or aviation.

(49) "Non-Marine Uses" means structures or uses, typically commercial or residential, which do not need to be located in or adjacent to water areas. Such structures and uses include, but are not limited to: apartments, hotels, motels, residences, restaurants, offices, retail stores, manufacturing plants, and warehouses.

(50) "Non-Commercial" means a use which does not result in and/or is not associated with any monetary consideration or gain. For example, a use which includes the renting, leasing, or sale of space would not qualify as "non-commercial."

(51) "Non-Commercial Marina" is one that is neither operated for, nor is associated with any monetary consideration or gain.

(52) "Not for Profit" refers to an association or group organized for purposes other than generating profit, such as an educational, charitable, scientific, or other organization qualifying under Section 501(c) of the Internal Revenue Code. In addition, organizations such as soil and water conservation districts and watershed councils may, at the discretion of the Department, also qualify as a non-profit organization for the purposes of these rules.

(53) "Ownership-Oriented Facility" means non-commercial facilities where the access and privilege to use is limited to a membership group of persons who pay dues or fees of some type to maintain membership and to operate the facility.

(54) "Person" includes individuals, corporations, associations, firms, partnerships, limited liability companies and joint stock companies as well as any state or other governmental or political subdivision or agency, pub-

lic corporation, public authority, not for profit organizations, or Indian Tribe.

(55) "Pile" or "Piling" is a wood, steel, or concrete beam driven or jettied into the bed or bank of a waterway to secure a floating structure, log raft, or boat.

(56) "Preference Right" means a riparian property owner's statutory privilege, as found in ORS 274.040(1), to obtain a lease without advertisement or competitive bid for the state-owned submerged and/or submersible land that fronts and abuts the riparian owner's property. The preference right does not apply to the renewal of an existing lease where the lessee is in compliance with all the terms and conditions of the lease. A person claiming the right of occupancy to submerged and/or submersible land under a conveyance recorded before January 1, 1981, has a preference right to the requested lease area.

(57) "Preference Right Holder" means the person holding the preference right to lease as defined in these rules and ORS 274.040(1).

(58) "Processing Facility" means a structure or vessel where the cleaning, freezing, canning, preserving and storing of fish, crustaceans, or other forms of aquatic life are conducted.

(59) "Protective Boom" or "Shear Boom" refers to logs or similar floating devices attached to each other to protect a structure or bank from floating debris, erosion or wave action.

(60) "Public Agency" or "Government Agency" means an agency of the Federal Government, the State of Oregon, and every political subdivision thereof.

(61) "Public Facility License" is a form of authorization issued by the Department for structures owned, operated, and maintained, or uses made, by a public agency such as transient use docks/floats, boat ramps, boat landings and/or viewing structures where no or minimal entry or use fees are charged; and navigation aids.

(62) "Public Trust Use(s)" means those uses embodied in the Public Trust Doctrine under federal and state law including, but not limited to navigation, recreation, commerce and fisheries, and other uses that support, protect, and enhance those uses. Examples of Public Trust Uses include, but are not limited to, short term moorage, camping, bank fishing, picnicking, and boating.

(63) "Recreation Area" means an area of an authorized structure dedicated to day use recreation.

(64) "Redetermination" or "Redetermine" means, for the purposes of these rules, a revision, conducted in accordance with the administrative rulemaking process (ORS Chapter 183), of lease compensation using the methods, formulas, classifications or other factors as specified in OAR 141-082-0305.

(65) "Registration" is a form of authorization issued by the Department allowing a qualifying structure or use to occupy state-owned submerged and/or submersible land.

(66) "Residential Use" means an activity conducted on, in, or over state-owned submerged and/or submersible land devoted to, or available for single or multiple dwelling units, single-family homes, floating homes, apartments or condominiums.

(67) "Restaurant" means any establishment where food or drink is prepared for consumption by the public or any establishment where the public obtains food or drink so prepared in form or quantity consumable then and there, whether or not it is consumed within the confines of the premises where prepared, and also includes establishments that prepare food or drink in consumable form for service outside the premises where prepared, but does not include railroad dining cars, bed and breakfast facilities or temporary restaurants as defined in ORS 624.010(5).

(68) "Riparian Land Value Method" means a manner of calculating the annual lease rental payment by multiplying the assessed value times five percent times the area of the leasehold for each use classification.

(69) "Rip Rap" as defined in ORS 196.815(2)(e)(D), means the facing of a streambank with rock or similar substance to control erosion.

(70) "State Land Board" means the constitutionally created body consisting of the Governor, Secretary of State, and State Treasurer that is responsible for managing the assets of the Common School Fund as well as for additional functions placed under its jurisdiction by law. The Department is the administrative arm of the State Land Board.

(71) "Structure" means anything placed, constructed, or erected on, in, under or over state-owned submerged and/or submersible land that is associated with a use that requires a waterway use authorization. A "structure" includes a ship, boat, or vessel occupying state-owned submerged and/or submersible land.



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(72) "Sublease" means a subordinate lease between the lessee and a third party of all or part of the authorized area, where the lessee remains contractually and primarily liable under the lease with the Department.

(73) "Submerged Land" means land lying below the line of ordinary low water of all title navigable and tidally influenced water within the boundaries of the State of Oregon.

(74) "Submersible Land" means land lying between the line of ordinary high water and the line of ordinary low water of all title navigable and tidally influenced water within the boundaries of the State of Oregon.

(75) "Temporary Restaurant" means the same as ORS 624.010(6).

(76) "Tide gate" means a device mounted to a bridge or culvert to regulate the tidal flow or water level on the inside of the gate.

(77) "Transient Use" means any commercial use of state-owned submerged and/or submersible land which is of a short or intermittent duration, and not more than fourteen (14) consecutive days in any one (1) location or area; or any non-commercial use of state-owned submerged and/or submersible land which occurs for less-than or equal-to thirty (30) calendar days during any contiguous 12-month time period, within a distance of five miles.

(78) "Use" means an activity with or without associated structures on state-owned submerged and/or submersible land that requires a waterway use authorization under these rules.

(79) "Use Classification" means the specific category of similar uses and structures subject to authorization described in OAR 141-082-0305.

(80) "Voluntary Habitat Restoration Work" means the same as set forth in ORS 274.043(4)(d). Voluntary habitat restoration work does not include:

(a) Activities undertaken to satisfy any actual or potential legal obligation;

(b) Activities for which the person undertaking the work receives compensation of any kind to do the work; or

(c) Work completed by an entity to satisfy an environmental mitigation obligation or to generate, sell or obtain credit as an offset against actual or potential natural resource damages liability.

(81) "Water Sport Structures" means water ski buoys, jumps and ramps, kayak race gates, and other such devices used in association with a water recreational sport. Such devices are typically temporary in nature, and not permanently attached to a piling, dolphin, or other fixed object.

(82) "Wharf" or "Wharves" as defined in ORS 780.040 and as used in these rules means a structure constructed or maintained by the owner of any land lying upon any navigable stream or other like water, and within the corporate limits of any incorporated town or within the boundaries of any port, that extends into the navigable stream or other like water beyond the low-water mark so far as may be necessary for the use and accommodation of any ships, boats or vessels engaged exclusively in the receipt and discharge of goods or merchandise or in the performance of governmental functions upon the navigable stream or other like water. A "wharf" does not include new lands created upon submersible or submerged lands by artificial fill or deposit.

(83) "Wharf Certification" means a written certification from the Department that a structure is a wharf as defined in ORS 780.040 and as used in these rules.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274,

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13

## 141-082-0260

### General Provisions

(1) Pursuant to Oregon law as defined in ORS 274, all tidally influenced and title navigable waterways (referred to as state-owned submerged and/or submersible land) have been placed by the Oregon State Legislature under the jurisdiction of the State Land Board and the Department, as the administrative arm of the State Land Board.

(2) The State Land Board, through the Department, has a constitutional responsibility to manage "the lands under its jurisdiction with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management" pursuant to Article 8, Section 5(2) of the Oregon Constitution.

(3) State-owned submerged and/or submersible land is managed to ensure the collective rights of the public, including riparian owners, to fully use and enjoy this resource for commerce, navigation, fishing, recreation and other public trust values. These rights are collectively referred to as "public trust rights."

(4) No person is allowed to place a structure on, or make use of state-owned submerged and/or submersible land, regardless of the length of time

the structure may have existed on, or the use may have occurred on the land, without the required authorization described in these rules, unless the structure or use is exempt from such authorization by law or these rules. Ownership of state-owned submerged and/or submersible land cannot be obtained by adverse possession regardless of the length of time the structure or use has been in existence.

(5) All uses of state-owned submerged and/or submersible land must conform to local (including local comprehensive land use planning and zoning ordinance requirements), state and federal laws.

(6) The Department shall not authorize a proposed use or structure if it:

(a) Is inconsistent with local, state, or federal laws;

(b) Is not in compliance with these rules;

(c) Would result in an unreasonable interference with the public trust rights of commerce, navigation, fishing and recreation;

(d) Would have unacceptable impacts on public health, safety or welfare, or result in the loss of, or damage to natural, historical, cultural or archaeological resources;

(e) Is prohibited by a State Land Board or Department-adopted area closure, use restriction, or waterway management plan (such as the Lower Willamette River Management Plan; a Total Maximum Daily Load Plan; or the Oregon Territorial Sea Plan);

(f) Is inconsistent with any endangered species management plan adopted by the Department under the Oregon Endangered Species Act (ORS 496.171 to 496.192); or

(g) It extends from the bank of a waterway for a distance that exceeds 25 percent of the width of the waterway, unless authorized by the Director. In determining whether to authorize a structure that extends in excess of 25 percent of the width of the waterway, the Director shall consider:

(A) Whether the structure alone, or in combination with existing structures within the waterway, would unreasonable interfere with the public trust rights of commerce, navigation, fishing and recreation;

(B) Whether the physical conditions of the land or waterway requires a structure in excess of 25 percent of the width of the waterway in order to engage in the proposed use.

(7) No applicant for, or person holding an authorization from the Department shall request from any government agency a change in the zoning for, or approved uses of a parcel of state-owned submerged and/or submersible land without first applying to, and receiving written approval from the Department to request such a change.

(8) When a use or structure subject to written authorization from the Department becomes exempt from written authorization, compensation, or both, by a change in the law or in these rules the holder may terminate the written authorization or allow the written authorization to expire by its terms. If the written authorization is terminated, the holder is not entitled to receive any reimbursement from the Department for any compensation or other fees paid by the holder to the Department under the written authorization prior to expiration or termination.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274,

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13

## 141-082-0265

### Types of Uses and Required Authorizations

(1) All uses of, and structures occupying state-owned submerged and/or submersible land not otherwise exempt from authorization under these rules, require prior written authorization from the Department pursuant to these rules.

(2) Uses and structures requiring leases include, but are not limited to:

(a) Aquaculture facilities;

(b) Marine industrial/marine service uses;

(c) Floating homes, floating home moorages, and other dwellings;

(d) Fish or other processing facilities, sea water desalination and mineral extraction facilities;

(e) Log raft, log storage or log booming areas;

(f) Historical vessel moorages;

(g) Commercial and non-commercial marinas;

(h) Multi-family docks not qualifying for registration;

(i) Non-marine uses (for example, restaurants, warehouses, offices, motels, etc.);

(j) Individual non-commercial docks/floats, boathouses, and floating recreational cabins not qualifying for registration or public facility license;

(k) Commercial, industrial or residential uses;

(l) Water taxi, cruise ship and tour boat moorages;

(m) Ownership-oriented facilities; and

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(n) Other similar uses and structures not exempted by statute or these administrative rules, and determined by the Director to be subject to lease.

(3) Uses and structures requiring a registration are:

(a) Non-commercial structures including docks/floats, multi-family docks, boat lifts, and/or boat houses of 2,500 square feet or less excluding associated gangways, pilings, dolphins, mooring buoys, protective and shear booms and boat ramps;

(b) Floating recreational cabins of 1,500 square feet or less excluding associated, pilings, dolphins, recreational use mooring buoys, and protective booms;

(c) Water sport structures unless authorized by the Oregon State Marine Board in compliance with OAR 250-010-0097 (Application for Special Use Device Permits);

(d) Rip-rap;

(e) Structures constructed by a drainage or diking district;

(f) Tide gates;

(g) Rights of way established prior to November 1, 1981 for any county road or city street;

(h) Voluntary habitat restoration work; and

(i) Other similar structures or uses determined by the Director to be eligible for registration.

(4) Uses and structures that are eligible for a public facility license are publicly-owned, operated and maintained:

(a) Boat ramps/landings;

(b) Viewing structures;

(c) Fishing piers;

(d) Recreational boating, transient docks/floats;

(e) Structures, piers, docks/floats owned, operated by, or under contract to a government agency as long as they are in active service and used exclusively by the government agency to perform the function of that agency; and

(f) Navigation aids placed by public agencies including approach and landing lights, and radio navigation and landing aids for aviation.

(5) Transient uses are exempt from authorization under these rules.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274,

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13

## 141-082-0270

### Wharf Certification

(1) Any person owning a wharf located on state-owned submerged and submersible lands must certify that the structure is a wharf. The certification of the wharf shall be on a form provided by the Department. There is no fee associated with submission of a wharf certification.

(2) Upon receipt of a wharf certification form, the Department will review it for completeness. If the structure is a wharf as defined in ORS 780.040 and in these rules, the Department will issue to the owner a written certification that the structure is a wharf. There is no compensation due the Department for a wharf certification.

(3) In applying the definition of a wharf as set forth in ORS 780.040 and in these rules, the following criteria will apply, where appropriate:

(a) A "government function," as used in this section, is an activity engaged in by federal, state or local government agencies in order to protect the health and safety of the public they serve;

(b) A ship, boat or vessel owned by a federal, state, or local government agency is engaged in a government function if it is exclusively dedicated to the performance of a government function and is either currently engaged in the performance of a government function (such as a ship owned or under contract to a government agency such as the United States Navy, United States Coast Guard, United States Army Corps of Engineers, or a fire, police or sheriff's department), or if not currently engaged in the performance of a government function, is able to be quickly activated to perform the function for which it is dedicate (such as a United States Maritime Administration Ready Reserve Force ship).

(c) A structure used to load and unload passengers from a ship, boat or vessel transporting passengers (such as a passenger ferry, cruise ship, or tour boat) is not a structure engaged in the receipt and discharge of goods or merchandise.

(4) A wharf certification is valid for a term of ten years from the date it is issued. Upon expiration of a wharf certification, the owner thereof must recertify that the structure is a wharf as set forth above.

(5) If the Department does not certify the structure as a wharf, the owner thereof must obtain the appropriate authorization from the Department in compliance with these rules. Unauthorized structures will be removed pursuant to OAR 141-082-0310.

(6) A wharf certified in compliance with these rules may be repaired or replaced without prior notice to the Department. However, the owner of the wharf must notify the Department in writing describing the repair or replacement within 90 calendar days of making such repairs or replacement.

(7) The Department must be notified in writing of any:

(a) Change in the location, size, or use of the wharf at least 90 calendar days prior to such change;

(b) Change in ownership of the wharf as a result of a sale or conveyance within 90 calendar days of the transfer of ownership.

(c) Change in ownership of the wharf by operation of law resulting from a bankruptcy, foreclosure, estate settlement, or the like within 30 calendar days of the final settlement or decision. Failure of the owner to notify the Department of a change in the location, size, use, or the ownership of the wharf within the time provided will result in the automatic termination of the wharf certification.

(8) The Department will provide a copy of the wharf certification to the appropriate county official in the county where the wharf is located.

(9) If a structure is used in part as a wharf and in part for a use or uses that are subject to authorization under these rules, the owner must obtain the appropriate authorization for such use or uses from the Department in compliance with these rules.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274,

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13

## 141-082-0275

### Application Requirements for a Lease or Public Facility License

(1) Any person wanting to use state-owned submerged and/or submersible land that is subject to a lease or public facility license must, using a form provided by the Department, apply for and obtain the required authorization prior to using the submerged and/or submersible land.

(2) All applications for a lease or public facility license must be fully completed and accompanied by a non-refundable fee payable to the Department in the amount of \$750.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274,

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13

## 141-082-0280

### Lease and Public Facility License Application Review Process

(1) Upon receipt of an application for a lease or public facility license to use state-owned submerged and/or submersible land, the Department will review it for completeness and to determine if it is for a use that conforms to the provisions of these rules. If the application is complete and the use conforms to the provisions of these rules, the application will be deemed accepted by the Department.

(2) If an application for a lease or public facility license is determined by the Department to be incomplete, the Department will notify the applicant of the additional information required. If a rejected application is resubmitted within 120 calendar days from the date the Department returned the application, no additional application fee will be assessed.

(3) If more than one application for a specific area is received by the Department, the Department will determine which proposed use best fulfills the general provisions specified in OAR 141-082-0260. The Department will then accept and proceed with that application and deny the others.

(4) Notwithstanding the provisions of OAR 141-082-0260(6)(a), the Department may accept an application for a use or structure that is not currently allowed under local land use laws, or that requires a conditional use permit from the local government agency, if the applicant is actively pursuing in good faith a change to the local land use laws or a conditional use permit that would enable the use to occur, provided the Department has approved the change under OAR 141-082-0260(7).

(5) The Department may reject an application for a lease or public facility license if:

(a) The applicant's financial status or past business/management practices or experience indicates that they may not:

(A) Be able to fully meet the terms and conditions of a lease or other form of authorization offered by the Department; or

(B) Use the land applied for in a way that meets the provisions of OAR 141-082-0260(2) and (3).[] or

(b) The applicant is in default on any other authorization granted to them by the Department.

(6) Following acceptance of an application for a lease, the Department will offer a preference right to lease to the eligible party as defined in OAR 141-082-0255(56) and (57), hereafter referred to as the

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preference right holder. The Department will take the following steps to offer a preference right:

(a) If the riparian property adjacent to the proposed lease area consists of tax lots having different owners, the Department will subdivide the requested lease area into smaller parcels by extending lines from the boundaries of, or within the boundaries of the adjacent riparian tax lots, beginning at the point on which the boundaries intersect with the line of state-ownership perpendicular to the thread of the stream so that there is a separate area offered for each adjacent riparian tax lot under separate ownership.

(b) If the riparian property adjacent to the proposed lease area consists of a single tax lot, or two or more contiguous tax lots owned by the same person, the Department will extend the boundaries of the single tax lot or combined group of tax lots beginning at the point on which the boundaries intersect with the line of ordinary high water, perpendicular to the thread of the stream creating a single lease area.

(c) For applications to use state-owned submerged and submersible land within a cove or lake, the Department will apply generally accepted surveying principles to determine the amount of lease area subject to the preference right of an adjacent riparian owner.

(d) Following identification of the preference right holder, or holders, the Department will provide written notice to each preference right holder that a lease application has been accepted by the Department. Within 30 calendar days from the date of written notice from the Department, each preference right holder must provide the Department written notice of the preference right holder's intent to exercise the preference right to lease the proposed lease area, and submit a new application for a lease to the Department for the use applied for or any other use.

(e) Upon receipt of an application from a preference right holder, the Department will review it for completeness and to determine if it is for a use that conforms to the provisions of these rules. If the application is complete and the use conforms to the provisions of these rules, the preference right holder's application will be deemed accepted by the Department.

(f) Upon acceptance of a preference right holder's application, the Department will process the application as set forth in OAR 141-082-0280(8)-(11), below.

(g) If the preference right holder does not exercise the preference right, or if the preference right holder's application is rejected, or if application is accepted but the preference right holder fails to execute a lease with the Department within 120 calendar days of the date of the preference right holder's notice of intent to the Department to exercise the preference right, the preference right holder will be deemed to have waived the preference right and the Department will process the application initiating the offering of the preference right as set forth in OAR 141-082-0280(7)-(11), below.

(7) If the preference right holder waives the preference right, the Department will put the lease out for competitive bid pursuant to the requirements of ORS 274.040, and in accordance with the following process:

(a) The Department shall prepare and publish an advertisement for bids. The minimum bid amount will be set by the Department.

(b) A bidder may bid on the use applied for in the application initiating the offering of the preference right or any other use that conforms to the provisions of these rules and that requires an annual lease compensation rate equal to or greater than the minimum bid amount. The highest bidder will be awarded the right to lease, subject to compliance with the provisions of these rules.

(c) Following the closing of bids, the Department will provide written notice to the highest bidder of the award and of the right to enter into a lease with the Department. Within 30 calendar days from the date of written notice from the Department, the person notified must provide the Department written notice of the bidder's intent to enter into a lease for the proposed lease area, submit a new application for a lease for the use that was the subject of the bid, and submit a bid deposit in a sum equal to one-half of the annual lease compensation for the use that was the subject of the bid. The purpose of the bid deposit is to ensure the bidder enters into a lease with the Department.

(d) Upon receipt of the application, the Department will review it for completeness and to determine if it is for a use that conforms to the provisions of these rules. If the application is complete and the use conforms to the provisions of these rules, the application will be deemed accepted by the Department. Upon acceptance of the application, the Department will process the application as set forth in OAR 141-082-0280(8)-(12), below.

(e) If the bidder awarded the right to lease does not exercise the right to lease, or if the bidder's application is rejected, or if the application is accepted but the bidder fails to execute a lease with the Department within

120 calendar days of the date of the bidder's notice of intent to the Department to exercise the right to lease, the right to lease will be deemed to have been waived. If bidder's right to lease is waived, the bidder's bid deposit will be forfeited to the Department and the Department will offer the right to enter into a lease to the next highest bidder according to the procedures set forth in OAR 141-082-0280(7).

(f) If the bidder enters into a lease with the Department, the amount of the bid deposit shall be applied to the first annual lease compensation payment.

(8) Except as provided in OAR 141-082-0280(9), the Department will notify the appropriate city or county planning department, pertinent state and federal agencies, tribal governments, ports and all lessees and adjacent riparian property owners (as available from the local county assessor's office records) of the application and request review and comment. The Department may require the applicant to respond to comments where applicable.

(9) The Department will not request review and comment on an application to obtain a lease or public facility license as provided in OAR 141-082-0280(8) if the use or structure:

(a) Has already received the necessary city or county approvals;

(b) Has been subjected to public comment during a prior circulation, and

(c) Has not changed in terms of the size of the authorized area or use of that area since the time those approvals were given.

(10) Based on the evaluation of the application and the comments received, the Department will:

(a) Approve the application and continue to process the lease or public facility license;

(b) Require that the applicant modify and resubmit the application; or

(c) Deny the application.

(11) In the event the Department cannot readily determine the limits/boundaries of the authorized area requested from the description provided by the applicant or, in the judgment of the Department, a dispute may arise concerning the description, the Department may require the applicant to have a survey of the requested area conducted by a licensed professional [engineer or surveyor]. The Department will provide survey instructions as well as specify the information required in the survey and accompanying notes. The applicant will be responsible for any costs of the survey.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274,

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13

## 141-082-0285

### General Lease and Public Facility License Conditions and Form

(1) The Department will only offer a standard form of lease or public facility license that has been approved by the Department of Justice.

(2) Unless otherwise approved by the Director, the initial term for a lease or public facility license for state-owned submerged and/or submersible land shall not exceed 15 years. The length of the initial term for a lease or public facility license will be determined by the Department and will be based on:

(a) Whether the proposed use is reasonably expected to exist for the time period requested by the applicant;

(b) Requirements imposed by financial institutions as a condition of project financing; and

(c) The general provisions contained in these rules.

(3) The Department may include in a lease or public facility license, the right of the holder of a lease or public facility license to renew the authorization for an additional term not to exceed 15 years, subject to the requirements of OAR 141-082-0290.

(4) The Department may require an applicant or holder of a lease to obtain a surety bond or other form of financial assurance acceptable to the Department to ensure that the lessee will perform in accordance with all terms and conditions of the lease. The surety bond amount will be determined by the Department and will be reasonable and within generally accepted business practices. A cash deposit in an amount equal to the amount required for a surety bond and that names the State of Oregon as co-owner may be substituted in lieu of a bond.

(5) State-owned submerged and/or submersible land shall remain open to Public Trust Uses.

(a) Notwithstanding the provisions of OAR 141-088, a holder may close all or a portion of the authorized area to Public Trust Uses, or restrict Public Trust Uses within all or a portion of the authorized area, provided the closure or restriction is:



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(A) Reasonably necessary to protect persons and property from harm arising from holder's authorized use of the submerged and/or submersible land;

(B) Limited in duration; and

(C) Limited in scope.

(b) If the proposed closure or restriction is wholly or partially within the navigation channel of the waterway as established by the United States Coast Guard, or is located in such a way as to increase traffic in or otherwise impact use of the navigation channel, holder shall consult with the United States Coast Guard and the Oregon Marine Board prior to implementing the closure or restriction. Holder shall comply with all requirements imposed by the United States Coast Guard and the Oregon Marine Board.

(c) The holder must provide written notice to the Department no less than fourteen (14) days prior to the implementation of any closure or restriction. The written notice must identify the need for, the scope of, and the duration of the closure or restriction, and must certify that holder has consulted with the United States Coast Guard and the Oregon Marine Board regarding the closure or restriction, if required under OAR 141-082-0285(5)(b).

(d) The Department, in its sole discretion, may at any time require holder to terminate or modify the closure or restriction. The Department, in its sole discretion, may at any time require the closure or restriction to be established pursuant to OAR 141-088.

(6) The holder may restrict public use of holder-owned property or structures authorized under a lease or public facility license.

(7) The Department or its authorized representative(s) shall have the right to enter into and upon the authorized area at any time for the purposes of inspection or management.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274,

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13

## 141-082-0290

### Lease and Public Facility License Renewal

(1) Notwithstanding any provisions in the lease or public facility license to the contrary, the holder of a lease or public facility license containing a right to renew, shall exercise the right to renew as set forth below.

(2) The holder of a lease or public facility license shall exercise the right to renew not less than 90 calendar days prior to the expiration of the then current term of the lease or public facility license. If the holder of a lease or public facility license fails to renew within the time required, the lease or public facility license will terminate at the expiration of the current term.

(3) To exercise the right to renew, the holder of a lease or public facility license must submit to the Department:

(a) A written statement, on a form provided by the Department:

(A) Notifying the Department of the holder's intent to renew;

(B) Certifying that the uses or structures that are the subject of the lease or public facility license are consistent with local, state, or federal law; and

(C) Certifying that the existing uses and structures are consistent with those authorized under the lease or public facility license.

(b) A non-refundable renewal fee of \$375 payable to the Department.

(4) Upon receipt of the written statement and renewal fee, the Department shall determine, in its sole discretion, whether:

(a) The right to renew was exercised not less than 90 calendar days prior to the expiration of the then current term of the lease or public facility license;

(b) The lessee or licensee has fully complied with the terms of their authorization, the applicable statutes, or Oregon Administrative Rules; and

(c) The holder of the lease or public facility license has fully complied with any other authorization granted to them by the Department.

(5) If the Department determines that the renewal complies with the requirements of OAR 141-082-0290(4), the Department will provide written notice to the holder that the lease or public facility license has been renewed for the additional term stated in the notice. As a condition of renewal, the Department shall have the right to require amendment to the terms and conditions of the lease at the time of renewal. If the lease or public facility license contains a provision requiring that the annual compensation be re-determined on renewal, the written notice from the Department shall include the new annual compensation rate.

(6) If the Department determines that the renewal does not comply with the requirements of OAR 141-082-0290(4), the Department will provide written notice to the holder that the lease or public facility license that the lease or public facility license will not be renewed. In that event, the

lease or public facility license will terminate at the expiration of the current term.

(7) If the lease or public facility license does not contain a right to renew, the holder of the lease or public facility license may apply for a new lease or public facility license as provided in these rules.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274,

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13

## 41-082-0295

### Lease and Public Facility License Modifications for Size and Use

(1) The holder of a lease or public facility license may not modify the authorized use or authorized area, without prior written authorization from the Department that shall include current certification that the proposed modification is consistent with local, state, or federal law. A reduction in the size of the authorized area does not require prior written authorization from the Department.

(2) The holder of a lease or public facility license may change the internal arrangement of the uses or structures within an authorized area without prior written authorization from the Department. However, the holder of a lease or public facility license must provide the Department written notice of the change to the internal arrangement of the uses or structures within the authorized area no less than 90 days after the change. The written notice to the Department must include a drawing with dimensions and photographs documenting the change in the internal arrangement of the uses or structures.

(3) In order to request a modification of the authorized use, or a modification of the authorized area, the holder of a lease or public facility license must submit an application to the Department, on the form provided by the Department together with an application fee of \$750. No application is required for the reduction in the size of the authorized area. However, the holder of a lease or public facility license must provide the Department written notice of the reduction in the size of the authorized area, and an administrative fee of \$375, no less than 90 days after the change. The written notice to the Department must include a drawing with dimensions and photographs documenting the change in the authorized area.

(4) The Department will process and review all applications for modification of the authorized use or for modification of the authorized area under a lease or public facility license in the same manner as a new lease or public facility license application as specified in these rules.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274,

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13

## 141-082-0300

### Subleasing and Assignment of Leases and Public Facility Licenses

(1) Subleasing

(a) The holder of a lease may not sublease any portion of the authorized area without the prior written consent of the Department, unless subleasing without the Department's consent is specifically permitted under the lease or by these rules. The Department may terminate a lease where any portion of the authorized area has been sublet without the Department's written consent.

(b) Notwithstanding any provisions in the lease to the contrary, the holder of a lease shall comply with the process set forth below in subleasing any portion of an authorized area where Department's consent is required by the lease or by these rules. In order to sublease any portion of an authorized area where the Department's consent is required by the lease or by these rules, the holder must submit an application to the Department, on a form provided by the Department, together with a copy of the proposed sublease for review and approval and a non-refundable application fee of \$750 payable to the Department. The application, proposed sublease, and application fee must be submitted to the Department no less than 60 calendar days prior to the date of the proposed subletting.

(c) The holder of a lease may grant a sublease to another person without prior consent of the Department when:

(A) The lease specifically authorizes subleasing without the Department's prior written consent, or

(B) The sublease authorizes use of less than the entire authorized area and the use allowed under the sublease is included in the authorized use of the lease or (for example, the rental of boat slips).

(2) Assignment of a Lease

(a) The holder of a lease may not assign the lease without the prior written consent of the Department, unless assignment without the Department's consent is specifically permitted under the lease or by these rules.

# ADMINISTRATIVE RULES

(b) Notwithstanding any provisions in the lease to the contrary, the holder of a lease shall comply with the process set forth below in assigning the lease where the Department's consent to assignment is required by the lease or by these rules. In order to assign a lease where the Department's consent is required by the lease or by these rules, the holder of a lease must submit an application to the Department, on a form provided by the Department, together with a non-refundable application fee of \$750 payable to the Department. The application and application fee must be submitted to the Department no less than 60 calendar days prior to the date of the proposed assignment.

(c) The Department may reject an application for assignment of a lease if the Department determines, in its sole discretion, that:

(A) The proposed assignee's financial status or past business/management practices or experience indicates that they may not be able to fully meet the terms and conditions of a lease;

(B) The proposed assignee is in default on any other authorization granted to them by the Department.

(d) If the application for assignment is approved by the Department, the Department will prepare an assignment form for the signature of the lessee, the proposed assignee, and the Department. The assignment will be effective on the date of signature by all parties.

(e) As part of the consideration for the Department's consent to the assignment, the Department shall have the right to require amendment to the terms and conditions of the lease prior to the assignment.

(f) Lessee shall remain liable for the performance of all obligations under the lease following assignment, unless the Department consents, in its sole discretion and in writing, to release lessee from liability.

(g) To assign a lease to a spouse or child on the death of the holder, the spouse or child must submit an application to the Department, on a form provided by the Department. There is no application fee associated with the assignment of a lease to the holder's spouse or child on the death of the holder.

## (3) Assignment of a Public Facility License

(a) The holder of a public facility license may not assign the public facility license without the prior written consent of the Department, unless assignment without the Department's consent is specifically permitted under the public facility license or by these rules.

(b) In order to assign a public facility license where Department's consent is required by the public facility license or by these rules, the holder of a public facility license must submit an application to the Department, on a form provided by the Department.

(c) There is no application fee required for an assignment of a public facility license to another public agency.

(d) If the application for assignment is approved by the Department, the Department will prepare an assignment form for the signature of the licensee, the proposed assignee, and the Department. The assignment will be effective on the date of signature by all parties.

(e) As part of the consideration for the Department's consent to the assignment, the Department shall have the right to require amendment to the terms and conditions of the license prior to the assignment.

(f) Licensee shall remain liable for the performance of all obligations under the license following assignment, unless the Department consents, in its sole discretion and in writing, to release licensee from liability.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274,

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13

## 141-082-0305

### Lease Compensation Formulas, Methods and Annual Lease Compensation Adjustments

(1) The Department has established three methods to determine the compensation owed for the use of state-owned submerged and/or submersible land. For some uses, more than one method is available.

(2) The three methods are termed the:

(a) "Flat Rate Method" (which is determined by multiplying the number of square feet of an area requested, or that has been authorized, by a specific rate unique to the use).

(b) "Riparian Land Value Rate Method" (which is based on a percent of the assessed value of the upland adjacent to the area which has been requested, or that has been authorized).

(c) "Percent of Gross Method" (which is based on the percent of the gross income received by the lessee from using the area that has been requested, or that has been authorized).

(3) Regardless of which method (OAR 141-082-0305(2)(a), (b) or (c)) is used, under no circumstances will the compensation owed be less than the base minimum rate, set forth in OAR 141-082-0305(6).

(4) For many use classifications, an applicant has the option of choosing among the above three methods to determine the compensation owed for their use of state-owned submerged and/or submersible land. Under the circumstances identified in OAR 141-082-0305(7), the Department will choose the method to be used to determine the compensation owed to the Department for a use of state-owned submerged and/or submersible land.

(5) Once an applicant or the Department has selected a method of determining compensation, that method will remain in effect for the entire term of the lease unless there is a change in the use.

(6) The base minimum annual compensation for any lease will be the greater of:

(a) \$0.0075 per square foot times the lease area or three hundred and fifty dollars (\$350) which is rate in effect in July 2012. The base minimum annual compensation rates will be increased by three percent each year on July 1st; or

(b) The annual compensation resulting from a competitive bid award.

(7) In the event the lessee and the Department cannot agree on the method of calculating the annual compensation or any aspect of the method to be used, the annual compensation owed by the lessee will be determined by the Department using the flat rate method which will remain in effect until such time as the new rate is implemented at the next lease anniversary date. If, during the term of the lease, the lessee and the Department reach agreement on the method of compensation, the new lease rate will be implemented on the next lease anniversary date.

(8) The annual compensation for individual non-commercial docks, boat houses, and floating recreational cabins not eligible for registration and that are not contained within marinas or moorages will be calculated based on the area encompassed by the perimeter of the structures, excluding gangways, protective booms, pilings, and dolphins.

(9) The following eight use classifications and related lease compensation formulas described in OAR 141-082-0305(9)(a) through (h) will be used to establish annual lease compensation payments or minimum bid, whichever is applicable, subject to the base minimum annual lease compensation payment established in OAR 141-082-0305(6). For the riparian land value method described below, utility, railroad or publicly-owned land will not be used for establishing the assessed or appraised value unless the assessed value is readily available and reflective of comparable similarly situated tax lots. If not, the assessed or appraised value of privately owned comparable tax lots will be substituted. In cases where the adjacent riparian tax lot is less than 100 feet deep, the Department will assume the adjacent riparian tax lot has a depth of 100 feet and calculate the assessed or appraised value based on this derived area.

Formula Factors:

AV = Assessed value or appraised value (as defined in OAR 141-082-0255(6) and (8) of these rules) whichever is less except as stated in OAR 141-082-0305(16) and (17).

LA = Authorized lease area in square feet of state-owned submerged and submersible land.

AC = Annual compensatory payment

Uses and Compensation Determination Methodologies:

(a) Commercial marinas and docks, and commercial floating home moorages. The annual lease compensation payment calculation is the lesser of the:

(A) Flat rate method of \$0.0257 per square foot (which will be increased each year on July 1st by three percent) x LA; or

(B) Three percent of actual annual gross income; or

(C) Riparian land value method of AV x LA x five percent = AC.

(b) Non-commercial marinas and docks, including all types of ownership oriented marinas and docks and excluding those structures qualified for registration and exempt from lease (e.g., docks and boat houses less than 2,500 square feet). The annual lease compensation payment calculation is the lesser of the:

(A) Flat rate method of \$0.0257 per square foot (which will be increased each year on July 1st by three percent) x LA; or

(B) Three percent of the actual annual gross income; or

(C) Riparian land value method of AV x LA x five percent = AC.

(c) Non-commercial floating home moorages including those operated by ownership-oriented organizations. The annual lease compensation calculation is the lesser of the:

(A) Flat rate method of \$0.0257 per square foot (which will be increased each year on July 1st by three percent) x LA; or

(B) Three percent of actual annual gross income; or

(C) Riparian land value method of AV x LA x five percent = AC.

(d) Individual floating homes and similar structures and uses such as, but not limited to, any structures connected to utilities and associated with residential use not eligible for registration. The annual lease compensation calculation is the lesser of the:

# ADMINISTRATIVE RULES

(A) Flat rate method of \$0.0257 per square foot (which will be increased each year on July 1st by three percent) x LA; or

(B) Riparian land value method of AV x LA x five percent = AC.

(e) Historical vessels or structures not eligible for registration and owned by non-profit organizations (limited to youth-oriented, historical, educational, or scientific organizations). The annual lease compensation is \$300 (which will be increased each year on July 1st by three percent) per year per structure or combination of structures at a single location or facility.

(f) Log boom areas, log raft storage areas. The annual lease compensation calculation is the lesser of the:

(A) Flat rate method of \$0.0128 per square foot (which will be increased each year on July 1st by three percent) x LA; or

(B) Riparian land value method of AV x LA x five percent = AC.

(g) Marine industrial and marine service commercial uses/structures.

The annual compensation payment calculation is the lesser of the:

(A) Flat rate method of \$0.4408 per square foot (which will be increased each year on July 1st by three percent) x LA; or

(B) Riparian land value method of AV x LA x five percent = AC.

(h) Non-Marine Uses. The annual compensation payment calculation is the lesser of the:

(A) Flat rate method of \$0.5147 per square foot (which will be increased each year on July 1st by three percent) x LA; or

(B) Riparian land value method of AV x LA x five percent = AC.

(10) The above described flat rate method factors (OAR 141-082-0305(9)(a) through (h)) are those in effect in July 2012. Each flat rate method factor will be increased by three percent every year on July 1st. Annual lease compensation will be billed on the basis of the adjustments described in OAR 141-082-0305(9). For any newly executed lease, the applicable flat rate that will be applied is that which is in effect at the time of the execution of the lease. The annual compensatory payment for executed leases will also be adjusted/redetermined annually on each lease anniversary date by increasing the annual lease compensation payment by three percent rounded to the nearest dollar. This annual compensatory payment adjustment/redetermination for executed leases shall not apply to those calculated based on actual annual gross income.

(11) Compensation rates for each use within each authorized area will be calculated by the Department on a square foot basis of state-owned submerged and/or submersible land as applicable for each use classification (for example, non-commercial marina), and based on the lessee's choice of rate calculation methods except as noted in OAR 141-082-0305(7) above. More than one use (known as a mixed use) may be permitted by the Department within an authorized area. Compensation rates will be calculated for each use area based on the most applicable use classification, as specified in OAR 141-082-0305(9)(a) through (h), and added together to derive the total annual compensation payment or minimum bid for the entire leasehold. Compensation for each use classification is subject to the base annual minimum compensation as specified in OAR 141-082-0305(6).

(12) Documentation supporting the annual reporting statement submitted to the Department by a lessee must be available upon request by the Department if the lessee reports annual compensation based on three percent of actual annual gross income.

(13) The Department will notify lessees in writing of the new annual compensatory payment not less than 60 calendar days in advance of the lessee's lease anniversary date.

(14) In calculating the initial annual compensatory payment using the riparian land value method, a lessee or lease applicants may substitute an appraised value of the adjacent riparian tax lot or as determined by the Department, a comparable tax lot. The Department reserves the right to evaluate, review, and challenge the appraisal. If required, the appraisal will be conducted at the lessee or lease applicant's expense and prepared by a state-certified appraiser. The Department will provide instructions to the appraiser prior to conducting the appraisal. In the event of a dispute between the Department and the lessee or lease applicant, the value will be determined through the three-appraiser method specified in ORS 274.929(3).

(15) If in the process of using the riparian land value method for calculating the initial annual compensation payment, the AV is found to be artificially depressed due to the presence of hazardous materials or some other extenuating circumstance(s) as determined by the Department, another comparable upland tax lot will be selected by the Department as the basis for calculating the initial annual lease compensatory payment.

(16) The Director reserves the right to establish a rate of compensation due to the Department for all other structures and uses that do not fit into any of the above categories, or which are unique. However, the rate of

compensation will not be less than the base minimum annual compensatory payment as defined by OAR 141-082-0305(6).

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274,

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13

## 141-082-0310

### Removal of Unauthorized Structures

(1) The Department may require the owner of an unauthorized structure on state-owned submerged and/or submersible land to remove it at their own expense.

(2) If the owner refuses to remove the unauthorized structure, or if no owner can be located, the Department may, at its own expense, remove the structure from state-owned submerged and/or submersible land.

(3) In the event that the Department does remove an unauthorized structure, it will pursue whatever legal options are available to recover such removal and any associated disposal and environmental clean-up costs from the owner, including placing a lien on the assets of that owner.

(4) If the owner does not pay the costs incurred in the removal of the unauthorized structure by the Department, the Department may impose a civil penalty pursuant to OAR 141-082-0315.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274,

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13

## 141-082-0315

### Civil Penalties

(1) The unauthorized use of state-owned land managed by the Department constitutes a trespass.

(2) In addition to any other penalty or sanction provided by law, the Director may assess a civil penalty of not less than \$50 per day, and not more than \$1,000 per day of violation of any provision of these rules or ORS 274 that occurs on state-owned submerged and/or submersible lands pursuant to ORS 274.992.

(3) The Director will give written notice of a civil penalty incurred under OAR 141-082-0315(2) by registered or certified mail to the person incurring the penalty. The notice will include, but not be limited to the following:

(a) The particular section of the statute, rule, or written authorization involved;

(b) A short and clear statement of the matter asserted or charged;

(c) A statement of the party's right to request a hearing within 20 calendar days of the date of service of the notice;

(d) The time allowed to correct a violation; and

(e) A statement of the amount of civil penalty which may be assessed and terms and conditions of payment if the violation is not corrected within the time period stated.

(4) The person incurring the penalty may request a hearing within 20 calendar days of the date of service of the notice provided in OAR 141-082-0315(3). Such a request must be in writing. If no written request for a hearing is made within the time allowed, or if the party requesting a hearing fails to appear, the Director may make a final order imposing the penalty.

(5) The amount of a civil penalty will be not less than \$50 per day, or more than \$1,000 per day for violation of an authorization issued under ORS 274.040 or violation of any administrative rule adopted under ORS 274.040.

(6) In imposing a penalty under OAR 141-082-0315 of these rules, the Director will consider the following factors as specified in ORS 274.994:

(a) The past history of the person incurring a penalty with regard to other trespasses on state-owned land managed by the Department and the willingness of the person to take all feasible steps or procedures necessary or appropriate to correct any violation;

(b) Any prior violations of statutes, rules, orders and authorizations pertaining to submerged and/or submersible lands;

(c) The impact of the violation on public trust uses of commerce, navigation, fishing and recreation; and

(d) Any other factors determined by the Director to be relevant and consistent with the policy of these rules.

(7) Pursuant to ORS 183.090(2), a civil penalty imposed under OAR 141-082-0315 will become due and payable 10 calendar days after the order imposing the civil penalty becomes final by operation of law or on appeal.

(8) If a civil penalty is not paid as required by OAR 141-082-0315, interest will accrue at the maximum rate allowed by law.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274,

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13



# ADMINISTRATIVE RULES

## 141-082-0320

### Registration of Structures and Uses

(1) Structures and uses subject to registration under this section are set forth in OAR 141-082-0265(3).

(2) The Director may determine that other structures and uses similar to those specified in OAR 141-082-0265(3) are also subject to registration and the rules governing registrable structures and uses. If the Director determines that a structure or use is registrable, s/he will assign an appropriate fee.

(3) A person who fails to apply for and obtain a registration, or who fails to renew an expired registration, for a structure or use subject to a registration under these rules is in trespass and subject to the civil penalties provided in OAR 141-082-0315.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 274,  
Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13

## 141-082-0325

### Registration Requirements and Provisions

(1) All persons:

(a) Owning or placing structures on, or using state-owned submerged and/or submersible land in a way that is subject to registration under these rules must register the structure or use with the Department.

(b) Changing the location of a registered structure or use must notify the Department in writing 90 calendar days prior to such placement, or change in location.

(c) Making any modifications, including a change in size of the registered structure or a change in the registered use must notify the Department 90 calendar days prior to making such a modification.

(2) Except as provided in OAR 141-082-0325(3), an applicant for a registration must use a form provided by the Department and submit a registration form for all registrable structures or uses.

(3) A single registration form may be used to apply for a registration for all dikes, rip-rap, tide gates, erosion control barriers and other structures that occupy state-owned submerged and submersible land if they are located within:

(a) The jurisdiction of, and actively maintained by a diking or drainage district, or

(b) Contiguous parcels owned by the same person and maintained by that person.

(4) Except as provided in OAR 141-082-0335(2), each registration must be accompanied by a fee payment in the amount indicated in OAR 141-082-0335 of these rules.

(5) The Department will not issue a registration where the Department determines that the use or structure:

(a) Will unreasonably interfere with the public's right to use the waterway and state-owned submerged and submersible land for fishing, navigation, commerce, and recreation;

(b) Will not comply with all applicable local, state, and federal laws including the local comprehensive plan and zoning requirements; and

(6) Prior to issuance of a registration to use or occupy state-owned submerged and submersible land for the uses described in OAR 141-082-0265(3)(e), (f), (g) and (h) of these rules, the applicant, as a condition of their authorization and as required by ORS 274.043(6), must indemnify and hold harmless the State of Oregon from all liability and claims arising from or attributable to the use or occupation. The applicant's obligation to indemnify and hold harmless the State of Oregon from all liability and claims arising from or attributable to the use or occupation must be in writing on a form provided by the Department.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 274,  
Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13

## 141-082-0330

### Registration Terms and Conditions

(1) A registration issued by the Department will be for a term of five years for all structures and uses.

(2) Unless otherwise prohibited by law, any registered structure or use in compliance with these rules may be repaired or replaced in a manner consistent with the requirements of OAR 141-082-0325, and remain authorized under the original registration issued by the Department. However, any person making such repairs to a structure that changes its use or the area it occupies, or who replaces a structure entirely, must notify the Department in writing within 90 calendar days of making such repairs or replacement as a condition of the registration.

(3) The Department must be notified in writing of any:

(a) Change in the location or size of a registered structure or use 90 calendar days prior to such change;

(b) Change in ownership of a registered structure or use as a result of a sale or conveyance within 90 calendar days of the transfer of ownership.

(c) Change in ownership by operation of law resulting from a bankruptcy, foreclosure, estate settlement, or the like within 30 calendar days of the final settlement or decision. Failure to notify the Department of a change in the location, size, or the ownership of, a registered structure or use within the time provided will result in the automatic termination of the registration.

(4) Registrations for privately-owned structures and uses subject to registration must be renewed every five years. An owner who fails to renew an expired registration for a structure or use subject to a registration under these rules is in trespass and subject to the civil penalties provided in OAR 141-082-0315.

(5) The Department may condition a registration to ensure compliance with law or these rules. The Department may modify the conditions of a registration, or terminate a registration, if during the term of the registration the Department determined that the structures or uses do not comply with law or these rules.

(6) The Department will provide a copy of the registration to the appropriate county official in the county where the registered structure is located.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 274,  
Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13

## 141-082-0335

### Fees

(1) Except as provided in OAR 141-082-0335(2), the fee for each five-year term of a registration is as follows:

(a) \$125 until December 31, 2012;

\$150 from January 1, 2013 through December 31, 2013;

\$175 from January 1, 2014 through December 31, 2014;

\$200 from January 1, 2015 through December 31, 2015;

\$225 from January 1, 2016 through December 31, 2016;

\$250 on and after January 1, 2017 for a dock/float or boat house 1,000 square feet or less in size (excluding associated gangways, dolphins, pilings and protective booms); and any boat ramp not associated with another authorized waterway structure.

(b) \$250 until December 31, 2012;

\$300 from January 1, 2013 through December 31, 2013;

\$350 from January 1, 2014 through December 31, 2014;

\$400 from January 1, 2015 through December 31, 2015;

\$450 from January 1, 2016 through December 31, 2016;

\$500 on and after January 1, 2017 for a dock/float or boat house from 1,001 square feet to 2,000 square feet in size (excluding associated gangways, dolphins, pilings and protective booms).

(c) \$300 until December 31, 2012;

\$360 from January 1, 2013 through December 31, 2013;

\$420 from January 1, 2014 through December 31, 2014;

\$480 from January 1, 2015 through December 31, 2015;

\$540 from January 1, 2016 through December 31, 2016;

\$600 on and after January 1, 2017 for a dock/float or boat house from 2,001 square feet to 2,500 square feet in size.

(d) \$350 until December 31, 2012;

\$420 from January 1, 2013 through December 31, 2013;

\$490 from January 1, 2014 through December 31, 2014;

\$560 from January 1, 2015 through December 31, 2015;

\$630 from January 1, 2016 through December 31, 2016;

\$700 on and after January 1, 2017 for a floating recreational cabin.

(e) \$125 until December 31, 2012;

\$150 from January 1, 2013 through December 31, 2013;

\$175 from January 1, 2014 through December 31, 2014;

\$200 from January 1, 2015 through December 31, 2015;

\$225 from January 1, 2016 through December 31, 2016;

\$250 on and after January 1, 2017 for a water sport structure.

(2) No fee or other compensation is required for registering or renewing a registration for the following uses or structures:

(a) Rip-rap and tide gates.

(b) Structures maintained by a diking or drainage district.

(c) Rights of way established prior to November 1, 1981 for any county road or city street.

(d) Voluntary habitat restoration work.

(3) The fee for structures or uses not listed above that are subject to registration under these rules as determined by the Director under OAR 141-082-0265(3)(i) will be determined on a case by case basis and be not less than:

\$125 through December 31, 2012;

\$150 from January 1, 2013 through December 31, 2013;

\$175 from January 1, 2014 through December 31, 2014;

\$200 from January 1, 2015 through December 31, 2015;

\$225 from January 1, 2016 through December 31, 2016;

\$250 on and after January 1, 2017.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 274,  
Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13

# ADMINISTRATIVE RULES

## 141-082-0340

### Appeals

(1) An applicant for an authorization, or any other person adversely affected by a decision by the Department concerning an authorization, closure of, or restriction to the use of state-owned submerged and/or submersible land may appeal the decision to the Director.

(a) Such an appeal must be received by the Director no later than 30 calendar days after the delivery of the decision.

(b) The Director will decide the appeal within 60 calendar days after the date of delivery of the appeal.

(c) The Director may affirm the decision, issue a new or modified decision, or request the appellant to submit additional information to support the appeal.

(2) When an applicant for an authorization to use state-owned submerged and/or submersible land or any other person adversely affected by a decision of the Department concerning an authorization has exhausted the appeal process before the Director, s/he may submit an appeal for a contested case hearing pursuant to ORS 183.413 through 183.470.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13

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

**Rule Caption:** Trusted Carrier Partner program for passenger-carrying motor carriers.

**Adm. Order No.:** MCTD 9-2012

**Filed with Sec. of State:** 10-23-2012

**Certified to be Effective:** 10-23-12

**Notice Publication Date:** 9-1-2012

**Rules Adopted:** 740-045-0065, 740-045-0075

**Rules Amended:** 740-045-0060, 740-045-0070

**Subject:** These rules create a Trusted Carrier Program for passenger-carrying motor carriers. The program has the same requirements as property-carrying motor carriers have with regard to passing a review of their compliance with registration, tax, and safety requirements. Enrollment into the Green Light program and equipping the vehicles with transponders will not be required. In addition, a passenger-carrying motor carrier will agree to have periodic inspection performed by ODOT. The program will be beneficial to ODOT's safety program and to the motor carrier by allowing regular inspections of passenger-carrying vehicles to be completed at the terminal location, avoiding over the road inspection delays. The program will also provide an incentive for passenger-carrying motor carriers to be in compliance with federal and state requirements.

**Rules Coordinator:** Lauri Kunze—(503) 986-3171

### 740-045-0060

#### Qualifications for Trusted Carrier Partner Program for a Property-Carrying Motor Carrier

(1) In order to qualify for participation in the Trusted Carrier Partner program, a motor carrier must:

(a) Have at least 12 months history of Oregon operations;

(b) Have a valid USDOT number;

(c) Be a participant in Oregon's commercial vehicle electronic pre-clearance weigh station bypass program (GreenLight);

(d) Not have an unsatisfactory safety rating with the State or Federal regulatory agencies;

(e) Not be a carrier identified by the FMCSA Safety Measurement System as a carrier needing corrective interventions;

(f) Not have a record of safety violations, including, but not limited to, violating an out-of-service order or having a driver found driving under the influence; or

(g) Not have a driver and/or vehicle out-of-service percentage greater than the national compliance average.

(2) In addition to the requirements found in section (1) of this rule, the Department may deny participation in the Trusted Carrier Partner program for violations or conditions related to registration or tax requirements including, but not limited to:

(a) Suspensions with the Department;

(b) Civil monetary penalty actions;

(c) Revocations of IFTA tax license;

(d) More than one motor carrier related tax report filed late; or

(e) More than one repayment plan entered into or satisfactorily concluded.

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

Stats. Implemented: ORS 825.212, 825.232, & 825.250

Hist.: MCTB 4-1998, f. & cert. ef. 10-16-98; MCTD 9-2012, f. & cert. ef. 10-23-12

### 740-045-0065

#### Qualifications for Trusted Carrier Partner Program for a Passenger-Carrying Motor Carrier

(1) In order to qualify for participation in the Trusted Carrier Partner program, a motor carrier must:

(a) Have at least 12 months history of Oregon operations;

(b) Have a valid USDOT number;

(c) Not have an unsatisfactory safety rating with the State or Federal regulatory agencies;

(d) Not be a carrier identified by the FMCSA Safety Measurement System as a carrier needing corrective interventions;

(e) Not have a record of safety violations, including, but not limited to, violating an out-of-service order or having a driver found driving under the influence; or

(f) Not have a driver and/or vehicle out-of-service percentage greater than the national compliance average.

(2) In addition to the requirements found in section (1) of this rule, the Department may deny participation in the Trusted Carrier Partner program for violations or conditions related to registration or tax requirements including, but not limited to:

(a) Suspensions with the Department;

(b) Civil monetary penalty actions;

(c) Revocations of IFTA tax license;

(d) More than one motor carrier related tax report filed late; or

(e) More than one repayment plan entered into or satisfactorily concluded.

(3) Passenger carrying vehicles identified by the Trusted Carrier Partner program are subject to periodic inspection by ODOT.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.250 & 825.232

Stats. Implemented: ORS 825.212, 825.232, & 825.250

Hist.: MCTD 9-2012, f. & cert. ef. 10-23-12

### 740-045-0070

#### Trusted Carrier Partner Plates for Property-Carrying Vehicles

(1) In order to identify their status, Trusted Carrier Partners will be issued Trusted Carrier Partner plates (TCP plates) for each motor vehicle equipped with an operable transponder.

(2) A Trusted Carrier Partner must:

(a) Display TCP plates on the front of the vehicle(s) and in accordance with OAR 740-045-0020(2)(c); and

(b) Display the motor carrier's USDOT number on the TCP plate.

(3) TCP plates are valid unless the Trusted Carrier Partner to which they are issued:

(a) No longer meets the qualifications identified in OAR 740-045-0060;

(b) Uses the transponder or TCP plate in a manner not authorized by the Department; or

(c) Files bankruptcy.

(4) When the motor carrier is notified by the Department that a TCP plate is invalidated, the motor carrier must immediately remove the plate from the motor vehicle and return it to the Department.

(5) A Trusted Carrier Partner who leases a motor vehicle with a TCP plate to another motor carrier must remove the TCP plate until the leased motor vehicle is returned to the control of the Trusted Carrier Partner.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.250 & 825.232

Stats. Implemented: ORS 825.212, 825.232, & 825.250

Hist.: MCTB 4-1998, f. & cert. ef. 10-16-98; MCTB 1-2002, f. 6-21-02, cert. ef. 7-1-02; MCTD 9-2012, f. & cert. ef. 10-23-12

### 740-045-0075

#### Trusted Carrier Partner Plates for Passenger-Carrying Vehicles

(1) In order to identify their status, Trusted Carrier Partners will be issued Trusted Carrier Partner plates (TCP plates).

(2) A Trusted Carrier Partner must:

(a) Display TCP plates on the front of the vehicle(s) and in accordance with OAR 740-045-0020(2)(c); and

(b) Display the motor carrier's USDOT number on the TCP plate.

(3) TCP plates are valid unless the Trusted Carrier Partner to which they are issued:

(a) No longer meets the qualifications identified in OAR 740-045-0065;

# ADMINISTRATIVE RULES

- (b) Uses TCP plate in a manner not authorized by the Department; or
- (c) Files bankruptcy.
- (4) When the motor carrier is notified by the Department that a TCP plate is invalidated, the motor carrier must immediately remove the plate from the motor vehicle and return it to the Department.

(5) A Trusted Carrier Partner who leases a motor vehicle with a TCP plate to another motor carrier must remove the TCP plate until the leased motor vehicle is returned to the control of the Trusted Carrier Partner.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.250 & 825.232  
Stats. Implemented: ORS 825.212, 825.232 & 825.250  
Hist.: MCTD 9-2012, f. & cert. ef. 10-23-12

## Oregon Business Development Department Chapter 123

**Rule Caption:** These rules relate to the OBDF BOOST fund making temporary rules permanent.

**Adm. Order No.:** OBDD 17-2012

**Filed with Sec. of State:** 10-31-2012

**Certified to be Effective:** 11-1-12

**Notice Publication Date:** 10-1-2012

**Rules Amended:** 123-017-0080

**Rules Repealed:** 123-017-0080(T)

**Subject:** In the 2011 Legislative Session, HB 2919 was passed to allow the Business Opportunity for Oregon Small Business Today Account (BOOST) to grant funds to businesses who employ veterans as new full time employees.

This filing makes the temporary rules permanent.

**Rules Coordinator:** Mindie Sublette—(503) 986-0036

### 123-017-0080

#### Building Opportunities for Oregon Small Business Today Grant Program

(1) In order to approve a grant from the BOOST Account, the Department must first determine that the Applicant:

- (a) Is a traded sector business that meets the requirements set forth in ORS 285A.055;
- (b) Is legally organized and authorized to conduct business in Oregon;
- (c) Has 100 or fewer employees in Oregon at the time of application as demonstrated by:

(A) The average number of workers reported on the most recent Form OQ filed by the Applicant with and as required by the Oregon Employment Department; or

(B) Other documentation determined to be acceptable by the Department.

(d) Has established goals to create Full-time Jobs in Oregon within 90 days after approval of the grant;

(e) Demonstrates a reasonable capacity of achieving its goals to create Full-time Jobs in Oregon within 90 days after approval of the grant;

(f) Provides Comparable Wages to its employees; and

(g) Has paid the \$50 non-refundable application fee to the Department.

(2) In order to approve a grant from the BOOST Account, the Department must first determine that funds are or will be available in the BOOST Account to fund the grant.

(3) After approval of a grant, the Department will enter into a grant agreement with the Applicant. Among other items, the grant agreement will contain the following provisions:

(a) Grant funds will be disbursed to the Applicant upon receipt of the report described in (3)(b) and a determination by the Department, in the reasonable exercise of its administrative discretion that the Department has sufficient funds in and expenditure authorization for the BOOST Account, to make the disbursement.

(b) No later than 10 months after the date the grant was approved by the Department, the Applicant shall submit a report to the Department for each new employee who:

(A) Was not an employee of the Applicant within the nine months prior to the current date of hire;

(B) Was unemployed for at least the 60 days prior to the date of hire by the Applicant, or is a veteran under the meaning given that term in ORS 408.225;

(C) Was hired by the Applicant within 90 days after the date the Department approved the grant;

(D) Has signed an affidavit that he or she was unemployed for at least the 60 days prior to the date of hire by the Applicant, or has signed an affi-

davit that he or she is a veteran under the meaning given that term in ORS 408.225;

(4) Worked at least:

(a) 35 hours in each of the 26 consecutive weeks since hired by the Applicant; or

(b) 25 hours in each of the consecutive 26 weeks since hired by the Applicant when the Applicant provides a Health Benefit Plan.

(c) The report submitted to the Department will include the following information for each employee who meets the criteria described in (3)(b):

(A) Legal Name;

(B) Social Security Number;

(C) Date of hire;

(D) Date of departure from the applicant if applicable

(E) Number of hours worked in each of the 26 consecutive weeks beginning the week the employee was hired by the Applicant.

(5) The amount of the grant to be disbursed to the Applicant shall be the minimum of:

(a) \$50,000 in a calendar year;

(b) The grant amount approved;

(c) The amount in the BOOST Account available to be disbursed to the Applicant;

(d) The next increase in employment as demonstrated by the formula  $G = (A1 - A2) * \$2,500$ , where:

(A) G = the amount of the grant to be disbursed;

(B) A1 = the average number of workers reported on the most recent Form OQ filed by the Applicant with and as required by the Oregon Employment Department or as demonstrated by other documentation determined to be acceptable by Department; and,

(C) A2 = the average number of workers determined in accordance with section (1)(c) above.

(6) The net increase in eligible employees as demonstrated by the formula  $G = [P - (P - A)] * \$2,500$  where:

(a) G = the amount of the grant to be disbursed;

(b) P = the number of projected Full-time Jobs submitted by the Application in the grant application;

(c) A = the total number of employees listed in the report described in (3)(b) above.

(7) The total amount of BOOST grants awarded and made shall not exceed 20% of the total capitalization provided to the BOOST Account from the Tax Enforcement Account.

(8) Applications for a grant from the BOOST Account will be processed on a first come, first served basis. If the Department determines an application for a grant from the BOOST Account is incomplete, the Department shall notify the Applicant in writing of the additional information needed and any deficiencies in the application. The Applicant must submit the information necessary for the Department to determine that the application is complete within thirty days after the date of notification or the application will no longer be considered for a grant award.

(9) Applications for a grant from the BOOST Account may be submitted by an Applicant to the Department at any time until 5:00 P.M. on June 30, 2012.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.050 - 285B.098, 408.225

Hist.: OBDD 20-2010(Temp), f. & cert. ef. 5-28-10 thru 10-9-10; OBDD 33-2010, f. & cert. ef. 10-1-10; OBDD 1-2012(Temp), f. & cert. ef. 2-23-12 thru 8-20-12; Administrative correction 9-20-12; OBDD 17-2012, f. 10-31-12, cert. ef. 11-1-12

## Oregon Criminal Justice Commission Chapter 213

**Rule Caption:** Changes to Notice Rule, Updating Sentencing Guidelines Citations, and Repeal of SB 77 Rules.

**Adm. Order No.:** CJC 4-2012

**Filed with Sec. of State:** 10-16-2012

**Certified to be Effective:** 10-16-12

**Notice Publication Date:** 9-1-2012

**Rules Amended:** 213-001-0000, 213-005-0001, 213-008-0003, 213-008-0005, 213-012-0020, 213-012-0030

**Rules Repealed:** 213-001-0000(T), 213-070-0000, 213-070-0005, 213-070-0010, 213-070-0020, 213-070-0030, 213-070-0040, 213-070-0050

**Subject:** The Criminal Justice Commission (CJC) is required under ORS 137.667(1) to review all legislation creating new crimes or modifying existing crimes, and to adopt by rule necessary changes to the sentencing guidelines. CJC may also classify offenses as per-



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son felonies or person misdemeanors. ORS 137.667(1). Under the Oregon Administrative Procedures Act (APA), agencies are required to adopt rules pertaining to rulemaking procedures. ORS 183.341. The APA also requires that agencies give the public a minimum of 21 days' notice of a proposed rulemaking before the rule becomes effective. ORS 183.335(1)(b). CJC has adopted such rules. However, the public notice period required under the CJC rules is greater than the public notice period required under the APA, i.e., 28 days' notice versus 21 days' notice.

Occasionally, in order to have CJC's proposed changes to the sentencing guidelines administrative rules take effect in a timely manner, it is necessary for CJC to provide notice that meets the statutory APA minimum notice requirement of 21 days, but which is later than CJC's existing notice requirement of 28 days. This rule change makes permanent a temporary rule that modifies CJC's existing administrative rules regarding notice to the public of proposed rulemaking so that CJC's notice requirements are consistent with the advance public notice time period required by the APA. CJC's advance notice requirements pertaining to legislators, interested parties, and other specific entities listed in CJC's notice rules remain unchanged.

In 2009, the Oregon Legislature created the crime of Aggravated Harassment. HB 3271 (2009). A person commits that offense, in relevant part, when the person propels a dangerous substance at a staff member (a defined term), knowing the staff member to be a staff member, while the staff member is acting in his or her official capacity. This same crime was previously a form of Assault III, and was codified at ORS 163.165(1). The Legislature requires that persons convicted of propelling a dangerous substance at a staff member (currently Aggravated Harassment, previously Assault III) be sentenced to a term of imprisonment in a state correctional facility. The references to this requirement in CJC's rules currently use the old Assault III citation. The rule change updates those citations to the location where the requirement is currently found, in ORS 166.070, the Aggravated Harassment statute.

Finally, CJC was required under former ORS 203.095 (2009) (SB 77 (2009)) to adopt rules pertaining to public safety services guidelines to aid CJC in determining whether a county provided a minimally adequate level of public safety services in certain defined areas. In 2012, the Oregon Legislature amended ORS 203.095 to remove CJC's authority in this regard, and to give the Governor authority, in certain circumstances, to determine whether a county is providing a minimally adequate level of state required services. HB 4176 (2012). As a result, CJC is repealing its rules pertaining to determination of a minimally adequate level of public safety services.

**Rules Coordinator:** Craig Prins—(503) 378-4830

## 213-001-0000

### Notice Rule for Rulemaking

Prior to the adoption, amendment or repeal of any permanent rule, the chairperson of the Criminal Justice Commission or designee shall give notice of the proposed action:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date of the proposed rule.

(2) By furnishing a copy of the notice to persons on the Criminal Justice Commission mailing list established pursuant to ORS 183.335(7) at least 28 days prior to the effective date of the proposed rule.

(3) By furnishing a copy of the notice to the legislators specified in ORS 183.335(15) at least 49 days prior to the effective date of the proposed rule.

(4) By furnishing a copy of the notice at least 28 days prior to the effective date of the proposed rule to:

- (a) Associated Press;
- (b) The Oregonian, Portland, Oregon;
- (c) East Oregonian, Pendleton, Oregon;
- (d) Statesman Journal, Salem, Oregon;
- (e) Medford Mail Tribune, Medford, Oregon;
- (f) The Register Guard, Eugene, Oregon;
- (g) The Bulletin, Bend, Oregon;

- (h) Oregon State Bar Bulletin;
- (i) Chief Justice, Oregon Supreme Court;
- (j) Chief Judge, Oregon Court of Appeals;
- (k) Oregon Circuit Judges Association;
- (l) Office of the Attorney General;
- (m) State Court Administrator;
- (n) American Civil Liberties Union;
- (o) Association of Oregon Counties;
- (p) Crime Victims United;
- (q) Oregon Association Chiefs of Police;
- (r) Oregon Community Corrections Directors Association;
- (s) Oregon Criminal Defense Lawyers Association;
- (t) Oregon District Attorneys Association;
- (u) Oregon State Sheriffs Association;
- (v) Office of Public Defense Services;
- (w) Rules Coordinator, Department of Corrections;
- (x) Association of Municipal Court Judges;
- (y) Justices of the Peace Association; and
- (z) Board of Parole and Post-Prison Supervision.

Stat. Auth.: ORS 183.341(2) & (4)

Stats. Implemented: ORS 183.341(2) & (4)

Hist.: SSG 1-1988, f. & cert. ef. 11-16-88; SSG 2-1993, f. 10-28-93, cert. ef. 11-1-93; CJC 1-1995(Temp), f. & cert. ef. 9-1-95; CJC 1-1996, f. 3-6-96, cert. ef. 3-8-96, Renumbered from 253-001-0000; CJC 3-1997, f. 10-29-97, cert. ef. 11-1-97; CJC 1-1999, f. & cert. ef. 11-1-99; CJC 2-2003, f. 12-31-03, cert. ef. 1-1-04; CJC 1-2006, f. & cert. ef. 4-12-06; CJC 3-2012(Temp), f. & cert. ef. 4-27-12 thru 10-23-12; CJC 4-2012, f. & cert. ef. 10-16-12

## 213-005-0001

### Place and Term of Incarceration

(1) If an offense is classified in a grid block above the dispositional line, the presumptive sentence shall be a term of imprisonment within the durational range of months stated in the grid block. The sentencing judge should select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) Terms of incarceration 12 months or less shall be served at the direction of the supervisory authority. Terms of incarceration greater than 12 months shall be served in the legal and physical custody of the Department.

(3) Notwithstanding the term of imprisonment imposed by the sentencing court, and as authorized by the court pursuant to ORS 137.750 for crimes committed on or after December 5, 1996, an offender who enters and successfully completes a special alternative incarceration program, in accordance with the rules and procedures adopted by the Department of Corrections pursuant to ORS 421.500 et. seq., may be released early to serve the term of post-prison supervision imposed as part of the original sentence.

(4) Notwithstanding section (2) of this rule:

(a) Terms of incarceration 12 months or less imposed pursuant to ORS 166.070(2) shall be served in the legal and physical custody of the Department; and

(b) Offenders sentenced under 2011 Or Laws ch 598 shall serve a mandatory minimum term of incarceration of 90 days, without reduction for any reason.

Stat. Auth.: ORS 137.667, 421.512 & 2003 OL Ch. 464

Stats. Implemented: ORS 137.667, 137.669, 137.750, 163.165(2), 421.512; 2011 OL Ch. 3 §1; 2011 OL Ch. 598

Hist.: SSG 2-1988, f. 12-30-88, cert. ef. 9-1-89; SSG 1-1989, f. 5-25-89, cert. ef. 9-1-89; SSG 1-1994, f. 6-27-94, cert. ef. 7-1-94; CJC 1-1996, f. 3-6-96, cert. ef. 3-8-96, Renumbered from 253-005-0001; CJC 3-1997, f. 10-29-97, cert. ef. 11-1-97; CJC 1-1999, f. & cert. ef. 11-1-99; CJC 2-2003, f. 12-31-03, cert. ef. 1-1-04; CJC 2-2012, f. & cert. ef. 4-27-12; CJC 4-2012, f. & cert. ef. 10-16-12

## 213-008-0003

### Duration of Departures

(1) When a sentencing judge departs in setting the duration of a prison term, the judge shall consider the purposes and principles of these guidelines as described in OAR 213-002-0001 to impose a sentence which is proportionate to the seriousness of the crime of conviction and the offender's criminal history.

(2) A durational departure from a presumptive prison term shall not total more than double the maximum duration of the presumptive prison term. In no case may the sentence exceed the statutory maximum indeterminate sentence described in ORS 161.605.

(3) The limit on durational departures established by section (2) of this rule does not apply to the indeterminate sentence imposed on a dangerous offender ORS 161.725 and 161.737.

(4) Durational departure sentences of 12 months or less shall be served at the direction of the supervisory authority. Durational departure

# ADMINISTRATIVE RULES

sentences greater than 12 months shall be served in the legal and physical custody of the Department.

(5) Notwithstanding section (4) of this rule, terms of incarceration 12 months or less imposed pursuant to ORS 166.070(2) shall be served in the legal and physical custody of the Department.

Stat. Auth.: ORS 137.667

Stats. Implemented: ORS 137.667 - 137.669 & 1999 OL Ch. 1011 (HB 2273)

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 1-1993(Temp), f. & cert. ef. 9-15-93; SSGB 2-1993, f. 10-28-93, cert. ef. 11-1-93; Sections (2) and (3) Renumbered from 253-008-0004; CJC 1-1996, f. 3-6-96, cert. ef. 3-8-96, Renumbered from 253-008-0003; CJC 3-1997, f. 10-29-97, cert. ef. 11-1-97; CJC 1-1999, f. & cert. ef. 11-1-99; CJC 4-2012, f. & cert. ef. 10-16-12

## 213-008-0005

### Dispositional Departure Limitations

(1) When a sentencing judge imposes a prison term as a dispositional departure, the term of incarceration shall be:

(a) Up to six months for offenses classified in Crime Categories 1 and 2, or grid blocks 3-G, 3-H and 3-I;

(b) Up to twelve months for offenses classified in grid blocks 3-A through 3-F, 4-C through 4-I, and 5-G through 5-I; and

(c) Up to eighteen months for offenses classified in grid blocks 5-F, 6-F through 6-I, and 7-F through 7-I.

(2) When a sentencing judge imposes a prison term as a dispositional departure, the term of post-prison supervision shall be determined by the crime seriousness category of the most serious current crime of conviction as required by OAR 213-005-0002.

(3) Any sentence inconsistent with the provisions of this rule shall constitute an additional departure and shall require substantial and compelling reasons independent of the reasons given for the dispositional departure. Such a sentence shall not exceed double the maximum duration set forth in section (1) of this rule.

(4) Any sentence imposed pursuant to this section that is 12 months or less shall be served at the direction of the supervisory authority. Any sentence imposed pursuant to this section that is greater than 12 months shall be served in the legal and physical custody of the Department.

(5) Notwithstanding section (4) of this rule, terms of incarceration 12 months or less imposed pursuant to ORS 166.070(2) shall be served in the legal and physical custody of the Department.

Stat. Auth.: ORS 137.667

Stats. Implemented: ORS 137.667 - 137.669 & 1999 OL Ch. 1011 (HB 2273); 166.070(2)

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 1-1996, f. 3-6-96, cert. ef. 3-8-96, Renumbered from 253-008-0005; CJC 3-1997, f. 10-29-97, cert. ef. 11-1-97; CJC 1-1999, f. & cert. ef. 11-1-99; CJC 4-2012, f. & cert. ef. 10-16-12

## 213-012-0020

### Consecutive Sentences

(1) When the sentencing judge imposes multiple sentences consecutively, the consecutive sentences shall consist of an incarceration term and a supervision term.

(2)(a) Subject to the provisions of subsection (b) of this section, the presumptive incarceration term of the consecutive sentences is the sum of:

(A) The presumptive incarceration term or the prison term defined in OAR 213-008-0005(1) imposed pursuant to a dispositional departure for the primary offense, as defined in OAR 213-003-0001(17); and

(B) Up to the maximum incarceration term indicated in the Criminal History I Column for each additional offense imposed consecutively.

(b) The total incarceration term of the consecutive sentences, including the incarceration term for the primary offense, shall not exceed twice the maximum presumptive incarceration term or the prison term defined in OAR 213-008-0005(1) imposed pursuant to a dispositional departure of the primary sentence except by departure as provided by OAR 213-008-0007.

(c) The incarceration term of any probationary sentence is the maximum jail sentence that could be imposed as provided by these rules as part of the probationary sentence for that offense.

(3)(a) If the court imposes a sentence that includes a term of incarceration that exceeds 12 months and the term is to be served consecutively to a term of incarceration of 12 months or less for a felony that was imposed in a previous proceeding, the defendant shall serve any remaining part of the previously imposed term of incarceration in the legal and physical custody of the Department.

(b) If the court imposes a felony sentence that includes a term of incarceration that is 12 months or less and the term is to be served consecutively to a term of incarceration that exceeds 12 months that was imposed in a previous proceeding or in the same proceeding, the court shall commit the defendant to the legal and physical custody of the Department.

(4) The supervision term of consecutive sentences shall be:

(a) The presumptive post-prison supervision term imposed for the primary offense if the sentence for any offense includes a prison term; or

(b) The presumptive probation term of each offense if no sentence includes a prison term. All presumptive probation terms imposed as provided by this subsection shall run concurrently.

(5) Sections (1), (2), and (3) of this rule shall not apply to any sentence imposed on a dangerous offender under ORS 161.725 and 161.737, nor shall sections (2) and (3) apply to consecutive sentences imposed for crimes that have different victims.

(6) Notwithstanding section (3)(b) of this rule, terms of incarceration 12 months or less imposed pursuant to ORS 166.070(2) shall be served in the legal and physical custody of the Department.

Stat. Auth.: ORS 137.667

Stats. Implemented: ORS 137.667 - 137.669 & 1999 OL Ch. 1011 (HB 2273); 166.070(2)

Hist.: SSGB 1-1989, f. 5-25-89, cert. ef. 9-1-89; SSGB 1-1993(Temp), f. & cert. ef. 9-15-93; SSGB 2-1993, f. 10-28-93, cert. ef. 11-1-93; CJC 1-1996, f. 3-6-96, cert. ef. 3-8-96, Renumbered from 253-012-0020; CJC 1-1997(Temp), f. & cert. ef. 8-13-97; CJC 3-1997, f. 10-29-97, cert. ef. 11-1-97; CJC 1-1999, f. & cert. ef. 11-1-99; CJC 4-2012, f. & cert. ef. 10-16-12

## 213-012-0030

### Sentences Imposed Consecutively to a Prior Remaining Sentence

(1) When a sentence is imposed consecutively to a sentence imposed in a prior proceeding, the incarceration term of the new sentence is added to the remaining incarceration term of the prior sentence. If any sentence includes a prison term, the incarceration term of all sentences shall be served in prison.

(2)(a) Notwithstanding paragraph (1) of this section, if the court imposes a sentence that includes a term of incarceration that exceeds 12 months and the term is to be served consecutively to a term of incarceration of 12 months or less that was imposed in a previous proceeding, the defendant shall serve any remaining part of the previously imposed term of incarceration in the legal and physical custody of the Department.

(b) If the court imposes a felony sentence that includes a term of incarceration that is 12 months or less and the term is to be served consecutively to a term of incarceration that exceeds 12 months that was imposed in a previous proceeding or in the same proceeding, the court shall commit the defendant to the legal and physical custody of the Department.

(3) When a sentence is imposed consecutively to a sentence imposed in a prior proceeding, the supervision term or terms of the new sentence shall be served concurrently with the prior sentence as follows:

(a) If the supervision term of the new sentence is a term of probationary supervision, the supervision shall begin at the date of sentencing.

(b) If the supervision term of the new sentence is a term of post-prison supervision, the supervision term shall begin upon the completion of the incarceration term of the combined sentences, or upon release pursuant to ORS 421.508(3).

(4) Notwithstanding section (2)(b) of this rule, terms of incarceration 12 months or less imposed pursuant to ORS 166.070(2) shall be served in the legal and physical custody of the Department.

Stat. Auth.: ORS 137.667

Stats. Implemented: ORS 137.667 - 137.669 & 1999 OL Ch. 1011 (HB 2273); 166.070(2)

Hist.: SSGB 1-1989, f. 5-25-89, cert. ef. 9-1-89; SSGB 2-1993, f. 10-28-93, cert. ef. 11-1-93; SSGB 1-1994, f. 6-27-94, cert. ef. 7-1-94; CJC 1-1996, f. 3-6-96, cert. ef. 3-8-96, Renumbered from 253-012-0030; CJC 3-1997, f. 10-29-97, cert. ef. 11-1-97; CJC 1-1999, f. & cert. ef. 11-1-99; CJC 4-2012, f. & cert. ef. 10-16-12

## Oregon Department of Education Chapter 581

**Rule Caption:** Repeals duplicative rules and corrects cross reference in special education rules.

**Adm. Order No.:** ODE 29-2012

**Filed with Sec. of State:** 11-7-2012

**Certified to be Effective:** 11-9-12

**Notice Publication Date:** 9-1-2012

**Rules Amended:** 581-015-2425

**Rules Repealed:** 581-015-0133, 581-015-0710

**Subject:** The 2004 Amendment to the IDEA and corresponding regulations, effective October 2006, required changes to existing state regulations. In addition, the state regulations had been reorganized in 2007 and renumbered in a more logical sequence so that information is easier to find. Regulations had also been updated to reflect more current language, and some regulations had been amended for clarity or to align more closely with the federal statutes and regulations. Obsolete rules were repealed, and reorganization prompted

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repeal of some rules that have been combined with new or amended rules.

Two rules intended for repeal at this time, 581-015-0133 and 581-015-0710, were missed through this extensive Division 15 rewrite. These rules are: 581-015-0133 which was renumbered to 581-015-2295 and 581-015-0710 which was renumbered to 581-015-2260. These two renumbered rules need to be removed and repealed.

Finally, 581-015-2425(5)(b), on disciplinary removals, was also modified at this time. It currently reads “provide services to the student in an interim alternative educational setting, determined by the IEP team, in accordance with OAR 581-015-2345.” The reference to 581-015-2345 incorrectly refers back to due process hearing request and response. This is a typo. Subsection (5)(b) of 581-015-2425 should refer to OAR 581-015-2435 which appropriately references the requirements of an interim alternative educational setting as needed in this rule.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

## 581-015-2425

### Removal to an Interim Alternative Educational Setting by School District

(1) Definitions:

(a) “Drug” means illegal drug or controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or otherwise legally possessed. It does not include alcohol or tobacco.

(b) “Drug violation” means the use, possession, sale or solicitation of drugs at school or a school function.

(c) “Serious bodily injury” means bodily injury, which involves substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

(d) “Weapon” means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that it does not include a pocket knife with a blade of less than 2 1/2 inches in length.

(e) “Weapon violation” means carrying a weapon to school or to a school function or acquiring a weapon at school.

(2) School districts may remove a child with disabilities from their current educational placement to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 school days in a school year without regard to whether the behavior is determined to be a manifestation of the child’s disability for:

(a) A drug or weapon violation as defined in subsection (1); or

(b) If the child has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the Department or a school district.

(3) A removal for a drug or weapon violation, or for inflicting serious bodily injury, is considered a change in placement.

(4) School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a removal under subsection (2) for a child with a disability who violates a code of conduct.

(5) For removals described in subsection (2) of this rule, school districts must:

(a) On the date on which the decision is made to remove the student under subsection (2), notify the parents of that decision and provide the parents with notice of procedural safeguards under OAR 581-015-2315;

(b) Provide the services to the student in an interim alternative educational setting, determined by the IEP team, in accordance with OAR 581-015-2435;

(c) Within 10 school days of any decision to remove a child under subsection (2), determine whether the child’s behavior is a manifestation of the child’s disability in accordance with OAR 581-015-2420; and

(d) Provide, as appropriate, a functional behavioral assessment, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

(6) Placement pending due process hearing. If a parent requests a due process hearing because of a disagreement with the manifestation determination, removal to the interim alternative educational setting, or any decision about placement related to a disciplinary removal under section (2) of this rule, the child remains in the interim alternative educational setting pending the decision of the administrative law judge under OAR 581-015-

2445, or until the end of the removal under section (2), whichever occurs first, unless the parent and school district agree otherwise.

Stat. Auth.: ORS 343.041, 343.045 & 343.155

Stats. Implemented: ORS 343.155, 34 CFR 300.504(a)(3), 300.530; 300.533, 300.536

Hist.: ODE 35-1999, f. 12-13-99, cert. ef. 12-14-99; ODE 2-2003, f. & cert. ef. 3-10-03;

Renumbered from 581-015-0555, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 29-2012, f. 11-7-12, cert. ef. 11-9-12

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**Rule Caption:** Makes rules relating to dispute resolution and payment compliant with federal IDEA.

**Adm. Order No.:** ODE 30-2012

**Filed with Sec. of State:** 11-7-2012

**Certified to be Effective:** 11-9-12

**Notice Publication Date:** 9-1-2012

**Rules Adopted:** 581-015-2786

**Rules Amended:** 581-015-2865, 581-015-2870, 581-015-2885, 581-015-2890

**Subject:** As required by the U.S. Department of Education, the proposed new OAR and OAR amendments add specific IDEA content related to the system of payments and dispute resolution options, primarily for early intervention services. A summary statement for each OAR is listed below:

New

OAR 581-015-2786 Dispute Resolution Within and Between Public Agencies – Early Intervention (EI) Services Specifies that each public agency responsible for providing early intervention services may use its internal procedures to timely resolve intra-agency disputes about providing or paying for these services and that early intervention services may not be denied or delayed during the pendency of disputes between agencies regarding payment for services.

Amend

581-015-2865 Mediation

581-015-2870 Due Process Hearings

Adds to each OAR a provision that a parent of a child in early intervention may use the specified dispute resolution procedures (due process or mediation) to challenge the imposition of insurance fees and costs related to a public agency’s use of public or private insurance to provide early intervention.

581-015-2885 Preschool Children with Disabilities Covered by Public Insurance

581-015-2890 Preschool Children with Disabilities Covered by Private Insurance

Adds to each rule provisions that a public agency using a parent’s public or private insurance in conjunction with early intervention services must pay parents’ out-of-pocket costs (e.g., co-payments, deductibles) resulting from this use; may use Part C funds to pay for these costs; and must notify parents that parents may use IDEA’s dispute resolution procedures to contest any imposition of these insurance fees by the public agency.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

## 581-015-2786

### Dispute Resolution Within and Between Public Agencies — Early Intervention (EI) Services

(1) Each public agency involved in providing early intervention services may use its own internal dispute resolution procedures to resolve, in a timely manner, internal disagreements about payments for a particular service or other matters related to providing early intervention services.

(2) A public agency’s internal dispute resolution procedures may not result in delaying the provision of early intervention services.

(3) Public agencies may not delay or deny the timely provision of early intervention services during the pendency of dispute resolution between public agencies regarding financial responsibilities.

Stat. Auth.: ORS 343.475, 343.511

Stats. Implemented: ORS 343.475, 343.495, 343.511, 34 CFR 303.120, 303.511, 303.520, 303.521

Hist.: ODE 30-2012, f. 11-7-12, cert. ef. 11-9-12

## 581-015-2865

### Mediation

(1) The Department offers mediation, in accordance with OAR 581-015-2335, at no cost to the parties to resolve disputes involving any



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EI/ECSE matter, including matters arising before the filing of a complaint or hearing request. For EI families, such matters may include a public agency's choices regarding insurance related decisions or fees, such as: copayments or deductibles, incurred as part of a child's early intervention services.

(2) For the purposes of OAR 581-015-2335, "school district" means contractors and subcontractors for disputes involving any EI/ECSE matter.  
Stat. Auth.: ORS 343.475, 343.531  
Stats. Implemented: ORS 343.475, 343.531, 34 CFR 303.431, 303.521(e)  
Hist.: EB 23-1992, f. & cert. ef. 6-23-92; EB 4-1995, f. & cert. ef. 1-24-95; ODE 24-2000, f. & cert. ef. 10-16-00; Renumbered from 581-015-1020, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 30-2012, f. 11-7-12, cert. ef. 11-9-12

## 581-015-2870

### Due Process Hearings

OARs 581-015-2340 through 581-015-2385 apply for EI and ECSE programs with the following exceptions:

- (1) "School District" means contractors and subcontractors;
- (2) Parents may not seek reimbursement or attorney fees under ORS 343.175 for EI hearings;
- (3) The Department must submit a copy of the hearing decision to the State Advisory Council for Special Education and the State Interagency Coordinating Council; and
- (4) EI parents may use the State Due Process system established in OAR 581-015-2340 through 581-015-2385 to contest the imposition of fees, or a public agency's decisions about a parent's ability to pay costs, such as co-payments or deductibles, incurred as a part of a child's early intervention services.

Stat. Auth.: ORS 343.475, 343.531  
Stats. Implemented: ORS 343.475, 343.531, 34 CFR 303.521(e)  
Hist.: EB 23-1992, f. & cert. ef. 6-23-92; EB 4-1995, f. & cert. ef. 1-24-95; EB 10-1996, f. & cert. ef. 6-26-96; ODE 24-2000, f. & cert. ef. 10-16-00; Renumbered from 581-015-1030, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 14-2012, f. 3-30-12, cert. ef. 4-2-12; ODE 30-2012, f. 11-7-12, cert. ef. 11-9-12

## 581-015-2885

### Preschool Children with Disabilities Covered by Public Insurance

(1) Applicability: For purposes of OAR 581-015-2885, IDEA Part C requirements apply to children ages birth through two; IDEA Part B requirements apply to children ages three and above.

(2) For purposes of this rule the term "public benefits" means public insurance including but not limited to Medicaid.

(3) The contractor or subcontractor may use a child or family's public benefits to provide or pay for early intervention or a Free Appropriate Public Education, as permitted under the public insurance program and the requirements of this rule.

(4) The contractor or subcontractor may not require a parent to sign up for, or enroll in, public benefits to receive early intervention services under Part C or a free appropriate public education (FAPE) under Part B.

(5) For a child under age three, the contractor or subcontractor:

(a) Must obtain, prior to using public benefits, parent consent if the child or family is not enrolled in the public benefits program or if that use would:

- (A) Decrease available lifetime coverage or any other insured benefit;
- (B) Result in the family paying for services that would otherwise be covered by the public benefits;
- (C) Increase premiums or lead to the discontinuation of insurance; or
- (D) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

(b) Must provide, if the parent does not consent to use of their public benefits, the early intervention services on the IFSP for which the parent has provided consent.

(c) Must provide written notification, prior to using public benefits, to the parents that includes:

(A) A statement that parental consent must be obtained before the contractor or subcontractor discloses a child's personally identifiable information to the State Medicaid Agency for billing purposes;

(B) A statement of the no-cost protection provision in subsection (5)(a)-(b) that early intervention services on the IFSP must still be made available if the parent has consented to these services;

(C) A statement that the parents have the right to withdraw their consent to disclose personally identifiable information to the public agency responsible for the administration of public benefits or insurance program (e.g., Medicaid) at any time; and

(D) A statement of the general cost categories that the parent would incur as a result of participating in a public benefits program.

(d) Must pay any costs incurred as a result of using public benefits for early intervention services, such as a deductible or copayment.

(e) May use its Part C funds to pay fees and costs (e.g., the deductible or co-pay amounts) the parents otherwise would have to pay to use public benefits.

(f) May use its Part C funds to pay for early intervention services;

(g) Must notify EI parents that they may use any of the state's dispute resolution procedures including, but not limited to, the state complaint system under OAR 581-015-2030, and mediation, due process and related resolution sessions under 581-015-2865 through 581-015-2870 to contest the imposition of an insurance-related fee or cost, such as co-payments or deductibles, to provide early intervention services for a child who may have a disability.

(6) For a child over age three, the contractor or subcontractor:

(a) Must obtain parent consent for releasing information to the state Medicaid agency necessary to access public insurance for the period of time covered by the child's IFSP;

(b) Must notify parents that the parents' refusal to allow access to their public benefits does not relieve the contractor or subcontractor of responsibility to ensure that all required services are provided at no cost to the parents;

(c) Must not require parents to incur an out-of-pocket expense such as the payment of deductible or co-pay amount incurred in filing a claim for services, and must pay the cost that the parent otherwise would be required to pay;

(d) Must not use a child's benefits under a public insurance program if that use would:

(A) Decrease available lifetime coverage or any other insured benefit;

(B) Result in the family paying for services that would otherwise be covered by the public benefits;

(C) Increase premiums or lead to the discontinuation of insurance; or

(D) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

(e) May use its Part B funds to pay for the service to ensure FAPE; and

(f) May use its Part B funds to pay the cost the parents otherwise would have to pay to use public benefits (e.g., the deductible or co-pay amounts).

(7) Proceeds from public benefits are not treated as program income for purposes of 34 CFR 80.25.

(8) If a contractor or subcontractor spends reimbursements from federal funds (e.g., Medicaid) for early intervention or special education and related services, those funds will not be considered "state or local" funds for purposes of the maintenance of effort provisions.

(9) Nothing in this section should be construed to alter the requirements imposed on a state Medicaid agency, or any other agency administering a public insurance program by federal statute, regulations or policy under applicable titles of the Social Security Act, or any other public insurance program.

Stat. Auth.: ORS 343.475  
Stats. Implemented: ORS 343.475, 343.495, 34 CFR 303.430, 303.520, 303.521  
Hist.: ODE 2-2003, f. & cert. ef. 3-10-03; Renumbered from 581-015-1051, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 14-2012, f. 3-30-12, cert. ef. 4-2-12; ODE 30-2012, f. 11-7-12, cert. ef. 11-9-12

## 581-015-2890

### Preschool Children with Disabilities Covered by Private Insurance

(1) With regard to services required to provide FAPE to a preschool child or EI services to a child under the age of three, a contractor or subcontractor may access a parent's private insurance proceeds only if the parent provides informed consent consistent with this rule and applicable federal requirements related to confidentiality of personally identifiable information.

(2) For a child under the age of three, when the contractor or subcontractor proposes to access the parent's private insurance to pay for the initial provision of early intervention services, it must:

(a) Obtain parent consent in accordance with this rule; and whenever personally identifiable information is released due to an increase in frequency, length, duration, or intensity in the provision of services on the child's IFSP.

(b) Inform the parents of any of the State's payment policies and identify potential costs that the parent may incur when their private insurance is used to pay for services.

(c) Not permit use of private insurance to:

(A) Count towards or result in a loss of benefits due to the annual or lifetime insurance coverage caps, to the parent, or the child's family members who are covered by the policy;

(B) Negatively affect the availability of insurance to the child, the parent, or the child's family members who are covered under the insurance

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policy, and insurance coverage may not be discontinued for these individuals due to the use of the insurance to pay for services; or

(C) Be the basis for increasing insurance premiums of the child, the parent, or the child's family members covered under the insurance policy.

(3) For a child under the age of three, the contractor or subcontractor:

(a) Must not require parents to pay out-of-pocket expenses (e.g., co-payments, premiums, or deductibles), even if the parent has given consent for the use of private insurance.

(b) May use its Part C funds to pay the cost the parents otherwise would have to pay to use public benefits (e.g., the deductible or co-pay amounts);

(c) May use its Part C funds to pay for early intervention services;

(d) Must notify parents that they may use any of the state's dispute resolution procedures including, but not limited to, the state complaint system under OAR 581-015-2030; mediation, due process, and related resolution sessions under 581-015-2865 through 581-015-2870, to contest the imposition of an insurance related fee or cost, such as co-payments or deductibles, to provide early intervention services.

(4) For a child above the age of three, the contractor or subcontractor must obtain consent each time it proposes to access the parents' private insurance.

(a) If a public agency is unable to obtain parental consent to use the parent's private insurance, to ensure the provision of FAPE, the public agency may use its Part B funds to pay for the service.

(b) To avoid financial cost to parents who otherwise would consent to use private insurance, if the parent would incur a cost, the public agency may use its Part B funds to pay the cost the parents otherwise would have to pay to use the parent's insurance (e.g., the deductible or co-pay amounts).

(5) For all preschool children, the contractor or subcontractor must inform the parents that their refusal to permit the public agency to access their private insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.

(6) Proceeds from private insurance will not be treated as program income.

Stat. Auth.: ORS 343.475

Stats. Implemented: ORS 343.475, 343.495, 34 CFR 300.154, 303.520(b)

Hist.: ODE 2-2003, f. & cert. ef. 3-10-03; Renumbered from 581-015-1052, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 14-2012, f. 3-30-12, cert. ef. 4-2-12; ODE 30-2012, f. 11-7-12, cert. ef. 11-9-12

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**Rule Caption:** Reduces fee charged to private career schools for criminal background checks.

**Adm. Order No.:** ODE 31-2012(Temp)

**Filed with Sec. of State:** 11-7-2012

**Certified to be Effective:** 11-9-12 thru 5-7-13

**Notice Publication Date:**

**Rules Amended:** 581-045-0003

**Subject:** Changes fees charged by Department of Education for processing criminal background checks for private career schools. The overall fee is being reduced from \$62 to \$59 to reflect a change in the fee charged by the FBI to the Department.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

## 581-045-0003

### Fingerprinting of Subject Individuals in Schools Accepting Enrollment of Minors

(1) Pursuant to ORS 345.030(6), subject individuals include:

(a) Faculty, teachers, agents, and individuals who hold positions of authority and control in any career school accepting enrollment of persons under the age of 18 and

(b) Agents of career schools who have contact with persons under the age of 18 on behalf of a career school.

(2) Each application for a new school license or renewal of an existing school license shall be accompanied by:

(a) One completed FBI fingerprint card #USGPO 1990-262-201-2000 for each subject individual;

(b) A properly completed Department of Education criminal history information form; and

(c) A fee in an amount equal to the actual charges of conducting the criminal background check as allowed under ORS 181.534 (9)(f)(B)(g). Fee amount and distribution shall be as follows:

(A) Oregon State Police (OSP) — \$28.00;

(B) Federal Bureau of Investigation (FBI) — \$16.50;

(C) Oregon Department of Education (ODE) — \$14.50;

(D) TOTAL — \$59.00

(3) An applicant school is not required to submit fingerprints for subject individuals if the Department of Education has conducted a criminal records check on the subject individual within the three years preceding the date of application.

(4) For the purposes of criminal background checks pursuant to ORS 345.030, conducted in relation to individuals subject to such criminal background verification, the following definitions of a crime applies;

(a) Any adjudication in any criminal court of law, in this state or in any other jurisdiction, finding the individual committed a crime. A crime is an offense for which a sentence of imprisonment is authorized.

(b) Any adjudication in a juvenile proceeding, in this state or in any other jurisdiction, determining the individual committed a crime, which if done by an adult, would constitute a crime listed in ORS 342.143.

(c) Any conduct which resulted in mandatory registration reporting as a sex offender in this state or any other jurisdiction. A later court order or other action relieving the individual of the sex offender registration/reporting requirement does not affect the status of the conduct as a conviction for purposes of this rule.

(d) Any plea of guilty, no contest or nolo contendere in connection with a crime, in this state or in any other jurisdiction.

(e) A conviction exists for the purposes of this rule, regardless of whether a dismissal was later entered into the record in connection with diversion or on any sort of deferred adjudication or delayed entry of judgment.

(f) A conviction exists for purposes of this rule even if a crime was expunged or removed from the record of the individual under the laws of another jurisdiction if the crime would be ineligible under ORS 137.225 for expunction or removal from the record if the conviction had occurred in Oregon. A conviction does not exist where an Oregon court has expunged or otherwise removed a conviction from the record of an individual.

(g) A conviction does not exist, except as noted above, only where there was a judicial adjudication that the individual did not commit the offense in question, or when a conviction, adjudication or plea is overturned by an appellate court of record and no later conviction, adjudication or plea indicating the individual committed the offense in question is on the record.

(5) Fingerprints may be collected by a local or state law enforcement agency.

(6) The Oregon Department of Education shall:

(a) Request criminal information from the Department of State Police in the manner prescribed by law;

(b) Review the criminal records of subject individual upon the submission of the required FBI and state forms and the Superintendent shall issue a statement of criminal history status and related impact on employment or contract qualification.

(c) Not provide copies of criminal records to anyone except as provided by law. The subject individual may inspect his or her personal criminal records under the supervision of properly certified LEDS (Law Enforcement Data Systems) personnel at the Department of Education.

(7) Subject individuals who refuse to consent to the criminal records check or refuse to be fingerprinted shall be terminated from employment by the applicant school.

(8) Subject individuals who have been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, shall be refused employment or continued employment, or have employment terminated upon notification from the Superintendent.

(9) Subject individuals who have been convicted of any of the crimes listed in ORS 161.405 or an attempt to commit any of the crimes listed in 324.143 shall be refused employment, continued employment, or have employment terminated by the applicant school upon notification from the Superintendent.

(10) Evaluations of crimes shall be based on Oregon laws in effect at the time of conviction, regardless of the jurisdiction in which the conviction occurred.

(11) Prior to making a determination that results in a notice and opportunity for hearing, as allowed under ORS 181.534, the Superintendent may cause an investigation to be undertaken. Subject individuals and applicant schools shall cooperate with the investigation and may be required to furnish oral or written statements by affidavit or under oath. If the Superintendent determines through investigation that a violation of this rule has not occurred, a written decision explaining the basis for the decision will be provided to the subject individual.

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(12) Subject individuals may appeal a determination that prevents their employment or eligibility to contract with an applicant school as a contested case under ORS 183.413 to 183.470 to the Superintendent.

(13) Only cards and forms approved by the Department of Education will be accepted. The Department of Education will return any incomplete or incorrectly completed fingerprint cards and associated forms without taking any other action.

(14) The Department of Education shall maintain a record of all properly submitted fingerprint cards. The record shall include at least the following:

- (a) Card sequence number;
- (b) Name of applicant school submitting the cards;
- (c) Date cards and Department forms were received;
- (d) Date incomplete cards returned to applicant school (if applicable);
- (e) Date completed cards sent to Oregon State Police;
- (f) Date denial or probationary approval sent to applicant schools;
- (g) Date FBI card returned to Department; and
- (h) Date denial or final approval sent to applicant school.

Stat. Auth.: ORS 345.020

Stats. Implemented: ORS 345.030

Hist.: ODE 3-2010, f. & cert. ef. 2-8-10; ODE 31-2012(Temp), f. 11-7-12, cert. ef. 11-9-12 thru 5-7-13

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**Rule Caption:** Modifies rule relating to instruction at private career schools in barbering programs.

**Adm. Order No.:** ODE 32-2012(Temp)

**Filed with Sec. of State:** 11-7-2012

**Certified to be Effective:** 11-9-12 thru 5-7-13

**Notice Publication Date:**

**Rules Amended:** 581-045-0200

**Subject:** Allows licensed career schools that offer instructional programs in the field of barbering to employ individuals who possess licenses in both hair design and esthetics as instructors in those barbering programs.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

## 581-045-0200

### Barbering, Hair Design, Esthetics, and Nail Technology

In addition to OAR 581-045-0001 through 581-045-0190, schools of barbering, hair design, esthetics, and nail technology shall comply with this rule and 581-045-0210.

(1) Minimum hourly training requirements:

- (a) For hair design, 1,450 hours;
- (b) For barbering, 1,100 hours;
- (c) For esthetics, 250 hours;
- (d) For nail technology, 350 hours; and

(e) In addition to the programs listed above, students are required to successfully complete the following requirements once:

- (A) Safety and sanitation, 150 hours; and
- (B) Career development, 100 hours.

(2) Individual progress records must be regularly maintained for the purpose of monitoring each student's progress through the instructional program and verifying actual hours of instruction in each certifiable classification. Once a student completes the state minimum and the school program requirements, the school shall administer a Department-approved written and practical exam prior to the student taking the State Board exam for licensure. The time required to take the practical exam shall be included as part of the contracted program hours included in the tuition cost.

(3) The Department, with the assistance of a curriculum committee, will develop minimum standards for each certificated program or any combination of programs.

(4) No student shall perform any task in a clinic lab without first having achieved verifiable minimum competence. The following hours are recommended as a guideline for classroom and laboratory instruction that students should experience prior to any assignment in the clinic lab:

- (a) Hair design, 160 hours;
- (b) Esthetics, 40 hours;
- (c) Nail technology, 40 hours; and
- (d) Barbering, 100 hours.

(5) The instructional program shall determine the type of assignments students will receive in the clinic lab. Clinic lab assignments should, as nearly as possible, reflect the emphasis of the student's current and cumulative theory and laboratory experiences. Schools shall establish a minimum and maximum number of clinic activities for each type of task required in the clinic lab. These minimums/maximums should show a com-

parable distribution of activities reflective of industry practice. Only when students have completed the minimum in all areas can they be assigned to clinic activities in excess of the maximums.

(6) As an alternative to section (1) of this rule a competency-based training program that is self-paced may be approved by the Superintendent when the school has developed written requirements which it administers for graduation including:

(a) Clearly defined student performance objectives that measure levels of performance at each level of instruction for each skill/task and knowledge required for students to successfully pass the appropriate practitioner certificate examination and successfully and safely perform on members of the public all services allowed in the certificate classifications;

(b) Individual progress records maintained for the purpose of monitoring each student's progress through the instructional program and recording/verifying actual hours of instruction and performance achievement by each student;

(c) A curriculum design, which the Superintendent determines to be comparable to the Board adopted model curriculum, showing a logical progression of academic and practical training experiences leading to the levels of student performance required for graduation and certification;

(d) The identification of specific levels of competence to be achieved by each student prior to any clinic lab experience that will ensure students have achieved sufficient skill and knowledge to successfully and safely perform assigned tasks on members of the general public;

(e) A diagnosis of each student's beginning level of competency and a prescriptive instructional program for specific competency completion with projected timelines resulting in an estimated program completion date; a copy to be given to the student on commencement of the program and on file in the student's personal file. Revisions to the prescriptive program must be based on recorded performance evaluations and as a result of school/student negotiation. Copies of revisions must be given to the student and on file in the student's academic file;

(f) Assurances that the instructional program will determine the type of assignments that students receive for the clinic lab; that, as nearly as possible, the clinic lab assignments reflect the emphasis of the student's current and cumulative theory and laboratory experiences;

(g) School catalogs and/or student enrollment agreements, that show the average time for students to complete the requirements for the various certificate programs during the previous reporting period;

(h) An annual report at the time of relicensing to the Department showing the actual total hours of instruction received by each student who has completed or left the school during the previous reporting period;

(i) Assurances that no student's competency-based prescriptive training program will be significantly altered or regulated in any way, once the student and the school administration have signed a competency-based agreement; and

(j) When the school informs a student that he/she is competent, the student may elect to leave the school with a diploma at that time or stay in school until he/she has been trained for an amount of time equal to the training hours listed in section (1) of this rule, and no additional tuition may be charged. The student shall notify the school of his/her decision within two weeks of notice of competency.

(7) With the exception of the teacher training program in section (24) of this rule, a school shall not conduct both fixed-hour and student competency-based training programs in the same school facility concurrently unless the school is in transition from one training program to another. The Department may set a time limit in which the transition must be completed.

(8) No school shall enroll a student wishing to transfer hours from a school of barbering, hair design, esthetics, and nail technology in Oregon or out-of-state without first receiving an official transcript properly signed and/or sealed directly from the previous school(s). A school may admit a student on a temporary basis without receiving an official transcript. In no event should a student be considered a graduate until an official transcript from a prior school(s) is in the graduating school's student file. Schools shall evaluate and grant appropriate credit for any education and training students received at state regulated postsecondary schools.

(9) Schools shall validate only their own hours of instruction provided a student but not any hours provided by other schools.

(10) Upon receipt and evaluation of official transcripts from schools previously attended:

(a) Schools shall give full credit for hours earned within the last ten years; and

(b) Schools may grant credit for hours earned prior to the last ten years, if approved by the Superintendent.



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(11) No school shall deny a student a record of hours earned. A record of hours does not infer or include the official transcript.

(12)(a) The school shall have as a minimum the following staff present at all times:

- (A) 1–15 students present — one approved teacher;
- (B) 16–30 students present — two approved teachers; and
- (C) One additional approved teacher for each additional 20 students or part thereof.

(b) When only one teacher is present at the school, clinic lab operations and classroom instruction may not occur simultaneously. The lone teacher may conduct and supervise one or the other, but not both concurrently.

(c) Teachers who supervise the clinic lab or approve student practical performance must be certified in all areas they supervise or approve, except that an individual who is not certified in barbering may teach or supervise students enrolled in a barbering program if that teacher is certified in both hair design and esthetics.

(d) Exceptions to the student to teacher ratios in paragraph (a) of this subsection may only be granted for theory or lecture classes. All hands-on practical lab and clinic lab classes are required to maintain specified staffing ratios.

(13) The minimum teaching staff, as set forth in these rules, shall not perform administrative or financial aid or any other non-instructional duties during the time that the clinic lab and classroom instruction are taking place concurrently.

(14) A teacher or student teacher shall not perform any services in the school during school hours except for teaching purposes.

(15) Schools may use resource persons who are not approved teachers for enrichment of instruction.

(a) Maximum time limits for resource persons are:

- (A) Hair design, 340 hours;
- (B) Esthetics, 100 hours;
- (C) Nail technology, 100 hours; and
- (D) Barbering, 270 hours.

(b) Instruction by resource persons, if provided outside the school premises, must be supervised by a certified teacher.

(16) All services performed by students shall take place under the supervision and direction of a certified teacher.

(17) Premises shall be used during school hours only for instructing students and teacher trainees in barbering, hair design, esthetics, or nail technology.

(18) The school shall provide a minimum of 2,800 square feet of total floor space to be allocated as follows; one work station for each of the first twenty students; one additional work station for every five students in excess of twenty; and, where hair design is taught, one shampoo bowl for every five work stations. The superintendent must approve any exception to this requirement. Classroom and clinic space are in compliance with OAR 581-045-0022. Schools must comply with ORS 345.240 relative to accessibility of programs for persons with handicapping conditions.

(19) The Superintendent may approve a facility of less than 2,800 square feet of floor space for schools if the school presents a written plan as to how the number of students will be served in the space provided. The plan must include how the school meets the entire model curriculum standards.

(20) The school shall be separated from adjoining rooms used for another business or for domestic purposes, by means of walls or substantial partitions extending from floor to ceiling; all doors leading to the school from the aforesaid adjoining rooms must be kept closed. Access to the school shall be provided by means of an outside or separate entrance, or from a public passageway in a public building.

(21) Currently, certified practitioners of barbering, hair design, esthetics, or nail technology may be approved by the Department to teach subjects or programs directly relating to their certified classification(s) if they:

(a) Have graduated from high school as evidenced by a photocopy of a transcript indicating graduation, diploma or its foreign equivalent. As an alternative, the teacher may show evidence of obtaining a General Education Development (GED) certificate. The Superintendent may grant a waiver upon written request from the school;

(b) Are at least 18 years of age as evidenced by a photocopy of a birth certificate, driver's license, or baptismal certificate;

(c) Have completed the Standard Course of Study as set forth in section 24 (b) of this rule unless they meet the requirements as set forth in subsection (21)(d)–(f) of this rule;

(d) Hold all Oregon licenses, certificates, and ratings legally required for employment in the field in which they teach. The teacher requirements found in OAR 581-045-0012, apply, if the applicants:

(A) Have at least one year of work experience as a certified practitioner in the subject in which they instruct, following certification or licensure. The work experience and the training for certification or licensure must equal a minimum of two years; or

(B) Have completed an approved teacher training program, and

(e) Provide evidence to the satisfaction of the Superintendent that the requirements of this section have been met; and

(f) Submit the \$50.00 registration fee.

(g) Notwithstanding any other provision of this subsection, a practitioner who is certified in both hair design and esthetics may be approved to teach a barbering program if that practitioner has at least one year of work experience and at least one year of training for certification or licensure, and otherwise satisfies the requirements of this subsection.

(22) Each school shall include the names of all actively employed (full-time or part-time) approved teachers on its annual license renewal application.

(23) Continuing education of teachers shall be required to maintain approval:

(a) A teacher may maintain registration status by completing 30 clock hours of continuing education approved by the Superintendent within every 36-month period following that teacher's first date of common teacher registration (including any period of time from the actual date of registration until the first date of common teacher registration); and by completing 30 clock hours of approved continuing education within every 36-month period thereafter, even if the teacher is not teaching for all or a portion of each three-year period. The common teacher registration dates are from August 1 until July 31. Only 10 of the 30 clock hours may be from an authorized manufacturer or distributor show;

(b) The Department shall, in conjunction with the state advisory committee, approve courses for which continuing education credit will be allowed;

(c) Proof of completion of the requirements of subsection (23)(a) of this rule, and the \$25.00 renewal of registration fee, must be submitted to the Superintendent prior to each teacher's next date of registration; and

(d) An individual failing to comply with the requirements of subsection (23)(a) of this rule shall not be approved for registration renewal or for a new registration until such requirements have been met.

(24) A licensed school of barbering, hair design, esthetics, or nail technology may offer a teacher training program if it complies with the following:

(a) Courses of teacher training for instruction in barbering, hair design, esthetics, and nail technology may be offered only in a school of hair design licensed under the provisions of ORS Chapter 345 or Mt. Hood Community College. Courses of study must be submitted to the Superintendent for approval;

(b) The Standard Course of Study shall require 1,000 hours of instruction that shall include the following:

- (A) Preparation and use of lesson plans,
- (B) Use of audiovisual and other instructional aids,
- (C) Development and administration of tests and evaluation of test results,

(D) Evaluation and recording of student progress, and recording of attendance,

(E) Observation of practical demonstrations,

(F) Assisting with practical demonstrations,

(G) Setting up and performance of practical demonstrations, and

(H) Practice teaching.

(c) The Superintendent shall approve teacher-training programs of 200 hours for:

(A) Teachers whose certification has lapsed more than three years, and

(B) Teachers from other states whose licensing requirements are less than the minimum requirements for Oregon.

(d) The school shall:

(A) Maintain daily records of the teacher trainee's attendance, and the subject matter covered; and

(B) Conduct and record the results of periodic evaluations of each teacher trainee.

(e) The school may evaluate and give up to 500 hours credit for professional teaching experience or any academic training received in a community college or institution of higher education when that academic training contributes to achievement of the total approved Standard Course of

# ADMINISTRATIVE RULES

Study. The Superintendent may grant a waiver to the 500 hour limitation if sufficient evidence is submitted;

(f) A school shall not have more than three approved teacher trainees at one time. The school shall designate who shall have the principal supervisory responsibility for the student in the teacher-training program. Each trainee, when in the clinic lab, must be under direct supervision of an approved teacher with a minimum of two years teaching experience;

(g) Teacher trainees shall evaluate students only under the direct supervision of a certified teacher; and

(h) Teacher training students must be registered with the Superintendent prior to commencement of their training.

Stat. Auth.: ORS 345.400

Stats. Implemented: ORS 345.400

Hist.: EB 13-1996, f. & cert. ef. 7-26-96; ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 21-2002, f. 9-26-02 cert. ef. 10-1-02; ODE 17-2003, f. 12-30-03, cert. ef. 1-1-04; ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; ODE 32-2012(Temp), f. 11-7-12, cert. ef. 11-9-12 thru 5-7-13

## Oregon Health Authority Chapter 943

**Rule Caption:** Provider Enrollment and Claiming using Medicaid Management Information System.

**Adm. Order No.:** OHA 8-2012

**Filed with Sec. of State:** 10-30-2012

**Certified to be Effective:** 11-1-12

**Notice Publication Date:** 10-1-2012

**Rules Amended:** 943-120-0300, 943-120-0310, 943-120-0320, 943-120-0330, 943-120-0350

**Rules Repealed:** 943-120-0325, 943-120-0340, 943-120-0360, 943-120-0370, 943-120-0380, 943-120-0400

**Subject:** The Authority is amending these rules to ensure clarity and remove duplicative rule text. As a continued effort to make administrative rules more efficient, the Authority is repealing OAR 943-120-0325, 943-120-0340, 943-120-0360, 943-120-0370, 943-120-0380 and 943-120-0400 removing outdated language and duplicative text already covered in chapter 410 division 120 rules. The rule amendments provide information on which chapter 410 administrative rules must be complied with by providers seeking reimbursement from the Authority, PHP, CCO, or county for the provision of covered services.

**Rules Coordinator:** Evonne Alderete—(503) 932-9663

### 943-120-0300

#### Definitions

In addition to the definitions in OAR chapter 410 division 120, the following definitions apply to OAR 943-120-0300 to 943-120-0350:

(1) "Claim" means a bill for services, a line item of a service, or all services for one client within a bill. Claim includes a bill or an encounter associated with requesting reimbursement, whether submitted on paper or electronically. Claim also includes any other methodology for requesting reimbursement that may be established in contract or program-specific rules.

(a) Temporary Assistance to Needy Families (TANF) are categorical-ly eligible families with income levels under current TANF eligibility rules;

(b) CHIP children under one year of age whose household has income under 185% Federal Poverty Level (FPL) and do not meet one of the other eligibility classifications;

(c) Poverty Level Medical (PLM) adults under 100% of the FPL and clients who are pregnant women with income under 100% of FPL;

(d) PLM adults over 100% of the FPL are clients who are pregnant women with income between 100% and 185% of the FPL;

(e) PLM children under one year of age who have family income under 133% of the FPL or were born to mothers who were eligible as PLM adults at the time of the child's birth;

(f) PLM or CHIP children one through five years of age who have family income under 185% of the FPL and do not meet one of the other eligibility classifications;

(g) PLM or CHIP children six through 18 years of age who have family income under 185% of the FPL and do not meet one of the other eligibility classifications;

(h) OHP adults and couples are clients age 19 or over and not Medicare eligible, with income below 100% of the FPL who do not meet one of the other eligibility classifications, and do not have an unborn child or a child under age 19 in the household;

(i) OHP families are clients, age 19 or over and not Medicare eligible, with income below 100% of the FPL who do not meet one of the other eligibility classifications, and have an unborn child or a child under the age of 19 in the household;

(j) General Assistance (GA) recipients are clients who are eligible by virtue of their eligibility under the GA program, ORS 411.710 et seq.;

(k) Assistance to Blind and Disabled (AB/AD) with Medicare eligibles are clients with concurrent Medicare eligibility with income levels under current eligibility rules;

(l) AB/AD without Medicare eligibles are clients without Medicare with income levels under current eligibility rules;

(m) Old Age Assistance (OAA) with Medicare eligibles are clients with concurrent Medicare Part A or Medicare Parts A and B eligibility with income levels under current eligibility rules;

(n) OAA with Medicare Part B only are OAA eligibles with concurrent Medicare Part B only with income under current eligibility rules;

(o) OAA without Medicare eligibles are clients without Medicare with income levels under current eligibility rules; or

(p) Children, Adults and Families (CAF) children are clients with medical eligibility determined by CAF or Oregon Youth Authority (OYA) receiving OHP under ORS 414.025, 418.034, and 418.189 to 418.970. These individuals are generally in placement outside of their homes and in the care or custody of CAF or OYA.

(2) "Covered Services" means medically appropriate health services or items that are funded by the legislature and described in ORS Chapter 414, including OHP authorized under ORS 414.705 to 414.750, and applicable Authority rules describing the benefit packages of covered services except as excluded or limited under OAR 410-141-0500 or other public assistance services provided to eligible clients under program-specific requirements or contracts by providers required to enroll with the Authority under OAR 943-120-0300 to 943-120-0350.

(3) "Medicaid Management Information System (MMIS)" means the automated claims processing and information retrieval system for handling all Medicaid transactions.

(4) "Non-Participating Provider" means a provider who does not have a contractual relationship with the PHP or CCO.

(5) "Prepaid Health Plan (PHP)" means a managed health, dental, chemical dependency, physician care organization, or mental health care organization that contracts with the Division or Addictions and Mental Health Division (AMH) on a case managed, prepaid, capitated basis under the OHP. PHP's may be a Dental Care Organization (DCO), Fully Capitated Health Plan (FCHP), Mental Health Organization (MHO), Primary Care Organization (PCO), or Chemical Dependency Organization (CDO).

(6) "Provider" means an individual, facility, institution, corporate entity, or other organization which supplies health care or other covered services or items, also termed a performing provider, that must be enrolled with the Authority pursuant to OAR 943-120-0300 to 943-120-0350 to seek reimbursement from the Authority, including services provided, under program-specific rules or contracts with the Authority or with a county, PHP, or CCO.

(7) "Quality Improvement" means the effort to improve the level of performance of key processes in health services or health care. A quality improvement program measures the level of current performance of the processes, finds ways to improve the performance and implements new and better methods for the processes. Quality improvement includes the goals of quality assurance, quality control, quality planning, and quality management in health care where "quality of care is the degree to which health services for individuals and populations increase the likelihood of desired health outcomes and are consistent with current professional knowledge."

(8) "Visit Data" means program-specific or contract data collection requirements associated with the delivery of service to clients on the basis of an event such as a visit.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: OHA 14-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 20-2011, f. 8-30-11, cert. ef. 9-1-11; OHA 8-2012, f. 10-30-12, cert. ef. 11-1-12

### 943-120-0310

#### Provider Requirements

(1) All providers seeking reimbursement from the Authority, a PHP, CCO, or a county pursuant to a county agreement with the Authority for the provision of covered services or items to eligible recipients, must comply with:

(a) These rules, OAR 943-120-0300 to 943-120-0350: and

# ADMINISTRATIVE RULES

(b) The applicable rules or contracts of the specific programs described below:

(A) Programs administered by the Division of Medical Assistance Programs (Division) including the OHP medical assistance program and the CHIP program that reimburse providers for services or items provided to eligible recipients, subject to OAR chapter 410 divisions 120 and 141 and provider rules in chapter 410 applicable to the provider's service category;

(B) Programs administered by the Addictions and Mental Health Division (AMH) that reimburse providers for services or items provided to eligible AMH recipients (OAR chapters 309 and 415); or

(C) Programs administered by Aging and People with Disabilities (APD) that reimburse providers for services or items provided to eligible APD recipients (OAR chapter 411).

(2) Providers must submit visit data pursuant to program-specific rules or contract. Authority programs use visit data to monitor service delivery, planning, and quality improvement activities. Visit data is not a HIPAA transaction and is not a claim for reimbursement.

[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 413.042  
Stats. Implemented: ORS 414.065, 414.115; 414.125; 414.135; & 414.145  
Hist.: OHA 14-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 20-2011, f. 8-30-11, cert. ef. 9-1-11; OHA 8-2012, f. 10-30-12, cert. ef. 11-1-12

## 943-120-0320

### Provider Enrollment

(1) In some Authority program areas, being an enrolled Authority provider is a condition of eligibility for an Authority contract for certain services or activities. Billing providers must be enrolled with the Authority as providers consistent with the provider enrollment processes set forth in OAR 410-120-0310 through 0350 and 410-120-1260. If reimbursement for covered services is made under a contract with the Authority, the provider must also meet the Authority's contract requirements. Contract requirements are separate from the requirements of these rules. Enrollment as a provider with the Authority is not a promise that the enrolled provider shall receive any amount of work from the Authority, a CCO, PHP, or a county.

(2) Provider enrollment establishes essential Authority provider participation requirements for becoming an enrolled Authority provider. The details of provider qualification requirements, client eligibility, covered services, how to obtain prior authorization or review, if required, documentation requirements, claims submission, and available electronic access instructions, and other instructions and requirements are contained in Authority program-specific rules in chapter 410 or contract.

(3) Prior to enrollment, providers must:

(a) Meet all program-specific or contract requirements identified in program-specific rules or contracts and the requirements set forth in these rules and OAR 410-120-1260;

(b) Meet Authority contracting requirements, as specified by the Authority's Office of Contracts and Procurement (OC&P);

(c) Meet Authority and federal licensing and certification requirements for the type of service for which the provider is enrolling; and

(d) Obtain a provider number from the Authority subject to OAR 410-120-1260.

(4) A provider may request to conduct electronic transactions with the Authority by enrolling and completing the appropriate authorization forms pursuant to the electronic data transaction rules (OAR 943-120-0100 to 943-120-0200).

[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 413.042  
Stats. Implemented: ORS 414.065  
Hist.: OHA 14-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 20-2011, f. 8-30-11, cert. ef. 9-1-11; OHA 8-2012, f. 10-30-12, cert. ef. 11-1-12

## 943-120-0330

### Billing Procedures

(1) These rules only apply to covered services and items provided to clients that are paid for by the Authority based on an Authority fee schedule or other reimbursement method (often referred to as fee-for-service), or for services that are paid for by the Authority at the request of a county for county-authorized services.

(a) If a client's service or item is paid for by a PHP or CCO, the provider must comply with the billing and procedures related to claim submission established under contract with that PHP, CCO, or the rules applicable to non-participating providers if the provider is not under contract with that PHP or CCO.

(b) If the client is enrolled in a PHP or CCO, but the client is permitted by a contract or program-specific rules to obtain covered services reimbursed by the Authority (such as family planning services that may be

obtained from any provider). In addition to this rule, the provider must comply with the billing and claim procedures established in OAR chapter 410 division 120.

(2) All Authority-assigned provider numbers are issued at enrollment and are directly associated with the provider as defined in OAR 410-120-1260 and have the following uses:

(a) Log-on identification for the Authority web portal;

(b) Claim submission in the approved paper formats; and

(c) For electronic claims submission including the web portal for atypical providers pursuant to 45 CFR 160 and 162 where an NPI is not mandated. Use of the Authority-assigned provider number shall be considered the providers authorization and the provider shall be accountable for its use.

(d) Providers may not bill clients or the Authority for services or items provided free of charge. This limitation does not apply to established sliding fee schedules where the client is subject to the same standards as other members of the public or clients of the provider.

(e) Providers shall pay for costs incurred for failing to confirm eligibility or that services are covered.

Stat. Auth.: ORS 413.042  
Stats. Implemented: ORS 414.065  
Hist.: OHA 14-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 20-2011, f. 8-30-11, cert. ef. 9-1-11; OHA 8-2012, f. 10-30-12, cert. ef. 11-1-12

## 943-120-0350

### Payments and Overpayments

(1) Payments.

(a) This rule only applies to covered services and items provided to eligible clients within the program-specific or contract covered services or items in effect on the date of service that are paid for by the Authority based on program-specific or contract fee schedules or other reimbursement methods, or for services that are paid for by the Authority at the request of a county for county-authorized services.

(b) If the client's service or item is paid for by a PHP or CCO, the provider must comply with the payment requirements established under contract with that PHP or CCO, and pursuant to OAR 410-120 and 410-141, applicable to non-participating providers.

(c) The Authority shall pay for services or items based on the reimbursement rates and methods specified in the applicable program-specific rules or contract. Provider reimbursement on behalf of a county must include county service authorization information.

Stat. Auth.: ORS 413.042  
Stats. Implemented: ORS 414.065  
Hist.: OHA 14-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 20-2011, f. 8-30-11, cert. ef. 9-1-11; OHA 8-2012, f. 10-30-12, cert. ef. 11-1-12

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### Oregon Health Authority, Addictions and Mental Health Division: Mental Health Services Chapter 309

**Rule Caption:** Medicaid Payment For Rehabilitative Mental Health Services.

**Adm. Order No.:** MHS 14-2012

**Filed with Sec. of State:** 11-5-2012

**Certified to be Effective:** 11-5-12

**Notice Publication Date:** 10-1-2012

**Rules Adopted:** 309-016-0726, 309-016-0727, 309-016-0729, 309-016-0760, 309-016-0765, 309-016-0770, 309-016-0775, 309-016-0780

**Rules Amended:** 309-016-0600, 309-016-0605, 309-016-0630, 309-016-0675, 309-016-0680, 309-016-0730

**Rules Repealed:** 309-016-0600(T), 309-016-0605(T), 309-016-0680(T), 309-016-0726(T), 309-016-0727(T), 309-016-0729(T), 309-016-0760(T), 309-016-0765(T), 309-016-0770(T), 309-016-0775(T), 309-016-0780(T)

**Subject:** These rules specify standards for authorized appropriate reimbursement of Medicaid or State Children's Health Plan funded addictions and mental health services and supports. This includes payments for community-based services as well as those payments made for acute inpatient services in a general medical setting or a freestanding facility meeting the federal definition as an institute for mental disease reimbursed as a result of a request for payment.

**Rules Coordinator:** Nola Russell—(503) 945-7652



# ADMINISTRATIVE RULES

## 309-016-0600

### Scope

These rules specify standards for authorized appropriate reimbursement of Medicaid or State Children's Health Plan funded addictions and mental health services and supports. This includes payments for community-based services as well as those payments made for acute inpatient services in a general medical setting or a freestanding facility meeting the federal definition as an institute for mental disease reimbursed as a result of a request for payment. The requirements set forth here in OAR 309-016-0600 through 309-016-0820 and referenced rules must be met in order for Medicaid payment to have been made appropriately.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; MHS 14-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-28-12; MHS 10-2012, f. & cert. ef. 6-19-12; MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; MHS 14-2012, f. & cert. ef. 11-5-12

## 309-016-0605

### Definitions

(1) "Action" means:

(a) The denial, limitation or restriction of a requested covered services including the type or level of service;

(b) The reduction, suspension or termination of a previously authorized service; or

(c) The failure to provide services in a timely manner, as defined by the Addictions and Mental Health Division of the Oregon Health Authority.

(2) "Active Treatment" means a service provided as prescribed in a professionally developed and supervised Individual Services and Supports Plan to address or improve a condition.

(3) "Addictions and Mental Health Division" means the Division of the Oregon Health Authority responsible for the administration of addictions and mental health services provided in Oregon or to its residents.

(4) "Allowable Cost" means the cost of treatment services based on cost finding principles found in the appropriate OMB Circular such as "Cost Principles for Non-Profit Organization" (OMB Circular A-122) or "Cost Principles for State, Local, and Indian Tribal Governments" (OMB Circular A-87) and including allowable costs incurred for interest on the acquisition of buildings and improvements thereon.

(5) "Appeal" means a request by an Individual or their representative to review an Action as defined in this rule.

(6) "Certificate of Approval" means the document awarded by the Division signifying that a specific, named organization is judged by the Division to operate in compliance with applicable rules. A "Certificate of Approval" for mental health services is valid only when signed by the Deputy Director of the Division of Mental Health Services and, in the case of a subcontract provider of a CMHP, the CMHP director.

(7) "Certification of Need" means the procedures established by the Division to certify in writing a child's need for psychiatric residential treatment services.

(8) "Child" or "Children" means a person under the age of 18. An individual with Medicaid eligibility, who is in need of services specific to children, adolescents, or young adults in transition, will be considered a child until age 21 for purposes of these rules.

(9) "Children, Adults and Families" (CAF) means the Division serving as Oregon's child welfare agency.

(10) "Clean Claim(s)" means a claim that can be processed without obtaining additional information from the provider of the service or from a third party. It includes a claim with errors originating in the State's claims system. It does not include a claim from a provider who is under investigation for fraud or abuse, or a claim under review for medical necessity.

(11) "Commission on Accreditation of Rehabilitation" (CARF) means an organization that accredits behavioral health care and community providers based on the current edition of the "CARF Behavioral Health" standards manual.

(12) "Community Mental Health Program" (CMHP) means an entity that is responsible for planning and delivery of services for persons with substance use disorders, mental health diagnosis, or developmental disabilities, operated in a specific geographic area of the state under an intergovernmental agreement or direct contract with the Division.

(13) "Complaint" means an expression of dissatisfaction from an Individual or their representative to a Practitioner or Provider about any matter other than an Action.

(14) "Council on Accreditation of Services for Families and Children Facilities" (COA) means an organization that accredits behavioral health care and social service programs based on the current edition of the COA

"Standards for Behavioral Health Care Services and Community Support and Education Services Manual."

(15) "Disabling Mental Illness" means a mental illness that substantially limits functioning in one or more major life activity.

(16) "Division" means the Addictions and Mental Health Division of the Oregon Health Authority.

(17) "Division of Medical Assistance Programs" (DMAP) means the Division of the Oregon Health Authority responsible for coordinating the medical assistance programs within the State of Oregon including the Oregon Health Plan (OHP) Medicaid demonstration, the State Children's Health Insurance Program (SCHIP -Title XXI), and several other programs.

(18) "DMAP/AMH" means the Division of Medical Assistance or Addictions and Mental Health Division. Both DMAP and AMH have delegated responsibilities for the administration of Medicaid funded addictions and mental health services and supports. A lead agency will be identified to each entity involved in any process when the delegation of such is necessary.

(19) "Diagnostic and Statistical Manual" (DSM) means the current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association.

(20) "Grievance System" means the overall system in which an Individual can express dissatisfaction and that expression acted on if necessary. The Grievance System includes a Complaint process, and Appeals process and access to the Division of Medical Assistance Programs Administrative Hearing process.

(21) "Habitatation Services" means services designed to help an individual attain or maintain their maximal level of independence, including the individual's acceptance of a current residence and the prevention of unnecessary changes in residence. Services are provided in order to assist an individual to acquire, retain or improve skills in one or more of the following areas: assistance with activities of daily living, cooking, home maintenance, recreation, community inclusion and mobility, money management, shopping, community survival skills, communication, self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings.

(22) "Individual" means any person being considered for or receiving services and supports.

(23) "Individual Service and Support Plan" (ISSP) means a comprehensive plan for services and supports provided to or coordinated for an individual and his or her family, as applicable, that is reflective of the assessment and the desired outcomes of service.

(24) "Interdisciplinary Team" means the group of people designated to advise in the planning and provision of services and supports to individuals receiving Intensive Treatment Services (ITS) and Enhanced Care Services (ECS) and may include multiple disciplines or agencies. For ITS programs, the composition of the interdisciplinary team must be consistent with the requirements of 42 CFR Part 441.156.

(25) "Joint Commission, The" (TJC) means the commission which accredits psychiatric residential treatment facilities according to its current edition of the "Comprehensive Accreditation Manual for Hospitals" and the "Comprehensive Accreditation Manual for Behavioral Health Care."

(26) "Letter of Approval" means the document awarded to service providers under OAR 309-012-0010 which states that the provider is in compliance with applicable administrative rules of the Division. Letters of Approval issued for mental health services are obsolete upon their expiration date, or upon the effective date of 309-012-0140, whichever is later.

(27) "Licensed Medical Practitioner" (LMP) means a person who meets the following minimum qualifications as documented by the LMHA or designee:

(a) Physician licensed to practice in the State of Oregon; or

(b) Nurse practitioner licensed to practice in the State of Oregon; or

(c) Physician's Assistant licensed to practice in the State of Oregon.

(d) In addition, whose training, experience and competence demonstrate the ability to conduct a mental health assessment and provide medication management.

(e) For ICTS and ITS providers, a "Licensed Medical Practitioner" or "LMP" means a board-certified or board-eligible child and adolescent psychiatrist licensed to practice in the State of Oregon.

(28) "Local Mental Health Authority" (LMHA) means one of the following entities:

(a) The board of county commissioners of one or more counties that establishes or operates a Community Mental Health Program (CMHP);

(b) The tribal council, in the case of a federally recognized tribe of Native Americans that elects to enter into an agreement to provide mental health services; or

# ADMINISTRATIVE RULES

(c) A regional local mental health authority comprised of two or more boards of county commissioners.

(29) "Medicaid" means the federal grant-in-aid program to state governments to provide medical assistance to eligible persons, under Title XIX of the Social Security Act.

(30) "Medicaid Management Information System" The mechanized claims processing and information retrieval system that all states are required to have according to section 1903(a)(3) of the Social Security Act and defined in regulation at 42 CFR 433.111. All states operate an MMIS to support Medicaid business functions and maintain information in such areas as provider enrollment; client eligibility, including third party liability; benefit package maintenance; managed care enrollment; claims processing; and prior authorization.

(31) "Medically Appropriate" means services and medical supplies required for prevention, diagnosis or treatment of a physical or mental health condition, or injuries, and which are:

(a) Consistent with the symptoms of a health condition or treatment of a health condition;

(b) Appropriate with regard to standards of good health practice and generally recognized by the relevant scientific community and professional standards of care as effective;

(c) Not solely for the convenience of an individual or a provider of the service or medical supplies; and

(d) The most cost effective of the alternative levels of medical services or medical supplies that can be safely provided to an individual.

(32) "National Provider Identifier" (NPI) means a unique 10-digit identifier mandated by the Administrative Simplification provisions of the federal Health Insurance Portability and Accountability Act (HIPAA) for all healthcare providers that is good for the life of the provider.

(33) "Non-Contiguous Area Provider" means a provider located more than 75 miles from Oregon and enrolled with the Division.

(34) "Plan of Care" (POC) means a tool within the Medicaid Management Information System used to authorize certain Medicaid funded services for Individuals.

(35) "Provider" means an organizational entity, or qualified person, that is operated by or contractually affiliated with, a community mental health program, or contracted directly with the Division, for the direct delivery of addictions, problem gambling or mental health services and supports.

(36) "Psychiatric Residential Treatment Facility" means facilities that are structured residential treatment environments with daily 24-hour supervision and active psychiatric treatment, Psychiatric Residential Treatment Services (PRTS), Secure Children's Inpatient Treatment Programs (SCIP), Secure Adolescent Inpatient Treatment Programs (SAIP), and Sub-acute psychiatric treatment for children who require active treatment for a diagnosed mental health condition in a 24-hour residential setting.

(37) "Psychiatric Residential Treatment Services" means services delivered in a PRTF that include 24-hour supervision for children who have serious psychiatric, emotional or acute mental health conditions that require intensive therapeutic counseling and activity and intensive staff supervision, support and assistance.

(38) "Qualified Mental Health Associate" (QMHA) means a person delivering services under the direct supervision of a Qualified Mental Health Professional (QMHP) and meeting the following minimum qualifications as documented by the LMHA or designee:

(a) A bachelor's degree in a behavioral sciences field; or

(b) A combination of at least three year's relevant work, education, training or experience; and

(c) Has the competencies necessary to:

(A) Communicate effectively;

(B) Understand mental health assessment, treatment and service terminology and to apply the concepts; and

(C) Provide psychosocial skills development and to implement interventions prescribed on a Treatment Plan within the scope of his or her practice.

(39) "Qualified Mental Health Professional" (QMHP) means a Licensed Medical Practitioner (LMP) or any other person meeting the following minimum qualifications as documented by the LMHA or designee:

(a) Graduate degree in psychology;

(b) Bachelor's degree in nursing and licensed by the State of Oregon;

(c) Graduate degree in social work;

(d) Graduate degree in a behavioral science field;

(e) Graduate degree in recreational, art, or music therapy; or

(f) Bachelor's degree in occupational therapy and licensed by the State of Oregon; and

(g) Whose education and experience demonstrates the competencies to identify precipitating events; gather histories of mental and physical disabilities, alcohol and drug use, past mental health services and criminal justice contacts; assess family, social and work relationships; conduct a mental status examination; document a multiaxial DSM diagnosis; write and supervise a Treatment Plan; conduct a Comprehensive Mental Health Assessment; and provide individual, family, and/or group therapy within the scope of his or her practice.

(40) "Representative" means a person who acts on behalf of an individual at the individual's request with respect to a grievance, including, but not limited to a relative, friend, employee of the Division, attorney or legal guardian.

(41) "Residential Alcohol and Other Drug Treatment Program" means a publicly or privately operated program as defined in ORS 430.010 that provides assessment, treatment, rehabilitation and twenty four hour observation and monitoring for individuals with alcohol and other drug dependence, consistent with Level III of American Society of Addiction Medicine (ASAM) PPC-2R.

(42) "System Of Care" means the comprehensive array of mental health and other necessary services which are organized to meet the multiple and changing needs of children with severe emotional disorders and their families.

(43) "Usual and Customary Charge" means the lesser of the following unless prohibited from billing by federal statute or regulation:

(a) The Provider's charge per unit of service for the majority of non-medical assistance users of the same service based on the preceding month's charges;

(b) The Provider's lowest charge per unit of service on the same date that is advertised, quoted or posted. The lesser of these applies regardless of the payment source or means of payment;

(c) Where the Provider has established a written sliding fee scale based upon income for individuals and families with income equal to or less than 200% of the federal poverty level, the fees paid by these individuals and families are not considered in determining the usual charge. Any amounts charged to Third Party Resources (TPR) are to be considered.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; MHS 14-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-28-12; MHS 7-2012(Temp), f. & cert. ef. 5-17-12 thru 11-11-12; MHS 10-2012, f. & cert. ef. 6-19-12; MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; MHS 14-2012, f. & cert. ef. 11-5-12

## 309-016-0630

### Payment

(1) The Division of Medical Assistance Programs or the Addictions and Mental Health Division (DMAP) will make payment in compliance with 42CFR 447.10. Any contracted Billing Agent or Billing Service submitting claims on behalf of a Provider but not receiving payment in the name of or on behalf of the Provider does not meet the requirements for Billing Provider enrollment. If electronic transactions will be submitted, Billing Agents and Billing Services must register and comply with Oregon Health Authority Electronic Data Interchange (EDI) rules, OAR 407-120-0100 through 407-120-0200. DMAP may require that payment for services be made only after review by DMAP.

(2) The Division sets Fee-for-Service (FFS) payment rates.

(3) All FFS payment rates are the rates in effect on the date of service that are the lesser of the amount billed, the AMH maximum allowable amount or the reimbursement specified in the individual program Provider rules:

(a) The Division's maximum allowable rate setting process uses a methodology that is based on the existing Medicaid fee schedule with adjustments for legislative changes and payment levels. The rates are updated periodically and posted on the Division's web site at <http://egov.oregon.gov/oha/mentalhealth/tools-providers.shtml>

(b) Provider rules may specify reimbursement rates for particular services or items. Provider specific rates are determined based on the Provider's allowable costs of providing the service.

(4) The Authority sets payment rates for out-of-state institutions and similar facilities, such as psychiatric and rehabilitative care facilities at a rate that is:

(a) Consistent with similar services provided in the State of Oregon; and

(b) The lesser of the rate paid to the most similar facility licensed in the State of Oregon or the rate paid by the Medical Assistance Programs in that state for that service.

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(5) DMAP will not make payment on claims that have been assigned, sold, or otherwise transferred or when the Billing Provider, Billing Agent or Billing Service receives a percentage of the amount billed or collected or payment authorized. This includes, but is not limited to, transfer to a collection agency or individual who advances money to a Provider for accounts receivable.

(6) Payment for DMAP Clients with Medicare and Medicaid, excluding qualified Medicare beneficiary programs:

(a) DMAP limits payment to the Medicaid allowed amount less the Medicare payment up to the Medicare co-insurance and deductible, whichever is less. DMAP payment cannot exceed the co-insurance and deductible amounts due;

(b) DMAP pays the DMAP allowable rate for DMAP covered services that are documented to be not covered by Medicare.

(7) For Clients with Third-Party Resources (TPR), DMAP pays the DMAP allowed rate less the TPR payment but not to exceed the billed amount.

(8) DMAP payments, including contracted Prepaid Health Plan (PHP) payments, unless in error, constitute payment in full, except in limited instances involving allowable spend-down or copayments. For DMAP such payment in full includes:

(a) Zero payments for claims where a third party or other resource has paid an amount equivalent to or exceeding the DMAP allowable payment; and

(b) Denials of payment for failure to submit a claim in a timely manner, failure to obtain Payment Authorization in a timely and appropriate manner, or failure to follow other required procedures identified in the individual Provider rules.

(9) The Division will reimburse providers consistent with all requirements in 42CFR447.45 Timely Claims Payment including but not limited to:

(a) The Division must pay 90 percent of all clean claims from Providers within 30 days of the date of receipt.

(b) The Division must pay 99 percent of all clean claims from Providers within 90 days of the date of receipt.

(c) The Division must pay all other claims within 12 months of the date of receipt except in various circumstances listed in 42CFR447.45(4).

(10) Payment by DMAP does not limit the Authority or any state or federal oversight entity from reviewing or auditing a claim before or after the payment. Payment may be denied or subject to recovery if medical review, audit or other post-payment review determines the service was not provided in accordance with applicable rules or does not meet the criteria for quality of care, or medical appropriateness of the care or payment.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; MHS 14-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-28-12; MHS 7-2012(Temp), f. & cert. ef. 5-17-12 thru 11-11-12; MHS 10-2012, f. & cert. ef. 6-19-12; MHS 14-2012, f. & cert. ef. 11-5-12

## 309-016-0675

### Prior Authorization

Authorization of Payment.

(1) Some of the services or items covered by the Division require authorization before payment will be made. Some services require authorization before the service can be provided. Services requiring prior authorization can be found on the Mental Health Procedure Codes and Reimbursement Rates Table located at <http://egov.oregon.gov/oha/mental-health/tools-providers.shtml>. The procedure for receiving authorization is detailed in the Provider Manual found on the same website.

(2) Documentation submitted when requesting authorization must support the medical justification for the service. A complete request is one that contains all necessary documentation and meets any other requirements as described in the appropriate Provider rules.

(3) The Division will authorize for the level of care or type of service that meets the Individual's medical need. Only services which are Medically Appropriate and for which the required documentation has been supplied may be authorized. The authorizing agency may request additional information from the Provider to determine medical appropriateness or appropriateness of the service.

(4) The Division and its authorizing agencies are not required to authorize services or to make payment for authorized services under the following circumstances:

(a) The individual was not eligible for Medicaid at the time services were provided. The provider is responsible for checking the individual's eligibility each time services are provided;

(b) The Provider does not hold a valid Certificate of Approval from the Division for the service;

(c) The Provider cannot produce appropriate documentation to support medical appropriateness, or the appropriate documentation was not submitted to the Division;

(d) The service has not been adequately documented (see 309-016-0610); that is, the documentation in the Provider's files is not adequate to determine the type, medical appropriateness, or frequency and duration of services provided and required documentation is not in the Provider's files;

(e) The services billed or provided are not consistent with the information submitted when authorization was requested or the services provided are determined retrospectively not to be medically appropriate;

(f) The services billed are not consistent with those provided;

(g) The services were not provided within the timeframe specified on the authorization of payment document;

(h) The services were not authorized or provided in compliance with these rules, the General Rules and in the appropriate Provider rules.

(i) The provider was not eligible to receive reimbursement from Medicaid at the time the service was rendered.

(j) The individual's needs can be better met through another system of care, such as Aging and People with Disabilities; the individual is eligible for services under that system of care; the individual has been given notice of that eligibility; and the services necessary to support a successful transition to the alternate system of care have been provided.

(5) Payment made for services described in subsections (a)–(h) of this rule will be recovered (see also Basis for Mandatory Sanctions and Basis for Discretionary Sanctions).

(6) Retroactive Eligibility:

(a) In those instances when Individuals are made retroactively eligible, authorization for payment may be given if:

(A) The Individual was eligible on the date of service;

(B) The services provided meet all other criteria and Oregon Administrative Rules, and;

(C) The request for authorization is received by the Division within 90 days of the date of service;

(b) Services provided when a Medicaid-eligible Individual is retroactively dis-enrolled from a Prepaid Health Plan (PHP) or services provided after the Individual was dis-enrolled from a PHP may be authorized if:

(A) The Individual was eligible on the date of service;

(B) The services provided meet all other criteria and Oregon Administrative Rules; and

(C) The request for authorization is received by the Division within 90 days of the date of service;

(c) Any requests for authorization after 90 days from date of service require documentation from the Provider that authorization could not have been obtained within 90 days of the date of service.

(7) The Division will process requests for prior authorization that do not require additional information from the provider or third party consistent with timeliness of payments for clean claims described in 42CFR447.45 and included in 309-016-0630(9).

(8) Prior Authorization is valid for the time period specified on the authorization notice, but not to exceed 12 months, unless the Individual's benefit package no longer covers the service, in which case the authorization will terminate on the date coverage ends.

(9) Prior Authorization for Individuals with other insurance or for Medicare beneficiaries:

(a) When Medicare is the primary payer for a service, no Prior Authorization from the Division is required, unless specified in the appropriate program Provider rules;

(b) For Individuals who have private insurance or other Third Party Resources (TPRs), such as Blue Cross, Tri-Care, etc., the Division requires Prior Authorization as specified above and in the appropriate Provider rules when the other insurer or resource does not cover the service or when the other insurer reimburses less than the Division rate;

(c) For Individuals in a Medicare's Social Health Maintenance Organization (SHMO), the SHMO requires Payment Authorization for some services. The Division requires Prior Authorization for services which are covered by the Division but which are not covered under the SHMO as specified above and in the appropriate Provider rules.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; MHS 14-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-28-12; MHS 7-2012(Temp), f. & cert. ef. 5-17-12 thru 11-11-12; MHS 10-2012, f. & cert. ef. 6-19-12; MHS 14-2012, f. & cert. ef. 11-5-12



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## 309-016-0680

### Limitations

Published Payment Schedule.

(1) Payment will be made at each Provider's usual and customary charge or the Division's published reimbursement upper payment limit, whichever is less, minus payments received or due from other payors. Payments to other specified Providers will be made according to other approved schedules:

(a) Limitations contained in the Medicaid Rehabilitative Services Procedure Codes and Reimbursement Rates Schedule, such as the maximum rate and the amount, duration, and scope of services provided, are subject to change at the discretion of the Division. Providers will be notified of such changes in writing;

(b) Payment will be made for services listed in the Medicaid Rehabilitative Services Procedure Codes and Reimbursement Rates Schedule which are rendered to Medicaid-eligible Individuals by qualified staff meeting the definition of OAR 309-032-1520 during the period in which the Provider is enrolled in the Division of Medical Assistance Program.

(2) Reimbursement for specific services that are typically limited in frequency or when occurring on the same day as other services may be reimbursed for a special population of individuals who are at high-risk for long-term institutionalization and have been authorized by the Division for fee-for-service mental health rehabilitative services. Pending CMS approval, the following combination of services, when authorized prior to the service, billed with an HK modifier and when approved for a specific individual by the Division, will be reimbursed.

Procedure code	Additional Services Rendered on the Same Day of Service
90805	G0176, G0177, 90857, 90882
90807	G0176, G0177, 90857, 90882
90809	G0176, G0177, 90857, 90882
90804	G0176, G0177
90806	G0176, G0177
90808	G0176, G0177
90846	G0176, G0177, 90857, 90882
90847	G0176, G0177
90853	G0176, G0177, 90882
90857	G0176, G0177, 90882

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; MHS 7-2012(Temp), f. & cert. ef. 5-17-12 thru 11-11-12; MHS 14-2012, f. & cert. ef. 11-5-12

## 309-016-0726

### Program

The provider shall meet the following requirements:

(1) Possess the appropriate current and valid license, Letter of Approval and/or Certificate of Approval issued by the Division for the mental health and addictions services provided, when required by rule;

(2) Provide services in accordance with the Civil Rights Act of 1964, the Americans with Disabilities Act and any other state and federal laws and regulations listed in the contract with the Division;

(3) Participate in the claim review process outlined in OAR 410-120-1397;

(4) Providers offering mental health rehabilitative services under this program must meet requirements for providers identified in OAR 309-016-0660; and

(5) Providers must be enrolled with the Division of Medicaid Assistance Programs (DMAP) as a mental health provider. Providers shall meet all requirements in OAR 410-120-1260, Medical Assistance Programs Provider Enrollment; OAR 407-120-0310, Provider Requirements; and OAR 407-120-0320, Provider Enrollment.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 7-2012(Temp), f. & cert. ef. 5-17-12 thru 11-11-12; MHS 14-2012, f. & cert. ef. 11-5-12

## 309-016-0727

### Individual Eligibility

Individual eligibility for services under the 1915(i) State Plan HCBS will be determined by meeting the following requirements:

(1) Financial eligibility under the State's Medicaid State plan with an income that does not exceed 150 percent of the Federal Poverty level;

(2) A need for daily assistance of at least one hour per day to perform at least two Personal Care Services as identified in OAR 309-016-0695 due to a disabling mental illness; and

(3) Eligibility determined by an external quality review organization, as identified by the Division.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 7-2012(Temp), f. & cert. ef. 5-17-12 thru 11-11-12; MHS 14-2012, f. & cert. ef. 11-5-12

## 309-016-0729

### Service Prior Authorizations

(1) Eligibility for reimbursement through the 1915(i) State Plan Home and Community-Based Services Program requires authorization prior to the services as follows:

(a) For mental health rehabilitative services, as detailed in OAR 309-016-0675 and

(b) For personal care and habilitative services, as detailed in OAR 309-016-0725.

(2) Mental health rehabilitative services and facility-based personal care and habilitative services must be reauthorized every 180 days or whenever there is a change in services offered.

(3) Personal care and habilitative services must be reauthorized every 360 days or whenever there is a change in services provided.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 7-2012(Temp), f. & cert. ef. 5-17-12 thru 11-11-12; MHS 14-2012, f. & cert. ef. 11-5-12

## 309-016-0730

### Conditions of Service Provider Participation

Service provider must:

(1) Provide psychiatric residential treatment services to children eligible for Medicaid benefits under the terms of a written agreement with the Division. The agreement must require that the psychiatric residential treatment facility and the services provided comply with all applicable state and federal requirements.

(2) Support and protect the fundamental human, civil, constitutional, and statutory rights of each child.

(3) Be accredited as a psychiatric residential treatment facility for children under age 21 by JCAHO, CARF, COA, or any other accrediting organization, with comparable standards, that is recognized by the State; be licensed by CAF; hold a Certificate of Approval per OAR 309-012-0130 through 309-012-0220 from the Division and be in compliance with the treatment services standards described in the ISSR.

(4) Provide a program consistent with standards set by JCAHO, CARF, COA, or any other accrediting organization, with comparable standards, that is recognized by the State.

(5) Provide a physical facility suitable for treatment of children with attention to proper safety and sanitation, housekeeping, and general environment. Buildings shall comply with all applicable building, occupancy, electrical, plumbing, and zoning codes.

(6) Obtain certification for the admission of children to the psychiatric residential treatment facility following the Division's Certification of Need procedures.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; MHS 14-2012, f. & cert. ef. 11-5-12

## 309-016-0760

### Conditions of Service Provider Participation

The provider shall meet the following requirements:

(1) Possess the appropriate current and valid License, Letter of Approval and/or Certificate of Approval issued by the Division provided as outlined in OAR 415-012-0020;

(2) Develop a Cost Allocation Plan to support the Provider's Usual and Customary Charge. Usual and customary charge is defined in OAR 410-120-0000;

(3) Provide services in accordance with the Civil Rights Act of 1964, the Americans with Disabilities Act and any other state and federal laws and regulations listed in the contract with the Division;

(4) Participate in the claim review process outlined in OAR 410-120-1397; and

(5) Possess a contract with the Division to provide Alcohol and Drug Residential Treatment to Medicaid eligible individuals or be a subcontractor of an AMH Alcohol and Drug Residential treatment contractor.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; MHS 14-2012, f. & cert. ef. 11-5-12

# ADMINISTRATIVE RULES

## 309-016-0765

### Individual Provider Enrollment

Providers shall meet all requirements in OAR410-120-1260, Medical Assistance Programs Provider Enrollment, 407-120-0310 Provider Requirements and 407-120-0320, Provider Enrollment.

Stat. Auth.: ORS 413.042 & 430.640  
Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715  
Hist.: MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; MHS 14-2012, f. & cert. ef. 11-5-12

## 309-016-0770

### Payment

(1) Payments will be made for the provision of active A&D residential treatment services, including approved leave for individuals for such services under Medicaid. If active treatment is not documented during any period in which Division payments are made on behalf of the individual, the Division may recoup such payments.

(2) Payment for planned absences from the program such as hospitalizations, home visits, and transitions shall be allowed if the absences are:

- (a) Based on the individual clinical needs; and
- (b) Specified in the Individual Service and Support Plan's measurable objectives and/or transfer plan; and;

(c) The provider clearly documents in the individual service record ongoing daily treatment service provided by the program during the absence; and

(d) The bed is not filled by any other individual during the absence; and

(e) The duration of any single planned absence is no more than seven consecutive days, unless a longer duration is authorized in writing by the Division

(3) Payment for unplanned absences from the program such as hospitalizations and incarceration (check Medicaid eligibility) shall be allowed if;

(a) The provider clearly documents in the individual service record ongoing daily treatment service provided by the program during the unplanned absence; and

(b) The provider clearly documents in the individual service record that the individual will be returned to the program when the unplanned absence is resolved and the bed is not filled by any other individual during the absence; and

(c) The duration of any single unplanned absence is no more than three consecutive days, unless longer duration is authorized in writing by the Division.

(4) Payment for a reserved bed is not covered under Medicaid consistent with 42 CFR 447.40

(5) Room and Board is not covered under Medicaid

(6) Payment will be made for each daily unit of service billed, reimbursed at the contracted per diem rate. A daily unit of service is defined in OAR 309-016-0750(2).

Stat. Auth.: ORS 413.042 & 430.640  
Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715  
Hist.: MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; MHS 14-2012, f. & cert. ef. 11-5-12

## 309-016-0775

### Sanctions

Sanctions will be imposed on Providers when necessary in accordance with OAR 410-120-1400 through 410-120-1460 Medical Assistance Programs Provider Sanctions and Types and Conditions of Sanction.

Stat. Auth.: ORS 413.042 & 430.640  
Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715  
Hist.: MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; MHS 14-2012, f. & cert. ef. 11-5-12

## 309-016-0780

### Individual Eligibility

To be eligible for Alcohol and Drug Residential Treatment service under these rules the individual must be a current Medicaid recipient of at least one of the following programs defined in OAR 461-101-0010:

- (1) Extended Medical (EXT);
- (2) Medical Assistance Assumed (MAA);
- (3) Medical Assistance to Families (MAF);
- (4) Oregon Health Plan (OHP), OHP means OHP-CHP, OHP-OPC, OHP-OPP, OHP-OPU and OHP-OP6;
- (5) General Assistance Medical (GAM);
- (6) Oregon Supplemental Income Program Medical (OSIPM);
- (7) Medical Coverage for Children in Substitute or Adoptive Care (SAC);

(8) Healthy Kids Connect (HKC); or

(9) Continuous Eligibility (CEC).

Stat. Auth.: ORS 411.060, 411.404, 411.706, 411.816, 412.014, 412.049, 414.025, 414.231  
Stats. Implemented: ORS 411.060, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 414.025, 414.231, 414.826, 414.831, 414.839  
Hist.: MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; MHS 14-2012, f. & cert. ef. 11-5-12

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**Rule Caption:** Medicaid Payment for Addiction and Mental Health Services.

**Adm. Order No.:** MHS 15-2012(Temp)

**Filed with Sec. of State:** 11-5-2012

**Certified to be Effective:** 11-5-12 thru 12-27-12

**Notice Publication Date:**

**Rules Suspended:** 309-016-0800, 309-016-0805, 309-016-0810, 309-016-0815, 309-016-0820

**Subject:** These rules specify standards for authorized appropriate reimbursement of Medicaid or State Children's Health plan funded addictions and mental health services and supports. This includes payments for community-based services as well as those payments made for acute inpatient services in a general medical setting or a freestanding facility meeting the federal definition as an institute for mental disease reimbursed as a result of a request for payment.

**Rules Coordinator:** Nola Russell—(503) 945-7652

## 309-016-0800

### Conditions of Service Provider Participation

Provider shall meet the following requirements:

(1) Possess the appropriate current and valid License, Letter of Approval and/or Certificate of Approval issued by the Division provided as outlined in OAR 415-012-0000 to 415-012-0090;

(2) Develop a Cost Allocation Plan to support the Provider's Usual and Customary Charge. Usual and customary charge is defined in OAR 410-120-0000;

(3) Provide services in accordance with the Civil Rights Act of 1964, the Americans with Disabilities Act and any other state and federal laws and regulations listed in the contract with the Division;

(4) Participate in the claim review process outlined in OAR 410-120-1397; and

(5) Center to be in compliance with 415-050-0000 to 415-050-0095.

Stat. Auth.: ORS 413.042 & 430.640  
Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715  
Hist.: MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; Suspended by MHS 15-2012(Temp), f. & cert. ef. 11-5-12 thru 12-27-12

## 309-016-0805

### Provider Enrollment

Providers shall meet all requirements in OAR 410-120-1260, Medical Assistance Programs Provider Enrollment, OAR 407-120-0310 Provider Requirements, and 407-120-0320 Provider Enrollment.

Stat. Auth.: ORS 413.042 & 430.640  
Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715  
Hist.: MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; Suspended by MHS 15-2012(Temp), f. & cert. ef. 11-5-12 thru 12-27-12

## 309-016-0810

### Payment

(1) DMAP or the Division will make payment in compliance with 42 CFR 447.10. Any contracted Billing Agent or Billing Service submitting claims on behalf of a Provider but not receiving payment in the name of or on behalf of the Provider does not meet the requirements for Billing Provider enrollment. If electronic transactions will be submitted, Billing Agents and Billing Services must register and comply with Oregon Health Authority Electronic Data Interchange (EDI) rules, OAR 407-120-0100 through 407-120-0200. DMAP may require that payment for services be made only after review by DMAP.

(2) The Division sets Fee-for-Service (FFS) payment rates.

(3) All FFS payment rates are the rates in effect on the date of service that are the lesser of the amount billed, the AMH maximum allowable amount or the reimbursement specified in the individual program Provider rules:

(a) The Division's maximum allowable rate setting process uses a methodology that is based on the existing Medicaid fee schedule with adjustments for legislative changes and payment levels. The rates are updated periodically and posted on the Division's web site

Stat. Auth.: ORS 413.042 & 430.640

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Stats. Implemented: ORS 413.042, 414.025, 414.065, 414.725 & 414.737, 430.640, 430.705 & 430.715  
Hist.: MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; Suspended by MHS 15-2012(Temp), f. & cert. ef. 11-5-12 thru 12-27-12

## 309-016-0815

### Sanctions

Sanctions will be imposed on Providers when necessary in accordance with OAR 410-120-1400 through 410-120-1460 Medical Assistance Programs Provider Sanctions and Types and Conditions of Sanction

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; Suspended by MHS 15-2012(Temp), f. & cert. ef. 11-5-12 thru 12-27-12

## 309-016-0820

### Individual Eligibility

(1) To be eligible for Detoxification Treatment services under these rules the individual must be a current Medicaid recipient.

(2) Providers are responsible to verify an individual is a Medicaid recipient as outlined in OAR 410-120-1140

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065, 414.025 & 414.047

Hist.: MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; Suspended by MHS 15-2012(Temp), f. & cert. ef. 11-5-12 thru 12-27-12

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

**Rule Caption:** Amend Coordinated Care Organizations rules to include the Authority's intent for member choice.

**Adm. Order No.:** DMAP 47-2012(Temp)

**Filed with Sec. of State:** 10-16-2012

**Certified to be Effective:** 10-16-12 thru 4-13-13

**Notice Publication Date:**

**Rules Amended:** 410-141-3080

**Subject:** This rule establishes a process for the Authority to inform Authority members 90 days in advance of transfer of the member from their current Coordinated Care Organization (CCO) to a new CCO for their covered services. CCOs will improve health, increase the quality, reliability, availability and continuity of care, as well as reduce costs. CCOs will provide medical assistance recipients with health care services that are supported by alternative payment methodologies that focus on prevention and that use patient-centered primary care homes, evidence-based practices and health information technology to improve health and reduce health disparities. The Authority needs to amend these rules to ensure the Authority's intent for member choice and notification to align closely with those outlined in Senate Bill 201. This rule change needs to be in effect as soon after August 1, 2012 as possible, the start date of CCO implementation.

**Rules Coordinator:** Cheryl Peters—(503) 945-6527

## 410-141-3080

### Disenrollment from Coordinated Care Organizations

(1) At the time of recertification, a client may disenroll from one CCO in a service area and enroll in another CCO in that service area. The primary person in the household shall make this decision on behalf of all household members.

(2) A member who moves from one service area to another service area shall disenroll from the CCO in the previous service area and enroll with a CCO in the new service area. The member must change their address with the Authority or Department within ten days of moving.

(3) A member who voluntarily enrolls in a CCO per OAR 410-141-3060 (19) may disenroll from their CCOs at any time and receive health care services on a fee-for-service basis or enroll in another CCO in their service area. This only applies to:

(a) Members who are eligible for both Medicare and Medicaid and

(b) Members who are American Indian and Alaskan Native beneficiaries;

(4) Notwithstanding other sections of this rule, members may request disenrollment for just cause at any time pursuant to state law or CFR 438.56. This includes:

(a) The CCO does not cover the service the member seeks, because of moral or religious objections;

(b) The member needs related services (for example a cesarean section and a tubal ligation) to be performed at the same time, not all related services are available within the network, and the member's primary care provider or another provider determines that receiving the services separately would subject the member to unnecessary risk; or

(c) The member is experiencing poor quality of care, lack of access to services covered under the contract, or lack of access to providers experienced in dealing with the member's health care needs.

(5) The Authority may approve the disenrollment after medical review using the following just cause considerations:

(a) Required enrollment would pose a serious health risk; and

(b) The Authority finds no reasonable alternatives.

(6) The following applies to time lines for clients to change their CCO assignment:

(a) Newly eligible clients may change their CCO assignment within 90 days of their application for health services;

(b) Existing clients may change their CCO assignment within 30 days of the Authority's automatic assignment in a CCO; or

(c) Clients may change their CCO assignment upon eligibility re-determination.

(7) Pursuant to CFR 438.56, the CCO shall not request and the Authority shall not approve disenrollment of a member due to:

(a) A physical or behavioral disability or condition;

(b) An adverse change in the member's health;

(c) The member's utilization of services, either excessive or lacking;

(d) The member's decisions regarding medical care with which the CCO disagrees;

(e) The member's behavior is uncooperative or disruptive, including but not limited to threats or acts of physical violence, resulting from the member's special needs, except when continued enrollment in the CCO seriously impairs the CCO's ability to furnish services to this particular member or other members.

(8) A CCO may request the Authority to disenroll a member if the CCO determines:

(a) Except as provided in OAR 410-141-3050, the member has major medical coverage, including employer sponsored insurance (ESI) but excluding enrollment in a DCO;

(b) The CCO determines:

(A) The member has moved to a service area the CCO does not serve;

(B) The member is out of the CCO's area for three months without making arrangements with the CCO;

(C) The member did not initiate enrollment in the CCO serving the member's area; and

(D) The member is not in temporary placement or receiving out-of-area services.

(c) The member is in a state psychiatric institution;

(d) The CCO has verifiable information that the member has moved to another Medicaid jurisdiction; or

(e) The member is deceased.

(9) Before requesting disenrollment under the exception in section (7)(e) of this rule, a CCO must take meaningful steps to address the member's behavior, including but not limited to:

(a) Contacting the member either orally or in writing to explain and attempt to resolve the issue. The CCO must document all oral conversations in writing and send a written summary to the member. This contact may include communication from advocates, including peer wellness specialists, where appropriate, personal health navigators and qualified community health workers who are part of the member's care team to provide assistance that is culturally and linguistically appropriate to the member's need to access appropriate services and participate in processes affecting the member's care and services;

(b) Developing and implementing a care plan in coordination with the member and the member's care team that details the problem and how the CCO shall address it;

(c) Reasonably modifying practices and procedures as appropriate to accommodate the member's circumstances;

(d) Assessing the member's behavior to determine if it results from the member's special needs or a disability;

(e) Providing education, counseling and other interventions to resolve the issue; and

(f) Submitting a complete summary to the Authority if the CCO requests disenrollment.

(10) The Authority may disenroll members of CCOs for the reasons specified in section(8) without receiving a disenrollment request from a CCO.



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(11) The CCO shall request the Authority to suspend a member's enrollment when the inmate is incarcerated in a State or Federal prison, a jail, detention facility or other penal institution for no longer than 12 months. The CCO shall request that the Authority disenroll a member when the inmate is incarcerated in a State or Federal prison, jail, detention facility or other institution for longer than 12 months. This does not include members on probation, house arrest, living voluntarily in a facility after adjudication of their case, infants living with inmates or inmates admitted for inpatient hospitalization. The CCO is responsible for identifying the members and providing sufficient proof of incarceration to the Authority for review of the request for suspension of enrollment or disenrollment. CCOs shall pay for inpatient services only during the time a member is an inmate and enrollment is otherwise suspended.

(12) Unless otherwise specified in these rules or in the Authority notification of disenrollment to the CCO, all disenrollments are effective at the end of the month the Authority approves the disenrollment, with the following exceptions;

(a) The Authority may specify a retroactive disenrollment effective date if the member has:

(A) Third party coverage including employee-sponsored insurance. The effective date shall be the date the coverage begins;

(B) Enrolls in a program for all-inclusive care for the elderly (PACE). The effective date shall be the day before PACE enrollment;

(C) Is admitted to the State Hospital. The effective date shall be the day before hospital admission; or

(D) Becomes deceased. The effective date shall be the date of death.

(b) The Authority may retroactively disenroll or suspend enrollment if the member is incarcerated pursuant to section (11) of this rule. The effective date shall be the date of the notice of incarceration or the day before incarceration, whichever is earlier.

(c) The Authority shall specify a disenrollment effective date if the member moves out of the CCO's service area. The Authority shall recoup the balance of that month's capitation payment from the CCO;

(d) The Authority may specify the disenrollment effective date if the member is no longer eligible for OHP;

(13) The Authority shall inform the members of a disenrollment decision in writing, including the right to request a contested case hearing to dispute the Authority's disenrollment if the Authority disenrolled the member for cause that the member did not request. If the member requests a hearing, the disenrollment shall remain in effect pending outcome of the contested case hearing.

(14) For purposes of a client's right to a contested case hearing, "disenrollment" does not include the Authority's:

(a) Transfer of a member from a PHP to a CCO;

(b) Transfer of a member from a CCO to another CCO; or

(c) Automatic enrollment of a member in a CCO.

(15) The Authority may transfer 500 or more CCO members from one CCO to another CCO after a CCO provider contract termination if the Authority has evaluated the receiving CCO and determined that it has met criteria established by the Authority including, but not limited to:

(a) The Authority may approve the transfer of 500 or more members from one CCO to another CCO when:

(i) The member's provider has or is contracted with another CCO;

(ii) The member's current CCO has stopped accepting members from or has terminated a relationship with the member's current provider; and

(iii) The members are offered the choice of remaining enrolled in their current CCO or transferring to the provider's other CCO;

(b) When the Authority makes a transfer pursuant to this section, from one CCO to another, the Authority must send all of the affected members a written notice 90 days in advance of the transfer date.

Stat. Auth.: ORS 414.032, 414.615, 414.625, 414.635, 414.651

Stats. Implemented: ORS 414.610 - 685 OL 2011, Ch 602 Sec. 13, 14, 16, 17, 62, 64 (2), 65, HB 3650

Hist.: DMAP 16-2012(Temp), f. & cert. ef. 3-26-12 thru 9-21-12; DMAP 37-2012, f. & cert. ef. 8-1-12; DMAP 47-2012(Temp), f. & cert. ef. 10-16-12 thru 4-13-13

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**Rule Caption:** Targeted Case Management Retroactive Payments.

**Adm. Order No.:** DMAP 48-2012(Temp)

**Filed with Sec. of State:** 10-31-2012

**Certified to be Effective:** 10-31-12 thru 4-28-13

**Notice Publication Date:**

**Rules Amended:** 410-138-0390

**Subject:** The Division's (Division 410) Targeted Case Management (TCM) administrative rules govern payments for services provided to eligible clients. The Division needs to amend rules to allow

providers to adjust claims reimbursed retroactively to align with new rate changes, when CMS approval for the new rates is delayed past the effective date as follows:

410-138-0390

• Remove item number "(2) For all programs, except the Substance Abusing Pregnant Women and Substance Abusing Parents With Children Under Age 18 program, TCM claims already paid by the Division of Medical Assistance Programs (Division) with a prior rate may not be adjusted or resubmitted for the sole purpose of receiving a different rate."

• Re codify subsequent numbered paragraphs accordingly.

**Rules Coordinator:** Cheryl Peters—(503) 945-6527

**410-138-0390**

**Targeted Case Management Retroactive Payments**

(1) Providers may submit claims retroactively for services provided to the targeted populations described in 410-138-0020(2)(a -f) if the claims meet the following criteria:

(a) Services were provided less than 12 months prior to the date of first claim submission, and were provided on or after the date indicated in the rule listed above, and were allowable services in accordance with OAR 410-138-0007;

(b) The maximum number of units billed does not exceed the maximum allowed under each Targeted Case Management (TCM) program.

(c) The case manager was appropriately licensed or certified, and met all current requirements for case managers at the time the service was provided, as described in the provider requirements rule OAR 410-138-0060 appropriate for the TCM program:

(d) Documentation regarding provider qualifications and the services that the provider retroactively claims must have been available at the time the services were performed;

(2) The Division may not allow duplicate payments to be made to the same or different providers for the same service for the same client, nor will payment be allowed for services for which third parties are liable to pay (see also 410-138-0005).

(3) Reimbursement is subject to all rules and laws pertaining to federal financial participation.

Stat. Auth.: ORS 409.050 & 414.065

Stats. Implemented: ORS 414.065

Hist.: DMAP 34-2009(Temp), f. & cert. ef. 11-16-09 thru 5-1-10; DMAP 43-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 22-2010, f. 6-30-10, cert. ef. 7-1-10; DMAP 41-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 48-2012(Temp), f. & cert. ef. 10-31-12 thru 4-28-13

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**Rule Caption:** Include use of CCOs where PHP is used as well as some readability revisions.

**Adm. Order No.:** DMAP 49-2012

**Filed with Sec. of State:** 10-31-2012

**Certified to be Effective:** 11-1-12

**Notice Publication Date:** 10-1-2012

**Rules Amended:** 410-120-0000, 410-120-0030, 410-120-0045, 410-120-1140, 410-120-1160, 410-120-1180, 410-120-1210, 410-120-1230, 410-120-1280, 410-120-1295, 410-120-1320, 410-120-1340, 410-120-1560, 410-120-1570, 410-120-1580, 410-120-1600, 410-120-1860, 410-120-1880

**Rules Repealed:** 410-120-1340(T)

**Subject:** The General Rules administrative rules govern Division payments for services to clients. The Division implemented Coordinated Care Organizations and promulgated rules effective August 1, 2012. The revisions to the General rules are to incorporate CCO wherever PHP's are currently referenced in order to be consistent with chapter 410 division 141 rules. There are also some non-substantive readability revisions that do not change any of the intent of the current rule.

**Rules Coordinator:** Cheryl Peters—(503) 945-6527

**410-120-0000**

**Acronyms and Definitions**

Identification of acronyms and definitions within this rule specifically pertain to their use within the Oregon Health Authority (Authority), Division of Medical Assistance Programs (Division) or the Addictions and Mental health Division (AMH) administrative rules applicable to the med-

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ical assistance program. This rule does not include an exhaustive list of Division acronyms and definitions. For more information, see Oregon Health Plan (OHP) program OAR 410-141-0000, Acronyms and Definitions, OAR 410-141-0300, and any appropriate governing acronyms and definitions in the Department of Human Services (Department) chapter 407 administrative rules, or contact the Division.

(1) "Abuse" means provider practices that are inconsistent with sound fiscal, business, or medical practices and result in an unnecessary cost to the Authority, or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes recipient practices that result in unnecessary cost to the Authority.

(2) "Acupuncturist" means a person licensed to practice acupuncture by the relevant state licensing board.

(3) "Acupuncture Services" means services provided by a licensed acupuncturist within the scope of practice as defined under state law.

(4) "Acute" means a condition, diagnosis or illness with a sudden onset and that is of short duration.

(5) "Acquisition Cost" means unless specified otherwise in individual program administrative rules, the net invoice price of the item, supply or equipment, plus any shipping and/or postage for the item.

(6) "Addiction and Mental Health Division (AMH)" means a division within the Authority that administers mental health and addiction programs and services.

(7) "Adequate Record Keeping" means documentation that supports the level of service billed. See 410-120-1360, Requirements for Financial, Clinical, and Other Records, and the individual provider rules.

(8) "Administrative Medical Examinations and Reports" mean examinations, evaluations, and reports, including copies of medical records, requested on the DMAP 729 form through the local Department branch office or requested or approved by the Authority to establish client eligibility for a medical assistance program or for casework planning.

(9) "Advance Directive" means an individual's instructions to an appointed individual specifying actions to take in the event that the individual is no longer able to make decisions due to illness or incapacity.

(10) "Adverse Event" means an undesirable and unintentional, though not necessarily unexpected, result of medical treatment.

(11) "Aging and People with Disabilities (APD)" means the division in the Department of Human Services (DHS) that administers programs for seniors and people with disabilities. This division was formerly named "Seniors and People with Disabilities (SPD)".

(12) "All-Inclusive Rate" or "Bundled rate" means the nursing facility rate established for a facility. This rate includes all services, supplies, drugs and equipment as described in OAR 411-070-0085, and in the Division's Pharmaceutical Services program administrative rules and the Home Enteral/Parenteral Nutrition and IV Services program administrative rules, except as specified in OAR 410-120-1340, Payment.

(13) "Allied Agency" means local and regional governmental agency and regional authority that contracts with the Authority or Department to provide the delivery of services to covered individual. (e.g., local mental health authority, community mental health program, Oregon Youth Authority, Department of Corrections, local health departments, schools, education service districts, developmental disability service programs, area agencies on aging (AAAs), federally recognized American Indian tribes).

(14) "Alternative Care Settings" mean sites or groups of practitioners that provide care to members under contract with a PHP or CCO, including urgent care centers, hospice, birthing centers, out-placed medical teams in community or mobile health care facilities, long-term care facilities and outpatient surgical centers.

(15) "Ambulance" means a specially equipped and licensed vehicle for transporting sick or injured persons which meets the licensing standards of the Authority or the licensing standards of the state in which the ambulance provider is located.

(16) "Ambulatory Payment Classification" means a reimbursement method that categorizes outpatient visits into groups according to the clinical characteristics, the typical resource use, and the costs associated with the diagnoses and the procedures performed. The groups are called Ambulatory Payment Classifications (APCs).

(17) "Ambulatory Surgical Center (ASC)" means a facility licensed as an ASC by the Authority.

(18) "American Indian/Alaska Native (AI/AN)" means a member of a federally recognized Indian tribe, band or group, an Eskimo or Aleut or other Alaska native enrolled by the Secretary of the Interior pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. 1601, or a person who is considered by the Secretary of the Interior to be an Indian for any purpose.

(19) "American Indian/Alaska Native (AI/AN) Clinic" means a clinic recognized under Indian Health Services (IHS) law or by the Memorandum of Agreement between IHS and the Centers for Medicare and Medicaid Services (CMS).

(20) "Ancillary Services" mean services supportive of or necessary for providing a primary service, such as, anesthesiology, which is an ancillary service necessary for a surgical procedure.

(21) "Anesthesia Services" mean administration of anesthetic agents to cause loss of sensation to the body or body part.

(22) "Area Agency on Aging (AAA)" means the designated entity with which the Department contracts to meet the requirements of the Older Americans Act and ORS Chapter 410 in planning and providing services to the elderly or elderly and disabled population.

(23) "Atypical Provider" means entity able to enroll as a billing provider (BP) or rendering provider for medical assistance programs related non-health care services but which does not meet the definition of health care provider for National Provider Identification (NPI) purposes.

(24) "Audiologist" means a person licensed to practice audiology by the State Board of Examiners for Speech Pathology and Audiology.

(25) "Audiology" means the application of principles, methods and procedures of measurement, testing, appraisal, prediction, consultation, counseling and instruction related to hearing and hearing impairment for the purpose of modifying communicative disorders involving speech, language, auditory function, including auditory training, speech reading and hearing aid evaluation, or other behavior related to hearing impairment.

(26) "Automated Voice Response (AVR)" means a computer system that provides information on clients' current eligibility status from the Division by computerized phone or Web-based response.

(27) "Benefit Package" means the package of covered health care services for which the client is eligible.

(28) "Billing Agent or Billing Service" means third party or organization that contracts with a provider to perform designated services in order to facilitate an Electronic Data Interchange (EDI) transaction on behalf of the provider.

(29) "Billing Provider (BP)" means a person, agent, business, corporation, clinic, group, institution, or other entity who submits claims to and/or receives payment from the Division on behalf of a rendering provider and has been delegated the authority to obligate or act on behalf of the rendering provider.

(30) "Buying Up" means the practice of obtaining client payment in addition to the Division or managed care plan payment to obtain a non-covered service or item. (See 410-120-1350 Buying Up).

(31) "By Report (BR)" means services designated, as BR require operative or clinical and other pertinent information to be submitted with the billing as a basis for payment determination. This information must include an adequate description of the nature, and extent of need for the procedure. Information such as complexity of symptoms, final diagnosis, pertinent physical findings, diagnostic and therapeutic procedures, concurrent problems, and follow-up care will facilitate evaluation.

(32) "Case Management Services" mean services provided to ensure that CCO members obtain health services necessary to maintain physical, mental and emotional development and oral health. Case management services include a comprehensive, ongoing assessment of medical, mental health, chemical dependency and/or dental needs plus the development and implementation of a plan to obtain or make referrals for needed medical, mental, chemical dependency or dental services, referring members to community services and supports which may include referrals to Allied Agencies.

(33) "Children, Adults and Families Division (CAF)" means a division within the Department, responsible for administering self-sufficiency and child-protective programs.

(34) "Children's Health Insurance Program (CHIP)" means a federal and state funded portion of the Oregon Health Plan (OHP) established by Title XXI of the Social Security Act and administered by the Authority.

(35) "Chiropractor" means a person licensed to practice chiropractic by the relevant state licensing board.

(36) "Chiropractic Services" mean services provided by a licensed chiropractor within the scope of practice, as defined under state law and Federal regulation.

(37) "Citizen/Alien-Waived Emergency Medical (CAWEM)" means aliens granted lawful temporary resident status, or lawful permanent resident status under the Immigration and Nationality Act, are eligible only for emergency services and limited service for pregnant women. Emergency services for CAWEM are defined in OAR 410-120-1210 (3)(f).

(38) "Claimant" means a person who has requested a hearing.

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(39) "Client" means an individual found eligible to receive OHP health services. "Client" is inclusive of members enrolled in PHPs, PCMs and CCOs.

(40) "Clinical Nurse Specialist" means a registered nurse who has been approved and certified by the Board of Nursing to provide health care in an expanded specialty role.

(41) "Clinical Social Worker" means a person licensed to practice clinical social work pursuant to State law.

(42) "Clinical Record" means the medical, dental or mental health records of a client or member.

(43) "Comfort Care" means medical services or items that give comfort or pain relief to an individual who has a terminal illness, including the combination of medical and related services designed to make it possible for an individual with terminal illness to die with dignity and respect and with as much comfort as is possible given the nature of the illness.

(44) "Contested Case Hearing" means a proceeding before the Authority under the Administrative Procedures Act when any of the following contests an action:

(a) A client or member or their representative;

(b) A PHP or CCO member's provider; or

(c) A PHP or CCO.

(45) "Contiguous Area" means the area up to 75 miles outside the border of the State of Oregon.

(46) "Contiguous Area Provider" means a provider practicing in a contiguous area.

(47) "Continuing Treatment Benefit" means a benefit for clients who meet criteria for having services covered that were either in a course of treatment or scheduled for treatment the day immediately before the date the client's benefit package changed to one that does not cover the treatment.

(48) "Co-Payments" mean the portion of a claim or medical, dental or pharmaceutical expense that a client must pay out of their own pocket to a provider or a facility for each service. It is usually a fixed amount that is paid at the time service is rendered. (See 410-120-1230 Client Copayment).

(49) "Cost Effective" means the lowest cost health care service or item that, in the judgment of Authority staff or its contracted agencies, meets the medical needs of the client.

(50) "Current Dental Terminology (CDT)" means a listing of descriptive terms identifying dental procedure codes used by the American Dental Association.

(51) "Current Procedural Terminology (CPT)" means the physicians' CPT is a listing of descriptive terms and identifying codes for reporting medical services and procedures performed by physicians and other health care providers.

(52) "Date of Receipt of a Claim" means the date on which the Authority receives a claim, as indicated by the Internal Control Number (ICN) assigned to a claim. Date of receipt is shown as the Julian date in the 5th through 7th position of the ICN.

(53) "Date of Service" means the date on which the client receives medical services or items, unless otherwise specified in the appropriate provider rules. For items that are mailed or shipped by the provider, the date of service is the date on which the order was received, the date on which the item was fabricated, or the date on which the item was mailed or shipped.

(54) "Dental Emergency Services" mean dental services provided for severe tooth pain, unusual swelling of the face or gums, or an avulsed tooth.

(55) "Dental Services" mean services provided within the scope of practice as defined under state law by or under the supervision of a dentist or dental hygienist.

(56) "Dentist" means a person licensed to practice dentistry pursuant to state law of the state in which he/she practices dentistry, or a person licensed to practice dentistry pursuant to Federal law for the purpose of practicing dentistry as an employee of the Federal government.

(57) "Denturist" means a person licensed to practice denture technology pursuant to State law.

(58) "Denturist Services" mean services provided, within the scope of practice as defined under State law, by or under the personal supervision of a denturist.

(59) "Dental Hygienist" means a person licensed to practice hygiene under the direction of a licensed professional within the scope of practice pursuant to State law.

(60) "Dental Hygienist with an Expanded Practice Permit" means a person licensed to practice dental hygiene services as authorized by the

Board of Dentistry with an Expanded Practice Dental Hygienist Permit (EPDHP) pursuant to State law.

(61) "Dentally Appropriate" means services that are required for prevention, diagnosis or treatment of a dental condition and that are:

(a) Consistent with the symptoms of a dental condition or treatment of a dental condition;

(b) Appropriate with regard to standards of good dental practice and generally recognized by the relevant scientific community and professional standards of care as effective;

(c) Not solely for the convenience of the client or a provider of the service;

(d) The most cost effective of the alternative levels of dental services that can be safely provided to a client.

(62) "Department of Human Services (Department or DHS)" means the agency established in ORS Chapter 409, including such divisions, programs and offices as may be established therein.

(63) "Department Representative" means a person who represents the Department and presents the position of the Department in a hearing.

(64) "Diagnosis Code" means as identified in the International Classification of Diseases, 9th revision, Clinical Modification (ICD-9-CM), the primary diagnosis code is shown in all billing claims, unless specifically excluded in individual provider rule(s). Where they exist, diagnosis codes shall be shown to the degree of specificity outlined in OAR 410-120-1280, Billing.

(65) "Diagnosis Related Group (DRG)" means a system of classification of diagnoses and procedures based on the ICD-9-CM.

(66) "Division of Medical Assistance Programs (Division)" means a division within the Authority; the Division is responsible for coordinating the medical assistance programs within the State of Oregon including the Oregon Health Plan (OHP) Medicaid demonstration, the State Children's Health Insurance Program (SCHIP -Title XXI), and several other programs.

(67) "Durable Medical Equipment, Prosthetics, Orthotics and Medical Supplies (DMEPOS)" mean equipment that can stand repeated use and is primarily and customarily used to serve a medical purpose. Examples include wheelchairs, respirators, crutches and custom built orthopedic braces. Medical supplies are non-reusable items used in the treatment of illness or injury. Examples of medical supplies include diapers, syringes, gauze bandages and tubing.

(68) "Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services (aka, Medichheck)" mean the Title XIX program of EPSDT services for eligible clients under age 21. It is a comprehensive child health program to assure the availability and accessibility of required medically appropriate health care services and to help Authority clients and their parents or guardians effectively use them.

(69) "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 rules 407-120-0100 through 407-120-0200, EDI does not include electronic transmission by web portal.

(70) "EDI Submitter" means an individual or an entity authorized to establish an 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.

(71) "Electronic Verification System (EVS)" means eligibility information that has met the legal and technical specifications of the Authority in order to offer eligibility information to enrolled providers of the Division.

(72) "Emergency Department" means the part of a licensed hospital facility open 24 hours a day to provide care for anyone in need of emergency treatment.

(73) "Emergency Medical Condition" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in placing the health of the individual (or with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions or serious dysfunction of any bodily organ or part. An emergency medical condition is determined based on the presenting symptoms (not the final diagnosis) as perceived by a prudent layperson (rather than a health care professional) and includes cases in which the absence of immediate medical attention would not in fact have had the adverse results described in the previous sentence. (This definition does not apply to clients with CAWEM



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benefit package. CAWEM emergency services are governed by OAR 410-120-1210(3)(f)(B)).

(73) "Emergency Medical Transportation" means transportation necessary for a client with an emergency medical condition, as defined in this rule, and requires a skilled medical professional such as an Emergency Medical Technician (EMT) and immediate transport to a site, usually a hospital, where appropriate emergency medical service is available.

(74) "Emergency Services" means health services from a qualified provider necessary to evaluate or stabilize an emergency medical condition, including inpatient and outpatient treatment that may be necessary to assure within reasonable medical probability that the patient's condition is not likely to materially deteriorate from or during a client's discharge from a facility or transfer to another facility.

(75) "Evidence-Based Medicine" means the conscientious, explicit, and judicious use of current best evidence in making decisions about the care of individual patients. The practice of evidence based medicine means integrating individual clinical expertise with the best available external clinical evidence from systematic research. By individual clinical expertise we mean the proficiency and judgment that individual clinicians acquire through clinical experience and clinical practice. Increased expertise is reflected in many ways, but especially in more effective and efficient diagnosis and in the more thoughtful identification and compassionate use of individual patients' predicaments, rights, and preferences in making clinical decisions about their care. By best available external clinical evidence we mean clinically relevant research, often from the basic sciences of medicine, but especially from patient centered clinical research into the accuracy and precision of diagnostic tests (including the clinical examination), the power of prognostic markers, and the efficacy and safety of therapeutic, rehabilitative, and preventive regimens. External clinical evidence both invalidates previously accepted diagnostic tests and treatments and replaces them with new ones that are more powerful, more accurate, more efficacious, and safer. (Source: BMJ 1996; 312:71-72 (13 January)).

(76) "False Claim" means a claim that a provider knowingly submits or causes to be submitted that contains inaccurate, misleading or omitted information and such inaccurate, misleading or omitted information would result, or has resulted, in an overpayment.

(77) "Family Health Insurance Assistance Program (FHIAP)" means a program in which the State subsidizes premiums in the commercial insurance market for uninsured individuals and families with income below 185% of the Federal Poverty Level.

(78) "Family Planning Services" mean services for clients of child bearing age (including minors who can be considered to be sexually active) who desire such services and which are intended to prevent pregnancy or otherwise limit family size.

(79) "Federally Qualified Health Center (FQHC)" means a federal designation for a medical entity which receives grants under Section 329, 330, or 340 of the Public Health Service Act; or a facility designated as an FQHC by Centers for Medicare and Medicaid (CMS) upon recommendation of the U.S. Public Health Service.

(80) "Fee-for-Service Provider" means a health care provider who is not reimbursed under the terms of a Authority contract with a Coordinated Care Organization or Prepaid Health Plan (PHP) . A medical provider participating in a PHP or a CCO may be considered a fee-for-service provider when treating clients who are not enrolled in a PHP or a CCO.

(81) "Flexible Service" means a service that is an alternative or addition to a service that is as likely or more likely to effectively treat the mental condition, chemical dependency condition, or physical condition as documented in the Member's Clinical Record. Flexible Services may include, but are not limited to: Respite Care, Partial Hospitalization, Subacute Psychiatric Care, Family Support Services, Parent Psychosocial Skills Development, Peer Services, and other non-Traditional Services identified.

(82) "Flexible Service Approach" means the delivery of any Coordinated Care Service in a manner or place different from the traditional manner or place of service delivery. A Flexible Service Approach may include delivering Coordinated Care Services at alternative sites such as schools, residential facilities, nursing facilities, Members' homes, emergency rooms, offices of DHS, OHA, other community settings; offering flexible clinic hours; offering Coordinated Care Services through outreach or a home-based approach; and using peers, paraprofessionals, Community Health Workers, Peer Wellness Specialists, or Personal Health Navigators who are Culturally Competent to engage difficult-to-reach Members.

(83) "Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person. It includes any act that constitutes fraud under applicable federal or state law.

(84) "Fully Dual Eligible" means for the purposes of Medicare Part D coverage (42 CFR 423.772), Medicare clients who are also eligible for Medicaid, meeting the income and other eligibility criteria adopted by the Department for full medical assistance coverage.

(85) "General Assistance (GA)" means medical assistance administered and funded 100% with State of Oregon funds through OHP.

(86) "Healthcare Common Procedure Coding System (HCPCS)" means a method for reporting health care professional services, procedures, and supplies. HCPCS consists of the Level I — American Medical Association's Physician's Current Procedural Terminology (CPT), Level II — National codes, and Level III — Local codes. The Division uses HCPCS codes; however, Division uses Current Dental Terminology (CDT) codes for the reporting of dental care services and procedures.

(87) "Health Care Professionals" mean individuals with current and appropriate licensure, certification or accreditation in a medical, mental health or dental profession who provide health services, assessments and screenings for clients within their scope of practice, licensure or certification.

(88) "Health Evidence Review Commission" means a commission that, among other duties, develops and maintains a list of health services ranked by priority, from the most to the least important, representing the comparative benefits of each service to the population served.

(89) "Health Insurance Portability and Accountability Act (HIPAA) of 1996 (HIPAA)" means the federal law (Public Law 104-191, August 21, 1996) with the legislative objective to assure health insurance portability, reduce health care fraud and abuse, enforce standards for health information and guarantee security and privacy of health information.

(90) "Health Maintenance Organization (HMO)" means a public or private health care organization which is a federally qualified HMO under Section 1310 of the U.S. Public Health Services Act. HMOs provide health care services on a capitated, contractual basis.

(91) "Health Plan New/noncategorical client (HPN)" means an individual who is 19 years of age or older, is not pregnant, is not receiving Medicaid through another program and who must meet all eligibility requirements to become an OHP client.

(92) "Hearing Aid Dealer" means a person licensed by the Board of Hearing Aid Dealers to sell, lease or rent hearing aids in conjunction with the evaluation or measurement of human hearing and the recommendation, selection, or adaptation of hearing aids.

(93) "Home Enteral Nutrition" means services provided in the client's place of residence to an individual who requires nutrition supplied by tube into the gastrointestinal tract, as described in the Home Enteral/Parenteral Nutrition and IV Services program provider rules.

(94) "Home Health Agency" means a public or private agency or organization which has been certified by Medicare as a Medicare home health agency and which is licensed by the Authority as a home health agency in Oregon, and meets the capitalization requirements as outlined in the Balanced Budget Act (BBA) of 1997.

(95) "Home Health Services" mean part-time or intermittent skilled nursing services, other therapeutic services (physical therapy, occupational therapy, speech therapy), and home health aide services made available on a visiting basis in a place of residence used as the client's home.

(96) "Home Intravenous Services" mean services provided in the client's place of residence to an individual who requires that medication (antibiotics, analgesics, chemotherapy, hydration fluids, or other intravenous medications) be administered intravenously as described in the Home Enteral/Parenteral Nutrition and IV Services program administrative rules.

(97) "Home Parenteral Nutrition" means services provided in the client's residence to an individual who is unable to absorb nutrients via the gastrointestinal tract, or for other medical reasons, requires nutrition be supplied parenterally as described in the Home Enteral/Parenteral Nutrition and IV Services program administrative rules.

(98) "Hospice" means a public agency or private organization or subdivision of either that is primarily engaged in providing care to terminally ill individuals, and is certified by the federal Centers for Medicare and Medicaid Services as a program of hospice services meeting current standards for Medicare and Medicaid reimbursement and Medicare Conditions of Participation; and currently licensed by the Oregon Health Authority (Authority), Public Health Division.

(99) "Hospital" means a facility licensed by the Office of Public Health Systems as a general hospital which meets requirements for participation in OHP under Title XVIII of the Social Security Act. The Division does not consider facilities certified by CMS as long-term care hospitals, long-term acute care hospitals or religious non-medical facilities as hospi-

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tals for reimbursement purposes. Out-of-state hospitals will be considered hospitals for reimbursement purposes if they are licensed as a short term acute care or general hospital by the appropriate licensing authority within that state, and if they are enrolled as a provider of hospital services with the Medicaid agency within that state.

(100) "Hospital-Based Professional Services" mean professional services provided by licensed practitioners or staff based on a contractual or employee/employer relationship and reported as a cost on the Hospital Statement of Reasonable Cost report for Medicare and the Calculation of Reasonable Cost (Division 42) report for the Division.

(101) "Hospital Dentistry" means dental services normally done in a dental office setting, but due to specific client need (as detailed in OAR chapter 410 division 123) are provided in an ambulatory surgical center, inpatient, or outpatient hospital setting under general anesthesia (or IV conscious sedation, if appropriate).

(102) "Hospital Laboratory" means a laboratory providing professional technical laboratory services as outlined under laboratory services, in a hospital setting, as either an inpatient or outpatient hospital service whose costs are reported on the hospital's cost report to Medicare and to the Division.

(103) "Indian Health Care Provider" means an Indian health program or an urban Indian organization.

(104) "Indian Health Program" means any Indian Health Service (IHS) facility, any Federally recognized Tribe or Tribal organization, or any FQHC with a 638 designation.

(105) "Indian Health Service (IHS)" means an operating division (OPDIV) within the U.S. Department of Health and Human Services (HHS) responsible for providing medical and public health services to members of federally recognized Tribes and Alaska Natives.

(106) "Indigent" means for the purposes of access to the Intoxicated Driver Program Fund (ORS 813.602) indigent has the meaning: Individuals with out health insurance coverage, public or private and meet standards for indigence adopted by the federal government as defined in ORS 813.602 (5).

(107) "Individual Adjustment Request Form (DMAP 1036)" means form used to resolve an incorrect payment on a previously paid claim, including underpayments or overpayments.

(108) "Inpatient Hospital Services" mean services that are furnished in a hospital for the care and treatment of an inpatient. (See Division Hospital Services program administrative rules in chapter 410, division 125 for inpatient covered services.)

(109) "Institutional Level of Income Standards (ILIS)" mean three times the amount SSI pays monthly to a person who has no other income and who is living alone in the community. This is the standard used for Medicaid eligible individuals to calculate eligibility for long-term nursing care in a nursing facility, Intermediate Care Facilities for the Mentally Retarded (ICF/MR) and individuals on ICF/MR waivers or eligibility for services under Seniors and People with Disabilities' (SPD) Home and Community Based Waiver.

(110) "Institutionalized" means a patient admitted to a nursing facility or hospital for the purpose of receiving nursing and/or hospital care for a period of 30 days or more.

(111) "International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM) (including volumes 1, 2, and 3, as revised annually)" mean a book of diagnosis codes used for billing purposes when treating and requesting reimbursement for treatment of diseases.

(112) "Laboratory" means a facility licensed under ORS 438 and certified by CMS, Department of Health and Human Services (DHHS), as qualified to participate under Medicare, to provide laboratory services (as defined in this rule) within or apart from a hospital. An entity is considered to be a laboratory if the entity derives materials from the human body for the purpose of providing information for the diagnosis, prevention or treatment of any disease or impairment of, or the assessment of the health of, human beings. If an entity performs even one laboratory test, including waived tests for these purposes, it is considered to be a laboratory, under the Clinical Laboratory Improvement Act (CLIA).

(113) "Laboratory Services" mean those professional and technical diagnostic analyses of blood, urine, and tissue ordered by a physician or other licensed practitioner of the healing arts within his/her scope of practice as defined under State law and provided to a patient by or under the direction of a physician or appropriate licensed practitioner in an office or similar facility, hospital, or independent laboratory.

(114) "Licensed Direct Entry Midwife" means a practitioner who has acquired the requisite qualifications to be registered and/or legally licensed to practice midwifery by the Public Health Division.

(115) "Liability Insurance" means insurance that provides payment based on legal liability for injuries or illness. It includes, but is not limited to, automobile liability insurance, uninsured and underinsured motorist insurance, homeowner's liability insurance, malpractice insurance, product liability insurance, Worker's Compensation, and general casualty insurance. It also includes payments under state wrongful death statutes that provide payment for medical damages.

(116) "Managed Care Organization (MCO)" means contracted health delivery system providing capitated or prepaid health services, also known as a Prepaid Health Plan (PHP). An MCO is responsible for providing, arranging and making reimbursement arrangements for covered services as governed by state and federal law. An MCO may be a Chemical Dependency Organization (CDO), Fully Capitated Health Plan (FCHP), Dental Care Organization (DCO), Mental Health Organization (MHO), or Physician Care Organization (PCO).

(117) "Maternity Case Management" means a program available to pregnant clients. The purpose of Maternity Case Management is to extend prenatal services to include non-medical services, which address social, economic and nutritional factors. For more information refer to the Division's Medical-Surgical Services Program administrative rules.

(118) "Medicaid" means a federal and state funded portion of the medical assistance programs established by Title XIX of the Social Security Act, as amended, administered in Oregon by the Authority.

(119) "Medical Assistance Eligibility Confirmation" means verification through the Electronic Verification System (EVS), AVR, Secure Web site or Electronic Data Interchange (EDI), or an authorized Department or Authority representative.

(120) "Medical Assistance Program" means a program for payment of health services provided to eligible Oregonians, including Medicaid and CHIP services under the OHP Medicaid Demonstration Project, and Medicaid and CHIP services under the State Plan.

(121) "Medical Care Identification" means the card commonly called the "medical card" or medical ID issued to clients. (called the Oregon Health ID starting Aug. 1, 2012).

(122) "Medical Services" mean care and treatment provided by a licensed medical provider directed at preventing, diagnosing, treating or correcting a medical problem.

(123) "Medical Transportation" means transportation to or from covered medical services.

(124) "Medically Appropriate" means services and medical supplies that are required for prevention, diagnosis or treatment of a health condition which encompasses physical or mental conditions, or injuries, and which are:

(a) Consistent with the symptoms of a health condition or treatment of a health condition;

(b) Appropriate with regard to standards of good health practice and generally recognized by the relevant scientific community, evidence-based medicine and professional standards of care as effective;

(c) Not solely for the convenience of an OHP client or a provider of the service or medical supplies; and

(d) The most cost effective of the alternative levels of medical services or medical supplies which can be safely provided to a Division client or Primary Care Manager (PCM) Member in the PHP's or PCM's judgment.

(125) "Medicare" means a federally administered program offering health insurance benefits for persons aged 65 or older and certain other aged or disabled persons. This program includes:

(a) Hospital Insurance (Part A) for Inpatient services in a hospital or skilled nursing facility, home health care, and hospice care; and

(b) Medical Insurance (Part B) for physicians' services, outpatient hospital services, home health care, end-stage renal dialysis, and other medical services and supplies;

(c) Prescription drug coverage (Part D) means covered Part D drugs include prescription drugs, biological products, insulin as described in specified paragraphs of section 1927(k) of the Social Security Act, and vaccines licensed under section 351 of the Public Health Service Act; also includes medical supplies associated with the injection of insulin; Part D covered drugs prohibit Medicaid Title XIX Federal Financial Participation (FFP). For limitations, see the Division's Pharmaceutical Services program administrative rules in chapter 410, division 121.

(126) "Medicare Advantage" means an organization approved by CMS to offer Medicare health benefits plans to Medicare beneficiaries.

(127) "Medicheck for Children and Teens" mean services also known as Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services. The Title XIX program of EPSDT services for eligible clients under age 21. It is a comprehensive child health program to assure the availability

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ty and accessibility of required medically appropriate health care services and to help Authority clients and their parents or guardians effectively use them.

(128) "Member" means an OHP client enrolled with a pre-paid health plan or coordinated care organization.

(129) "Mental Health Case Management" means services provided to CCO members who require assistance to ensure access to mental health benefits and services from local, regional or state allied agencies or other service providers. Services provided may include: advocating for the CCO member's treatment needs; providing assistance in obtaining entitlements based on mental or emotional disability; referring CCO members to needed services or supports; accessing housing or residential programs; coordinating services, including educational or vocational activities; and establishing alternatives to inpatient psychiatric services.

(130) "National Correct Coding Initiative (NCCI)" means the Centers for Medicare and Medicaid Services (CMS) developed the National Correct Coding Initiative (NCCI) to promote national correct coding methodologies and to control improper coding leading to inappropriate payment.

(131) "National Drug Code or (NDC)" means a universal number that identifies a drug. The NDC number consists of 11 digits in a 5-4-2 format. The Food and Drug Administration assigns the first five digits to identify the manufacturer of the drug. The manufacturer assigns the remaining digits to identify the specific product and package size. Some packages will display less than 11 digits, but the number assumes leading zeroes.

(132) "National Provider Identification (NPI)" means federally directed provider number mandated for use on HIPAA covered transactions; individuals, provider organizations and subparts of provider organizations that meet the definition of health care provider (45 CFR 160.103) and who conduct HIPAA covered transactions electronically are eligible to apply for an NPI; Medicare covered entities are required to apply for an NPI.

(133) "Naturopathic physician" means a person licensed to practice naturopathic medicine by the Oregon Board of Naturopathic Medicine.

(134) "Naturopathic Services" means services provided within the scope of practice as defined under State law and by rules of the Oregon Board of Naturopathic Medicine..

(135) "Non-covered Services" mean services or items for which the Authority is not responsible for payment or reimbursement. Non-covered services are identified in:

- (a) OAR 410-120-1200, Excluded Services and Limitations; and
- (b) 410-120-1210, Medical Assistance Benefit Packages and Delivery System;
- (c) 410-141-0480, OHP Benefit Package of Covered Services;
- (d) 410-141-0520, Prioritized List of Health Services; and
- (e) Any other applicable Division administrative rules.

(136) "Non-Paid Provider" means a provider who is issued a provider number for purposes of data collection or non-claims-use of the Provider Web Portal (e.g., eligibility verification).

(137) "Nurse Anesthetist, C.R.N.A." means a registered nurse licensed in the State of Oregon who is currently certified by the American Association of Nurse Anesthetists Council on Certification.

(138) "Nurse Practitioner" means a person licensed as a registered nurse and certified by the Board of Nursing to practice as a Nurse Practitioner pursuant to State law.

(139) "Nurse Practitioner Services" mean services provided within the scope of practice of a Nurse Practitioner as defined under State law and by rules of the Board of Nursing.

(140) "Nursing Facility" means a facility licensed and certified by the Department SPD and defined in OAR 411-070-0005.

(141) "Nursing Services" mean health care services provided to a patient by a registered professional nurse or a licensed practical nurse under the direction of a licensed professional within the scope of practice as defined by State law.

(142) "Nutritional Counseling" means counseling which takes place as part of the treatment of a person with a specific condition, deficiency or disease such as diabetes, hypercholesterolemia, or phenylketonuria.

(143) "Occupational Therapist" means a person licensed by the State Board of Examiners for Occupational Therapy.

(144) "Occupational Therapy" means the functional evaluation and treatment of individuals whose ability to adapt or cope with the task of living is threatened or impaired by developmental deficiencies, physical injury or illness, aging process, or psychological disability; the treatment utilizes task-oriented activities to prevent or correct physical and emotion-

al difficulties or minimize the disabling effect of these deficiencies on the life of the individual.

(145) "Ombudsman Services" mean advocacy services provided by the Authority to clients whenever the client is reasonably concerned about access to, quality of or limitations on the health services provided.

(146) "Oregon Health ID" means a card the size of a business card that lists the client name, client ID (prime number) and the date it was issued.

(147) "Oregon Health Plan (OHP)" means the Medicaid and Children's Health Insurance (CHIP) Demonstration Project which expands Medicaid and CHIP eligibility beyond populations traditionally eligible for Medicaid to other low-income populations, and Medicaid and CHIP services under the State Plan

(148) "Optometric Services" mean services provided, within the scope of practice of optometrists as defined under State law.

(149) "Optometrist" means a person licensed to practice optometry pursuant to State law.

(150) "Oregon Health Authority (Authority or OHA)" means the agency established in ORS Chapter 413 that administers the funds for Titles XIX and XXI of the Social Security Act. It is the single state agency for the administration of the medical assistance program under ORS chapter 414. For purposes of these rules, the agencies under the authority of the OHA are the Public Health Division, the Addictions and Mental Health Division, and the Division of Medical Assistance Programs.

(151) "Oregon Youth Authority (OYA)" means the state department charged with the management and administration of youth correction facilities, state parole and probation services and other functions related to state programs for youth corrections.

(152) "Out-of-State Providers" mean any provider located outside the borders of the State of Oregon:

- (a) Contiguous area providers are those located no more than 75 miles from the border of the State of Oregon;
- (b) Non-contiguous area providers are those located more than 75 miles from the borders of the State of Oregon.

(153) "Outpatient Hospital Services" mean services that are furnished in a hospital for the care and treatment of an outpatient. For information on outpatient-covered services, see the Division's Hospital Services administrative rules found in chapter 410, division 125.

(154) "Overdue Claim" means a valid claim that is not paid within 45 days of the date it was received.

(155) "Overpayment" means payment(s) made by Authority to a provider in excess of the correct Authority payment amount for a service. Overpayments are subject to repayment to the Authority.

(156) "Overuse" means use of medical goods or services at levels determined by Authority medical staff and/or medical consultants to be medically unnecessary or potentially harmful.

(157) "Paid Provider" means a provider who is issued a provider number for purposes of submitting medical assistance program claims for payment by the Authority.

(158) "Panel" means the Hearing Officer Panel established by section 3, chapter 849, Oregon Laws 1999.

(159) "Payment Authorization" means authorization granted by the responsible agency, office or organization for payment prior or subsequent to the delivery of services, as described in these General Rules and the appropriate program rules. See the individual program rules for services requiring authorization.

(160) "Peer Review Organization (PRO)" means an entity of health care practitioners of services contracted by the State to review services ordered or furnished by other practitioners in the same professional field.

(161) "Pharmaceutical Services" mean services provided by a Pharmacist, including medications dispensed in a pharmacy upon an order of a licensed practitioner prescribing within his/her scope of practice.

(162) "Pharmacist" means a person licensed to practice pharmacy pursuant to state law.

(163) "Physical Capacity Evaluation" means an objective, directly observed measurement of a person's ability to perform a variety of physical tasks combined with subjective analysis of abilities of the person.

(164) "Physical Therapist" means a person licensed by the relevant State licensing authority to practice Physical Therapy.

(165) "Physical Therapy" means treatment comprising exercise, massage, heat or cold, air, light, water, electricity or sound for the purpose of correcting or alleviating any physical or mental disability, or the performance of tests as an aid to the assessment, diagnosis or treatment of a human being. Physical Therapy shall not include radiology or electrosurgery.



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(166) “Physician” means a person licensed to practice medicine pursuant to state law of the state in which he/she practices medicine, or a person licensed to practice medicine pursuant to federal law for the purpose of practicing medicine under a contract with the federal government. A physician may be an individual licensed under ORS 677 or ORS 685.

(167) “Physician Assistant” means a person licensed as a physician assistant in accordance with ORS 677. Physician assistants provide medical services under the direction and supervision of an Oregon licensed physician according to a practice description approved by the Board of Medical Examiners.

(168) “Physician Services” mean services provided, within the scope of practice as defined under state law, by or under the personal supervision of a physician.

(169) “Podiatric Services” mean services provided within the scope of practice of podiatrists as defined under state law.

(170) “Podiatrist” means a person licensed to practice podiatric medicine pursuant to state law.

(171) “Post-Payment Review” means review of billings and/or other medical information for accuracy, medical appropriateness, level of service or for other reasons subsequent to payment of the claim.

(172) “Practitioner” means a person licensed pursuant to state law to engage in the provision of health care services within the scope of the practitioner’s license and/or certification.

(173) “Premium Sponsorship” means premium donations made for the benefit of one or more specified Division clients (See 410-120-1390).

(174) “Prepaid Health Plan (PHP)” means a managed health, dental, chemical dependency, or mental health organization that contracts with the Authority on a case managed, prepaid, capitated basis under OHP. PHPs may be a Chemical Dependency Organization (CDO), Dental Care Organization (DCO), Fully Capitated Health Plan (FCHP), Mental Health Organization (MHO), or Physician Care Organization (PCO)

(175) “Primary Care Dentist (PCD)” means a dental practitioner who is responsible for supervising and coordinating initial and primary dental care within their scope of practice for their members.

(176) “Primary Care Provider (PCP)” means any enrolled medical assistance provider who has responsibility for supervising, coordinating, and providing initial and primary care within their scope of practice for identified clients. PCPs initiate referrals for care outside their scope of practice, consultations and specialist care, and assure the continuity of medically appropriate client care.

(177) “Prior Authorization (PA)” means payment authorization for specified medical services or items given by Authority staff, or its contracted agencies prior to provision of the service. A physician referral is not a PA.

(178) “Prioritized List of Health Services” means the listing of conditions and treatment pairs developed by the Health Evidence Review Commission for the purpose of administering OHP.

(179) “Private Duty Nursing Services” mean nursing services provided within the scope of license by a registered nurse or a licensed practical nurse, under the general direction of the patient’s physician to an individual who is not in a health care facility.

(180) “Provider” means an individual, facility, institution, corporate entity, or other organization which supplies health care services or items, also termed a rendering provider, or bills, obligates and receives reimbursement on behalf of a rendering provider of services, also termed a billing provider (BP). The term provider refers to both rendering providers and BP(s) unless otherwise specified.

(181) “Provider Organization” means a group practice, facility, or organization that is:

(a) An employer of a provider, if the provider is required as a condition of employment to turn over fees to the employer; or

(b) The facility in which the service is provided, if the provider has a contract under which the facility submits claims; or

(c) A foundation, plan, or similar organization operating an organized health care delivery system, if the provider has a contract under which the organization submits the claim; and

(d) Such group practice, facility, or organization is enrolled with the Authority, and payments are made to the group practice, facility or organization;

(e) If such entity solely submits billings on behalf of providers and payments are made to each provider, then the entity is an agent. (See Subparts of Provider Organization).

(182) “Public Health Clinic” means a clinic operated by a county government.

(183) “Public Rates” mean the charge for services and items that providers, including Hospitals and nursing facilities, made to the general public for the same service on the same date as that provided to Authority clients.

(184) “Qualified Medicare Beneficiary (QMB)” means a Medicare beneficiary, as defined by the Social Security Act and its amendments.

(185) “Qualified Medicare and Medicaid Beneficiary (QMM)” means a Medicare beneficiary who is also eligible for Division coverage.

(186) “Quality Improvement” means the efforts to improve the level of performance of a key process or processes in health services or health care.

(187) “Quality Improvement Organization (QIO)” means an entity that has a contract with CMS under Part B of Title XI to perform utilization and quality control review of the health care furnished, or to be furnished, to Medicare and Medicaid clients; formerly known as a Peer Review Organization.

(188) “Radiological Services” mean those professional and technical radiological and other imaging services for the purpose of diagnosis and treatment ordered by a physician or other licensed practitioner of the healing arts within the scope of practice as defined under state law and provided to a patient by or under the direction of a physician or appropriate licensed practitioner in an office or similar facility, Hospital, or independent radiological facility.

(189) “Recipient” means a person who is currently eligible for medical assistance (also known as a client).

(190) “Recreational Therapy” means recreational or other activities that are diversional in nature (includes, but is not limited to, social or recreational activities or outlets).

(191) “Recoupment” means an accounts receivable system that collects money owed by the provider to the Authority by withholding all or a portion of a provider’s future payments.

(192) “Referral” means the transfer of total or specified care of a client from one provider to another. As used by the Authority, the term referral also includes a request for a consultation or evaluation or a request or approval of specific services. In the case of clients whose medical care is contracted through a Prepaid Health Plan (PHP), or managed by a Primary Care Physician, a referral is required before non-emergency care is covered by the PHP or the Authority.

(193) “Remittance Advice (RA)” means the automated notice a provider receives explaining payments or other claim actions. It is the only notice sent to providers regarding claim actions.

(194) “Request for Hearing” means a clear expression, in writing, by an individual or representative that the person wishes to appeal a Department or Authority decision or action and wishes to have the decision considered by a higher authority.

(195) “Representative” means an individual who can make OHP-related decisions for a client who is not able to make such decisions themselves.

(196) “Retroactive Medical Eligibility” means eligibility for medical assistance granted to a client retroactive to a date prior to the client’s application for medical assistance.

(197) “Rural” means a geographic area that is 10 or more map miles from a population center of 30,000 people or less.

(198) “Sanction” means an action against providers taken by the Authority in cases of fraud, misuse or abuse of Division requirements.

(199) “School Based Health Service” means a health service required by an Individualized Education Plan (IEP) during a child’s education program which addresses physical or mental disabilities as recommended by a physician or other licensed practitioner.

(200) “Service Agreement” means an agreement between the Authority and a specified provider to provide identified services for a specified rate. Service agreements may be limited to services required for the special needs of an identified client. Service agreements do not preclude the requirement for a provider to enroll as a provider.

(201) “Sliding Fee Schedule” means a fee schedule with varying rates established by a provider of health care to make services available to indigent and low-income individuals. The sliding-fee schedule is based on ability to pay.

(202) “Social Worker” means a person licensed by the Board of Clinical Social Workers to practice clinical social work.

(203) “Speech-Language Pathologist” means a person licensed by the Oregon Board of Examiners for Speech Pathology.

(204) “Speech-Language Pathology Services” mean the application of principles, methods, and procedure for the measuring, evaluating, predicting, counseling or instruction related to the development and disorders

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of speech, voice, or language for the purpose of preventing, habilitating, rehabilitating, or modifying such disorders in individuals or groups of individuals.

(205) "State Facility" means a Hospital or training center operated by the State of Oregon, which provides long-term medical or psychiatric care.

(206) "Subparts (of a Provider Organization)" mean for NPI application, subparts of a health care provider organization would meet the definition of health care provider (45 CFR 160.103) if it were a separate legal entity and if it conducted HIPAA-covered transactions electronically, or has an entity do so on its behalf, could be components of an organization or separate physical locations of an organization.

(207) "Subrogation" means Right of the State to stand in place of the client in the collection of third party resources (TPR).

(208) "Supplemental Security Income (SSI)" means a program available to certain aged and disabled persons which is administered by the Social Security Administration through the Social Security office.

(209) "Surgical Assistant" means a person performing required assistance in surgery as permitted by rules of the State Board of Medical Examiners.

(210) "Suspension" means a sanction prohibiting a provider's participation in the medical assistance programs by deactivation of the provider's Authority-assigned billing number for a specified period of time. No payments, Title XIX or State Funds, will be made for services provided during the suspension. The number will be reactivated automatically after the suspension period has elapsed.

(211) "Targeted Case Management (TCM)" means activities that will assist the client in a target group in gaining access to needed medical, social, educational and other services. This includes locating, coordinating, and monitoring necessary and appropriate services. TCM services are often provided by Allied Agency providers.

(212) "Termination" means a sanction prohibiting a provider's participation in the Division's programs by canceling the provider's Authority-assigned billing number and agreement. No payments, Title XIX or State Funds, will be made for services provided after the date of termination. Termination is permanent unless:

(a) The exceptions cited in 42 CFR 1001.221 are met; or

(b) Otherwise stated by the Authority at the time of termination.

(213) "Third Party Liability (TPL) or Third Party Resource (TPR)" means a medical or financial resource which, under law, is available and applicable to pay for medical services and items for a Authority client.

(214) "Transportation" means Medical Transportation.

(215) "Type A Hospital" means a hospital identified by the Office of Rural Health as a Type A hospital.

(216) "Type B AAA" means an AAA administered by a unit or combination of units of general purpose local government for overseeing Medicaid, financial and adult protective services and regulatory programs for the elderly or the elderly and disabled.

(217) "Type B AAA Unit" means a Type B AAA funded by Oregon Project Independence (OPI), Title III — Older Americans Act, and Title XIX of the Social Security Act.

(218) "Type B Hospital" means a hospital identified by the Office of Rural Health as a Type B hospital.

(219) "Urban" means a geographic area that is less than 10 map miles from a population center of 30,000 people or more.

(220) "Urgent Care Services" mean health services that are medically appropriate and immediately required to prevent serious deterioration of a client's health that are a result of unforeseen illness or injury.

(221) "Usual Charge (UC)" means the lesser of the following unless prohibited from billing by federal statute or regulation:

(a) The provider's charge per unit of service for the majority of non-medical assistance users of the same service based on the preceding month's charges;

(b) The provider's lowest charge per unit of service on the same date that is advertised, quoted or posted. The lesser of these applies regardless of the payment source or means of payment;

(c) Where the provider has established a written sliding fee scale based upon income for individuals and families with income equal to or less than 200% of the federal poverty level, the fees paid by these individuals and families are not considered in determining the usual charge. Any amounts charged to third party resources (TPR) are to be considered.

(222) "Utilization Review (UR)" means the process of reviewing, evaluating, and assuring appropriate use of medical resources and services. The review encompasses quality, quantity, and appropriateness of medical care to achieve the most effective and economic use of health care services.

(223) "Valid Claim" means an invoice received by the Division or the appropriate Authority/Department office for payment of covered health care services rendered to an eligible client which:

(a) Can be processed without obtaining additional information from the provider of the goods or services or from a TPR; and

(b) Has been received within the time limitations prescribed in these General Rules (OAR 410 division 120).

(224) "Vision Services" mean provision of corrective eyewear, including ophthalmological or optometric examinations for determination of visual acuity and vision therapy and devices.

Stat. Auth.: ORS 413.042 414.065

Stats. Implemented: ORS 414.065

Hist.: AFS 5-1981, f. 1-23-81, ef. 3-1-81; AFS 33-1981, f. 6-23-81, ef. 7-1-81; AFS 47-1982, f. 4-30-82 & AFS 52-1982, f. 5-28-82, ef. 5-1-82, for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 57-1982, f. 6-28-82, ef. 7-1-82; AFS 81-1982, f. 8-30-82, ef. 9-1-82; AFS 4-1984, f. & ef. 2-1-84; AFS 12-1984, f. 3-16-84, ef. 4-1-84; AFS 13-1984(Temp), f. & ef. 4-2-84; AFS 37-1984, f. 8-30-84, ef. 9-1-84; AFS 24-1985, f. 4-24-85, ef. 6-1-85; AFS 13-1987, f. 3-31-87, ef. 4-1-87; AFS 7-1988, f. & cert. ef. 2-1-88; AFS 69-1988, f. & cert. ef. 12-5-88; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0005; HR 25-1991(Temp), f. & cert. ef. 7-1-91; HR 41-1991, f. & cert. ef. 10-1-91; HR 32-1993, f. & cert. ef. 11-1-93; HR 2-1994, f. & cert. ef. 2-1-94; HR 31-1994, f. & cert. ef. 11-1-94; HR 40-1994, f. 12-30-94, cert. ef. 1-1-95; HR 5-1997, f. 1-31-97, cert. ef. 2-1-97; HR 21-1997, f. & cert. ef. 10-1-97; OMAP 20-1998, f. & cert. ef. 7-1-98; OMAP 10-1999, f. & cert. ef. 4-1-99; OMAP 31-1999, f. & cert. ef. 10-1-99; OMAP 11-2000, f. & cert. ef. 6-23-00; OMAP 35-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 42-2002, f. & cert. ef. 10-1-02; OMAP 3-2003, f. 1-31-03, cert. ef. 2-1-03; OMAP 62-2003, f. 9-8-03, cert. ef. 10-1-03; OMAP 67-2004, f. 9-14-04, cert. ef. 10-1-04; OMAP 10-2005, f. 3-9-05, cert. ef. 4-1-05; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; OMAP 65-2005, f. 11-30-05, cert. ef. 1-1-06; OMAP 15-2006, f. 6-12-06, cert. ef. 7-1-06; OMAP 45-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 24-2007, f. 12-11-07 cert. ef. 1-1-08; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 13-2009, f. 6-12-09, cert. ef. 7-1-09; DMAP 11-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 36-2011, f. 12-13-11, cert. ef. 1-1-12; DMAP 11-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 28-2012, f. 6-21-12, cert. ef. 7-1-12; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12

## 410-120-0030

### Children's Health Insurance Program

(1) The Children's Health Insurance Program (CHIP) is a federal non-entitlement program. The Oregon Health Authority, Division of Medical Assistance Program (Division) administers two programs funded under CHIP in accordance with the Oregon Health Plan waiver and the CHIP state plan.

(a) CHIP: Provides health coverage for uninsured, low-income children who are ineligible for Medicaid;

(b) CHIP Prenatal care expansion program.

(2) The General Rules Program (OAR 410-120-0000 et. seq.) and Oregon Health Plan Program rules (OAR 410-141-0000 et. seq.) applicable to the Medicaid program are also applicable to the Authority's CHIP program.

(3) Children under 19 years of age, who meet the income limits, citizenship requirements and eligibility criteria for medical assistance established in OAR chapter 461 through the program acronym OHP-CHP, receive the OHP Plus benefit package (For benefits refer to OAR 410-120-1210).

(4) CHIP Prenatal care expansion coverage: for women not eligible for Medicaid at or below 185% of the FPL, with the benefit package identifier CWX:

(a) Receive the OHP Plus benefit package with limitations as described in subsection (d) of these rules;

(b) Reside in the following counties during pregnancy:

(A) Effective 4/1/08 Multnomah and Deschutes;

(B) Effective 10/1/09 Benton, Clackamas, Hood River and Jackson;

(C) Effective 1/1/11 Lane;

(D) Effective 7/1/11 Columbia, Crook, Douglas, Jefferson, Morrow, Union and Wasco;

(E) Effective 4/1/12 Umatilla.

(c) The day after pregnancy ends, eligibility for medical services is based on eligibility categories established in OAR chapter 461;

(d) The following services are not covered for this program:

(A) Postpartum care (except when included as part of a global delivery procedure);

(B) Sterilization;

(C) Abortion;

(D) Death with dignity services;

(E) Hospice.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025 & 414.065

Hist.: DMAP 7-2008(Temp), f. 3-17-08 & cert. ef. 4-1-08 thru 9-15-08; DMAP 14-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 29-2009(Temp), f. 9-15-09, cert. ef. 10-1-09 thru 3-25-10; DMAP 37-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 18-2010, f. 6-23-10, cert. ef. 7-1-10; DMAP 23-2010, f. & cert. ef. 9-1-10; DMAP 39-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP

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11-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 19-2012, f. 3-30-12, cert. ef. 4-1-12; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12

## 410-120-0045

### Applications for Medical Assistance at Provider locations

(1) As prescribed in 42 CFR 435.904, the Oregon Health Authority (Authority) allows the Division of Medical Assistance Programs' (Division) enrolled providers the opportunity to assist patients applying to Medicaid and Children's Health Insurance Program (CHIP) at the provider's practice site. Once the provider is determined eligible by the Authority, providers will receive an approval letter, unique code for date-stamp, training requirements and other information.

(2) For purposes of this rule, the provider's practice will be referred to as a site. Sites can be, but are not limited, to the following:

- (a) Hospitals;
- (b) Federally qualified health centers/rural health clinics (FQHC/RHCs);
- (c) County health departments;
- (d) Adult and youth alcohol and drug treatment centers;
- (e) Tribal health clinics;
- (f) Family Planning clinics;
- (g) Other primary care clinics as approved by the Authority.

(3) The site shall send one or more employees to a mandatory Authority training session for application assistance certification before initiating the application assistance service. At least one trained employee must be a permanent employee of the site. Sites shall ensure that individuals performing application assistance are recertified at appropriate times as set forth by the Authority. For purposes of this rule, certified staff will be referred to as "application assistants."

(4) Application assistants provide Oregon Health Plan (OHP) application packets and enrollment support to their patients potentially eligible for Medicaid or CHIP. Sites are not under an obligation to provide OHP applications to individuals other than those they are providing care to. The application assistant shall establish a date of request for applicants by date stamping (stamp must adhere to standards accompanying the approval letter) the application in the appropriate place with the date the applicant requests an application. Once affixed to an application, the date can never be changed, altered or backdated. The date stamp must include the provider's assigned application assistant site code number, in addition to the date.

(5) The application assistant shall encourage applicants to provide accurate and truthful information, assist in completing the application and shall assure that the information contained on the application is complete. The application assistant shall not attempt to pre-determine applicant eligibility or make any assurances regarding the eligibility for OHP or CHIP programs.

(6) The application assistant shall provide information to applicants that will explain the OHP program and make an informed choice when selecting a health care provider/plan. Language (including sign language) translators must be available if requested by applicants in advance.

(a) The information given to the applicant shall, at a minimum, include an explanation of the significance of the date stamp, review of PHP or CCO plans that are available, provide unbiased PHP or CCO information, answer questions and assist in filling out application forms. The information provided at these sessions may include, but is not limited to the following:

- (A) OHP and "Healthy Kids" general eligibility criteria;
- (B) Health plan choices, criteria and how to enroll in PHP or CCO for health, mental health, dental plans or primary care manager;
- (C) Potential services that may or may not be covered by OHP.

(b) The application assistant is required to submit the applicant's eligibility verification (income statements, etc.) with the application to the OHP Central Branch. The application assistant may make copies of the documents.

(7) The site shall provide quarterly reports to the Authority on the number of stamped applications distributed each month of the quarter by the site. The quarterly report shall also list employees who have been certified by Authority staff during the quarter to perform the duties listed in OAR 410-120-0045.

(8) Providers, staff, contracted employees and volunteers are subject to all applicable provisions under General Rules OAR chapter 410, division 120.

(a) The application assistant shall treat all information they obtain for Medicaid as confidential and privileged communications. The application assistant shall not disclose such information without the written consent of the individual, his or her delegated authority, attorney, or responsible par-

ent of a minor child or child's guardian. Nothing prohibits the disclosure of information in summaries, statistical or other form, which does not identify particular individuals;

(b) The Authority and sites will share information as necessary to effectively serve Medicaid eligible or potentially eligible individuals;

(c) Personally identifiable health information about applicants and Medicaid recipients will be subject to the transaction, security and privacy provisions of the Health Insurance Portability and Accountability Act (HIPAA) and the administrative rules there under. Sites will cooperate with the Authority in the adoption of policies and procedures for maintaining the privacy and security of records and for conducting transactions pursuant to HIPAA requirements.

(9) The Authority will be responsible for the following:

(a) The Authority will provide training to application assistants on Healthy Kids/OHP eligibility, application procedures and documentation requirements. The Authority will set dates and times for these additional training classes as needed, following changes in policy or procedure;

(b) The Authority will make available OHP application forms (in English, translated languages and alternative formats), OHP or CCO information and plan comparison charts, date stamp specifications, quarterly report templates and other necessary forms;

(c) The Authority will process all applications in accordance with Authority standards;

(d) The Authority will process completed OHP applications, which have satisfactory verification information, within the time requirements set forth in Authority policy. In the event of a change in policy, the time for completion of processing shall be changed to the new time requirements.

(10) The Authority will provide all necessary forms and applications as referenced above at no cost to the site. There are no monetary provisions in this rule for any payment for the performance of work by the site, except for those costs provided under OAR 410-147-0400 and 410-146-0460. However, the parties acknowledge the exchange and receipt of other valuable considerations in the spirit of cooperation to the benefit of all by collaborating and authorizing the performance of the work. The Authority does not guarantee a particular volume of business under these rules.

(11) The provider may terminate enrollment at any time as outlined in OAR 410-120-1260(15).

Stat. Auth.: 4413.042

Statutes Implemented: 414.041

Hist.: DMAP 12-2010, f. 6-10-10, cert. ef. 7-1-10; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12

## 410-120-1140

### Verification of Eligibility and Coverage

(1) To ensure Division reimbursement of services, providers are responsible to verify the following before rendering services:

(a) Client eligibility: That the person is eligible on the date(s) services are rendered; and

(b) Benefit coverage: that the person is enrolled in a benefit package that covers the services they plan to render. See OAR 410-120-1210 for services covered under each Division benefit package.

(2) Providers who do not verify eligibility and benefit coverage with the Division before serving a person assume full financial responsibility in serving that person.

(3) The following types of client identification (ID) only list the client's name, Oregon Medicaid ID number (prime number) and the date the ID was issued. They do not guarantee client eligibility or benefit coverage.

(a) The standard ID (called the Oregon Health ID, formerly the DHS Medical Care ID); printed on perforated paper the size of a business card;

(b) Replacement IDs (printed on regular printer paper in case of misplaced originals).

(4) When a person presents a standard or replacement ID, providers must verify client eligibility and benefit coverage as described part (1) of this rule through one of the following (see the Division General Rules Supplemental Information for instructions):

(a) The Division MMIS Provider Web portal;

(b) The Automated Voice Response (AVR) telephone system;

(c) Batch or real-time electronic data interchange (EDI) eligibility inquiry (270) and response (271) transactions;

(5) The client may also present with a Temporary Oregon Health ID (DMAP form 1086). This is a full page paper form that guarantees eligibility and benefit coverage for 7 days from the beginning dates of coverage entered in Part 1 of the form. This temporary ID is issued only if the client needs immediate care but their eligibility and coverage information is not yet available for verification as described in part (4) of this rule. Providers



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must honor the Temporary Oregon Health ID when presented within 7 days of the beginning date of coverage entered on the form.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065, 414.025 & 414.047

Hist.: PWC 683, f. 7-19-74, ef. 8-11-74; PWC 803(Temp), f. & ef. 7-1-76; PWC 812, f. & ef. 10-1-76; AFS 14-1979, f. 6-29-79, ef. 7-1-79; AFS 47-1982, f. 4-30-82 & AFS 52-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82, for remaining AFS branch offices; AFS 103-1982, f. & ef. 11-1-83; AFS 61-1983, f. 12-19-83, ef. 1-1-84; AFS 24-1985, f. 4-24-85, ef. 6-1-85; AFS 43-1986(Temp), f. 6-13-86, ef. 7-1-86; AFS 57-1986, f. 7-25-86, ef. 8-1-86; AFS 78-1986(Temp), f. 12-16-86, ef. 1-1-87; AFS 10-1987, f. 2-27-87, ef. 3-1-87; AFS 53-1987, f. 10-29-87, ef. 11-1-87; AFS 53-1988(Temp), f. 8-23-88, cert. ef. 9-1-88; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0040; Renumbered from 461-013-0103 & 461-013-0109; HR 25-1991(Temp), f. & cert. ef. 7-1-91; HR 41-1991, f. & cert. ef. 10-1-91; HR 22-1993(Temp), f. & cert. ef. 9-1-93; HR 32-1993, f. & cert. ef. 11-1-93; OMAP 10-1999, f. & cert. ef. 4-1-99, Renumbered from 410-120-0080; OMAP 35-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 67-2004, f. 9-14-04, cert. ef. 10-1-04; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12

## 410-120-1160

### Medical Assistance Benefits and Provider Rules

(1) Providers enrolled with and seeking reimbursement for services through the Division of Medical Assistance Programs (Division) are responsible for compliance with current federal and state laws and regulations governing Medicaid services and reimbursement, including familiarity with periodic law and rule changes. The Division's administrative rules are posted on the Oregon Health Authority (Authority) Web page for the division and its medical assistance programs. It is the provider's responsibility to become familiar with, and abide by, these rules.

(2) The following services are covered to the extent included in the Division client's benefit package of health care services, when medically or dentally appropriate and within the limitations established by the Division and set forth in the Oregon Administrative Rules (OARs) for each category of Medical Services:

(a) Acupuncture services, as described in the Medical-Surgical Services Program provider rules (OAR chapter 410, division 130);

(b) Administrative examinations, as described in the Administrative Examinations and Billing Services Program provider rules (OAR chapter 410, division 150);

(c) Alcohol and drug abuse treatment services:

(A) The Division covers alcohol and drug inpatient services for medical detoxification when provided in an acute care hospital and when hospitalization is considered medically appropriate;

(B) The Division does not cover residential level of care provided in an inpatient hospital setting for alcohol and drug abuse treatment;

(C) The Addictions and Mental Health Division (AMH) covers non-hospital alcohol and drug treatment services on a residential or outpatient basis through direct contracts with counties or providers. For information to access these services, contact the client's PHP or CCO if enrolled, the community mental health program (CMHP), an outpatient alcohol and drug treatment provider, the residential treatment program or AMH.

(d) Ambulatory surgical center services, as described in the Medical-Surgical Services Program provider rules (OAR 410 division 130);

(e) Anesthesia services, as described in the Medical-Surgical Services Program provider rules (OAR chapter 410, division 130);

(f) Audiology services, as described in the Speech-Language Pathology, Audiology and Hearing Aid Services Program provider rules (OAR chapter 410, division 129);

(g) Chiropractic services, as described in the Medical-Surgical Services Program provider rules (OAR chapter 410, division 130);

(h) Dental services, as described in the Dental/Denturist Services Program provider rules (OAR chapter 410, division 123);

(i) Early and periodic screening, diagnosis and treatment services (EPSDT, Mediceck for children and teens), are covered for individuals under 21 years of age as set forth in the individual program provider rules. The Division may authorize services in excess of limitations established in the OARs when it is medically appropriate to treat a condition that is identified as the result of an EPSDT screening;

(j) Family planning services, as described in the Medical-Surgical Services Program provider rules (OAR chapter 410, division 130);

(k) Federally qualified health centers and rural health clinics, as described in the Federally Qualified Health Center and Rural Health Clinic Program provider rules (OAR chapter 410, division 147);

(l) Home and community-based waiver services, as described in the Authority and the Department's OARs of Children, Adults and Families Division (CAF), Addictions and Mental Health Division (AMH), and Seniors and People with Disabilities Division (SPD);

(m) Home enteral/parenteral nutrition and IV services, as described in the Home Enteral/Parenteral Nutrition and IV Services Program rules (OAR chapter 410, division 148), and related Durable Medical Equipment, Prosthetics, Orthotics and Supplies Program rules (OAR chapter 410, division 122) and Pharmaceutical Services Program rules (OAR chapter 410, division 121);

(n) Home health services, as described in the Home Health Services Program rules (OAR chapter 410, division 127);

(o) Hospice services, as described in the Hospice Services Program rules (OAR chapter 410, division 142);

(p) Indian health services or tribal facility, as described in The Indian Health Care Improvement Act and its Amendments (Public Law 102-573), and the Division's American Indian/Alaska Native Program rules (OAR chapter 410, division 146);

(q) Inpatient hospital services, as described in the Hospital Services Program rules (OAR chapter 410, division 125);

(r) Laboratory services, as described in the Hospital Services Program rules (OAR chapter 410, division 125) and the Medical-Surgical Services Program rules (OAR chapter 410, division 130);

(s) Licensed direct-entry midwife services, as described in the Medical-Surgical Services Program rules (OAR chapter 410, division 130);

(t) Maternity case management, as described in the Medical-Surgical Services Program rules (OAR chapter 410, division 130);

(u) Medical equipment and supplies, as described in the Hospital Services Program, Medical-Surgical Services Program, DMEPOS Program, Home Health Care Services Program, Home Enteral/Parenteral Nutrition and IV Services Program and other rules;

(v) When a client's Benefit Package includes mental health, the mental health services provided will be based on the Oregon Health Services Commission's Prioritized List of Health Services.;

(w) Naturopathic services, as described in the Medical-Surgical Services Program rules (OAR chapter 410, division 130);

(x) Nutritional counseling as described in the Medical/Surgical Services Program rules (OAR chapter 410, division 130);

(y) Occupational therapy, as described in the Physical and Occupational Therapy Services Program rules (OAR chapter 410, division 131);

(z) Organ transplant services, as described in the Transplant Services Program rules (OAR chapter 410, division 124);

(aa) Outpatient hospital services, including clinic services, emergency department services, physical and occupational therapy services, and any other outpatient hospital services provided by and in a hospital, as described in the Hospital Services Program rules (OAR chapter 410, division 125);

(bb) Physician, podiatrist, nurse Practitioner and licensed physician assistant services, as described in the Medical-Surgical Services Program rules (OAR chapter 410, division 130);

(cc) Physical therapy, as described in the Physical and Occupational Therapy and the Hospital Services Program rules (OAR chapter 410, division 131);

(dd) Post-hospital extended care benefit, as described in OAR chapter 410, division 120 and 141 and Seniors and People with Disabilities (SPD) program rules;

(ee) Prescription drugs, including home enteral and parenteral nutritional services and home intravenous services, as described in the Pharmaceutical Services Program (OAR chapter 410, division 121), the Home Enteral/Parenteral Nutrition and IV Services Program (OAR chapter 410, division 148) and the Hospital Services Program rules (OAR chapter 410, division 125);

(ff) Preventive services, as described in the Medical-Surgical Services (OAR chapter 410, division 130) and the Dental/Denturist Services Program rules (OAR chapter 410, division 123) and prevention guidelines associated with the Health Service Commission's Prioritized List of Health Services (OAR 410-141-0520);

(gg) Private duty nursing, as described in the Private Duty Nursing Services Program rules (OAR chapter 410, division 132);

(hh) Radiology and imaging services, as described in the Medical-Surgical Services Program rules (OAR chapter 410, division 130), the Hospital Services Program rules (OAR chapter 410, division 125), and Dental Services Program rules (OAR chapter 410, division 123);

(ii) Rural health clinic services, as described in the Federally Qualified Health Center and Rural Health Clinic Program rules (OAR chapter 410, division 147);

(jj) School-based health services, as described in the School-Based Health Services Program rules (OAR chapter 410, division 133);

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(kk) Speech and language therapy as described in the Speech-Language Pathology, Audiology and Hearing Aid Services Program rules (OAR chapter 410, division 129) and Hospital Services Program rules (OAR chapter 410, division 125);

(ll) Transportation necessary to access a covered medical service or item, as described in the Medical Transportation Program rules (OAR chapter 410, division 136);

(mm) Vision services as described in the Visual Services Program rules (OAR chapter 410, division 140).

(3) Other Authority or Department Divisions, units or Offices, including Vocational Rehabilitation, AMH, and SPD may offer services to Medicaid eligible clients, which are not reimbursed by or available through the Division of Medical Assistance Programs.

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

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.019, 414.025, 414.065 & 414.705

Hist.: PWC 683, f. 7-19-74, ef. 8-11-74; PWC 803(Temp), f. & ef. 7-1-76; PWC 812, f. & ef. 10-1-76; AFS 14-1979, f. 6-29-79, ef. 7-1-79; AFS 73-1980(Temp), f. & ef. 10-1-80; AFS 5-1981, f. 1-23-81, ef. 3-1-81; AFS 71-1981, f. 9-30-81, ef. 10-1-81; Renumbered from 461-013-0000, AFS 47-1982, f. 4-30-82 & AFS 52-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 94-1982(Temp), f. & ef. 10-18-82; AFS 103-1982, f. & ef. 11-1-82; AFS 117-1982, f. 12-30-82, ef. 1-1-83; AFS 42-1983, f. 9-2-83, ef. 10-1-83; AFS 62-1983, f. 12-19-83, ef. 1-1-84; AFS 4-1984, f. & ef. 2-1-84; AFS 12-1984, f. 3-16-84, ef. 4-1-84; AFS 25-1984, f. 6-8-84, ef. 7-1-84; AFS 14-1985, f. 3-14-85, ef. 4-1-85; AFS 53-1985, f. 9-20-85, ef. 10-1-85; AFS 67-1986(Temp), f. 9-26-86, ef. 10-1-86; AFS 76-1986(Temp), f. & ef. 12-8-86; AFS 16-1987(Temp), f. & ef. 4-1-87; AFS 17-1987, f. 5-4-87, ef. 6-1-87; AFS 32-1987, f. 7-22-87, ef. 8-1-87; AFS 6-1988, f. & cert. ef. 2-1-88; AFS 51-1988(Temp), f. & cert. ef. 8-2-88; AFS 58-1988(Temp), f. & cert. ef. 9-27-88; AFS 69-1988, f. & cert. ef. 12-5-88; AFS 70-1988, f. & cert. ef. 12-7-88; AFS 4-1989, f. 1-31-89, cert. ef. 2-1-89; AFS 8-1989(Temp), f. 2-24-89, cert. ef. 3-1-89; AFS 14-1989(Temp), f. 3-31-89, cert. ef. 4-1-89; AFS 47-1989, f. & cert. ef. 8-24-89; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0102; HR 5-1990(Temp), f. 3-30-90, cert. ef. 4-1-90; HR 19-1990, f. & cert. ef. 7-9-90; HR 32-1990, f. 9-24-90, cert. ef. 10-1-90; HR 41-1991, f. & cert. ef. 10-1-91; HR 27-1992(Temp), f. & cert. ef. 9-1-92; HR 33-1992, f. 10-30-92, cert. ef. 11-1-92; HR 22-1993(Temp), f. & cert. ef. 9-1-93; HR 32-1993, f. & cert. ef. 11-1-93, Renumbered from 410-120-0440; HR 2-1994, f. & cert. ef. 2-1-94; HR 40-1994, f. 12-30-94, cert. ef. 1-1-95; HR 21-1997, f. & cert. ef. 10-1-97; OMAP 10-1999, f. & cert. ef. 4-1-99; OMAP 31-1999, f. & cert. ef. 10-1-99; OMAP 35-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 62-2003, f. 9-8-03, cert. ef. 10-1-03; OMAP 10-2004, f. 3-11-04, cert. ef. 4-1-04; OMAP 67-2004, f. 9-14-04, cert. ef. 10-1-04; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; DMAP 36-2011, f. 12-13-11, cert. ef. 1-1-12; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12

## 410-120-1180

### Medical Assistance Benefits: Out-of-State Services

(1) Out-of-state Providers must enroll with the Division as described in OARs 407-120-0320 and 410-120-1260, Provider Enrollment. Out-of-state Providers must provide services and bill in compliance with all of these Rules and the OARs for the appropriate type of service(s) provided.

(2) Payment rates for out-of-state providers are established in the individual provider rules, through contracts or service agreements and in accordance with OAR chapter 943 division 120 and OAR 410-120-1340, Payment.

(3) For enrolled non-contiguous, out-of-state providers, the Division reimburses for covered services under any of the following conditions:

(a) For clients enrolled in a CCO or PHP;

(A) The service was authorized by a CCO or PHP and payment to the out-of-State provider is the responsibility of the CCO or PHP;

(B) If a client has coverage through a CCO or PHP, the request for non-emergency services must be referred to the CCO or PHP. Payment for these services is the responsibility of the CCO or PHP;

(C) The service or item is not available in the State of Oregon or provision of the service or item by an out-of-State provider is cost effective, as determined by the CCO or PHP.

(b) For clients not enrolled in a CCO or PHP:

(A) The service to a Division client was emergent; or

(B) A delay in the provision of services until the client is able to return to Oregon could reasonably be expected to result in prolonged impairment, or in increased risk that treatment will become more complex or hazardous, or in a substantially increased risk of the development of chronic illness;

(C) The Division authorized payment for the service in advance of the provision of services or was otherwise authorized in accordance with Payment Authorization requirements in the individual provider rules or in the General Rules;

(D) The service is being billed for Qualified Medicare Beneficiary (QMB) deductible or co-insurance coverage.

(4) The Division may give prior authorization (PA) for non-emergency out-of-state services provided by a non-contiguous enrolled Provider, under the following conditions:

(a) The service is being billed for Qualified Medicare Beneficiary (QMB) deductible or co-insurance coverage, or

(b) The Division covers the service or item under the specific client's benefit package; and

(c) The service or item is not available in the State of Oregon or provision of the service or item by an out-of-state provider is cost effective, as determined by the Division; and

(d) The service or item is deemed medically appropriate and is recommended by a referring Oregon physician;

(5) Laboratory analysis of specimens sent to out-of-state independent or hospital-based Laboratories is a covered service and does not require PA. The Laboratory must meet the same certification requirements as Oregon Laboratories and must bill in accordance with Division rules.

(6) The Division makes no reimbursement for services provided to a Client outside the territorial limits of the United States. For purposes of this provision the "United States" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

(7) The Division will reimburse, within limits described in these General rules and in individual provider rules, all services provided by enrolled providers to children:

(a) Who the Authority has placed in foster care;

(b) Who the Department has placed in a subsidized adoption outside the State of Oregon; or

(c) Who are in the custody of the Department and traveling with the consent of the Department.

(8) The Division does not require authorization of non-emergency services for the children covered by (7), except as specified in the individual provider rules.

(9) Payment rates for out-of-state providers are established in the individual provider rules, through contracts or service agreements and in accordance with OAR 407-120-0350 and 410-120-1340, Payment.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065 & 414.025

Hist.: PWC 683, f. 7-19-74, ef. 8-11-74; PWC 803(Temp), f. & ef. 7-1-76; PWC 812, f. & ef. 10-1-76; AFS 27-1978(Temp), f. 6-30-78, ef. 7-1-78; AFS 39-1978, f. 10-10-78, ef. 11-1-78; AFS 33-1981, f. 6-23-81, ef. 7-1-81; Renumbered from 461-013-0130, AFS 47-1982, f. 4-30-82 & AFS 52-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 21-1985, f. 4-2-85, ef. 5-1-85; AFS 24-1985, f. 4-24-85, ef. 6-1-85; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0045 & 461-013-0046; HR 41-1991, f. & cert. ef. 10-1-91; HR 32-1993, f. & cert. ef. 11-1-93, Renumbered from 410-120-0120, 410-120-0140 & 410-120-0160; HR 40-1994, f. 12-30-94, cert. ef. 1-1-95; HR 5-1997, f. 1-31-97, cert. ef. 2-1-97; OMAP 20-1998, f. & cert. ef. 7-1-98; OMAP 10-1999, f. & cert. ef. 4-1-99; OMAP 35-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; OMAP 15-2006, f. 6-12-06, cert. ef. 7-1-06; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12

## 410-120-1210

### Medical Assistance Benefit Packages and Delivery System

(1) The services clients are eligible to receive are based upon the benefit package for which they are eligible. Not all packages receive the same benefits.

(2) The Division of Medical Assistance Programs (Division) benefit package description, codes, eligibility criteria, coverage, limitations and exclusions are identified in these rules.

(3) The limitations and exclusions listed here are in addition to those described in OAR 410-120-1200 and in each of the Division chapter 410 OARs.

(4) Benefit package descriptions:

(a) Oregon Health Plan (OHP) Plus:

(A) Benefit package identifier: BMH

(B) Eligibility criteria: As defined in federal regulations and in the 1115 OHP waiver demonstration, a client is categorically eligible for medical assistance if he or she is eligible under a federally defined mandatory, selected, optional Medicaid program or the Children's Health Insurance Program (CHIP) and also meets Oregon Health Authority (Authority) adopted income and other eligibility criteria.

(C) Coverage includes:

(i) Services above the funding line on the Health Services Commission's (HSC) Prioritized List of Health Services, (OAR 410-141-0480 through 410-141-0520);

(ii) Ancillary services, (OAR 410-141-0480);

(iii) Chemical dependency services provided through local alcohol and drug treatment providers;

(iv) Mental health services based on the HSC Prioritized List of Health Services, to be provided through Community Mental Health Programs or their subcontractors;

(v) Hospice;

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(vi) Post-hospital extended care benefit, up to a 20-day stay in a nursing facility for non-Medicare Division clients who meet Medicare criteria for a post-hospital skilled nursing placement. This benefit requires prior authorization by pre-admission screening (OAR 411-070-0043), or by the Fully Capitated Health Plan (FCHP) for clients enrolled in an FCHP;

(vii) Cost sharing (e.g., copayments) may apply to some covered services;

(B) Limitations: The following services have limited coverage for non pregnant adults age 21 and older. (Refer to the cited OAR chapters and divisions for details):

(i) Selected dental (OAR chapter 410, division 123);

(ii) Vision services such as frames, lenses, contacts corrective devices and eye exams for the purpose of prescribing glasses or contacts (OAR chapter 410, division 140);

(b) OHP Standard:

(A) Benefit Package identifier code: KIT;

(B) Eligibility criteria: Adults and childless couples who are eligible through the 1115 Medicaid expansion waiver and meet Authority-adopted income and other eligibility criteria; the Department identifies these clients through the program acronym, OHP-OPU;

(C) Coverage includes:

(i) Services above the funding line on the HSC Prioritized List, (OAR 410-141-0480 through 410-141-0520);

(ii) Ancillary services, (OAR 410-141-0480);

(iii) Outpatient chemical dependency services provided through local alcohol and drug treatment providers;

(iv) Outpatient mental health services based on the HSC Prioritized List of Health Services, to be provided through Community Mental Health Programs or their subcontractors;

(v) Hospice;

(vi) Post-hospital extended care benefit, up to a 20-day stay in a nursing facility for non-Medicare Division clients who meet Medicare criteria for a post-hospital skilled nursing placement. This benefit requires prior authorization by pre-admission screening (OAR 411-070-0043) or by the Fully Capitated Health Plan (FCHP) for clients enrolled in an FCHP.

(B) Limitations: The following services have limited coverage (Refer to the cited OAR chapters and divisions for details):

(i) Selected dental (OAR chapter 410, division 123);

(ii) Selected durable medical equipment and medical supplies (OAR chapter 410, division 122 and 130);

(iii) Selected home enteral/parenteral services (OAR chapter 410, division 148);

(iv) Other limitations as identified in individual Division program administrative rules.

(C) Exclusions: The following services are not covered. Refer to the cited OAR chapters and divisions for details:

(i) Acupuncture services, except when provided for chemical dependency treatment (OAR chapter 410, division 130);

(ii) Chiropractic and osteopathic manipulation services (OAR chapter 410, division 130);

(iii) Hearing aids and related services (i.e., exams for the sole purpose of determining the need for or the type of hearing aid), (OAR chapter 410, division 129);

(iv) Home health services (OAR chapter 410, division 127), except when related to limited EPIV services (OAR chapter 410, division 148);

(v) Non-emergency medical transportation (OAR chapter 410, division 136);

(vi) Occupational therapy services (OAR chapter 410, division 131);

(vii) Physical therapy services (OAR chapter 410, division 131);

(viii) Private duty nursing services (OAR chapter 410, division 132), except when related to limited EPIV services;

(ix) Speech and language therapy services (OAR chapter 410, division 129);

(x) Vision services such as frames, lenses, contacts corrective devices and eye exams for the purpose of prescribing glasses or contacts (OAR chapter 410, division 140);

(xi) Other limitations as identified in individual Division program administrative rules, chapter 410.

(c) OHP with Limited Drug:

(A) Benefit Package identifier: BMM, BMD;

(B) Eligibility criteria: Eligible clients are eligible for Medicare and Medicaid benefits;

(C) Coverage includes:

(i) Services covered by Medicare and OHP Plus as described in section (4) of these rules;

(D) Limitations:

(i) The same as OHP Plus, as described in section (4) of these rules;

(ii) Drugs excluded from Medicare Part D coverage that are also covered under the medical assistance programs, subject to applicable limitations for covered prescription drugs (Refer to OAR chapter 410, division 121 for specific limitations). These drugs include but are not limited to:

(I) Benzodiazepines;

(II) Over-the-counter (OTC) drugs;

(III) Barbiturates.

(E) Exclusions: Drugs or classes of drugs covered by Medicare Part D Prescription Drug.

(F) Payment for services is limited to the Medicaid allowed payment less the Medicare payment up to the amount of co-insurance and deductible;

(G) Cost sharing may apply to some covered services, however, cost sharing related to Medicare Part D is not covered since drugs covered by Part D are excluded from the benefit package;

(d) Qualified Medicare Beneficiary (QMB)-Only:

(A) Benefit Package identifier code MED:

(B) Eligibility criteria: Eligible clients are Medicare Part A and B beneficiaries who have limited income but do not meet the income standard for full medical assistance coverage.

(C) Coverage: Is limited to the co-insurance or deductible for the Medicare service. Payment is based on the Medicaid allowed payment less the Medicare payment up to the amount of co-insurance and deductible, but no more than the Medicare allowable;

(D) Providers may not bill QMB-only clients for the deductible and coinsurance amounts due for services that are covered by Medicare.

(e) Citizen/Alien-Waived Emergency Medical (CAWEM):

(A) Benefit Package identifier CWM:

(B) Eligibility criteria: Eligible clients are non-qualified aliens that are not eligible for other Medicaid programs pursuant to Oregon Administrative Rules (OAR) 461-135-1070;

(C) Coverage is limited to:

(i) Emergency medical services as defined by 42 CFR 440.255. Sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in: placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part (the "prudent layperson standard" does not apply to the CAWEM emergency definition);

(ii) Labor and Delivery.

(D) Exclusions: The following services are not covered, even if they are sought as emergency services:

(i) Prenatal or postpartum care;

(ii) Sterilization;

(iii) Family Planning;

(iv) Preventive care;

(v) Organ transplants and transplant-related services;

(vi) Chemotherapy;

(vii) Hospice;

(viii) Home health;

(ix) Private duty nursing;

(x) Dialysis;

(xi) Dental services provided outside of an emergency department hospital setting;

(xii) Outpatient drugs or over-the-counter products;

(xiii) Non-emergency medical transportation;

(xiv) Therapy services;

(xv) Durable medical equipment and medical supplies;

(xvi) Rehabilitation services.

(f) CAWEM Plus-CHIP Prenatal coverage for CAWEM (benefit code CWX) - refer to OAR 410-120-0030 for coverage.

(4) Division clients are enrolled for covered health services to be delivered through one of the following means:

(a) Coordinated Care Organization (CCO):

(A) These clients are enrolled in a CCO that provides integrated and coordinated health care;

(B) CCO services are obtained from the CCO or by referral from the CCO that is responsible for the provision and reimbursement for physical health, chemical dependency, mental health services or dental care.

(b) Prepaid Health Plan (PHP):

(A) These clients are enrolled in a PHP for their medical, dental or mental health care;



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(B) Most non-emergency services are obtained from the PHP or require a referral from the PHP that is responsible for the provision and reimbursement for the medical, dental or mental health service;

(c) Physician Care Organization (PCO):

(A) These clients are enrolled in a PCO for their medical care;

(B) Inpatient hospital services are not the responsibility of the PCO and are governed by the Fee-for-Service Hospital Services Program rule (OAR 410 Division 125).

(d) Primary Care Managers (PCM):

(A) These clients are enrolled with a PCM for their medical care;

(B) Most non-emergency services provided to clients enrolled with a PCM require referral from the PCM.

(c) Fee-for-service (FFS):

(A) These clients are not enrolled in a CCO, PHP, PCO or assigned to a PCM;

(B) Subject to limitations and restrictions in individual program rules, the client can receive health care from any Division-enrolled provider that accepts FFS clients. The provider will bill the Division directly for any covered service and will receive a fee for the service provided.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025, 414.065, 414.705, 414.706, 414.707, 414.708, 414.710  
Hist.: OMAP 46-2003(Temp), f. & cert. ef. 7-1-03 thru 12-15-03; OMAP 56-2003, f. 8-28-03, cert. ef. 9-1-03; OMAP 49-2004, f. 7-28-04 cert. ef. 8-1-04; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; OMAP 65-2005, f. 11-30-05, cert. ef. 1-1-06; OMAP 15-2006, f. 6-12-06, cert. ef. 7-1-06; DMAP 38-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 36-2011, f. 12-13-11, cert. ef. 1-1-12; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12

## 410-120-1230

### Client Co-payment

(1) Oregon Health Plan (OHP) Plus clients shall be responsible for paying a co-payment for some services. This co-payment shall be paid directly to the provider. A co-payment applies regardless of location of services rendered, i.e., provider's office or client's residence.

(2) The following services are exempt from co-payment:

(a) Emergency medical services, as defined in OAR 410-120-0000;

(b) Family planning services and supplies; and

(c) Prescription drug products for nicotine replacement therapy (NRT);

(3) The following clients are exempt from co-payments:

(a) Pregnant women;

(b) Children under age 19;

(c) Clients receiving services under the home and community based waiver and developmental disability waiver;

(d) Inpatients in a hospital, nursing facility, or Intermediate Care Facility for the Mentally Retarded (ICF/MR); and

(e) American Indian/Alaska Native (AI/AN) clients who are members of a federally recognized Indian tribe or receive services through Indian Health Services (IHS), tribal organization or services provided at an Urban Tribal Health Clinic as provided under Public Law 93-638.

(4) Services to a client cannot be denied solely because of an inability to pay an applicable co-payment. This does not relieve the client of the responsibility to pay applicable co-payment, nor does it prevent the provider from attempting to collect any applicable co-payments from the client; the co-payment is a legal debt, and is due and payable to the provider of service.

(5) A client must pay the co-payment at the time service is provided unless exempted in (2) and (3) above.

(6) OHP Standard co-payments are eliminated for OHP Standard clients effective June 19, 2004. Elimination of co-payments by this rule shall supercede any other General Rules Program rule, 410-120-0000 et seq; any Oregon Health Plan rule, OAR 410-141-0000 et seq; or individual Division program rule(s), that contain or refer to OHP Standard co-payment requirements.

(7) Except for prescription drugs, one co-payment is assessed per provider/per visit/per day unless otherwise specified in other Divisions' program administrative rules.

(8) Fee-For-Service co-payment requirements:

(a) The provider must not deduct the co-payment amount from the usual and customary fee submitted on the claim. Except as provided in subsection (2) and (3) of this rule, the Division shall deduct the co-payment from the amount the Division pays to the provider (whether or not provider collects the co-payment from the client);

(b) If the Division's payment is less than the required co-payment, then the co-payment amount to equal to the Division's lesser required payment, unless the client or services is exempt according to exclusions listed in (2), (3) above. The client's co-payment shall constitute payment-in-full;

(c) Unless specified otherwise in individual program rules, and to the extent permitted under 42 CFR 1001.951 – 1001.952, the Division does not require providers to bill or collect a co-payment from the Medicaid client. The provider may choose not to bill or collect a co-payment from a Medicaid client, however, the Division will still deduct the co-payment amount from the Medicaid reimbursement made to the provider;

(d) Prescription drugs ordered through Division of Medical Assistance Program's (Division) Mail Order (a.k.a., Home-Delivery) Pharmacy program are exempt from co-payment.

(9) CCO, PHP or PCO co-payment requirements:

(a) Unless specified otherwise in individual program rules, and to the extent permitted under 42 CFR 447.58 and 447.60, the Division does not require CCOs, PHP or PCOs to bill or collect a co-payment from the Medicaid client. The CCO, PHP or PCO may choose not to bill or collect a co-payment from a Medicaid client, however, the Division will still deduct the co-payment amount from the Medicaid reimbursement made to the CCO, PHP or PCO;

(b) When an CCO, PHP or PCO is operating within the scope of the safe harbor regulation outlined in 42 CFR 1001.952(l), an CCO, PHP or PCO may elect to assess a co-payment on some of the services outlined in table 120-1230-1 but not all. The CCO, PHP or PCO must assure they are working within the provisions of 42 CFR 1003.102(b)(13).

(10) Services that require co-payments are listed in Table 120-1230-1:

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

Stat. Auth.: ORS 413.042

Stat. Implemented: ORS 414.025, 414.065

Hist.: OMAP 73-2002, f. 12-24-02, cert. ef. 1-1-03; OMAP 73-2003, f. & cert. ef. 10-1-03; OMAP 39-2004(Temp), f. 6-14-04 cert. ef. 6-19-04 thru 11-30-04; OMAP 49-2004, f. 7-28-04 cert. ef. 8-1-04; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; OMAP 15-2006, f. 6-12-06, cert. ef. 7-1-06; DMAP 5-2008, f. 2-28-08, cert. ef. 3-1-08; DMAP 38-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 39-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12

## 410-120-1280

### Billing

(1) A provider enrolled with the Division of Medical Assistance Programs (Division) must bill using the Authority assigned provider number, in addition to the National Provider Identification (NPI) number, if the NPI is available, pursuant to 410-120-1260.

(2) For Medicaid covered services the provider must not bill the Division more than the provider's usual charge (see definitions) or the reimbursement specified in the applicable Division Program rules:

(a) A provider enrolled with the Authority or providing services to a client in a CCO or PHP under the Oregon Health Plan (OHP) must not seek payment for any services covered by Medicaid fee-for-service or through contracted health care plans, except any coinsurance, co-payments, and deductibles expressly authorized by Oregon Administrative Rules chapter 410 division 120 or 141:

(A) A Division client for covered benefits; or

(B) A financially responsible relative or representative of that individual.

(b) Exceptions under which an enrolled provider may seek payment from an eligible client or client representative are described below:

(A) The provider may seek any applicable coinsurance, copayments and deductibles expressly authorized by Division rules in OAR chapter 410, division 120, OAR chapter 410, division 141, or any other individual Division Program rules;

(B) The client did not inform the provider of OHP eligibility, of OHP managed health plan enrollment, or of other third party insurance coverage, either at the time the service was provided or subsequent to the provision of the service or item, and as a result the provider could not bill the Division, the managed health care plan, or third party payer for any reason, including timeliness of claims, lack of prior authorization, etc. The provider must document attempts to obtain information on eligibility or enrollment;

(C) The client became eligible for Division benefits retroactively but did not meet other established criteria described in the General Rules Program rules and the appropriate Division Program rules (i.e., retroactive authorization);

(D) A third party resource made payments directly to the client for services provided;

(E) The client did not have full Division benefits. Clients receiving a limited Medicaid coverage, such as the Citizen Alien Waived Emergency Medical Program, may be billed for services that are not benefits of those programs. The provider must document pursuant to section (3) of this rule that the client was informed that the service or item would not be covered by the Division;

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(F) The client has requested continuation of benefits during the administrative hearing process and final decision was not in favor of the client. The client will be responsible for any charges since the effective date of the initial notice of denial;

(G) A client cannot be billed for services or treatment that has been denied due to provider error (e.g., required documentation not submitted, prior authorization not obtained, etc.);

(H) The charge is for a copayment when a client is required to make a copayment as outlined in the Division's General Rules Program rule (410-120-1230) and individual Division Program rules;

(I) In exceptional circumstances, a client may request continuation of a covered service while asserting the right to privately pay for that service. Under this exceptional circumstance, a client can be billed for a covered service if the client is informed in advance of receiving the specific service of all of the following:

(i) That the requested service is a covered service and that the provider would be paid in full for the covered service if the claim is submitted to the Division or the client's managed care plan, if the client is a member of a managed care plan; and

(ii) The estimated cost of the covered service, including all related charges, the amount that the Division, or the client's managed care plan is required to pay for the service, and that the client cannot be billed for an amount greater than the maximum Division reimbursable rate or managed care plan rate, if the client is a member of a managed care plan; and

(iii) That the provider cannot require the client to enter into a voluntary payment agreement for any amount for the covered service; and

(iv) That the client knowingly and voluntarily agrees to pay for the covered service, the provider must not submit a claim for payment to the Division or the client's managed care plan; and

(v) The provider must be able to document in writing, signed by the client or the client's representative, that the client was provided the information described above; that the client was provided an opportunity to ask questions, obtain additional information and consult with the client's case-worker or client representative; and the client agreed to be responsible for payment by signing an agreement incorporating all of the information described above. The client must be given a copy of the signed agreement. A provider must not submit a claim for payment for covered services to the Division or to the client's managed care plan that is subject to such agreement.

### (3) Non-covered Medicaid services:

(a) A provider may bill a client for services that are not covered by the Division or the managed care plan. However, the client must be informed in advance of receiving the specific service that it is not covered, the estimated cost of the service, and that the client or client's representative is financially responsible for payment for the specific service. Providers must be able to document in writing signed by the client or client's representative, that the client was provided this information and the client knowingly and voluntarily agreed to be responsible for payment;

(b) Services which are considered non-covered are listed in the following rules (in rule precedence order):

(A) OAR 410-141-0480, Benefit Package of Covered Services; and

(B) OAR 410-141-0520, Prioritized List of Health Services; and

(C) OAR 410-120-1200, Medical Assistance Benefits: Excluded services and limitations; and

(D) Applicable Division Program rules;

(c) A client cannot be billed for missed appointments. A missed appointment is not considered to be a distinct Medicaid service by the federal government and as such is not billable to the client or the Division.

(4) All claims must be billed on the appropriate form as described in the individual Division Program rules or submitted electronically in a manner authorized by the Authority's Electronic Data Interchange (EDI) rules, OAR 410-001-0100 et. seq.

(5) Upon submission of a claim to the Division for payment, the provider agrees that it has complied with all Division Program rules. Submission of a claim, however, does not relieve the provider from the requirement of a signed provider agreement.

(6) All billings must be for services provided within the provider's licensure or certification.

(7) It is the responsibility of the provider to submit true and accurate information when billing the Division. Use of a billing provider does not abrogate the performing provider's responsibility for the truth and accuracy of submitted information.

(8) A claim must not be submitted prior to delivery of service. A claim must not be submitted prior to dispensing, shipment or mailing of the item unless specified otherwise in the Division's individual Program rules.

(9) A claim is considered a valid claim only if all required data is entered on or attached to the claim form. See the appropriate provider rules and supplemental information for specific instructions and requirements. Also, see valid claim in the Definitions section of these rules.

(10) The HIPAA Codes rules, 45 CFR 162, apply to all Medicaid Code Set requirements, including the use of diagnostic or procedure codes for prior authorization, claims submissions and payments. Code Set has the meaning established in 45 CFR 162.100, and it includes the codes and the descriptors of the codes. These federal Code Set requirements are mandatory and the Division lacks any authority to delay or alter their application or effective dates as established by the U.S. Department of Health and Human Services.

(a) The Division will adhere to the national Code Set requirements in 45 CFR 162.1000 — 162.1011, regardless of whether a request is made verbally, or a claim is submitted on paper or electronically;

(b) Periodically, the Division will update its provider rules and tables to conform to national codes. In the event of an alleged variation between a Division-listed code and a national code, the Division will apply the national code in effect on the date of request or date of service and the provider, and the Division-listed code may be used for the limited purpose of describing the Division's intent in identifying the applicable national code;

(c) Only codes with limitations or requiring prior authorization are noted in rules. National Code Set issuance alone should not be construed as Division coverage, or a covered service.

(d) The Division adopts by reference the National Code Set revisions, deletions, and additions issued and published by the American Medical Association (Current Procedural Terminology — CPT) and on the CMS website (Healthcare Common Procedural Coding System — HCPCS) to be effective January 1, 2007. This code adoption should not be construed as Authority coverage, or a covered service.

### (11) Diagnosis code requirement:

(a) A primary diagnosis code is required on all claims, using the HIPAA nationally required diagnosis Code Set, unless specifically excluded in individual Division Program rules;

(b) When billing using ICD-9-CM codes, all diagnosis codes are required to the highest degree of specificity;

(c) Hospitals are always required to bill using the 5th digit, in accordance with methodology used in the Medicare Diagnosis Related Groups.

(12) For claims requiring a procedure code the provider must bill as instructed in the appropriate Division Program rules and must use the appropriate HIPAA procedure Code Set such as CPT, HCPCS, ICD-9-CM, ADA CDT, NDC, established according to 45 CFR 162.1000 to 162.1011, which best describes the specific service or item provided. For claims that require the listing of a diagnosis or procedure code as a condition of payment, the code listed on the claim form must be the code that most accurately describes the client's condition and the service(s) provided. Providers must use the ICD-9-CM diagnosis coding system when a diagnosis is required unless otherwise specified in the appropriate individual Division Program rules. Hospitals must follow national coding guidelines:

(a) When there is no appropriate descriptive procedure code to bill the Division, the provider must use the code for "unlisted services." Instructions on the specific use of unlisted services are contained in the individual provider rules. A complete and accurate description of the specific care, item, or service must be documented on the claim;

(b) Where there is one CPT, CDT or HCPCS code that according to CPT, CDT and HCPCS coding guidelines or standards, describes an array of services the provider must bill the Division using that code rather than itemizing the services under multiple codes. Providers must not "unbundle" services in order to increase the Division payment.

(13) No provider or its contracted agency (including billing providers) shall submit or cause to be submitted to the Division:

(a) Any false claim for payment;

(b) Any claim altered in such a way as to result in a payment for a service that has already been paid;

(c) Any claim upon which payment has been made or is expected to be made by another source unless the amount paid or to be paid by the other party is clearly entered on the claim form;

(d) Any claim for furnishing specific care, item(s), or service(s) that have not been provided.

(14) The provider is required to submit an Individual Adjustment Request, or to refund the amount of the overpayment, on any claim where the provider identifies an overpayment made by the Division.

(15) A provider who, after having been previously warned in writing by the Division or the Department of Justice about improper billing prac-

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tices, is found to have continued such improper billing practices and has had an opportunity for a contested case hearing, shall be liable to the Division for up to triple the amount of the Division established overpayment received as a result of such violation.

(16) Third party resources (TPR):

(a) Federal law requires that state Medicaid agencies take all reasonable measures to ensure that in most instances the Division will be the payer of last resort;

(b) Providers must make reasonable efforts to obtain payment first from other resources. For the purposes of this rule "reasonable efforts" include, but are not limited to:

(A) Determining the existence of insurance or other resource by asking the recipient;

(B) Using an insurance database such as Electronic Verification System (EVS) available to the provider;

(C) Verifying the client's insurance coverage through the Automated Voice Response (AVR) or Secure provider web portal on each date of service and at the time of billing.

(c) Except as noted in (16) (d) (A through E), when third party coverage is known to the provider, as indicated through AVR, Secure provider web portal or any other means available, prior to billing the Division the provider must:

(A) Bill the TPR; and

(B) Except for pharmacy claims billed through the Division's point-of-sale system the provider must have waited 30 days from submission date of a clean claim and have not received payment from the third party; and

(C) Comply with the insurer's billing and authorization requirements; and

(D) Appeal a denied claim when the service is payable in whole or in part by an insurer.

(d) In accordance with federal regulations the provider must bill the TPR prior to billing the Division, except under the following circumstances:

(A) The covered health service is provided by an Intermediate Care Facility Services for the Mentally Retarded (ICF/MR);

(B) The covered health service is provided by institutional services for the mentally and emotionally disturbed;

(C) The covered health services are prenatal and preventive pediatric services;

(D) Services are covered by a third party insurer through an absent parent where the medical coverage is administratively or court ordered;

(E) When another party may be liable for an injury or illness (see definition of Liability Insurance), the provider may bill the insurer or liable party or place a lien against a settlement or the provider may bill the Division. The provider may not both place a lien against a settlement and bill the Division. The provider may withdraw the lien and bill Division within 12 months of the date of service. If the provider bills Division the provider must accept payment made by the Division as payment in full.

(F) The provider must not return the payment made by the Division in order to accept payment from a liability settlement or liability insurer or place a lien against that settlement:

(i) In the circumstances outlined in (16)(d)(A through E) above, the provider may choose to bill the primary insurance prior to billing the Division. Otherwise, the Division will process the claim and, if applicable, will pay the Division allowable rate for these services and seek reimbursement from the liable third party insurance plan;

(ii) In making the decision to bill the Division the provider should be cognizant of the possibility that the third party payer may reimburse the service at a higher rate than the Division, and that, once the Division makes payment no additional billing to the third party is permitted by the provider.

(e) The provider may bill the Division directly for services that are never covered by Medicare or another insurer on the appropriate form identified in the relevant provider rules. Documentation must be on file in the provider's records indicating this is a non-covered service for purposes of Third Party Resources. See the individual provider rules for further information on services that must be billed to Medicare first;

(f) Providers are required to submit an Individual Adjustment Request showing the amount of the third party payment or to refund the amount received from another source within 30 days of the date the payment is received. Failure to submit the Individual Adjustment Request within 30 days of receipt of the third party payment or to refund the appropriate amount within this time frame is considered concealment of material facts and grounds for recovery and/or sanction;

(A) When a provider receives a payment from any source prior to the submission of a claim to the Division, the amount of the payment must be shown as a credit on the claim in the appropriate field;

(B) Except as described in (15), any provider who accepts third party payment for furnishing a service or item to a Division client shall:

(i) Submit an Individual Adjustment Request after submitting a claim to the Division following instructions in the individual provider rules and supplemental billing information, indicating the amount of the third party payment; or

(ii) When the provider has already accepted payment from the Division for the specific service or item, the provider shall make direct payment of the amount of the third party payment to the Division. When the provider chooses to directly repay the amount of the third party payment to the Division, the provider must indicate the reason the payment is being made and must submit with the check:

(I) An Individual Adjustment Request which identifies the original claim, name and number of the client, date of service and item(s) or service(s) for which the repayment is made; or

(II) A copy of the Remittance Advice showing the original Division payment.

(g) The Division reserves the right to make a claim against any third party payer after making payment to the provider of service. The Division may pursue alternate resources following payment if it deems this a more efficient approach. Pursue alternate resources includes, but is not limited to, requesting the provider to bill the third party and to refund the Division in accordance with (15) of this rule;

(h) For services rendered to a Medicare and Medicaid dual eligible client, the Division may request the provider to submit a claim for Medicare payment and the provider must honor that request. Under federal regulation, a provider agrees not to charge a beneficiary (or the state as the beneficiary's subrogee) for services for which a provider failed to file a timely claim (42 CFR 424) with Medicare despite being requested to do so.

(i) If Medicare is the primary payer and Medicare denies payment, Medicare appeals must be timely pursued and Medicare denial must be obtained prior to submitting the claim for payment to Division. Medicare denial on the basis of failure to submit a timely appeal may result in the Division reducing from the amount of the claim any amount the Division determines could have been paid by Medicare.

(17) Full use of alternate resources:

(a) The Division will generally make payment only when other resources are not available for the client's medical needs. Full use must be made of reasonable alternate resources in the local community;

(b) Except as provided in subsection (18) of this rule, alternate resources may be available:

(A) Under a federal or state worker's compensation law or plan;

(B) For items or services furnished by reason of membership in a prepayment plan;

(C) For items or services provided or paid for directly or indirectly by a health insurance plan or as health benefits of a governmental entity, such as:

(i) Armed Forces Retirees and Dependents Act (CHAMPVA);

(ii) Armed Forces Active Duty and Dependents Military Medical Benefits Act (CHAMPUS); and

(iii) Medicare Parts A and B.

(D) To residents of another state under that state's Title XIX or state funded medical assistance programs; or

(E) Through other reasonably available resources.

(18) Exceptions:

(a) Indian Health Services or Tribal Health Facilities. Pursuant to 42 CFR 35.61 subpart G and the Memorandum of Agreement in OAR 310-146-0000, Indian Health Services facilities and tribal facilities operating under a section 638 agreement are payers of last resort, and are not considered an alternate resource or TPR;

(b) Veterans Administration. Veterans who are also eligible for Medicaid benefits are encouraged to utilize Veterans' Administration facilities whenever possible. Veterans' benefits are prioritized for service related conditions and as such are not considered an alternate or TPR.

(19) **Table 120-1280- TPR codes.**

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

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025, 414.065 & 414.085

Hist.: PWC 683, f. 7-19-74, ef. 8-11-74; PWC 803(Temp), f. & ef. 7-1-76; PWC 812, f. & ef. 10-1-76; AFS 5-1981, f. 1-23-81, ef. 3-1-81, Renumbered from 461-013-0050, 461-013-0060, 461-013-0090 & 461-013-0020; AFS 47-1982, f. 4-30-82, & AFS 52-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 117-1982, f. 12-30-82, ef. 1-1-83; AFS 42-1983, f. 9-2-83, ef. 10-1-83; AFS 45-1983, f. 9-19-83, ef. 10-1-83; AFS 6-



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1984(Temp), f. 2-28-84, ef. 3-1-84; AFS 36-1984, f. & ef. 8-20-84; AFS 24-1985, f. 4-24-85, cert. ef. 6-1-85; AFS 33-1986, f. 4-11-86, ef. 6-1-86; AFS 43-1986, f. 6-13-86, ef. 7-1-86; AFS 57-1986, f. 7-25-86, ef. 8-1-86; AFS 14-1987, f. 5-31-87, ef. 4-1-87; AFS 38-1988, f. 5-17-88, cert. ef. 6-1-88; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0140, 461-013-0150, 461-013-0175 & 461-013-0180; HR 19-1990, f. & cert. ef. 7-9-90; HR 41-1991, f. & cert. ef. 10-1-91; HR 32-1993, f. & cert. ef. 11-1-93, Renumbered from 410-120-0040, 410-120-0260, 410-120-0280, 410-120-0300 & 410-120-0320; HR 31-1994, f. & cert. ef. 11-1-94; HR 5-1997, f. 1-31-97, cert. ef. 2-1-97; HR 21-1997, f. & cert. ef. 10-1-97; OMAP 20-1998, f. & cert. ef. 7-1-98; OMAP 10-1999, f. & cert. ef. 4-10-99; OMAP 31-1999, f. & cert. ef. 10-1-99; OMAP 35-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 30-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 23-2002, f. 6-14-02 cert. ef. 8-1-02; OMAP 42-2002, f. & cert. ef. 10-1-02; OMAP 73-2002, f. 12-24-02, cert. ef. 1-1-03; OMAP 3-2003, f. 1-31-03, cert. ef. 2-1-03; OMAP 62-2003, f. 9-8-03, cert. ef. 10-1-03; OMAP 10-2004, f. 3-11-04, cert. ef. 4-1-04; OMAP 10-2005, f. 3-9-05, cert. ef. 4-1-05; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; OMAP 67-2005, f. 12-21-05, cert. ef. 1-1-06; OMAP 15-2006, f. 6-12-06, cert. ef. 7-1-06; OMAP 45-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 39-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12

## 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 Coordinated Care Organization (CCO) or Prepaid Health Plan (PHP) is referred to as a non-participating provider.

(2) For covered services that are subject to reimbursement from the CCO or PHP, a non-participating provider, other than a hospital governed by (3) below, must accept from the Division-contracted CCO or 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 CCO or 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 CCO or FCHP shall 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 global payments to the CCO for the contract period or for 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 CCO or FCHP shall reimburse inpatient and outpatient services using a Medicare payment methodology at a specified percentage point less than the percentage of Medicare costs used by the Oregon Health Authority (Authority) when calculating the base hospital capitation payment to the CCO or 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 CCO or FCHP within 2 business days of an CCO or FCHP patient admission when the CCO or FCHP is the primary payer. Failure to notify does not, in and of itself, result in denial for payment. The CCO or 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 CCO or FCHP contract and the Division's administrative rules.

(5) After notification from the non-participating hospital, the CCO or FCHP may:

- (a) Arrange for a transfer to a contracted facility, if the patient is medically stable and the CCO or 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 CCO or 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; DMAP 15-2012, f. & cert. ef. 3-22-12; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12

## 410-120-1320

### Authorization of Payment

(1) Some services or items covered by the Division of Medical Assistance Programs (Division) require authorization before the service can be provided. See the appropriate Division rules for information on services requiring authorization and the process to be followed to obtain authorization.

(2) Documentation submitted when requesting authorization must support the medical justification for the service. A complete request is one that contains all necessary documentation and meets any other requirements as described in the appropriate Division rules.

(3) The Division will authorize for the level of care or type of service that meets the client's medical need. Only services which are medically appropriate and for which the required documentation has been supplied may be authorized. The authorizing agency may request additional information from the provider to determine medical appropriateness or appropriateness of the service.

(4) The Division will not make payment for authorized services under the following circumstances:

(a) The client was not eligible at the time services were provided. The provider is responsible for checking the client's eligibility each time services are provided;

(b) The provider cannot produce appropriate documentation to support medical appropriateness, or the appropriate documentation was not submitted to the authorizing agency;

(c) The service has not been adequately documented (see 410-120-1360, Requirements for Financial, Clinical and Other Records); that is, the documentation in the provider's files is not adequate to determine the type, medical appropriateness, or quantity of services provided and required documentation is not in the provider's files;

(d) The services billed or provided are not consistent with the information submitted when authorization was requested or the services provided are determined retrospectively not to be medically appropriate;

(e) The services billed are not consistent with those provided;

(f) The services were not provided within the timeframe specified on the authorization of payment document;

(g) The services were not authorized or provided in compliance with the rules in these General Rules and in the appropriate provider rules.

(5) Retroactive authorizations:

(a) Authorization for payment may be given for a past date of service if:

(A) The client was made retroactively eligible or was retroactively disenrolled from a CCO or PHP on the date of service;

(B) The services provided meet all other criteria and Oregon Administrative Rules, and;

(C) The request for authorization is received within 90 days of the date of service;

(c) Any requests for authorization after 90 days from date of service require documentation from the Provider that authorization could not have been obtained within 90 days of the date of service.

(7) Payment authorization is valid for the time period specified on the authorization notice, but not to exceed 12 months, unless the Client's benefit package no longer covers the service, in which case the authorization will terminate on the date coverage ends.

(8) When clients have other health care coverage (third-party resources, or TPR), the Division only requires payment authorization for the services that TPR does not cover. Examples include::

(a) When Medicare is the primary payer for a service, no payment authorization from the Division is required, unless specified in the appropriate Division program rules;

(b) When other TPR is primary, such as Blue Cross, CHAMPUS, etc., the Division requires payment authorization when the other insurer or resource does not cover the service or reimburses less than the Division rate.

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

Stats. Implemented: ORS 414.065

# ADMINISTRATIVE RULES

Hist.: PWC 683, f. 7-19-74, ef. 8-11-74; PWC 803(Temp), f. & ef. 7-1-76; PWC 812, f. & ef. 10-1-76; AFS 14-1979, f. 6-29-79, ef. 7-1-79; AFS 5-1981, f. 1-23-81, ef. 3-1-81; Renumbered from 461-013-0060; AFS 13-1981, f. 2-27-81, ef. 3-1-81; AFS 33-1981, f. 6-23-81, ef. 7-1-81; Renumbered from 461-013-0041, AFS 47-1982, f. 4-30-82 & AFS 52-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 117-1982, f. 12-30-82, ef. 1-1-83; AFS 7-1984(Temp), f. 2-28-84, ef. 3-15-84; AFS 11-1984(Temp), f. 3-14-84, ef. 3-15-84; AFS 37-1984, f. 8-30-84, ef. 9-1-84; AFS 38-1986, f. 4-29-86, ef. 16-1-86; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0106 & 461-013-0180; HR 32-1990, f. 9-24-90, cert. ef. 10-1-90; HR 41-1991, f. & cert. ef. 10-1-91; HR 32-1993, f. & cert. ef. 11-1-93, Renumbered from 410-120-0180; HR 22-1994, f. 5-31-94, cert. ef. 6-1-94; HR 40-1994, f. 12-30-94, cert. ef. 1-1-95; HR 6-1996, f. 5-31-96, cert. ef. 6-1-96; HR 5-1997, f. 1-31-97, cert. ef. 2-1-97; OMAP 10-1999, f. & cert. ef. 4-1-99; OMAP 31-1999, f. & cert. ef. 10-1-99; OMAP 35-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 62-2003, f. 9-8-03, cert. ef. 10-1-03; OMAP 10-2005, f. 3-9-05, cert. ef. 4-1-05; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; DMAP 24-2007, f. 12-11-07 cert. ef. 1-1-08; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12

## 410-120-1340

### Payment

(1) The Division of Medical Assistance Programs (Division) shall make payment only to the enrolled provider (see OAR 410-120-1260) who actually performs the service or to the provider's enrolled billing provider for covered services rendered to eligible clients. Any contracted billing agent or billing service submitting claims on behalf of a provider but not receiving payment in the name of or on behalf of the provider does not meet the requirements for billing provider enrollment. If billing agents and billing services intend to submit electronic transactions they must register and comply with the Oregon Health Authority (Authority) Electronic Data Interchange (EDI) rules, OAR 407-120-0100 through 407-120-0200. Division reimbursement for services may be subject to review prior to reimbursement.

(2) The Division (Division of Medical Assistance Programs or another Division within the Authority) that is administering the program under which the billed services or items are provided sets fee-for-service (FFS) payment rates.

(3) The Division uses FFS payment rates in effect on the date of service that are the lesser of:

- (a) The amount billed;
- (b) The Division maximum allowable amount or;
- (c) Reimbursement specified in the individual program provider rules:

(4) Amount billed may not exceed the provider's "usual charge" (see definitions);

(5) The Division's maximum allowable rate setting process uses the following methodology. The rates are updated periodically and posted on the Authority web site at [http://www.oregon.gov/OHA/healthplan/data\\_pubs/feeschedule/main.shtml](http://www.oregon.gov/OHA/healthplan/data_pubs/feeschedule/main.shtml):

(a) Relative Value Unit (RVU) weight-based rates: For all CPT/HCPCS codes assigned an RVU weight, the Division shall use the 2010 Transitional Total RVU weights published in the Federal Register, Vol. 74, November 25, 2009 with technical corrections published Dec. 10, 2009, to be effective for dates of services on or after January 1, 2011.

(A) For professional services not typically performed in a facility, the Non-Facility Total RVU weight shall be adopted;

(B) For professional services typically performed in a facility the Transitional Facility Total RVU weight shall be adopted;

- (b) The Division applies the following conversion factors:
  - (A) \$40.79 for labor and delivery codes (59400-59622);
  - (B) \$27.82 for primary care providers and services. A current list of primary care CPT, HCPCS and provider specialty codes is available at [http://www.oregon.gov/OHA/healthplan/data\\_pubs/feeschedule/main.shtml](http://www.oregon.gov/OHA/healthplan/data_pubs/feeschedule/main.shtml)

(C) \$25.48 for all remaining RVU weight based CPT/HCPCS codes ;

(D) \$26.81 for vision codes (92340-92342 and 92352-92353) regardless of the RVU.

- (6) Other non RVU based rates:
  - (a) Surgical assist reimburses at 20% of the surgical rate;
  - (b) \$20.78 is the base rate for anesthesia service codes 00100-01996. The rate is based on per unit of service;

(c) Clinical lab codes are priced at 70% of the Medicare clinical lab fee schedule;

(d) All approved Ambulatory Surgical Center (ASC) procedures are reimbursed at 80% of the Medicare fee schedule;

(e) Physician administered drugs, billed under a HCPCS code, are based on Medicare's Average Sale Price (ASP). When no ASP rate is listed the rate shall be based upon the Wholesale Acquisition Price (WAC) plus 6.25%. If no WAC is available, then the rate shall be reimbursed at

Acquisition Cost. Pricing information for WAC is provided by First Data Bank. These rates may change periodically based on drug costs;

(f) All procedures used for vision materials and supplies are based on contracted rates that include acquisition cost plus shipping and handling.

(g) Individual provider rules may specify reimbursement rates for particular services or items.

(7) The Division reimburses inpatient hospital service under the DRG methodology, unless specified otherwise in the Division's Hospital Services Program administrative rules (chapter 410, division 125). Reimbursement for services, including claims paid at DRG rates, shall not exceed any upper limits established by federal regulation.

(8) The Division reimburses all out-of-state hospital services at Oregon DRG or FFS rates as published in the Hospital Services Program rules (OAR chapter 410, division 125) unless the hospital has a contract or service agreement with the Division to provide highly specialized services.

(9) Payment rates for in-home services provided through Department of Human Services (Department) Aged and Physically Disabled Division (APD) will not be greater than the current Division rate for nursing facility payment.

(10) The Division sets payment rates for out-of-state institutions and similar facilities, such as skilled nursing care facilities, psychiatric and rehabilitative care facilities at a rate that is:

(a) Consistent with similar services provided in the State of Oregon; and

(b) The lesser of the rate paid to the most similar facility licensed in the State of Oregon or the rate paid by the Medical Assistance Programs in that state for that service; or

(c) The rate established by APD for out-of-state nursing facilities.

(11) The Division shall not make payment on claims that have been assigned, sold, or otherwise transferred or when the billing provider, billing agent or billing service receives a percentage of the amount billed or collected or payment authorized. This includes, but is not limited to, transfer to a collection agency or individual who advances money to a provider for accounts receivable.

(12) The Division shall not make a separate payment or copayment to a nursing facility or other provider for services included in the nursing facility's all-inclusive rate. The following services are not included in the all-inclusive rate (OAR 411-070-0085) and may be separately reimbursed:

(a) Legend drugs, biologicals and hyperalimentation drugs and supplies, and enteral nutritional formula as addressed in the Pharmaceutical Services Program administrative rules (chapter 410, division 121) and Home Enteral/Parenteral Nutrition and IV Services Program administrative rules, (chapter 410, division 148);

(b) Physical therapy, speech therapy, and occupational therapy provided by a non-employee of the nursing facility within the appropriate program administrative rules, (chapter 410, division 129 and 131);

(c) Continuous oxygen which exceeds 1,000 liters per day by lease of a concentrator or concentrators as addressed in the Durable Medical Equipment, Prosthetics, Orthotics and Supplies Program administrative rules, (chapter 410, division 122);

(d) Influenza immunization serum as described in the Pharmaceutical Services Program administrative rules, (chapter 410, division 121);

(e) Podiatry services provided under the rules in the Medical-Surgical Services Program administrative rules, (chapter 410, division 130);

(f) Medical services provided by a physician or other provider of medical services, such as radiology and laboratory, as outlined in the Medical-Surgical Services Program rules, (chapter 410, division 130);

(g) Certain custom fitted or specialized equipment as specified in the Durable Medical Equipment, Prosthetics, Orthotics and Supplies Program administrative rules, (chapter 410, division 122).

(13) The Division reimburses hospice services based on CMS Core-Based Statistical Areas (CBSA's). A separate payment will not be made for services included in the core package of services as outlined in OAR chapter 410, division 142.

(14) Payment for Division clients with Medicare and full Medicaid:

(a) The Division limits payment to the Medicaid allowed amount, less the Medicare payment, up to the Medicare co-insurance and deductible, whichever is less. The Division's payment cannot exceed the co-insurance and deductible amounts due;

(b) The Division pays the Division allowable rate for Division covered services that are not covered by Medicare.

(15) For clients with third-party resources (TPR), the Division pays the Division allowed rate less the TPR payment but not to exceed the billed amount.

# ADMINISTRATIVE RULES

(16) The Division payments, including contracted PHP or CCO payments, unless in error, constitute payment in full, except in limited instances involving allowable spend-down or copayments. For the Division, such payment in full includes:

(a) Zero payments for claims where a third party or other resource has paid an amount equivalent to or exceeding Division allowable payment; and

(b) Denials of payment for failure to submit a claim in a timely manner, failure to obtain payment authorization in a timely and appropriate manner, or failure to follow other required procedures identified in the individual provider rules.

(17) Payment by the Division does not restrict or limit the Authority or any state or federal oversight entity's right to review or audit a claim before or after the payment. Claim payment may be denied or subject to recovery if medical review, audit or other post-payment review determines the service was not provided in accordance with applicable rules or does not meet the criteria for quality of care, or medical appropriateness of the care or payment.

Stat. Auth.: ORS 413.042

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

Hist.: PWC 683, f. 7-19-74, ef. 8-11-784; PWC 803(Temp), f. & ef. 7-1-76; PWC 812, f. & ef. 10-1-76; Renumbered from 461-013-0061; PWC 833, f. 3-18-77, ef. 4-1-77; Renumbered from 461-013-0061; AFS 5-1981, f. 1-23-81, ef. 3-1-81; Renumbered from 461-013-0060, AFS 47-1982, f. 4-30-82 & AFS 52-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 117-1982, f. 12-30-82, ef. 1-1-83; AFS 24-1985, f. 4-24-85, ef. 6-1-85; AFS 50-1985, f. 8-16-85, ef. 9-1-85; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0081, 461-013-0085, 461-013-0175 & 461-013-0180; HR 41-1991, f. & cert. ef. 10-1-91; HR 32-1993, f. & cert. ef. 11-1-93, Renumbered from 410-120-0040, 410-120-0220, 410-120-0200, 410-120-0240 & 410-120-0320; HR 2-1994, f. & cert. ef. 2-1-94; HR 5-1997, f. 1-31-97, cert. ef. 2-1-97; OMAP 10-1999, f. & cert. ef. 4-1-99; OMAP 3-2003, f. 1-31-03, cert. ef. 2-1-03; OMAP 62-2003, f. 9-8-03, cert. ef. 10-1-03; OMAP 10-2004, f. 3-11-04, cert. ef. 4-1-04; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; OMAP 15-2006, f. 6-12-06, cert. ef. 7-1-06; OMAP 45-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 24-2007, f. 12-11-07, cert. ef. 1-1-08; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 35-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 38-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 39-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 22-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 1-25-12; DMAP 36-2011, f. 12-13-11, cert. ef. 1-1-12; DMAP 28-2012, f. 6-21-12, cert. ef. 7-1-12; DMAP 41-2012(Temp), f. 8-22-12, cert. ef. 9-1-12 thru 2-28-13; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12

## 410-120-1560

### Provider Appeals

(1) If a provider disagrees with an initial claim determination made by the Division of Medical Assistance Program (Division), the provider may request a review for re-determination of the denied claim payment.

(2) This rule does not apply to determinations that:

(a) Result in a "Notice of Action" that must be provided to the OHP client. If the decision under review requires any notice to the OHP client under applicable rules (OAR 410-120-1860, 410-414-0263), the procedures for notices and hearings must be followed; or

(b) Are made by a CCO or PHP regarding services to a CCO or PHP member. The provider must contact the CCO or PHP in accordance with 410-120-1560.

(3) How to request a redetermination review:

(a) To request a review, the provider must submit a written request to the Division Provider Services Unit within 180 days of the original claim adjudication date.

(b) The written request must include all information needed to adjudicate the claim or support changing the original claim determination, including but not limited to:

(A) A detailed letter of explanation identifying the specific re-determination denial issue and/or alleged error;

(B) All relevant medical records and evidence-based practice data to support the position being asserted on review;

(C) The specific service, supply or item being denied, including all relevant codes;

(D) Detailed justification for the re-determination of the denied service; and

(E) A copy of the original claim and a copy of the original denial notice or remittance advice that describes the basis for the claim denial under re-determination;

(F) Any information and/or medical documentation pertinent to support the request and to obtain a resolution of the re-determination review dispute.

(4) A provider requesting a re-determination review must demonstrate one or more of the following reasons that would allow coverage in the particular case:

(a) A below-the-line condition/treatment pair is justified under the comorbid rule OAR 410-141-0480(8);

(b) A treatment that is part of a covered complex procedure and/or related to an existing funded condition;

(c) A service not listed on the HSC Prioritized List that may be covered under OAR 410-141-0480(10);

(d) A service that satisfies the Citizen/Alien-Waived Emergency Medical (CAWEM) emergency service criteria;

(e) Medical documentation of applicable evidence-based practice literature that is consistent with the condition or service under review;

(f) A service that satisfies the prudent layperson definition of emergency medical condition;

(g) A service intended to prolong survival or palliate symptoms, due to expected length of life consistent with the HSC Statement of Intent for Comfort/Palliative Care;

(h) A service that should be covered where denial was due to technical errors and omissions with the Oregon Health Services Commission's (HSC) Prioritized List of approved Health Services

(i) Misapplication of a fee schedule;

(j) A denied duplicate claim that the provider believes were incorrectly identified as a duplicate;

(k) Incorrect data items, such as provider number, use of a modifier or date of service, unit changes or incorrect charges;

(l) Errors with the Medicaid Management Information System (MMIS), such as a code is missing in MMIS that the Oregon Health Services Commission (HSC) has placed on the Prioritized List of Health Services;

(m) Services provided without the required prior-authorization, except for those authorizations subject to provision outlined in OAR 410-120-1280(2)(a)(C);

(n) A covered diagnostic service.

(5) The Division will review all re-determination requests as follows:

(a) The review is based on the Division review of supplied documentation and applicable law(s);

(b) The Division may request additional information from the provider that it finds relevant to the request under review;

(c) The Division does not provide a face-to-face meeting with providers as part of the re-determination review process.

(d) The Division will notify a provider requesting review that the re-determination request has been denied if:

(A) The provider did not submit a timely request;

(B) The required information is not provided at the same time the request is submitted; and/or

(C) The provider fails to submit any additional requested information within 14 business days of request.

(7) The Division's final decision under this rule is the final decision on appeal. Under ORS 183.484, this decision is an order in other than a contested case. ORS 183.484 and the procedures in OAR 137-004-0080 to 137-004-0092 apply to the Division's final decision under this rule.

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

Stats. Implemented: ORS 409.010

Hist.: AFS 13-1984(Temp), f. & ef. 4-2-84; AFS 37-1984, f. 8-30-84, ef. 9-1-84; AFS 51-1985, f. 8-16-85, ef. 9-1-85; AFS 47-1982, f. 4-30-82 & AFS 52-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0191; HR 41-1991, f. & cert. ef. 10-1-91; HR 32-1993, f. & cert. ef. 11-1-93, Renumbered from 410-120-0780; HR 5-1997, f. 1-31-97, cert. ef. 2-1-97; OMAP 41-2000, f. & cert. ef. 12-1-00; OMAP 19-2003, f. 3-26-03, cert. ef. 4-1-03; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; OMAP 15-2006, f. 6-12-06, cert. ef. 7-1-06; DMAP 24-2007, f. 12-11-07, cert. ef. 1-1-08; DMAP 13-2009, f. 6-12-09, cert. ef. 7-1-09; DMAP 11-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12

## 410-120-1570

### Claim Re-Determinations

(1) If a provider disagrees with an initial claim determination made by the Division of Medical Assistance Program (Division), the provider may request a review for re-determination of the denied claim payment.

(2) This rule does not apply to determinations that:

(a) Result in a "Notice of Action" that must be provided to the OHP client. If the decision under review requires any notice to the OHP client under applicable rules (OAR 410-120-1860, 410-414-0263), the procedures for notices and hearings must be followed; or

(b) Are made by a CCO or PHP regarding services to a CCO or PHP member. The provider must contact the CCO or PHP in accordance with 410-120-1560.

(3) How to request a redetermination review:



# ADMINISTRATIVE RULES

DMAP 13-2009 f. 6-12-09, cert. ef. 7-1-09; DMAP 38-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12

(a) To request a review, the provider must submit a written request to the Division Provider Services Unit within 180 days of the original claim adjudication date.

(b) The written request must include all information needed to adjudicate the claim or support changing the original claim determination, including but not limited to:

(A) A detailed letter of explanation identifying the specific re-determination denial issue and/or alleged error;

(B) All relevant medical records and evidence-based practice data to support the position being asserted on review;

(C) The specific service, supply or item being denied, including all relevant codes;

(D) Detailed justification for the re-determination of the denied service; and

(E) A copy of the original claim and a copy of the original denial notice or remittance advice that describes the basis for the claim denial under re-determination;

(F) Any information and/or medical documentation pertinent to support the request and to obtain a resolution of the re-determination review dispute.

(4) A provider requesting a re-determination review must demonstrate one or more of the following reasons that would allow coverage in the particular case:

(a) A below-the-line condition/treatment pair is justified under the comorbid rule OAR 410-141-0480(8);

(b) A treatment that is part of a covered complex procedure and/or related to an existing funded condition;

(c) A service not listed on the HSC Prioritized List that may be covered under OAR 410-141-0480(10);

(d) A service that satisfies the Citizen/Alien-Waived Emergency Medical (CAWEM) emergency service criteria;

(e) Medical documentation of applicable evidence-based practice literature that is consistent with the condition or service under review;

(f) A service that satisfies the prudent layperson definition of emergency medical condition;

(g) A service intended to prolong survival or palliate symptoms, due to expected length of life consistent with the HSC Statement of Intent for Comfort/Palliative Care;

(h) A service that should be covered where denial was due to technical errors and omissions with the Oregon Health Services Commission's (HSC) Prioritized List of approved Health Services

(i) Misapplication of a fee schedule;

(j) A denied duplicate claim that the provider believes were incorrectly identified as a duplicate;

(k) Incorrect data items, such as provider number, use of a modifier or date of service, unit changes or incorrect charges;

(l) Errors with the Medicaid Management Information System (MMIS), such as a code is missing in MMIS that the Oregon Health Services Commission (HSC) has placed on the Prioritized List of Health Services;

(m) Services provided without the required prior-authorization, except for those authorizations subject to provision outlined in OAR 410-120-1280(2)(a)(C);

(n) A covered diagnostic service.

(5) The Division will review all re-determination requests as follows:

(a) The review is based on the Division review of supplied documentation and applicable law(s);

(b) The Division may request additional information from the provider that it finds relevant to the request under review;

(c) The Division does not provide a face-to-face meeting with providers as part of the re-determination review process.

(d) The Division will notify a provider requesting review that the re-determination request has been denied if:

(A) The provider did not submit a timely request;

(B) The required information is not provided at the same time the request is submitted; and/or

(C) The provider fails to submit any additional requested information within 14 business days of request.

(7) The Division's final decision under this rule is the final decision on appeal. Under ORS 183.484, this decision is an order in other than a contested case. ORS 183.484 and the procedures in OAR 137-004-0080 to 137-004-0092 apply to the Division's final decision under this rule.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: OMAP 19-2003, f. 3-26-03, cert. ef. 4-1-03; OMAP 10-2004, f. 3-11-04, cert. ef. 4-1-04; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; DMAP 24-2007, f. 12-11-07 cert. ef. 1-1-08;

## 410-120-1580

### Provider Appeals — Administrative Review

(1) An administrative review is a provider appeal process that allows an opportunity for the Administrator of the Division of Medical Assistance Programs (Division) or designee to review a Division decision affecting the provider, provider applicant, Coordinated Care Organization (CCO) or Prepaid Health Plan (PHP) provider, where administrative review is appropriate and consistent with these provider appeal rules OAR 410-120-1560.

(2) Administrative review is an appeal process under OAR 410-120-1560 that addresses primarily legal or policy issues that may arise in the context of a Division decision that adversely affects the Provider and that is not otherwise reviewed as a claim re-determination, a contested case, or client appeal.

(a) If the Division finds that the appeal should be handled as a different form of provider appeal or as a client appeal, the Administrator or designee will notify the provider of this determination.

(b) Within the time limits established by the Division in the administrative review, the provider, provider applicant, CCO or PHP provider must provide Division (and CCO or PHP, if applicable) with a copy of all relevant records, the Division, CCO or PHP decisions, and other materials relevant to the appeal.

(3) If the Administrator or designee decides that a meeting between the provider, provider applicant, CCO or PHP Provider (and CCO or PHP, if applicable) and the Division staff will assist the review, the Administrator or designee will:

(a) Notify the provider requesting the review of the date, time, and place the meeting is scheduled;

(b) Notify the CCO or PHP (when client is enrolled in a CCO or PHP) of the date, time, and place the meeting is scheduled. The CCO or PHP is not required to participate, but is invited to participate in the process.

(4) The review meeting will be conducted in the following manner:

(a) It will be conducted by the Division Administrator, or designee;

(b) No minutes or transcript of the review will be made;

(c) The provider requesting the review does not have to be represented by counsel during an administrative review meeting and will be given ample opportunity to present relevant information;

(d) The Division staff will not be available for cross-examination, but the Division staff may attend and participate in the review meeting;

(e) Failure to appear without good cause constitutes acceptance of the Division's determination;

(f) The Administrator may combine similar administrative review proceedings, including the meeting, if the Administrator determines that joint proceedings may facilitate the review;

(g) The Division Administrator or designee may request the provider, provider Applicant, CCO or PHP Provider making the appeal to submit, in writing, new information that has been presented orally. In such an instance, a specific date for receiving such information will be established.

(5) The results of the administrative review will be sent to the participants, involved in the review, and to the CCO or PHP when review involved a CCO or PHP provider, in writing, within 30 calendar days of the conclusion of the administrative review proceeding, or such time as may be agreed to by the participants and the Division.

(6) The department's final decision on administrative review is the final decision on appeal and binding on the parties. Under ORS 183.484, this decision is an order in other than a contested case. ORS 183.484 and the procedures in OAR 137-004-0080 to 137-004-0092 apply to the department's final decision on administrative review.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: AFS 47-1982, f. 4-30-82 & AFS 52-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 13-1984(Temp), f. & ef. 4-2-84; AFS 37-1984, f. 8-30-44, ef. 9-1-84; AFS 51-1985, f. 8-16-85, ef. 9-1-85; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0191 & 461-013-0220; HR 41-1991, f. & cert. ef. 10-1-91; HR 32-1993, f. & cert. ef. 11-1-93, Renumbered from 410-120-0800; HR 5-1997, f. 1-31-97, cert. ef. 2-1-97; OMAP 19-2003, f. 3-26-03, cert. ef. 4-1-03; OMAP 73-2003, f. & cert. ef. 10-1-03; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; DMAP 13-2009 f. 6-12-09, cert. ef. 7-1-09; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12

## 410-120-1600

### Provider Appeals — Contested Case Hearings

(1) A contested case procedure is a hearing that is conducted by the Office of Administrative Hearings where a contested case is appropriate and consistent with the provider appeal rules OAR 410-120-1560. If the request for contested case hearing was timely filed but should have been

# ADMINISTRATIVE RULES

filed as a claim redetermination or administrative review, or client appeal, Division will refer the request to the proper appeal procedure and notify the Provider, provider applicant, CCO or PHP provider.

(2) Contested case hearings are conducted in accordance with the Attorney General's model rules at OAR 137-003-0501 to 137-003-0700.

(3) The party to a provider contested case hearing is the provider, provider applicant, CCO or PHP provider who requested the appeal. In the event that Division determines that a CCO or PHP provider is entitled to a Contested Case Hearing under OAR 410-120-1560, the CCO or PHP Provider and the CCO or PHP are parties to the hearing. A provider, CCO or PHP provider, CCO or PHP that is a corporation may be represented by any of the persons identified in ORS 410.190.

(4) Informal conference: Division may notify the provider(s) provider applicant, CCO or PHP provider (and CCO or PHP, if applicable) of the time and place of an informal conference, without the presence of the Administrative Law Judge (ALJ). The purposes of this informal conference are:

- (a) To provide an opportunity to settle the matter;
- (b) To make sure the parties and the Authority understand the specific reason for the action of the hearing request;
- (c) To give the parties and the Authority an opportunity to review the information which is the basis for action;
- (d) To give the parties and the Authority the chance to correct any misunderstanding of the facts; and
- (e) The provider, provider applicant, CCO or PHP provider (or CCO, PHP, if applicable) may, at any time prior to the hearing date, request an additional informal conference with the Division and Authority representative(s), which may be granted if the Division finds at its sole discretion, the additional informal conference will facilitate the Contested Case Hearing process or resolution of disputed issues.

(5) Contested Case Hearing: The Administrative Law Judge (ALJ) will conduct the contested case hearing using the Attorney General's Model Rules at OAR 137-003-0501 to 137-003-0700.

(a) The burden of presenting evidence to support a provider appeal is on the provider, provider applicant, CCO or PHP provider that requested the appeal. Consistent with OAR 410-120-1360, payment on a claim will only be made for services that are adequately documented and billed in accordance with OAR 410-120-1280 and all applicable administrative rules related to covered services for the Client's benefit package and establishing the conditions under which services, supplies or items are covered, such as the Prioritized List, medical appropriateness and other applicable standards.

(b) Subject to Division approval under OAR 137-003-0525, the ALJ will determine the location of the Contested Case Hearings.

(6) Proposed and Final Orders: The ALJ is authorized to serve a proposed order on all parties and the Division unless prior to the hearing, the Division notifies the ALJ that a final order may be served by the ALJ.

(a) If the ALJ issues a proposed order, and the proposed order is adverse to a party, the party may file written exceptions to the proposed order to be considered by the Division, or the ALJ when the ALJ is authorized to issue the final order. The exceptions must be in writing and received by the Division, or the ALJ when the ALJ is authorized to issue the final order, not later than 10 calendar days after the date of the proposed order is issued by the ALJ. No additional evidence may be submitted without prior approval of Division.

(b) The proposed order issued by the ALJ will become a final order if no exceptions are filed within the time specified in subsection (a) of this rule, unless the Division notifies the parties and the ALJ that Division will issue the final order. After receiving the exceptions or argument, if any, the Division may adopt the proposed order as the final order or may prepare a new order. Prior to issuing the final order, Division may issue an amended proposed order.

(c) Procedures applicable to default orders for withdrawal of a hearing request, failure to timely request a hearing, failure to appear at a hearing, or other default, are governed by the Attorney General's Model Rules, OAR 137-003-0670 – 137-003-0672.

(d) The final order is effective immediately upon being signed or as otherwise provided in the order.

(7) All Contested Case Hearing decisions are subject to the procedure established in OAR 137-003-675 to 137-003-0700 and to judicial review under ORS 183.482 in the Court of Appeals.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: AFS 13-1984(Temp), f. & ef. 4-2-84; AFS 37-1984, f. 8-30-44, ef. 9-1-84; AFS 51-1985, f. 8-16-85, ef. 9-1-85; AFS 47-1982, f. 4-30-82 & AFS 52-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from

461-013-0191 & 461-013-0225; HR 19-1990, f. & cert. ef. 7-9-90; HR 41-1991, f. & cert. ef. 10-1-91; HR 32-1993, f. & cert. ef. 11-1-93, Renumbered from 410-120-0820; OMAP 41-2000, f. & cert. ef. 12-1-00; OMAP 19-2003, f. 3-26-03, cert. ef. 4-1-03; OMAP 73-2003, f. & cert. ef. 10-1-03; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; DMAP 13-2009 f. 6-12-09, cert. ef. 7-1-09; DMAP 38-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12

## 410-120-1860

### Contested Case Hearing Procedures

(1) These rules apply to all contested case hearings provided by the Division of Medical Assistance Programs (Division) involving a client's health care benefits, except as otherwise provided in OAR 410-141-0263. The hearings are conducted in accordance with the Attorney General's model rules at 137-003-0501 and following. When the term "agency" is used in the Attorney General's model rules, it shall refer to the Division for purposes of this rule Except for 137-003-0528(1)(a), the method described in 137-003-0520(8)-(10) is used in computing any period of time prescribed in this division of rules (OAR 410 division 120) applicable to timely filing of client requests for hearing. Due to operational conflicts, the procedures needing revision and the expense of doing so, 137-003-0528(1)(a), which allows hearing requests to be treated as timely based on the date of postmark, does not apply to Division contested cases.

(2) Medical provider appeals and administrative reviews involving the Division are governed by OAR 410-120-1560 through 410-120-1600.

(3) Complaints and appeals for clients requesting or receiving medical assistance from a Coordinated Care Organization (CCO) or Prepaid Health Plan (PHP) shall be governed exclusively by the procedures in OAR 410-141-0360 or 0260. This rule describes the procedures applicable when those clients request and are eligible for a Division contested case hearing.

#### (4) Contested Case Hearing Requests:

(a) A client has the right to a contested case hearing in the following situations upon the timely completion of a request for a hearing:

(A) The Authority acts to deny client services, payment of a claim, or to terminate, discontinue or reduce a course of treatment, or issues related to disenrollment in a CCO or PHP; or

(B) The right of a client to request a contested case hearing is otherwise provided by statute or rule, including OAR 410-141-0264 when a client of a PHP or 410-141-0364 when a client of a CCO may request a state hearing.

(b) To be timely, a request for a hearing is complete when the Division receives the Authority's Administrative Hearing request form (DMAP 443) not later than the 45th day following the date of the decision notice;

(c) In the event a request for hearing is not timely, the Division will determine whether the failure to timely file the hearing request was caused by circumstances beyond the control of the client and enter an order accordingly. In determining whether to accept a late hearing request, the Division requires the request to be supported by a written statement that explains why the request for hearing is late. The Division may conduct such further inquiry as the Division deems appropriate. In determining timeliness of filing a hearing request, the amount of time that the Division determines accounts for circumstances beyond the control of the client is not counted. The Division may refer an untimely request to the Office of Administrative Hearings for a hearing on the question of timeliness;

(d) In the event the claimant has no right to a contested case hearing on an issue, the Division may enter an order accordingly. The Division may refer a hearing request to the Office of Administrative Hearings for a hearing on the question of whether the claimant has a right to a contested case hearing;

(e) A client who requests a hearing shall be referred to as a claimant. The parties to a contested case hearing are the claimant and, if the claimant has requested a hearing about a decision of a CCO or PHP, the claimant's CCO or PHP;

(f) A client may be represented by any of the persons identified in ORS 183.458. A CCO or PHP that is a corporation may be represented by any of the persons identified in ORS 410.190.

#### (5) Expedited hearings:

(a) A claimant who feels his or her medical or dental problem cannot wait for the normal review process may be entitled to an expedited hearing;

(b) Expedited hearings are requested using Authority Form 443;

(c) Division staff will request all relevant medical documentation and present the documentation obtained in response to that request to the Division Medical Director or the Medical Director's designee for review. The Division Medical Director or the Medical Director's designee will decide if the claimant is entitled to an expedited hearing within, as nearly as possible, two working days from the date of receiving the documentation applicable to the request;

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(d) An expedited hearing will be allowed, if the Division Medical Director or the Medical Director's designee, determines that the claimant has a medical condition which is an immediate, serious threat to claimant's life or health and claimant has been denied a medical service.

(6) Informal conference:

(a) The Division hearing representative and the claimant, and their legal representative if any, may have an informal conference, without the presence of the Administrative Law Judge (ALJ), to discuss any of the matters listed in OAR 137-003-0575. The informal conference may also be used to:

(A) Provide an opportunity for the Division and the claimant to settle the matter;

(B) Provide an opportunity to make sure the claimant understands the reason for the action that is subject of the hearing request;

(C) Give the claimant and the Division an opportunity to review the information that is the basis for that action;

(D) Inform the claimant of the rules that serve as the basis for the contested action;

(E) Give the claimant and the Division the chance to correct any misunderstanding of the facts;

(F) Determine if the claimant wishes to have any witness subpoenas issued for the hearing; and

(G) Give the Division an opportunity to review its action.

(b) The claimant may, at any time prior to the hearing date, request an additional informal conference with the Authority representative, which may be granted if the Authority representative finds, in his or her sole discretion, that the additional informal discussion will facilitate the hearing process or resolution of disputed issues;

(c) The Division may provide to the claimant the relief sought at any time before the Final Order is served;

(d) Any agreement reached in an informal conference shall be submitted to the ALJ in writing or presented orally on the record at the hearing.

(7) A claimant may withdraw a hearing request at any time. The withdrawal is effective on the date it is received by the Division or the ALJ, whichever is first. The ALJ will send a Final Order confirming the withdrawal to the claimant's last known address. The claimant may cancel the withdrawal up to the tenth calendar day following the date such an order is effective.

(8) Contested case hearings are closed to non-participants in the hearing.

(9) Proposed and Final Orders:

(a) In a contested case, an ALJ assigned by the Office of Administrative Hearings will serve a proposed order on all parties and the Division, unless, prior to the hearing, the Division notifies the ALJ that a final order may be served. The proposed order issued by the ALJ will become a final order if no exceptions are filed within the time specified in subsection (b) unless the Division notifies the parties and the ALJ that the Division will issue the final order;

(b) If the ALJ issues a proposed order, and a party adversely affected by the proposed order may file exceptions to the proposed order or present argument for the Division's consideration:

(A) The exceptions must be in writing and reach the Division not later than 10 working days after the proposed order is issued by the ALJ;

(B) After receiving the exceptions, if any, the Division may adopt the proposed order as the final order or may prepare a new order. Prior to issuing the final order, the Authority will issue an amended proposed order.

(10) A hearing request is dismissed by order when neither the party nor the party's legal representative, if any, appears at the time and place specified for the hearing. The order is effective on the date scheduled for the hearing. The Division will cancel the dismissal order on request of the party on a showing that the party was unable to attend the hearing and unable to request a postponement for reasons beyond his or her control.

(11) The final order is effective immediately upon being signed or as otherwise provided in the order. A final order resulting from the claimant's withdrawal of the hearing request is effective the date the claimant withdraws. When claimant fails to appear for the hearing and the hearing request is dismissed by final order, the effective date of the order is the date of the scheduled hearing.

(12) All contested case hearing decisions are subject to judicial review under ORS 183.482 in the Court of Appeals.

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

Stat. Auth.: ORS 183.341 & 413.042

Stats. Implemented: ORS 183.411 - 183.470, 414.025, 414.055 & 414.065

Hist.: AFS 47-1982, f. 4-30-82 & AFS 52-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS

branch offices; AFS 13-1984(Temp), f. & ef. 4-2-84; AFS 37-1984, f. 8-30-84, ef. 9-1-84; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0053; HR 19-1990, f. & cert. ef. 7-9-90; HR 35-1990(Temp), f. & cert. ef. 10-15-90; HR 32-1990, f. 9-24-90, cert. ef. 10-1-90; HR 41-1990, f. & cert. ef. 11-26-90; HR 11-1991(Temp), f. & cert. ef. 3-1-91; HR 34-1991, f. & cert. ef. 8-26-91; HR 32-1993, f. & cert. ef. 11-1-93, Renumbered from 410-120-0760; HR 7-1996, f. 5-31-96 & cert. ef. 6-1-96; HR 5-1997, f. 1-31-97, cert. ef. 2-1-97; OMAP 41-2000, f. & cert. ef. 12-1-00; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; DMAP 6-2012(Temp), f. & cert. ef. 2-1-12 thru 7-4-12; DMAP 28-2012, f. 6-21-12, cert. ef. 7-1-12; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12

## 410-120-1880

### Contracted Services

(1) Except as otherwise provided in OAR 410-120-1260 et seq. applicable to provider enrollment or OAR 410-141-0000, 410-141-3010 et seq. governing CCO or PHPs, insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and 414.145 may be implemented for covered medical assistance services in any program area(s) of the Oregon Health Authority (Authority) in order to achieve one or more of the following purposes:

(a) To implement and maintain CCO or PHP services;

(b) To ensure access to appropriate Medical Services that would not otherwise be available;

(c) To more fully specify the scope, quantity, or quality of the services to be provided or to specify requirements of the provider or to specify requirements of the Authority in relation to the provider;

(d) To obtain services more cost effectively, (e.g., to reduce the costs of program administration or to obtain comparable services at less cost than the fee-for-service rate).

(2) Contracts, interagency agreements, or intergovernmental agreements under OAR 410-120-1880, subsection (1) funded with federal funds will be subject to applicable federal procurement and contracting requirements, and this rule will be interpreted and applied to satisfy such requirements. To the extent required by the federal funding agency, the Authority will seek prior federal approval of solicitations and/or contracts when the Authority plans to acquire or enhance services or equipment that will be paid in whole or on part with federal funds.

(3) The Authority is exempt from the Public Contracting Code for purposes of source selection pursuant to ORS 279A.025(2). The Authority will use the following source selection procedures when entering into contracts under OAR 410-120-1880, subsection (1). Interagency agreements and intergovernmental agreements are not subject to competitive solicitation as the basis of source selection, and may be selected in accordance with ORS 190.003 to 190.130 and other applicable law or authority. Competition must be used in obtaining contract services to the maximum extent practical, except as otherwise provided in subsection (4):

(a) Small procurement procedure may be used for the procurement of supplies and services less than or equal to \$5,000. The Authority may use any method reasonably appropriate to the nature of the supply or service and the business needs of the Authority to identify potential contractors;

(b) Informal solicitation procedure may be used for the procurement of services if the estimated cost or contract price is \$150,000 or less. Proposals will be solicited from at least three sources, except as otherwise provided in these rules;

(c) Formal solicitation procedure will be used for the procurement of services when the estimated cost or contract price is more than \$150,000. Proposals must be solicited as outlined in these rules.

(4) Selection by negotiation may be used in lieu of a competitive procurement under subsection (3) of this rule for the procurement of goods or services if:

(a) The good or service is available only from a single source or the sole source has special skills that are only available based upon his or her expertise or situation. If the Authority Director, or designee, determines that only a single contractor is available or practical for purposes of this rule, the Director or designee may approve selection by negotiation. A memorandum signed by the Director or designee setting forth the reasons for using a sole source contract must be placed in the contract file;

(b) Public need, significant risk of interruption of services, or emergency advises against a delay incident to competitive solicitation. If the Authority Director, or designee, determines that an emergency exists for purposes of this rule, the Director or designee may approve selection by negotiation. A memorandum signed by the Director or designee setting forth the nature of the emergency must be placed in the file;

(c) Compliance with federal requirements necessitated proceeding without competitive solicitation. Documentation of the applicable federal requirements must be placed in the contract file;

(d) Other authority including but not limited to statutory authority in ORS 414.115, 414.125, 414.135, and 414.145, or such other authority, exemptions and delegations of authority that may be applicable to the



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source selection for the procurement: Documentation of the authority must be placed in the contract file.

(5) A Request for Proposal (RFP) or similar solicitation mechanism must be prepared for contracts for which the Formal Solicitation Procedure will be used. The solicitation document should include at a minimum the following elements, when applicable:

(a) Statement of required work, including a clear description of the services to be provided, standards by which performance of the services will be measured and/or conditions affecting the delivery of services;

(b) Minimum standards and qualifications which contractors must meet to be eligible to provide the services;

(c) Information which the prospective contractors must submit in their proposals to support their capability, such as references and experience providing the same or similar services (when, where, for whom, type of service, etc.);

(d) Funding information and budget requirements;

(e) Information about ownership interests in software or hardware designed, acquired, developed or installed with federal funds, in compliance with federal requirements for ownership, management and disposition;

(f) The form and organization of proposals, when and where proposals are to be submitted, whether late proposals may be considered, and when an award of a contract is expected;

(g) The method and criteria to be used in evaluating proposals and the weighting assigned to each criterion;

(h) Provisions stating how and when the solicitation document must be contested, and how and when the final award must be contested;

(i) Notice that all costs incurred in the preparation of a proposal will be the responsibility of the proposer and will not be reimbursed by the Authority; and

(j) Contract provisions, subject to subsection (8) of this rule.

(6) Proposals must be evaluated in a manner consistent with the evaluation criteria in the solicitation document. A written document stating why the selection was made will be placed in the contract file.

(7) Unless exempt under ORS 291.045 to 291.049 or rules adopted there under, the Authority will obtain the review and approval of the solicitation document, contract or agreement by the Department of Justice.

(8) The terms and conditions of the contract to be awarded to a contractor selected using these source selection rules will be governed by the Public Contracting Code, except for interagency agreements or intergovernmental agreements exempt under ORS 279A.025(2), or contracts or agreements under other exemptions from the Public Contracting Code. The Public Contracting Code, if applicable, and such delegation of authority, if any, as may be made by the Department of Administrative Services to the Authority determine contract approval authority.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.115, 414.125, 414.135, 414.145 & 414.740

Hist.: AFS 62-1986, f. 8-22-86, ef. 9-1-86; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0172; HR 32-1993, f. & cert. ef. 11-1-93, Renumbered from 410-120-0580; OMAP 31-1999, f. & cert. ef. 10-1-99; OMAP 11-2001, f. 3-30-01, cert. ef. 4-1-01; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12

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**Rule Caption:** Align with OAR chapter 461, division 155 medical eligibility rules.

**Adm. Order No.:** DMAP 50-2012

**Filed with Sec. of State:** 10-31-2012

**Certified to be Effective:** 11-1-12

**Notice Publication Date:** 10-1-2012

**Rules Amended:** 410-120-0006

**Rules Repealed:** 410-120-0006(T)

**Subject:** The General Rules Program administrative rules govern the Division's payments for services provided to clients, and medical assistance eligibility determinations made by the Oregon Health Authority. In coordination with the Department of Human Services' (Department) temporary revision of medical eligibility rules in chapter 461, the Division is amending OAR 410-120-0006 to assure that the Division's medical eligibility rule aligns with and reflects information found in the Department's medical eligibility rules. In OAR 410-120-0006, the Division adopts in rule by reference Department eligibility rules and must update OAR 410-120-0006 in conjunction.

**Rules Coordinator:** Cheryl Peters—(503) 945-6527

## 410-120-0006

### Medical Eligibility Standards

As the state Medicaid and CHIP agency, the Oregon Health Authority (Authority) is responsible for establishing and implementing eligibility policies and procedure consistent with applicable law. As outlined in 943-001-0020, the Authority, and the Department of Human Services (Department) work together to adopt rules to assure that medical assistance eligibility procedures and determinations are consistent across both agencies.

(1) The Authority adopts and incorporates by reference the rules established in OAR Chapter 461, and in effect October 1, 2012 for all medical eligibility requirements for medical assistance when the Authority conducts eligibility determinations.

(2) Any reference to OAR Chapter 461 in Oregon Administrative Rules or contracts of the Authority are deemed to be references to the requirements of this rule, and shall be construed to apply to all eligibility policies, procedures and determinations by or through the Authority.

(3) For purposes of this rule, references in OAR chapter 461 to the Department or to the Authority shall be construed to be references to both agencies.

(4) Effective on or after July 1, 2011 the Authority shall conduct medical eligibility determinations using the OAR chapter 461 rules which are in effect on the date the Authority makes the medical eligibility determination.

(5) A request for a hearing resulting from a determination under this rule, made by the Authority shall be handled pursuant to the hearing procedures set out in division 25 of OAR Chapter 461. References to "the Administrator" in division 25 of chapter 461 or "the Department" are hereby incorporated as references to the "Authority."

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

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042 & 414.065

Hist.: DMAP 10-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 18-2011(Temp), f. & cert. ef. 7-15-11 thru 1-11-12; DMAP 21-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 1-11-12; DMAP 25-2011(Temp), f. 9-28-11, cert. ef. 10-1-11 thru 1-11-12; DMAP 36-2011, f. 12-13-11, cert. ef. 1-1-12; DMAP 1-2012(Temp), f. & cert. ef. 1-13-12 thru 7-10-12; DMAP 2-2012(Temp), f. & cert. ef. 1-26-12 thru 7-10-12; DMAP 3-2012(Temp), f. & cert. ef. 1-31-12 thru 2-1-12; DMAP 4-2012(Temp), f. 1-31-12, cert. ef. 2-1-12 thru 7-10-12; DMAP 9-2012(Temp), f. & cert. ef. 3-1-12 thru 7-10-12; DMAP 21-2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 7-10-12; DMAP 25-2012(Temp), f. & cert. ef. 5-1-12 thru 7-10-12; Administrative correction 8-1-12; DMAP 35-2012(Temp), f. & cert. ef. 7-20-12 thru 1-16-13; DMAP 45-2012(Temp), f. & cert. ef. 10-5-12 thru 1-19-13; DMAP 50-2012, f. 10-31-12, cert. ef. 11-1-12

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**Rule Caption:** Amendments to Definitions and General Administration in Health Insurers' Tax Rules.

**Adm. Order No.:** DMAP 51-2012

**Filed with Sec. of State:** 11-1-2012

**Certified to be Effective:** 11-1-12

**Notice Publication Date:** 10-1-2012

**Rules Amended:** 410-050-0100, 410-050-0110

**Rules Repealed:** 410-050-0100(T), 410-050-0110(T)

**Subject:** The "definitions" and "general administration" rules for the Health Insurers' tax rules are being amended to make housekeeping changes, update references to standard naming conventions, and include Coordinated Care Organizations (CCO) because they are subject to the health insurers' tax. Adoption of these rules will repeal temporary rules currently in effect through December 27, 2012.

**Rules Coordinator:** Cheryl Peters—(503) 945-6527

## 410-050-0100

### Definitions

In addition to the definitions in OAR 410-141-0000 and 410-120-0000, the following definitions apply to these rules (OAR 410-050-0100 to 410-050-0250):

(1) "Coordinated Care Organization (CCO) premium payments" means the gross amount of payments from the Authority to the CCO for providing health services as defined in OAR 410-141-0000.

(2) "Deficiency" means the amount by which the tax as correctly computed exceeds the tax, if any, reported by the prepaid health plans (PHPs). If, after the original deficiency has been assessed, subsequent information shows the correct amount of tax to be greater than previously determined, an additional deficiency arises.

(3) "Delinquency" means the PHP failed to file a report when due as required under these rules or to pay the tax as correctly computed when the tax was due.

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(4) "Managed care premiums" means all premium payments paid to a PHP including the capitation payments as defined in OAR 410-141-0000. Managed care premiums do not include Medicare premiums.

(5) "Premium payments" means all capitation payments received by the PHPs on a per enrollee per month basis for the provision of health services specified by contract. "Premium" does not include any form of payment by Oregon Health Plan (OHP) enrollees.

(6) "Prepaid Health Plan (PHP)" means a fully capitated health plan, a physician care organization, a mental health organization, or a coordinated care organization for the purpose of these rules.

Stat. Auth.: ORS 409.050, 410.070, 411.060  
Stats. Implemented: ORS 409.750, OL 2003, Ch. 736 § 37, 2009 HB 2116  
Hist.: OMAP 30-2004(Temp), f. 4-28-04 cert. ef. 5-1-04 thru 10-27-04; OMAP 80-2004, f. & cert. ef. 10-28-04; DMAP 1-2008, f. & cert. ef. 1-25-08; DMAP 33-2009, f. & cert. ef. 10-1-09; DMAP 30-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 12-27-12; DMAP 51-2012, f. & cert. ef. 11-1-12

## 410-050-0110

### General Administration

(1) The purpose of these rules is to implement the health insurers' tax on PHPs and CCOs.

(2) The Authority shall administer, enforce, and collect the health insurers' tax. The Authority may assign employees, auditors, and other agents as the Oregon Health Authority Director may designate to assist in the administration, enforcement, and collection of the taxes.

(3) The Authority may make rules and regulations, not inconsistent with legislative enactments, that it considers necessary to administer, enforce, and collect the taxes.

(4) The Authority may adopt forms and reporting requirements and change the forms and reporting requirements, as necessary to administer, enforce, and collect the taxes.

Stat. Auth.: ORS 409.050, 410.070, 411.060  
Stats. Implemented: ORS 409.750, OL 2003, Ch. 736 § 38  
Hist.: OMAP 30-2004(Temp), f. 4-28-04 cert. ef. 5-1-04 thru 10-27-04; OMAP 80-2004, f. & cert. ef. 10-28-04; DMAP 1-2008, f. & cert. ef. 1-25-08; DMAP 30-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 12-27-12; DMAP 51-2012, f. & cert. ef. 11-1-12

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**Rule Caption:** Encounter Data Submission Requirements of Coordinated Care Organizations to Provide Care for Medical Assistance Recipients.

**Adm. Order No.:** DMAP 52-2012

**Filed with Sec. of State:** 11-1-2012

**Certified to be Effective:** 11-1-12

**Notice Publication Date:** 10-1-2012

**Rules Adopted:** 410-141-3430

**Rules Repealed:** 410-141-3430(T)

**Subject:** This rule establishes encounter submission requirements and standards for Coordinated Care Organizations (CCO) to implement Oregon's Integrated and Coordinated Health Care Delivery System. CCOs will improve health, increase the quality, reliability, availability and continuity of care, as well as to reduce costs. CCOs will provide medical assistance recipients with health care services that are supported by alternative payment methodologies that focus on prevention and that use patient-centered primary care homes, evidence-based practices and health information technology to improve health and reduce health disparities. The Authority needs to adopt this rule to comply with federal standards and to align with the CCO contract language around performance standards. CCOs will begin operating on August 1, 2012, and this rule needs to be in effect before that operation date.

**Rules Coordinator:** Cheryl Peters—(503) 945-6527

## 410-141-3430

### Coordinated Care Organization Encounter Claims Data Reporting

(1) CCOs must meet the data content and submission standards as required by HIPAA 45 CFR Part 162, the Authority's electronic data transaction rules (OAR 943-120-0100 through 943-120-0200), the Division's 837 technical specifications for encounter data and the Division's encounter data submission guidelines which are subject to periodic revisions and available on the Authority's web site.

(2) CCOs must collect service information in standardized formats to the extent feasible and appropriate, if HIPAA standard, the CCO must utilize the HIPAA standards.

(a) CCOs shall submit encounter claims for all services, whether they are flexible services or covered services, provided to members as defined in OAR 410-120-0000 and 410-141-0000.

(b) CCOs shall submit encounter claims data including encounters for services where the CCO determined that:

(A) Liability exists;

(B) No liability exists even if the CCO did not make any payment for a claim;

(C) Including claims for services to members provided by a provider under a subcontract, capitation or special arrangement with another facility or program; and

(D) Including paid amounts regardless of whether the servicing provider is paid on a fee for service basis, on a capitated basis by the CCO, or the CCO's subcontractor.

(c) CCOs shall submit encounter claims data for all services to members who also have Medicare coverage, if a claim has been submitted to the CCO.

(d) CCOs shall report encounter claims data whether the provider is an in network participating or out of network, non-participating, provider;

(3) CCOs must follow the DCBS standards for electronic data exchange as described in the Oregon Companion Guides available on the DCBS website.

(4) CCOs must submit encounter claims in the time frames as described below for the following claim types:

(a) Non-pharmacy encounter claims; professional, dental, and institutional;

(A) CCOs must submit encounter claims at least once per month for no less than 50% of all claim types received and adjudicated that month;

(B) CCOs must submit all remaining unreported encounter claims for services received and adjudicated within 180 days of the date of service except as may be applicable in paragraph (C) below;

(C) CCOs may only delay submission of encounter claims within 180 days from the date of service with prior notification to the Authority and only for any of the following reasons:

(i) Member's failure to give the provider necessary claim information;

(ii) Resolving local or out-of-area provider claims;

(iii) Third-Party Resource liability or Medicare coordination;

(iv) Member's pregnancy;

(v) Hardware or software modifications to CCO's health information system, or;

(vi) Authority recognized system issues preventing timely submission or correction of encounter claims data.

(b) Pharmacy claims:

(A) CCOs must ensure all pharmacy encounter claims data meet the data content standards as required by the National Council for Prescription Drug Programs (NCPDP), as available on their web site <http://www.ncdp.org/> or by contacting the National Council for Prescription Drug Programs organization;

(B) All pharmacy encounter claims data must be submitted by the CCO, whether by the CCO's pharmacy benefit manager or the CCO's subcontractor at least once a month for all services received and adjudicated that month and must submit all remaining unreported CCO pharmacy encounter claims within 60 days from the date of service.

(c) Submission Standards and Data Availability:

(A) CCOs must only use the two types of provider identifiers, as allowed by HIPAA NPI standards 45 CFR 160.103 and as provided to the CCO by the Authority in encounter claims;

(i) The National Provider Identifiers (NPI) for a provider covered entity enrolled with the Authority; or

(ii) The Oregon Medicaid proprietary provider numbers for the Authority enrolled non-covered atypical provider entities.

(B) CCOs must make an adjustment to any encounter claim when the CCO discovers the data is incorrect, no longer valid or some element of the claim not identified as part of the original claim needs to be changed;

(C) If the Authority discovers errors or a conflict with a previously adjudicated encounter claim except as specified in paragraph (E) below, the CCO must adjust or void the encounter claim within 14 calendar days of notification by the Authority of the required action or as identified in paragraph (E) below;

(D) If the Authority discovers errors with a previously adjudicated encounter claim resulting from a federal or State mandate or request that requires the completeness and accuracy of the encounter data, the CCO must correct the errors within a time frame specified by the Authority ;

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(E) If circumstances prevent the CCO from meeting requested time frames for correction the CCO may contact the Authority to determine an agreed upon specified date except as required in subsection (d) below;

(F) CCOs must ensure claims data received from providers, either directly or through a third party submitter, is accurate, truthful and complete by:

- (i) Verifying accuracy and timeliness of reported data;
- (ii) Screening data for completeness, logic, and consistency;
- (iii) Submitting a complete and accurate Encounter Data Certification and Validation Report available on the Authority's website; and

(H) CCOs must make all collected and reported data available upon request to the Authority and CMS as described in 42 CFR 438.242.

(d) Encounter Claims Data Corrections for "must correct" Encounter Claims:

(A) The Authority shall notify the CCO of the status of all encounter claims processed;

(B) Notification of all encounter claims processed that are in a "must correct" status shall be provided by the Authority to the CCO each week and for each subsequent week the encounter claim remains in a "must correct" status;

(C) The Authority may not necessarily notify the CCO of other errors however this information is available in the CCO's electronic remittance advice supplied by the Authority;

(D) CCOs shall submit corrections to all encounter claims within 63 days from the date the Authority sends the CCO notice that the encounter claim remains in a "must correct" status.

(E) CCOs may not delete encounter claims with a "must correct" status as specified in section (3)(d) except when the Authority has determined the encounter claim cannot be corrected or for other reasons;

(5) Enrollment of providers included on an encounter claim.

(a) CCOs shall ensure that all providers are enrolled with the Authority prior to submission of the encounter claim as either:

- (A) An Oregon Medicaid fee for service provider or
- (B) A provider that is not a fee for service provider but does provide services to the CCO's enrolled members, and

(C) CCOs must ensure the provider is not excluded per federal and state standards as set forth in OAR 943-120-0100 through 943-120-0200 and as specified in 42 CFR 455.400 through 455.400.

(6) Electronic Health Records (EHR) Systems OAR 410-165-0000 to 410-165-0140. In support of an eligible provider's ability to demonstrate meaningful use as an EHR user, as described by 42 CFR 495.4 and 42 CFR 495.8, the CCO must:

(a) Submit encounter data in support of a qualified EHR user's meaningful use data report to the Authority for validation as set forth in OAR 410-165-0080;

(b) CCOs must respond within the time frame determined by the Authority to any request for:

- (A) Any suspected missing CCO encounter claims, or;
- (B) CCO submitted encounter claims found to be unmatched to an EHR user's meaningful use report.

(7) CCOs must comply with the following hysterectomy and sterilization standards as described in 42 CFR 441.250 to 441.259 and the requirements of OAR 410-130-0580:

(a) CCOs shall submit a signed informed consent form to the Authority for each member that received either a hysterectomy or sterilization service within 30 days of the date of service or

(b) Immediately upon notification by the Authority that a qualifying encounter claim has been identified;

(c) The Authority, in collaboration and cooperation, with the CCO shall reconcile all hysterectomy or sterilization services with informed consents with the associated encounter claims by either:

- (A) Confirming the validity of the consent and notifying the CCO that no further action is needed;
- (B) Requesting a corrected informed consent form, or;
- (C) Informing the CCO the informed consent is missing or invalid and the payment must be recouped and the associated encounter claim must be changed to reflect no payment made for services within the time frame set by the Authority.

(8) Upon request by the Authority, CCOs must furnish information regarding rebates for any covered outpatient drug provided by the CCO, as follows:

(a) The Authority is eligible for the rebates authorized under Section 1927 of the Social Security Act (42 USC 1396r-8), as amended by section 2501 of the Patient Protection and Affordable Care Act (P.L. 111-148) and section 1206 of the Health Care and Education Reconciliation Act of 2010

(P.L. 111-152), for any covered outpatient drug provided by the CCO, unless the drug is subject to discounts under Section 340B of the Public Health Service Act;

(b) CCOs shall report prescription drug data as specified in section (3)(b).

(9) Encounter Pharmacy Data Rebate Dispute Resolution as governed by SSA Section 1927 42 U.S.C. 1396r-8 and as required by OAR 410-121-0000 through 410-121-0625. When the Authority receives an Invoiced Rebate Dispute from a drug manufacturer, the Authority shall send the Invoiced Rebate Dispute to the CCO for review and resolution within 15 calendar days of receipt.

(a) The CCO shall assist in the dispute process as follows:

(A) By notifying the Authority that the CCO agrees an error has been made, and

(B) By correcting and re-submitting the pharmacy encounter data to the Authority within 45 calendar days of receipt of the Invoiced Rebate Dispute; or

(b) If the CCO disagrees with the Invoiced Rebate Dispute that an error has been made, the CCO shall send the details of the disagreement to the Authority's encounter data liaison within 45 calendar days of receipt of the Invoiced Rebate Dispute.

Stat. Auth.: ORS 414.032, 414.615, 414.625, 414.635, 414.651  
Stats. Implemented: ORS 414.610 – 685 OL 2011, Ch 602 Sec. 13, 14, 16, 17, 62, 64 (2) and 65, HB 3650  
Hist.: DMAP 39-2012(Temp), f. & cert. ef. 8-9-12 thru 2-5-13; DMAP 52-2012, f. & cert. ef. 11-1-12

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**Rule Caption:** Align with OAR chapter 461, division 155 medical eligibility rules.

**Adm. Order No.:** DMAP 53-2012(Temp)

**Filed with Sec. of State:** 11-1-2012

**Certified to be Effective:** 11-1-12 thru 4-29-13

**Notice Publication Date:**

**Rules Amended:** 410-120-0006

**Subject:** The General Rules Program administrative rules govern the Division's payments for services provided to clients, and medical assistance eligibility determinations made by the Oregon Health Authority. In coordination with the Department of Human Services' (Department) temporary revision of medical eligibility rules in chapter 461, the Division is temporarily amending OAR 410-120-0006 to assure that the Division's medical eligibility rule aligns with and reflects information found in the Department's medical eligibility rules. In OAR 410-120-0006, the Division adopts in rule by reference Department eligibility rules and must update OAR 410-120-0006 in conjunction. The Division intends to file this rule permanent on or before April 2, 2013.

**Rules Coordinator:** Cheryl Peters—(503) 945-6527

## 410-120-0006

### Medical Eligibility Standards

As the state Medicaid and CHIP agency, the Oregon Health Authority (Authority) is responsible for establishing and implementing eligibility policies and procedure consistent with applicable law. As outlined in 943-001-0020, the Authority, and the Department of Human Services (Department) work together to adopt rules to assure that medical assistance eligibility procedures and determinations are consistent across both agencies.

(1) The Authority adopts and incorporates by reference the rules established in OAR chapter 461, and in effect November 1, 2012, for all medical eligibility requirements for medical assistance when the Authority conducts eligibility determinations.

(2) Any reference to OAR chapter 461 in Oregon Administrative Rules or contracts of the Authority are deemed to be references to the requirements of this rule, and shall be construed to apply to all eligibility policies, procedures and determinations by or through the Authority.

(3) For purposes of this rule, references in OAR chapter 461 to the Department or to the Authority shall be construed to be references to both agencies.

(4) Effective on or after July 1, 2011 the Authority shall conduct medical eligibility determinations using the OAR chapter 461 rules which are in effect on the date the Authority makes the medical eligibility determination.

(5) A request for a hearing resulting from a determination under this rule, made by the Authority shall be handled pursuant to the hearing proce-



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dures set out in division 25 of OAR chapter 461. References to “the Administrator” in division 25 of chapter 461 or “the Department” are hereby incorporated as references to the Authority.”

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

Stat. Auth.: ORS 413.042

Stat. Implemented: ORS 413.042 & 414.065

Hist.: DMAP 10-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 18-2011(Temp), f. & cert. ef. 7-15-11 thru 1-11-12; DMAP 21-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 1-11-12; DMAP 25-2011(Temp), f. 9-28-11, cert. ef. 10-1-11 thru 1-11-12; DMAP 36-2011, f. 12-13-11, cert. ef. 1-1-12; DMAP 1-2012(Temp), f. & cert. ef. 1-13-12 thru 7-10-12; DMAP 2-2012(Temp), f. & cert. ef. 1-26-12 thru 7-10-12; DMAP 3-2012(Temp), f. & cert. ef. 1-31-12 thru 2-1-12; DMAP 4-2012(Temp), f. 1-31-12, cert. ef. 2-1-12 thru 7-10-12; DMAP 9-2012(Temp), f. & cert. ef. 3-1-12 thru 7-10-12; DMAP 21-2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 7-10-12; DMAP 25-2012(Temp), f. & cert. ef. 5-1-12 thru 7-10-12; Administrative correction 8-1-12; DMAP 35-2012(Temp), f. & cert. ef. 7-20-12 thru 1-16-13; DMAP 45-2012(Temp), f. & cert. ef. 10-5-12 thru 1-19-13; DMAP 50-2012, f. 10-31-12, cert. ef. 11-1-12; DMAP 53-2012(Temp), f. & cert. ef. 11-1-2 thru 4-29-13

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**Rule Caption:** Amend Coordinated Care Organizations rules to include the Authority’s intent for member’s options to file a grievance or complaint.

**Adm. Order No.:** DMAP 54-2012(Temp)

**Filed with Sec. of State:** 11-1-2012

**Certified to be Effective:** 11-1-12 thru 4-29-13

**Notice Publication Date:**

**Rules Amended:** 410-141-3260

**Subject:** This rule establishes that the grievance and appeal process is available for Authority Members to file as a result of the Authority Member being transferred from their current Coordinated Care Organization (CCO) to a new CCO for their covered services. CCOs will improve health, increase the quality, reliability, availability and continuity of care, as well as to reduce costs. CCOs will provide medical assistance recipients with health care services that are supported by alternative payment methodologies that focus on prevention and that use patient-centered primary care homes, evidence-based practices and health information technology to improve health and reduce health disparities. The Authority needs to amend these rules to ensure the Authority’s intent for member choice and notification to align closely with those outlined in Senate Bill 201. This rule change needs to be in effect as soon after August 1, 2012 as possible, the start date of CCO implementation.

**Rules Coordinator:** Cheryl Peters—(503) 945-6527

## 410-141-3260

### Grievance System: Grievances, Appeals and Contested Case Hearings

(1) This rule applies to requirements related to the grievance system, which includes appeals, contested case hearings, and grievances. For purposes of this rule and OAR 410-141-3261 through 410-141-3264, references to member means a member, member’s representative and the representative of a deceased member’s estate.

(2) The CCO must establish and have an Authority approved process and written procedures, for the following:

- (a) Member rights to appeal and request a CCO’s review of an action;
- (b) Member rights to request a contested case hearing on a CCO action under the Administrative Procedures Act; and
- (c) Member rights to file a grievance for any matter other than an appeal or contested case hearing;
- (d) An explanation of how CCOs shall accept, process, and respond to appeals, hearing requests, and grievances;
- (e) Compliance with grievance system requirements as part of the state quality strategy and to monitor and enforce consumer rights and protections within the Oregon Integrated and Coordinated Health Care Delivery System and ensure consistent response to complaints of violations of consumer right and protections.

(3) Upon receipt of a grievance or appeal, the CCO must:

- (a) Acknowledge receipt to the member;
- (b) Give the grievance or appeal to staff with the authority to act upon the matter;
- (c) Obtain documentation of all relevant facts concerning the issues;
- (d) Ensure that staff making decisions on the grievance or appeal are:
  - (A) Not involved in any previous level of review or decision-making;

and

- (B) Health care professionals, as defined in OAR 410-120-0000, with appropriate clinical expertise in treating the member’s condition or disease if the grievance or appeal involves clinical issues or if the member requests an expedited review.

(4) The CCO must analyze all grievances, appeals, and hearings in the context of quality improvement activity pursuant to OAR 410-141-3200 and 410-141-3260.

(5) CCOs must keep all information concerning a member’s request confidential, consistent with appropriate use or disclosure as the terms treatment, payment, or CCO health care operations, are defined in 45 CFR 164.501.

(6) The following pertains to release of a member’s information:

(a) The CCO and any provider whose authorizations, treatments, services, items, quality of care, or requests for payment are involved in the grievance, appeal or hearing may use this information without the member’s signed release for purposes of:

- (A) Resolving the matter; or
- (B) Maintaining the grievance or appeals log.

(b) If the CCO needs to communicate with other individuals or entities, not listed in subsection (a), to respond to the matter, the CCO must obtain the member’s signed release and retain the release in the member’s record.

(7) The CCO must provide members with any reasonable assistance in completing forms and taking other procedural steps related to filing grievances, appeals, or hearing requests. Reasonable assistance includes, but is not limited to:

- (a) Assistance from qualified community health workers, qualified peer wellness specialists or personal health navigators to participate in processes affecting the member’s care and services;
- (b) Free interpreter services;
- (c) Toll-free phone numbers that have adequate TTY/TTD and interpreter capabilities; and
- (d) Reasonable accommodation or policy and procedure modifications as required by any disability of the member.

(8) The CCO and its participating providers may not:

- (a) Discourage a member from using any aspect of the grievance, appeal, or hearing process;
- (b) Encourage the withdrawal of a grievance, appeal, or hearing request already filed; or
- (c) Use the filing or resolution of a grievance, appeal, or hearing request as a reason to retaliate against a member or to request member disenrollment.

(9) In all CCO administrative offices and in those physical, behavioral, and oral health offices where the CCO has delegated response to the appeal, hearing request or grievance, the CCO must make the following forms available:

- (a) Grievance forms;
  - (b) Appeal forms;
  - (c) Hearing request forms (DHS 443); and
  - (d) Notice of hearing rights (DMAP 3030).
- (10) A member’s provider:

(a) Acting on behalf of and with written consent of the member, may file an appeal;

(b) May not act as the member’s authorized representative for requesting a hearing or filing a grievance.

(11) The CCO and its participating providers must cooperate with the Department of Human Services Governor’s Advocacy Office, the Authority’s Ombudsman and hearing representatives in all activities related to member appeals, hearing requests, and grievances including providing all requested written materials.

(12) If the CCO delegates the grievance and appeal process to a subcontractor, the CCO must:

- (a) Ensure the subcontractor meets the requirements consistent with this rule and OAR 410-141-3261 through 410-141-3264;
- (b) Monitor the subcontractor’s performance on an ongoing basis;
- (c) Perform a formal compliance review at least once a year to assess performance, deficiencies, or areas for improvement; and
- (d) Ensure the subcontractor takes corrective action for any identified areas of deficiencies that need improvement.

(13) CCO’s must maintain yearly logs of all appeals and grievances for seven calendar years with the following requirements:

(a) The logs must contain the following information pertaining to each member’s appeal or grievance:

(A) The member’s name, ID number, and date the member filed the grievance or appeal;

(B) Documentation of the CCO’s review, resolution, or disposition of the matter, including the reason for the decision and the date of the resolution or disposition;

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(C) Notations of oral and written communications with the member; and

(D) Notations about appeals and grievances the member decides to resolve in another way if the CCO is aware of this.

(b) For each calendar year, the logs must contain the following aggregate information:

(A) The number of actions; and

(B) A categorization of the reasons for and resolutions or dispositions of appeals and grievances.

(14) The CCO must review the log monthly for completeness and accuracy, which includes but is not limited to timeliness of documentation and compliance with procedures.

(15) A member or a member's provider may request an expedited resolution of an appeal or a contested case hearing if the member or provider believes taking the standard time of resolution could seriously jeopardize the member's:

(a) Life, health, mental health or dental health; or

(b) Ability to attain, maintain or regain maximum function.

(16) A member who may be entitled to continuing benefits may request and receive continuing benefits in the same manner and same amount while an appeal or contested case hearing is pending.

(a) To be entitled to continuing benefits, the member must complete a hearing request or request for appeal, requesting continuing benefits, no later than:

(A) The tenth day following the date of the notice or the notice of appeal resolution; and

(B) The effective date of the action proposed in the notice, if applicable.

(b) In determining timeliness under section (3)(a) of this rule, delay caused by circumstances beyond the control of the member is not counted.

(c) The benefits must be continued until:

(A) A final appeal resolution resolves the appeal, unless the member requests a hearing with continuing benefits, no later than ten days following the date of the notice of appeal resolution;

(B) A final order resolves the contested case;

(C) The time period or service limits of a previously authorized service have been met; or

(D) The member withdraws the request for hearing.

(17) The CCO shall review and report to the Authority complaints that raise issues related to racial or ethnic background, gender, religion, sexual orientation, socioeconomic status, culturally or linguistically appropriate service requests, disability status and other identity factors for consideration in improving services for health equity.

(18) If a CCO receives a complaint or grievance related to a member's entitlement of continuing benefits in the same manner and same amount during the transition of transferring from one CCO to another CCO for reasons defined in OAR 410-141-3080 (15) the CCO shall log the complaint/grievance and work with the receiving/sending CCO to ensure continuity of care during the transition.

Stat. Auth.: ORS 414.032, 414.615, 414.625, 414.635, 414.651

Stats. Implemented: ORS 414.610 – 685 OL 2011, Ch 602 Sec. 13, 14, 16, 17, 62, 64 (2), 65, HB 3650

Hist.: DMAP 16-2012(Temp), f. & cert. ef. 3-26-12 thru 9-21-12; DMAP 37-2012, f. & cert. ef. 8-1-12; DMAP 54-2012(Temp), f. & cert. ef. 11-1-2 thru 4-29-13

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**Rule Caption:** Authority requirements for approving transfer of 500 or more members from one CCO to another.

**Adm. Order No.:** DMAP 55-2012(Temp)

**Filed with Sec. of State:** 11-15-2012

**Certified to be Effective:** 11-15-12 thru 4-13-13

**Notice Publication Date:**

**Rules Amended:** 410-141-3080

**Rules Suspended:** 410-141-3080(T)

**Subject:** This rule sets for the requirements as to when the Authority may approve the transfer of 500 or more members from one CCO to another CCO. This rule also sets for the timeframes for providing notice of transfer and prohibits members from transferring from one CCO to another no more than once during each enrollment period.

**Rules Coordinator:** Cheryl Peters—(503) 945-6527

## 410-141-3080

### Disenrollment from Coordinated Care Organizations

(1) At the time of recertification, a client may disenroll from one CCO in a service area and enroll in another CCO in that service area. The pri-

mary person in the household shall make this decision on behalf of all household members.

(2) A member who moves from one service area to another service area shall disenroll from the CCO in the previous service area and enroll with a CCO in the new service area. The member must change their address with the Authority or Department within ten days of moving.

(3) A member who voluntarily enrolls in a CCO per OAR 410-141-3060 (19) may disenroll from their CCOs at any time and receive health care services on a fee-for-service basis or enroll in another CCO in their service area. This only applies to:

(a) Members who are eligible for both Medicare and Medicaid; and

(b) Members who are American Indian and Alaskan Native beneficiaries;

(4) Notwithstanding other sections of this rule, members may request disenrollment for just cause at any time pursuant to state law or CFR 438.56. This includes:

(a) The CCO does not cover the service the member seeks, because of moral or religious objections;

(b) The member needs related services (for example a cesarean section and a tubal ligation) to be performed at the same time, not all related services are available within the network, and the member's primary care provider or another provider determines that receiving the services separately would subject the member to unnecessary risk; or

(c) The member is experiencing poor quality of care, lack of access to services covered under the contract, or lack of access to providers experienced in dealing with the member's health care needs.

(5) The Authority may approve the disenrollment after medical review using the following just cause considerations:

(a) Required enrollment would pose a serious health risk; and

(b) The Authority finds no reasonable alternatives.

(6) The following applies to time lines for clients to change their CCO assignment:

(a) Newly eligible clients may change their CCO assignment within 90 days of their application for health services;

(b) Existing clients may change their CCO assignment within 30 days of the Authority's automatic assignment in a CCO; or

(c) Clients may change their CCO assignment upon eligibility re-determination.

(7) Pursuant to CFR 438.56, the CCO shall not request and the Authority shall not approve disenrollment of a member due to:

(a) A physical or behavioral disability or condition;

(b) An adverse change in the member's health;

(c) The member's utilization of services, either excessive or lacking;

(d) The member's decisions regarding medical care with which the CCO disagrees;

(e) The member's behavior is uncooperative or disruptive, including but not limited to threats or acts of physical violence, resulting from the member's special needs, except when continued enrollment in the CCO seriously impairs the CCO's ability to furnish services to this particular member or other members.

(8) A CCO may request the Authority to disenroll a member if the CCO determines:

(a) Except as provided in OAR 410-141-3050, the member has major medical coverage, including employer sponsored insurance (ESI) but excluding enrollment in a DCO;

(b) The CCO determines:

(A) The member has moved to a service area the CCO does not serve;

(B) The member is out of the CCO's area for three months without making arrangements with the CCO;

(C) The member did not initiate enrollment in the CCO serving the member's area; and

(D) The member is not in temporary placement or receiving out-of-area services.

(c) The member is in a state psychiatric institution;

(d) The CCO has verifiable information that the member has moved to another Medicaid jurisdiction; or

(e) The member is deceased.

(9) Before requesting disenrollment under the exception in section (7)(e) of this rule, a CCO must take meaningful steps to address the member's behavior, including but not limited to:

(a) Contacting the member either orally or in writing to explain and attempt to resolve the issue. The CCO must document all oral conversations in writing and send a written summary to the member. This contact may include communication from advocates, including peer wellness specialists, where appropriate, personal health navigators and qualified communi-

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ty health workers who are part of the member's care team to provide assistance that is culturally and linguistically appropriate to the member's need to access appropriate services and participate in processes affecting the member's care and services;

(b) Developing and implementing a care plan in coordination with the member and the member's care team that details the problem and how the CCO shall address it;

(c) Reasonably modifying practices and procedures as appropriate to accommodate the member's circumstances;

(d) Assessing the member's behavior to determine if it results from the member's special needs or a disability;

(e) Providing education, counseling and other interventions to resolve the issue; and

(f) Submitting a complete summary to the Authority if the CCO requests disenrollment.

(10) The Authority may disenroll members of CCOs for the reasons specified in section(8) without receiving a disenrollment request from a CCO.

(11) The CCO shall request the Authority to suspend a member's enrollment when the inmate is incarcerated in a State or Federal prison, a jail, detention facility or other penal institution for no longer than 12 months. The CCO shall request that the Authority disenroll a member when the inmate is incarcerated in a State or Federal prison, jail, detention facility or other institution for longer than 12 months. This does not include members on probation, house arrest, living voluntarily in a facility after adjudication of their case, infants living with inmates or inmates admitted for inpatient hospitalization. The CCO is responsible for identifying the members and providing sufficient proof of incarceration to the Authority for review of the request for suspension of enrollment or disenrollment. CCOs shall pay for inpatient services only during the time a member is an inmate and enrollment is otherwise suspended.

(12) Unless otherwise specified in these rules or in the Authority notification of disenrollment to the CCO, all disenrollments are effective at the end of the month the Authority approves the disenrollment, with the following exceptions;

(a) The Authority may specify a retroactive disenrollment effective date if the member has:

(A) Third party coverage including employee-sponsored insurance. The effective date shall be the date the coverage begins;

(B) Enrolls in a program for all-inclusive care for the elderly (PACE). The effective date shall be the day before PACE enrollment;

(C) Is admitted to the State Hospital. The effective date shall be the day before hospital admission; or

(D) Becomes deceased. The effective date shall be the date of death.

(b) The Authority may retroactively disenroll or suspend enrollment if the member is incarcerated pursuant to section (11) of this rule. The effective date shall be the date of the notice of incarceration or the day before incarceration, whichever is earlier.

(c) The Authority shall specify a disenrollment effective date if the member moves out of the CCO's service area. The Authority shall recoup the balance of that month's capitation payment from the CCO;

(d) The Authority may specify the disenrollment effective date if the member is no longer eligible for OHP;

(13) The Authority shall inform the members of a disenrollment decision in writing, including the right to request a contested case hearing to dispute the Authority's disenrollment if the Authority disenrolled the member for cause that the member did not request. If the member requests a hearing, the disenrollment shall remain in effect pending outcome of the contested case hearing.

(14) For purposes of a client's right to a contested case hearing, "disenrollment" does not include the Authority's:

(a) Transfer of a member from a PHP to a CCO;

(b) Transfer of a member from a CCO to another CCO; or

(c) Automatic enrollment of a member in a CCO.

(15) The Authority may approve the transfer of 500 or more members from one CCO to another CCO if:

(a) The members' provider has contracted with the receiving CCO and has stopped accepting patients from or has terminated providing services to members in the transferring CCO; and

(b) Members are offered the choice of remaining enrolled in the transferring CCO.

(16) Members may not be transferred under section (15) until the Authority has evaluated the receiving CCO and determined that the CCO meets criteria established by the Authority by rule, including but not limited to ensuring that the CCO maintains a network of providers sufficient in

numbers and areas of practice and geographically distributed in a manner to ensure that the health services provided under the contract are reasonably accessible to members.

(17) The Authority shall provide notice of a transfer under section (15) to members that will be affected by the transfer at least 90 days before the scheduled date of the transfer.

(18) Except as otherwise allowed by rule, a member may transfer from one CCO to another CCO no more than once during each enrollment period.

Stat. Auth.: ORS 414.032, 414.615, 414.625, 414.635, 414.651  
Stats. Implemented: ORS 414.610-685 & 2011 OL Ch. 602 Sec. 13, 14, 16, 17, 62, 64(2) & 65, HB 3650  
Hist.: DMAP 16-2012(Temp), f. & cert. ef. 3-26-12 thru 9-21-12; DMAP 37-2012, f. & cert. ef. 8-1-12; DMAP 47-2012(Temp), f. & cert. ef. 10-16-12 thru 4-13-13; DMAP 55-2012(Temp), f. & cert. ef. 11-15-12 thru 4-13-13

## Oregon Liquor Control Commission Chapter 845

**Rule Caption:** Implement statutory change allowing any state's law violations to be used as license refusal basis.

**Adm. Order No.:** OLCC 8-2012

**Filed with Sec. of State:** 10-30-2012

**Certified to be Effective:** 11-1-12

**Notice Publication Date:** 8-1-2012

**Rules Amended:** 845-005-0325

**Subject:** This rule describes the Commission's reasons related to the applicant's qualifications for which the Commission will deny a license unless the applicant shows good cause to overcome the criteria. The 2011 legislature passed Senate Bill (SB) 36, effective January 1, 2012. SB 36 amended ORS 471.313 with regards to law violations as a license refusal basis. The statute still requires a conviction and all law violations must be related to the fitness and ability of the applicant to lawfully carry out activities under the license in order to be used as a refusal basis. The statutory amendment expanded the laws in question to those of any state, not just Oregon laws. OAR 845-005-0325 (5) has been amended to harmonize the rule language with the statutory language now in effect.

**Rules Coordinator:** Jennifer Huntsman—(503) 872-5004

### 845-005-0325

#### License Refusal Reasons: Applicant Qualifications

If any of the following criteria apply, the Commission will deny a license unless the applicant shows good cause that overcomes the criterion involved:

(1) The applicant has inadequate financial resources to build or operate the licensed premises as proposed, or has inadequate financial resources to meet the financial obligations of the licensed business. This section does not apply to license renewal applications.

(2) The applicant has not built the licensed premises, or has not operated the licensed business, substantially as proposed by the applicant and previously approved by the Commission.

(3) The applicant can not or will not provide an employee who can communicate effectively with customers and Commission regulatory employees. This person must be on the licensed premises during the licensee's business hours. Communicate effectively means:

(a) Knowing how to lawfully sell and serve alcoholic beverages and communicating this to customers;

(b) Understanding Commission regulatory employees when the employees explain lawful sale and service of alcoholic beverages and responding in a way the employee understands.

(4) Alcohol or Controlled Substance History or Record:

(a) The applicant has a recent history or record of using alcohol or controlled substances to excess. Some of the types of records the Commission uses to establish a record of using to excess include court, Motor Vehicles Division, police, or medical records;

(b) Good cause to overcome this criterion is a showing by the applicant that the applicant no longer uses alcohol or controlled substances to excess and is not likely to do so in the future. Some of the factors the Commission considers in determining good cause are: successful participation in treatment program(s), counselor, employer or probation officer recommendations, severity of the applicants record, passage of time since last relevant incident and previous record of compliance.

(5) The applicant has been convicted of violating any of the laws, general or local, of this state or another state if the conviction is substantially



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related to the fitness and ability of the applicant to lawfully carry out activities under the license. The Commission considers any intervening circumstances since the commission of the law violation in determining whether the applicant is an acceptable future compliance risk.

(6) The applicant provides material false or misleading information to the Commission.

(7) The applicant is not at least 21 years old. Good cause to overcome this criterion includes a showing by the applicant that the minor applicant will not participate in the management or control of alcohol-related business decisions or of employees involved in alcoholic beverage sale or service.

Stat. Auth.: ORS 471.471.030, 471.040, 471.730(1) & (5)  
Stats. Implemented: ORS 471.313  
Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 8-2012, f. 10-30-12, cert. ef. 11-1-12

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**Rule Caption:** Implement statutory change allowing nonprofits to auction or raffle alcohol once per year without license.

**Adm. Order No.:** OLCC 9-2012

**Filed with Sec. of State:** 10-30-2012

**Certified to be Effective:** 11-1-12

**Notice Publication Date:** 8-1-2012

**Rules Amended:** 845-005-0440

**Subject:** This rule describes the required qualifications and privileges associated with the Commission's issuance of a Temporary Sales License (TSL). The 2012 legislature passed House Bill (HB) 4047, effective March 5, 2012. HB 4047 amended ORS 471.162 to expand a nonprofit or charitable organization's ability to conduct certain activities without a license. They can now conduct raffles as well as auctions once a year without a license and the alcohol product can now be distilled spirits as well as malt beverages or wine. For this reason, the previous section (6) regarding just raffles has been deleted. More details about what is allowed with regard to auctions and raffles will be explained in our licensing materials. A few minor housekeeping amendments were also made while this rule matter was open.

**Rules Coordinator:** Jennifer Huntsman—(503) 872-5004

## 845-005-0440

### Temporary Sales Licenses

(1) A person must obtain from the Commission a license or authority to sell alcoholic beverages. ORS 471.405 establishes a prohibition on sale of alcoholic beverages without a license or authority. ORS 471.406 defines sale of alcoholic beverages. This rule sets the requirements for obtaining a Temporary Sales License.

(2) Definitions. For this rule:

(a) "License day" means from 7:00 am until 2:30 am on the succeeding calendar day. The license fee is \$50 per license day or for any part of a license day.

(b) "Nonprofit trade association" means an organization comprised of individual or business members where the organization represents the interests of the members and is registered with the state of Oregon as a nonprofit association.

(c) "Serious violation history" means:

(A) Two or more category III or IIIa administrative violations of any type, or category IV violations involving minors. However, if the circumstances of a violation include aggravation, one violation may be sufficient; or

(B) One category I, II or IIa administrative violation; or

(C) Two or more crimes or offenses involving liquor laws.

(d) "Bar" means a counter at which the preparation, pouring, serving, sale, or consumption of alcoholic beverages is the primary activity.

(e) "Food counter" means a counter in an area in which minors are allowed and at which the primary activity at all times is the preparation, serving, sale, or consumption of food.

(f) "Video lottery game" means a video lottery game terminal authorized by the Oregon State Lottery. Examples include but are not limited to video poker and video slots. Keno monitors are not considered a video lottery game.

(g) "Social game" means a game other than a lottery, if authorized by a local county or city ordinance pursuant to ORS 167.121, between players in a private business, private club, or place of public accommodation where no house player, house bank, or house odds exist and there is no house income from the operation of the social game.

(3) ORS 471.190 authorizes the Commission to issue a Temporary Sales License. Temporary Sales Licenses are issued in increments of one license day. The Commission will not approve more than seven license days on a single application. The Commission may limit approval of any application to a single license day or to any number of license days fewer than seven days. The Commission may issue a Temporary Sales License only to applicants that qualify under the Commission's licensing standards and that are:

(a) A nonprofit or charitable organization that is registered with the state, including nonprofit trade associations where at least 51% of the total membership is comprised of persons that hold winery licenses issued under ORS 471.223 or grower sales privilege licenses issued under 471.227; or

(b) A political committee that has a current statement of organization filed under ORS 260.039 or 260.042; or

(c) An agency of the State; or

(d) A local government or an agency or department of a local government; or

(e) Any applicant not described in (3)(a)–(3)(d) of this subsection, including licensees of the Commission.

(4) A Temporary Sales License may authorize the licensee to sell wine, malt beverages and cider at retail for consumption on the licensed premises and for consumption off the licensed premises. All wine, malt beverages and cider sold for consumption off the licensed premises must be in a manufacturer-sealed container that does not hold more than two and one-quarter gallons.

(5) A Temporary Sales License may authorize the licensee to sell distilled liquor by the drink at retail for consumption on the licensed premises.

(6) Applicants must apply in writing for a Temporary Sales License, using the application form provided by the Commission. The Commission may require additional forms, documents, or information as part of the application. The Commission may refuse to process any application not complete, not accompanied by the documents or disclosures required by the form or the Commission, or that does not allow the Commission sufficient time to investigate it. Sufficient time is typically one to three weeks prior to the event date. The Commission may give applicants the opportunity to be heard if the Commission refuses to process an application. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

(7) The application for a Temporary Sales License under this rule shall include:

(a) A written, dated, and signed plan. An application is not complete if this plan is not approved by the Commission. To approve a plan, the Commission must determine that the plan adequately manages:

(A) The event to prevent problems and violations;

(B) Patronage by minors as set out in subsection (8) of this rule; and

(C) Alcohol consumption by adults.

(b) Identification of the individuals to be employed by the licensee to manage events on the licensed premises;

(c) Identification of the premises proposed to be licensed;

(d) Menu and proposal showing compliance with the food service standards of OAR 845-006-0465;

(e) Statement of the type of event to be licensed, type and extent of entertainment to be offered, expected patronage overall and by minors, type of food service to be offered, proposed hours of food service, and proposed hours of operation;

(f) The recommendation in writing of the local governing body where the licensed premises will be located;

(g) License fees as established by ORS 471.311.

(8) A plan for managing patronage by minors under subsection (7)(a) of this rule must meet the following requirements:

(a) If the Temporary Sales License will be on any part of a premises, room, or area with a permanent license issued by the Commission, the Commission must be convinced that the plan will follow the minor posting and control plan, including any temporary relaxation of the minor posting, assigned to that premises, room, or area under the permanent license. The Commission must also be convinced that the plan will prevent minors from gaining access to alcoholic beverages and any portion of the licensed premises prohibited to minors.

(b) If the Temporary Sales License will not be on any part of a premises, room, or area with a permanent license issued by the Commission, the Commission must be convinced that the plan will prevent minors from gaining access to alcoholic beverages and any portion of the licensed premises the Commission prohibits to minors.

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(9) Minors are prohibited from the licensed premises or portions of the licensed premises as follows;

(a) Minors may not sit or stand at a bar; however, minors may sit or stand at a food counter;

(b) Minors may not be in an area where there is video lottery games, social games, or nude entertainment or where such activities are visible.

(c) Minors may not be in an area where the licensee's approved written plan designates that minors will be excluded.

(10) Minimum Age of Servers. Alcohol servers at temporary sales licensed locations must be at least 21 years of age to sell or serve alcoholic beverages, with the following exceptions:

(a) In areas of the licensed premises not prohibited to minors, persons who are 18, 19, and 20 years of age may:

(A) Take orders for, serve and sell alcoholic beverages for on-premises consumption if the activity is incidental to the selling or serving of food in that area of the licensed premises, and may sell alcoholic beverages in manufacturer-sealed containers for off-premises consumption; or

(B) Sell tokens/script, including verifying age, to be redeemed for alcoholic beverages or food at the event.

(b) In areas of the licensed premises prohibited to minors, persons who are 18, 19, and 20 years of age may deliver food, restock non-alcohol supplies and perform other non-alcohol related duties, however the person shall not remain in the prohibited area longer than is necessary to perform these duties.

(11) Alcohol servers at locations licensed under subsections (3)(b)–(e) of this rule must hold valid service permits unless specifically exempted under authority of subsection (12) of this rule.

(12) The Commission may waive the service permit requirement for the holder of a Temporary Sales License issued under subsections (3)(b)–(e) of this rule, and the licensee's alcohol servers, if:

(a) The license is used only for package sales; or if

(b) The Commission concludes alcohol service by individuals who do not hold a service permit does not pose a significant risk for public safety problems or non-compliance with liquor laws; and

(c) Each alcoholic beverage point-of-sale at the licensed location is staffed, at all times alcoholic beverages are being sold or served, by an individual who has completed a Server Education course successfully within 5 years prior to the date of the event.

(13) At events licensed under subsection (3)(a) of this rule, before allowing alcohol servers to sell or serve alcoholic beverages, the licensee must ensure that all alcohol servers have met one of the following standards:

(a) The alcohol server has a valid service permit or has successfully completed a Server Education course within 5 years prior to the date of the event, or

(b) The alcohol server has attended training provided by the licensee, and has read, signed and dated the Commission-provided brochure, What Every Volunteer Alcohol Server Needs to Know. The licensee-provided training must address the topics included in the brochure, including but not limited to: minors and proper checking of identification, and how to recognize and respond appropriately to visibly intoxicated persons. At any time while on duty, the alcohol server shall make the signed brochure available for immediate inspection by any inspector or investigator employed by the Commission or by any other peace officer.

(14) If there are compliance problems with an operator or an event, the Commission may add other requirements for the education of servers at events licensed under this rule.

(15) The Commission may deny, cancel or restrict a Temporary Sales License for any reason for which the Commission may deny, cancel or restrict a regular license.

(16) The Commission may deny or restrict a Temporary Sales License if the applicant has a serious violation history at events previously licensed with a Temporary Sales License within the past 36 months.

(17) The Commission shall limit the issuance of Temporary Sales Licenses to the same applicant at the same location to no more than 31 license days from January 1 to December 31 of each year, unless the Commission determines that the applicant would be eligible for an annual license based on the applicant's personal qualifications and the total number of license days at the same location does not exceed 60 in that calendar year.

(18) The Commission may refund the Temporary Sales License fee if the application is withdrawn by the applicant or denied by the Commission, if the event does not take place because of circumstances beyond the applicant's control, or if the Commission determines the applicant does not need a license for the event proposed in the application.

(19) When the Commission approves a written plan under subsection (7)(a) of this rule, the licensee must follow that written plan. Failure to follow that written plan is a category III violation.

(20) If the licensee fails to prevent minors from gaining access to alcoholic beverages or fails to prevent minors from gaining access to any portion of the licensed premises prohibited to minors, the Commission may immediately prohibit minors from the licensed premises or portion(s) of the premises.

Stat. Auth.: ORS 471, 471.030, 471.040, 471.190 & 471.730(1) & (5)

Stats. Implemented: ORS 471.190, 471.360 & 471.482

Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 4-2001(Temp), f. & cert. ef. 8-15-01 thru 2-11-02; OLCC 13-2001, f. 12-18-01, cert. ef. 2-12-02; OLCC 14-2002, f. 10-25-02 cert. ef. 11-1-02; OLCC 24-2007, f. 12-17-07, cert. ef. 1-1-08; OLCC 17-2010, f. 12-22-10, cert. ef. 1-1-11; OLCC 9-2012, f. 10-30-12, cert. ef. 11-1-12

## Oregon Medical Board Chapter 847

**Rule Caption:** Removes prohibition on motions for summary judgment in contested cases.

**Adm. Order No.:** OMB 28-2012

**Filed with Sec. of State:** 10-22-2012

**Certified to be Effective:** 10-22-12

**Notice Publication Date:** 9-1-2012

**Rules Repealed:** 847-001-0025

**Subject:** Rule repeal removes the prohibition on motions for summary judgment in contested cases.

**Rules Coordinator:** Nicole Krishnaswami—(971) 673-2667

**Rule Caption:** Rule titles updated to reflect language in the implemented statute.

**Adm. Order No.:** OMB 29-2012

**Filed with Sec. of State:** 10-22-2012

**Certified to be Effective:** 10-22-12

**Notice Publication Date:** 9-1-2012

**Rules Amended:** 847-010-0081, 847-015-0035

**Subject:** Rule amendment reflect hybrid language derived from the current rule titles and the language used in the implemented statute.

**Rules Coordinator:** Nicole Krishnaswami—(971) 673-2667

### 847-010-0081

#### Physician- Assisted Death with Dignity

A licensee's compliance with ORS 127.800 et seq shall not be considered a violation of 677.190(1), unprofessional or dishonorable conduct, as defined in 677.188(4)(a), (b), or (c).

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 127.885

Hist.: BME 2-1998(Temp), f. & cert. ef. 2-4-98 thru 7-31-98; BME 4-1998, f. & cert. ef. 4-22-98; OMB 29-2012, f. & cert. ef. 11-22-12

### 847-015-0035

#### Attending Physicians Prescribing Medications to Physician-Assisted Death with Dignity Patients

Attending physicians prescribing medications pursuant to ORS 127.800–127.897 must:

(1) Dispense medications directly, including ancillary medications intended to facilitate the desired effect to minimize the patient's discomfort, provided the attending physician is registered as a dispensing physician with the Oregon Medical Board, has a current Drug Enforcement Administration (D.E.A.) certificate, and complies with the provisions of ORS 677.089, OAR 847-015-0015 and 847-015-0025; or

(2) With the patient's written consent:

(a) Contact a pharmacist, and inform the pharmacist of the purpose of the prescription; and

(b) Deliver the written prescription personally or by mail to the pharmacist who will dispense the medications to either the patient, the attending physician, or an expressly identified patient's agent.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 127.800 - 127.995

Hist.: BME 3-1998(Temp), f. & cert. ef. 4-8-98 thru 10-5-98; BME 10-1998, f. & cert. ef. 7-22-98; OMB 29-2012, f. & cert. ef. 11-22-12

**Rule Caption:** Aligns language with revised statute and adds Albuterol treatment and aspirin administration to scope.

**Adm. Order No.:** OMB 30-2012

**Filed with Sec. of State:** 10-22-2012

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**Certified to be Effective:** 10-22-12

**Notice Publication Date:** 9-1-2012

**Rules Amended:** 847-035-0001, 847-035-0011, 847-035-0012, 847-035-0020, 847-035-0025, 847-035-0030

**Subject:** Rule amendments alphabetize definitions and align titles ad language with the revised EMS statute, including changing “certified” to “licensed”, “EMTs” to “EMS provider”, “First Responder” to “Emergency Medical Responder”, “EMT-Basic” to “EMT”, “EMT-Paramedic” to “Paramedic”, and “EMT Advisory Committee” to “EMS Advisory Committee”.

Rule amendments also make several changes to the scope of practice: (1) adds administration of nebulized Albuterol sulfate treatments to the EMT-Basic scope of practice; (2) adds administration of aspirin to the First Responder scope of practice; and (3) changes “needle thoracentesis” to “needle thoracostomy” in the Paramedic scope of practice.

**Rules Coordinator:** Nicole Krishnaswami—(971) 673-2667

## 847-035-0001

### Definitions

(1) “Advanced Emergency Medical Technician (AEMT or Advanced EMT)” means a person who is licensed by the Authority as an Advanced Emergency Medical Technician (AEMT).

(2) “Agent” means a medical or osteopathic physician licensed under ORS Chapter 677, actively registered and in good standing with the Board, a resident of or actively practicing in the area in which the emergency service is located, designated by the supervising physician to provide direction of the medical services of emergency medical services providers as specified in these rules.

(3) “Authority” means the Public Health Division, Emergency Medical Services and Trauma Systems of the Oregon Health Authority.

(4) “Board” means the Oregon Medical Board for the State of Oregon.

(5) “Committee” means the EMS Advisory Committee to the Oregon Medical Board.

(6) “Emergency Care” as defined in ORS 682.025(4) means the performance of acts or procedures under emergency conditions in the observation, care and counsel of persons who are ill or injured or who have disabilities; in the administration of care or medications as prescribed by a licensed physician, insofar as any of these acts is based upon knowledge and application of the principles of biological, physical and social science as required by a completed course utilizing an approved curriculum in pre-hospital emergency care. However, “emergency care” does not include acts of medical diagnosis or prescription of therapeutic or corrective measures.

(7) “Emergency Medical Responder” means a person who is licensed by the Authority as an Emergency Medical Responder.

(8) “Emergency Medical Technician (EMT)” means a person who is licensed by the Authority as an EMT.

(9) “Emergency Medical Technician-Intermediate (EMT-Intermediate)” means a person who is licensed by the Authority as an EMT-Intermediate.

(10) “In Good Standing” means a person who is currently licensed, who does not have any restrictions placed on his/her license, and who is not on probation with the licensing agency for any reason.

(11) “Nonemergency care” as defined in ORS 682.025(8) means the performance of acts or procedures on a patient who is not expected to die, become permanently disabled or suffer permanent harm within the next 24 hours, including but not limited to observation, care and counsel of a patient and the administration of medications prescribed by a physician licensed under ORS Chapter 677, insofar as any of these acts are based upon knowledge and application of the principles of biological, physical and social science and are performed in accordance with scope of practice rules adopted by the Oregon Medical Board in the course of providing pre-hospital care.

(12) “Paramedic” means a person who is licensed by the Authority as a Paramedic.

(13) “Scope of Practice” means the maximum level of emergency and nonemergency care that an emergency medical services provider may provide as defined in OAR 847-035-0030.

(14) “Standing Orders” means the written detailed procedures for medical or trauma emergencies and nonemergency care to be performed by an emergency medical services provider issued by the supervising physician commensurate with the scope of practice and level of licensure of the emergency medical services provider.

(15) “Supervising Physician” means a person licensed as a medical or osteopathic physician under ORS Chapter 677, actively registered and in good standing with the Board, approved by the Board, and who provides direction of, and is ultimately responsible for emergency and non-emergency care rendered by emergency medical services providers as specified in these rules. The supervising physician is also ultimately responsible for the agent designated by the supervising physician to provide direction of the medical services of the emergency medical services provider as specified in these rules.

Stat. Auth.: ORS 682.245

Stats. Implemented: ORS 682.245

Hist.: ME 2-1983, f. & ef. 7-21-83; ME 7-1985, f. & ef. 8-5-85; ME 11-1986, f. & ef. 7-31-86; ME 15-1988, f. & cert. ef. 10-20-88; ME 6-1991, f. & cert. ef. 7-24-91; ME 1-1996, f. & cert. ef. 2-15-96; ME 3-1996, f. & cert. ef. 7-25-96; BME 6-1998, f. & cert. ef. 4-27-98; BME 13-1999, f. & cert. ef. 7-23-99; BME 10-2002, f. & cert. ef. 7-22-02; BME 18-2010, f. & cert. ef. 10-25-10; OMB 1-2011, f. & cert. ef. 2-11-11; OMB 13-2011, f. & cert. ef. 7-13-11; OMB 30-2012, f. & cert. ef. 10-22-12

## 847-035-0011

### EMS Advisory Committee

(1) There is created an EMS Advisory Committee, consisting of five members appointed by the Oregon Medical Board. The Board must appoint two physicians and three emergency medical services providers from nominations provided from EMS agencies, organizations, and individuals.

(a) The two physician members must be actively practicing physicians licensed under ORS Chapter 677 who are supervising physicians, medical directors, or practicing emergency medicine physicians.

(b) The three EMS members must be Oregon licensed emergency medical services providers for at least two years and have been residents of this state for at least two years. At least two of the three EMS members must be actively practicing prehospital care, and at least one of the three EMS members must be a Paramedic.

(c) Two of the five committee members must be from rural or frontier Oregon.

(2)(a) The term of office of a member of the committee is three years, and members may be reappointed to serve not more than two terms.

(b) Vacancies in the committee must be filled by appointment by the Board for the balance of an unexpired term, and each member must serve until a successor is appointed and qualified.

(3) The members of the advisory committee are entitled to compensation and expenses as provided for Board members in ORS 677.235.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265 & 682.245

Hist.: BME 12-2001, f. & cert. ef. 10-30-01; BME 18-2009, f. & cert. ef. 10-23-09; OMB 14-2012, f. & cert. ef. 4-17-12; OMB 30-2012, f. & cert. ef. 10-22-12

## 847-035-0012

### Duties of the Committee

(1) The EMS Advisory Committee must:

(a) Review requests for additions, amendments, or deletions to the scope of practice for emergency medical services providers, and recommend to the Board changes to the scope of practice.

(b) Recommend requirements and duties of supervising physicians of emergency medical services providers; and

(c) Recommend physician nominations for the State EMS Committee.

(2) All actions of the EMS Advisory Committee are subject to review and approval by the Board.

Stat. Auth.: ORS 682.245

Stats. Implemented: ORS 677.265 & 682.245

Hist.: BME 12-2001, f. & cert. ef. 10-30-01; OMB 30-2012, f. & cert. ef. 10-22-12

## 847-035-0020

### Application and Qualifications for a Supervising Physician and Agent

(1) The Board has delegated to the Authority the following:

(a) Designing the supervising physician and agent application;

(b) Approving a supervising physician or agent; and

(c) Investigating and disciplining any emergency medical services provider who violates their scope of practice.

(2) The Authority must provide copies of any supervising physician or agent applications and any emergency medical services provider disciplinary action reports to the Board upon request.

(3) The Authority must immediately notify the Board when questions arise regarding the qualifications or responsibilities of the supervising physician or agent of the supervising physician.

(4) A supervising physician and agent must meet the following qualifications:

(a) Be a medical or osteopathic physician currently licensed under ORS Chapter 677, actively registered and in good standing with the Board;



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- (b) Be in current practice;
  - (c) Be a resident of or actively practicing in the area in which the emergency service is located;
  - (d) Possess thorough knowledge of skills assigned by standing order to emergency medical services providers; and
  - (e) Possess thorough knowledge of laws and rules of the State of Oregon pertaining to emergency medical services providers; and
  - (f) Have completed or obtained one of the following no later than one calendar year after beginning the position as a supervising physician:
    - (A) Thirty-six months of experience as an EMS Medical Director;
    - (B) Completion of the one-day National Association of EMS Physicians (NAEMSP®) Medical Direction Overview Course, or an equivalent course as approved by the Authority;
    - (C) Completion of the three-day National Association of EMS Physicians (NAEMSP®) National EMS Medical Directors Course and Practicum®, or an equivalent course as approved by the Authority;
    - (D) Completion of an ACGME-approved Fellowship in EMS; or
    - (E) Subspecialty board certification in EMS.
- (5) A supervising physician must meet ongoing education standards by completing or obtaining one of the following every two calendar years:
- (a) Attendance at one Oregon Health Authority EMS supervising physician's forum;
  - (b) Completion of an average of four hours of EMS-related continuing medical education per year; or
  - (c) Participation in maintenance of certification in the subspecialty of EMS.

Stat. Auth.: ORS 682.245  
Stats. Implemented: ORS 682.245  
Hist.: ME 13-1984, f. & ef. 8-2-84; ME 2-1985(Temp), f. & ef. 1-21-85; ME 5-1985, f. & ef. 5-6-85; ME 7-1985, f. & ef. 8-5-85; ME 6-1991, f. & cert. ef. 7-24-91; ME 1-1996, f. & cert. ef. 2-15-96; OMB 6-2012, f. & cert. ef. 2-10-12; OMB 30-2012, f. & cert. ef. 10-22-12

## 847-035-0025 Supervision

- (1) A supervising physician is responsible for the following:
- (a) Issuing, reviewing and maintaining standing orders within the scope of practice not to exceed the licensure level of the emergency medical services provider when applicable;
  - (b) Explaining the standing orders to the emergency medical services provider, making sure they are understood and not exceeded;
  - (c) Ascertaining that the emergency medical services provider is currently licensed and in good standing with the Division;
  - (d) Providing regular review of the emergency medical services provider's practice by:
    - (A) Direct observation of prehospital emergency care performance by riding with the emergency medical service; and
    - (B) Indirect observation using one or more of the following:
      - (i) Prehospital emergency care report review;
      - (ii) Prehospital communications tapes review;
      - (iii) Immediate critiques following presentation of reports;
      - (iv) Demonstration of technical skills; and
      - (v) Post-care patient or receiving physician interviews using questionnaire or direct interview techniques.
  - (e) Providing or coordinating formal case reviews for emergency medical services providers by thoroughly discussing a case (whether one in which the emergency medical services provider has taken part or a textbook case) from the time the call was received until the patient was delivered to the hospital. The review should include discussing what the problem was, what actions were taken (right or wrong), what could have been done that was not, and what improvements could have been made; and
  - (f) Providing or coordinating continuing education. Although the supervising physician is not required to teach all sessions, the supervising physician is responsible for assuring that the sessions are taught by a qualified person.
- (2) The supervising physician may delegate responsibility to his/her agent to provide any or all of the following:
- (a) Explanation of the standing orders to the emergency medical services provider, making sure they are understood, and not exceeded;
  - (b) Assurance that the emergency medical services provider is currently licensed and in good standing with the Division;
  - (c) Regular review of the emergency medical services provider's practice by:
    - (A) Direct observation of prehospital emergency care performance by riding with the emergency medical service; and
    - (B) Indirect observation using one or more of the following:
      - (i) Prehospital emergency care report review;
      - (ii) Prehospital communications tapes review;

- (iii) Immediate critiques following presentation of reports;
  - (iv) Demonstration of technical skills; and
  - (v) Post-care patient or receiving physician interviews using questionnaire or direct interview techniques.
- (d) Provide or coordinate continuing education. Although the supervising physician or agent is not required to teach all sessions, the supervising physician or agent is responsible for assuring that the sessions are taught by a qualified person.
- (3) Nothing in this rule may limit the number of emergency medical services providers that may be supervised by a supervising physician so long as the supervising physician can meet with the emergency medical services providers under his/her direction for a minimum of two hours each calendar year.
- (4) An emergency medical services provider may have more than one supervising physician as long as the emergency medical services provider has notified all of the supervising physicians involved, and the emergency medical services provider is functioning under one supervising physician at a time.
- (5) The supervising physician must report in writing to the Authority's Chief Investigator any action or behavior on the part of the emergency medical services provider that could be cause for disciplinary action under ORS 682.220 or 682.224.

Stat. Auth.: ORS 682.245  
Stats. Implemented: ORS 682.245  
Hist.: ME 2-1983, f. & ef. 7-21-83; ME 13-1984, f. & ef. 8-2-84; ME 6-1991, f. & cert. ef. 7-24-91; ME 1-1996, f. & cert. ef. 2-15-96; OMB 13-2011, f. & cert. ef. 7-13-11; OMB 30-2012, f. & cert. ef. 10-22-12

## 847-035-0030 Scope of Practice

- (1) The Oregon Medical Board has established a scope of practice for emergency and nonemergency care for emergency medical services providers. Emergency medical services providers may provide emergency and nonemergency care in the course of providing prehospital care as an incident of the operation of ambulance and as incidents of other public or private safety duties, but is not limited to "emergency care" as defined in OAR 847-035-0001.
- (2) The scope of practice for emergency medical services providers is not intended as statewide standing orders or protocols. The scope of practice is the maximum functions which may be assigned to an emergency medical services provider by a Board-approved supervising physician.
- (3) Supervising physicians may not assign functions exceeding the scope of practice; however, they may limit the functions within the scope at their discretion.
- (4) Standing orders for an individual emergency medical services provider may be requested by the Board or Authority and must be furnished upon request.
- (5) An emergency medical services provider may not function without assigned standing orders issued by a Board-approved supervising physician.
- (6) An emergency medical services provider, acting through standing orders, must respect the patient's wishes including life-sustaining treatments. Physician-supervised emergency medical services providers must request and honor life-sustaining treatment orders executed by a physician, nurse practitioner or physician assistant if available. A patient with life-sustaining treatment orders always requires respect, comfort and hygienic care.
- (7) Whenever possible, medications should be prepared by the emergency medical services provider who will administer the medication to the patient.
- (8) An Emergency Medical Responder without signed standing orders from a supervising physician may:
- (a) Conduct primary and secondary patient examinations;
  - (b) Take and record vital signs;
  - (c) Utilize noninvasive diagnostic devices in accordance with manufacturer's recommendation;
  - (d) Open and maintain an airway by positioning the patient's head;
  - (e) Provide external cardiopulmonary resuscitation and obstructed airway care for infants, children, and adults;
  - (f) Provide care for musculoskeletal injuries;
  - (g) Assist with prehospital childbirth; and
  - (h) Complete a clear and accurate prehospital emergency care report form on all patient contacts and provide a copy of that report to the senior emergency medical services provider with the transporting ambulance.
- (9) An Emergency Medical Responder may perform the following additional procedures only when the Emergency Medical Responder is part of an agency which has a Board-approved supervising physician who has

# ADMINISTRATIVE RULES

issued written standing orders to that Emergency Medical Responder authorizing the following:

- (a) Administer medical oxygen;
- (b) Maintain an open airway through the use of:
  - (A) A nasopharyngeal airway device;
  - (B) A noncuffed oropharyngeal airway device;
  - (C) A pharyngeal suctioning device;
- (c) Operate a bag mask ventilation device with reservoir;
- (d) Provide care for suspected medical emergencies, including administering liquid oral glucose for hypoglycemia;
- (e) Prepare and administer aspirin by mouth for suspected myocardial infarction (MI) in patients with no known history of allergy to aspirin or recent gastrointestinal bleed;
- (f) Prepare and administer epinephrine by automatic injection device for anaphylaxis; and
- (g) Perform cardiac defibrillation with an automatic or semi-automatic defibrillator, only when the Emergency Medical Responder:
  - (A) Has successfully completed an Authority-approved course of instruction in the use of the automatic or semi-automatic defibrillator; and
  - (B) Complies with the periodic requalification requirements for automatic or semi-automatic defibrillator as established by the Authority.
- (10) An EMT may:
  - (a) Perform all procedures that an Emergency Medical Responder may perform;
  - (b) Ventilate with a non-invasive positive pressure delivery device;
  - (c) Insert a cuffed pharyngeal airway device in the practice of airway maintenance. A cuffed pharyngeal airway device is:
    - (A) A single lumen airway device designed for blind insertion into the esophagus providing airway protection where the cuffed tube prevents gastric contents from entering the pharyngeal space; or
    - (B) A multi-lumen airway device designed to function either as the single lumen device when placed in the esophagus, or by insertion into the trachea where the distal cuff creates an endotracheal seal around the ventilatory tube preventing aspiration of gastric contents.
  - (d) Perform tracheobronchial tube suctioning on the endotracheal intubated patient;
  - (e) Provide care for suspected shock;
  - (f) Provide care for suspected medical emergencies, including:
    - (A) Obtain a capillary blood specimen for blood glucose monitoring;
    - (B) Prepare and administer epinephrine by subcutaneous injection or automatic injection device for anaphylaxis;
    - (C) Administer activated charcoal for poisonings; and
    - (D) Prepare and administer nebulized Albuterol sulfate treatments for known asthmatic and chronic obstructive pulmonary disease (COPD) patients suffering from suspected bronchospasm.
  - (g) Perform cardiac defibrillation with an automatic or semi-automatic defibrillator;
  - (h) Transport stable patients with saline locks, heparin locks, foley catheters, or in-dwelling vascular devices;
  - (i) Assist the on-scene Advanced EMT, EMT-Intermediate, or Paramedic by:
    - (A) Assembling and priming IV fluid administration sets; and
    - (B) Opening, assembling and uncapping preloaded medication syringes and vials;
  - (j) Perform other emergency tasks as requested if under the direct visual supervision of a physician and then only under the order of that physician;
  - (k) Complete a clear and accurate prehospital emergency care report form on all patient contacts;
  - (l) Assist a patient with administration of sublingual nitroglycerine tablets or spray and with metered dose inhalers that have been previously prescribed by that patient's personal physician and that are in the possession of the patient at the time the EMT is summoned to assist that patient;
  - (m) In the event of a release of military chemical warfare agents from the Umatilla Army Depot, the EMT who is a member or employee of an EMS agency serving the DOD-designated Immediate Response Zone who has completed an Authority-approved training program may prepare and administer atropine sulfate and pralidoxime chloride from an Authority-approved pre-loaded auto-injector device, and perform endotracheal intubation, using protocols promulgated by the Authority and adopted by the supervising physician. Every EMT action taken pursuant to this section must be reported to the Authority via a copy of the prehospital emergency care report and must be reviewed for appropriateness by Authority staff and the Subcommittee on EMT Licensure and Discipline;

(n) In the event of a release of organophosphate agents, the EMT who has completed Authority-approved training may prepare and administer atropine sulfate and pralidoxime chloride by autoinjector, using protocols approved by the Authority and adopted by the supervising physician; and

(o) In the event of a declared Mass Casualty Incident (MCI) as defined in the local Mass Casualty Incident plan, monitor patients who have isotonic intravenous fluids flowing.

- (11) An Advanced Emergency Medical Technician (AEMT) may:
  - (a) Perform all procedures that an EMT may perform;
  - (b) Initiate and maintain peripheral intravenous (I.V.) lines;
  - (c) Initiate saline or similar locks;
  - (d) Draw peripheral blood specimens;
  - (e) Initiate and maintain an intraosseous infusion in the pediatric patient;
  - (f) Perform tracheobronchial suctioning of an already intubated patient; and
  - (g) Prepare and administer the following medications under specific written protocols authorized by the supervising physician or direct orders from a licensed physician:
    - (A) Physiologic isotonic crystalloid solution;
    - (B) Anaphylaxis: epinephrine;
    - (C) Antidotes: naloxone hydrochloride;
    - (D) Antihypoglycemics:
      - (i) Hypertonic glucose;
      - (ii) Glucagon;
    - (E) Vasodilators: nitroglycerine;
    - (F) Nebulized bronchodilators:
      - (i) Albuterol;
      - (ii) Ipratropium bromide;
    - (G) Analgesics for acute pain: nitrous oxide.
- (12) An EMT-Intermediate may:
  - (a) Perform all procedures that an Advanced EMT may perform;
  - (b) Initiate and maintain an intraosseous infusion;
  - (c) Prepare and administer the following medications under specific written protocols authorized by the supervising physician, or direct orders from a licensed physician:
    - (A) Vasoconstrictors:
      - (i) Epinephrine;
      - (ii) Vasopressin;
    - (B) Antiarrhythmics:
      - (i) Atropine sulfate;
      - (ii) Lidocaine;
      - (iii) Amiodarone;
    - (C) Analgesics for acute pain:
      - (i) Morphine;
      - (ii) Nalbuphine Hydrochloride;
      - (iii) Ketorolac tromethamine;
      - (iv) Fentanyl;
    - (D) Antihistamine: Diphenhydramine;
    - (E) Diuretic: Furosemide;
    - (F) Intraosseous infusion anesthetic: Lidocaine;
    - (G) Anti-Emetic: Ondansetron;
  - (d) Prepare and administer immunizations in the event of an outbreak or epidemic as declared by the Governor of the state of Oregon, the State Public Health Officer or a county health officer, as part of an emergency immunization program, under the agency's supervising physician's standing order;
  - (e) Prepare and administer immunizations for seasonal and pandemic influenza vaccinations according to the CDC Advisory Committee on Immunization Practices (ACIP), and/or the Oregon State Public Health Officer's recommended immunization guidelines as directed by the agency's supervising physician's standing order;
  - (f) Distribute medications at the direction of the Oregon State Public Health Officer as a component of a mass distribution effort;
  - (g) Prepare and administer routine or emergency immunizations and tuberculosis skin testing, as part of an EMS Agency's occupational health program, to the EMT-Intermediate's EMS agency personnel, under the supervising physician's standing order;
  - (h) Insert an orogastric tube;
  - (i) Maintain during transport any intravenous medication infusions or other procedures which were initiated in a medical facility, if clear and understandable written and verbal instructions for such maintenance have been provided by the physician, nurse practitioner or physician assistant at the sending medical facility;
  - (j) Perform electrocardiographic rhythm interpretation; and

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- (k) Perform cardiac defibrillation with a manual defibrillator.
- (13) A Paramedic may:
  - (a) Perform all procedures that an EMT-Intermediate may perform;
  - (b) Initiate the following airway management techniques:
    - (A) Endotracheal intubation;
    - (B) Cricothyrotomy; and
    - (C) Transtracheal jet insufflation which may be used when no other mechanism is available for establishing an airway;
  - (c) Initiate a nasogastric tube;
  - (d) Provide advanced life support in the resuscitation of patients in cardiac arrest;
    - (e) Perform emergency cardioversion in the compromised patient;
    - (f) Attempt external transcutaneous pacing of bradycardia that is causing hemodynamic compromise;
    - (g) Perform electrocardiographic interpretation;
    - (h) Initiate needle thoracostomy for tension pneumothorax in a pre-hospital setting;
      - (i) Access indwelling catheters and implanted central IV ports for fluid and medication administration;
      - (j) Initiate placement of a urinary catheter for trauma patients in a pre-hospital setting who have received diuretics and where the transport time is greater than thirty minutes; and
  - (k) Prepare and initiate or administer any medications or blood products under specific written protocols authorized by the supervising physician, or direct orders from a licensed physician.

Stat. Auth.: ORS 682.245

Stats. Implemented: ORS 682.245

Hist.: ME 2-1983, f. & ef. 7-21-83; ME 3-1984, f. & ef. 1-20-84; ME 12-1984, f. & ef. 8-2-84; ME 7-1985, f. & ef. 8-5-85; ME 12-1987, f. & ef. 4-28-87; ME 27-1987(Temp), f. & ef. 11-5-87; ME 5-1988, f. & cert. ef. 1-29-88; ME 12-1988, f. & cert. ef. 8-5-88; ME 15-1988, f. & cert. ef. 10-20-88; ME 2-1989, f. & cert. ef. 1-25-89; ME 15-1989, f. & cert. ef. 9-5-89, & corrected 9-22-89; ME 6-1991, f. & cert. ef. 7-24-91; ME 10-1993, f. & cert. ef. 7-27-93; ME 3-1995, f. & cert. ef. 2-1-95; ME 1-1996, f. & cert. ef. 2-15-96; ME 3-1996, f. & cert. ef. 7-25-96; BME 6-1998, f. & cert. ef. 4-27-98; BME 13-1998(Temp), f. & cert. ef. 8-6-98 thru 2-2-99; BME 14-1998, f. & cert. ef. 10-26-98; BME 16-1998, f. & cert. ef. 11-24-98; BME 13-1999, f. & cert. ef. 7-23-99; BME 14-2000, f. & cert. ef. 10-30-00; BME 11-2001, f. & cert. ef. 10-30-01; BME 9-2002, f. & cert. ef. 7-17-02; BME 10-2002, f. & cert. ef. 7-22-02; BME 1-2003, f. & cert. ef. 1-27-03; BME 12-2003, f. & cert. ef. 7-15-03; BME 4-2004, f. & cert. ef. 1-27-04; BME 11-2004(Temp), f. & cert. ef. 4-22-04 thru 10-15-04; BME 12-2004(Temp), f. & cert. ef. 6-11-04 thru 12-8-04; BME 21-2004(Temp), f. & cert. ef. 11-15-04 thru 4-15-05; BME 2-2005, f. & cert. ef. 1-27-05; BME 5-2005, f. & cert. ef. 4-21-05; BME 9-2005, f. & cert. ef. 7-20-05; BME 18-2006, f. & cert. ef. 7-25-06; BME 22-2006, f. & cert. ef. 10-23-06; BME 7-2007, f. & cert. ef. 1-24-07; BME 11-2007, f. & cert. ef. 4-26-07; BME 24-2007, f. & cert. ef. 10-24-07; BME 11-2008, f. & cert. ef. 4-24-08; BME 19-2008, f. & cert. ef. 7-21-08; BME 10-2009, f. & cert. ef. 5-1-09; BME 13-2009, f. & cert. ef. 7-20-09; BME 18-2009, f. & cert. ef. 10-23-09; BME 22-2009(Temp), f. & cert. ef. 10-23-09 thru 4-15-10; BME 5-2010, f. & cert. ef. 1-26-10; BME 8-2010(Temp), f. & cert. ef. 4-26-10 thru 10-15-10; BME 12-2010, f. & cert. ef. 7-26-10; BME 18-2010, f. & cert. ef. 10-25-10; OMB 1-2011, f. & cert. ef. 2-11-11; OMB 5-2011, f. & cert. ef. 4-8-11; OMB 8-2011, f. & cert. ef. 4-25-11; OMB 15-2012, f. & cert. ef. 4-17-12; OMB 30-2012, f. & cert. ef. 10-22-12

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**Rule Caption:** Physician assistant must be identified in oral communications and adds fine for all rule violations.

**Adm. Order No.:** OMB 31-2012

**Filed with Sec. of State:** 10-22-2012

**Certified to be Effective:** 10-22-12

**Notice Publication Date:** 9-1-2012

**Rules Amended:** 847-050-0040

**Subject:** Rule amendment clarifies that a physician assistant must be properly identified in oral communications and adds a fine for violations of any part of the rule, including the failure to submit a practice agreement within ten days after beginning practice or changing the duties delegated.

**Rules Coordinator:** Nicole Krishnaswami—(971) 673-2667

## 847-050-0040

### Method of Performance

(1) The physician assistant may perform at the direction of the supervising physician and/or agent only those medical services as included in the practice agreement or Board-approved practice description.

(2) The physician assistant or student must be clearly identified as such when performing duties. The physician assistant must at all times when on duty wear a name tag with the designation of “physician assistant” or “PA” thereon and clearly identify himself or herself as a “physician assistant” or “PA” in oral communications with patients and other professionals.

(3) The supervising physician must furnish reports, as required by the Board, on the performance of the physician assistant or student.

(4) The practice agreement must be submitted to the Board within ten days after the physician assistant begins practice with the supervising physician or supervising physician organization.

(5) The supervising physician must notify the Board of any changes to the practice agreement within ten days of the effective date of the change.

(6) Supervising physicians must update the practice agreement biennially during the supervising physician’s license renewal process.

(7) A supervising physician and physician assistant who have a Board-approved practice description that was approved prior to January 1, 2012 and who wish to make changes to the practice description must enter into a practice agreement in accordance with ORS 677.510(6)(a).

(8) Failure to comply with any section of this rule is a violation of ORS 677.510 and is grounds for a \$195 fine. The licensee may be subject to further disciplinary action by the Board.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.510

Hist.: ME 23(Temp), f. & ef. 10-12-71; ME 25, f. 1-20-72, ef. 2-1-72; ME 1-1979, f. & ef. 1-29-79; ME 5-1979, f. & ef. 11-30-79; ME 4-1980(Temp), f. 8-5-80, ef. 8-6-80; ME 7-1980, f. & ef. 11-3-80; ME 4-1981(Temp), f. & ef. 10-20-81; ME 2-1982, f. & ef. 1-28-82; ME 8-1985, f. & ef. 8-5-85; ME 5-1986, f. & ef. 4-23-86; ME 2-1990, f. & cert. ef. 1-29-90; ME 10-1992, f. & cert. ef. 7-17-92; [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 32-2011(Temp), f. 12-15-11, cert. ef. 1-1-12 thru 6-29-12; OMB 7-2012, f. & cert. ef. 2-10-12; OMB 31-2012, f. & cert. ef. 10-22-12

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**Rule Caption:** Corrects a statutory reference in the rule for compensation of PA Committee members.

**Adm. Order No.:** OMB 32-2012

**Filed with Sec. of State:** 10-22-2012

**Certified to be Effective:** 10-22-12

**Notice Publication Date:** 9-1-2012

**Rules Amended:** 847-050-0063

**Subject:** Rule amendment corrects a statutory reference in the rule for compensation of PA Committee members.

**Rules Coordinator:** Nicole Krishnaswami—(971) 673-2667

## 847-050-0063

### Physician Assistant Committee

(1) There is created a Physician Assistant Committee consisting of five members. Members of the committee are appointed as follows:

(a) The Oregon Medical Board for the State of Oregon must appoint one of its members and one physician. The physician who is not a member of the Board must supervise a physician assistant.

(b) The Oregon Medical Board must appoint three physician assistants after considering persons nominated by the Oregon Society of Physician Assistants.

(2) The term of each member of the committee is three years. A member must serve until a successor is appointed. If a vacancy occurs, it must be filled for the unexpired term by a person with the same qualifications as the retiring member.

(3) If any vacancy under section (1) of this rule is not filled within 45 days, the Governor must make the necessary appointment from the category which is vacant.

(4) The committee elects its own chairperson with such powers and duties as fixed by the committee.

(5) A quorum of the committee is three members. The committee must hold a meeting at least once quarterly and at such other times the committee considers advisable to review requests to use the services of physician assistants and for dispensing privileges and to review applications for licensure or renewal.

(6) The chairperson may call a special meeting of the Physician Assistant Committee upon at least 10 days’ notice in writing to each member, to be held at any place designated by the chairperson.

(7) The committee members are entitled to compensation and expenses as provided for Board members in ORS 677.235.

Stat. Auth.: ORS 677.235

Stats. Implemented: ORS 677.235, 677.540

Hist.: BME 15-1999, f. & cert. ef. 10-28-99; BME 1-2001, f. & cert. ef. 1-25-01; BME 25-2008, f. & cert. ef. 10-31-08; [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 32-2011(Temp), f. 12-15-11, cert. ef. 1-1-12 thru 6-29-12; OMB 7-2012, f. & cert. ef. 2-10-12; OMB 32-2012, f. & cert. ef. 10-22-12

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**Rule Caption:** Eliminates references to “monitoring entity” per HB 4009 and changes “vendor” to “contractor”.



# ADMINISTRATIVE RULES

**Adm. Order No.:** OMB 33-2012

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**Rules Amended:** 847-065-0010, 847-065-0015, 847-065-0020, 847-065-0025, 847-065-0030, 847-065-0035, 847-065-0040, 847-065-0045, 847-065-0050, 847-065-0055, 847-065-0060, 847-065-0065, 847-065-0070

**Rules Repealed:** 847-065-0010(T), 847-065-0015(T), 847-065-0020(T), 847-065-0025(T), 847-065-0030(T), 847-065-0035(T), 847-065-0040(T), 847-065-0045(T), 847-065-0050(T), 847-065-0055(T), 847-065-0060(T), 847-065-0065(T), 847-065-0070(T)

**Subject:** Permanent rule amendment eliminates references to the “monitoring entity”, which was removed from the statute in 2012 HB 4009, changes “vendor” to “contractor” in keeping with the Oregon Health Authority’s OAR’s (chapter 415) on the HPSP, and corrects the statutes implements.

**Rules Coordinator:** Nicole Krishnaswami—(971) 673-2667

## 847-065-0010

### Purpose, Intent and Scope

The Oregon Medical Board recognizes that substance use disorders and/or mental disorders are potentially progressive, chronic diseases. The Board believes that physicians, podiatric physicians, physician assistants and acupuncturists who develop these diseases can, with appropriate treatment, be assisted with recovery and return to the practice of medicine and acupuncture. It is the intent of the Board that a licensee with a substance use disorder and/or mental disorder may have the opportunity to enter the Health Professionals’ Services Program (HPSP). Participation in the HPSP does not shield a licensee from possible disciplinary action.

Stat. Auth.: ORS 676.185–676.200 & 677.265

Stats. Implemented: ORS 676.185–676.200 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11; BME 20-2010, f. & cert. ef. 10-25-10; OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12

## 847-065-0015

### Definitions

The following definitions apply to OAR chapter 847, division 065, except as otherwise stated in the definition:

(1) “Assessment or evaluation” means the process an independent third-party evaluator uses to diagnose the licensee and to recommend treatment options for the licensee.

(2) “Board” means the Oregon Medical Board.

(3) “Business day” means Monday through Friday, except legal holidays as defined in ORS 187.010 (or ORS 187.020).

(4) “Contractor” means the entity that has contracted with the Division to conduct the HPSP.

(5) “Diagnosis” means the principal mental health or substance use diagnosis listed in the current Diagnostic Statistical Manual (DSM). The diagnosis is determined through the assessment and any examinations, tests or consultations suggested by the assessment.

(6) “Division” means the Department of Human Services, Addictions and Mental Health Division.

(7) “DSM” means the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association.

(8) “Federal regulations” means:

(a) As used in ORS 676.190(1)(f)(D), a “positive toxicology test result as determined by federal regulations pertaining to drug testing” means a test result that meets or exceeds the cutoff concentrations shown in 49 CFR § 40.87 (2009)

(b) As used in ORS 676.190(4)(i), requiring a “licensee to submit to random drug or alcohol testing in accordance with federal regulations” means licensees are selected for random testing by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with licensees’ unique identification numbers or other comparable identifying numbers. Under the selection process used, each covered licensee must have an equal chance of being tested each time selections are made, as described in 40 CFR § 199.105(c)(5) (2009). Random drug tests must be unannounced and the dates for administering random tests must be spread reasonably throughout the calendar year, as described in 40 CFR § 199.105(c)(7) (2009).

(9) “Fitness to practice evaluation” means the process a qualified, independent third-party evaluator uses to determine if the licensee can safely perform the essential functions of the licensee’s health practice.

(10) “Final enrollment” means a self-referred licensee has provided all documentation required by OAR 847-065-0035 and has met all eligibility requirements to participate in the HPSP.

(11) “Independent third-party evaluator” means an individual or center who is approved by the Board to evaluate, diagnose, and offer treatment options for substance use disorders and/or mental disorders.

(12) “Licensee” means a licensed physician, podiatric physician, physician assistant or acupuncturist who is licensed or certified by the Board.

(13) “Mental disorder” means a clinically significant syndrome identified in the current DSM that is associated with disability or with significantly increased risk of disability.

(14) “Monitoring agreement” means an individualized agreement between a licensee and the contractor that meets the requirements for a diversion agreement set by ORS 676.190.

(15) “Positive toxicology test result” means a test result that meets or exceeds the cutoff concentrations shown in 49 CFR 40.87 (2009), a test result that shows other drugs or alcohol, or a test result that fails to show the appropriate presence of a currently prescribed drug that is part of a treatment program related to a condition being monitored by HPSP.

(16) “Provisional enrollment” means temporary enrollment, pending verification that a licensee meets all program eligibility criteria.

(17) “Self-referred licensee” means a licensee who seeks to participate in the program without a referral from the Board.

(18) “Substance abuse” means a disorder related to the taking of a drug of abuse (including alcohol); to the side effects of a medication; and to a toxin exposure, including: substance use disorders (substance dependence and substance abuse) and substance-induced disorders (including but not limited to substance intoxication, withdrawal, delirium, and dementia, as well as substance induced psychotic disorders and mood disorders), as defined in DSM criteria.

(19) “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 HPSP. 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.

(20) “Successful completion” means that for the period of time deemed necessary by the contractor or the Board, the licensee has complied with the licensee’s monitoring agreement to the satisfaction of the contractor and/or the Board as appropriate.

(21) “Toxicology testing” means urine testing or alternative chemical monitoring including blood, saliva, breath or hair as conducted by a laboratory certified, accredited or licensed and approved for toxicology testing.

(22) “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 and/or mental disorder.

Stat. Auth.: ORS 676.185–676.200 & 677.265

Stats. Implemented: ORS 676.185–676.200 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11; BME 20-2010, f. & cert. ef. 10-25-10; OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12

## 847-065-0020

### Participation in Health Professionals Services Program

Effective July 1, 2010, the Board must participate in the Health Professionals’ Services Program and may refer eligible licensees to the contractor in lieu of or in addition to discipline. Only licensees who meet the eligibility criteria may be referred by the Board to the contractor.

Stat. Auth.: ORS 676.185–676.200 & 677.265

Stats. Implemented: ORS 676.185–676.200 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11; BME 20-2010, f. & cert. ef. 10-25-10; OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12

## 847-065-0025

### Eligibility for Participation in Health Professionals Services Program

(1) Licensee must be evaluated by an independent third-party evaluator

(2) The evaluation must include a diagnosis of a substance use disorder and/or mental disorder with the appropriate diagnostic code from the DSM, and treatment options.

(3) Licensee must provide a written statement agreeing to enter the HPSP and agreeing to abide by all rules established by the Board.

(4) Licensee must enter into the “HPSP Monitoring Agreement.”

# ADMINISTRATIVE RULES

(5) The Board will perform a safe practice investigation for Board-referred licensees. The contractor will perform a safe practice investigation for self-referred licensees.

Stat. Auth.: ORS 676.185-676.200 & 677.265

Stats. Implemented: ORS 676.185-676.200 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11; BME 20-2010, f. & cert. ef. 10-25-10; OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12

## 847-065-0030

### Procedure for Board Referrals

(1) When the Board receives information involving a licensee who may have substance abuse and/or a mental disorder, the Board staff will investigate and complete a report to be presented at a Board meeting.

(2) If licensee meets eligibility criteria and the Board approves entry into the HPSP, the Board will provide a written referral. The referral must include:

(a) A copy of the report from the independent third-party evaluator who diagnosed the licensee;

(b) The treatment options developed by the independent third-party evaluator;

(c) A statement that the Board has investigated the licensee's professional practice and conduct;

(d) A description of any restrictions or requirements imposed by the Board or recommended by the Board on the licensee's professional practice;

(e) A written statement from the licensee agreeing to enter the HPSP and agreeing to abide by all terms and conditions established by the contractor; and

(f) A statement that the licensee has agreed to report any arrest for or conviction of a misdemeanor or felony crime to the Board within three business days after the licensee is arrested or convicted.

Stat. Auth.: ORS 676.185-676.200 & 677.265

Stats. Implemented: ORS 676.185-676.200 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11; BME 20-2010, f. & cert. ef. 10-25-10; OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12

## 847-065-0035

### Procedure for Self- Referred Licensees

Self-referred licensees may participate in the HPSP as permitted by ORS 676.190(5).

(1) Provisional Enrollment: To be provisionally enrolled in the program, a self-referred licensee must:

(a) Sign a written consent allowing disclosure and exchange of information among the contractor, the licensee's employer, independent third-party evaluators and treatment providers;

(b) Sign a written consent allowing disclosure and exchange of information among the contractor, the Board, the licensee's employer, independent third-party evaluators and treatment providers in the event the contractor determines the licensee to be in substantial non-compliance with his or her monitoring agreement as defined in OAR 847-065-0065;

(c) Attest that the licensee is not, to the best of the licensee's knowledge, under investigation by his or her Board; and

(d) Agree to and sign a monitoring agreement.

(2) Final Enrollment: To move from provisional enrollment to final enrollment in the program, a self-referred licensee must:

(a) Obtain at the licensee's own expense and provide to the contractor, an independent third-party evaluator's written evaluation containing a DSM diagnosis and diagnostic code and treatment recommendations;

(b) Agree to cooperate with the contractor's investigation to determine whether the licensee's practice while impaired presents or has presented a danger to the public; and

(c) Enter into an amended monitoring agreement, if required by the contractor.

(3) Once a self-referred licensee seeks enrollment in the HPSP, failure to complete final enrollment may constitute substantial non-compliance and may be reported to the Board.

Stat. Auth.: ORS 676.185-676.200 & 677.265

Stats. Implemented: ORS 676.185-676.200 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11; BME 20-2010, f. & cert. ef. 10-25-10; OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12

## 847-065-0040

### Disqualification Criteria

Licensees, either Board-referred or self-referred, may be disqualified from entering the HPSP for factors including, but not limited to:

(1) Licensee's disciplinary history;

(2) Severity and duration of the licensee's impairment;

(3) Extent to which licensee's practice can be limited or managed to eliminate danger to the public;

(4) If licensee's impairment cannot be managed with treatment and monitoring;

(5) Evidence of criminal history that involves injury or endangerment to others;

(6) Evidence of sexual misconduct;

(7) Evidence of non-compliance with a monitoring program from another state;

(8) Pending investigations with the Board or boards from other states;

(9) Previous Board investigations with findings of substantiated abuse or dependence; and

(10) Prior enrollment in, but failure to successfully complete, the Oregon Medical Board Health Professionals Program or HPSP.

Stat. Auth.: ORS 676.185-676.200 & 677.265

Stats. Implemented: ORS 676.185-676.200 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11; BME 20-2010, f. & cert. ef. 10-25-10; OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12

## 847-065-0045

### Approval of Independent Third-Party Evaluators

(1) To be approved by the Board as an independent third-party evaluator, an evaluator must be:

(a) Licensed as required by the jurisdiction in which the evaluator works;

(b) Able to provide a comprehensive assessment of and written report describing a licensee's diagnosis, degree of impairment, and treatment options; and

(c) Able to facilitate a urinalysis of the licensee at intake.

(2) The Board reserves the right to not approve an independent third-party evaluator for any reason.

(3) The Board or contractor will not accept an evaluator as independent in a particular case if, in the Board's or contractor's judgment, the evaluator's judgment is likely to be influenced by a personal or professional relationship with a licensee.

Stat. Auth.: ORS 676.185-676.200 & 677.265

Stats. Implemented: ORS 676.185-676.200 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11; BME 20-2010, f. & cert. ef. 10-25-10; OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12

## 847-065-0050

### Approval of Treatment Providers

(1) To be approved by the Board as a treatment provider, a provider must be:

(a) Licensed as required by the jurisdiction in which the provider works;

(b) Able to provide appropriate treatment considering licensee's diagnosis, degree of impairment, and treatment options proposed by the independent third-party evaluator; and

(c) Able to facilitate a urinalysis of the licensee at intake.

(2) A treatment provider may not have a personal or professional relationship with a licensee.

(3) The Board will maintain a list of treatment providers available to licensees upon request.

Stat. Auth.: ORS 676.185-676.200 & 677.265

Stats. Implemented: ORS 676.185-676.200 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11; BME 20-2010, f. & cert. ef. 10-25-10; OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12

## 847-065-0055

### Licensee Responsibilities

All licensees must:

(1) Agree to report any arrest for or conviction of a misdemeanor or felony crime to the contractor within three business days after the licensee is arrested or convicted of the crime; and

(2) Comply continuously with his or her monitoring agreement, including any restrictions on his or her practice, for at least two years or longer, as specified in the monitoring agreement.

(3) Abstain from mind-altering or intoxicating substances or potentially addictive drugs, unless the drug is approved by the contractor and prescribed for a documented medical condition by a person authorized by law to prescribe the drug to the licensee;

(4) Report use of mind-altering or intoxicating substances or potentially addictive drugs within 24 hours to contractor;

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- (5) Participate in a treatment plan approved by a third-party evaluator or treatment provider;
- (6) Limit practice as required by the contractor or the Board;
- (7) Cooperate with supervised monitoring of practice;
- (8) Participate in a follow-up evaluation, when necessary, of licensee's fitness to practice;
- (9) Submit to random drug or alcohol testing;
- (10) Report at least weekly to the contractor regarding the licensee's compliance with the monitoring agreement;
- (11) Report applications for licensure in other states, changes in employment and changes in practice setting to the contractor;
- (12) Agree to be responsible for the cost of evaluations, toxicology testing, treatment and monitoring;
- (13) Report to the contractor any investigations or disciplinary action by any state, or state or federal agency, including Oregon;
- (14) Participate in required meetings according to the treatment plan; and
- (15) Maintain current license status and/or report any changes in license status.

Stat. Auth.: ORS 676.185–676.200 & 677.265  
Stats. Implemented: ORS 676.185–676.200 & 677.265  
Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11; BME 20-2010, f. & cert. ef. 10-25-10; OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12

## 847-065-0060

### Completion Requirements

- (1) The time spent participating in a monitored program before transferring from the Health Professionals Program to the Health Professionals' Services Program effective July 1, 2010, will be counted toward the required term of monitored practice.
- (2) The licensee will remain enrolled in the program for a minimum of two consecutive years.

Stat. Auth.: ORS 676.185–676.200 & 677.265  
Stats. Implemented: ORS 676.185–676.200 & 677.265  
Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11; BME 20-2010, f. & cert. ef. 10-25-10; OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12

## 847-065-0065

### Substantial Non-Compliance Criteria

- (1) The contractor will report substantial non-compliance with a diversion agreement to the Board within one business day after the contractor learns of the substantial non-compliance, including but not limited to information that a licensee:
  - (a) Engaged in criminal behavior;
  - (b) Engaged in conduct that caused injury, death or harm to the public, including engaging in sexual impropriety with a patient;
  - (c) Was impaired in a health care setting in the course of the licensee's employment;
  - (d) Received a positive toxicology test result;
  - (e) Violated a restriction on the license's practice imposed by the contractor or the Board;
  - (f) Was admitted to the hospital for mental illness or adjudged to be mentally incompetent;
  - (g) Entered into a diversion agreement, but failed to participate in the HPSP;
  - (h) Was referred to the HPSP, but failed to enroll in the HPSP;
  - (i) Forged, tampered, or modified a prescription;
  - (j) Violated any rules of prescriptive authority;
  - (k) Violated any provisions of OAR 847-065-0055;
  - (l) Violated any terms of the diversion agreement; or
  - (m) Failed to complete the monitored practice requirements as stated in OAR 847-065-0060.
- (2) The Board, upon being notified of a licensee's substantial non-compliance, will investigate and determine the appropriate sanction.
- (3) In order to investigate a report of substantial non-compliance, the Board may request the contractor to provide the licensee's complete record, and the contractor must send these records to the Board as long as a valid release of information is in place.

Stat. Auth.: ORS 676.185–676.200 & 677.265  
Stats. Implemented: ORS 676.185–676.200 & 677.265  
Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11; BME 20-2010, f. & cert. ef. 10-25-10; OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12

## 847-065-0070

### Licensees with Primary Residence or Work Site Outside of Oregon

If a licensee's primary residence or work site is located outside the State of Oregon, the licensee must enroll in the HPSP, in accordance with OAR 847-065-0025 and 847-065-0030 for Board-referred or 847-065-0035 for self-referred licensees, and may choose to be monitored by the out-of-state's health professional program if the following conditions are met:

- (1) The other state's health professional program is substantially similar with the relevant Oregon statutes. It is the duty of the contractor to verify this information and notify the Board of any discrepancies;
- (2) The other state's health professional program sends quarterly reports on the licensee to the contractor; and
- (3) The other state's health professional program will promptly report any substantial non-compliance with the licensee's diversion agreement to the contractor.

Stat. Auth.: ORS 676.185–676.200 & 677.265  
Stats. Implemented: ORS 676.185–676.200 & 677.265  
Hist.: OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12

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**Rule Caption:** Physician Assistant dispensing and Physician Assistant Committee.

**Adm. Order No.:** OMB 34-2012(Temp)

**Filed with Sec. of State:** 11-8-2012

**Certified to be Effective:** 11-28-12 thru 5-27-13

**Notice Publication Date:**

**Rules Amended:** 847-050-0041, 847-050-0065

**Subject:** Proposed rule amendments implement 2012 Senate Bill 1565 related to physician assistant dispensing, correct the reference to oral issuance of Schedule II drugs, and contain general language and grammar housekeeping.

**Rules Coordinator:** Nicole Krishnaswami—(971) 673-2667

## 847-050-0041

### Prescribing and Dispensing Privileges

(1) An Oregon grandfathered physician assistant may issue written, electronic or oral prescriptions for Schedule III-V medications, which the supervising physician has determined the physician assistant is qualified to prescribe commensurate with the practice agreement or Board-approved practice description, if the physician assistant has passed a specialty examination approved by the Board prior to July 12, 1984, and the following conditions are met:

- (a) The Oregon grandfathered physician assistant has passed the Physician Assistant National Certifying Examination (PANCE); and
- (b) The Oregon grandfathered physician assistant has documented adequate education or experience in pharmacology commensurate with the practice agreement or Board-approved practice description.

(2) A physician assistant may issue written, electronic or oral prescriptions for Schedule III-V medications, which the supervising physician has determined the physician assistant is qualified to prescribe commensurate with the practice agreement or Board-approved practice description, if the physician assistant has met the requirements of OAR 847-050-0020(1).

(3) A physician assistant may issue written or electronic prescriptions or emergency oral prescriptions followed by a written authorization for Schedule II medications if the requirements in (1) or (2) are fulfilled and if the following conditions are met:

- (a) A statement regarding Schedule II controlled substances prescription privileges is included in the practice agreement or Board-approved practice description. The Schedule II controlled substances prescription privileges of a physician assistant are limited by the practice agreement or Board-approved practice description and may be restricted further by the supervising physician at any time.
- (b) The physician assistant is currently certified by the National Commission for the Certification of Physician Assistants (NCCPA) and must complete all required continuing medical education coursework.

(4) All prescriptions given whether written, electronic, or oral must include the name, office address, and telephone number of the supervising physician and the name of the physician assistant. The prescription must also bear the name of the patient and the date on which the prescription was written. The physician assistant must sign the prescription and the signature must be followed by the letters "P.A." Also the physician assistant's Federal Drug Enforcement Administration number must be shown on prescriptions for controlled substances.

(5) A supervising physician or primary supervising physician of a supervising physician organization may apply to the Board for a physician



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assistant to dispense drugs specified by the supervising physician or supervising physician organization.

(a) The physician assistant must have prescribing privileges and be in good standing with the Board and the NCCPA to qualify for dispensing authority. The physician assistant may dispense Schedule II medications only if the physician assistant has been delegated Schedule II prescription privileges by the supervising physician.

(b) If the facility where the physician assistant will dispense medications serves population groups federally designated as underserved, geographic areas federally designated as health professional shortage areas or medically underserved areas, or areas designated as medically disadvantaged and in need of primary health care providers as designated by the State, the application must include:

- (A) Location of the practice site;
- (B) Accessibility to the nearest pharmacy; and
- (C) Medical necessity for dispensing.

(c) If the facility where the physician assistant will be dispensing medications is not in one of the designated areas or populations described in subsection (5)(b) of this rule:

(A) The physician assistant may not dispense Schedule I through IV controlled substances.

(B) The physician assistant must complete a drug dispensing training program jointly developed by the Oregon Medical Board and the State Board of Pharmacy; and

(C) The supervising physician or primary supervising physician of a supervising physician organization must submit to the Board:

- (i) A plan for drug delivery and control;
- (ii) An annual report on the physician assistant's use of dispensing authority;
- (iii) A list of the drugs or classes of drugs the physician assistant will dispense; and

(iv) A list of all facilities where the physician assistant will dispense and documentation that each of these facilities has been registered with the State Board of Pharmacy as a supervising physician dispensing outlet.

(6) A physician assistant with dispensing authority must:

- (a) Dispense medications personally;
- (b) Dispense only medications that are pre-packaged by a licensed pharmacist, manufacturing drug outlet or wholesale drug outlet authorized to do so under ORS 689, and the physician assistant must maintain records of receipt and dispensing; and

(c) Register with the Drug Enforcement Administration and maintain a controlled substances log as required in OAR 847-015-0015.

(7) Distribution of samples, without charge, is not dispensing under this rule. Administering drugs in the facility is not dispensing under this rule.

(8) A supervising physician or primary supervising physician of a supervising physician organization for a physician assistant who is applying for dispensing authority must be registered with the Oregon Medical Board as a dispensing physician.

(9) Failure to comply with any subsection of this rule is a violation of the ORS Chapter 677 and is grounds for a \$195 fine. The licensee may be subject to further disciplinary action by the Board.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.190, 677.205, 677.470, 677.515 & 677.545

Hist.: ME 1-1979, f. & ef. 1-29-79; ME 5-1979, f. & ef. 11-30-79; ME 4-1980(Temp), f. 8-5-80, ef. 8-6-80; ME 7-1980, f. & ef. 11-3-80; ME 4-1981(Temp), f. & ef. 10-20-81; ME 2-1982, f. & ef. 1-28-82; ME 6-1982, f. & ef. 10-27-82; ME 10-1984, f. & ef. 7-20-84; ME 5-1986, f. & ef. 4-23-86; ME 16-1987, f. & ef. 8-3-87; ME 2-1990, f. & cert. ef. 1-29-90; ME 10-1992, f. & cert. ef. 7-17-92; ME 5-1994, f. & cert. ef. 1-24-94; BME 2-2000, f. & cert. ef. 2-7-00; BME 4-2002, f. & cert. ef. 4-23-02; BME 4-2002, f. & cert. ef. 4-23-02; BME 13-2003, f. & cert. ef. 7-15-03; BME 8-2004, f. & cert. ef. 4-22-04; BME 3-2005, f. & cert. ef. 1-27-05; BME 6-2006, f. & cert. ef. 2-8-06; [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 32-2011(Temp), f. 12-15-11, cert. ef. 1-1-12 thru 6-29-12; OMB 7-2012, f. & cert. ef. 2-10-12; OMB 16-2012(Temp), f. 5-8-12, cert. ef. 6-1-12 thru 11-28-12; OMB 34-2012(Temp), f. 11-8-12, cert. ef. 11-28-12 thru 5-27-13

## 847-050-0065

### Duties of the Committee

(1) The Physician Assistant Committee must:

(a) Review physician assistants' applications for licensure and renewal of licensure.

(b) Recommend approval or disapproval of physician assistants' applications for licensure and renewal of licensure.

(c) Review requests to use the services of physician assistants.

(d) Review the criteria for prescriptive privileges for physician assistants.

(e) Review any other matters related to physician assistant practice in Oregon.

(2) All actions of the physician assistant committee are subject to review and approval by the Board.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.540

Hist.: ME 23(Temp), f. & ef. 10-12-71; ME 25, f. 1-20-72, ef. 2-1-72; ME 1-1979, f. & ef. 1-29-79; ME 5-1979, f. & ef. 11-30-79; ME 4-1980(Temp), f. 8-5-80, ef. 8-6-80; ME 7-1980, f. & ef. 11-3-80; ME 4-1981(Temp), f. & ef. 10-20-81; ME 2-1982, f. & ef. 1-28-82; ME 2-1990, f. & cert. ef. 1-29-90; BME 15-1999, f. & cert. ef. 10-28-99; BME 6-2006, f. & cert. ef. 2-8-06; [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 32-2011(Temp), f. 12-15-11, cert. ef. 1-1-12 thru 6-29-12; OMB 7-2012, f. & cert. ef. 2-10-12; OMB 16-2012(Temp), f. 5-8-12, cert. ef. 6-1-12 thru 11-28-12; OMB 34-2012(Temp), f. 11-8-12, cert. ef. 11-28-12 thru 5-27-13

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## Oregon State Lottery Chapter 177

**Rule Caption:** Clarifies rules for placement of Video Lottery terminals.

**Adm. Order No.:** LOTT 6-2012

**Filed with Sec. of State:** 10-26-2012

**Certified to be Effective:** 11-4-12

**Notice Publication Date:** 10-1-2012

**Rules Amended:** 177-045-0000, 177-045-0010, 177-045-0030

**Subject:** The Oregon State Lottery has consolidated related rules into Division 45; more clearly defined terms used in the rules; and clarified the requirements for placement of Video Lottery<sup>SM</sup> game terminals, including additionally specifying that Video Lottery<sup>SM</sup> game terminals will not be placed in a business or premises if this would create a concentration of Video Lottery<sup>SM</sup> retailers.

Lottery also consolidated the language of OAR 177-040-0017 into OAR 177-045-0030; amended OAR 177-045-0000 to add definitions of terms used within the Division 45 rules; amended OAR 177-045-0010 with minor edits; and amended OAR 177-045-0030 to clarify current requirements and specify new requirements related to placement of Video Lottery<sup>SM</sup> game terminals.

Lottery also amended OAR 177-045-0030 to specify when the amendments to this rule apply to applicants and to existing Lottery retailers.

**Rules Coordinator:** Mark W. Hohlt—(503) 540-1417

### 177-045-0000

#### Definitions

For purposes of OAR chapter 177, division 45, the following definitions apply except as otherwise specifically provided in OAR chapter 177 or unless the context requires otherwise:

(1) "Concentration of Video Lottery<sup>SM</sup> retailers" means:

(a) More than three Video Lottery<sup>SM</sup> retailers in a strip mall that has seven or fewer retail spaces or storefronts;

(b) More than four Video Lottery<sup>SM</sup> retailers in a strip mall that has eight to nine retail spaces or storefronts;

(c) More than five Video Lottery<sup>SM</sup> retailers in a strip mall that has ten to eleven retail spaces or storefronts; or

(d) More than six Video Lottery<sup>SM</sup> retailers in a strip mall that has twelve or more retail spaces or storefronts.

(2) "Convenience store" means a retail business which offers a relatively limited line of high-volume products, and the majority of the products are for consumption off the premises.

(3) "Equipment" means all equipment placed by the Lottery or a Lottery vendor on a retailer's premises including, but not limited to, Video Lottery<sup>SM</sup> game terminals and all equipment necessary for their operation, player-operated vending machines, validation terminals, Lottery sales terminals, display equipment, and interior and exterior signage.

(4) "Grocery store" means a retail business at which food and food-stuffs are regularly and customarily sold in a bona fide manner for consumption off the premises, and shall include supermarkets and one-stop shopping centers which contain a grocery section in addition to offering other wares, goods, and services.

(5) "Movie theater" means a business or premises where movies or motion pictures are shown for patrons, whether in a traditional stadium seating style or otherwise. Movie theater does not include other areas of the same business or premises that are physically separated by a floor to ceiling wall, partition, curtain, or other means, from the movie theater area, and where food and alcoholic beverages are sold and served for consumption on the premises.

# ADMINISTRATIVE RULES

(6) "Occurrence" means an accident, incident, or a series of accidents or incidents arising out of a single event or originating cause and includes all resultant or concomitant losses. Each loss by earthquake, flood, freeze, or windstorm will constitute a single occurrence. If more than one earthquake or flood occurs within any 72-hour period, the State of Oregon will determine the moment when the time period began.

(7) "Player-operated vending machine" means an electrical, electronic, or electro-mechanical device that dispenses Scratch-it<sup>SM</sup> or other Oregon Lottery<sup>®</sup> tickets directly to a consumer upon payment of the appropriate purchase price.

(8) "Premises" has that definition as used in OAR 177-040-0000(6).

(9)(a) "Restricted visibility" means Video Lottery<sup>SM</sup> game terminals cannot be seen from areas outside the business or from areas inside the business where minors are permitted to linger, except in an incidental or negligible way. Under certain circumstances, Oregon Liquor Control Commission rules may permit minors in the same area as a properly placed Video Lottery<sup>SM</sup> game terminal. This rule is not intended to override any OLCC exception.

(b) "Incidental or negligible way" includes, but is not limited to:

(A) The Video Lottery<sup>SM</sup> game terminals may be glimpsed through an open doorway by passersby, except that minors may not be permitted to linger in the open doorway;

(B) The Video Lottery<sup>SM</sup> game terminals may be seen by persons intentionally looking closely through a sight restricted window, door, curtain or other object intended to restrict visibility; or

(C) The Video Lottery<sup>SM</sup> game terminals may be seen by persons passing by the Video Lottery<sup>SM</sup> play area to get to restrooms, except that minors may not be permitted to linger in an area from which the Video Lottery<sup>SM</sup> game terminals can be seen.

(10) "Retail floor space" means all areas of a business that are open to the public including, but not limited to, restrooms and hallways, but not including offices, kitchens, storage areas, and any other areas not generally open to the public. Total retail floor space does not include any area that is shared with one or more other businesses, or that is not contiguous with the areas where the Video Lottery<sup>SM</sup> game terminals are located or proposed to be located.

(11) "Same or commingled ownership" means two or more businesses offering Video Lottery<sup>SM</sup> that are:

(a) Owned or operated by the same person;

(b) Owned or operated by different persons, and at least one of those persons has a financial interest in, will either directly or indirectly benefit financially from, or has or will have the ability to exercise control over two or more of the businesses; or

(c) Owned or operated by a person who has an association with the owners or operators of one or more businesses, such as, but not limited to, a landlord, an immediate family member, or current or former business associate, and the association is such that the Director determines there is a reasonable probability that the person has a financial interest in, will either directly or indirectly benefit financially from, or has or will have the ability to exercise control of one or more of the other business(es) sufficient to constitute ownership for purposes of this rule.

(12) "Secondhand smoke" means the smoke created by burning or carrying any lighted pipe, cigar, hookah, narghile, sheesha, goza, cigarette, or tobacco product of any kind, or any other weed, plant, or combustible substance, and the smoke exhaled by an individual who engages in smoking.

(13) "Smoking environment" means that portion of a retailer's business where smoking of tobacco, any controlled substance as defined in ORS 475.005, including marijuana for medical purposes, or any other substance which is burned and is intended to be introduced into the human body by inhalation, occurs, or secondhand smoke is or may be present.

(14) "Strip mall" means an open area retail shopping complex consisting of stores, restaurants or other businesses in adjacent spaces or storefronts in one or more buildings that may have a sidewalk in front, with each space or storefront opening onto a common parking area. A strip mall may generally be identified by its location along a road or arterial with access by way of a common driveway(s) and the uniform architectural characteristics of the building or buildings, such as design, paint and trim colors, and direct access to each business from the common parking area. A strip mall may also be identified by a name, by a common landlord, or by a description or site plan as part of a lease agreement. For purposes of this definition, "strip mall" does not include a nearby freestanding building that only contains one business, even if the building shares a common parking lot.

Stat. Auth.: ORS 461 & OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.200

Hist.: LOTT 16-2001(Temp), f. & cert. ef. 12-3-01 thru 5-24-02; LOTT 5-2002, f. & cert. ef. 3-25-02; LOTT 1-2004(Temp), f. & cert. ef. 1-5-04 thru 6-25-04; LOTT 9-2004, f. & cert. ef. 5-26-04; LOTT 12-2008, f. 12-23-08, cert. ef. 1-1-09; LOTT 6-2009, f. 9-28-09, cert. ef. 10-1-09; LOTT 2-2011, f. 4-29-11, cert. ef. 5-1-11; LOTT 6-2012, f. 10-26-12, cert. ef. 11-4-12

## 177-045-0010

### Equipment Management Generally

(1) General Equipment Management: The Director of the Lottery shall manage Lottery equipment pursuant to ORS 461.200. The Director may place or remove Lottery equipment on a retailer's premises when in the judgment of the Director it is in the best interests of the Lottery. The Lottery may discontinue or remove existing equipment, or may implement new or replacement equipment at any time and for any reason the Director determines is in the best interests of the Lottery.

(2) Retailer's Sales: A retailer's sales, or in the case of an applicant, reasonably estimated sales, of Lottery tickets and shares are an important factor to be considered by the Director in managing Lottery equipment.

(3) Equipment Inspection: The Lottery may access, inspect, furnish, repair, place, replace, upgrade, modify, add, or remove Lottery equipment at a retailer's premises at any time during regular business hours.

(4) Obsolete and Defective Equipment: The Lottery may replace obsolete or defective equipment with new, used, or refurbished replacement equipment.

(5) Test Equipment: With the consent of the retailer, the Lottery may deploy equipment on the retailer's premises to test the equipment. The Director or the Director's designee shall determine how long the equipment will remain and the conditions of the test.

(6) Other Laws: This rule does not preclude the Lottery from removing any or all of its equipment pursuant to any other applicable law, rule, or contract provision.

(7) Smoking Prohibition: The Lottery will not place its equipment, terminals, tickets, or shares, in any smoking environment. The Lottery does not permit its employees, representatives, or agents to enter into, or to place Lottery equipment, terminals, tickets, or shares, or advertising in any smoking environment.

Stat. Auth.: ORS 461 & OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.200

Hist.: LOTT 16-2001(Temp), f. & cert. ef. 12-3-01 thru 5-24-02; LOTT 5-2002, f. & cert. ef. 3-25-02; LOTT 1-2004(Temp), f. & cert. ef. 1-5-04 thru 6-25-04; LOTT 9-2004, f. & cert. ef. 5-26-04; LOTT 12-2008, f. 12-23-08, cert. ef. 1-1-09; LOTT 2-2011, f. 4-29-11, cert. ef. 5-1-11; LOTT 6-2012, f. 10-26-12, cert. ef. 11-4-12

## 177-045-0030

### Video Lottery<sup>SM</sup> Game Terminals

(1) Allocation of Terminals: In the exercise of the Director's discretion and subject to all other requirements, the Director may allocate and reallocate the Lottery's Video Lottery<sup>SM</sup> game terminals among Video Lottery<sup>SM</sup> retailers at any time and in any manner. The Director shall consider:

(a) Availability: The availability of the terminals and related equipment.

(b) Public Access: Adequate and convenient public access to Video Lottery<sup>SM</sup> games.

(c) Retailer Sales: The actual or projected net video sales generated from the play of Video Lottery<sup>SM</sup> games at each Video Lottery<sup>SM</sup> retail location. A new or existing Video Lottery<sup>SM</sup> retailer shall generate a minimum of \$200 in average net video sales per week per terminal as determined by the Director. The Lottery shall calculate the average using any 90-day or greater time period determined by the Lottery. Net video sales are calculated by subtracting prizes awarded on a Video Lottery<sup>SM</sup> game terminal from wagers placed on the terminal. The Director may remove one or more terminals from a retail location when the retailer is unable to meet the minimum sales requirement.

(d) Floor Space: The Lottery requires each Video Lottery<sup>SM</sup> retailer to have a minimum amount of retail floor space per each Video Lottery<sup>SM</sup> game terminal. A retailer with less than 360 square feet of retail floor space is not eligible to receive any Video Lottery<sup>SM</sup> game terminals for that business. A retailer with 360 square feet of retail floor space may receive up to three Video Lottery<sup>SM</sup> game terminals. For each 120 square feet of retail floor space over the required minimum square footage of 360 square feet, a retailer may be eligible for one additional Video Lottery<sup>SM</sup> game terminal up to the maximum number of terminals permitted under Oregon law.

(A) Removal of Terminals: The Director may remove or limit the number of Video Lottery<sup>SM</sup> game terminals in a business to bring it into compliance with the retail floor space standards.

# ADMINISTRATIVE RULES

(B) Existing Retailers: This section, unless otherwise provided, does not apply to existing Video Lottery<sup>SM</sup> retailers whose space requirements were determined under a previous version of this rule.

(2) Additional Requirements: Placement of Video Lottery<sup>SM</sup> game terminals is subject to the following:

(a) Restricted Visibility: The Lottery will not place Video Lottery<sup>SM</sup> game terminals in an area of a business or premises that does not or will not have restricted visibility.

(b) Adjacent Businesses: When two or more adjacent businesses appear to the Director to be a single business, or are operated by the same or commingled ownership, then the Lottery may limit such businesses to the maximum number of Video Lottery<sup>SM</sup> game terminals permitted under Oregon law for one business as the total number of terminals authorized for both or more such businesses.

(c) Convenience Store or Grocery Store: The Lottery will not place Video Lottery<sup>SM</sup> game terminals in a business or in premises that operate or will operate primarily as a convenience store or grocery store.

(d) Smoking Environment: The Lottery will not place Video Lottery<sup>SM</sup> game terminals in an area of a business or premises that is a smoking environment or where people are or would be exposed to second hand smoke.

(e) Minor Posting: The Lottery will not place Video Lottery<sup>SM</sup> game terminals in an area of a business or premises that is not posted as prohibited to minors by the Oregon Liquor Control Commission.

(f) Businesses Not Normally Associated with the On-premise Consumption of Food and Alcoholic Beverages: The Lottery will not place Video Lottery<sup>SM</sup> game terminals in a business or premises that operates as a laundromat, movie theater, car dealership, beauty salon, bed and breakfast lodging facility, hardware store, dry goods store, clothing store, liquor store, or any other business not normally associated with the on-premise consumption of food and alcoholic beverages.

(g) Concentration of Video Lottery<sup>SM</sup> Retailers: The Lottery will not place Video Lottery<sup>SM</sup> game terminals in a business or premises if this would create a concentration of Video Lottery<sup>SM</sup> retailers.

(h) Limit on the Number of Video Lottery<sup>SM</sup> Game Terminals: In the Director's sole discretion and subject to all other requirements, the Director may limit the number of Video Lottery<sup>SM</sup> game terminals in a Video Lottery<sup>SM</sup> retailer's business or premises at any time and in any manner.

(3) Director's Decisions: The Director's decisions regarding allocation, removal, placement, or limiting the number of Video Lottery<sup>SM</sup> game terminals are final.

(4) Reconsideration: Upon written request by a Video Lottery<sup>SM</sup> retailer, the Director may reconsider any Video Lottery<sup>SM</sup> game terminal allocation decision made under this rule pertaining to that retailer unless such decision is required by this rule.

(5) Date of Applicability: Except as otherwise provided and in the sole discretion of the Director, the provisions of subsection (2)(g) of this rule will be applied to all applications for a Video Lottery<sup>SM</sup> retailer contract received on or after April 1, 2012, and will apply to all existing Video Lottery<sup>SM</sup> retailers effective at 5:00 a.m. on June 28, 2015.

(a) For purposes of this section, "applications" include:

(A) An application to sell, lease, or otherwise dispose of some or all of the assets of the retailer's business or premises or transfer some or all of the ownership interest in the retailer's entity to another person by operation of law, stock purchase, consolidation, merger, or other reorganization of the retailer's business, except in the event of the owner or owners' death if the retailer is an entity that has a legal identity apart from its owner or owners;

(B) An application of any type by a retailer who is attempting to circumvent this section as determined by the Director in his sole discretion.

(b) If the retailer is an entity that has a legal identity apart from its owner or owners, and a transfer of 100% of its ownership interests occurs by operation of law because of the death of the owner or owners, the Director may, in his sole discretion, not apply this section to an application to sell, lease, or otherwise dispose of 100% of the assets of the retailer's business or premises or to transfer 100% of the ownership interest in the retailer's entity. This section will apply, however, to the retailer effective at 5:00 a.m. on June 28, 2015.

Stat. Auth.: ORS 461 & OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.200

Hist.: LOTT 16-2001(Temp), f. & cert. ef. 12-3-01 thru 5-24-02; LOTT 5-2002, f. & cert. ef. 3-25-02; LOTT 1-2004(Temp), f. & cert. ef. 1-5-04 thru 6-25-04; LOTT 9-2004, f. & cert. ef. 5-26-04; LOTT 12-2008, f. 12-23-08, cert. ef. 1-1-09; LOTT 6-2012, f. 10-26-12, cert. ef. 11-4-12

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**Rule Caption:** Makes set prize funding source percentages for Powerball<sup>®</sup> and Power Play<sup>®</sup> consistent.

**Adm. Order No.:** LOTT 7-2012

**Filed with Sec. of State:** 10-26-2012

**Certified to be Effective:** 11-1-12

**Notice Publication Date:** 10-1-2012

**Rules Amended:** 177-085-0065

**Rules Repealed:** 177-085-0065(T)

**Subject:** In Powerball<sup>®</sup>, when the money available to fund set prizes is not sufficient and the prizes become pari-mutuel, the funding sources are divided among the winning plays in proportion to their respective prize percentages. This rule makes these percentages the same for Powerball<sup>®</sup> and Power Play<sup>®</sup> set prizes when they become pari-mutuel under these circumstances.

**Rules Coordinator:** Mark W. Hohlt—(503) 540-1417

**177-085-0065**

**Power Play<sup>®</sup>**

(1) General: Power Play<sup>®</sup> is an optional, limited extension of the Powerball<sup>®</sup> Game described in OAR division 85. The Lottery Director, in the Lottery Director's sole discretion and based on agreements with MUSL, is authorized to initiate and terminate the Power Play<sup>®</sup> option.

(2) Set Prizes Only: Power Play<sup>®</sup> increases the amount of any of the cash Set Prizes (the cash prizes normally paying \$4 to \$1,000,000) won in a drawing. The Grand Prize Jackpot is not a Set Prize and will not be increased.

(3) Power Play<sup>®</sup> Purchase: A qualifying Power Play<sup>®</sup> option play is any single Powerball<sup>®</sup> Play for which the player selects the Power Play<sup>®</sup> option on either the game slip or by selecting the Power Play<sup>®</sup> option through a clerk-activated or player-activated terminal, pays one extra dollar for the Power Play<sup>®</sup> option play, and which is recorded at the Party Lottery's central computer as a qualifying play.

(4) Qualifying Play: Except as otherwise provided in these rules, a qualifying play which wins one of the eight lump sum Set Prizes (excluding the Grand Prize Jackpot) shall be paid as follows: [Table not included. See ED. NOTE.]

(5) Power Play<sup>®</sup> Prize Pool: The prize pool for all prize categories shall consist of up to 49.96 percent of each drawing period's sales, including any specific statutorily mandated tax on a Party Lottery to be included in the price of a lottery ticket, after the Powerball<sup>®</sup> prize reserve accounts are funded to the amounts set by the Product Group. Any amount remaining in the prize pool at the end of the Powerball<sup>®</sup> game shall be carried forward to a replacement game or expended in a manner as directed by the Product Group in accordance with state law.

(6) Power Play<sup>®</sup> Prize Reserve Accounts: An additional 0.04 percent of sales, including any specific statutorily mandated tax on a Party Lottery to be included in the price of a lottery ticket, may be collected and placed in the rollover account or in trust in one or more prize reserve accounts until the prize reserve accounts reach the amounts designated by the Product Group.

(7) Power Play<sup>®</sup> Payout: Except as otherwise provided in these rules, all prizes awarded shall be paid as lump sum set prizes. Instead of the Powerball<sup>®</sup> set prize amounts, qualifying Power Play<sup>®</sup> option plays will pay the Power Play<sup>®</sup> prize amounts shown in section (4) of this rule. In certain rare instances, and as determined under OAR 177-085-0025(3)(c) and section (9) of this rule, the Powerball<sup>®</sup> set prize amount may be less than the amount shown in section (4) of this rule. In such case, the eight Power Play<sup>®</sup> prize amounts will be changed to an amount announced after the draw.

(8) Prize Pool Carried Forward: The prize pool percentage allocated to the Power Play<sup>®</sup> set prizes shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the set prizes awarded in the current draw.

(9) Pari-Mutuel Prizes — All Prize Amounts: If the total of the original Powerball<sup>®</sup> set prizes and the Power Play<sup>®</sup> prizes awarded in a drawing exceeds the percentage of the prize pools allocated to the set prizes, then the amount needed to fund the set prizes (including the Power Play<sup>®</sup> prize amounts) awarded shall be drawn from the following sources, in the following order:

(a) The amount allocated to the set prizes and carried forward from previous draws, if any;

(b) An amount from the Powerball<sup>®</sup> Set-Prize Reserve Account, if available in the account, not to exceed \$40,000,000 per drawing; and

(c) If, after these sources are depleted, there are not sufficient funds to pay the set prizes awarded (including Power Play<sup>®</sup> prize amounts), then the highest set prize (including the Power Play<sup>®</sup> prize amounts) shall become



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a pari-mutuel prize. If the amount of the highest set prize, when paid on a pari-mutuel basis, drops to or below the next highest set prize and there are still not sufficient funds to pay the remaining set prizes awarded, then the next highest set prize, including the Power Play® prize amount, shall become a pari-mutuel prize. This procedure shall continue down through all set prize levels, if necessary, until all set prize levels become pari-mutuel prize levels. In that instance, the money available from the funding sources listed in this rule shall be divided among the winning plays in proportion to their respective prize percentages. Powerball® and Power Play® prizes will be reduced by the same percentage.

(10) Prize Payment: All Power Play® prizes shall be paid in one lump sum. The Lottery may begin paying Power Play® prizes after receiving authorization to pay from the MUSL central office.

(11) Prizes Rounded: Prizes, which under these rules may become pari-mutuel prizes, may be rounded down so that prizes can be paid in whole dollars. Breakage resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing.

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

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461

Hist.: LOTT 3-2001(Temp), f. 3-1-01, cert. ef. 3-2-01 thru 8-29-01; LOTT 10-2001, f. 5-25-01, cert. ef. 5-29-01; LOTT 9-2002(Temp), f. 9-4-02, cert. ef. 10-6-02 thru 3-31-03; LOTT 1-2003, f. & cert. ef. 2-3-03; LOTT 7-2005(Temp), f. 8-8-05, cert. ef. 8-28-05 thru 2-23-06; LOTT 23-2005, f. 12-21-05, cert. ef. 12-31-05; LOTT 11-2008, f. 11-21-08, cert. ef. 1-4-09; LOTT 10-2010, f. 11-19-10, cert. ef. 12-12-10; LOTT 9-2011, f. 12-20-11, cert. ef. 1-15-12; LOTT 10-2011(Temp), f. 12-22-11, cert. ef. 1-15-12 thru 7-7-12; LOTT 2-2012, f. 4-30-12, cert. ef. 5-1-12; LOTT 5-2012(Temp), f. & cert. ef. 8-16-12 thru 1-31-13; LOTT 7-2012, f. 10-26-12, cert. ef. 11-1-12

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## Parks and Recreation Department Chapter 736

**Rule Caption:** Amends rules governing non-traditional park use and special use permits.

**Adm. Order No.:** PRD 7-2012

**Filed with Sec. of State:** 10-17-2012

**Certified to be Effective:** 10-17-12

**Notice Publication Date:** 10-1-2011

**Rules Adopted:** 736-016-0012

**Rules Amended:** 736-016-0005, 736-016-0010, 736-016-0015, 736-016-0020, 736-016-0023, 736-016-0025

**Subject:** Amends rules governing non-traditional use of state parks and ocean shores: adds a “definitions” section to the rule; clarifies when a special use permit is required; updates criteria that are used to evaluate applications; updates requirements placed on applicants; clarifies application procedure; aligns fees with legislatively approved fee structure.

**Rules Coordinator:** Vanessa DeMoe—(503) 986-0719

### 736-016-0005

#### Purpose and Applicability

This division is intended to secure public health and safety, protect park resources and facilities and assist in maintaining facilities and services in instances where a person requests to use state park land or facilities for a non-traditional park use. These special use permit rules:

(1) Allow access to park land for a wide variety of non-traditional park uses by requiring a special use permit if the event or activity, including commercial filming:

(a) Is an organized group activity or event attended by over 50 people; however, groups larger than 50 people that reserve overnight or day use facilities do not require a special use permit under this division unless one or more of the conditions listed in subsections (b) through (i) also exist;

(b) Is an activity associated with a construction project that is not specifically provided for under contract with the department, including contracts related to natural resource projects, placement of utilities, access roads and structures on park land;

(c) Uses park lands, structures or facilities in a manner not expressly provided for under OAR chapter 736, divisions 10, 15, 20 and 21;

(d) Substantially restricts department or public access to or use of park lands, structures or facilities;

(e) Requires placement of structures, facilities, or both, other than those normally used in recreational activities the department traditionally allows on the site;

(f) Could disturb the natural, cultural, scenic or recreational resources on park land;

(g) Could pose a safety concern for other park users or for those involved in the event or activity;

(h) Includes temporary, short-term and non-exclusive vending, advertising or sales activities; or

(i) Includes non-exclusive commercial uses when financial transactions are conducted on park land.

(2) Establish department procedures for considering applications for authorizing non-traditional park uses by special use permit; and

(3) Pertain to all non-traditional park uses as described in section (1) unless otherwise authorized by a contract or other agreement between the department and the person conducting the activity or use.

Stat. Auth.: ORS 184 & 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

Hist.: PR 11-1981(Temp), f. & ef. 6-26-81; PR 15-1981, f. & ef. 11-20-81; PR 11-1986, f. & ef. 7-9-86; PR 5-1992, f. & cert. ef. 9-24-92; PRD 7-2012, f. & cert. ef. 10-17-12

### 736-016-0010

#### Policies

(1) Pursuant to ORS 390.635 and 390.660 the department has jurisdiction and regulatory authority to manage the Ocean Shore State Recreation area for outdoor recreational purposes consistent with ORS 390.010.

(2) Pursuant to ORS 390.111, the department has jurisdiction and regulatory authority to manage park lands for outdoor recreational purposes consistent with ORS 390.010.

(3) All non-traditional park uses shall conform to applicable local, state, and federal laws.

(4) The department will evaluate a special use permit application under this division using the following criteria:

(a) Whether the activity or use is consistent with local, state, and federal laws;

(b) Whether the activity or use complies with the requirements of this division;

(c) Whether the activity or use, in both nature and timing, will substantially disrupt traditional public park use or unduly inconvenience park neighbors or the general public;

(d) Whether the activity or use will have an adverse impact on public health, safety or welfare, or natural and cultural resource values;

(e) Whether the activity or use is consistent with any natural or cultural resource management plans, policies, or procedures of the department;

(f) Whether the applicant has established their ability to finance, plan and manage the activity in accordance with sanitation, safety, medical care, fire control, security, crowd, noise, and traffic control requirements, and consistent with the protection of park resources;

(g) Whether the applicant has demonstrated experience in performing similar activities in the past or has previously done the event at the proposed location;

(h) Whether the measures planned to mitigate changes in customary park usage or damage to park resources caused by the activity or use will offset the negative impact of the activity;

(i) Whether the applicant has demonstrated an ability to fully meet the terms and conditions of the permit; and

(j) Whether the activity will have a positive impact on the local community, environment, or park land or facilities.

(5) The department will consider applications in the order they are received, however applicants who have conducted the same event at the same location for at least five continuous years may reserve their event's traditional location and date by delivering a letter of intent to the department no less than nine months in advance of the planned event date. The applicant must obtain a permit pursuant to this division.

(6) The department shall administer this division with the objective that persons applying for and holding a special use permit to use park land receive consistent, predictable and fair treatment and that the department's mission is supported.

(7) A person may not sponsor, promote or conduct a non-traditional park activity on park land without having first obtained a special use permit from the department.

Stat. Auth.: ORS 184 & 390

Stats. Implemented: ORS 390.111 & 390.121

Hist.: PR 11-1981(Temp), f. & ef. 6-26-81; PR 15-1981, f. & ef. 11-20-81; PR 11-1986, f. & ef. 7-9-86; PR 1-1990, f. & cert. ef. 5-14-90; PRD 7-2012, f. & cert. ef. 10-17-12

### 736-016-0012

#### Definitions

As used in this division unless the context requires otherwise:

(1) “Applicant” means a person applying for a special use permit for an activity on or use of park land.

# ADMINISTRATIVE RULES

(2) "Application Fee" means the amount of non-refundable money an applicant pays to the department when submitting a special use permit application.

(3) "Assign" means a transfer by the permittee intended to allow another person the use of special use permit.

(4) "Commercial Filming" means any still or video filming venture which involves equipment such as props, sets, lighting, or sound, and is of such a scale that it falls under OAR 736-016-0005(1).

(5) "Contract" means a legally executed document signed by the department as defined in OAR 137-046-0110(8).

(6) "Department" means the Oregon Parks and Recreation Department

(7) "Director" means the Director of the Oregon Parks and Recreation Department.

(8) "Non-Traditional Park Use" means any organized activity, gathering or use conducted in whole or in part on park land, that is not a recreational use allowed by the posted park regulations or permitted under the provisions of OAR chapter 736, divisions 10, 15, 20 and 21 and which requires a special use permit under this division.

(9) "Park Land" means any land that is leased, owned or managed by the department including state parks, waysides and scenic, historic or state recreation areas, including the Ocean Shore State Recreation area, recreational grounds or places acquired by the state for scenic, historic, natural, cultural or recreational purposes except as otherwise provided by law.

(10) "Person" means an individual at least 18 years of age, a political subdivision or public agency; any corporation, association, firm, partnership, limited liability company, joint stock company; or quasi-public corporation registered to do business in the State of Oregon.

(11) "Public Agency" means an agency of the federal government, the State of Oregon or any political subdivision thereof, or county, city, special district or other public or municipal corporation, and any instrumentality thereof.

(12) "Special Use Permit" allows uses defined in this division on a specific area of park land for a specific activity or use under specific terms and conditions defined in the permit. The permit consists of an approved permit application form, signed by the park manager or designee and the applicant, and any attachments required by the department.

(13) "Structure" means anything placed, constructed, or erected on park land.

(14) "Traditional Park Use" means a recreational use that park lands or structures were designed to accommodate in compliance with the posted park regulations or other provisions of OAR chapter 736, divisions 10, 15, 20 and 21.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111 & 390.121, 390.124

Hist.: PRD 7-2012, f. & cert. ef. 10-17-12

## 736-016-0015

### Special Use Permit Application Form and Requirements

(1) A person proposing an activity or use on park land subject to a special use permit under this division must apply to the department on a form provided by the department. The form will provide:

(a) Space to fill in the information required under section (5); and

(b) A current rate sheet listing overnight, day use and group rates from OAR chapter 736, division 15;

(c) A list of insurance requirements including the activities or uses considered as high risk for purposes of insurance limits and the department criteria for evaluation of insurance adjustments; and

(d) An explanation of the process and criteria used by the department in evaluating a special use permit application under this division; and

(e) Examples of activities that are allowed without a special use permit, activities that will require a special use permit and activities that will not be allowed, to assist applicants in determining if they need a special use permit.

(2) An application for a special use permit must fully complete the form described in section (1) and be accompanied by an application fee in the amount of \$100 unless the department waives such fee under OAR 736-016-0025.

(3) The department will not accept applications more than nine months in advance of the activity or use commencement date.

(4) Unless an exception is approved by the park manager or designee, the department will not consider a special use permit application received less than 30 days prior to the commencement date of the activity or use.

(5) To be accepted by the park manager or designee for consideration, an application must include the following information or an explanation why the information is not applicable to the proposed activity or use:

(a) Date of application;

(b) Name of park, ocean shore or other recreation area where the activity or use on park land is proposed;

(c) Name and address of applicant;

(d) Name, address and phone number of the person who will be on site and responsible for the permit compliance during the activity or use;

(e) Purpose for which the permit is being requested;

(f) Date(s) and hour(s) of activity, including setup and cleanup times;

(g) Description of the activities to be performed on park land;

(h) The number of participants involved;

(i) A site plan indicating the location of activities and construction of all facilities, structures and utilities, including staging areas;

(j) Description of parking and security arrangements;

(k) Description of plans for use of amplified sound, alcohol, participant entry/ticket fees and sale of food, beverages, souvenirs, goods or other services;

(l) A plan for timely cleanup and restoration of park area;

(m) Subsections (a) through (l) are not an exclusive list of the elements required for a permit. The applicant shall anticipate other measures necessary to ensure public safety and protect park resources, depending upon the character of the park area and conditions existing at the time.

(6) Any activity or use shall comply with applicable state and local codes, rules and ordinances. The applicant will obtain any additional state and local permits required for the activity or use prior to the beginning of the activity or use. The applicant must provide the park manager proof that all required permits have been obtained upon request.

(7) Within 14 calendar days of receiving a complete application, the park manager or designee, based on an evaluation of the criteria in OAR 736-016-0010 (4), will approve, approve with conditions, request additional information, or deny the permit application consistent with the policies set forth in this division.

(8) If the department determines the application will not meet evaluation criteria provided in OAR 736-016-0010 (4) the applicant may modify and resubmit the application.

(9) The department will return a denied application to the applicant with an explanation listing one or more reasons for denial.

(10) An applicant may appeal a permit application denied by a department manager to that manager's supervisor for reconsideration.

(11) The department will not require an additional application fee if an application is resubmitted to the department within 120 days from the date the department returned the application.

Stat. Auth.: ORS 184 & 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

Hist.: PR 11-1981(Temp), f. & ef. 6-26-81; PR 15-1981, f. & ef. 11-20-81; PR 11-1986, f. & ef. 7-9-86; PR 5-1992, f. & cert. ef. 9-24-92; PR 7-1994, f. & cert. ef. 7-11-94; PRD 7-2012, f. & cert. ef. 10-17-12

## 736-016-0020

### Special Use Permit Conditions and Requirements

(1) Upon the approval of the permit application, the department will issue a special use permit with the terms of permit to be strictly observed by the applicant. The permit shall at a minimum require that:

(a) The applicant assumes full responsibility and liability for damages or injury to any member of the public arising out of the activity or use, including personal injury and property damage, and for any damage to park property, including natural and cultural resources;

(b) The applicant shall indemnify and hold harmless the State of Oregon, its Parks and Recreation Commission and members thereof, the Oregon Parks and Recreation Department, and its officers, agents and employees against any and all damages, claims or causes of action arising from or in connection with the activity or use;

(c) Prior to the permit being issued, the applicant shall provide the department proof of current liability insurance coverage which names the State of Oregon, its Parks and Recreation Department, its Parks and Recreation Commission, and the officers, agents and employees thereof as additional insureds. The insurance coverage shall have limits of not less than \$1,000,000. For activities or uses that are assessed as having high risk exposure (e.g. public fire works displays), insurance of \$4,000,000 shall be required, per the maximum level of the State's Tort Claim Limits, in ORS 30.271. The department safety and risk manager may reduce or waive insurance limits if one or more of the following apply:

(A) Insurance is not required if the applicant is a Cooperative Association with a current agreement under OAR 736-002-0010 and the activity or use being permitted has been listed on their annual plan for the current year;

# ADMINISTRATIVE RULES

(B) Insurance is not required if the activity or use being permitted is being conducted in partnership with OPRD through an agreement with the applicant;

(C) Commercial insurance is not required if the applicant is a public agency; or

(D) Insurance requirements may be reduced if approved by the OPRD Safety & Risk Manager based on a risk assessment considering the level of risk and measures that will be put in place to reduce risk;

(d) If required as a condition of the special use permit, the applicant shall deposit with the department a cash deposit, bond or savings certificate in an amount as specified in the approved permit at least 72 hours prior to the planned activity or use. This deposit, bond or savings certificate shall be security for the applicant's faithful performance of all permit conditions and to cover any damages sustained by the department as a result of breach. The department shall determine the amount of security based on exposure and potential for damages from the activity or use.

(2) The department will not consider an application for a special use permit unless:

(a) The applicant or its principal representative is at least 18 years of age, or 21 years of age if alcohol is to be served at the activity or use; and

(b) The applicant has satisfied all outstanding liabilities and requirements due to the department and arising out of any prior activity or use involving park land.

(3) A person may not assign a special use permit to any other person.

(4) The department may, in its discretion, cancel a special use permit effective immediately on notice to the applicant in the event of any emergency, significant law enforcement problem, or substantial threat to public welfare, safety or property arising from or affecting the activity. The department may cancel a special use permit effective immediately upon any breach of other permit conditions.

(5) The department may stop the activity or use, and require the applicant to clear the activity or use area of visitors, in the event of any emergency, significant law enforcement problem, substantial threat to public safety or park resources or a violation of park rules arising out of or related to the activity or use.

(6) The applicant shall terminate the activity or use immediately upon receipt of notice from the department that the permit has been cancelled and shall thereupon be responsible for the immediate cleanup and restoration of the park area.

(7) The department retains the right to enter onto any park land at any time for purposes of inspection or management.

(8) The permittee shall dispose of all solid and liquid waste in manner approved by the department and shall not permit debris, garbage or other refuse to accumulate or be discharged into any waterway or ocean shore area.

(9) The permittee shall not cut, destroy, remove, or permit to be cut, destroyed or removed any vegetation on park land except with the written permission of the department.

(10) The permittee shall conduct all operations within the permit area in a manner which protects natural and cultural resources, protects water quality, and does not contribute to soil erosion or growth of noxious weeds.

Stat. Auth.: ORS 184 & 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

Hist.: PR 11-1981(Temp), f. & ef. 6-26-81; PR 15-1981, f. & ef. 11-20-81; PR 11-1986, f. & ef. 7-9-86; PR 1-1990, f. & cert. ef. 5-14-90; PR 5-1992, f. & cert. ef. 9-24-92; PRD 7-2012, f. & cert. ef. 10-17-12; PRD 7-2012, f. & cert. ef. 10-17-12

## 736-016-0023

### Fees and Charges

(1) In addition to the use fees in section (2), an applicant must submit a non-refundable permit application fee of \$100. The application fee is waived if the department charges the applicant a monthly or annual rental lease or access fee.

(2) The applicant shall pay to the department in advance of the event the following daily use fees plus any camping and lodging fees established for persons authorized to stay overnight in connection with the event based on the attendance estimate on the permit application:

(a) Commercial Film Use: Number of Participants — Daily Use Rate

(A) 1-5 — \$100;

(B) 6-30 — \$150;

(C) 31-60 — \$300;

(D) 61 or more — \$400.

(b) Daily Use Fee: Daily group use rate established in OAR 736-015-0026.

(c) Overnight Use Fee

(A) Fees for the use of designated overnight facilities are the standard rate established in OAR chapter 736, division 15.

(B) Fees for overnight use of an area not normally designated for overnight use are calculated at the standard group camp rate established in OAR 736-015-0040.

(3) The department may increase or decrease fees in section (2) after the event when:

(a) The applicant requests an adjustment and provides documentation of attendance showing that the attendance varies more than 10 percent from the estimated attendance; or

(b) The department has documentation of attendance that varies more than 10 percent from the estimated attendance.

(4) Special uses conducted in partnership with the department may have a negotiated fee.

(5) The department will assess an hourly rate of \$20 (minimum four hours) for each department employee that the department requires to be on site to monitor or assist in the activity or use.

(6) Annual or monthly rental, lease and access fees may be assessed and paid to the department.

Stat. Auth.: ORS 184 & 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

Hist.: PR 5-1992, f. & cert. ef. 9-24-92; PR 7-1994, f. & cert. ef. 7-11-94; PRD 7-2012, f. & cert. ef. 10-17-12

## 736-016-0025

### Fee Waivers, Reductions and Exemptions

(1) The department may exempt public agencies from special use permit requirements upon the department's determination that an exemption will not create significant risk to the health and safety of the public or damage to park resources.

(2) In lieu of the fees charged under OAR 736-016-0023, the department may allow the applicant to provide in-kind services or other value in accordance with OAR 736-015-0035.

(3) Special uses conducted in partnership with the department may have a negotiated fee.

Stat. Auth.: ORS 183 & 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

Hist.: PR 11-1981(Temp), f. & ef. 6-26-81; PR 15-1981, f. & ef. 11-20-81; PR 11-1986, f. & ef. 7-9-86; PR 1-1990, f. & cert. ef. 5-14-90; PR 5-1992, f. & cert. ef. 9-24-92; PRD 7-2012, f. & cert. ef. 10-17-12

## \*\*\*\*\* Racing Commission Chapter 462

**Rule Caption:** Amends administrative rules to provide direction regarding the use of Clenbuterol.

**Adm. Order No.:** RC 4-2012

**Filed with Sec. of State:** 11-14-2012

**Certified to be Effective:** 11-15-12

**Notice Publication Date:** 9-1-2012

**Rules Amended:** 462-160-0130

**Subject:** Amend 462-160-0130 (Medications and Prohibited Substances) to add:

(11) Clenbuterol. The use of Clenbuterol shall be permitted under the following conditions: A test sample shall not exceed 2 picograms/milliliter (ml) of Clenbuterol in the blood or serum.

**Rules Coordinator:** Nancy A. Artmann—(971) 673-0211

## 462-160-0130

### Medications and Prohibited Substances

(1) No horse may be administered any substance, other than foods, by any route or method less than 24 hours before the original post time for the race in which the horse is entered except furosemide (by the manner described in these rules) unless approved by a commission veterinarian:

(a) Any licensee of the commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer;

(b) The licensed trainer is responsible for notifying the licensed owner, veterinarian or any other licensed party involved in a positive laboratory finding of any hearings and any resulting action. In addition their presence may be required at any and all hearings relative to the case;

(c) Any veterinarian found to be involved in the administration of any drug with an RCI Classification of 1, 2, or 3, involved in a prohibited practice as outlined in OAR 462-160-0120, or involved in an ORS 462 violation shall be referred to the State Licensing Board of Veterinary Medicine for consideration of further disciplinary action and/or license revocation. This is in addition to any penalties issued by the stewards or the commission;



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(d) Any person who the stewards or the commission believe may have committed acts in violation of criminal statutes may be referred to the appropriate law enforcement agency. Administrative action taken by the stewards or the commission does not prohibit a prosecution for criminal acts committed, nor does a potential criminal prosecution stall administrative action by the stewards or the commission;

(e) A licensed trainer shall not benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

(2) Medication Restrictions:

(a) A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a race day test, was present in the horse's body on race day. Prohibited substances include:

(A) Drugs or medications for which no acceptable threshold concentration has been established;

(B) Therapeutic medications in excess of established threshold concentrations;

(C) Substances present in the horse in excess of concentrations at which such substances could occur naturally; and

(D) Substances foreign to a horse at concentrations that cause interference with testing procedures.

(b) Except as otherwise provided by this chapter, a person may not administer or cause to be administered by any means to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to this chapter less than 24-hours before post time for the race in which the horse is entered.

(3) Medical Labeling:

(a) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with this subsection;

(b) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

(A) The name of the product;

(B) The name, address and telephone number of the veterinarian prescribing or dispensing the product;

(C) The name of each patient (horse) for whom the product is intended/prescribed;

(D) The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and

(E) The name of the person (trainer) to whom the product was dispensed.

(4) Non-Steroidal Anti-Inflammatory Drugs (NSAIDs):

(a) The use of one of three approved NSAIDs shall be permitted under the following conditions:

(A) The approved NSAIDs shall be authorized medication at race meets at which the average daily gross mutual wagering during the preceding year exceeded \$150,000. If a race meet with average daily gross mutual wagering during the preceding year of \$150,000 or less desires NSAIDs be authorized medications at their race meet they may petition the commission to approve the use of permitted NSAIDs at their race meet. The commission may approve the use of permitted NSAIDs at such race meet, if in the opinion of the commission the race meet can provide for the necessary qualified staffing, security and for the additional laboratory analysis costs and any other controls necessary to administer the program adequately. Horses on any permitted NSAID will be designated on the overnight and the daily racing program;

(B) No horse utilizing a permitted NSAID may be entered into a race unless the presence of the specific NSAID is stated on the entry form at the time of entry. Errors may be corrected up until scratch time. If no scratch time is used, the stewards may designate a time until which errors may be corrected;

(C) Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection not less than 24-hours before the post time for the race in which the horse is entered:

(i) Phenylbutazone (or its metabolite oxyphenylbutazone) — 5 micrograms per milliliter;

(ii) Flunixin — 50 nanograms per milliliter;

(iii) Ketoprofen — 10 nanograms per milliliter.

(D) These or any other NSAID are prohibited to be administered within the 24-hours before the original post time for the race in which the horse is entered;

(E) The presence of more than one of the three approved NSAIDs in serum or plasma is not permitted in a race day sample; however, the presence of two approved NSAIDs in a race day sample is allowed if one of them is phenylbutazone with a serum or plasma concentration less than one microgram per milliliter (mcg/ml).

(F) The presence of any unapproved NSAID in serum, plasma or urine sample is not permitted in a race day sample.

(b) Any horse to which an NSAID has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of a commission veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s);

(c) When listed to race on a permitted NSAID, the approved laboratory must be able to detect the presence of a permitted NSAID in serum, plasma or urine by the routine methods of detection; (d) If a permitted NSAID is detected in the urine or in any other specimen taken from a horse not stated to have permitted medication in its system on the entry form and/or program, the violation will result in a penalty to the horse's trainer and may result in loss of purse;

(e) If the same horse has three (3) overages of any permitted NSAID during a 365 day period a commission veterinarian may rule the horse off all NSAIDs for a period of one year (365 days); (f) The decision of whether to scratch a horse which has been entered incorrectly or is incorrectly treated shall be left to the discretion of a commission veterinarian.

(5) Furosemide:

(a) The commission may approve the use of furosemide at any race meet if, in the opinion of the commission, the race meet can provide the necessary qualified staffing, security and for the additional laboratory analysis costs and any other controls necessary to administer a furosemide program;

(b) Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of a commission veterinarian or the racing veterinarian for the purpose of removing a horse from the Veterinarian's List or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only if the following process is followed:

(A) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide, the horse may be so entered.

(B) The horse may discontinue from racing on furosemide at the licensed trainer's choice at the time of entry.

(C) Furosemide shall only be administered on association grounds;

(D) Upon the request of the regulatory agency designee, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication which may then be submitted for testing.

(c) Horses to run with furosemide must be so noted on the entry form at the time of entry. Errors may be corrected up until scratch time. If no scratch time is used, the stewards may designate a time until which errors may be corrected:

(A) Horses entered to race with furosemide will be designated on the overnight and the daily racing program with a "Lasix®" or "L". If the race is the first race the horse is to run in on furosemide, it shall be designated in the daily racing program with a "1-L". If the race is the first race the horse runs without furosemide after running one or more races with furosemide, it shall be designated in the program by "O-L" or "L-X";

(B) When discovered prior to the race, errors in the listing of furosemide treatments in the program shall be announced to the public.

(d) The use of furosemide shall be permitted under the following circumstances:

(A) Furosemide shall be administered no more than five hours but not less than four hours prior to the original scheduled post time for the race for which the horse is entered;

(B) The furosemide dosage administered shall not exceed 500 mg. nor be less than 150 mg;

(C) Furosemide shall be administered by a single, intravenous injection;

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(D) The veterinarian treating the horse shall cause to be delivered to a commission veterinarian or designated representative no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form approved by a commission veterinarian:

(i) The name of the horse, racetrack name, the date and time the furosemide was administered to the entered horse;

(ii) The dosage amount of furosemide administered to the entered horse; and

(iii) The printed name and signature of the attending licensed veterinarian who administered the furosemide;

(iv) Violations of this subsection (subsection (d)) shall result in a fine and scratch from the race the horse was entered to run. Violations may also result in a commission veterinarian ordering the loss of furosemide privileges.

(e) Test results must show a detectable concentration of the drug in the race day serum, plasma or urine sample. If furosemide is not detected in a race day sample, a penalty may be imposed upon the horse's trainer without loss of purse:

(A) Quantification of furosemide in serum or plasma shall be performed. Concentrations of furosemide in serum or plasma shall not exceed 100 nanograms of furosemide per milliliter of serum or plasma. When the concentration of furosemide exceeds 100 nanograms of furosemide per milliliter of serum or plasma, specific gravity of the corresponding urine sample shall be measured.

(B) The specific gravity of race day urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity shall not be below 1.010.

(f) Unauthorized use of furosemide shall result in a penalty to the horse's trainer;

(g) The decision of whether to scratch a horse which has been entered incorrectly or is incorrectly treated shall be left to the discretion of a commission veterinarian;

(h) A commission veterinarian may rule a horse off furosemide if in his/her opinion it is in the horse's best interest, the interest of the citizens of the state or the best interest of horse racing.

## (6) Bleeder List:

(a) The commission veterinarians shall maintain a Bleeder List of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout as observed by a commission veterinarian;

(b) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to enter for the following time periods:

(A) First incident — 14 days;

(B) Second incident within 365 day period — 30 days;

(C) Third incident within 365 day period — 180 days;

(D) Fourth incident within 365-day period — barred for racing life-time.

(c) For the purposes of counting the number of days a horse is ineligible to be entered for a race, the day the horse bled externally is the first day of the recovery period;

(d) The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility as defined by this policy;

(e) A horse may be removed from the Bleeder List only upon the direction of a commission veterinarian;

(f) A horse which has been placed on a Bleeder List in another jurisdiction pursuant to these rules shall be placed on a Bleeder List in this jurisdiction.

(7) Anti-Ulcer Medications. The following anti-ulcer medications are permitted to be administered, at the stated dosage, up to 24 hours prior to the post time for a race in which the horse is entered:

(a) Cimetidine — 8-20 mg/kg by mouth two to three times a day; and

(b) Omeprazole — 2.2 grams by mouth once a day; and

(c) Ranitidine — 6.6 mg/kg by mouth three times a day.

(8) Environmental Contaminants and Substances of Human Use:

(a) The following substances can be environmental contaminants in that they are endogenous to the horse or that they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during the cultivation, processing, treatment, storage or transportation phases: Polyethylene glycol (PEG), PEG-like substances, Hordenine;

(b) Regulatory thresholds have been set for the following substances: Caffeine — 100 nanograms of caffeine per milliliter of serum or plasma;

(c) If the preponderance of evidence presented in the hearing shows that a positive test is the result of environmental contamination or inadvertent exposure due to human drug use it should be considered as a mitigating factor in any disciplinary action taken against the affected trainer.

(9) Dimethylsulfoxide (DMSO): The use of DMSO shall be permitted under the following conditions:

(a) It is only administered as an external topical application;

(b) A test sample shall not exceed 10 micrograms / ml. in serum of DMSO or its analogs.

(10) Androgenic-Anabolic Steroids (AAS)

(a) No AAS shall be permitted in test samples collected from racing horses except for residues of the major metabolite of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations equal to or less than the indicated thresholds.

(b) Concentrations of these AAS shall not exceed the following urine threshold concentrations in total (free drug; or metabolite and drug; or metabolite liberated from its conjugates):

(A) 16beta-hydroxystanozolol (metabolite of stanozolol (Winstrol)): 1 ng/ml for all horses regardless of sex.

(B) Boldenone (Equipoise® is the undecylenate ester of boldenone) in:

(i) Male horses other than geldings — 15 ng/ml.

(ii) No boldenone shall be permitted in geldings or female horses.

(C) Nandrolone (Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester) in:

(i) Geldings — 1 ng/ml.

(ii) Fillies and mares — 1 ng/ml.

(iii) In male horses other than geldings — forty-five (45) ng/ml of nandrolone metabolite, 5a-oestrane-3β17a-diol

(D) Testosterone in:

(i) Geldings — 20 ng/ml.

(ii) Fillies and mares — 55 ng/ml.

(iii) Male horses other than geldings — Testosterone will not be tested.

(c) All other AAS are prohibited in racing horses.

(d) Race day urine samples collected from intact males must be identified to the laboratory.

(e) Any horse to which an anabolic steroid has been administered in order to assist in the recovery from illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug or metabolite in urine. After the urine concentration has fallen below the designated threshold for the administered AAS, the horse is eligible to be removed from the list.

(11) Clenbuterol. The use of Clenbuterol shall be permitted under the following conditions: A test sample shall not exceed 2 picograms/milliliter (ml) of Clenbuterol in the blood or serum.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270 & 462.415

Hist.: RC 2-2006(Temp), f. & cert. ef. 10-2-06 thru 3-21-07; RC 1-2007, f. 2-28-07, cert. ef. 3-7-07; RC 6-2007(Temp), f. & cert. ef. 11-28-07 thru 5-23-08; RC 1-2008, f. & cert. ef. 4-7-08; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10; RC 1-2012(Temp), f. 5-21-12, cert. ef. 5-22-12 thru 11-17-12; RC 4-2012, f. 11-14-12, cert. ef. 11-15-12

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

**Rule Caption:** Amends records retention rules for state agencies; political subdivisions; primary, secondary and higher education institutions.

**Adm. Order No.:** OSA 3-2012

**Filed with Sec. of State:** 10-29-2012

**Certified to be Effective:** 10-29-12

**Notice Publication Date:** 9-1-2012

**Rules Amended:** 166-150-0005, 166-150-0035, 166-150-0050, 166-150-0085, 166-150-0110, 166-150-0115, 166-150-0120, 166-150-0135, 166-150-0165, 166-150-0175, 166-150-0185, 166-150-0200, 166-200-0010, 166-200-0050, 166-200-0055, 166-200-0075, 166-200-0095, 166-200-0100, 166-200-0110, 166-200-0130, 166-200-0140, 166-300-0015, 166-300-0025, 166-300-0035, 166-300-0040, 166-400-0010, 166-400-0025, 166-400-0040, 166-450-0005, 166-450-0020, 166-450-0050, 166-475-0010, 166-475-0050

**Subject:** Amendment updates the public records retention requirements for state agencies, political subdivisions, and educational

# ADMINISTRATIVE RULES

administration (schools, school districts, educational service districts, community colleges, higher education), addressing the production of new types of public records being produced by government agencies; changes in state statutes lengthening the business need for certain public records; changes in industry standards abbreviating the business need for certain public records; changes in terminology regarding technology used to produce and maintain certain public records; and clarification of existing rule language to more accurately address the retention and disposition of certain public records, pursuant to the legal, fiscal, administrative, and historical need for the records identified by public agency staff, hearing officer, and advisory committee.

**Rules Coordinator:** Julie Yamaka—(503) 378-5199

## 166-150-0005

### Administrative Records

**Note:** Inclusion of a record series in this schedule does not require the series to be created. If a record is created electronically, it can be retained in electronic format only as long as the retention period is 99 years or less.

(1) **Activity and Room Scheduling Records** Records documenting scheduling and reservations related to public participation and use of various agency activities, events, classes and facilities. Includes schedules, logs, lists, requests, and similar records. (Minimum retention: 1 year)

(2) **Activity Reports, General** Daily, weekly, monthly, or similar reports documenting the activities of employees. Useful for compiling annual reports, planning and budgeting, monitoring work progress and other purposes. Usually tracks type of activity, employees and/or volunteers involved, time spent on activity, work completed, and related information in narrative or statistical form. (Minimum retention: 2 years)

(3) **Advertising and Promotion Records (Non-State Fair)** Series is used to prepare and produce promotional materials, and to document promotions, advertising campaigns, marketing initiatives and public relations efforts. Records may include event programs and schedules, passes, newsletters, news clippings, paste-ups, drawings, copies of ads, photographs, slides, videotapes, sound recordings, story scripts, posters, brochures, flyers, and correspondence. (Minimum retention: 2 years)

(4) **Annual Reports** Reports documenting the program or primary functional activities and accomplishments of the office for the previous year. These are often compiled from monthly, quarterly, or other subsidiary activity reports. Usually includes statistics, narratives, graphs, diagrams, and similar information. (Minimum retention: Permanent)

(5) **Audit Records, Internal** Records document the examination of the agency's fiscal condition, internal control, and compliance policies and procedures. Records may also document performance or other financially related audits by agency or contracted auditors. Records may include audit reports, supporting documentation, comments, and correspondence. (Minimum retention: 10 years)

(6) **Calendars and Scheduling Records** Records document planning, scheduling, and similar actions related to meetings, appointments, trips, visits and other activities. Includes calendars, appointment books, notes, telephone messages, diaries, and similar records, regardless of format. Depending on content, some telephone messages and similar records may merit inclusion in related program or project files. This applies to records that contain significant information that is not summarized or otherwise included in reports or similar documents. *Calendar and Scheduling information recorded in a personal day planner or personal electronic device may be a public record under ORS Chapter 192.* (Minimum retention: 1 year)

(7) **Citizen Awards** Awards presented by the agency to honor volunteers for civic contributions. May include award nominations, award certificates, presentation or ceremony records and photographs, lists of past recipients, and related records. Some records in this series may have historic value. For appraisal assistance contact the Oregon State Archives. (Minimum retention: 6 years)

(8) **Communication Logs** Logs document communications made or received through a variety of electronic devices, including but not limited to telephone, smart phone, facsimile (fax), radio, computer-aided dispatch, pager, and teletype, AND are not otherwise specified in this general records retention schedule (OAR 166 Division 150). Logged information may include time, date and disposition of communication, name of caller, number called or received, and action taken. SEE ALSO Correspondence in this section. (Minimum retention: 1 year)

(9) **Contracts, Leases, and Agreements\*** Documents the duly executed and binding contractual agreements between the agency and other parties. May include contracts, exhibits, bid documents, change orders, pro-

posals, and significant related correspondence. Types of contracts include purchase of equipment and supplies, interagency, personal service, capital construction (documenting building construction, alterations, or repair), grant funding, and others. Information in contracts usually includes contract number, certificate of required insurance, dates, terms, parties involved, period covered, and signatures. (Minimum retention: (a) Construction contract records: 10 years after substantial completion, as defined by ORS 12.135(3) (b) Collective bargaining contract records: Permanent (c) Other contracts, leases and agreements: 6 years after expiration) *Caution: Agencies who enter into contracts with the federal government must ensure that their contracts and agreements meet federal requirements specified in the Code of Federal Regulations.*

(10) **Correspondence** Records that: 1. document communications created or received by an agency AND 2. directly relate to an agency program or agency administration AND 3. are not otherwise specified in the County and Special District General Records Retention Schedule (OAR 166-150) or in ORS 192.170. Records may include but are not limited to letters, memoranda, notes and electronic messages that communicate formal approvals, directions for action, and information about contracts, purchases, grants, personnel and particular projects or programs. (**Disposition:** File with the associated program or administrative records. Retentions for county and special district records are found in the County and Special District General Records Retention Schedule. Communications not meeting the above criteria do not need to be filed and may be retained as needed.)

(11) **Fax Reports** Records document facsimile transactions of the agency. Reports may also be used for billing purposes. Information includes date and time fax transmitted or received and recipient/sender's fax number. (Minimum retention: (a) Retain if used for billing: 3 years (b) Retain all other reports: 1 year)

(12) **Intergovernmental Agreements\*** Agreements entered in-to by the agency with the state, school districts, service districts, cities, or other governmental units. Often refers to consolidating departments, jointly providing administrative officers, and sharing facilities or equipment. Major agreements usually set funding responsibilities, fee apportionment, duration of agreement, rights to terminate agreement, and transfers of property, personnel, and employment benefits. Also includes intergovernmental agreements for common services, equipment, maintenance, etc. (Minimum retention: (a) Significant and historic agreements: Permanent (b) Other agreements: 6 years after expiration)

(13) **Key and Keycard Records\*** Records document the issuance of keys and keycards to staff to enable access to buildings and sites. Records may include but are not limited to key inventories, key issue forms, key replacement records, and key disposal records. Minimum retention: (a) Retain access and entry logs 3 years (b) Retain other records 2 years after key is turned in)

(14) **Legislative Tracking Records** Series used to monitor legislation that may have an impact on an agency's current operations or policies. Records include concept statements, proposals, bill logs, fiscal/organizational impact analysis papers, copies of bills, testimony summaries, committee reports, agendas, and correspondence. (Minimum retention: 2 years)

(15) **Lobbyist Records** Records document lobbyist and lobbyist employer activities and are used to report to these activities to the Oregon Government Ethics Commission. Records may include but are not limited to expenditure reports, registration statements, termination records, guidelines, and correspondence. (Minimum retention: (a) Retain expenditure reports 4 years (b) Retain all other records 5 years after last activity)

(16) **Mailing Lists** Lists compiled to facilitate billing, community outreach, and other functions of the agency. Information usually includes name of individual or group, address, name and title of contact person, phone number, comments, and similar data. (Minimum retention: Until superseded or obsolete)

(17) **Meeting Records, Governing Body\*** Records documenting the proceedings of any regularly scheduled, special, executive session, or emergency meeting of any governing body, as described in Oregon's Public Meetings Law (ORS 192.610 to 192.710), that is under agency jurisdiction. These typically consist of boards, commissions, advisory councils, task forces, and similar groups. Records may include minutes, agendas, exhibits, resolutions, staff reports, indexes, meeting packets, tape recordings, and related documentation and correspondence. SEE ALSO Meeting Records, Staff and Meeting Records, in this section and Board, Commission, and Committee in the County Court and Commissioners Records section. (Minimum retention: (a) Minutes, agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in county records): Permanent (b) Retain executive session minutes: 10 years (c)



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Audio or visual recordings: 1 year after minutes prepared and approved (d)  
Other records and exhibits not pertinent to minutes: 5 years)

(18) **Meeting Records, Staff Records** documenting meetings within government which are not subject to Oregon's Public Meetings Law (ORS 192.610 to 192.710). These routine staff meetings deal with tasks and actions within existing policies and procedures. Records may include minutes, notes, reports, and related items. Some records may merit inclusion in other record series with longer retention periods if the subject matter of the meeting adds significant information to that series. (Minimum retention: 2 years)

(19) **Mitigation Program Records\*** Records document the establishment and maintenance of the agency mitigation programs, plans, and procedures. Records may include mitigation plans and strategies, policies, procedures, seismic surveys and structural upgrade records of agency facilities, project reports, hazard mitigation grant records, and related documentation, which may include capital improvement records. SEE ALSO the Emergency Management section. (Minimum retention: (a) Adopted plans: Permanent (b) Other records: for the life of the structure)

(20) **News/Press Releases** Prepared statements, announcements, news conference transcripts, and similar records issued to the news media. Subjects include the adoption of new programs, termination of old programs, policy shifts, changes in the status of elected officials or senior administrative personnel, and others. Also may include news releases announcing routine events or actions carried out within the scope of existing policies. (Minimum retention: (a) Policy and historic news/press releases: Permanent (b) Routine news/press releases: 2 years)

(21) **Notary Public Log Books** Records documenting notarial transactions completed by a notary public and employed by a government agency. Agencies may retain logbooks by agreement with the notary after their separation from employment. *Agencies retaining notary public log books without notary agreements should consult their legal counsel and/or the Secretary of State, Corporation Division for retention instruction.* (Minimum retention: 7 years after date of commission expiration)

(22) **Organizational Records** Records documenting the arrangement and administrative structure of an agency. Includes charts, statements, studies, and similar records. May also include studies to determine the merit and feasibility of reorganization plans, as well as other major studies related to the administrative hierarchy. (Minimum retention: 2 years after superseded)

(23) **Passport Transmittal Records** Records document the processing of passport applications. May include but is not limited to calendars, copies of transmittals sent to the United States Passport Office. Information includes daily and weekly totals of passports processed, applicants' names, amount paid, and departure date. (Minimum retention: 1 year)

(24) **Permit and License Records, Agency-Issued\*** Records documenting agency review, background investigations, recommendations and other actions related to permits and licenses issued for various activities not specified elsewhere in this general schedule. Permits may include but are not limited to those for taxi cab drivers, dances, parades, rocket launching, second hand dealers, alarm system dealers, liquor licenses, keeping livestock, and solicitors. Usually includes applications, background investigation reports, permits, licenses, and related records. *(If a specific permitting function is included in another records series under a program or functional area such as public works or law enforcement in this general schedule, the retention period specified in that program or functional area supersedes the retention period listed in this series.)* (Minimum retention: (a) Retain fee permits of license records: 3 years after expiration, revocation, or denial (b) Retain free permits or license records: 2 years after expiration, revocation, or denial)

(25) **Planning Records** Series documents long-range plans and the development of an agency's mission statement and work objectives. Records include strategic plans, mission statements, preliminary drafts, work notes, and related correspondence. (Minimum retention: (a) Mission Statements and plans: 20 years (b) Other records: 5 years)

(26) **Policy and Procedure Guidelines and Manuals\*** Written instructions, rules, and guidelines in manual form documenting current and past authorized agency policies and procedures. Used for new employee orientation and for ongoing reference. Also useful in establishing past policies or procedures in liability cases, personnel disputes, and other instances. Includes manuals documenting the procedures of departments with higher risk or exposure to liability such as police, fire, emergency medical services, public works, etc. This series also includes routine documentation and basic clerical instructional procedures covering such subjects as formatting letters, data entry, telephone etiquette, and others. Information often includes policy and procedure numbers, revision dates, subject identifica-

tion, narrative description, authorization information, and effective date. The minimum retention periods refer only to agency-generated manuals. Manuals from other sources should be retained as needed or as mandated by a specific regulating body (federal or state agency, etc.), usually until superseded or obsolete. SEE ALSO Policy Statements and Directives; and Correspondence, Policy and Historical in this section. SEE ALSO Technical Manuals, Specifications, and Warranties in the Public Works-Operations and Maintenance section for published technical manuals and related materials. (Minimum retention: (a) Routine clerical manuals: 2 years after superseded or obsolete (b) Manuals relating to specific construction and/or engineering projects: 10 years after substantial completion, as defined by ORS 12.135(3) (c) One copy of all other manuals: Permanent)

(27) **Policy Statements and Directives\*** Series documents review, assessment, development, and authorization of an agency's formal policies and procedures that have been approved by a governing body. Records may include authorizing bulletins and advisories, mission and goal statements, manuals, and final policy statements and directives. Information often includes policy and procedure numbers, revision dates, subject identification, narrative description, authorization information, and effective date. SEE ALSO Policy and Procedure Guidelines and Manuals in this section. (Minimum retention: 20 years after superseded or obsolete)

(28) **Polygraph Examiners Licensing Records** Documents statutory requirement that each polygraph examiner shall register with the County Clerk and that the Clerk shall maintain a list of examiners. Includes name of examiner and business address. (Minimum retention: 60 years)

(29) **Postal Records** Records documenting transactions with the U.S. Postal Service and private carriers. Includes postage meter records, receipts for registered and certified mail, insured mail, special delivery receipts and forms, loss reports, and related items. (Minimum retention: 3 years)

(30) **Professional Membership Records** Records documenting institutional or agency-paid individual memberships and activities in professional organizations. (Minimum retention: 3 years)

(31) **Program Accreditation Records** Records document the evaluation, certification, and accreditation of an agency program by a nationally or regionally recognized accrediting organization AND are not otherwise specified in this general records retention schedule (OAR 166 Division 150). Records may include but are not limited to self-evaluation reports; reports sent to accrediting organization; statistical data; evaluation reports; final accreditation reports and certifications; and related documentation and correspondence. Some records in this series may have historic value. SEE ALSO Professional Membership Records in this section. (Minimum retention: Retain current and one previous accreditation cycle, destroy)

(32) **Public Notice Records\*** Records documenting compliance with laws requiring public notice of government activities. Subjects include assessments, elections, land use changes, public meetings and hearings, sale of property, and others. Records include public or legal notices, certificates, affidavits of publication, and similar documents. SEE ALSO Competitive Bid Records in the Financial section for public notices related to bid openings and awards. (Minimum retention: 3 years)

(33) **Publications** Published records produced by or for the agency or any of its departments or programs and made available to the public. Includes newsletters, pamphlets, brochures, leaflets, reports, studies, proposals, and similar published records. Does not include publications received from federal, state, private, or other sources -- these publications and extra copies of agency-produced publications should be retained as needed. (Minimum retention: (a) Policy and historic publications: Permanent (b) All others: Until superseded or obsolete)

(34) **Reports and Studies** Records document special reports or studies conducted on non-fiscal aspects of an agency's programs, services, or projects, compiled by agency personnel, or by consultants under contract that are not noted elsewhere in this schedule. Includes final report distributed either internally or to other entities and the work papers used to compile the report or study. (Minimum retention: 5 years)

(35) **Requests and Complaints** Records documenting complaints or requests concerning a variety of agency responsibilities not specified elsewhere in this general schedule. Information often includes name, phone number, and address of person making request or complaint, narration of request or complaint, name of person responding to request or complaint, dates of related activities, and other data. *(If a specific request or complaint is listed in another records series under a functional area such as law enforcement in this general schedule, the retention period specified in that functional area supersedes the retention period listed in this series.)* SEE ALSO Correspondence, General in this section for routine requests for

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information or publications and Liability Claims Records in the Risk Management section. (Minimum retention: 2 years after last action)

(36) **Resolutions\*** Formal statements of decisions or expressions of opinions adopted by the agency. Information includes date, number, and text. SEE ALSO Meeting Records, Governing Body in the County Court and County Commissioners Records section. (Minimum retention: Permanent)

(37) **Routing and Job Control Records** Records used to control the routine flow of documents and other items and actions in and between offices in the agency. Includes routing slips, job control records, status cards, receipts for records charged-out, batch slips, and similar records. (Minimum retention: 1 year)

(38) **Security Records\*** Series documents security provided for agency buildings and grounds. Records include surveillance records, security logs, sign-in sheets, security reports, incident reports, and related records. SEE ALSO Fire and Security Alarm System Records in the Fire and Emergency Medical Services section; Computer System Security Records in the Information and Records Management section; or Alarm Records and Surveillance Tapes in the Law Enforcement section. (Minimum retention: 2 years)

(39) **Seminar and Conference Records, Agency-Sponsored** Records documenting the design and implementation of agency sponsored seminars, conferences, workshops, conventions, and similar gatherings. Often includes class descriptions, instructional materials, course outlines, enrollment and attendance records, reports, speeches, planning documentation, and related records. For records documenting registration billings and related fiscal actions, see the Financial Records section. (Minimum retention: (a) Significant program records: 5 years (b) Class enrollment and attendance records: 2 years (c) Other records: 1 year)

(40) **Seminar and Conference Records, Non-Agency Sponsored** Records documenting activities of seminars, conferences, workshops, conventions, and similar gatherings not sponsored by the agency but attended by agency officials or personnel. May include staff reports, instructional materials, recommendations, related correspondence and memoranda, and similar records. (Minimum retention: 2 years)

(41) **Special District Charters\*** Constitution, bylaws, and all amendments to agency charters approved by voters or the State Legislature. Generally includes original charter, amendments, and related significant records. (Minimum retention: Permanent)

(42) **Special District Codes\*** Codified ordinances passed by a special district. Provides reference to all laws for both information and enforcement. Information may include ordinance numbers, amending ordinance numbers, code numbers, and text. (Minimum retention: Permanent)

(43) **Special District Ordinances\*** Legislative action of a special district to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct, or condition authorized by Oregon Revised Statutes. Ordinances typically include a title, preamble, ordaining clause, subject clause, penalty for violation (when applicable), effective date, authorizing signature and seal. May also include indexes calendars, and documentation presented to support action. (Minimum retention: Permanent)

(44) **Special Event and Celebration Records** Records documenting agency-sponsored celebrations of special and historic occasions such as centennials, pioneer days, and similar events. Provides a record of planning and promotional efforts, public attendance and response, major speeches and dedications, and other significant aspects of the celebration. These significant records may include studies, publications, photographs, attendance summaries, final reports, and other significant documents. This series also includes routine documentation related to implementing the promotion and organization of the event. These often include lists, rosters, correspondence, memoranda, volunteer information, and related records. Records may also include scrapbooks, but does not include news clippings. News clippings are not public records and may be discarded. (Minimum retention: (a) Records documenting significant aspects of the event: Permanent (b) Other records: 2 years after event)

(45) **Surveys, Polls, and Questionnaires** Records documenting the measurement of public opinion by or for the agency related to various issues, actions, and concerns. May include surveys, polls, questionnaires, summaries, abstracts and significant related records. Examples of summaries include studies which incorporate the significant results of public opinion surveys, abstracts of questionnaires designed to determine the skills and interests of citizens volunteering for agency service, and other records which distill survey data into summary form. (Minimum retention: (a) Summary reports and abstracts: 3 years (b) Other records: Until summary report is completed or 3 years, whichever is sooner)

(46) **Visitor Logs** Records document visitors to county buildings. Records name include visitors' names, visitor badges issued, and entrance and exit times. (Minimum retention: 1 year)

(47) **Work Orders** Records documenting requests and authorizations, according to existing contracts or agreements, for needed services and repairs to agency property and equipment. May include copy center work orders, printing orders, telephone service and installation requests, repair authorizations, and similar records. (Minimum retention: (a) Retain work completed by county personnel: 1 year (b) Retain work completed by outside vendors: 3 years)

(48) **Work Schedules and Assignments** Records documenting the scheduling and assigning of shifts, tasks, projects, or other work to agency employees. Useful for budget and personnel planning and review, assessing employee work performance, and other purposes. May include calendars, schedules, lists, charts, rosters, and related records. (Minimum retention: 5 years)

(49) **Year 2000 (Y2K) Planning Records** Records document the planning and development of agency Y2K contingency plans. Records may include but are not limited to meeting minutes, correspondence, draft plans, work notes, plan test results, and final plan. Information includes type of systems vulnerable to Y2K, level of priority, and party responsible for system solution or troubleshooting. (Minimum retention: Destroy)

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 4-2004, f. & cert. ef. 9-1-04; OSA 2-2005, f. & cert. ef. 5-10-05; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-150-0035

### County Clerk — Elections

(1) **Absentee Ballot Requests** Used to enter a citizen's request for a ballot to be sent to them for the purpose of voting, without going to their designated polling place, or to change their current status as an absentee voter. Information includes voter name, address of residence, mailing address, and witness signature for illiterates making their mark. (Minimum retention: 1 year.)

(2) **Abstract of Votes (Record of Elections)** Documents election results for General, Primary, Emergency, and Special Elections. Information includes candidate name/ballot title, precinct name, total votes per candidate/ballot title, total per precinct, under/over votes, and certification by County Clerk or election official. (Minimum retention: Permanent.)

(3) **Ballots** Documents ballots and stubs of ballots of voters who voted in Primary, General, Emergency, and Special District elections. Includes ballots cast at polls, by vote-by-mail, or by absentee request. Used to register and count votes. Information contains numbers that correspond to a candidate or "yes" or "no" on an issue. May also include written challenge statements and replacement affidavits. (Minimum retention: (a) Special District and Emergency Election: 90 days after last date to contest election; (b) Primary and General Election: 2 years after last date to contest election.)

(4) **Contribution and Expenditure Reports** Documents contributions and expenditures by candidates or political action committees. Includes statement of organization, amount, source, and detail of expenditures. May also include receipts for expenditures. (Minimum retention: (a) Statement of Organization: Permanent; (b) All other records: 4 years after the date required to file update reports.)

(5) **Election Filings** Documents all necessary papers required to be filed by a candidate or governing body for primary, general, emergency, and special elections. May include petition of nomination, declaration of candidacy, certification of nomination, filing forms for county voters pamphlet, notice of measure election, and withdrawal of candidates. (Minimum retention: 4 years.)

(6) **Election Preparation Records** Used to prepare and administrate elections within each precinct in the county. Records may include such information as number of ballots going to each precinct, number and type of pages for each voting machine for each precinct, listing of issues and candidates by precinct order, guides to preparing voting machines, ballot layout records, and public certification test notice. Also may include guides to assist Election Board personnel in reconciling votes cast with eligible voters. (Minimum retention: 2 years.)

(7) **Election Security Plan** Records document the clerk's compliance with ORS 254.074 in which they clearly outline, in writing, the county's procedures for ensuring a secure elections process. Information in the plan includes but is not limited to a written security agreement entered into with any vendor handling ballots; security procedures for transporting ballots; security procedures at official places of deposit for ballots; security procedures for processing ballots; security procedures governing election

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observers; security procedures for ballots located in county elections work areas, buildings and storage areas; security procedures for vote tally systems, including computer access to vote tally systems; and postelection ballot security. These plans are required to be filed with the Secretary of State by the January 31 in each calendar year or one business day after any revision is made to the county elections security plan. (Minimum retention: 5 years.)

(8) **Help America Vote Act Identification Records** Records are used to verify the identity of a person registering to vote exists and their residence in the county they are attempting to register to vote in. Records include but are not limited to current and valid photo identification containing voter name and address, or a current copy of a utility bill, bank statement, government check, paycheck, or other government document that shows their name and address. The address listed must match the residence or mailing address submitted on their voter registration card. (Minimum retention: Retain until verified by county elections official.)

(9) **Initiative, Referendum, and Recall Records** Documents the initiative, referendum, and recall process by which voters propose laws and amendments to the State Constitution, refer an act of the Legislature or other governing body to a vote of the electorate, or recall a public official. Includes petitions, signature sheets, summaries of signature verification, text of proposed law, amendment, or response from public. (Minimum retention: (a) Signature sheets: 6 years after election if measure is approved; (b) Signature sheets if measure is not approved: 90 days after election or 90 days after deadline for sufficient signatures; (c) All other records: Permanent.)

(10) **Legal Notices and Publications** Documents required pre-election legal notices by the County Clerk. May include publication of ballot title, notice of election, sample ballot, and the county voters pamphlet. (Minimum retention: (a) County Voters Pamphlet (One copy): Permanent; (b) All other records: 4 years.)

(11) **Poll Books** Records issuance of ballot to eligible voter in an election. Includes name of elector, party affiliation, home address, ballot number, precinct number, and signature of voter. Cover includes number of voters casting ballots for the election and names, signatures, and oaths of Election Board members. May also include certificates of registration. (Minimum retention: (a) Records created prior to 1931: Permanent; (b) All other records: 2 years.)

(12) **Registration List Authorizations** Documents the request and authorization for transmittal of voter registration information to citizens. Record consists of request and authorization for list of electors for a particular political boundary. (Minimum retention: 2 years.)

(13) **Secretary of State Reports** Documents required reports to the Office of the Secretary of State summarizing election registration, participation, and costs. May include Special District Election Report, Election Equipment Amortization Worksheet, Average Ballots Cast Worksheet, Allocated Cost Worksheet, and Local Elections Billing Worksheet. (Minimum retention: 2 years.)

(14) **Vote by Mail Records** are used to prepare, administer and abstract elections conducted by mail. Records include counted, duplicated, rejected, and defective ballots; returned signed, nondeliverable, and secrecy envelopes; and other documents used to prepare, administer and abstract elections conducted by mail. (Minimum retention: (a) Retain counted, duplicated, rejected, and defective ballots 22 months after elections containing federal candidates and 90 days after the last day to contest the election for all other elections; (b) Retain returned signed envelopes 2 years after the election regardless of federal/nonfederal candidates; (c) Retain secrecy and nondeliverable envelopes 60 days after the last day to contest the election for all elections regardless of federal/nonfederal candidates; (d) Retain all other documents used to prepare, administer and abstract elections conducted by mail 2 years after the election to which they relate.)

(15) **Voter Registration Records** Documents registration or cancellation of registration of eligible voters. Voter Registration Cards include the following information: name, signature, mailing and residence address, previous registration information, if ever registered in Oregon, date (and place) of birth, (parents names, spouse name,) affirmation of citizenship, state residency, (telephone number) and political party. May also include records canceling or making inactive voter registration such as the notice of deceased list from Secretary of State, notice of change of address from Department of Motor Vehicles, U.S. Postal Service notice, and related correspondence. (Minimum retention: 2 years after cancelled.)

(16) **Voters Pamphlet** Records document the compilation, publication, and distribution of the County Voters' Pamphlet for primary, general, and statewide special elections. The County Voters' Pamphlet contains candidate statements, candidate photographs, ballot measure arguments,

explanatory and fiscal impact statements of ballot measures, and other information to assist voters. (Minimum retention: (a) Retain 1 copy permanently; (b) Retain pamphlet preparation records: 4 years after election, destroy.)

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 4-2004, f. & cert. ef. 9-1-04; OSA 10-2009, f. & cert. ef. 12-23-09; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-150-0050

### County Fair Records

(1) **Annual Fair Advertising and Promotion Records** Series is used to prepare and produce promotional materials, and to document promotions, advertising campaigns and public relations efforts for the annual County Fair. Series also documents categories of exhibit competitions, entry requirements, and prizes offered for 4-H and Open Class exhibits. Records may include fair programs, exhibitor's handbooks (premium books), schedules of events, passes, newsletters, news clippings, paste-ups, drawings, copies of ads, photographs, slides, videotapes, sound recordings, story scripts, posters, brochures, flyers, and correspondence. (Minimum retention: (a) Fair programs and exhibitor's handbooks (premium books): Permanent (b) All other records: 2 years)

(2) **Commercial Vendor Records** Series documents vendor reservations for exhibit booth space at the County Fair. Records may include reservation forms, cash receipts, and exhibitor rosters. (Minimum retention: 4 years)

(3) **Communications Equipment Licensing Records** Series documents Federal Communications Commission (FCC) authorization for the County Fair to operate a radio station and use radio frequencies. Records include radio station applications and licenses, frequency coordination requests, vendor brochures, radio warranties, and correspondence. (Minimum retention: 1 year after permit expires)

(4) **Exhibit Entry, Judging and Award Records** Series documents all activities related to judging and awards for adult, 4-H and Future Farmers America (FFA), and open class County Fair exhibits. Records include press releases, entry forms, entrant rosters, judging sheets, award listings, brochures, booth duty schedules, questionnaires, photographs, news clippings, and correspondence. Records may also include receipts for fees received and awards paid. (Minimum retention: 4 years)

(5) **Exit Polls and Post-Fair Survey Records** Series is used to research and develop marketing and planning strategies. Records may include polls and surveys, objective statements, methodology documents, sampling variability, summaries, exit poll analysis, tables and graphs. (Minimum retention: 5 years)

(6) **Fairgrounds Development Records** Series documents the development of the County Fairgrounds and physical facilities. Records may include correspondence, drawings, blueprints, maps, permits, contracts, deeds, real estate appraisals, studies and reports, budget reports, long-range development plans, warranties, photographs, and correspondence. (Minimum retention: Permanent)

(7) **First Aid Reports** Series documents first aid treatment of fairgoers, employees, exhibitors, vendors or others, and may be used to report to the county or other parties. Series does not cover workers' compensation claims and related records. The reports show report number, patient name, injury or illness, treatment description, date, time, and the name of the doctor, nurse or EMT. (Minimum retention: 2 years)

(8) **Gambling Winnings Statements** Series is used to report to Internal Revenue Service (IRS) gambling winners and amounts paid by the County Fair on horse racing bets. Records include statements (IRS W-2G) and transmittal forms (IRS 1096). (Minimum retention: 4 years)

(9) **Miscellaneous Fairgrounds Event Files** Series documents various events at the fairgrounds which are not documented in other record series. Records may include calendars of events, minor repair and construction projects records, security and law enforcement plans, camping regulations, minor personal injury or property damage reports, and correspondence. (Minimum retention: 6 years after event)

(10) **Non-Fair Event Records** Series documents planning and preparation for non-fair events at county fair facilities. Records include ticket distribution/sales, contracts and agreements, and other related records. (Minimum retention: 6 years after event occurs or is cancelled)

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 4-2004, f. & cert. ef. 9-1-04; OSA 3-2012, f. & cert. ef. 10-29-12



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## 166-150-0085

### County Museums and Historical Societies Records

(1) **Annual Reports** Series provides a record of the primary functional activities and accomplishments of the museum and historical society for the previous year. Reports may include narratives, statistics; graphs; diagrams; member lists; descriptions of programs; events and exhibits; and annual financial statements. (Minimum retention: Permanent)

(2) **Board Member Personnel Records** Series documents the appointment or election and subsequent personnel actions for board members. Records may include appointment letters, resumes, applications, personnel action forms, job descriptions, and employee data sheets. (Minimum retention: 10 years after final term expires)

(3) **Board of Director's Records** Series documents the activities and decisions of the board responsible for governing museum and historical society operations or for advising its operations. Records may include minutes, agendas, tape recordings, and Board Committee records. Records may also include constitution and by-laws, intergovernmental agreements, organization charts, draft and approved budgets. (Minimum retention: (a) Retain minutes, agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in agency records): Permanently (b) Retain audio or visual recordings: 1 year after minutes prepared and approved (c) Retain exhibits not pertinent to minutes: 5 years)

(4) **Committee Records** Series documents the activities, decisions, and reports of staff committees that oversee or advise programs or functions of the museum and historical society. Committees may include but are not limited to acquisitions, finance, membership, exhibits, education, and facility. Records may include committee agendas, minutes, proposed budgets, reports and correspondence. (Minimum retention: 10 years)

(5) **Copyright and Reproduction Records** Series provides a record of the activities, policies and procedures related to copyright ownership and reproduction of museum owned objects and publications, and of the museum's use of items owned by other organizations. Series also documents agreements with other parties for private or commercial use, reproduction, publication and sale of written materials and photographs of museum owned objects and publications. Records may include reproduction, resale and publication policies and procedures, contracts and agreements, use restriction forms, photograph release forms, photographic service request forms, requests for permission to reproduce or publish photographs or documents, fee schedules, correspondence, and work orders for purchase of printed materials. (Minimum retention: (a) Fee schedules and work orders: 3 years (b) All other records: 5 years after superseded or expired)

(6) **Development Program Records** Series provides a record of administration of the museum and historical society development program. The development program raises funds and other resources for support of the organization and its programs through cultivation of individual, corporate, government and foundation support and special events. The program also develops, submits and reports on grants. Records may include publicity and promotion records, reports, budgets, grant records, fund raising event and project records, records of gifts in kind and financial donations, mailing lists, bulk mailing records, and correspondence. (Minimum retention: (a) Endowment records: 10 years after funds disbursed and account audited (b) All other records: 5 years)

(7) **Director's Records** Series provides a record of the administrative activities of the museum director such as executive leadership of the organization, financial and personnel management, policy development, budget development and approval, public contact and lobbying. Records may include correspondence, memos, policies, statistical and narrative reports, draft budget data, and financial reports. (Minimum retention: 5 years)

(8) **Exhibit Records** Series documents the planning, development, installation and maintenance of temporary and permanent on-site and off-site exhibitions, research of materials and objects, and publication of exhibits. Records may include exhibit contracts, design and installation records, permanent and temporary exhibit inventory listings, exhibit catalogs, art catalogs, photographs and slides, exhibit scheduling records, brochures, research records, price lists, and correspondence. SEE ALSO Equipment Maintenance Records in the Equipment and Property Records section. (Minimum retention: (a) Brochures, exhibit catalogs, installation photographs and slides, and inventory lists: Permanent (b) All other records: 10 years after exhibit ends or is removed)

(9) **Loans and Collections Insurance Records** Series documents insurance coverage as part of risk management for museum collections and loan objects. Records may include insurance policies, riders, certificates of insurance, correspondence, damage and loss claims, and reports. (Minimum retention: (a) Damage loss and claim records: 5 years after

claim paid and resolved (b) All other records: 5 years after superseded or expired)

(10) **Member Records** Series documents administration of the museum and historical society's membership program and the status of its membership. Records may include publicity and promotion records, individual member records, membership rosters, reports, membership drive records, mailing lists, address changes, bulk mailing records, and correspondence. (Minimum retention: (a) Individual member records: 5 years after membership ends (b) Address changes: until entered and verified (c) All other records: 5 years)

(11) **Permanent Collection Records** Series documents the accession, use, care, maintenance, storage and disposition of objects in the permanent collection. Series also provide a record of deaccession of objects no longer in the collection. Records may include acquisition and deaccession policies and procedures, appraisal and authenticity records, accession and catalog worksheets, hardcopy and/or electronic catalog records, accession records, deaccession records, deeds of gift, donor records, temporary custody receipts, inventory and location records, condition/conservation records, photographs of objects, conservation records, collections use records, and library shelf lists and finding aids. (Minimum retention: (a) Catalog worksheets: until entered in catalog records and verified (b) Inventory and location records: until superseded or obsolete (c) Temporary custody receipts: until accessioned, or disposition of object (d) All other records: Permanent)

(12) **Research Inquiry and Response Records** Series provides a record of research requests received and responses made to them by museum staff. Records may include written or electronic inquiries and responses. Information may include name of researcher, subject of inquiry or request, and reply. (Minimum retention: 1 year)

(13) **Temporary Loan Records** Series documents the processing and documentation of incoming objects loaned from outside sources and objects being loaned out from the permanent collection. Records may include policies and procedures, loan requests and agreements, facilities reports, insurance records, descriptions of objects received or loaned out, inspection and conditions reports, acknowledgments and receipts, lender lists, photographs and videotapes of objects, inventory listings, deeds of gift, packing and shipping records, damage reports, and insurance reports. Records may also include U.S. and foreign customs forms. (Minimum retention: (a) Policies, procedures and facility reports: 2 years after superseded or obsolete (b) All other records: 5 years after object returned or insurance claim paid)

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 4-2004, f. & cert. ef. 9-1-04; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-150-0110

### Financial Records

NOTE: Inclusion of a record series in this schedule does not require the series to be created. If a record is created electronically, it can be retained in electronic format only as long as the retention period is 99 years or less.

(1) **Accounts Payable Records** Records documenting payment of agency bills for general accounts excluding grants. Includes reports, invoices, statements, vouchers, purchase orders, payment authorizations, receipt records, canceled checks or warrants, and similar records. SEE ALSO Grant Records in this section for records documenting expenditure of grant funds. (Minimum retention: 3 years)

(2) **Accounts Receivable Records\*** Records documenting revenues owed to the agency by vendors, citizens, organizations, governments, and others to be credited to general accounts excluding grants. Also documents billing and collection of moneys. May include reports, receipts, invoices, awards, logs, lists, summaries, statements, and similar records. Information often includes, receipt amount, date, invoice number, name, account number, account balance, adjustments, and similar data. SEE ALSO Grant Records in this section for records documenting receipt of grant funds. (Minimum retention: 3 years after collected or deemed uncollectible)

(4) **Audit Reports**, External Records documenting annual audits of the financial position of the agency conducted by external auditors in accordance with statutory requirements described in ORS 297.405 through 297.555. Subjects include accounting principles and methods, the accuracy and legality of transactions, accounts, etc., and compliance with requirements, orders, and regulations of other public bodies pertaining to the financial condition or operation of the agency. Information includes accountant's summary, combined financial statements, schedules, balance sheet details, comments, recommendations, and related data. SEE ALSO Internal Audit Records in the Administrative section. (Minimum retention: Permanent)

(5) **Balance Status and Projection Reports** Reports created for internal use documenting the status of funds, bank accounts, investments,

# ADMINISTRATIVE RULES

and other accountings of agency funds. Includes budget allotment and fund reconciliation reports. Also includes projection records related to future receipts and disbursements. Reports are generated on a daily, weekly, monthly, quarterly or similar basis. Information includes date, account balances, type and summary of activity, and related data. (Minimum retention: 3 years)

(6) **Bond Records** (Employee)\* Records documenting the posting of fidelity, performance, or position bonds to guarantee the honest and faithful performance of elected officials, individual employees, or groups of employees. Details of bonds vary, however information usually includes name and position(s) of individual or group, amount of coverage, effective and expired dates, and related data. (Minimum retention: 6 years after expiration)

(7) **Budget (Adopted) Records** Documenting the final annual financial plan approved by a governing body for all agency expenditures. Information may include budget message, financial summaries, revenues and expenditures, operating programs, debt service, position and wage analysis, overhead allocations, organization charts, previous actual and budgeted amounts, and related data. Duplicate copies should be retained as needed. (Minimum retention: (a) County budgets filed with the County Clerk: Permanent (b) Special district and other budgets: 2 years)

(8) **Budget Preparation Records** Records documenting the preparation of department budget requests presented to the specified governing body. May include staff reports, budget instructions, worksheets, surveys, allotment reports, spending plans, contingency plans, budget proposals, financial forecasting reports, and similar records. (Minimum retention: 2 years)

(9) **Check Conversion Records** Records document checks received from customers that are electronically deposited after being imaged and converted to an Automated Clearing House (ACH) transaction or Image Replacement Document (IRD) (Minimum Retention: (a) Retain original paper instrument 30 days, destroy (b) Retain ACH transaction or IRD 6 years, destroy)

(10) **Competitive Bid Records** Records document the publication, evaluation, rejection and award of quoted bids to vendors and other entities. Records may include but are not limited to requests for proposals (RFPs), requests for qualifications (RFQs), invitations to bid (ITBs), requests for information (RFIs), bid exemption documents, bid and quote lists, notices of bid opening and award, comparison summaries, spreadsheets, tabulation worksheets, bid advertising records, tally sheets, bid specifications, correspondence, and related records. SEE ALSO Purchasing Records in this section. (Minimum retention: (a) Retain accepted bids 10 years after substantial completion (as defined by ORS 12.135(3)) (b) Retain other accepted bids: 6 years after bid awarded or canceled (c) Retain rejected bids and bid exemptions: 2 years after bid awarded or canceled)

(11) **Credit and Debit Receipts** Agency's copy of credit or debit card receipts documenting payment received by an agency. Records include customer's name and account information. (Minimum Retention: Retain 36 months after transaction, destroy)

(12) **Credit Slips** Slips issued to citizens who have withdrawn from agency-sponsored classes or activities and are due credit for all or part of fees paid. Information usually includes name of class or activity, date, expiration date, name and address of citizen, and related data. (Minimum retention: 3 years after credit expired or redeemed)

(13) **Financial Impact Analysis Records** Records documenting the financial analysis of various agency practices. Useful for planning future budget proposals. Records include reports, studies, worksheets, and similar records. Subjects may include the impact of specific ballot measures, proposals to increase permit fees, sick leave use analysis, and the agency's relationship with various utilities. (Minimum retention: 3 years)

(14) **Financial Reports** Reports documenting the general financial condition and operation of the agency. Includes information on the value of all agency owned property and an accounting of all income and expenditures in relation to the final budget. Records may include monthly, quarterly, annual and similar reports. (Minimum retention: (a) Annual reports: Permanent (b) Other reports: 3 years)

(15) **General Ledgers\*** Records documenting the summary of accounts reflecting the financial position of the agency. Information often includes debit, credit, and balance amounts per account, budget, fund, and department numbers, and totals for notes receivable, interest income, amounts due from other funds, federal grants received, bank loans received, cash in escrow, deferred loans received, cash, encumbrances, revenue, accounts receivable, and accounts payable, as well as other data. (Minimum retention: (a) Year end ledgers: 10 years (b) Other general ledgers: 3 years)

(16) **Gift and Contribution Records** Records documenting gifts and contributions given to the agency by sources outside of government. Records may include memorial donation records related to money to be used by the agency in the name of an individual. Often contains donor and acknowledgement letters, acquisition lists itemizing purchases with contributed money (books, art, equipment, etc.) checks, receipts, and related records. (Minimum retention: (a) For retention of conditional gift, contribution and donation records: see Contracts and Agreements in the Administrative Records section (b) Retain other records: 3 years)

(17) **Grant Records** Records document the application, evaluation, awarding, administration, monitoring, and status of grants in which the agency is the recipient, grantor, allocator, or administrator. Grants may come from federal or state governments or foundations or other funding sources. Records may include but are not limited to applications including project proposals, summaries, objectives, activities, budgets, exhibits, and award notification; grant evaluation records and recommendations concerning grant applications; grant administration records including progress reports, budgets, project objectives, proposals, and summaries; records documenting allocation of funds; contracts; records monitoring project plans and measuring achievement; equipment inventories; financial reports, accounting records, audit reports, expenditure reports, and related correspondence and documentation. (Minimum retention: (a) Retain final reports from significant (as defined by county or special district policy) grants to the county or special district: Permanent (b) Retain records documenting the purchase and/or disposal of real property: 10 years after substantial completion (as defined by ORS 12.135(3)), or 3 years after final disposition, or as specified in agreement, whichever is longer (c) Retain other grant records: 3 years after annual or final expenditure report submitted and approved or, as specified in agreement, whichever is longer (d) Retain unsuccessful grant applications: 1 year after rejection or withdrawal)

(18) **Improvement Records, Administrative and Financial\*** Records documenting the non-technical and financial administration of assessable and non-assessable county improvements including capital improvements, local improvement districts (LID), urban renewal, and economic improvement districts. Records often include affidavits of posting, notices or proposed assessment, certificates of mailing, interested party letters, bid quotes, reports, and awards, expense reports, purchase orders, requisitions, cost analyses, construction and maintenance bonds and insurance, and related administrative and financial records not located elsewhere in this schedule. SEE ALSO Assessment Dockets, Ledgers, and Registers; Bond Authorization Records; and other record series in the Financial section for records documenting legislative actions such as resolutions of intent to assess and ordinances for improvements. (Minimum retention: (a) Retain records of project cost: 3 years after disposal or replacement of facility, structure, or system (b) Retain all other improvements 10 years after substantial completion (as defined by ORS 12.135(3))

(19) **Inventory Records\*** Inventory records documenting the capitalized assets and expendable property of the agency. Examples of capitalized assets may include but are not limited to buildings, real estate, infrastructure assets, vehicles, equipment, and furniture. Examples of expendable assets include office supplies and other small, office purchases. Information often contains asset number, description, purchase order number, location of asset, date received, purchase price, replacement cost, depreciation, and related data. This record series applies to routine control inventories. SEE ALSO Grant Records for inventories of property purchased with grant funds. For inventories documenting other special uses, see Historic Structure Inventory Records in the Planning and Development section; Bridge Inspection Records in the Public Works-Engineering section; and Property and Evidence Control and Disposition Records in the Law Enforcement section. (Minimum retention: (a) Retain records of capitalized assets: 3 years after disposal or replacement of asset (b) Retain records of expendable property: 3 years or until superseded, whichever is longer)

(20) **Petty Cash Fund Records** Records document petty cash activity for the agency. Records include requests and authorizations to establish petty cash funds, ledgers, statements, requests for disbursements, copies of receipts and invoices. (Minimum retention: 3 years)

(21) **Purchasing Records** Records documenting orders, authorizations, and evidence of receipt of the purchase of goods and services by the agency. Includes purchase orders and requests, purchase authorizations, requisitions, contract release orders, material and cost specifications, central stores or printing orders, telephone service orders, and similar records. SEE ALSO Competitive Bid Records in this section; and Grant Records in this section for records documenting expenditure of grant funds and

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Improvement Administrative and Financial Records in this section for related purchasing records. (Minimum retention: 3 years)

(22) **Signature Authorization Records\*** Records documenting the authorization of designated employees to sign fiscal and contractual documents. Useful as an aid for management control over expenditures. Information usually includes authorization date, name, sample signature, position, remarks, conditions, and related data. (Minimum retention: 6 years after authorization superseded or expired)

(23) **Subsidiary Ledgers, Journals, and Registers** Records documenting details of transactions such as those related to receipts and expenditures on a daily, monthly, quarterly or similar basis. Includes journals, ledgers, registers, day books, and other account books that provide backup documentation to the general ledger. May include details of revenues, expenditures, encumbrances, cash receipts, warrants, and others. (Information often includes date, payee, purpose, fund credited or debited, check number, and similar or related data. SEE ALSO Grant Records in this section for records documenting transaction of grant funds. (Minimum retention: (a) Year end payroll register: 75 years (b) Trust fund ledgers: 3 years after trust fund closed (c) Other subsidiary ledgers, journals, and registers: 3 years)

(24) **Travel Records, Employee** Records documenting requests, authorizations, reimbursements, and other actions related to employee travel. Includes expense reports and receipts, vouchers, requests, authorizations, and related documents. Retention applies to private vehicle usage as well. Information often includes estimated costs, prepayments, final costs, destination, method of transportation, travel dates, approval signatures, and related data. (Minimum retention: 3 years)

(25) **Unclaimed Property Report Records** Records document annual reports submitted to the Department of State Lands of financial assets being held for a person or entity that cannot be found. Series includes Holder Report, owner information, correspondence and other related documents. Note: Unclaimed property is not real estate, abandoned personal property, or lost and found items. (Minimum Retention: 3 years after the property is remitted to the Department of State Lands)

(26) **Vendor Lists** Lists documenting vendors providing goods and services to the agency. Information usually includes vendor name of person or company, address, and phone number, name of contact person, as well as a description of goods or services provided. (Minimum retention: Until superseded or obsolete)

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 4-2004, f. & cert. ef. 9-1-04; OSA 2-2005, f. & cert. ef. 5-10-05; OSA 1-2010, f. 7 cert. ef. 5-27-10; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-150-0115

### Fire and Emergency Medical Services

(1) **Activity Reports, Fire and Emergency Medical Services (EMS)** Individual Shift, project, or other activity reports or logs filed on a daily, weekly, monthly, or similar basis. Useful for reference, performance monitoring, compiling annual reports, planning and budgeting, and briefing subsequent shifts. Information usually includes name, shift, date, description of activities, and various statistical categories for tracking department emergency responses, training, public outreach, inspections, maintenance, and other work. (Minimum retention: 2 years)

(2) **Ambulance Licensing Records** Records documenting application by the agency to the Oregon Health Division for licenses to operate ambulances. May also include records related to applications submitted to the agency by private ambulance services for operation in areas that have ordinances regulating ambulance services as defined in ORS 823.220. Records often include applications, licenses, affidavits of compliance, certificates of insurance, bonds, and related documents. Information includes name and address, person, or company, and a description of the ambulance, including make, year, registration number, as well as related data. (Minimum retention: 2 years after denial, revocation, or expiration)

(3) **Automobile Display Permits** Permits issued to allow the display of automobiles or any vehicles which carry fuel inside public or commercial buildings. Permits usually include date of display or expiration date, location, name, address, and telephone number of person or organization requesting the permit, conditions related to the display, comments, and other information. (Minimum retention: 2 years after permit denied, revoked or expired)

(4) **Base Camp Expenditure Records** Series documents expenses incurred for operation of base camps. Used to monitor costs of operations and for budget preparation. Contains base camp cost report, unit operational cost report, base camp/food service report, recorder food supplies and staples report, and related records. Includes date, unit, items requested,

quantity purchased, cost, and related information. (Minimum retention: 4 years)

(5) **Burning Permits** Permits issued to individuals for open air burning within the area serviced by the agency fire department. Information may include name, phone number, address, amount and location of burn, fire protection equipment and conditions required, date, and signatures of permittee and issuing officer. (Minimum retention: 2 years after denial, revocation, or expiration)

(6) **Controlled Substance Inventory and Tracking Records** Series documents the possession, storage, use and tracking of controlled substances purchased by or surrendered to the department, pursuant to 21 CFR 1304.04. Records may include but are not limited to logs; inventory reports; sign-in, sign-out sheets; substance administration data; and substance name, quantity, manufacturer, and expiration dates. (Minimum retention: 3 years, or until superseded, whichever is longer)

(7) **Emergency Equipment Procurement Case Records** Series is used to record information on the use of civil defense equipment from the federal government by the county. Contains loan agreement, project application, procurement agreement, transfer order, and transfer report. Includes date, type of equipment, equipment numbers, location, reason for loan, maintenance information, and related information. (Minimum retention: 3 years after equipment returned or disposed of)

(8) **Emergency Medical Incident Records** Records documenting services provided by the agency fire and emergency medical services department to sick or injured people. May include pre-hospital care reports, medical aid liability release forms, and related documents. Information often includes name and address of patient, location of incident, description of illness or injury, actions taken, and related data. (Minimum retention: 10 years)

(9) **Explosives Storage and Use Permits** Records documenting the issuance of permits authorizing the use of explosives for construction and demolition projects, fireworks, theatrical pyrotechnics, and other applications. Records may include permits, applications, insurance verifications, and related documents. Information often includes name and address of permittee, location of use, amount and type of explosives used, conditions, and related data. (Minimum retention: 2 years after permit denied, revoked, or expired)

(10) **Fire and Security Alarm System Records** Records documenting the agency fire department role in issuing permits, testing, and maintaining fire and security alarms that connect to an agency alarm system. May include permits, applications, malfunction reports, maintenance reports, and related documents. Permit information often includes name and address of property owner, name and address of company installing the system, permit number, alarm location, and date. Maintenance information often includes date, malfunction (if any), tests conducted, corrective actions taken, location of alarm, and related data. (Minimum retention: (a) Permit records: 2 years after expiration (b) Other records: 2 years)

(11) **Fire Investigation Records** Records documenting investigations conducted by the agency fire department. May include investigative reports, supplemental reports, photographs, maps, drawings, correspondence, memoranda, laboratory reports, notes, and other significant related records. (Minimum retention: (a) Records documenting fires involving loss of life: 75 years (b) Other records: 10 years)

(12) **Fire Reports** Reports documenting each fire responded to by the agency fire department. These reports are required by the State Fire Marshal. Subjects include cause, casualties, and property loss. Information includes date, run number, location of fire, weather conditions, owner's name and address, property damage, loss estimate, and other data. Includes additional reports if injuries occurred. (Minimum retention: 10 years)

(13) **Grass and Weed Control Records** Records documenting agency enforcement of regulations designed to help prevent fires caused by overgrown grass, weeds, or shrubs. May include complaints, inspection reports, notices, violations, contractor mowing bills, receipts, and related records. Information includes name of property owner, address of property, name of complainant, date and expiration of notice, name of fire personnel inspecting property, date, time, and method of grass and weed removal, charges, signature of contractor, and related data. (Minimum retention: 3 years after last action or final payment)

(14) **Hazardous Material Emergency Incident Records** Records documenting agency response to hazardous material emergencies. Subjects usually pertain to spills and other accidental releases. Includes reports, complaints, and similar documents. Information often includes location, date and time, type of pollutant, extent of pollution, cause, action taken, person reporting pollution, witnesses, related injuries, name and address of responsible party and related data. (Minimum retention: Permanent)



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(15) **Hazardous Substance Employer Survey Summaries** Records documenting the storage and use of hazardous materials within the area served by the fire department. Usually consists of summaries of employer surveys conducted by the State Fire Marshal as well as related records generated by the agency. Information includes employer name and location, emergency phone numbers and procedures, location, type, and quantity of hazardous substances, and related data. State employer surveys are updated each year. (Minimum retention: Until superseded or obsolete)

(16) **Inspection and Occupancy Records** Records documenting fire prevention inspections performed periodically by the agency fire department. Inspections determine if any violations of fire code are present in premises within the area served by the department. Usually filed by address. Inspection records may include reports, notices, citations, and related documents. Information often includes occupancy name, location, person contacted, violations found, inspector's name, number of days to correct violations, comments, and other data. Also may include occupancy and pre-fire planning records such as floor plans, sketches, reports, lists, and related documents. Information often includes address, name of property owner, description and fire history of property, name of occupant, potential hazards or exposures, regulated substances, fire escapes, water supply, sprinklers, roof construction, and other data useful in fire fighting situations. (Minimum retention: Retain current and previous inspection reports or 10 years whichever is longer)

(17) **Maps, Fire and Emergency Medical Services** Maps and related records maintained by the agency fire department for address location reference and for tracking various trends such as fire frequency and location, arson fires, and others. Includes lists, books, and other methods of address location. Some maps may have historic value. For appraisal assistance, contact the State Archives. (Minimum retention: Until superseded, obsolete, or no longer needed)

(18) **Public Education Program Records, Fire and EMS** Records related to the design and implementation of educational and other outreach programs provided to the public by the agency fire department. Often includes class descriptions, instructional materials, course outlines, class enrollment and attendance records, reports, speeches, and related records. (Minimum retention: (a) Class enrollment and attendance records: 2 years (b) Other records: Until superseded or obsolete)

(19) **Public Education Publications, Fire and EMS** Publications created by the agency fire department and distributed to the public as part of the department's public education program or other outreach effort. Often used in conjunction with presentations. Subjects may include CPR, electric wiring, fire prevention, fire safety for children, Christmas fire safety, and others. (Minimum retention: (a) Retain brochures, pamphlets, and leaflets: until superseded or obsolete (b) Retain one copy of all others: Permanently)

(20) **Regulated Substances Storage and Use Records** Records documenting the storage and use of regulated substances such as gasoline, crude oil, fuel oil, and diesel oil. May include applications, permits, inspection reports and related records for agency regulation of above ground storage tanks as well as reports of substance releases from underground storage tanks. Agencies that administer their own underground storage tank program as described in ORS 466.730 may have additional records such as underground storage tank applications, permits, inspection reports, and related documents. SEE ALSO Inspection and Occupancy Records in this section for regulated substance storage and use records related to structures. (Minimum retention: (a) Records related to underground storage tanks: 25 years after tank removed (b) Records related to above ground storage tanks: 5 years)

(21) **Search and Rescue Mission Case Files** Series records information about search and rescue missions undertaken by the county. Records include Oregon search and rescue mission report, criminal complaint (incident) report, mission roster, lost/missing person report, equipment involved, description of events, and related information. (Minimum retention: 3 years)

(22) **Search and Rescue Unit Case Records** Series records administrative and general information about individual search and rescue units. Contains monthly membership update, membership roster, operational cost report, volunteer activity report, volunteer's personal expense record, and related records. Information includes unit number, personnel names and addresses, hours worked, activities, expenses incurred, and related information. (Minimum retention: 6 years)

(23) **Search Rosters** Series tracks movements of participants of search and rescue missions. Includes name, date, location, time in and out, and related information. (Minimum retention: 3 years)

(24) **State Fire Marshal Exemption Records** Records documenting partial or full agency exemption from statutes, rules, and regulations administered by the State Fire Marshal. Exemptions are granted if the agency enacts and enforces adequate regulations to conform with state and national fire standards defined in ORS 476.030(4). Certificates are renewed every two years. Usually includes applications, supporting documentation, reports, exemption certificate, and related documents. (Minimum retention: 2 years after denial, revocation, or expiration)

(25) **Youth Fire Prevention and Intervention Records** Series documents multi-disciplinary prevention and intervention services provided to children who have a history of or are at risk for setting fires. Community-based services are provided under the guidance of the Office of State Fire Marshal. SEE ALSO County Juvenile Department Records section. (Minimum retention: (a) Until court ordered expunction (ORS 419A.262), (b) If case is not expunged: 5 years after last action, or youth reaches age of majority, whichever is longer).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 -192.170 & 357.805 - 357.895

Hist.: OSA 4-2004, f. & cert. ef. 9-1-04; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-150-0120

### Housing and Community Development Records

(1) **Community Development Project Records** Records related to the assessment, funding determination, planning, design, and construction of various homeowner improvement projects, including facilities, structures, and systems. Records include work plan, and specifications, bid and contract information, project management/monitoring records, feasibility studies, plans, amendments, inspector reports, change orders, status reports, and related records. May be useful for litigation, reference, or budget planning. (Minimum retention: 10 years after substantial completion, or 3 years after final disposition, or as specified in agreement, whichever is longer)

(2) **Environmental Review Records** Records documenting individual environmental impact review studies for Community Development projects, as mandated by the Department of Housing and Urban Development (HUD), in accordance with the National Environmental Policy Act (NEPA). Records include duplicate materials from project records, environmental assessment, evaluation, and determinations, reporting information to HUD, supporting documentation and related records. (Minimum retention: Permanent)

(3) **Housing Authority Bylaws, Rules, and Policies** Documents defining the powers and purposes of the housing authority, as well as implementation policies in accordance with federal and state laws. Includes bylaws. May also include rules and policies on confidentiality, purchasing, tenant grievances, and other subjects. (Minimum retention: Permanent)

(4) **Housing Authority Individual Tenant History Records** Files documenting the history of individual tenant and housing authority actions from application to separation from the program. May contain application, landlord references, rental agreements, leases, periodic reexamination and hardship data, income verification, billing statements, maintenance requests, damage complaints, eviction notices, grievance hearing records, and significant related material. (Minimum retention: 5 years after separation from program)

(5) **Housing Authority Program Management Records** Records documenting the activities and status of various programs administered by the housing authority (Section 8, etc.). Records may include staff meeting records and reports, waiting lists, maintenance records, tenant statistics, and related significant records generated in the administration of housing authority programs not specified elsewhere in the schedule. (Minimum retention: 3 years after annual or final expenditure report submitted)

(6) **Housing Authority Property Management Records** Records documenting the actions of the housing authority in managing housing not owned by the agency. May include applications for funding, subgrants, insurance policies, contracts, and non-profit organization records such as articles of incorporation, bylaws, budgets, minutes, agendas, as well as related significant records. (Minimum retention: 6 years after expiration)

(7) **Housing Authority Rejected Assistance Application Records** Rejected applications and related records from individuals seeking assistance from the housing authority. Application information may include name, age, occupation, social security number, size of unit needed, assets, annual income, and related information. Records may also include verification forms and related significant records. (Minimum retention: 3 years)

(8) **Housing Development Project Records** The Housing Development Program utilizes funding from the federal HOME Investment Partnership Program to expand the supply of decent and affordable housing, particularly rental housing, for very low- and low-income citizens. Records related to the assessment, funding determination, planning, design,

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and construction of various housing development projects, including facilities, structures, and systems, as well as documentation on the acquisition of existing housing structures for housing. Information includes work plan, and specifications, bid and contract information, project management/monitoring records, feasibility studies, plans, amendments, inspector reports, change orders, status reports, and related records. (Minimum retention: 10 years after substantial completion of new structures or acquisition of existing housing units)

(9) **Housing Rehabilitation Loan Records** County Housing Rehabilitation Programs provide low-income homeowners with loans for needed and critical home repairs. To qualify for the program, a household's total annual gross income must be below HUD's Section 8 income limits. Series documents client application, verification of income, credit report information, deeds of trust, project specifications and work plan, copy of agency agreement with homeowner, financial information by loan type; DPL, CHIP, or Rental Rehabilitation, Cancelled Housing Rehabilitation and related records/correspondence. (Minimum retention: (a) Deferred Payment Loans (DPL): 5 years after homeowner leaves home, sells home, transfers the title, refinances the mortgage, or a change of use (b) County Home Improvement Program Loans (CHIP): 5 years after loan pay-off or foreclosure (c) Rental Rehab Loans: 5 years after loan pay-off or foreclosure (d) Cancelled Housing Rehabilitation Loans: 10 years after loan cancellation)

Stat. Auth.: ORS 192 & 357  
Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895  
Hist.: OSA 4-2004, f. & cert. ef. 9-1-04; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-150-0135

### Law Enforcement

(1) **Activity Reports, Law Enforcement** Individual officer, shift, and other activity reports usually filed on a daily, weekly, monthly, or annual basis. Useful for reference, performance monitoring, compiling annual reports, planning and budgeting, and for briefing subsequent shifts or activities. Applies to various duties such as dispatch, confinement, investigations, and patrol. Information usually includes name, shift, date, activities, and various statistical categories for tracking the number of arrests, phone calls, mileage, and other indicators. Also includes monthly and annual law enforcement or uniform crime reports summarizing statistics on criminal activity and office operations. Information may include date, categories, totals, and related data. (Minimum retention: (a) Annual reports and monthly reports for years in which no annual report exists: Permanent (b) Other reports: 2 years)

(2) **Alarm Records** Records documenting the licensing, use, and response to security alarms. Licenses and permits usually contain name and address of holder, type of alarm, location, instructions to officers responding to call, names of individuals to be contacted when alarm sounds, fee charged, and related data. Other records may include alarm response reports and false alarm reports. False alarm reports are used to document ordinance violations concerning the number of false alarms in a given period. (Minimum retention: (a) Alarm licensing and permit records: 3 years after expiration or revocation (b) Other records: 3 years)

(3) **Animal Control Records** Records document activities relating to animal control. Records may include reports, logs, lists, cards, receipts, and related correspondence. Records may relate to dog licenses, lost and found animals, animals running at large, and bite reports. Dog license information usually includes name, address and phone number of owner, name and description of dog, vaccination dates, and related information. (Minimum retention: (a) Licensing records: 3 years after expiration (b) Other records and reports: Until superseded or obsolete)

(4) **Arrest Warrant Log Records** Records documenting the status of arrest warrants as served, unserved, or recalled by the court. May include logs, validation listings, checkout sheets, and related records. Logs usually include date of warrant, subject's name, charge, date, warrant served or recalled, and related information. (Minimum retention: Until superseded or obsolete)

(5) **Arrest Warrant Records** Records related to a written order made by the court on behalf of the commanding law enforcement officials to bring a specified individual before the court. May also include detainer requests, informational documents related to the wanted person, teletypes, and other records relevant to the service of warrants. Warrant information includes date, court, judge's name, individual's name and date of birth, charge, and related data. (Minimum retention: Until served, recalled, or cancelled by the court)

(6) **Bail Records** Records document the receipt of bail monies or recognizance bonds by the county as stipulated in ORS 135.720. Records may include logs of monies received, names of individuals posting bonds

and inmate it applies to, staff member who accepted payment, and dollar totals of deposits made to the State Court. (Minimum retention: 3 years)

(7) **Block Home Program Records** Records documenting the application for and review, denial, or approval of block home designations. The Block Home Program is designed to provide safety and protection to school age children. The department conducts background checks on applicants. Information often includes date, name, address, date of birth, Social Security number, educational and work background, police record check, approval or denial decision, and related data. (Minimum retention: (a) Approved application records: 2 years after withdrawal from program (b) Denied application records: 2 years)

(8) **Booking Records** Books, logs, or other records documenting the confinement and release of individuals held in an agency correctional facility. Information usually includes name, charges, date of confinement, date of release, physical condition, and related data. Booking records related to individuals known to be dead need not be retained. (Minimum retention: (a) Homicides: 20 years (b) Felonies: 10 years (c) Misdemeanors: 5 years)

(9) **Briefing Records** Records document internal communications between supervisors and shift workers or between staffs on different shifts to alert them to problems, issues, or activities. This can include jail, patrol, and other agency staff. Records may include briefing logs and teletype/computer messages. (Minimum retention: (a) Retain messages of interest to law enforcement agency not warranting inclusion in INCIDENT CASE FILES or other record series: 1 year other record series: 1 year (b) Retain all other messages: Until read)

(10) **Bulletins from other Agencies** Bulletins, circulars, and related records received from federal, state, other state, and local law enforcement agencies. Usually contains descriptions and photographs of fugitives, missing persons, or stolen property. May also include other information of interest to the department. (Minimum retention: Until superseded or obsolete)

(11) **Chaplain/Religious Counsel** Records document the role of the agency or jail chaplain/religious counsel, volunteer chaplains, or groups that volunteer their time to the agency for religious purposes. Duties may include counseling of staff and/or inmates, counseling of family members of staff/and or inmates, victim's assistance, death notifications, crisis intervention, and special services, including weddings and funerals. Records may include individual guidance records, schedules, activity reports, authorizations of inmate articles (i.e. prayer feathers, medicine bags, wedding rings, etc.), and marriage and death records. (Minimum retention: (a) Retain inmate counseling records: 3 years after inmate release (b) Retain all other counseling records: 1 year)

(12) **Civil Emergency/SWAT Team Records** Records document the planning for and performance of hostage negotiations, riot response, bomb threats, or other tactical situations. Records may include maps rosters, equipment inventory, training records, and situation reviews. (Minimum retention: 3 years)

(13) **Civil Enforcement Case Files** Record of actions taken relating to a specific civil case. Information may include attempts at service, actual service information, and documentation of enforcement actions taken under the provisions of the order. (Minimum retention: 3 years after action completed)

(14) **Computer Inquiry Records** Logs or other hard copy records documenting requests made to other agencies involving missing persons, wanted persons, stolen vehicles, and other subjects. (Minimum retention: Until superseded or obsolete)

(15) **Computer Validation Records** Logs or similar hard copy records detailing validation requests and proof of verification for NCIC or other law enforcement information networks. Useful to document maintenance of network standards. (Minimum retention: 5 years or until audited by NCIC or other applicable law enforcement network, whichever is shorter)

(16) **Concealed Weapons Permit Records** Records documenting issuance of concealed handgun licenses and renewals as specified in ORS 166. Records include license applications, license renewal applications, copies of identification, background check results, license revocations and denials, and related records. Information must include the applicant's legal name, current address and telephone number, date and place of birth, hair and eye color, height and weight, applicant's residence address or addresses for the previous three years, photograph of applicant, fingerprints of applicant, and applicant's signature. (Minimum retention: (a) Revoked permits: 4 years after revocation or denial (b) All other records: 2 years after expiration or transfer of permit)

(17) **Crime Analysis Records** Records documenting department efforts to anticipate, prevent, or monitor possible criminal activity. May include reports, statistical summaries, trend or prediction information, pho-

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tographs, sound and video tape recordings, and related documents. Subjects often include crime patterns or modes of operation, analysis of particular crimes, criminal profiles, forecasts, movements of known offenders, alerts from other agencies, and others. (Minimum retention: (a) Major crime analyses or studies: 10 years (b) Other records: Until superseded or obsolete)

(18) **Crime Prevention Community Policing Organization Records** Mailing lists, plans, evaluations, notes, reports, and other records documenting community organizations, associations, individual volunteers, and others engaged in or interested in crime prevention efforts. Information is also used to develop community support for law enforcement programs and events. Records include presentations, publications, brochures, and newsletters. (Minimum retention: Until superseded or obsolete)

(19) **Crime Prevention Community Policing Event Records** Records document annual or one-time events organized by the agency or participated in where personnel are available to answer questions and provide educational information. Examples include National Night Out, safety fairs, bicycle rodeos, and open houses. Records include site information, schedules, volunteer rosters, and event evaluations. (Minimum retention: (a) Records of events considered significant and/or historical by local officials: Permanent (b) Retain all other event records: 1 year)

(20) **Crime Prevention and Community Policing Program Records** Records documenting department efforts to train citizens in crime prevention. May contain training and media presentation records including lesson plans, outlines, tests, evaluations, speeches, and related records. Subjects usually include neighborhood watches, home security, and others. (Minimum retention: (a) Retain significant program records: 5 years (b) Retain class enrollment and attendance records: 2 years (c) Retain other records: 1 year)

(21) **Crime Prevention Security Survey Records** Records documenting citizen requested officer surveys of homes and businesses and subsequent recommendations related to security. Usually contains a detailed checklist of problems or security defects. Subjects often includes areas of potential break in, blocked exits, landscaping that can hide crime, and similar topics. Survey usually is compiled into a report that is sent to the owner or renter. (Minimum retention: 2 years)

(22) **Crime Prevention Vacation House Inspection Records** Records documenting the inspection of homes and other properties while the occupants are away. Information often includes name, address, date received, vacation beginning and ending dates, emergency contact information, special conditions at the house or property, dates and times officers checked the house or property, and related data. (Minimum retention: 30 days after inspections end)

(23) **Criminal Arrest History Records** Records documenting information on the accumulated criminal arrest history of individuals which may be useful in current or future investigations. Records may include summary sheets or cards, arrest reports, fingerprint cards, mug shots, and related documents. Information often includes name, aliases, residence, sex, age, date and place of birth, height, weight, hair and eye color, race, scars, marks, tattoos, abnormalities, date of arrest, offense committed, habits, closest relatives or friends, and more. Records may be destroyed earlier if individual is known dead. (Minimum retention: (a) Homicides: 20 years (b) Felonies: 10 years (c) Misdemeanors: 5 years)

(24) **Criminal History Dissemination Records** Logs and other records documenting the dissemination of criminal histories and other law enforcement information to other agencies or criminal information systems. May include teletype and computer message logs. Information includes date of release, subject of information, recipient of information, reason information was requested, and identification numbers. (Minimum retention: Until case completed or suspended)

(25) **Criminal Intelligence System Database Records** Records documenting possible and proven criminal activity by individuals, groups, organizations, and businesses for use by local government law enforcement agencies. Information is categorized into file groupings as defined by OAR 137-090-0080 after collection and evaluation. Retentions are based on procedures detailed in OAR 137-090-0160. Includes investigatory reports, statistical reports, correspondence, memoranda, and related records. Information includes suspect identification, alleged activity, location, date, source validity, and other data. Sources include law enforcement and regulatory agencies, and private citizens. (Minimum retention: (a) "Permanent Files" as defined by OAR 137-090-0080: 5 years (b) "Temporary Files" as defined by OAR 137-090-0080: 1 year (c) "Working Files" as defined by OAR 137-090-0080: 30 working days)

(26) **Debriefings Records** documenting law enforcement operations, which are distributed in order to improve communication. Records include,

but are not limited to, mission sheets, after action reports and operations order records. (Minimum retention: 3 years)

(27) **Detoxification Confinement Logs** Logs listing names of individuals held because of drunkenness and released when sober. Includes dates and times confined and released, name of individual, and related information. (Minimum retention: 2 years)

(28) **Dog Handler Reports** Records documenting training and performance of dogs involved in law enforcement operations. Note: For limitations, see ORS 131.125, 131.155, 166.715-177.735, and other applicable statutes. (Minimum retention: 1 year after statute of limitations on case expires)

(29) **Electronic Home Detention Records** Records documenting the application and use of electronic monitors for inmates selected for electronic home detention monitoring. Documentation includes computerized tracking reports, printouts and computer schedules; documentation on offender violations, including unauthorized absences or activities; notifications to apprehend and control any absconding offenders; system troubleshooting notations and other related correspondence. (Minimum retention: 3 years after removal of monitor)

(30) **Emergency Telephone Calls Continuous Audio Files** Records document incoming emergency calls, law enforcement and emergency dispatches, radio activity, and 9-1-1 calls. Files are maintained on a 24 hour basis. Recordings of serious incidents may warrant longer retention for legal reasons. These should be transferred onto a separate medium and retained until legal action is resolved. (Minimum retention: 7 months)

(31) **Equipment Issued/Quartermaster Records** Records documenting equipment issued to an agency law enforcement agency and other agency personnel. Items include but are not limited to handcuffs, keys, uniforms, badges, personal protective and fire fighting equipment, and lockers. May include inventories, optional equipment lists, data sheets, and other records. Information often includes date, employee name, number, and section, description of equipment, and related data. (Minimum retention: Until superseded or obsolete)

(32) **Expunged or Sealed Records** Records documenting the arrest and/or conviction of a person who petitions and is granted by the court an order sealing or otherwise disposing of any related records according to ORS 137.225. "Upon entry of such an order, the applicant for purposes of the law shall be deemed not to have been previously convicted, or arrested as the case may be, and the court shall issue an order sealing the record of conviction or other official records in the case, including the records of arrest whether or not the arrest resulted in further criminal proceeding." Also applies to records related to juveniles as outlined in ORS 419A.260 and 419A.262. (Minimum retention: (a) Dispose expunged records according to the directive of the court (b) Retain expungement orders 75 years or according to the directive of the court (c) Retain sealed records 75 years or according to the directive of the court)

(33) **Field Interrogation Reports** Informational reports written by a law enforcement officer related to individuals, events, or vehicles for which the officer does not have probable cause for enforcement. Information usually includes name and address of person contacted, physical description of person or vehicle, officer's name, location of contact, date and time, witnesses, reason for contact, and related data. (Minimum retention: 1 year)

(34) **Fingerprint Cards** Cards containing fingerprints, palmprints, toeprints, and other personal identifiers of arrested individuals. Used for identification and apprehension of suspects in criminal investigations. May also include fingerprints of private security personnel working in an area. Information often includes name, address, date and place of birth, Social Security number, alias, occupation, employer, name of individual taking prints, and related data. Fingerprint cards of individuals known to be dead need not be retained. Fingerprint cards are currently transmitted to the Oregon State Police and maintained there. (Minimum retention: Until transmission to the Oregon State Police verified)

(35) **Fingerprint Cards, Latent** Cards containing latent fingerprints and palmprints found at crime scenes without identification of suspects. These are compared against cards on file at the agency. Usually contains information related to the crime, location, date and time, and other details of the case. (Minimum retention: (a) Unnatural death: 75 years (b) Sexual felonies defined in ORS 131.125: 27 years (c) Other felonies: 6 years (d) Other offenses: 3 years)

(36) **Handgun Dealers' Sales Records** Records documenting purchases of handguns from dealers. May include duplicate register sheets mailed by the dealer to the law enforcement agency and triplicate register sheets mailed by the dealer to the State Police for criminal records checks and then forwarded to the agency. Information includes series number, sheet number, sales person, Date and time, city/county, make, serial num-



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ber, caliber, name of purchaser, date of birth, address, height, occupation, race, color of eyes and hair, local address (if traveling), and signatures of purchaser and sales person. ORS 166.412(7) states that "the department may retain a record of the information obtained during a request for a criminal records check for no more than five years." (Minimum retention: 3 years)

(37) **Impounded and Abandoned Vehicle Records** Records documenting vehicles impounded by the department related to accidents, abandonment, recovered stolen vehicles, vehicles used in the commission of crimes, and other reasons. May include reports, notifications, information cards or sheets, receipts, and related records. Information often includes the make, model, year, color, identification number, tag number, and condition of the vehicle and contents, reason for impounding, location of impoundment, charge, if any, towing company used, release conditions, name and address of individual to whom vehicle was released, and other data. (Minimum retention: 3 years after disposition for records not included in Incident Case Files)

(38) **Incident Case File Indexes** Indexes to incident case files used as cross references between case numbers, names, dates, modus operandi, and other descriptive information. (Minimum retention: Until superseded or obsolete)

(39) **Incident Case Files** Central case files documenting complaints or other actions or incidents investigated by the department. Usually filed by case number. Records may include investigative reports, fingerprint cards, original arrest reports, supplemental reports, photographs, correspondence, teletypes, court orders, court dispositions, officer notes, laboratory reports, DUII test records including chemical analyses (also known as intoxilyzer or breathalyzer test records), citizen arrest certificates, copies of warrants, search warrants, and booking sheets, property/evidence reports, custody reports, and other related documents. Information usually includes suspect identification, alleged activity, location, date, validity of source information and other data. Sources include law enforcement and regulatory agencies and private citizens. SEE ALSO Juvenile Temporary Custody Records in this section. (Minimum retention: (a) Retain cases involving crimes with no statutes of limitations: 75 years after case closed (b) Retain Missing Persons Reports: Until cleared (c) Retain all other cases: until statute of limitations expires)

(40) **Indemnity Bonds** Copies of insurance bonds issued to indemnify the law enforcement agency against claims of wrongful actions in civil seizure cases. (Minimum retention: 2 years after seizure has been completed and a return has been made to the court of issuance)

(41) **Informant Case Files Records** documenting information about informants used by department personnel. May include reports, correspondence, payment records, fingerprint cards, signature cards, letters of understanding on informant activities, and related records. (Minimum retention: Until superseded or obsolete)

(42) **Inmate Accountability Records** Logs, lists, rosters, and other records documenting inmate counts, cell locations, and status, as well as related information. May include logs detailing status of individual inmates such as those awaiting action or on hold status, released on their own recognition, or released on security. May also include rosters documenting the location of all inmates by head counts at regular intervals. (Minimum retention: 1 year)

(43) **Inmate Case File Indexes** Indexes used to access inmate case files. Usually cross referenced by name, case number, and other identifiers. (Minimum retention: Until superseded or obsolete)

(44) **Inmate Case Files** Records documenting non-medical information on inmates confined in an agency correctional facility. Often contains date of entry, date of release, incident reports, release receipt indicating return of property, court commitment and release orders, behavioral information, and other relevant information concerning the arrest and confinement of an individual. (Minimum retention: 3 years after release)

(45) **Inmate Grievances** Records documenting the receipt of, investigation of and actions taken in regard to inmate grievances. (Minimum retention: 3 years after last action)

(46) **Inmate Meal Records** Records documenting menus used to plan and schedule inmate meals. May include listings of those inmates who received meals. Information may include month, day, meal, menu, inmates served, and related data. (Minimum retention: 6 months)

(47) **Inmate Medical Records** Records documenting outpatient medical treatment given to inmates. Often contains treatment log, prescriptions, health questionnaires, laboratory reports, x-ray reports, medical reports from other facilities, medication records and related records. Information may include inmate's name, date of treatment, description of treatment,

medications given and information regarding the medication dispensed and related data. (Minimum retention: 6 years after inmate release)

(48) **Inmate Program Records** Records documenting the education, recreation and miscellaneous programs that inmate participated in while at the facility. (Minimum retention: 3 years)

(49) **Inmate Telephone and Mail Records** Logs and other records documenting telephone calls and mail sent and received by inmates. Information may include name of inmate, date and time of telephone call or mail, and related data. (Minimum retention: 1 year)

(50) **Inmate Visitor Records** Records documenting information about visitors to inmates confined in an agency correctional facility. May include logs, request slips, and related records. Information often includes date, time in, visitor's signature and address, object of visit, time out, and related data. (Minimum retention: 1 year)

(51) **Inmate Work Programs** Records documenting the control of and participation of inmate work programs. (Minimum retention: 3 years)

(52) **Internal Investigations Case Files** Records documenting investigations of department personnel for violations of laws, rules, or policies and may include findings and dispositions of investigations. Records often contain complaints, correspondence, investigatory reports, interviews, hearing summaries and testimony, and related documents. Information usually includes name of employee investigated, reason, location of violation, date, accomplices' names and addresses, witnesses' names and addresses, action taken, and related data. (Minimum retention: (a) Investigations resulting in Termination: 10 years after employee separation (b) Investigations resulting in disciplinary action or exoneration: 2 years after resolution (c) Unfounded Investigations: 1 year)

(53) **Jail Monitoring Records** Records include audio and video recordings of prisoners booked into the jail facility. Video recordings are also made during inmate altercations and incidents where the Corrections Emergency Response Team (C.E.R.T.) members are utilized for inmate control. These recordings typically contain footage of use of force that are used in staff training sessions, but may also serve as evidence in criminal proceedings. (Minimum retention: (a) Prisoner booking videos: 30 days (b) C.E.R.T. training videos: Until superseded or obsolete (c) C.E.R.T. videos as evidence in criminal proceedings: destroy by order of the court)

(54) **Jail Canteen, Commissary or Kitchen Records** Records documenting the routine operations and control of jail canteens, commissary and kitchens. Includes inventory control records, inmate accounting records, and other related files. (Minimum retention: 3 years or until audited, whichever is longer)

(55) **Juvenile Offender/Victim Restitution Records** Records documenting the facilitation of restitution for crime victims of first time juvenile offenders. Typical cases may include criminal mischief, vandalism, minor assault, theft, and harassment. Information may include name, address, and phone number of person filing complaint, case number, date of activity, narration of the complaint, name of offender, date case closed, and other data. (Minimum retention: 5 years after last action, or youth reaches age of majority, whichever is longer)

(56) **Juvenile Temporary Custody Records** Records documenting children taken into temporary custody by the department as defined in ORS 419B.150 through 419B.175. The action is not considered an arrest. Information may include the name, age, and address of the child, the name and address of the person having legal or physical custody of the child, reasons for and circumstances under which the child was taken into temporary custody, and other data. SEE ALSO Delinquent Case Files, Adjudicated (Formal); and Delinquent Case Files, Informal in the County Juvenile section. (Minimum retention: 3 years)

(57) **Lost and Found Property Records** Records documenting agency receipt and maintenance of lost and found or abandoned property such as money, bicycles, automobiles, and other items not related to a crime. Includes receipts, inventory lists, destruction logs, property reports, and related records. (Minimum retention: 2 years after disposition)

(58) **Maps, Law Enforcement** Maps and related records maintained for reference and for tracking various trends. Examples include but are not limited to Neighborhood Watch Program maps, Block Home Program maps, street number location maps and books, parking meter maps, and maps plotting reported crimes in a given area. (Minimum retention: Until superseded or obsolete)

(59) **Marine Enforcement Reports** Records document the marine enforcement activities of the county sheriff's department. Information includes types of waterway and watercraft violations, citations issued and other related information. (Minimum retention: (a) Annual Reports: 5 years (b) Monthly Reports: Retain until annual report created)

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(60) **Master Name Index Records** Records documenting information on each individual who has been field interrogated or arrested, suspects or accomplices in crimes, victims, complainants, and witnesses to incidents. Information may include name, address, date of birth, race, sex, date and time of incident or contact, incident number, and related data. (Minimum retention: Until superseded or obsolete)

(61) **Mug Shots** Photographs and negatives of arrested individuals used for identification and apprehension of suspects in criminal investigations. Mug shots of individuals known to be dead need not be retained. (Minimum retention: (a) Retain homicides: 20 years (b) Retain felonies: 10 years (c) Retain misdemeanors: 5 years)

(62) **Neighborhood Dispute Resolution Records** Records documenting a county's dispute resolution program to handle complaints by citizens about concerns or disputes with neighbors or merchants. Typical cases may include animal control, landlord/tenant issues, noise, harassment, property disputes, and business/consumer issues. Records may include budget, activity, and statistical reports, mediation training information, evaluation and intake records, service referrals, resolution agreements, and follow-up surveys. Information may include name, phone number, and address of person filing complaint, case number, date of activity, narration of request or complaint, name and address of offender, action taken, and other data. (Minimum retention: (a) Retain case records 5 years after last action (b) Retain other records 2 years)

(63) **Officer Notes** Notes written by officers during the course of a shift containing information which may or may not be included in an official report. May pertain to contacts, incidents, unusual circumstances, and other subjects. Useful for referral in writing reports and testifying in court. Information includes names, dates, times, vehicles, activities, locations, and related data. Note: Officer notes recorded on handheld electronic organizers (e.g. Palm Pilots) are public records under ORS 192. Information on electronic organizers is subject to the same retention as the paper record unless the information is kept in another format for the duration of the retention period. (Minimum retention: 2 years)

(64) **Officer Weapon Registration Records** Records documenting weapons assigned to law enforcement officers. Information includes officer's name, and the make, model, serial number, and caliber of the weapon. (Minimum retention: Until superseded or obsolete)

(65) **Patrol Car Camera Videotapes** Records document patrol activities. Patrol officers may manually activate cameras when calls come in or cameras may automatically activate upon rapid vehicle acceleration or deceleration. (Minimum retention: (a) Retain tapes used as evidence until case reaches final disposition (b) Retain tapes used for internal investigations until investigation ends (c) Retain all other tapes 30 days)

(66) **Pawn Broker and Second Hand Dealer Reports** Reports submitted to the department documenting merchandise bought and sold by dealers. Useful in tracing stolen items. Information includes name, address, identification, and personal description of pledgor, as well as the date, dealer's name, and description of article. (Minimum retention: 2 years)

(67) **Peer Court Records** Records documenting the peer court system where youths who have committed certain first time misdemeanors or violations are judged through a court system of their peers (aged 12-17 years). Records may include policy and procedures manuals, budget, activity and statistical reports, guidelines and instructions for participants, applications to participate in the program, juvenile consent form, intake interview form, defendant questionnaire, summary report, attorney's analysis, jury verdict record, bailiff record, clerk's record, community service log, judge's notes, officer's status reports, defendant evaluation, parent evaluation, and related documentation. SEE ALSO Policy and Procedure Manuals and Guidelines in the Administrative section. (Minimum retention: (a) Case records: 5 years after final disposition of case, or youth reaches age of majority, whichever is longer (b) Participant guidelines and instructions: Until superseded or obsolete (c) Other records: 2 years)

(68) **Photo Identification Records** Photographs and other records used to identify agency employees, private security personnel, contract workers, and others. May include photographs taken for agency identification cards, driver's license photographs, and information such as name, date of birth, physical description, identification number, driver's license number, and other data. (Minimum retention: Until superseded or obsolete)

(69) **Photo Radar Records** Records documenting traffic infractions by drivers that have been photographed by the county sheriff's photo radar equipment. Records may include photographic negatives and prints, copies of citations, copies of drivers' licenses, forms to dismiss, logs, and related documentation. (Minimum retention: (a) Retain photo radar citations issued and logs: 2 years (b) Retain photo radar citations not issued 30 days)

(70) **Polygraph Records** Records documenting polygraph tests given to criminal suspects, prospective employees and others. Includes pre-examination records, examination questions for individuals interviewed, statements of consent, polygraph analysis reports, examiner's original test questions, examination chart tracing reports, polygraph results charts, conclusions, interviewee statements, and background information. (Minimum retention: (a) Retain cases involving crimes with no statute of limitations 75 years (b) Retain all other cases 1 year after statute of limitations expires)

(71) **Property and Evidence Control and Disposition Records** Records used to track property and evidence coming into department possession. Documents receipt, storage, and disposition of personal property and physical evidence from defendants, victims, and others. May include evidence photographs documenting crime scenes, accidents, and other incidents. Records often include receipt forms, evidence control sheets, property reports, destruction lists, property consignment sheets, seized firearm logs, homicide evidence inventories, and other documents. Information usually includes case number, tag number, date and time, property or evidence description, storage location, release date, and other data. (Minimum retention: (a) Retain cases involving crimes with no statute of limitations 75 years (b) Retain all other cases 1 year after statute of limitations expires)

(72) **Property Registration Records** Records documenting the registration of property for identification in case of theft, loss, or burglary. Property includes but is not limited to bicycles, televisions, cameras, stereos, and guns. Information may include name, address, and phone number of owner, date, description of property, serial number, and related data. (Minimum retention: Until registration is expired, superseded or obsolete)

(73) **Property Sales/Deed Records** Documents sale and conveyance of real and personal property by the enforcement agency. May include certificates of levy, notices of sale, publication proofs, mailing receipts, copy of judgment and execution, certificate of sale, return of service, and copy of deed issued. (Minimum retention: 6 years)

(74) **Scene Reconstruction Visuals** Exhibits and other visual aids created for use in court. Crime scenes were reconstructed and photographed in order to visually present information. (Minimum retention: (a) Retain cases involving crimes with no statute of limitations: Retain 75 years after case closure (b) Retain all other cases: Retain 1 year after statute of limitations expires)

(75) **Subpoenas Records** document subpoenas issued to law enforcement personnel to appear in court for the purpose of testifying. Information contains date of issuance, date requested, and location. (Minimum retention: Until court appearance)

(76) **Surveillance Tapes** Records documenting the routine monitoring of courts and other facilities through the use of video recordings. These recordings contain daily footage of activities in the courthouse or other county facilities and may also serve as evidence in criminal proceedings. (Minimum retention: (a) Retain tapes used as evidence: until case reaches final disposition (b) Retain tapes used for internal investigations: until investigation ends (c) Retain all other tapes: 30 days)

(77) **Teletype Messages** Incoming and outgoing teletype messages concerning a variety of subjects of interest to the department. Subjects include incidents, meetings, arrests, warrant confirmation and others. Information includes date, time, originating agency, and text. (Minimum retention: (a) Retain messages of interest to law enforcement agency not warranting inclusion in INCIDENT CASE FILES or other record series: 1 year (b) Retain all other messages: Until read)

(78) **Towed Vehicle Records** Rotation lists and related records documenting tow truck requests and responses. Information usually includes date, name of requestor, name of towing company called, location, and other data. Records may also include documentation of vehicles towed from private property at the request of citizens. This information is used to prevent towed vehicles from being reported as stolen. (Minimum retention: 1 year)

(79) **Traffic, Transit and Other Citation Logs** Logs listing various information related to citations issued by the department. Usually includes type of citation, ticket number, name of violator, date of issue, and officer's name. (Minimum retention: 1 year)

(80) **Traffic, Transit and Other Citations** Department copies of citations issued for traffic, transit, motor vehicle, and other violations. Includes Uniform Traffic Citations, parking citations, and others. Information includes city and county, date and time, name and address, date of birth, sex, occupation, license number, state, year, make and model of vehicle, location of violation, law allegedly violated, conditions, name of officer issuing citation, and related data. (Minimum retention: 2 years)

(81) **Traffic, Transit Violation Warning Records** Series documents warnings issued for alleged traffic, transit and other minor offenses.

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Records are often used to identify repeat offenders and support follow-up investigations. Information includes date, time, category, name, address, phone number, date of birth, race, sex, hair and eye color, height, weight, drivers license number, make and model of vehicle, location of violation, description of violation, signatures, and related data. (Minimum retention: 1 year)

(82) **Transportation of Prisoner Records** Records documenting the movement of prisoners from one place to another. Includes times, dates, employee in charge, prisoners transported, locations where prisoners were transported, etc. (Minimum retention: 3 years)

(83) **Used Firearm Transfer Records** Records document the sale or transfer of a firearm. Information includes business name and address, individual purchasing or trading firearm, time and date of transaction, firearm description, including serial number, caliber, form of identification presented by the seller/trader, and dealer and seller/trader signatures and phone numbers. (Minimum retention: 1 year)

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 6-2004, f. & cert. ef. 11-15-04; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-150-0165

### Planning

(1) **Comprehensive Plan Records** Records indicating the types of uses and activities allowed in particular land designations. Used to guide long term growth and development and to comply with state and federal laws. Usually contains public hearings records, plans, amendments, staff reports, periodic review records, maps, photographs, and other significant records. (Minimum retention: Permanent)

(2) **Conditional Use Records** Applications and decisions related to requests for certain land uses within a zone that require special review and approval. May include applications, site plans, zoning maps, staff reports, administrative action reports, and related significant records. (Minimum retention: 10 years after expiration, revocation, or discontinuance of use)

(3) **Design and Development Review Records** Architectural reviews of exterior renovations or new construction within particular geographical areas. Used to ensure integration of visual architectural standards. May include design review board or commission records such as minutes, agendas, and exhibits. Records also may include applications, site plans, staff reports, maps, review and appeal records, tape recordings, and related significant documents. *Three dimensional exhibits such as sample boards of brick, tile, and other building materials are not public records.* (Minimum retention: (a) Retain minutes, agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in agency records): Permanently (b) Retain audio or visual recordings: 1 year after minutes prepared and approved (c) Retain exhibits not pertinent to minutes: 5 years (d) Retain all other records if permit issued and structure completed: 2 years after substantial completion (as defined by ORS 12.135(3)) (e) Retain if no permit issued: 180 days (f) Retain if permit issued, but structure not started or completed: 2 years)

(4) **Enterprise Zone Records** Records documenting the creation and management of enterprise zones by the agency or in conjunction with other agencies. Designation used to encourage business growth by providing tax, permit, and regulatory relief to development within the zone. May include reports, applications for zone status, nominations for federal status, and significant related records. (Minimum retention: (a) Retain reports summarizing results or activities permanently (b) Retain other records 4 years after zone designation expires)

(5) **Flood Plain Permit Records** Permits issued for construction within a flood plain zone. Records also may include elevation certificates, applications, review records, check lists, and other significant documents. Permit information usually includes date, permit holder's name and address, U.S. map number, type of structure, and related data. (Minimum retention: (a) Retain permits and elevation certificates, 10 years after the life of the structure or area determined not to be a flood plain, whichever is longer (b) Retain other records 10 years)

(6) **Historic Structures Inventory Records** Records documenting the results of inventory projects to designate historic properties within a particular geographic area. Inventory is in conjunction with Oregon Land Conservation and Development Commission Goal 5 procedures. Information usually includes street address, legal description, neighborhood, owner's name and address, date constructed, historic and architectural significance, and references used. (Minimum retention: Until superseded or obsolete)

(7) **Historic Structures Rehabilitation Project Reviews** Routine reviews of proposals for rehabilitation of structures that have been designated historically significant or are 50 years old. Used to meet grant fund-

ing conditions and to protect the historical integrity of structures. Reviews often include address of structure, legal description, owner's name and address, proposed work, rehabilitation specialist's evaluation, violations noted, photographs, and related information. May also contain significant related correspondence. (Minimum retention: 3 years after project closed)

(8) **Land Use Hearings Officer Records** Records documenting appeals to the agency's hearings officer and decisions reached concerning variances and changes to the zoning code and comprehensive plan. May refer to conditional uses, zone changes, partitions, code variances, and other proposed actions. Records may include applications, hearings minutes, findings of fact, agendas, exhibits such as maps, reports, photographs, etc., tape recordings, and significant related records. (Minimum retention: (a) Retain minutes, agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in agency records): Permanent (b) Retain audio or visual recordings: 1 year after minutes prepared and approved (c) Retain exhibits not pertinent to minutes: 5 years)

(9) **Neighborhood/Citizen Association Charters and Bylaws** Charters and bylaws documenting the creation and organization of neighborhood associations designed to meet citizen involvement requirements and goals set by state and federal agencies concerned with urban development and land use issues. Usually includes articles of incorporation, amendments, and significant related records. (Minimum retention: Permanent)

(10) **Partition Records** Records documenting the partitioning of land into two or three parcels. Includes both major and minor partitions. Records often contain applications, staff reports, technical notes, approval orders, maps, and related significant records. (Minimum retention: (a) If approved and agency conditions met: Permanent (b) If not: 10 years after expiration or revocation)

(11) **Sign Review Records** Records documenting planning department review of sign construction. Often contains descriptions, drawings, photographs, reports, applications, and related significant records. (Retention: For the life of the structure)

(12) **Subdivision Records** Records documenting actions on requests to divide one piece of land into four or more lots. Often includes applications, site locations, descriptions of requests, site plans, staff reports, appeals reports, decision statements, maps, and related significant records. Records documenting actions on requests to divide one piece of land into four or more lots. Often includes applications, site locations, descriptions of requests, site plans, inspection reports, appeals reports, decision statements, maps, photographs, bonds and assurances, insurance records, engineering reports, test records, and related significant records. (Minimum retention: (a) If approved and agency conditions met: Permanent (b) If not: 10 years after expiration or revocation)

(13) **Temporary Use Records** Records documenting action on permits for temporary activities in commercial and industrial zones such as allowing temporary placement of structures incidental to construction. Records often contain applications, permits, staff reports, technical notes, approval orders, and other significant documents. (Minimum retention: 5 years after permit expiration)

(14) **Urban Renewal Plans and Reports** Plans and reports mandated by ORS 457.085 to provide descriptions and justifications for proposed development in urban renewal areas within a particular geographic area. Includes plans, amendments, reports, hearings records, impact statements, feasibility studies, maps, relocation studies, and related significant records. (Minimum retention: Permanent)

(15) **Urban Renewal Project Records** Records documenting individual renewal projects within urban renewal areas. Projects include but are not limited to construction, demolition, and rehabilitation of buildings, streets, and utilities. May include project area committee documents, reports, and related records, project plans, design reviews, maps, photographs, consultant studies, feasibility studies, agreements, and other significant records. Some records may have historic value. (Minimum retention: (a) Retain agreements: 10 years after substantial completion (as defined by ORS 12.135(3)) (b) Retain other records: 50 years)

(16) **Variance Records** Applications and decisions in cases of minor deviations from zone code requirements. Often includes applications, site locations, description of requests, site plans, zoning maps, staff reports, and significant related records. (Minimum retention: 10 years after expiration, revocation, or discontinuance of use)

(17) **Withdrawn Land Use Application Records** Records document land use applications and supporting documentation withdrawn by the applicant before a decision has been issued by the county or special district. Records may include but are not limited to applications, site location



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descriptions, site plans, maps and correspondence. (Minimum retention: 180 days if not returned to applicant at the time of withdrawal).

(18) **Zone Change Records** Applications and decisions related to rezoning land within the scope of an existing comprehensive plan. Often includes applications, staff reports, technical notes, approval orders, and related significant records. (Minimum retention: (a) Applications, findings of fact, and decision documents: Permanent (b) Other records: 10 years after approval or denial)

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005–192.170 & 357.805–357.895

Hist.: OSA 4-2004, f. & cert. ef. 9-1-04; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-150-0175

### Public Works Records — Operations and Maintenance

(1) **Backflow Prevention Device Test Records** Records documenting test results on backflow prevention devices designed to protect the water system from pollution related to substances backing into water lines. Information usually includes date, type and size of device, serial number, location, test records, line pressure, name of tester, name and address of device owner, and related data. (Minimum retention: 10 years)

(2) **Buildings and Grounds Maintenance and Repair Records** Records of all maintenance and repairs to buildings, grounds, and right-of-ways owned or leased by the agency. Used to verify that repairs were made. May include summaries, logs, reports, and similar records usually compiled from daily work records on a monthly or quarterly basis. Information often includes location, narrative of work completed, materials used, personnel completing work, authorization, dates of activities, and related data. SEE ALSO Daily Work Records in this section, and Administrative and Financial Improvement Records in the Financial section. (Minimum retention: (a) Records requiring engineering stamps: 2 years after life of structure (b) Other records: 2 years)

(3) **Cross Connection Control Survey Records** Records documenting the monitoring of potential or actual water system health hazards from pollution entering water pipes from other pipes. Records may include reports, surveys, checklists, and related documents. Information often includes address, contact person, business name, date, inspector, type of facility, description of protection, comments, corrections made, and other data. (Minimum retention: 1 year after disconnection or 10 years, whichever is longer)

(4) **Delivery Tickets** Tickets issued by suppliers to verify delivery of supplies or materials (concrete, road base, gravel, topsoil, etc.) Information usually includes date, time, amount and type of supplies received, and related data. (Minimum retention: 2 years)

(5) **Fill and Leaf Delivery Records** Records documenting citizen requests and agency delivery of fill material and leaves to private property. Often includes conditions, signature, address, and phone number of property owner, number of loads requested, desired dumping location, and related information. (Minimum retention: 2 years)

(6) **Hydrant Records** Records documenting the location, specifications, maintenance, testing, and repair of water hydrants in the water system. May include lists, charts, logs, reports, and related records. Information often includes location, make, description (main size, valve size, flow capacity, etc.), maintenance and repair narratives, dates, authorizations, and related data. (Minimum retention: (a) Location and specification records: Until hydrant permanently removed from service (b) Maintenance, test, and repair records: 2 years)

(7) **Permit-Required Confined Space Program Records** Records document OSHA program outlined in CFR 29.1910.146(e)(6) requiring employers to issue safety permits for employees entering potentially hazardous confined spaces, such as sewers. Records include permit, preentry testing data, field notations, and observations. (Minimum retention: 1 year)

(8) **Sewer and Storm Drainage Maintenance and Repair Records** Records documenting the maintenance and repair of agency sewers and storm drains. May include summaries, reports, and similar records usually compiled from daily work records on a monthly or quarterly basis. Information often includes location, narrative of work completed, amount and type of material used, personnel completing work, dates of activities, authorization, and related data. SEE ALSO Permit Required Confined Space Program Records in this section. (Minimum retention: (a) Records requiring an engineering stamp: 2 years after sewer or storm drain permanently removed from service (b) Other records: 2 years)

(9) **Sewer Smoke Test Records** Records documenting smoke tests undertaken to verify hookup to main sewer lines, check condition of pipes, or determine effectiveness of backflow prevention devices. Information often includes maps or diagrams of lines tested, location of leaks detected,

inspector's name, pipe size, and related data. (Minimum retention: 10 years)

(10) **Sewer Television/Videoscan Inspection Records** Reports documenting television inspections used to determine the condition of sewer lines. Inspections locate problems and defects so that corrective measures can be taken. Often consists of periodic inspections of existing lines, final inspections of newly constructed lines, and inspections at the end of warranty periods. Records usually contain videotapes and written reports. Information often includes date, type of inspection, conditions found, repairs needed, distances from manholes, and related data. (Minimum retention: (a) Written reports: 10 years or until superseded or obsolete, whichever is first (b) Video tapes: 1 year after written report submitted)

(11) **Temporary Access/Construction Easement Records** Records documenting temporary easements allowing entrance and work on property not owned by the easement holder. Permits usually apply to agency crews and utility workers. Information can include applicant name, address, and phone number, contractor name and license number, utility involved, location, description of work, security deposit, surface restoration material used, signature, date, comments, permit number, and related data. (Minimum retention: 5 years after easement expires)

(12) **Valve Maintenance Records** Records documenting the location, specifications, maintenance, and repair of valves in the water and sewer systems. May include lists, charts, drawings, reports, logs, and related records. Information often includes valve location, identification number, run of pipe, size, make, year installed, depth, turns to open and normal position, narratives of valve maintenance and repair, tests run, personnel completing work, dates, and related data. (Minimum retention: (a) Location and specification records: Until valve permanently removed from service (b) Maintenance and repair records: 5 years)

(13) **Water Line Maintenance and Repair Records** Records documenting the maintenance and repair of agency-owned water lines. May include reports, summaries, and similar documents usually compiled from daily work records on a monthly or quarterly basis. Information often includes, location, narrative of work completed, amount and type of materials used, personnel completing work, dates of activities, authorization, and related data. (Minimum retention: (a) Records requiring an engineering stamp: 2 years after water line permanently removed from service (b) Other records: 10 years)

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005–192.170 & 357.805–357.895

Hist.: OSA 4-2004, f. & cert. ef. 9-1-04; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-150-0185

### Public Works Records — Traffic Engineering and Maintenance Records

(1) **Alternative Transportation Committee Meeting Records** Records documenting the proceedings of the board of committee responsible for making recommendations to the county on alternative transportation issues, as described in Oregon's Public Meetings Law (ORS 192.610 to 192.710). Alternative modes of transportation include walking, public transit, and bicycling among others. Committee may provide input on footpath development as well. Records usually include minutes, agendas, exhibits, tape recordings, and related items. Subjects may include design, location, construction maintenance, projected needs, and development of master plans for alternative transportation mediums. (Minimum retention: (a) Retain minutes, agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in county records): Permanently (b) Retain audio or visual recordings: 1 year after minutes prepared and approved (c) Retain other records and exhibits not pertinent to minutes: 5 years)

(2) **Bridge and Culvert Maintenance and Repair Records** Records documenting maintenance and repairs on bridges and culverts. Includes pedestrian and bicycle bridges. May include summaries, reports, logs, and related records usually compiled from daily work records on a monthly or quarterly basis. Information often includes location, narrative of work completed, materials used, personnel completing work, authorization, dates of activities, and related data. SEE ALSO Daily Work Records in this section. (Minimum retention: (a) Records with engineering stamps documenting structural maintenance or repairs: 2 years after bridge or culvert permanently removed from service (b) Other records: 2 years)

(3) **Crosswalk Records** Records documenting the location and use of crosswalks. Useful in determining the need for and placement of existing and proposed crosswalks. May include reports, maps, studies, and related records. (Minimum retention: 2 years after superseded or obsolete)

(4) **Railroad Crossing Records** Records documenting agency activities in relation to railroad crossings. Records may include crossing plans and drawings, Oregon Public Utility Commission (PUC)/Oregon Dept. of

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Transportation (ODOT) public hearings records and rulings, reports and studies, accident records, and related documentation and correspondence. Records may also include documentation of corrective action taken in response to PUC/ODOT inspection reports. Oversight responsibility of railroad and rail safety responsibilities was transferred from the PUC to ODOT in 1995. (Minimum retention: Permanent)

(5) **Speed Zone Records** Records documenting the establishment and review of speed zones. Includes zones set by the Oregon State Speed Control Board and those established by the agency under OAR 701-010-0010. Records may include reports, photographs, proposals, orders, maps, accident summaries, and related documents. Considerations include pedestrian and bicycle movements, environmental impact, adjacent land use, and other factors. (Minimum retention: 2 years after superseded or obsolete)

(6) **Street Banner Records** Records documenting proposals for and installations of banners on streets, often in relation to civic events or celebrations. Records may include plans, maps, proposals, reports, applications, and other documents. Applications usually include applicant's name, address, and phone number, organization name, banner message, display period requested, signature of official approving permit, and related information. (Minimum retention: 2 years)

(7) **Street and Road Condition Inventory Records** Inventory records documenting the condition of streets, roads, curbs, shoulders, sidewalks, bikeways, alleys, etc. Useful for reference and planning. Information can include street or road name, location, year surveyed, constructed, and surfaced, bed and surface type, surface size, condition, and other data. (Minimum retention: 5 years after annual audit report issued)

(8) **Street Light Inventory Records** Inventory records of all street lights in an area. Information can include addresses, pole numbers, and map numbers of lights, types of lights, dates of purchase and installation, notes, and other data. (Minimum retention: Until superseded or obsolete)

(9) **Street Light Maintenance and Repair Records** Records documenting maintenance and repairs on street lights. May include reports, summaries, and similar records usually compiled from daily work records on a monthly or quarterly basis. Information often includes location, narrative of work completed, equipment repaired or replaced, supplies used, personnel completing work, authorization, dates of activities, and related data. SEE ALSO Daily Work Records in this section. (Minimum retention: 3 years after annual audit report issued)

(10) **Street Light Request and Survey Records** Records documenting requests by citizens for the installation of street lights, as well as surveys to assess need and feasibility. Often includes request forms, correspondence, surveys, reports, and related records. (Minimum retention: 2 years after last action)

(11) **Street Maintenance and Repair Records** Records documenting maintenance and repairs of agency-owned streets and sidewalks. May include reports, summaries, and similar documents usually compiled from daily work records on a monthly or quarterly basis. Information often includes location, narrative of work completed, amount of materials used, personnel involved, authorization, dates of activities, and related data. SEE ALSO Daily Work Records in this section. (Minimum retention: (a) Records requiring an engineering stamp: 10 years after substantial completion (as defined by ORS 12.135(3)) (b) Other records: 2 years)

(12) **Street Surface Maintenance Records** Records documenting routine and special street sweeping, cleaning, snow removal, sanding, leaf removal, and similar work. Often includes reports, summaries and similar records. Information can include date and time, area covered, broom down time and mileage, traveling time and mileage, operator's name, equipment used, amount of sand applied, amount of leaves removed, weather conditions, and related data. (Minimum retention: 3 years)

(13) **Traffic Accident Analysis Records** Records documenting the study of traffic accidents. Useful in identifying hazardous locations and determining possible corrective action. Records may include various statistical data on accidents related to fixed objects, parked automobiles, complicated intersections, bridges, pedestrians, streets/highways/roads, and other factors. May also include records of individual accidents documenting site, date, direction, driver's sex and age, weather, vehicle type, and related information. SEE ALSO Survey Field Records in the County Surveyor Records section. (Minimum retention: (a) Reports and summaries: 10 years (b) Other records: 5 years)

(14) **Traffic Control Equipment Maintenance and Repair Records** Records documenting maintenance and repair of traffic signals and signs in an area. May include reports, summaries, and similar records. Information often includes location, narrative of work completed, equipment repaired or replaced, supplies used, personnel completing work, dates of activities, and

related data. (Minimum retention: (a) Traffic signals: 3 years after equipment permanently removed from service (b) Traffic signs: 3 years)

(15) **Traffic Control Equipment Inventory Records** Records documenting the location, type, and use traffic control equipment. Often includes an inventory of all traffic signs and signal equipment. Also may include information noting the timing intervals of traffic signals for red, green, yellow, and pedestrian cycles, type of equipment, date of purchase and installation, location, notes, and other data. (Minimum retention: 2 years after superseded or obsolete)

(16) **Traffic Research and Study Records** Records documenting data gathering and analysis concerning traffic patterns, speed, direction, and other topics. May include information on vehicles, bicycles, and pedestrians for a given location and period of time. Usually includes machine and manual traffic counts, reports, summaries, and related records. SEE ALSO Engineering Project Technical Records in the Public Works-Engineering section. (Minimum retention: (a) Reports and summaries: 10 years (b) Other records: Until information is summarized or obsolete)

(17) **Transit System Records** Records document transit system routes, stops, stations and crossings in a particular geographic area, related transit schedules and amenities. Also may contain records related to agency review and approval or denial of individual stops or crossings, and service changes proposed by a transit district. Records may include reports, surveys, decision statements, notifications to affected individuals and property owners, and related records. SEE ALSO Meeting Records, Governing Body, and Special District Ordinances in the Administrative Records section. (Minimum retention: (a) Stop, station and crossing review records: 2 years after denied or approved and stop or crossing removed (b) Transit system maps: Until superseded or obsolete)

(18) **Truck Route Records** Records documenting the designation of truck routes for transporting goods within and through a particular geographical area. May include reports, maps, studies, and related documents. Subjects often include hazardous materials, triple trailer trucks, log trucks, buses, and others. (Minimum retention: 2 years after superseded or obsolete)

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 4-2004, f. & cert. ef. 9-1-04; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-150-0200

### Risk Management Records

(1) **Contractor Liability Insurance Verification Records** Letters or certificates of coverage provided by insurance companies declaring that specific contractors are covered by appropriate liability insurance. Information usually includes insurance company name and address, issue date, expiration date, amount of coverage, type of coverage, special provisions, signature of insurance company representative, and related data. (Minimum retention: (a) If related to county or special district improvement project: 10 years after substantial completion, (as defined by ORS 12.135(3)) (b) Other records: 6 years after expiration)

(2) **Contractor Performance Bond Records** Records documenting the posting of performance guarantees or surety bonds by contractors performing work for the agency. May include letters, certificates, copies of bonds, and similar records. Information usually includes name of individual or company covered, amount of coverage, effective and expires dates, name of bonding agent, authorized signatures, and related data. (Minimum retention: (a) If related to county or special district improvement project: 10 years after substantial completion, (as defined by ORS 12.135(3)) (b) Other bond records: 6 years after expiration)

(3) **Hazard Communications Program Records** Records documenting participation in the Hazard Communications Program as required by the Oregon Occupational Safety and Health Administration (OR-OSHA). These records may be useful as documentation for exposure and other claims because they include chemical content, safe handling instructions, and other facts about a product at a given time in the past. Usually includes plans, reports, and material safety data sheets (MSDS). Information included in the material safety data sheets includes product name, manufacturer's address and phone number, hazardous ingredients contained, ingredient description, carcinogenicity, quantity of ingredients, fire and explosion data, health hazard data, radioactivity data, spill and leak pressures, safe handling and use information, special use precautions and related data. (Minimum retention: 75 years after superseded or obsolete)

(4) **Hazardous Substance Employer Survey Records** Series documents the locations, quantities, and individuals responsible for specific hazardous chemicals housed by an agency. This record is sent to the State Fire Marshal. Records include hazardous chemical compositions, lot numbers,

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and emergency disposition instructions. (Minimum retention: Until superseded or obsolete)

(5) **Incident Reports** Series documents incidents which result in an investigation of fraud. Information includes correspondence documenting incident, investigation report, and resolution/final determination. (Minimum retention: 5 years)

(6) **Injury Reports, Public Use** Records documenting injuries sustained by non-employees on county or special district property such as parks, courthouses, libraries, and administrative buildings. Information usually includes date, time, location, and description of injury, name, address, phone number, sex, and age of injured person, witnesses, date reported, and related data. (Minimum retention: (a) If claim filed: See Liability Claims Records (b) If no claim filed: 3 years)

(7) **Insurance Fund Claims** Series documents requests for payment of insurance claims from insurers. Records may include Auto/Liability/Property Claim Reports, estimates of repairs, accident reports, police reports, and correspondence. (Minimum retention: 5 years)

(8) **Insurance Policy Records** Records documenting the terms and conditions of insurance policies between the agency and insurers. Types of insurance include liability, property, group employee health and life, motor vehicle, workers' compensation, flood, and others. Records usually include policies, endorsements, rate change notices, agent of record, and related documents. (Minimum retention: (a) Group employee health and life, property, and liability insurance: 75 years after expiration if no claims pending (b) Other insurance: 6 years after expiration if no claims pending)

(9) **Liability Claims Records** Records documenting various types of liability claims filed against the agency. These include personal injury, property damage, motor vehicle accident, false arrest, and others. Records often include reports, photographs, summaries, reviews, notices, audio and videotapes, transcriptions of recorded statements, memoranda, correspondence, and related documents. (Minimum retention: (a) If action taken: 10 years after case closed, dismissed, or date of last action (b) If no action taken: 3 years)

(10) **Liability Waivers Records** Documenting the release of the agency from liability related to various activities that include citizen involvement. Examples include but are not limited to riding in police or emergency medical services vehicles, participating in agency sponsored runs or other activities such as recreational classes including canoeing, kayaking, tennis, basketball, and others. Information usually includes release terms, date, signatures, and related information. (Minimum retention: 3 years)

(11) **Master Material Safety Data Records** Series documents all hazardous chemicals used and held by an agency. Records include hazardous materials safety sheets, safety instructions, and emergency instructions. (Minimum retention: Until superseded or obsolete)

(12) **Occupational Injury and Illness Records** Series documents occupational injuries and illnesses, as required by the Oregon Occupational Safety and Health Administration (OR-OSHA). Records may include logs and summaries, serious injury reports, injury cost reports, and annual occupational injuries and illnesses surveys. SEE ALSO Workers' Compensation Claim Records in this section. (Minimum retention: 6 years)

(13) **Personnel Accident Incident Reports** Series used to report employee accidents to agency supervisors. Records may include SAIF accident reports, accident reports, occupational injury report and investigation, and employee identification and physical assessment form. (Minimum retention: 10 years after case closed)

(14) **Property Damage Records** Reports, photographs, and other records documenting damage to agency property such as signs, trees, picnic tables, buildings, fountains, and fences. Information often includes type and location of property damaged, description of damage, date and time of damage (if known), name and address of individual who caused damage (if known), value of damage, billing costs, and related data. (Minimum retention: (a) If litigated: see Civil Case Files in the Counsel or District Attorney section for retention (b) If not litigated: 3 years after date of last action)

(15) **Risk Factor Evaluation Records** Series is used to assess various risk factors for an agency and determine appropriate insurance needs. Records may include studies, worksheets, yearly risk reports, restoration fund inventory reports, policy manuals, property transfer reports, self insurance manuals, real property reports, money and negotiable securities reports, a general risk survey and correspondence. (Minimum retention: 4 years)

(16) **Safety Inspection and Compliance Records** Series provides a record of safety inspections and documents agency compliance with state and local safety regulations. Records may include reports on building, fire alarm system, elevator, boiler, transit, and construction inspections per-

formed by state and local agencies as well as citations received by the agency. Also includes follow-up actions and correspondence. (Minimum retention: 10 years)

(17) **Safety Program Records** Records document the agency's program to promote safety on agency-owned property and systems. Records may include safety policies, plans and procedures, workplace safety committee records, reports on inspections conducted by the safety officer, evacuation rosters and reports, and related documentation and correspondence. SEE ALSO Engineering Project Technical Records in the Public Works Records – Engineering section. (Minimum retention: (a) Retain safety policies, plans, and procedures: 5 years after superseded or obsolete (b) Retain inspection reports, evaluations and recommendations: 10 years (c) Retain committee minutes, exhibits, and agendas: 3 years (d) Retain other records: 5 years)

(18) **State Accident Insurance Fund (SAIF) Claim Records** Series documents job-related injury and illness compensation claims made by agency employees to the State Accident Insurance Fund and the resulting claim disposition. Records may include case histories, employer's payroll reports, SAIF premium reports, hearing transcripts, notices of claim acceptance, injury reports, supervisor's accident investigation reports, SAIF injury report summaries, opinions and orders, appeal letters, claim adjustment documentation, physician's reports, cost statements, and associated correspondence. (Minimum retention: 6 years after claim closure)

(19) **State Accident Insurance Fund (SAIF) Injury Reports** Series documents the information submitted to the State Accident Insurance Fund about personal injuries incurred by agency employees. (Minimum retention: 1 year)

(20) **Vehicle Accident Records** Records documenting accidents involving agency vehicles. May include dispatch reports with information such as name and address of parties involved, date and time, complaint, description of damage, and other data. Records may also contain motor vehicle accident reports which include the driver's name, address, phone number, date of birth, and driver's license number, as well as passenger and witness names, description of events, make and model of vehicle(s), vehicle identification number, and related data. Photographs and correspondence also may be part of these records. (Minimum retention: (a) If litigated: SEE Civil Case Files in Legal Counsel section (b) If not litigated: 3 years)

(21) **Workers' Compensation Claim Records** Records documenting the processing of individual employee claims of job related injuries or illnesses, but not those describing actual medical conditions. Includes records satisfying the procedural requirements of the State Workers' Compensation Division and the State Workers' Compensation Board, as well as those of (depending on agency arrangements) the State Accident Insurance Fund (SAIF), private insurance providers, or self-insurance. Records may include claim disposition notices, claim reporting and status forms; injury reports; determination orders; insurance premium data; hearing requests; safety citations; inspection reports; medical status updates and reports; investigation reports; reimbursement and payment records; and related correspondence and documentation. SEE ALSO Employee Medical Records in the Personnel section for records describing the job related injury or illness and the related subsequent medical condition of the employee. These often include workers' compensation accident reports, medical reports, vocational rehabilitation evaluations, disability determinations and related records. (Minimum retention: (a) Records describing injuries and illnesses: SEE Employee Medical Records in the Personnel Records section (b) Other records: 6 years after claim closed or final action)

(22) **Workers' Compensation Program Records** Series used to provide a record of an agency's occupational injury/accident claims, safety compliance inspections, insurance coverage, and related reimbursement issues. Records may include claim disposition notices, claim reporting/status forms, injury reports, WCD Determination Orders, insurance premium data, hearing requests, safety citations, inspection reports, medical status updates, investigation records, and correspondence. (Minimum retention: 6 years)

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005–192.170 & 357.805–357.895

Hist.: OSA 4-2004, f. & cert. ef. 9-1-04; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-200-0010

### Administrative Records

(1) **Activity and Room Scheduling and Reservation Records** Records document scheduling and reservations related to public participation in and use of various city activities, events, classes, and meeting rooms. Includes schedules, logs, lists, requests, and similar records. SEE ALSO Participant Registration and Attendance Records and Park and



## ADMINISTRATIVE RULES

Facility Use Permits in the Parks and Recreation section for records documenting public use of services or facilities for which formal registrations or permits are required. (Minimum retention: 1 year).

(2) **Activity Reports, General** Daily, weekly, monthly, or similar reports other than annual reports documenting the activities of city employees. Useful for compiling annual reports, planning and budgeting, monitoring work progress and other purposes. Usually tracks type of activity, employees and/or volunteers involved, time spent on activity, work completed, and related information in narrative or statistical form. SEE ALSO Grant Records in the Financial-General section for reports documenting activities directly related to projects funded by grants. (Minimum retention: 2 years).

(3) **Annual Reports** Reports document the program or primary functional activities and accomplishments of the office for the previous year. These are often compiled from monthly, quarterly, or other subsidiary activity reports. Usually includes statistics, narratives, graphs, diagrams, and similar information. SEE ALSO Activity Reports, General in this section for reports documenting shorter periods of time. (Minimum retention: Permanent).

(4) **Cemetery Records\*** Records document the administration and management of city-owned cemeteries. Records may include lists of names and maps of grave locations, deeds, information on purchasing lots and burials, death certificates, State Mortuary and Cemetery Board licensing and reporting documentation, and related correspondence. Some records may have historic value. (Minimum retention: Permanent).

(5) **Communication Logs** Logs document communications made or received through a variety of electronic devices, including but not limited to telephone, smart phone, facsimile (fax), radio, computer-aided dispatch, pager, and teletype. AND are not otherwise specified in the city general records retention schedule (OAR 166 Division 200). Logged information may include time, date and disposition of communication, name of caller, number called or received, and action taken. SEE ALSO Correspondence in this section. (Minimum retention: 1 year)

(6) **Correspondence** Records that: 1. document communications created or received by an agency AND 2. directly relate to an agency program or agency administration AND 3. are not otherwise specified in the City General Records Retention Schedule (OAR 166-200) or in ORS 192.170. Records may include but are not limited to letters, memoranda, notes and electronic messages that communicate formal approvals, directions for action, and information about contracts, purchases, grants, personnel and particular projects or programs. (Disposition: File with the associated program or administrative records. Retentions for city records are found in City General Records Retention Schedule. Communications not meeting the above criteria do not need to be filed and may be retained as needed).

(7) **Desk Calendars and Notes** Records document planning, scheduling, and similar actions related to meetings, appointments, trips, visits, and other activities. Includes calendars, appointment books, notes, telephone messages, diaries, and similar records, regardless of format. Depending on content, some telephone messages and similar records may merit inclusion in related program or project files. This applies to records that contain significant information, which is not summarized or otherwise included in reports or similar documents. *Information recorded in a personal day planner or personal electronic device may be a public record under ORS Chapter 192.* (Minimum retention: 1 year).

(8) **Emergency and Disaster Incident Records\*** Records document the extent of impact and actions taken by the city in response to disasters, emergencies, and civil disorder. Incidents may be natural or manmade such as earthquakes, wild land fires, severe storms, floods, drought, airplane crashes, utility failures, hazardous materials incidents, riots, and similar events affecting the people, property, or government of the city. Records may include logs, diaries, damage assessment reports, response reports, situation and resource status reports, incident action plans, resource ordering and tracking records, financial documentation, messages, photographs, sign-in sheets, and any other incident related documentation. SEE ALSO the Emergency Management section, the Fire and Emergency Medical Services section, the Police section, the Public Works section, and the Risk Management section for related records. (Minimum retention: Permanent).

(9) **Fax Reports** Reports document the facsimile transactions of the city. Reports may also be used for billing purposes. Information includes date and time fax transmitted or received and recipient/sender fax number. (Minimum retention: (a) If used for billing, retain 3 years (b) If not used for billing, destroy).

(10) **Index/Finding Aid Records** Records created to facilitate the location and retrieval of information, files and physical objects. (Minimum retention: Until superseded or obsolete).

(11) **Internal Audit Records** Records document the examination of the city's fiscal condition, internal control, and compliance policies and procedures. Records may also document performance or other financially related audits by city or contracted auditors. Records may include audit reports, supporting documentation, comments, and correspondence. (Minimum retention: 10 years).

(12) **Key and Keycard Records\*** Records document the issuance of keys and keycards to agency staff to enable access to agency buildings and sites. Records may include but are not limited to key inventories, key issue forms, key replacement records, and key disposal records. (Minimum retention: 2 years after key is turned in).

(13) **Lobbyist Records** Records document lobbyist and lobbyist employer activities and are used to report to these activities to the Oregon Government Ethics Commission. Records may include but are not limited to expenditure reports, registration statements, termination records, guidelines, and correspondence. (Minimum retention: (a) Retain expenditure reports 4 years (b) Retain all other records 5 years after last activity)

(14) **Mailing Lists** Lists compiled to facilitate billing, community outreach, and other functions in the city. Information usually includes name of individual or group, address, name and title of contact person, phone number, comments, and similar data. (Minimum retention: Until superseded or obsolete).

(15) **Meeting Records, Board, Commission, and Committee\*** Records document the proceedings of city boards, commissions, task forces, committees, advisory councils, and other similar groups, as described in Oregon's Public Meetings Law (ORS 192.610 to 192.710). Records may include minutes, agendas, exhibits, resolutions, staff reports, indexes, petitions, audio or visual recordings, correspondence, and related documentation. (Minimum retention: (a) Minutes\* (except executive session minutes), agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in city records) permanently (b) Executive session minutes, retain 10 years (c) Audio or visual recordings 1 year after minutes prepared and approved (d) Other records and exhibits not pertinent to minutes, retain 5 years).

(16) **Meeting Records, Governing Body\*** Records document the proceedings of any regularly scheduled, special, executive session, or emergency meeting of any governing body, as described in Oregon's Public Meetings Law (ORS 192.610 to 192.710) that is under city jurisdiction. These typically consist of boards, commissions, advisory councils, task forces, and similar groups. Records may include minutes, agendas, exhibits, resolutions, staff reports, indexes, petitions, tape recordings, and related documentation and correspondence. For further description of several specific examples of meeting records, refer to the subject index. SEE ALSO Meeting Records, Staff and Meeting Records, Board, Commission, and Committee; in this section. (Minimum retention: (a) Minutes\* (except executive session minutes), agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in city records) permanently (b) Executive session minutes 10 years (c) Audio or visual recordings, retain 1 year after minutes prepared and approved (d) Other records and exhibits not pertinent to minutes, retain 5 years).

(17) **Meeting Records, Staff** Records document meetings within city government, which are not subject to Oregon's Public Meetings Law (ORS 192.610 to 192.710). These routine staff meetings deal with tasks and actions within existing policies and procedures. Records may include minutes, notes, reports, and related items. Some records may merit inclusion in other record series with longer minimum retention periods if the subject matter of the meeting adds significant information to that series. (Minimum retention: 2 years).

(18) **Mitigation Program Records\*** Records document the establishment and maintenance of the city mitigation program, plans, and procedures. Records may include mitigation plans and strategies, policies, procedures, seismic surveys and structural upgrade records of city facilities, project reports, hazard mitigation grant records, and related documentation which may include capital improvement records, new and revised building codes, and zoning ordinances. SEE ALSO the Risk Management section. (Minimum retention: (a) Adopted plans,\* retain permanently (b) Other records, retain for the life of the structure).

(19) **News Releases** Records document the release of prepared statements, announcements, news conference transcripts, and similar records issued to the news media by the city. Subjects include the adoption of new city programs, termination of old programs, policy shifts, changes in the status of elected officials or senior administrative personnel, and others. Also may include news releases announcing routine events or actions carried out within the scope of existing city policies. Some releases may merit inclusion in applicable related record series (e.g., Incident Case Files, Fire

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Investigation Records, etc.). (Minimum retention: (a) Policy and historic news releases, retain permanently (b) Routine news releases, retain 2 years).

(20) **Notary Public Log Book** Records document the notarial transactions completed by a notary public employed by the city. Cities may retain log books by agreement with the notary public after their separation from city employment. Cities retaining notary public log books without notary agreements should consult their city attorney and/or the Secretary of State, Corporation Division for retention instruction. (Minimum retention: 7 years after date of commission expiration).

(21) **Organizational Records** Records document the arrangement and administrative structure of the city government. May include charts, statements, studies, and similar records. Includes studies to determine the merit and feasibility of reorganization plans as well as other major studies related to the city's administrative hierarchy. (Minimum retention: Permanent).

(22) **Permit and License Records, City Issued\*** Records document city review, background investigations, recommendations and other actions related to permits and licenses issued for various activities within the city. Subjects may include but are not limited to business, tree removal, temporary signs, taxi cab drivers, dances, parades, rocket launching, second hand dealers, alarm system dealers, keeping livestock in the city, and solicitors. Usually includes applications, background investigation reports, permits, licenses, and related records. This record series does not apply to several types of permit records related to construction, certain public works functions, and others. SEE ALSO the Financial sections, Building Permits in the Building section; Explosives Storage and Use Permits in the Fire and Emergency Medical Services section; Right-of-Way Permit Records in the Public Works-Engineering section; and Industrial Pretreatment Permits in the Public Works-Wastewater Treatment section. (Minimum retention: (a) Fee permits or license records, retain 3 years after expiration, revocation, or denial (b) Free permits or license records, retain 2 years after expiration, revocation, or denial).

(23) **Postal Records** Records document transactions with the U.S. Postal Service and private carriers. Includes postage meter records, receipts for registered and certified mail, insured mail, special delivery receipts and forms, loss reports, and related items. (Minimum retention: 3 years).

(24) **Professional Membership Records** Records document institutional or agency-paid individual memberships and activities in professional organizations. (Minimum retention: 3 years).

(25) **Program Accreditation Records** Records document the evaluation, certification, and accreditation of an agency program by a nationally or regionally recognized accrediting organization AND are not otherwise specified in the city general records retention schedule (OAR 166 Division 200). Records may include but are not limited to self-evaluation reports; reports sent to accrediting organization; statistical data; evaluation reports; final accreditation reports and certifications; and related documentation and correspondence. Some records in this series may have historic value. SEE ALSO Professional Membership Records in this section. (Minimum retention: Retain current and one previous accreditation cycle, destroy.)

(26) **Public Notice Records\*** Records document compliance with laws requiring public notice of city government activities. Subjects include assessments, elections, land use changes, public meetings and hearings, sale of property, and others. Records include public or legal notices, certificates, affidavits of publication, and similar documents. SEE ALSO Competitive Bid Records in the Financial-General section for public notices related to bid openings and awards. (Minimum retention: 3 years).

(27) **Publications** Records document the published records produced by or for the city or any of its departments or programs and made available to the public. Includes newsletters, pamphlets, brochures, leaflets, reports, studies, proposals, and similar published records. Does not include publications received from federal, state, private or other sources — these publications and extra copies of city-produced publications should be retained as needed. (Minimum retention: (a) Brochures, pamphlets, and leaflets, retain until superseded or obsolete (b) One copy of all others, retain permanently).

(28) **Requests and Complaints** Records document complaints or requests concerning a variety of city responsibilities. Information often includes name, phone number, and address of person making request or complaint, narration of request or complaint, name of person responding to request or complaint, dates of related activities, and other data. SEE ALSO Equal Employment Opportunity Complaint Records, and Grievance and Complaint Records in the Personnel Records section; Water Quality Complaint Records in the Public Works-Water Treatment Records section; and Incident Case Files, which contain law enforcement complaints in the

Police Records section. SEE ALSO Correspondence, General in this section for routine requests for information or publications and Liability Claims Records in the Risk Management section. (Minimum retention: 2 years after last action).

(29) **Routing and Job Control Records** Records used to control the routine flow of documents and other items and actions in and between offices in the city. Includes routing slips, job control records, status cards, receipts for records charged-out, batch slips, and similar records. (Minimum retention: 1 year).

(30) **Scrapbooks** Books document a chronological, historical event or similar record of the city. May contain photographs, newspaper or magazine clippings, commentaries, and other items pertaining to the activities, actions, and reactions of the city officials, personnel, and citizens. Scrapbooks vary greatly in their content and value. Some may have historic value. For appraisal assistance, contact the Oregon State Archives. (Minimum retention: Retain as needed).

(31) **Security Records** Series documents security provided for agency buildings and grounds. Records include surveillance records, security logs, sign-in sheets, security reports, incident reports, and related records. Minimum retention: 2 years

(32) **Seminar and Conference Records, City-Sponsored** Records document the design and implementation of city-sponsored seminars, conferences, workshops, conventions, and similar gatherings. Often includes class descriptions, instructional materials, course outlines, enrollment and attendance records, reports, speeches, planning documentation, and related records. For records documenting registration billings and related fiscal actions, see the Financial-General section. (Minimum retention: (a) Significant program and fee records, retain 3 years (b) Class enrollment and attendance records, retain 2 years (c) Other records, retain 1 year).

(33) **Seminar and Conference Records, Non-City Sponsored** Records document activities, seminars, conferences, workshops, conventions, and similar gatherings not sponsored by the city but attended by city officials or personnel. May include staff reports, instructional materials, recommendations, related correspondence and memoranda, and similar records. (Minimum retention: 2 years).

(34) **Special Event and Celebration Records** Records document city-sponsored celebrations of special and historic occasions such as pioneer days, centennials, and similar events. Provides a record of planning and promotional efforts, public attendance and response, major speeches and dedications, and other aspects of the celebration. These records may include studies, publications, photographs, attendance summaries, final reports, and other documents. Records may also include routine documentation related to implementing the promotion and organization of the event. These often include lists, rosters, correspondence, volunteer information, and related records. SEE ALSO Special Event Records, Traffic in the Public Works-Traffic Engineering section for related records. (Minimum retention: (a) Records documenting significant aspects of the event, retain permanently (b) Other records, retain 2 years after event).

(35) **Surveys, Polls, and Questionnaires** Records document the measurement of public opinion by or for the city related to various issues, actions, and concerns. May include surveys, polls, questionnaires, summaries, abstracts and related records. Examples of summaries include studies which incorporate the significant results of public opinion surveys, abstracts of questionnaires designed to determine the skills and interests of citizens volunteering for city service, and other records which distill survey data into summary form. (Minimum retention: (a) Summary reports and abstracts, retain 3 years (b) All other records, retain until summary report is completed or 3 years, whichever is sooner).

(36) **Technical Manuals, Specifications, and Warranties\*** Owners manuals and warranties for city-owned vehicles and equipment. Manuals often include specifications, operating instructions, and safety information. Warranties include terms of coverage for repair or replacement of equipment. (Minimum retention: (a) Manuals, retain until disposition of vehicle or equipment (b) Warranties, retain until expiration).

(37) **Vehicle Maintenance and Repair Records** Records document the maintenance and repair history of all city-owned vehicles. Records may include reports, summaries, and similar records usually compiled from daily work records on a monthly or quarterly basis. Information often includes a description of work completed, parts and supplies used, date of service, date purchased, price, vehicle number, make and model, and other data. SEE ALSO Contracts and Agreements in Recorder-General section for contract records related to private companies maintaining and repairing city-owned vehicles. SEE ALSO Daily Work Records in the Public Works-Operations and Maintenance section and Work Orders in this section. (Minimum retention: 2 years after disposition of vehicle).

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(38) **Visitor Logs** Records used to track visitors to city buildings. Records may include visitors' names, visitor badges issued, and entrance and exit times. (Minimum retention: 1 year).

(39) **Work Orders** Records document requests and authorizations for needed services and repairs to city property and equipment. May include copy center work orders, printing orders, telephone service and installation requests, repair authorizations, and similar records. (Minimum retention: (a) Work completed by city personnel, retain 1 year (b) Work completed by outside vendors, retain 3 years).

(40) **Work Schedules and Assignments** Records document the scheduling and assigning of shifts, tasks, projects, or other work to city employees. Useful for budget and personnel planning, review and other purposes. May include calendars, schedules, lists, charts, rosters, employee time surveys, and related records. Also includes rosters and similar records documenting vacation schedules. SEE ALSO the Personnel section for related records. (Minimum retention: 2 years).

(41) **Year 2000 (Y2K) Planning Records** Records document the planning and development of city Y2K Contingency Plans. Records may include but are not limited to meeting minutes, correspondence, draft plans, work notes, plan test results, and final plan. Information includes type of systems vulnerable to Y2K, level of priority, and party responsible for system solution or troubleshooting. (Minimum retention: Destroy).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 2-2005, f. & cert. ef. 5-10-05; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 2-2009, f. & cert. ef. 6-24-09; OSA 6-2009, f. & cert. ef. 8-26-09; OSA 3-2012, f. & cert. ef. 10-29-12

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### Financial-General Records

(1) **Accounts Payable Records** Records document payment of city bills for general accounts. Includes reports, invoices, statements, vouchers, purchase orders, payment authorizations, receipt records, canceled checks or warrants, and similar records. For other accounts, see City Improvement Administrative and Financial Records in Financial-Assessment and Bonds section for documents related to assessable and non-assessable city improvements. SEE ALSO Grant Records in this section for records documenting expenditure of grant funds. (Minimum retention: 3 years after annual audit report issued).

(2) **Accounts Receivable Records\*** Records document revenues owed to the city by vendors, citizens, organizations, governments, and others to be credited to general accounts. Records also document billing and collection of moneys. May include reports, receipts, invoices, awards, logs, lists, summaries, statements, and similar records. Information often includes, receipt amount, date, invoice number, name, account number, account balance, adjustments, and similar data. For other accounts, see City Improvement Administrative and Financial Records in the Financial-Assessment and Bonds section for documents related to assessable and non-assessable city improvements. SEE ALSO Grant Records in this section for records documenting receipt of grant funds. (Minimum retention: 3 years after collected or deemed uncollectible).

(3) **Audit Reports, External Records** Records document annual audits of the financial position of the city conducted by external auditors in accordance with statutory requirements described in ORS 297.405 through 297.555. Subjects include accounting principles and methods, the accuracy and legality of transactions, accounts, etc., and compliance with requirements, orders, and regulations of other public bodies pertaining to the financial condition or operation of the city. Information includes accountant's summary, combined financial statements, schedules, balance sheet details, comments, recommendations, and related data. SEE ALSO Internal Audit Records in the Administrative section. (Minimum retention: Permanent).

(4) **Balance Status and Projection Reports** Reports created for internal use documenting the status of funds, bank accounts, investments, and other accountings of city funds. Includes budget allotment and fund reconciliation reports. Also includes projection records related to future receipts and disbursements. Reports are generated on a daily, weekly, monthly, quarterly or similar basis. Information includes date, account balances, type and summary of activity, and related data. (Minimum retention: 3 years after annual audit report issued).

(5) **Bank Transaction Records\*** Records document the current status and transaction activity of city funds held at banks. May include account statements, deposit and withdrawal slips, checks, and related records. Information includes bank and account numbers, transaction dates, beginning balance, check or deposit amount, document numbers, adjustments, description of transaction, ending balance, and related data. (Minimum retention: (a) For retention of records documenting grant transactions, see

Grant Records in this section; (b) All other records, retain 3 years after annual audit report issued).

(6) **Bankruptcy Notices\*** Records document the notification to the city that certain individuals have filed for bankruptcy. Used to determine if the individual owes money to the city and to file notice or claim with the court. Records may include notices of bankruptcy filings from U.S. Bankruptcy Court. Information may include debtors name, accounts information, prepared repayment plan, and related documentation. (Minimum retention: 3 years from discharge of debt or 3 years from last action, whichever is shorter).

(7) **Check Conversion Records** Records document checks received from customers that are electronically deposited after being imaged and converted to an Automated Clearing House (ACH) transaction or Image Replacement Document (IRD) (Minimum Retention: (a) Retain original paper instrument 30 days, destroy (b) Retain ACH transaction or IRD 6 years, destroy).

(8) **City Improvement Administrative and Financial Records\*** Records document the non-technical and financial administration of assessable and non-assessable city improvements including capital improvements, local improvement districts (LID), urban renewal, and economic improvement districts. Records often include affidavits of posting, notices of proposed assessment, certificates of mailing, interested party letters, bid quotes, reports, and awards, expense reports, purchase orders, requisitions, cost analyses, construction and maintenance bonds and insurance, and related administrative and financial records not located elsewhere in this schedule. SEE ALSO Assessment Dockets, Ledgers, and Registers; Bond Authorization Records; and other record series in the Financial-Assessment and Bonds section, and the Public Works-Engineering section for related information. Refer to the Recorder-General section for records documenting legislative actions such as resolutions of intent to assess and ordinances for improvements. (Minimum retention: (a) Records of project cost, retain 3 years after disposal or replacement of facility, structure, or system; (b) All other improvement records, retain 10 years after substantial completion as defined by ORS 12.135(3)).

(9) **Competitive Bid Records** Records document the publication, evaluation, rejection and award of quoted bids to vendors and other entities. Records may include but are not limited to requests for proposals (RFPs), requests for qualifications (RFQs), invitations to bid (ITBs), requests for information (RFIs), bid exemption documents, bid and quote lists, notices of bid opening and award, comparison summaries, spreadsheets, tabulation worksheets, bid advertising records, tally sheets, bid specifications, correspondence, and related records. SEE ALSO Purchasing Records in this section. (Minimum retention: (a) Accepted city improvement bids 10 years after substantial completion [as defined by ORS 12.135(3)]; (b) All other accepted bids 6 years after bid awarded or canceled (c) Rejected bids and bid exemptions, retain 2 years after bid awarded or canceled).

(10) **Credit and Debit Receipts** Agency's copy of credit or debit card receipts documenting payment received by an agency. Records include customer's name and account information. (Minimum Retention: Retain 36 months after transaction, destroy).

(11) **Credit Slips** Slips issued to citizens who have withdrawn from city-sponsored classes or activities and are due credit for all or part of fees paid. Information usually includes name of class or activity, date, expiration date, name and address of citizen, and related data. (Minimum retention: 3 years after credit expired or redeemed).

(12) **Employee Bond Records\*** Records document the posting of fidelity, performance, or position bonds to guarantee the honest and faithful performance of elected officials, individual employees, or groups of employees. Details of bonds vary, however information usually includes name and position(s) of individual or group, amount of coverage, effective and expired dates, and related data. (Minimum retention: 6 years after expiration).

(13) **Employee Travel Records** Records document requests, authorizations, reimbursements, and other actions related to employee travel. Includes expense reports and receipts, vouchers, requests, authorizations, and related documents. Minimum retention applies to private vehicle usage as well. Information often includes estimated costs, prepayments, final costs, destination, method of transportation, travel dates, approval signatures, and related data. (Minimum retention: 3 years after annual audit has been completed).

(14) **Financial Reports** Reports document the general financial condition and operation of the city. Includes information on the value of all city owned property and an accounting of all income and expenditures in relation to the final budget. Records may include monthly, quarterly, annual,



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and similar reports. (Minimum retention: (a) Annual reports, retain permanently; (b) All other financial reports, retain 3 years).

(15) **General Ledgers\*** Records document the summary of accounts reflecting the financial position of the city. Information often includes debit, credit, and balance amounts per account, budget, fund, and department numbers, and totals for notes receivable, interest income, amounts due from other funds, federal grants received, bank loans received, cash in escrow, deferred loans received, cash, encumbrances, revenue, accounts receivable, accounts payable, and other data. SEE ALSO Subsidiary Ledgers this section (Minimum retention: (a) year-end ledgers\*, retain 10 years; (b) All other general ledger, retain 5 years).

(16) **Gift and Contribution Records** Records document gifts and contributions to the city. May include memorial donation records related to money to be used by the city in the name of an individual. Often contains donor and acknowledgment letters, acquisition lists itemizing purchases made with contributed money (books, art, equipment, etc.), checks, receipts, and related records. (Minimum retention: (a) For retention of conditional gift, contribution and donation records, see Contracts and Agreements in the Recorder-General section; (b) All other records, retain 3 years).

(17) **Grant Records** Records document the application, evaluation, awarding, administration, monitoring, and status of grants in which the city is the recipient, grantor, allocator, or administrator. Grants may come from federal or state governments or foundations and other private funding sources. Records may include but are not limited to applications including project proposals, summaries, objectives, activities, budgets, exhibits, and award notifications; grant evaluation records and recommendations concerning grant applications; grant administration records including progress reports, budgets, project objectives, proposals, and summaries; records documenting allocation of funds; contracts; records monitoring project plans and measuring achievement; equipment inventories; financial reports, accounting records, audit reports, expenditure reports, and related correspondence and documentation. SEE ALSO the other Financial sections. (Minimum retention: (a) Final reports from significant (as defined by city policy) grants to the city, retain permanently; (b) Records documenting the purchase and/or disposal of real property, retain 10 years after substantial completion, or 3 years after final disposition, or as specified in agreement, whichever is longer; (c) Other grant records, retain 3 years after annual or final expenditure report submitted and approved or, as specified in agreement, whichever is longer; (d) Unsuccessful grant applications, retain 1 year after rejection or withdrawal).

(18) **Inventory Records\*** Inventory records document the capitalized assets and expendable property of the city. Examples of capitalized assets may include but are not limited to buildings, real estate, infrastructure assets, vehicles, equipment, and furniture. Examples of expendable assets include office supplies and other small, office purchases. Information often contains asset number, description, purchase order number, location of asset, date received, purchase price, replacement cost, depreciation, and related data. This record series applies to routine property control inventories. SEE ALSO Grant Records for inventories of property purchased with grant funds. For inventories documenting other special uses, see Historic Structure Inventory Records in the Planning and Development section; Bridge Inspection Records in the Public Works-Engineering section; and Property and Evidence Control, and Disposition Records in the Police section. (Minimum retention: (a) Records of capitalized assets, retain 3 years after disposal or replacement of asset; (b) Records of expendable property, retain 3 years or until superseded, whichever is longer).

(19) **Investment Records** Records document and tracking various investments made by the city. Often contains bank statements documenting investment information, journal entries, confirmations of purchase of U.S. Treasury Bills, confirmations of deposit in local investment pool, and deposit slips, correspondence, and memoranda related to specific investments. (Minimum retention: 3 years after investment ends).

(20) **Lien Search Records** Records document requests from title companies searching for liens against property within the city, which may include street improvements, water, storm sewer, and sewer. Information may include property owner, tax map and lot number, description of property, total assessment, and payments made. SEE ALSO Bancroft Bond Receipts in the Financial-Assessment and Bonds section and Lien Records in the Recorder General section. (Minimum retention: 2 years after date of search).

(21) **Property Disposition Records** Records document disposition of city-owned non-real property, usually through public auction, competitive bidding, or destruction. Information often includes date, department, description of item, value, disposition, reason for disposition, condition,

and authorization. SEE ALSO Real Property Transaction Records and Grant Records in this section for documents related to the disposition of real property. (Minimum retention: 3 years after disposition of property).

(22) **Purchasing Records** Records document orders, authorizations, and evidence of receipt of the purchase of goods and services by the city. Includes purchase orders and requests, purchase authorizations, requisitions, contract release orders, material and cost specifications, central stores or printing orders, telephone service orders, and similar records. SEE ALSO Grant Records in this section for records documenting the expenditure of grant funds and City Improvement Administrative and Financial Records and Competitive Bid Records in this section for related purchasing records. (Minimum retention: 3 years).

(23) **Real Property Transaction Records\*** Records document acquisitions, dispositions, and relocations of real property and right-of-ways by the city for urban renewal projects, parks, sewers, streets, water lines, traffic signals, and other reasons. Records may include offer letters, options, agreements of short duration, staff reports, appraisal reports and reviews, inspection reports, letters of transmittal, summaries, and related records. For records documenting transactions involving grant funds, see Grant Records in this section. SEE ALSO Deeds To City-Owned Land in the Recorder-General section. (Minimum retention: 10 years after substantial completion as defined by ORS 12.135(3)).

(24) **Revenue Sharing Records\*** Evidence of receipt and administration of federal and/or state revenue sharing funds including those from state liquor and cigarette taxes. Used to track how funds are spent, for budgeting future funds and for other uses. May include transmittals, affidavits of publication, planned and actual use reports, supporting documentation used to qualify for revenue sharing funds, and related records. (Minimum retention: 3 years).

(25) **Signature Authorization Records\*** Records document the authorization of designated employees to sign fiscal and contractual documents. Useful as an aid for management control over expenditures. Information usually includes authorization date, name, sample signature, position, remarks, conditions, and related data. (Minimum retention: 6 years after authorization superseded or expired).

(26) **Subsidiary Ledgers, Journals, and Registers** Records document details of transactions such as those related to receipts and expenditures on a daily, monthly, quarterly or similar basis. Includes journals, ledgers, registers, day books, and other account books that provide backup documentation to the general ledger. May include details of revenues, expenditures, encumbrances, cash receipts, warrants, and others. Information often includes date, payee, purpose, fund credited or debited, check number, and similar or related data. Refer to Grant Records in this section for records documenting transactions of grant funds. SEE ALSO Financial — General Records General Ledgers and Financial-Assessment and Bonds section for related records. (Minimum retention: (a) Year-end payroll register, retain 75 years; (b) Trust fund ledgers, retain 3 years after trust fund closed; (c) Other subsidiary ledgers, journals, and registers, retain 3 years).

(27) **Trust Fund Records** Records document bequests to the city. Used to determine trust fund spending for reporting to trustees. May include wills, other legal documents, expenditure records, chronologies, resolutions establishing trust funds by the city, records documenting subject matter approved for purchase, acquisition lists, and related records. Some records may have historic value. For appraisal assistance, contact the State Archivist. (Minimum retention: Records not duplicated elsewhere in city records, retain 3 years after trust fund closed).

(28) **Unclaimed Property Report** Records document annual reports submitted to the Department of State Lands of financial assets being held for a person or entity that cannot be found. Series includes Holder Report, owner information, correspondence and other related documents. Note: Unclaimed property is not real estate, abandoned personal property, or lost and found items. (Minimum Retention: 3 years after the property is remitted to the Department of State Lands).

(29) **Vehicle Usage and Expense Records** Records document usage and expense associated with city-owned vehicles. Used for maintenance, budgeting, and planning. Information can include vehicle number, make and model, beginning and ending mileage, driver's name and signature, fuel used, repairs needed, and other data. (Minimum retention: 3 years).

(30) **Vendor Lists** Lists document vendors providing goods and services to the city. Information usually includes vendor name of person or company, address, and phone number, name of contact person, as well as a description of goods or services provided. (Minimum retention: Until superseded or obsolete).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005–192.170 & 357.805–357.895

# ADMINISTRATIVE RULES

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2001, f. & cert. ef. 2-15-01; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 2-2005, f. & cert. ef. 5-10-05; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09; OSA 1-2010, f. & cert. ef. 5-27-10; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-200-0055

### Fire and Emergency Medical Services Records

(1) **Ambulance Licensing Records** Records document application by the city to the Oregon Health Division for licenses to operate ambulances. May also include records related to applications submitted to the city by private ambulance services for operation in cities that have ordinances regulating ambulance services as defined in ORS 820.300 through 820.380. Records often include applications, licenses, affidavits of compliance, certificates of insurance, bonds, and related documents. Information includes name and address of city, person, or company, and a description of the ambulance, including make, year, registration number, and related data. (Minimum retention: 2 years after denial, revocation or expiration).

(2) **Automobile Display Permits** Permits issued to allow the display of automobiles or any vehicles, which carry fuel inside public or commercial buildings. Permits usually include date of display or expiration date, location, name, address, and telephone number of person or organization requesting the permit, conditions related to the display, comments, and other information. (Minimum retention: 2 years after permit denied, revoked or expired).

(3) **Burning Permits** Permits issued to individuals for open air burning within the area serviced by the city fire department. Information may include name, phone number, address, amount and location of burn, fire protection equipment and conditions required, date, and signatures of permittee and issuing officer. (Minimum retention: 2 years after denial, revocation, or expiration).

(4) **Controlled Substance Inventory and Tracking Records** Series documents the possession, storage, use and tracking of controlled substances purchased by or surrendered to the department, pursuant to 21 CFR 1304.04. Records may include but are not limited to logs; inventory reports; sign-in, sign-out sheets; substance administration data; and substance name, quantity, manufacturer, and expiration dates. (Minimum retention: 3 years, or until superseded, whichever is longer).

(5) **Emergency Medical Incident Records** Records document services provided by the city fire and emergency medical services department to sick or injured people. May include pre-hospital care reports, medical aid liability release forms, and related documents. Information often includes name and address of patient, location of incident, description of illness or injury, actions taken, and related data. (Minimum retention: 10 years).

(6) **Explosives Storage and Use Permits** Records document the issuance of permits authorizing the use of explosives for construction and demolition projects, fireworks, theatrical pyrotechnics, and other applications. Records may include permits, applications, insurance verifications, and related documents. Information often includes name and address of permittee, location of use, amount and type of explosives used, conditions, and related data. SEE ALSO Engineering Project Technical Records in the Public Works-Engineering section for permits related to explosives use on city projects. (Minimum retention: 2 years after permit denied, revoked, or expired).

(7) **Fire and Emergency Medical Services (EMS) Activity Reports** Individual, shift, project, or other activity reports or logs filed on a daily, weekly, monthly, or similar basis. Useful for reference, performance monitoring, compiling annual reports, planning and budgeting, and briefing subsequent shifts. Information usually includes name, shift, date, description of activities, and various statistical categories for tracking department emergency responses, training, public outreach, inspections, maintenance, and other work. (Minimum retention: (a) Reports summarizing activities on an annual basis, retain permanently; (b) Other reports, retain 2 years).

(8) **Fire and Emergency Medical Services Maps** Maps and related records maintained by the city fire department for address location reference and for tracking various trends such as fire frequency and location, arson fires, and others. Includes lists, books, and other methods of address location. Some maps may have historic value. For appraisal assistance, contact the Oregon State Archives. (Minimum retention: Until superseded or obsolete).

(9) **Fire and EMS Advisory Board Meeting Records** SEE Meeting Records, Board, Commission and Committee and Meeting Records, Governing Body in the Administrative Records section.

(10) **Fire and EMS Public Education Program Records** SEE Seminar and Conference Records, City Sponsored in the Administrative Records section.

(11) **Fire and EMS Public Education Publications** SEE Publications in the Administrative Records section.

(12) **Fire and Security Alarm System Records** Records document the city fire department role in issuing permits, testing, and maintaining fire and security alarms that connect to a city alarm system. May include permits, applications, malfunction reports, maintenance reports, and related documents. Permit information often includes name and address of property owner, name and address of company installing the system, permit number, alarm location, and date. Maintenance information often includes date, malfunction (if any), tests conducted, corrective actions taken, location of alarm, and related data. (Minimum retention: (a) Permit records, retain 2 years after expiration; (b) Other records, retain 2 years).

(13) **Fire Investigation Records** Records document investigations conducted by the city fire department. May include investigative reports, supplemental reports, photographs, maps, drawings, correspondence, laboratory reports, notes, and related records. (Minimum retention: (a) Records documenting fires involving loss of life, retain 75 years; (b) Other records, retain 10 years).

(14) **Fire Reports** Reports document each fire responded to by the city fire department. These reports are required by the State Fire Marshal. Subjects include cause, casualties, and property loss. Information includes date, run number, location of fire, weather conditions, owner's name and address, property damage, loss estimate, and other data. Includes additional reports if injuries occurred. (Minimum retention: 10 years).

(15) **Grass and Weed Control Records** Records document city enforcement of ordinances designed to help prevent fires caused by overgrown grass, weeds, or shrubs. May include complaints, inspection reports, notices, violations, contractor mowing bills, receipts, and related records. Information includes name of property owner, address of property, name of complainant, date and expiration of notice, name of fire personnel inspecting property; date, time, and method of grass and weed removal; charges, signature of contractor, and related data. SEE ALSO Ordinance Violation Case Files in the Municipal Court section. (Minimum retention: 3 years after last action or final payment).

(16) **Hazardous Material Emergency Incident Records** Records document city response to hazardous material emergencies. Subjects usually pertain to spills and other accidental releases. Includes reports, complaints, and similar documents. Information often includes location, date and time, type of pollutant, extent of pollution, cause, action taken, person reporting pollution, witnesses, related injuries, name and address of responsible party and related data. (Minimum retention: Permanent).

(17) **Hazardous Substance Employer Survey Summaries** Records document the storage and use of hazardous materials within the area served by the fire department. Usually consists of summaries of employer surveys conducted by the State Fire Marshal as well as related records Generated by the city. Information includes employer name and location, emergency phone numbers and procedures, location, type, and quantity of hazardous substances, and related data. State employer surveys are updated each year. (Minimum retention: Until superseded or obsolete).

(18) **Inspection and Occupancy Records** Records document fire prevention inspections performed periodically by the city fire department. Inspections determine if any violations of fire code are present in premises within the area served by the department. Usually filed by address. Inspection records may include reports, notices, citations, and related documents. Information often includes occupant name, location, person contacted, violations found, inspector's name, number of days to correct violations, comments, and other data. Also may include occupancy and pre-fire planning records such as floor plans, sketches, reports, lists, and related documents. Information often includes address, name of property owner, description and fire history of property, name of occupant, potential hazards or exposures, regulated substances, fire escapes, water supply, sprinklers, roof construction, and other data useful in fire fighting situations. (Minimum retention: Retain current and previous inspection reports or 10 years, whichever is longer).

(19) **Regulated Substances Storage and Use Records** Records document the storage and use of regulated substances such as gasoline, crude oil, fuel oil, and diesel oil in the city. May include applications, permits, inspection reports and related records for city regulation of above ground storage tanks as well as reports of substance releases from underground storage tanks. Cities that administer their own underground storage tank program as described in ORS 466.730 may have additional records such as underground storage tank applications, permits, inspection reports, documentation of corrective procedures undertaken in the event of spills, leaks, or corrosion, and related documents. SEE ALSO Inspection and Occupancy Records in this section for regulated substance storage and use records

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related to structures. (Minimum retention: (a) Records related to underground storage tanks, retain 25 years after tank removed; (b) Records related to above ground storage tanks, retain 5 years).

(20) **State Fire Marshal Exemption Records** Records document partial or full city exemption from statutes, rules, and regulations administered by the State Fire Marshal. Exemptions are granted if the city enacts and enforces adequate regulations to conform with to state and national fire standards defined in ORS 476.030(3). Certificates are renewed every two years. Usually includes applications, supporting documentation, reports, exemption certificate, and related documents. (Minimum retention: 2 years after denial, revocation, or expiration of exemption).

(21) **Youth Fire Prevention and Intervention Records** Series documents multi-disciplinary prevention and intervention services provided to children who have a history of or are at risk for setting fires. Community-based services are provided under the guidance of the Office of State Fire Marshal. SEE ALSO Juvenile Offender/Victim Restitution Records in the Police Records section. (Minimum retention: (a) Until court ordered expunction (ORS 419A.262) (b) If case is not expunged: 5 years after last action, or youth reaches age of majority, whichever is longer).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005–192.170 & 357.805–357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-200-0075

### Municipal Court Records

(1) **Appeal Records** Records related to municipal court decisions appealed to higher courts. Can include copies of original citations, reports, driving records, evidence, original dispositions of cases, judgment orders, judge's trial notes, jury lists, jury verdict sheets, correspondence, and related records. (Minimum retention: (a) DUII case records, retain 15 years after case closed, dismissed or date of last action; (b) All other records, retain 5 years after case closed, dismissed or date of last action).

(2) **Audio Recording Logs** Logs document and identify speakers, specific events, and nature of proceedings captured by Audio Recording Records. (Minimum retention: Until authorized destruction of corresponding Audio Recording Records).

(3) **Audio Recording Records** Records document municipal court proceedings, including but not limited to the adjudication of misdemeanor criminal charges, traffic violations, city code violations, and parking violations. (Minimum retention: 5 years after creation).

(4) **Court Appointed Attorney Application Records** Letters of application submitted by attorneys requesting to be included on lists of court appointed attorneys designated by the court to defend certain individuals. Usually includes letters of application, letters of acceptance, and related records. (Minimum retention: 1 year).

(5) **Court Appointed Attorney Lists** Lists of court appointed attorneys designated by the court to defend certain individuals. Information often contains attorney's name, address, and telephone number, date of last appointment to a case by the court, and related information. (Minimum retention: Until superseded or obsolete).

(6) **Court Appointed Attorney Time and Billing Records** Records document the amount of time spent on a case by the submitting court appointed attorney. Used to verify time and authorize payment. Records often include affidavits, bills, and related records. Information may include attorney's name and address, defendant's name, charge, docket number, time spent on case, beginning and ending date of appointment, signature of judge authorizing fee payment, and amount to be paid. (Minimum retention: 3 years).

(7) **Court Orders and Procedural Rules** Records documenting the guidelines and implementation of the State Uniform Trial Court Rules and local variations written by the judge to establish guidelines and clarify procedures for court clerks to perform duties of the court. Records may include municipal court orders and court procedural rules. (Minimum retention: Current plus previous orders and rules).

(8) **Docket/Trial Calendars** Lists of dates and times set for court appearances. Information usually includes defendant's name, charge, attorney's name, officers, and the time the case is scheduled to begin. SEE ALSO Trial Proceedings Records in this section for documentation of action taken. (Minimum retention: 90 days).

(9) **DUII Case Files** Records related to DUII (driving under the influence of intoxicants) cases brought before the court and agreements by defendants to enter DUII diversion programs. Can include citations, complaints, chemical analyses, diversion agreements, sentencing orders, commitment orders, license suspension notices, community service referrals,

alcohol program referral notices, and related records. (Minimum retention: 15 years after case closed or dismissed or date of last action).

(10) **DUII Diversion Program/Conviction Summary Records** Summaries documenting the number of convicted DUII cases and DUII cases diverted to court ordered medical or mental health programs. Can include summaries of fines, forfeitures, and fees charged to individuals in relation to conviction or diversion. Summary information may include total numbers of DUII cases filed, first offenses filed, diversion petitions approved and revoked, diversion cases convicted or dismissed, and non-compliance cases. Other summaries may document agreement fees, conviction fees, and related information. (Minimum retention: 5 years).

(11) **Jury Records** Records related to selecting and overseeing jurors for the court. Process includes selection of jurors and documentation of services rendered by jurors. Records can include lists of potential jurors, questionnaires, requests to be excused, juror notification cards, juror registers and sign-in sheets, jury pool statistical documentation, and related records. (Minimum retention: 3 years).

(12) **Municipal Court Criminal Case Files** Records documenting the prosecution of non-traffic related criminal misdemeanor offenses and the disposition of cases before the court. Records may also document the preliminary hearing of felony offenses then remanded to circuit court. Action may be initiated by either citation or private complaint. Records often include citations to appear in court, complaints, warrants, police reports, subpoenas, defendant information, and related records. (Minimum retention: 10 years after case closed or dismissed or date of last action).

(13) **Municipal Court Expunged or Sealed Records** Records document the arrest and/or conviction of a person who petitions and is granted by the court an order sealing or otherwise disposing of any related records (according to ORS 137.225) maintained by the Municipal Court. "Upon entry of such an order, the applicant for purposes of the law shall be deemed not to have been previously convicted, or arrested as the case may be, and the court shall issue an order sealing the record of conviction or other official records in the case, including the records of arrest whether or not the arrest resulted in further criminal proceeding." Also applies to records related to juveniles as outlined in ORS 419A.260 through 419A.262. SEE ALSO Expunged or Sealed Records, Police in the Police section. (Minimum retention: (a) Expunged records, retain according to the directive of the court; (b) Expungement orders, retain 10 years or according to the directive of the court; (c) Sealed records, retain 10 years or according to the directive of the court).

(14) **Ordinance Violation (Code Enforcement) Case Files** Series documents issuance and disposition of cited violations of city ordinance or code. Examples include building code violations, dogs running at large, nuisances, and other non-traffic violations. Records may include citations to appear in court, complaints, warrants, police reports, subpoenas, defendant information, and other related records. SEE ALSO Building Code Violation Records in Building Records section. (Minimum retention: (a) Citations issued, retain 5 years after case closed or dismissed or date of last action; (b) Records of citations not issued, retain 1 year after date of last action).

(15) **Parking Citation Records** Records of the issuance and disposition of parking citations. May include citations, correspondence, and related records. Information may include citation number, name, vehicle license number, time of citation, violation category, and related data. (Minimum retention: 3 years after satisfied, dismissed or deemed uncollectible).

(16) **Supreme Court Statistical Reports** City copies of monthly reports that were required to be filed with the Oregon State Supreme Court documenting court activity. These reports were discontinued in 1995. Statistical information includes pending cases carried over from previous month, cases filed, cases tried, other terminations (dismissed, transferred, bail forfeited, diversion, etc.) and other data. (Minimum retention: Destroy).

(17) **Traffic Citation Case Files** Records of citations issued (including citations generated from photo radar records) and disposition of cases in court for moving violations such as hit and run and reckless driving, and infractions such as speeding and improper signaling. May include citations to appear in court, complaints, warrants, driving records, police reports, suspension records, disposition slips, subpoenas, and other related records. Does not include DUII citation records. SEE ALSO DUII Case Files in this section and Photo Radar Records in the Police section. (Minimum retention: 5 years after case closed, dismissed or date of last action).

(18) **Trial Proceedings Records/Register of Actions** Records documenting the actions of all cases brought before the court. Types of cases may include criminal misdemeanors, including misdemeanor traffic crimes, with limited penalties; other minor traffic infractions; certain minor liquor



# ADMINISTRATIVE RULES

and drug violations, parking violations; and municipal code violations such as animal and fire violations. Records may include a register of actions as described per ORS 7.020. Records usually document the prosecution of individual cases including arraignments, motions, orders, and judgments. Information may include date of offense, case number, docket number, pleas, disposition, court date, attorneys' names, defendant and plaintiff names, addresses, and dates of birth, and judgments. May also include indexes. (Minimum retention: (a) Criminal cases, retain 10 years after case closed, dismissed, or date of last action; (b) non-criminal cases, retain 5 years after case closed, dismissed or date of last action).

Stat. Auth.: ORS 192 & 357  
Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895  
Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-200-0095

### Planning and Development Records

(1) **Comprehensive Plan Records** Records indicate the types of uses and activities allowed in particular land designations. Used to guide long-term city growth and development, including planning urban growth boundaries, and to comply with state and federal laws. Usually contains public hearings records, plans, amendments, staff reports, periodic review records, maps, photographs, and other related records. (Minimum retention: Permanent).

(2) **Conditional Use Records** Applications and decisions related to requests for certain land uses within a zone that require special review and approval. May include applications, site plans, zoning maps, staff reports, administrative action reports, and related records. (Minimum retention: 10 years after expiration, revocation, or discontinuance of use).

(3) **Design and Development Review Records** Reviews of exterior renovations or new construction within particular city zones or the entire city. Used to ensure integration of visual standards. May include design review board or commission records such as minutes, agendas, and exhibits. Records also may include applications, site plans, staff reports, maps, review and appeal records, tape recordings, and related documents. Three-dimensional exhibits such as sample boards of brick, tile, and other building materials are not public records. (Minimum retention: (a) Minutes, agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in city records), retain permanently; (b) Audio or visual recording, retain 1 year after minutes prepared and approved; (c) Exhibits not pertinent to minutes, retain 5 years; (d) If no permit issued, retain 180 days; (e) If permit issued, but structure not started or completed, retain 2 years; (f) All other records if permit issued and structure completed, retain 2 years after substantial completion [as defined by ORS12.135(3)]).

(4) **Enterprise Zone Records** Records document the creation and management of enterprise zones by the city or in conjunction with other cities and counties. Designation used to encourage business growth by providing tax, permit, and regulatory relief to development within the zone. May include reports, applications for zone status, nominations for federal status, and related records. (Minimum retention: (a) Reports summarizing results or activities, retain permanently; (b) All other records, retain 4 years after zone designation expires).

(5) **Flood Plain Permit Records** Permits issued for construction within a flood plain zone. Records also may include elevation certificates, applications, review records, checklists, and other documents. Permit information usually includes date, permit holder's name and address, U.S. map number, type of structure, and related data. (Minimum retention: (a) Permits and elevation certificates, retain 10 years after the life of structure or until area determined not to be a flood plain, whichever is longer; (b) All other records, retain 10 years).

(6) **Historic Structures Commission Records** SEE Meeting Records, Board, Commission and Committee and Meeting Records, Governing Body in the Administrative Records section.

(7) **Historic Structures Inventory Records** Records document the results of inventory projects to designate historic properties within the city. Inventory is in conjunction with Oregon Land Conservation and Development Commission Goal 5 procedures. Information usually includes street address, legal description, neighborhood, owner's name and address, date constructed, historic and architectural significance, and references used. (Minimum retention: Until superseded or obsolete).

(8) **Historic Structures Rehabilitation Project Reviews** Routine reviews of proposals for rehabilitation of structures that have been designated historically significant or are 50 years old. Used to meet grant-funding conditions and to protect the historical integrity of structures. Reviews often include address of structure, legal description, owner's name and address, proposed work, rehabilitation specialist's evaluation, violations

noted, photographs, and related information and correspondence. (Minimum retention: 3 years after project closed).

(9) **Housing Authority Bylaws, Rules, and Policies** Documents defining the powers and purposes of the housing authority, as well as implementation policies in accordance with federal and state laws. Includes bylaws. May also include rules and policies on confidentiality, purchasing, tenant grievances, and other subjects. (Minimum retention: Permanent).

(10) **Housing Authority Commission Meeting Records** SEE Meeting Records, Board, Commission and Committee and Meeting Records, Governing Body in the Administrative Records section.

(11) **Housing Authority Individual Tenant History Records** Files document the history of individual tenant and housing authority actions from application to separation from the program. May contain application, landlord references, rental agreements, leases, periodic re-examination and hardship data, income verification, billing statements, maintenance requests, damage complaints, eviction notices, grievance hearing records, and related material. (Minimum retention: 5 years after separation from program).

(12) **Housing Authority Program Management Records** Records document the activities and status of various programs administered by the housing authority (Section 8, etc.). Records may include staff meeting records and reports, waiting lists, maintenance records, tenant statistics, and related records generated in the administration of housing authority programs not specified elsewhere in the schedule. (Minimum retention: 3 years after annual or final expenditure report submitted).

(13) **Housing Authority Property Management Records** Records document the actions of the housing authority in managing housing not owned by the city. May include applications for funding, sub-grants, insurance policies, contracts, and non-profit organization records such as articles of incorporation, bylaws, budgets, minutes, agendas, and related records. (Minimum retention: 6 years after expiration).

(14) **Housing Authority Rejected Assistance Application** Records Rejected applications and related records from individuals seeking assistance from the housing authority. Application information may include name, age, occupation, social security number, size of unit needed, assets, annual income, and related information. Records may also include verification forms and related records. (Minimum retention: 3 years).

(15) **Land Use Hearings Records** Records document hearings or appeals to a city body or hearings officer and decisions reached concerning subdivisions, variances, and changes to the zoning code and comprehensive plan. May refer to conditional uses, zone changes, partitions, code variances, and other proposed actions. Records may include applications, hearings minutes, findings of fact, agendas, exhibits such as maps, reports, photographs, etc., tape recordings, and related records. (Minimum retention: (a) Minutes, agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in city records), retain permanently; (b) Audio or visual recordings, retain 1 year after minutes prepared and approved; (c) All other records and exhibits not pertinent to minutes, retain 5 years).

(16) **Neighborhood/Citizen Association Charters and Bylaws** Charters and bylaws documenting the creation and organization of neighborhood associations designed to meet citizen involvement requirements and goals set by state and federal agencies concerned with urban development and land use issues. Usually includes articles of incorporation, amendments, and related records. (Minimum retention: Permanent).

(17) **Neighborhood/Citizen Involvement Records** Meeting minutes and related records of neighborhood associations, community planning organizations, or other citizen involvement committees. Usually includes agendas, minutes, tape recordings, and exhibits. Exhibits may include staff and subcommittee reports and recommendations, lists of participants, materials distributed by citizens, and related correspondence. (Minimum retention: (a) Retain minutes, agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in city records) permanently; (b) Audio or visual recordings, retain 1 year after minutes prepared and approved; (c) All other records and exhibits not pertinent to minutes, retain 5 years).

(18) **Partition Records** Records document the partitioning of land into two or three parcels. Includes both major and minor partitions. Records often contain applications, staff reports, technical notes, approval orders, maps, and related records. (Minimum retention: (a) If approved and city conditions met, retain permanently; (b) If not approved, retain 10 years after expiration or revocation).

(19) **Planning Commission Meeting Records** SEE Meeting Records, Board, Commission and Committee and Meeting Records, Governing Body in the Administrative Records section.

(20) **Sign Review Records** Records document planning department review of sign construction. Often contains descriptions, drawings, photo-

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graphs, reports, applications, and related records. SEE ALSO Building Permits, Building Board of Appeals Records, and Building Code Violation Records in the Building section and Street Banner Records in the Public Works-Traffic Engineering section. (Minimum retention: Life of the structure).

(21) **Subdivision Records** Records document actions on requests to divide one piece of land into four or more lots. Often includes applications, site locations, descriptions of requests, site plans, staff reports, appeals reports, decision statements, maps, and related records. (Minimum retention: (a) If approved and city conditions met, retain permanently; (b) If not approved, retain 10 years after expiration or revocation; (c) Withdrawal request letters, retain 3 years; (d) Withdrawn applications, retain 180 days if not returned to applicant at time of withdrawal).

(22) **Temporary Use Records** Records document action on permits for temporary activities in commercial and industrial zones such as allowing temporary placement of structures incidental to construction. Records often contain applications, permits, staff reports, technical notes, approval orders, and other documents. (Minimum retention: 5 years after permit expiration).

(23) **Urban Renewal Agency Board Meeting Records** SEE Meeting Records, Board, Commission and Committee and Meeting Records, Governing Body in the Administrative Records section.

(24) **Urban Renewal Plans and Reports** Plans and reports mandated by ORS 457.085 to provide descriptions and justifications for proposed development in urban renewal areas within the city. Includes plans, amendments, reports, hearings records, impact statements, feasibility studies, maps, relocation studies, and related records. (Minimum retention: Permanent).

(25) **Urban Renewal Project Records** Records document individual renewal projects within urban renewal areas. Projects include but are not limited to construction, demolition, and rehabilitation of buildings, streets, and utilities. May include project area committee documents, reports, project plans, design reviews, maps, photographs, consultant studies, feasibility studies, agreements, and other related records. Some records may have historic value. For appraisal assistance, contact the Oregon State Archives. (Minimum retention: (a) Agreements, retain 10 years after substantial completion or 50 years, whichever is longer; (b) All other records, retain 50 years).

(26) **Variance Records** Applications and decisions in cases of minor deviations from zone code requirements. Often includes applications, site locations, description of requests, site plans, zoning maps, staff reports, and related records. (Minimum retention: 10 years after life of structure or expiration, revocation, or discontinuance of use).

(27) **Withdrawn Land Use Application Records** Records document land use applications and supporting documentation withdrawn by the applicant before a decision has been issued by the city. Records may include but are not limited to applications, site location descriptions, site plans, maps, and correspondence. (Minimum Retention: 180 days if not returned to applicant at the time of withdrawal).

(28) **Zone Change Records** Applications and decisions related to rezoning land within the scope of an existing comprehensive plan. Often includes applications, staff reports, technical notes, approval orders, and related records. (Minimum retention: (a) Applications, findings of fact, and decision documents, retain permanently; (b) All other records, retain 10 years after approval or denial).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-200-0100 Police Records

(1) **Activity Reports**, Police Individual officer, shift, and other activity reports usually filed on a daily, weekly, monthly, or similar non-annual basis. Useful for reference, performance monitoring, compiling annual reports, planning and budgeting, and for briefing subsequent shifts or activities. Applies to various duties such as dispatch, confinement, investigations, and patrol. Information usually includes name, shift, date, activities, and various statistical categories for tracking the number of arrests, phone calls, mileage, and other indicators. SEE ALSO Law Enforcement Activity Reports in this section for annual summaries of police activities. (Minimum retention: 2 years).

(2) **Alarm Records** Records document the licensing, use, and response to security alarms in the city. Licenses and permits usually contain name and address of holder, type of alarm, location, instructions to officers responding to call, names of individuals to be contacted when alarm

sounds, fee charged, and related data. Other records may include alarm response reports and false alarm reports. False alarm reports are used to document ordinance violations concerning the number of false alarms in a given period. SEE ALSO Incident Case Files in this section for records related to actual intrusions or burglaries. (Minimum retention: (a) Alarm licensing and permit records, retain 3 years after expiration; (b) All other records, retain 2 years).

(3) **Animal Control Records** Records document police department activities related to animal control. Often includes reports, logs, lists, cards, receipts, and related records. Subjects may include dog licenses, lost animals, found animals, animals running at-large, dog bite reports, animals turned over to county animal control programs or humane society programs, and others. Dog license information usually includes name, address, and phone number of owner, name and description of dog, vaccination dates, and related data. Includes records that do not merit inclusion in Incident Case Files. (Minimum retention: (a) Dog licenses, retain 3 years after expiration; (b) Other records, retain 2 years).

(4) **Arrest Warrant Log Records** Records document the status of arrest warrants as served, unserved, or recalled by the court. May include logs, validation listings, checkout sheets, and related records. Logs usually include date of warrant, subject's name, charge, date, warrant served or recalled, and related information. (Minimum retention: Until superseded or obsolete).

(5) **Arrest Warrant Records** Records related to a written order made by the court on behalf of the city or state commanding law enforcement officials to bring a specified individual before the court. May also include detainer requests, informational documents related to the wanted person, teletypes, and other records relevant to the service of warrants. Warrant information includes date, court, judge's name, individual's name and date of birth, charge, and related data. (Minimum retention: Until served, recalled or cancelled by the court).

(6) **Block Home Program Records** Records document the application for and review, denial, or approval of block home designations. The Block Home Program is designed to provide safety and protection to school age children. The police department conducts background checks on applicants. Information often includes date, name, address, date of birth, Social Security number, educational and work background, police record check, approval or denial decision, and related data. (Minimum retention: (a) Approved application records, retain 2 years after withdrawal from program; (b) Denied application records, retain 2 years).

(7) **Booking Records** Books, logs, or other records document the confinement and release of individuals held in the city jail. Information usually includes name, charges, date of confinement, date of release, physical condition, and related data. Booking records related to individuals known to be dead need not be retained. SEE ALSO Fingerprint Cards and Mug Shots in this section. (Minimum retention: (a) Homicides, retain 20 years; (b) Felonies, retain 10 years; (c) Misdemeanors, retain 5 years).

(8) **Bulletins From Other Agencies** Bulletins, circulars, and related records received from federal, state, other state, and local law enforcement agencies. Usually contains descriptions and photographs of fugitives, missing persons, or stolen property. May also include other information of interest to the police department. Some bulletins may merit inclusion in Incident Case Files. (Minimum retention: Until superseded or obsolete).

(9) **Community Policing and Problem Solving Records** Records document community policing efforts, services, and programs by the city's police department to enhance communication and partnerships between the police and citizens. Services and programs may include but are not limited to those to help locate, identify, and return memory impaired people, install home security devices and locks to eligible recipients, send courtesy notices to people who violated traffic laws, or other ordinances as observed by a citizen, enter into authorization agreements with merchants to enforce trespass laws, and other problem solving services. Records may include problem solving tracking forms, program applications, courtesy notices for violations, and authorization agreements. (Minimum retention: (a) Agreements, retain 6 years after expiration; (b) All other records, retain 2 years).

(10) **Computer Inquiry Records** Logs or other records documenting requests made to other agencies involving missing persons, wanted persons, stolen vehicles, and other subjects. (Minimum retention: Until superseded or obsolete).

(11) **Computer Validation Records** Logs or similar hard copy records detailing validation requests and proof of verification for National Crime Information Center (NCIC) or other law enforcement information networks. Useful to document maintenance of network standards.

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(Minimum retention: 5 years or until audited by NCIC or other applicable law enforcement network, whichever is shorter).

(12) **Concealed Weapons Permits** Records document the application for the issuance of a concealed weapon permit and the determination of whether to authorize the permit. The permit is valid for one year and the process must be completed again for renewal. Records may include applications, fingerprint cards, copy of issued permit, and listing of permits issued. Information may include date of application, applicant's name and background information, date issued or denied, reasons for denial, permit numbers issued, and names of individuals issued permits. (Minimum retention: (a) Denied applications and list of permits issued, retain 5 years; (b) All other records, retain 2 years).

(13) **Crime Analysis Records** Records documenting police efforts to anticipate, prevent, or monitor possible criminal activity. May include reports, statistical summaries, photographs, sound and videotape recordings, and related documents. Subjects often include crime patterns or modes of operation, analysis of particular crimes, criminal profiles, forecasts, movements of known offenders, alerts from other agencies, and others. Some records may have historic value. SEE ALSO Criminal Intelligence Records in this section for related records. (Minimum retention: (a) Major crime analyses or studies, retain 10 years; (b) All other records, retain 1 year).

(14) **Crime Prevention Community Organization Records** Mailing lists, plans, evaluations, notes, reports, and other records documenting community organizations, associations, individual volunteers, and others engaged in or interested in crime prevention efforts. Useful in developing community support for police programs. (Minimum retention: Until superseded or obsolete).

(15) **Crime Prevention Program Records** Records document police department efforts to train citizens in crime prevention. May contain training and media presentation records including lesson plans, outlines, tests, evaluations, speeches, and related records. Subjects usually include neighborhood watches, home security, and others. (Minimum retention: (a) Significant program records, retain 5 years; (b) Class enrollment and attendance records, retain 2 years; (c) All other records, retain 1 year).

(16) **Crime Prevention Security Survey Records** Records document citizen requested police surveys of homes and businesses and subsequent recommendations related to security. Usually contains a detailed checklist of problems or security defects. Subjects often include areas of potential break in, blocked exits, landscaping that can hide crime, and similar topics. Survey usually is compiled into a report that is sent to the owner or renter. (Minimum retention: 2 years).

(17) **Crime Prevention Vacation House Inspection Records** Records document the inspection of homes and other properties while the occupants are away. Information often includes name, address, date received, vacation beginning and ending dates, emergency contact information, special conditions at the house or property, dates and times officers checked the house or property, and related data. (Minimum retention: 30 days after inspections end).

(18) **Criminal Arrest History Records** Records document information on the accumulated criminal arrest history of individuals, which may be useful in current or future investigations. Records may include summary sheets or cards, arrest reports, fingerprint cards, mug shots, and related documents. Information often includes name, aliases, residence, sex, age, date and place of birth, height, weight, hair and eye color, race, scars, marks, tattoos, abnormalities, date of arrest, offense committed, habits, closest relatives or friends, and more. Records may be destroyed earlier if individual is known dead. (Minimum retention: (a) Homicides, retain 20 years; (b) felonies, retain 10 years; (c) Misdemeanors, retain 5 years).

(19) **Criminal History Dissemination Records** Logs and other records documenting the dissemination of criminal histories and other law enforcement information to other agencies or criminal information systems. May include teletype and computer message logs. Information includes date of release, subject of information, recipient of information, reason information was requested, and identification numbers. (Minimum retention: Until case completed or suspended).

(20) **Criminal Intelligence Records** Records document possible and proven criminal activity by individuals, groups, organizations, and businesses for use by local government law enforcement agencies. Information is categorized into file groupings as defined by OAR 137-090-0080 after collection and evaluation. Includes investigatory reports, statistical reports, correspondence, memoranda, and related records. Information includes suspect identification, alleged activity, location, date, source validity, and other data. Sources include law enforcement and regulatory agencies, and private citizens. SEE ALSO Crime Analysis Records in this section.

(Minimum retention: (a) "Permanent files" as defined by OAR 137-090-0080, retain 5 years; (b) "Temporary files" as defined by OAR 137-090-0080, retain 1 year; (c) "Working files" as defined by OAR 137-090-0080, retain 30 working days).

(21) **Detoxification Confinement** Logs listing names of individuals held because of drunkenness and released when sober. Includes dates and times confined and released, name of individual, and related information. (Minimum retention: 2 years).

(22) **Emergency Telephone Calls Continuous Audio Tapes** Audio tapes that record incoming emergency calls, police and emergency dispatches, radio activity, and 9-1-1 calls. Tapes are maintained on a 24-hour basis. Recordings of serious incidents may warrant longer minimum retention for legal reasons. These may be transferred onto a separate tape and retained until legal action is resolved. (Minimum retention: 7 months).

(23) **Equipment Issued Records** Records document equipment issued to police department and other city personnel. Items include but are not limited to handcuffs, keys, uniforms, badges, personal protective and fire fighting equipment, and lockers. May include inventories, optional equipment lists, data sheets, and other records. Information often includes date, employee name, number, and section, description of equipment, and related data. SEE ALSO Officer Weapon Registration Records in this section. (Minimum retention: Until superseded or obsolete).

(24) **Expunged or Sealed Records, Police** Records document the arrest and/or conviction of a person who petitions and is granted by the court an order sealing or otherwise disposing of any related records (according to ORS 137.225) maintained by the Police Department. "Upon entry of such an order, the applicant for purposes of the law shall be deemed not to have been previously convicted, or arrested as the case may be, and the court shall issue an order sealing the record of conviction or other official records in the case, including the records of arrest whether or not the arrest resulted in further criminal proceeding." Also applies to records related to juveniles as outlined in ORS 419A.260 through 419A.262. (Minimum retention: (a) Dispose of expunged records according to the directive of the court; (b) Expungement orders, retain 10 years or according to the directive of the court; (c) Sealed records, retain 10 years or according to the directive of the court).

(25) **Field Interrogation Reports** Informational reports written by a police officer related to individuals, groups, events or vehicles for which the officer does not have probable cause for enforcement. Information usually includes name and address of person contacted, physical description of person or vehicle, officer's name, location of contact, date and time, witnesses, reason for contact, and related data. (Minimum retention: 1 year).

(26) **Fingerprint Cards** Cards containing fingerprints, palmprints, toeprints, and other personal identifiers of arrested individuals. Used for identification and apprehension of suspects in criminal investigations. May also include fingerprints of private security personnel working in the city. Information often includes name, address, date and place of birth, Social Security number, alias, occupation, employer, name of individual taking prints, and related data. Fingerprint cards of individuals known to be dead need not be retained. SEE ALSO Latent Fingerprint Cards in this section. (Minimum retention: (a) Homicides, retain 20 years; (b) Felonies, retain 10 years; (c) Misdemeanors, retain 5 years; (d) Retain other cards until superseded or obsolete).

(27) **Handgun Dealers' Sales Records** Records document purchases of handguns from dealers. May include duplicate register sheets mailed by the dealer to the city police department and triplicate register sheets mailed by the dealer to the State Police for criminal records checks and then forwarded to the city police department. Information includes series number, sheet number, sales person, date and time, city, make, serial number, caliber, name of purchaser, date of birth, address, height, occupation, race, color of eyes and hair, local address (if traveling), and signatures of purchaser and sales person. As of 1996, these records are retained by the State Police. (Minimum retention: Destroy).

(28) **Impounded and Abandoned Vehicle Records** Records document vehicles impounded by the police department related to accidents, abandonment, recovered stolen vehicles, vehicles used in the commission of crimes, and other reasons. May include reports, notifications, information cards or sheets, receipts, and related records. Information often includes the make, model, year, color, identification number, tag number, and condition of the vehicle and contents, reason for impounding, location of impoundment, charge (if any), towing company used, release conditions, name and address of individual to whom vehicle was released, and other data. (Minimum retention: Retain records not included in Incident Case File 2 years after disposition of vehicle).



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(29) **Incident Case File Indexes** Indexes to incident case files used as cross-references between case numbers, names, dates, modus operandi, and other descriptive information. (Minimum retention: Until superseded or obsolete).

(30) **Incident Case Files** Central case files document complaints or other actions or incidents investigated by the police department. Usually filed by case number. Records may include investigative reports, fingerprint cards, arrest reports, supplemental reports, photographs, correspondence, teletypes, court orders, court dispositions, officer notes, laboratory reports, DUI test records including chemical analyses (also known as intoxilyzer or breathalyzer test records), physical force records, citizen arrest certificates, warrants, search warrants and booking sheets, property/evidence reports, custody reports, and other related documents. Information usually includes suspect identification, alleged activity, location, date, validity of source information and other data. Sources include law enforcement and regulatory agencies and private citizens. Refer to ORS 131.125-131.155 for statute of limitations. (Minimum retention: (a) Cases involving crimes with no statute of limitations, retain 75 years after case closed; (b) Protective custody files, retain until minor's age of majority or emancipation; (c) All other cases, retain until statute of limitations expires).

(31) **Informant Case Files** Records document information about informants used by the police department. May include reports, correspondence, payment records, fingerprint cards, signature cards, letters of understanding on informant activities, and related records. (Minimum retention: Until superseded or obsolete).

(32) **Inmate Accountability Records** Logs, lists, rosters, and other records document inmate counts, cell locations, and status, as well as related information. May include logs detailing status of individual inmates such as those awaiting action or on hold status, released on their own recognizance, or released on security. May also include rosters documenting the location of all inmates by head counts at regular intervals. (Minimum retention: 1 year).

(33) **Inmate Case File Indexes** Indexes used to access inmate case files. Usually cross-referenced by name, case number, and other identifiers. (Minimum retention: Until superseded or obsolete).

(34) **Inmate Case Files** Records document non-medical information on inmates confined in the city jail. Often contains date of entry, date of release, incident reports, release receipt indicating return of property, court commitment and release orders, behavioral information, physical force records, and other relevant information concerning the arrest and confinement of an individual. Some records included in case files may be listed elsewhere in this section (e.g. fingerprint cards, inmate visitor records, etc.). (Minimum retention: 5 years).

(35) **Inmate Meal Records** Records document menus used to plan and schedule inmate meals. May include listings of those inmates who received meals. Information may include month, day, meal, menu, inmates served, and related data. (Minimum retention: 6 months).

(36) **Inmate Medical Records** Records document outpatient medical treatment given to inmates. Often contains treatment log, prescriptions, health questionnaires, laboratory reports, x-ray reports, medical reports from other facilities, and related records. Information may include inmate's name, date of treatment, description of treatment, and related data. (Minimum retention: 7 years).

(37) **Inmate Medication Records** Records document medications kept by the jail and dispensed to inmates. Often contains logs and related records. Information may include name of medication, date and time issued, name of inmate to whom medication was dispensed, name of individual dispensing medication, amount dispensed, amount remaining in stock, and related data. (Minimum retention: 7 years).

(38) **Inmate Telephone and Mail Logs** Logs and other records documenting telephone calls and mail sent and received by inmates. Information may include name of inmate, date and time of telephone call or mail, and related data. (Minimum retention: 1 year).

(39) **Inmate Visitor Records** Records document information about visitors to inmates confined in the city jail. May include logs, request slips, and related records. Information often includes date, time in, visitor's signature and address, object of visit, time out, and related data. (Minimum retention: 1 year).

(40) **Internal Investigations Case Files** Records document investigations of police department personnel for violations of laws, rules, or policies and may include findings and dispositions of investigations. Records often contain complaints, correspondence, investigatory reports, interviews, hearing summaries and testimony, and related documents. Information usually includes name of employee investigated, reason, loca-

tion of violation, date, accomplices' names and addresses, witnesses' names and addresses, action taken, and related data. SEE ALSO Requests and Complaints in the Administrative section. (Minimum retention: (a) Investigations resulting in termination, retain 10 years after employee separation; (b) Investigations resulting in disciplinary action or exoneration, retain 3 years after resolution; (c) Unfounded investigations, retain 3 years).

(41) **Juvenile Offender/Victim Restitution Records** Records document the facilitation of restitution for crime victims of first time juvenile offenders. Typical cases may include criminal mischief, vandalism, minor assault, theft, and harassment. Information may include name, address, and phone number of person filing complaint, case number, date of activity, narration of the complaint, name of offender, date case closed, and other data. (Minimum retention: 5 years after last action, or youth reaches age of majority, whichever is longer).

(42) **Juvenile Temporary Custody Records** Records document children taken into temporary custody by the police department as defined in ORS 419B.150 through 419B.171. The action is not considered an arrest. Information may include the name, age, and address of the child, the name and address of the person having legal or physical custody of the child, reasons for and circumstances under which the child was taken into temporary custody, and other data. (Minimum retention: 3 years).

(43) **Latent Fingerprint Cards** Cards containing latent fingerprints and palmprints found at crime scenes without identification of suspects. These are compared against cards on file at the police department. Usually contains information related to the crime, location, date and time, and other details of the case. SEE ALSO Fingerprint Cards in this section. (Minimum retention: (a) Cases involving crimes with no statute of limitations, retain 75 years after case closed; (b) All other cases, retain 1 year after statute of limitations expires).

(44) **Law Enforcement Activity Reports** Monthly and annual law enforcement or uniform crime reports summarizing statistics on criminal activity and office operations. Information includes date, categories, totals, and related data. SEE ALSO Activity Reports, Police in this section. (Minimum retention: (a) Annual reports and monthly reports for years in which no annual report exists, retain permanently; (b) Other reports, retain 2 years).

(45) **Lost and Found Property Records** Records document city receipt and maintenance of lost and found or abandoned property such as money, bicycles, automobiles, and other items not related to a crime. Includes receipts, inventory lists, destruction logs, property reports, and related records. SEE ALSO Property and Evidence Control and Disposition Records for records documenting property related to or held as evidence to an alleged crime. SEE ALSO Property Disposition Records in the Financial-General section for records of the disposition of lost and found or abandoned property. (Minimum retention: 2 years after disposition).

(46) **Maps, Police** Maps and related records maintained for reference and for tracking various trends. Examples include but are not limited to Neighborhood Watch Program maps, Block Home Program maps, street number location maps and books, parking meter maps, and maps plotting reported crimes in a given area. Some maps may have historic value. For appraisal assistance, contact the Oregon State Archives. (Minimum retention: Until superseded or obsolete).

(47) **Master Name Index Records** Records document information on each individual who has been field interrogated or arrested suspects or accomplices in crimes, victims, complainants, and witnesses to incidents. Information may include name, address, date of birth, race, sex, date and time of incident or contact, incident number, and related data. (Minimum retention: Until superseded or obsolete).

(48) **Mug Shots** Photographs and negatives of arrested individuals used for identification and apprehension of suspects in criminal investigations. Mug shots of individuals known to be dead need not be retained. SEE ALSO Photo Identification Records in the Personnel section for non-arrest identification photographs. (Minimum retention: (a) Retain homicides 20 years; (b) Retain felonies 10 years; (c) Retain misdemeanors 5 years).

(49) **Neighborhood Dispute Resolution Records** Records document the city's dispute resolution program to handle complaints by citizens about concerns or disputes with neighbors or merchants. Typical cases may include animal control, landlord/tenant issues, noise, harassment, property disputes, and business/consumer issues. Records may include budget, activity, and statistical reports, mediation training information, evaluation and intake records, service referrals, resolution agreements, and follow-up surveys. Information may include name, phone number, and address of person filing complaint, case number, date of activity, narration of request or complaint, name and address of offender, action taken, and other data. SEE ALSO Ordinance Violation Case Files in the Municipal Court Records sec-

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tion. (Minimum retention: (a) Case records, retain 5 years after last action; (b) All other records, retain 2 years).

(50) **Officer Notes** Notes written by officers during the course of a shift containing information which may or may not be included in an official report. May pertain to contacts, incidents, unusual circumstances, and other subjects. Useful for referral in writing reports and testifying in court. Information includes names, dates, times, vehicles, activities, locations, and related data. Officer notes created on handheld electronic organizers (ex. Palm Pilots) are public records under ORS 192. Information on electronic organizers is subject to the same retention as the paper record unless the information is kept in another format for the duration of the required minimum retention period. (Minimum retention: 2 years).

(51) **Officer Weapon Registration Records** Records document weapons assigned to city police officers. Information includes officer's name, and the make, model, serial number, and caliber of the weapon. (Minimum retention: Until superseded or obsolete).

(52) **Patrol Car Video Files** Records document patrol activities. Patrol officers may manually activate cameras when calls come in or cameras may automatically activate upon rapid vehicle acceleration or deceleration. (Minimum retention: (a) Tapes used as evidence, retain until case reaches final disposition; (b) Tapes used for internal investigations, retain until investigation ends; (c) All other tapes, retain 30 days).

(53) **Pawn Broker and Second Hand Dealer Reports** Reports submitted to the police department documenting merchandise bought and sold by dealers. Useful in tracing stolen items. Information includes name, address, identification, and personal description of pledgor, date, dealer's name, and description of article. (Minimum retention: 2 years).

(54) **Peer Court Records** Records document the city's peer court program where youths who have committed certain first time misdemeanors or violations are judged through a court system of their peers (aged 12-17 years). Records may include policy and procedure manuals, budget, activity, and statistical reports, guidelines and instructions for participants, applications to participate in the program, juvenile consent form, intake interview form, defendant questionnaire, summary report, attorney's analysis, jury verdict record, bailiff record, clerk's record, community service log, judge's notes, officer's status report, defendant evaluation, parent evaluation, and related documentation. SEE ALSO Policy and Procedure Manuals in the Recorder-General section. (Minimum retention: (a) Case records, retain 5 years after final disposition of case, or youth reaches age of majority, whichever is longer; (b) Participant guidelines and instructions, retain until superseded or obsolete; (c) All other records, retain 2 years).

(55) **Photo Radar Logs** Records documenting the use of photo radar and red-light cameras by the city's police department. Logs may include the date, time, location, number of photographs taken, and related information. SEE ALSO Photo Radar Records in this section. (Minimum retention: 3 years).

(56) **Photo Radar Records** Records document traffic infractions by drivers that have been photographed by the police department's photo radar equipment. Records may include photographic negatives and prints, copies of citations, copies of drivers' licenses, forms to dismiss, and related documentation. SEE ALSO Photo Radar Logs, Traffic and Other Citation Logs, and Traffic and Other Citations in this section, and Traffic Citation Case Files in the Municipal Court section. (Minimum retention: (a) Photo radar citations issued, retain 2 years; (b) Photo radar citations not issued, retain 30 days).

(57) **Polygraph Records** Records document polygraph tests given to criminal suspects, prospective employees and others. Includes pre-examination records, examination questions for individuals interviewed, statements of consent, polygraph analysis reports, examiner's original test questions, examination chart tracing reports, polygraph results charts, conclusions, interviewee statements, and background information. (Minimum retention: (a) Case involving crimes with no statute of limitations, retain 75 years after case closed; (b) All other cases, retain 1 year after statute of limitations expires).

(58) **Property and Evidence Control and Disposition Records** Records used to track property and evidence coming into police department possession. Documents receipt, storage, and disposition of personal property and physical evidence from defendants, victims, and others. May include evidence photographs documenting crime scenes, accidents, and other incidents. Records often include receipt forms, evidence control sheets, property reports, destruction lists, property consignment sheets, seized firearm logs, homicide evidence inventories, and other documents. Information usually includes case number, tag number, date and time, property or evidence description, storage location, release date, and other data. Often filed with Incident Case Files. SEE ALSO Lost and Found Property

Records in this section for documents related to lost and found or abandoned property not related to or held as evidence of an alleged crime. (Minimum retention: (a) Cases involving crimes with no statute of limitations, retain 75 years after case closed; (b) All other cases, retain 1 year after statute of limitations expires).

(59) **Property Registration Records** Records document the registration of property for identification in case of theft, loss, or burglary. Property includes but is not limited to bicycles, televisions, cameras, stereos, and guns. Information may include name, address, and phone number of owner, date, description of property, serial number, and related data. (Minimum retention: Until registration is expired, superseded, or obsolete).

(60) **Radar Equipment Certification and Maintenance Records** Records document the calibration and maintenance of radar equipment that may be useful in documenting the accuracy of the readings. Often includes original factory certification of calibration. If tuning fork tests reveal an inaccuracy, the equipment is removed from service for repair and recalibration. Information related to maintenance and repair may include a description of work completed, parts used, date of service, equipment number, make, model, and related data. (Minimum retention: 2 years after disposition of equipment).

(61) **Teletype Messages** Incoming and outgoing teletype messages concerning a variety of subjects of interest to the department. Subjects include incidents, meetings, arrests, warrant confirmation and others. Information includes date, time, originating agency, and text. (Minimum retention: Retain messages not warranting inclusion in Incident Case Files [or other record series] 30 days).

(62) **Towed Vehicle Records** Rotation lists and related records documenting tow truck requests and responses. Information usually includes date, name of requester, name of towing company called, location, and other data. Records may also include documentation of vehicles towed from private property at the request of citizens. This information is used to prevent towed vehicles from being reported as stolen. (Minimum retention: 1 year).

(63) **Traffic and Other Citation Logs** Logs listing various information related to citations issued by the police department. Usually includes type of citation, ticket number, name of violator, date of issue, and officer's name. (Minimum retention: 1 year).

(64) **Traffic and Other Citations** Police department copies of citations issued for traffic, motor vehicle, and other violations. Includes Uniform Traffic Citations, parking citations, and others. Information includes city and county, date and time, name and address, date of birth, sex, occupation, license number, state, year, make and model of vehicle, location of violation, state or city law alleged violated, conditions, name of officer issuing citation, and related data. (Minimum retention: 3 years).

(65) **Traffic Violation Warning Records** Records document warnings issued for traffic violations. Often used to determine repeat offenders and for follow-up investigations. Information usually includes date, time, category, name, address, phone number, date of birth, race, sex, hair and eye color, height, weight, Social Security number, drivers license number, make and model of vehicle, location of violation, violation, signatures, and related data. (Minimum retention: 1 year).

(66) **Used Firearm Transfer Records** Records document the sale or transfer of a firearm. Information includes business name and address, individual purchasing or trading firearm, time and date of transaction, firearm description, including serial number, caliber, form of identification presented by the seller/trader, and dealer and seller/trader signatures and phone numbers. (Minimum retention: 1 year).

(67) **Video Surveillance Recordings** Records document fire and crime scene activities and the monitoring of public places (as defined in ORS 161.015). Fire and crime scene recordings document individuals present at the scene and may be used to identify suspects. Note specific information not to be collected or maintained: ORS 181.575. (Minimum retention: (a) Recordings used as evidence, retain until case reaches final disposition; (b) Recordings used for internal investigations, retain until investigation ends; (c) All other recordings, retain 30 days).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-200-0110

### Public Works — Operations and Maintenance Records

(1) **Backflow Prevention Device Test Records** Records document test results on backflow prevention devices designed to protect the city water system from pollution related to substances backing into water lines. Information usually includes date, type and size of device, serial number,

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location, test records, line pressure, name of tester, name and address of device owner, and related data. (Minimum retention: 10 years).

(2) **Bridge and Culvert Maintenance and Repair Records** Records document maintenance and repairs on city bridges and culverts. Includes pedestrian and bicycle bridges. May include summaries, reports, logs, and related records usually compiled from daily work records on a monthly or quarterly basis. Information often includes location, narrative of work completed, materials used, personnel completing work, authorization, dates of activities, and related data. SEE ALSO Daily Work Records in this section. (Minimum retention: (a) Records with engineering stamps documenting structural maintenance or repairs, retain 2 years after bridge or culvert permanently removed from service; (b) All other records, retain 2 years).

(3) **Buildings and Grounds Maintenance and Repair Records** Records of all minor maintenance and repairs to buildings and grounds owned or leased by the city. Used to verify that repairs were made. May include summaries, logs, reports, and similar records usually compiled from daily work records on a monthly or quarterly basis. Information often includes location, narrative of work completed, materials used, personnel completing work, authorization, dates of activities, and related data. SEE ALSO Daily Work Records in this section, and City Improvement Administrative and Financial Records in the Financial-General section. (Minimum retention: (a) Records requiring engineering stamps, retain 2 years after life of structure; (b) All other records, retain 2 years).

(4) **Cross Connection Control Survey Records** Records document the monitoring of potential or actual water system health hazards from pollution entering water pipes from other pipes. Records may include reports, surveys, checklists, and related documents. Information often includes address, contact person, business name, date, inspector, type of facility, description of protection, comments, corrections made, and other data. (Minimum retention: 1 year after disconnection or 10 years, whichever is longer).

(5) **Daily Work Records** Records document work completed by each city employee or crew on a daily basis. These may include logs, notes, or similar records. Information often includes personnel performing work, date and time completed, description of work, location, equipment and materials used, and additional pertinent data. SEE ALSO various maintenance and repair records series in this section (e.g., Buildings and Grounds Maintenance and Repair Records) for summaries or reports of information often included in this record series. (Minimum retention: 1 year).

(6) **Delivery Tickets** Tickets issued by suppliers to verify delivery of supplies or materials (concrete, road base, gravel, topsoil, etc.) Information usually includes date, time, amount and type of supplies received, and related data. (Minimum retention: 2 years).

(7) **Equipment Maintenance and Repair Records** Records document the inspection, maintenance, and repair of all city-owned equipment not listed elsewhere in this schedule. Examples include but are not limited to mowers, trailers, edgers, blowers, generators, sewage lift pumps, water pumps, office equipment, and furniture. Records may include summaries, reports, and similar records usually compiled from daily work records on a monthly or quarterly basis. Information often includes description of work completed, parts and supplies used, date of service, date, purchase price, equipment number, make, and model, and related data. SEE ALSO Daily Work Records in this section and Work Orders in Administrative section. (Minimum retention: 2 years after disposition of equipment).

(8) **Fill and Leaf Delivery Records** Records document citizen requests and city delivery of fill material and leaves to private property. Often includes conditions, signature, address, and phone number of property owner, number of loads requested, desired dumping location, and related information. SEE ALSO Street Surface Maintenance Records in this section for records documenting the removal of leaves from city streets. (Minimum retention: 2 years).

(9) **Fuel Records** Records document the amount of gasoline, diesel, and oil used by city-owned vehicles. Often includes logs, reports, and related documents. (Minimum retention: 2 years).

(10) **Hydrant Records** Records document the location, specifications, maintenance, testing, and repair of water hydrants in the city water system. May include lists, charts, logs, reports, and related records. Information often includes location, make, description (main size, valve size, flow capacity, etc.), maintenance and repair narratives, dates, authorizations, and related data. (Minimum retention: (a) Retain location and specification records until hydrant permanently removed from service; (b) Retain maintenance, test and repair records 2 years).

(11) **Maintenance Request/Complaint Records** Records document complaints or requests concerning a variety of maintenance responsibilities carried out by the public works department. Examples include but are not

limited to brushing and limbing; road grading, rocking, sealing, patching, and marking; traffic signals and signs; city-owned buildings and equipment; streetlights; high grass or weeds; and water and sewer system problems. Information often includes name, phone number, and address of person making request/complaint, narration of request/complaint, name of person responding to request/complaint, dates of related activities, and other data. (Minimum retention: 2 years after last action).

(12) **Public Facilities Inspection Records** Series documents the city's inspection and licensing of public facilities such as restaurants, mini marts, delicatessens, hospital and school cafeterias, daycare and long-term care food services, tourist and travelers facilities, and other food service organizations. Series may include applications; inspection reports listing type of inspection, any deficiencies, inspection score, date and time of inspection, and signatures; copies of the licenses issued; and other related data. (Minimum retention: (a) Facilities: 1 year after date of event inspection; (b) Closed facilities: 2 years after closure).

(13) **Sewer and Storm Drainage Maintenance and Repair Records** Records document the maintenance and repair of city sewers and storm drains. May include summaries, reports, and similar records usually compiled from daily work records on a monthly or quarterly basis. Information often includes location, narrative of work completed, amount and type of material used, personnel completing work, dates of activities, authorization, and related data. SEE ALSO Daily Work Records and Sewer Television/Videoscan Inspection Records in this section. (Minimum retention: (a) Records requiring engineering stamps, retain 2 years after life of structure; (b) All other records, retain 2 years).

(14) **Sewer Smoke Test Records** Records document smoke tests undertaken to verify hookup to main sewer lines, check condition of pipes, or determine effectiveness of backflow prevention devices. Information often includes maps or diagrams of lines tested, location of leaks detected, inspector's name, pipe size, and related data. (Minimum retention: 10 years).

(15) **Sewer Television/Videoscan Inspection Records** Reports document television inspections used to determine the condition of sewer lines. Inspections locate problems and defects so that corrective measures can be taken. Often consists of periodic inspections of existing lines, final inspections of newly constructed lines, and inspections at the end of warranty periods. Records usually contain videotapes and written reports. Information often includes date, type of inspection, conditions found, repairs needed, distances from manholes, and related data. (Minimum retention: (a) Written reports, retain 1 year after the life of the sewer line; (b) Videotapes, retain 1 year after written report submitted).

(16) **Street and Road Condition Inventory Records** Inventory records document the condition of city streets, roads, curbs, shoulders, sidewalks, bikeways, alleys, etc. Useful for reference and planning. Information can include street or road name, location, year surveyed, constructed, and surfaced, bed and surface type, surface size, condition, and other data. (Minimum retention: 5 years after annual audit report issued).

(17) **Street Maintenance and Repair Records** Records document maintenance and repairs of city-owned streets and sidewalks. May include reports, summaries, and similar documents usually compiled from daily work records on a monthly or quarterly basis. Information often includes location, narrative of work completed, amount of materials used, personnel involved, authorization, dates of activities, and related data. SEE ALSO Daily Work Records in this section. SEE ALSO Contracts and Agreements in the Recorder-General section for contract records related to private companies working on city maintenance and repair projects. (Minimum retention: (a) Records requiring engineering stamps, retain 10 years after substantial completion; (b) All other records, retain 2 years).

(18) **Street Surface Maintenance Records** Records document routine and special street sweeping, cleaning, snow removal, sanding, leaf removal, and similar work. Often includes reports, summaries and similar records. Information can include date and time, area covered, broom down time and mileage, traveling time and mileage, operator's name, equipment used, amount of sand applied, amount of leaves removed, weather conditions, and related data. (Minimum retention: 3 years after annual audit report issued).

(19) **Streetlight Maintenance and Repair Records** Records document maintenance and repairs on city streetlights. May include reports, summaries, and similar records usually compiled from daily work records on a monthly or quarterly basis. Information often includes location, narrative of work completed, equipment repaired or replaced, supplies used, personnel completing work, authorization, dates of activities, and related data. SEE ALSO Daily Work Records in this section. (Minimum retention: 3 years after annual audit report issued).



# ADMINISTRATIVE RULES

(20) **Temporary Access/Construction Easement Records** Records document temporary easements allowing entrance and work on property or streets not owned by the easement holder. Permits usually apply to city crews and utility workers. Information can include applicant name, address, and phone number, contractor name and license number, utility involved, location, description of work, security deposit, surface restoration material used, signature, date, comments, permit number, and related data. SEE ALSO Easements in the Recorder-General section for long-term easements. (Minimum retention: 2 years after easement expires).

(21) **Traffic Control Equipment Maintenance and Repair Records** Records document maintenance and repair of traffic signals and signs in the city. May include reports, summaries, and similar records. Information often includes location, narrative of work completed, equipment repaired or replaced, supplies used, personnel completing work, dates of activities, and related data. SEE ALSO Contracts in the Recorder-General section for contract records related to private companies working on city maintenance and repair projects. SEE ALSO Daily Work Records in this section. (Minimum retention: (a) Traffic signal records, retain 2 years after equipment permanently removed from service; (b) Traffic sign records, retain 2 years).

(22) **Utility Installation and Connection Records** Records document installation of city utility systems or the connection of specific properties to city water, sewer, power, or similar systems. Does not apply to temporary stoppages or disconnections service. May include applications, permits, and similar records. Information often includes applicant's name and address, permit number, fee charged, service level, type of structure, pipe size, meter size and number, and related data. (Minimum retention: 2 years after physical disconnection).

(23) **Utility Line Location Request Records** Records document requests and city action to locate underground lines in the vicinity of a construction site. Information often includes name of person requesting location; planned and actual date and time of location; notations of water, sewer, storm drains, and other line locations; name and signature of person locating lines; and related data. If city uses a private contractor to locate lines, SEE ALSO Contracts and Agreements in the Recorder-General section. (Minimum retention: 2 years).

(24) **Utility Meter Installation, Maintenance, and Repair Records** Records document the installation, maintenance, and repair of city operated water and power meters. May include logs, summaries, and similar records usually compiled from daily work records on a monthly or quarterly basis. Information often includes address, narrative of work completed, personnel completing work, dates, and related data. (Minimum retention: 5 years).

(25) **Utility Meter Test and Calibration Records** Records document the testing and calibration of city operated water and power meters for accuracy. May include logs, reports, lists, charts, and similar records. Information can include address, test and calibration results, repairs needed, comments, and related data. (Minimum retention: Life of the equipment).

(26) **Valve Maintenance Records** Records document the location, specifications, maintenance, and repair of valves in the city water and sewer systems. May include lists, charts, drawings, reports, logs, and related records. Information often includes valve location, identification number, run of pipe, size, make, year installed, depth, turns to open and normal position, narratives of valve maintenance and repair, tests run, personnel completing work, dates, and related data. (Minimum retention: (a) Location and specification records, retain until valve permanently removed from service; (b) Maintenance and repair records, retain 2 years).

(27) **Water Line Maintenance and Repair Records** Records document the maintenance and repair of city-owned water lines. May include reports, summaries, and similar documents usually compiled from daily work records on a monthly or quarterly basis. Information often includes, location, narrative of work completed, amount and type of materials used, personnel completing work, dates of activities, authorization, and related data. SEE ALSO Water Valve Maintenance Records, Water Hydrant Maintenance Records, and Daily Work Records in this section. (Minimum retention: (a) Records requiring an engineering stamp, retain 2 years after water line permanently removed from service; (b) All other records, retain 2 years).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-200-0130

### Recorder — Election Records

(1) **Abstract of Votes (Record of Elections)** Records document election results for General, Primary, Emergency, and Special Elections. Information includes candidate name/ballot title, precinct name, total votes per candidate/ballot title, total per precinct, under/over votes, and certification by County Clerk. (Minimum retention: Permanent).

(2) **Contribution and Expenditure Reports** Records document contributions and expenditures by candidates or political action committees if filed with the City. Includes statement of organization, amount, source, and detail of expenditures. May also include receipts for expenditures and supplemental reports. (Minimum retention: (a) Statement of organization, retain permanently (b) All other records, retain 4 years after the date required to file update reports).

(3) **Election Filings** Includes all necessary papers required to be filed by a candidate or governing body for primary, general, emergency, and special elections. May include petition of nomination, declaration of candidacy, certification of nomination, filing forms for city and county voters' pamphlet, notice of measure election, and withdrawal of candidates. (Minimum retention: 4 years).

(4) **Election Preparation Records** Used to prepare and administer elections within each precinct in the city. Records may include such information as number of ballots going to each precinct, number and type of pages for each voting machine for each precinct, listing of issues and candidates by precinct order, guides to preparing voting machines, ballot layout records, and public certification test notice. Also may include guides to assist Election Board personnel in reconciling votes cast with eligible voters. (Minimum retention: 2 years).

(5) **Help America Vote Act Identification Records** Records used to verify the identity and county residency of individuals registering to vote. Records include but are not limited to current and valid photo identification containing voter name and address, or a current copy of a utility bill, bank statement, government check, paycheck, or other government document that shows their name and address. The address listed must match the residence or mailing address submitted on their voter registration card. (Minimum retention: Until verified by county elections official).

(6) **Initiative, Referendum, and Recall Records** Records document the initiative, referendum, and recall process by which voters propose laws and amendments to the State Constitution, refer an act of the Legislature or other governing body to a vote of the electorate, or recall a public official. Includes petitions, signature sheets, summaries of signature verification, text of proposed law, amendment, or response from public official. (Minimum retention: (a) Signature verification records, retain 6 years; (b) Signature sheets including verification, if measure approved, retain 6 years after election; (c) Signature sheets, if measure not approved, retain 90 days after election or 90 days after deadline for sufficient signatures; (d) Petitions qualified to ballot, retain permanently; (e) Petitions not qualified to ballot, retain 6 years).

(7) **Legal Notices and Publications** Records document required pre-election legal notices by the City Recorder. May include publication of ballot title, notice of election, sample ballot, and the City voters' pamphlet. (Minimum retention: (a) One copy of city voters' pamphlet, retain permanently; (b) All other records, retain 4 years).

(8) **Poll Books** Records document issuance of ballot to eligible voter in an election. Includes name of elector, party affiliation, home address, ballot number, precinct number, and signature of voter. Cover includes number of voters casting ballots for the election and names, signatures, and oaths of Election Board members. May also include certificates of registration. Some records may have historical value. For appraisal assistance, contact the Oregon State Archives. (Minimum retention: (a) Records created prior to 1931, retain permanently; (b) All other records, retain 2 years).

(9) **Vote-By-Mail Records** Records are used to prepare, administer, and abstract elections conducted by mail. Records include: counted, duplicated, rejected and/or defective ballots; Envelopes - returned signed envelopes, non-deliverable envelopes, and secrecy envelopes; and other documents used to prepare, administer and abstract elections conducted by mail. (Minimum retention: (a) Counted, duplicated, rejected and/or defective ballots, retain 22 months for elections containing federal candidates and 90 days after the last day to contest the election for all other elections; (b) returned signed envelopes two years for elections containing federal candidates and 90 days after the last day to contest for all other elections; (c) Secrecy and non-deliverable envelopes, retain for 60 days after the last day to contest for all elections regardless of federal/nonfederal candidates; (d) All other documents used to prepare, administer and abstract elections conducted by mail, retain 2 years following the election to which it relates).

# ADMINISTRATIVE RULES

(10) **Voter Registration Records** Records document registration or cancellation of registration of eligible voters. Voter Registration Cards include the following information: name, signature, mailing and residence address, previous registration information, if ever registered in Oregon, date of birth, affirmation of citizenship, state residency, and political party. May also include records canceling or making inactive voter registration such as the notice of deceased list from Secretary of State, notice of change of address from Department of Motor Vehicles, U.S. Postal Service notice, and related correspondence. (Minimum retention: 2 years after canceled).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005–192.170 & 357.805–357.895

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 4-2003, f. & cert. ef. 11-24-03; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 6-2009, f. & cert. ef. 8-26-09; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-200-0140

### Risk Management Records

(1) **City Vehicle Accident Records** Records document accidents involving city vehicles. May include dispatch reports with information such as name and address of parties involved, date and time, complaint, description of damage, and other data. Records may also contain motor vehicle accident reports which include the driver's name, address, phone number, date of birth, and driver's license number, as well as passenger and witness names, description of events, make and model of vehicle(s), vehicle identification number, and related data. Photographs and correspondence also may be part of these records. (Minimum retention: (a) If litigated, see Civil Case Files in the Attorney section for retention; (b) If not litigated, retain 3 years).

(2) **Contractor Liability Insurance Verification Records** Letters or certificates of coverage provided by insurance companies declaring that specific contractors are covered by appropriate liability insurance. Information usually includes insurance company name and address, issue date, expiration date, amount of coverage, type of coverage, special provisions, signature of insurance company representative, and related data. (Minimum retention: (a) If related to city improvement project, retain 10 years after substantial completion, as defined by ORS 12.135(3); (b) All other records, retain 6 years after expiration).

(3) **Contractor Performance Bond Records** Records document the posting of performance guarantees or surety bonds by contractors performing work for the city. May include letters, certificates, copies of bonds, and similar records. Information usually includes name of individual or company covered, amount of coverage, effective and expiration dates, name of bonding agent, authorized signatures, and related data. (Minimum retention: (a) If related to city improvement project 10 years after substantial completion, as defined by ORS 12.135(3); (b) All other bond records, retain 6 years after expiration).

(4) **Hazard Communications Program Records** Records document city participation in the Hazard Communications Program as required by the Oregon Occupational Safety and Health Administration (OR-OSHA). These records may be useful as documentation for exposure and other claims because they include chemical content, safe handling instructions, and other facts about a product at a given time in the past. Usually includes plans, reports, and material safety data sheets (MSDS). Information included in the material safety data sheets includes product name, manufacturer's address and phone number, hazardous ingredients contained, ingredient description, carcinogenicity, quantity of ingredients, fire and explosion data, health hazard data, radioactivity data, spill and leak pressures, safe handling and use information, special use precautions and related data. (Minimum retention: 75 years after superseded or obsolete).

(5) **Injury Reports, Public Use** Records document injuries sustained by non-employees on city property such as parks, swimming pools, libraries, and senior centers. Information usually includes date, time, location, and description of injury, name, address, phone number, sex, and age of injured person, witnesses, date reported, and related data. (Minimum retention: (a) If claim filed, see Liability Claims Records in this section for retention; (b) If no claim filed, retain 3 years).

(6) **Insurance Policy Records** Records document the terms and conditions of insurance policies between the city and insurers. Types of insurance include liability, property, group employee health and life, motor vehicle, workers' compensation, flood, and others. Records usually include policies, endorsements, rate change notices, agent of record, and related documents. (Minimum retention: (a) Group employee health and life, property, and liability insurance, retain 75 years after expiration if no claims pending; (b) All other insurance records, retain 6 years after expiration if no claims pending).

(7) **Liability Claims Records** Records document various types of liability claims filed against the city. These include personal injury, property

damage, motor vehicle accident, false arrest, and others. Records often include reports, photographs, summaries, reviews, notices, audio and videotapes, transcriptions of recorded statements, memoranda, correspondence, and related documents. Some records may be duplicated in the Civil Case Files record series in the Attorney section. Duplicate records should be retained as needed. (Minimum retention: (a) If action taken, retain 10 years after case closed, dismissed, or date of last action; (b) If no action taken, retain 3 years).

(8) **Liability Waivers** Records document the release of the city from liability related to various activities that include citizen involvement. Examples include but are not limited to riding in police or emergency medical services vehicles, participating in city sponsored runs or other activities such as recreational classes including canoeing, kayaking, tennis, basketball, and others. Information usually includes release terms, date, signatures, and related information. (Minimum retention: 3 years).

(9) **Occupational Injury and Illness Records** Records document occupational injuries and illnesses as required by the Oregon Occupational Safety and Health Administration (OR-OSHA). Includes OR-OSHA logs and summaries, claims summary reports, status reports, financial reports, and supplemental records. Information includes calendar year, dates, file numbers, date and description of each injury, illness, or death, names, occupations, types of diseases, totals, and related data. SEE ALSO Workers' Compensation Claim Records in this section, and Employee Medical Records in the Personnel Records section. (Minimum retention: 6 years).

(10) **Property Damage Records** Reports, photographs, and other records document damage to city property such as signs, trees, picnic tables, buildings, fountains, and fences. Information often includes type and location of property damaged, description of damage, date and time of damage (if known), name and address of individual who caused damage (if known), value of damage, billing costs, and related data. SEE ALSO Incident Case Files in the Police section for related vandalism records and Flood Plain Permit Records in the Planning and Development section. (Minimum retention: (a) If litigated, see Civil Case Files in the Attorney section for retention; (b) If not litigated, retain 3 years after date of last action).

(11) **Risk Survey and Inspection Records** Records document surveys, inspections, and other actions designed to identify potential hazards and liabilities to the city related to buildings, grounds, or services. Useful for preventing liability claims and for illustrating a pattern of responsible action regarding hazards. Records may include survey summaries and reports, safety audit and inspection reports, memoranda, and correspondence. Subjects may include the design, and use of parks, playgrounds, buildings, etc., video display terminals, hazardous materials, and others. (Minimum retention: (a) Records documenting the formation or change of policy, retain permanently; (b) All other records, retain 5 years).

(12) **Safety Program Records** Records document the city's program to promote a safe work environment for its employees. Records may include safety policies, plans and procedures, workplace safety committee records, reports on inspections conducted by the safety officer, evacuation rosters and reports, and related documentation and correspondence. (Minimum retention: (a) Safety policies, plans, and procedures, retain 5 years after superseded; (b) Inspection reports, reports, evaluations, and recommendations, retain 10 years; (c) Committee minutes, exhibits, and agendas, retain 3 years; (d) All other records, retain 5 years).

(13) **Workers' Compensation Claim Records** Records document the processing of individual employee claims of job related injuries or illnesses, but not those describing actual medical conditions. Includes records satisfying the procedural requirements of the State Workers' Compensation Division and the State Workers' Compensation Board, as well as those of (depending on city arrangements) the State Accident Insurance Fund (SAIF), private insurance providers, or self insurance. Records may include claim disposition notices, claim reporting and status forms; injury reports; determination orders; insurance premium data; hearing requests; safety citations; inspection reports; medical status updates and reports; investigation reports; reimbursement and payment records; and related correspondence and documentation. SEE ALSO Employee Medical Records in the Personnel section for records describing the job related injury or illness and the related subsequent medical condition of the employee. These often include workers' compensation accident reports, medical reports, vocational rehabilitation evaluations, disability determinations and related records. (Minimum retention: (a) For retention of records describing injuries and illnesses, see Employee Medical Records in the Personnel section; (b) All other records, retain 6 years after claim closed or final action).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005–192.170 & 357.805–357.895

# ADMINISTRATIVE RULES

Hist.: OSA 1-1998, f. & cert. ef. 1-7-98; OSA 3-2002, f. & cert. ef. 7-2-02; OSA 3-2008, f. & cert. ef. 12-10-08; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-300-0015

### Administrative Records

(1) **Administrative Rule Preparation Records** Records document the formulation, development, notice, and filing of an agency's administrative rules. Administrative rules may be developed through the activities and actions of an agency-appointed advisory committee. Records may include but are not limited to committee minutes and agendas, committee roster, draft rules and work notes, correspondence, copies of administrative orders filed with the Secretary of State (Notice of Proposed Rulemaking, Notice of Proposed Rulemaking Hearing, Statement of Need and Fiscal Impact, Statement of Need and Justification, Certificate and Order for Filing Permanent (or Temporary) Administrative Rules), and public comments and testimony. Administrative rule preparation records must be retained according to this schedule regardless of whether the rule has been renumbered, or repealed and re-adopted under a new rule number. *The Secretary of State maintains the statewide record copy of the Oregon Administrative Rules, Oregon Bulletin, and filed administrative orders.* (Retention: (a) Retain hearing audio or videotapes: until transcribed or summarized, destroy; (b) Retain all other Administrative Rule records: 10 years after repeal of entire rule, destroy).

(2) **Agency Organizational Records** Records document the organizational arrangement and administrative structure of an agency. Records may include but are not limited to organizational statements, organizational charts depicting the organization of an agency and/or its divisions and programs, studies determining the merit and feasibility of reorganization plans, and other studies related to administrative hierarchy. (Retention: Retain 2 years, destroy).

(3) **Attorney General Opinions** Records document Attorney General Opinions and attorney's letters of advice. Records may include but are not limited to requests for opinions; opinions; letters of advice; copies of legislative bills, statutes, and administrative rules; and correspondence. *The Department of Justice maintains the statewide record copy.* (Retention: Retain 10 years, destroy).

(4) **Business Plan Records** Records document the needs assessment, planning, implementation, and review of an agency's functions, programs, and goals. Records may include but are not limited to management plans, directives, organizational charts, correspondence, and related records. (Retention: (a) Retain final document: 6 years, destroy; (b) Retain other business plan records: 1 year after final document produced, destroy).

(5) **Calendar and Scheduling Records** Records document the scheduling of events and activities involving agency staff or resources, regardless of format. Records may include but are not limited to schedules, desk calendars, reservation logs, lists, requests, and related records. *Scheduling information recorded in a personal day planner or personal electronic device may be a public record under ORS Chapter 192.* (Retention: Retain 1 year, destroy).

(6) **Communication Logs** Logs document communications made or received through a variety of electronic devices, including but not limited to telephone, smart phone, facsimile (fax), radio, computer-aided dispatch, pager, and teletype, AND are not otherwise specified in the state agency general records retention schedule (OAR 166 Division 300). Logged information may include time, date and disposition of communication, name of caller, number called or received, and action taken. SEE ALSO Correspondence in this section (Retention: Retain 1 year, destroy).

(7) **Conference, Seminar, and Training Program Records** Records document the design and presentation of training programs and events offered or sponsored by the agency. These events may include but are not limited to conferences, conventions, seminars, training classes, workshops, and similar gatherings. Records may include but are not limited to class descriptions, instructor certifications, planning documentation, instructional materials, course outlines, class enrollment and attendance records, and related records. SEE ALSO Employee Training Records in the Personnel Records section for individual employee training records. (Retention: (a) Retain class enrollment and attendance records: 2 years, destroy; (b) Retain all other records: 5 years, destroy).

(8) **Contracts and Agreements** Records document the negotiation, execution, completion, and termination of legal agreements between an agency and other parties. Records may include but are not limited to the official contract, lease, or agreement, amendments, exhibits, addenda, legal records, contract review records, and related documentation and correspondence. Records do not include property records. *Note: Agencies that enter into contracts with the federal government must ensure that their contracts and agreements meet federal requirements specified in the Code of Federal*

*Regulations.* (Retention: (a) Retain contracts or agreements documenting building construction, alterations, or repair: 10 years after substantial completion [as defined by ORS 12.135 (3)], destroy; (b) Retain all other contracts and agreements: 6 years after expiration, destroy).

(9) **Correspondence Records** that: 1. document communications created or received by an agency AND 2. directly relate to an agency program or agency administration AND 3. are not otherwise specified in the State Agency General Records Retention Schedule (OAR 166-300) or in state agency special schedules or in ORS 192.170. Records may include but are not limited to letters, memoranda, notes and electronic messages that communicate formal approvals, directions for action, and information about contracts, purchases, grants, personnel and particular projects or programs. (Disposition: File with the associated program or administrative records. Retentions for program records are found in state agency special schedules; retentions for administrative records are typically found in the State Agency General Records Retention Schedule. Communications not meeting the above criteria do not need to be filed and may be retained as needed.)

(10) **Key Assignment Records** Series documents the assignment of key cards, metal keys, or pass codes to agency employees for access into state-owned or leased buildings and/or offices. Information may include employee name and agency, work phone number, primary work location, status level, access privileges, key number, dates issued and returned, and pass code information. (Retention: Retain 6 months after employee separation or access status changed, destroy).

(11) **LEDS Certification Records** Records document the qualification of staff to perform Law Enforcement Data System (LEDS) searches on clients or agency employees. SEE ALSO Employee Personnel Records and Recruitment and Selection Records in the Personnel Records section. (Retention: Retain 2 years after employee ceases to be LEDS certified, destroy).

(12) **Legislative Development Advisory Committee Records** Records document the activities of agency-appointed advisory committees to help develop legislation for an agency. Records may include but are not limited to membership lists, minutes, agendas, fiscal impact statements, work notes, draft legislation, member comments on drafts, final committee version of legislation, and correspondence. (Retention: Retain 6 years, destroy).

(13) **Legislative Tracking Records** Records document the development and monitoring of legislation, which may have an impact on an agency's programs or policies. Records may include but are not limited to concept statements, proposals, bill logs, fiscal/organizational impact analysis papers, copies of bills, testimony summaries, committee reports, agendas, and correspondence. Does not include copies of legislative bills used strictly to monitor the legislative process. (Retention: Retain 6 years, destroy).

(14) **Litigation Records** Records document agency activities in litigation. Records may include but are not limited to court documents, research materials, reports, press releases, and correspondence. (Retention: (a) Retain precedent-setting litigation records not scheduled by special schedule: 20 years after case closed, destroy; (b) Retain all other litigation records: 5 years after case closed, destroy).

(15) **Lobbyist Records** Records document lobbyist and lobbyist employer activities and are used to report these activities to the Oregon Government Ethics Commission. Records may include but are not limited to expenditure reports, registration statements, termination records, guidelines, and correspondence. (Retention: (a) Retain expenditure reports: 4 years, destroy; (b) Retain all other lobbyist records: 5 years after last activity, destroy).

(16) **Mailing Lists** Records document the compilation of names and addresses of persons and organizations by an agency for mailing purposes. Lists are used to facilitate billing, community outreach, and other agency functions. (Retention: Retain until superseded or obsolete, destroy).

(17) **Parking Records** Records document parking provided for the public or agency staff. Records may include but are not limited to parking permits and applications, special permits, and permit receipts. (Retention: Retain 4 years, destroy).

(18) **Policy and Procedure Guidelines and Manuals** Records document internal instructions, rules, and guidelines for current agency policies and procedures. Records may include but are not limited to authorizing bulletins and advisories, manuals documenting departmental policies and procedures, handbooks, desk manuals, drafts, and related documentation. (Retention: (a) Retain final document: 6 years after superseded, destroy; (b) Retain all other policy development and planning records: 1 year after final document produced, destroy).



# ADMINISTRATIVE RULES

(19) **Policy Development and Planning Records** Records document the development, planning, implementation, assessment, and review of an agency's strategic or long-term goals through policies, programs, and activities. Records may include but are not limited to strategic and management plans, mission and goal statements, final policy statements and directives, organization charts, preliminary drafts, work notes, and correspondence. (Retention: (a) Retain final document: 20 years, destroy; (b) Retain all other policy development and planning records: 1 year after final document produced, destroy).

(20) **Postal Records** Records document transactions with the U.S. Postal Service and private carriers. Records may include but are not limited to postage meter records, receipts for express deliveries, registered and certified mail, insured mail, special delivery receipts and forms, loss reports, and correspondence. (Retention: Retain 4 years, destroy).

(21) **Press Releases** Records document agency information officially released to the media for dissemination to the public. Records may include but are not limited to press or news releases, prepared statements, public service announcements, and related documentation. (Retention: Retain 10 years, destroy).

(22) **Professional Membership Records** Records document agency-paid individual or institutional memberships and activities in professional organizations. (Retention: Retain 6 years, destroy).

(23) **Public Records Disclosure Request** Records document requests for disclosure of public records and provide a record of agency responses. Records may include but are not limited to requests for disclosure, request logs, approvals, denials, copies of petitions to the Attorney General for review of denials of disclosure, Attorney General Orders to grant or deny disclosure, and correspondence. (Retention: (a) Retain approved request records: 5 years, destroy; (b) Retain denied request records: 5 years after last action, destroy).

(24) **Publication Preparation Records** Records document the development of agency reports, studies, directories, leaflets, flyers, brochures, and other publications. Records may include but are not limited to working papers, mock-ups, drafts, and related correspondence. Stocks of publications are not public records as defined by ORS 192.005(5) and need not be scheduled. (Retention: Retain 1 year after publication printed, destroy).

(25) **Security Records** Records document security provided for agency buildings and grounds. Records may include but are not limited to security logs, sign-in sheets, security activity reports, incident reports, and related records. SEE ALSO Visitor Logs in this section. (Retention: Retain 5 years, destroy).

(26) **Signature Authorizations** Records documenting the authorization of employees designated to sign fiscal and contractual documents. Information may include authorization date, employee name, signature sample, position, conditions, remarks, dollar amount employee authorized to approve, and signature and name of person(s) approving authorization. (Retention: Retain 6 years after authorization superseded or expired, destroy).

(27) **Staff Meeting Records** Records document the activities and proceedings of agency staff meetings that are not subject to Oregon's Public Meetings Law (ORS 192.610 to 192.690). Records may include but are not limited to minutes, notes, reports, and related documentation. (Retention: Retain 2 years, destroy).

(28) **Visitor Logs** Records document the registration of non-agency personnel and visitors into the agency's building and/or office area. Information may include but is not limited to date and time visitor checked in and out, visitor name, reason for visit, agency contact name, and badge identification number. SEE ALSO Security Records in this section. (Retention: Retain 1 year, destroy).

(29) **Work Orders** Series documents requests made for work to be done for one agency division by another agency division. Types of work requested include word processing and requests for information such as purchasing. Information may include but is not limited to dates requested and completed, requestor's name and division, name of individual completing work, and description of work to be done. SEE ALSO Facility Work Orders in the Facilities/Property Records section. (Retention: Retain 1 year after assignment completed or cancelled, destroy).

(30) **Year 2000 (Y2K) Planning Records** Records document the planning and development of Y2K Contingency Plans. Records may include but are not limited to meeting minutes, correspondence, draft plans, work notes, plan test results, and final plan. Information may include type of systems vulnerable to Y2K, level of priority, and party responsible for system solution or troubleshooting. (Retention: Destroy).

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

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 1-1995, f. & cert. ef. 5-25-95; OSA 3-1996, f. 4-9-96, cert. ef. 4-15-96; OSA 9-1998, f. & cert. ef. 12-30-98; OSA 1-1999, f. & cert. ef. 2-4-99, Renumbered from 166-303-0010; OSA 5-2002, f. & cert. ef. 10-14-02; OSA 1-2005, f. & cert. ef. 2-28-05; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-300-0025 Financial Records

(1) **1099-Miscellaneous Forms** Records document the agency's responsibility for ensuring vendor payments are accurate. If vendor information is incorrect, the agency prepares a '1099-Misc. Change Request' and forwards it to the Statewide Financial Management Services section for correct to the 1099-Misc. form. The Statewide Financial Management Application (SFMA) tracks vendor payments and produces 1099-Misc. forms for federal reporting. (Retention: Retain 6 years, destroy).

(2) **Account Reconciliation Records** Records document the reconciliation of agency funds and accounts such as cash accounts with the State Treasury or other subsystems, capital asset to capital expenditures, or federal revenue to federal expenditures. Records may include printouts, worksheets, reports, schedules, and other supporting documentation. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. (Retention: Retain 6 years, destroy).

(3) **Account Transfer Records** Records document the authorized transfer, movement, and receipt of funds between various accounting structures, including agency cost accounting systems, agency subsystems, Treasury accounts, and the statewide financial management application. Records include journal vouchers and transfer requests. (Retention: Retain 6 years, destroy).

(4) **Accounting Structure Organizational Hierarchy Records** Records document the program and/or organization of an agency's accounting structure. The accounting structure includes items such as comptroller objects, agency objects, fund structure, and general ledger account and other codes and profiles. Records include those produced by the Statewide Financial Management Application (SFMA) the Department of Administrative Services Data Mart, and any other subsystems used by the agency. Records may include SFMA profile listings showing accounting structure and fund split tables. (Retention: Retain 6 years, destroy).

(5) **Accounting System Input Documents and Listings, and Agency Control Reports** Records document transactions or changes entered into the accounting system and other subsystems. They are used to control accuracy of data entry and to verify data input and batch control. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. Records include input documents, batch control reports, hand-posted spreadsheets, control reports, and memoranda. (Retention: Retain 4 years, destroy).

(6) **Accounts Payable Reports** Records document current outstanding liabilities and provide a record of payments of bills by the agency. They may also serve as a subsidiary ledger. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. (Retention: (a) Retain SFMA requestable reports: 6 years, destroy; (b) Retain all other accounts payable records: 6 years, destroy).

(7) **Accounts Receivable Reports** Records document billings and collections and provide a record of money owed to the agency. Serves as a subsidiary ledger of original entry/input and records amounts received from debtors for goods and/or services. Aging reports are used to monitor accounts that are outstanding and overdue. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. (Retention: (a) Retain monthly accounts receivable reports and SFMA requestable reports: 6 years, destroy; (b) Retain all other accounts receivable records: 6 years after collected or deemed uncollectible, destroy).

(8) **Annual Financial Reports** Records document the agency's annual financial condition and results of operation as of June 30 using trial balance data. These reports are used as a reference by the Secretary of State, Audits Division and included in the Comprehensive Annual Financial Report (CAFR) produced by the Department of Administrative Services. Records may include transmittal cover sheet, organization and function, combined balance sheet, combined statement of revenues, expenditures, changes in fund balance, notes to the financial statement, and exhibits. Exhibits may include a working trial balance by fund type, adjustments to accounting data, cash flow analysis, and other documents supporting statement amounts and notes. The Department of Administrative Services main-

## ADMINISTRATIVE RULES

tains the statewide record copy of the CAFR. (Retention: Retain 10 years, destroy).

(9) **Audit Reports** Records document an examination of the agency's fiscal condition, internal control and compliance policies and procedures, performance or other financial related audits by the Secretary of State, Audits Division; internal auditors; or independent auditors. Records include audit reports, supporting documentation, agency comments, and correspondence. The Secretary of State, Audits Division maintains the statewide record copy of their audits. SEE ALSO Internal Audit Reports in this section. (Retention: (a) Retain grant fund audit reports: 5 years or according to the terms (if greater than 5 years) specified in the grant, destroy; (b) Retain all other audit reports: 5 years, destroy).

(10) **Bank Statements** Records document the current status and transaction activity of agency funds held at a bank or at the State Treasury. Records may include bank/Treasury statements and support reconciliation records, validated deposit slips and/or paid check/warrant copies. (Retention: Retain 6 years, destroy).

(11) **Budget Allotment Reports** Records document the agency's containment within quarterly budget authorizations using expenditure, encumbrance, and budget data. Records are used to develop and monitor apportioned fiscal distributions. (Retention: Retain present and previous biennium, destroy).

(12) **Budget Preparation Records** Records document the agency's activity to plan, develop, estimate and propose biennial budget requests. Records may include budget requests, spreadsheets, expenditure projection work papers, preliminary division/section budget proposals, budget development schedules, allotment reports, decision packages, spending plans, funding formula factor analysis, compensation plan proposals, contingency/deviation plans, performance measures, fiscal impact analysis, and correspondence. Records may also include monthly trial balance summaries, expenditure detail reports, revenue detail reports, monthly encumbrance registers, and expenditure and revenue registers. (Retention: Retain present and previous biennium, destroy).

(13) **Cash Receipt Records** Records document tabulated and keyed-in transactions for cash received by the agency. Records may include cash register tapes or equivalent, copies of receipts, and batch sheets. SEE ALSO Receipts and Receipt Registers in this section. (Retention: Retain 6 years, destroy).

(14) **Check Cancellation Request Records** Records document the request to cancel checks issued and to request the issuance of duplicates. Records may include request memoranda and check photocopies. (Retention: Retain 6 years, destroy).

(15) **Check Conversion Records** Records document checks received from customers that are electronically deposited after being imaged and converted to an Automated Clearing House (ACH) transaction or Image Replacement Document (IRD) (Retention: (a) Retain original paper instrument 30 days, destroy (b) Retain ACH transaction or IRD 6 years, destroy).

(16) **Check Registers** Records document an original entry listing which logs checks issued by the agency. Information includes date, check number, payee, and amount. (Retention: Retain 6 years, destroy).

(17) **Checks** Records document redeemed checks written on agency accounts. Records may include redeemed, void and canceled checks, and supporting documentation. (Retention: Retain 6 years, destroy).

(18) **Competitive Bid Records** Records document the evaluation and award of bids to vendors and/or agencies and provides evidence of accepted and rejected bids. Records may include but are not limited to requests for proposals, bids, and information; bid and quote lists; notices of bid opening and award; comparison summaries; spreadsheets; tabulation worksheets; bid advertising records; tally sheets; bid specifications; and vendor correspondence. SEE ALSO Purchasing Records and Vendor Reports in this section. (Retention: Retain 6 years after bid awarded or canceled, destroy).

(19) **Credit and Debit Receipts** Agency's copy of credit or debit card receipt documenting payment received by agency. Records include customer's name and account information (Retention: Retain 36 months after transaction, destroy).

(20) **Credit Card Records** Records document the application and approval to use state-issued credit cards and purchases made with these cards. Records may include but are not limited to credit card applications, approvals, credit card transaction logs, credit card security and checkout records, monthly credit card statements, and purchasing documentation. (Retention: (a) Retain application and approvals: 3 years after card cancelled, revoked, or denied, destroy; (b) Retain all other credit card records: 6 years, destroy).

(21) **Debit/Credit Advices** Records document the receipt of and/or verification of special deposits or withdrawals and the adjustment of dollar amounts in funds because of recording errors or fund transfers between accounts. Information includes account number, debit/credit amount, authorization, and justification. (Retention: Retain 6 years, destroy).

(22) **Deposit Slips** Records document monies deposited in banks at privately operated institutions and the State Treasury. Records are used to reconcile and balance an agency's State Treasury or bank accounts. Information may include date and amount deposited. (Retention: Retain 6 years, destroy).

(23) **Emergency Board Request Records** Records document the agency's requests to the Legislative Emergency Board for additional funds or authority to spend funds between legislative sessions. Records may include but are not limited to requests, schedules and agendas, exhibits, organization charts, testimony summaries, fiscal analysis, legislative progress reports, revenue projections, reclassification plans, presentation drafts, performance measures, other exhibits, and correspondence. (Retention: Retain present and previous biennium, destroy).

(24) **Encumbrance Registers** Records document a listing of outstanding encumbrances (financial obligations), purchase commitments, and vouchers written to liquidate or reduce encumbrances. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. (Retention: Retain 3 years, destroy).

(25) **Expenditure and Revenue Reports** Records summarize expenditures, revenue, encumbrances, and budgetary data, and are used to monitor and control expenditures in accordance with Legislatively Approved Budgets. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. (Retention: (a) Retain monthly expenditure and revenue 6 years, destroy; (b) Retain SFMA expenditure and revenue projection reports: until superseded or obsolete, destroy; (c) Retain all other expenditure and revenue reports: 2 years, destroy).

(26) **General Ledger Transaction Reports** Records document all fiscal transactions of the agency for each month. Data is used to prepare an agency's financial statements. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. The Department of Administrative Services, Statewide Financial Management Services section maintains the statewide record copy of the General Ledger. (Retention: Retain 6 years, destroy).

(27) **Gift Tracking Records** Series documents gifts to agency officials, employees and volunteers, and are used to document compliance with the ethics and disclosure requirements found in ORS Chapter 244. Records may include but are not limited to spreadsheets, correspondence, and supporting documentation. Information may include the name of the person or entity offering, providing or receiving the gift; source of the gift; date of the gift; amount or value of the gift; and related circumstantial information. (Retention: Retain 3 years, destroy).

(28) **Grant Records** Records document the application, evaluation, awarding, administration, monitoring, and status of grants in which the agency is the recipient, grantor, allocator, or administrator. Grants may be awarded from federal or state government, or other public or private funding sources. Records may include but are not limited to applications including project proposals and narratives, summaries, objectives, activities, budgets, exhibits, and award notification; grant evaluation records and recommendations concerning grant applications; grant administration records including progress reports, budgets, project objectives, proposals, and summaries; records documenting allocation of funds; contracts; records monitoring project plans and measuring achievement and performance; equipment inventories; financial reports, accounting records, audit reports, expenditure reports, and related correspondence and documentation. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. (Retention: (a) Retain grant records, including SFMA requestable reports: 5 years after final or annual expenditure report accepted, destroy; (b) Retain unsuccessful grant applications: 3 years after rejection or withdrawal, destroy; (c) Retain capital asset records: 3 years after disposition of assets, destroy).

(29) **Internal Audit Reports** Records document financial and performance audits performed on an annual or project basis by agency-employed internal auditors or contracted auditors. Audits investigate potential problem areas and internal fiscal control structures and may include recommendations for improvement in agency systems. Records include

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audit reports, supporting documentation, agency comments, and correspondence. SEE ALSO Audit Reports in this section. (Retention: Retain 5 years, destroy).

(30) **Invoice Registers** Records document a listing of who was billed by the agency for services rendered and provide a detailed breakdown of individual invoice billings. Information includes invoice number, amount, date, item or service billed for, and billed party name. (Retention: Retain 6 years, destroy).

(31) **Invoices** Records document goods and services billed by the agency. Information may include invoice number, date, transaction description, identification of parties involved, prices, and terms of sale. (Retention: Retain 6 years, destroy).

(32) **Journal Entry Registers** Records document an account record of original entry/input and provides a record of debit and credit journal transactions. Information includes date, account number, action, and debit/credit amount. (Retention: Retain 6 years, destroy).

(33) **Legislatively Adopted Budgets** Records document the comprehensive financial plan for the agency's biennial operating budget that was approved by the legislature and forms a basis for appropriations. Records may include supplemental reports dealing with affirmative action, productivity, performance measures, improvement in programs, information systems, and other subjects. The Department of Administrative Services, Budget and Management section maintains the statewide record copies of Legislatively Adopted Budgets. (Retention: Retain 10 years, destroy).

(34) **Oregon State Treasury Reports** Records document reports generated by the Oregon State Treasury and are used to update an agency on account and fund status and activity, investment balances and transactions, and the agency's activities in issuing debt. Records include banking, account, and other finance reports, investment reports, and debt management reports. (Retention: (a) Retain daily account reports: until superseded by monthly reports which summarize daily activity, destroy; (b) Retain debt management reports: 6 years after indebtedness is retired, whether by maturing or being called, destroy; (c) Retain all other State Treasury reports: 6 years, destroy).

(35) **Petty Cash Fund Records** Records document petty cash activity for the agency. Records include requests and authorizations to establish petty cash funds, ledgers, statements, requests for disbursements, copies of receipts and invoices. (Retention: Retain 6 years, destroy).

(36) **Purchasing Records** Records document the purchase of goods and services by the agency. Records may include purchase orders and requests, purchase authorizations, requisitions, contract release orders, price agreements, material/cost specifications, copy center/printing orders, and correspondence. SEE ALSO Competitive Bid Records and Vendor Reports in this section. (Retention: Retain 6 years, destroy).

(37) **Receipt Registers** Records document a detailed list of processed cash receipt transactions and is used to verify receipts, estimate revenue, and reconcile accounts. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. (Retention: Retain 6 years, destroy).

(38) **Receipts** Records document acknowledgment of payment and/or delivery. Information includes date, amount, signature, items received or delivered, and receipt number. SEE ALSO Cash Receipt Records in this section. (Retention: Retain 6 years, destroy).

(39) **Travel Expense Records** Records document reimbursement claims made by employees for travel and related expenses. Records may include travel expense detail sheets, supporting documentation, and correspondence. (Retention: Retain 6 years, destroy).

(40) **Trial Balance Reports** Records document a summary of general ledger accounts and shows the agency's current financial position. Reports are used to prepare the agency's financial statements. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. (Retention: Retain 6 years, destroy).

(41) **Unclaimed Property Report** Records document annual reports submitted to the Department of State Lands of financial assets being held for a person or entity that cannot be found. Series includes Holder Report, owner information, correspondence and other related documents. Note: Unclaimed property is not real estate, abandoned personal property, or lost and found items. (Retention: Retain 3 years after the property is remitted to the Department of State Lands, destroy).

(42) **Vendor Reports** Records document vendor data, which is used to select vendors, and to track voucher and purchase order status. Records include those produced by the Statewide Financial Management

Application (SFMA), Data Mart, and any other subsystems used by the agency. SEE ALSO Purchasing Records in this section. (Retention: (a) Retain annual vendor reports: 6 years, destroy; (b) Retain all other vendor reports: until superseded or obsolete, destroy).

(43) **Voucher Registers** Records document a book of original entry and provides a listing of vouchered disbursement transactions. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by agency. (Retention: Retain 6 years, destroy).

(44) **Vouchers Records** document individually authorized expenditure transactions. Records provide the documentation and backup for all payments to vendors. Voucher files may contain invoices, receipts, travel expense detail sheets, purchase requests, purchase orders, cancelled checks, other supporting documents, and correspondence. Records include those produced by the Statewide Financial Management Application (SFMA), the Department of Administrative Services Data Mart, and any other subsystems used by the agency. (Retention: Retain 6 years, destroy).

(45) **Warrant Cancellation Request Records** Records document the request to cancel warrants issued on vouchers, and to request the issue of duplicates. If the warrant is physically available, it is cancelled and re-issued if necessary. However, if the warrant is not physically present, an affidavit is required. Records include request memoranda, affidavits, photocopies and memoranda from the Department of Administrative Services confirming re-issuance. (Retention: Retain 6 years, destroy).

(46) **Warrant Registers** Records document a listing of warrants issued by an agency. Information includes date, payee, warrant number, and amount. (Retention: Retain 6 years, destroy).

(47) **Warrants** Records document the promise to pay and the authorization for claim payments. Records may include redeemed, void cancelled, and undeliverable warrants, and supporting documentation. (Retention: (a) Retain undeliverable warrant: until expired, destroy (b) Retain all other warrants: 6 years, destroy).

Stat. Auth.: ORS 192 & 357  
Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895  
Hist.: OSA 3-1995, f. & cert. ef. 5-25-95, OSA 3-1996, f. 4-9-96, cert. ef. 4-15-96; OSA 9-1998, f. & cert. ef. 12-30-98; OSA 1-1999, f. & cert. ef. 2-4-99, Renumbered from 166-305-0010; OSA 5-2002, f. & cert. ef. 10-14-02; OSA 1-2005, f. & cert. ef. 2-28-05; OSA 1-2009, f. & cert. ef. 2-19-09; OSA 1-2010, f. & cert. ef. 5-27-10; OSA 2-2010, f. & cert. ef. 9-3-10; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-300-0035

### Payroll Records

(1) **Deduction Registers** Records document voluntary and/or required deductions from the gross pay of agency employees. Deductions may include federal income and social security taxes, state income tax, workers' compensation, union dues, insurance, deferred compensation, credit union, parking permit, pre-written checks, garnishments, levies, charitable contributions, and others. (Retention: (a) Retain registers documenting state and federal taxes: 5 years, destroy; (b) Retain all other deduction registers: 4 years, destroy).

(2) **Employee Payroll Records** Records document individual employee pay history. Records may include but are not limited to source documents authorizing payroll deductions and withholding such as Public Employee Retirement System (PERS) enrollment forms, insurance applications, beneficiary designations, leave authorizations, pay related personnel action documents, garnishment records, child support claim records, electronic deposit authorizations, work out of class and overtime authorizations, deduction reports, and correspondence. SEE ALSO Employee Personnel Records and Employee Benefit Records in the Personnel Records section. (Retention: (a) Retain PERS enrollment records: 75 years, destroy; (b) Retain garnishment records: 4 years after resolution, destroy; (c) Retain deduction authorization records: 3 years after superseded, eligibility expired or employee separation, destroy; (d) Retain all other employee payroll records: 3 years after employee separation, destroy).

(3) **Employee Time Records** Records document hours worked and leave hours accrued and taken by agency employees. Information may include employee name and other personally identifiable information, work schedule, days and time worked, leave time, and approval signatures. (Retention: Retain 4 years, destroy).

(4) **Federal and State Tax Records** Records document the collection, distribution, deposit, and transmittal of federal and state income taxes and social security tax. Records include the federal Miscellaneous Income Statement (1099), Request for Taxpayer Identification Number and Certificate (W-9), Employers Quarterly Federal Tax Return (941, 941E), Tax Deposit Coupon (8109), Withholding Allowance Certificates (W-4), Wage And Tax Statements (W-2), and related federal and state tax forms.



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(Retention: (a) Retain Withholding Allowance Certificates (W-4): 5 years after superseded or employee separation, destroy; (b) Retain all other federal and state tax records: 5 years, destroy).

(5) **Family Medical Leave Records** Records document leave taken by agency employees under the federal Family and Medical Leave Act. Records may include but are not limited to leave requests, payroll wage and hour related data, and records related to medical certifications or medical histories of employees or employees' family members. *Medical records (medical certifications and medical histories) are not personnel records and must be kept in a separate location from employee personnel records, as required by the Family and Medical Leave Act.* (Retention: Retain 3 years, destroy).

(6) **Leave Applications** Records document applications or requests submitted by employees for sick, vacation, compensatory, personal business, family and medical leave, long-term leave, and other leave time. Information may include employee name, department, date, leave dates requested, type of leave requested, and related data. SEE ALSO Employee Time Records in this section. (Retention: Retain 1 year, destroy).

(7) **Oregon State Payroll Application (OSPA) Reports** Records document reports generated by the Department of Administrative Services Joint Payroll System used to update an agency on employee earnings, deductions and leave accrual. Reports may include Time Sheet Audit and Control Reports, Time Sheet Exception Reports, Payroll Register Detail and Summary Reports, and Deduction Register Detail and Summary Reports. Other reports include FICA Magnetic Tape Reconcile Detail, PERS Current Employee Contribution, Deferred Compensation by Plan, Year-to-Date Corrections, and ACH Direct Deposit Register. *Oregon Statewide Payroll Services maintains the statewide record copy of the Leave Accrual Detail Transaction Register (1987 - present), the Payroll Register Detail Report (1951 - present), and the Payroll Year-to-Date Register (1976 - present).* (Retention: (a) Retain pre-1987 Leave Accrual Detail Transaction Registers: 75 years, destroy; (b) Retain 1987 and later Leave Accrual Detail Transaction Registers: 10 years, destroy; (c) Retain pre-1951 Payroll Register Detail Reports: 75 years, destroy; (d) Retain 1951 and later Payroll Register Detail Reports: 4 years, destroy; (e) Retain pre-1976 Payroll Year-to-Date Register or Monthly Payroll Registers: 75 years, destroy; (f) Retain 1976 and later Payroll Year-to-Date Registers or Monthly Payroll Registers: 10 years, destroy; (g) Retain all other payroll system reports: 4 years, destroy).

(8) **Payroll Administrative Reports (Non-OSPA)** Records document an agency's statistical studies, payroll budget preparation, projections, workload and personnel management, and payroll research. (Retention: Retain 4 years, destroy).

(9) **Unemployment Compensation Claim Records** Records document claims submitted by former agency employees for unemployment compensation. Records may include but are not limited to claims, notices, reports, claim determination appeal records, and related documentation and correspondence. (Retention: Retain 4 years, destroy).

(10) **Unemployment Reports** Records document employee earnings on a quarterly basis, which are used to determine costs and charges in the event of an unemployment compensation claim. (Retention: Retain 4 years, destroy).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 1-1995, f. & cert. ef. 5-25-95; OSA 3-1996, f. 4-9-96, cert. ef. 4-15-96; OSA 9-1998, f. & cert. ef. 12-30-98; OSA 1-1999, f. & cert. ef. 2-4-99, Renumbered from 166-307-0010; OSA 5-2002, f. & cert. ef. 10-14-02; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-300-0040

### Personnel Records

(1) **Affirmative Action Records** Records document agency compliance with the statutes and regulations of the U.S. Equal Employment Opportunity Commission regarding affirmative action. Records include affirmative action plans and/or policies, and their revisions and updates, which are required to be submitted to the Governor's Affirmative Action Office. Records may also include but are not limited to reports, supporting documentation, and correspondence. *The Governor's Affirmative Action Office maintains the statewide record copy of plans and policies.* (Retention: (a) Retain Affirmative Action plans and policies: 3 years after superseded or obsolete, destroy; (b) Retain all other Affirmative Action records: 3 years, destroy).

(2) **Benefits Continuation Records** Records document notifications to employees or dependents informing them of their rights to continue insurance coverage after termination or during disability or family leave. Continuation may be under COBRA or another provision. Notice is sent to a third party administrator who administers extended coverage under contract with the Public Employees Benefits Board (PEBB). Records typically

include notices sent and correspondence. Records may be filed with the Employee Benefits Records of Employee Personnel Records. SEE ALSO Employee Payroll Records in the Payroll section. (Retention: Retain 3 years after employee separation or eligibility expired, destroy).

(3) **Collective Bargaining Records** Records document the agency's role in initial and ongoing collective bargaining between the state and a bargaining unit. Records may include but are not limited to union contracts and amendments, tentative agreements, arbitrator's recommendations, negotiation work notes, strike contingency plans, management counter proposals, negotiation updates, newspaper clippings, press releases, research background material, employee classification printouts, and related correspondence. *The Department of Administrative Services maintains the statewide record copy.* (Retention: (a) Retain agency proposals and notes: until contract superseded or obsolete: transfer to Department of Administrative Services; (b) Retain all other agency collective bargaining records: 6 years after contract expiration, destroy).

(4) **Comparable Worth Study Records** Records document the study, analysis and resolution of pay equity, alleged job discrimination, and related issues involving an agency and its employees. Records may include but are not limited to job content questionnaire summaries, position allocation reports, personnel reclassification studies, job category listings, study outlines, graphs, tables, and related records. (Retention: Retain 15 years, destroy).

(5) **Criminal Background Check Records** Records document the pre-employment or periodic criminal record check performed on prospective or current staff, faculty, and volunteers by the agency. Records may include but are not limited to a Fingerprint-Based Criminal History Verification form documenting the result of a criminal history background check coordinated by the Oregon Law Enforcement Data System (LEDS). The form includes name and other personal identifying information, indication of the existence or absence of criminal record, and related documentation. (Retention: (a) Retain background check log: until superseded or obsolete, destroy; (b) Retain all other criminal background check records: 90 days, destroy).

(6) **Drug Testing Records** Records document the testing of current and prospective employees for controlled substances prohibited by policy, procedure, or statute. Records may include but are not limited to the documentation of test results, the collection process, the random sample process, and those documenting the decision to administer reasonable suspicion drug testing. (Retention: (a) Retain positive test results: 5 years, destroy; (b) Retain negative test results: 1 year, destroy).

(7) **Employee Benefits Records** Records document an individual employee's benefit information such as selection of insurance plans, retirement, pension, and disability plans, deferred compensation plans, and other benefit program information. Records may include but are not limited to plan selection and application forms, enrollment records, contribution and deduction summaries, personal data records, authorizations, beneficiary information, and related documentation. Records may be filed with the individual Employee Personnel Record. SEE ALSO Employee Payroll Records in the Payroll section. (Retention: (a) Retain PERS enrollment records: 75 years, destroy; (b) Retain all other benefits records: 3 years after employee separation or eligibility expired, destroy).

(8) **Employee Medical Records** Records document an individual employee's work related medical history. *These records are not personnel records and must be kept in a separate location from employee personnel records as required by the Americans with Disabilities Act.* Records may include but are not limited to medical examination records (pre-employment, pre-assignment, periodic, or episodic), X-rays, records of significant health or disability limitations related to job assignments, documentation of work related injuries or illnesses, hearing test records, hazard exposure records, first-aid incident records, physician statements, release consent forms, and related correspondence. SEE ALSO Hazard Exposure Records in the Risk Management Records section and Drug Testing Records in this section. (Retention: (a) Retain hazard exposure records: 30 years after employee separation (29 CFR 1910.1020), destroy; (b) Retain audiometric test records: until employee separation (29 CFR 1910.95), destroy; (c) Retain all other employee medical records: 3 years after employee separation, destroy).

(9) **Employee Personnel Records** Records document an individual employee's work history. Records may include but are not limited to applications, personnel actions, performance evaluations, training records, letters of commendation and recommendation, letters of reprimand, notices of disciplinary action, notices of layoff, letters of resignation, home address/telephone disclosures, emergency notification forms, oaths of office, grievance, complaint, and disciplinary records, and correspondence.

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*The Department of Administrative Services, Human Resource Services Division maintains the statewide record copy of the Employee History File. SEE ALSO Employee Payroll Records in the Payroll Records section. (Retention: (a) Retain employment applications (most recent and first successful), personnel actions (other than salary changes), employee contracts, home address/ telephone disclosures and emergency notification forms (most recent), oaths of office, summary of service prior to 1954: 10 years after employee separation, destroy; (b) Retain all other employee personnel records: 3 years, destroy).*

(10) **Employee Suggestion Award Records** Records document an agency's response to employee suggestions for improving effectiveness, efficiency, and economy in state government. Suggestion material is received from the Department of Administrative Services' Employee Suggestions Awards Commission, which ultimately approves or rejects employee suggestions. Records may include but are not limited to agency copies of suggestion applications and attachments, the agency's response, and correspondence. *The Department of Administrative Services, Employee Suggestions Awards Committee maintains the statewide record copy. (Retention: Retain 1 year, destroy).*

(11) **Employee Training Records** Records document individual employee participation in required or optional training. Records may include but are not limited to enrollment and attendance records, grade reports, certificates of completion, and correspondence. (Retention: Retain 3 years, destroy).

(12) **Employment Eligibility Verification Forms (I-9)** Records document the filing of U.S. Immigration and Naturalization Service Form I-9 verifying that an applicant or employee is eligible to work in the United States. (Retention: Retain 3 years after date of hire or 1 year after employee separation, whichever is longer (8 CFR 274), destroy).

(13) **Equal Employment Opportunity Commission Compliance Records** Records document agency compliance with U.S. Equal Employment Opportunity (EEO) Commission regulations. Records may include but are not limited to EEO-4 reports, anti-discrimination committee meeting records and reports, workplace analyses, discrimination complaint policies and procedures, and related documentation and correspondence. SEE ALSO Equal Employment Opportunity Complaint Records in this section. (Retention: (a) Retain policies and procedures: 3 years after superseded, destroy; (b) Retain all other EEO records: 4 years, destroy).

(14) **Equal Employment Opportunity Complaint Records** Records document discrimination complaints made against an agency. Records may include but are not limited to complaints, case files, reports, exhibits, withdrawal notices, copies of decisions, hearings and meetings records, and related documentation and correspondence. (Retention: Retain 3 years after final decision issued, destroy).

(15) **Human Resource Services Division Statistical Reports** Records document routine and on-demand reports issued to agencies by the Department of Administrative Services, Human Resource Services Division, for agency use in personnel management. Reports are produced by the Personnel and Position Database (PPDB). These consist primarily of statistical reports containing a variety of personnel information. (Retention: Retain 4 years, destroy).

(16) **Layoff Records** Records document procedures and computations used in laying off agency employees. Records may include but are not limited to service credit computations, service credit lists, layoff ranking lists, layoff notice letters, employee layoff election forms, and correspondence. Related records may be filed in an individual employee's personnel record. (Retention: Retain 3 years, destroy).

(17) **Position Description and Reclassification Records** Records document studies and evaluations of individual positions or classes to determine if reclassification is appropriate. Records may include but are not limited to old and new position descriptions, organizational charts, classification specifications, desk audits, salary surveys, classification review reports, and correspondence. (Retention: Retain 3 years after superseded or obsolete, destroy).

(18) **Position Inventory Control System (PICS) Reports** Records document agency compliance with budgetary personnel authority using reports generated by the Department of Administrative Services. Information includes personnel by division, organizational structure, position and classification numbers, vacancies, budget authority number, position type, compensation type, salary range and pay step information, FTE, position count, and review date. *The Department of Administrative Services maintains the statewide record copy. (Retention: Retain 4 years, destroy).*

(19) **Recruitment and Selection Records** Records document the recruitment and selection of agency employees. Records may include but are not limited to position authorization forms, job announcements, classification specifications, position advertisement records, applicant lists, certificates of eligibles, affirmative action statistical sheets, interview ques-

tions, tests (such as experience and training ratings, multiple-choice tests, and interview panel ratings), interview notes, applicant criminal history records, recruitment summary records (job announcement, position description, documentation relating to the announcement and test, and test items and ratings levels), and related records. SEE ALSO Criminal Background Check Records in this section. (Retention: (a) Retain announcement records, position description, and test and rating records: 10 years, destroy; (b) Retain graded applications, rejected applications, interview notes, and tests: 2 years, destroy; (c) Retain unsolicited applications: 3 months, destroy; (d) Retain all other recruitment and selection records: 3 years after position filled or recruitment cancelled, destroy).

(20) **Volunteer Program Records** Records document the activities and administration of volunteer programs in an agency. Records may include but are not limited to volunteer applications, emergency notification forms, volunteer hour statistics, volunteer program publicity records, insurance requirement information, and related documentation. SEE ALSO Criminal Background Check Records in this section. (Retention: (a) Retain individual volunteer records: 5 years after volunteer separation, destroy; (b) Retain all other volunteer program records: 5 years, destroy).

(21) **Work Schedules and Assignment Records** Records document the scheduling and assignment of shifts, tasks, projects, or other work to agency employees. Useful for budget and personnel planning and review, assessing employee work performance, and other purposes. Records may include but are not limited to calendars, schedules, lists, charts, rosters, and related records. (Retention: (a) Retain records designed and used to assess employee performance: 3 years, destroy; (b) Retain all other work schedules and assignment records: 1 year, destroy).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 1-1995, f. & cert. ef. 5-25-95; OSA 3-1996, f. 4-9-96, cert. ef. 4-15-96; OSA 9-1998, f. & cert. ef. 12-30-98; OSA 1-1999, f. & cert. ef. 2-4-99, Renumbered from 166-308-0010; OSA 5-2002, f. & cert. ef. 10-14-02; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-400-0010

### Administrative Records

NOTE: Inclusion of a records series in this schedule does not require the series be created. If a record is created electronically, it can be retained in electronic format only as long as the retention period is 99 years or less.

(1) **Activity and Room Scheduling** Records document scheduling and reservations related to public participation and use of various agency activities, events, classes and facilities. Includes schedules, logs, lists, requests, and similar records. Minimum retention: 1 year.

(2) **Activity Reports, General** Daily, weekly, monthly, or similar reports documenting the activities of employees. Useful for compiling annual reports, planning and budgeting, monitoring work progress and other purposes. Usually tracks type of activity, employees and/or volunteers involved, time spent on activity, work completed, and related information in narrative or statistical form. Minimum retention: 2 years.

(3) **Annual Reports** document the program or primary functional activities and accomplishments of the office for the previous year. These are often compiled from monthly, quarterly, or other subsidiary activity reports. Usually includes statistics, narratives, graphs, diagrams, and similar information. Minimum retention: Permanent.

(4) **Association and Organization Membership Records** document the membership and participation of the school, district, or ESD in professional and educational associations and organizations. Records may include but are not limited to meeting announcements and agendas; promotional information; meeting, workshop, and conference records; rules and regulations; reports; proposals and planning records; surveys and questionnaires; meeting minutes; and related documentation and correspondence. This series does not include individual faculty or staff membership records unless such membership is paid for by the school, district, or ESD. Minimum retention: 3 years after school year in which records were created.

(5) **Audit Records, Internal** Records document the examination of the agency's fiscal condition, internal control, and compliance policies and procedures. Records may also document performance or other financially related audits by agency or contracted auditors. Records may include audit reports, supporting documentation, comments, and correspondence. Minimum retention: 10 years.

(6) **Bond Election Records** document the process whereby bond measures to finance school construction and improvements are approved by the voters. Records may include but are not limited to certified copies of election results; county election filing forms; precinct and district maps; election tax levy history; type of election; proposals; assessor's certification; statistical reports to the Oregon Department of Education; and related correspondence and documentation. SEE ALSO Bond Records in the

# ADMINISTRATIVE RULES

Financial Records section. Minimum retention: 5 years after school year in which bond matures.

(7) **Calendars and Scheduling Records** document planning, scheduling and similar actions related to meetings, appointments, trips, visits and other agency activities. Includes calendars, appointment books, notes, telephone messages, diaries, and similar records, regardless of format. Depending on content, some telephone messages and similar records may merit inclusion in related program or project files. This applies to records that contain significant information that is not summarized or otherwise included in reports or similar documents. *Calendar and Scheduling information recorded in a personal day planner or personal electronic device may be a public record under ORS Chapter 192.* Minimum retention: 1 year.

(8) **Child Care Facility License Records** document the annual licensing of school child care facilities by the Employment Department, Child Care Division. Records may include but are not limited to sanitation inspection reports; fire safety reports; fire and other emergency drill records; staff development and training records; staff criminal history checks; staff qualification forms; time sheets, staff first aid cards; staff driving records; staff orientation records; official license; Child Care Division inspection reports and certification; and related correspondence and documentation. Minimum retention: (a) If license expired or renewed: 1 year after expiration or renewal (b) If license revoked: 3 years after revoked.

(9) **Committee and Board Meeting Records** document the activities, decisions, and proceedings of regularly scheduled, special, executive session, or emergency meetings of governing bodies and committees of the school, district, or ESD. Governing bodies may include boards, advisory councils, commissions, site councils, committees, advisory groups, and task forces. Records may include but are not limited to meeting minutes, agendas and agenda packets, exhibits, resolutions, staff reports, sound recordings, membership lists, meeting books, significant correspondence and memorandum, and other supporting documentation. SEE ALSO Budget Records in the Financial Records section. Minimum retention: (a) School board meeting minutes and agendas: Permanent (b) Exhibits, other minutes, and supporting records: 5 years after school year in which records were created (c) Sound recordings, if transcribed or abstracted: 1 year after minutes approved.

(10) **Committee and Board Member Records** document the election or appointment of school, district, or ESD board, budget committee, and other committee members. Records may include but are not limited to date of election and installation, length of term, zone or district represented, and related biographical information about each board or committee member. Minimum retention: 5 years after term expires.

(11) **Conference and Workshop Records** document conferences, seminars, workshops, and training activities attended or sponsored by school, district, or ESD personnel. Records may include but are not limited to agendas, reports, speeches, program records, conference or seminar descriptions and schedules, participant lists, fee records, planning records, evaluations, registration material, handouts, and related correspondence and documentation. Records may also include documentation of attendance for certification, continuing education, or in-service training requirements. Minimum retention: (a) Significant program records - school, district, or ESD sponsored: 5 years after school year in which records were created (b) Other records: 2 years after school year in which records were created.

(12) **Contracts and Agreements Records** document the negotiation, execution, completion, and termination of legal agreements between the school, district, or ESD and other parties, including the Oregon Department of Education. Records include the official contract or agreement, amendments, exhibits, addenda, legal records, contract review records, and related correspondence and documentation. Records do not include leases or property records. Minimum retention: (a) Contracts or agreements documenting building construction, alterations, or repair: 10 years after substantial completion as defined by ORS 12.135(3). (b) Other contracts and agreements: 6 years after expiration.

(13) **Correspondence:** Records that: 1. document communications created or received by an agency AND 2. directly relate to an agency program or agency administration AND 3. are not otherwise specified in the Educational Service Districts, School Districts and Schools General Records Retention Schedule (OAR 166-400) or in educational service districts, school districts and schools special schedules or in ORS 192.170. Records may include but are not limited to letters, memoranda, notes and electronic messages that communicate formal approvals, directions for action, and information about contracts, purchases, grants, personnel and particular projects or programs. **Disposition:** File with the associated program or administrative records. Retentions for program records are found

in state agency special schedules; retentions for administrative records are typically found in the State Agency General Records Retention Schedule. Communications not meeting the above criteria do not need to be filed and may be retained as needed.

(14) **Eighth Grade Examination Records** document the examinations given to eighth grade students. Records may include but are not limited to examinations; examinations registers; diploma lists; and related documentation. These records are no longer being created. Minimum retention: Permanent.

(15) **Fax Reports** Records document facsimile transactions of the agency. Reports may also be used for billing purposes. Information includes date and time fax transmitted or received and recipient/sender's fax number. Minimum retention: (a) Retain if used for billing: 3 years (b) Retain all other reports: 1 year.

(16) **Food/Nutrition Service Program Records** document the operation of school food/nutrition service programs. Records may include but are not limited to operations reports; child nutrition program reviews; food service financial records; food supply inventory records; free and reduced price lunch applications and reimbursement claim records; meal production and menu records; meal ticket inventory records; sanitation inspection reports; summer food services records; and related documentation and correspondence. Minimum retention: 3 years (or as specified by 7 CFR 210.7-28 and 225.6-16).

(17) **Health Log Book Records** document the daily activities of and visits to the Health Room/School Nurses Office. Record may include but not limited to student's name, time of visit, reason for visit/ailment, action taken, parental notification, was student sent home or returned to class. Minimum retention: Retain 6 years after school year in which created, destroy.

(18) **Immunization Records, Administrative** Records document the review and report of the immunization status of students to the County health department and the exclusion of students who do not meet the minimum immunization requirements. Records may include but are not limited to the annual Primary Review Summary, school copies of Exclusion Orders for No Record, school copies of Exclusion Orders for Incomplete Information/Insufficient Information, and related documentation. SEE ALSO Student Immunization Records in the Student Education Records section. Minimum retention: 1 year.

(19) **Legal Case Records** document a school, district, or ESD's legal actions by in-house or outside counsel. Records may include but are not limited to litigation records, correspondence, staff opinions, research findings, and background notes relating to specific cases. Cases may include but are not limited to Tort Liability Claims, Civil Service Commission cases, unemployment and discrimination cases, bid protests and contract disputes, student/parent complaints, and employee complaints. Minimum retention: 10 years after final disposition of case.

(20) **Legal Opinion and Advice Records** document the legal opinions and advice given to schools, districts, or ESDs by a lawyer or the Attorney General. Records may include legal advice given to private schools. Records may include but are not limited to requests for opinions; opinions; letters of advice; and related correspondence. Minimum retention: (a) Retain copies of legislative bills, statutes: 6 years (b) Retain Administrative Rule Preparation Records: 10 years after appeal of rule (c) Retain all other records: Permanent.

(21) **Legislative Tracking Records** document the development and monitoring of legislation which may have an impact on the programs or policies of a school, district, or ESD. Records may include but are not limited to concept statements, proposals, bill logs, fiscal and organizational impact analysis papers, copies of bills, testimony summaries, committee reports, agendas, record of action, and related correspondence and documentation. Minimum retention: 2 years.

(22) **Lobbyist Records** document lobbyist and lobbyist employer activities, and are used to report these activities to the Oregon Government Ethics Commission. Records may include but are not limited to expenditure reports, registration statements, termination records, guidelines, and correspondence. Minimum retention: (a) Retain expenditure reports: 4 years (b) Retain all other records: 5 years after last activity.

(23) **Mitigation Program Records** document the establishment and maintenance of the agency mitigation programs, plans, and procedures. Records may include mitigation plans and strategies, policies, procedures, seismic surveys and structural upgrade records of agency facilities, project reports, hazard mitigation grant records, and related documentation, which may include capital improvement records. SEE ALSO the Emergency Management section. Minimum retention: (a) Retain adopted plans: Permanent (b) Retain all other records: For the life of the structure.



## ADMINISTRATIVE RULES

(24) **Notary Public Log Books** Records document notarial transactions completed by a notary public and employed by a government agency. Agencies may retain logbooks by agreement with the notary after their separation from employment. *Agencies retaining notary public log books without notary agreements should consult their legal counsel and/or the Secretary of State, Corporation Division for retention instruction.* Minimum retention: 7 years after date of commission expiration.

(25) **Oregon School Register** Records document student enrollment, attendance, and membership in elementary and secondary schools and forms the basis for student attendance reporting to the Oregon Department of Education. The register contains student's name and other personally identifiable information, attendance, indication of student non-residency or withdrawal, program membership, whether student was promoted or retained at end of school year, and related information. Minimum retention: Permanent.

(26) **Organization Records** document the lines of organizational hierarchy and administrative responsibility within a program, school, district, or ESD. Records may include but are not limited to drafts and final charts or diagrams, statements, studies, and related documentation. Minimum retention: 4 years after superseded or obsolete.

(27) **Parent-Teacher Organization Records** document the history, development, policies, and actions of parent-teacher organizations under the jurisdiction of the District. Records may include but are not limited to minutes; constitutions and by-laws; committee records; budget and accounting records; handbooks; officer and member rosters; scrapbooks; photographs; and related documentation and correspondence. Minimum retention: (a) Retain minutes, constitutions, by-laws, and committee records 10 years after school year in which records were created. (b) Retain all other records 3 years after school year in which records were created.

(28) **Policy and Planning Records** document the development, assessment, and review of school, district, or ESD policies, programs, and activities. Records may include but are not limited to board policy and district-wide administrative rules; authorizing bulletins and advisories; mission, policy, and goal statements; finalized policy statements and directives; by-laws; regulations; strategic plans; management plans; and related documentation. Minimum retention: (a) Retain annual board adopted policy and district-wide administrative rules, official copy: Permanent (b) Retain planning documents: 10 years (c) Retain working papers and draft material: 1 year after school year in which final document produced.

(29) **Policy Statements and Directives** Series documents review, assessment, development, and authorization of an agency's formal policies and procedures that have been approved by a governing body. Records may include authorizing bulletins and advisories, mission and goal statements, manuals, and final policy statements and directives. Information often includes policy and procedure numbers, revision dates, subject identification, narrative description, authorization information, and effective date. SEE ALSO Policy and Procedure Guidelines and Manuals in this section. Minimum retention: 10 years after superseded or obsolete.

(30) **Procedure Manuals** Records document internal development and guidelines for consistency and continuity in the operation of a school, district, or ESD department or office. Records may include but are not limited to manuals documenting departmental and program procedures; basic secretarial/clerical instructional procedures; handbooks; desk manuals; emergency response plans; safety plans and procedures; and related documentation and correspondence. Minimum retention: (a) Retain routine clerical manuals: 2 years after superseded or obsolete (b) Retain manuals relating to specific construction and/or engineering projects: 10 years after substantial completion, as defined by ORS 12.135(3) (c) Retain one copy of all other manuals: Permanent.

(31) **Professional Membership Records** document institutional or agency-paid individual memberships and activities in professional organizations. Minimum retention: 3 years.

(32) **Public Notice Records** document compliance with laws requiring public notice of government activities. Subjects include assessments, elections, land use changes, public meetings and hearings, sale of property, and others. Records include public or legal notices, certificates, affidavits of publication, and similar documents. SEE ALSO Competitive Bid Records in the Financial section for public notices related to bid openings and awards. Minimum retention: 3 years.

(33) **Reports and Studies** Records document the school, district, or ESD's curriculum offerings, programs, services, problems, projects, student achievements, financial status, staffing, operations, and activities. Reports may be required to be submitted to the Oregon Department of Education or to other state, federal, or private agencies. Reports may be annual reports compiled from monthly, quarterly, or other subsidiary activ-

ity reports. Records may include but are not limited to narrative and statistical reports, studies, performance measures, annual reviews, surveys, plans, proposals, progress reports, evaluation reports, financial data and reports, staffing reports, student attendance accounting reports, accreditation studies, summaries, and other types of reports and documentation. Minimum retention: (a) Retain annual reports and studies with historical value or policy implications: Permanent (b) Retain other reports and studies: 5 years or as required by government or agency (c) Retain working papers and draft material: 1 year after school year in which final document produced.

(34) **Requests and Complaints** Records document complaints or requests concerning a variety of agency responsibilities not specified elsewhere in this general schedule. Information often includes name, phone number, and address of person making request or complaint, narration of request or complaint, name of person responding to request or complaint, dates of related activities, and other data. (If a specific request or complaint is listed in another records series under a functional area such as law enforcement in this general schedule, the retention period specified in that functional area supersedes the retention period listed in this series.) SEE ALSO Correspondence. Minimum retention: 2 years after last action.

(35) **Routing and Job Control Records** used to control the routine flow of documents and other items and actions in and between offices in the agency. Includes routing slips, job control records, status cards, receipts for records charged-out, batch slips, and similar records. Minimum retention: 1 year.

(36) **School Census Records** document the number of students of school age within the county, district, or school. Records may contain but are not limited to the names, ages, birth dates, and address of students; information about the parents or guardians; and related documentation. The actual census-reporting requirement ended in 1971 and this record is no longer being created. Minimum retention: Permanent.

(37) **School, District, Or ESD History Records** document important organizational changes, significant events, celebrations, programs, and projects of the ESD, district, or school. Records may include but are not limited to newsletters, press releases, publications, reports and articles, institution histories, biographies and records of past administrators, faculty, or staff, photographs, scrapbooks, newspaper clippings, and related documentation. SEE ALSO Publications in this section. Minimum retention: Permanent.

(38) **Special Education Census Reports** document the number of special education students served by the school and district included in annual census reports to the Oregon Department of Education. Records may include but are not limited to annual reports and district summary reports which includes total number of students and students per district, age of students, and handicapping condition of students; student census information; placement and services provided records; agency information; number of special education teachers; and related documentation. Minimum retention: 5 years after school year in which records were created.

(39) **Special Event and Celebration Records** document agency-sponsored celebrations of special and historic occasions such as centennials, pioneer days, and similar events. Provides a record of planning and promotional efforts, public attendance and response, major speeches and dedications, and other significant aspects of the celebration. These significant records may include studies, publications, photographs, attendance summaries, final reports, and other significant documents. This series also includes routine documentation related to implementing the promotion and organization of the event. These often include lists, rosters, correspondence, memoranda, volunteer information, and related records. Records may also include scrapbooks, but does not include newsclippings. Newsclippings are not public records and may be discarded. Minimum retention: (a) Retain records documenting significant aspects of the event: Permanent (b) Retain all other records: two years after event.

(40) **Staff Meeting Records** document the activities, decisions, and proceedings of school, district, or ESD staff meetings. Records may include but are not limited to minutes, agendas, notes, reports, and related documentation. Minimum retention: Until end of school year.

(41) **Standardization Records** document the process of standardization visits from the Oregon Department of Education to schools, districts, or ESDs. Records may include but are not limited to self-evaluation reports, on-site inspection reports; waiver authorizations; letters of concern; plans of correction; schedules; and related correspondence and documentation. Minimum retention: 6 years after school year in which records were created.

# ADMINISTRATIVE RULES

(42) **Student Information and Demographic Records** document the composition of the student population in a variety of sequences, groupings, and lists. Records include demographic profiles of students; student record cards; and other manual or computer produced lists organized by school, class, special program, or other grouping. Records may include but are not limited to student identification information including name, address, birth date, birthplace, parents, and guardians; student demographics including gender, ethnicity, and age; attendance; enrollment dates; previous school attended; student grades and transcript data; health and immunization information; handicapped status; and related documentation. Minimum retention: (a) Retain years ending in 0 and 5 Permanent (b) Retain all others 5 years.

(43) **Student Organization Administrative Records** document the history, development, and policies of student organizations, including student clubs, government, and publications. Records may include but are not limited to student organization annual review forms; minutes; constitutions and bylaws; committee, subcommittee, and task force records; student senate bill and resolution records; handbooks; officer and member rosters; scrapbooks; photographs; and related documentation and correspondence. SEE ALSO Student Organization Financial Records in the Financial Section. Minimum retention: (a) Retain constitution and bylaws: Until superseded or obsolete (b) Retain all other records: 2 years after school year in which records were created.

(44) **Superintendent of Schools Records** document the official and financial affairs of the superintendent of schools concerning teachers, students, and schools located in the county. Records may include but are not limited to annual statements on the condition of common (public) schools in the county; school district boundary records; school district accounts; book purchases; and related documentation. Information contained in the records may include financial information, school curricula, boundary descriptions, facilities, and enrollment and attendance data. These records are no longer being created. Minimum retention: Permanent.

(45) **Surveys, Polls, and Questionnaires** Records document the measurement of public opinion by or for the agency related to various issues, actions, and concerns. May include surveys, polls, questionnaires, summaries, abstracts and significant related records. Examples of summaries include studies which incorporate the significant results of public opinion surveys, abstracts of questionnaires designed to determine the skills and interests of citizens volunteering for agency service, and other records which distill survey data into summary form. Minimum Retention: (a) Retain summary reports and abstracts: 3 years (b) Retain all other records: Until summary report is completed or 3 years, whichever is sooner.

(46) **Test Administration Records** document the administration of assessment, placement, diagnostic, credit by exam, and other tests. Records may include but are not limited to rosters of test takers; testing rules and regulations; test administration records; examiner's manuals; exams and tests; test order and payment records; placement and test results; summary reports of results; and related correspondence and documentation. Minimum retention: 3 years after school year in which records were created.

(47) **Work Order Records** document requests and authorizations, according to existing contracts or agreements, for needed services and repairs to agency property and equipment. May include copy center work orders, printing orders, telephone service and installation requests, repair authorizations, and similar records. Minimum Retention: (a) Retain work completed by county personnel: 1 year (b) Retain work completed by outside vendors: 3 years.

(48) **Work Schedule and Assignment Records** document the scheduling and assigning of shifts, tasks, projects, or other work to agency employees. Useful for budget and personnel planning and review, assessing employee work performance, and other purposes. May include calendars, schedules, lists, charts, rosters, and related records. Minimum retention: 5 years.

(49) **Year 2000 (Y2K) Planning Records** document the planning and development of agency Y2K contingency plans. Records may include but are not limited to meeting minutes, correspondence, draft plans, work notes, plan test results, and final plan. Information includes type of systems vulnerable to Y2K, level of priority, and party responsible for system solution or troubleshooting. Minimum retention: Destroy.

Stat. Auth.: ORS 192 & 357, Other Auth. Code of Federal Regulations Title 34

Stats. Implemented: ORS 192 & 357

Hist.: OSA 6-1997, f. & cert. ef. 4-22-97; Renumbered from 166-405-0010, OSA 1-2006, f. & cert. ef. 4-17-06; OSA 1-2008, f. & cert. ef. 1-30-08; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-400-0025

### Financial Records

**NOTE:** Inclusion of a records series in this schedule does not require the series be created. If a record is created electronically, it can be retained in electronic format only if the retention period is 99 years or less.

(1) **Accounts Payable Records** Records document outstanding liabilities and provides a record of payment of bills by the school, district, or ESD, including payments from student body fund accounts, disbursed by school personnel. Records may include but are not limited to invoices, invoice vouchers, statements, vouchers, journal entry forms, purchase orders, payment authorizations, check requests, check registers, reports of receipt of goods or service, canceled checks or warrants, daily batch lists, and related correspondence and documentation. Minimum retention: (a) Retain records documenting expenditure of federal funds: 5 years after final or annual expenditure report accepted (b) Retain all other records: 4 years.

(2) **Accounts Receivable Records** Records document billings and collections and provide a record of money owed to or received by the school, district, or ESD, including receivables for student body fund accounts collected by school personnel, for goods or services rendered. Records may serve as subsidiary ledgers of original entry or input which record the amounts received for goods and services. Records may include but are not limited to aging reports used to monitor accounts which are outstanding and overdue, invoices, invoice registers, billing records, receipts, receipts registers, cash receipt records; account edit sheets, and related documentation. Minimum retention: (a) Records documenting recovery of federal supplied funds: 3 years after final or annual expenditure report accepted (b) All other records: 3 years after collected or deemed uncollectible.

(3) **Audit Reports** Records document the examination of a school, district, or ESD's financial condition by internal or independent auditors. Audits include an examination of the fiscal condition, internal controls and compliance with policies and procedures, accounting principles and methods, the accuracy and legality of transactions, and performance audits. Records may include but are not limited to audit reports (including those completed for student body fund accounts), supporting documentation, accountant's summary, financial statements, balance sheet details, comments, summaries, recommendations, preparation records, and related correspondence and documentation. Minimum retention: (a) Audit report, official copy: Permanent (b) Grant fund audit records: 5 years after final or annual expenditure report accepted (c) Other records: 4 years.

(4) **Bank Transaction Records** Records document the current status and transaction activity of school, district, or ESD funds held in bank accounts, including accounts for student body funds. Records may include but are not limited to account statements, deposit and withdrawal slips, redeemed, void, or canceled checks, check registers, interest payments, reconciliation worksheets or spreadsheets, and related documentation. Minimum retention: (a) Records documenting grant fund transactions: 5 years after final or annual expenditure report accepted (b) Other records: 3 years.

(5) **Bond Records** Records document the authorization and payment of bonds to finance school construction and improvements. Records may include but are not limited to authorizations, supporting financial documentation, bond ratings, and sample copies of bonds issued; paid bonds, coupons, and receipts; bond registers; and related documentation. SEE ALSO Bond Election Records in the Administrative Records section. Minimum retention: 3 years after final payment.

(6) **Budget Preparation Records** Records document the planning, development, estimation, and proposed budget requests for schools, districts, and ESDs. Records may include but are not limited to budget requests, spreadsheets, expenditure projection work papers and reports, budget proposals, budget development schedules, allotment reports, decision packages, spending plans, funding analysis, revenue projection reports, compensation plan proposals, contingency plans, fiscal impact analysis, and related correspondence and documentation. Minimum retention: 2 years.

(7) **Budget Records** Records document the annual financial plan approved by schools, districts, and ESDs. Records may monitor allotments, apportioned fiscal distributions, and expenditures. Records may include but are not limited to budget allotment reports, adopted budgets, budget messages, revenue and expenditure tracking records, status reports, operating programs, debt service, position and wage analysis, summaries, annual report to Oregon Department of Education, and related correspondence and documentation. Minimum retention: (a) Adopted budget, official copy: 20 years (b) Other records: 3 years.

(8) **Check Conversion Records** Records document checks received from customers that are electronically deposited after being imaged and converted to an Automated Clearing House (ACH) transaction or Image

## ADMINISTRATIVE RULES

Replacement Document (IRD). Minimum Retention: (a) Retain original paper instrument 30 days, destroy (b) Retain ACH transaction or IRD 6 years, destroy.

(9) **Competitive Bid Records** Records document the publication, evaluation, rejection and award of quoted bids to vendors and other entities. Records may include but are not limited to requests for proposals (RFPs), requests for qualifications (RFQs), invitations to bid (ITBs), requests for information (RFIs), bid exemption documents, bid and quote lists, notices of bid opening and award, comparison summaries, spreadsheets, tabulation worksheets, bid advertising records, tally sheets, bid specifications, correspondence, and related records. SEE ALSO Purchasing Records in this section. Minimum retention: (a) Retain accepted bids 10 years after substantial completion (as defined by ORS 12.135(3))(b) Retain other accepted bids: 6 years after bid awarded or canceled (c) Retain rejected bids and bid exemptions: 2 years after bid awarded or canceled.

(10) **Credit and Debit Receipts** Agency's copy of credit or debit card receipt documenting payment received by agency. Records include customer's name and account information. Minimum Retention: Retain 36 months after transaction, destroy.

(11) **Credit Slips** Slips issued to citizens who have withdrawn from agency-sponsored classes or activities and are due credit for all or part of fees paid. Information usually includes name of class or activity, date, expiration date, name and address of citizen, and related data. Minimum retention: 3 years after credit expired or redeemed.

(12) **Employee Bond Records** Records document the post of fidelity, performance, or position bonds to guarantee the honest and faithful performance of school, district, and ESD employees. Information may include but is not limited to person's name, amount of coverage, dates, and related documentation. Minimum retention: 6 years after expiration.

(13) **Financial Reports** Records document the financial condition, operation, and activities of schools, districts, and ESDs. Records may include but are not limited to organization and function statements, accounting of income and expenditures, balance sheets, revenue statements, fund balance reports, notes to the financial statements, and exhibits. Exhibits may include a working trial balance by fund type, adjustments to accounting data, cash flow analysis, and other supporting documentation. Reports may also be completed for student body fund accounts. Records may include monthly, quarterly, or annual reports. Minimum retention: (a) Retain annual report, official copy: Permanent (b) Retain working papers and draft material: 1 year after acceptance of Annual Report (c) Retain all other Financial Reports 3 years.

(14) **General Ledgers** Records document all fiscal transactions of the school, district, or ESD. The ledgers summarize the accounts and reflect the financial position of the school, district, or ESD. Information often includes debit, credit, and balance amounts per account; budget, fund, and department numbers; and totals for notes receivable, interest income, amounts due from other funds, federal grants received; bank loans received, cash in escrow, deferred loan received, cash, encumbrances, revenue, accounts receivable, and accounts payable; and related documentation and data. SEE ALSO Subsidiary Ledgers, Journals, and Registers in this section. Minimum retention: (a) Retain year-end ledgers: 10 years (b) Retain all other general ledgers: 3 years.

(15) **Gift and Contribution Records** Records document gifts and contributions to the school, district, and ESD, including contributions to student body funds. Records may include but are not limited to memorial donation records related to money to be used by the institution in the name of an individual, donor and acknowledgment letters, acquisition lists itemizing purchases made with contributed money, checks, receipts, and related correspondence and documentation. Minimum retention: (a) Retain conditional gift, contribution, and donation records: 6 years after expiration of agreement or conditions met (b) Retain all other records: 3 years.

(16) **Grant Records** Records document the application, evaluation, awarding, administration, monitoring, and status of grants in which the agency is the recipient, grantor, allocator, or administrator. Grants may come from federal or state governments or foundations or other funding sources. Records may include but are not limited to applications including project proposals, summaries, objectives, activities, budgets, exhibits, and award notification; grant evaluation records and recommendations concerning grant applications; grant administration records including progress reports, budgets, project objectives, proposals, and summaries; records documenting allocation of funds; contracts; records monitoring project plans and measuring achievement; equipment inventories; financial reports, accounting records, audit reports, expenditure reports, and related correspondence and documentation. Minimum retention: (a) Retain final reports from significant grants to the School, District, ESD: Permanent (b) Retain

records documenting the purchase and/or disposal of real property: 10 years after substantial completion (as defined by ORS 12.135(3)), or 3 years after final disposition, or as specified in agreement, whichever is longer (c) Retain other grant records: 3 years after annual or final expenditure report submitted and approved or, as specified in agreement, whichever is longer (d) Retain unsuccessful grant applications: 1 year after rejection or withdrawal.

(17) **Investment Records** Records document financial investments made by schools, districts, or ESDs. Records may include but are not limited to time certificates of deposit, interest income distribution, and tax anticipation notes. Information includes date purchased, date received, date matured, accrued interest, total interest to date, and related documentation. Minimum retention: 3 years after investment maturity.

(18) **Lease Records** Records document the lease or rental of school, district, or ESD owned property to other parties, and lease or rental of facilities from other parties. Records may include but are not limited to include leases, rental agreements, amendments, addenda, authorizations, and related correspondence and documentation. Leases are typically for office space, equipment, machinery, real estate, or facilities. Minimum retention: 6 years after expiration.

(19) **Petty Cash Fund Records** Records document petty cash activity for a school (including student body funds), district, or ESD. Records include but are not limited to requests and authorizations to establish petty cash funds, ledgers, statements, requests for disbursements, copies of receipts and invoices, and related documentation. Minimum retention: 3 years.

(20) **Purchasing Records** Records document the purchase of goods and services by a school, district, or ESD, including purchases through a student body fund account. Records may include but are not limited to purchase orders and requests; purchase authorizations; requisitions; contract release orders; price agreements; material and cost specifications; copy, print, service, and other types of work orders, receipt and delivery documentation, and related correspondence and documentation. Minimum retention: (a) Retain records documenting expenditure of federal funds: 5 years after final or annual expenditure report accepted (b) Retain all other records: 3 years.

(21) **Revenue Records** Records document application for and receipt of funds from local, state, and federal revenue sources and disbursement to the school, district, or ESD. Records include funds received directly from federal agencies or apportioned to the school, district, or ESD through the Oregon Department of Education or other state agencies. Records may include but are not limited to projection reports of forecasted revenue earnings; revenue registers listing revenue earned; fund applications and awards; performance and financial reports; supporting fiscal documentation; reimbursement requests and claim records; and related correspondence. Local revenue sources may include tax levies, tuition, local government units, adult continuing education programs, summer school programs, schools transportation and food service programs, community services programs, textbook and other rentals, and private contributions. Intermediate revenue sources may include county school funds, ESD equalization and special program funds, and state timber revenue funds. State revenue sources may include basic school support funds, common school funds, state timber revenue funds, and special education, driver education, vocational education, and special school assistance funds. Federal revenue sources may include migrant education, Indian education, and other funds. Minimum retention: (a) Retain records of revenue from federal and state sources: 5 years after final or annual expenditure report accepted (b) Retain all other records: 3 years.

(22) **Signature Authorization Records** Records document that designated school, district, or ESD employees are authorized to sign fiscal and contractual documents, including those involving student body funds. Minimum retention: 6 years after authorization superseded or expired.

(23) **Student Organization Financial Records** Records document the budgeting, accounting, and financial affairs of student organizations including student clubs, government, and publications. Records may include but are not limited to bank statements, deposit slips, cancelled checks/vouchers, receipts, and related documentation and correspondence. Minimum retention: 3 years after school year in which records were created.

(24) **Subsidiary Ledgers, Journals, and Registers** Records document details of fiscal transactions by a school, district, or ESD such as those related to receipts and expenditures on a daily, monthly, quarterly, or similar basis. Records include journals, ledgers, registers, day books, transaction reports, trial balance reports, and other account books or reports that provide documentation for the general ledger or financial reports. Records



# ADMINISTRATIVE RULES

may include details of revenues, expenditures, encumbrances, cash receipts, warrants, and other financial records. Information often includes date, payee, purpose, fund credited or debited, check number, and related data. SEE ALSO General Ledgers in this section and Payroll Registers in the Payroll Records section. Minimum retention: (a) Retain year end payroll register: 75 years (b) Retain trust fund ledgers: 3 years after trust fund closed (c) Retain all other subsidiary ledgers, journals, and registers: 3 years.

(25) **Travel Expense Records** Records document requests, authorizations, travel advances and reimbursement claims made by school, district, or ESD employees for travel and related expenses. Records may include but are not limited to travel expense reports and receipts, supporting documentation, and related correspondence. Minimum retention: 3 years.

(26) **Unclaimed Property Report Records** Records document annual reports submitted to the Department of State Lands of financial assets being held for a person or entity that cannot be found. Series includes Holder Report, owner information, correspondence and other related documents. Note: Unclaimed property is not real estate, abandoned personal property, or lost and found items. Minimum Retention: 3 years after the property is remitted to the Department of State Lands.

(27) **Vendor Records** Records document vendors and suppliers providing goods and services to the school, district, or ESD. Records may include but are not limited to lists name and address of vendor or company; description of goods and services provided; catalogs; promotional and advertising materials; product specification sheets; copies of purchase orders and requisitions; packing slips; price quotations; and related correspondence and documentation. Minimum retention: Until superseded or obsolete.

Stat. Auth.: ORS 192 & 357, Other Auth. Code of Federal Regulations Title 34  
Stats. Implemented: ORS 192 & 357  
Hist.: OSA 6-1997, f. & cert. ef. 4-22-97; Renumbered from 166-408-0010, OSA 1-2006, f. & cert. ef. 4-17-06; OSA 1-2010, f. & cert. ef. 5-27-10; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-400-0040

### School Administration Records

**NOTE:** Inclusion of a records series in this schedule does not require the series be created. If a record is created electronically, it can be retained in electronic format only if the retention period is 99 years or less.

(1) **Communication Logs** Logs document communications made or received through a variety of electronic devices, including but not limited to telephone, smart phone, facsimile (fax), radio, computer-aided dispatch, pager, and teletype, AND are not otherwise specified in this general records retention schedule (OAR 166 Division 400). Logged information may include time, date and disposition of communication, name of caller, number called or received, and action taken. SEE ALSO Correspondence in the Administrative Records section. Minimum retention: 1 year

(2) **District Boundary Records** Records document the formation, consolidation, and reorganization of school districts and their boundaries. Records may include but are not limited to boundary board meeting minutes; boundary board hearing records; board decisions; maps and plats; land records; boundary descriptions; and related documentation. Minimum retention: Permanent.

(3) **District Clerk's Records** Records document the administration of the school district and the reporting of this general and financial information to the county school superintendent. The district clerk's record books may contain but are not limited to reports of annual school meetings, special school meetings, and district board meetings; financial reports, receipts, and accounts; teacher contracts; annual census of school-aged children; payroll information; summary of subjects taught; records of school boundaries; and related documentation. The school register and record books may contain but are not limited to records of visitors; records of students registration, attendance, and department; general school statistics; teacher salary records; program and class records; evaluations of student progress; data on parents and guardians; and related documentation. These records are no longer being created. Minimum retention: Permanent.

(4) **Interscholastic Athletic Activity Program Records** Records document student eligibility and participation in interscholastic competitive sports and athletic activities, athletic event and team publicity, and athletic events scheduling. Records may include but are not limited to team standings; win/loss records; All-Star selections; team member information; statistics; event and practice schedules; and related documentation and correspondence. Minimum retention: 5 years after school year in which records were created.

(5) **Key and Keycard Records** Records document the issuance of keys and keycards to staff to enable access to buildings and sites. Records may include but are not limited to key inventories, key issue forms, key

replacement records, and key disposal records. Minimum retention: (a) Retain access and entry logs 3 years (b) Retain other records 2 years after key is turned in

(6) **Mailing Lists** Records document the compilation of names and addresses of persons and organizations by a school, district, or ESD for mailing purposes. Lists are used to facilitate billing, outreach activities, and other functions of the school, district, or ESD. Minimum retention: Until superseded or obsolete.

(7) **Parking Records** Records document parking provided for the public or school, district, or ESD staff or students. Records include parking permits and applications, special permits, permit receipts, parking citations, appeal petitions, and related correspondence and documentation. Minimum retention: (a) Retain citation records: 3 years after resolved (b) Retain all other records: 3 years.

(8) **Postal Records** Records document transactions with the U.S. Postal Service and private carriers. Records may include but are not limited to postage meter records, receipts for express deliveries, registered and certified mail; insured mail, special delivery receipts and forms, loss reports, and related correspondence. Minimum retention: 3 years after school year in which records were created.

(9) **Press Releases** Records document school, district, or ESD information that is officially released to the media for dissemination to the public. Records may include press or news releases, public service announcements, and related documentation. Minimum retention: (a) Policy and Historic press/news releases: Permanent (b) Routine news/press releases: 2 years

(10) **Publications** Records document publications produced by a school, district, or ESD for educational or informational purposes, or to communicate information about programs, policies, services, and events. Records include publications produced by individual school staff, offices, and students. Types of publications may include but are not limited to catalogs, books, magazines, newsletters, rosters, directories, brochures, pamphlets, media guides, guidebooks, proceedings, programs, schedules, yearbooks, manuals, newspapers, calendars, and flyers. Records may include but are not limited to working papers, mock-ups, drafts, photographs, final publications, and publications on the school, district, or ESD's Internet home page. SEE ALSO Press Releases in this section. Minimum retention: (a) Retain significant publications, official copy: Permanent (b) Retain preparation records: Until published (c) Retain all other publications and records: 2 years

(11) **Scheduling Records** Records document the scheduling and reservations related to in-house participation in and use of various school, district, or ESD activities, events, classes, facilities, and meeting rooms. Records may include but are not limited to schedules, logs, lists, classroom assignments, requests, and related correspondence and documentation. Minimum retention: 2 years after school year in which records were created

(12) **Security Records** Records document security provided for school, district, or ESD building and grounds. Security may be provided by an on-site public safety office and public safety officers. Records may include but are not limited to security logs, sign-in sheets, visitor logs, security activity reports, incident reports, statistical information, and related correspondence and documentation. SEE ALSO Key Issuance Records in this section. Minimum retention: 3 years after school year in which records were created

(13) **Student Handbooks** Records document school rules and regulations and student rights and responsibilities. Information may include but is not limited to general school information, academic requirements, dress codes, rules of student conduct, freedoms, and student grievance procedures. Minimum retention: (a) Retain official copy: Permanent (b) Retain all other copies: Until superseded or obsolete.

(14) **Visitor Logs** Records document visitors to agency buildings. Records name include visitors' names, visitor badges issued, and entrance and exit times. Minimum retention: 1 year

Stat. Auth.: ORS 192 & 357, Other Auth. Code of Federal Regulations Title 34  
Stats. Implemented: ORS 192 & 357  
Hist.: OSA 6-1997, f. & cert. ef. 4-22-97; Renumbered from 166-405-0010, OSA 1-2006, f. & cert. ef. 4-17-06; OSA 2-2006, f. & cert. ef. 7-26-06; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-450-0005

### Administrative Records

The General Schedule is applicable to the administrative records of community colleges. Retention periods apply to the official copy of all public records, regardless of medium or physical format, created or stored by the above specified agencies. Please note the exceptions to this General Schedule listed in OAR 166-030-0027 before disposing of records.

# ADMINISTRATIVE RULES

(1) **Accreditation Records, Institutional:** Records document the institutional accreditation process by the President's Office, project coordinator and college departments. The records document the information compiled for inclusion in the college's self-study and other reports provided to the evaluators as well as the response of evaluators. Records may include but are not limited to institutional data sheets, annual reports, working papers, resource notebooks, college self-study, interim and final evaluation reports, progress reports and responses by the college, and related correspondence and documentation. (Minimum retention: Self-study and final evaluation report: permanent; Other records: until accreditation completed).

(2) **Administrative Records, General:** Records document internal administration or housekeeping activities of the individual office, regardless of format. In general, these records related to the office organization, staffing, procedures, systems, and communications. These records do not serve as unique documentation of the programs or functions which caused the office to be created. Records may include but are not limited to documentation of day-to-day administration and training of office personnel; supplies, and office services; the use of office space, equipment and utilities; unit activity relating to specific and defined short-term office projects; and correspondence. *Information recorded in a personal day planner or personal electronic device may be a public record under ORS Chapter 192.* (Minimum retention: one year).

(3) **Administrative Records, Program:** Records document the daily activities and routine business of academic, service, support, and other programs developed and administered by the office department. The records are used to develop and administer programs and to communicate with other divisions, departments, and programs; other community colleges; state and federal governments; outside business and organizations; and faculty and students. Records may include but are not limited to correspondence and memoranda; reports, surveys, and policy statements, task assignments; discussion outlines and summaries; planning documents; working papers; informal and working files on student progress and administration; staff meeting records including minutes and agendas; and related correspondence. (Minimum retention: five years).

(4) **Advisory Committee Records:** Records document the activities of advisory committees which provide advice and assistance regarding professional-technical and other programs. Advisory committee members are generally selected from the community and appointed by the college's Board of Education. The committees are designed to improve the quality and impact of instructional programs and to ensure that the skills taught are current with those in business, industry, and government. Records may include but are not limited to meeting minutes; agendas; reports; notes; working papers; transcriptions; and correspondence. (Minimum retention: Resource notebooks and working files: until superseded; Other records: three years).

(5) **Association and Organization Membership Records:** Records document the relationship and participation of college units with professional, educational, and civic associations and organizations. The college's role may be one of membership on an advisory or administrative board or participation in a task force or subcommittee. Records may include but are not limited to promotional information; rules and regulations; reports; newsletters; proposals and planning records; workshop and conference records; surveys and questionnaires; minutes and agendas; and related documentation and correspondence. This series refers to records that document the direct involvement of the college or its representative in an organization; it does not include individual staff or faculty membership records. (Minimum retention: five years).

(6) **Budget Committee Records:** Records document the process by which the college's budget is adopted by the Board of Education. Budget Committee assists the Board of Education in analyzing the administration's annual budget proposal and is composed of the seven elected members of the Board of Education, seven appointed budget committee members from each of the geographical zones in the college district, and ex-officio members representing the college administration. The Budget Committee bases its discussions on the Budget Book, which is a compilation of budgets from each of the college areas prepared by the budget officer. Public hearings on the budget are held at one of the regularly scheduled Board of Education meetings. Records include but are not limited to committee agendas and minutes; the Budget Book; recommendations from the budget officer; records of the public hearings; committee recommendations; committee membership applications; and correspondence. SEE ALSO: Budget Records in the Financial and Accounting section. (Minimum retention: Minutes, recommendations, and budget books: 20 years; Other records: two years).

(7) **College Committee Records:** Records document the activities of standing and ad hoc college committees and councils made up of members from a variety of units within the college. The committees are charged with formulating and recommending institutional policies and procedures; establishing standards and requirements; performing an advisory function; reviewing petitions, appeals, and deviations from policy; facilitating communication; or finding solutions to specific problems, barriers, or challenges. Types of committees include administrative, standing, review, advisory, steering, activities, and planning committees, councils, and task forces. Records include but are not limited to agendas; meeting minutes or notes; reports; working papers; appointment, biographical, and other information about committee members; and correspondence. SEE ALSO: Advisory Committee Records, this section. (Minimum retention: five years).

(8) **College History Files:** Records document significant events in the college or departments past. Records may include records on the formation and naming of the college; lists or descriptions of landmarks or significant college events; college histories; progress and planning reports; biographies and records of past presidents, administrators, faculty, or staff; and newsletters or other publications. Records may include but are not limited to reports; published and unpublished historical sketches; scrapbooks; ephemera; photographs; press releases; newspaper clippings; publications; list of awards received by the college; and correspondence. (Minimum retention: Permanent).

(9) **Copyright Records:** Records document application and permission to reproduce, distribute, adapt, perform, or display copyrighted material of all kinds for academic and other purposes. Approval may be for a single use, unlimited use, permission to reproduce a specified number of copies, permission for a specific date or date span, permission to use for a defined purpose or audience, or other conditions. Records may include application and approval forms; correspondence and copies of subject material — paper and other media. (Minimum retention: five years after expiration of copyright).

(10) **Correspondence Records** that: 1. document communications created or received by a community college AND 2. directly relate to a community college program or community college administration AND 3. are not otherwise specified in the General Records Retention Schedule for Community Colleges (OAR 166 Division 450) or in ORS 192.170. Records may include but are not limited to letters, memoranda, notes and electronic messages that communicate formal approvals, directions for action, and information about contracts, purchases, grants, personnel and particular projects or programs. (Disposition: File with the associated program or administrative records. Communications not meeting the above criteria do not need to be filed and should be retained as needed).

(11) **Election Records:** Records document the process whereby tax levy, bond measures, and other issues receive voter approval. Records may include but are not limited to certified copies of election results; ballot title and wording records; county election filing forms; precinct maps; election tax levy history; election cost records; promotion and advertising records; and correspondence. SEE ALSO: Bond Records, Financial in the Financial and Accounting Records section. (Minimum retention: Clerk certified election results: five years; Election results and ballot title: Permanent).

(12) **Full-Time Equivalency Records:** This series document the numbers of students enrolled in the college in terms of full-time equivalency (FTE). The reports are used for internal statistical information and analysis and to generate reports to the federal and state governments. Reports are generated from the student academic records database and track the FTE in various departments, programs, or courses. SEE ALSO: Institutional Research and Reporting Records section, and Course Enrollment Summaries in Curriculum and Instruction Records section. (Minimum retention: 10 years).

(13) **Governing Board Records:** Records document the functions and policies of the Board of Education, Board of Directors, or other similarly named governing body of the college. The Board of Education has primary authority for establishing policies governing the operation of the college and adopting the college's annual budget. The board is composed of elected members from designated geographical zones in the college district. Records include but are not limited to original meeting minutes; oaths of office; resolutions; policies adopted, reauthorized, or disapproved; certificates of election; audio recording of meeting proceedings; and correspondence. The records may also include a booklet or package of information prepared before the board meetings. The packet may include the meeting agenda; minutes; background information about agenda items; reports; action items; and other information items. Resolutions concerning financial policies and activities may become a part of the Budget Document. SEE

# ADMINISTRATIVE RULES

ALSO: Budget Planning and Preparation Records section. (Minimum retention: Official copies of minutes, agendas, oaths, resolutions, policies, and election certificates: Permanent; Audio recordings: Until transcribed or summarized in minutes; Other records: five years).

(14) **Grant Records, Administrative:** Records document the application, evaluation, awarding, administration, monitoring, and status of grants in which the college or department is the recipient, grantor, allocator, or administrator. Grants may come from local or state governments or foundation and other private funding sources. Records may include but are not limited to applications including project proposals, summaries, objectives, activities, budgets, exhibits, and award notification; grant evaluation records and recommendations concerning grant application; records of administration of grants including equipment purchasing and disposition of records; contract; records monitoring project plans and measuring achievement; and reports to the funding agency on the use of their grant funds. SEE ALSO: Grant Records, Financial in Financial and Accounting Records Section. (Minimum retention: Contracts or agreements documenting building construction, alterations, or repair: retain 10 years after substantial completion; Other contracts: six years after expiration; Final grant product or report: Permanent; Unsuccessful grant applications: one year; Fixed assets' records: two years after disposition of assets; All other records: five years after final or annual expenditure report accepted).

(15) **Institutional Planning Records:** Records document the development of short-term or long-term plans for the institution and other special projects related to the organizational development of the college. Records may include but are not limited to instructions from the president or other administrator explaining the nature and purpose of the requested strategic planning effort; internal planning committee materials; statements of objectives, missions and goals; proposals; strategic planning reports activity reports; and correspondence. (Minimum Retention: Final reports: 20 Years; Other records: five years).

(16) **Legal Case Files:** Records document the management and monitoring of legal cases involving the college. Records include investigatory material; complaints; work notes; police reports; subpoenas; requests for hearing; requests for judicial review; motions; pleadings; briefs; transcripts; petitions; court orders; notices of appeal; depositions; exhibits; and correspondence. *Portions may be exempt from public disclosure during specific periods of the case per ORS 192.501(1), 192.502(2).* (Minimum retention: five years after closed.)

(17) **Organization Charts:** Records show the lines of administrative responsibility within the college. Records consist of final organization charts. (Minimum retention: Until superseded).

(18) **Policy and Procedure Manuals:** Records document and distribute college policies and procedures approved by the board. The records include policy and procedure manuals and related guidelines on personnel, purchasing, and board grievance procedures. (Minimum retention: five years after superseded).

(19) **Professional Development and Awards Records:** Records document programs that encourage participation in professional activities, recognize excellence in college staff and faculty, and provide opportunities for career advancement. Series may include professional development records which support travel to make presentations at professional meetings, participation in professional organizations or activities, or attendance at conferences; awards which recognize teaching skills; and visiting scholar programs which allow college faculty to teach at foreign host campuses. Records may include but are not limited to applications; review and approve documentation; lists of participants or recipients; arrangements and schedules; publicity and news clippings; presentation transcripts or published works; activities documentation; correspondence; and related documentation. (Minimum retention: three years).

(20) **Records Management and Archives Program:** Records document college's records management program -- the inventory, retention scheduling, storage, and disposition of non-permanent records. Also documents the college's archives program; appraising, acquiring, describing, processing, retrieval, and disposition of permanent records. The records may include records of inventories; authorizations; accession registers; finding aids; reference and research records; statistical reports; and correspondence. May also include records management manuals or handbooks. (Minimum retention: Accession register and records disposition records: Permanent; Other records: Until superseded).

(21) **Signature Authorization Records:** Records certify that designated college employees are authorized to sign fiscal and contractual documents. (Minimum retention: six years after authorization expires).

(22) **Volunteer Program Records:** Records document the activities and administration of the college's volunteer program. The records may

include applications; skill test results; training records; task assignment and monitoring records; volunteer lists; work schedules; insurance information; publicity records; statistical reports; and correspondence. (Minimum retention: five years).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 3-1998, f. 8-4-98, cert. ef. 8-5-98; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-450-0020

### Contracts and Agreements

The General Schedule is applicable to the contracts and agreements of community colleges. Retention periods apply to the official copy of all public records, regardless of medium or physical format, created or stored by the above specified agencies. Please note the exceptions to this General Schedule listed in OAR 166-030-0027 before disposing of records.

(1) **Bid and Award Records:** Records document the procurement process including advertising, evaluation and award of bids to vendors or agencies and provide evidence of accepted and rejected bids for services and products. Records may include but are not limited to bid and quote lists; notices of bid opening and award; comparison summaries; spreadsheets; tabulation worksheets; bid advertising records such as requests for information (RFI's) and request for proposals (RFP's); tally sheets; bid specifications; requests for qualifications (RFQs); invitations to bid (ITBs); records of accepted and rejected bids; selection of agents of record records; and correspondence. SEE ALSO: Purchasing Records. (Minimum retention: Accepted agency improvement bids: 10 years after substantial completion; Other accepted bids: six years after bid awarded or canceled; Rejected bids or bid exemptions: two years after bid awarded or canceled).

(2) **Contracts and Agreements:** Records document the negotiation, execution, completion, and termination of legal agreements, and the purchase and sale of land and buildings between the college and other parties. Records include the official contract or agreement; amendments; exhibits; addenda; facilities scheduling; lease agreements; title insurance policies and forms; legal records; contract review records; instructional services agreements; prevailing wage reports and other documentation furnished by the Bureau of Labor and Industry; and correspondence. (Minimum retention: Contracts or agreements documenting building construction, alterations, or repair: 10 years after substantial completion; Other contracts and agreements: six years after expiration).

(3) **Instructional Agreements and Records:** Records document the participation of the college in a variety of educational courses and programs. Records may document the contract or agreements as well as the administrative activities and student records concerned with these programs. Types of agreements may include Articulation Agreements with high schools (2+2, Step Ahead, Alternative Education, GED/ELS, and High School Services), other community colleges, and four year institutions; Instructional Services Agreements which document agreements between college and other entities, including the state government, for educational services; and Short-Term Contracted Training Records which document non-degree, non-credit, short-term classes that enable persons in business, government, industry, or the general public to learn new skills or update existing skills. Records may include but are not limited to contracts or agreements; registration records; class lists; payment records; flyers; course and credit records; transcripts; working files; reports; correspondence; and related documentation. (Minimum retention: Working papers: Until contract finalized; Other records: six years after expiration).

(4) **Personal Service Contracts:** Records document contractual agreements made by the college with individuals or firms for service rendered. Records may include but are not limited to contracts; addenda; exhibits; justification statements; proposals; contractor selection statements; expense records and correspondence. (Minimum retention: six years after expiration).

(5) **Software Licensing Agreements:** Records document computer software licensing agreements. Records may include but are not limited to licensing agreements for word processing, database managing, and other software programs used in offices and classrooms. The contracts may include but are not limited to name of the software; ISBN number; name of the publisher; licensee name, title, department, and office location; institution name and address; authorized signature; and related documentation. Records may also include statistical reports on the number of students using the licensed programs and the number of hours in use. [SEE: Software Management Records in Information Management Records section.] (Minimum retention: six years after expiration).

(6) **Title and Deed Records:** Records document the real property acquired or sold by the college. The records may include but are not limited to purchase agreements; title abstracts; easement details; public hearing



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notices and minutes; county recorder's plat descriptions; memoranda of understanding; earnest money receipts; sales agreements; property deeds; working papers; and correspondence. (Minimum retention: Permanent).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 3-1998, f. 8-4-98, cert. ef. 8-5-98; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-450-0050

### Financial and Accounting Records

The General Schedule is applicable to the financial and accounting records of community colleges. Retention periods apply to the official copy of all public records, regardless of medium or physical format, created or stored by the above specified agencies. Please note the exceptions to this General Schedule listed in OAR 166-030-0027 before disposing of records.

(1) **Account Reconciliation Records:** Records document the reconciliation of funds and accounts such as checks, cash, and bank accounts, fixed assets to capital expenditures. Records may include printouts; worksheets; bank statements, reports, schedules; and other supporting documentation. SEE ALSO: Accounts Receivable Records. (Minimum retention: Federal grant records: five years after annual of financial report accepted; Other records: three years).

(2) **Accounts Payable Records:** Records document expenditures and purchases and provides a record of payment of bills. Records may include but are not limited to encumbrance registers; purchase orders; balance sheets; bills; invoices; invoice vouchers; journal vouchers/entry forms; price quotes; requisitions; payment authorization; check request; reports of receipt of goods or services; petty cash, voucher register; and correspondence. SEE ALSO: Purchasing Records. (Minimum retention: Federal grant records: five years after annual of financial report accepted; Other records: three years).

(3) **Accounts Receivable Records:** Records document current status and transaction activity of college funds held in bank accounts, billings and collections, deferred tuition, and provides a record of money and miscellaneous debts owed to the college. Records may include but are not limited to bank statements; validated deposit slips and/or paid check copies; and reconciliation worksheets or spreadsheets; account edit sheets; credit card payment forms; invoices; journal vouchers; receipts; and correspondence. May also include account aging reports which are used to monitor accounts which are outstanding and overdue. (Minimum retention: three years after reconciled or deemed uncollectable).

(4) **Annual Financial Reports:** Records document the college's financial condition and results of operation using trial balance data. These reports are used to report and monitor the college's financial condition, and as a reference by auditors. Records may include combined balance sheet; combined statement of revenues; expenditures, changes in fund balance; notes to the financial statement; statistical reports, audit reports, general ledger, trial balance, and budget status reports. (Minimum retention: 20 years).

(5) **Audit Reports:** Records document the examination of the college's financial condition by internal or independent auditors. Audits examine the fiscal condition, internal controls and compliance policies and procedures, accounting principles and methods, the accuracy and legality of transactions. Records may include but are not limited to audit reports; audit work-papers; supporting documentation; and correspondence. May also include performance or program audits. SEE ALSO: Financial Reports. (Minimum retention: Official copy of audit and responses: 20 years; Grant fund audits: five years; Other records: one year after audit completed).

(6) **Bond Records, Financial:** Records document the authorization and payment of bonds to finance college construction and improvements. Records may include but are not limited to authorizations; supporting financial documentation; G.O. Bonds and certificates of participation, revenue bonds, bond ratings; sample copies of bonds issued; paid bonds; coupons; and receipts; bond register; and correspondence. SEE ALSO: Election records in the Administrative Records section. (Minimum retention: three years after final payment).

(7) **Budget Planning and Preparation Records:** Records are used to develop, propose, and plan budget requests for units, departments, or the college. Records may include but are not limited to budget requests; spread sheets; expenditure projection work papers; budget development instructions, schedules; allotment reports; past and current budget worksheets; salary worksheets; miscellaneous income reports; budget instructions and guidelines; capital outlay reports; equipment need reports; decision packages; budget committee minutes and agendas; spending plans; compensation plan proposals; contingency plans; and correspondence. SEE ALSO: Board of Education Records in the Administrative Records section. (Minimum retention: five years).

(8) **Budget Records:** Records document the annual financial plan approved by the college's governing board. Records may include but are not limited to adopted budgets, also called the Budget Document; budget allotment reports; budget messages; revenue and expenditure tracking records; status reports; operating programs, debt service, position, and wage analysis; and correspondence. SEE ALSO: Budget Planning and Preparation Records and Budget Status Reports in this section. (Minimum retention: Final approved budget document: 20 years; Other records: Most recent 2 budgets).

(9) **Budget Status Reports:** Records document departmental expenditures in relation to the approved budget and are used to monitor allotments, and expenditures. Records may include monthly or quarterly printouts of departmental expenditures and amounts available for use in various funds and accounts. Printout information may include but is not limited to fund or account name and/or code; object description; encumbrances or amount allocated; expenditures; balances; and related data. SEE ALSO: Budget Planning and Preparation Records, and Budget Records in this section; and Board of Education Records in the Administrative Records section. (Minimum retention: Year-end report: five years; All other reports: Until superseded).

(10) **Capital Construction Funding Records:** Records document the funding of capital construction projects on campus, and are used to prepare budgets and allocations for capital construction projects. Records may include but are not limited to project descriptions; budget projection and allocation records; budget authorization forms; budget change orders; final acceptance statements; and related documentation and correspondence. (Minimum retention: Life of structure).

(11) **Check Conversion Records:** Records document checks received from customers that are electronically deposited after being imaged and converted to an Automated Clearing House (ACH) transaction or Image Replacement Document (IRD) (Minimum Retention: (a) Retain original paper instrument 30 days, destroy (b) Retain ACH transaction or IRD 6 years, destroy).

(12) **Correspondence, Fiscal:** Records document significant communication between the college and other government agencies, vendors, students, and the public pertaining to fiscal policy, obligations, revenue and transactions. Records include letters sent and received by the college's administrative and/or business office staff. SEE ALSO: Administrative Records, Program in the Administrative Records section. (Minimum retention: three years).

(13) **Credit and Debit Receipts:** Agency's copy of credit or debit card receipt documenting payment received by agency. Records include customer's name and account information (Minimum Retention: Retain 36 months after transaction, destroy).

(14) **General Ledger and Trial Balance Records:** Records provide a comprehensive listing of all fiscal transactions of the college and are used to prepare the college's Financial Reports. The General Ledger provide a record of fiscal transactions for all asset, liability, owners equity, revenue, and expenditure accounts for the college. The Trial Balance provides a list of all open accounts in the General Ledger and reflects the current financial position of the college. Information includes: debit, credit, and balance amounts per fund and account. SEE ALSO: Subsidiary Ledgers, Journals, and Registers, and Financial Reports. (Minimum retention: Fiscal year-end reports: 20 years; Other reports: Until superseded).

(15) **Grant Records, Financial:** Records document the expenditure data and status of federal and other grants received by the college. The records may include but are not limited to grant applications; project narratives; proposed budgets; notices of grant awards; project reviews; fund request; project reports; capital outlay expenditure reports; adjustment notices; contract; financial reports; performance reports; federal evaluations; allocation preparation reports; grant status summaries; reimbursement request; correspondence; and quarterly, annual and final expenditure reports. May also include grant related fixed-asset purchase, inventory, and disposal records. SEE ALSO: Grant Records, Administrative in the Administrative Records section. (Minimum retention: five years after final or annual expenditure report accepted; Fixed asset records: two years after disposition of assets).

(16) **Journal Vouchers:** Records document authorization and movement of funds between college accounts and cost center. The records include journal vouchers which show account numbers, amount, authorizing signature, and related information. The records may also include intra-institutional voucher which provide detail of internal charge-backs for campus services such as phones, postage, copying and media. May also include documentation explaining and/or justifying transfer. (Minimum retention: three years).

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(17) **Purchasing Records:** Records document the purchase of goods and services by the college. Records may include but are not limited to purchase orders; purchase authorizations; requisitions; contract release orders; vouchers; telephone service orders; vendor files; and correspondence. SEE ALSO: Bids and Award Records in the Contracts and Agreements section. (Minimum retention: Vendor files: Until superseded or obsolete; Other records: three years).

(18) **Receipts and Receipt Registers:** Records document cash received or distributed by the college. It also documents all money received and deposited to department accounts through daily deposits. This series may include but is not limited to validation receipts; cash register tapes; bank deposit slips; check stubs; departmental deposit vouchers; cash receipt slips; petty cash balance sheets; bank deposit slips; checks, check register; cash by account reports; and monthly cash register reports. (Minimum retention: three years).

(19) **Subsidiary Ledgers, Journals, and Registers:** Records document details of transactions such as those related to receipts and expenditures on a daily, monthly, quarterly, or similar basis. Includes journals, ledgers, registers, day books, and other account books that provide backup documentation to the general ledger. May include details of revenues, expenditures, encumbrances, cash receipts, warrants and others. Information often includes date, payee, purpose, fund credited, or debited, check number, and similar or related data. Note: These ledgers, journals, and registers may no longer be created due to the automation of accounting systems. (Minimum retention: Trust fund ledgers: two years after trust fund closed; Other subsidiary ledgers, journals, and registers: two years).

(20) **Unclaimed Property Report Records:** Records document annual reports submitted to the Department of State Lands of financial assets being held for a person or entity that cannot be found. Series includes Holder Report, owner information, correspondence and other related documents. Note: Unclaimed property is not real estate, abandoned personal property, or lost and found items. (Minimum Retention: 3 years after the property is remitted to the Department of State Lands).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 3-1998, f. 8-4-98, cert. ef. 8-5-98; OSA 1-2010, f. & cert. ef. 5-27-10; OSA 3-2012, f. & cert. ef. 10-29-12

## 166-475-0010

### Administrative Records

(1) **Administrative Reports** Records document the annual activity of the institution and its subdivisions. This disposition includes reports prepared for OUS by the president of the institution. Final annual reports may be printed and bound or they may be less formal unpublished documents prepared for limited distribution. Report sections may include but are not limited to administrative activities; goals and objectives achieved; fiscal status; project work performed; personnel activity and accomplishments; facility changes; and related sections. This series may include but is not limited to periodic statistical reports; summarized statistical reports; copies of reports from other units; other working papers; final annual reports; and related documentation and correspondence. (Retention: (a) Permanent for final annual reports and periodic and summary statistical reports not reflected in the final annual report (b) Until superseded or obsolete for all other records, destroy)

(2) **Administrative Rules Records** Records document reviews of and changes to the institution's Administrative Rules and the annual preparation and authorization of the institution's administrative fees. Records may include but are not limited to notices of rule making with hearing notices which are published in the Oregon Bulletin; documentation of rule change hearings which may include notes, transcriptions, summaries, and tapes; reports to initiators of changes regarding outcome; final rules; Reports of Action to the State Administrative Rule Section including Certificates and Orders for Filing Permanent Administrative Rules with the Secretary of State; Notices of Proposed Adoption including statements on statutory authority, need/principle, documents relied upon, and statement of fiscal impact; lists of proposed fee schedules; reviewers' comments; administrative review reports; meeting notes from the Secretary of State Legislative Council about OAR review meetings; check-off lists; text of old rule with strike outs and changes; indices to OAR revisions; Dept. of Justice memos; and related correspondence. The Oregon Secretary of State holds statewide record copy. (Retention: 10 years after repeal of the rule, destroy)

(3) **Advisory Board Records** Records document the activities of boards and councils that function in an advisory capacity. Boards and councils may have as their charge highly specific or broad areas of concern and include members from outside the institution. This series may include but

is not limited to meeting minutes; agendas; reports; notes; working papers; audio recordings; transcriptions; and related documentation and correspondence. (Retention: (a) Permanent for minutes, agendas, reports, and correspondence (b) 3 years for all other records, destroy)

(4) **Agency Relations Records** Records document the institutional interactions with local, state, national, and international government agencies, educational institutions, businesses and groups to gain their assistance with the development and coordination of institution research and instructional programs. This series may include but is not limited to reports; copies of publications; minutes; background information; and related documentation and correspondence. (Retention: 6 years, destroy)

(5) **Association and Organization Advisory Records** Records document the relationship and participation of institution units in professional and educational associations and other organizations. The unit's role may be one of membership on the advisory or administrative board, participation in a task force or subcommittee, or one of membership in consortia. This series may include but is not limited to: promotional information; rules and regulations; reports; proposals and planning records; workshop and conference records; surveys and questionnaires; minutes; and related documentation and correspondence. This series does not include individual faculty or staff membership information. (Retention: 3 years, destroy)

(6) **Attorney General Opinions** Records document responses of the State Attorney General's Office to legal questions posed by the institution's legal advisor and administrative officers which may have an impact on the institution's operations and policy. This series may include but is not limited to opinions and related documentation and correspondence. The State of Oregon Department of Justice (DOJ) holds statewide record copy. (Retention: 10 years, destroy)

(7) **Audit Records** Records document the unit's response to internal OUS and independent management, operations, and fiscal audits. This series may include but is not limited to audit reports; written responses showing how recommended changes will be implemented; and related documentation and correspondence. (Retention: (a) audit reports for 20 years, destroy (b) 7 years for work papers, drafts, and all other records, destroy)

(8) **Awards Records** Records document the process of selecting institutional faculty, staff, students and alumni to receive awards, and fellowships based on merit or achievement. The series may include but is not limited to applications; nomination letters; eligibility terms and selection criteria; recommendations; transcripts; letters of award notification or denial; letters accepting or declining awards; summary lists of winners; biographies; demonstration of need documentation; newspaper clippings and press releases; award history and information on funding sources; and related documentation and correspondence. (Retention: (a) Permanent for eligibility terms and selection criteria, award history and information on funding sources, award notifications, summary lists of winners, biographies of winners, and press releases (b) 1 year for all other records, destroy)

(9) **Committee Records** Records document the activities of standing and ad hoc committees and councils made up of members from a variety of units. The committees are charged with formulating and recommending institutional policies and procedures, establishing standards and requirements, performing an advisory function, or reviewing petitions, appeals, and deviations from policy. Types of committees include administrative committees (those appointed by an administrator) and faculty senate committees (those created by the faculty senate's executive committee). They may function as steering committees, activities committees, standards committees, planning committees, academic committees, awards committees, councils, etc. Committees may be chaired by the director of a specific unit or rotate to different chairs on a regular basis. This series may include but is not limited to agendas; meeting minutes; reports; notes; working papers; and related documentation and correspondence. (Retention: (a) Permanent for agendas, minutes, reports, and correspondence (b) 10 years for all other records of Faculty Senate Committees, destroy (c) 2 years for all other records of other committees, destroy)

(10) **Cooperative Program Records** Records document the institution's participation in cooperative and shared educational or research programs. Such programs may share research facilities and resources or instructional programs such as programs permitting student matriculation at member institutions. This series may include but is not limited to information on requirements and application procedures; applications and eligibility certificates; committee minutes; meeting agendas; working papers; memos of interpretation and understanding; fiscal records; and related documentation and correspondence. (Retention: (a) Permanent for information on requirements and application procedures, committee minutes, meeting agendas, and memos of interpretation and understanding (b) 6 years after expiration for all other records, destroy)

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(11) **Correspondence Records** that: (1) document communications created or received and filed in the course of public business; AND (2) directly relate to agency programs or administration. Records may include but are not limited to letters, memoranda, notes and electronic messages that communicate formal approvals, directions for action, information about contracts, purchases, grants, personnel, and particular projects or programs. Disposition: File with the associated program or administrative records. Retentions for program and administrative records are found either in the Oregon University System General Records Retention Schedule (OAR 166-475) or in the institution special schedules authorized by the State Archivist. Communications not meeting the above criteria do not need to be filed and should be retained as needed.

(12) **Crisis or Disaster Records** Records document the events and damages to institutional property due to storms, riots, fires, droughts, floods, and other events affecting citizens and facilities within the jurisdiction of the institution. This series may include but is not limited to diaries; logs; reports; photographs; notes which indicate or document what happened, when, and where; and related documentation and correspondence. (Retention: Permanent)

(13) **Daily Broadcast Logs** Records document daily broadcast activities of the institutional radio station or television channel. Records include log sheets showing time signed on and off; any delays in broadcasting; engineer's name; announcer's name; technical difficulties; and digital broadcast records. (Retention: 2 years, destroy)

(14) **Daily Log** Records document the day-to-day activities of the office. This series may include but is not limited to staff member daily schedules, daily work logs, appointment information, and desk calendars, regardless of format. *Information recorded in a personal day planner or personal electronic device may be a public record under ORS Chapter 192.* (Retention: 1 year, destroy)

(15) **Data Input Forms** Records document paper forms that are used to create the same record in electronic form. This series may include service requests, such as work orders and mailing orders; surveys; instructor evaluations; tests; and other forms. This series does not include accounting system input documents and listings. (Retention: Until input and verified, destroy)

(16) **Election Records** Records document elections held by various faculty and staff organizations. This series may include but is not limited to ballots; tabulations; and related documentation. (Retention: 1 year, destroy)

(17) **Emergency Board Request Records** Records document requests made to the Legislative Emergency Board for additional funds or authority to spend funds between legislative sessions. Records may include but are not limited to requests, schedules and agendas, exhibits, organizational charts, testimony summaries, fiscal analysis, legislative progress reports, revenue projections, reclassification plans, presentation drafts, performance measures, and correspondence. The Emergency Board maintains the official copy of this information. (Retention: 5 years, destroy)

(18) **Faculty Senate Records** Records document the proceedings and actions of an institution's faculty senate. Discussions and actions of the faculty senate deal with such areas as curriculum, program development, promotion and tenure, and legislative relations. This series may include but is not limited to meeting notes/minutes; studies; recommendations; resolutions and enactments; reports; agendas; working papers; and related documentation and correspondence. (Retention: Permanent)

(19) **Freedom of Information Act (FOIA)/Public Records Disclosure Request Records** Records document public requests for information. Records include written correspondence inquiries from the public received by the university; written and dated responses issued by the university; notes and memoranda made in drafting responses to these inquiries; and initials of officials approving release of the information. (Retention: (a) approved requests 5 years, destroy. (b) denied requests 5 years after last action, destroy)

(20) **Gifts Records** Records document potential or realized private, corporate, or public agency funding to the institution, including endowments and trusts. This series may include but is not limited to award guidelines; letters and agreements of gifts; copies of bequest instruments and wills from individuals or estates; financial statements and reports, including records of fund disbursements; and related documentation and correspondence. (Retention: (a) Permanent for letters and agreements of gift, copies of bequest instruments and wills from individuals or estates, and related documentation and correspondence (b) 5 years for all other records, destroy)

(21) **Grievance Records** Records document grievances brought forward by faculty and staff against the institution and which are resolved without litigation. (Records of grievances that are litigated become part of

the legal case file.) Grievances are brought forward through the faculty grievance procedure or collective bargaining agreement Records may include but are not limited to notices of grievance; informal discussion notes; grievance responses; formal hearing notes (including audio files); final summary statements; appeals documentation; and related documentation and correspondence. (Retention: 3 years after resolution, destroy)

(22) **Institutional Accreditation Records** Records document the accreditation process for the institution by the Northwest Association of Schools and Colleges (NASC). The series provides a record of materials compiled for inclusion in a packet report sent to NASC and provided to the on-site evaluators. This series may include but is not limited to self-evaluation reports; final reports sent to accreditation organization; statistical data; working papers; NASC evaluation report; and related documentation and correspondence. (Retention: Permanent)

(23) **Institutional Addresses and Statements Records** Records document speeches and statements written and delivered by institutional faculty and staff in connection with institutional business. This series may include but is not limited to final copies; audio or video recordings of the speech presentation; drafts; source materials; and working papers. (Retention: (a) 5 years for drafts, source material, and working papers, destroy (b) Permanent for all other records)

(24) **Institutional Cooperation and Relations Records** Records document the coordination and interaction between units for the cooperative administration of programs within the institution. This series is used for monitoring, planning, and coordinating research, instructional, or administrative programs of common concern to two or more institutional units. This series may include but is not limited to copies of budget reports; activity reports; proposals; planning documents; agreements and memoranda of understanding; publicity and newspaper clippings; policy statements; working papers; and related documentation and correspondence. (Retention: (a) Permanent for proposals, planning documents, activity reports, policy statements, and publicity (b) 6 years after expiration for all other records, destroy)

(25) **Institutional Planning Records** Records document the college or unit's role in the development of short-term or long-term plans for the institution. This series may include but is not limited to instructions from the president; provosts; and/or vice provosts explaining the nature and purpose of the requested strategic planning effort; internal planning committee materials; statements of objectives and goals as developed by college or unit chairs and administrators; proposals; strategic planning reports; surveys; activity reports; informational materials; working papers; and related documentation and correspondence. (Retention: (a) Permanent for final planning reports, proposals, goal and objective statements, and instructions and explanations of process (b) 20 years for internal planning committee materials, surveys, activity reports, working papers, informational materials, and correspondence, destroy)

(26) **Institutional Survey and Reporting Records (HEGIS and IPEDS)** Records document compliance with U.S. Department of Education reporting requirements by verifying figures on financial, student, institutional, and faculty salary data as reported to OUS by individual OUS institutions and reporting those findings to the U.S. Department of Education. The series may also be used to provide information to the administrators and legislators, and to create other statistical reports. Records may include HEGIS (Higher Education General Information Survey) and IPEDS (Integrated Post-Secondary Education Data System) completed forms for Salary, Tenure, and Fringe-Benefit of Full Time Instructional Faculty, Financial Statistics of Institutions of Higher Education (IPEDS-F-1), Finance FY (G50-14P-F), Salaries of Full Time Instructional Faculty (G50-14P-SA), IPEDS Total Institutional Activity (G50-14P-EA), Institutional Characteristics Form (G50-14P-IC), Enrollment in Occupationally Specific Programs (G50-14P-IF), Completions for the Year reports (program ICR), AAUP (MEA-22), Degrees and Other Formal Awards Conferred (NC form 2300-2.1A), Fall Enrollment in Institutions of Higher Education (NC form 2300-2.3A), OCCD Degrees Granted in Post-Secondary Institutions in Oregon reports, Degrees Awarded by Oregon's Degree Granting Colleges and Universities reports, AAUP summary reports, and related working papers and correspondence. (Retention: (a) Permanent, final reports including the HEGIS/IPEDS survey forms (b) 10 years, all other records, destroy)

(27) **Intramural Sports Program Records** Records document the planning, implementation and operation of intramural sports programs for students, faculty and staff within the institutions. Records include but are not limited to rosters, applications; enrollment records; activity records; and related correspondence (Retention: (a) 5 years after superseded for program records, destroy (b) 2 years for individual student records, destroy)



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(28) **Lectures and Lecture Series Records** Records document the development and history of special lectures and continuing lectureships devoted to a variety of topics and disciplines sponsored by the institution. This series may include but is not limited to lecture committee notes; memoranda and planning materials; information on funding; financial support and honoraria records; patron information; programs and announcements; information on catering arrangements; news releases; recordings and transcripts; photographs; video recordings; and related documentation and correspondence. (Retention: (a) Permanent for lecture committee notes, memoranda and planning materials, programs and announcements, news releases, transcripts, video recordings, and photographs (b) 10 years for all other records, destroy)

(29) **Legal Case Records** Records document litigation brought against the institution. Series contains case files pertaining to Affirmative Action conflicts; salary disputes; and differences in interpretation of contract language. (Retention: (a) Permanent for records of cases resulting in major policy modification, pleadings, final decisions, copies of records of the courts of cases considered historical, and summary statements (b) 6 years after final decision for all other records, destroy)

(30) **Legislative Relations Records** Records document efforts to review and plan institutional positions on impacting legislative actions. This series may include but is not limited to: OUS Bill Review and Tracking forms; bill tracking reports; notes; copies of pending or approved legislation; working papers; and related documentation and correspondence. (Retention: 2 years, destroy)

(31) **Lobbyist Records** Records document the activities of OUS employees who engage in lobbying the state government. Records may include: Lobbyist Registration Statement forms; Lobbyist Termination forms; Lobbyist Expenditure Report forms; the Oregon Government Standards & Practices Commission's Guide to Lobbying in Oregon; lobbyist listings and salary information and related documentation. The OUS Chancellor's Office maintains the system-wide record copy. (Retention: 5 years after last activity, destroy)

(32) **Notary Public Records** Records documenting notary transactions completed by a notary public employed by OUS. OUS may retain log books by agreement with the notary public after their separation from OUS employment. OUS institutions retaining notary public log books without notary agreements should consult their attorney and/or the Secretary of State, Corporation Division for Retention instruction. (Retention: 7 years after date of commission expiration, destroy)

(33) **OUS and OSBHE Relations Records** Records document the coordination and interaction between institutional administrative units and OUS and the OSBHE which have ultimate authority over both academic and fiscal programs. This series may include but is not limited to minutes; agendas; budget reports; dockets; notes; activity reports; proposals; fee booklets; newsletters; memos; and related documentation and correspondence. (Retention: (a) Permanent for minutes and agendas; (b) 1 year for notes, memos, and correspondence, destroy (c) Until superseded or obsolete for all other records, destroy)

(34) **Policies and Procedures Records** Records document internal or external instructions, rules, and guidelines for current agency policies and procedures. This series may include but is not limited to: mission and policy statements; planning documents outlining responsibilities and goals; organizational charts; publications preparation guidelines; emergency procedures; job descriptions; guides for office procedures which often include completed samples of all forms; handbooks; desk manuals; and related documentation and correspondence. (Retention: (a) Retain final policy and/or procedure permanently (b) Retain all other records 1 year after policy and/or procedure adopted, destroy)

(35) **Professional Accreditation Records** Records document the accreditation process for the colleges, units, and related programs. The series provides a record of materials compiled for inclusion in a report packet sent to the appropriate professional accreditation board for the specific program or service and usually includes statements on mission, finance, educational programs and departments/divisions make up. Most accreditation organizations produce an evaluation report based on the packet and on-site inspection which is used to determine accreditation for the units and their programs. This series may include but is not limited to self-evaluation reports; final reports sent to accreditation organization; statistical data; working papers; accreditation organization evaluation report; and related documentation and correspondence. (Retention: (a) Permanent for self-evaluation reports, final accreditation reports, and accreditation organization evaluation reports (b) 2 accreditation cycles for statistical reports, working papers, correspondence, and all other records, destroy).

(36) **Professional Membership Records** Records document institutional-paid individual memberships and activities in professional organizations. These records may include but are not limited to applications for membership; certification of membership; documentation of activities; and related correspondence. (Retention: 6 years, destroy)

(37) **Radio and Television License Records** Records document licensing of OUS campus radio stations and television channels (including distance education) with the Federal Communications Commission. Records may include FCC applications; licenses and contracts; and related correspondence. Federal regulations state that TV and radio licenses will ordinarily be renewed for 8 years unless the public interest, convenience and necessity will be served by an initial license or a renewal for a lesser term. (Retention: 10 years after expiration of license, destroy)

(38) **Signature Authorizations** Records document the certification of the institution's employees who are authorized to sign fiscal and contractual documents. These documents serve as an aid for management control over expenditures. This series may include but is not limited to authorization date; name; sample signature; position data; remarks; and conditions. (Retention: 6 years after authorization expires, destroy)

(39) **Special Activity Records** Records document the activities of an office which are performed in addition to its regular or main functions. Examples may include the completion of surveys and questionnaires, compilation of special studies for professional or academic associations, and special mailings. This series may include but is not limited to: arrangements documentation; working papers; questionnaires; survey forms; study designs; reports; and related documentation and correspondence. (Retention: (a) Permanent for final reports and study designs (b) 3 years for all other records, destroy)

(40) **Special Event Records** Records document the efforts of a college or unit to provide informative sessions, short-courses, workshops, training programs, excursions, and celebratory events for members of the institution and the communities it serves. This series may include but is not limited to: materials on planning and arrangements; reports; promotional and publicity materials; press releases and news clippings; photographs; video recordings; presentation materials and handouts; schedules of speakers and activities; registration and attendance lists; participant evaluations; and related documentation and correspondence. (Retention: (a) Permanent for planning materials, reports, promotional and publicity materials, press releases, photographs, and schedules of speakers and activities (b) 2 years for all other records, destroy)

(41) **Staff Meeting Records** Records document the meetings of the faculty and/or staff of a college, department, or office which sets policy and procedures for the unit. Participants at meetings may be composed exclusively of a mixture of faculty, staff, administrators, and managers; specialized and task oriented sub-committees composed of unit personnel are also documented as part of this record series. These meetings may concern routine matters of procedure and topics such as program development, planning, administrative and personnel management, and assessments of future needs. This series may include but is not limited to meeting notes/minutes; reports; working papers; agendas; and related documentation and correspondence. (Retention: (a) Permanent for meeting notes/ minutes, agendas, and reports (b) 4 years for all other records, destroy)

(42) **Vehicle Use Authorization and Request Records** Records document permission for employees to use their private automobiles for official use and authorization of non-employees and students to use state-owned cars. Records may include but are not limited to private vehicle safety certification forms; private vehicle certificate lists; driver authorizations for students and non-employees; and related documentation and correspondence. (Retention: 1 year after superseded or obsolete, destroy)

(43) **Visiting Scholar Program Records** Records document a program which allows one or more visiting scholars to assume residence on campus for an academic year or a shorter duration. This series may include but is not limited to advertisements; applicant data; arrangements and schedules; publicity and news clippings; presentation transcripts or published works; scholars activities documentation including audio recordings; and related documentation and correspondence. (Retention: (a) Permanent for applicant data, publicity, presentation transcripts, and scholars activities documentation (b) 4 years for all other records, destroy)

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

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 3-1999, f. & cert. ef. 10-11-99; OSA 2-2003, f. & cert. ef. 2-14-03; OSA 3-2004, f. & cert. ef. 7-29-04; OSA 4-2009, f. & cert. ef. 6-29-09; OSA 3-2012, f. & cert. ef. 10-29-12

# ADMINISTRATIVE RULES

## 166-475-0050

### Fiscal — Payables/Receivables Records

(1) **Accounts Aging Records** Records document a cumulative listing by accounts receivable number of all receivables on the Accounts Receivable master file in the Banner Student Information System. For each receivable, the amounts that are not yet due, currently due, and overdue are indicated by fiscal year. Records consist of account listings sorted numerically by customer showing balances. Listings are generated at the end of the fiscal year and at other times upon request. (Retention: (a) 10 years for year-end listing, destroy (b) 4 years for other listings, destroy).

(2) **Accounts Payable Records** Records document a department's expenditures and purchases. The series may also be used to research, evaluate, and monitor prior transactions and/or track the budget. Records may include but are not limited to departmental purchase orders; contract release orders; balance sheets; bills; invoices; invoice vouchers; journal voucher/entry forms; price quotes; State of Oregon "B" Purchase Orders; departmental requisitions; justifications of purchases; payment authorizations; reports of receipt of goods or services; and related documentation and correspondence. (Retention: 6 years, destroy).

(3) **Accounts Receivable Records** Records document a record of billings and collections for the office and units/programs which report to the office. It is also used to provide a record of customers owing monies and to reconcile the account. Records may include but are not limited to Account Edit sheets; classified advertisement forms; credit card payment forms; invoices; journal vouchers; receipts; returned checks; and related documentation and correspondence. (Retention: 6 years after collected or deemed uncollectable, destroy).

(4) **Accounts Receivable Subsidiary Records** Records document history of charges and payments recorded for each customer on the Banner Student Information System. Records consist of customer lists sorted by account number with charges and payments recorded for each customer in chronological sequence. (Retention: 6 years, destroy).

(5) **Accounts Receivable Write-off Records** Records document debts of Accounts Receivables written off with the approval of the Institution's business office. Records include accounts receivable invoices; write-off worksheets; and due diligence documents. (Retention: 6 years after write-off, destroy).

(6) **Canceled Checks Records** Records document redeemed checks written on university accounts. Information on each check may include check number, date, amount, endorsement, account number, validation data, and related documentation. (Retention: 6 years, destroy).

(7) **Check Conversion Records** Records document checks received from customers that are electronically deposited after being imaged and converted to an Automated Clearing House (ACH) transaction or Image Replacement Document (IRD) (Retention: (a) Retain original paper instrument 30 days, destroy (b) Retain ACH transaction or IRD 6 years, destroy).

(8) **Check Stubs** Records documents the issuance of checks for payment in exchange for goods and services including payroll. Records include check stubs. (Retention: 6 years, destroy).

(9) **Collection Records** Records document the office's efforts to collect unpaid accounts. Records include collection letters; notices; letters of transmittal; and bankruptcy records. (Retention: 6 years after account is paid in full or written off, destroy).

(10) **Credit and Debit Receipts** Records document credit or debit card receipt documenting payment received by agency. Records include

customer's name and account information (Retention: Retain 36 months after transaction, destroy).

(11) **Credit Card Administration Records** Records documents administration of credit cards issued to institutional staff and units. Records may include applications; master monthly billing statements; individual card holders' statements; billing summaries; reports including vendor analysis by code; number of charges and stores; use summaries; related correspondence. (Retention: (a) 6 years after card expiration for applications, destroy (b) 6 years for all other records, destroy).

(12) **Moving Expenses Records** Records document new employees' moving and travel expenses paid by the institution. Records may include but are not limited to requests for approval-travel and moving reimbursement of new employee forms; purchase orders; travel reimbursement requests; vendor invoices; and receipts. (Retention: 6 years, destroy).

(13) **Refund/Disbursements Request Records** Records document requests and disbursements made for overpayment and refunds. Records include accounting data for refunds from parking violation fines paid and successfully appealed; tuition and fee refunds when courses are dropped; refunds for event tickets, loan overpayments, change-of-residence, and canceled courses; a log of refunds and requests for reissue of lost checks. (Retention: 6 years, destroy).

(14) **Registration Fee Records** Records document the payment of registration fees, which are considered travel expenses. Records may include but are not limited to completed registration forms; journal vouchers; invoices; purchase orders; and wire transfer forms. (Retention: 6 years, destroy).

(15) **Revolving Charge Agreements Records** Records document a student's agreement with the provisions of the accounts receivable revolving account and his/her intent to attend the institution. Records include agreement forms signed by each student. (Retention: 3 years after last enrollment and account paid in full, destroy).

(16) **Travel Records** Records document requests for and approval of travel by employees of the institution or the agency; to monitor travel expenditures; for planning purposes; to document changes in dates of travel, changes in the name of the traveler, changes in itinerary, or changes in funding sources within an out-of-state travel authorization; and to document approval for vehicle rental. Records may include but are not limited to out-of-state travel authorization forms, travel itineraries, travel advance forms, travel reimbursement requests (employee and non-employee), receipts, approval memos, vehicle mileage reporting records, memos in place of itemized receipt, affidavits of lost receipt memos, authorizing signatures, airfare documentation and related documentation and correspondence. (Retention: 6 years, destroy).

(17) **Unclaimed Property Report Records** Records document annual reports submitted to the Department of State Lands of financial assets being held for a person or entity that cannot be found. Series includes Holder Report, owner information, correspondence and other related documents. Note: Unclaimed property is not real estate, abandoned personal property, or lost and found items. (Retention: 3 years after the property is remitted to the Department of State Lands).

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 3-1999, f. & cert. ef. 10-11-99; OSA 2-2003, f. & cert. ef. 2-14-03; OSA 3-2004, f. & cert. ef. 7-29-04; OSA 4-2009, f. & cert. ef. 6-29-09; OSA 1-2010, f. & cert. ef. 5-27-10; OSA 3-2012, f. & cert. ef. 10-29-12

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123-600-0110	6-1-2012	Adopt	7-1-2012	125-247-0320	1-1-2012	Amend	2-1-2012
123-600-0120	6-1-2012	Adopt	7-1-2012	125-247-0400	1-1-2012	Amend	2-1-2012
123-600-0130	6-1-2012	Adopt	7-1-2012	125-247-0410	1-1-2012	Amend	2-1-2012
123-600-0135	6-1-2012	Adopt	7-1-2012	125-247-0420	1-1-2012	Amend	2-1-2012
123-600-0140	6-1-2012	Adopt	7-1-2012	125-247-0440	1-1-2012	Amend	2-1-2012
123-600-0150	6-1-2012	Adopt	7-1-2012	125-247-0450	1-1-2012	Amend	2-1-2012
123-600-0250	6-1-2012	Adopt	7-1-2012	125-247-0460	1-1-2012	Amend	2-1-2012
123-623-1200	8-15-2012	Repeal	9-1-2012	125-247-0470	1-1-2012	Amend	2-1-2012
123-623-1950	8-15-2012	Amend	9-1-2012	125-247-0480	1-1-2012	Amend	2-1-2012
123-630-0000	6-1-2012	Adopt	7-1-2012	125-247-0490	1-1-2012	Amend	2-1-2012
123-630-0010	6-1-2012	Adopt	7-1-2012	125-247-0525	1-1-2012	Amend	2-1-2012
123-630-0020	6-1-2012	Adopt	7-1-2012	125-247-0575	1-1-2012	Amend	2-1-2012
123-630-0030	6-1-2012	Adopt	7-1-2012	125-247-0620	1-1-2012	Amend	2-1-2012
123-630-0040	6-1-2012	Adopt	7-1-2012	125-247-0640	1-1-2012	Amend	2-1-2012
123-630-0050	6-1-2012	Adopt	7-1-2012	125-247-0650	1-1-2012	Amend	2-1-2012
123-630-0060	6-1-2012	Adopt	7-1-2012	125-247-0660	1-1-2012	Amend	2-1-2012
123-630-0070	6-1-2012	Adopt	7-1-2012	125-247-0670	1-1-2012	Amend	2-1-2012
123-630-0080	6-1-2012	Adopt	7-1-2012	125-247-0700	1-1-2012	Amend	2-1-2012
123-630-0090	6-1-2012	Adopt	7-1-2012	125-247-0710	1-1-2012	Amend	2-1-2012
123-630-0100	6-1-2012	Adopt	7-1-2012	125-247-0720	1-1-2012	Amend	2-1-2012
123-635-0100	8-15-2012	Amend	9-1-2012	125-247-0731	1-1-2012	Amend	2-1-2012
123-635-0150	8-15-2012	Amend	9-1-2012	125-247-0740	1-1-2012	Amend	2-1-2012
123-635-0300	8-15-2012	Amend	9-1-2012	125-247-0750	1-1-2012	Amend	2-1-2012
123-635-0350	8-15-2012	Amend	9-1-2012	125-247-0760	1-1-2012	Amend	2-1-2012
123-650-0059	8-15-2012	Repeal	9-1-2012	125-248-0100	1-1-2012	Amend	2-1-2012
123-650-0075	8-15-2012	Adopt	9-1-2012	125-248-0110	1-1-2012	Amend	2-1-2012
123-650-0100	8-15-2012	Amend	9-1-2012	125-248-0120	1-1-2012	Amend	2-1-2012
123-650-0700	8-15-2012	Amend	9-1-2012	125-248-0130	1-1-2012	Amend	2-1-2012
123-650-1000	8-15-2012	Amend	9-1-2012	125-248-0200	1-1-2012	Amend	2-1-2012
123-650-1100	8-15-2012	Amend	9-1-2012	125-248-0210	1-1-2012	Amend	2-1-2012
123-650-2100	8-15-2012	Amend	9-1-2012	125-248-0220	1-1-2012	Amend	2-1-2012
123-650-2200	8-15-2012	Amend	9-1-2012	125-248-0230	1-1-2012	Amend	2-1-2012
123-650-7300	8-15-2012	Amend	9-1-2012	125-248-0240	1-1-2012	Amend	2-1-2012
123-650-9100	8-15-2012	Amend	9-1-2012	125-248-0250	1-1-2012	Amend	2-1-2012
123-662-1200	8-15-2012	Amend	9-1-2012	125-248-0260	1-1-2012	Amend	2-1-2012
123-674-0200	8-15-2012	Amend	9-1-2012	125-248-0300	1-1-2012	Amend	2-1-2012
123-674-1500	8-15-2012	Amend	9-1-2012	125-248-0310	1-1-2012	Amend	2-1-2012
123-674-1700	8-15-2012	Amend	9-1-2012	125-248-0340	1-1-2012	Amend	2-1-2012
123-674-2100	8-15-2012	Amend	9-1-2012	125-249-0100	1-1-2012	Amend	2-1-2012
123-674-4100	8-15-2012	Amend	9-1-2012	125-249-0130	1-1-2012	Amend	2-1-2012
123-674-4200	8-15-2012	Amend	9-1-2012	125-249-0140	1-1-2012	Amend	2-1-2012
123-674-5300	8-15-2012	Amend	9-1-2012	125-249-0150	1-1-2012	Amend	2-1-2012
123-674-7200	8-15-2012	Amend	9-1-2012	125-249-0160	1-1-2012	Amend	2-1-2012
123-674-7210	8-15-2012	Amend	9-1-2012	125-249-0200	1-1-2012	Amend	2-1-2012
123-674-7220	8-15-2012	Amend	9-1-2012	125-249-0210	1-1-2012	Amend	2-1-2012
123-674-7230	8-15-2012	Amend	9-1-2012	125-249-0220	1-1-2012	Amend	2-1-2012
123-674-7240	8-15-2012	Amend	9-1-2012	125-249-0230	1-1-2012	Amend	2-1-2012
123-674-7250	8-15-2012	Amend	9-1-2012	125-249-0240	1-1-2012	Amend	2-1-2012
123-674-8100	8-15-2012	Amend	9-1-2012	125-249-0250	1-1-2012	Amend	2-1-2012
123-680-1600	8-15-2012	Amend	9-1-2012	125-249-0260	1-1-2012	Amend	2-1-2012
125-156-0000	8-1-2012	Adopt	9-1-2012	125-249-0270	1-1-2012	Amend	2-1-2012
125-246-0100	1-1-2012	Amend	2-1-2012	125-249-0280	1-1-2012	Amend	2-1-2012
125-246-0300	1-1-2012	Amend	2-1-2012	125-249-0290	1-1-2012	Amend	2-1-2012

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125-249-0300	1-1-2012	Amend	2-1-2012	137-003-0570	1-31-2012	Am. & Ren.	2-1-2012
125-249-0310	1-1-2012	Amend	2-1-2012	137-003-0570	1-31-2012	Am. & Ren.	2-1-2012
125-249-0320	1-1-2012	Amend	2-1-2012	137-003-0575	1-31-2012	Amend	2-1-2012
125-249-0330	1-1-2012	Amend	2-1-2012	137-003-0580	1-31-2012	Amend	2-1-2012
125-249-0340	1-1-2012	Amend	2-1-2012	137-003-0600	1-31-2012	Amend	2-1-2012
125-249-0350	1-1-2012	Amend	2-1-2012	137-003-0605	1-31-2012	Amend	2-1-2012
125-249-0360	1-1-2012	Amend	2-1-2012	137-003-0625	1-31-2012	Amend	2-1-2012
125-249-0370	1-1-2012	Amend	2-1-2012	137-003-0635	1-31-2012	Amend	2-1-2012
125-249-0380	1-1-2012	Amend	2-1-2012	137-003-0640	1-31-2012	Amend	2-1-2012
125-249-0390	1-1-2012	Amend	2-1-2012	137-003-0645	1-31-2012	Amend	2-1-2012
125-249-0395	1-1-2012	Amend	2-1-2012	137-003-0655	1-31-2012	Amend	2-1-2012
125-249-0400	1-1-2012	Amend	2-1-2012	137-003-0665	1-31-2012	Amend	2-1-2012
125-249-0410	1-1-2012	Amend	2-1-2012	137-003-0670	1-31-2012	Amend	2-1-2012
125-249-0420	1-1-2012	Amend	2-1-2012	137-003-0672	1-31-2012	Amend	2-1-2012
125-249-0430	1-1-2012	Amend	2-1-2012	137-003-0690	1-31-2012	Amend	2-1-2012
125-249-0440	1-1-2012	Amend	2-1-2012	137-004-0900	8-21-2012	Adopt(T)	10-1-2012
125-249-0450	1-1-2012	Amend	2-1-2012	137-008-0010	7-1-2012	Amend	8-1-2012
125-249-0460	1-1-2012	Amend	2-1-2012	137-020-0800	1-27-2012	Adopt(T)	3-1-2012
125-249-0470	1-1-2012	Amend	2-1-2012	137-020-0800	7-24-2012	Adopt	9-1-2012
125-249-0490	1-1-2012	Amend	2-1-2012	137-020-0800(T)	2-15-2012	Suspend	3-1-2012
125-249-0600	1-1-2012	Amend	2-1-2012	137-020-0800(T)	7-24-2012	Repeal	9-1-2012
125-249-0610	1-1-2012	Amend	2-1-2012	137-020-0805	2-15-2012	Adopt(T)	3-1-2012
125-249-0620	1-1-2012	Amend	2-1-2012	137-020-0805	7-24-2012	Adopt	9-1-2012
125-249-0640	1-1-2012	Amend	2-1-2012	137-020-0805(T)	7-24-2012	Repeal	9-1-2012
125-249-0645	1-1-2012	Amend	2-1-2012	137-045-0030	1-1-2012	Amend	1-1-2012
125-249-0650	1-1-2012	Amend	2-1-2012	137-045-0090	1-1-2012	Amend	1-1-2012
125-249-0660	1-1-2012	Amend	2-1-2012	137-046-0110	1-1-2012	Amend	1-1-2012
125-249-0670	1-1-2012	Amend	2-1-2012	137-046-0252	8-1-2012	Adopt	8-1-2012
125-249-0680	1-1-2012	Amend	2-1-2012	137-046-0300	1-1-2012	Amend	1-1-2012
125-249-0690	1-1-2012	Amend	2-1-2012	137-046-0300	8-1-2012	Amend	8-1-2012
125-249-0800	1-1-2012	Amend	2-1-2012	137-046-0330	8-1-2012	Adopt	8-1-2012
125-249-0810	1-1-2012	Amend	2-1-2012	137-047-0257	1-1-2012	Amend	1-1-2012
125-249-0815	1-1-2012	Amend	2-1-2012	137-047-0260	1-1-2012	Amend	1-1-2012
125-249-0820	1-1-2012	Amend	2-1-2012	137-047-0261	1-1-2012	Amend	1-1-2012
125-249-0830	1-1-2012	Amend	2-1-2012	137-047-0262	1-1-2012	Repeal	1-1-2012
125-249-0840	1-1-2012	Amend	2-1-2012	137-047-0263	1-1-2012	Repeal	1-1-2012
125-249-0850	1-1-2012	Amend	2-1-2012	137-047-0270	2-27-2012	Amend	4-1-2012
125-249-0860	1-1-2012	Amend	2-1-2012	137-047-0310	1-1-2012	Amend	1-1-2012
125-249-0870	1-1-2012	Amend	2-1-2012	137-047-0430	1-1-2012	Amend	1-1-2012
125-249-0880	1-1-2012	Amend	2-1-2012	137-047-0460	1-1-2012	Amend	1-1-2012
125-249-0890	1-1-2012	Amend	2-1-2012	137-047-0560	8-1-2012	Adopt	8-1-2012
125-249-0900	1-1-2012	Amend	2-1-2012	137-047-0600	1-1-2012	Amend	1-1-2012
125-249-0910	1-1-2012	Amend	2-1-2012	137-047-0620	1-1-2012	Amend	1-1-2012
137-003-0501	1-31-2012	Amend	2-1-2012	137-047-0640	8-1-2012	Amend	8-1-2012
137-003-0505	1-31-2012	Amend	2-1-2012	137-047-0670	8-1-2012	Amend	8-1-2012
137-003-0510	1-31-2012	Amend	2-1-2012	137-047-0800	1-1-2012	Amend	1-1-2012
137-003-0520	1-31-2012	Amend	2-1-2012	137-047-0800	8-1-2012	Amend	8-1-2012
137-003-0525	1-31-2012	Amend	2-1-2012	137-048-0100	1-1-2012	Amend	1-1-2012
137-003-0528	1-31-2012	Amend	2-1-2012	137-048-0110	1-1-2012	Amend	1-1-2012
137-003-0530	1-31-2012	Amend	2-1-2012	137-048-0120	1-1-2012	Amend	1-1-2012
137-003-0545	1-31-2012	Amend	2-1-2012	137-048-0130	1-1-2012	Amend	1-1-2012
137-003-0550	1-31-2012	Amend	2-1-2012	137-048-0130	8-1-2012	Amend	8-1-2012
137-003-0555	1-31-2012	Amend	2-1-2012	137-048-0200	1-1-2012	Amend	1-1-2012
137-003-0560	1-31-2012	Amend	2-1-2012	137-048-0210	1-1-2012	Amend	1-1-2012
137-003-0570	1-31-2012	Am. & Ren.	2-1-2012	137-048-0220	1-1-2012	Amend	1-1-2012
137-003-0570	1-31-2012	Am. & Ren.	2-1-2012	137-048-0220	8-1-2012	Amend	8-1-2012



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137-048-0230	1-1-2012	Amend	1-1-2012	137-087-0025	8-1-2012	Amend	9-1-2012
137-048-0240	1-1-2012	Amend	1-1-2012	137-087-0030	8-1-2012	Amend	9-1-2012
137-048-0250	1-1-2012	Amend	1-1-2012	137-087-0050	8-1-2012	Amend	9-1-2012
137-048-0260	1-1-2012	Amend	1-1-2012	137-087-0060	8-1-2012	Amend	9-1-2012
137-048-0270	1-1-2012	Adopt	1-1-2012	137-087-0065	8-1-2012	Amend	9-1-2012
137-048-0300	1-1-2012	Amend	1-1-2012	137-087-0070	8-1-2012	Amend	9-1-2012
137-048-0310	1-1-2012	Amend	1-1-2012	137-087-0080	8-1-2012	Amend	9-1-2012
137-048-0320	1-1-2012	Amend	1-1-2012	137-087-0085	8-1-2012	Amend	9-1-2012
137-049-0380	1-1-2012	Amend	1-1-2012	137-087-0090	8-1-2012	Amend	9-1-2012
137-049-0650	1-1-2012	Amend	1-1-2012	137-087-0095	8-1-2012	Amend	9-1-2012
137-049-0860	1-1-2012	Amend	1-1-2012	137-110-0001	7-11-2012	Adopt(T)	8-1-2012
137-050-0745	7-2-2012	Amend	8-1-2012	137-110-0005	7-11-2012	Adopt(T)	8-1-2012
137-050-0750	1-3-2012	Amend	2-1-2012	137-110-0010	7-11-2012	Adopt(T)	8-1-2012
137-055-1100	1-3-2012	Amend	2-1-2012	137-110-0020	7-11-2012	Adopt(T)	8-1-2012
137-055-1140	12-5-2011	Amend(T)	1-1-2012	137-110-0110	7-11-2012	Adopt(T)	8-1-2012
137-055-1140	1-3-2012	Amend	2-1-2012	137-110-0200	7-11-2012	Adopt(T)	8-1-2012
137-055-1145	12-5-2011	Suspend	1-1-2012	137-110-0210	7-11-2012	Adopt(T)	8-1-2012
137-055-1145	1-3-2012	Repeal	2-1-2012	137-110-0410	7-11-2012	Adopt(T)	8-1-2012
137-055-1160	1-3-2012	Amend	2-1-2012	137-110-0420	7-11-2012	Adopt(T)	8-1-2012
137-055-1800	1-3-2012	Amend	2-1-2012	137-110-0430	7-11-2012	Adopt(T)	8-1-2012
137-055-2100	1-3-2012	Adopt	2-1-2012	137-110-0500	7-11-2012	Adopt(T)	8-1-2012
137-055-2160	1-3-2012	Amend	2-1-2012	137-110-0510	7-11-2012	Adopt(T)	8-1-2012
137-055-3220	1-3-2012	Amend	2-1-2012	137-110-0520	7-11-2012	Adopt(T)	8-1-2012
137-055-3300	5-24-2012	Amend(T)	7-1-2012	137-110-0600	7-11-2012	Adopt(T)	8-1-2012
137-055-3300	10-1-2012	Amend	11-1-2012	137-110-0610	7-11-2012	Adopt(T)	8-1-2012
137-055-3430	1-3-2012	Amend	2-1-2012	137-110-0620	7-11-2012	Adopt(T)	8-1-2012
137-055-3430	5-24-2012	Amend(T)	7-1-2012	137-110-0630	7-11-2012	Adopt(T)	8-1-2012
137-055-3430	10-1-2012	Amend	11-1-2012	137-110-0640	7-11-2012	Adopt(T)	8-1-2012
137-055-3640	1-3-2012	Amend	2-1-2012	137-110-0650	7-11-2012	Adopt(T)	8-1-2012
137-055-4130	1-3-2012	Amend	2-1-2012	137-110-0660	7-11-2012	Adopt(T)	8-1-2012
137-055-4440	1-3-2012	Amend	2-1-2012	137-110-0670	7-11-2012	Adopt(T)	8-1-2012
137-055-4520	1-3-2012	Amend	2-1-2012	137-120-0010	7-11-2012	Adopt(T)	8-1-2012
137-055-5400	1-3-2012	Amend	2-1-2012	137-120-0020	7-11-2012	Adopt(T)	8-1-2012
137-055-5400	10-1-2012	Amend	11-1-2012	141-082-0000	1-1-2013	Repeal	12-1-2012
137-055-5420	1-3-2012	Amend	2-1-2012	141-082-0010	1-1-2013	Repeal	12-1-2012
137-055-5420	10-1-2012	Repeal	11-1-2012	141-082-0020	1-1-2013	Repeal	12-1-2012
137-055-6021	1-3-2012	Amend	2-1-2012	141-082-0030	1-1-2013	Repeal	12-1-2012
137-055-6100	1-3-2012	Repeal	2-1-2012	141-082-0040	1-1-2013	Repeal	12-1-2012
137-055-6200	1-3-2012	Amend	2-1-2012	141-082-0046	1-1-2013	Repeal	12-1-2012
137-055-6220	1-3-2012	Amend	2-1-2012	141-082-0049	1-1-2013	Repeal	12-1-2012
137-055-6240	1-3-2012	Amend	2-1-2012	141-082-0060	1-1-2013	Repeal	12-1-2012
137-055-6260	1-3-2012	Amend	2-1-2012	141-082-0070	1-1-2013	Repeal	12-1-2012
137-060-0130	2-2-2012	Amend	3-1-2012	141-082-0080	1-1-2013	Repeal	12-1-2012
137-060-0150	2-2-2012	Amend	3-1-2012	141-082-0090	1-1-2013	Repeal	12-1-2012
137-060-0160	2-2-2012	Amend	3-1-2012	141-082-0100	1-1-2013	Repeal	12-1-2012
137-060-0230	2-2-2012	Amend	3-1-2012	141-082-0101	1-1-2013	Repeal	12-1-2012
137-060-0250	2-2-2012	Amend	3-1-2012	141-082-0105	1-1-2013	Repeal	12-1-2012
137-060-0330	2-2-2012	Amend	3-1-2012	141-082-0110	1-1-2013	Repeal	12-1-2012
137-060-0350	2-2-2012	Amend	3-1-2012	141-082-0120	1-1-2013	Repeal	12-1-2012
137-060-0360	2-2-2012	Amend	3-1-2012	141-082-0130	1-1-2013	Repeal	12-1-2012
137-060-0430	2-2-2012	Amend	3-1-2012	141-082-0140	1-1-2013	Repeal	12-1-2012
137-060-0450	2-2-2012	Amend	3-1-2012	141-082-0150	1-1-2013	Repeal	12-1-2012
137-087-0000	8-1-2012	Amend	9-1-2012	141-082-0160	1-1-2013	Repeal	12-1-2012
137-087-0005	8-1-2012	Amend	9-1-2012	141-082-0170	1-1-2013	Repeal	12-1-2012
137-087-0015	8-1-2012	Amend	9-1-2012	141-082-0190	1-1-2013	Repeal	12-1-2012
137-087-0020	8-1-2012	Amend	9-1-2012	141-082-0200	1-1-2013	Repeal	12-1-2012

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141-082-0250	1-1-2013	Adopt	12-1-2012	141-089-0700	9-29-2012	Amend	11-1-2012
141-082-0255	1-1-2013	Adopt	12-1-2012	141-089-0715	9-29-2012	Amend	11-1-2012
141-082-0260	1-1-2013	Adopt	12-1-2012	141-089-0790	9-29-2012	Amend	11-1-2012
141-082-0265	1-1-2013	Adopt	12-1-2012	141-089-0825	9-29-2012	Amend	11-1-2012
141-082-0270	1-1-2013	Adopt	12-1-2012	141-089-0835	9-29-2012	Amend	11-1-2012
141-082-0275	1-1-2013	Adopt	12-1-2012	141-093-0103	9-29-2012	Amend	11-1-2012
141-082-0280	1-1-2013	Adopt	12-1-2012	141-093-0104	9-29-2012	Amend	11-1-2012
141-082-0285	1-1-2013	Adopt	12-1-2012	141-093-0105	9-29-2012	Amend	11-1-2012
141-082-0290	1-1-2013	Adopt	12-1-2012	141-093-0107	4-1-2012	Amend	4-1-2012
141-082-0295	1-1-2013	Adopt	12-1-2012	141-093-0107	9-29-2012	Amend	11-1-2012
141-082-0300	1-1-2013	Adopt	12-1-2012	141-093-0115	4-1-2012	Amend	4-1-2012
141-082-0305	1-1-2013	Adopt	12-1-2012	141-093-0120	9-29-2012	Amend	11-1-2012
141-082-0310	1-1-2013	Adopt	12-1-2012	141-093-0135	4-1-2012	Amend	4-1-2012
141-082-0315	1-1-2013	Adopt	12-1-2012	141-093-0135	9-29-2012	Amend	11-1-2012
141-082-0320	1-1-2013	Adopt	12-1-2012	141-093-0151	9-29-2012	Amend	11-1-2012
141-082-0325	1-1-2013	Adopt	12-1-2012	141-093-0165	9-29-2012	Amend	11-1-2012
141-082-0330	1-1-2013	Adopt	12-1-2012	141-093-0175	9-29-2012	Amend	11-1-2012
141-082-0335	1-1-2013	Adopt	12-1-2012	141-093-0180	4-1-2012	Adopt	4-1-2012
141-082-0340	1-1-2013	Adopt	12-1-2012	141-093-0185	4-1-2012	Adopt	4-1-2012
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141-085-0510	9-29-2012	Amend	11-1-2012	141-093-0190	4-1-2012	Adopt	4-1-2012
141-085-0515	9-29-2012	Amend	11-1-2012	141-093-0195	4-1-2012	Adopt	4-1-2012
141-085-0520	9-29-2012	Amend	11-1-2012	141-093-0200	4-1-2012	Adopt	4-1-2012
141-085-0525	9-29-2012	Amend	11-1-2012	141-093-0205	4-1-2012	Adopt	4-1-2012
141-085-0530	9-29-2012	Amend	11-1-2012	141-093-0215	4-1-2012	Adopt	4-1-2012
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141-085-0540	9-29-2012	Amend	11-1-2012	141-093-0225	4-2-2012	Adopt(T)	5-1-2012
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141-085-0550	9-29-2012	Amend	11-1-2012	141-093-0230	4-2-2012	Adopt(T)	5-1-2012
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141-089-0650	9-29-2012	Amend	11-1-2012	150-118.010	8-1-2012	Adopt	9-1-2012
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150-118.010(8)	8-1-2012	Adopt	9-1-2012	150-314.415(7)	8-1-2012	Amend	9-1-2012
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150-118.140	8-1-2012	Amend	9-1-2012	150-314.HB2071(B)	1-1-2012	Adopt	2-1-2012
150-118.160	8-1-2012	Adopt	9-1-2012	150-314.HB2071(B)	8-1-2012	Renumber	9-1-2012
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150-118.260(1)-(B)	8-1-2012	Repeal	9-1-2012	150-315.354	1-1-2012	Repeal	2-1-2012
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150-118.260(6)	8-1-2012	Amend	9-1-2012	150-315.514	8-1-2012	Amend	9-1-2012
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150-294.352(8)	7-26-2012	Am. & Ren.	9-1-2012	160-050-0115	3-1-2012	Adopt	4-1-2012
150-294.371	7-26-2012	Am. & Ren.	9-1-2012	160-050-0140	6-1-2012	Amend	7-1-2012
150-294.376	7-26-2012	Renumber	9-1-2012	160-050-0200	3-1-2012	Amend	4-1-2012
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150-294.435(1)-(C)	1-1-2012	Amend	2-1-2012	161-006-0025	11-17-2011	Amend	1-1-2012
150-294.435(1)-(C)	7-26-2012	Am. & Ren.	9-1-2012	161-006-0025	8-3-2012	Amend(T)	9-1-2012
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161-020-0055	11-17-2011	Amend	1-1-2012	161-570-0020	7-3-2012	Adopt	8-1-2012
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161-020-0150	11-17-2011	Amend	1-1-2012	161-570-0050	7-3-2012	Adopt	8-1-2012
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161-025-0030	8-3-2012	Amend(T)	9-1-2012	162-040-0002	4-1-2012	Amend	3-1-2012
161-025-0060	11-17-2011	Amend	1-1-2012	162-040-0005	4-1-2012	Amend	3-1-2012
161-025-0060	1-1-2012	Amend(T)	2-1-2012	162-040-0010	4-1-2012	Amend	3-1-2012
161-025-0060	7-3-2012	Amend	8-1-2012	162-040-0015	4-1-2012	Repeal	3-1-2012
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161-050-0000	8-3-2012	Amend(T)	9-1-2012	162-040-0050	4-1-2012	Amend	3-1-2012
161-050-0050	8-3-2012	Amend(T)	9-1-2012	162-040-0054	4-1-2012	Amend	3-1-2012
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161-500-0000	7-3-2012	Adopt	8-1-2012	162-040-0060	4-1-2012	Amend	3-1-2012
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161-510-0010	7-3-2012	Adopt	8-1-2012	162-040-0070	4-1-2012	Amend	3-1-2012
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161-510-0030	8-3-2012	Suspend	9-1-2012	162-040-0096	4-1-2012	Adopt	3-1-2012
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161-520-0010	1-1-2012	Adopt(T)	2-1-2012	162-040-0115	4-1-2012	Repeal	3-1-2012
161-520-0010	7-3-2012	Adopt	8-1-2012	162-040-0120	4-1-2012	Repeal	3-1-2012
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165-016-0105	6-21-2012	Adopt	8-1-2012	177-052-0030(T)	12-1-2011	Repeal	1-1-2012
165-020-0005	1-3-2012	Repeal	2-1-2012	177-052-0040	12-1-2011	Adopt	1-1-2012
166-150-0005	10-29-2012	Amend	12-1-2012	177-052-0040(T)	12-1-2011	Repeal	1-1-2012
166-150-0035	10-29-2012	Amend	12-1-2012	177-052-0050	12-1-2011	Adopt	1-1-2012
166-150-0050	10-29-2012	Amend	12-1-2012	177-052-0050(T)	12-1-2011	Repeal	1-1-2012
166-150-0085	10-29-2012	Amend	12-1-2012	177-052-0060	12-1-2011	Adopt	1-1-2012
166-150-0110	10-29-2012	Amend	12-1-2012	177-052-0060(T)	12-1-2011	Repeal	1-1-2012
166-150-0115	10-29-2012	Amend	12-1-2012	177-052-0070	12-1-2011	Adopt	1-1-2012
166-150-0120	10-29-2012	Amend	12-1-2012	177-052-0070(T)	12-1-2011	Repeal	1-1-2012
166-150-0135	10-29-2012	Amend	12-1-2012	177-085-0000	1-15-2012	Amend	2-1-2012
166-150-0165	10-29-2012	Amend	12-1-2012	177-085-0005	1-15-2012	Amend	2-1-2012
166-150-0175	10-29-2012	Amend	12-1-2012	177-085-0010	1-15-2012	Amend	2-1-2012
166-150-0185	10-29-2012	Amend	12-1-2012	177-085-0015	1-15-2012	Amend	2-1-2012
166-150-0200	10-29-2012	Amend	12-1-2012	177-085-0020	1-15-2012	Amend	2-1-2012
166-200-0010	10-29-2012	Amend	12-1-2012	177-085-0025	1-15-2012	Amend	2-1-2012
166-200-0050	10-29-2012	Amend	12-1-2012	177-085-0025	1-15-2012	Amend(T)	2-1-2012
166-200-0055	10-29-2012	Amend	12-1-2012	177-085-0025	5-1-2012	Amend	6-1-2012
166-200-0075	10-29-2012	Amend	12-1-2012	177-085-0025(T)	5-1-2012	Repeal	6-1-2012
166-200-0095	10-29-2012	Amend	12-1-2012	177-085-0030	1-15-2012	Amend	2-1-2012
166-200-0100	10-29-2012	Amend	12-1-2012	177-085-0035	1-15-2012	Amend	2-1-2012
166-200-0110	10-29-2012	Amend	12-1-2012	177-085-0065	1-15-2012	Amend	2-1-2012
166-200-0130	10-29-2012	Amend	12-1-2012	177-085-0065	1-15-2012	Amend(T)	2-1-2012
166-200-0140	10-29-2012	Amend	12-1-2012	177-085-0065	5-1-2012	Amend	6-1-2012
166-300-0015	10-29-2012	Amend	12-1-2012	177-085-0065	8-16-2012	Amend(T)	10-1-2012
166-300-0025	10-29-2012	Amend	12-1-2012	177-085-0065	11-1-2012	Amend	12-1-2012
166-300-0035	10-29-2012	Amend	12-1-2012	177-085-0065(T)	5-1-2012	Repeal	6-1-2012
166-300-0040	10-29-2012	Amend	12-1-2012	177-085-0065(T)	11-1-2012	Repeal	12-1-2012
166-400-0010	10-29-2012	Amend	12-1-2012	177-094-0080	6-29-2012	Amend(T)	8-1-2012
166-400-0025	10-29-2012	Amend	12-1-2012	177-094-0085	6-29-2012	Amend(T)	8-1-2012
166-400-0040	10-29-2012	Amend	12-1-2012	177-098-0110	1-9-2012	Amend(T)	2-1-2012
166-450-0005	10-29-2012	Amend	12-1-2012	177-098-0110	5-1-2012	Amend	6-1-2012
166-450-0020	10-29-2012	Amend	12-1-2012	177-098-0110(T)	5-1-2012	Repeal	6-1-2012
166-450-0050	10-29-2012	Amend	12-1-2012	177-200-0020	12-1-2011	Amend	1-1-2012
166-475-0010	10-29-2012	Amend	12-1-2012	177-200-0020(T)	12-1-2011	Repeal	1-1-2012
166-475-0050	10-29-2012	Amend	12-1-2012	177-200-0032	12-1-2011	Amend	1-1-2012
166-500-0000	9-12-2012	Amend	10-1-2012	177-200-0032(T)	12-1-2011	Repeal	1-1-2012
166-500-0005	9-12-2012	Amend	10-1-2012	213-001-0000	4-27-2012	Amend(T)	6-1-2012
166-500-0010	9-12-2012	Amend	10-1-2012	213-001-0000	10-16-2012	Amend	12-1-2012
166-500-0015	9-12-2012	Amend	10-1-2012	213-001-0000(T)	10-16-2012	Repeal	12-1-2012
166-500-0020	9-12-2012	Amend	10-1-2012	213-003-0001	1-1-2012	Amend(T)	2-1-2012
166-500-0030	5-1-2012	Amend(T)	6-1-2012	213-003-0001	4-27-2012	Amend	6-1-2012
166-500-0030	9-12-2012	Amend	10-1-2012	213-003-0001(T)	1-1-2012	Suspend	2-1-2012
166-500-0040	9-12-2012	Amend	10-1-2012	213-003-0001(T)	4-27-2012	Repeal	6-1-2012
166-500-0050	9-12-2012	Amend	10-1-2012	213-004-0001	4-27-2012	Amend	6-1-2012
166-500-0055	9-12-2012	Amend	10-1-2012	213-005-0001	4-27-2012	Amend	6-1-2012
170-061-0015	1-26-2012	Amend(T)	3-1-2012	213-005-0001	10-16-2012	Amend	12-1-2012
177-045-0000	11-4-2012	Amend	12-1-2012	213-005-0011	4-27-2012	Amend	6-1-2012
177-045-0010	11-4-2012	Amend	12-1-2012	213-005-0013	4-27-2012	Amend	6-1-2012
177-045-0030	11-4-2012	Amend	12-1-2012	213-008-0003	10-16-2012	Amend	12-1-2012
177-052-0000	12-1-2011	Adopt	1-1-2012	213-008-0005	10-16-2012	Amend	12-1-2012
177-052-0000(T)	12-1-2011	Repeal	1-1-2012	213-012-0020	10-16-2012	Amend	12-1-2012
177-052-0010	12-1-2011	Adopt	1-1-2012	213-012-0030	10-16-2012	Amend	12-1-2012
177-052-0010(T)	12-1-2011	Repeal	1-1-2012	213-017-0006	1-1-2012	Amend(T)	2-1-2012

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213-017-0006	4-27-2012	Amend	6-1-2012	255-030-0035	9-18-2012	Amend(T)	11-1-2012
213-017-0006(T)	1-1-2012	Suspend	2-1-2012	255-030-0040	9-18-2012	Amend(T)	11-1-2012
213-017-0006(T)	4-27-2012	Repeal	6-1-2012	255-030-0046	9-18-2012	Adopt(T)	11-1-2012
213-017-0007	1-27-2012	Amend(T)	3-1-2012	255-030-0055	9-18-2012	Amend(T)	11-1-2012
213-017-0007	4-27-2012	Amend	6-1-2012	255-032-0005	3-13-2012	Amend	4-1-2012
213-017-0007(T)	4-27-2012	Repeal	6-1-2012	255-032-0011	3-13-2012	Repeal	4-1-2012
213-017-0008	4-27-2012	Amend	6-1-2012	255-032-0022	6-28-2012	Amend(T)	8-1-2012
213-017-0008(T)	4-27-2012	Repeal	6-1-2012	255-032-0022	10-15-2012	Amend	11-1-2012
213-018-0037	4-27-2012	Adopt	6-1-2012	255-032-0035	11-30-2011	Amend	1-1-2012
213-070-0000	10-16-2012	Repeal	12-1-2012	255-032-0037	11-30-2011	Adopt	1-1-2012
213-070-0005	10-16-2012	Repeal	12-1-2012	255-032-0037	3-13-2012	Amend	4-1-2012
213-070-0010	10-16-2012	Repeal	12-1-2012	255-060-0011	11-15-2012	Amend(T)	12-1-2012
213-070-0020	10-16-2012	Repeal	12-1-2012	255-060-0016	11-15-2012	Amend(T)	12-1-2012
213-070-0030	10-16-2012	Repeal	12-1-2012	255-075-0025	6-28-2012	Amend(T)	8-1-2012
213-070-0040	10-16-2012	Repeal	12-1-2012	255-075-0025	10-15-2012	Amend	11-1-2012
213-070-0050	10-16-2012	Repeal	12-1-2012	255-075-0035	11-15-2012	Amend	12-1-2012
230-020-0300	7-12-2012	Amend(T)	8-1-2012	257-010-0060	12-15-2011	Adopt(T)	1-1-2012
250-010-0150	4-20-2012	Amend	6-1-2012	257-010-0060	5-22-2012	Adopt	7-1-2012
250-010-0440	12-22-2011	Amend(T)	2-1-2012	257-080-0000	5-9-2012	Suspend	6-1-2012
250-010-0440	4-20-2012	Amend	6-1-2012	257-080-0000	7-12-2012	Amend(T)	8-1-2012
250-010-0440(T)	4-20-2012	Repeal	6-1-2012	257-080-0000	9-5-2012	Amend	10-1-2012
250-010-0650	2-1-2012	Amend	2-1-2012	257-080-0000(T)	7-12-2012	Suspend	8-1-2012
250-010-0650	3-14-2012	Amend	4-1-2012	257-080-0005	5-9-2012	Suspend	6-1-2012
250-010-0650(T)	2-1-2012	Repeal	2-1-2012	257-080-0005	7-12-2012	Amend(T)	8-1-2012
250-010-0660	2-1-2012	Adopt	2-1-2012	257-080-0005	9-5-2012	Amend	10-1-2012
250-010-0660(T)	2-1-2012	Repeal	2-1-2012	257-080-0005(T)	7-12-2012	Suspend	8-1-2012
250-014-0001	5-1-2012	Amend	6-1-2012	257-080-0010	5-9-2012	Suspend	6-1-2012
250-014-0004	5-1-2012	Amend	6-1-2012	257-080-0010	7-12-2012	Amend(T)	8-1-2012
250-017-0000	2-1-2012	Amend	2-1-2012	257-080-0010	9-5-2012	Amend	10-1-2012
250-017-0010	2-1-2012	Amend	2-1-2012	257-080-0010(T)	7-12-2012	Suspend	8-1-2012
250-017-0020	2-1-2012	Amend	2-1-2012	257-080-0015	5-9-2012	Suspend	6-1-2012
250-017-0030	2-1-2012	Amend	2-1-2012	257-080-0015	7-12-2012	Amend(T)	8-1-2012
250-017-0040	2-1-2012	Amend	2-1-2012	257-080-0015	9-5-2012	Amend	10-1-2012
250-020-0102	8-19-2012	Amend(T)	10-1-2012	257-080-0015(T)	7-12-2012	Suspend	8-1-2012
250-020-0102	8-26-2012	Amend(T)	10-1-2012	257-080-0020	5-9-2012	Suspend	6-1-2012
250-020-0221	4-2-2012	Amend(T)	5-1-2012	257-080-0020	7-12-2012	Amend(T)	8-1-2012
250-020-0221	5-1-2012	Amend	6-1-2012	257-080-0020	9-5-2012	Amend	10-1-2012
250-020-0280	12-1-2011	Amend(T)	1-1-2012	257-080-0020(T)	7-12-2012	Suspend	8-1-2012
250-020-0280	1-1-2012	Amend(T)	2-1-2012	257-080-0025	5-9-2012	Suspend	6-1-2012
250-020-0280	4-20-2012	Amend	6-1-2012	257-080-0025	7-12-2012	Amend(T)	8-1-2012
250-020-0280(T)	1-1-2012	Suspend	2-1-2012	257-080-0025	9-5-2012	Amend	10-1-2012
250-020-0280(T)	4-20-2012	Repeal	6-1-2012	257-080-0025(T)	7-12-2012	Suspend	8-1-2012
250-025-0010	8-1-2012	Repeal	9-1-2012	257-080-0030	5-9-2012	Suspend	6-1-2012
250-025-0020	8-1-2012	Repeal	9-1-2012	257-080-0030	7-12-2012	Amend(T)	8-1-2012
250-030-0030	5-1-2012	Amend	6-1-2012	257-080-0030	9-5-2012	Amend	10-1-2012
255-030-0010	9-18-2012	Amend(T)	11-1-2012	257-080-0030(T)	7-12-2012	Suspend	8-1-2012
255-030-0013	6-28-2012	Amend(T)	8-1-2012	257-080-0035	5-9-2012	Suspend	6-1-2012
255-030-0013	9-18-2012	Amend(T)	11-1-2012	257-080-0035	7-12-2012	Amend(T)	8-1-2012
255-030-0013	10-15-2012	Amend	11-1-2012	257-080-0035	9-5-2012	Amend	10-1-2012
255-030-0021	9-18-2012	Amend(T)	11-1-2012	257-080-0035(T)	7-12-2012	Suspend	8-1-2012
255-030-0023	9-18-2012	Amend(T)	11-1-2012	257-080-0040	5-9-2012	Suspend	6-1-2012
255-030-0024	9-18-2012	Amend(T)	11-1-2012	257-080-0040	7-12-2012	Amend(T)	8-1-2012
255-030-0025	9-18-2012	Amend(T)	11-1-2012	257-080-0040	9-5-2012	Amend	10-1-2012
255-030-0026	9-18-2012	Amend(T)	11-1-2012	257-080-0040(T)	7-12-2012	Suspend	8-1-2012
255-030-0027	9-18-2012	Amend(T)	11-1-2012	257-080-0045	5-9-2012	Suspend	6-1-2012
255-030-0032	9-18-2012	Amend(T)	11-1-2012	257-080-0045	7-12-2012	Amend(T)	8-1-2012



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257-080-0045	9-5-2012	Amend	10-1-2012	259-060-0115	11-1-2012	Repeal	12-1-2012
257-080-0045(T)	7-12-2012	Suspend	8-1-2012	259-060-0120	11-1-2012	Amend	12-1-2012
257-080-0050	7-12-2012	Adopt(T)	8-1-2012	259-060-0130	11-1-2012	Amend	12-1-2012
257-080-0050	9-5-2012	Adopt	10-1-2012	259-060-0135	11-1-2012	Amend	12-1-2012
257-080-0055	7-12-2012	Adopt(T)	8-1-2012	259-060-0145	11-1-2012	Adopt	12-1-2012
257-080-0055	9-5-2012	Adopt	10-1-2012	259-060-0150	11-1-2012	Repeal	12-1-2012
259-001-0015	3-7-2012	Amend	4-1-2012	259-060-0300	11-1-2012	Amend	12-1-2012
259-003-0015	3-7-2012	Amend	4-1-2012	259-060-0450	11-1-2012	Amend	12-1-2012
259-005-0015	3-7-2012	Amend	4-1-2012	259-060-0500	11-1-2012	Amend	12-1-2012
259-008-0005	3-27-2012	Amend	5-1-2012	259-061-0018	2-6-2012	Adopt(T)	3-1-2012
259-008-0005	10-26-2012	Amend	12-1-2012	259-061-0018	7-2-2012	Amend	8-1-2012
259-008-0010	8-27-2012	Amend	10-1-2012	259-061-0018(T)	7-2-2012	Repeal	8-1-2012
259-008-0010	8-31-2012	Amend	10-1-2012	259-070-0010	12-28-2011	Amend	2-1-2012
259-008-0011	3-26-2012	Amend	5-1-2012	259-070-0020	7-1-2012	Amend	8-1-2012
259-008-0011	8-31-2012	Amend	10-1-2012	259-070-0020	9-24-2012	Amend	11-1-2012
259-008-0025	5-8-2012	Amend(T)	6-1-2012	274-015-0010	2-22-2012	Amend	4-1-2012
259-008-0025	8-24-2012	Amend	10-1-2012	274-015-0020	2-22-2012	Adopt	4-1-2012
259-008-0025(T)	8-24-2012	Repeal	10-1-2012	274-020-0440	6-25-2012	Amend	8-1-2012
259-008-0060	12-23-2011	Amend	2-1-2012	274-045-0220	6-25-2012	Amend	8-1-2012
259-008-0060	11-1-2012	Amend	12-1-2012	291-024-0081	11-17-2011	Adopt(T)	1-1-2012
259-008-0066	3-29-2012	Amend	5-1-2012	291-031-0025	1-27-2012	Amend	3-1-2012
259-008-0068	5-1-2012	Repeal	6-1-2012	291-031-0300	6-19-2012	Adopt	8-1-2012
259-008-0069	11-28-2011	Amend(T)	1-1-2012	291-031-0310	6-19-2012	Adopt	8-1-2012
259-008-0069	2-29-2012	Adopt	4-1-2012	291-031-0320	6-19-2012	Adopt	8-1-2012
259-008-0069(T)	2-29-2012	Repeal	4-1-2012	291-031-0330	6-19-2012	Adopt	8-1-2012
259-008-0070	4-24-2012	Amend	6-1-2012	291-031-0340	6-19-2012	Adopt	8-1-2012
259-008-0070	8-31-2012	Amend	10-1-2012	291-031-0350	6-19-2012	Adopt	8-1-2012
259-008-0070	10-23-2012	Amend	12-1-2012	291-031-0360	6-19-2012	Adopt	8-1-2012
259-008-0100	4-9-2012	Amend	5-1-2012	291-062-0110	3-1-2012	Amend	4-1-2012
259-009-0005	10-1-2012	Amend	11-1-2012	291-062-0140	3-1-2012	Amend	4-1-2012
259-009-0062	3-28-2012	Amend	5-1-2012	291-078-0005	9-1-2012	Amend(T)	10-1-2012
259-009-0062	10-1-2012	Amend	11-1-2012	291-078-0010	9-1-2012	Amend(T)	10-1-2012
259-009-0070	8-31-2012	Amend	10-1-2012	291-078-0015	9-1-2012	Amend(T)	10-1-2012
259-013-0220	8-27-2012	Amend	10-1-2012	291-078-0020	9-1-2012	Amend(T)	10-1-2012
259-013-0230	8-27-2012	Amend	10-1-2012	291-078-0026	9-1-2012	Adopt(T)	10-1-2012
259-020-0005	6-28-2012	Amend	8-1-2012	291-078-0031	9-1-2012	Adopt(T)	10-1-2012
259-020-0010	6-28-2012	Amend	8-1-2012	291-082-0105	3-1-2012	Amend	4-1-2012
259-020-0015	12-30-2011	Amend	2-1-2012	291-082-0110	3-1-2012	Amend	4-1-2012
259-020-0015	2-24-2012	Amend(T)	4-1-2012	291-093-0005	11-5-2012	Amend(T)	12-1-2012
259-020-0015	6-28-2012	Amend	8-1-2012	291-104-0111	11-5-2012	Amend(T)	12-1-2012
259-060-0005	11-1-2012	Amend	12-1-2012	291-105-0005	12-7-2011	Amend	1-1-2012
259-060-0010	11-1-2012	Amend	12-1-2012	291-105-0010	12-7-2011	Amend	1-1-2012
259-060-0015	4-2-2012	Amend	5-1-2012	291-105-0013	12-7-2011	Amend	1-1-2012
259-060-0015	11-1-2012	Amend	12-1-2012	291-105-0015	12-7-2011	Amend	1-1-2012
259-060-0020	11-1-2012	Amend	12-1-2012	291-105-0021	12-7-2011	Amend	1-1-2012
259-060-0025	11-1-2012	Adopt	12-1-2012	291-105-0026	12-7-2011	Amend	1-1-2012
259-060-0030	11-1-2012	Adopt	12-1-2012	291-105-0028	12-7-2011	Amend	1-1-2012
259-060-0060	11-1-2012	Amend	12-1-2012	291-105-0031	12-7-2011	Amend	1-1-2012
259-060-0065	11-1-2012	Repeal	12-1-2012	291-105-0036	12-7-2011	Amend	1-1-2012
259-060-0070	11-1-2012	Repeal	12-1-2012	291-105-0041	12-7-2011	Amend	1-1-2012
259-060-0075	11-1-2012	Repeal	12-1-2012	291-105-0046	12-7-2011	Amend	1-1-2012
259-060-0080	11-1-2012	Repeal	12-1-2012	291-105-0066	12-7-2011	Amend	1-1-2012
259-060-0085	11-1-2012	Repeal	12-1-2012	291-105-0069	12-7-2011	Amend	1-1-2012
259-060-0090	11-1-2012	Amend	12-1-2012	291-105-0081	12-7-2011	Amend	1-1-2012
259-060-0092	11-1-2012	Amend	12-1-2012	291-105-0100	12-7-2011	Amend	1-1-2012
259-060-0095	11-1-2012	Repeal	12-1-2012	291-127-0320	6-19-2012	Amend	8-1-2012

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291-130-0011	9-1-2012	Amend(T)	10-1-2012	291-180-0615	12-7-2011	Repeal	1-1-2012
291-130-0016	9-1-2012	Amend(T)	10-1-2012	291-180-0625	12-7-2011	Repeal	1-1-2012
291-130-0020	9-1-2012	Amend(T)	10-1-2012	291-180-0635	12-7-2011	Repeal	1-1-2012
291-130-0080	9-1-2012	Amend(T)	10-1-2012	291-180-0645	12-7-2011	Repeal	1-1-2012
291-180-0115	12-7-2011	Repeal	1-1-2012	291-180-0655	12-7-2011	Repeal	1-1-2012
291-180-0125	12-7-2011	Repeal	1-1-2012	291-180-0665	12-7-2011	Repeal	1-1-2012
291-180-0135	12-7-2011	Repeal	1-1-2012	291-208-0010	1-27-2012	Adopt	3-1-2012
291-180-0145	12-7-2011	Repeal	1-1-2012	291-208-0020	1-27-2012	Adopt	3-1-2012
291-180-0155	12-7-2011	Repeal	1-1-2012	291-208-0030	1-27-2012	Adopt	3-1-2012
291-180-0165	12-7-2011	Repeal	1-1-2012	291-208-0040	1-27-2012	Adopt	3-1-2012
291-180-0175	12-7-2011	Repeal	1-1-2012	291-208-0050	1-27-2012	Adopt	3-1-2012
291-180-0185	12-7-2011	Repeal	1-1-2012	309-014-0300	2-23-2012	Adopt	4-1-2012
291-180-0195	12-7-2011	Repeal	1-1-2012	309-014-0300(T)	2-23-2012	Repeal	4-1-2012
291-180-0205	12-7-2011	Repeal	1-1-2012	309-014-0310	2-23-2012	Adopt	4-1-2012
291-180-0215	12-7-2011	Repeal	1-1-2012	309-014-0310(T)	2-23-2012	Repeal	4-1-2012
291-180-0225	12-7-2011	Repeal	1-1-2012	309-014-0320	2-23-2012	Adopt	4-1-2012
291-180-0235	12-7-2011	Repeal	1-1-2012	309-014-0320(T)	2-23-2012	Repeal	4-1-2012
291-180-0245	12-7-2011	Repeal	1-1-2012	309-014-0330	2-23-2012	Adopt	4-1-2012
291-180-0252	12-7-2011	Adopt	1-1-2012	309-014-0330(T)	2-23-2012	Repeal	4-1-2012
291-180-0255	12-7-2011	Repeal	1-1-2012	309-014-0340	2-23-2012	Adopt	4-1-2012
291-180-0262	12-7-2011	Adopt	1-1-2012	309-014-0340(T)	2-23-2012	Repeal	4-1-2012
291-180-0275	1-10-2012	Amend(T)	2-1-2012	309-016-0600	1-1-2012	Amend(T)	2-1-2012
291-180-0275	5-24-2012	Amend	7-1-2012	309-016-0600	6-19-2012	Amend	8-1-2012
291-180-0285	12-7-2011	Repeal	1-1-2012	309-016-0600	7-1-2012	Amend(T)	8-1-2012
291-180-0295	12-7-2011	Repeal	1-1-2012	309-016-0600	11-5-2012	Amend	12-1-2012
291-180-0305	12-7-2011	Repeal	1-1-2012	309-016-0600(t)	6-19-2012	Repeal	8-1-2012
291-180-0315	12-7-2011	Repeal	1-1-2012	309-016-0600(T)	11-5-2012	Repeal	12-1-2012
291-180-0325	12-7-2011	Repeal	1-1-2012	309-016-0605	1-1-2012	Amend(T)	2-1-2012
291-180-0335	12-7-2011	Repeal	1-1-2012	309-016-0605	5-17-2012	Amend(T)	7-1-2012
291-180-0345	12-7-2011	Repeal	1-1-2012	309-016-0605	6-19-2012	Amend	8-1-2012
291-180-0355	12-7-2011	Repeal	1-1-2012	309-016-0605	7-1-2012	Amend(T)	8-1-2012
291-180-0365	12-7-2011	Repeal	1-1-2012	309-016-0605	11-5-2012	Amend	12-1-2012
291-180-0375	12-7-2011	Repeal	1-1-2012	309-016-0605(t)	6-19-2012	Repeal	8-1-2012
291-180-0385	12-7-2011	Repeal	1-1-2012	309-016-0605(T)	11-5-2012	Repeal	12-1-2012
291-180-0395	12-7-2011	Repeal	1-1-2012	309-016-0610	1-1-2012	Amend(T)	2-1-2012
291-180-0405	12-7-2011	Repeal	1-1-2012	309-016-0610(t)	6-19-2012	Repeal	8-1-2012
291-180-0415	12-7-2011	Repeal	1-1-2012	309-016-0630	1-1-2012	Amend(T)	2-1-2012
291-180-0425	12-7-2011	Repeal	1-1-2012	309-016-0630	5-17-2012	Amend(T)	7-1-2012
291-180-0435	12-7-2011	Repeal	1-1-2012	309-016-0630	6-19-2012	Amend	8-1-2012
291-180-0445	12-7-2011	Repeal	1-1-2012	309-016-0630	11-5-2012	Amend	12-1-2012
291-180-0455	12-7-2011	Repeal	1-1-2012	309-016-0630(t)	6-19-2012	Repeal	8-1-2012
291-180-0465	12-7-2011	Repeal	1-1-2012	309-016-0675	1-1-2012	Amend(T)	2-1-2012
291-180-0475	12-7-2011	Repeal	1-1-2012	309-016-0675	5-17-2012	Amend(T)	7-1-2012
291-180-0485	12-7-2011	Repeal	1-1-2012	309-016-0675	6-19-2012	Amend	8-1-2012
291-180-0495	12-7-2011	Repeal	1-1-2012	309-016-0675	11-5-2012	Amend	12-1-2012
291-180-0505	12-7-2011	Repeal	1-1-2012	309-016-0675(t)	6-19-2012	Repeal	8-1-2012
291-180-0515	12-7-2011	Repeal	1-1-2012	309-016-0680	5-17-2012	Amend(T)	7-1-2012
291-180-0525	12-7-2011	Repeal	1-1-2012	309-016-0680	11-5-2012	Amend	12-1-2012
291-180-0535	12-7-2011	Repeal	1-1-2012	309-016-0680(T)	11-5-2012	Repeal	12-1-2012
291-180-0545	12-7-2011	Repeal	1-1-2012	309-016-0685	1-1-2012	Amend(T)	2-1-2012
291-180-0555	12-7-2011	Repeal	1-1-2012	309-016-0685	6-19-2012	Amend	8-1-2012
291-180-0565	12-7-2011	Repeal	1-1-2012	309-016-0685(t)	6-19-2012	Repeal	8-1-2012
291-180-0575	12-7-2011	Repeal	1-1-2012	309-016-0726	5-17-2012	Adopt(T)	7-1-2012
291-180-0585	12-7-2011	Repeal	1-1-2012	309-016-0726	11-5-2012	Adopt	12-1-2012
291-180-0595	12-7-2011	Repeal	1-1-2012	309-016-0726(T)	11-5-2012	Repeal	12-1-2012

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309-016-0727	5-17-2012	Adopt(T)	7-1-2012	309-032-0190	11-22-2011	Suspend	1-1-2012
309-016-0727	11-5-2012	Adopt	12-1-2012	309-032-0195	11-22-2011	Suspend	1-1-2012
309-016-0727(T)	11-5-2012	Repeal	12-1-2012	309-032-0200	11-22-2011	Suspend	1-1-2012
309-016-0728	5-17-2012	Adopt(T)	7-1-2012	309-032-0205	11-22-2011	Suspend	1-1-2012
309-016-0729	5-17-2012	Adopt(T)	7-1-2012	309-032-0210	11-22-2011	Suspend	1-1-2012
309-016-0729	11-5-2012	Adopt	12-1-2012	309-032-0301	11-22-2011	Adopt(T)	1-1-2012
309-016-0729(T)	11-5-2012	Repeal	12-1-2012	309-032-0301	2-9-2012	Adopt	3-1-2012
309-016-0730	11-5-2012	Amend	12-1-2012	309-032-0301(T)	2-9-2012	Repeal	3-1-2012
309-016-0745	1-1-2012	Amend(T)	2-1-2012	309-032-0311	11-22-2011	Adopt(T)	1-1-2012
309-016-0745	6-19-2012	Amend	8-1-2012	309-032-0311	2-9-2012	Adopt	3-1-2012
309-016-0745(t)	6-19-2012	Repeal	8-1-2012	309-032-0311(T)	2-9-2012	Repeal	3-1-2012
309-016-0750	1-1-2012	Amend(T)	2-1-2012	309-032-0321	11-22-2011	Adopt(T)	1-1-2012
309-016-0750	6-19-2012	Amend	8-1-2012	309-032-0321	2-9-2012	Adopt	3-1-2012
309-016-0750(t)	6-19-2012	Repeal	8-1-2012	309-032-0321(T)	2-9-2012	Repeal	3-1-2012
309-016-0760	7-1-2012	Adopt(T)	8-1-2012	309-032-0331	11-22-2011	Adopt(T)	1-1-2012
309-016-0760	11-5-2012	Adopt	12-1-2012	309-032-0331	2-9-2012	Adopt	3-1-2012
309-016-0760(T)	11-5-2012	Repeal	12-1-2012	309-032-0331(T)	2-9-2012	Repeal	3-1-2012
309-016-0765	7-1-2012	Adopt(T)	8-1-2012	309-032-0341	11-22-2011	Adopt(T)	1-1-2012
309-016-0765	11-5-2012	Adopt	12-1-2012	309-032-0341	2-9-2012	Adopt	3-1-2012
309-016-0765(T)	11-5-2012	Repeal	12-1-2012	309-032-0341(T)	2-9-2012	Repeal	3-1-2012
309-016-0770	7-1-2012	Adopt(T)	8-1-2012	309-032-0351	11-22-2011	Adopt(T)	1-1-2012
309-016-0770	11-5-2012	Adopt	12-1-2012	309-032-0351	2-9-2012	Adopt	3-1-2012
309-016-0770(T)	11-5-2012	Repeal	12-1-2012	309-032-0351(T)	2-9-2012	Repeal	3-1-2012
309-016-0775	7-1-2012	Adopt(T)	8-1-2012	309-032-1500	1-1-2012	Amend(T)	2-1-2012
309-016-0775	11-5-2012	Adopt	12-1-2012	309-032-1500	6-15-2012	Amend	7-1-2012
309-016-0775(T)	11-5-2012	Repeal	12-1-2012	309-032-1500(T)	6-15-2012	Repeal	7-1-2012
309-016-0780	7-1-2012	Adopt(T)	8-1-2012	309-032-1505	1-1-2012	Amend(T)	2-1-2012
309-016-0780	11-5-2012	Adopt	12-1-2012	309-032-1505	6-15-2012	Amend	7-1-2012
309-016-0780(T)	11-5-2012	Repeal	12-1-2012	309-032-1505(T)	6-15-2012	Repeal	7-1-2012
309-016-0800	7-1-2012	Adopt(T)	8-1-2012	309-032-1510	1-1-2012	Amend(T)	2-1-2012
309-016-0800	11-5-2012	Suspend	12-1-2012	309-032-1510	6-15-2012	Amend	7-1-2012
309-016-0805	7-1-2012	Adopt(T)	8-1-2012	309-032-1510(T)	6-15-2012	Repeal	7-1-2012
309-016-0805	11-5-2012	Suspend	12-1-2012	309-032-1515	1-1-2012	Amend(T)	2-1-2012
309-016-0810	7-1-2012	Adopt(T)	8-1-2012	309-032-1515	6-15-2012	Amend	7-1-2012
309-016-0810	11-5-2012	Suspend	12-1-2012	309-032-1515(T)	6-15-2012	Repeal	7-1-2012
309-016-0815	7-1-2012	Adopt(T)	8-1-2012	309-032-1520	1-1-2012	Amend(T)	2-1-2012
309-016-0815	11-5-2012	Suspend	12-1-2012	309-032-1520	6-15-2012	Amend	7-1-2012
309-016-0820	7-1-2012	Adopt(T)	8-1-2012	309-032-1520(T)	6-15-2012	Repeal	7-1-2012
309-016-0820	11-5-2012	Suspend	12-1-2012	309-032-1525	1-1-2012	Amend(T)	2-1-2012
309-031-0200	1-1-2012	Suspend	2-1-2012	309-032-1525	6-15-2012	Amend	7-1-2012
309-031-0200	6-25-2012	Repeal	8-1-2012	309-032-1525(T)	6-15-2012	Repeal	7-1-2012
309-031-0205	1-1-2012	Suspend	2-1-2012	309-032-1530	1-1-2012	Amend(T)	2-1-2012
309-031-0205	6-25-2012	Repeal	8-1-2012	309-032-1530	6-15-2012	Amend	7-1-2012
309-031-0210	1-1-2012	Suspend	2-1-2012	309-032-1530(T)	6-15-2012	Repeal	7-1-2012
309-031-0210	6-25-2012	Repeal	8-1-2012	309-032-1535	1-1-2012	Amend(T)	2-1-2012
309-031-0215	1-1-2012	Suspend	2-1-2012	309-032-1535	6-15-2012	Amend	7-1-2012
309-031-0215	6-25-2012	Repeal	8-1-2012	309-032-1535(T)	6-15-2012	Repeal	7-1-2012
309-031-0220	1-1-2012	Suspend	2-1-2012	309-032-1540	1-1-2012	Amend(T)	2-1-2012
309-031-0220	6-25-2012	Repeal	8-1-2012	309-032-1540	6-15-2012	Amend	7-1-2012
309-031-0250	1-1-2012	Suspend	2-1-2012	309-032-1540(T)	6-15-2012	Repeal	7-1-2012
309-031-0250	6-25-2012	Repeal	8-1-2012	309-032-1545	1-1-2012	Amend(T)	2-1-2012
309-031-0255	1-1-2012	Suspend	2-1-2012	309-032-1545	6-15-2012	Amend	7-1-2012
309-031-0255	6-25-2012	Repeal	8-1-2012	309-032-1545(T)	6-15-2012	Repeal	7-1-2012
309-032-0175	11-22-2011	Suspend	1-1-2012	309-032-1550	1-1-2012	Amend(T)	2-1-2012
309-032-0180	11-22-2011	Suspend	1-1-2012	309-032-1550	6-15-2012	Amend	7-1-2012
309-032-0185	11-22-2011	Suspend	1-1-2012	309-032-1550(T)	6-15-2012	Repeal	7-1-2012



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<b>OAR Number</b>	<b>Effective</b>	<b>Action</b>	<b>Bulletin</b>	<b>OAR Number</b>	<b>Effective</b>	<b>Action</b>	<b>Bulletin</b>
309-032-1555	1-1-2012	Amend(T)	2-1-2012	309-091-0000	5-4-2012	Adopt	6-1-2012
309-032-1555	6-15-2012	Amend	7-1-2012	309-091-0000(T)	5-4-2012	Repeal	6-1-2012
309-032-1555(T)	6-15-2012	Repeal	7-1-2012	309-091-0005	1-1-2012	Adopt(T)	2-1-2012
309-032-1560	1-1-2012	Amend(T)	2-1-2012	309-091-0005	5-4-2012	Adopt	6-1-2012
309-032-1560	6-15-2012	Amend	7-1-2012	309-091-0005(T)	5-4-2012	Repeal	6-1-2012
309-032-1560(T)	6-15-2012	Repeal	7-1-2012	309-091-0010	1-1-2012	Adopt(T)	2-1-2012
309-032-1565	1-1-2012	Amend(T)	2-1-2012	309-091-0010	5-4-2012	Adopt	6-1-2012
309-032-1565	6-15-2012	Amend	7-1-2012	309-091-0010(T)	5-4-2012	Repeal	6-1-2012
309-032-1565(T)	6-15-2012	Repeal	7-1-2012	309-091-0015	1-1-2012	Adopt(T)	2-1-2012
309-035-0100	12-5-2011	Amend(T)	1-1-2012	309-091-0015	5-4-2012	Adopt	6-1-2012
309-035-0100	5-4-2012	Amend	6-1-2012	309-091-0015(T)	5-4-2012	Repeal	6-1-2012
309-035-0100(T)	5-4-2012	Repeal	6-1-2012	309-091-0020	1-1-2012	Adopt(T)	2-1-2012
309-035-0105	12-5-2011	Amend(T)	1-1-2012	309-091-0020	5-4-2012	Adopt	6-1-2012
309-035-0105	5-4-2012	Amend	6-1-2012	309-091-0020(T)	5-4-2012	Repeal	6-1-2012
309-035-0105(T)	5-4-2012	Repeal	6-1-2012	309-091-0025	1-1-2012	Adopt(T)	2-1-2012
309-035-0250	12-5-2011	Amend(T)	1-1-2012	309-091-0025	5-4-2012	Adopt	6-1-2012
309-035-0250	5-4-2012	Amend	6-1-2012	309-091-0025(T)	5-4-2012	Repeal	6-1-2012
309-035-0250(T)	5-4-2012	Repeal	6-1-2012	309-091-0030	1-1-2012	Adopt(T)	2-1-2012
309-035-0260	12-5-2011	Amend(T)	1-1-2012	309-091-0030	5-4-2012	Adopt	6-1-2012
309-035-0260	5-4-2012	Amend	6-1-2012	309-091-0030(T)	5-4-2012	Repeal	6-1-2012
309-035-0260(T)	5-4-2012	Repeal	6-1-2012	309-091-0035	1-1-2012	Adopt(T)	2-1-2012
309-040-0300	12-5-2011	Amend(T)	1-1-2012	309-091-0035	5-4-2012	Adopt	6-1-2012
309-040-0300	5-4-2012	Amend	6-1-2012	309-091-0035(T)	5-4-2012	Repeal	6-1-2012
309-040-0300(T)	5-4-2012	Repeal	6-1-2012	309-091-0040	1-1-2012	Adopt(T)	2-1-2012
309-040-0305	12-5-2011	Amend(T)	1-1-2012	309-091-0040	5-4-2012	Adopt	6-1-2012
309-040-0305	5-4-2012	Amend	6-1-2012	309-091-0040(T)	5-4-2012	Repeal	6-1-2012
309-040-0305(T)	5-4-2012	Repeal	6-1-2012	309-091-0045	1-1-2012	Adopt(T)	2-1-2012
309-090-0000	1-1-2012	Adopt(T)	2-1-2012	309-091-0045	5-4-2012	Adopt	6-1-2012
309-090-0000	6-25-2012	Adopt	8-1-2012	309-091-0045(T)	5-4-2012	Repeal	6-1-2012
309-090-0000(T)	6-25-2012	Repeal	8-1-2012	309-091-0050	1-1-2012	Adopt(T)	2-1-2012
309-090-0005	1-1-2012	Adopt(T)	2-1-2012	309-091-0050	5-4-2012	Adopt	6-1-2012
309-090-0005	6-25-2012	Adopt	8-1-2012	309-091-0050(T)	5-4-2012	Repeal	6-1-2012
309-090-0005(T)	6-25-2012	Repeal	8-1-2012	309-092-0000	1-1-2012	Adopt(T)	2-1-2012
309-090-0010	1-1-2012	Adopt(T)	2-1-2012	309-092-0000	6-19-2012	Adopt	8-1-2012
309-090-0010	6-25-2012	Adopt	8-1-2012	309-092-0000(t)	6-19-2012	Repeal	8-1-2012
309-090-0010(T)	6-25-2012	Repeal	8-1-2012	309-092-0005	1-1-2012	Adopt(T)	2-1-2012
309-090-0015	1-1-2012	Adopt(T)	2-1-2012	309-092-0005	6-19-2012	Adopt	8-1-2012
309-090-0015	6-25-2012	Adopt	8-1-2012	309-092-0005(t)	6-19-2012	Repeal	8-1-2012
309-090-0015(T)	6-25-2012	Repeal	8-1-2012	309-092-0010	1-1-2012	Adopt(T)	2-1-2012
309-090-0020	1-1-2012	Adopt(T)	2-1-2012	309-092-0010	6-19-2012	Adopt	8-1-2012
309-090-0020	6-25-2012	Adopt	8-1-2012	309-092-0010(t)	6-19-2012	Repeal	8-1-2012
309-090-0020(T)	6-25-2012	Repeal	8-1-2012	309-092-0015	1-1-2012	Adopt(T)	2-1-2012
309-090-0025	1-1-2012	Adopt(T)	2-1-2012	309-092-0015	6-19-2012	Adopt	8-1-2012
309-090-0025	6-25-2012	Adopt	8-1-2012	309-092-0015(t)	6-19-2012	Repeal	8-1-2012
309-090-0025(T)	6-25-2012	Repeal	8-1-2012	309-092-0020	1-1-2012	Adopt(T)	2-1-2012
309-090-0030	1-1-2012	Adopt(T)	2-1-2012	309-092-0020	6-19-2012	Adopt	8-1-2012
309-090-0030	6-25-2012	Adopt	8-1-2012	309-092-0020(t)	6-19-2012	Repeal	8-1-2012
309-090-0030(T)	6-25-2012	Repeal	8-1-2012	309-092-0025	1-1-2012	Adopt(T)	2-1-2012
309-090-0035	1-1-2012	Adopt(T)	2-1-2012	309-092-0025	6-19-2012	Adopt	8-1-2012
309-090-0035	6-25-2012	Adopt	8-1-2012	309-092-0025(t)	6-19-2012	Repeal	8-1-2012
309-090-0035(T)	6-25-2012	Repeal	8-1-2012	309-092-0030	1-1-2012	Adopt(T)	2-1-2012
309-090-0040	1-1-2012	Adopt(T)	2-1-2012	309-092-0030	6-19-2012	Adopt	8-1-2012
309-090-0040	6-25-2012	Adopt	8-1-2012	309-092-0030(t)	6-19-2012	Repeal	8-1-2012
309-090-0040(T)	6-25-2012	Repeal	8-1-2012	309-092-0035	1-1-2012	Adopt(T)	2-1-2012
309-090-0050	6-25-2012	Adopt	8-1-2012	309-092-0035	6-19-2012	Adopt	8-1-2012
309-091-0000	1-1-2012	Adopt(T)	2-1-2012	309-092-0035(t)	6-19-2012	Repeal	8-1-2012



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309-092-0225	1-1-2012	Adopt(T)	2-1-2012	330-090-0350	7-10-2012	Amend	8-1-2012
309-092-0225	6-19-2012	Adopt	8-1-2012	330-150-0005	5-1-2012	Repeal	6-1-2012
309-092-0225(t)	6-19-2012	Repeal	8-1-2012	330-150-0015	5-1-2012	Repeal	6-1-2012
309-092-0230	1-1-2012	Adopt(T)	2-1-2012	330-150-0020	5-1-2012	Repeal	6-1-2012
309-092-0230	6-19-2012	Adopt	8-1-2012	330-150-0025	5-1-2012	Repeal	6-1-2012
309-092-0230(t)	6-19-2012	Repeal	8-1-2012	330-150-0030	5-1-2012	Repeal	6-1-2012
309-092-0235	1-1-2012	Adopt(T)	2-1-2012	330-160-0015	11-14-2012	Amend	12-1-2012
309-092-0235	6-19-2012	Adopt	8-1-2012	330-160-0050	11-14-2012	Amend	12-1-2012
309-092-0235(t)	6-19-2012	Repeal	8-1-2012	330-180-0010	11-22-2011	Adopt	1-1-2012
309-092-0240	1-1-2012	Adopt(T)	2-1-2012	330-180-0020	11-22-2011	Adopt	1-1-2012
309-092-0240	6-19-2012	Adopt	8-1-2012	330-180-0030	11-22-2011	Adopt	1-1-2012
309-092-0240(t)	6-19-2012	Repeal	8-1-2012	330-180-0040	11-22-2011	Adopt	1-1-2012
309-102-0100	2-9-2012	Adopt	3-1-2012	330-180-0050	11-22-2011	Adopt	1-1-2012
309-102-0100(T)	2-9-2012	Repeal	3-1-2012	330-180-0060	11-22-2011	Adopt	1-1-2012
309-102-0110	2-9-2012	Adopt	3-1-2012	330-180-0070	11-22-2011	Adopt	1-1-2012
309-102-0110(T)	2-9-2012	Repeal	3-1-2012	330-200-0000	2-22-2012	Adopt(T)	4-1-2012
309-102-0120	2-9-2012	Adopt	3-1-2012	330-200-0000	8-15-2012	Adopt	9-1-2012
309-102-0120(T)	2-9-2012	Repeal	3-1-2012	330-200-0000(T)	8-15-2012	Repeal	9-1-2012
309-102-0130	2-9-2012	Adopt	3-1-2012	330-200-0010	2-22-2012	Adopt(T)	4-1-2012
309-102-0130(T)	2-9-2012	Repeal	3-1-2012	330-200-0010	8-15-2012	Adopt	9-1-2012
309-102-0140	2-9-2012	Adopt	3-1-2012	330-200-0010(T)	8-15-2012	Repeal	9-1-2012
309-102-0140(T)	2-9-2012	Repeal	3-1-2012	330-200-0020	2-22-2012	Adopt(T)	4-1-2012
309-102-0150	2-9-2012	Adopt	3-1-2012	330-200-0020	8-15-2012	Adopt	9-1-2012
309-102-0150(T)	2-9-2012	Repeal	3-1-2012	330-200-0020(T)	8-15-2012	Repeal	9-1-2012
325-005-0015	4-1-2012	Amend	5-1-2012	330-200-0030	2-22-2012	Adopt(T)	4-1-2012
330-070-0013	1-1-2012	Amend	2-1-2012	330-200-0030	8-15-2012	Adopt	9-1-2012
330-070-0014	1-1-2012	Amend	2-1-2012	330-200-0030(T)	8-15-2012	Repeal	9-1-2012
330-070-0019	1-1-2012	Amend	2-1-2012	330-200-0040	2-22-2012	Adopt(T)	4-1-2012
330-070-0020	1-1-2012	Amend	2-1-2012	330-200-0040	8-15-2012	Adopt	9-1-2012
330-070-0021	1-1-2012	Amend	2-1-2012	330-200-0040(T)	8-15-2012	Repeal	9-1-2012
330-070-0022	1-1-2012	Amend	2-1-2012	330-200-0050	2-22-2012	Adopt(T)	4-1-2012
330-070-0024	1-1-2012	Amend	2-1-2012	330-200-0050	8-15-2012	Adopt	9-1-2012
330-070-0025	1-1-2012	Amend	2-1-2012	330-200-0050(T)	8-15-2012	Repeal	9-1-2012
330-070-0026	1-1-2012	Amend	2-1-2012	330-200-0060	2-22-2012	Adopt(T)	4-1-2012
330-070-0027	1-1-2012	Amend	2-1-2012	330-200-0060	8-15-2012	Adopt	9-1-2012
330-070-0029	1-1-2012	Adopt	2-1-2012	330-200-0060(T)	8-15-2012	Repeal	9-1-2012
330-070-0045	1-1-2012	Amend	2-1-2012	330-200-0070	2-22-2012	Adopt(T)	4-1-2012
330-070-0048	1-1-2012	Amend	2-1-2012	330-200-0070	8-15-2012	Adopt	9-1-2012
330-070-0060	1-1-2012	Amend	2-1-2012	330-200-0070(T)	8-15-2012	Repeal	9-1-2012
330-070-0064	1-1-2012	Amend	2-1-2012	330-200-0080	2-22-2012	Adopt(T)	4-1-2012
330-070-0070	1-1-2012	Amend	2-1-2012	330-200-0080	8-15-2012	Adopt	9-1-2012
330-070-0073	1-1-2012	Amend	2-1-2012	330-200-0080(T)	8-15-2012	Repeal	9-1-2012
330-070-0089	1-1-2012	Amend	2-1-2012	330-200-0090	2-22-2012	Adopt(T)	4-1-2012
330-070-0091	1-1-2012	Amend	2-1-2012	330-200-0090	8-15-2012	Adopt	9-1-2012
330-070-0097	1-1-2012	Amend	2-1-2012	330-200-0090(T)	8-15-2012	Repeal	9-1-2012
330-090-0105	7-10-2012	Amend	8-1-2012	330-200-0150	2-22-2012	Adopt(T)	4-1-2012
330-090-0110	7-10-2012	Amend	8-1-2012	330-200-0150	8-15-2012	Adopt	9-1-2012
330-090-0120	7-10-2012	Amend	8-1-2012	330-200-0150(T)	8-15-2012	Repeal	9-1-2012
330-090-0130	1-13-2012	Amend(T)	2-1-2012	330-210-0000	12-23-2011	Adopt(T)	2-1-2012
330-090-0130	7-10-2012	Amend	8-1-2012	330-210-0000	6-19-2012	Adopt	8-1-2012
330-090-0130(T)	7-10-2012	Repeal	8-1-2012	330-210-0000(T)	6-19-2012	Repeal	8-1-2012
330-090-0133	11-30-2011	Amend	1-1-2012	330-210-0010	12-23-2011	Adopt(T)	2-1-2012
330-090-0133	7-10-2012	Amend	8-1-2012	330-210-0010	6-19-2012	Adopt	8-1-2012
330-090-0150	7-10-2012	Amend	8-1-2012	330-210-0010(T)	6-19-2012	Repeal	8-1-2012
330-090-0160	11-30-2011	Adopt	1-1-2012	330-210-0020	12-23-2011	Adopt(T)	2-1-2012
330-090-0160	7-10-2012	Amend	8-1-2012	330-210-0020	6-19-2012	Adopt	8-1-2012



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330-210-0020(T)	6-19-2012	Repeal	8-1-2012	330-220-0090	8-1-2012	Adopt	9-1-2012
330-210-0030	12-23-2011	Adopt(T)	2-1-2012	330-220-0090(T)	8-1-2012	Repeal	9-1-2012
330-210-0030	6-19-2012	Adopt	8-1-2012	330-220-0100	2-7-2012	Adopt(T)	3-1-2012
330-210-0030(T)	6-19-2012	Repeal	8-1-2012	330-220-0100	8-1-2012	Adopt	9-1-2012
330-210-0040	12-23-2011	Adopt(T)	2-1-2012	330-220-0100(T)	8-1-2012	Repeal	9-1-2012
330-210-0040	6-19-2012	Adopt	8-1-2012	330-220-0150	2-7-2012	Adopt(T)	3-1-2012
330-210-0040(T)	6-19-2012	Repeal	8-1-2012	330-220-0150	8-1-2012	Adopt	9-1-2012
330-210-0045	12-23-2011	Adopt(T)	2-1-2012	330-220-0150(T)	8-1-2012	Repeal	9-1-2012
330-210-0045	6-19-2012	Adopt	8-1-2012	330-225-0000	6-11-2012	Adopt	7-1-2012
330-210-0045(T)	6-19-2012	Repeal	8-1-2012	330-225-0010	6-11-2012	Adopt	7-1-2012
330-210-0050	12-23-2011	Adopt(T)	2-1-2012	330-225-0020	6-11-2012	Adopt	7-1-2012
330-210-0050	6-19-2012	Adopt	8-1-2012	330-225-0030	6-11-2012	Adopt	7-1-2012
330-210-0050(T)	6-19-2012	Repeal	8-1-2012	330-225-0040	6-11-2012	Adopt	7-1-2012
330-210-0060	12-23-2011	Adopt(T)	2-1-2012	330-225-0050	6-11-2012	Adopt	7-1-2012
330-210-0060	6-19-2012	Adopt	8-1-2012	330-225-0070	6-11-2012	Adopt	7-1-2012
330-210-0060(T)	6-19-2012	Repeal	8-1-2012	330-225-0080	6-11-2012	Adopt	7-1-2012
330-210-0070	12-23-2011	Adopt(T)	2-1-2012	330-225-0090	6-11-2012	Adopt	7-1-2012
330-210-0070	6-19-2012	Adopt	8-1-2012	330-225-0100	6-11-2012	Adopt	7-1-2012
330-210-0070(T)	6-19-2012	Repeal	8-1-2012	330-225-0150	6-11-2012	Adopt	7-1-2012
330-210-0080	12-23-2011	Adopt(T)	2-1-2012	330-230-0000	12-23-2011	Adopt(T)	2-1-2012
330-210-0080	6-19-2012	Adopt	8-1-2012	330-230-0000	6-19-2012	Adopt	8-1-2012
330-210-0080(T)	6-19-2012	Repeal	8-1-2012	330-230-0000(T)	6-19-2012	Repeal	8-1-2012
330-210-0090	12-23-2011	Adopt(T)	2-1-2012	330-230-0010	12-23-2011	Adopt(T)	2-1-2012
330-210-0090	6-19-2012	Adopt	8-1-2012	330-230-0010	6-19-2012	Adopt	8-1-2012
330-210-0090(T)	6-19-2012	Repeal	8-1-2012	330-230-0010(T)	6-19-2012	Repeal	8-1-2012
330-210-0100	12-23-2011	Adopt(T)	2-1-2012	330-230-0020	12-23-2011	Adopt(T)	2-1-2012
330-210-0100	6-19-2012	Adopt	8-1-2012	330-230-0020	6-19-2012	Adopt	8-1-2012
330-210-0100(T)	6-19-2012	Repeal	8-1-2012	330-230-0020(T)	6-19-2012	Repeal	8-1-2012
330-210-0150	12-23-2011	Adopt(T)	2-1-2012	330-230-0030	12-23-2011	Adopt(T)	2-1-2012
330-210-0150	6-19-2012	Adopt	8-1-2012	330-230-0030	6-19-2012	Adopt	8-1-2012
330-210-0150(T)	6-19-2012	Repeal	8-1-2012	330-230-0030(T)	6-19-2012	Repeal	8-1-2012
330-220-0000	2-7-2012	Adopt(T)	3-1-2012	330-230-0040	12-23-2011	Adopt(T)	2-1-2012
330-220-0000	8-1-2012	Adopt	9-1-2012	330-230-0040	6-19-2012	Adopt	8-1-2012
330-220-0000(T)	8-1-2012	Repeal	9-1-2012	330-230-0040(T)	6-19-2012	Repeal	8-1-2012
330-220-0010	2-7-2012	Adopt(T)	3-1-2012	330-230-0050	12-23-2011	Adopt(T)	2-1-2012
330-220-0010	8-1-2012	Adopt	9-1-2012	330-230-0050	6-19-2012	Adopt	8-1-2012
330-220-0010(T)	8-1-2012	Repeal	9-1-2012	330-230-0050(T)	6-19-2012	Repeal	8-1-2012
330-220-0020	2-7-2012	Adopt(T)	3-1-2012	330-230-0060	12-23-2011	Adopt(T)	2-1-2012
330-220-0020	8-1-2012	Adopt	9-1-2012	330-230-0060	6-19-2012	Adopt	8-1-2012
330-220-0020(T)	8-1-2012	Repeal	9-1-2012	330-230-0060(T)	6-19-2012	Repeal	8-1-2012
330-220-0030	2-7-2012	Adopt(T)	3-1-2012	330-230-0110	12-23-2011	Adopt(T)	2-1-2012
330-220-0030	8-1-2012	Adopt	9-1-2012	330-230-0110	6-19-2012	Adopt	8-1-2012
330-220-0030(T)	8-1-2012	Repeal	9-1-2012	330-230-0110(T)	6-19-2012	Repeal	8-1-2012
330-220-0040	2-7-2012	Adopt(T)	3-1-2012	330-230-0120	12-23-2011	Adopt(T)	2-1-2012
330-220-0040	8-1-2012	Adopt	9-1-2012	330-230-0120	6-19-2012	Adopt	8-1-2012
330-220-0040(T)	8-1-2012	Repeal	9-1-2012	330-230-0120(T)	6-19-2012	Repeal	8-1-2012
330-220-0050	2-7-2012	Adopt(T)	3-1-2012	330-230-0130	12-23-2011	Adopt(T)	2-1-2012
330-220-0050	8-1-2012	Adopt	9-1-2012	330-230-0130	6-19-2012	Adopt	8-1-2012
330-220-0050(T)	8-1-2012	Repeal	9-1-2012	330-230-0130(T)	6-19-2012	Repeal	8-1-2012
330-220-0070	2-7-2012	Adopt(T)	3-1-2012	330-230-0140	12-23-2011	Adopt(T)	2-1-2012
330-220-0070	8-1-2012	Adopt	9-1-2012	330-230-0140	6-19-2012	Adopt	8-1-2012
330-220-0070(T)	8-1-2012	Repeal	9-1-2012	330-230-0140(T)	6-19-2012	Repeal	8-1-2012
330-220-0080	2-7-2012	Adopt(T)	3-1-2012	330-230-0150	6-19-2012	Adopt	8-1-2012
330-220-0080	8-1-2012	Adopt	9-1-2012	331-020-0020	3-1-2012	Amend(T)	4-1-2012
330-220-0080(T)	8-1-2012	Repeal	9-1-2012	331-020-0020	5-15-2012	Amend	6-1-2012
330-220-0090	2-7-2012	Adopt(T)	3-1-2012	331-020-0020(T)	5-15-2012	Repeal	6-1-2012

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331-1-900-0000(T)	6-25-2012	Repeal	8-1-2012	331-225-0090	1-1-2012	Repeal	2-1-2012
331-105-0020	8-17-2012	Repeal	10-1-2012	331-225-0100	1-1-2012	Repeal	2-1-2012
331-110-0005	8-17-2012	Repeal	10-1-2012	331-225-0110	1-1-2012	Repeal	2-1-2012
331-110-0010	8-17-2012	Repeal	10-1-2012	331-225-0120	1-1-2012	Repeal	2-1-2012
331-110-0055	8-17-2012	Repeal	10-1-2012	331-225-0130	1-1-2012	Repeal	2-1-2012
331-115-0000	8-17-2012	Repeal	10-1-2012	331-225-0140	1-1-2012	Repeal	2-1-2012
331-115-0010	8-17-2012	Repeal	10-1-2012	331-225-0150	1-1-2012	Repeal	2-1-2012
331-115-0020	8-17-2012	Repeal	10-1-2012	331-225-0160	1-1-2012	Repeal	2-1-2012
331-115-0030	8-17-2012	Repeal	10-1-2012	331-505-0000	1-1-2012	Repeal	2-1-2012
331-115-0060	8-17-2012	Repeal	10-1-2012	331-505-0010	1-1-2012	Repeal	2-1-2012
331-120-0000	8-17-2012	Repeal	10-1-2012	331-510-0000	1-1-2012	Repeal	2-1-2012
331-120-0001	8-17-2012	Adopt	10-1-2012	331-515-0000	1-1-2012	Repeal	2-1-2012
331-120-0010	8-17-2012	Repeal	10-1-2012	331-515-0010	1-1-2012	Repeal	2-1-2012
331-120-0020	8-17-2012	Repeal	10-1-2012	331-515-0020	1-1-2012	Repeal	2-1-2012
331-120-0030	8-17-2012	Repeal	10-1-2012	331-515-0030	1-1-2012	Repeal	2-1-2012
331-125-0000	8-17-2012	Repeal	10-1-2012	331-520-0000	1-1-2012	Repeal	2-1-2012
331-125-0010	8-17-2012	Repeal	10-1-2012	331-520-0010	1-1-2012	Repeal	2-1-2012
331-125-0020	8-17-2012	Repeal	10-1-2012	331-520-0030	1-1-2012	Repeal	2-1-2012
331-130-0001	8-17-2012	Adopt	10-1-2012	331-520-0040	1-1-2012	Repeal	2-1-2012
331-130-0005	8-17-2012	Adopt	10-1-2012	331-520-0070	1-1-2012	Repeal	2-1-2012
331-130-0011	8-17-2012	Adopt	10-1-2012	331-525-0000	1-1-2012	Repeal	2-1-2012
331-130-0015	8-17-2012	Adopt	10-1-2012	331-525-0020	1-1-2012	Repeal	2-1-2012
331-135-0000	8-17-2012	Repeal	10-1-2012	331-525-0035	1-1-2012	Repeal	2-1-2012
331-150-0000	8-17-2012	Adopt	10-1-2012	331-525-0038	1-1-2012	Repeal	2-1-2012
331-150-0005	8-17-2012	Adopt	10-1-2012	331-525-0040	1-1-2012	Repeal	2-1-2012
331-150-0010	8-17-2012	Adopt	10-1-2012	331-525-0055	1-1-2012	Repeal	2-1-2012
331-160-0005	8-17-2012	Adopt	10-1-2012	331-525-0060	1-1-2012	Repeal	2-1-2012
331-160-0010	8-17-2012	Adopt	10-1-2012	331-525-0065	1-1-2012	Repeal	2-1-2012
331-160-0015	8-17-2012	Adopt	10-1-2012	331-530-0000	1-1-2012	Repeal	2-1-2012
331-205-0020	1-1-2012	Repeal	2-1-2012	331-530-0020	1-1-2012	Repeal	2-1-2012
331-205-0030	1-1-2012	Repeal	2-1-2012	331-535-0000	1-1-2012	Repeal	2-1-2012
331-210-0000	1-1-2012	Repeal	2-1-2012	331-535-0010	1-1-2012	Repeal	2-1-2012
331-210-0010	1-1-2012	Repeal	2-1-2012	331-535-0020	1-1-2012	Repeal	2-1-2012
331-210-0020	1-1-2012	Repeal	2-1-2012	331-535-0030	1-1-2012	Repeal	2-1-2012
331-210-0021	1-1-2012	Repeal	2-1-2012	331-535-0040	1-1-2012	Repeal	2-1-2012
331-215-0000	1-1-2012	Repeal	2-1-2012	331-535-0050	1-1-2012	Repeal	2-1-2012
331-215-0010	1-1-2012	Repeal	2-1-2012	331-535-0060	1-1-2012	Repeal	2-1-2012
331-215-0020	1-1-2012	Repeal	2-1-2012	331-535-0070	1-1-2012	Repeal	2-1-2012
331-215-0030	1-1-2012	Repeal	2-1-2012	331-535-0080	1-1-2012	Repeal	2-1-2012
331-215-0040	1-1-2012	Repeal	2-1-2012	331-540-0000	1-1-2012	Repeal	2-1-2012
331-220-0000	1-1-2012	Repeal	2-1-2012	331-540-0010	1-1-2012	Repeal	2-1-2012
331-220-0010	1-1-2012	Repeal	2-1-2012	331-540-0020	1-1-2012	Repeal	2-1-2012
331-220-0020	1-1-2012	Repeal	2-1-2012	331-540-0030	1-1-2012	Repeal	2-1-2012
331-220-0030	1-1-2012	Repeal	2-1-2012	331-545-0000	1-1-2012	Repeal	2-1-2012
331-220-0040	1-1-2012	Repeal	2-1-2012	331-545-0020	1-1-2012	Repeal	2-1-2012
331-220-0050	1-1-2012	Repeal	2-1-2012	331-550-0000	1-1-2012	Repeal	2-1-2012
331-220-0060	1-1-2012	Repeal	2-1-2012	331-555-0010	1-1-2012	Repeal	2-1-2012
331-220-0080	1-1-2012	Repeal	2-1-2012	331-555-0030	1-1-2012	Repeal	2-1-2012
331-225-0000	1-1-2012	Repeal	2-1-2012	331-555-0040	1-1-2012	Repeal	2-1-2012
331-225-0020	1-1-2012	Repeal	2-1-2012	331-560-0000	1-1-2012	Repeal	2-1-2012
331-225-0030	1-1-2012	Repeal	2-1-2012	331-560-0010	1-1-2012	Repeal	2-1-2012
331-225-0040	1-1-2012	Repeal	2-1-2012	331-560-0020	1-1-2012	Repeal	2-1-2012
331-225-0050	1-1-2012	Repeal	2-1-2012	331-560-0030	1-1-2012	Repeal	2-1-2012
331-225-0060	1-1-2012	Repeal	2-1-2012	331-560-0040	1-1-2012	Repeal	2-1-2012
331-225-0070	1-1-2012	Repeal	2-1-2012	331-560-0060	1-1-2012	Repeal	2-1-2012
331-225-0080	1-1-2012	Repeal	2-1-2012	331-565-0000	1-1-2012	Repeal	2-1-2012

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331-565-0025	1-1-2012	Repeal	2-1-2012	331-640-0030	8-17-2012	Repeal	10-1-2012
331-565-0030	1-1-2012	Repeal	2-1-2012	331-640-0040	8-17-2012	Repeal	10-1-2012
331-565-0040	1-1-2012	Repeal	2-1-2012	331-640-0050	8-17-2012	Repeal	10-1-2012
331-565-0050	1-1-2012	Repeal	2-1-2012	331-640-0055	8-17-2012	Repeal	10-1-2012
331-565-0060	1-1-2012	Repeal	2-1-2012	331-640-0060	8-17-2012	Repeal	10-1-2012
331-565-0080	1-1-2012	Repeal	2-1-2012	331-650-0000	8-17-2012	Repeal	10-1-2012
331-565-0085	1-1-2012	Repeal	2-1-2012	331-650-0005	8-17-2012	Adopt	10-1-2012
331-565-0090	1-1-2012	Repeal	2-1-2012	331-650-0015	8-17-2012	Adopt	10-1-2012
331-565-0095	1-1-2012	Repeal	2-1-2012	331-660-0000	8-17-2012	Adopt	10-1-2012
331-570-0000	1-1-2012	Repeal	2-1-2012	331-660-0010	8-17-2012	Adopt	10-1-2012
331-570-0020	1-1-2012	Repeal	2-1-2012	331-660-0020	8-17-2012	Adopt	10-1-2012
331-575-0000	1-1-2012	Repeal	2-1-2012	331-660-0030	8-17-2012	Adopt	10-1-2012
331-575-0010	1-1-2012	Repeal	2-1-2012	331-660-0040	8-17-2012	Adopt	10-1-2012
331-575-0020	1-1-2012	Repeal	2-1-2012	331-660-0050	8-17-2012	Adopt	10-1-2012
331-575-0030	1-1-2012	Repeal	2-1-2012	331-660-0060	8-17-2012	Adopt	10-1-2012
331-575-0040	1-1-2012	Repeal	2-1-2012	331-660-0070	8-17-2012	Adopt	10-1-2012
331-575-0050	1-1-2012	Repeal	2-1-2012	331-660-0080	8-17-2012	Adopt	10-1-2012
331-580-0000	1-1-2012	Repeal	2-1-2012	331-705-0050	1-1-2012	Amend	2-1-2012
331-580-0010	1-1-2012	Repeal	2-1-2012	331-705-0060	1-1-2012	Repeal	2-1-2012
331-580-0020	1-1-2012	Repeal	2-1-2012	331-705-0072	11-22-2011	Adopt(T)	1-1-2012
331-580-0030	1-1-2012	Repeal	2-1-2012	331-705-0072	1-1-2012	Adopt	2-1-2012
331-585-0000	1-1-2012	Repeal	2-1-2012	331-705-0072(T)	1-1-2012	Repeal	2-1-2012
331-585-0010	1-1-2012	Repeal	2-1-2012	331-705-0080	1-1-2012	Adopt	2-1-2012
331-585-0020	1-1-2012	Repeal	2-1-2012	331-710-0005	1-1-2012	Adopt	2-1-2012
331-585-0030	1-1-2012	Repeal	2-1-2012	331-710-0010	1-1-2012	Amend	2-1-2012
331-585-0040	1-1-2012	Repeal	2-1-2012	331-710-0010	9-14-2012	Amend	10-1-2012
331-590-0000	1-1-2012	Repeal	2-1-2012	331-710-0015	1-1-2012	Adopt	2-1-2012
331-590-0020	1-1-2012	Repeal	2-1-2012	331-710-0020	1-1-2012	Amend	2-1-2012
331-601-0000	8-17-2012	Repeal	10-1-2012	331-710-0030	1-1-2012	Repeal	2-1-2012
331-610-0000	8-17-2012	Repeal	10-1-2012	331-710-0040	1-1-2012	Adopt	2-1-2012
331-610-0010	8-17-2012	Repeal	10-1-2012	331-710-0040	9-14-2012	Amend	10-1-2012
331-610-0020	8-17-2012	Repeal	10-1-2012	331-710-0045	1-1-2012	Adopt	2-1-2012
331-610-0030	8-17-2012	Repeal	10-1-2012	331-710-0050	1-1-2012	Adopt	2-1-2012
331-610-0040	8-17-2012	Repeal	10-1-2012	331-710-0050	9-14-2012	Amend	10-1-2012
331-610-0050	8-17-2012	Repeal	10-1-2012	331-710-0060	9-14-2012	Adopt	10-1-2012
331-620-0000	8-17-2012	Repeal	10-1-2012	331-710-0070	9-14-2012	Adopt	10-1-2012
331-620-0005	8-17-2012	Adopt	10-1-2012	331-710-0080	9-14-2012	Adopt	10-1-2012
331-620-0010	8-17-2012	Repeal	10-1-2012	331-710-0090	9-14-2012	Adopt	10-1-2012
331-620-0020	8-17-2012	Repeal	10-1-2012	331-710-0100	9-14-2012	Adopt	10-1-2012
331-630-0000	8-17-2012	Repeal	10-1-2012	331-710-0110	9-14-2012	Adopt	10-1-2012
331-630-0001	8-17-2012	Adopt	10-1-2012	331-712-0000	1-1-2012	Adopt	2-1-2012
331-630-0005	8-17-2012	Adopt	10-1-2012	331-712-0010	1-1-2012	Adopt	2-1-2012
331-630-0010	8-17-2012	Repeal	10-1-2012	331-712-0010	9-14-2012	Amend	10-1-2012
331-630-0011	8-17-2012	Adopt	10-1-2012	331-712-0020	1-1-2012	Adopt	2-1-2012
331-630-0015	8-17-2012	Adopt	10-1-2012	331-715-0010	1-1-2012	Amend	2-1-2012
331-630-0020	8-17-2012	Adopt	10-1-2012	331-715-0030	1-1-2012	Repeal	2-1-2012
331-630-0025	8-17-2012	Adopt	10-1-2012	331-715-0045	1-1-2012	Repeal	2-1-2012
331-630-0030	8-17-2012	Adopt	10-1-2012	331-718-0000	1-1-2012	Adopt	2-1-2012
331-630-0035	8-17-2012	Adopt	10-1-2012	331-718-0010	1-1-2012	Adopt	2-1-2012
331-630-0040	8-17-2012	Adopt	10-1-2012	331-718-0020	1-1-2012	Adopt	2-1-2012
331-630-0050	8-17-2012	Adopt	10-1-2012	331-720-0010	1-1-2012	Amend	2-1-2012
331-630-0060	8-17-2012	Adopt	10-1-2012	331-720-0015	1-1-2012	Adopt	2-1-2012
331-630-0070	8-17-2012	Adopt	10-1-2012	331-725-0020	1-1-2012	Repeal	2-1-2012
331-640-0000	8-17-2012	Repeal	10-1-2012	331-740-0000	1-1-2012	Adopt	2-1-2012
331-640-0010	8-17-2012	Repeal	10-1-2012	331-900-0000	1-1-2012	Adopt	2-1-2012



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331-900-0000	6-25-2012	Amend	8-1-2012	331-900-0097	6-25-2012	Adopt	8-1-2012
331-900-0000	10-15-2012	Amend(T)	11-1-2012	331-900-0098	6-25-2012	Adopt	8-1-2012
331-900-0005	1-1-2012	Adopt	2-1-2012	331-900-0098	10-15-2012	Amend(T)	11-1-2012
331-900-0005	3-1-2012	Amend(T)	4-1-2012	331-900-0099	6-25-2012	Adopt	8-1-2012
331-900-0005	6-25-2012	Amend	8-1-2012	331-900-0100	1-1-2012	Adopt	2-1-2012
331-900-0005(T)	6-25-2012	Repeal	8-1-2012	331-900-0100	3-1-2012	Amend(T)	4-1-2012
331-900-0010	1-1-2012	Adopt	2-1-2012	331-900-0100	6-25-2012	Amend	8-1-2012
331-900-0010	3-1-2012	Amend(T)	4-1-2012	331-900-0100(T)	6-25-2012	Repeal	8-1-2012
331-900-0010	6-25-2012	Amend	8-1-2012	331-900-0105	1-1-2012	Adopt	2-1-2012
331-900-0010(T)	6-25-2012	Repeal	8-1-2012	331-900-0105	10-15-2012	Amend(T)	11-1-2012
331-900-0015	1-1-2012	Adopt	2-1-2012	331-900-0110	1-1-2012	Adopt	2-1-2012
331-900-0015	3-1-2012	Amend(T)	4-1-2012	331-900-0110	6-25-2012	Amend	8-1-2012
331-900-0015	6-25-2012	Amend	8-1-2012	331-900-0115	6-25-2012	Adopt	8-1-2012
331-900-0015(T)	6-25-2012	Repeal	8-1-2012	331-900-0120	6-25-2012	Adopt	8-1-2012
331-900-0020	1-1-2012	Adopt	2-1-2012	331-900-0125	6-25-2012	Adopt	8-1-2012
331-900-0020	3-1-2012	Amend(T)	4-1-2012	331-900-0130	6-25-2012	Adopt	8-1-2012
331-900-0020	6-25-2012	Amend	8-1-2012	331-905-0000	1-1-2012	Adopt(T)	2-1-2012
331-900-0020(T)	6-25-2012	Repeal	8-1-2012	331-905-0000	3-1-2012	Adopt(T)	4-1-2012
331-900-0025	1-1-2012	Adopt	2-1-2012	331-905-0000	6-25-2012	Adopt	8-1-2012
331-900-0025	6-25-2012	Amend	8-1-2012	331-905-0000(T)	3-1-2012	Suspend	4-1-2012
331-900-0030	1-1-2012	Adopt	2-1-2012	331-905-0000(T)	6-25-2012	Repeal	8-1-2012
331-900-0030	3-1-2012	Amend(T)	4-1-2012	331-905-0003	3-1-2012	Adopt(T)	4-1-2012
331-900-0030	6-25-2012	Amend	8-1-2012	331-905-0003(T)	6-25-2012	Repeal	8-1-2012
331-900-0030(T)	6-25-2012	Repeal	8-1-2012	331-905-0005	1-1-2012	Adopt(T)	2-1-2012
331-900-0035	1-1-2012	Adopt	2-1-2012	331-905-0005	3-1-2012	Adopt(T)	4-1-2012
331-900-0035	6-25-2012	Amend	8-1-2012	331-905-0005	6-25-2012	Adopt	8-1-2012
331-900-0040	1-1-2012	Adopt	2-1-2012	331-905-0005(T)	3-1-2012	Suspend	4-1-2012
331-900-0040	3-1-2012	Amend(T)	4-1-2012	331-905-0005(T)	6-25-2012	Repeal	8-1-2012
331-900-0040	6-25-2012	Amend	8-1-2012	331-905-0010	1-1-2012	Adopt(T)	2-1-2012
331-900-0040	10-15-2012	Amend(T)	11-1-2012	331-905-0010	3-1-2012	Adopt(T)	4-1-2012
331-900-0040(T)	6-25-2012	Repeal	8-1-2012	331-905-0010	6-25-2012	Adopt	8-1-2012
331-900-0045	1-1-2012	Adopt	2-1-2012	331-905-0010(T)	3-1-2012	Suspend	4-1-2012
331-900-0045	6-25-2012	Amend	8-1-2012	331-905-0010(T)	6-25-2012	Repeal	8-1-2012
331-900-0050	1-1-2012	Adopt	2-1-2012	331-905-0011	6-25-2012	Adopt	8-1-2012
331-900-0055	1-1-2012	Adopt	2-1-2012	331-905-0012	3-1-2012	Adopt(T)	4-1-2012
331-900-0060	1-1-2012	Adopt	2-1-2012	331-905-0012	6-25-2012	Adopt	8-1-2012
331-900-0065	1-1-2012	Adopt	2-1-2012	331-905-0012(T)	6-25-2012	Repeal	8-1-2012
331-900-0070	1-1-2012	Adopt	2-1-2012	331-905-0013	6-25-2012	Adopt	8-1-2012
331-900-0070	3-1-2012	Amend(T)	4-1-2012	331-905-0014	3-1-2012	Adopt(T)	4-1-2012
331-900-0070	6-25-2012	Amend	8-1-2012	331-905-0014	6-25-2012	Adopt	8-1-2012
331-900-0070(T)	6-25-2012	Repeal	8-1-2012	331-905-0014(T)	6-25-2012	Repeal	8-1-2012
331-900-0075	1-1-2012	Adopt	2-1-2012	331-905-0015	1-1-2012	Adopt(T)	2-1-2012
331-900-0080	1-1-2012	Adopt	2-1-2012	331-905-0015	3-1-2012	Adopt(T)	4-1-2012
331-900-0085	1-1-2012	Adopt	2-1-2012	331-905-0015	6-25-2012	Adopt	8-1-2012
331-900-0085	3-1-2012	Amend(T)	4-1-2012	331-905-0015(T)	3-1-2012	Suspend	4-1-2012
331-900-0085	6-25-2012	Amend	8-1-2012	331-905-0015(T)	6-25-2012	Repeal	8-1-2012
331-900-0085	10-15-2012	Amend(T)	11-1-2012	331-905-0020	1-1-2012	Adopt(T)	2-1-2012
331-900-0085(T)	6-25-2012	Repeal	8-1-2012	331-905-0020	3-1-2012	Adopt(T)	4-1-2012
331-900-0090	1-1-2012	Adopt	2-1-2012	331-905-0020	6-25-2012	Adopt	8-1-2012
331-900-0090	3-1-2012	Amend(T)	4-1-2012	331-905-0020(T)	3-1-2012	Suspend	4-1-2012
331-900-0090	6-25-2012	Amend	8-1-2012	331-905-0020(T)	6-25-2012	Repeal	8-1-2012
331-900-0090(T)	6-25-2012	Repeal	8-1-2012	331-905-0025	1-1-2012	Adopt(T)	2-1-2012
331-900-0095	1-1-2012	Adopt	2-1-2012	331-905-0025	3-1-2012	Adopt(T)	4-1-2012
331-900-0095	3-1-2012	Amend(T)	4-1-2012	331-905-0025	6-25-2012	Adopt	8-1-2012
331-900-0095	6-25-2012	Amend	8-1-2012	331-905-0025(T)	3-1-2012	Suspend	4-1-2012

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331-905-0025(T)	6-25-2012	Repeal	8-1-2012	331-905-0110	6-25-2012	Adopt	8-1-2012
331-905-0030	1-1-2012	Adopt(T)	2-1-2012	331-905-0115	6-25-2012	Adopt	8-1-2012
331-905-0030	3-1-2012	Adopt(T)	4-1-2012	331-905-0115	10-15-2012	Amend(T)	11-1-2012
331-905-0030	6-25-2012	Adopt	8-1-2012	331-905-0120	6-25-2012	Adopt	8-1-2012
331-905-0030(T)	3-1-2012	Suspend	4-1-2012	331-905-0120	10-15-2012	Amend(T)	11-1-2012
331-905-0030(T)	6-25-2012	Repeal	8-1-2012	331-910-0000	1-1-2012	Adopt	2-1-2012
331-905-0032	3-1-2012	Adopt(T)	4-1-2012	331-910-0000	6-25-2012	Amend	8-1-2012
331-905-0032(T)	6-25-2012	Repeal	8-1-2012	331-910-0005	1-1-2012	Adopt	2-1-2012
331-905-0034	3-1-2012	Adopt(T)	4-1-2012	331-910-0010	1-1-2012	Adopt	2-1-2012
331-905-0034(T)	6-25-2012	Repeal	8-1-2012	331-910-0010	3-1-2012	Amend(T)	4-1-2012
331-905-0035	1-1-2012	Adopt(T)	2-1-2012	331-910-0010	6-25-2012	Amend	8-1-2012
331-905-0035	3-1-2012	Adopt(T)	4-1-2012	331-910-0010	10-15-2012	Amend(T)	11-1-2012
331-905-0035	6-25-2012	Adopt	8-1-2012	331-910-0010(T)	6-25-2012	Repeal	8-1-2012
331-905-0035(T)	3-1-2012	Suspend	4-1-2012	331-910-0015	1-1-2012	Adopt	2-1-2012
331-905-0035(T)	6-25-2012	Repeal	8-1-2012	331-910-0015	3-1-2012	Amend(T)	4-1-2012
331-905-0040	1-1-2012	Adopt(T)	2-1-2012	331-910-0015	6-25-2012	Amend	8-1-2012
331-905-0040	3-1-2012	Adopt(T)	4-1-2012	331-910-0015(T)	6-25-2012	Repeal	8-1-2012
331-905-0040	6-25-2012	Adopt	8-1-2012	331-910-0020	1-1-2012	Adopt	2-1-2012
331-905-0040(T)	3-1-2012	Suspend	4-1-2012	331-910-0020	3-1-2012	Amend(T)	4-1-2012
331-905-0040(T)	6-25-2012	Repeal	8-1-2012	331-910-0020	6-25-2012	Amend	8-1-2012
331-905-0045	1-1-2012	Adopt(T)	2-1-2012	331-910-0020(T)	6-25-2012	Repeal	8-1-2012
331-905-0045	3-1-2012	Adopt(T)	4-1-2012	331-910-0025	1-1-2012	Adopt	2-1-2012
331-905-0045	6-25-2012	Adopt	8-1-2012	331-910-0025	3-1-2012	Amend(T)	4-1-2012
331-905-0045(T)	3-1-2012	Suspend	4-1-2012	331-910-0025	6-25-2012	Amend	8-1-2012
331-905-0045(T)	6-25-2012	Repeal	8-1-2012	331-910-0025(T)	6-25-2012	Repeal	8-1-2012
331-905-0050	1-1-2012	Adopt(T)	2-1-2012	331-910-0030	1-1-2012	Adopt	2-1-2012
331-905-0050	3-1-2012	Adopt(T)	4-1-2012	331-910-0035	1-1-2012	Adopt	2-1-2012
331-905-0050	6-25-2012	Adopt	8-1-2012	331-910-0040	1-1-2012	Adopt	2-1-2012
331-905-0050(T)	3-1-2012	Suspend	4-1-2012	331-910-0040	3-1-2012	Amend(T)	4-1-2012
331-905-0050(T)	6-25-2012	Repeal	8-1-2012	331-910-0040	6-25-2012	Amend	8-1-2012
331-905-0052	6-25-2012	Adopt	8-1-2012	331-910-0040(T)	6-25-2012	Repeal	8-1-2012
331-905-0053	3-1-2012	Adopt(T)	4-1-2012	331-910-0045	1-1-2012	Adopt	2-1-2012
331-905-0053(T)	6-25-2012	Repeal	8-1-2012	331-910-0045	3-1-2012	Amend(T)	4-1-2012
331-905-0055	1-1-2012	Adopt(T)	2-1-2012	331-910-0045	6-25-2012	Amend	8-1-2012
331-905-0055	3-1-2012	Adopt(T)	4-1-2012	331-910-0045(T)	6-25-2012	Repeal	8-1-2012
331-905-0055	6-25-2012	Adopt	8-1-2012	331-910-0050	1-1-2012	Adopt	2-1-2012
331-905-0055(T)	3-1-2012	Suspend	4-1-2012	331-910-0055	1-1-2012	Adopt	2-1-2012
331-905-0055(T)	6-25-2012	Repeal	8-1-2012	331-910-0055	3-1-2012	Amend(T)	4-1-2012
331-905-0058	6-25-2012	Adopt	8-1-2012	331-910-0055	6-25-2012	Amend	8-1-2012
331-905-0060	1-1-2012	Adopt(T)	2-1-2012	331-910-0055(T)	6-25-2012	Repeal	8-1-2012
331-905-0060	3-1-2012	Adopt(T)	4-1-2012	331-910-0060	1-1-2012	Adopt	2-1-2012
331-905-0060	6-25-2012	Adopt	8-1-2012	331-910-0065	1-1-2012	Adopt	2-1-2012
331-905-0060(T)	3-1-2012	Suspend	4-1-2012	331-910-0065	3-1-2012	Amend(T)	4-1-2012
331-905-0060(T)	6-25-2012	Repeal	8-1-2012	331-910-0065	6-25-2012	Amend	8-1-2012
331-905-0065	1-1-2012	Adopt(T)	2-1-2012	331-910-0065(T)	6-25-2012	Repeal	8-1-2012
331-905-0065	3-1-2012	Adopt(T)	4-1-2012	331-910-0070	3-1-2012	Adopt(T)	4-1-2012
331-905-0065(T)	6-25-2012	Repeal	8-1-2012	331-910-0070	6-25-2012	Adopt	8-1-2012
331-905-0070	6-25-2012	Adopt	8-1-2012	331-910-0070	10-15-2012	Amend(T)	11-1-2012
331-905-0075	6-25-2012	Adopt	8-1-2012	331-910-0070(T)	6-25-2012	Repeal	8-1-2012
331-905-0080	6-25-2012	Adopt	8-1-2012	331-910-0075	3-1-2012	Adopt(T)	4-1-2012
331-905-0085	6-25-2012	Adopt	8-1-2012	331-910-0075	6-25-2012	Adopt	8-1-2012
331-905-0090	6-25-2012	Adopt	8-1-2012	331-910-0075(T)	6-25-2012	Repeal	8-1-2012
331-905-0095	6-25-2012	Adopt	8-1-2012	331-910-0080	3-1-2012	Adopt(T)	4-1-2012
331-905-0095	10-15-2012	Amend(T)	11-1-2012	331-910-0080	6-25-2012	Adopt	8-1-2012
331-905-0100	6-25-2012	Adopt	8-1-2012	331-910-0080(T)	6-25-2012	Repeal	8-1-2012
331-905-0105	6-25-2012	Adopt	8-1-2012	331-910-0085	3-1-2012	Adopt(T)	4-1-2012

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331-910-0085(T)	6-25-2012	Repeal	8-1-2012	331-925-0000	3-1-2012	Amend(T)	4-1-2012
331-915-0000	1-1-2012	Adopt	2-1-2012	331-925-0000	6-25-2012	Amend	8-1-2012
331-915-0000	6-25-2012	Amend	8-1-2012	331-925-0000(T)	6-25-2012	Repeal	8-1-2012
331-915-0005	1-1-2012	Adopt	2-1-2012	331-925-0005	1-1-2012	Adopt	2-1-2012
331-915-0010	1-1-2012	Adopt	2-1-2012	331-925-0005	3-1-2012	Amend(T)	4-1-2012
331-915-0010	3-1-2012	Amend(T)	4-1-2012	331-925-0005	6-25-2012	Amend	8-1-2012
331-915-0010	6-25-2012	Amend	8-1-2012	331-925-0005(T)	6-25-2012	Repeal	8-1-2012
331-915-0010(T)	6-25-2012	Repeal	8-1-2012	331-925-0010	1-1-2012	Adopt	2-1-2012
331-915-0015	1-1-2012	Adopt	2-1-2012	331-925-0010	3-1-2012	Amend(T)	4-1-2012
331-915-0015	3-1-2012	Amend(T)	4-1-2012	331-925-0010	6-25-2012	Amend	8-1-2012
331-915-0015	6-25-2012	Amend	8-1-2012	331-925-0010(T)	6-25-2012	Repeal	8-1-2012
331-915-0015(T)	6-25-2012	Repeal	8-1-2012	331-925-0015	1-1-2012	Adopt	2-1-2012
331-915-0020	1-1-2012	Adopt	2-1-2012	331-925-0015	3-1-2012	Amend(T)	4-1-2012
331-915-0020	3-1-2012	Amend(T)	4-1-2012	331-925-0015	6-25-2012	Amend	8-1-2012
331-915-0020	6-25-2012	Amend	8-1-2012	331-925-0015(T)	6-25-2012	Repeal	8-1-2012
331-915-0020	10-15-2012	Amend(T)	11-1-2012	331-925-0020	1-1-2012	Adopt	2-1-2012
331-915-0020(T)	6-25-2012	Repeal	8-1-2012	331-925-0020	3-1-2012	Amend(T)	4-1-2012
331-915-0025	1-1-2012	Adopt	2-1-2012	331-925-0020	6-25-2012	Amend	8-1-2012
331-915-0025	4-20-2012	Amend(T)	6-1-2012	331-925-0020(T)	6-25-2012	Repeal	8-1-2012
331-915-0025	5-3-2012	Amend(T)	6-1-2012	331-925-0025	1-1-2012	Adopt	2-1-2012
331-915-0025	6-25-2012	Amend	8-1-2012	331-925-0025	3-1-2012	Amend(T)	4-1-2012
331-915-0025	10-15-2012	Amend(T)	11-1-2012	331-925-0025	6-25-2012	Amend	8-1-2012
331-915-0025(T)	6-25-2012	Repeal	8-1-2012	331-925-0025(T)	6-25-2012	Repeal	8-1-2012
331-915-0027	3-21-2012	Adopt(T)	5-1-2012	331-925-0030	1-1-2012	Adopt	2-1-2012
331-915-0027	3-30-2012	Suspend	5-1-2012	331-925-0030	3-1-2012	Amend(T)	4-1-2012
331-915-0027(T)	6-25-2012	Repeal	8-1-2012	331-925-0030	6-25-2012	Amend	8-1-2012
331-915-0029	3-21-2012	Adopt(T)	5-1-2012	331-925-0030(T)	6-25-2012	Repeal	8-1-2012
331-915-0029	3-30-2012	Suspend	5-1-2012	331-925-0035	1-1-2012	Adopt	2-1-2012
331-915-0029(T)	6-25-2012	Repeal	8-1-2012	331-925-0035	3-1-2012	Amend(T)	4-1-2012
331-915-0030	1-1-2012	Adopt	2-1-2012	331-925-0035	6-25-2012	Amend	8-1-2012
331-915-0035	1-1-2012	Adopt	2-1-2012	331-925-0035(T)	6-25-2012	Repeal	8-1-2012
331-915-0040	1-1-2012	Adopt	2-1-2012	331-925-0040	1-1-2012	Adopt	2-1-2012
331-915-0040	3-1-2012	Amend(T)	4-1-2012	331-925-0040	3-1-2012	Amend(T)	4-1-2012
331-915-0040	6-25-2012	Amend	8-1-2012	331-925-0040	6-25-2012	Amend	8-1-2012
331-915-0040(T)	6-25-2012	Repeal	8-1-2012	331-925-0040(T)	6-25-2012	Repeal	8-1-2012
331-915-0045	1-1-2012	Adopt	2-1-2012	331-925-0045	1-1-2012	Adopt	2-1-2012
331-915-0045	3-1-2012	Amend(T)	4-1-2012	331-925-0045	6-25-2012	Amend	8-1-2012
331-915-0045	6-25-2012	Amend	8-1-2012	331-925-0050	3-1-2012	Adopt(T)	4-1-2012
331-915-0045(T)	6-25-2012	Repeal	8-1-2012	331-925-0050	6-25-2012	Adopt	8-1-2012
331-915-0050	1-1-2012	Adopt	2-1-2012	331-925-0050(T)	6-25-2012	Repeal	8-1-2012
331-915-0055	1-1-2012	Adopt	2-1-2012	331-925-0055	3-1-2012	Adopt(T)	4-1-2012
331-915-0060	1-1-2012	Adopt	2-1-2012	331-925-0055	6-25-2012	Adopt	8-1-2012
331-915-0065	1-1-2012	Adopt	2-1-2012	331-925-0055(T)	6-25-2012	Repeal	8-1-2012
331-915-0065	6-25-2012	Amend	8-1-2012	331-930-0000	1-1-2012	Adopt	2-1-2012
331-915-0070	6-25-2012	Adopt	8-1-2012	331-930-0000	3-1-2012	Amend(T)	4-1-2012
331-915-0070	10-15-2012	Amend(T)	11-1-2012	331-930-0000	6-25-2012	Repeal	8-1-2012
331-915-0075	6-25-2012	Adopt	8-1-2012	331-930-0000(T)	6-25-2012	Repeal	8-1-2012
331-915-0075	10-15-2012	Amend(T)	11-1-2012	331-930-0005	1-1-2012	Adopt	2-1-2012
331-915-0080	6-25-2012	Adopt	8-1-2012	331-930-0005	3-1-2012	Suspend	4-1-2012
331-915-0085	6-25-2012	Adopt	8-1-2012	331-930-0005	6-25-2012	Repeal	8-1-2012
331-915-0085	10-15-2012	Amend(T)	11-1-2012	331-930-0005(T)	6-25-2012	Repeal	8-1-2012
331-920-0000	1-1-2012	Adopt	2-1-2012	331-930-0010	1-1-2012	Adopt	2-1-2012
331-920-0000	10-15-2012	Amend(T)	11-1-2012	331-930-0010	3-1-2012	Suspend	4-1-2012
331-920-0005	1-1-2012	Adopt	2-1-2012	331-930-0010	6-25-2012	Repeal	8-1-2012
331-920-0005	10-15-2012	Amend(T)	11-1-2012	331-930-0010(T)	6-25-2012	Repeal	8-1-2012



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331-930-0015	1-1-2012	Adopt	2-1-2012	333-010-0040	1-1-2012	Amend	2-1-2012
331-930-0015	3-1-2012	Amend(T)	4-1-2012	333-010-0050	1-1-2012	Amend	2-1-2012
331-930-0015	6-25-2012	Repeal	8-1-2012	333-010-0055	1-1-2012	Amend	2-1-2012
331-930-0015(T)	6-25-2012	Repeal	8-1-2012	333-010-0060	1-1-2012	Amend	2-1-2012
331-930-0020	1-1-2012	Adopt	2-1-2012	333-010-0070	1-1-2012	Amend	2-1-2012
331-930-0020	3-1-2012	Amend(T)	4-1-2012	333-010-0080	1-1-2012	Amend	2-1-2012
331-930-0020	6-25-2012	Repeal	8-1-2012	333-010-0100	1-17-2012	Amend	3-1-2012
331-930-0020(T)	6-25-2012	Repeal	8-1-2012	333-010-0105	1-17-2012	Amend	3-1-2012
331-930-0025	1-1-2012	Adopt	2-1-2012	333-010-0110	1-17-2012	Amend	3-1-2012
331-930-0025	3-1-2012	Amend(T)	4-1-2012	333-010-0115	1-17-2012	Amend	3-1-2012
331-930-0025	6-25-2012	Repeal	8-1-2012	333-010-0130	1-17-2012	Amend	3-1-2012
331-930-0025(T)	6-25-2012	Repeal	8-1-2012	333-010-0197	1-17-2012	Adopt	3-1-2012
331-930-0030	1-1-2012	Adopt	2-1-2012	333-010-0340	6-11-2012	Repeal	7-1-2012
331-930-0030	3-1-2012	Amend(T)	4-1-2012	333-011-0006	1-1-2012	Amend	2-1-2012
331-930-0030	6-25-2012	Repeal	8-1-2012	333-011-0016	1-1-2012	Amend	2-1-2012
331-930-0030(T)	6-25-2012	Repeal	8-1-2012	333-011-0061	1-1-2012	Amend	2-1-2012
331-940-0000	1-1-2012	Adopt	2-1-2012	333-011-0101	1-1-2012	Amend	2-1-2012
331-940-0000	3-5-2012	Amend(T)	4-1-2012	333-012-0002	6-11-2012	Repeal	7-1-2012
331-940-0000	7-25-2012	Amend	9-1-2012	333-012-0003	6-11-2012	Repeal	7-1-2012
331-950-0010	1-1-2012	Adopt	2-1-2012	333-012-0004	6-11-2012	Repeal	7-1-2012
331-950-0010	6-25-2012	Amend	8-1-2012	333-012-0010	6-11-2012	Repeal	7-1-2012
331-950-0020	1-1-2012	Adopt	2-1-2012	333-012-0035	6-11-2012	Repeal	7-1-2012
331-950-0020	6-25-2012	Amend	8-1-2012	333-012-0040	6-11-2012	Repeal	7-1-2012
331-950-0030	1-1-2012	Adopt	2-1-2012	333-012-0041	6-11-2012	Repeal	7-1-2012
331-950-0030	6-25-2012	Amend	8-1-2012	333-012-0043	6-11-2012	Repeal	7-1-2012
331-950-0040	1-1-2012	Adopt	2-1-2012	333-012-0045	6-11-2012	Repeal	7-1-2012
331-950-0040	6-25-2012	Amend	8-1-2012	333-012-0050	9-4-2012	Amend	10-1-2012
331-950-0050	1-1-2012	Adopt	2-1-2012	333-012-0053	3-1-2012	Amend	4-1-2012
331-950-0050	6-25-2012	Amend	8-1-2012	333-012-0053	9-4-2012	Amend	10-1-2012
331-950-0060	1-1-2012	Adopt	2-1-2012	333-012-0055	3-1-2012	Amend	4-1-2012
331-950-0060	6-25-2012	Amend	8-1-2012	333-012-0055	9-4-2012	Amend	10-1-2012
331-950-0070	1-1-2012	Adopt	2-1-2012	333-012-0057	9-4-2012	Amend	10-1-2012
331-950-0070	6-25-2012	Amend	8-1-2012	333-012-0060	9-4-2012	Amend	10-1-2012
332-025-0120	4-12-2012	Amend(T)	4-1-2012	333-012-0061	9-4-2012	Amend	10-1-2012
332-025-0120	5-10-2012	Amend(T)	6-1-2012	333-012-0063	9-4-2012	Amend	10-1-2012
332-025-0120	9-7-2012	Amend	10-1-2012	333-012-0065	9-4-2012	Amend	10-1-2012
332-025-0120(T)	5-10-2012	Suspend	6-1-2012	333-012-0067	9-4-2012	Amend	10-1-2012
332-025-0120(T)	9-7-2012	Repeal	10-1-2012	333-012-0070	9-4-2012	Amend	10-1-2012
332-040-0000	1-1-2012	Amend(T)	2-1-2012	333-013-0001	6-11-2012	Repeal	7-1-2012
332-040-0000	3-9-2012	Amend(T)	4-1-2012	333-013-0004	6-11-2012	Amend	7-1-2012
332-040-0000	7-25-2012	Amend	9-1-2012	333-013-0100	6-11-2012	Repeal	7-1-2012
333-003-0105	4-1-2012	Amend	5-1-2012	333-015-0025	2-1-2012	Amend	3-1-2012
333-003-0110	4-1-2012	Amend	5-1-2012	333-015-0030	2-1-2012	Amend	3-1-2012
333-003-0115	4-1-2012	Amend	5-1-2012	333-015-0035	2-1-2012	Amend	3-1-2012
333-003-0117	4-1-2012	Adopt	5-1-2012	333-015-0040	2-1-2012	Amend	3-1-2012
333-003-0118	4-1-2012	Amend	5-1-2012	333-015-0045	2-1-2012	Amend	3-1-2012
333-003-0119	4-1-2012	Adopt	5-1-2012	333-015-0064	2-1-2012	Amend	3-1-2012
333-003-0125	4-1-2012	Amend	5-1-2012	333-015-0066	2-1-2012	Amend	3-1-2012
333-003-0140	4-1-2012	Amend	5-1-2012	333-015-0068	2-1-2012	Amend	3-1-2012
333-003-0210	4-1-2012	Amend	5-1-2012	333-015-0069	2-1-2012	Amend	3-1-2012
333-010-0000	1-1-2012	Amend	2-1-2012	333-015-0070	2-1-2012	Amend	3-1-2012
333-010-0010	1-1-2012	Amend	2-1-2012	333-015-0075	2-1-2012	Amend	3-1-2012
333-010-0020	1-1-2012	Amend	2-1-2012	333-015-0080	2-1-2012	Amend	3-1-2012
333-010-0030	1-1-2012	Amend	2-1-2012	333-015-0082	2-1-2012	Amend	3-1-2012
333-010-0032	1-1-2012	Adopt	2-1-2012	333-015-0085	2-1-2012	Amend	3-1-2012
333-010-0035	1-1-2012	Amend	2-1-2012	333-015-0090	2-1-2012	Repeal	3-1-2012

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<b>OAR Number</b>	<b>Effective</b>	<b>Action</b>	<b>Bulletin</b>	<b>OAR Number</b>	<b>Effective</b>	<b>Action</b>	<b>Bulletin</b>
333-019-0041	12-14-2011	Amend	1-1-2012	333-055-0030	9-19-2012	Amend	11-1-2012
333-019-0042	12-14-2011	Adopt	1-1-2012	333-055-0035	9-19-2012	Amend	11-1-2012
333-021-0150	6-11-2012	Repeal	7-1-2012	333-061-0020	9-10-2012	Amend	10-1-2012
333-021-0500	6-11-2012	Repeal	7-1-2012	333-061-0032	9-10-2012	Amend	10-1-2012
333-021-0600	6-11-2012	Repeal	7-1-2012	333-061-0036	9-10-2012	Amend	10-1-2012
333-027-0000	4-1-2012	Amend	5-1-2012	333-076-0001	4-1-2012	Adopt	5-1-2012
333-027-0005	4-1-2012	Amend	5-1-2012	333-076-0185	4-1-2012	Amend	5-1-2012
333-027-0010	4-1-2012	Amend	5-1-2012	333-150-0000	9-4-2012	Amend	10-1-2012
333-027-0015	4-1-2012	Amend	5-1-2012	333-157-0000	9-4-2012	Amend	10-1-2012
333-027-0017	4-1-2012	Adopt	5-1-2012	333-157-0010	9-4-2012	Amend	10-1-2012
333-027-0018	4-1-2012	Adopt	5-1-2012	333-157-0020	9-4-2012	Amend	10-1-2012
333-027-0020	4-1-2012	Amend	5-1-2012	333-157-0030	9-4-2012	Amend	10-1-2012
333-027-0025	4-1-2012	Amend	5-1-2012	333-157-0040	9-4-2012	Amend	10-1-2012
333-027-0029	4-1-2012	Adopt	5-1-2012	333-157-0045	9-4-2012	Amend	10-1-2012
333-027-0030	4-1-2012	Repeal	5-1-2012	333-157-0070	9-4-2012	Amend	10-1-2012
333-027-0033	4-1-2012	Adopt	5-1-2012	333-157-0073	3-1-2012	Adopt	4-1-2012
333-027-0035	4-1-2012	Repeal	5-1-2012	333-157-0077	3-1-2012	Adopt	4-1-2012
333-027-0036	4-1-2012	Adopt	5-1-2012	333-157-0077	9-4-2012	Amend	10-1-2012
333-027-0037	4-1-2012	Adopt	5-1-2012	333-157-0080	9-4-2012	Amend	10-1-2012
333-027-0038	4-1-2012	Adopt	5-1-2012	333-158-0000	9-4-2012	Amend	10-1-2012
333-027-0040	4-1-2012	Amend	5-1-2012	333-162-0020	9-4-2012	Amend	10-1-2012
333-027-0050	4-1-2012	Amend	5-1-2012	333-162-0880	9-4-2012	Amend	10-1-2012
333-027-0060	4-1-2012	Amend	5-1-2012	333-162-0890	9-4-2012	Amend	10-1-2012
333-027-0064	4-1-2012	Adopt	5-1-2012	333-162-0910	9-4-2012	Amend	10-1-2012
333-027-0080	4-1-2012	Amend	5-1-2012	333-162-0920	9-4-2012	Amend	10-1-2012
333-027-0090	4-1-2012	Amend	5-1-2012	333-162-0950	9-4-2012	Amend	10-1-2012
333-027-0100	4-1-2012	Amend	5-1-2012	333-162-1005	9-4-2012	Amend	10-1-2012
333-027-0110	4-1-2012	Amend	5-1-2012	333-170-0010	9-4-2012	Amend	10-1-2012
333-027-0120	4-1-2012	Amend	5-1-2012	333-170-0110	9-4-2012	Amend	10-1-2012
333-027-0130	4-1-2012	Amend	5-1-2012	333-170-0130	9-4-2012	Amend	10-1-2012
333-027-0140	4-1-2012	Amend	5-1-2012	333-175-0051	9-4-2012	Amend	10-1-2012
333-027-0150	4-1-2012	Amend	5-1-2012	333-175-0091	9-4-2012	Amend	10-1-2012
333-027-0170	4-1-2012	Amend	5-1-2012	333-250-0051	7-1-2012	Adopt(T)	8-1-2012
333-027-0175	4-1-2012	Adopt	5-1-2012	333-265-0000	1-1-2012	Amend	2-1-2012
333-027-0180	4-1-2012	Adopt	5-1-2012	333-265-0010	1-1-2012	Amend	2-1-2012
333-027-0185	4-1-2012	Adopt	5-1-2012	333-265-0012	1-1-2012	Amend	2-1-2012
333-027-0190	4-1-2012	Adopt	5-1-2012	333-265-0014	1-1-2012	Amend	2-1-2012
333-047-0010	1-1-2012	Adopt	2-1-2012	333-265-0015	1-1-2012	Amend	2-1-2012
333-047-0030	1-1-2012	Adopt	2-1-2012	333-265-0016	1-1-2012	Amend	2-1-2012
333-047-0040	1-1-2012	Adopt	2-1-2012	333-265-0018	1-1-2012	Amend	2-1-2012
333-047-0050	1-1-2012	Adopt	2-1-2012	333-265-0020	1-1-2012	Amend	2-1-2012
333-049-0010	1-1-2012	Amend	2-1-2012	333-265-0022	1-1-2012	Amend	2-1-2012
333-049-0040	1-1-2012	Amend	2-1-2012	333-265-0023	1-1-2012	Amend	2-1-2012
333-049-0050	1-1-2012	Amend	2-1-2012	333-265-0025	1-1-2012	Amend	2-1-2012
333-049-0065	1-1-2012	Amend	2-1-2012	333-265-0030	1-1-2012	Amend	2-1-2012
333-049-0070	1-1-2012	Amend	2-1-2012	333-265-0040	1-1-2012	Amend	2-1-2012
333-049-0090	1-1-2012	Amend	2-1-2012	333-265-0050	1-1-2012	Amend	2-1-2012
333-052-0030	6-11-2012	Amend(T)	7-1-2012	333-265-0060	1-1-2012	Amend	2-1-2012
333-052-0040	6-11-2012	Amend(T)	7-1-2012	333-265-0070	1-1-2012	Amend	2-1-2012
333-052-0041	6-11-2012	Adopt(T)	7-1-2012	333-265-0080	1-1-2012	Amend	2-1-2012
333-052-0042	6-11-2012	Adopt(T)	7-1-2012	333-265-0083	1-1-2012	Amend	2-1-2012
333-052-0100	6-11-2012	Amend(T)	7-1-2012	333-265-0085	1-1-2012	Amend	2-1-2012
333-055-0000	9-19-2012	Amend	11-1-2012	333-265-0087	1-1-2012	Amend	2-1-2012
333-055-0006	9-19-2012	Adopt	11-1-2012	333-265-0090	1-1-2012	Amend	2-1-2012
333-055-0015	9-19-2012	Amend	11-1-2012	333-265-0100	1-1-2012	Amend	2-1-2012
333-055-0021	9-19-2012	Adopt	11-1-2012	333-265-0105	1-1-2012	Amend	2-1-2012

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333-265-0140	1-1-2012	Amend	2-1-2012	333-700-0057	4-1-2012	Adopt	5-1-2012
333-265-0150	1-1-2012	Amend	2-1-2012	333-700-0060	4-1-2012	Amend	5-1-2012
333-265-0160	1-1-2012	Amend	2-1-2012	333-700-0061	4-1-2012	Adopt	5-1-2012
333-265-0170	1-1-2012	Amend	2-1-2012	333-700-0062	4-1-2012	Adopt	5-1-2012
333-536-0000	7-1-2012	Amend	8-1-2012	333-700-0063	4-1-2012	Adopt	5-1-2012
333-536-0005	7-1-2012	Amend	8-1-2012	333-700-0064	4-1-2012	Adopt	5-1-2012
333-536-0007	7-1-2012	Adopt	8-1-2012	333-700-0065	4-1-2012	Amend	5-1-2012
333-536-0010	7-1-2012	Amend	8-1-2012	333-700-0070	4-1-2012	Repeal	5-1-2012
333-536-0015	7-1-2012	Amend	8-1-2012	333-700-0072	4-1-2012	Adopt	5-1-2012
333-536-0020	7-1-2012	Repeal	8-1-2012	333-700-0073	4-1-2012	Adopt	5-1-2012
333-536-0021	7-1-2012	Adopt	8-1-2012	333-700-0075	4-1-2012	Amend	5-1-2012
333-536-0023	7-1-2012	Adopt	8-1-2012	333-700-0080	4-1-2012	Amend	5-1-2012
333-536-0025	7-1-2012	Amend	8-1-2012	333-700-0085	4-1-2012	Amend	5-1-2012
333-536-0030	7-1-2012	Repeal	8-1-2012	333-700-0090	4-1-2012	Amend	5-1-2012
333-536-0031	7-1-2012	Adopt	8-1-2012	333-700-0095	4-1-2012	Amend	5-1-2012
333-536-0033	7-1-2012	Adopt	8-1-2012	333-700-0100	4-1-2012	Amend	5-1-2012
333-536-0035	7-1-2012	Amend	8-1-2012	333-700-0105	4-1-2012	Amend	5-1-2012
333-536-0040	7-1-2012	Repeal	8-1-2012	333-700-0110	4-1-2012	Amend	5-1-2012
333-536-0041	7-1-2012	Adopt	8-1-2012	333-700-0115	4-1-2012	Amend	5-1-2012
333-536-0042	7-1-2012	Adopt	8-1-2012	333-700-0120	4-1-2012	Amend	5-1-2012
333-536-0043	7-1-2012	Adopt	8-1-2012	333-700-0125	4-1-2012	Amend	5-1-2012
333-536-0045	7-1-2012	Amend	8-1-2012	333-700-0130	4-1-2012	Amend	5-1-2012
333-536-0050	7-1-2012	Amend	8-1-2012	334-001-0000	1-1-2012	Amend	1-1-2012
333-536-0055	7-1-2012	Amend	8-1-2012	334-001-0005	1-1-2012	Amend	1-1-2012
333-536-0060	7-1-2012	Amend	8-1-2012	334-001-0020	1-1-2012	Amend	1-1-2012
333-536-0065	7-1-2012	Amend	8-1-2012	334-001-0025	1-1-2012	Adopt	1-1-2012
333-536-0070	7-1-2012	Amend	8-1-2012	334-001-0028	1-1-2012	Adopt	1-1-2012
333-536-0075	7-1-2012	Amend	8-1-2012	334-001-0032	1-1-2012	Adopt	1-1-2012
333-536-0080	7-1-2012	Amend	8-1-2012	334-001-0035	1-1-2012	Repeal	1-1-2012
333-536-0085	7-1-2012	Amend	8-1-2012	334-001-0036	1-1-2012	Adopt	1-1-2012
333-536-0090	7-1-2012	Amend	8-1-2012	334-001-0060	1-1-2012	Amend	1-1-2012
333-536-0093	7-1-2012	Adopt	8-1-2012	334-010-0005	1-1-2012	Amend	1-1-2012
333-536-0095	7-1-2012	Amend	8-1-2012	334-010-0008	1-1-2012	Amend	1-1-2012
333-536-0105	7-1-2012	Amend	8-1-2012	334-010-0009	1-1-2012	Adopt	1-1-2012
333-536-0110	7-1-2012	Adopt	8-1-2012	334-010-0009	7-1-2012	Amend	8-1-2012
333-536-0115	7-1-2012	Repeal	8-1-2012	334-010-0010	1-1-2012	Amend	1-1-2012
333-536-0117	7-1-2012	Adopt	8-1-2012	334-010-0012	1-1-2012	Amend	1-1-2012
333-536-0120	7-1-2012	Adopt	8-1-2012	334-010-0015	1-1-2012	Amend	1-1-2012
333-536-0125	7-1-2012	Adopt	8-1-2012	334-010-0015	7-1-2012	Amend	8-1-2012
333-700-0000	4-1-2012	Amend	5-1-2012	334-010-0017	1-1-2012	Amend	1-1-2012
333-700-0004	4-1-2012	Adopt	5-1-2012	334-010-0018	1-1-2012	Adopt	1-1-2012
333-700-0005	4-1-2012	Amend	5-1-2012	334-010-0018	7-1-2012	Amend	8-1-2012
333-700-0010	4-1-2012	Amend	5-1-2012	334-010-0025	1-1-2012	Amend	1-1-2012
333-700-0015	4-1-2012	Amend	5-1-2012	334-010-0027	1-1-2012	Adopt	1-1-2012
333-700-0017	4-1-2012	Adopt	5-1-2012	334-010-0028	7-1-2012	Adopt	8-1-2012
333-700-0018	4-1-2012	Adopt	5-1-2012	334-010-0029	7-1-2012	Adopt	8-1-2012
333-700-0019	4-1-2012	Adopt	5-1-2012	334-010-0033	1-1-2012	Amend	1-1-2012
333-700-0020	4-1-2012	Amend	5-1-2012	334-010-0033	7-1-2012	Amend	8-1-2012
333-700-0025	4-1-2012	Amend	5-1-2012	334-010-0046	1-1-2012	Amend	1-1-2012
333-700-0030	4-1-2012	Amend	5-1-2012	334-010-0050	1-1-2012	Amend	1-1-2012
333-700-0035	4-1-2012	Amend	5-1-2012	334-020-0015	1-1-2012	Amend	1-1-2012
333-700-0040	4-1-2012	Amend	5-1-2012	334-030-0001	1-1-2012	Amend	1-1-2012
333-700-0045	4-1-2012	Amend	5-1-2012	334-030-0005	1-1-2012	Amend	1-1-2012
333-700-0050	4-1-2012	Amend	5-1-2012	334-040-0001	1-1-2012	Amend	1-1-2012
333-700-0053	4-1-2012	Adopt	5-1-2012	334-040-0010	1-1-2012	Amend	1-1-2012



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335-060-0006	2-23-2012	Amend	4-1-2012	345-020-0016	5-15-2012	Amend	6-1-2012
335-060-0007	2-23-2012	Amend	4-1-2012	345-020-0040	5-15-2012	Amend	6-1-2012
335-060-0010	2-23-2012	Amend	4-1-2012	345-021-0000	5-15-2012	Amend	6-1-2012
337-010-0030	1-12-2012	Amend	2-1-2012	345-021-0010	5-15-2012	Amend	6-1-2012
337-010-0045	5-1-2012	Amend	6-1-2012	345-021-0050	5-15-2012	Amend	6-1-2012
339-010-0012	9-1-2012	Amend	8-1-2012	345-021-0055	5-15-2012	Amend	6-1-2012
339-010-0013	9-1-2012	Adopt	8-1-2012	345-021-0090	5-15-2012	Amend	6-1-2012
340-041-0002	5-21-2012	Amend	7-1-2012	345-022-0020	5-15-2012	Amend	6-1-2012
340-041-0185	5-21-2012	Amend	7-1-2012	345-023-0005	5-15-2012	Amend	6-1-2012
340-041-0310	5-21-2012	Amend	7-1-2012	345-023-0030	5-15-2012	Amend	6-1-2012
340-041-0315	5-21-2012	Amend	7-1-2012	345-023-0040	5-15-2012	Amend	6-1-2012
340-045-0075	11-1-2012	Amend	12-1-2012	345-024-0015	5-15-2012	Amend	6-1-2012
340-045-0100	11-18-2011	Amend	1-1-2012	345-024-0550	5-15-2012	Amend	6-1-2012
340-071-0140	11-1-2012	Amend	12-1-2012	345-024-0560	5-15-2012	Amend	6-1-2012
340-098-0000	6-26-2012	Adopt	8-1-2012	345-024-0570	5-15-2012	Amend	6-1-2012
340-098-0010	6-26-2012	Adopt	8-1-2012	345-024-0590	5-15-2012	Amend	6-1-2012
340-098-0100	6-26-2012	Adopt	8-1-2012	345-024-0600	5-15-2012	Amend	6-1-2012
340-098-0150	6-26-2012	Adopt	8-1-2012	345-024-0610	5-15-2012	Amend	6-1-2012
340-098-0200	6-26-2012	Adopt	8-1-2012	345-024-0620	5-15-2012	Amend	6-1-2012
340-200-0020	5-17-2012	Amend	7-1-2012	345-024-0630	5-15-2012	Amend	6-1-2012
340-200-0040	12-21-2011	Amend	2-1-2012	345-024-0640	5-15-2012	Amend	6-1-2012
340-200-0040	5-17-2012	Amend	7-1-2012	345-024-0680	5-15-2012	Amend	6-1-2012
340-204-0010	12-21-2011	Amend	2-1-2012	345-024-0710	5-15-2012	Amend	6-1-2012
340-204-0030	12-21-2011	Amend	2-1-2012	345-024-0720	5-15-2012	Amend	6-1-2012
340-204-0040	12-21-2011	Amend	2-1-2012	345-026-0080	5-15-2012	Amend	6-1-2012
340-210-0100	5-17-2012	Amend	7-1-2012	345-026-0170	5-15-2012	Amend	6-1-2012
340-210-0110	5-17-2012	Amend	7-1-2012	345-027-0020	5-15-2012	Amend	6-1-2012
340-210-0120	5-17-2012	Amend	7-1-2012	345-027-0023	5-15-2012	Amend	6-1-2012
340-210-0250	5-17-2012	Amend	7-1-2012	345-027-0028	5-15-2012	Amend	6-1-2012
340-215-0060	7-2-2012	Amend	8-1-2012	345-027-0030	5-15-2012	Amend	6-1-2012
340-220-0030	7-2-2012	Amend	8-1-2012	345-027-0050	5-15-2012	Amend	6-1-2012
340-220-0040	7-2-2012	Amend	8-1-2012	345-027-0060	5-15-2012	Amend	6-1-2012
340-220-0050	7-2-2012	Amend	8-1-2012	345-027-0070	5-15-2012	Amend	6-1-2012
340-228-0020	5-17-2012	Amend	7-1-2012	345-027-0080	5-15-2012	Amend	6-1-2012
340-228-0200	5-17-2012	Amend	7-1-2012	345-027-0090	5-15-2012	Amend	6-1-2012
340-228-0210	5-17-2012	Amend	7-1-2012	345-027-0100	5-15-2012	Amend	6-1-2012
340-262-0450	5-17-2012	Amend	7-1-2012	345-027-0110	5-15-2012	Amend	6-1-2012
340-262-0600	5-17-2012	Amend	7-1-2012	345-027-0210	5-15-2012	Amend	6-1-2012
345-001-0005	5-15-2012	Amend	6-1-2012	345-027-0220	5-15-2012	Amend	6-1-2012
345-001-0010	5-15-2012	Amend	6-1-2012	345-027-0230	5-15-2012	Amend	6-1-2012
345-001-0050	5-15-2012	Amend	6-1-2012	350-081-0020	6-1-2012	Amend	6-1-2012
345-011-0020	5-15-2012	Amend	6-1-2012	350-081-0036	6-1-2012	Amend	6-1-2012
345-011-0050	5-15-2012	Amend	6-1-2012	350-081-0038	6-1-2012	Amend	6-1-2012
345-015-0014	5-15-2012	Amend	6-1-2012	350-081-0042	6-1-2012	Amend	6-1-2012
345-015-0085	5-15-2012	Amend	6-1-2012	350-081-0054	6-1-2012	Amend	6-1-2012
345-015-0110	5-15-2012	Amend	6-1-2012	350-081-0082	6-1-2012	Amend	6-1-2012
345-015-0120	5-15-2012	Amend	6-1-2012	350-081-0190	6-1-2012	Amend	6-1-2012
345-015-0160	5-15-2012	Amend	6-1-2012	350-081-0370	6-1-2012	Amend	6-1-2012
345-015-0180	5-15-2012	Amend	6-1-2012	350-081-0550	6-1-2012	Amend	6-1-2012
345-015-0190	5-15-2012	Amend	6-1-2012	350-081-0600	6-1-2012	Amend	6-1-2012
345-015-0220	5-15-2012	Amend	6-1-2012	350-081-0620	6-1-2012	Amend	6-1-2012
345-015-0230	5-15-2012	Amend	6-1-2012	407-001-0000	11-1-2012	Amend	12-1-2012
345-015-0240	5-15-2012	Amend	6-1-2012	407-007-0200	2-27-2012	Amend(T)	4-1-2012
345-015-0300	5-15-2012	Amend	6-1-2012	407-007-0200	8-1-2012	Amend	9-1-2012
345-015-0310	5-15-2012	Amend	6-1-2012	407-007-0200(T)	8-1-2012	Repeal	9-1-2012
345-020-0011	5-15-2012	Amend	6-1-2012	407-007-0210	2-27-2012	Amend(T)	4-1-2012

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407-007-0210	8-1-2012	Amend	9-1-2012	407-007-0370	2-27-2012	Amend(T)	4-1-2012
407-007-0210(T)	8-1-2012	Repeal	9-1-2012	407-007-0370	8-1-2012	Amend	9-1-2012
407-007-0215	2-27-2012	Adopt(T)	4-1-2012	407-007-0370(T)	8-1-2012	Repeal	9-1-2012
407-007-0215(T)	8-1-2012	Repeal	9-1-2012	407-014-0000	12-16-2011	Amend	2-1-2012
407-007-0220	2-27-2012	Amend(T)	4-1-2012	407-014-0000(T)	12-16-2011	Repeal	2-1-2012
407-007-0220	4-13-2012	Amend(T)	5-1-2012	407-014-0015	12-16-2011	Adopt	2-1-2012
407-007-0220	8-1-2012	Amend	9-1-2012	407-014-0015(T)	12-16-2011	Repeal	2-1-2012
407-007-0220(T)	4-13-2012	Suspend	5-1-2012	407-014-0020	12-16-2011	Amend	2-1-2012
407-007-0220(T)	8-1-2012	Repeal	9-1-2012	407-014-0020(T)	12-16-2011	Repeal	2-1-2012
407-007-0230	2-27-2012	Amend(T)	4-1-2012	407-014-0030	12-16-2011	Amend	2-1-2012
407-007-0230	8-1-2012	Amend	9-1-2012	407-014-0030(T)	12-16-2011	Repeal	2-1-2012
407-007-0230(T)	8-1-2012	Repeal	9-1-2012	407-014-0040	12-16-2011	Amend	2-1-2012
407-007-0240	2-27-2012	Amend(T)	4-1-2012	407-014-0040(T)	12-16-2011	Repeal	2-1-2012
407-007-0240	8-1-2012	Amend	9-1-2012	407-014-0050	12-16-2011	Amend	2-1-2012
407-007-0240(T)	8-1-2012	Repeal	9-1-2012	407-014-0050(T)	12-16-2011	Repeal	2-1-2012
407-007-0250	2-27-2012	Amend(T)	4-1-2012	407-014-0060	12-16-2011	Amend	2-1-2012
407-007-0250	8-1-2012	Amend	9-1-2012	407-014-0060(T)	12-16-2011	Repeal	2-1-2012
407-007-0250(T)	8-1-2012	Repeal	9-1-2012	407-014-0070	12-16-2011	Amend	2-1-2012
407-007-0275	2-27-2012	Amend(T)	4-1-2012	407-014-0070(T)	12-16-2011	Repeal	2-1-2012
407-007-0275	4-13-2012	Amend(T)	5-1-2012	407-014-0300	2-1-2012	Amend	3-1-2012
407-007-0275	8-1-2012	Amend	9-1-2012	407-014-0300(T)	2-1-2012	Repeal	3-1-2012
407-007-0275(T)	4-13-2012	Suspend	5-1-2012	407-014-0305	2-1-2012	Amend	3-1-2012
407-007-0275(T)	8-1-2012	Repeal	9-1-2012	407-014-0305(T)	2-1-2012	Repeal	3-1-2012
407-007-0277	4-13-2012	Adopt(T)	5-1-2012	407-014-0310	2-1-2012	Amend	3-1-2012
407-007-0277	8-1-2012	Adopt	9-1-2012	407-014-0310(T)	2-1-2012	Repeal	3-1-2012
407-007-0277(T)	8-1-2012	Repeal	9-1-2012	407-014-0315	2-1-2012	Amend	3-1-2012
407-007-0280	2-27-2012	Amend(T)	4-1-2012	407-014-0315(T)	2-1-2012	Repeal	3-1-2012
407-007-0280	8-1-2012	Amend	9-1-2012	407-014-0320	2-1-2012	Amend	3-1-2012
407-007-0280(T)	8-1-2012	Repeal	9-1-2012	407-014-0320(T)	2-1-2012	Repeal	3-1-2012
407-007-0290	2-27-2012	Amend(T)	4-1-2012	407-043-0020	12-27-2011	Adopt	2-1-2012
407-007-0290	8-1-2012	Amend	9-1-2012	407-043-0020(T)	12-27-2011	Repeal	2-1-2012
407-007-0290(T)	8-1-2012	Repeal	9-1-2012	407-045-0250	12-5-2011	Amend	1-1-2012
407-007-0300	2-27-2012	Amend(T)	4-1-2012	407-045-0260	12-5-2011	Amend	1-1-2012
407-007-0300	8-1-2012	Amend	9-1-2012	407-045-0280	12-5-2011	Amend	1-1-2012
407-007-0300(T)	8-1-2012	Repeal	9-1-2012	407-045-0290	12-5-2011	Amend	1-1-2012
407-007-0315	2-27-2012	Amend(T)	4-1-2012	407-045-0320	12-5-2011	Amend	1-1-2012
407-007-0315	8-1-2012	Amend	9-1-2012	407-045-0400	12-1-2011	Amend	1-1-2012
407-007-0315(T)	8-1-2012	Repeal	9-1-2012	407-045-0400(T)	12-1-2011	Repeal	1-1-2012
407-007-0320	2-27-2012	Amend(T)	4-1-2012	407-045-0410	12-1-2011	Repeal	1-1-2012
407-007-0320	8-1-2012	Amend	9-1-2012	407-045-0420	12-1-2011	Repeal	1-1-2012
407-007-0320(T)	8-1-2012	Repeal	9-1-2012	407-045-0430	12-1-2011	Repeal	1-1-2012
407-007-0325	2-27-2012	Amend(T)	4-1-2012	407-045-0440	12-1-2011	Repeal	1-1-2012
407-007-0325	8-1-2012	Amend	9-1-2012	407-045-0450	12-1-2011	Repeal	1-1-2012
407-007-0325(T)	8-1-2012	Repeal	9-1-2012	407-045-0460	12-1-2011	Repeal	1-1-2012
407-007-0330	2-27-2012	Amend(T)	4-1-2012	407-045-0470	12-1-2011	Repeal	1-1-2012
407-007-0330	8-1-2012	Amend	9-1-2012	407-045-0480	12-1-2011	Repeal	1-1-2012
407-007-0330(T)	8-1-2012	Repeal	9-1-2012	407-045-0490	12-1-2011	Repeal	1-1-2012
407-007-0335	2-27-2012	Amend(T)	4-1-2012	407-045-0500	12-1-2011	Repeal	1-1-2012
407-007-0335	8-1-2012	Amend	9-1-2012	407-045-0510	12-1-2011	Repeal	1-1-2012
407-007-0335(T)	8-1-2012	Repeal	9-1-2012	407-045-0520	12-1-2011	Repeal	1-1-2012
407-007-0340	2-27-2012	Amend(T)	4-1-2012	407-045-0610	11-1-2012	Amend	12-1-2012
407-007-0340	8-1-2012	Amend	9-1-2012	407-120-0100	12-27-2011	Amend	2-1-2012
407-007-0340(T)	8-1-2012	Repeal	9-1-2012	407-120-0100(T)	12-27-2011	Repeal	2-1-2012
407-007-0350	2-27-2012	Amend(T)	4-1-2012	407-120-0112	12-27-2011	Amend	2-1-2012
407-007-0350	8-1-2012	Amend	9-1-2012	407-120-0112(T)	12-27-2011	Repeal	2-1-2012
407-007-0350(T)	8-1-2012	Repeal	9-1-2012	407-120-0114	12-27-2011	Amend	2-1-2012

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407-120-0150	12-27-2011	Amend	2-1-2012	410-120-0000	11-1-2012	Amend	12-1-2012
407-120-0150(T)	12-27-2011	Repeal	2-1-2012	410-120-0000(T)	7-1-2012	Repeal	8-1-2012
407-120-0200	12-27-2011	Amend	2-1-2012	410-120-0006	1-1-2012	Amend	1-1-2012
407-120-0200(T)	12-27-2011	Repeal	2-1-2012	410-120-0006	1-13-2012	Amend(T)	2-1-2012
409-025-0100	6-1-2012	Amend	7-1-2012	410-120-0006	1-26-2012	Amend(T)	3-1-2012
409-025-0100	6-1-2012	Amend(T)	7-1-2012	410-120-0006	1-31-2012	Amend(T)	3-1-2012
409-025-0100	7-9-2012	Amend	8-1-2012	410-120-0006	2-1-2012	Amend(T)	3-1-2012
409-025-0100(T)	7-9-2012	Repeal	8-1-2012	410-120-0006	3-1-2012	Amend(T)	4-1-2012
409-025-0110	6-1-2012	Amend	7-1-2012	410-120-0006	4-1-2012	Amend(T)	5-1-2012
409-025-0110	6-1-2012	Amend(T)	7-1-2012	410-120-0006	5-1-2012	Amend(T)	6-1-2012
409-025-0110	7-9-2012	Amend	8-1-2012	410-120-0006	7-20-2012	Amend(T)	9-1-2012
409-025-0110(T)	7-9-2012	Repeal	8-1-2012	410-120-0006	10-5-2012	Amend(T)	11-1-2012
409-025-0120	6-1-2012	Amend	7-1-2012	410-120-0006	11-1-2012	Amend	12-1-2012
409-025-0130	6-1-2012	Amend	7-1-2012	410-120-0006	11-1-2012	Amend(T)	12-1-2012
409-025-0160	6-1-2012	Amend	7-1-2012	410-120-0006(T)	1-1-2012	Repeal	1-1-2012
409-045-0000	1-11-2012	Adopt(T)	2-1-2012	410-120-0006(T)	1-26-2012	Suspend	3-1-2012
409-045-0000	5-1-2012	Amend	6-1-2012	410-120-0006(T)	3-1-2012	Suspend	4-1-2012
409-045-0000(T)	5-1-2012	Repeal	6-1-2012	410-120-0006(T)	4-1-2012	Suspend	5-1-2012
409-050-0110	12-1-2011	Amend	1-1-2012	410-120-0006(T)	5-1-2012	Suspend	6-1-2012
409-050-0110(T)	12-1-2011	Repeal	1-1-2012	410-120-0006(T)	10-5-2012	Suspend	11-1-2012
409-050-0120	12-1-2011	Amend	1-1-2012	410-120-0006(T)	11-1-2012	Repeal	12-1-2012
409-050-0120(T)	12-1-2011	Repeal	1-1-2012	410-120-0025	7-1-2012	Amend	8-1-2012
409-050-0130	12-22-2011	Amend	2-1-2012	410-120-0027	7-1-2012	Repeal	8-1-2012
409-050-0130(T)	12-22-2011	Repeal	2-1-2012	410-120-0030	4-1-2012	Amend	5-1-2012
409-055-0000	3-1-2012	Amend	4-1-2012	410-120-0030	11-1-2012	Amend	12-1-2012
409-055-0000(T)	3-1-2012	Repeal	4-1-2012	410-120-0045	11-1-2012	Amend	12-1-2012
409-055-0010	3-1-2012	Amend	4-1-2012	410-120-0250	7-1-2012	Amend	8-1-2012
409-055-0010(T)	3-1-2012	Repeal	4-1-2012	410-120-1140	11-1-2012	Amend	12-1-2012
409-055-0020	3-1-2012	Amend	4-1-2012	410-120-1160	1-1-2012	Amend	1-1-2012
409-055-0020(T)	3-1-2012	Repeal	4-1-2012	410-120-1160	11-1-2012	Amend	12-1-2012
409-055-0030	3-1-2012	Amend	4-1-2012	410-120-1180	11-1-2012	Amend	12-1-2012
409-055-0030	10-4-2012	Amend(T)	11-1-2012	410-120-1200	1-1-2012	Amend	1-1-2012
409-055-0030(T)	3-1-2012	Repeal	4-1-2012	410-120-1210	1-1-2012	Amend	1-1-2012
409-055-0040	3-1-2012	Amend	4-1-2012	410-120-1210	11-1-2012	Amend	12-1-2012
409-055-0040(T)	3-1-2012	Repeal	4-1-2012	410-120-1230	11-1-2012	Amend	12-1-2012
409-055-0050	3-1-2012	Amend	4-1-2012	410-120-1260	7-1-2012	Amend	8-1-2012
409-055-0050(T)	3-1-2012	Repeal	4-1-2012	410-120-1280	11-1-2012	Amend	12-1-2012
409-055-0060	3-1-2012	Amend	4-1-2012	410-120-1295	3-22-2012	Amend	5-1-2012
409-055-0060(T)	3-1-2012	Repeal	4-1-2012	410-120-1295	11-1-2012	Amend	12-1-2012
409-055-0070	3-1-2012	Amend	4-1-2012	410-120-1295(T)	3-22-2012	Repeal	5-1-2012
409-055-0070(T)	3-1-2012	Repeal	4-1-2012	410-120-1320	11-1-2012	Amend	12-1-2012
409-055-0080	3-1-2012	Amend	4-1-2012	410-120-1340	1-1-2012	Amend	1-1-2012
409-055-0080(T)	3-1-2012	Repeal	4-1-2012	410-120-1340	7-1-2012	Amend	8-1-2012
409-055-0090	3-1-2012	Adopt	4-1-2012	410-120-1340	9-1-2012	Amend(T)	10-1-2012
410-050-0100	7-1-2012	Amend(T)	8-1-2012	410-120-1340	11-1-2012	Amend	12-1-2012
410-050-0100	11-1-2012	Amend	12-1-2012	410-120-1340(T)	1-1-2012	Repeal	1-1-2012
410-050-0100(T)	11-1-2012	Repeal	12-1-2012	410-120-1340(T)	11-1-2012	Repeal	12-1-2012
410-050-0110	7-1-2012	Amend(T)	8-1-2012	410-120-1395	7-1-2012	Amend	8-1-2012
410-050-0110	11-1-2012	Amend	12-1-2012	410-120-1510	1-1-2012	Amend	1-1-2012
410-050-0110(T)	11-1-2012	Repeal	12-1-2012	410-120-1560	11-1-2012	Amend	12-1-2012
410-050-0861	1-1-2012	Amend(T)	2-1-2012	410-120-1570	11-1-2012	Amend	12-1-2012
410-050-0861	3-1-2012	Amend	4-1-2012	410-120-1580	11-1-2012	Amend	12-1-2012
410-050-0861(T)	3-1-2012	Repeal	4-1-2012	410-120-1600	11-1-2012	Amend	12-1-2012
410-120-0000	1-1-2012	Amend	1-1-2012	410-120-1860	2-1-2012	Amend(T)	3-1-2012
410-120-0000	3-16-2012	Amend(T)	5-1-2012	410-120-1860	7-1-2012	Amend	8-1-2012



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410-120-1860	11-1-2012	Amend	12-1-2012	410-122-0186(T)	1-1-2012	Repeal	2-1-2012
410-120-1860(T)	7-1-2012	Repeal	8-1-2012	410-122-0188	1-1-2012	Adopt	2-1-2012
410-120-1880	11-1-2012	Amend	12-1-2012	410-122-0325	7-1-2012	Amend(T)	8-1-2012
410-120-1920	1-1-2012	Amend	1-1-2012	410-122-0340	4-1-2012	Amend	5-1-2012
410-120-1960	1-1-2012	Amend	1-1-2012	410-122-0520	1-1-2012	Amend	2-1-2012
410-121-0000	1-1-2012	Amend	2-1-2012	410-122-0540	4-1-2012	Amend	5-1-2012
410-121-0030	1-1-2012	Amend	2-1-2012	410-122-0630	1-1-2012	Amend	2-1-2012
410-121-0030	3-16-2012	Amend(T)	5-1-2012	410-122-0630	4-1-2012	Amend	5-1-2012
410-121-0030	4-9-2012	Amend	5-1-2012	410-122-0630(T)	1-1-2012	Repeal	2-1-2012
410-121-0030	5-14-2012	Amend	6-1-2012	410-122-0660	4-1-2012	Amend	5-1-2012
410-121-0030	6-21-2012	Amend	8-1-2012	410-123-1000	1-1-2012	Amend	2-1-2012
410-121-0030	7-23-2012	Amend(T)	9-1-2012	410-123-1060	1-1-2012	Amend	2-1-2012
410-121-0030	8-20-2012	Amend(T)	10-1-2012	410-123-1060	1-1-2012	Amend	2-1-2012
410-121-0030	9-26-2012	Amend(T)	11-1-2012	410-123-1220	1-1-2012	Amend	2-1-2012
410-121-0030(T)	4-9-2012	Repeal	5-1-2012	410-123-1220	1-1-2012	Amend	2-1-2012
410-121-0030(T)	8-20-2012	Suspend	10-1-2012	410-123-1260	1-1-2012	Amend	2-1-2012
410-121-0030(T)	9-26-2012	Suspend	11-1-2012	410-123-1260	1-1-2012	Amend	2-1-2012
410-121-0032	1-1-2012	Amend	2-1-2012	410-123-1490	1-1-2012	Amend	2-1-2012
410-121-0033	3-16-2012	Amend(T)	5-1-2012	410-123-1490	1-1-2012	Amend	2-1-2012
410-121-0033	9-12-2012	Amend(T)	10-1-2012	410-125-0045	1-1-2012	Amend	1-1-2012
410-121-0033(T)	9-12-2012	Suspend	10-1-2012	410-125-0047	1-1-2012	Amend	1-1-2012
410-121-0040	1-1-2012	Amend	2-1-2012	410-125-0080	1-1-2012	Amend	1-1-2012
410-121-0040	3-16-2012	Amend(T)	5-1-2012	410-125-0085	1-1-2012	Amend	1-1-2012
410-121-0040	4-9-2012	Amend	5-1-2012	410-125-0120	7-1-2012	Amend	8-1-2012
410-121-0040	4-20-2012	Amend(T)	6-1-2012	410-125-0140	1-1-2012	Amend	1-1-2012
410-121-0040	5-14-2012	Amend(T)	6-1-2012	410-125-0145	7-1-2012	Repeal	8-1-2012
410-121-0040	6-21-2012	Amend	8-1-2012	410-125-0150	7-1-2012	Amend	8-1-2012
410-121-0040	7-23-2012	Amend(T)	9-1-2012	410-125-0155	7-1-2012	Amend	8-1-2012
410-121-0040	8-20-2012	Amend(T)	10-1-2012	410-125-0195	1-1-2012	Amend(T)	2-1-2012
410-121-0040	9-26-2012	Amend(T)	11-1-2012	410-125-0195	7-1-2012	Amend	8-1-2012
410-121-0040(T)	4-9-2012	Repeal	5-1-2012	410-125-0220	1-1-2012	Amend	1-1-2012
410-121-0040(T)	5-14-2012	Suspend	6-1-2012	410-125-0410	7-1-2012	Amend	8-1-2012
410-121-0040(T)	6-21-2012	Repeal	8-1-2012	410-125-0450	1-1-2012	Amend(T)	2-1-2012
410-121-0040(T)	8-20-2012	Suspend	10-1-2012	410-125-0450	7-1-2012	Amend	8-1-2012
410-121-0040(T)	9-26-2012	Suspend	11-1-2012	410-127-0060	1-1-2012	Amend	1-1-2012
410-121-0061	1-1-2012	Amend	2-1-2012	410-130-0000	1-1-2012	Amend	2-1-2012
410-121-0100	3-16-2012	Amend(T)	5-1-2012	410-130-0200	1-1-2012	Amend	2-1-2012
410-121-0100	9-12-2012	Amend(T)	10-1-2012	410-130-0220	1-1-2012	Amend	2-1-2012
410-121-0100(T)	9-12-2012	Suspend	10-1-2012	410-130-0255	1-1-2012	Amend	2-1-2012
410-121-0111	3-16-2012	Adopt(T)	5-1-2012	410-130-0368	1-1-2012	Amend	2-1-2012
410-121-0111	9-12-2012	Adopt(T)	10-1-2012	410-130-0595	1-1-2012	Amend	2-1-2012
410-121-0146	1-1-2012	Amend	2-1-2012	410-130-0595(T)	1-1-2012	Repeal	2-1-2012
410-121-0147	1-1-2012	Amend	2-1-2012	410-131-0040	1-1-2012	Amend	1-1-2012
410-121-0160	1-1-2012	Amend	2-1-2012	410-131-0060	1-1-2012	Repeal	1-1-2012
410-121-0160(T)	1-1-2012	Repeal	2-1-2012	410-131-0080	1-1-2012	Amend	1-1-2012
410-121-0185	1-1-2012	Amend	2-1-2012	410-131-0100	1-1-2012	Amend	1-1-2012
410-121-0190	1-1-2012	Amend	2-1-2012	410-131-0120	1-1-2012	Amend	1-1-2012
410-121-2000	3-13-2012	Amend	4-1-2012	410-131-0140	1-1-2012	Repeal	1-1-2012
410-121-2005	3-13-2012	Amend	4-1-2012	410-131-0160	1-1-2012	Amend	1-1-2012
410-121-2010	3-13-2012	Amend	4-1-2012	410-131-0180	1-1-2012	Repeal	1-1-2012
410-121-2020	3-13-2012	Amend	4-1-2012	410-131-0200	1-1-2012	Repeal	1-1-2012
410-121-2030	3-13-2012	Amend	4-1-2012	410-131-0270	1-1-2012	Repeal	1-1-2012
410-121-2050	3-13-2012	Amend	4-1-2012	410-131-0275	1-1-2012	Repeal	1-1-2012
410-121-2065	3-13-2012	Amend	4-1-2012	410-131-0280	1-1-2012	Repeal	1-1-2012
410-122-0186	1-1-2012	Amend	2-1-2012	410-138-0390	10-31-2012	Amend(T)	12-1-2012
410-122-0186	7-1-2012	Amend(T)	8-1-2012	410-140-0080	12-6-2011	Amend	1-1-2012

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410-140-0260	12-6-2011	Amend	1-1-2012	410-141-3220	3-26-2012	Adopt(T)	5-1-2012
410-140-0400	12-6-2011	Amend	1-1-2012	410-141-3220	8-1-2012	Adopt	9-1-2012
410-141-0000	3-16-2012	Amend(T)	5-1-2012	410-141-3260	3-26-2012	Adopt(T)	5-1-2012
410-141-0000	8-1-2012	Amend	9-1-2012	410-141-3260	8-1-2012	Adopt	9-1-2012
410-141-0070	11-21-2011	Amend(T)	1-1-2012	410-141-3260	11-1-2012	Amend(T)	12-1-2012
410-141-0070	5-1-2012	Amend	6-1-2012	410-141-3261	3-26-2012	Adopt(T)	5-1-2012
410-141-0070(T)	5-1-2012	Repeal	6-1-2012	410-141-3261	8-1-2012	Adopt	9-1-2012
410-141-0080	1-1-2012	Amend(T)	1-1-2012	410-141-3262	3-26-2012	Adopt(T)	5-1-2012
410-141-0080	5-1-2012	Amend	6-1-2012	410-141-3262	8-1-2012	Adopt	9-1-2012
410-141-0080(T)	5-1-2012	Repeal	6-1-2012	410-141-3263	3-26-2012	Adopt(T)	5-1-2012
410-141-0264	2-7-2012	Amend(T)	3-1-2012	410-141-3263	8-1-2012	Adopt	9-1-2012
410-141-0264	8-4-2012	Amend	9-1-2012	410-141-3264	3-26-2012	Adopt(T)	5-1-2012
410-141-0420	1-1-2012	Amend(T)	2-1-2012	410-141-3264	8-1-2012	Adopt	9-1-2012
410-141-0520	12-23-2011	Amend	2-1-2012	410-141-3265	3-26-2012	Adopt(T)	5-1-2012
410-141-0520	1-1-2012	Amend(T)	2-1-2012	410-141-3265	8-1-2012	Repeal	9-1-2012
410-141-0520	4-1-2012	Amend(T)	5-1-2012	410-141-3266	3-26-2012	Adopt(T)	5-1-2012
410-141-0520	9-23-2012	Amend(T)	11-1-2012	410-141-3266	8-1-2012	Repeal	9-1-2012
410-141-0520(T)	12-23-2011	Repeal	2-1-2012	410-141-3268	3-26-2012	Adopt(T)	5-1-2012
410-141-0520(T)	4-1-2012	Suspend	5-1-2012	410-141-3268	8-1-2012	Adopt	9-1-2012
410-141-0860	3-22-2012	Amend	5-1-2012	410-141-3270	3-26-2012	Adopt(T)	5-1-2012
410-141-0860(T)	3-22-2012	Repeal	5-1-2012	410-141-3270	8-1-2012	Adopt	9-1-2012
410-141-3000	3-16-2012	Adopt(T)	5-1-2012	410-141-3280	3-26-2012	Adopt(T)	5-1-2012
410-141-3000	8-1-2012	Adopt	9-1-2012	410-141-3280	8-1-2012	Adopt	9-1-2012
410-141-3010	3-16-2012	Adopt(T)	5-1-2012	410-141-3300	3-26-2012	Adopt(T)	5-1-2012
410-141-3010	8-1-2012	Adopt	9-1-2012	410-141-3300	8-1-2012	Adopt	9-1-2012
410-141-3015	3-26-2012	Adopt(T)	5-1-2012	410-141-3320	3-26-2012	Adopt(T)	5-1-2012
410-141-3015	8-1-2012	Adopt	9-1-2012	410-141-3320	8-1-2012	Adopt	9-1-2012
410-141-3020	3-26-2012	Adopt(T)	5-1-2012	410-141-3340	3-20-2012	Adopt(T)	5-1-2012
410-141-3020	8-1-2012	Adopt	9-1-2012	410-141-3340	8-1-2012	Adopt	9-1-2012
410-141-3030	3-26-2012	Adopt(T)	5-1-2012	410-141-3345	3-20-2012	Adopt(T)	5-1-2012
410-141-3030	8-1-2012	Adopt	9-1-2012	410-141-3345	8-1-2012	Adopt	9-1-2012
410-141-3050	3-26-2012	Adopt(T)	5-1-2012	410-141-3350	3-20-2012	Adopt(T)	5-1-2012
410-141-3050	8-1-2012	Adopt	9-1-2012	410-141-3350	8-1-2012	Adopt	9-1-2012
410-141-3060	3-26-2012	Adopt(T)	5-1-2012	410-141-3355	3-20-2012	Adopt(T)	5-1-2012
410-141-3060	8-1-2012	Adopt	9-1-2012	410-141-3355	8-1-2012	Adopt	9-1-2012
410-141-3070	3-26-2012	Adopt(T)	5-1-2012	410-141-3360	3-20-2012	Adopt(T)	5-1-2012
410-141-3070	8-1-2012	Adopt	9-1-2012	410-141-3360	8-1-2012	Adopt	9-1-2012
410-141-3080	3-26-2012	Adopt(T)	5-1-2012	410-141-3365	3-20-2012	Adopt(T)	5-1-2012
410-141-3080	8-1-2012	Adopt	9-1-2012	410-141-3365	8-1-2012	Adopt	9-1-2012
410-141-3080	10-16-2012	Amend(T)	12-1-2012	410-141-3370	3-20-2012	Adopt(T)	5-1-2012
410-141-3080	11-15-2012	Amend(T)	12-1-2012	410-141-3370	8-1-2012	Adopt	9-1-2012
410-141-3080(T)	11-15-2012	Suspend	12-1-2012	410-141-3375	3-20-2012	Adopt(T)	5-1-2012
410-141-3120	3-30-2012	Adopt(T)	5-1-2012	410-141-3375	8-1-2012	Adopt	9-1-2012
410-141-3120	8-1-2012	Adopt	9-1-2012	410-141-3380	3-20-2012	Adopt(T)	5-1-2012
410-141-3140	3-26-2012	Adopt(T)	5-1-2012	410-141-3380	8-1-2012	Adopt	9-1-2012
410-141-3140	8-1-2012	Adopt	9-1-2012	410-141-3385	3-20-2012	Adopt(T)	5-1-2012
410-141-3145	3-26-2012	Adopt(T)	5-1-2012	410-141-3385	8-1-2012	Adopt	9-1-2012
410-141-3145	8-1-2012	Adopt	9-1-2012	410-141-3390	3-20-2012	Adopt(T)	5-1-2012
410-141-3160	3-26-2012	Adopt(T)	5-1-2012	410-141-3390	8-1-2012	Adopt	9-1-2012
410-141-3160	8-1-2012	Adopt	9-1-2012	410-141-3395	3-20-2012	Adopt(T)	5-1-2012
410-141-3170	3-26-2012	Adopt(T)	5-1-2012	410-141-3395	8-1-2012	Adopt	9-1-2012
410-141-3170	8-1-2012	Adopt	9-1-2012	410-141-3420	3-26-2012	Adopt(T)	5-1-2012
410-141-3180	3-26-2012	Adopt(T)	5-1-2012	410-141-3420	8-1-2012	Adopt	9-1-2012
410-141-3180	8-1-2012	Adopt	9-1-2012	410-141-3430	8-9-2012	Adopt(T)	9-1-2012
410-141-3200	3-26-2012	Adopt(T)	5-1-2012	410-141-3430	11-1-2012	Adopt	12-1-2012
410-141-3200	8-1-2012	Adopt	9-1-2012	410-141-3430(T)	11-1-2012	Repeal	12-1-2012

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410-142-0040	1-1-2012	Amend	1-1-2012	411-054-0093	9-1-2012	Amend	10-1-2012
410-142-0290	7-20-2012	Adopt	9-1-2012	411-070-0005	9-1-2012	Amend(T)	10-1-2012
410-146-0020	3-22-2012	Amend	5-1-2012	411-070-0091	9-1-2012	Amend(T)	10-1-2012
410-146-0020(T)	3-22-2012	Repeal	5-1-2012	411-070-0442	8-1-2012	Amend	9-1-2012
410-147-0362	3-22-2012	Amend	5-1-2012	411-070-0452	8-1-2012	Amend	9-1-2012
410-147-0362(T)	3-22-2012	Repeal	5-1-2012	411-085-0010	4-10-2012	Amend	5-1-2012
410-148-0060	1-1-2012	Amend	1-1-2012	411-085-0015	4-10-2012	Amend	5-1-2012
410-150-0000	10-15-2012	Repeal	11-1-2012	411-320-0020	1-1-2012	Amend	2-1-2012
410-150-0020	10-15-2012	Repeal	11-1-2012	411-320-0080	1-1-2012	Amend	2-1-2012
410-150-0040	10-15-2012	Amend	11-1-2012	411-320-0090	12-28-2011	Amend	2-1-2012
410-150-0060	10-15-2012	Repeal	11-1-2012	411-320-0090(T)	12-28-2011	Repeal	2-1-2012
410-150-0080	10-15-2012	Repeal	11-1-2012	411-320-0110	12-28-2011	Amend	2-1-2012
410-150-0200	10-15-2012	Repeal	11-1-2012	411-320-0110(T)	12-28-2011	Repeal	2-1-2012
410-150-0300	10-15-2012	Repeal	11-1-2012	411-320-0175	1-1-2012	Amend(T)	2-1-2012
410-500-0000	1-31-2012	Adopt(T)	3-1-2012	411-320-0175	6-30-2012	Amend	8-1-2012
410-500-0000	7-28-2012	Adopt	9-1-2012	411-320-0175(T)	6-30-2012	Repeal	8-1-2012
410-500-0010	1-31-2012	Adopt(T)	3-1-2012	411-320-0190	1-1-2012	Amend	2-1-2012
410-500-0010	7-28-2012	Adopt	9-1-2012	411-323-0010	1-6-2012	Amend	2-1-2012
410-500-0020	1-31-2012	Adopt(T)	3-1-2012	411-323-0010(T)	1-6-2012	Repeal	2-1-2012
410-500-0020	7-28-2012	Adopt	9-1-2012	411-323-0020	1-6-2012	Amend	2-1-2012
410-500-0030	1-31-2012	Adopt(T)	3-1-2012	411-323-0020(T)	1-6-2012	Repeal	2-1-2012
410-500-0030	7-28-2012	Adopt	9-1-2012	411-323-0030	1-6-2012	Amend	2-1-2012
410-500-0040	1-31-2012	Adopt(T)	3-1-2012	411-323-0030(T)	1-6-2012	Repeal	2-1-2012
410-500-0040	7-28-2012	Adopt	9-1-2012	411-323-0035	1-6-2012	Adopt	2-1-2012
410-500-0050	1-31-2012	Adopt(T)	3-1-2012	411-323-0035(T)	1-6-2012	Repeal	2-1-2012
410-500-0050	7-28-2012	Adopt	9-1-2012	411-323-0040	1-6-2012	Amend	2-1-2012
410-500-0060	1-31-2012	Adopt(T)	3-1-2012	411-323-0040(T)	1-6-2012	Repeal	2-1-2012
410-500-0060	7-28-2012	Adopt	9-1-2012	411-323-0050	1-6-2012	Amend	2-1-2012
411-001-0500	10-5-2012	Adopt(T)	11-1-2012	411-323-0050(T)	1-6-2012	Repeal	2-1-2012
411-020-0002	6-1-2012	Amend(T)	7-1-2012	411-323-0060	1-6-2012	Amend	2-1-2012
411-020-0030	6-1-2012	Amend(T)	7-1-2012	411-323-0060(T)	1-6-2012	Repeal	2-1-2012
411-020-0085	6-1-2012	Amend(T)	7-1-2012	411-323-0070	1-6-2012	Amend	2-1-2012
411-020-0123	6-1-2012	Adopt(T)	7-1-2012	411-323-0070(T)	1-6-2012	Repeal	2-1-2012
411-020-0126	6-1-2012	Adopt(T)	7-1-2012	411-325-0020	1-6-2012	Amend	2-1-2012
411-030-0070	6-1-2012	Amend	7-1-2012	411-325-0020(T)	1-6-2012	Repeal	2-1-2012
411-030-0070(T)	6-1-2012	Repeal	7-1-2012	411-325-0025	1-6-2012	Adopt	2-1-2012
411-030-0080	9-26-2012	Amend(T)	11-1-2012	411-325-0025(T)	1-6-2012	Repeal	2-1-2012
411-031-0020	9-26-2012	Amend(T)	11-1-2012	411-325-0060	1-6-2012	Amend	2-1-2012
411-031-0040	9-26-2012	Amend(T)	11-1-2012	411-325-0060(T)	1-6-2012	Repeal	2-1-2012
411-040-0000	12-20-2011	Amend(T)	2-1-2012	411-325-0080	1-6-2012	Repeal	2-1-2012
411-054-0005	5-1-2012	Amend	6-1-2012	411-325-0100	1-6-2012	Repeal	2-1-2012
411-054-0005	9-1-2012	Amend	10-1-2012	411-325-0110	1-6-2012	Amend	2-1-2012
411-054-0005(T)	5-1-2012	Repeal	6-1-2012	411-325-0150	1-6-2012	Amend	2-1-2012
411-054-0010	9-1-2012	Amend	10-1-2012	411-325-0160	1-6-2012	Repeal	2-1-2012
411-054-0012	9-1-2012	Amend	10-1-2012	411-325-0210	1-6-2012	Repeal	2-1-2012
411-054-0013	5-1-2012	Amend	6-1-2012	411-325-0310	1-6-2012	Repeal	2-1-2012
411-054-0013	9-1-2012	Amend	10-1-2012	411-325-0320	1-6-2012	Amend	2-1-2012
411-054-0013(T)	5-1-2012	Repeal	6-1-2012	411-325-0320(T)	1-6-2012	Repeal	2-1-2012
411-054-0016	5-1-2012	Amend	6-1-2012	411-325-0430	1-6-2012	Amend	2-1-2012
411-054-0016	9-1-2012	Amend	10-1-2012	411-325-0450	1-6-2012	Repeal	2-1-2012
411-054-0016(T)	5-1-2012	Repeal	6-1-2012	411-325-0460	1-6-2012	Amend	2-1-2012
411-054-0019	9-1-2012	Amend	10-1-2012	411-325-0460(T)	1-6-2012	Repeal	2-1-2012
411-054-0025	9-1-2012	Amend	10-1-2012	411-328-0560	1-6-2012	Amend	2-1-2012
411-054-0027	9-1-2012	Amend	10-1-2012	411-328-0560(T)	1-6-2012	Repeal	2-1-2012
411-054-0034	9-1-2012	Amend	10-1-2012	411-328-0570	1-6-2012	Amend	2-1-2012



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411-328-0580	1-6-2012	Repeal	2-1-2012	411-345-0050	1-6-2012	Amend	2-1-2012
411-328-0590	1-6-2012	Repeal	2-1-2012	411-345-0050(T)	1-6-2012	Repeal	2-1-2012
411-328-0600	1-6-2012	Repeal	2-1-2012	411-345-0080	1-6-2012	Repeal	2-1-2012
411-328-0610	1-6-2012	Repeal	2-1-2012	411-345-0090	1-6-2012	Amend	2-1-2012
411-328-0620	1-6-2012	Amend	2-1-2012	411-345-0100	1-6-2012	Amend	2-1-2012
411-328-0630	1-6-2012	Amend	2-1-2012	411-345-0100(T)	1-6-2012	Repeal	2-1-2012
411-328-0630(T)	1-6-2012	Repeal	2-1-2012	411-345-0110	1-6-2012	Amend	2-1-2012
411-328-0670	1-6-2012	Repeal	2-1-2012	411-345-0110(T)	1-6-2012	Repeal	2-1-2012
411-328-0730	1-6-2012	Repeal	2-1-2012	411-345-0130	1-6-2012	Amend	2-1-2012
411-328-0740	1-6-2012	Amend	2-1-2012	411-345-0130(T)	1-6-2012	Repeal	2-1-2012
411-328-0740(T)	1-6-2012	Repeal	2-1-2012	411-345-0190	1-6-2012	Amend	2-1-2012
411-328-0805	1-6-2012	Repeal	2-1-2012	411-345-0190(T)	1-6-2012	Repeal	2-1-2012
411-328-0810	1-6-2012	Repeal	2-1-2012	411-360-0130	12-1-2011	Amend(T)	1-1-2012
411-328-0820	1-6-2012	Repeal	2-1-2012	411-360-0130	5-29-2012	Amend	7-1-2012
411-328-0830	1-6-2012	Repeal	2-1-2012	411-360-0130(T)	5-29-2012	Repeal	7-1-2012
411-330-0020	7-10-2012	Amend(T)	8-1-2012	411-360-0170	12-1-2011	Amend(T)	1-1-2012
411-330-0065	7-10-2012	Adopt(T)	8-1-2012	411-360-0170	12-30-2011	Amend(T)	2-1-2012
411-335-0010	1-6-2012	Amend	2-1-2012	411-360-0170	5-29-2012	Amend	7-1-2012
411-335-0010(T)	1-6-2012	Repeal	2-1-2012	411-360-0170(T)	12-30-2011	Suspend	2-1-2012
411-335-0020	1-6-2012	Amend	2-1-2012	411-360-0170(T)	5-29-2012	Repeal	7-1-2012
411-335-0020(T)	1-6-2012	Repeal	2-1-2012	411-360-0180	5-29-2012	Amend	7-1-2012
411-335-0030	1-6-2012	Amend	2-1-2012	411-360-0190	12-1-2011	Amend(T)	1-1-2012
411-335-0030(T)	1-6-2012	Repeal	2-1-2012	411-360-0190	12-30-2011	Amend(T)	2-1-2012
411-335-0050	1-6-2012	Repeal	2-1-2012	411-360-0190	5-29-2012	Amend	7-1-2012
411-335-0060	1-6-2012	Amend	2-1-2012	411-360-0190(T)	12-30-2011	Suspend	2-1-2012
411-335-0060(T)	1-6-2012	Repeal	2-1-2012	411-360-0190(T)	5-29-2012	Repeal	7-1-2012
411-335-0070	1-6-2012	Repeal	2-1-2012	411-360-0260	5-29-2012	Amend	7-1-2012
411-335-0080	1-6-2012	Repeal	2-1-2012	411-365-0100	3-1-2012	Amend	4-1-2012
411-335-0090	1-6-2012	Repeal	2-1-2012	411-365-0120	3-1-2012	Amend	4-1-2012
411-335-0100	1-6-2012	Repeal	2-1-2012	411-365-0140	3-1-2012	Amend	4-1-2012
411-335-0110	1-6-2012	Repeal	2-1-2012	411-365-0160	3-1-2012	Amend	4-1-2012
411-335-0120	1-6-2012	Amend	2-1-2012	411-365-0180	3-1-2012	Amend	4-1-2012
411-335-0140	1-6-2012	Repeal	2-1-2012	411-365-0200	3-1-2012	Amend	4-1-2012
411-335-0230	1-6-2012	Amend	2-1-2012	411-365-0220	3-1-2012	Amend	4-1-2012
411-335-0300	1-6-2012	Repeal	2-1-2012	411-365-0240	3-1-2012	Amend	4-1-2012
411-335-0310	1-6-2012	Amend	2-1-2012	411-365-0260	3-1-2012	Amend	4-1-2012
411-335-0310(T)	1-6-2012	Repeal	2-1-2012	411-365-0280	3-1-2012	Amend	4-1-2012
411-335-0370	1-6-2012	Repeal	2-1-2012	411-365-0300	3-1-2012	Amend	4-1-2012
411-335-0380	1-6-2012	Repeal	2-1-2012	411-365-0320	3-1-2012	Amend	4-1-2012
411-335-0390	1-6-2012	Repeal	2-1-2012	413-010-0500	9-7-2012	Amend	10-1-2012
411-340-0020	12-28-2011	Amend	2-1-2012	413-010-0700	4-4-2012	Amend	5-1-2012
411-340-0100	12-28-2011	Amend	2-1-2012	413-010-0705	4-4-2012	Amend	5-1-2012
411-340-0100(T)	12-28-2011	Repeal	2-1-2012	413-010-0710	4-4-2012	Amend	5-1-2012
411-340-0110	12-28-2011	Amend	2-1-2012	413-010-0712	4-4-2012	Repeal	5-1-2012
411-340-0110(T)	12-28-2011	Repeal	2-1-2012	413-010-0714	4-4-2012	Amend	5-1-2012
411-340-0120	12-28-2011	Amend	2-1-2012	413-010-0715	4-4-2012	Amend	5-1-2012
411-340-0125	12-28-2011	Adopt	2-1-2012	413-010-0716	4-4-2012	Amend	5-1-2012
411-340-0130	12-28-2011	Amend	2-1-2012	413-010-0717	4-4-2012	Amend	5-1-2012
411-340-0140	12-28-2011	Amend	2-1-2012	413-010-0718	4-4-2012	Amend	5-1-2012
411-340-0150	12-28-2011	Amend	2-1-2012	413-010-0720	4-4-2012	Amend	5-1-2012
411-345-0010	1-6-2012	Amend	2-1-2012	413-010-0721	4-4-2012	Amend	5-1-2012
411-345-0010(T)	1-6-2012	Repeal	2-1-2012	413-010-0722	4-4-2012	Amend	5-1-2012
411-345-0020	1-6-2012	Amend	2-1-2012	413-010-0723	4-4-2012	Amend	5-1-2012
411-345-0020(T)	1-6-2012	Repeal	2-1-2012	413-010-0732	4-4-2012	Amend	5-1-2012
411-345-0030	1-6-2012	Amend	2-1-2012	413-010-0735	4-4-2012	Amend	5-1-2012

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413-010-0738	4-4-2012	Amend	5-1-2012	413-120-0470	6-26-2012	Repeal	8-1-2012
413-010-0740	4-4-2012	Amend	5-1-2012	413-120-0475	6-26-2012	Adopt	8-1-2012
413-010-0743	4-4-2012	Amend	5-1-2012	413-120-0830	9-1-2012	Amend	10-1-2012
413-010-0745	4-4-2012	Amend	5-1-2012	413-130-0000	12-28-2011	Amend	2-1-2012
413-010-0746	4-4-2012	Amend	5-1-2012	413-130-0010	12-28-2011	Amend	2-1-2012
413-010-0748	4-4-2012	Amend	5-1-2012	413-130-0015	12-28-2011	Adopt	2-1-2012
413-010-0750	4-4-2012	Amend	5-1-2012	413-130-0020	12-28-2011	Amend	2-1-2012
413-015-0470	3-12-2012	Amend(T)	4-1-2012	413-130-0030	12-28-2011	Am. & Ren.	2-1-2012
413-015-0470	9-7-2012	Amend	10-1-2012	413-130-0040	12-28-2011	Amend	2-1-2012
413-015-0470(T)	9-7-2012	Repeal	10-1-2012	413-130-0045	12-28-2011	Repeal	2-1-2012
413-020-0200	12-28-2011	Amend	2-1-2012	413-130-0050	12-28-2011	Amend	2-1-2012
413-020-0210	12-28-2011	Amend	2-1-2012	413-130-0055	12-28-2011	Adopt	2-1-2012
413-020-0230	12-28-2011	Amend	2-1-2012	413-130-0060	12-28-2011	Repeal	2-1-2012
413-020-0233	12-28-2011	Amend	2-1-2012	413-130-0070	12-28-2011	Amend	2-1-2012
413-020-0236	12-28-2011	Amend	2-1-2012	413-130-0075	12-28-2011	Amend	2-1-2012
413-020-0240	12-28-2011	Amend	2-1-2012	413-130-0080	12-28-2011	Amend	2-1-2012
413-020-0245	12-28-2011	Amend	2-1-2012	413-130-0090	12-28-2011	Amend	2-1-2012
413-020-0255	12-28-2011	Amend	2-1-2012	413-130-0100	12-28-2011	Amend	2-1-2012
413-070-0063	12-28-2011	Amend	2-1-2012	413-130-0110	12-28-2011	Amend	2-1-2012
413-070-0900	12-28-2011	Amend	2-1-2012	413-130-0115	12-28-2011	Repeal	2-1-2012
413-070-0905	12-28-2011	Amend	2-1-2012	413-130-0125	12-28-2011	Amend	2-1-2012
413-070-0909	12-28-2011	Amend	2-1-2012	413-130-0130	12-28-2011	Amend	2-1-2012
413-070-0917	12-28-2011	Amend	2-1-2012	413-200-0270	12-28-2011	Amend	2-1-2012
413-070-0919	12-28-2011	Amend	2-1-2012	413-200-0272	12-28-2011	Amend	2-1-2012
413-070-0925	12-28-2011	Amend	2-1-2012	413-200-0274	12-28-2011	Amend	2-1-2012
413-070-0929	12-28-2011	Repeal	2-1-2012	413-200-0276	12-28-2011	Amend	2-1-2012
413-070-0934	12-28-2011	Amend	2-1-2012	413-200-0278	12-28-2011	Amend	2-1-2012
413-070-0939	12-28-2011	Amend	2-1-2012	413-200-0281	12-28-2011	Amend	2-1-2012
413-070-0944	12-28-2011	Amend	2-1-2012	413-200-0283	12-28-2011	Amend	2-1-2012
413-070-0949	12-28-2011	Amend	2-1-2012	413-200-0285	12-28-2011	Amend	2-1-2012
413-070-0959	12-28-2011	Amend	2-1-2012	413-200-0287	12-28-2011	Amend	2-1-2012
413-070-0964	12-28-2011	Amend	2-1-2012	413-200-0289	12-28-2011	Amend	2-1-2012
413-070-0969	12-28-2011	Amend	2-1-2012	413-200-0292	12-28-2011	Amend	2-1-2012
413-070-0970	12-28-2011	Amend	2-1-2012	413-200-0294	12-28-2011	Amend	2-1-2012
413-070-0974	12-28-2011	Amend	2-1-2012	413-200-0296	12-28-2011	Amend	2-1-2012
413-070-0979	12-28-2011	Repeal	2-1-2012	413-200-0301	12-28-2011	Amend	2-1-2012
413-100-0135	12-28-2011	Amend	2-1-2012	413-200-0305	12-28-2011	Amend	2-1-2012
413-100-0150	12-28-2011	Amend	2-1-2012	413-200-0306	12-28-2011	Amend	2-1-2012
413-100-0900	12-28-2011	Amend	2-1-2012	413-200-0308	12-28-2011	Amend	2-1-2012
413-100-0905	12-28-2011	Amend	2-1-2012	413-200-0314	12-28-2011	Amend	2-1-2012
413-100-0910	12-28-2011	Amend	2-1-2012	413-200-0335	12-28-2011	Amend	2-1-2012
413-100-0915	12-28-2011	Amend	2-1-2012	413-200-0348	12-28-2011	Amend	2-1-2012
413-100-0920	12-28-2011	Amend	2-1-2012	413-200-0352	12-28-2011	Amend	2-1-2012
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413-100-0930	12-28-2011	Amend	2-1-2012	413-200-0358	12-28-2011	Amend	2-1-2012
413-100-0940	12-28-2011	Amend	2-1-2012	413-200-0362	12-28-2011	Amend	2-1-2012
413-120-0400	6-26-2012	Amend	8-1-2012	413-200-0371	12-28-2011	Amend	2-1-2012
413-120-0420	12-28-2011	Amend(T)	2-1-2012	413-200-0377	12-28-2011	Amend	2-1-2012
413-120-0420	6-26-2012	Amend	8-1-2012	413-200-0379	12-28-2011	Amend	2-1-2012
413-120-0440	6-26-2012	Amend	8-1-2012	413-200-0383	12-28-2011	Amend	2-1-2012
413-120-0450	6-26-2012	Amend	8-1-2012	413-200-0386	12-28-2011	Amend	2-1-2012
413-120-0455	6-26-2012	Amend	8-1-2012	413-200-0388	12-28-2011	Amend	2-1-2012
413-120-0457	6-26-2012	Adopt	8-1-2012	413-200-0390	12-28-2011	Amend	2-1-2012
413-120-0460	12-28-2011	Amend(T)	2-1-2012	413-200-0393	12-28-2011	Amend	2-1-2012
413-120-0460	6-26-2012	Amend	8-1-2012	413-200-0394	12-28-2011	Amend	2-1-2012
413-120-0470	12-28-2011	Suspend	2-1-2012	413-200-0395	12-28-2011	Amend	2-1-2012

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413-200-0396	12-28-2011	Amend	2-1-2012	416-100-0030	4-3-2012	Amend	5-1-2012
413-200-0404	1-3-2012	Amend	2-1-2012	416-100-0040	4-3-2012	Amend	5-1-2012
413-200-0404(T)	1-3-2012	Repeal	2-1-2012	416-100-0050	4-3-2012	Amend	5-1-2012
413-200-0409	1-3-2012	Amend	2-1-2012	416-100-0060	4-3-2012	Amend	5-1-2012
413-200-0409(T)	1-3-2012	Repeal	2-1-2012	416-100-0070	4-3-2012	Repeal	5-1-2012
413-200-0414	1-3-2012	Amend	2-1-2012	416-115-0000	12-14-2011	Repeal	1-1-2012
413-200-0414(T)	1-3-2012	Repeal	2-1-2012	416-115-0010	12-14-2011	Amend	1-1-2012
413-200-0419	1-3-2012	Amend	2-1-2012	416-115-0010	6-25-2012	Amend	8-1-2012
413-200-0419(T)	1-3-2012	Repeal	2-1-2012	416-115-0020	12-14-2011	Amend	1-1-2012
413-200-0424	1-3-2012	Amend	2-1-2012	416-115-0025	12-14-2011	Adopt	1-1-2012
413-200-0424(T)	1-3-2012	Repeal	2-1-2012	416-115-0025	6-25-2012	Amend	8-1-2012
414-205-0100	6-12-2012	Amend(T)	7-1-2012	416-115-0030	12-14-2011	Amend	1-1-2012
414-205-0100	10-10-2012	Amend	11-1-2012	416-115-0030	6-25-2012	Amend	8-1-2012
414-205-0100(T)	10-10-2012	Repeal	11-1-2012	416-115-0040	12-14-2011	Repeal	1-1-2012
414-300-0230	6-12-2012	Amend(T)	7-1-2012	416-115-0050	12-14-2011	Repeal	1-1-2012
414-300-0230	10-10-2012	Amend	11-1-2012	416-115-0060	12-14-2011	Repeal	1-1-2012
414-300-0230(T)	10-10-2012	Repeal	11-1-2012	416-115-0070	12-14-2011	Repeal	1-1-2012
414-350-0180	6-12-2012	Amend(T)	7-1-2012	416-115-0080	12-14-2011	Repeal	1-1-2012
414-350-0180	10-10-2012	Amend	11-1-2012	416-115-0090	12-14-2011	Repeal	1-1-2012
414-350-0180(T)	10-10-2012	Repeal	11-1-2012	416-115-0100	12-14-2011	Repeal	1-1-2012
415-056-0000	2-9-2012	Repeal	3-1-2012	416-115-0110	12-14-2011	Repeal	1-1-2012
415-056-0005	2-9-2012	Repeal	3-1-2012	416-115-0120	12-14-2011	Repeal	1-1-2012
415-056-0010	2-9-2012	Repeal	3-1-2012	416-115-0130	12-14-2011	Repeal	1-1-2012
415-056-0015	2-9-2012	Repeal	3-1-2012	416-115-0140	12-14-2011	Repeal	1-1-2012
415-056-0020	2-9-2012	Repeal	3-1-2012	416-115-0150	12-14-2011	Repeal	1-1-2012
415-056-0025	2-9-2012	Repeal	3-1-2012	416-115-0160	12-14-2011	Repeal	1-1-2012
415-056-0030	2-9-2012	Adopt	3-1-2012	416-115-0170	12-14-2011	Repeal	1-1-2012
415-056-0035	2-9-2012	Adopt	3-1-2012	416-115-0180	12-14-2011	Repeal	1-1-2012
415-056-0040	2-9-2012	Adopt	3-1-2012	416-115-0190	12-14-2011	Repeal	1-1-2012
415-056-0045	2-9-2012	Adopt	3-1-2012	416-115-0200	12-14-2011	Repeal	1-1-2012
415-056-0050	2-9-2012	Adopt	3-1-2012	416-115-0210	12-14-2011	Repeal	1-1-2012
415-065-0010	2-9-2012	Amend	3-1-2012	416-115-0220	12-14-2011	Repeal	1-1-2012
415-065-0010	7-1-2012	Amend	8-1-2012	416-115-0230	12-14-2011	Repeal	1-1-2012
415-065-0015	2-9-2012	Amend	3-1-2012	416-115-0240	12-14-2011	Repeal	1-1-2012
415-065-0020	7-1-2012	Amend	8-1-2012	416-115-0250	12-14-2011	Repeal	1-1-2012
415-065-0025	2-9-2012	Amend	3-1-2012	416-115-0260	12-14-2011	Repeal	1-1-2012
415-065-0030	2-9-2012	Amend	3-1-2012	416-115-0270	12-14-2011	Repeal	1-1-2012
415-065-0030	7-1-2012	Amend	8-1-2012	416-115-0280	12-14-2011	Repeal	1-1-2012
415-065-0035	2-9-2012	Amend	3-1-2012	416-170-0000	2-3-2012	Amend	3-1-2012
415-065-0035	7-1-2012	Amend	8-1-2012	416-170-0005	2-3-2012	Amend	3-1-2012
415-065-0040	2-9-2012	Amend	3-1-2012	416-170-0010	2-3-2012	Amend	3-1-2012
415-065-0040	7-1-2012	Amend	8-1-2012	416-170-0020	2-3-2012	Amend	3-1-2012
415-065-0045	2-9-2012	Amend	3-1-2012	416-170-0030	2-3-2012	Amend	3-1-2012
415-065-0050	2-9-2012	Amend	3-1-2012	416-410-0010	4-3-2012	Amend	5-1-2012
415-065-0050	7-1-2012	Amend	8-1-2012	416-450-0000	4-3-2012	Amend	5-1-2012
415-065-0055	2-9-2012	Amend	3-1-2012	416-450-0010	4-3-2012	Amend	5-1-2012
415-065-0055	7-1-2012	Amend	8-1-2012	416-450-0020	4-3-2012	Amend	5-1-2012
415-065-0060	2-9-2012	Amend	3-1-2012	416-450-0030	4-3-2012	Amend	5-1-2012
415-065-0060	7-1-2012	Amend	8-1-2012	416-450-0040	4-3-2012	Amend	5-1-2012
415-065-0065	2-9-2012	Amend	3-1-2012	416-450-0050	4-3-2012	Amend	5-1-2012
415-065-0070	7-1-2012	Repeal	8-1-2012	416-450-0060	4-3-2012	Amend	5-1-2012
416-001-0005	9-11-2012	Amend	10-1-2012	416-450-0070	4-3-2012	Amend	5-1-2012
416-100-0000	4-3-2012	Amend	5-1-2012	416-500-0050	6-25-2012	Amend	8-1-2012
416-100-0005	4-3-2012	Amend	5-1-2012	423-010-0023	6-1-2012	Amend	7-1-2012
416-100-0010	4-3-2012	Amend	5-1-2012	423-010-0026	6-1-2012	Amend	7-1-2012
416-100-0020	4-3-2012	Amend	5-1-2012	436-001-0003	7-1-2012	Amend(T)	7-1-2012



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436-001-0410	7-1-2012	Amend(T)	7-1-2012	436-009-0280	4-1-2012	Repeal	4-1-2012
436-009-0003	4-1-2012	Amend	4-1-2012	436-009-0285	4-1-2012	Amend	4-1-2012
436-009-0004	4-1-2012	Amend	4-1-2012	436-009-0290	4-1-2012	Amend	4-1-2012
436-009-0010	4-1-2012	Amend	4-1-2012	436-010-0210	1-1-2012	Amend	1-1-2012
436-009-0015	10-20-2012	Amend	11-1-2012	436-010-0230	1-1-2012	Amend	1-1-2012
436-009-0022	4-1-2012	Repeal	4-1-2012	436-010-0280	1-1-2012	Amend	1-1-2012
436-009-0030	4-1-2012	Amend	4-1-2012	436-010-0330	4-1-2012	Amend	4-1-2012
436-009-0040	4-1-2012	Amend	4-1-2012	436-015-0003	4-1-2012	Amend	4-1-2012
436-009-0050	4-1-2012	Amend	4-1-2012	436-015-0005	4-1-2012	Amend	4-1-2012
436-009-0050	10-20-2012	Amend	11-1-2012	436-015-0007	4-1-2012	Amend	4-1-2012
436-009-0060	4-1-2012	Amend	4-1-2012	436-015-0008	1-1-2012	Amend	1-1-2012
436-009-0070	4-1-2012	Amend	4-1-2012	436-015-0009	4-1-2012	Amend	4-1-2012
436-009-0080	1-1-2012	Amend	1-1-2012	436-015-0010	4-1-2012	Amend	4-1-2012
436-009-0080	4-1-2012	Amend	4-1-2012	436-015-0020	4-1-2012	Repeal	4-1-2012
436-009-0080	4-23-2012	Amend(T)	5-1-2012	436-015-0030	4-1-2012	Amend	4-1-2012
436-009-0080	10-20-2012	Amend	11-1-2012	436-015-0050	4-1-2012	Amend	4-1-2012
436-009-0090	4-1-2012	Amend	4-1-2012	436-015-0075	4-1-2012	Adopt	4-1-2012
436-009-0110	4-1-2012	Amend	4-1-2012	436-015-0080	4-1-2012	Amend	4-1-2012
436-009-0115	4-1-2012	Amend	4-1-2012	436-015-0110	4-1-2012	Amend	4-1-2012
436-009-0120	4-1-2012	Amend	4-1-2012	436-030-0003	1-1-2012	Amend	1-1-2012
436-009-0125	4-1-2012	Amend	4-1-2012	436-030-0036	1-1-2012	Amend	1-1-2012
436-009-0130	4-1-2012	Amend	4-1-2012	436-030-0145	1-1-2012	Amend	1-1-2012
436-009-0135	4-1-2012	Amend	4-1-2012	436-030-0165	1-1-2012	Amend	1-1-2012
436-009-0140	4-1-2012	Amend	4-1-2012	436-050-0001	1-1-2013	Amend	11-1-2012
436-009-0145	4-1-2012	Amend	4-1-2012	436-050-0002	1-1-2013	Amend	11-1-2012
436-009-0150	4-1-2012	Repeal	4-1-2012	436-050-0003	1-1-2013	Amend	11-1-2012
436-009-0155	4-1-2012	Amend	4-1-2012	436-050-0005	1-1-2013	Amend	11-1-2012
436-009-0160	4-1-2012	Amend	4-1-2012	436-050-0006	1-1-2013	Amend	11-1-2012
436-009-0165	4-1-2012	Amend	4-1-2012	436-050-0008	1-1-2013	Amend	11-1-2012
436-009-0170	4-1-2012	Amend	4-1-2012	436-050-0015	1-1-2013	Amend	11-1-2012
436-009-0175	4-1-2012	Amend	4-1-2012	436-050-0025	1-1-2013	Amend	11-1-2012
436-009-0177	4-1-2012	Adopt	4-1-2012	436-050-0040	1-1-2013	Amend	11-1-2012
436-009-0180	4-1-2012	Amend	4-1-2012	436-050-0045	1-1-2013	Amend	11-1-2012
436-009-0185	4-1-2012	Amend	4-1-2012	436-050-0050	1-1-2013	Amend	11-1-2012
436-009-0200	4-1-2012	Amend	4-1-2012	436-050-0055	1-1-2013	Amend	11-1-2012
436-009-0205	4-1-2012	Amend	4-1-2012	436-050-0110	1-1-2013	Amend	11-1-2012
436-009-0206	4-1-2012	Amend	4-1-2012	436-050-0120	1-1-2013	Amend	11-1-2012
436-009-0207	4-1-2012	Amend	4-1-2012	436-050-0150	1-1-2013	Amend	11-1-2012
436-009-0207	10-20-2012	Amend	11-1-2012	436-050-0160	1-1-2013	Amend	11-1-2012
436-009-0210	4-1-2012	Amend	4-1-2012	436-050-0165	1-1-2013	Amend	11-1-2012
436-009-0215	4-1-2012	Amend	4-1-2012	436-050-0170	1-1-2013	Amend	11-1-2012
436-009-0220	4-1-2012	Amend	4-1-2012	436-050-0175	1-1-2013	Amend	11-1-2012
436-009-0225	4-1-2012	Amend	4-1-2012	436-050-0180	1-1-2013	Amend	11-1-2012
436-009-0230	4-1-2012	Amend	4-1-2012	436-050-0185	1-1-2013	Amend	11-1-2012
436-009-0235	4-1-2012	Amend	4-1-2012	436-050-0190	1-1-2013	Amend	11-1-2012
436-009-0240	4-1-2012	Amend	4-1-2012	436-050-0195	1-1-2013	Amend	11-1-2012
436-009-0240	10-20-2012	Amend	11-1-2012	436-050-0200	1-1-2013	Amend	11-1-2012
436-009-0245	4-1-2012	Amend	4-1-2012	436-050-0205	1-1-2013	Amend	11-1-2012
436-009-0250	4-1-2012	Repeal	4-1-2012	436-050-0210	1-1-2013	Amend	11-1-2012
436-009-0255	4-1-2012	Amend	4-1-2012	436-050-0220	1-1-2013	Amend	11-1-2012
436-009-0260	4-1-2012	Amend	4-1-2012	436-050-0230	1-1-2013	Amend	11-1-2012
436-009-0260	4-23-2012	Amend(T)	5-1-2012	436-050-0260	1-1-2013	Amend	11-1-2012
436-009-0260	10-20-2012	Amend	11-1-2012	436-050-0270	1-1-2013	Amend	11-1-2012
436-009-0265	4-1-2012	Amend	4-1-2012	436-050-0280	1-1-2013	Amend	11-1-2012
436-009-0270	4-1-2012	Amend	4-1-2012	436-050-0290	1-1-2013	Amend	11-1-2012
436-009-0275	4-1-2012	Amend	4-1-2012	436-050-0300	1-1-2013	Amend	11-1-2012

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436-050-0340	1-1-2013	Amend	11-1-2012	437-001-0411	7-1-2012	Amend	6-1-2012
436-050-0400	1-1-2013	Amend	11-1-2012	437-001-0415	7-1-2012	Amend	6-1-2012
436-050-0410	1-1-2013	Amend	11-1-2012	437-001-0420	7-1-2012	Amend	6-1-2012
436-050-0420	1-1-2013	Amend	11-1-2012	437-001-0430	7-1-2012	Amend	6-1-2012
436-050-0440	1-1-2013	Amend	11-1-2012	437-001-0435	7-1-2012	Amend	6-1-2012
436-050-0450	1-1-2013	Amend	11-1-2012	437-001-0760	7-1-2012	Amend	6-1-2012
436-050-0455	1-1-2013	Amend	11-1-2012	437-002-0005	12-8-2011	Amend	1-1-2012
436-050-0460	1-1-2013	Amend	11-1-2012	437-002-0005	9-25-2012	Amend	11-1-2012
436-050-0470	1-1-2013	Amend	11-1-2012	437-002-0080	4-10-2012	Amend	5-1-2012
436-050-0480	1-1-2013	Amend	11-1-2012	437-002-0100	4-10-2012	Amend	5-1-2012
436-105-0003	11-1-2012	Amend	11-1-2012	437-002-0100	9-25-2012	Amend	11-1-2012
436-105-0500	11-1-2012	Amend	11-1-2012	437-002-0100	4-1-2013	Amend	11-1-2012
436-105-0510	11-1-2012	Amend	11-1-2012	437-002-0107	9-25-2012	Amend	11-1-2012
436-105-0511	11-1-2012	Amend	11-1-2012	437-002-0118	9-25-2012	Amend	11-1-2012
436-105-0512	11-1-2012	Amend	11-1-2012	437-002-0120	12-8-2011	Amend	1-1-2012
436-105-0520	11-1-2012	Amend	11-1-2012	437-002-0120	4-10-2012	Amend	5-1-2012
436-105-0540	11-1-2012	Amend	11-1-2012	437-002-0122	9-25-2012	Amend	11-1-2012
436-110-0003	11-1-2012	Amend	11-1-2012	437-002-0123	12-8-2011	Repeal	1-1-2012
436-110-0005	11-1-2012	Amend	11-1-2012	437-002-0125	12-8-2011	Repeal	1-1-2012
436-110-0240	11-1-2012	Amend	11-1-2012	437-002-0127	12-8-2011	Repeal	1-1-2012
436-110-0325	11-1-2012	Amend	11-1-2012	437-002-0128	12-8-2011	Repeal	1-1-2012
436-110-0336	11-1-2012	Amend	11-1-2012	437-002-0130	12-8-2011	Repeal	1-1-2012
436-110-0347	11-1-2012	Amend	11-1-2012	437-002-0134	12-8-2011	Adopt	1-1-2012
436-120-0001	11-1-2012	Amend	11-1-2012	437-002-0135	12-8-2011	Repeal	1-1-2012
436-120-0002	11-1-2012	Amend	11-1-2012	437-002-0136	12-8-2011	Repeal	1-1-2012
436-120-0003	11-1-2012	Amend	11-1-2012	437-002-0137	12-8-2011	Repeal	1-1-2012
436-120-0005	11-1-2012	Amend	11-1-2012	437-002-0140	12-8-2011	Amend	1-1-2012
436-120-0006	11-1-2012	Amend	11-1-2012	437-002-0140	4-1-2013	Amend	11-1-2012
436-120-0007	11-1-2012	Amend	11-1-2012	437-002-0146	4-1-2013	Adopt	11-1-2012
436-120-0012	11-1-2012	Amend	11-1-2012	437-002-0161	4-10-2012	Amend	5-1-2012
436-120-0016	11-1-2012	Amend	11-1-2012	437-002-0180	4-10-2012	Amend	5-1-2012
436-120-0017	11-1-2012	Amend	11-1-2012	437-002-0182	4-10-2012	Amend	5-1-2012
436-120-0115	11-1-2012	Amend	11-1-2012	437-002-0182	4-1-2013	Amend	11-1-2012
436-120-0145	11-1-2012	Amend	11-1-2012	437-002-0220	12-8-2011	Amend	1-1-2012
436-120-0165	11-1-2012	Amend	11-1-2012	437-002-0220	4-10-2012	Amend	5-1-2012
436-120-0175	11-1-2012	Amend	11-1-2012	437-002-0240	4-10-2012	Amend	5-1-2012
436-120-0340	11-1-2012	Amend	11-1-2012	437-002-0256	4-1-2013	Amend	11-1-2012
436-120-0443	11-1-2012	Amend	11-1-2012	437-002-0280	4-10-2012	Amend	5-1-2012
436-120-0445	11-1-2012	Amend	11-1-2012	437-002-0280	9-25-2012	Amend	11-1-2012
436-120-0447	11-1-2012	Am. & Ren.	11-1-2012	437-002-0288	9-25-2012	Amend	11-1-2012
436-120-0447	11-1-2012	Am. & Ren.	11-1-2012	437-002-0289	9-25-2012	Repeal	11-1-2012
436-120-0447	11-1-2012	Am. & Ren.	11-1-2012	437-002-0300	4-10-2012	Amend	5-1-2012
436-120-0510	11-1-2012	Amend	11-1-2012	437-002-0300	4-1-2013	Amend	11-1-2012
436-120-0710	11-1-2012	Amend	11-1-2012	437-002-0312	4-10-2012	Amend	5-1-2012
437-001-0015	7-1-2012	Amend	6-1-2012	437-002-0312	4-1-2013	Amend	11-1-2012
437-001-0075	7-1-2012	Amend	6-1-2012	437-002-0340	12-8-2011	Amend	1-1-2012
437-001-0145	7-1-2012	Amend	6-1-2012	437-002-0340	4-10-2012	Amend	5-1-2012
437-001-0160	7-1-2012	Amend	6-1-2012	437-002-0360	12-8-2011	Amend	1-1-2012
437-001-0165	7-1-2012	Amend	6-1-2012	437-002-0360	4-10-2012	Amend	5-1-2012
437-001-0175	7-1-2012	Amend	6-1-2012	437-002-0360	7-1-2012	Amend	1-1-2012
437-001-0230	7-1-2012	Amend	6-1-2012	437-002-0360	9-25-2012	Amend	11-1-2012
437-001-0255	7-1-2012	Amend	6-1-2012	437-002-0361	9-25-2012	Repeal	11-1-2012
437-001-0260	7-1-2012	Repeal	6-1-2012	437-002-0364	12-8-2011	Amend	1-1-2012
437-001-0400	7-1-2012	Amend	6-1-2012	437-002-0364	9-25-2012	Amend	11-1-2012
437-001-0405	7-1-2012	Amend	6-1-2012	437-002-0373	4-10-2012	Amend	5-1-2012
437-001-0410	7-1-2012	Amend	6-1-2012	437-002-0377	9-25-2012	Amend	11-1-2012

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437-002-0391	9-25-2012	Amend	11-1-2012	437-005-0001	4-10-2012	Amend	5-1-2012
437-002-1001	7-1-2012	Adopt	1-1-2012	437-005-0001	9-25-2012	Amend	11-1-2012
437-002-1017	7-1-2012	Adopt	1-1-2012	437-005-0002	12-8-2011	Amend	1-1-2012
437-002-1018	7-1-2012	Adopt	1-1-2012	437-005-0003	12-8-2011	Amend	1-1-2012
437-002-1025	7-1-2012	Adopt	1-1-2012	438-005-0046	11-1-2012	Amend	10-1-2012
437-002-1027	7-1-2012	Adopt	1-1-2012	438-005-0050	11-1-2012	Amend	10-1-2012
437-002-1028	7-1-2012	Adopt	1-1-2012	438-005-0055	11-1-2012	Amend	10-1-2012
437-002-1029	7-1-2012	Adopt	1-1-2012	438-005-0070	11-1-2012	Amend	10-1-2012
437-002-1043	7-1-2012	Adopt	1-1-2012	438-007-0015	11-1-2012	Amend	10-1-2012
437-002-1044	7-1-2012	Adopt	1-1-2012	438-009-0015	11-1-2012	Amend	10-1-2012
437-002-1045	7-1-2012	Adopt	1-1-2012	438-009-0022	11-1-2012	Amend	10-1-2012
437-002-1047	7-1-2012	Adopt	1-1-2012	438-009-0025	11-1-2012	Amend	10-1-2012
437-002-1048	7-1-2012	Adopt	1-1-2012	438-009-0028	11-1-2012	Amend	10-1-2012
437-002-1050	7-1-2012	Adopt	1-1-2012	438-009-0030	11-1-2012	Amend	10-1-2012
437-002-1051	7-1-2012	Adopt	1-1-2012	438-011-0005	11-1-2012	Amend	10-1-2012
437-002-1052	7-1-2012	Adopt	1-1-2012	438-011-0020	11-1-2012	Amend	10-1-2012
437-003-0001	12-8-2011	Amend	1-1-2012	438-012-0016	11-1-2012	Amend	10-1-2012
437-003-0001	4-10-2012	Amend	5-1-2012	438-015-0005	1-1-2013	Amend	12-1-2012
437-003-0001	7-1-2012	Amend	1-1-2012	438-015-0015	1-1-2013	Amend	12-1-2012
437-003-0001	8-20-2012	Amend	10-1-2012	438-015-0019	1-1-2013	Amend	12-1-2012
437-003-0001	9-25-2012	Amend	11-1-2012	438-015-0025	1-1-2013	Amend	12-1-2012
437-003-0001	4-1-2013	Amend	11-1-2012	438-015-0029	1-1-2013	Amend	12-1-2012
437-003-0015	12-8-2011	Amend	1-1-2012	438-015-0035	1-1-2013	Amend	12-1-2012
437-003-0035	9-25-2012	Repeal	11-1-2012	438-015-0038	1-1-2013	Amend	12-1-2012
437-003-0062	7-1-2012	Adopt	1-1-2012	438-015-0050	1-1-2013	Amend	12-1-2012
437-003-0096	12-8-2011	Amend	1-1-2012	438-015-0055	1-1-2013	Amend	12-1-2012
437-003-0875	4-10-2012	Amend	5-1-2012	438-015-0095	1-1-2013	Amend	12-1-2012
437-003-1101	7-1-2012	Adopt	1-1-2012	438-015-0110	1-1-2013	Amend	12-1-2012
437-003-1127	7-1-2012	Adopt	1-1-2012	438-020-0010	11-1-2012	Amend	10-1-2012
437-003-3060	7-1-2012	Adopt	1-1-2012	440-045-0020	1-1-2013	Amend	11-1-2012
437-004-1005	1-1-2013	Amend	11-1-2012	440-045-0025	1-1-2013	Amend	11-1-2012
437-004-1020	1-1-2013	Amend	11-1-2012	441-025-0050	7-9-2012	Amend	8-1-2012
437-004-1030	1-1-2013	Amend	11-1-2012	441-175-0002	7-9-2012	Amend	8-1-2012
437-004-1035	1-1-2013	Amend	11-1-2012	441-175-0010	7-9-2012	Amend	8-1-2012
437-004-1041	1-1-2013	Amend	11-1-2012	441-175-0060	7-9-2012	Amend	8-1-2012
437-004-1050	1-1-2013	Amend	11-1-2012	441-175-0070	7-9-2012	Amend	8-1-2012
437-004-1060	1-1-2013	Amend	11-1-2012	441-175-0080	7-9-2012	Amend	8-1-2012
437-004-1070	1-1-2013	Amend	11-1-2012	441-175-0100	7-9-2012	Amend	8-1-2012
437-004-1075	1-1-2013	Amend	11-1-2012	441-175-0105	7-9-2012	Amend	8-1-2012
437-004-1110	12-8-2011	Amend	1-1-2012	441-175-0120	7-9-2012	Amend	8-1-2012
437-004-9000	1-1-2013	Amend	11-1-2012	441-175-0130	7-9-2012	Amend	8-1-2012
437-004-9050	1-1-2013	Amend	11-1-2012	441-175-0150	7-9-2012	Amend	8-1-2012
437-004-9090	1-1-2013	Amend	11-1-2012	441-175-0160	7-9-2012	Amend	8-1-2012
437-004-9600	1-1-2013	Amend	11-1-2012	441-175-0165	7-9-2012	Amend	8-1-2012
437-004-9620	1-1-2013	Amend	11-1-2012	441-195-0020	7-9-2012	Amend	8-1-2012
437-004-9626	1-1-2013	Adopt	11-1-2012	441-505-3046	12-15-2011	Amend(T)	1-1-2012
437-004-9640	1-1-2013	Amend	11-1-2012	441-505-3090	8-8-2012	Adopt(T)	9-1-2012
437-004-9650	1-1-2013	Amend	11-1-2012	441-674-0005	1-1-2012	Repeal	2-1-2012
437-004-9710	1-1-2013	Amend	11-1-2012	441-674-0100	1-1-2012	Repeal	2-1-2012
437-004-9740	1-1-2013	Amend	11-1-2012	441-674-0120	1-1-2012	Repeal	2-1-2012
437-004-9760	1-1-2013	Amend	11-1-2012	441-674-0130	1-1-2012	Repeal	2-1-2012
437-004-9780	1-1-2013	Amend	11-1-2012	441-674-0140	1-1-2012	Repeal	2-1-2012
437-004-9830	1-1-2013	Amend	11-1-2012	441-674-0210	1-1-2012	Repeal	2-1-2012
437-004-9850	1-1-2013	Amend	11-1-2012	441-674-0220	1-1-2012	Repeal	2-1-2012
437-004-9860	1-1-2013	Amend	11-1-2012	441-674-0230	1-1-2012	Repeal	2-1-2012



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441-674-0240	1-1-2012	Repeal	2-1-2012	441-860-0020	8-1-2012	Amend	9-1-2012
441-674-0250	1-1-2012	Repeal	2-1-2012	441-860-0021	8-1-2012	Adopt	9-1-2012
441-674-0310	1-1-2012	Repeal	2-1-2012	441-860-0024	8-1-2012	Adopt	9-1-2012
441-674-0510	1-1-2012	Repeal	2-1-2012	441-860-0025	8-1-2012	Amend	9-1-2012
441-674-0520	1-1-2012	Repeal	2-1-2012	441-860-0030	8-1-2012	Amend	9-1-2012
441-674-0910	1-1-2012	Repeal	2-1-2012	441-860-0040	8-1-2012	Amend	9-1-2012
441-674-0915	1-1-2012	Repeal	2-1-2012	441-860-0050	8-1-2012	Amend	9-1-2012
441-674-0920	1-1-2012	Repeal	2-1-2012	441-860-0060	8-1-2012	Amend	9-1-2012
441-710-0540	12-15-2011	Amend(T)	1-1-2012	441-860-0080	8-1-2012	Amend	9-1-2012
441-730-0026	8-1-2012	Amend	9-1-2012	441-860-0085	8-1-2012	Amend	9-1-2012
441-730-0246	12-15-2011	Amend(T)	1-1-2012	441-860-0090	8-1-2012	Amend	9-1-2012
441-730-0320	8-1-2012	Amend	9-1-2012	441-860-0110	8-1-2012	Amend	9-1-2012
441-735-0000	7-23-2012	Amend	9-1-2012	441-865-0025	8-1-2012	Amend	9-1-2012
441-735-0010	7-23-2012	Amend	9-1-2012	441-865-0060	8-1-2012	Amend	9-1-2012
441-735-0015	7-23-2012	Amend	9-1-2012	441-880-0005	11-23-2011	Adopt	1-1-2012
441-735-0025	7-23-2012	Amend	9-1-2012	441-880-0005	8-1-2012	Amend	9-1-2012
441-735-0030	7-23-2012	Amend	9-1-2012	441-880-0006	11-23-2011	Adopt	1-1-2012
441-735-0050	7-23-2012	Amend	9-1-2012	441-880-0006	8-1-2012	Amend	9-1-2012
441-735-0060	7-23-2012	Amend	9-1-2012	441-880-0007	11-23-2011	Adopt	1-1-2012
441-735-0070	7-23-2012	Amend	9-1-2012	441-880-0007	8-1-2012	Amend	9-1-2012
441-735-0080	7-23-2012	Amend	9-1-2012	441-880-0008	11-23-2011	Adopt	1-1-2012
441-735-0100	7-23-2012	Amend	9-1-2012	441-880-0008	8-1-2012	Amend	9-1-2012
441-735-0110	7-23-2012	Amend	9-1-2012	441-880-0010	8-1-2012	Repeal	9-1-2012
441-735-0120	7-23-2012	Amend	9-1-2012	441-880-0021	8-1-2012	Repeal	9-1-2012
441-735-0130	7-23-2012	Amend	9-1-2012	441-880-0022	8-1-2012	Repeal	9-1-2012
441-735-0140	7-23-2012	Amend	9-1-2012	441-880-0030	8-1-2012	Repeal	9-1-2012
441-735-0160	7-23-2012	Amend	9-1-2012	441-880-0040	8-1-2012	Repeal	9-1-2012
441-735-0165	7-23-2012	Amend	9-1-2012	441-880-0200	8-1-2012	Amend	9-1-2012
441-735-0205	7-23-2012	Amend	9-1-2012	441-880-0205	8-1-2012	Amend	9-1-2012
441-735-0240	7-23-2012	Amend	9-1-2012	441-880-0210	8-1-2012	Amend	9-1-2012
441-735-0250	7-23-2012	Amend	9-1-2012	441-880-0215	8-1-2012	Amend	9-1-2012
441-735-0255	7-23-2012	Amend	9-1-2012	441-880-0300	8-1-2012	Amend	9-1-2012
441-735-0271	7-23-2012	Amend	9-1-2012	441-880-0310	8-1-2012	Amend	9-1-2012
441-735-0272	7-23-2012	Amend	9-1-2012	441-880-0315	8-1-2012	Adopt	9-1-2012
441-735-0275	7-23-2012	Amend	9-1-2012	441-880-0320	8-1-2012	Adopt	9-1-2012
441-735-0280	7-23-2012	Amend	9-1-2012	441-910-0000	1-1-2012	Amend	1-1-2012
441-735-0310	7-23-2012	Amend	9-1-2012	441-910-0092	1-1-2012	Repeal	1-1-2012
441-735-0320	7-23-2012	Amend	9-1-2012	441-930-0010	11-9-2012	Amend	12-1-2012
441-755-0000	7-23-2012	Amend	9-1-2012	441-930-0085	11-9-2012	Adopt	12-1-2012
441-755-0100	7-23-2012	Amend	9-1-2012	442-005-0020	1-13-2012	Amend	2-1-2012
441-755-0110	7-23-2012	Amend	9-1-2012	442-005-0030	1-13-2012	Amend	2-1-2012
441-755-0120	7-23-2012	Amend	9-1-2012	442-005-0050	1-13-2012	Amend	2-1-2012
441-755-0140	7-23-2012	Amend	9-1-2012	442-005-0070	1-13-2012	Amend	2-1-2012
441-755-0150	7-23-2012	Amend	9-1-2012	442-010-0020	12-22-2011	Amend	2-1-2012
441-755-0160	7-23-2012	Amend	9-1-2012	442-010-0020(T)	12-22-2011	Repeal	2-1-2012
441-755-0170	7-23-2012	Amend	9-1-2012	442-010-0030	12-22-2011	Amend	2-1-2012
441-755-0210	7-23-2012	Amend	9-1-2012	442-010-0040	12-22-2011	Amend	2-1-2012
441-755-0300	7-23-2012	Amend	9-1-2012	442-010-0055	12-22-2011	Amend	2-1-2012
441-755-0310	7-23-2012	Amend	9-1-2012	442-010-0060	12-22-2011	Amend	2-1-2012
441-830-0010	11-23-2011	Repeal	1-1-2012	442-010-0060(T)	12-22-2011	Repeal	2-1-2012
441-830-0015	11-23-2011	Repeal	1-1-2012	442-010-0065	12-22-2011	Repeal	2-1-2012
441-830-0020	11-23-2011	Repeal	1-1-2012	442-010-0070	12-22-2011	Amend	2-1-2012
441-830-0030	11-23-2011	Repeal	1-1-2012	442-010-0075	12-22-2011	Amend	2-1-2012
441-830-0040	11-23-2011	Repeal	1-1-2012	442-010-0075(T)	12-22-2011	Repeal	2-1-2012
441-850-0005	8-1-2012	Amend	9-1-2012	442-010-0080	12-22-2011	Amend	2-1-2012
441-850-0042	12-15-2011	Amend(T)	1-1-2012	442-010-0085	12-22-2011	Amend	2-1-2012

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442-010-0090	12-22-2011	Amend	2-1-2012	459-050-0250	5-24-2012	Amend	7-1-2012
442-010-0100	12-22-2011	Amend	2-1-2012	459-050-0300	5-24-2012	Amend	7-1-2012
442-010-0110	12-22-2011	Amend	2-1-2012	459-060-0020	11-23-2011	Amend	1-1-2012
442-010-0120	12-22-2011	Amend	2-1-2012	459-075-0060	2-1-2012	Amend	3-1-2012
442-010-0160	12-22-2011	Amend	2-1-2012	459-076-0005	11-23-2011	Amend	1-1-2012
442-010-0170	12-22-2011	Amend	2-1-2012	459-076-0020	8-31-2012	Amend	10-1-2012
442-010-0180	12-22-2011	Amend	2-1-2012	459-080-0010	2-1-2012	Amend	3-1-2012
442-010-0190	12-22-2011	Amend	2-1-2012	459-080-0500	3-28-2012	Amend	5-1-2012
442-010-0200	12-22-2011	Repeal	2-1-2012	461-001-0000	5-1-2012	Amend(T)	6-1-2012
442-010-0210	12-22-2011	Amend	2-1-2012	461-001-0000	10-1-2012	Amend	11-1-2012
442-010-0215	12-22-2011	Amend	2-1-2012	461-001-0000(T)	10-1-2012	Repeal	11-1-2012
442-010-0220	12-22-2011	Amend	2-1-2012	461-001-0025	12-29-2011	Amend	2-1-2012
442-010-0230	12-22-2011	Amend	2-1-2012	461-025-0300	1-31-2012	Amend(T)	3-1-2012
442-010-0240	12-22-2011	Amend	2-1-2012	461-025-0300	7-1-2012	Amend	8-1-2012
442-010-0250	12-22-2011	Repeal	2-1-2012	461-025-0300	10-5-2012	Amend(T)	11-1-2012
442-010-0260	12-22-2011	Amend	2-1-2012	461-025-0300(T)	7-1-2012	Repeal	8-1-2012
443-002-0070	2-6-2012	Amend	3-1-2012	461-025-0301	10-5-2012	Adopt(T)	11-1-2012
443-002-0190	2-6-2012	Amend	3-1-2012	461-025-0310	1-31-2012	Amend(T)	3-1-2012
459-001-0025	3-28-2012	Amend	5-1-2012	461-025-0310	7-1-2012	Amend	8-1-2012
459-005-0001	2-1-2012	Amend	3-1-2012	461-025-0310(T)	7-1-2012	Repeal	8-1-2012
459-005-0525	2-1-2012	Amend	3-1-2012	461-025-0315	7-1-2012	Amend	8-1-2012
459-005-0545	2-1-2012	Amend	3-1-2012	461-101-0010	4-1-2012	Amend	5-1-2012
459-005-0615	3-28-2012	Adopt	5-1-2012	461-110-0340	5-1-2012	Amend(T)	6-1-2012
459-005-0620	11-22-2011	Adopt(T)	1-1-2012	461-110-0340	10-1-2012	Amend	11-1-2012
459-005-0620	2-1-2012	Adopt	3-1-2012	461-110-0340(T)	10-1-2012	Repeal	11-1-2012
459-007-0005	5-24-2012	Amend	7-1-2012	461-110-0370	10-1-2012	Amend	11-1-2012
459-007-0090	3-28-2012	Amend	5-1-2012	461-110-0430	10-1-2012	Amend	11-1-2012
459-007-0270	3-28-2012	Amend	5-1-2012	461-110-0530	5-1-2012	Amend(T)	6-1-2012
459-010-0005	11-23-2011	Repeal	1-1-2012	461-110-0530	10-1-2012	Amend	11-1-2012
459-013-0310	3-28-2012	Adopt	5-1-2012	461-110-0530(T)	10-1-2012	Repeal	11-1-2012
459-013-0320	3-28-2012	Adopt	5-1-2012	461-110-0630	5-1-2012	Amend(T)	6-1-2012
459-014-0030	2-1-2012	Amend	3-1-2012	461-110-0630	10-1-2012	Amend	11-1-2012
459-014-0040	2-1-2012	Adopt	3-1-2012	461-110-0630(T)	10-1-2012	Repeal	11-1-2012
459-014-0050	2-1-2012	Adopt	3-1-2012	461-115-0016	1-1-2012	Adopt	2-1-2012
459-015-0005	11-23-2011	Amend	1-1-2012	461-115-0016	9-1-2012	Amend(T)	10-1-2012
459-015-0020	8-31-2012	Amend	10-1-2012	461-115-0016(T)	1-1-2012	Repeal	2-1-2012
459-017-0060	3-28-2012	Amend	5-1-2012	461-115-0030	1-1-2012	Amend	2-1-2012
459-040-0020	10-4-2012	Amend	11-1-2012	461-115-0030(T)	1-1-2012	Repeal	2-1-2012
459-040-0080	10-4-2012	Amend	11-1-2012	461-115-0050	1-1-2012	Amend	2-1-2012
459-050-0000	5-24-2012	Amend	7-1-2012	461-115-0050(T)	1-1-2012	Repeal	2-1-2012
459-050-0001	5-24-2012	Amend	7-1-2012	461-115-0090	7-1-2012	Amend	8-1-2012
459-050-0005	5-24-2012	Amend	7-1-2012	461-115-0140	7-1-2012	Amend	8-1-2012
459-050-0030	5-24-2012	Amend	7-1-2012	461-115-0230	1-1-2012	Amend	2-1-2012
459-050-0050	5-24-2012	Amend	7-1-2012	461-115-0230	2-29-2012	Amend(T)	4-1-2012
459-050-0060	5-24-2012	Amend	7-1-2012	461-115-0230	7-1-2012	Amend	8-1-2012
459-050-0070	5-24-2012	Amend	7-1-2012	461-115-0230(T)	1-1-2012	Repeal	2-1-2012
459-050-0075	5-24-2012	Amend	7-1-2012	461-115-0230(T)	7-1-2012	Repeal	8-1-2012
459-050-0076	5-24-2012	Adopt	7-1-2012	461-115-0690	1-1-2012	Amend	2-1-2012
459-050-0077	5-24-2012	Amend	7-1-2012	461-115-0690(T)	1-1-2012	Repeal	2-1-2012
459-050-0080	5-24-2012	Amend	7-1-2012	461-115-0705	1-1-2012	Amend(T)	2-1-2012
459-050-0090	5-24-2012	Amend	7-1-2012	461-115-0705	4-1-2012	Amend	5-1-2012
459-050-0120	5-24-2012	Amend	7-1-2012	461-115-0705(T)	4-1-2012	Repeal	5-1-2012
459-050-0150	5-24-2012	Amend	7-1-2012	461-120-0010	4-1-2012	Amend	5-1-2012
459-050-0200	5-24-2012	Amend	7-1-2012	461-120-0030	4-1-2012	Amend	5-1-2012
459-050-0210	5-24-2012	Amend	7-1-2012	461-120-0050	4-1-2012	Amend	5-1-2012
459-050-0230	5-24-2012	Amend	7-1-2012	461-120-0110	4-1-2012	Amend	5-1-2012

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461-120-0125	4-1-2012	Amend	5-1-2012	461-135-1250	4-12-2012	Amend(T)	5-1-2012
461-120-0130	4-1-2012	Amend	5-1-2012	461-135-1250	4-13-2012	Amend(T)	5-1-2012
461-120-0210	4-1-2012	Amend	5-1-2012	461-135-1250	10-1-2012	Amend	11-1-2012
461-120-0210	7-1-2012	Amend	8-1-2012	461-135-1250(T)	4-13-2012	Suspend	5-1-2012
461-120-0315	4-1-2012	Amend	5-1-2012	461-135-1250(T)	10-1-2012	Repeal	11-1-2012
461-120-0330	4-1-2012	Amend	5-1-2012	461-135-1260	3-30-2012	Adopt	5-1-2012
461-120-0340	4-1-2012	Amend	5-1-2012	461-135-1260	5-1-2012	Amend(T)	6-1-2012
461-120-0340	7-1-2012	Amend(T)	8-1-2012	461-135-1260	5-24-2012	Amend(T)	7-1-2012
461-120-0340(T)	4-1-2012	Repeal	5-1-2012	461-135-1260	10-1-2012	Amend	11-1-2012
461-120-0350	4-1-2012	Amend	5-1-2012	461-135-1260(T)	5-24-2012	Suspend	7-1-2012
461-120-0510	4-1-2012	Amend	5-1-2012	461-135-1260(T)	10-1-2012	Repeal	11-1-2012
461-120-0530	4-1-2012	Repeal	5-1-2012	461-140-0120	7-1-2012	Amend	8-1-2012
461-120-0630	4-1-2012	Amend	5-1-2012	461-145-0080	4-1-2012	Amend	5-1-2012
461-125-0170	5-1-2012	Amend(T)	6-1-2012	461-145-0080	7-1-2012	Amend(T)	8-1-2012
461-125-0170	10-1-2012	Amend	11-1-2012	461-145-0080	10-1-2012	Amend	11-1-2012
461-125-0170(T)	10-1-2012	Repeal	11-1-2012	461-145-0080	10-1-2012	Amend(T)	11-1-2012
461-130-0327	12-29-2011	Amend	2-1-2012	461-145-0080(T)	4-1-2012	Repeal	5-1-2012
461-130-0330	1-1-2012	Amend	2-1-2012	461-145-0080(T)	10-1-2012	Repeal	11-1-2012
461-130-0330	7-1-2012	Amend	8-1-2012	461-145-0130	1-1-2012	Amend	2-1-2012
461-130-0330(T)	1-1-2012	Repeal	2-1-2012	461-145-0220	1-1-2012	Amend	2-1-2012
461-130-0335	1-1-2012	Amend	2-1-2012	461-145-0240	10-1-2012	Amend	11-1-2012
461-130-0335(T)	1-1-2012	Repeal	2-1-2012	461-145-0260	8-7-2012	Amend(T)	9-1-2012
461-135-0010	1-13-2012	Amend(T)	2-1-2012	461-145-0410	1-1-2012	Amend	2-1-2012
461-135-0010	7-1-2012	Amend	8-1-2012	461-145-0410	1-1-2012	Amend(T)	2-1-2012
461-135-0010(T)	7-1-2012	Repeal	8-1-2012	461-145-0410	4-1-2012	Amend	5-1-2012
461-135-0070	5-1-2012	Amend(T)	6-1-2012	461-145-0410(T)	1-1-2012	Repeal	2-1-2012
461-135-0070	10-1-2012	Amend	11-1-2012	461-145-0410(T)	4-1-2012	Repeal	5-1-2012
461-135-0070(T)	10-1-2012	Repeal	11-1-2012	461-145-0460	10-1-2012	Amend	11-1-2012
461-135-0075	4-1-2012	Amend	5-1-2012	461-145-0580	7-11-2012	Amend(T)	8-1-2012
461-135-0075	5-1-2012	Amend(T)	6-1-2012	461-145-0870	5-1-2012	Amend(T)	6-1-2012
461-135-0075	10-1-2012	Amend	11-1-2012	461-145-0870	10-1-2012	Amend	11-1-2012
461-135-0075(T)	4-1-2012	Repeal	5-1-2012	461-145-0870(T)	10-1-2012	Repeal	11-1-2012
461-135-0075(T)	10-1-2012	Repeal	11-1-2012	461-150-0080	7-1-2012	Amend	8-1-2012
461-135-0089	1-1-2012	Amend	2-1-2012	461-155-0030	1-26-2012	Amend(T)	3-1-2012
461-135-0089(T)	1-1-2012	Repeal	2-1-2012	461-155-0030	4-1-2012	Amend	5-1-2012
461-135-0407	9-1-2012	Adopt(T)	10-1-2012	461-155-0150	1-1-2012	Amend	2-1-2012
461-135-0475	12-29-2011	Amend	2-1-2012	461-155-0150	4-10-2012	Amend(T)	5-1-2012
461-135-0485	1-1-2012	Adopt	2-1-2012	461-155-0150	10-1-2012	Amend	11-1-2012
461-135-0485(T)	1-1-2012	Repeal	2-1-2012	461-155-0150	10-1-2012	Repeal	11-1-2012
461-135-0780	1-1-2012	Amend	2-1-2012	461-155-0180	1-25-2012	Amend	3-1-2012
461-135-0832	1-1-2012	Amend	2-1-2012	461-155-0190	10-1-2012	Amend	11-1-2012
461-135-0845	1-1-2012	Amend	2-1-2012	461-155-0235	1-25-2012	Amend	3-1-2012
461-135-0950	1-1-2012	Amend	2-1-2012	461-155-0250	1-1-2012	Amend	2-1-2012
461-135-0950(T)	1-1-2012	Repeal	2-1-2012	461-155-0250	2-1-2012	Amend(T)	3-1-2012
461-135-0960	1-1-2012	Repeal	2-1-2012	461-155-0250	7-1-2012	Amend	8-1-2012
461-135-0990	1-1-2012	Amend	2-1-2012	461-155-0250(T)	7-1-2012	Repeal	8-1-2012
461-135-1100	1-1-2012	Amend(T)	2-1-2012	461-155-0270	1-1-2012	Amend	2-1-2012
461-135-1100	4-1-2012	Amend	5-1-2012	461-155-0290	3-1-2012	Amend	4-1-2012
461-135-1100(T)	4-1-2012	Repeal	5-1-2012	461-155-0291	3-1-2012	Amend	4-1-2012
461-135-1110	1-1-2012	Suspend	2-1-2012	461-155-0295	3-1-2012	Amend	4-1-2012
461-135-1110	4-1-2012	Repeal	5-1-2012	461-155-0300	1-1-2012	Amend	2-1-2012
461-135-1175	6-8-2012	Suspend	7-1-2012	461-155-0320	1-1-2012	Amend	2-1-2012
461-135-1175	10-1-2012	Repeal	11-1-2012	461-155-0320(T)	1-1-2012	Repeal	2-1-2012
461-135-1195	1-1-2012	Amend	2-1-2012	461-155-0360	1-1-2012	Amend	2-1-2012
461-135-1195(T)	1-1-2012	Repeal	2-1-2012	461-155-0500	4-1-2012	Amend	5-1-2012



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461-155-0528	1-1-2012	Repeal	2-1-2012	462-120-0050	6-1-2012	Amend	7-1-2012
461-155-0575	12-1-2011	Amend(T)	1-1-2012	462-120-0100	6-1-2012	Amend	7-1-2012
461-155-0575	11-1-2012	Amend(T)	12-1-2012	462-130-0010	6-1-2012	Amend	7-1-2012
461-155-0575(T)	12-1-2011	Suspend	1-1-2012	462-160-0130	5-21-2012	Amend(T)	7-1-2012
461-155-0680	10-1-2012	Amend	11-1-2012	462-160-0130	11-15-2012	Amend	12-1-2012
461-155-0693	1-1-2012	Repeal	2-1-2012	462-210-0010	6-1-2012	Amend	7-1-2012
461-160-0015	1-1-2012	Amend	2-1-2012	462-210-0010	10-15-2012	Amend	11-1-2012
461-160-0015(T)	1-1-2012	Repeal	2-1-2012	462-210-0020	6-1-2012	Amend	7-1-2012
461-160-0055	7-12-2012	Amend(T)	8-1-2012	462-210-0030	6-1-2012	Amend	7-1-2012
461-160-0120	5-1-2012	Amend(T)	6-1-2012	462-220-0010	6-1-2012	Amend	7-1-2012
461-160-0120	10-1-2012	Amend	11-1-2012	462-220-0040	6-1-2012	Amend	7-1-2012
461-160-0120(T)	10-1-2012	Repeal	11-1-2012	462-220-0040	10-15-2012	Amend	11-1-2012
461-160-0420	10-1-2012	Amend	11-1-2012	462-220-0050	6-1-2012	Amend	7-1-2012
461-160-0430	10-1-2012	Amend	11-1-2012	462-220-0080	6-1-2012	Amend	7-1-2012
461-160-0580	1-1-2012	Amend	2-1-2012	462-220-0090	6-1-2012	Amend	7-1-2012
461-160-0620	1-1-2012	Amend	2-1-2012	462-230-0010	6-1-2012	Adopt	7-1-2012
461-160-0620	7-1-2012	Amend(T)	8-1-2012	462-230-0020	6-1-2012	Adopt	7-1-2012
461-160-0620	10-1-2012	Amend	11-1-2012	471-030-0053	12-5-2011	Amend	1-1-2012
461-160-0620(T)	10-1-2012	Repeal	11-1-2012	471-030-0053(T)	12-5-2011	Repeal	1-1-2012
461-165-0035	2-27-2012	Amend(T)	4-1-2012	471-030-0080	3-5-2012	Amend	4-1-2012
461-165-0035	7-1-2012	Amend	8-1-2012	471-030-0080(T)	3-5-2012	Repeal	4-1-2012
461-165-0035(T)	7-1-2012	Repeal	8-1-2012	471-030-0230	1-1-2012	Adopt(T)	2-1-2012
461-165-0180	7-1-2012	Amend	8-1-2012	471-030-0230	2-29-2012	Adopt(T)	4-1-2012
461-165-0180	10-1-2012	Amend	11-1-2012	471-030-0230(T)	2-29-2012	Suspend	4-1-2012
461-170-0011	3-30-2012	Amend	5-1-2012	471-031-0200	5-9-2012	Repeal	6-1-2012
461-170-0011	5-1-2012	Amend(T)	6-1-2012	471-040-0010	2-10-2012	Amend	3-1-2012
461-170-0011	10-1-2012	Amend	11-1-2012	471-040-0010(T)	2-10-2012	Repeal	3-1-2012
461-170-0011(T)	10-1-2012	Repeal	11-1-2012	471-040-0040	2-10-2012	Amend	3-1-2012
461-175-0200	7-1-2012	Amend	8-1-2012	471-040-0040(T)	2-10-2012	Repeal	3-1-2012
461-175-0210	1-1-2012	Amend(T)	2-1-2012	471-040-0041	2-10-2012	Amend	3-1-2012
461-175-0210	6-30-2012	Amend	8-1-2012	471-040-0041(T)	2-10-2012	Repeal	3-1-2012
461-175-0290	1-1-2012	Amend	2-1-2012	571-004-0020	9-4-2012	Amend(T)	10-1-2012
461-180-0050	1-1-2012	Amend	2-1-2012	571-004-0025	9-4-2012	Amend(T)	10-1-2012
461-180-0050(T)	1-1-2012	Repeal	2-1-2012	571-004-0030	9-4-2012	Amend(T)	10-1-2012
461-180-0070	1-1-2012	Amend	2-1-2012	571-004-0038	9-4-2012	Adopt(T)	10-1-2012
461-180-0070(T)	1-1-2012	Repeal	2-1-2012	571-004-0050	9-4-2012	Amend(T)	10-1-2012
461-180-0085	1-1-2012	Amend	2-1-2012	571-004-0055	9-4-2012	Amend(T)	10-1-2012
461-180-0130	12-27-2011	Amend	2-1-2012	571-050-0005	6-13-2012	Amend	7-1-2012
461-180-0130	12-27-2011	Amend(T)	2-1-2012	571-051-0005	7-11-2012	Amend	8-1-2012
461-180-0130	4-1-2012	Amend	5-1-2012	571-051-0010	7-11-2012	Amend	8-1-2012
461-180-0130	5-24-2012	Amend(T)	7-1-2012	571-060-0005	7-1-2012	Amend	7-1-2012
461-180-0130	10-1-2012	Amend	11-1-2012	571-060-0005	7-1-2012	Amend(T)	7-1-2012
461-180-0130(T)	4-1-2012	Repeal	5-1-2012	571-060-0005	8-13-2012	Amend	9-1-2012
461-180-0130(T)	10-1-2012	Repeal	11-1-2012	571-060-0005(T)	8-13-2012	Repeal	9-1-2012
461-190-0211	4-6-2012	Amend	5-1-2012	573-040-0005	5-10-2012	Amend	6-1-2012
461-190-0211	4-6-2012	Amend(T)	5-1-2012	573-050-0015	6-11-2012	Amend	7-1-2012
461-190-0211	5-23-2012	Amend(T)	7-1-2012	573-050-0025	6-11-2012	Amend	7-1-2012
461-190-0211	10-1-2012	Amend	11-1-2012	574-031-0000	7-31-2012	Amend	9-1-2012
461-190-0211	11-6-2012	Amend(T)	12-1-2012	574-031-0010	7-31-2012	Amend	9-1-2012
461-190-0211(T)	4-6-2012	Repeal	5-1-2012	574-031-0020	7-31-2012	Amend	9-1-2012
461-190-0211(T)	5-23-2012	Suspend	7-1-2012	574-031-0030	7-31-2012	Amend	9-1-2012
461-193-0031	10-1-2012	Amend	11-1-2012	574-031-0040	7-31-2012	Amend	9-1-2012
461-193-0240	10-1-2012	Amend	11-1-2012	574-032-0000	7-31-2012	Amend	9-1-2012
461-193-0246	10-1-2012	Amend	11-1-2012	574-032-0010	7-31-2012	Amend	9-1-2012
461-193-0320	10-1-2012	Amend	11-1-2012	574-032-0020	7-31-2012	Amend	9-1-2012
461-193-0670	10-1-2012	Amend	11-1-2012	574-032-0030	7-31-2012	Amend	9-1-2012

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574-032-0040	7-31-2012	Repeal	9-1-2012	576-065-0010	3-30-2012	Amend(T)	5-1-2012
574-032-0050	7-31-2012	Amend	9-1-2012	576-065-0010	5-9-2012	Amend	6-1-2012
574-032-0060	7-31-2012	Amend	9-1-2012	577-001-0125	9-7-2012	Repeal	10-1-2012
574-032-0070	7-31-2012	Amend	9-1-2012	577-031-0125	10-11-2012	Amend	11-1-2012
574-032-0080	7-31-2012	Amend	9-1-2012	577-031-0130	10-11-2012	Amend	11-1-2012
574-032-0090	7-31-2012	Amend	9-1-2012	577-031-0131	10-11-2012	Amend	11-1-2012
574-032-0100	7-31-2012	Amend	9-1-2012	577-031-0132	10-11-2012	Amend	11-1-2012
574-032-0110	7-31-2012	Amend	9-1-2012	577-031-0133	10-11-2012	Amend	11-1-2012
574-032-0120	7-31-2012	Amend	9-1-2012	577-031-0135	3-12-2012	Amend(T)	4-1-2012
574-032-0130	7-31-2012	Amend	9-1-2012	577-031-0135	8-13-2012	Amend	9-1-2012
574-032-0150	7-31-2012	Amend	9-1-2012	577-031-0135	10-11-2012	Amend	11-1-2012
574-032-0160	7-31-2012	Amend	9-1-2012	577-031-0136	10-11-2012	Amend	11-1-2012
574-050-0005	1-27-2012	Amend	3-1-2012	577-031-0137	10-11-2012	Amend	11-1-2012
574-050-0005	7-31-2012	Amend	9-1-2012	577-031-0139	10-11-2012	Amend	11-1-2012
574-085-0000	7-31-2012	Amend	9-1-2012	577-031-0140	10-11-2012	Amend	11-1-2012
574-085-0020	7-31-2012	Amend	9-1-2012	577-031-0141	10-11-2012	Amend	11-1-2012
574-085-0040	7-31-2012	Amend	9-1-2012	577-031-0142	10-11-2012	Amend	11-1-2012
574-085-0060	7-31-2012	Amend	9-1-2012	577-031-0143	10-11-2012	Amend	11-1-2012
574-085-0070	7-31-2012	Amend	9-1-2012	577-031-0144	10-11-2012	Amend	11-1-2012
574-085-0110	7-31-2012	Amend	9-1-2012	577-031-0145	10-11-2012	Amend	11-1-2012
574-085-0120	7-31-2012	Amend	9-1-2012	577-031-0146	10-11-2012	Amend	11-1-2012
574-085-0140	7-31-2012	Adopt	9-1-2012	577-031-0147	10-11-2012	Amend	11-1-2012
576-001-0060	12-27-2011	Adopt	2-1-2012	577-031-0148	10-11-2012	Amend	11-1-2012
576-010-0000	12-27-2011	Amend	2-1-2012	577-032-0010	9-7-2012	Repeal	10-1-2012
576-010-0000	7-1-2012	Amend	7-1-2012	577-032-0020	9-7-2012	Repeal	10-1-2012
576-015-0020	3-30-2012	Amend(T)	5-1-2012	577-032-0030	9-7-2012	Repeal	10-1-2012
576-015-0020	5-9-2012	Amend	6-1-2012	577-032-0040	9-7-2012	Repeal	10-1-2012
576-023-0005	7-31-2012	Amend	9-1-2012	577-032-0050	9-7-2012	Repeal	10-1-2012
576-023-0010	7-31-2012	Amend	9-1-2012	577-032-0060	9-7-2012	Repeal	10-1-2012
576-023-0012	7-31-2012	Repeal	9-1-2012	577-032-0070	9-7-2012	Repeal	10-1-2012
576-023-0015	7-31-2012	Amend	9-1-2012	577-032-0080	9-7-2012	Repeal	10-1-2012
576-023-0020	7-31-2012	Amend	9-1-2012	577-060-0020	6-26-2012	Amend	8-1-2012
576-023-0025	7-31-2012	Amend	9-1-2012	578-041-0030	7-11-2012	Amend	8-1-2012
576-023-0030	7-31-2012	Amend	9-1-2012	578-041-0030	9-14-2012	Amend	10-1-2012
576-023-0035	7-31-2012	Amend	9-1-2012	578-072-0030	7-11-2012	Amend	8-1-2012
576-023-0040	7-31-2012	Amend	9-1-2012	578-072-0030	9-14-2012	Amend	10-1-2012
576-024-0000	3-30-2012	Amend(T)	5-1-2012	579-020-0006	12-1-2011	Amend(T)	1-1-2012
576-024-0000	5-9-2012	Amend	6-1-2012	579-020-0006	4-23-2012	Amend	6-1-2012
576-030-0015	7-1-2012	Amend	7-1-2012	579-020-0006	6-22-2012	Amend(T)	8-1-2012
576-030-0020	7-1-2012	Amend	7-1-2012	579-020-0006	10-15-2012	Amend	11-1-2012
576-030-0040	7-1-2012	Amend	7-1-2012	579-030-0010	7-1-2012	Amend(T)	6-1-2012
576-030-0045	7-1-2012	Amend	7-1-2012	579-030-0010	8-1-2012	Amend	9-1-2012
576-030-0050	7-1-2012	Amend	7-1-2012	579-060-0190	6-8-2012	Amend(T)	7-1-2012
576-030-0055	7-1-2012	Amend	7-1-2012	579-060-0190	10-15-2012	Amend	11-1-2012
576-030-0060	7-1-2012	Amend	7-1-2012	580-010-0081	6-18-2012	Amend	8-1-2012
576-030-0070	7-1-2012	Amend	7-1-2012	580-010-0089	6-18-2012	Adopt	8-1-2012
576-040-0010	12-27-2011	Amend	2-1-2012	580-020-0005	1-12-2012	Amend	2-1-2012
576-040-0012	12-27-2011	Amend	2-1-2012	580-020-0005	6-18-2012	Amend	8-1-2012
576-040-0015	12-27-2011	Amend	2-1-2012	580-022-0045	3-16-2012	Amend(T)	5-1-2012
576-040-0025	12-27-2011	Repeal	2-1-2012	580-022-0045	8-30-2012	Amend	10-1-2012
576-040-0030	12-27-2011	Repeal	2-1-2012	580-040-0030	3-16-2012	Amend(T)	5-1-2012
576-040-0035	12-27-2011	Repeal	2-1-2012	580-040-0030	8-30-2012	Amend	10-1-2012
576-060-0025	7-31-2012	Amend	9-1-2012	580-040-0035	1-12-2012	Amend	2-1-2012
576-060-0035	7-31-2012	Amend	9-1-2012	580-040-0035	6-18-2012	Repeal	8-1-2012
576-065-0000	3-30-2012	Amend(T)	5-1-2012	580-040-0040	6-18-2012	Amend	8-1-2012
576-065-0000	5-9-2012	Amend	6-1-2012	580-060-0050	6-18-2012	Amend	8-1-2012

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580-061-0030	6-18-2012	Amend	8-1-2012	581-020-0336	1-1-2012	Amend	1-1-2012
580-062-0020	6-18-2012	Amend	8-1-2012	581-020-0339	12-15-2011	Repeal	1-1-2012
580-063-0005	6-18-2012	Amend	8-1-2012	581-020-0342	12-15-2011	Adopt	1-1-2012
580-063-0020	6-18-2012	Amend	8-1-2012	581-020-0342(T)	12-15-2011	Repeal	1-1-2012
581-001-0000	4-2-2012	Amend	5-1-2012	581-020-0343	12-15-2011	Adopt	1-1-2012
581-001-0005	4-2-2012	Amend	5-1-2012	581-020-0343(T)	12-15-2011	Repeal	1-1-2012
581-001-0016	9-17-2012	Adopt(T)	10-1-2012	581-021-00032	1-1-2012	Repeal	1-1-2012
581-015-0133	11-9-2012	Repeal	12-1-2012	581-021-0019	2-3-2012	Amend	3-1-2012
581-015-0710	11-9-2012	Repeal	12-1-2012	581-021-0034	1-1-2012	Repeal	1-1-2012
581-015-2000	4-2-2012	Amend	5-1-2012	581-021-0035	1-1-2012	Repeal	1-1-2012
581-015-2005	2-17-2012	Amend	4-1-2012	581-021-0042	1-1-2012	Repeal	1-1-2012
581-015-2010	2-17-2012	Amend	4-1-2012	581-021-0044	1-1-2012	Repeal	1-1-2012
581-015-2040	2-17-2012	Amend	4-1-2012	581-021-0047	6-11-2012	Adopt	7-1-2012
581-015-2075	2-17-2012	Amend	4-1-2012	581-021-0062	6-11-2012	Repeal	7-1-2012
581-015-2080	2-17-2012	Amend	4-1-2012	581-021-0220	4-2-2012	Amend	5-1-2012
581-015-2080	4-2-2012	Amend	5-1-2012	581-021-0255	1-1-2012	Amend	1-1-2012
581-015-2300	4-2-2012	Amend(T)	5-1-2012	581-021-0270	4-2-2012	Amend	5-1-2012
581-015-2300	6-11-2012	Amend	7-1-2012	581-021-0500	2-3-2012	Amend	3-1-2012
581-015-2300(T)	6-11-2012	Repeal	7-1-2012	581-021-0500	9-17-2012	Amend(T)	10-1-2012
581-015-2425	11-9-2012	Amend	12-1-2012	581-021-0550	5-1-2012	Adopt	5-1-2012
581-015-2570	12-15-2011	Amend	1-1-2012	581-021-0553	5-1-2012	Adopt	5-1-2012
581-015-2571	12-15-2011	Amend	1-1-2012	581-021-0556	5-1-2012	Adopt	5-1-2012
581-015-2572	12-15-2011	Amend	1-1-2012	581-021-0559	5-1-2012	Adopt	5-1-2012
581-015-2573	12-15-2011	Amend	1-1-2012	581-021-0563	5-1-2012	Adopt	5-1-2012
581-015-2574	12-15-2011	Amend	1-1-2012	581-021-0566	5-1-2012	Adopt	5-1-2012
581-015-2700	4-2-2012	Amend	5-1-2012	581-022-1060	1-1-2012	Amend	1-1-2012
581-015-2700	8-1-2012	Amend	9-1-2012	581-022-1133	2-3-2012	Amend	3-1-2012
581-015-2712	4-2-2012	Adopt	5-1-2012	581-022-1134	2-3-2012	Amend	3-1-2012
581-015-2713	4-2-2012	Adopt	5-1-2012	581-022-1135	2-3-2012	Amend	3-1-2012
581-015-2730	4-2-2012	Amend	5-1-2012	581-022-1330	12-15-2011	Amend	1-1-2012
581-015-2770	4-2-2012	Amend(T)	5-1-2012	581-022-1369	1-1-2012	Repeal	1-1-2012
581-015-2770	6-11-2012	Amend	7-1-2012	581-022-1622	8-1-2012	Amend	9-1-2012
581-015-2770(T)	6-11-2012	Repeal	7-1-2012	581-022-1680	1-1-2012	Repeal	1-1-2012
581-015-2774	4-2-2012	Adopt	5-1-2012	581-022-1720	12-15-2011	Amend	1-1-2012
581-015-2775	4-2-2012	Amend	5-1-2012	581-022-1723	12-15-2011	Adopt	1-1-2012
581-015-2780	4-2-2012	Amend	5-1-2012	581-022-1723	8-1-2012	Amend	9-1-2012
581-015-2780	8-1-2012	Amend	9-1-2012	581-022-1724	12-15-2011	Adopt	1-1-2012
581-015-2786	11-9-2012	Adopt	12-1-2012	581-022-1725	12-15-2011	Adopt	1-1-2012
581-015-2790	4-2-2012	Amend	5-1-2012	581-022-1725	8-1-2012	Amend	9-1-2012
581-015-2805	4-2-2012	Amend	5-1-2012	581-023-0012	1-1-2012	Repeal	1-1-2012
581-015-2810	4-2-2012	Amend	5-1-2012	581-023-0036	9-17-2012	Adopt	10-1-2012
581-015-2815	4-2-2012	Amend	5-1-2012	581-023-0040	12-15-2011	Amend	1-1-2012
581-015-2825	4-2-2012	Amend	5-1-2012	581-023-0106	6-11-2012	Adopt	7-1-2012
581-015-2830	4-2-2012	Amend	5-1-2012	581-023-0110	1-1-2012	Repeal	1-1-2012
581-015-2835	4-2-2012	Amend	5-1-2012	581-023-0112	1-1-2012	Amend	1-1-2012
581-015-2840	4-2-2012	Amend	5-1-2012	581-040-0000	12-15-2011	Repeal	1-1-2012
581-015-2863	4-2-2012	Adopt	5-1-2012	581-044-0080	12-15-2011	Repeal	1-1-2012
581-015-2865	11-9-2012	Amend	12-1-2012	581-044-0090	12-15-2011	Repeal	1-1-2012
581-015-2870	4-2-2012	Amend	5-1-2012	581-044-0100	12-15-2011	Repeal	1-1-2012
581-015-2870	11-9-2012	Amend	12-1-2012	581-044-0110	12-15-2011	Repeal	1-1-2012
581-015-2885	4-2-2012	Amend	5-1-2012	581-044-0120	12-15-2011	Repeal	1-1-2012
581-015-2885	11-9-2012	Amend	12-1-2012	581-044-0130	12-15-2011	Repeal	1-1-2012
581-015-2890	4-2-2012	Amend	5-1-2012	581-044-0140	12-15-2011	Repeal	1-1-2012
581-015-2890	11-9-2012	Amend	12-1-2012	581-044-0200	12-15-2011	Repeal	1-1-2012
581-020-0331	8-1-2012	Amend	9-1-2012	581-044-0210	4-2-2012	Adopt	5-1-2012



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581-044-0230	4-2-2012	Adopt	5-1-2012	581-053-0250	6-14-2012	Adopt	7-1-2012
581-044-0240	4-2-2012	Adopt	5-1-2012	581-053-0310	6-14-2012	Adopt	7-1-2012
581-044-0250	4-2-2012	Adopt	5-1-2012	581-053-0320	6-14-2012	Adopt	7-1-2012
581-044-0260	4-2-2012	Adopt	5-1-2012	581-053-0330	6-14-2012	Adopt	7-1-2012
581-045-0001	9-17-2012	Amend	10-1-2012	581-053-0340	6-14-2012	Adopt	7-1-2012
581-045-0003	11-9-2012	Amend(T)	12-1-2012	581-053-0410	6-14-2012	Adopt	7-1-2012
581-045-0200	11-9-2012	Amend(T)	12-1-2012	581-053-0420	6-14-2012	Adopt	7-1-2012
581-045-0500	2-3-2012	Repeal	3-1-2012	581-053-0430	6-14-2012	Adopt	7-1-2012
581-045-0505	2-3-2012	Repeal	3-1-2012	581-053-0440	6-14-2012	Adopt	7-1-2012
581-045-0510	2-3-2012	Repeal	3-1-2012	581-053-0445	6-14-2012	Adopt	7-1-2012
581-045-0515	2-3-2012	Repeal	3-1-2012	581-053-0507	6-14-2012	Repeal	7-1-2012
581-045-0520	2-3-2012	Repeal	3-1-2012	581-053-0511	6-14-2012	Adopt	7-1-2012
581-045-0522	2-3-2012	Repeal	3-1-2012	581-053-0512	6-14-2012	Repeal	7-1-2012
581-045-0525	2-3-2012	Repeal	3-1-2012	581-053-0516	6-14-2012	Repeal	7-1-2012
581-045-0530	2-3-2012	Repeal	3-1-2012	581-053-0521	6-14-2012	Adopt	7-1-2012
581-045-0535	2-3-2012	Repeal	3-1-2012	581-053-0527	6-14-2012	Repeal	7-1-2012
581-045-0538	2-3-2012	Repeal	3-1-2012	581-053-0531	6-14-2012	Adopt	7-1-2012
581-045-0540	2-3-2012	Repeal	3-1-2012	581-053-0535	6-14-2012	Repeal	7-1-2012
581-045-0545	2-3-2012	Repeal	3-1-2012	581-053-0540	6-14-2012	Amend	7-1-2012
581-045-0550	2-3-2012	Repeal	3-1-2012	581-053-0545	6-14-2012	Repeal	7-1-2012
581-045-0555	2-3-2012	Repeal	3-1-2012	581-053-0550	6-14-2012	Repeal	7-1-2012
581-045-0560	2-3-2012	Repeal	3-1-2012	581-053-0555	6-14-2012	Repeal	7-1-2012
581-045-0565	2-3-2012	Repeal	3-1-2012	581-053-0556	6-14-2012	Repeal	7-1-2012
581-045-0570	2-3-2012	Repeal	3-1-2012	581-053-0610	6-14-2012	Adopt	7-1-2012
581-045-0580	2-3-2012	Repeal	3-1-2012	581-053-0615	6-14-2012	Adopt	7-1-2012
581-045-0586	2-3-2012	Amend	3-1-2012	581-053-0620	6-14-2012	Adopt	7-1-2012
581-045-0586	9-17-2012	Amend(T)	10-1-2012	581-053-0630	6-14-2012	Adopt	7-1-2012
581-053-0002	6-14-2012	Amend	7-1-2012	581-053-0640	6-14-2012	Adopt	7-1-2012
581-053-0003	6-14-2012	Adopt	7-1-2012	581-060-0005	12-15-2011	Repeal	1-1-2012
581-053-0004	6-14-2012	Adopt	7-1-2012	581-060-0010	12-15-2011	Repeal	1-1-2012
581-053-0006	6-14-2012	Repeal	7-1-2012	581-060-0015	12-15-2011	Repeal	1-1-2012
581-053-0008	6-14-2012	Repeal	7-1-2012	581-060-0020	12-15-2011	Repeal	1-1-2012
581-053-0010	6-14-2012	Amend	7-1-2012	581-070-0000	12-15-2011	Repeal	1-1-2012
581-053-0015	6-14-2012	Repeal	7-1-2012	581-070-0010	12-15-2011	Repeal	1-1-2012
581-053-0021	6-14-2012	Adopt	7-1-2012	581-070-0020	12-15-2011	Repeal	1-1-2012
581-053-0031	6-14-2012	Adopt	7-1-2012	581-070-0030	12-15-2011	Repeal	1-1-2012
581-053-0040	6-14-2012	Adopt	7-1-2012	581-070-0040	12-15-2011	Repeal	1-1-2012
581-053-0050	6-14-2012	Adopt	7-1-2012	581-070-0050	12-15-2011	Repeal	1-1-2012
581-053-0060	6-14-2012	Adopt	7-1-2012	581-070-0060	12-15-2011	Repeal	1-1-2012
581-053-0070	6-14-2012	Adopt	7-1-2012	581-070-0070	12-15-2011	Repeal	1-1-2012
581-053-0100	6-14-2012	Adopt	7-1-2012	581-070-0080	12-15-2011	Repeal	1-1-2012
581-053-0110	6-14-2012	Adopt	7-1-2012	581-070-0090	12-15-2011	Repeal	1-1-2012
581-053-0120	6-14-2012	Adopt	7-1-2012	581-070-0110	12-15-2011	Repeal	1-1-2012
581-053-0130	6-14-2012	Adopt	7-1-2012	581-070-0130	12-15-2011	Repeal	1-1-2012
581-053-0135	6-14-2012	Adopt	7-1-2012	581-070-0140	12-15-2011	Repeal	1-1-2012
581-053-0140	6-14-2012	Adopt	7-1-2012	581-070-0150	12-15-2011	Repeal	1-1-2012
581-053-0145	6-14-2012	Adopt	7-1-2012	581-070-0170	12-15-2011	Repeal	1-1-2012
581-053-0150	6-14-2012	Adopt	7-1-2012	581-070-0180	12-15-2011	Repeal	1-1-2012
581-053-0160	6-14-2012	Adopt	7-1-2012	581-070-0190	12-15-2011	Repeal	1-1-2012
581-053-0170	6-14-2012	Adopt	7-1-2012	581-070-0200	12-15-2011	Repeal	1-1-2012
581-053-0180	6-14-2012	Adopt	7-1-2012	581-070-0210	12-15-2011	Repeal	1-1-2012
581-053-0210	6-14-2012	Adopt	7-1-2012	581-070-0220	12-15-2011	Repeal	1-1-2012
581-053-0220	6-14-2012	Adopt	7-1-2012	581-070-0230	12-15-2011	Repeal	1-1-2012
581-053-0225	6-14-2012	Adopt	7-1-2012	581-070-0240	12-15-2011	Repeal	1-1-2012
581-053-0230	6-14-2012	Adopt	7-1-2012	581-070-0250	12-15-2011	Repeal	1-1-2012

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581-070-0390	12-15-2011	Repeal	1-1-2012	584-018-0205	5-18-2012	Amend	7-1-2012
581-070-0400	12-15-2011	Repeal	1-1-2012	584-018-0305	5-18-2012	Adopt	7-1-2012
581-070-0410	12-15-2011	Repeal	1-1-2012	584-018-0310	5-18-2012	Adopt	7-1-2012
581-070-0420	12-15-2011	Repeal	1-1-2012	584-018-0315	3-9-2012	Adopt	4-1-2012
581-070-0500	12-15-2011	Repeal	1-1-2012	584-018-0405	3-9-2012	Adopt	4-1-2012
581-070-0510	12-15-2011	Repeal	1-1-2012	584-018-0410	3-9-2012	Adopt	4-1-2012
581-071-0005	12-15-2011	Repeal	1-1-2012	584-018-0415	3-9-2012	Adopt	4-1-2012
581-071-0010	12-15-2011	Repeal	1-1-2012	584-018-0505	3-9-2012	Adopt	4-1-2012
584-010-0001	3-9-2012	Amend	4-1-2012	584-018-0510	3-9-2012	Adopt	4-1-2012
584-010-0001	9-14-2012	Amend	10-1-2012	584-018-0515	3-9-2012	Adopt	4-1-2012
584-010-0006	9-14-2012	Amend	10-1-2012	584-023-0005	5-18-2012	Amend	7-1-2012
584-010-0010	3-9-2012	Amend	4-1-2012	584-023-0015	5-18-2012	Amend	7-1-2012
584-010-0015	3-9-2012	Amend	4-1-2012	584-036-0010	5-18-2012	Amend	7-1-2012
584-010-0020	3-9-2012	Amend	4-1-2012	584-036-0015	5-18-2012	Amend	7-1-2012
584-010-0022	3-9-2012	Adopt	4-1-2012	584-036-0055	2-15-2012	Amend	3-1-2012
584-010-0025	3-9-2012	Amend	4-1-2012	584-036-0055	5-18-2012	Amend	7-1-2012
584-010-0030	3-9-2012	Amend	4-1-2012	584-036-0055	9-14-2012	Amend	10-1-2012
584-010-0035	3-9-2012	Amend	4-1-2012	584-036-0057	5-18-2012	Adopt	7-1-2012
584-010-0045	3-9-2012	Amend	4-1-2012	584-036-0062	9-14-2012	Amend	10-1-2012
584-010-0050	3-9-2012	Amend	4-1-2012	584-036-0080	9-14-2012	Amend	10-1-2012
584-010-0055	3-9-2012	Amend	4-1-2012	584-036-0081	9-14-2012	Repeal	10-1-2012
584-010-0060	3-9-2012	Amend	4-1-2012	584-042-0008	2-15-2012	Amend	3-1-2012
584-010-0080	3-9-2012	Repeal	4-1-2012	584-042-0012	2-15-2012	Amend	3-1-2012
584-010-0090	3-9-2012	Amend	4-1-2012	584-042-0021	2-15-2012	Amend	3-1-2012
584-010-0100	3-9-2012	Amend	4-1-2012	584-042-0031	2-15-2012	Amend	3-1-2012
584-010-0140	3-9-2012	Repeal	4-1-2012	584-042-0036	2-15-2012	Amend	3-1-2012
584-017-1005	3-9-2012	Adopt	4-1-2012	584-042-0044	2-15-2012	Amend	3-1-2012
584-017-1008	3-9-2012	Adopt	4-1-2012	584-042-0051	2-15-2012	Amend	3-1-2012
584-017-1010	3-9-2012	Adopt	4-1-2012	584-042-0081	2-15-2012	Amend	3-1-2012
584-017-1012	3-9-2012	Adopt	4-1-2012	584-050-0012	9-14-2012	Amend	10-1-2012
584-017-1015	3-9-2012	Adopt	4-1-2012	584-050-0021	5-18-2012	Adopt	7-1-2012
584-017-1020	3-9-2012	Adopt	4-1-2012	584-060-0002	5-18-2012	Amend	7-1-2012
584-017-1022	3-9-2012	Adopt	4-1-2012	584-060-0051	2-15-2012	Amend(T)	3-1-2012
584-017-1025	3-9-2012	Adopt	4-1-2012	584-060-0051	8-7-2012	Amend	9-1-2012
584-017-1028	5-18-2012	Adopt	7-1-2012	584-060-0062	5-18-2012	Amend	7-1-2012
584-017-1030	3-9-2012	Adopt	4-1-2012	584-060-0220	9-14-2012	Amend	10-1-2012
584-017-1032	3-9-2012	Adopt	4-1-2012	584-060-0250	1-15-2012	Adopt	1-1-2012
584-017-1035	3-9-2012	Adopt	4-1-2012	584-065-0035	9-14-2012	Amend	10-1-2012
584-017-1038	3-9-2012	Adopt	4-1-2012	584-066-0001	5-18-2012	Adopt	7-1-2012
584-017-1040	3-9-2012	Adopt	4-1-2012	584-066-0010	5-18-2012	Adopt	7-1-2012
584-017-1042	3-9-2012	Adopt	4-1-2012	584-070-0112	5-18-2012	Amend	7-1-2012
584-017-1045	3-9-2012	Adopt	4-1-2012	584-070-0132	5-18-2012	Amend	7-1-2012
584-017-1048	3-9-2012	Adopt	4-1-2012	584-070-0271	5-18-2012	Amend	7-1-2012
584-017-1050	3-9-2012	Adopt	4-1-2012	584-070-0431	5-18-2012	Amend	7-1-2012
584-017-1052	3-9-2012	Adopt	4-1-2012	584-070-0441	5-18-2012	Adopt	7-1-2012
584-017-1055	3-9-2012	Adopt	4-1-2012	584-070-0451	5-18-2012	Adopt	7-1-2012
584-018-0100	3-9-2012	Adopt	4-1-2012	584-080-0151	5-18-2012	Amend	7-1-2012
584-018-0105	3-9-2012	Adopt	4-1-2012	584-080-0152	5-18-2012	Amend	7-1-2012
584-018-0110	3-9-2012	Adopt	4-1-2012	584-080-0161	5-18-2012	Amend	7-1-2012
584-018-0115	3-9-2012	Adopt	4-1-2012	584-090-0100	5-18-2012	Adopt	7-1-2012
584-018-0120	3-9-2012	Adopt	4-1-2012	584-090-0105	5-18-2012	Adopt	7-1-2012
584-018-0125	3-9-2012	Adopt	4-1-2012	584-090-0110	5-18-2012	Adopt	7-1-2012
584-018-0130	3-9-2012	Adopt	4-1-2012	584-090-0115	8-15-2012	Adopt	9-1-2012
584-018-0135	3-9-2012	Adopt	4-1-2012	584-090-0120	8-15-2012	Adopt	9-1-2012
584-018-0140	3-9-2012	Adopt	4-1-2012	584-100-0011	5-18-2012	Amend	7-1-2012

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584-100-0016	5-18-2012	Amend	7-1-2012	603-027-0490	12-14-2011	Amend	1-1-2012
584-100-0017	5-18-2012	Adopt	7-1-2012	603-028-0710	5-15-2012	Adopt	6-1-2012
584-100-0021	5-18-2012	Amend	7-1-2012	603-028-0715	5-15-2012	Adopt	6-1-2012
584-100-0026	5-18-2012	Amend	7-1-2012	603-028-0720	5-15-2012	Adopt	6-1-2012
584-100-0031	5-18-2012	Amend	7-1-2012	603-028-0725	5-15-2012	Adopt	6-1-2012
584-100-0038	5-18-2012	Amend	7-1-2012	603-028-0730	5-15-2012	Adopt	6-1-2012
585-010-0310	8-9-2012	Amend	9-1-2012	603-028-0735	5-15-2012	Adopt	6-1-2012
589-002-0100	7-17-2012	Amend(T)	9-1-2012	603-028-0740	5-15-2012	Adopt	6-1-2012
589-002-0110	7-17-2012	Adopt(T)	9-1-2012	603-031-0105	7-1-2012	Repeal	7-1-2012
589-002-0120	7-17-2012	Adopt(T)	9-1-2012	603-031-0111	7-1-2012	Repeal	7-1-2012
589-002-0130	7-17-2012	Adopt(T)	9-1-2012	603-031-0112	7-1-2012	Repeal	7-1-2012
589-007-0700	12-9-2011	Amend	1-1-2012	603-031-0113	7-1-2012	Repeal	7-1-2012
589-007-0700	8-6-2012	Amend(T)	9-1-2012	603-031-0114	7-1-2012	Repeal	7-1-2012
589-007-0800	12-9-2011	Adopt	1-1-2012	603-031-0116	7-1-2012	Repeal	7-1-2012
603-016-0355	7-1-2012	Repeal	7-1-2012	603-031-0117	7-1-2012	Repeal	7-1-2012
603-016-0360	7-1-2012	Repeal	7-1-2012	603-031-0120	7-1-2012	Repeal	7-1-2012
603-016-0365	7-1-2012	Repeal	7-1-2012	603-031-0125	7-1-2012	Repeal	7-1-2012
603-016-0370	7-1-2012	Repeal	7-1-2012	603-031-0140	7-1-2012	Repeal	7-1-2012
603-016-0375	7-1-2012	Repeal	7-1-2012	603-031-0180	7-1-2012	Repeal	7-1-2012
603-016-0380	7-1-2012	Repeal	7-1-2012	603-031-0185	7-1-2012	Repeal	7-1-2012
603-016-0385	7-1-2012	Repeal	7-1-2012	603-042-0020	8-6-2012	Amend	9-1-2012
603-016-0390	7-1-2012	Repeal	7-1-2012	603-050-0100	7-1-2012	Repeal	7-1-2012
603-018-0000	7-3-2012	Adopt	8-1-2012	603-051-0365	2-9-2012	Amend	3-1-2012
603-018-0001	12-28-2011	Adopt(T)	2-1-2012	603-051-0366	2-9-2012	Adopt	3-1-2012
603-018-0003	12-28-2011	Adopt(T)	2-1-2012	603-051-0370	2-9-2012	Amend	3-1-2012
603-018-0005	7-3-2012	Adopt	8-1-2012	603-051-0375	2-9-2012	Amend	3-1-2012
603-018-0007	12-28-2011	Adopt(T)	2-1-2012	603-051-0380	2-9-2012	Repeal	3-1-2012
603-018-0009	12-28-2011	Adopt(T)	2-1-2012	603-051-0385	2-9-2012	Repeal	3-1-2012
603-018-0010	7-3-2012	Adopt	8-1-2012	603-051-0390	2-9-2012	Amend	3-1-2012
603-018-0011	12-28-2011	Adopt(T)	2-1-2012	603-051-0395	2-9-2012	Amend	3-1-2012
603-018-0013	12-28-2011	Adopt(T)	2-1-2012	603-051-0775	2-1-2012	Adopt	3-1-2012
603-018-0015	7-3-2012	Adopt	8-1-2012	603-051-0777	2-1-2012	Adopt	3-1-2012
603-018-0020	7-3-2012	Adopt	8-1-2012	603-051-0779	2-1-2012	Adopt	3-1-2012
603-018-0025	7-3-2012	Adopt	8-1-2012	603-051-0780	2-1-2012	Adopt	3-1-2012
603-019-0001	12-28-2011	Adopt	2-1-2012	603-051-0785	2-1-2012	Adopt	3-1-2012
603-019-0005	12-28-2011	Adopt	2-1-2012	603-052-0115	3-26-2012	Amend	5-1-2012
603-019-0010	12-28-2011	Adopt	2-1-2012	603-052-0116	3-26-2012	Amend	5-1-2012
603-019-0015	12-28-2011	Adopt	2-1-2012	603-052-0117	3-22-2012	Repeal	5-1-2012
603-019-0020	12-28-2011	Adopt	2-1-2012	603-052-0118	3-26-2012	Amend	5-1-2012
603-019-0025	12-28-2011	Adopt	2-1-2012	603-052-0126	3-26-2012	Amend	5-1-2012
603-019-0030	12-28-2011	Adopt	2-1-2012	603-052-0150	3-26-2012	Amend	5-1-2012
603-019-0035	12-28-2011	Adopt	2-1-2012	603-052-0201	3-22-2012	Repeal	5-1-2012
603-019-0040	12-28-2011	Adopt	2-1-2012	603-052-0206	3-22-2012	Repeal	5-1-2012
603-024-0211	5-15-2012	Amend	6-1-2012	603-052-0207	3-22-2012	Repeal	5-1-2012
603-024-0592	7-1-2012	Amend	5-1-2012	603-052-0208	3-22-2012	Repeal	5-1-2012
603-025-0215	6-1-2012	Adopt	7-1-2012	603-052-0209	3-22-2012	Repeal	5-1-2012
603-025-0225	6-1-2012	Adopt	7-1-2012	603-052-0334	3-22-2012	Repeal	5-1-2012
603-025-0235	6-1-2012	Adopt	7-1-2012	603-052-0800	3-22-2012	Repeal	5-1-2012
603-025-0245	6-1-2012	Adopt	7-1-2012	603-052-0850	8-10-2012	Amend(T)	9-1-2012
603-025-0255	6-1-2012	Adopt	7-1-2012	603-052-0852	8-10-2012	Adopt(T)	9-1-2012
603-025-0265	6-1-2012	Adopt	7-1-2012	603-052-0860	8-10-2012	Amend(T)	9-1-2012
603-025-0275	6-1-2012	Adopt	7-1-2012	603-052-0870	8-10-2012	Amend(T)	9-1-2012
603-027-0410	12-14-2011	Amend	1-1-2012	603-052-0880	8-10-2012	Amend(T)	9-1-2012
603-027-0420	12-14-2011	Amend	1-1-2012	603-052-1020	6-6-2012	Amend	7-1-2012
603-027-0430	12-14-2011	Amend	1-1-2012	603-052-1025	3-26-2012	Amend	5-1-2012
603-027-0440	12-14-2011	Amend	1-1-2012	603-052-1230	3-22-2012	Amend	5-1-2012



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603-053-0200	6-12-2012	Amend	7-1-2012	603-066-0005	7-1-2012	Repeal	7-1-2012
603-057-0001	6-1-2012	Amend	7-1-2012	603-066-0010	7-1-2012	Repeal	7-1-2012
603-057-0001	1-1-2013	Amend	2-1-2012	603-066-0015	7-1-2012	Repeal	7-1-2012
603-057-0006	7-10-2012	Amend	8-1-2012	603-066-0020	7-1-2012	Repeal	7-1-2012
603-057-0100	6-1-2012	Amend	7-1-2012	603-066-0025	7-1-2012	Repeal	7-1-2012
603-057-0100	1-1-2013	Amend	2-1-2012	603-066-0030	7-1-2012	Repeal	7-1-2012
603-057-0106	1-1-2013	Amend	6-1-2012	603-066-0100	7-1-2012	Repeal	7-1-2012
603-057-0120	7-10-2012	Amend	8-1-2012	603-066-0110	7-1-2012	Repeal	7-1-2012
603-057-0127	6-1-2012	Amend	7-1-2012	603-066-0200	7-1-2012	Repeal	7-1-2012
603-057-0127	1-1-2013	Amend	2-1-2012	603-066-0205	7-1-2012	Repeal	7-1-2012
603-057-0130	10-30-2012	Amend	12-1-2012	603-066-0210	7-1-2012	Repeal	7-1-2012
603-057-0135	7-10-2012	Amend	8-1-2012	603-066-0300	7-1-2012	Repeal	7-1-2012
603-057-0150	7-10-2012	Amend	8-1-2012	603-066-0305	7-1-2012	Repeal	7-1-2012
603-057-0300	7-1-2012	Repeal	7-1-2012	603-066-0310	7-1-2012	Repeal	7-1-2012
603-057-0500	7-10-2012	Amend	8-1-2012	603-067-0020	7-1-2012	Repeal	7-1-2012
603-057-0525	7-10-2012	Amend	8-1-2012	603-067-0035	7-1-2012	Repeal	7-1-2012
603-059-0020	1-1-2013	Amend	7-1-2012	603-068-0005	7-1-2012	Repeal	7-1-2012
603-061-0005	7-1-2012	Repeal	7-1-2012	603-068-0010	7-1-2012	Repeal	7-1-2012
603-062-0005	7-1-2012	Repeal	7-1-2012	603-068-0015	7-1-2012	Repeal	7-1-2012
603-062-0010	7-1-2012	Repeal	7-1-2012	603-068-0100	7-1-2012	Repeal	7-1-2012
603-062-0015	7-1-2012	Repeal	7-1-2012	603-068-0105	7-1-2012	Repeal	7-1-2012
603-062-0020	7-1-2012	Repeal	7-1-2012	603-068-0110	7-1-2012	Repeal	7-1-2012
603-063-0005	7-1-2012	Repeal	7-1-2012	603-068-0200	7-1-2012	Repeal	7-1-2012
603-063-0010	7-1-2012	Repeal	7-1-2012	603-068-0205	7-1-2012	Repeal	7-1-2012
603-063-0015	7-1-2012	Repeal	7-1-2012	603-068-0210	7-1-2012	Repeal	7-1-2012
603-063-0020	7-1-2012	Repeal	7-1-2012	603-068-0300	7-1-2012	Repeal	7-1-2012
603-063-0025	7-1-2012	Repeal	7-1-2012	603-068-0305	7-1-2012	Repeal	7-1-2012
603-064-0005	7-1-2012	Repeal	7-1-2012	603-068-0310	7-1-2012	Repeal	7-1-2012
603-064-0050	7-1-2012	Repeal	7-1-2012	603-068-0400	7-1-2012	Repeal	7-1-2012
603-064-0100	7-1-2012	Repeal	7-1-2012	603-068-0405	7-1-2012	Repeal	7-1-2012
603-064-0105	7-1-2012	Repeal	7-1-2012	603-068-0410	7-1-2012	Repeal	7-1-2012
603-064-0110	7-1-2012	Repeal	7-1-2012	603-069-0005	7-1-2012	Repeal	7-1-2012
603-064-0115	7-1-2012	Repeal	7-1-2012	603-069-0010	7-1-2012	Repeal	7-1-2012
603-064-0120	7-1-2012	Repeal	7-1-2012	603-069-0015	7-1-2012	Repeal	7-1-2012
603-064-0130	7-1-2012	Repeal	7-1-2012	603-069-0020	7-1-2012	Repeal	7-1-2012
603-064-0200	7-1-2012	Repeal	7-1-2012	603-069-0025	7-1-2012	Repeal	7-1-2012
603-064-0205	7-1-2012	Repeal	7-1-2012	603-069-0030	7-1-2012	Repeal	7-1-2012
603-065-0005	7-1-2012	Repeal	7-1-2012	603-069-0032	7-1-2012	Repeal	7-1-2012
603-065-0010	7-1-2012	Repeal	7-1-2012	603-069-0034	7-1-2012	Repeal	7-1-2012
603-065-0015	7-1-2012	Repeal	7-1-2012	603-069-0035	7-1-2012	Repeal	7-1-2012
603-065-0017	7-1-2012	Repeal	7-1-2012	603-069-0040	7-1-2012	Repeal	7-1-2012
603-065-0020	7-1-2012	Repeal	7-1-2012	603-070-0025	7-1-2012	Repeal	7-1-2012
603-065-0023	7-1-2012	Repeal	7-1-2012	603-070-0030	7-1-2012	Repeal	7-1-2012
603-065-0025	7-1-2012	Repeal	7-1-2012	603-070-0035	7-1-2012	Repeal	7-1-2012
603-065-0032	7-1-2012	Repeal	7-1-2012	603-070-0040	7-1-2012	Repeal	7-1-2012
603-065-0035	7-1-2012	Repeal	7-1-2012	603-070-0045	7-1-2012	Repeal	7-1-2012
603-065-0040	7-1-2012	Repeal	7-1-2012	603-070-0050	7-1-2012	Repeal	7-1-2012
603-065-0045	7-1-2012	Repeal	7-1-2012	603-070-0055	7-1-2012	Repeal	7-1-2012
603-065-0050	7-1-2012	Repeal	7-1-2012	603-070-0060	7-1-2012	Repeal	7-1-2012
603-065-0055	7-1-2012	Repeal	7-1-2012	603-076-0052	12-8-2011	Amend(T)	1-1-2012
603-065-0060	7-1-2012	Repeal	7-1-2012	603-076-0052	11-2-2012	Amend	12-1-2012
603-065-0065	7-1-2012	Repeal	7-1-2012	603-077-0105	8-1-2012	Amend	9-1-2012
603-065-0070	7-1-2012	Repeal	7-1-2012	603-077-0110	8-1-2012	Amend	9-1-2012
603-065-0075	7-1-2012	Repeal	7-1-2012	603-077-0112	8-1-2012	Amend	9-1-2012
603-065-0080	7-1-2012	Repeal	7-1-2012	603-077-0113	8-1-2012	Amend	9-1-2012
603-065-0085	7-1-2012	Repeal	7-1-2012	603-077-0119	8-1-2012	Amend	9-1-2012

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603-085-0000	7-1-2012	Repeal	7-1-2012	635-004-0019(T)	7-1-2012	Suspend	8-1-2012
603-085-0010	7-1-2012	Repeal	7-1-2012	635-004-0020	7-1-2012	Am. & Ren.	8-1-2012
603-085-0020	7-1-2012	Repeal	7-1-2012	635-004-0021	7-1-2012	Am. & Ren.	8-1-2012
603-085-0030	7-1-2012	Repeal	7-1-2012	635-004-0025	7-1-2012	Am. & Ren.	8-1-2012
603-085-0040	7-1-2012	Repeal	7-1-2012	635-004-0026	7-1-2012	Renumber	8-1-2012
603-085-0050	7-1-2012	Repeal	7-1-2012	635-004-0027	1-9-2012	Amend(T)	2-1-2012
603-085-0060	7-1-2012	Repeal	7-1-2012	635-004-0027	7-1-2012	Am. & Ren.	8-1-2012
603-085-0070	7-1-2012	Repeal	7-1-2012	635-004-0029	7-1-2012	Repeal	8-1-2012
603-085-0080	7-1-2012	Repeal	7-1-2012	635-004-0033	1-1-2012	Amend	2-1-2012
603-095-0200	1-12-2012	Repeal	2-1-2012	635-004-0033	6-1-2012	Amend(T)	7-1-2012
603-095-0200	6-1-2012	Repeal	7-1-2012	635-004-0033	7-1-2012	Repeal	8-1-2012
603-095-0220	1-12-2012	Repeal	2-1-2012	635-004-0035	7-1-2012	Am. & Ren.	8-1-2012
603-095-0220	6-1-2012	Repeal	7-1-2012	635-004-0036	7-1-2012	Am. & Ren.	8-1-2012
603-095-0240	1-12-2012	Repeal	2-1-2012	635-004-0040	7-1-2012	Repeal	8-1-2012
603-095-0240	6-1-2012	Repeal	7-1-2012	635-004-0042	7-1-2012	Am. & Ren.	8-1-2012
603-095-0260	1-12-2012	Repeal	2-1-2012	635-004-0048	7-1-2012	Am. & Ren.	8-1-2012
603-095-0260	6-1-2012	Repeal	7-1-2012	635-004-0050	7-1-2012	Am. & Ren.	8-1-2012
603-095-0280	1-12-2012	Repeal	2-1-2012	635-004-0052	7-1-2012	Repeal	8-1-2012
603-095-0280	6-1-2012	Repeal	7-1-2012	635-004-0055	7-1-2012	Am. & Ren.	8-1-2012
603-095-1400	1-12-2012	Amend	2-1-2012	635-004-0060	7-1-2012	Am. & Ren.	8-1-2012
603-095-1400	6-1-2012	Amend	7-1-2012	635-004-0065	7-1-2012	Am. & Ren.	8-1-2012
603-095-1420	1-12-2012	Amend	2-1-2012	635-004-0066	7-1-2012	Am. & Ren.	8-1-2012
603-095-1420	6-1-2012	Amend	7-1-2012	635-004-0068	7-1-2012	Am. & Ren.	8-1-2012
603-095-1440	1-12-2012	Amend	2-1-2012	635-004-0070	7-1-2012	Am. & Ren.	8-1-2012
603-095-1440	6-1-2012	Amend	7-1-2012	635-004-0075	7-1-2012	Repeal	8-1-2012
603-095-1460	1-12-2012	Adopt	2-1-2012	635-004-0080	7-1-2012	Am. & Ren.	8-1-2012
603-095-1460	6-1-2012	Adopt	7-1-2012	635-004-0085	7-1-2012	Am. & Ren.	8-1-2012
603-100-0000	1-1-2013	Amend	7-1-2012	635-004-0090	7-1-2012	Am. & Ren.	8-1-2012
603-100-0010	1-1-2013	Amend	7-1-2012	635-004-0100	7-1-2012	Repeal	8-1-2012
603-100-0050	1-1-2013	Adopt	7-1-2012	635-004-0110	7-1-2012	Repeal	8-1-2012
603-100-0100	1-1-2013	Adopt	12-1-2012	635-004-0125	7-1-2012	Am. & Ren.	8-1-2012
603-100-0110	1-1-2013	Adopt	12-1-2012	635-004-0130	7-1-2012	Am. & Ren.	8-1-2012
603-105-0010	7-1-2012	Repeal	7-1-2012	635-004-0135	7-1-2012	Am. & Ren.	8-1-2012
629-035-0105	1-1-2012	Amend	1-1-2012	635-004-0140	7-1-2012	Renumber	8-1-2012
632-001-0020	12-14-2011	Adopt	1-1-2012	635-004-0145	7-1-2012	Am. & Ren.	8-1-2012
635-003-0003	5-1-2012	Amend	6-1-2012	635-004-0150	7-1-2012	Am. & Ren.	8-1-2012
635-003-0085	7-1-2012	Amend	7-1-2012	635-004-0160	7-1-2012	Am. & Ren.	8-1-2012
635-004-0003	7-1-2012	Renumber	8-1-2012	635-004-0165	7-1-2012	Am. & Ren.	8-1-2012
635-004-0005	4-24-2012	Amend	6-1-2012	635-004-0170	7-1-2012	Am. & Ren.	8-1-2012
635-004-0005	7-1-2012	Repeal	8-1-2012	635-004-0200	7-1-2012	Adopt	8-1-2012
635-004-0009	4-24-2012	Amend	6-1-2012	635-004-0205	7-1-2012	Adopt	8-1-2012
635-004-0009	7-1-2012	Repeal	8-1-2012	635-004-0210	7-1-2012	Adopt	8-1-2012
635-004-0011	7-1-2012	Renumber	8-1-2012	635-004-0230	7-1-2012	Adopt	8-1-2012
635-004-0012	7-1-2012	Am. & Ren.	8-1-2012	635-004-0270	7-1-2012	Adopt	8-1-2012
635-004-0013	7-1-2012	Am. & Ren.	8-1-2012	635-004-0275	7-1-2012	Adopt	8-1-2012
635-004-0014	7-1-2012	Renumber	8-1-2012	635-004-0275	7-1-2012	Amend(T)	8-1-2012
635-004-0016	7-1-2012	Repeal	8-1-2012	635-004-0275	9-1-2012	Amend(T)	9-1-2012
635-004-0017	4-24-2012	Amend	6-1-2012	635-004-0275(T)	9-1-2012	Suspend	9-1-2012
635-004-0017	7-1-2012	Repeal	8-1-2012	635-004-0285	7-1-2012	Adopt	8-1-2012
635-004-0018	1-1-2012	Amend	2-1-2012	635-004-0300	7-1-2012	Adopt	8-1-2012
635-004-0018	7-1-2012	Repeal	8-1-2012	635-004-0305	7-1-2012	Adopt	8-1-2012
635-004-0019	1-1-2012	Amend	2-1-2012	635-004-0310	7-1-2012	Adopt	8-1-2012
635-004-0019	5-1-2012	Amend(T)	6-1-2012	635-004-0315	7-1-2012	Adopt	8-1-2012
635-004-0019	5-1-2012	Amend(T)	6-1-2012	635-004-0320	7-1-2012	Adopt	8-1-2012
635-004-0019	7-1-2012	Repeal	8-1-2012	635-004-0325	7-1-2012	Adopt	8-1-2012
635-004-0019(T)	5-1-2012	Suspend	6-1-2012	635-004-0330	7-1-2012	Adopt	8-1-2012

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635-004-0350	7-1-2012	Adopt	8-1-2012	635-004-0690	7-1-2012	Adopt	8-1-2012
635-004-0355	7-1-2012	Adopt	8-1-2012	635-005-0001	7-1-2012	Am. & Ren.	8-1-2012
635-004-0355	7-1-2012	Amend(T)	8-1-2012	635-005-0002	7-1-2012	Repeal	8-1-2012
635-004-0355	9-11-2012	Amend(T)	10-1-2012	635-005-0003	7-1-2012	Am. & Ren.	8-1-2012
635-004-0355	11-1-2012	Amend(T)	12-1-2012	635-005-0005	7-1-2012	Am. & Ren.	8-1-2012
635-004-0355(T)	9-11-2012	Suspend	10-1-2012	635-005-0015	7-1-2012	Repeal	8-1-2012
635-004-0355(T)	11-1-2012	Suspend	12-1-2012	635-005-0016	7-1-2012	Repeal	8-1-2012
635-004-0370	7-1-2012	Adopt	8-1-2012	635-005-0020	7-1-2012	Am. & Ren.	8-1-2012
635-004-0375	7-1-2012	Adopt	8-1-2012	635-005-0030	7-1-2012	Am. & Ren.	8-1-2012
635-004-0375	8-23-2012	Amend(T)	10-1-2012	635-005-0031	7-1-2012	Repeal	8-1-2012
635-004-0380	7-1-2012	Adopt	8-1-2012	635-005-0032	7-1-2012	Am. & Ren.	8-1-2012
635-004-0385	7-1-2012	Adopt	8-1-2012	635-005-0035	7-1-2012	Repeal	8-1-2012
635-004-0390	7-1-2012	Adopt	8-1-2012	635-005-0040	7-1-2012	Renumber	8-1-2012
635-004-0395	7-1-2012	Adopt	8-1-2012	635-005-0042	7-1-2012	Am. & Ren.	8-1-2012
635-004-0400	7-1-2012	Adopt	8-1-2012	635-005-0045	12-1-2011	Amend(T)	1-1-2012
635-004-0405	7-1-2012	Adopt	8-1-2012	635-005-0045	12-15-2011	Amend(T)	1-1-2012
635-004-0410	7-1-2012	Adopt	8-1-2012	635-005-0045	5-1-2012	Amend	6-1-2012
635-004-0415	7-1-2012	Adopt	8-1-2012	635-005-0045	7-1-2012	Am. & Ren.	8-1-2012
635-004-0420	7-1-2012	Adopt	8-1-2012	635-005-0045(T)	12-15-2011	Suspend	1-1-2012
635-004-0445	7-1-2012	Adopt	8-1-2012	635-005-0047	7-1-2012	Am. & Ren.	8-1-2012
635-004-0455	7-1-2012	Adopt	8-1-2012	635-005-0048	7-1-2012	Repeal	8-1-2012
635-004-0460	7-1-2012	Adopt	8-1-2012	635-005-0049	7-1-2012	Am. & Ren.	8-1-2012
635-004-0465	7-1-2012	Adopt	8-1-2012	635-005-0055	12-1-2011	Amend(T)	1-1-2012
635-004-0470	7-1-2012	Adopt	8-1-2012	635-005-0055	5-1-2012	Amend	6-1-2012
635-004-0475	7-1-2012	Adopt	8-1-2012	635-005-0055	7-1-2012	Am. & Ren.	8-1-2012
635-004-0480	7-1-2012	Adopt	8-1-2012	635-005-0060	7-1-2012	Am. & Ren.	8-1-2012
635-004-0485	7-1-2012	Adopt	8-1-2012	635-005-0063	7-1-2012	Am. & Ren.	8-1-2012
635-004-0490	7-1-2012	Adopt	8-1-2012	635-005-0064	7-1-2012	Am. & Ren.	8-1-2012
635-004-0495	7-1-2012	Adopt	8-1-2012	635-005-0065	7-1-2012	Am. & Ren.	8-1-2012
635-004-0500	7-1-2012	Adopt	8-1-2012	635-005-0066	7-1-2012	Am. & Ren.	8-1-2012
635-004-0505	7-1-2012	Adopt	8-1-2012	635-005-0067	7-1-2012	Am. & Ren.	8-1-2012
635-004-0510	7-1-2012	Adopt	8-1-2012	635-005-0068	7-1-2012	Am. & Ren.	8-1-2012
635-004-0520	7-1-2012	Adopt	8-1-2012	635-005-0069	7-1-2012	Am. & Ren.	8-1-2012
635-004-0525	7-1-2012	Adopt	8-1-2012	635-005-0070	7-1-2012	Renumber	8-1-2012
635-004-0535	7-1-2012	Adopt	8-1-2012	635-005-0075	7-1-2012	Am. & Ren.	8-1-2012
635-004-0540	7-1-2012	Adopt	8-1-2012	635-005-0080	7-1-2012	Renumber	8-1-2012
635-004-0550	7-1-2012	Adopt	8-1-2012	635-005-0082	7-1-2012	Renumber	8-1-2012
635-004-0555	7-1-2012	Adopt	8-1-2012	635-005-0084	7-1-2012	Am. & Ren.	8-1-2012
635-004-0560	7-1-2012	Adopt	8-1-2012	635-005-0085	7-1-2012	Am. & Ren.	8-1-2012
635-004-0565	7-1-2012	Adopt	8-1-2012	635-005-0090	7-1-2012	Repeal	8-1-2012
635-004-0570	7-1-2012	Adopt	8-1-2012	635-005-0095	7-1-2012	Repeal	8-1-2012
635-004-0575	7-1-2012	Adopt	8-1-2012	635-005-0100	7-1-2012	Repeal	8-1-2012
635-004-0580	7-1-2012	Adopt	8-1-2012	635-005-0115	7-1-2012	Repeal	8-1-2012
635-004-0585	7-1-2012	Adopt	8-1-2012	635-005-0120	7-1-2012	Repeal	8-1-2012
635-004-0590	7-1-2012	Adopt	8-1-2012	635-005-0130	7-1-2012	Repeal	8-1-2012
635-004-0610	7-1-2012	Adopt	8-1-2012	635-005-0135	7-1-2012	Repeal	8-1-2012
635-004-0625	7-1-2012	Adopt	8-1-2012	635-005-0140	7-1-2012	Am. & Ren.	8-1-2012
635-004-0630	7-1-2012	Adopt	8-1-2012	635-005-0145	7-1-2012	Am. & Ren.	8-1-2012
635-004-0650	7-1-2012	Adopt	8-1-2012	635-005-0150	7-1-2012	Renumber	8-1-2012
635-004-0655	7-1-2012	Adopt	8-1-2012	635-005-0160	7-1-2012	Renumber	8-1-2012
635-004-0660	7-1-2012	Adopt	8-1-2012	635-005-0170	7-1-2012	Am. & Ren.	8-1-2012
635-004-0665	7-1-2012	Adopt	8-1-2012	635-005-0175	7-1-2012	Am. & Ren.	8-1-2012
635-004-0670	7-1-2012	Adopt	8-1-2012	635-005-0180	7-1-2012	Am. & Ren.	8-1-2012
635-004-0675	7-1-2012	Adopt	8-1-2012	635-005-0185	7-1-2012	Am. & Ren.	8-1-2012
635-004-0680	7-1-2012	Adopt	8-1-2012	635-005-0186	7-1-2012	Renumber	8-1-2012



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<b>OAR Number</b>	<b>Effective</b>	<b>Action</b>	<b>Bulletin</b>	<b>OAR Number</b>	<b>Effective</b>	<b>Action</b>	<b>Bulletin</b>
635-005-0190	7-1-2012	Am. & Ren.	8-1-2012	635-005-0565	7-1-2012	Adopt	8-1-2012
635-005-0195	7-1-2012	Am. & Ren.	8-1-2012	635-005-0570	7-1-2012	Adopt	8-1-2012
635-005-0200	7-1-2012	Renumber	8-1-2012	635-005-0575	7-1-2012	Adopt	8-1-2012
635-005-0205	7-1-2012	Am. & Ren.	8-1-2012	635-005-0580	7-1-2012	Adopt	8-1-2012
635-005-0210	7-1-2012	Am. & Ren.	8-1-2012	635-005-0585	7-1-2012	Adopt	8-1-2012
635-005-0215	7-1-2012	Am. & Ren.	8-1-2012	635-005-0590	7-1-2012	Adopt	8-1-2012
635-005-0220	7-1-2012	Am. & Ren.	8-1-2012	635-005-0595	7-1-2012	Adopt	8-1-2012
635-005-0225	7-1-2012	Adopt	8-1-2012	635-005-0600	7-1-2012	Adopt	8-1-2012
635-005-0230	7-1-2012	Adopt	8-1-2012	635-005-0605	7-1-2012	Adopt	8-1-2012
635-005-0235	7-1-2012	Adopt	8-1-2012	635-005-0610	7-1-2012	Adopt	8-1-2012
635-005-0245	7-1-2012	Adopt	8-1-2012	635-005-0615	7-1-2012	Adopt	8-1-2012
635-005-0250	7-1-2012	Adopt	8-1-2012	635-005-0620	7-1-2012	Adopt	8-1-2012
635-005-0255	7-1-2012	Adopt	8-1-2012	635-005-0650	7-1-2012	Adopt	8-1-2012
635-005-0260	7-1-2012	Adopt	8-1-2012	635-005-0675	7-1-2012	Adopt	8-1-2012
635-005-0265	7-1-2012	Adopt	8-1-2012	635-005-0680	7-1-2012	Adopt	8-1-2012
635-005-0270	7-1-2012	Adopt	8-1-2012	635-005-0685	7-1-2012	Adopt	8-1-2012
635-005-0275	7-1-2012	Adopt	8-1-2012	635-005-0690	7-1-2012	Adopt	8-1-2012
635-005-0280	7-1-2012	Adopt	8-1-2012	635-005-0695	7-1-2012	Adopt	8-1-2012
635-005-0305	7-1-2012	Adopt	8-1-2012	635-005-0700	7-1-2012	Adopt	8-1-2012
635-005-0310	7-1-2012	Adopt	8-1-2012	635-005-0705	7-1-2012	Adopt	8-1-2012
635-005-0315	7-1-2012	Adopt	8-1-2012	635-005-0710	7-1-2012	Adopt	8-1-2012
635-005-0320	7-1-2012	Adopt	8-1-2012	635-005-0715	7-1-2012	Adopt	8-1-2012
635-005-0325	7-1-2012	Adopt	8-1-2012	635-005-0720	7-1-2012	Adopt	8-1-2012
635-005-0330	7-1-2012	Adopt	8-1-2012	635-005-0725	7-1-2012	Adopt	8-1-2012
635-005-0335	7-1-2012	Adopt	8-1-2012	635-005-0730	7-1-2012	Adopt	8-1-2012
635-005-0340	7-1-2012	Adopt	8-1-2012	635-005-0735	7-1-2012	Adopt	8-1-2012
635-005-0345	7-1-2012	Adopt	8-1-2012	635-005-0740	7-1-2012	Adopt	8-1-2012
635-005-0355	7-4-2012	Amend(T)	8-1-2012	635-005-0745	7-1-2012	Adopt	8-1-2012
635-005-0360	7-1-2012	Adopt	8-1-2012	635-005-0750	7-1-2012	Adopt	8-1-2012
635-005-0365	7-1-2012	Adopt	8-1-2012	635-005-0755	7-1-2012	Adopt	8-1-2012
635-005-0370	7-1-2012	Adopt	8-1-2012	635-005-0760	7-1-2012	Adopt	8-1-2012
635-005-0375	7-1-2012	Adopt	8-1-2012	635-005-0765	7-1-2012	Adopt	8-1-2012
635-005-0380	7-1-2012	Adopt	8-1-2012	635-005-0770	7-1-2012	Adopt	8-1-2012
635-005-0385	7-1-2012	Adopt	8-1-2012	635-005-0775	7-1-2012	Adopt	8-1-2012
635-005-0390	7-1-2012	Adopt	8-1-2012	635-005-0790	7-1-2012	Adopt	8-1-2012
635-005-0395	7-1-2012	Adopt	8-1-2012	635-005-0795	7-1-2012	Adopt	8-1-2012
635-005-0400	7-1-2012	Adopt	8-1-2012	635-005-0800	7-1-2012	Adopt	8-1-2012
635-005-0405	7-1-2012	Adopt	8-1-2012	635-005-0805	7-1-2012	Adopt	8-1-2012
635-005-0410	7-1-2012	Adopt	8-1-2012	635-005-0810	7-1-2012	Adopt	8-1-2012
635-005-0415	7-1-2012	Adopt	8-1-2012	635-005-0815	7-1-2012	Adopt	8-1-2012
635-005-0420	7-1-2012	Adopt	8-1-2012	635-005-0820	7-1-2012	Adopt	8-1-2012
635-005-0425	7-1-2012	Adopt	8-1-2012	635-005-0825	7-1-2012	Adopt	8-1-2012
635-005-0430	7-1-2012	Adopt	8-1-2012	635-005-0830	7-1-2012	Adopt	8-1-2012
635-005-0435	7-1-2012	Adopt	8-1-2012	635-005-0835	7-1-2012	Adopt	8-1-2012
635-005-0440	7-1-2012	Adopt	8-1-2012	635-005-0845	7-1-2012	Adopt	8-1-2012
635-005-0445	7-1-2012	Adopt	8-1-2012	635-005-0850	7-1-2012	Adopt	8-1-2012
635-005-0450	7-1-2012	Adopt	8-1-2012	635-005-0855	7-1-2012	Adopt	8-1-2012
635-005-0465	12-1-2012	Amend(T)	12-1-2012	635-005-0890	7-1-2012	Adopt	8-1-2012
635-005-0480	7-1-2012	Adopt	8-1-2012	635-005-0895	7-1-2012	Adopt	8-1-2012
635-005-0485	7-1-2012	Adopt	8-1-2012	635-005-0915	7-1-2012	Adopt	8-1-2012
635-005-0490	7-1-2012	Adopt	8-1-2012	635-005-0920	7-1-2012	Adopt	8-1-2012
635-005-0500	7-1-2012	Adopt	8-1-2012	635-005-0925	7-1-2012	Adopt	8-1-2012
635-005-0510	7-1-2012	Adopt	8-1-2012	635-005-0930	7-1-2012	Adopt	8-1-2012
635-005-0515	7-1-2012	Adopt	8-1-2012	635-005-0935	7-1-2012	Adopt	8-1-2012
635-005-0520	7-1-2012	Adopt	8-1-2012	635-005-0940	7-1-2012	Adopt	8-1-2012
635-005-0525	7-1-2012	Adopt	8-1-2012	635-006-0001	7-1-2012	Amend	8-1-2012

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OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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635-006-0133	7-1-2012	Repeal	8-1-2012	635-006-1065	7-1-2012	Amend	8-1-2012
635-006-0134	7-1-2012	Amend	8-1-2012	635-006-1075	4-24-2012	Amend	6-1-2012
635-006-0135	7-1-2012	Amend	8-1-2012	635-006-1075	7-1-2012	Amend	8-1-2012
635-006-0140	7-1-2012	Amend	8-1-2012	635-006-1085	7-1-2012	Amend	8-1-2012
635-006-0150	7-1-2012	Amend	8-1-2012	635-006-1095	5-1-2012	Amend	6-1-2012
635-006-0160	7-1-2012	Amend	8-1-2012	635-006-1095	7-1-2012	Amend	8-1-2012
635-006-0165	7-1-2012	Amend	8-1-2012	635-006-1110	7-1-2012	Repeal	8-1-2012
635-006-0205	7-1-2012	Amend	8-1-2012	635-006-1200	7-1-2012	Amend	8-1-2012
635-006-0207	7-1-2012	Amend	8-1-2012	635-006-1210	7-1-2012	Amend	8-1-2012
635-006-0209	7-1-2012	Adopt	8-1-2012	635-008-0120	8-6-2012	Amend	9-1-2012
635-006-0210	1-1-2012	Amend	2-1-2012	635-008-0123	1-1-2012	Amend	1-1-2012
635-006-0210	7-1-2012	Amend	8-1-2012	635-008-0135	1-1-2012	Amend	1-1-2012
635-006-0211	1-1-2012	Amend	2-1-2012	635-008-0146	4-24-2012	Amend	6-1-2012
635-006-0211	7-1-2012	Amend	8-1-2012	635-008-0147	4-24-2012	Amend	6-1-2012
635-006-0212	7-1-2012	Amend	8-1-2012	635-008-0151	2-6-2012	Amend(T)	3-1-2012
635-006-0212	7-5-2012	Amend(T)	8-1-2012	635-008-0151	6-11-2012	Amend	7-1-2012
635-006-0213	7-1-2012	Amend	8-1-2012	635-008-0151	11-13-2012	Amend(T)	12-1-2012
635-006-0215	1-1-2012	Amend	2-1-2012	635-008-0151(T)	6-11-2012	Repeal	7-1-2012
635-006-0215	7-1-2012	Amend	8-1-2012	635-008-0155	1-1-2012	Amend	1-1-2012
635-006-0215	7-5-2012	Amend(T)	8-1-2012	635-010-0170	2-6-2012	Amend(T)	3-1-2012
635-006-0225	7-1-2012	Amend	8-1-2012	635-010-0170	6-11-2012	Amend	7-1-2012
635-006-0225	7-5-2012	Amend(T)	8-1-2012	635-010-0170(T)	6-11-2012	Repeal	7-1-2012
635-006-0225	8-6-2012	Amend	9-1-2012	635-011-0100	1-1-2012	Amend	2-1-2012
635-006-0232	1-1-2012	Amend(T)	2-1-2012	635-011-0100	11-15-2012	Amend(T)	12-1-2012
635-006-0232	2-7-2012	Amend	3-1-2012	635-012-0020	12-25-2011	Amend(T)	1-1-2012
635-006-0232(T)	2-7-2012	Repeal	3-1-2012	635-012-0020	8-6-2012	Amend	9-1-2012
635-006-0235	7-1-2012	Amend	8-1-2012	635-012-0020(T)	12-25-2011	Suspend	1-1-2012
635-006-0405	7-1-2012	Amend	8-1-2012	635-012-0030	12-25-2011	Suspend	1-1-2012
635-006-0425	7-1-2012	Amend	8-1-2012	635-012-0030	8-6-2012	Amend	9-1-2012
635-006-0800	7-1-2012	Repeal	8-1-2012	635-012-0040	12-25-2011	Suspend	1-1-2012
635-006-0810	7-1-2012	Repeal	8-1-2012	635-012-0040	8-6-2012	Amend	9-1-2012
635-006-0820	7-1-2012	Repeal	8-1-2012	635-012-0050	12-25-2011	Suspend	1-1-2012
635-006-0830	7-1-2012	Repeal	8-1-2012	635-012-0050	8-6-2012	Amend	9-1-2012
635-006-0840	7-1-2012	Repeal	8-1-2012	635-012-0060	12-25-2011	Suspend	1-1-2012
635-006-0850	7-1-2012	Repeal	8-1-2012	635-012-0060	8-6-2012	Amend	9-1-2012
635-006-0870	7-1-2012	Repeal	8-1-2012	635-012-0070	8-6-2012	Adopt	9-1-2012
635-006-0880	7-1-2012	Repeal	8-1-2012	635-012-0080	8-6-2012	Adopt	9-1-2012
635-006-0890	7-1-2012	Repeal	8-1-2012	635-012-0090	8-6-2012	Adopt	9-1-2012
635-006-0900	7-1-2012	Repeal	8-1-2012	635-012-0100	8-6-2012	Adopt	9-1-2012
635-006-0910	7-1-2012	Repeal	8-1-2012	635-012-0110	8-6-2012	Adopt	9-1-2012
635-006-0915	7-1-2012	Repeal	8-1-2012	635-012-0120	8-6-2012	Adopt	9-1-2012
635-006-0930	7-1-2012	Repeal	8-1-2012	635-012-0130	8-6-2012	Adopt	9-1-2012
635-006-0940	7-1-2012	Repeal	8-1-2012	635-012-0140	8-6-2012	Adopt	9-1-2012
635-006-0950	7-1-2012	Repeal	8-1-2012	635-012-0150	8-6-2012	Adopt	9-1-2012
635-006-1005	7-1-2012	Amend	8-1-2012	635-012-0160	8-6-2012	Adopt	9-1-2012
635-006-1010	12-1-2011	Amend(T)	1-1-2012	635-013-0003	1-1-2012	Amend	2-1-2012
635-006-1010	5-1-2012	Amend	6-1-2012	635-013-0003	5-1-2012	Amend	6-1-2012
635-006-1010	7-1-2012	Repeal	8-1-2012	635-013-0004	1-1-2012	Amend	2-1-2012
635-006-1015	12-1-2011	Amend(T)	1-1-2012	635-013-0007	7-1-2012	Amend	7-1-2012
635-006-1015	5-1-2012	Amend	6-1-2012	635-014-0080	1-1-2012	Amend	2-1-2012
635-006-1015	7-1-2012	Amend	8-1-2012	635-014-0090	1-1-2012	Amend	2-1-2012
635-006-1025	7-1-2012	Amend	8-1-2012	635-014-0090	6-1-2012	Amend(T)	7-1-2012
635-006-1035	7-1-2012	Amend	8-1-2012	635-014-0090	6-12-2012	Amend(T)	7-1-2012
635-006-1060	7-1-2012	Amend	8-1-2012	635-014-0090	7-1-2012	Amend	7-1-2012
635-006-1065	12-1-2011	Amend(T)	1-1-2012	635-014-0090	7-1-2012	Amend(T)	8-1-2012

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635-014-0090	10-24-2012	Amend(T)	12-1-2012	635-023-0095	1-1-2012	Amend	2-1-2012
635-014-0090	10-31-2012	Amend(T)	12-1-2012	635-023-0095	1-5-2012	Amend(T)	2-1-2012
635-014-0090(T)	7-1-2012	Suspend	8-1-2012	635-023-0095	2-7-2012	Amend	3-1-2012
635-014-0090(T)	10-13-2012	Suspend	11-1-2012	635-023-0095	2-18-2012	Amend(T)	3-1-2012
635-014-0090(T)	10-24-2012	Suspend	12-1-2012	635-023-0095	5-20-2012	Amend(T)	6-1-2012
635-014-0090(T)	10-31-2012	Suspend	12-1-2012	635-023-0095	7-1-2012	Amend(T)	8-1-2012
635-016-0080	1-1-2012	Amend	2-1-2012	635-023-0095	8-1-2012	Amend(T)	9-1-2012
635-016-0090	1-1-2012	Amend	2-1-2012	635-023-0095	10-20-2012	Amend(T)	11-1-2012
635-016-0090	7-1-2012	Amend	7-1-2012	635-023-0095	11-4-2012	Amend(T)	12-1-2012
635-016-0090	10-31-2012	Amend(T)	12-1-2012	635-023-0095(T)	2-7-2012	Repeal	3-1-2012
635-017-0080	1-1-2012	Amend	2-1-2012	635-023-0095(T)	5-20-2012	Suspend	6-1-2012
635-017-0090	1-1-2012	Amend	2-1-2012	635-023-0095(T)	7-1-2012	Suspend	8-1-2012
635-017-0090	1-1-2012	Amend(T)	1-1-2012	635-023-0095(T)	8-1-2012	Suspend	9-1-2012
635-017-0090	3-12-2012	Amend	4-1-2012	635-023-0095(T)	10-20-2012	Suspend	11-1-2012
635-017-0090	7-26-2012	Amend(T)	9-1-2012	635-023-0095(T)	11-4-2012	Suspend	12-1-2012
635-017-0090	8-1-2012	Amend(T)	9-1-2012	635-023-0125	1-1-2012	Amend	2-1-2012
635-017-0090(T)	8-1-2012	Suspend	9-1-2012	635-023-0125	2-15-2012	Amend(T)	3-1-2012
635-017-0095	1-1-2012	Amend	2-1-2012	635-023-0125	4-6-2012	Amend(T)	5-1-2012
635-017-0095	2-17-2012	Amend(T)	3-1-2012	635-023-0125	4-14-2012	Amend(T)	5-1-2012
635-017-0095	2-23-2012	Amend(T)	4-1-2012	635-023-0125	5-2-2012	Amend(T)	6-1-2012
635-017-0095(T)	2-23-2012	Suspend	4-1-2012	635-023-0125	5-16-2012	Amend(T)	6-1-2012
635-018-0080	1-1-2012	Amend	2-1-2012	635-023-0125	5-19-2012	Amend(T)	7-1-2012
635-018-0090	1-1-2012	Amend	2-1-2012	635-023-0125	5-26-2012	Amend(T)	7-1-2012
635-018-0090	1-1-2012	Amend(T)	2-1-2012	635-023-0125(T)	4-6-2012	Suspend	5-1-2012
635-018-0090	3-12-2012	Amend	4-1-2012	635-023-0125(T)	4-14-2012	Suspend	5-1-2012
635-018-0090	4-15-2012	Amend(T)	5-1-2012	635-023-0125(T)	5-2-2012	Suspend	6-1-2012
635-018-0090	6-4-2012	Amend(T)	7-1-2012	635-023-0125(T)	5-16-2012	Suspend	6-1-2012
635-018-0090	8-1-2012	Amend(T)	9-1-2012	635-023-0125(T)	5-19-2012	Suspend	7-1-2012
635-018-0090(T)	4-15-2012	Suspend	5-1-2012	635-023-0125(T)	5-26-2012	Suspend	7-1-2012
635-018-0090(T)	6-4-2012	Suspend	7-1-2012	635-023-0125(T)	6-16-2012	Suspend	7-1-2012
635-019-0080	1-1-2012	Amend	2-1-2012	635-023-0125(T)	7-9-2012	Suspend	8-1-2012
635-019-0090	1-1-2012	Amend	2-1-2012	635-023-0128	1-1-2012	Amend	2-1-2012
635-019-0090	5-23-2012	Amend(T)	7-1-2012	635-023-0128	6-16-2012	Amend(T)	7-1-2012
635-019-0090	5-24-2012	Amend(T)	7-1-2012	635-023-0128	7-9-2012	Amend(T)	8-1-2012
635-019-0090	6-11-2012	Amend(T)	7-1-2012	635-023-0128(T)	7-9-2012	Suspend	8-1-2012
635-019-0090	6-22-2012	Amend(T)	8-1-2012	635-023-0128(T)	8-1-2012	Suspend	9-1-2012
635-019-0090	6-27-2012	Amend(T)	8-1-2012	635-023-0130	1-1-2012	Amend	2-1-2012
635-019-0090	7-1-2012	Amend(T)	8-1-2012	635-023-0130	8-1-2012	Amend(T)	9-1-2012
635-019-0090	7-15-2012	Amend(T)	8-1-2012	635-023-0134	1-1-2012	Amend	2-1-2012
635-019-0090(T)	5-24-2012	Suspend	7-1-2012	635-023-0134	4-22-2012	Amend(T)	6-1-2012
635-019-0090(T)	6-11-2012	Suspend	7-1-2012	635-023-0134	8-5-2012	Amend(T)	9-1-2012
635-019-0090(T)	6-12-2012	Suspend	7-1-2012	635-023-0134	9-1-2012	Amend(T)	10-1-2012
635-019-0090(T)	6-22-2012	Suspend	8-1-2012	635-023-0134(T)	8-5-2012	Suspend	9-1-2012
635-019-0090(T)	6-27-2012	Suspend	8-1-2012	635-023-0134(T)	9-1-2012	Suspend	10-1-2012
635-019-0090(T)	7-1-2012	Suspend	8-1-2012	635-039-0080	1-1-2012	Amend	2-1-2012
635-019-0090(T)	7-15-2012	Suspend	8-1-2012	635-039-0080	4-24-2012	Amend	6-1-2012
635-021-0080	1-1-2012	Amend	2-1-2012	635-039-0085	4-24-2012	Amend	6-1-2012
635-021-0090	1-1-2012	Amend	2-1-2012	635-039-0085	7-5-2012	Amend(T)	8-1-2012
635-021-0090	6-13-2012	Amend(T)	7-1-2012	635-039-0085	7-22-2012	Amend(T)	9-1-2012
635-021-0090	9-1-2012	Amend(T)	10-1-2012	635-039-0085	8-24-2012	Amend(T)	10-1-2012
635-021-0090	9-7-2012	Amend(T)	10-1-2012	635-039-0085	9-24-2012	Amend(T)	11-1-2012
635-021-0090	9-21-2012	Amend(T)	11-1-2012	635-039-0085(T)	7-22-2012	Suspend	9-1-2012
635-021-0090(T)	9-1-2012	Suspend	10-1-2012	635-039-0085(T)	8-24-2012	Suspend	10-1-2012
635-021-0090(T)	9-21-2012	Suspend	11-1-2012	635-039-0085(T)	9-24-2012	Suspend	11-1-2012
635-023-0080	1-1-2012	Amend	2-1-2012	635-039-0090	12-1-2011	Amend(T)	1-1-2012



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635-039-0090	12-15-2011	Amend(T)	1-1-2012	635-042-0031	8-5-2012	Amend(T)	9-1-2012
635-039-0090	1-1-2012	Amend	2-1-2012	635-042-0031	8-26-2012	Amend(T)	10-1-2012
635-039-0090	7-20-2012	Amend(T)	9-1-2012	635-042-0031	9-18-2012	Amend(T)	11-1-2012
635-039-0090(T)	12-1-2011	Suspend	1-1-2012	635-042-0031(T)	8-26-2012	Suspend	10-1-2012
635-039-0090(T)	12-15-2011	Suspend	1-1-2012	635-042-0031(T)	9-18-2012	Suspend	11-1-2012
635-041-0020	6-16-2012	Amend(T)	7-1-2012	635-042-0060	9-27-2012	Amend(T)	11-1-2012
635-041-0020	8-27-2012	Amend(T)	10-1-2012	635-042-0060	10-4-2012	Amend(T)	11-1-2012
635-041-0020(T)	8-27-2012	Suspend	10-1-2012	635-042-0060	10-16-2012	Amend(T)	11-1-2012
635-041-0045	2-1-2012	Amend(T)	3-1-2012	635-042-0060(T)	10-4-2012	Suspend	11-1-2012
635-041-0045	2-29-2012	Amend(T)	4-1-2012	635-042-0060(T)	10-16-2012	Suspend	11-1-2012
635-041-0045	5-15-2012	Amend(T)	6-1-2012	635-042-0105	5-24-2012	Amend(T)	7-1-2012
635-041-0045	7-1-2012	Amend(T)	8-1-2012	635-042-0135	1-30-2012	Amend(T)	3-1-2012
635-041-0045	7-12-2012	Amend(T)	8-1-2012	635-042-0145	2-12-2012	Amend(T)	3-1-2012
635-041-0045	7-27-2012	Amend(T)	9-1-2012	635-042-0145	3-18-2012	Amend(T)	4-1-2012
635-041-0045	9-11-2012	Amend(T)	10-1-2012	635-042-0145	3-21-2012	Amend(T)	5-1-2012
635-041-0045	11-8-2012	Amend(T)	12-1-2012	635-042-0145	3-29-2012	Amend(T)	5-1-2012
635-041-0045(T)	2-29-2012	Suspend	4-1-2012	635-042-0145	4-1-2012	Amend(T)	5-1-2012
635-041-0045(T)	5-15-2012	Suspend	6-1-2012	635-042-0145	4-5-2012	Amend(T)	5-1-2012
635-041-0045(T)	7-12-2012	Suspend	8-1-2012	635-042-0145	4-19-2012	Amend(T)	6-1-2012
635-041-0045(T)	7-27-2012	Suspend	9-1-2012	635-042-0145	7-2-2012	Amend(T)	8-1-2012
635-041-0045(T)	9-11-2012	Suspend	10-1-2012	635-042-0145	8-1-2012	Amend(T)	9-1-2012
635-041-0063	7-30-2012	Amend(T)	9-1-2012	635-042-0145(T)	3-18-2012	Suspend	4-1-2012
635-041-0065	2-1-2012	Amend(T)	3-1-2012	635-042-0145(T)	3-21-2012	Suspend	5-1-2012
635-041-0065	2-29-2012	Amend(T)	4-1-2012	635-042-0145(T)	3-29-2012	Suspend	5-1-2012
635-041-0065	3-5-2012	Amend(T)	4-1-2012	635-042-0145(T)	4-1-2012	Suspend	5-1-2012
635-041-0065	3-5-2012	Amend(T)	4-1-2012	635-042-0145(T)	4-5-2012	Suspend	5-1-2012
635-041-0065	5-15-2012	Amend(T)	6-1-2012	635-042-0145(T)	4-19-2012	Suspend	6-1-2012
635-041-0065(T)	2-29-2012	Suspend	4-1-2012	635-042-0145(T)	7-2-2012	Suspend	8-1-2012
635-041-0065(T)	3-5-2012	Suspend	4-1-2012	635-042-0160	2-12-2012	Amend(T)	3-1-2012
635-041-0065(T)	3-5-2012	Suspend	4-1-2012	635-042-0160	8-13-2012	Amend(T)	9-1-2012
635-041-0065(T)	5-15-2012	Suspend	6-1-2012	635-042-0170	4-26-2012	Amend(T)	6-1-2012
635-041-0072	6-21-2012	Amend(T)	8-1-2012	635-042-0170	8-13-2012	Amend(T)	9-1-2012
635-041-0072	7-12-2012	Amend(T)	8-1-2012	635-042-0180	2-12-2012	Amend(T)	3-1-2012
635-041-0072(T)	7-12-2012	Suspend	8-1-2012	635-042-0180	8-13-2012	Amend(T)	9-1-2012
635-041-0075	7-27-2012	Amend(T)	9-1-2012	635-043-0051	12-30-2011	Amend(T)	2-1-2012
635-041-0075	8-21-2012	Amend(T)	9-1-2012	635-044-0000	8-6-2012	Amend	9-1-2012
635-041-0075	9-11-2012	Amend(T)	10-1-2012	635-044-0002	8-6-2012	Amend	9-1-2012
635-041-0075	9-18-2012	Amend(T)	11-1-2012	635-044-0130	8-6-2012	Amend	9-1-2012
635-041-0075	9-26-2012	Amend(T)	11-1-2012	635-045-0000	8-6-2012	Amend	9-1-2012
635-041-0075	10-2-2012	Amend(T)	11-1-2012	635-045-0002	8-6-2012	Amend	9-1-2012
635-041-0075	11-8-2012	Amend(T)	12-1-2012	635-050-0045	6-11-2012	Amend	7-1-2012
635-041-0075(T)	8-21-2012	Suspend	9-1-2012	635-050-0047	6-11-2012	Adopt	7-1-2012
635-041-0075(T)	9-11-2012	Suspend	10-1-2012	635-050-0050	6-11-2012	Amend	7-1-2012
635-041-0075(T)	9-18-2012	Suspend	11-1-2012	635-050-0070	6-11-2012	Amend	7-1-2012
635-041-0075(T)	9-26-2012	Suspend	11-1-2012	635-050-0080	6-11-2012	Amend	7-1-2012
635-041-0075(T)	10-2-2012	Suspend	11-1-2012	635-050-0090	6-11-2012	Amend	7-1-2012
635-041-0076	6-18-2012	Amend(T)	7-1-2012	635-050-0100	6-11-2012	Amend	7-1-2012
635-041-0076	7-3-2012	Amend(T)	8-1-2012	635-050-0110	6-11-2012	Amend	7-1-2012
635-041-0076	7-12-2012	Amend(T)	8-1-2012	635-050-0120	6-11-2012	Amend	7-1-2012
635-041-0076(T)	7-3-2012	Suspend	8-1-2012	635-050-0130	6-11-2012	Amend	7-1-2012
635-041-0076(T)	7-12-2012	Suspend	8-1-2012	635-050-0140	6-11-2012	Amend	7-1-2012
635-041-0076(T)	7-27-2012	Suspend	9-1-2012	635-050-0150	6-11-2012	Amend	7-1-2012
635-042-0022	4-3-2012	Amend(T)	5-1-2012	635-050-0170	6-11-2012	Amend	7-1-2012
635-042-0022	4-10-2012	Amend(T)	5-1-2012	635-050-0183	6-11-2012	Amend	7-1-2012
635-042-0022(T)	4-10-2012	Suspend	5-1-2012	635-050-0189	6-11-2012	Amend	7-1-2012
635-042-0027	6-17-2012	Amend(T)	7-1-2012	635-050-0210	6-11-2012	Amend	7-1-2012

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635-051-0001	8-10-2012	Amend(T)	9-1-2012	635-073-0065	2-1-2012	Amend	2-1-2012
635-051-0001	10-17-2012	Amend(T)	12-1-2012	635-073-0070	2-1-2012	Amend	2-1-2012
635-051-0048	8-6-2012	Amend	9-1-2012	635-078-0011	4-1-2012	Amend	4-1-2012
635-052-0000	8-6-2012	Amend	9-1-2012	635-095-0100	2-10-2012	Adopt	3-1-2012
635-053-0000	8-6-2012	Amend	9-1-2012	635-095-0105	2-10-2012	Adopt	3-1-2012
635-053-0005	8-10-2012	Amend(T)	9-1-2012	635-095-0105	6-11-2012	Amend	7-1-2012
635-053-0035	12-21-2011	Amend(T)	2-1-2012	635-095-0111	2-10-2012	Adopt	3-1-2012
635-053-0100	8-6-2012	Amend	9-1-2012	635-095-0125	2-10-2012	Adopt	3-1-2012
635-053-0105	8-6-2012	Amend	9-1-2012	635-095-0125	6-11-2012	Amend	7-1-2012
635-053-0111	8-6-2012	Amend	9-1-2012	635-100-0125	3-14-2012	Amend	4-1-2012
635-053-0125	8-6-2012	Amend	9-1-2012	635-170-0000	6-11-2012	Adopt	7-1-2012
635-054-0000	8-6-2012	Amend	9-1-2012	635-435-0000	3-16-2012	Amend	5-1-2012
635-056-0050	8-31-2012	Amend(T)	10-1-2012	635-435-0005	3-16-2012	Amend	5-1-2012
635-056-0075	10-11-2012	Amend	11-1-2012	635-435-0010	3-16-2012	Amend	5-1-2012
635-060-0000	8-6-2012	Amend	9-1-2012	635-435-0015	3-16-2012	Amend	5-1-2012
635-060-0023	4-1-2012	Amend	4-1-2012	635-435-0025	3-16-2012	Amend	5-1-2012
635-060-0040	9-26-2012	Adopt(T)	11-1-2012	635-435-0030	3-16-2012	Amend	5-1-2012
635-060-0040	10-11-2012	Adopt	11-1-2012	635-435-0035	3-16-2012	Amend	5-1-2012
635-060-0040(T)	10-11-2012	Repeal	11-1-2012	635-435-0040	3-16-2012	Amend	5-1-2012
635-060-0046	2-10-2012	Amend(T)	3-1-2012	635-435-0060	3-16-2012	Amend	5-1-2012
635-060-0046	6-11-2012	Amend	7-1-2012	647-010-0010	7-1-2012	Amend	6-1-2012
635-060-0046(T)	6-11-2012	Repeal	7-1-2012	656-010-0000	11-30-2011	Amend	1-1-2012
635-065-0001	1-1-2012	Amend	1-1-2012	656-010-0010	11-30-2011	Amend	1-1-2012
635-065-0015	1-1-2012	Amend	1-1-2012	660-007-0000	2-14-2012	Amend	3-1-2012
635-065-0090	1-1-2012	Amend	1-1-2012	660-007-0005	2-14-2012	Amend	3-1-2012
635-065-0401	1-1-2012	Amend	1-1-2012	660-007-0015	2-14-2012	Amend	3-1-2012
635-065-0625	1-1-2012	Amend	1-1-2012	660-007-0018	2-14-2012	Amend	3-1-2012
635-065-0635	1-1-2012	Amend	1-1-2012	660-007-0020	2-14-2012	Amend	3-1-2012
635-065-0720	6-11-2012	Amend	7-1-2012	660-007-0022	2-14-2012	Amend	3-1-2012
635-065-0733	1-1-2012	Amend	1-1-2012	660-007-0030	2-14-2012	Amend	3-1-2012
635-065-0740	1-1-2012	Amend	1-1-2012	660-007-0033	2-14-2012	Amend	3-1-2012
635-065-0760	1-1-2012	Amend	1-1-2012	660-007-0035	2-14-2012	Amend	3-1-2012
635-065-0765	7-23-2012	Amend(T)	9-1-2012	660-007-0037	2-14-2012	Amend	3-1-2012
635-065-0765	10-24-2012	Amend	12-1-2012	660-007-0045	2-14-2012	Amend	3-1-2012
635-065-0765	10-24-2012	Amend(T)	12-1-2012	660-007-0050	2-14-2012	Amend	3-1-2012
635-065-0765(T)	10-24-2012	Repeal	12-1-2012	660-007-0060	2-14-2012	Amend	3-1-2012
635-066-0000	1-1-2012	Amend	1-1-2012	660-008-0000	2-14-2012	Amend	3-1-2012
635-066-0010	1-1-2012	Amend	1-1-2012	660-008-0005	2-14-2012	Amend	3-1-2012
635-067-0000	1-1-2012	Amend	1-1-2012	660-008-0010	2-14-2012	Amend	3-1-2012
635-067-0000	6-11-2012	Amend	7-1-2012	660-008-0015	2-14-2012	Amend	3-1-2012
635-067-0004	1-1-2012	Amend	1-1-2012	660-008-0020	2-14-2012	Amend	3-1-2012
635-067-0030	1-1-2012	Amend	1-1-2012	660-008-0025	2-14-2012	Amend	3-1-2012
635-067-0030	8-16-2012	Amend(T)	10-1-2012	660-008-0030	2-14-2012	Amend	3-1-2012
635-067-0030	9-4-2012	Amend(T)	10-1-2012	660-008-0035	2-14-2012	Amend	3-1-2012
635-067-0040	1-1-2012	Amend	1-1-2012	660-008-0040	2-14-2012	Amend	3-1-2012
635-068-0000	3-1-2012	Amend	3-1-2012	660-012-0005	1-1-2012	Amend	2-1-2012
635-068-0000	6-11-2012	Amend	7-1-2012	660-012-0060	1-1-2012	Amend	2-1-2012
635-069-0000	2-1-2012	Amend	2-1-2012	660-018-0005	2-14-2012	Amend	3-1-2012
635-069-0000	6-11-2012	Amend	7-1-2012	660-018-0010	2-14-2012	Amend	3-1-2012
635-070-0000	4-1-2012	Amend	4-1-2012	660-018-0020	1-1-2012	Amend(T)	2-1-2012
635-070-0000	6-11-2012	Amend	7-1-2012	660-018-0020	2-14-2012	Amend	3-1-2012
635-071-0000	4-1-2012	Amend	4-1-2012	660-018-0020(T)	2-14-2012	Repeal	3-1-2012
635-071-0000	6-11-2012	Amend	7-1-2012	660-018-0021	1-1-2012	Amend(T)	2-1-2012
635-072-0000	1-1-2012	Amend	1-1-2012	660-018-0021	2-14-2012	Amend	3-1-2012
635-073-0000	2-1-2012	Amend	2-1-2012	660-018-0021(T)	2-14-2012	Repeal	3-1-2012

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660-018-0022	2-14-2012	Amend	3-1-2012	660-035-0020	6-15-2012	Amend	7-1-2012
660-018-0022(T)	2-14-2012	Repeal	3-1-2012	660-035-0030	6-15-2012	Amend	7-1-2012
660-018-0025	2-14-2012	Amend	3-1-2012	660-035-0040	6-15-2012	Repeal	7-1-2012
660-018-0030	2-14-2012	Repeal	3-1-2012	660-035-0050	6-15-2012	Amend	7-1-2012
660-018-0035	2-14-2012	Amend	3-1-2012	660-035-0060	6-15-2012	Amend	7-1-2012
660-018-0040	1-1-2012	Amend(T)	2-1-2012	660-035-0070	6-15-2012	Amend	7-1-2012
660-018-0040	2-14-2012	Amend	3-1-2012	660-035-0080	6-15-2012	Repeal	7-1-2012
660-018-0040(T)	2-14-2012	Repeal	3-1-2012	668-010-0015	4-12-2012	Amend	5-1-2012
660-018-0045	2-14-2012	Amend	3-1-2012	668-030-0020	4-12-2012	Amend	5-1-2012
660-018-0050	2-14-2012	Amend	3-1-2012	690-013-0100	2-1-2012	Amend	3-1-2012
660-018-0055	2-14-2012	Amend	3-1-2012	690-013-0310	2-1-2012	Amend	3-1-2012
660-018-0060	2-14-2012	Amend	3-1-2012	690-018-0050	2-1-2012	Amend	3-1-2012
660-018-0085	2-14-2012	Amend	3-1-2012	690-019-0080	2-1-2012	Amend	3-1-2012
660-018-0140	2-14-2012	Repeal	3-1-2012	690-053-0015	2-1-2012	Amend	3-1-2012
660-018-0150	2-14-2012	Amend	3-1-2012	690-053-0030	2-1-2012	Amend	3-1-2012
660-025-0010	2-14-2012	Amend	3-1-2012	690-053-0035	2-1-2012	Amend	3-1-2012
660-025-0020	2-14-2012	Amend	3-1-2012	690-077-0029	2-1-2012	Amend	3-1-2012
660-025-0030	2-14-2012	Amend	3-1-2012	690-077-0031	2-1-2012	Amend	3-1-2012
660-025-0035	2-14-2012	Amend	3-1-2012	690-077-0039	2-1-2012	Amend	3-1-2012
660-025-0040	2-14-2012	Amend	3-1-2012	690-077-0077	2-1-2012	Amend	3-1-2012
660-025-0050	2-14-2012	Amend	3-1-2012	690-240-0010	2-2-2012	Amend	3-1-2012
660-025-0060	2-14-2012	Amend	3-1-2012	690-240-0035	2-2-2012	Amend	3-1-2012
660-025-0070	2-14-2012	Amend	3-1-2012	690-240-0040	2-2-2012	Adopt	3-1-2012
660-025-0080	2-14-2012	Amend	3-1-2012	690-240-0043	2-2-2012	Adopt	3-1-2012
660-025-0085	2-14-2012	Amend	3-1-2012	690-240-0046	2-2-2012	Adopt	3-1-2012
660-025-0090	2-14-2012	Amend	3-1-2012	690-240-0049	2-2-2012	Adopt	3-1-2012
660-025-0100	2-14-2012	Amend	3-1-2012	690-300-0010	2-1-2012	Amend	3-1-2012
660-025-0110	2-14-2012	Amend	3-1-2012	690-310-0020	2-1-2012	Amend	3-1-2012
660-025-0130	2-14-2012	Amend	3-1-2012	690-310-0050	2-1-2012	Amend	3-1-2012
660-025-0140	2-14-2012	Amend	3-1-2012	690-310-0080	2-1-2012	Amend	3-1-2012
660-025-0150	2-14-2012	Amend	3-1-2012	690-310-0090	2-1-2012	Amend	3-1-2012
660-025-0160	2-14-2012	Amend	3-1-2012	690-310-0100	2-1-2012	Amend	3-1-2012
660-025-0170	2-14-2012	Amend	3-1-2012	690-310-0150	2-1-2012	Amend	3-1-2012
660-025-0175	2-14-2012	Amend	3-1-2012	690-315-0050	2-1-2012	Amend	3-1-2012
660-025-0180	2-14-2012	Amend	3-1-2012	690-330-0010	2-1-2012	Amend	3-1-2012
660-025-0210	2-14-2012	Amend	3-1-2012	690-380-2260	2-1-2012	Amend	3-1-2012
660-025-0220	2-14-2012	Amend	3-1-2012	690-380-3100	2-1-2012	Amend	3-1-2012
660-025-0230	2-14-2012	Amend	3-1-2012	690-380-4000	2-1-2012	Amend	3-1-2012
660-025-0250	2-14-2012	Amend	3-1-2012	690-380-4020	2-1-2012	Amend	3-1-2012
660-027-0070	2-14-2012	Amend	3-1-2012	690-380-6040	2-1-2012	Amend	3-1-2012
660-028-0010	2-14-2012	Amend	3-1-2012	690-382-0600	2-1-2012	Amend	3-1-2012
660-028-0020	2-14-2012	Amend	3-1-2012	690-382-0800	2-1-2012	Amend	3-1-2012
660-028-0030	2-14-2012	Amend	3-1-2012	690-385-4100	2-1-2012	Amend	3-1-2012
660-033-0030	12-20-2011	Amend	2-1-2012	690-385-4600	2-1-2012	Amend	3-1-2012
660-033-0030	2-14-2012	Amend	3-1-2012	690-385-7600	2-1-2012	Amend	3-1-2012
660-033-0045	2-14-2012	Adopt	3-1-2012	705-001-0000	3-28-2012	Adopt(T)	5-1-2012
660-033-0100	2-14-2012	Amend	3-1-2012	705-001-0000	9-20-2012	Adopt	11-1-2012
660-033-0120	11-23-2011	Amend	1-1-2012	705-001-0000(T)	9-20-2012	Repeal	11-1-2012
660-033-0120	2-14-2012	Amend	3-1-2012	705-001-0005	3-28-2012	Adopt(T)	5-1-2012
660-033-0130	11-23-2011	Amend	1-1-2012	705-001-0005	9-20-2012	Adopt	11-1-2012
660-033-0130	2-14-2012	Amend	3-1-2012	705-001-0005(T)	9-20-2012	Repeal	11-1-2012
660-033-0135	2-14-2012	Amend	3-1-2012	705-001-0010	3-28-2012	Adopt(T)	5-1-2012
660-035-0000	6-15-2012	Amend	7-1-2012	705-001-0010	9-20-2012	Adopt	11-1-2012
660-035-0005	6-15-2012	Adopt	7-1-2012	705-001-0010(T)	9-20-2012	Repeal	11-1-2012
660-035-0010	6-15-2012	Amend	7-1-2012	705-010-0005	3-29-2012	Adopt(T)	5-1-2012



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<b>OAR Number</b>	<b>Effective</b>	<b>Action</b>	<b>Bulletin</b>	<b>OAR Number</b>	<b>Effective</b>	<b>Action</b>	<b>Bulletin</b>
705-010-0005	9-21-2012	Adopt	11-1-2012	731-030-0050	6-27-2012	Amend	8-1-2012
705-010-0005(T)	9-21-2012	Repeal	11-1-2012	731-030-0080	6-27-2012	Repeal	8-1-2012
705-010-0010	3-29-2012	Adopt(T)	5-1-2012	731-030-0090	6-27-2012	Amend	8-1-2012
705-010-0010	9-21-2012	Adopt	11-1-2012	731-030-0100	6-27-2012	Amend	8-1-2012
705-010-0010(T)	9-21-2012	Repeal	11-1-2012	731-030-0110	6-27-2012	Amend	8-1-2012
705-010-0015	3-29-2012	Adopt(T)	5-1-2012	731-030-0120	6-27-2012	Amend	8-1-2012
705-010-0015	9-21-2012	Adopt	11-1-2012	731-030-0130	6-27-2012	Amend	8-1-2012
705-010-0015(T)	9-21-2012	Repeal	11-1-2012	731-030-0150	6-27-2012	Amend	8-1-2012
705-010-0020	3-29-2012	Adopt(T)	5-1-2012	731-030-0160	6-27-2012	Amend	8-1-2012
705-010-0020	9-21-2012	Adopt	11-1-2012	731-030-0170	6-27-2012	Adopt	8-1-2012
705-010-0020(T)	9-21-2012	Repeal	11-1-2012	731-035-0020	12-22-2011	Amend	2-1-2012
705-010-0025	3-29-2012	Adopt(T)	5-1-2012	731-035-0040	12-22-2011	Amend	2-1-2012
705-010-0025	9-21-2012	Adopt	11-1-2012	731-035-0050	12-22-2011	Amend	2-1-2012
705-010-0025(T)	9-21-2012	Repeal	11-1-2012	731-035-0060	12-22-2011	Amend	2-1-2012
705-010-0030	3-29-2012	Adopt(T)	5-1-2012	731-035-0070	12-22-2011	Amend	2-1-2012
705-010-0030	9-21-2012	Adopt	11-1-2012	731-035-0080	12-22-2011	Amend	2-1-2012
705-010-0030(T)	9-21-2012	Repeal	11-1-2012	731-040-0010	7-19-2012	Amend	9-1-2012
705-010-0035	3-29-2012	Adopt(T)	5-1-2012	731-040-0020	7-19-2012	Amend	9-1-2012
705-010-0035	9-21-2012	Adopt	11-1-2012	731-040-0030	7-19-2012	Amend	9-1-2012
705-010-0035(T)	9-21-2012	Repeal	11-1-2012	731-040-0040	7-19-2012	Repeal	9-1-2012
705-010-0040	3-29-2012	Adopt(T)	5-1-2012	731-040-0050	7-19-2012	Amend	9-1-2012
705-010-0040	9-21-2012	Adopt	11-1-2012	731-040-0052	7-19-2012	Adopt	9-1-2012
705-010-0040(T)	9-21-2012	Repeal	11-1-2012	731-040-0053	7-19-2012	Adopt	9-1-2012
705-010-0045	3-29-2012	Adopt(T)	5-1-2012	731-040-0054	7-19-2012	Adopt	9-1-2012
705-010-0045	9-21-2012	Adopt	11-1-2012	731-040-0055	7-19-2012	Adopt	9-1-2012
705-010-0045(T)	9-21-2012	Repeal	11-1-2012	731-040-0056	7-19-2012	Adopt	9-1-2012
705-010-0050	3-29-2012	Adopt(T)	5-1-2012	731-040-0057	7-19-2012	Adopt	9-1-2012
705-010-0050	9-21-2012	Adopt	11-1-2012	731-040-0058	7-19-2012	Adopt	9-1-2012
705-010-0050(T)	9-21-2012	Repeal	11-1-2012	731-040-0059	7-19-2012	Adopt	9-1-2012
705-010-0055	3-29-2012	Adopt(T)	5-1-2012	731-040-0060	7-19-2012	Repeal	9-1-2012
705-010-0055	9-21-2012	Adopt	11-1-2012	731-040-0062	7-19-2012	Adopt	9-1-2012
705-010-0055(T)	9-21-2012	Repeal	11-1-2012	731-040-0064	7-19-2012	Adopt	9-1-2012
705-010-0060	3-29-2012	Adopt(T)	5-1-2012	731-040-0070	7-19-2012	Repeal	9-1-2012
705-010-0060	9-21-2012	Adopt	11-1-2012	731-040-0080	7-19-2012	Repeal	9-1-2012
705-010-0060(T)	9-21-2012	Repeal	11-1-2012	731-080-0010	7-19-2012	Amend	9-1-2012
705-010-0065	9-21-2012	Adopt	11-1-2012	731-080-0020	7-19-2012	Amend	9-1-2012
705-010-0065(T)	9-21-2012	Repeal	11-1-2012	731-080-0030	7-19-2012	Amend	9-1-2012
705-010-0070	9-21-2012	Adopt	11-1-2012	731-080-0040	7-19-2012	Amend	9-1-2012
705-010-0070	10-11-2012	Amend(T)	11-1-2012	731-080-0050	7-19-2012	Repeal	9-1-2012
705-010-0070(T)	9-21-2012	Repeal	11-1-2012	731-080-0060	7-19-2012	Repeal	9-1-2012
705-010-0075	9-21-2012	Adopt	11-1-2012	731-080-0070	7-19-2012	Amend	9-1-2012
705-010-0075(T)	9-21-2012	Repeal	11-1-2012	731-080-0080	7-19-2012	Adopt	9-1-2012
705-050-0010	9-21-2012	Adopt	11-1-2012	731-146-0010	1-1-2012	Amend	2-1-2012
715-001-0000	7-2-2012	Adopt(T)	8-1-2012	731-146-0015	1-1-2012	Amend	2-1-2012
715-001-0005	7-2-2012	Adopt(T)	8-1-2012	731-146-0020	1-1-2012	Amend	2-1-2012
715-001-0010	7-2-2012	Adopt(T)	8-1-2012	731-146-0025	1-1-2012	Amend	2-1-2012
715-010-0005	7-3-2012	Adopt(T)	8-1-2012	731-146-0030	1-1-2012	Amend	2-1-2012
715-010-0010	7-3-2012	Adopt(T)	8-1-2012	731-146-0050	1-1-2012	Amend	2-1-2012
715-010-0020	7-3-2012	Adopt(T)	8-1-2012	731-146-0060	1-1-2012	Amend	2-1-2012
731-001-0005	2-21-2012	Amend(T)	4-1-2012	731-147-0010	1-1-2012	Amend	2-1-2012
731-001-0005	7-19-2012	Amend	9-1-2012	731-147-0040	1-1-2012	Amend	2-1-2012
731-003-0005	3-21-2012	Adopt	5-1-2012	731-147-0060	1-1-2012	Repeal	2-1-2012
731-003-0005(T)	3-21-2012	Repeal	5-1-2012	731-148-0010	1-1-2012	Amend	2-1-2012
731-030-0010	6-27-2012	Amend	8-1-2012	731-148-0020	1-1-2012	Repeal	2-1-2012
731-030-0030	6-27-2012	Amend	8-1-2012	731-149-0010	1-1-2012	Amend	2-1-2012
731-030-0040	6-27-2012	Amend	8-1-2012	733-030-0500	10-11-2012	Amend	11-1-2012

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<b>OAR Number</b>	<b>Effective</b>	<b>Action</b>	<b>Bulletin</b>	<b>OAR Number</b>	<b>Effective</b>	<b>Action</b>	<b>Bulletin</b>
734-005-0005	1-1-2012	Adopt	2-1-2012	734-051-0125	6-29-2012	Repeal	8-1-2012
734-005-0010	1-1-2012	Adopt	2-1-2012	734-051-0135	1-1-2012	Suspend	2-1-2012
734-005-0015	1-1-2012	Adopt	2-1-2012	734-051-0135	6-29-2012	Repeal	8-1-2012
734-010-0240	7-19-2012	Amend	9-1-2012	734-051-0145	1-1-2012	Suspend	2-1-2012
734-020-0005	12-22-2011	Amend	2-1-2012	734-051-0145	6-29-2012	Repeal	8-1-2012
734-020-0018	1-27-2012	Adopt	3-1-2012	734-051-0155	1-1-2012	Suspend	2-1-2012
734-020-0019	1-27-2012	Adopt	3-1-2012	734-051-0155	6-29-2012	Repeal	8-1-2012
734-020-0019	9-27-2012	Amend	11-1-2012	734-051-0165	1-1-2012	Suspend	2-1-2012
734-020-0020	3-26-2012	Amend	5-1-2012	734-051-0165	6-29-2012	Repeal	8-1-2012
734-020-0025	3-26-2012	Repeal	5-1-2012	734-051-0175	1-1-2012	Suspend	2-1-2012
734-020-0032	3-26-2012	Repeal	5-1-2012	734-051-0175	6-29-2012	Repeal	8-1-2012
734-020-0034	3-26-2012	Repeal	5-1-2012	734-051-0185	1-1-2012	Suspend	2-1-2012
734-020-0055	12-22-2011	Repeal	2-1-2012	734-051-0185	6-29-2012	Repeal	8-1-2012
734-020-0135	3-26-2012	Repeal	5-1-2012	734-051-0195	1-1-2012	Suspend	2-1-2012
734-020-0140	3-26-2012	Repeal	5-1-2012	734-051-0195	6-29-2012	Repeal	8-1-2012
734-020-0400	3-26-2012	Amend	5-1-2012	734-051-0205	1-1-2012	Suspend	2-1-2012
734-020-0420	3-26-2012	Amend	5-1-2012	734-051-0205	6-29-2012	Repeal	8-1-2012
734-020-0430	3-26-2012	Amend	5-1-2012	734-051-0215	1-1-2012	Suspend	2-1-2012
734-020-0440	3-26-2012	Repeal	5-1-2012	734-051-0215	6-29-2012	Repeal	8-1-2012
734-020-0450	3-26-2012	Repeal	5-1-2012	734-051-0225	1-1-2012	Suspend	2-1-2012
734-020-0460	3-26-2012	Repeal	5-1-2012	734-051-0225	6-29-2012	Repeal	8-1-2012
734-020-0470	3-26-2012	Amend	5-1-2012	734-051-0245	1-1-2012	Suspend	2-1-2012
734-020-0480	3-26-2012	Amend	5-1-2012	734-051-0245	6-29-2012	Repeal	8-1-2012
734-020-0485	3-26-2012	Adopt	5-1-2012	734-051-0255	1-1-2012	Suspend	2-1-2012
734-020-0490	3-26-2012	Repeal	5-1-2012	734-051-0255	6-29-2012	Repeal	8-1-2012
734-020-0500	3-26-2012	Amend	5-1-2012	734-051-0265	1-1-2012	Suspend	2-1-2012
734-026-0010	1-1-2012	Adopt	2-1-2012	734-051-0265	6-29-2012	Repeal	8-1-2012
734-026-0020	1-1-2012	Adopt	2-1-2012	734-051-0275	1-1-2012	Suspend	2-1-2012
734-026-0030	1-1-2012	Adopt	2-1-2012	734-051-0275	6-29-2012	Repeal	8-1-2012
734-026-0040	1-1-2012	Adopt	2-1-2012	734-051-0285	1-1-2012	Suspend	2-1-2012
734-026-0045	1-1-2012	Adopt	2-1-2012	734-051-0285	6-29-2012	Repeal	8-1-2012
734-035-0010	2-24-2012	Amend	4-1-2012	734-051-0295	1-1-2012	Suspend	2-1-2012
734-035-0040	2-24-2012	Amend	4-1-2012	734-051-0295	6-29-2012	Repeal	8-1-2012
734-051-0010	1-1-2012	Suspend	2-1-2012	734-051-0305	1-1-2012	Suspend	2-1-2012
734-051-0010	6-29-2012	Repeal	8-1-2012	734-051-0305	6-29-2012	Repeal	8-1-2012
734-051-0020	1-1-2012	Suspend	2-1-2012	734-051-0315	1-1-2012	Suspend	2-1-2012
734-051-0020	6-29-2012	Repeal	8-1-2012	734-051-0315	6-29-2012	Repeal	8-1-2012
734-051-0035	1-1-2012	Suspend	2-1-2012	734-051-0325	1-1-2012	Suspend	2-1-2012
734-051-0035	6-29-2012	Repeal	8-1-2012	734-051-0325	6-29-2012	Repeal	8-1-2012
734-051-0040	1-1-2012	Suspend	2-1-2012	734-051-0335	1-1-2012	Suspend	2-1-2012
734-051-0040	6-29-2012	Repeal	8-1-2012	734-051-0335	6-29-2012	Repeal	8-1-2012
734-051-0045	1-1-2012	Suspend	2-1-2012	734-051-0345	1-1-2012	Suspend	2-1-2012
734-051-0045	6-29-2012	Repeal	8-1-2012	734-051-0345	6-29-2012	Repeal	8-1-2012
734-051-0070	1-1-2012	Suspend	2-1-2012	734-051-0355	1-1-2012	Suspend	2-1-2012
734-051-0070	6-29-2012	Repeal	8-1-2012	734-051-0355	6-29-2012	Repeal	8-1-2012
734-051-0080	1-1-2012	Suspend	2-1-2012	734-051-0500	1-1-2012	Suspend	2-1-2012
734-051-0080	6-29-2012	Repeal	8-1-2012	734-051-0500	6-29-2012	Repeal	8-1-2012
734-051-0085	1-1-2012	Suspend	2-1-2012	734-051-0510	1-1-2012	Suspend	2-1-2012
734-051-0085	6-29-2012	Repeal	8-1-2012	734-051-0510	6-29-2012	Repeal	8-1-2012
734-051-0095	1-1-2012	Suspend	2-1-2012	734-051-0520	1-1-2012	Suspend	2-1-2012
734-051-0095	6-29-2012	Repeal	8-1-2012	734-051-0520	6-29-2012	Repeal	8-1-2012
734-051-0105	1-1-2012	Suspend	2-1-2012	734-051-0530	1-1-2012	Suspend	2-1-2012
734-051-0105	6-29-2012	Repeal	8-1-2012	734-051-0530	6-29-2012	Repeal	8-1-2012
734-051-0115	1-1-2012	Suspend	2-1-2012	734-051-0540	1-1-2012	Suspend	2-1-2012
734-051-0115	6-29-2012	Repeal	8-1-2012	734-051-0540	6-29-2012	Repeal	8-1-2012
734-051-0125	1-1-2012	Suspend	2-1-2012	734-051-0550	1-1-2012	Suspend	2-1-2012

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OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
734-051-0550	6-29-2012	Repeal	8-1-2012	734-051-3080	6-29-2012	Adopt	8-1-2012
734-051-0560	1-1-2012	Suspend	2-1-2012	734-051-3080(T)	6-29-2012	Repeal	8-1-2012
734-051-0560	6-29-2012	Repeal	8-1-2012	734-051-3090	1-1-2012	Adopt(T)	2-1-2012
734-051-1010	1-1-2012	Adopt(T)	2-1-2012	734-051-3090	6-29-2012	Adopt	8-1-2012
734-051-1010	6-29-2012	Adopt	8-1-2012	734-051-3090(T)	6-29-2012	Repeal	8-1-2012
734-051-1010(T)	6-29-2012	Repeal	8-1-2012	734-051-3100	1-1-2012	Adopt(T)	2-1-2012
734-051-1020	1-1-2012	Adopt(T)	2-1-2012	734-051-3100	6-29-2012	Adopt	8-1-2012
734-051-1020	6-29-2012	Adopt	8-1-2012	734-051-3100(T)	6-29-2012	Repeal	8-1-2012
734-051-1020(T)	6-29-2012	Repeal	8-1-2012	734-051-3110	1-1-2012	Adopt(T)	2-1-2012
734-051-1030	1-1-2012	Adopt(T)	2-1-2012	734-051-3110	6-29-2012	Adopt	8-1-2012
734-051-1030	6-29-2012	Adopt	8-1-2012	734-051-3110(T)	6-29-2012	Repeal	8-1-2012
734-051-1030(T)	6-29-2012	Repeal	8-1-2012	734-051-4010	1-1-2012	Adopt(T)	2-1-2012
734-051-1040	6-29-2012	Adopt	8-1-2012	734-051-4010	6-29-2012	Adopt	8-1-2012
734-051-1040(T)	6-29-2012	Repeal	8-1-2012	734-051-4010(T)	6-29-2012	Repeal	8-1-2012
734-051-1050	1-1-2012	Adopt(T)	2-1-2012	734-051-4020	1-1-2012	Adopt(T)	2-1-2012
734-051-1050	6-29-2012	Adopt	8-1-2012	734-051-4020	6-29-2012	Adopt	8-1-2012
734-051-1050(T)	6-29-2012	Repeal	8-1-2012	734-051-4020(T)	6-29-2012	Repeal	8-1-2012
734-051-1060	1-1-2012	Adopt(T)	2-1-2012	734-051-4030	1-1-2012	Adopt(T)	2-1-2012
734-051-1060	6-29-2012	Adopt	8-1-2012	734-051-4030	6-29-2012	Adopt	8-1-2012
734-051-1060(T)	6-29-2012	Repeal	8-1-2012	734-051-4030(T)	6-29-2012	Repeal	8-1-2012
734-051-1070	1-1-2012	Adopt(T)	2-1-2012	734-051-4040	1-1-2012	Adopt(T)	2-1-2012
734-051-1070	6-29-2012	Adopt	8-1-2012	734-051-4040	6-29-2012	Adopt	8-1-2012
734-051-1070(T)	6-29-2012	Repeal	8-1-2012	734-051-4040(T)	6-29-2012	Repeal	8-1-2012
734-051-2010	1-1-2012	Adopt(T)	2-1-2012	734-051-4050	1-1-2012	Adopt(T)	2-1-2012
734-051-2010	6-29-2012	Adopt	8-1-2012	734-051-4050	6-29-2012	Adopt	8-1-2012
734-051-2010(T)	6-29-2012	Repeal	8-1-2012	734-051-4050(T)	6-29-2012	Repeal	8-1-2012
734-051-2020	1-1-2012	Adopt(T)	2-1-2012	734-051-5010	1-1-2012	Adopt(T)	2-1-2012
734-051-2020	6-29-2012	Adopt	8-1-2012	734-051-5010	6-29-2012	Adopt	8-1-2012
734-051-2020(T)	6-29-2012	Repeal	8-1-2012	734-051-5010(T)	6-29-2012	Repeal	8-1-2012
734-051-2030	1-1-2012	Adopt(T)	2-1-2012	734-051-5020	1-1-2012	Adopt(T)	2-1-2012
734-051-2030	6-29-2012	Adopt	8-1-2012	734-051-5020	6-29-2012	Adopt	8-1-2012
734-051-2030(T)	6-29-2012	Repeal	8-1-2012	734-051-5020(T)	6-29-2012	Repeal	8-1-2012
734-051-3010	1-1-2012	Adopt(T)	2-1-2012	734-051-5030	1-1-2012	Adopt(T)	2-1-2012
734-051-3010	6-29-2012	Adopt	8-1-2012	734-051-5030	6-29-2012	Adopt	8-1-2012
734-051-3010(T)	6-29-2012	Repeal	8-1-2012	734-051-5030(T)	6-29-2012	Repeal	8-1-2012
734-051-3020	1-1-2012	Adopt(T)	2-1-2012	734-051-5040	1-1-2012	Adopt(T)	2-1-2012
734-051-3020	5-3-2012	Amend(T)	6-1-2012	734-051-5040	6-29-2012	Adopt	8-1-2012
734-051-3020	6-29-2012	Adopt	8-1-2012	734-051-5040(T)	6-29-2012	Repeal	8-1-2012
734-051-3020(T)	5-3-2012	Suspend	6-1-2012	734-051-5050	1-1-2012	Adopt(T)	2-1-2012
734-051-3020(T)	6-29-2012	Repeal	8-1-2012	734-051-5050	6-29-2012	Adopt	8-1-2012
734-051-3030	1-1-2012	Adopt(T)	2-1-2012	734-051-5050(T)	6-29-2012	Repeal	8-1-2012
734-051-3030	6-29-2012	Adopt	8-1-2012	734-051-5060	1-1-2012	Adopt(T)	2-1-2012
734-051-3030(T)	6-29-2012	Repeal	8-1-2012	734-051-5060	6-29-2012	Adopt	8-1-2012
734-051-3040	1-1-2012	Adopt(T)	2-1-2012	734-051-5060(T)	6-29-2012	Repeal	8-1-2012
734-051-3040	6-29-2012	Adopt	8-1-2012	734-051-5070	1-1-2012	Adopt(T)	2-1-2012
734-051-3040(T)	6-29-2012	Repeal	8-1-2012	734-051-5070	6-29-2012	Adopt	8-1-2012
734-051-3050	1-1-2012	Adopt(T)	2-1-2012	734-051-5070(T)	6-29-2012	Repeal	8-1-2012
734-051-3050	6-29-2012	Adopt	8-1-2012	734-051-5080	1-1-2012	Adopt(T)	2-1-2012
734-051-3050(T)	6-29-2012	Repeal	8-1-2012	734-051-5080	6-29-2012	Adopt	8-1-2012
734-051-3060	1-1-2012	Adopt(T)	2-1-2012	734-051-5080(T)	6-29-2012	Repeal	8-1-2012
734-051-3060	6-29-2012	Adopt	8-1-2012	734-051-5090	1-1-2012	Adopt(T)	2-1-2012
734-051-3060(T)	6-29-2012	Repeal	8-1-2012	734-051-5090	6-29-2012	Adopt	8-1-2012
734-051-3070	1-1-2012	Adopt(T)	2-1-2012	734-051-5090(T)	6-29-2012	Repeal	8-1-2012
734-051-3070	6-29-2012	Adopt	8-1-2012	734-051-5100	1-1-2012	Adopt(T)	2-1-2012
734-051-3070(T)	6-29-2012	Repeal	8-1-2012	734-051-5100	6-29-2012	Adopt	8-1-2012
734-051-3080	1-1-2012	Adopt(T)	2-1-2012	734-051-5100(T)	6-29-2012	Repeal	8-1-2012



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734-051-5110	1-1-2012	Adopt(T)	2-1-2012	734-076-0075	1-27-2012	Amend	3-1-2012
734-051-5110	6-29-2012	Adopt	8-1-2012	734-076-0105	1-27-2012	Amend	3-1-2012
734-051-5110(T)	6-29-2012	Repeal	8-1-2012	734-076-0115	1-27-2012	Amend	3-1-2012
734-051-5120	1-1-2012	Adopt(T)	2-1-2012	734-076-0135	1-27-2012	Amend	3-1-2012
734-051-5120	6-29-2012	Adopt	8-1-2012	734-076-0145	1-27-2012	Amend	3-1-2012
734-051-5120(T)	6-29-2012	Repeal	8-1-2012	734-076-0155	1-27-2012	Amend	3-1-2012
734-051-6010	1-1-2012	Adopt(T)	2-1-2012	734-076-0165	1-27-2012	Amend	3-1-2012
734-051-6010	6-29-2012	Adopt	8-1-2012	734-076-0175	1-27-2012	Amend	3-1-2012
734-051-6010(T)	6-29-2012	Repeal	8-1-2012	734-082-0021	1-27-2012	Amend	3-1-2012
734-051-6020	1-1-2012	Adopt(T)	2-1-2012	735-001-0030	12-22-2011	Repeal	2-1-2012
734-051-6020	6-29-2012	Adopt	8-1-2012	735-001-0050	1-30-2012	Amend	3-1-2012
734-051-6020(T)	6-29-2012	Repeal	8-1-2012	735-010-0000	6-27-2012	Amend	8-1-2012
734-051-6030	1-1-2012	Adopt(T)	2-1-2012	735-010-0008	6-27-2012	Amend	8-1-2012
734-051-6030	6-29-2012	Adopt	8-1-2012	735-010-0010	6-27-2012	Amend	8-1-2012
734-051-6030(T)	6-29-2012	Repeal	8-1-2012	735-010-0030	1-30-2012	Amend	3-1-2012
734-051-6040	1-1-2012	Adopt(T)	2-1-2012	735-010-0030	6-27-2012	Amend	8-1-2012
734-051-6040	6-29-2012	Adopt	8-1-2012	735-010-0040	6-27-2012	Amend	8-1-2012
734-051-6040(T)	6-29-2012	Repeal	8-1-2012	735-012-0000	7-19-2012	Amend(T)	9-1-2012
734-051-6050	1-1-2012	Adopt(T)	2-1-2012	735-016-0080	12-22-2011	Repeal	2-1-2012
734-051-6050	6-29-2012	Adopt	8-1-2012	735-020-0010	2-21-2012	Amend	4-1-2012
734-051-6050(T)	6-29-2012	Repeal	8-1-2012	735-020-0012	2-21-2012	Amend	4-1-2012
734-051-6060	1-1-2012	Adopt(T)	2-1-2012	735-022-0120	5-18-2012	Repeal	7-1-2012
734-051-6060	6-29-2012	Adopt	8-1-2012	735-022-0130	5-18-2012	Adopt	7-1-2012
734-051-6060(T)	6-29-2012	Repeal	8-1-2012	735-030-0105	8-17-2012	Adopt	10-1-2012
734-051-6070	1-1-2012	Adopt(T)	2-1-2012	735-030-0330	1-1-2012	Amend	2-1-2012
734-051-6070	6-29-2012	Adopt	8-1-2012	735-032-0010	4-1-2012	Amend	5-1-2012
734-051-6070(T)	6-29-2012	Repeal	8-1-2012	735-032-0055	5-18-2012	Adopt	7-1-2012
734-051-7010	1-1-2012	Adopt(T)	2-1-2012	735-040-0030	1-1-2012	Amend	2-1-2012
734-051-7010	6-29-2012	Adopt	8-1-2012	735-040-0098	7-19-2012	Amend	9-1-2012
734-051-7010(T)	6-29-2012	Repeal	8-1-2012	735-050-0090	12-22-2011	Repeal	2-1-2012
734-060-0000	3-26-2012	Amend	5-1-2012	735-062-0002	1-30-2012	Amend	3-1-2012
734-060-0000(T)	3-26-2012	Repeal	5-1-2012	735-062-0005	1-1-2012	Amend	2-1-2012
734-060-0007	3-26-2012	Adopt	5-1-2012	735-062-0007	1-30-2012	Amend	3-1-2012
734-060-0007(T)	3-26-2012	Repeal	5-1-2012	735-062-0010	1-1-2012	Amend	2-1-2012
734-060-0010	3-26-2012	Amend	5-1-2012	735-062-0015	1-1-2012	Amend	2-1-2012
734-065-0015	3-26-2012	Amend	5-1-2012	735-062-0016	11-23-2011	Amend	1-1-2012
734-065-0020	3-26-2012	Amend	5-1-2012	735-062-0016	7-19-2012	Amend	9-1-2012
734-065-0025	3-26-2012	Amend	5-1-2012	735-062-0032	1-1-2012	Amend	2-1-2012
734-070-0010	1-27-2012	Amend	3-1-2012	735-062-0033	1-1-2012	Amend	2-1-2012
734-075-0005	1-27-2012	Amend	3-1-2012	735-062-0080	1-30-2012	Amend	3-1-2012
734-075-0008	1-27-2012	Amend	3-1-2012	735-062-0085	1-30-2012	Amend	3-1-2012
734-075-0010	1-27-2012	Amend	3-1-2012	735-062-0090	1-30-2012	Amend	3-1-2012
734-075-0011	1-27-2012	Amend	3-1-2012	735-062-0110	1-30-2012	Amend	3-1-2012
734-075-0015	1-27-2012	Amend	3-1-2012	735-062-0120	1-1-2012	Amend	2-1-2012
734-075-0020	1-27-2012	Amend	3-1-2012	735-062-0125	1-1-2012	Amend	2-1-2012
734-075-0022	1-27-2012	Amend	3-1-2012	735-062-0135	1-1-2012	Amend	2-1-2012
734-075-0025	1-27-2012	Amend	3-1-2012	735-062-0200	1-30-2012	Amend	3-1-2012
734-075-0035	1-27-2012	Amend	3-1-2012	735-063-0000	1-30-2012	Amend	3-1-2012
734-075-0036	1-27-2012	Amend	3-1-2012	735-063-0050	1-30-2012	Amend	3-1-2012
734-075-0037	1-27-2012	Amend	3-1-2012	735-063-0060	1-30-2012	Amend	3-1-2012
734-075-0040	1-27-2012	Amend	3-1-2012	735-063-0065	1-30-2012	Amend	3-1-2012
734-075-0041	1-27-2012	Amend	3-1-2012	735-063-0065	9-20-2012	Amend	11-1-2012
734-075-0045	1-27-2012	Amend	3-1-2012	735-063-0067	1-30-2012	Adopt	3-1-2012
734-075-0055	1-27-2012	Amend	3-1-2012	735-063-0067	9-20-2012	Amend	11-1-2012
734-075-0085	1-27-2012	Amend	3-1-2012	735-063-0070	9-20-2012	Amend	11-1-2012
734-076-0065	1-27-2012	Amend	3-1-2012	735-064-0085	12-22-2011	Repeal	2-1-2012

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735-064-0220	1-1-2012	Amend	2-1-2012	736-045-0006	5-4-2012	Adopt	6-1-2012
735-070-0004	11-23-2011	Amend	1-1-2012	736-045-0011	5-4-2012	Adopt	6-1-2012
735-070-0004	9-20-2012	Amend	11-1-2012	736-045-0100	5-4-2012	Adopt	6-1-2012
735-070-0010	1-1-2012	Amend	2-1-2012	736-045-0200	5-4-2012	Adopt	6-1-2012
735-070-0054	11-23-2011	Amend	1-1-2012	736-045-0300	5-4-2012	Adopt	6-1-2012
735-070-0085	3-26-2012	Amend(T)	5-1-2012	736-045-0305	5-4-2012	Adopt	6-1-2012
735-070-0085	7-19-2012	Amend	9-1-2012	736-045-0310	5-4-2012	Adopt	6-1-2012
735-072-0035	1-1-2012	Amend	2-1-2012	736-045-0320	5-4-2012	Adopt	6-1-2012
735-074-0140	1-1-2012	Amend	2-1-2012	736-045-0330	5-4-2012	Adopt	6-1-2012
735-076-0020	1-1-2012	Amend	2-1-2012	736-045-0340	5-4-2012	Adopt	6-1-2012
735-152-0000	1-1-2012	Amend	2-1-2012	736-045-0400	5-4-2012	Adopt	6-1-2012
735-152-0005	1-1-2012	Amend	2-1-2012	736-045-0405	5-4-2012	Adopt	6-1-2012
735-152-0020	1-1-2012	Amend	2-1-2012	736-045-0410	5-4-2012	Adopt	6-1-2012
735-152-0040	1-1-2012	Amend	2-1-2012	736-045-0412	5-4-2012	Adopt	6-1-2012
735-152-0050	1-1-2012	Amend	2-1-2012	736-045-0414	5-4-2012	Adopt	6-1-2012
735-152-0060	1-1-2012	Amend	2-1-2012	736-045-0416	5-4-2012	Adopt	6-1-2012
736-004-0005	2-15-2012	Amend	3-1-2012	736-045-0418	5-4-2012	Adopt	6-1-2012
736-004-0010	2-15-2012	Amend	3-1-2012	736-045-0420	5-4-2012	Adopt	6-1-2012
736-004-0015	2-15-2012	Amend	3-1-2012	736-045-0422	5-4-2012	Adopt	6-1-2012
736-004-0020	2-15-2012	Amend	3-1-2012	736-045-0424	5-4-2012	Adopt	6-1-2012
736-004-0025	2-15-2012	Amend	3-1-2012	736-045-0426	5-4-2012	Adopt	6-1-2012
736-004-0030	2-15-2012	Amend	3-1-2012	736-045-0428	5-4-2012	Adopt	6-1-2012
736-004-0045	2-15-2012	Amend	3-1-2012	736-045-0430	5-4-2012	Adopt	6-1-2012
736-004-0060	2-15-2012	Amend	3-1-2012	736-045-0432	5-4-2012	Adopt	6-1-2012
736-004-0062	2-15-2012	Amend	3-1-2012	736-045-0434	5-4-2012	Adopt	6-1-2012
736-004-0085	2-15-2012	Amend	3-1-2012	736-045-0436	5-4-2012	Adopt	6-1-2012
736-004-0090	2-15-2012	Amend	3-1-2012	736-045-0438	5-4-2012	Adopt	6-1-2012
736-004-0095	2-15-2012	Amend	3-1-2012	736-045-0440	5-4-2012	Adopt	6-1-2012
736-004-0100	2-15-2012	Amend	3-1-2012	736-045-0442	5-4-2012	Adopt	6-1-2012
736-004-0105	2-15-2012	Amend	3-1-2012	736-045-0444	5-4-2012	Adopt	6-1-2012
736-004-0115	2-15-2012	Amend	3-1-2012	736-045-0446	5-4-2012	Adopt	6-1-2012
736-004-0120	2-15-2012	Amend	3-1-2012	736-045-0448	5-4-2012	Adopt	6-1-2012
736-004-0125	2-15-2012	Amend	3-1-2012	736-045-0500	5-4-2012	Adopt	6-1-2012
736-004-0130	2-15-2012	Adopt	3-1-2012	736-045-0505	5-4-2012	Adopt	6-1-2012
736-006-0110	5-11-2012	Amend	6-1-2012	738-010-0025	2-28-2012	Amend(T)	4-1-2012
736-006-0115	5-11-2012	Amend	6-1-2012	738-040-0035	6-11-2012	Adopt(T)	7-1-2012
736-006-0125	5-11-2012	Amend	6-1-2012	740-035-0005	8-16-2012	Adopt	10-1-2012
736-006-0145	5-11-2012	Amend	6-1-2012	740-035-0015	8-16-2012	Adopt	10-1-2012
736-006-0150	5-11-2012	Amend	6-1-2012	740-040-0070	8-16-2012	Amend	10-1-2012
736-015-0006	6-26-2012	Amend(T)	8-1-2012	740-045-0060	10-23-2012	Amend	12-1-2012
736-015-0010	11-28-2011	Amend	1-1-2012	740-045-0065	10-23-2012	Adopt	12-1-2012
736-015-0020	11-28-2011	Amend	1-1-2012	740-045-0070	10-23-2012	Amend	12-1-2012
736-015-0026	11-28-2011	Amend	1-1-2012	740-045-0075	10-23-2012	Adopt	12-1-2012
736-015-0030	11-28-2011	Amend	1-1-2012	740-055-0010	12-22-2011	Amend	2-1-2012
736-016-0005	10-17-2012	Amend	12-1-2012	740-055-0025	8-16-2012	Adopt	10-1-2012
736-016-0010	10-17-2012	Amend	12-1-2012	740-055-0100	11-23-2011	Amend	1-1-2012
736-016-0012	10-17-2012	Adopt	12-1-2012	740-100-0010	4-1-2012	Amend	4-1-2012
736-016-0015	10-17-2012	Amend	12-1-2012	740-100-0010	5-18-2012	Amend	7-1-2012
736-016-0020	10-17-2012	Amend	12-1-2012	740-100-0065	4-1-2012	Amend	4-1-2012
736-016-0023	10-17-2012	Amend	12-1-2012	740-100-0070	4-1-2012	Amend	4-1-2012
736-016-0025	10-17-2012	Amend	12-1-2012	740-100-0080	4-1-2012	Amend	4-1-2012
736-017-0005	5-11-2012	Amend	6-1-2012	740-100-0085	4-1-2012	Amend	4-1-2012
736-017-0010	5-11-2012	Amend	6-1-2012	740-100-0090	4-1-2012	Amend	4-1-2012
736-017-0020	5-11-2012	Amend	6-1-2012	740-100-0100	1-1-2012	Amend	2-1-2012
736-017-0035	5-11-2012	Amend	6-1-2012	740-100-0230	4-23-2012	Amend	6-1-2012
736-018-0045	9-14-2012	Amend	10-1-2012	740-110-0010	4-1-2012	Amend	4-1-2012

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740-200-0020	2-21-2012	Amend	4-1-2012	804-020-0003	9-5-2012	Amend(T)	10-1-2012
740-200-0030	8-16-2012	Amend	10-1-2012	804-020-0010	9-5-2012	Amend(T)	10-1-2012
740-200-0040	2-21-2012	Amend	4-1-2012	804-020-0015	9-5-2012	Amend(T)	10-1-2012
740-300-0010	11-23-2011	Amend	1-1-2012	804-020-0030	9-5-2012	Amend(T)	10-1-2012
740-300-0060	3-26-2012	Amend	5-1-2012	804-020-0040	9-5-2012	Amend(T)	10-1-2012
741-040-0010	1-27-2012	Adopt	3-1-2012	804-020-0045	9-5-2012	Amend(T)	10-1-2012
741-040-0020	1-27-2012	Adopt	3-1-2012	804-020-0065	9-5-2012	Amend(T)	10-1-2012
741-040-0030	1-27-2012	Adopt	3-1-2012	804-022-0005	6-1-2012	Amend	7-1-2012
741-040-0040	1-27-2012	Adopt	3-1-2012	804-022-0010	6-1-2012	Amend	7-1-2012
741-040-0050	1-27-2012	Adopt	3-1-2012	804-040-0000	9-5-2012	Amend(T)	10-1-2012
741-040-0060	1-27-2012	Adopt	3-1-2012	806-001-0003	11-1-2012	Amend	12-1-2012
741-040-0070	1-27-2012	Adopt	3-1-2012	806-010-0045	1-4-2012	Amend	2-1-2012
800-010-0015	2-1-2012	Amend	3-1-2012	806-010-0060	8-13-2012	Amend	9-1-2012
800-010-0040	2-1-2012	Amend	3-1-2012	806-010-0090	8-13-2012	Amend	9-1-2012
800-015-0005	2-1-2012	Amend	3-1-2012	806-010-0105	8-13-2012	Amend	9-1-2012
800-015-0010	2-1-2012	Amend	3-1-2012	806-010-0145	8-13-2012	Amend	9-1-2012
800-015-0015	2-1-2012	Amend	3-1-2012	808-001-0005	5-30-2012	Amend	7-1-2012
800-015-0020	2-1-2012	Amend	3-1-2012	808-001-0008	8-2-2012	Amend	9-1-2012
800-015-0030	2-1-2012	Amend	3-1-2012	808-002-0020	1-1-2012	Amend	2-1-2012
800-020-0015	2-1-2012	Amend	3-1-2012	808-002-0390	1-1-2012	Adopt	2-1-2012
800-020-0022	2-1-2012	Amend	3-1-2012	808-002-0500	8-2-2012	Amend	9-1-2012
800-020-0025	2-1-2012	Amend	3-1-2012	808-002-0625	1-1-2012	Amend	2-1-2012
800-025-0020	2-1-2012	Amend	3-1-2012	808-003-0015	1-1-2012	Amend	2-1-2012
800-025-0027	2-1-2012	Amend	3-1-2012	808-003-0025	1-1-2012	Amend	2-1-2012
801-001-0035	1-1-2012	Amend	2-1-2012	808-003-0030	1-1-2012	Amend	2-1-2012
801-001-0045	1-1-2012	Adopt	2-1-2012	808-003-0040	1-1-2012	Amend	2-1-2012
801-005-0010	1-1-2012	Amend	2-1-2012	808-003-0065	1-1-2012	Amend	2-1-2012
801-005-0300	1-1-2012	Amend	2-1-2012	808-003-0090	1-1-2012	Amend	2-1-2012
801-010-0010	1-1-2012	Amend	2-1-2012	808-003-0126	1-1-2012	Adopt	2-1-2012
801-010-0040	1-1-2012	Amend	2-1-2012	808-003-0130	1-1-2012	Amend	2-1-2012
801-010-0050	1-1-2012	Amend	2-1-2012	808-003-0230	5-30-2012	Amend	7-1-2012
801-010-0065	1-1-2012	Amend	2-1-2012	808-003-0620	1-1-2012	Adopt	2-1-2012
801-010-0073	1-1-2012	Amend	2-1-2012	808-004-0320	1-1-2012	Amend	2-1-2012
801-010-0075	1-1-2012	Amend	2-1-2012	808-005-0020	1-1-2012	Amend	2-1-2012
801-010-0079	1-1-2012	Amend	2-1-2012	808-040-0020	1-1-2012	Amend	2-1-2012
801-010-0080	1-1-2012	Amend	2-1-2012	808-040-0020	4-1-2012	Amend	5-1-2012
801-010-0085	1-1-2012	Amend	2-1-2012	808-040-0025	4-1-2012	Amend	5-1-2012
801-010-0110	1-1-2012	Amend	2-1-2012	808-040-0050	4-1-2012	Amend(T)	5-1-2012
801-010-0115	1-1-2012	Amend	2-1-2012	808-040-0050	8-2-2012	Amend	9-1-2012
801-010-0120	1-1-2012	Amend	2-1-2012	808-040-0050(T)	8-2-2012	Repeal	9-1-2012
801-010-0125	1-1-2012	Amend	2-1-2012	808-040-0080	1-1-2012	Amend	2-1-2012
801-010-0130	1-1-2012	Amend	2-1-2012	808-040-0080	4-1-2012	Amend	5-1-2012
801-010-0190	1-1-2012	Am. & Ren.	2-1-2012	809-001-0005	6-15-2012	Amend	7-1-2012
801-010-0340	1-1-2012	Amend	2-1-2012	809-003-0000	6-15-2012	Amend	7-1-2012
801-010-0345	1-1-2012	Amend	2-1-2012	809-015-0020	6-15-2012	Adopt	7-1-2012
801-040-0010	1-1-2012	Amend	2-1-2012	809-030-0005	6-15-2012	Amend	7-1-2012
801-040-0020	1-1-2012	Amend	2-1-2012	809-030-0015	6-15-2012	Amend	7-1-2012
801-040-0090	1-1-2012	Amend	2-1-2012	809-030-0020	6-15-2012	Amend	7-1-2012
801-040-0100	1-1-2012	Amend	2-1-2012	809-050-0000	6-15-2012	Amend	7-1-2012
801-040-0160	1-1-2012	Amend	2-1-2012	809-050-0010	6-15-2012	Amend	7-1-2012
801-050-0010	1-1-2012	Amend	2-1-2012	811-001-0005	10-15-2012	Amend	11-1-2012
801-050-0020	1-1-2012	Amend	2-1-2012	811-001-0010	10-15-2012	Amend	11-1-2012
801-050-0040	1-1-2012	Amend	2-1-2012	811-010-0110	5-31-2012	Amend	7-1-2012
804-001-0005	5-23-2012	Amend	7-1-2012	812-001-0120	5-1-2012	Amend	6-1-2012
804-010-0000	9-5-2012	Amend(T)	10-1-2012	812-001-0140	5-1-2012	Amend	6-1-2012



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OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
812-002-0060	5-1-2012	Amend	6-1-2012	812-007-0350	3-2-2012	Amend	4-1-2012
812-002-0100	5-1-2012	Amend	6-1-2012	812-008-0000	1-1-2012	Amend	1-1-2012
812-002-0160	5-1-2012	Amend	6-1-2012	812-008-0020	1-1-2012	Amend	1-1-2012
812-002-0250	5-1-2012	Amend	6-1-2012	812-008-0030	1-1-2012	Amend	1-1-2012
812-002-0260	1-1-2012	Amend	1-1-2012	812-009-0010	11-1-2012	Amend	12-1-2012
812-002-0360	5-1-2012	Amend	6-1-2012	812-009-0060	5-1-2012	Amend	6-1-2012
812-002-0443	3-2-2012	Amend	4-1-2012	812-009-0085	5-1-2012	Amend	6-1-2012
812-002-0673	5-1-2012	Amend	6-1-2012	812-009-0090	5-1-2012	Amend	6-1-2012
812-002-0700	5-1-2012	Amend	6-1-2012	812-009-0185	5-1-2012	Adopt	6-1-2012
812-002-0800	5-1-2012	Amend	6-1-2012	812-009-0300	5-1-2012	Amend	6-1-2012
812-004-0200	5-1-2012	Amend	6-1-2012	812-009-0350	5-1-2012	Adopt	6-1-2012
812-004-0560	5-1-2012	Amend	6-1-2012	812-021-0005	1-13-2012	Amend(T)	2-1-2012
812-004-1001	5-1-2012	Amend	6-1-2012	812-021-0005	5-1-2012	Amend	6-1-2012
812-004-1110	5-1-2012	Amend	6-1-2012	812-021-0005(T)	5-1-2012	Repeal	6-1-2012
812-004-1120	5-1-2012	Amend	6-1-2012	812-021-0015	11-18-2011	Amend(T)	1-1-2012
812-004-1140	5-1-2012	Amend	6-1-2012	812-021-0015	3-2-2012	Amend	4-1-2012
812-004-1160	5-1-2012	Amend	6-1-2012	812-021-0015(T)	3-2-2012	Repeal	4-1-2012
812-004-1180	5-1-2012	Amend	6-1-2012	812-021-0019	3-2-2012	Amend	4-1-2012
812-004-1195	5-1-2012	Amend	6-1-2012	812-021-0025	2-9-2012	Amend(T)	3-1-2012
812-004-1210	5-1-2012	Amend	6-1-2012	812-021-0025	3-2-2012	Amend	4-1-2012
812-004-1240	5-1-2012	Amend	6-1-2012	812-021-0025	5-1-2012	Amend	6-1-2012
812-004-1250	5-1-2012	Amend	6-1-2012	812-021-0025(T)	3-2-2012	Repeal	4-1-2012
812-004-1260	5-1-2012	Amend	6-1-2012	812-021-0030	2-9-2012	Amend(T)	3-1-2012
812-004-1300	5-1-2012	Amend	6-1-2012	812-021-0030	5-1-2012	Amend	6-1-2012
812-004-1320	5-1-2012	Amend	6-1-2012	812-021-0030(T)	5-1-2012	Repeal	6-1-2012
812-004-1340	5-1-2012	Amend	6-1-2012	812-021-0031	2-9-2012	Amend(T)	3-1-2012
812-004-1350	5-1-2012	Amend	6-1-2012	812-021-0031	5-1-2012	Amend	6-1-2012
812-004-1360	5-1-2012	Amend	6-1-2012	812-021-0031(T)	5-1-2012	Repeal	6-1-2012
812-004-1400	5-1-2012	Amend	6-1-2012	812-021-0037	11-1-2012	Amend	12-1-2012
812-004-1420	5-1-2012	Amend	6-1-2012	812-021-0040	3-2-2012	Amend	4-1-2012
812-004-1440	5-1-2012	Amend	6-1-2012	812-021-0040	11-1-2012	Amend	12-1-2012
812-004-1450	5-1-2012	Amend	6-1-2012	812-025-0020	11-1-2012	Amend	12-1-2012
812-004-1460	5-1-2012	Amend	6-1-2012	813-004-0001	10-15-2012	Adopt(T)	11-1-2012
812-004-1480	5-1-2012	Amend	6-1-2012	813-004-0002	10-15-2012	Adopt(T)	11-1-2012
812-004-1490	5-1-2012	Amend	6-1-2012	813-006-0025	4-2-2012	Amend(T)	5-1-2012
812-004-1500	5-1-2012	Amend	6-1-2012	813-020-0005	3-27-2012	Amend	5-1-2012
812-004-1505	5-1-2012	Amend	6-1-2012	813-020-0005(T)	3-27-2012	Repeal	5-1-2012
812-004-1510	5-1-2012	Amend	6-1-2012	813-020-0010	3-27-2012	Repeal	5-1-2012
812-004-1520	5-1-2012	Amend	6-1-2012	813-020-0015	3-27-2012	Repeal	5-1-2012
812-004-1530	5-1-2012	Amend	6-1-2012	813-020-0016	3-27-2012	Repeal	5-1-2012
812-004-1537	5-1-2012	Amend	6-1-2012	813-020-0017	3-27-2012	Renumber	5-1-2012
812-004-1600	5-1-2012	Amend	6-1-2012	813-020-0020	3-27-2012	Amend	5-1-2012
812-005-0100	5-1-2012	Amend	6-1-2012	813-020-0020(T)	3-27-2012	Repeal	5-1-2012
812-005-0110	5-1-2012	Amend	6-1-2012	813-020-0024	3-27-2012	Renumber	5-1-2012
812-005-0140	3-2-2012	Amend	4-1-2012	813-020-0025	3-27-2012	Amend	5-1-2012
812-005-0140(T)	3-2-2012	Repeal	4-1-2012	813-020-0025(T)	3-27-2012	Repeal	5-1-2012
812-005-0210	5-1-2012	Amend	6-1-2012	813-020-0030	3-27-2012	Renumber	5-1-2012
812-005-0250	3-2-2012	Amend	4-1-2012	813-020-0032	3-27-2012	Renumber	5-1-2012
812-005-0270	5-1-2012	Amend	6-1-2012	813-020-0033	3-27-2012	Repeal	5-1-2012
812-005-0280	5-1-2012	Amend	6-1-2012	813-020-0035	3-27-2012	Amend	5-1-2012
812-005-0800	1-1-2012	Amend	1-1-2012	813-020-0035(T)	3-27-2012	Repeal	5-1-2012
812-005-0800	3-2-2012	Amend	4-1-2012	813-020-0040	3-27-2012	Renumber	5-1-2012
812-005-0800	5-1-2012	Amend	6-1-2012	813-020-0041	3-27-2012	Renumber	5-1-2012
812-007-0020	3-2-2012	Amend	4-1-2012	813-020-0042	3-27-2012	Renumber	5-1-2012
812-007-0020	11-1-2012	Amend	12-1-2012	813-020-0045	3-27-2012	Amend	5-1-2012
812-007-0302	3-2-2012	Amend	4-1-2012	813-020-0045(T)	3-27-2012	Repeal	5-1-2012

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813-020-0050	3-27-2012	Renumber	5-1-2012	818-042-0100	7-1-2012	Amend	7-1-2012
813-020-0051	3-27-2012	Renumber	5-1-2012	820-001-0015	9-14-2012	Amend	10-1-2012
813-020-0060	3-27-2012	Amend	5-1-2012	820-010-0204	5-10-2012	Amend	6-1-2012
813-020-0060(T)	3-27-2012	Repeal	5-1-2012	820-010-0206	5-10-2012	Amend	6-1-2012
813-020-0070	3-27-2012	Amend	5-1-2012	820-010-0208	5-10-2012	Amend	6-1-2012
813-020-0070(T)	3-27-2012	Repeal	5-1-2012	820-010-0209	5-10-2012	Amend	6-1-2012
813-044-0000	3-27-2012	Amend	5-1-2012	820-010-0210	5-10-2012	Amend	6-1-2012
813-044-0000(T)	3-27-2012	Repeal	5-1-2012	820-010-0212	5-10-2012	Amend	6-1-2012
813-044-0010	3-27-2012	Repeal	5-1-2012	820-010-0213	5-10-2012	Amend	6-1-2012
813-044-0020	3-27-2012	Repeal	5-1-2012	820-010-0214	5-10-2012	Amend	6-1-2012
813-044-0030	3-27-2012	Amend	5-1-2012	820-010-0215	5-10-2012	Amend	6-1-2012
813-044-0030(T)	3-27-2012	Repeal	5-1-2012	820-010-0215	9-14-2012	Amend	10-1-2012
813-044-0040	3-27-2012	Amend	5-1-2012	820-010-0225	9-14-2012	Amend	10-1-2012
813-044-0040(T)	3-27-2012	Repeal	5-1-2012	820-010-0226	9-14-2012	Amend	10-1-2012
813-044-0050	3-27-2012	Amend	5-1-2012	820-010-0260	5-10-2012	Amend	6-1-2012
813-044-0050(T)	3-27-2012	Repeal	5-1-2012	820-010-0300	5-10-2012	Amend	6-1-2012
813-044-0055	3-27-2012	Adopt	5-1-2012	820-010-0305	3-16-2012	Amend(T)	5-1-2012
813-044-0055(T)	3-27-2012	Repeal	5-1-2012	820-010-0305	5-10-2012	Amend	6-1-2012
813-044-0060	3-27-2012	Repeal	5-1-2012	820-010-0305(T)	5-10-2012	Repeal	6-1-2012
813-140-0096	4-11-2012	Amend	5-1-2012	820-010-0415	9-14-2012	Amend	10-1-2012
817-020-0001	9-1-2012	Adopt	10-1-2012	820-010-0440	9-14-2012	Amend	10-1-2012
817-020-0006	9-1-2012	Amend	10-1-2012	820-010-0442	5-10-2012	Amend	6-1-2012
817-020-0007	9-1-2012	Adopt	10-1-2012	820-010-0444	9-14-2012	Amend	10-1-2012
817-020-0009	9-1-2012	Adopt	10-1-2012	820-010-0463	9-14-2012	Amend	10-1-2012
817-020-0015	9-1-2012	Repeal	10-1-2012	820-010-0465	5-10-2012	Amend	6-1-2012
817-030-0003	9-1-2012	Adopt	10-1-2012	820-010-0470	9-14-2012	Amend	10-1-2012
817-035-0010	9-1-2012	Amend	10-1-2012	820-010-0505	3-16-2012	Amend(T)	5-1-2012
817-035-0048	9-1-2012	Adopt	10-1-2012	820-010-0505	5-10-2012	Amend	6-1-2012
817-035-0050	9-1-2012	Amend	10-1-2012	820-010-0505(T)	5-10-2012	Repeal	6-1-2012
817-035-0052	9-1-2012	Adopt	10-1-2012	820-010-0520	5-10-2012	Amend	6-1-2012
817-035-0068	9-1-2012	Adopt	10-1-2012	820-010-0530	5-10-2012	Amend	6-1-2012
817-035-0070	9-1-2012	Amend	10-1-2012	820-010-0621	5-10-2012	Amend	6-1-2012
817-035-0090	9-1-2012	Amend	10-1-2012	820-010-0622	5-10-2012	Amend	6-1-2012
817-090-0025	3-12-2012	Amend(T)	4-1-2012	820-010-0622	7-13-2012	Amend	8-1-2012
817-090-0025	9-1-2012	Amend	10-1-2012	820-010-0730	5-10-2012	Adopt	6-1-2012
817-090-0025(T)	9-1-2012	Repeal	10-1-2012	820-020-0040	9-14-2012	Amend	10-1-2012
817-090-0035	3-12-2012	Amend(T)	4-1-2012	830-011-0000	4-1-2012	Amend	5-1-2012
817-090-0035	9-1-2012	Amend	10-1-2012	830-011-0020	4-1-2012	Amend	5-1-2012
817-090-0035(T)	9-1-2012	Repeal	10-1-2012	830-011-0070	4-1-2012	Amend	5-1-2012
817-090-0045	3-12-2012	Amend(T)	4-1-2012	830-020-0030	4-1-2012	Amend	5-1-2012
817-090-0045	9-1-2012	Amend	10-1-2012	830-020-0040	4-1-2012	Amend	5-1-2012
817-090-0045(T)	9-1-2012	Repeal	10-1-2012	830-020-0050	4-1-2012	Amend	5-1-2012
817-090-0105	3-12-2012	Amend(T)	4-1-2012	830-030-0000	4-1-2012	Amend	5-1-2012
817-090-0105	9-1-2012	Amend	10-1-2012	830-030-0008	4-1-2012	Amend	5-1-2012
817-090-0105(T)	9-1-2012	Repeal	10-1-2012	830-030-0010	4-1-2012	Amend	5-1-2012
817-120-0005	3-12-2012	Amend(T)	4-1-2012	830-030-0030	4-1-2012	Amend	5-1-2012
817-120-0005	9-1-2012	Amend	10-1-2012	830-030-0040	4-1-2012	Amend	5-1-2012
817-120-0005(T)	9-1-2012	Repeal	10-1-2012	830-030-0050	4-1-2012	Amend	5-1-2012
818-001-0087	1-27-2012	Amend	3-1-2012	830-030-0090	4-1-2012	Amend	5-1-2012
818-021-0085	7-1-2012	Amend	7-1-2012	830-030-0100	4-1-2012	Amend	5-1-2012
818-026-0030	7-1-2012	Amend	7-1-2012	830-040-0000	4-1-2012	Amend	5-1-2012
818-026-0055	7-1-2012	Amend	7-1-2012	830-040-0010	4-1-2012	Amend	5-1-2012
818-035-0065	7-1-2012	Amend	7-1-2012	830-040-0020	4-1-2012	Amend	5-1-2012
818-035-0066	7-1-2012	Adopt	7-1-2012	830-040-0040	4-1-2012	Amend	5-1-2012
818-042-0020	7-1-2012	Amend	7-1-2012	830-040-0050	4-1-2012	Amend	5-1-2012
818-042-0040	7-1-2012	Amend	7-1-2012	833-010-0001	11-1-2012	Amend	12-1-2012

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833-020-0021	5-15-2012	Amend	6-1-2012	836-029-0015	11-7-2012	Adopt	12-1-2012
833-020-0075	5-15-2012	Adopt	6-1-2012	836-029-0015(T)	11-7-2012	Repeal	12-1-2012
833-020-0201	10-1-2012	Amend	10-1-2012	836-029-0020	7-1-2012	Adopt(T)	7-1-2012
833-020-0201	10-11-2012	Amend	11-1-2012	836-029-0020	11-7-2012	Adopt	12-1-2012
833-020-0401	10-1-2012	Adopt	10-1-2012	836-029-0020(T)	11-7-2012	Repeal	12-1-2012
833-020-0401	11-1-2012	Amend	12-1-2012	836-029-0025	7-1-2012	Adopt(T)	7-1-2012
833-020-0501	11-1-2012	Adopt	12-1-2012	836-029-0025	11-7-2012	Adopt	12-1-2012
833-050-0031	10-1-2012	Amend	10-1-2012	836-029-0025(T)	11-7-2012	Repeal	12-1-2012
833-060-0012	10-1-2012	Amend	10-1-2012	836-029-0030	7-1-2012	Adopt(T)	7-1-2012
833-080-0011	10-1-2012	Amend	10-1-2012	836-029-0030	11-7-2012	Adopt	12-1-2012
833-100-0041	10-1-2012	Amend	10-1-2012	836-029-0030(T)	11-7-2012	Repeal	12-1-2012
833-100-0051	11-1-2012	Amend	12-1-2012	836-029-0035	7-1-2012	Adopt(T)	7-1-2012
833-120-0011	12-15-2011	Amend	1-1-2012	836-029-0035	11-7-2012	Adopt	12-1-2012
833-120-0021	12-15-2011	Amend	1-1-2012	836-029-0035(T)	11-7-2012	Repeal	12-1-2012
833-120-0031	12-15-2011	Amend	1-1-2012	836-029-0040	7-1-2012	Adopt(T)	7-1-2012
833-120-0041	12-15-2011	Amend	1-1-2012	836-029-0040	11-7-2012	Adopt	12-1-2012
834-001-0000	8-17-2012	Repeal	10-1-2012	836-029-0040(T)	11-7-2012	Repeal	12-1-2012
834-001-0005	8-17-2012	Repeal	10-1-2012	836-029-0045	7-1-2012	Adopt(T)	7-1-2012
834-010-0005	8-17-2012	Repeal	10-1-2012	836-029-0045	11-7-2012	Adopt	12-1-2012
834-010-0010	8-17-2012	Repeal	10-1-2012	836-029-0045(T)	11-7-2012	Repeal	12-1-2012
834-010-0015	8-17-2012	Repeal	10-1-2012	836-029-0050	7-1-2012	Adopt(T)	7-1-2012
834-010-0019	8-17-2012	Repeal	10-1-2012	836-029-0050	11-7-2012	Adopt	12-1-2012
834-010-0025	8-17-2012	Repeal	10-1-2012	836-029-0050(T)	11-7-2012	Repeal	12-1-2012
834-010-0030	8-17-2012	Repeal	10-1-2012	836-029-0055	7-1-2012	Adopt(T)	7-1-2012
834-010-0035	8-17-2012	Repeal	10-1-2012	836-029-0055	11-7-2012	Adopt	12-1-2012
834-010-0040	8-17-2012	Repeal	10-1-2012	836-029-0055(T)	11-7-2012	Repeal	12-1-2012
834-010-0045	8-17-2012	Repeal	10-1-2012	836-029-0060	7-1-2012	Adopt(T)	7-1-2012
834-010-0050	8-17-2012	Repeal	10-1-2012	836-029-0060	11-7-2012	Adopt	12-1-2012
834-010-0055	8-17-2012	Repeal	10-1-2012	836-029-0060(T)	11-7-2012	Repeal	12-1-2012
834-010-0065	8-17-2012	Repeal	10-1-2012	836-029-0065	7-1-2012	Adopt(T)	7-1-2012
834-020-0000	8-17-2012	Adopt	10-1-2012	836-029-0065	11-7-2012	Adopt	12-1-2012
834-030-0000	8-17-2012	Adopt	10-1-2012	836-029-0065(T)	11-7-2012	Repeal	12-1-2012
834-030-0010	8-17-2012	Adopt	10-1-2012	836-029-0070	7-1-2012	Adopt(T)	7-1-2012
834-040-0000	3-28-2012	Adopt	5-1-2012	836-029-0070	11-7-2012	Adopt	12-1-2012
834-050-0000	8-17-2012	Adopt	10-1-2012	836-029-0070(T)	11-7-2012	Repeal	12-1-2012
834-050-0010	8-17-2012	Adopt	10-1-2012	836-029-0075	7-1-2012	Adopt(T)	7-1-2012
834-060-0000	8-17-2012	Adopt	10-1-2012	836-029-0075	11-7-2012	Adopt	12-1-2012
834-060-0010	8-17-2012	Adopt	10-1-2012	836-029-0075(T)	11-7-2012	Repeal	12-1-2012
836-005-0107	3-27-2012	Amend	5-1-2012	836-029-0080	7-1-2012	Adopt(T)	7-1-2012
836-009-0007	7-1-2012	Amend(T)	7-1-2012	836-029-0080	11-7-2012	Adopt	12-1-2012
836-009-0007	11-7-2012	Amend	12-1-2012	836-029-0080(T)	11-7-2012	Repeal	12-1-2012
836-010-0000	1-1-2012	Amend	2-1-2012	836-029-0085	7-1-2012	Adopt(T)	7-1-2012
836-010-0011	1-1-2012	Amend	2-1-2012	836-029-0085	11-7-2012	Adopt	12-1-2012
836-010-0012	1-1-2012	Repeal	2-1-2012	836-029-0085(T)	11-7-2012	Repeal	12-1-2012
836-011-0000	2-7-2012	Amend	3-1-2012	836-029-0090	7-1-2012	Adopt(T)	7-1-2012
836-011-0600	2-16-2012	Adopt	4-1-2012	836-029-0090	11-7-2012	Adopt	12-1-2012
836-029-0000	7-1-2012	Adopt(T)	7-1-2012	836-029-0090(T)	11-7-2012	Repeal	12-1-2012
836-029-0000	11-7-2012	Adopt	12-1-2012	836-029-0095	7-1-2012	Adopt(T)	7-1-2012
836-029-0000(T)	11-7-2012	Repeal	12-1-2012	836-029-0095	11-7-2012	Adopt	12-1-2012
836-029-0005	7-1-2012	Adopt(T)	7-1-2012	836-029-0095(T)	11-7-2012	Repeal	12-1-2012
836-029-0005	11-7-2012	Adopt	12-1-2012	836-029-0100	7-1-2012	Adopt(T)	7-1-2012
836-029-0005(T)	11-7-2012	Repeal	12-1-2012	836-029-0100	11-7-2012	Adopt	12-1-2012
836-029-0010	7-1-2012	Adopt(T)	7-1-2012	836-029-0100(T)	11-7-2012	Repeal	12-1-2012
836-029-0010	11-7-2012	Adopt	12-1-2012	836-029-0105	7-1-2012	Adopt(T)	7-1-2012
836-029-0010(T)	11-7-2012	Repeal	12-1-2012	836-029-0105	11-7-2012	Adopt	12-1-2012
836-029-0015	7-1-2012	Adopt(T)	7-1-2012	836-029-0105(T)	11-7-2012	Repeal	12-1-2012



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836-029-0110	7-1-2012	Adopt(T)	7-1-2012	836-053-1035	12-19-2011	Adopt	2-1-2012
836-029-0110	11-7-2012	Adopt	12-1-2012	836-053-1060	12-19-2011	Amend	2-1-2012
836-029-0110(T)	11-7-2012	Repeal	12-1-2012	836-053-1070	12-19-2011	Amend	2-1-2012
836-029-0115	7-1-2012	Adopt(T)	7-1-2012	836-053-1080	12-19-2011	Amend	2-1-2012
836-029-0115	11-7-2012	Adopt	12-1-2012	836-053-1100	12-19-2011	Amend	2-1-2012
836-029-0115(T)	11-7-2012	Repeal	12-1-2012	836-053-1110	12-19-2011	Amend	2-1-2012
836-029-0120	7-1-2012	Adopt(T)	7-1-2012	836-053-1140	12-19-2011	Amend	2-1-2012
836-029-0120	11-7-2012	Adopt	12-1-2012	836-053-1310	12-19-2011	Amend	2-1-2012
836-029-0120(T)	11-7-2012	Repeal	12-1-2012	836-053-1340	12-19-2011	Amend	2-1-2012
836-042-0040	1-1-2013	Amend	9-1-2012	836-053-1342	12-19-2011	Amend	2-1-2012
836-042-0043	1-1-2013	Amend	9-1-2012	836-053-1350	12-19-2011	Amend	2-1-2012
836-042-0045	1-1-2013	Amend	9-1-2012	836-071-0108	11-7-2012	Amend	12-1-2012
836-043-0101	1-1-2013	Amend	9-1-2012	836-071-0110	8-1-2012	Amend(T)	8-1-2012
836-043-0105	1-1-2013	Amend	9-1-2012	836-071-0110	11-7-2012	Amend	12-1-2012
836-043-0110	1-1-2013	Amend	9-1-2012	836-071-0118	8-1-2012	Amend(T)	8-1-2012
836-043-0115	1-1-2013	Amend	9-1-2012	836-071-0118	11-7-2012	Amend	12-1-2012
836-043-0120	1-1-2013	Amend	9-1-2012	836-071-0130	8-1-2012	Amend(T)	8-1-2012
836-043-0125	1-1-2013	Amend	9-1-2012	836-071-0130	11-7-2012	Amend	12-1-2012
836-043-0130	1-1-2013	Amend	9-1-2012	836-071-0140	8-1-2012	Amend(T)	8-1-2012
836-043-0135	1-1-2013	Amend	9-1-2012	836-071-0140	11-7-2012	Amend	12-1-2012
836-043-0140	1-1-2013	Repeal	9-1-2012	836-071-0220	8-1-2012	Amend(T)	8-1-2012
836-043-0145	1-1-2013	Amend	9-1-2012	836-071-0220	11-7-2012	Amend	12-1-2012
836-043-0150	1-1-2013	Amend	9-1-2012	836-071-0225	8-1-2012	Amend(T)	8-1-2012
836-043-0155	1-1-2013	Amend	9-1-2012	836-071-0225	11-7-2012	Amend	12-1-2012
836-043-0165	1-1-2013	Amend	9-1-2012	836-071-0235	8-1-2012	Amend(T)	8-1-2012
836-043-0170	1-1-2013	Amend	9-1-2012	836-071-0235	11-7-2012	Amend	12-1-2012
836-043-0175	1-1-2013	Amend	9-1-2012	836-071-0240	8-1-2012	Amend(T)	8-1-2012
836-043-0180	1-1-2013	Amend	9-1-2012	836-071-0240	11-7-2012	Amend	12-1-2012
836-043-0185	1-1-2013	Amend	9-1-2012	836-071-0355	8-1-2012	Amend(T)	8-1-2012
836-043-0190	1-1-2013	Repeal	9-1-2012	836-071-0355	11-7-2012	Amend	12-1-2012
836-052-0138	1-1-2013	Amend	4-1-2012	836-071-0360	8-1-2012	Amend(T)	8-1-2012
836-052-0143	1-1-2013	Adopt	4-1-2012	836-071-0360	11-7-2012	Amend	12-1-2012
836-052-0508	2-14-2012	Amend	3-1-2012	836-071-0500	1-1-2012	Amend	2-1-2012
836-052-0768	2-14-2012	Adopt	3-1-2012	836-071-0501	1-1-2012	Adopt	2-1-2012
836-052-0770	2-14-2012	Adopt	3-1-2012	836-071-0550	1-1-2012	Adopt	2-1-2012
836-052-0900	1-13-2012	Suspend	2-1-2012	836-071-0560	1-1-2012	Adopt	2-1-2012
836-052-0900	5-1-2012	Repeal	6-1-2012	836-071-0560	8-1-2012	Amend(T)	8-1-2012
836-052-1000	4-5-2012	Amend	5-1-2012	836-071-0560	11-7-2012	Amend	12-1-2012
836-053-0410	12-19-2011	Amend	2-1-2012	836-071-0565	1-1-2012	Adopt	2-1-2012
836-053-0415	12-19-2011	Adopt	2-1-2012	836-071-0565	8-1-2012	Amend(T)	8-1-2012
836-053-0471	8-1-2012	Amend	9-1-2012	836-071-0565	11-7-2012	Amend	12-1-2012
836-053-0825	12-19-2011	Adopt	2-1-2012	836-071-0570	1-1-2012	Adopt	2-1-2012
836-053-0830	12-19-2011	Adopt	2-1-2012	836-072-0010	8-1-2012	Amend(T)	8-1-2012
836-053-0851	12-19-2011	Amend	2-1-2012	836-072-0010	11-7-2012	Amend	12-1-2012
836-053-0856	12-19-2011	Repeal	2-1-2012	836-075-0000	8-1-2012	Amend(T)	8-1-2012
836-053-0857	12-19-2011	Adopt	2-1-2012	836-075-0000	11-7-2012	Amend	12-1-2012
836-053-0861	12-19-2011	Repeal	2-1-2012	836-075-0030	8-1-2012	Amend(T)	8-1-2012
836-053-0862	12-19-2011	Adopt	2-1-2012	836-075-0030	11-7-2012	Amend	12-1-2012
836-053-0862	4-15-2012	Suspend	5-1-2012	836-080-0337	6-7-2012	Amend	7-1-2012
836-053-0862	8-24-2012	Repeal	10-1-2012	836-200-0250	1-1-2012	Adopt	1-1-2012
836-053-0863	4-15-2012	Adopt(T)	5-1-2012	836-200-0255	1-1-2012	Adopt	1-1-2012
836-053-0863	8-24-2012	Adopt	10-1-2012	836-200-0300	1-1-2012	Adopt	1-1-2012
836-053-0866	12-19-2011	Repeal	2-1-2012	836-200-0305	1-1-2012	Adopt	1-1-2012
836-053-1000	12-19-2011	Amend	2-1-2012	836-200-0310	1-1-2012	Adopt	1-1-2012
836-053-1030	12-19-2011	Amend	2-1-2012	836-200-0315	1-1-2012	Adopt	1-1-2012
836-053-1033	12-19-2011	Adopt	2-1-2012	837-012-0515	2-6-2012	Amend(T)	3-1-2012

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837-020-0040	10-2-2012	Amend	11-1-2012	839-003-0005	10-10-2012	Amend	11-1-2012
837-020-0080	1-24-2012	Amend	3-1-2012	839-003-0025	6-13-2012	Amend(T)	7-1-2012
837-020-0085	1-24-2012	Amend	3-1-2012	839-003-0025	8-8-2012	Amend	9-1-2012
837-020-0115	1-24-2012	Amend	3-1-2012	839-003-0031	6-13-2012	Adopt(T)	7-1-2012
837-020-0125	10-2-2012	Amend	11-1-2012	839-003-0031	8-8-2012	Adopt	9-1-2012
837-030-0120	10-2-2012	Amend	11-1-2012	839-003-0200	6-13-2012	Amend(T)	7-1-2012
837-030-0130	10-2-2012	Amend	11-1-2012	839-003-0200	8-8-2012	Amend	9-1-2012
837-030-0140	10-2-2012	Amend	11-1-2012	839-003-0200	8-8-2012	Amend(T)	9-1-2012
837-030-0150	10-2-2012	Amend	11-1-2012	839-003-0200	10-10-2012	Amend	11-1-2012
837-030-0160	10-2-2012	Amend	11-1-2012	839-005-0033	1-1-2012	Renumber	2-1-2012
837-030-0170	10-2-2012	Amend	11-1-2012	839-005-0033	2-8-2012	Am. & Ren.	3-1-2012
837-030-0190	10-2-2012	Amend	11-1-2012	839-005-0075	1-1-2012	Adopt	2-1-2012
837-030-0200	10-2-2012	Amend	11-1-2012	839-005-0075	2-8-2012	Adopt	3-1-2012
837-030-0210	10-2-2012	Amend	11-1-2012	839-005-0130	1-1-2012	Adopt	2-1-2012
837-030-0220	10-2-2012	Amend	11-1-2012	839-005-0130	2-8-2012	Adopt	3-1-2012
837-030-0230	10-2-2012	Amend	11-1-2012	839-005-0135	1-1-2012	Adopt	2-1-2012
837-030-0235	10-2-2012	Amend	11-1-2012	839-005-0135	2-8-2012	Adopt	3-1-2012
837-030-0240	10-2-2012	Amend	11-1-2012	839-005-0160	1-1-2012	Amend	2-1-2012
837-030-0250	10-2-2012	Amend	11-1-2012	839-005-0160	2-8-2012	Amend	3-1-2012
837-030-0260	10-2-2012	Amend	11-1-2012	839-005-0170	1-1-2012	Amend	2-1-2012
837-030-0270	10-2-2012	Amend	11-1-2012	839-005-0170	2-8-2012	Amend	3-1-2012
837-035-0000	1-24-2012	Amend	3-1-2012	839-006-0440	1-1-2012	Amend	2-1-2012
837-035-0060	1-24-2012	Amend	3-1-2012	839-006-0440	2-8-2012	Amend	3-1-2012
837-035-0080	1-24-2012	Amend	3-1-2012	839-006-0450	1-1-2012	Amend	2-1-2012
837-035-0100	1-24-2012	Amend	3-1-2012	839-006-0450	2-8-2012	Amend	3-1-2012
837-035-0160	1-24-2012	Amend	3-1-2012	839-006-0455	1-1-2012	Amend	2-1-2012
837-035-0200	1-24-2012	Amend	3-1-2012	839-006-0455	2-8-2012	Amend	3-1-2012
837-035-0220	1-24-2012	Amend	3-1-2012	839-006-0470	1-1-2012	Amend	2-1-2012
837-035-0240	1-24-2012	Amend	3-1-2012	839-006-0470	2-8-2012	Amend	3-1-2012
837-039-0040	6-27-2012	Amend	8-1-2012	839-006-0480	1-1-2012	Amend	2-1-2012
837-040-0020	2-10-2012	Amend(T)	3-1-2012	839-006-0480	2-8-2012	Amend	3-1-2012
837-040-0020	3-1-2012	Amend	3-1-2012	839-009-0325	1-1-2012	Amend	2-1-2012
837-040-0020	8-2-2012	Amend	7-1-2012	839-009-0325	2-8-2012	Amend	3-1-2012
837-090-1145	1-1-2013	Amend(T)	12-1-2012	839-009-0330	1-1-2012	Amend	2-1-2012
839-001-0300	1-1-2012	Adopt	2-1-2012	839-009-0330	2-8-2012	Amend	3-1-2012
839-001-0560	1-1-2012	Amend	2-1-2012	839-009-0340	1-1-2012	Amend	2-1-2012
839-002-0001	1-1-2012	Amend	2-1-2012	839-009-0340	2-8-2012	Amend	3-1-2012
839-002-0002	1-1-2012	Amend	2-1-2012	839-009-0345	1-1-2012	Amend	2-1-2012
839-002-0005	1-1-2012	Amend	2-1-2012	839-009-0345	2-8-2012	Amend	3-1-2012
839-002-0015	1-1-2012	Amend	2-1-2012	839-009-0355	1-1-2012	Amend	2-1-2012
839-002-0020	1-1-2012	Amend	2-1-2012	839-009-0355	2-8-2012	Amend	3-1-2012
839-002-0025	1-1-2012	Amend	2-1-2012	839-009-0360	1-1-2012	Amend	2-1-2012
839-002-0030	1-1-2012	Amend	2-1-2012	839-009-0360	2-8-2012	Amend	3-1-2012
839-002-0035	1-1-2012	Amend	2-1-2012	839-009-0362	1-1-2012	Amend	2-1-2012
839-002-0040	1-1-2012	Amend	2-1-2012	839-009-0362	2-8-2012	Amend	3-1-2012
839-002-0045	1-1-2012	Amend	2-1-2012	839-009-0365	1-1-2012	Amend	2-1-2012
839-002-0050	1-1-2012	Amend	2-1-2012	839-009-0365	2-8-2012	Amend	3-1-2012
839-002-0055	1-1-2012	Amend	2-1-2012	839-011-0020	1-3-2012	Amend	2-1-2012
839-002-0060	1-1-2012	Amend	2-1-2012	839-011-0050	1-3-2012	Amend	2-1-2012
839-002-0065	1-1-2012	Amend	2-1-2012	839-011-0051	1-3-2012	Amend	2-1-2012
839-002-0070	1-1-2012	Amend	2-1-2012	839-011-0060	1-3-2012	Amend	2-1-2012
839-002-0075	1-1-2012	Amend	2-1-2012	839-011-0070	1-3-2012	Amend	2-1-2012
839-002-0080	1-1-2012	Amend	2-1-2012	839-011-0072	1-3-2012	Amend	2-1-2012
839-003-0005	6-13-2012	Amend(T)	7-1-2012	839-011-0074	1-3-2012	Amend	2-1-2012
839-003-0005	8-8-2012	Amend	9-1-2012	839-011-0082	1-3-2012	Amend	2-1-2012

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839-011-0088	1-3-2012	Amend	2-1-2012	847-001-0005	2-7-2012	Amend(T)	3-1-2012
839-011-0090	1-3-2012	Amend	2-1-2012	847-001-0005(T)	4-17-2012	Repeal	6-1-2012
839-011-0140	1-3-2012	Amend	2-1-2012	847-001-0007	2-10-2012	Adopt	3-1-2012
839-011-0141	1-3-2012	Amend	2-1-2012	847-001-0007	8-3-2012	Amend	9-1-2012
839-011-0142	1-3-2012	Amend	2-1-2012	847-001-0010	2-7-2012	Amend(T)	3-1-2012
839-011-0143	1-3-2012	Amend	2-1-2012	847-001-0010(T)	4-17-2012	Repeal	6-1-2012
839-011-0145	1-3-2012	Amend	2-1-2012	847-001-0015	2-7-2012	Amend(T)	3-1-2012
839-011-0162	1-3-2012	Amend	2-1-2012	847-001-0015	4-17-2012	Amend	6-1-2012
839-011-0170	8-15-2012	Amend(T)	9-1-2012	847-001-0015(T)	4-17-2012	Repeal	6-1-2012
839-011-0175	1-3-2012	Amend	2-1-2012	847-001-0020	2-7-2012	Amend(T)	3-1-2012
839-011-0265	1-3-2012	Amend	2-1-2012	847-001-0020	4-17-2012	Amend	6-1-2012
839-011-0270	1-3-2012	Amend	2-1-2012	847-001-0020(T)	4-17-2012	Repeal	6-1-2012
839-011-0290	1-3-2012	Amend	2-1-2012	847-001-0022	2-7-2012	Amend(T)	3-1-2012
839-011-0310	1-3-2012	Amend	2-1-2012	847-001-0022(T)	4-17-2012	Repeal	6-1-2012
839-011-0320	1-3-2012	Amend	2-1-2012	847-001-0025	2-7-2012	Amend(T)	3-1-2012
839-011-0334	1-3-2012	Amend	2-1-2012	847-001-0025	10-22-2012	Repeal	12-1-2012
839-025-0700	1-1-2012	Amend	2-1-2012	847-001-0025(T)	4-17-2012	Repeal	6-1-2012
839-025-0700	3-29-2012	Amend	5-1-2012	847-001-0030	2-7-2012	Amend(T)	3-1-2012
839-025-0700	7-2-2012	Amend	8-1-2012	847-001-0030	4-17-2012	Amend	6-1-2012
839-025-0700	10-1-2012	Amend	11-1-2012	847-001-0030(T)	4-17-2012	Repeal	6-1-2012
839-025-0750	10-1-2012	Amend	11-1-2012	847-003-0100	8-3-2012	Adopt	9-1-2012
839-050-0040	1-1-2012	Amend	2-1-2012	847-005-0005	1-1-2012	Amend(T)	2-1-2012
839-050-0310	1-1-2012	Amend	2-1-2012	847-005-0005	2-10-2012	Amend	3-1-2012
839-050-0340	1-1-2012	Amend	2-1-2012	847-005-0005	3-2-2012	Amend(T)	4-1-2012
845-001-0007	6-1-2012	Amend	6-1-2012	847-005-0005	8-3-2012	Amend	9-1-2012
845-003-0200	9-1-2012	Amend	9-1-2012	847-005-0005	10-12-2012	Amend(T)	11-1-2012
845-003-0210	9-1-2012	Amend	9-1-2012	847-005-0005(T)	2-10-2012	Repeal	3-1-2012
845-003-0220	9-1-2012	Amend	9-1-2012	847-005-0005(T)	8-3-2012	Repeal	9-1-2012
845-003-0270	9-1-2012	Amend	9-1-2012	847-008-0010	4-17-2012	Amend	6-1-2012
845-003-0331	9-1-2012	Amend	9-1-2012	847-008-0015	8-3-2012	Amend	9-1-2012
845-003-0340	9-1-2012	Amend	9-1-2012	847-008-0018	8-3-2012	Amend	9-1-2012
845-003-0460	9-1-2012	Amend	9-1-2012	847-008-0040	1-1-2012	Amend(T)	1-1-2012
845-003-0590	9-1-2012	Amend	9-1-2012	847-008-0040	2-10-2012	Amend	3-1-2012
845-003-0670	9-1-2012	Amend	9-1-2012	847-008-0040	8-3-2012	Amend	9-1-2012
845-005-0325	11-1-2012	Amend	12-1-2012	847-008-0040(T)	2-10-2012	Repeal	3-1-2012
845-005-0413	4-5-2012	Amend(T)	5-1-2012	847-008-0070	8-3-2012	Amend	9-1-2012
845-005-0413	10-1-2012	Amend	10-1-2012	847-010-0081	10-22-2012	Amend	12-1-2012
845-005-0425	1-1-2012	Amend	1-1-2012	847-015-0035	10-22-2012	Amend	12-1-2012
845-005-0440	11-1-2012	Amend	12-1-2012	847-020-0155	2-10-2012	Amend	3-1-2012
845-006-0335	5-1-2012	Amend	5-1-2012	847-020-0155	3-2-2012	Amend(T)	4-1-2012
845-006-0392	5-1-2012	Amend	5-1-2012	847-020-0155	8-3-2012	Amend	9-1-2012
845-006-0396	5-1-2012	Amend	5-1-2012	847-020-0155(T)	2-10-2012	Repeal	3-1-2012
845-009-0135	1-1-2012	Amend	1-1-2012	847-020-0155(T)	8-3-2012	Repeal	9-1-2012
845-015-0101	1-1-2012	Amend	1-1-2012	847-020-0170	8-3-2012	Amend	9-1-2012
845-015-0101	4-1-2012	Amend	5-1-2012	847-020-0180	8-3-2012	Amend	9-1-2012
845-015-0105	4-1-2012	Amend	5-1-2012	847-020-0182	8-3-2012	Adopt	9-1-2012
845-015-0115	4-1-2012	Amend	5-1-2012	847-035-0001	10-22-2012	Amend	12-1-2012
845-015-0118	4-1-2012	Amend	5-1-2012	847-035-0011	4-17-2012	Amend	6-1-2012
845-015-0120	1-1-2012	Amend	1-1-2012	847-035-0011	10-22-2012	Amend	12-1-2012
845-015-0185	1-1-2012	Amend	1-1-2012	847-035-0012	10-22-2012	Amend	12-1-2012
845-015-0190	1-1-2012	Amend	1-1-2012	847-035-0020	2-10-2012	Amend	3-1-2012
845-015-0196	1-1-2012	Amend	1-1-2012	847-035-0020	10-22-2012	Amend	12-1-2012
845-015-0210	1-1-2012	Adopt	1-1-2012	847-035-0025	10-22-2012	Amend	12-1-2012
847-001-0000	2-7-2012	Amend(T)	3-1-2012	847-035-0030	4-17-2012	Amend	6-1-2012
847-001-0000	4-17-2012	Amend	6-1-2012	847-035-0030	10-22-2012	Amend	12-1-2012



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847-050-0005	1-1-2012	Amend(T)	1-1-2012	847-050-0046(T)	2-10-2012	Repeal	3-1-2012
847-050-0005	2-10-2012	Amend	3-1-2012	847-050-0050	1-1-2012	Amend(T)	1-1-2012
847-050-0005(T)	2-10-2012	Repeal	3-1-2012	847-050-0050	2-10-2012	Amend	3-1-2012
847-050-0010	1-1-2012	Amend(T)	1-1-2012	847-050-0050(T)	2-10-2012	Repeal	3-1-2012
847-050-0010	2-10-2012	Amend	3-1-2012	847-050-0055	1-1-2012	Amend(T)	1-1-2012
847-050-0010(T)	2-10-2012	Repeal	3-1-2012	847-050-0055	2-10-2012	Amend	3-1-2012
847-050-0015	1-1-2012	Amend(T)	1-1-2012	847-050-0055(T)	2-10-2012	Repeal	3-1-2012
847-050-0015	2-10-2012	Amend	3-1-2012	847-050-0060	1-1-2012	Amend(T)	1-1-2012
847-050-0015(T)	2-10-2012	Repeal	3-1-2012	847-050-0060	2-10-2012	Amend	3-1-2012
847-050-0020	1-1-2012	Amend(T)	1-1-2012	847-050-0060(T)	2-10-2012	Repeal	3-1-2012
847-050-0020	2-10-2012	Amend	3-1-2012	847-050-0063	1-1-2012	Amend(T)	1-1-2012
847-050-0020(T)	2-10-2012	Repeal	3-1-2012	847-050-0063	2-10-2012	Amend	3-1-2012
847-050-0023	1-1-2012	Amend(T)	1-1-2012	847-050-0063	10-22-2012	Amend	12-1-2012
847-050-0023	2-10-2012	Amend	3-1-2012	847-050-0063(T)	2-10-2012	Repeal	3-1-2012
847-050-0023(T)	2-10-2012	Repeal	3-1-2012	847-050-0065	1-1-2012	Amend(T)	1-1-2012
847-050-0025	1-1-2012	Amend(T)	1-1-2012	847-050-0065	2-10-2012	Amend	3-1-2012
847-050-0025	2-10-2012	Amend	3-1-2012	847-050-0065	6-1-2012	Amend(T)	6-1-2012
847-050-0025(T)	2-10-2012	Repeal	3-1-2012	847-050-0065	11-28-2012	Amend(T)	12-1-2012
847-050-0026	1-1-2012	Amend(T)	1-1-2012	847-050-0065(T)	2-10-2012	Repeal	3-1-2012
847-050-0026	2-10-2012	Amend	3-1-2012	847-065-0010	7-31-2012	Amend(T)	9-1-2012
847-050-0026(T)	2-10-2012	Repeal	3-1-2012	847-065-0010	10-22-2012	Amend	12-1-2012
847-050-0027	1-1-2012	Amend(T)	1-1-2012	847-065-0010(T)	10-22-2012	Repeal	12-1-2012
847-050-0027	2-10-2012	Amend	3-1-2012	847-065-0015	7-31-2012	Amend(T)	9-1-2012
847-050-0027	3-2-2012	Amend(T)	4-1-2012	847-065-0015	10-22-2012	Amend	12-1-2012
847-050-0027	8-3-2012	Amend	9-1-2012	847-065-0015(T)	10-22-2012	Repeal	12-1-2012
847-050-0027(T)	2-10-2012	Repeal	3-1-2012	847-065-0020	7-31-2012	Amend(T)	9-1-2012
847-050-0027(T)	8-3-2012	Repeal	9-1-2012	847-065-0020	10-22-2012	Amend	12-1-2012
847-050-0029	1-1-2012	Amend(T)	1-1-2012	847-065-0020(T)	10-22-2012	Repeal	12-1-2012
847-050-0029	2-10-2012	Amend	3-1-2012	847-065-0025	7-31-2012	Amend(T)	9-1-2012
847-050-0029(T)	2-10-2012	Repeal	3-1-2012	847-065-0025	10-22-2012	Amend	12-1-2012
847-050-0035	1-1-2012	Amend(T)	1-1-2012	847-065-0025(T)	10-22-2012	Repeal	12-1-2012
847-050-0035	2-10-2012	Amend	3-1-2012	847-065-0030	7-31-2012	Amend(T)	9-1-2012
847-050-0035(T)	2-10-2012	Repeal	3-1-2012	847-065-0030	10-22-2012	Amend	12-1-2012
847-050-0037	1-1-2012	Amend(T)	1-1-2012	847-065-0030(T)	10-22-2012	Repeal	12-1-2012
847-050-0037	2-10-2012	Amend	3-1-2012	847-065-0035	7-31-2012	Amend(T)	9-1-2012
847-050-0037(T)	2-10-2012	Repeal	3-1-2012	847-065-0035	10-22-2012	Amend	12-1-2012
847-050-0038	1-1-2012	Amend(T)	1-1-2012	847-065-0035(T)	10-22-2012	Repeal	12-1-2012
847-050-0038	2-10-2012	Amend	3-1-2012	847-065-0040	7-31-2012	Amend(T)	9-1-2012
847-050-0038(T)	2-10-2012	Repeal	3-1-2012	847-065-0040	10-22-2012	Amend	12-1-2012
847-050-0040	1-1-2012	Amend(T)	1-1-2012	847-065-0040(T)	10-22-2012	Repeal	12-1-2012
847-050-0040	2-10-2012	Amend	3-1-2012	847-065-0045	7-31-2012	Amend(T)	9-1-2012
847-050-0040	10-22-2012	Amend	12-1-2012	847-065-0045	10-22-2012	Amend	12-1-2012
847-050-0040(T)	2-10-2012	Repeal	3-1-2012	847-065-0045(T)	10-22-2012	Repeal	12-1-2012
847-050-0041	1-1-2012	Amend(T)	1-1-2012	847-065-0050	7-31-2012	Amend(T)	9-1-2012
847-050-0041	2-10-2012	Amend	3-1-2012	847-065-0050	10-22-2012	Amend	12-1-2012
847-050-0041	6-1-2012	Amend(T)	6-1-2012	847-065-0050(T)	10-22-2012	Repeal	12-1-2012
847-050-0041	11-28-2012	Amend(T)	12-1-2012	847-065-0055	7-31-2012	Amend(T)	9-1-2012
847-050-0041(T)	2-10-2012	Repeal	3-1-2012	847-065-0055	10-22-2012	Amend	12-1-2012
847-050-0042	1-1-2012	Amend(T)	1-1-2012	847-065-0055(T)	10-22-2012	Repeal	12-1-2012
847-050-0042	2-10-2012	Amend	3-1-2012	847-065-0060	7-31-2012	Amend(T)	9-1-2012
847-050-0042(T)	2-10-2012	Repeal	3-1-2012	847-065-0060	10-22-2012	Amend	12-1-2012
847-050-0043	1-1-2012	Amend(T)	1-1-2012	847-065-0060(T)	10-22-2012	Repeal	12-1-2012
847-050-0043	2-10-2012	Amend	3-1-2012	847-065-0065	7-31-2012	Amend(T)	9-1-2012
847-050-0043(T)	2-10-2012	Repeal	3-1-2012	847-065-0065	10-22-2012	Amend	12-1-2012
847-050-0046	1-1-2012	Amend(T)	1-1-2012	847-065-0065(T)	10-22-2012	Repeal	12-1-2012
847-050-0046	2-10-2012	Amend	3-1-2012	847-065-0070	7-31-2012	Amend(T)	9-1-2012

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847-065-0070(T)	10-22-2012	Repeal	12-1-2012	853-001-0030	1-1-2012	Repeal	1-1-2012
847-070-0045	2-10-2012	Amend	3-1-2012	853-010-0010	1-1-2012	Repeal	1-1-2012
848-010-0015	3-1-2012	Amend	3-1-2012	853-010-0015	1-1-2012	Repeal	1-1-2012
848-010-0020	3-1-2012	Amend	3-1-2012	853-010-0017	1-1-2012	Repeal	1-1-2012
848-010-0026	3-1-2012	Amend	3-1-2012	853-010-0020	1-1-2012	Repeal	1-1-2012
848-010-0035	3-1-2012	Amend	3-1-2012	853-010-0025	1-1-2012	Repeal	1-1-2012
848-035-0030	3-1-2012	Amend	3-1-2012	853-010-0035	1-1-2012	Repeal	1-1-2012
848-035-0040	3-1-2012	Amend	3-1-2012	853-010-0040	1-1-2012	Repeal	1-1-2012
848-040-0125	3-1-2012	Amend	3-1-2012	853-010-0045	1-1-2012	Repeal	1-1-2012
848-045-0010	3-1-2012	Amend	3-1-2012	853-010-0050	1-1-2012	Repeal	1-1-2012
850-030-0010	4-12-2012	Amend(T)	5-1-2012	853-010-0055	1-1-2012	Repeal	1-1-2012
850-030-0010	6-15-2012	Amend	7-1-2012	853-010-0060	1-1-2012	Repeal	1-1-2012
850-030-0010(T)	6-15-2012	Repeal	7-1-2012	853-010-0065	1-1-2012	Repeal	1-1-2012
850-030-0030	4-12-2012	Amend(T)	5-1-2012	853-010-0070	1-1-2012	Repeal	1-1-2012
850-030-0030	6-15-2012	Amend	7-1-2012	853-010-0074	1-1-2012	Repeal	1-1-2012
850-030-0030(T)	6-15-2012	Repeal	7-1-2012	853-010-0075	1-1-2012	Repeal	1-1-2012
850-030-0031	4-12-2012	Adopt(T)	5-1-2012	853-010-0076	1-1-2012	Repeal	1-1-2012
850-030-0031	6-15-2012	Adopt	7-1-2012	853-010-0077	1-1-2012	Repeal	1-1-2012
850-030-0031(T)	6-15-2012	Repeal	7-1-2012	853-010-0078	1-1-2012	Repeal	1-1-2012
850-030-0070	4-12-2012	Amend(T)	5-1-2012	853-010-0079	1-1-2012	Repeal	1-1-2012
850-030-0070	6-15-2012	Amend	7-1-2012	853-010-0080	1-1-2012	Repeal	1-1-2012
850-030-0070(T)	6-15-2012	Repeal	7-1-2012	853-020-0000	1-1-2012	Adopt	1-1-2012
850-050-0120	12-23-2011	Amend	1-1-2012	853-030-0000	1-1-2012	Adopt	1-1-2012
850-050-0120	6-15-2012	Amend	7-1-2012	853-030-0010	1-1-2012	Adopt	1-1-2012
850-060-0215	12-23-2011	Amend	1-1-2012	853-030-0020	1-1-2012	Adopt	1-1-2012
850-060-0226	6-15-2012	Amend	7-1-2012	853-030-0030	1-1-2012	Adopt	1-1-2012
851-002-0000	11-22-2011	Amend	1-1-2012	853-030-0040	1-1-2012	Adopt	1-1-2012
851-002-0010	8-1-2012	Amend	8-1-2012	853-030-0050	1-1-2012	Adopt	1-1-2012
851-002-0020	8-1-2012	Amend	8-1-2012	853-030-0060	1-1-2012	Adopt	1-1-2012
851-002-0030	8-1-2012	Amend	8-1-2012	853-030-0070	1-1-2012	Adopt	1-1-2012
851-002-0035	8-1-2012	Amend	8-1-2012	853-040-0000	1-1-2012	Adopt	1-1-2012
851-045-0030	6-1-2012	Amend	6-1-2012	853-050-0000	1-1-2012	Adopt	1-1-2012
851-045-0070	6-1-2012	Amend	6-1-2012	853-050-0010	1-1-2012	Adopt	1-1-2012
851-045-0100	4-26-2012	Amend(T)	6-1-2012	853-060-0000	1-1-2012	Adopt	1-1-2012
851-045-0100	6-1-2012	Amend	6-1-2012	853-060-0010	1-1-2012	Adopt	1-1-2012
851-045-0100	6-5-2012	Amend	7-1-2012	855-006-0005	6-19-2012	Amend	8-1-2012
851-045-0100	8-1-2012	Amend	8-1-2012	855-019-0260	1-1-2012	Amend	2-1-2012
851-050-0000	11-15-2012	Amend(T)	12-1-2012	855-019-0280	1-1-2012	Amend	2-1-2012
851-050-0004	6-1-2012	Amend	6-1-2012	855-019-0290	1-1-2012	Amend	2-1-2012
851-050-0009	6-1-2012	Adopt	6-1-2012	855-031-0010	1-1-2012	Amend	2-1-2012
851-050-0009	11-15-2012	Amend(T)	12-1-2012	855-031-0020	1-1-2012	Amend	2-1-2012
851-050-0150	4-26-2012	Suspend	6-1-2012	855-031-0026	1-1-2012	Adopt	2-1-2012
851-050-0150	8-1-2012	Repeal	8-1-2012	855-031-0045	1-1-2012	Amend	2-1-2012
851-052-0040	6-1-2012	Amend	6-1-2012	855-041-0016	6-12-2012	Adopt	7-1-2012
851-052-0040	11-15-2012	Amend(T)	12-1-2012	855-041-0095	1-1-2012	Amend	2-1-2012
851-054-0060	6-1-2012	Adopt	6-1-2012	855-041-0095	5-1-2012	Amend	6-1-2012
851-054-0060	11-15-2012	Amend(T)	12-1-2012	855-041-0105	5-1-2012	Am. & Ren.	6-1-2012
851-054-0100	11-15-2012	Amend(T)	12-1-2012	855-041-0110	5-1-2012	Repeal	6-1-2012
851-062-0090	4-1-2012	Amend	4-1-2012	855-041-0115	5-1-2012	Am. & Ren.	6-1-2012
851-062-0110	4-1-2012	Amend	4-1-2012	855-041-5100	5-1-2012	Adopt	6-1-2012
851-070-0090	4-26-2012	Amend(T)	6-1-2012	855-041-5120	5-1-2012	Adopt	6-1-2012
851-070-0090	8-1-2012	Amend	8-1-2012	855-041-5130	5-1-2012	Adopt	6-1-2012
853-001-0000	1-1-2012	Repeal	1-1-2012	855-041-5140	5-1-2012	Adopt	6-1-2012
853-001-0005	1-1-2012	Repeal	1-1-2012	855-041-5150	5-1-2012	Adopt	6-1-2012
853-001-0020	1-1-2012	Repeal	1-1-2012	855-041-5160	5-1-2012	Adopt	6-1-2012

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855-041-5170	5-1-2012	Adopt	6-1-2012	858-010-0039	6-8-2012	Amend	7-1-2012
855-043-0002	6-19-2012	Amend	8-1-2012	858-020-0025	10-15-2012	Amend(T)	11-1-2012
855-043-0405	6-19-2012	Adopt	8-1-2012	858-020-0045	10-18-2012	Suspend	12-1-2012
855-043-0410	6-19-2012	Adopt	8-1-2012	858-020-0055	10-18-2012	Amend(T)	12-1-2012
855-043-0415	6-19-2012	Adopt	8-1-2012	858-020-0065	6-8-2012	Repeal	7-1-2012
855-043-0420	6-19-2012	Adopt	8-1-2012	858-020-0095	6-8-2012	Repeal	7-1-2012
855-043-0425	6-19-2012	Adopt	8-1-2012	859-030-0005	2-3-2012	Amend(T)	3-1-2012
855-043-0430	6-19-2012	Adopt	8-1-2012	859-030-0005	4-16-2012	Amend	6-1-2012
855-043-0435	6-19-2012	Adopt	8-1-2012	859-030-0005(T)	4-16-2012	Repeal	6-1-2012
855-043-0440	6-19-2012	Adopt	8-1-2012	859-030-0010	2-3-2012	Amend(T)	3-1-2012
855-043-0445	6-19-2012	Adopt	8-1-2012	859-030-0010	4-16-2012	Amend	6-1-2012
855-043-0450	6-19-2012	Adopt	8-1-2012	859-030-0010(T)	4-16-2012	Repeal	6-1-2012
855-043-0455	6-19-2012	Adopt	8-1-2012	859-070-0040	2-3-2012	Adopt(T)	3-1-2012
855-060-0004	1-1-2012	Adopt	2-1-2012	859-070-0040	4-16-2012	Adopt	6-1-2012
855-065-0005	6-19-2012	Amend(T)	8-1-2012	859-070-0040(T)	4-16-2012	Repeal	6-1-2012
855-080-0100	12-15-2011	Amend(T)	1-1-2012	859-200-0001	12-22-2011	Adopt(T)	2-1-2012
855-080-0100	6-19-2012	Amend	8-1-2012	859-300-0050	12-13-2011	Amend	1-1-2012
855-080-0100(T)	12-15-2011	Suspend	1-1-2012	859-300-0050(T)	12-13-2011	Repeal	1-1-2012
855-080-0103(T)	12-15-2011	Suspend	1-1-2012	860-001-0080	4-17-2012	Amend	6-1-2012
855-110-0005	12-15-2011	Amend	1-1-2012	860-001-0500	4-17-2012	Amend	6-1-2012
855-110-0007	12-15-2011	Amend	1-1-2012	860-022-0019	4-17-2012	Amend	6-1-2012
855-110-0007	6-19-2012	Amend(T)	8-1-2012	860-022-0041	4-17-2012	Repeal	6-1-2012
855-110-0010	12-15-2011	Amend	1-1-2012	860-022-0047	8-23-2012	Adopt	10-1-2012
856-010-0015	12-30-2011	Amend	2-1-2012	860-023-0080	1-1-2012	Repeal	1-1-2012
856-010-0027	12-30-2011	Adopt	2-1-2012	860-023-0090	1-1-2012	Repeal	1-1-2012
856-030-0000	5-29-2012	Amend	7-1-2012	860-023-0100	1-1-2012	Repeal	1-1-2012
858-010-0001	6-8-2012	Amend	7-1-2012	860-023-0110	1-1-2012	Repeal	1-1-2012
858-010-0010	2-15-2012	Amend(T)	3-1-2012	860-023-0120	1-1-2012	Repeal	1-1-2012
858-010-0010	6-8-2012	Amend	7-1-2012	860-023-0130	1-1-2012	Repeal	1-1-2012
858-010-0010	10-15-2012	Amend(T)	11-1-2012	860-023-0140	1-1-2012	Repeal	1-1-2012
858-010-0010(T)	6-8-2012	Repeal	7-1-2012	860-023-0150	1-1-2012	Repeal	1-1-2012
858-010-0011	2-15-2012	Amend(T)	3-1-2012	860-023-0160	1-1-2012	Repeal	1-1-2012
858-010-0011	6-8-2012	Amend	7-1-2012	860-024-0010	3-9-2012	Amend	4-1-2012
858-010-0011(T)	6-8-2012	Repeal	7-1-2012	860-027-0200	4-17-2012	Amend	6-1-2012
858-010-0012	2-15-2012	Amend(T)	3-1-2012	860-036-0001	1-1-2012	Amend	2-1-2012
858-010-0012	6-8-2012	Amend	7-1-2012	860-036-0010	1-1-2012	Amend	2-1-2012
858-010-0012(T)	6-8-2012	Repeal	7-1-2012	860-036-0015	1-1-2012	Amend	2-1-2012
858-010-0013	2-15-2012	Amend(T)	3-1-2012	860-036-0030	1-1-2012	Amend	2-1-2012
858-010-0013	6-8-2012	Amend	7-1-2012	860-036-0040	1-1-2012	Amend	2-1-2012
858-010-0013(T)	6-8-2012	Repeal	7-1-2012	860-036-0050	1-1-2012	Amend	2-1-2012
858-010-0015	6-8-2012	Amend	7-1-2012	860-036-0060	1-1-2012	Amend	2-1-2012
858-010-0015	10-15-2012	Amend(T)	11-1-2012	860-036-0065	1-1-2012	Amend	2-1-2012
858-010-0016	2-15-2012	Amend(T)	3-1-2012	860-036-0097	1-1-2012	Amend	2-1-2012
858-010-0016	6-8-2012	Amend	7-1-2012	860-036-0130	1-1-2012	Amend	2-1-2012
858-010-0016(T)	6-8-2012	Repeal	7-1-2012	860-036-0405	1-1-2012	Amend	2-1-2012
858-010-0017	2-15-2012	Amend(T)	3-1-2012	860-036-0407	1-1-2012	Repeal	2-1-2012
858-010-0017	6-8-2012	Amend	7-1-2012	860-036-0425	1-1-2012	Adopt	2-1-2012
858-010-0017	10-15-2012	Amend(T)	11-1-2012	860-036-0505	1-1-2012	Amend	2-1-2012
858-010-0017(T)	6-8-2012	Repeal	7-1-2012	860-036-0605	1-1-2012	Amend	2-1-2012
858-010-0020	6-8-2012	Amend	7-1-2012	860-036-0610	1-1-2012	Amend	2-1-2012
858-010-0025	6-8-2012	Amend	7-1-2012	860-036-0615	1-1-2012	Amend	2-1-2012
858-010-0030	6-8-2012	Amend	7-1-2012	860-036-0625	1-1-2012	Am. & Ren.	2-1-2012
858-010-0030	10-15-2012	Amend(T)	11-1-2012	860-036-0640	1-1-2012	Amend	2-1-2012
858-010-0036	6-8-2012	Amend	7-1-2012	860-036-0705	1-1-2012	Amend	2-1-2012
858-010-0037	6-8-2012	Amend	7-1-2012	860-036-0708	1-1-2012	Adopt	2-1-2012
858-010-0038	6-8-2012	Amend	7-1-2012	860-036-0710	1-1-2012	Amend	2-1-2012



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860-036-0737	1-1-2012	Amend	2-1-2012	877-010-0015	12-29-2011	Amend	2-1-2012
860-036-0739	1-1-2012	Amend	2-1-2012	877-010-0020	12-29-2011	Amend	2-1-2012
860-036-0740	1-1-2012	Amend	2-1-2012	877-015-0105	12-29-2011	Amend	2-1-2012
860-036-0745	1-1-2012	Amend	2-1-2012	877-015-0108	12-29-2011	Amend	2-1-2012
860-036-0750	1-1-2012	Amend	2-1-2012	877-015-0136	12-29-2011	Amend	2-1-2012
860-036-0756	1-1-2012	Amend	2-1-2012	877-020-0005	12-29-2011	Amend	2-1-2012
860-036-0757	1-1-2012	Amend	2-1-2012	877-020-0008	12-29-2011	Amend	2-1-2012
860-036-0815	1-1-2012	Amend	2-1-2012	877-020-0010	12-29-2011	Amend	2-1-2012
860-036-0816	1-1-2012	Adopt	2-1-2012	877-020-0016	12-29-2011	Amend	2-1-2012
860-038-0480	3-15-2012	Amend	4-1-2012	877-020-0036	12-29-2011	Amend	2-1-2012
860-038-0480(T)	3-15-2012	Repeal	4-1-2012	877-025-0006	12-29-2011	Amend	2-1-2012
860-038-0540	8-24-2012	Repeal	10-1-2012	877-025-0011	12-29-2011	Amend	2-1-2012
860-038-0580	8-24-2012	Amend	10-1-2012	877-040-0050	12-29-2011	Amend	2-1-2012
860-039-0005	2-22-2012	Amend	4-1-2012	918-030-0100	10-1-2012	Amend	11-1-2012
860-086-0000	8-24-2012	Adopt	10-1-2012	918-030-0120	10-1-2012	Amend	11-1-2012
860-086-0010	8-24-2012	Adopt	10-1-2012	918-030-0125	10-1-2012	Amend	11-1-2012
860-086-0020	8-24-2012	Adopt	10-1-2012	918-030-0130	10-1-2012	Amend	11-1-2012
860-086-0030	8-24-2012	Adopt	10-1-2012	918-030-0135	10-1-2012	Amend	11-1-2012
860-086-0040	8-24-2012	Adopt	10-1-2012	918-035-0020	10-1-2012	Amend	11-1-2012
863-020-0000	8-15-2012	Amend(T)	9-1-2012	918-035-0040	10-1-2012	Amend	11-1-2012
863-020-0005	8-15-2012	Amend(T)	9-1-2012	918-035-0050	10-1-2012	Amend	11-1-2012
863-020-0007	8-15-2012	Amend(T)	9-1-2012	918-035-0055	10-1-2012	Adopt	11-1-2012
863-020-0008	8-15-2012	Suspend	9-1-2012	918-098-1000	1-1-2012	Amend	2-1-2012
863-020-0010	8-15-2012	Amend(T)	9-1-2012	918-098-1510	3-1-2012	Amend(T)	4-1-2012
863-020-0015	8-15-2012	Amend(T)	9-1-2012	918-098-1510	7-1-2012	Amend	8-1-2012
863-020-0020	8-15-2012	Amend(T)	9-1-2012	918-098-1530	3-1-2012	Amend(T)	4-1-2012
863-020-0025	8-15-2012	Amend(T)	9-1-2012	918-098-1530	7-1-2012	Amend	8-1-2012
863-020-0030	8-15-2012	Amend(T)	9-1-2012	918-098-1530	11-7-2012	Amend(T)	12-1-2012
863-020-0035	8-15-2012	Amend(T)	9-1-2012	918-098-1550	11-7-2012	Amend(T)	12-1-2012
863-020-0040	8-15-2012	Amend(T)	9-1-2012	918-098-1590	3-1-2012	Adopt(T)	4-1-2012
863-020-0045	8-15-2012	Amend(T)	9-1-2012	918-098-1590	7-1-2012	Adopt	8-1-2012
863-020-0050	8-15-2012	Amend(T)	9-1-2012	918-098-1591	7-1-2012	Adopt	8-1-2012
863-020-0055	8-15-2012	Amend(T)	9-1-2012	918-098-1620	1-1-2012	Amend	2-1-2012
863-020-0060	8-15-2012	Amend(T)	9-1-2012	918-225-0240	1-1-2012	Amend	2-1-2012
863-020-0065	8-15-2012	Amend(T)	9-1-2012	918-225-0430	1-1-2012	Amend	2-1-2012
863-022-0000	8-15-2012	Amend(T)	9-1-2012	918-225-0435	1-1-2012	Amend	2-1-2012
863-022-0005	8-15-2012	Amend(T)	9-1-2012	918-225-0570	1-1-2012	Amend	2-1-2012
863-022-0010	8-15-2012	Amend(T)	9-1-2012	918-225-0600	1-1-2012	Amend	2-1-2012
863-022-0015	8-15-2012	Amend(T)	9-1-2012	918-225-0600	1-1-2012	Amend	2-1-2012
863-022-0020	8-15-2012	Amend(T)	9-1-2012	918-225-0606	1-1-2012	Adopt	2-1-2012
863-022-0022	8-15-2012	Adopt(T)	9-1-2012	918-225-0609	1-1-2012	Adopt	2-1-2012
863-022-0025	8-15-2012	Amend(T)	9-1-2012	918-225-0612	1-1-2012	Adopt	2-1-2012
863-022-0030	8-15-2012	Amend(T)	9-1-2012	918-225-0615	1-1-2012	Adopt	2-1-2012
863-022-0035	8-15-2012	Amend(T)	9-1-2012	918-225-0618	1-1-2012	Adopt	2-1-2012
863-022-0040	8-15-2012	Suspend	9-1-2012	918-225-0620	1-1-2012	Amend	2-1-2012
863-022-0045	8-15-2012	Amend(T)	9-1-2012	918-305-0105	6-7-2012	Amend(T)	7-1-2012
863-022-0050	8-15-2012	Amend(T)	9-1-2012	918-305-0105	1-1-2013	Amend(T)	11-1-2012
863-022-0055	8-15-2012	Amend(T)	9-1-2012	918-305-0107	11-1-2012	Adopt(T)	11-1-2012
863-022-0060	8-15-2012	Amend(T)	9-1-2012	918-311-0065	5-1-2012	Amend(T)	6-1-2012
875-005-0005	12-12-2011	Amend(T)	1-1-2012	918-311-0065	10-1-2012	Amend	11-1-2012
875-005-0005	6-25-2012	Amend	8-1-2012	918-400-0455	1-1-2012	Amend	2-1-2012
875-005-0005	8-28-2012	Amend	10-1-2012	918-400-0458	1-1-2012	Amend	2-1-2012
875-040-0000	6-25-2012	Amend	8-1-2012	918-440-0012	1-1-2012	Amend	2-1-2012
875-040-0005	12-12-2011	Adopt(T)	1-1-2012	918-460-0015	1-1-2012	Amend	2-1-2012
875-040-0010	6-25-2012	Adopt	8-1-2012	918-460-0015	2-1-2012	Amend	3-1-2012

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918-460-0510	1-1-2012	Amend	2-1-2012	943-045-0340	12-5-2011	Adopt	1-1-2012
918-525-0042	4-9-2012	Amend(T)	5-1-2012	943-045-0340	6-28-2012	Adopt	8-1-2012
918-525-0042	7-1-2012	Amend	8-1-2012	943-045-0340(T)	12-5-2011	Repeal	1-1-2012
943-007-0001	5-7-2012	Adopt(T)	6-1-2012	943-045-0340(T)	6-28-2012	Repeal	8-1-2012
943-007-0001	8-10-2012	Adopt	9-1-2012	943-045-0350	12-5-2011	Adopt	1-1-2012
943-007-0001(T)	8-10-2012	Repeal	9-1-2012	943-045-0350	6-28-2012	Adopt	8-1-2012
943-007-0335	5-7-2012	Adopt(T)	6-1-2012	943-045-0350(T)	12-5-2011	Repeal	1-1-2012
943-007-0335	8-10-2012	Adopt	9-1-2012	943-045-0350(T)	6-28-2012	Repeal	8-1-2012
943-007-0335(T)	8-10-2012	Repeal	9-1-2012	943-045-0360	12-5-2011	Adopt	1-1-2012
943-007-0501	5-7-2012	Adopt(T)	6-1-2012	943-045-0360	6-28-2012	Adopt	8-1-2012
943-007-0501	8-10-2012	Adopt	9-1-2012	943-045-0360(T)	12-5-2011	Repeal	1-1-2012
943-007-0501(T)	8-10-2012	Repeal	9-1-2012	943-045-0360(T)	6-28-2012	Repeal	8-1-2012
943-014-0300	12-1-2011	Adopt	1-1-2012	943-045-0370	12-5-2011	Adopt	1-1-2012
943-014-0300(T)	12-1-2011	Repeal	1-1-2012	943-045-0370	6-28-2012	Adopt	8-1-2012
943-014-0305	12-1-2011	Adopt	1-1-2012	943-045-0370(T)	12-5-2011	Repeal	1-1-2012
943-014-0305(T)	12-1-2011	Repeal	1-1-2012	943-045-0370(T)	6-28-2012	Repeal	8-1-2012
943-014-0310	12-1-2011	Adopt	1-1-2012	943-045-0400	12-23-2011	Adopt	2-1-2012
943-014-0310(T)	12-1-2011	Repeal	1-1-2012	943-045-0400(T)	12-23-2011	Repeal	2-1-2012
943-014-0315	12-1-2011	Adopt	1-1-2012	943-045-0410	12-23-2011	Adopt	2-1-2012
943-014-0315(T)	12-1-2011	Repeal	1-1-2012	943-045-0410(T)	12-23-2011	Repeal	2-1-2012
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943-014-0320(T)	12-1-2011	Repeal	1-1-2012	943-045-0420(T)	12-23-2011	Repeal	2-1-2012
943-045-0000	12-4-2011	Adopt	1-1-2012	943-045-0430	12-23-2011	Adopt	2-1-2012
943-045-0000(T)	12-4-2011	Repeal	1-1-2012	943-045-0430(T)	12-23-2011	Repeal	2-1-2012
943-045-0250	12-5-2011	Adopt	1-1-2012	943-045-0440	12-23-2011	Adopt	2-1-2012
943-045-0250	6-28-2012	Adopt	8-1-2012	943-045-0440(T)	12-23-2011	Repeal	2-1-2012
943-045-0250(T)	12-5-2011	Repeal	1-1-2012	943-045-0450	12-23-2011	Adopt	2-1-2012
943-045-0250(T)	6-28-2012	Repeal	8-1-2012	943-045-0450(T)	12-23-2011	Repeal	2-1-2012
943-045-0260	12-5-2011	Adopt	1-1-2012	943-045-0460	12-23-2011	Adopt	2-1-2012
943-045-0260	6-28-2012	Adopt	8-1-2012	943-045-0460(T)	12-23-2011	Repeal	2-1-2012
943-045-0260(T)	12-5-2011	Repeal	1-1-2012	943-045-0470	12-23-2011	Adopt	2-1-2012
943-045-0260(T)	6-28-2012	Repeal	8-1-2012	943-045-0470(T)	12-23-2011	Repeal	2-1-2012
943-045-0280	12-5-2011	Adopt	1-1-2012	943-045-0480	12-23-2011	Adopt	2-1-2012
943-045-0280	6-28-2012	Adopt	8-1-2012	943-045-0480(T)	12-23-2011	Repeal	2-1-2012
943-045-0280(T)	12-5-2011	Repeal	1-1-2012	943-045-0490	12-23-2011	Adopt	2-1-2012
943-045-0280(T)	6-28-2012	Repeal	8-1-2012	943-045-0490(T)	12-23-2011	Repeal	2-1-2012
943-045-0290	12-5-2011	Adopt	1-1-2012	943-045-0500	12-23-2011	Adopt	2-1-2012
943-045-0290	6-28-2012	Adopt	8-1-2012	943-045-0500(T)	12-23-2011	Repeal	2-1-2012
943-045-0290(T)	12-5-2011	Repeal	1-1-2012	943-045-0510	12-23-2011	Adopt	2-1-2012
943-045-0290(T)	6-28-2012	Repeal	8-1-2012	943-045-0510(T)	12-23-2011	Repeal	2-1-2012
943-045-0300	12-5-2011	Adopt	1-1-2012	943-045-0520	12-23-2011	Adopt	2-1-2012
943-045-0300	6-28-2012	Adopt	8-1-2012	943-045-0520(T)	12-23-2011	Repeal	2-1-2012
943-045-0300(T)	12-5-2011	Repeal	1-1-2012	943-060-0000	8-1-2012	Adopt	9-1-2012
943-045-0300(T)	6-28-2012	Repeal	8-1-2012	943-060-0010	8-1-2012	Adopt	9-1-2012
943-045-0310	12-5-2011	Adopt	1-1-2012	943-060-0020	8-1-2012	Adopt	9-1-2012
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943-045-0310(T)	12-5-2011	Repeal	1-1-2012	943-060-0040	8-1-2012	Adopt	9-1-2012
943-045-0310(T)	6-28-2012	Repeal	8-1-2012	943-060-0050	2-17-2012	Adopt(T)	4-1-2012
943-045-0320	12-5-2011	Adopt	1-1-2012	943-060-0050	8-1-2012	Adopt	9-1-2012
943-045-0320	6-28-2012	Adopt	8-1-2012	943-060-0050(T)	8-1-2012	Repeal	9-1-2012
943-045-0320(T)	12-5-2011	Repeal	1-1-2012	943-060-0060	8-1-2012	Adopt	9-1-2012
943-045-0320(T)	6-28-2012	Repeal	8-1-2012	943-060-0070	8-1-2012	Adopt	9-1-2012
943-045-0330	12-5-2011	Adopt	1-1-2012	943-060-0080	8-1-2012	Adopt	9-1-2012
943-045-0330	6-28-2012	Adopt	8-1-2012	943-060-0090	8-1-2012	Adopt	9-1-2012
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943-060-0120	8-1-2012	Adopt	9-1-2012	943-120-0350	11-1-2012	Adopt	12-1-2012
943-120-0100	7-12-2012	Amend(T)	8-1-2012	943-120-0360	11-1-2012	Repeal	12-1-2012
943-120-0100	10-10-2012	Amend	11-1-2012	943-120-0370	11-1-2012	Repeal	12-1-2012
943-120-0110	7-12-2012	Amend(T)	8-1-2012	943-120-0380	11-1-2012	Repeal	12-1-2012
943-120-0110	10-10-2012	Amend	11-1-2012	943-120-0400	11-1-2012	Repeal	12-1-2012
943-120-0112	7-12-2012	Amend(T)	8-1-2012	945-001-0001	3-6-2012	Adopt	4-1-2012
943-120-0112	10-10-2012	Amend	11-1-2012	945-001-0006	3-6-2012	Adopt	4-1-2012
943-120-0114	7-12-2012	Amend(T)	8-1-2012	945-001-0011	3-6-2012	Adopt	4-1-2012
943-120-0114	10-10-2012	Amend	11-1-2012	945-010-0001	3-6-2012	Adopt	4-1-2012
943-120-0116	7-12-2012	Amend(T)	8-1-2012	945-010-0006	3-6-2012	Adopt	4-1-2012
943-120-0116	10-10-2012	Amend	11-1-2012	945-010-0011	3-6-2012	Adopt	4-1-2012
943-120-0118	7-12-2012	Amend(T)	8-1-2012	945-010-0011	3-6-2012	Adopt	4-1-2012
943-120-0118	10-10-2012	Amend	11-1-2012	945-010-0021	3-6-2012	Adopt	4-1-2012
943-120-0120	7-12-2012	Amend(T)	8-1-2012	945-010-0031	3-6-2012	Adopt	4-1-2012
943-120-0120	10-10-2012	Amend	11-1-2012	945-010-0041	3-6-2012	Adopt	4-1-2012
943-120-0170	7-12-2012	Amend(T)	8-1-2012	945-010-0051	3-6-2012	Adopt	4-1-2012
943-120-0170	10-10-2012	Amend	11-1-2012	945-010-0061	3-6-2012	Adopt	4-1-2012
943-120-0180	7-12-2012	Amend(T)	8-1-2012	945-010-0071	3-6-2012	Adopt	4-1-2012
943-120-0180	10-10-2012	Amend	11-1-2012	945-010-0081	3-6-2012	Adopt	4-1-2012
943-120-0200	7-12-2012	Amend(T)	8-1-2012	945-010-0091	3-6-2012	Adopt	4-1-2012
943-120-0200	10-10-2012	Amend	11-1-2012	945-010-0101	3-6-2012	Adopt	4-1-2012
943-120-0300	11-1-2012	Amend	12-1-2012	945-020-0010	10-1-2012	Adopt(T)	10-1-2012
943-120-0310	11-1-2012	Amend	12-1-2012	945-020-0020	10-1-2012	Adopt(T)	10-1-2012
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943-120-0325	11-1-2012	Repeal	12-1-2012	951-004-0003	1-1-2012	Amend	1-1-2012
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