

OREGON BULLETIN

Supplements the 2012 *Oregon Administrative Rules Compilation*

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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 - 16

PROMOTING WOOD PRODUCTS IN COMMERCE AS A GREEN BUILDING MATERIAL, ENCOURAGING INNOVATIVE USES OF WOOD PRODUCTS AND INCREASING MARKETS FOR OREGON WOOD PRODUCTS

Oregon has the most forestland of any state in the continental United States and is the national leader in softwood lumber and plywood production, forest productivity, timber harvest, logging, forestry research, forestry education and wild land firefighting.

Oregon's forest sector — primary wood products (e.g., lumber, veneer and plywood), secondary wood products (e.g., doors and windows), forestland management, transportation and distribution of forest products and forestry support (e.g., consulting, firefighting and reforestation) — ranks third among Oregon traded-sectors, those industries producing income from goods and services sold out of state; is estimated to directly contribute \$12.7 billion to the state's economy annually; and directly employs 76,000 people generating \$5.2 billion in income and comprises 4.8 percent of Oregon's total payroll and when accounting for both direct and indirect jobs (goods and services purchased by the industry), supports 113,000 jobs and 7 percent of total payroll.

Sustainable forest management provides many benefits, including clean air and water, fish and wildlife habitat, climate change mitigation, renewable energy, forest products used every day, and employment and tax bases for local communities.

Promoting markets for products from sustainably managed forests helps conserve forests by encouraging forest ownership, protects jobs, and strengthens local communities.

Wood is widely recognized as a renewable, reusable and recyclable green building material by the forestry and design/build communities.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. The Oregon Department of Administrative Services, in collaboration with other state agencies, shall identify at least two state capital construction projects that can be improved by featuring wood products in the design and construction, both structurally and aesthetically, highlighting use of wood products in non-residential construction.

2. The Oregon Department of Forestry shall collaborate with the Oregon Business Development Department and the Oregon State University College of Forestry, as well as other public and private entities, such as the Oregon Forest Resources Institute, to report to the Governor on whether leading green building rating systems adequately recognize the environmental, social and other related benefits of wood products made from trees grown and harvested in Oregon as compared to other timber growing regions.

3. The Oregon Department of Administrative Services, in consideration of the importance of wood products to the Oregon economy, and in collaboration with other public and private entities, shall investigate the utility of the State of Oregon using wood products in new construction or renovations of state buildings in a manner consistent with the building code, and deliver its recommendation to the Governor.

4. The Oregon Business Development Department shall collaborate with other public and private agencies, including the Oregon Department of Forestry and the Oregon Innovation Council, to develop a strategy to accelerate the research and commercialization of innovative wood products and applications.

5. The Oregon Business Development Department shall collaborate with other public and private agencies to present a work plan to the 2013 Oregon Legislature to increase the market for Oregon wood products, including the promotion and marketing of Oregon wood products to new and existing international and domestic markets.

6. 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.

7. This Executive Order expires at 11:59 p.m. on December 31, 2013.

Done at Portland, Oregon, this 8th day of October, 2012.

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

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

OTHER NOTICES

A CHANCE TO COMMENT ON PROPOSED CERTIFICATION OF COMPLETION FOR A CONSENT JUDGMENT AT THE FORMER TUM-A-LUM LUMBER PROPERTY, CORVALLIS, OREGON

COMMENTS DUE: November 30, 2012.

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

PROPOSAL: Pursuant to Oregon Revised Statute ORS 465.320 and ORS 465.325(10), the Department of Environmental Quality (DEQ) issues this notice regarding completion of work item actions performed at the subject property pursuant to a Prospective Purchaser Agreement (PPA) issued in May 22, 2012 in the form of a Consent Judgment/General Judgment by the Benton County Circuit Court. The DEQ will consider public comments prior to issuing Certification of Completion.

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

The Consent Judgment required Pence to place institutional controls on the Property precluding usage of the Property for residential purposes or the installation of water well(s) or use of the shallow groundwater. Pence also agreed to pay \$ 30,000 towards the cleanup activities conducted at the site. In the summer of 2012, a DEQ contractor removed the septic tank and surrounding contaminated soil. The soil was treated by bioremediation on-site and then disposed of as non-hazardous waste in a permitted solid waste landfill. The Consent Judgment also outlined the long-term institutional and engineering controls deemed necessary for the Property, which will be recorded on the title to the Property as an Easement And Equitable Servitude. There is also a requirement that any subsequent transferee of the Property agree, in writing, to assume responsibility for completing any remaining requirements of the Consent Judgment.

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

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

DEQ reviewed the conditions stated in the PPA and the corresponding actions:

1) Pence provided access to the Property to DEQ, as required in the Consent Judgment.

2) Pence has agreed to the language in the *Easement And Equitable Servitude*. Once this document is recorded with Benton County this requirement will be considered complete.

3) Pence has paid DEQ \$30,000 toward the cleanup costs.

4) Pence has been paying DEQ certain DEQ cost recovery charges. Once Pence has paid DEQ's final invoice, the cost recovery requirement of the PPA will be complete after which DEQ will issue a Certification of Completion, after consideration of any comments received during the public comment period.

5) All Pence's requirements under the Consent Judgment have either been satisfied or documentation of their satisfaction will be included in the Certificate of Completion document.

HOW TO COMMENT: Written comments concerning the Certification of Completion should be sent to Geoff Brown at DEQ Western Region offices at 165 E 7th Avenue, Ste 100, Eugene, Oregon 97401-3049. Comments must be received by DEQ by 5:00 pm November 30, 2012. A draft version of the Certification of Completion is available for review in the DEQ office in Eugene. Questions may be directed to Geoff Brown at (541) 686-7819. Requests for an electronic version of the draft document should be directed to Geoff Brown at brown.geoff@deq.state.or.us

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

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

REQUEST FOR COMMENTS, INFORMATION MEETING PROPOSAL FOR RESTORATION AND CONSENT JUDGMENT FOR THE MILLER CREEK SITE

COMMENTS DUE: Nov. 30, 2012, 5 p.m.

PUBLIC MEETING: DEQ will hold a public meeting to provide information regarding the proposed consent judgment, on Nov. 15, 2012, from 6:30 pm to 8 pm, at the Linnton Community Center, 10614 NW St. Helens Rd, Portland.

PROJECT LOCATION: 12800 NW Marina Way, Portland Oregon

PROPOSAL: DEQ is proposing to enter into a prospective purchaser agreement in the form of a consent judgment with Portland Harbor Holdings III, LLC regarding the Miller Creek site. Portland Harbor Holdings intends to acquire the development rights in perpetuity on 13.17 acres for the purpose of restoring and enhancing a combination of tributary channel, riparian, marsh and mud flat, and forested habitats. This will involve removal of approximately 100,000-200,000 cubic yards of soil. It is anticipated that this material will be disposed of at one or more offsite permitted landfills, or re-used in accordance with applicable Beneficial Use Determination/Solid Waste Letter of Authorization requirements. To ensure permanent protection of the site as a wildlife habitat, a conservation easement will be granted to a non-profit entity or government organization approved by the Portland Harbor Trustees or the property will be encumbered by a deed restriction that is approved by the Portland Harbor Trustees. Under the proposed consent judgment, Portland Harbor Holdings would receive protection from potential liability for pre-acquisition releases of hazardous substances at or from the property, as well as protection from contribution claims by third parties.

HIGHLIGHTS: The subject site is currently undeveloped and is owned by and adjacent to Fred's Marina. Beginning around 1940 and continuing through 2005, the site was used periodically for placement of fill including dredge materials from Multnomah Channel and the Willamette River. In addition, in the last approximately 15 years, fill derived from construction projects around the Portland region have also been placed at the site. According to the Phase II Environmental Site Assessment report, contaminants detected in fill include the following: metals, petroleum hydrocarbons, semivolatile organic compounds, polychlorinated biphenyls (commonly known as PCBs), and organochlorine pesticides. Site sampling results indicate that acceptable soil concentrations will remain in the areas pro-

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posed for aquatic and riparian habitat after fill and some native soil is removed.

HOW TO COMMENT: The project file, including environmental investigation reports, the draft prospective purchaser agreement, and the draft restoration plan may be reviewed by appointment at DEQ's Northwest Region office, 2020 SW 4th Avenue, Suite 400, Portland, OR 97201. To schedule an appointment, contact Dawn Weinberger at 503-229-6729. For more information, please contact project manager Tom Gainer at 503-229-5326 or by email (gainer.tom@deq.state.or.us). To access site summary information in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet, go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter ECSI #5741 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI #5741 in the Site ID/Info column. Send comments by 5 pm Friday, Nov. 30 to gainer.tom@deq.state.or.us, or by mail to Oregon DEQ NW Region, Attn: Tom Gainer, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon 97201.

THE NEXT STEP: DEQ will review and consider all comments received during the comment period. If DEQ then determines to enter the consent judgment, the consent judgment will be executed with Portland Harbor Holdings and filed with the Multnomah County Circuit Court, after which the company intends to acquire the development rights in perpetuity and proceed with the activities described above.

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

REQUEST FOR COMMENTS PROPOSAL FOR CONSENT JUDGMENT FOR THE REXEL-TAYLOR SITE

COMMENTS DUE: Nov. 30, 2012, 5 p.m.

PROJECT LOCATION: 240 SE Clay Street, Portland Oregon

PROPOSAL: DEQ is proposing to enter into a prospective purchaser agreement in the form of a consent judgment with Fisher's Terrace, LLC regarding the Rexel-Taylor site. Fisher's Terrace intends to purchase the property for the purpose of constructing approximately 60,000 square foot of industrial office space with 3 to 4 floors and about 110 parking stalls. Under the proposed consent judgment, Fisher's Terrace would receive protection from potential liability for pre-acquisition releases of hazardous substances at or from the property, as well as protection from contribution claims by third parties.

HIGHLIGHTS: On May 17, 2006, a fire that was started offsite by unknown persons destroyed much of the former Rexel-Taylor Electric building. An offsite wooden utility pole exterior to the southern side of the building with three PGE-owned pole-mounted transformers containing PCB-containing insulating oil were consumed by the fire. Fire debris samples detected petroleum hydrocarbons, PCBs, polychlorinated dibenzodioxin and polychlorinated dibenzofuran, metals, and polynuclear aromatic hydrocarbon constituents. The majority of contaminated fire debris and stormwater sediment in two pipelines adjacent to the property were removed from the site, and Fisher's Terrace will remove the remaining onsite contaminated debris and soil during building construction.

HOW TO COMMENT: The project file, including environmental investigation reports, the draft prospective purchaser agreement, and the draft restoration plan may be reviewed by appointment at DEQ's Northwest Region office, 2020 SW 4th Avenue, Suite 400, Portland, OR 97201. To schedule an appointment, contact Dawn Weinberger at 503-229-6729. For more information, please contact project manager Tom Gainer at 503-229-5326 or by email (gainer.tom@deq.state.or.us). To access site summary information in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet, go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then

enter ECSI #4632 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI #4632 in the Site ID/Info column. Send comments by 5 pm Friday, Nov. 30 to gainer.tom@deq.state.or.us, or by mail to Oregon DEQ NW Region, Attn: Tom Gainer, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon 97201.

THE NEXT STEP: DEQ will review and consider all comments received during the comment period. If DEQ then determines to enter the consent judgment, the consent judgment will be executed with Fisher's Terrace and filed with the Multnomah County Circuit Court, after which the company intends to purchase the property and proceed with the activities described above.

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

REQUEST FOR COMMENTS PROPOSED APPROVAL OF CLEANUP AT THE SMALL ARMS FIRING RANGES, CAMP WITHYCOMBE, CLACKAMAS, OREGON

COMMENTS DUE: 5pm, November 30, 2012

PROJECT LOCATION: 15300 SE Industrial Way, Clackamas, Oregon

PROPOSAL: The Department of Environmental Quality is proposing to issue a "No Further Action" (NFA) determination based on results of site investigation and remedial activities performed at the Small Arms Firing Ranges at Camp Withycombe located at 15300 SE Industrial Way in Clackamas, Oregon. DEQ has determined that the cleanup is complete and residual lead contamination does not pose risks to human health and the environment exceeding the acceptable levels defined in ORS 465.315. DEQ is therefore proposing issuance of a No Further Action determination for the facility. This decision excludes potential contamination related to ongoing investigations of larger caliber unexploded ordnance that is present at other areas of the site.

HIGHLIGHTS: Camp Withycombe was originally developed by the federal government in 1909 as the Clackamas Rifle Range. Flat land and adjacent terrain sloping up (northeast) toward Mt. Talbert was historically used for seven small arms firing ranges. The future Sunrise Corridor Freeway alignment runs northwest to southeast along the base of Mt. Talbert foothills and through the area of the former ranges.

A number of environmental investigations of firing range soils and groundwater have been performed at the site since 1991. Lead at concentrations as high as 180,000 mg/kg was found in shallow soil at all firing ranges, particularly in the target impact zones. Dissolved lead in groundwater was generally not found above naturally occurring levels.

The small arms ranges cleanup ran from April 2008 through July 2009 and included planning and permitting, clearing of vegetation and trees, soil excavation, soil treatment, soil sampling, material recycling, soil disposal, and site restoration. A total of 28,223 tons of soil, including all hot spot-level soil contamination (lead exceeding 4,000 mg/kg), were excavated in effort to meet the cleanup remedial action objective of 400 mg/kg lead, generally to a depth of less than two feet bgs. Over 270 tons of lead bullets were recovered for recycling. Over 11,000 tons of soil were cleaned up enough to reuse on-site while nearly 17,000 tons of soil was trucked to landfills where most of it was used for daily cover. After cleanup the excavations were filled and planted with native vegetation. The vegetation and groundwater below the site were monitored for two years.

DEQ concludes that environmental conditions at the site do not pose an unacceptable risk to human health and the environment, and therefore, meet the requirements of the Oregon Environmental Cleanup Laws. During cleanup of the small arms firing ranges it was found that unexploded ordnance from larger caliber weapons is pres-

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ent in other areas of the facility. Two investigations of unexploded ordnance are now underway at Camp Withycombe. The proposed cleanup approval would apply only to the Small Arms Firing Ranges. **HOW TO COMMENT:** The DEQ No Further Action Recommendation Memo and Cleanup Record of Decision for the Camp Withycombe 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 1705 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 1705 in the Site ID/Info column. Please send written comments to Robert Williams, Project Manager, at the address listed above or via email at williams.robert.k@deq.state.or.us. To be considered, DEQ must receive written comments by 5 pm on November 30, 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 "No Further Action" determination. In the absence of comments, DEQ will issue the No Further Action determination for the Small Arms Firing Ranges at the Camp Withycombe 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. People with hearing impairments may call the Oregon Telecommunications Relay Service 1-800-735-2900 number.

REQUEST FOR COMMENTS PROPOSED CLEANUP APPROVAL FOR FORMER SUNSET SHOPPING CENTER

COMMENTS DUE: 5 p.m., Monday Dec. 3, 2012

PROJECT LOCATION: 822 NW Murray Boulevard, Washington County, Oregon

PROPOSAL: The Department of Environmental Quality invites public comment on its proposed approval of interim remedial action measures and a proposed No Further Action determination for the Sunset Shopping Center property.

HIGHLIGHTS: The property formerly contained an 8,600 square-foot strip mall and separate 1000 square-foot building used for retail fueling. Structures were demolished in 2009 and the site is currently vacant. The original 1.02-acre Sunset Shopping Center property was purchased by Washington County in 2008 as part of a Corridor Improvement Project that involved the taking of a 40-foot wide right-of-way along the bounding streets of NW Murray Boulevard and NW Cornell Road, which reduced the tax lot size to 0.69 acres.

An automotive fuel/service station formerly operated at the northwest corner of the Site from approximately 1947 to 1973. This area is now entirely beneath the new right-turn lane of NW Murray Boulevard. The former dry cleaner, most recently Fox Cleaners, operated from at least 1968 until 2006 at the northern portion of the property.

A remedial investigation conducted between 2007 and 2012 showed petroleum impacts related to former gasoline and waste oil underground storage tanks. Contamination is at depth and below levels of concern for human health. Higher levels of contamination were detected at a former oil/water separator, prompting removal of approximately 40 cubic yards of associated petroleum contaminated soil for landfill disposal.

The dry cleaning solvent perchloroethene also known as PCE was detected in soil beneath the former dry cleaner tenant space and in underlying shallow groundwater that occurs at a depth of about 10 feet. PCE concentrations in soil were generally low, but several elevated levels indicated that vapor intrusion to indoor air could be of concern. With the exception of one sample, indoor air concentrations were below levels of concern. Groundwater contamination was found to extend to approximately 650 feet to the south and southeast, encroaching on residential properties.

An Interim Remedial Action Measure was implemented at the property in September 2011 to reduce source area groundwater concentrations. The cleanup action targeted the source area beneath the former dry cleaner and consisted of delivery of soluble, food-grade, nutrient source to subsurface soils and groundwater in order to promote breakdown of the PCE and related chemicals to non-toxic compounds. Groundwater monitoring showed a decrease in PCE groundwater concentrations in a limited area. However, groundwater monitoring has shown that natural attenuation is occurring and likely to continue to reduce contaminant concentrations.

A risk assessment evaluated risks to potential future on-site and off-site workers and residents. The primary human health concern is volatilization of PCE and associated chemicals from groundwater and soil into indoor air. Shallow groundwater is not currently used for drinking water and not likely to be used in the future. Based on the relatively low levels of site contamination detected in soil, groundwater and soil gas, the risk assessment did not identify any unacceptable risks to human health under current or future anticipated exposure conditions.

MORE INFORMATION: To access site summary information and other documents in DEQ's Environmental Cleanup Site Information database, go to <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, then enter ECSI #5037 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI #5037 in the Site ID/Info column. Next, click on the "View" under "webdocs" to review site documents

You can also review project files at the DEQ Northwest Region office located at 2020 SW 4th Avenue, Suite 400, Portland, Oregon. For an appointment to review the files call. For a file review appointment, call 503-229-6729; toll free at 800-452-4011.

HOW TO COMMENT: Please send written comments by 5 p.m. Wednesday, Dec. 3, 2012 to Project Manager Mark Pugh, DEQ Northwest Region, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon 97201 or via pugh.mark@deq.state.or.us.

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

REQUEST FOR COMMENTS PROPOSED CLEANUP ACTION FOR SATURN OF SOUTHWEST OREGON

COMMENTS DUE: 5 p.m., November 30, 2012

PROJECT LOCATION: 400 North Riverside Avenue, Medford, Oregon

PROPOSAL: Pursuant to Oregon Revised Statute (ORS) 465.320 DEQ is providing a thirty-day opportunity for public review and comment on the 400 North Riverside Avenue, Medford, Oregon facility administrative records that support a conditional No Further Action (NFA) finding. The site is currently zoned Commercial – Community [CC], and is currently used as an automotive administrative office. The site history included gasoline and automotive service, retail pet food store, television repair, and automotive sales and service.

HIGHLIGHTS: Capital Automotive Real Estate Services, LLC requested a No Further Action (NFA) from DEQ with respect to site investigation and cleanup of legacy contamination related to historic activities at the site. Capital Automotive Real Estate Services, LLC entered DEQ's Voluntary Cleanup Program (VCP) on July 23, 2012

OTHER NOTICES

for regulatory oversight under the Independent Cleanup Pathway (ICP).

HOW TO COMMENT: Send comments by 5 p.m., November 30, 2012, to DEQ Project Manager Cliff Walkey at walkey.cliff@deq.state.or.us and/or by US Postal mail addressed to Mr. Walkey's attention at the DEQ's Bend, Oregon office located at 475 NE Bellevue Drive, Suite 110, Bend, Oregon 97701-7415.

A thirty-day public opportunity to review and comment will extend from November 1, 2012 through November 30, 2012.

To review the project file, call Cliff Walkey at (541) 633-2003 for a file review appointment.

To access site summary information and other documents in DEQ's Environmental Cleanup Site Information database, go to <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, then enter ECSI #2488 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI # 2488 in the Site ID/Info column.

THE NEXT STEP: DEQ intends to issue a No Further Action (NFA) finding conditioned upon comments received during the public opportunity to review the 400 North Riverside Avenue, Medford, Oregon administrative record during November 2012. DEQ will consider and respond to all comments received.

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

People with hearing impairments may call 711.

REQUEST FOR COMMENTS DEQ RECOMMENDS NO FURTHER ACTION FOR CLEANUP OF PORT OF NEWPORT'S INTERNATIONAL TERMINAL

COMMENTS DUE: 5 pm, November 30, 2012

PROJECT LOCATION: 1510 SE Bay Boulevard Newport, OR 97365; International Terminal, Dock Road, Newport, OR

PROPOSAL: The Oregon Department of Environmental Quality (DEQ) is recommending No Further Action for assessment or cleanup of contamination relating to the former Pasley and the Hennebique, two 1940's era concrete hulled vessels that were used as part of the dock structure at the Port of Newport's (The Port's) International Terminal (DEQ Environmental Cleanup Site Inventory [ECSI] #1827). Based on a review of the final cleanup report and the project file, DEQ recommends No Further Action and as such, DEQ requests public comment on our recommendation.

HIGHLIGHTS: In 1948, two World War II vessels (Pasley and Hennebique) were sunk and incorporated into the dock structure of the International Terminal, which is currently owned by The Port, who uses the facility for cargo and fishing operations. Petroleum and other contaminants remained on the vessels. In 1996, petroleum releases started to occur due to failure of the Pasley's hull. From 2006 to 2009, investigations were conducted to determine how much contamination remained on the vessels, the likelihood of additional releases, the risk to the environment, and what the best cleanup alternative would be. Using Federal Brownfield funding, the Port along with their consultant, and DEQ, proposed a cleanup plan for the 2 two vessels in 2009.

The cleanup plan was chosen based on a number of balancing factors that address the effectiveness, long term reliability, implementation difficulty, implementation risk, and cost of the remedy. Details were presented in the document titled, *Analysis of Brownfields Cleanup Alternatives (ABCA) – Phase I Remedial Action Activities*, dated April 2009 and the follow-up *ABCA Amendment*, dated July 2010. The cleanup plan, consisting of cleaning the holds of both vessels, removing the Pasley, and filling the Hennebique with clean fill, was compared to several alternatives which were presented to the public during the month of September, 2010.

After addressing public comment, DEQ approved the proposed cleanup plan in December, 2010. The Port's contractors, Advanced

Remediation Technologies (ART), Natt McDougall Company, and Western States Environmental Services with oversight from The Port and DEQ, conducted the cleanup during the summer of 2011, according to the ABCA and the more detailed, *Remedial Action Work Plan*, dated August, 2010. There were no modifications from the approved cleanup plan during cleanup activities.

ART prepared a summary report titled *Final Cleanup Summary Report*, dated August 2012, detailing the work that was conducted. In addition, DEQ prepared a brief Staff Memorandum concluding that the cleanup was conducted according to the approved cleanup plan and presenting why the site has been cleaned up to acceptable standards, and why the project should be given a No Further Action determination. Before final issuance of a No Further Action determination, DEQ is soliciting public comment on the recommendation for No Further Action.

HOW TO COMMENT: The DEQ Staff Memorandum and the Final Cleanup Summary Report are available for review on DEQ's web site located at the following link, <http://www.deq.state.or.us/lq/ecsi/ecsi.htm>, by entering the site ID, #1827 in the search bar of the ECSI database. Documents can also be reviewed at the Eugene or Salem office by contacting the DEQ project manager, Bryn Thoms, at 541-687-7424 or by email at thoms.bryn@deq.state.or.us, or the DEQ project coordinator, Mary Camarata, at 541-687-7435 or by email at camarata.mary@deq.state.or.us. Also, the documents can be viewed in person at the Port of Newport office located at 600 SE Bay Blvd, Newport.

Comments on the recommendation need to be received at the DEQ Eugene office, attn: Bryn Thoms or Mary Camarata, by 5 pm on November 30, 2012. Fax or email comments are acceptable.

Upon completion of the comment period, comments received will be addressed by DEQ. Once the comments have been adequately addressed, the DEQ may approve, modify, or deny the No Further Action determination.

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

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

REQUEST FOR COMMENTS PROPOSED CONDITIONAL NO FURTHER ACTION FOR FORMER RICHFIELD OIL BULK PLANT

COMMENTS DUE: 5 p.m., Nov. 30, 2012

PROJECT LOCATION: 3375 17th St., Baker City

PROPOSAL: The Oregon Department of Environmental Quality's Voluntary Cleanup Program proposes to issue a conditional no further action determination for the former Richfield Oil Bulk Plant - North site located at 3375 17th St., Baker City. DEQ issues a conditional no further action determination when a cleanup has met regulatory standards.

HIGHLIGHTS: The former Richfield Oil petroleum bulk plant operated from 1950 to 1975. All of the former bulk plant facilities have been removed from the site. The property has been redeveloped for light industrial use. At some point during the bulk plant's operation, fuel leaked into the ground and contaminated soil and groundwater. The contamination is present beneath the eastern portion of the property and extends beneath onto the property located directly north of the site. Deed restrictions, prohibiting the use of groundwater, were placed on the site and eight additional properties as part of cleanup effort related to this and other former bulk plants located in the area. Residual soil and groundwater contamination are less than applicable screening levels. The Voluntary Cleanup Program has reviewed remedial actions performed at the site and has determined conditional no further action is required.

HOW TO COMMENT: Send comments by 5 p.m., Nov. 30, 2012, to DEQ Project Manager Katie Robertson by phone at 541-278-4620,

OTHER NOTICES

by mail at 700 SE Emigrant, Suite 330, Pendleton, OR 97801, by e-mail at robertson.katie@deq.state.or.us or by fax at 541-278-0168.

To access site summary information and other documents in DEQ's Environmental Cleanup Site Information database, go to www.deq.state.or.us/lq/ECSI/ecsi.htm, select "Search complete ECSI database" link, enter 3012 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 3012 in the Site ID/Info column. To review the project file, contact the project manager above for a file review appointment.

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

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

PROPOSED CONDITIONAL NO FURTHER ACTION DETERMINATION, SANTA FE PACIFIC PIPELINE TERMINAL IN EUGENE, OREGON

COMMENTS DUE: 5 pm, November 30, 2012

PROJECT LOCATION: 1765 Prairie Road, Eugene, Oregon

PROPOSAL: The Oregon Department of Environmental Quality (DEQ) requests public comment on its recommendation that no further action is required for investigation or cleanup of contaminated soil and groundwater at the Santa Fe Pacific Pipeline Eugene Terminal located at 1765 Prairie Road, Eugene, Oregon.

HIGHLIGHTS: The Site is a petroleum storage and distribution facility located at 1795 Prairie Road in Eugene, Oregon. The terminal portion of the Site comprises approximately 15 acres and includes three aboveground storage tank (AST) farms with a total of 42 ASTs, a manifold area, several truck loading racks, a former rail car loading rack (no longer in service) and operation and administrative buildings. The terminal was purchased in 1962, before which it was the site of a lumber mill.

Long-term use of the site as a bulk fuel plant and pipeline terminal resulted in numerous releases of gasoline, diesel, and fuel additives to the soil and shallow groundwater, mostly within the footprint of the tank farm. Numerous small excavations and cleanups have occurred at the site. The site has a groundwater monitoring well network that is sampled and analyzed for contamination quarterly. The groundwater monitoring results have indicated that the contamination beneath the center of the site is relatively immobile and does not extend to offsite.

DEQ's review of the site characterization, groundwater monitoring results, and beneficial groundwater use for the surrounding area did not identify any current unacceptable risks associated with the soil and groundwater contamination beneath the site. This determination is based on the identification of no drinking water wells on neighboring properties, the land use (commercial) remaining stable, and the continual monitoring of the groundwater contamination to detect additional contamination.

Future risk at the site will be managed by requiring continuing monitoring of the monitoring well network, preparing a plan for safely managing contaminated soils, should they be encountered, and preparing a deed restriction. Among other things, the deed restriction will require the property owner to not use groundwater for domestic purposes and restrict future structures for human occupancy from areas of the site. Once these elements are in place DEQ, conditions at the site will be protective of human health and DEQ will require no further action for this site (aside from the ongoing requirements for monitoring described above).

HOW TO COMMENT: A DEQ Staff Report presenting details about the site and cleanup activities supports the decision to approve the No-Further-Action determination. The document supporting this

proposal can be viewed in DEQ's Eugene office at 165 E. 7th Ave, Suite 100, Eugene, OR 97401. You may also request an electronic copy by contacting Geoff Brown at brown.geoff@deq.state.or.us or at (541)686-7819. Comments on the proposed determination need to be received by the Eugene Office, attn: Geoff Brown, by 5 pm on November 30, 2012. Fax or email comments are acceptable. The Fax number is 541-686-7551.

THE NEXT STEP: Upon completion of the comment period, DEQ will consider and address any comments it receives. Once the comments have been adequately addressed, DEQ will document its decision in a Record of Decision. DEQ will then require Kinder Morgan to complete the institutional controls identified above. Once the administrative actions are complete, DEQ will issue a conditional letter of no further action for the site.

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

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

REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION FOR THE W.R. GRACE & CO. SYNTHETECH FACILITY SITE

COMMENTS DUE: 5 p.m., November 30, 2012

PROJECT LOCATION: 1290 Industrial Way SW, Albany, Oregon

PROPOSAL: The Oregon Department of Environmental Quality's (DEQ) Voluntary Cleanup Program proposes to issue a no further action determination for the W.R. Grace & Co., Synthetech property (Site) located at 1290 Industrial Way SW in Albany. DEQ issues a no further action determination when a cleanup has met regulatory standards.

HIGHLIGHTS: The Site is an active chemical manufacturing facility which had a release in August 2010 from a chemical neutralizer floor sump, which was part of a wastewater treatment system. Subsequent investigations identified limited soil and groundwater contamination at the Site and adjacent properties. A previous no further action determination was issued for the Site in April 29, 1996 by DEQ. The detected concentrations are below applicable exposure pathway levels and are protective of human health and the environment. The Site will remain listed on the DEQ's Confirmed Release List and Inventory of Hazardous Substances.

To access Site summary information and other documents in DEQ's Environmental Cleanup Site Information database, go to www.deq.state.or.us/lq/ECSI/ecsi.htm, select "Search complete ECSI database" link, enter 240 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 240 in the Site ID/Info column. To review the project file, contact the project manager below for a file review appointment.

HOW TO COMMENT: Send comments by 5 p.m., November 30, 2012, to DEQ Project Manager David Anderson by phone at 541-633-2012, by mail at 475 NE Bellevue Dr, Suite 110, Bend OR 97701, by e-mail at anderson.david@deq.state.or.us, or by fax at 541-388-8283.

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 866-863-6668, email at deqinfo@deq.state.or.us, or 711 for people with hearing impairments.

NOTICES OF PROPOSED RULEMAKING

Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

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

Public comment may be submitted in writing directly to an agency or presented orally 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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Board of Geologist Examiners Chapter 809

Rule Caption: Update rules related to Board review and processing of complaints regarding public practice of geology.

Date: 11-16-12 **Time:** 10 a.m. **Location:** 707 13th St. SE, Conference Rm. A, 2nd Floor Salem, OR

Hearing Officer: Christine Valentine

Stat. Auth.: For 809-020-0030: ORS 670.310, 672.615(1), 672.655 & 672.675. For 809-055-0000: ORS 672.310, 672.315, 672.615(1) & 672.665

Stats. Implemented: For 809-020-0030: ORS 672.505–672.705. For 809-055-0000: ORS 672.655 & 672.675

Proposed Amendments: 809-020-0030, 809-055-0000

Last Date for Comment: 11-16-12, Close of Business

Summary: 809-020-0030 Misconduct: The proposed rule amendments are intended to clarify the links between Board rules OAR 809-003-0000 Definitions and OAR 809 Division 20 Code of Professional Conduct and the Board's statutory responsibilities and authorities related to discipline. The revised rule will provide registrants with a clearer understanding of the types of behaviors that can be subject to disciplinary action by the Board, which can include but is not limited to imposition of civil penalties. By clarifying the rule, the possibility for misunderstandings among the registrant pool and citizens should be reduced.

809-055-0000 Complaint Process: This rule addresses the procedures used by the Board to investigate complaints. The Board has determined that the rule does not adequately reflect its current procedures for review and processing of complaint cases. The revised rule will accurately describe procedures, thereby increasing clarity for registrants and other parties involved with complaint cases.

Rules Coordinator: Christine Valentine

Address: Board of Geologist Examiners, 707 13th St. SE, Suite 114, Salem, OR 97301

Telephone: (503) 566-2837

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Rule Caption: 2011–2013 Budget Adjustment and Board Policies and Procedures Update.

Date: 11-16-12 **Time:** 9 a.m. **Location:** 707 13th St. SE, Conference Rm. A, 2nd Floor Salem, OR

Hearing Officer: Christine Valentine

Stat. Auth.: OAR 809-010-0025: ORS 182.462 & 182.466. For OAR 809-001-0000: ORS 183. For OAR 809-001-0020, 0025, & 0030: ORS 182.460(5).

Stats. Implemented: ORS 672.505–672.705 & 182.456–182.472

Proposed Amendments: 809-010-0025, 809-001-0000

Proposed Repeals: 809-001-0020, 809-001-0025, 809-001-0030

Last Date for Comment: 11-16-12, Close of Business

Summary: 809-010-0025 Budget Rule: The Board seeks to increase its allowable expenditure limit for the 2011-2013 biennium in accordance with a revised budget that incorporates updated revenue and expense information. This will provide the Board with needed flexibility in managing Board business for the remainder of the biennium. No fee increases are required.

809-001-0000 Notice Rule: The Board is required to follow the Oregon Administrative Procedures Act (APA), and the Board's rule must be updated to remove conflicts with the APA. The revisions address timing of rulemaking notice and update a citation to the APA.

809-001-0020, 809-001-0025, 809-001-0030 Policies/Procedures Rules: The Board needs to delete rules that refer to outdated State of Oregon policies and procedures as the contracting, procurement and personnel policies and procedures for the Board. The Board determined that administrative rule is not the best forum for adopting and updating internal policies and procedures, nor is this legally required. The Board has adopted by motion updated contracting, procurement, and personnel policies and procedures to address its obligations as a semi-independent agency. These rules are therefore obsolete.

Rules Coordinator: Christine Valentine

Address: Board of Geologist Examiners, 707 13th St. SE, Suite 114, Salem, OR 97301

Telephone: (503) 566-2837

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Board of Massage Therapists Chapter 334

Rule Caption: Clarifying Internal Cavity, Class Certification, Discipline, and Exempt Practices Rule Language, adding a definition.

Date: 11-26-12 **Time:** 9 a.m. **Location:** 748 Hawthorne Ave. NE Salem, OR 97301

Hearing Officer: David Fredrickson

Stat. Auth.: ORS 687.011, 687.121, 687.081

Stats. Implemented: ORS 687.121

Proposed Amendments: 334-001-0060, 334-010-0027, 334-010-0029, 334-010-0046, 334-040-0010

Last Date for Comment: 11-26-12, Close of Hearing

Summary: 334-010-0029 Internal Cavity: clarified rule language; 334-010-0027 Exempt Practices: corrected spelling; 334-010-0046 Class Certification: clarified in state and out of state school requirements; 334-001-0060 Definitions: Added successful completion definition; 334-040-0010 Discipline: clarified rule language

Rules Coordinator: Christine West

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

Telephone: (503) 365-8657, ext. 302

NOTICES OF PROPOSED RULEMAKING

Board of Parole and Post-Prison Supervision Chapter 255

Rule Caption: Update Rules Governing Conduct of Board Hearings.
Stat. Auth.: ORS 144.120, 144.120(7), 144.130, 144.035(5), 144.120(1)(b), 144.123, 192.690, 144.750, 144.050, 144.140, 192.502(4) or (5), 144.185, 144.223, 144.260 & 144.135

Stats. Implemented: ORS 144.120, 144.260, 144.135, 144.185, 144.130, 144.185, 144.125(1), 144.223, 144.050, 144.140, 144.750, former ORS 144.120(7), 144.123, 192.630 & 144.035(5)

Proposed Adoptions: 255-030-0046

Proposed Amendments: 255-030-0010, 255-030-0013, 255-030-0021, 255-030-0023, 255-030-0024, 255-030-0025, 255-030-0026, 255-030-0027, 255-030-0032, 255-030-0035, 255-030-0040, 255-030-0055

Last Date for Comment: 11-26-12, 5 p.m.

Summary: These amendments: (1) remove outdated formatting and grammar; (2) reflect current and future technology changes that relate to holding hearings; (3) expand language to provide clear information on agency procedures for holding hearings; (4) clarify who may attend hearings and the manner in which individuals may submit information to the Board; (5) and increase opportunities for inclusion in hearings of district attorneys, victims and/or their representatives, as well as others who may have a substantial interest in the case, or who may be able to provide information to assist the Board in its deliberations.

Rules Coordinator: Shawna Harnden

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

Telephone: (503) 945-0913

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**Board of Pharmacy
Chapter 855**

Rule Caption: Amend, adopt, renumber or repeal Emergency Department Dispensing, Fees, Wholesaler Definition and Division 041 rules.

Date:	Time:	Location:
11-29-12	9 a.m.	800 NE Oregon St. Conference Rm. 1A Portland, OR 97232

Hearing Officer: Courtney Wilson

Stat. Auth.: ORS 475.035 & 689.205

Stats. Implemented: ORS 689.135, 689.151, 689.155, 689.205, 689.225, 689.305, 689.505, 689.508, 689.515, 689.774 & 2012 OL Ch. 34

Proposed Amendments: 855-041-6410, 855-065-0005, 855-110-0007

Proposed Repeals: 855-041-0007, 855-041-0030

Proposed Ren. & Amends: 855-041-0005 to 855-041-1080, 855-041-0015 to 855-041-1090, 855-041-0026 to 855-041-1020, 855-041-0035 to 855-041-2100, 855-041-0060 to 855-041-1040, 855-041-0060 to 855-041-1160, 855-041-0060 to 855-041-1165, 855-041-0065 to 855-041-1105, 855-041-0065 to 855-041-1120, 855-041-0065 to 855-041-1125, 855-041-0065 to 855-041-1130, 855-041-0135 to 855-041-6800, 855-041-0145 to 855-041-7050, 855-041-0160 to 855-041-7060, 855-041-0162 to 855-041-7070, 855-041-0165 to 855-041-8050, 855-041-0360 to 855-041-4045, 855-041-0620 to 855-041-4120

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

Summary: The Division 041 Emergency Department Dispensing amendments are needed to update labeling and record requirements. These rules also propose to establish requirements for Automated Dispensing Machines (ADM) within the Emergency Department.

The Board is in the process of reorganizing and renumbering Division 041 to provide greater clarity, order and consistency with Drug Enforcement Administration (DEA) and Food and Drug Administration (FDA) regulations. For those rules that only required renumbering, they have been filed and updated with the Secretary of State.

This filing includes rules that have been both renumbered and amended. Also reflected are rules that are proposed to be repealed because they are outdated. The Board intends to develop new rules to accommodate new business models and will review the Division in its entirety to ensure that the rules accurately reflect current pharmacy practice standards.

The proposed amendments in Division 065 permanently amend the definition of Class II Wholesaler to include Oxygen USP and medical gases which is currently a Temporary Rule. The Temporary Rule will expire on December 16, 2012.

The proposed amendments in Division 110 establish a permanent licensing and delinquent fee for the registration and renewal of Supervising Physician Dispensing Outlets as required by 2012 Senate Bill 1565. This rule is currently a Temporary Rule and will expire on December 16, 2012.

Rules Coordinator: Karen MacLean

Address: Board of Pharmacy, 800 NE Oregon St., # 150, Portland, OR 97232

Telephone: (971) 673-0001

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**Board of Psychologist Examiners
Chapter 858**

Rule Caption: Modifies educational and exam requirements for licensure; clarifies criteria for complaint rejection.

Date:	Time:	Location:
1-14-13	9 a.m.	3218 Pringle Road SE, Suite 130 Salem, OR 97302

Hearing Officer: LaRee Felton

Stat. Auth.: ORS 675.010-675.150

Stats. Implemented: ORS 675.030, 675.050, 675.065, 675.070 & 675.110

Proposed Amendments: 858-010-0010, 858-010-0015, 858-010-0017, 858-010-0030, 858-020-0025

Proposed Repeals: 858-010-0010(T), 858-010-0015(T), 858-010-0017(T), 858-010-0030(T), 858-020-0025(T)

Last Date for Comment: 1-14-13, 5 p.m.

Summary: Modifies the core and clinical coursework content areas and adds a requirement for a minimum number of graded courses to the clinical psychology educational requirements for licensure as a psychologist for applicants who possess a doctoral degree from a regionally accredited, provincially chartered, or foreign program. Also allows these and psychologist associate applicants to complete limited coursework outside of their degree-granting program if the applicant's degree-granting program was deficient in required content areas. Allows certain psychologist applicants previously licensed for at least 15 years to meet the EPPP (national) exam requirement if they previously passed the exam based on the original licensing board's standards. Establishes when a candidate for licensure must retake the jurisprudence exam. Clarifies the criteria used to reject a complaint filed with the Board.

Rules Coordinator: LaRee Felton

Address: Board of Psychologist Examiners, 3218 Pringle Rd. SE, Suite 130, Salem, OR 97302

Telephone: (503) 373-1196

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**Department of Administrative Services
Chapter 125**

Rule Caption: Adopts, Amends and Repeals Department of Administrative Services Public Contracting Rules.

Date:	Time:	Location:
11-15-12	1 p.m.	155 Cottage St. NE, Conference Rm. B Salem, OR 97301

Hearing Officer: Jay Jackson

Stat. Auth.: ORS 279A.065 & 279A.070

Stats. Implemented: ORS 279A.010, 279A.015, 279A.020, 279A.030, 279A.050, 279A.065, 279A.070, 279A.075, 279A.100, 279A.105, 279A.110, 279A.125, 279A.140, 279A.145, 279A.150,

NOTICES OF PROPOSED RULEMAKING

279A.155, 279A.180, 279A.200, 279A.205, 279A.210, 279A.215, 279A.220, 279A.225, 279B.005, 279B.015, 279B.025, 279B.030, 279B.033, 279B.036, 279B.050, 279B.055, 279B.060, 279B.065, 279B.070, 279B.075, 279B.080, 279B.085, 279B.110, 279B.115, 279B.130, 279B.140, 279B.205, 279B.210, 279B.270, 279B.280, 279B.400, 279B.410, 279B.415, 279B.420, 279B.425, 279C.110, 279C.320, 279C.335 & 0212 OL Ch. 52, Ch. 53 & Ch. 58

Proposed Adoptions: 125-246-0316, 125-246-0318, 125-246-0319, 125-247-0805, 125-247-0810

Proposed Amendments: 125-246-0100, 125-246-0110, 125-246-0165, 125-246-0170, 125-246-0210, 125-246-0220, 125-246-0321, 125-246-0322, 125-246-0323, 125-246-0333, 125-246-0335, 125-246-0345, 125-246-0350, 125-246-0351, 125-246-0353, 125-246-0360, 125-246-0400, 125-246-0500, 125-246-0556, 125-246-0576, 125-246-0800, 125-247-0100, 125-247-0110, 125-247-0165, 125-247-0255, 125-247-0260, 125-247-0265, 125-247-0270, 125-247-0275, 125-247-0280, 125-247-0285, 125-247-0287, 125-247-0288, 125-247-0296, 125-247-0300, 125-247-0330, 125-247-0575, 125-247-0600, 125-247-0690, 125-247-0700, 125-247-0710, 125-247-0720, 125-247-0731, 125-247-0740, 125-247-0750, 125-247-0760, 125-248-0100, 125-248-0300, 125-249-0630

Proposed Repeals: 125-246-0312, 125-246-0410, 125-246-0420, 125-246-0430, 125-246-0440, 125-246-0450, 125-246-0460, 125-246-0470, 125-246-0560

Last Date for Comment: 11-15-12, 5 p.m.

Summary: Since 2005, the Department of Administrative Services (DAS) has developed and amended rules (Rules) to put into practice the Public Contracting Code, ORS 279 ABC (Code). The Rules apply to state agencies subject to DAS procurement authority (Agencies). In 2012, the Legislature made changes to select sections of the Code. In addition to the legislative changes to the Code, the Department of Justice and Agencies requested select Rule changes to streamline or reduce duplications in 2011 and 2012. Now, in response to the legislative changes and requests for change from stakeholders, DAS needs to amend the select Rules listed above.

DAS also needs to amend the Rules to reflect the name change from State Procurement Office due to the reorganization of DAS effective July 1, 2012.

Rules Coordinator: Janet Chambers

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

Telephone: (503) 378-5522

Rule Caption: Repeal, Amend & Renumber DAS Rules for house-keeping and clarity and to amend Charitable Fund Drive costs.

Date:	Time:	Location:
11-15-12	1-2 p.m.	DAS Exec. Bldg. 155 Cottage St., CR-A Salem, OR 97301

Hearing Officer: Bret West

Stat. Auth.: ORS 184.305, 184.340, 192.430, 292.045 & 461.500-461.555

Other Auth.: OR Const. Art. XV, Sec. 4(4)(d)

Stats. Implemented: ORS 184.340, 184.345, 192.410-192.505, 292.043, 292.045, 2003 HB 5076

Proposed Repeals: 125-021-0005

Proposed Ren. & Amends: 121-020-0010 to 125-020-0010, 121-020-0020 to 125-020-0020, 121-020-0030 to 125-020-0030, 121-020-0040 to 125-020-0040, 121-020-0050 to 125-020-0050, 121-030-0000 to 125-030-0000, 121-030-0010 to 125-030-0010, 121-030-0020 to 125-030-0020, 121-030-0030 to 125-030-0030, 121-030-0040 to 125-030-0040, 121-030-0050 to 125-030-0050, 121-030-0060 to 125-030-0060, 121-030-0070 to 125-030-0070, 121-030-0080 to 125-030-0080, 121-030-0090 to 125-030-0090, 121-040-0010 to 125-170-0010

Last Date for Comment: 11-15-12, 5 p.m.

Summary: The new rules better organize the administrative rules for DAS, eliminating Chapter 121, Office of Business Administration by

amending and renumbering rules under DAS Chapter 125. Also, to reflect a division name change due to the reorganization effective July 1, 2012.

Amend & Renumber Division 30, Rules 121-030-0000 through 121-030-0090 to 125-030-0000 through 125-030-0000, Annual Charitable Fund Drive Program. The rule is being amended to put an upper limit on the funds the Campaign Management Organization can expend in coordinating the campaign.

Rules Coordinator: Janet Chambers

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

Telephone: (503) 378-5522

Department of Administrative Services, Office of Business Administration Chapter 121

Rule Caption: Repeal rules that are no longer needed or are duplicate in Chapter 125.

Date:	Time:	Location:
11-15-12	1-2 p.m.	DAS Exec. Bldg. 155 Cottage St., CR-A Salem, OR 97301

Hearing Officer: Bret West

Stat. Auth.: ORS 184 & 192

Stats. Implemented:

Proposed Repeals: 121-001-0000, 121-001-0005, 121-020-0000

Last Date for Comment: 11-15-12, 5 p.m.

Summary: The new rules better organize the administrative rules for DAS, eliminating Chapter 121, Office of Business Administration and repealing rules that are no longer needed or will move to Chapter 125.

Rules Coordinator: Janet Chambers

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

Telephone: (503) 378-5522

Department of Agriculture Chapter 603

Rule Caption: Clarifies statutes; sets fees for filing claims; clarifies financial assurance; makes mediation available.

Date:	Time:	Location:
11-28-12	10 a.m.	Oregon Dept. of Agriculture Bldg. 635 Capitol St. NE Salem, OR 97301-2532

Hearing Officer: Dan Hilburn

Stat. Auth.: ORS 561.190, 576.738, 576.741, 576.744, 633.660, 633.670 & 633.680

Stats. Implemented: ORS 576.738, 576.741 & 574.744

Proposed Adoptions: 603-047-0010 – 603-047-0500

Last Date for Comment: 11-30-12, 5 p.m.

Summary: The proposed rule provides clarification to ORS 576.715 through ORS 576.744 "Payment for Agriculture Commodities", colloquially known as the "Slow Pay – No Pay" law. Sets a fee of \$50 for producers or growers making a complaint of no or untimely payment to the department. Sets a fee of \$150 to producers or growers for each notice of payment demand, issued by the department, to a seed dealer. Sets rules requiring a surety bond or irrevocable letter of credit for not less than \$100,000 as a condition of renewing the license of a seed dealer suspended under ORS 576. Establishes a process for mediation of disputes between parties of a grass seed contract.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

Rule Caption: Establishes schedule of civil penalties for violations of various food safety laws and rules.

NOTICES OF PROPOSED RULEMAKING

Date: 11-27-12
Time: 9 a.m.
Location: Oregon Dept. of Agriculture
635 Capitol St NE
Salem, OR 97301-2532

Hearing Officer: Eric Edmunds

Stat. Auth.: ORS 561.190, 603.995, 616.996, 619.996, 621.995, 622.996, 625.995, 628.350, 628.995, 632.995 & 635.995

Stats. Implemented: ORS 603.995, 616.996, 619.996, 621.995, 622.996, 625.995, 628.995, 632.995 & 635.995

Proposed Adoptions: 603-013-0905, 603-013-0910, 603-013-0920, 603-013-0931, 603-017-0900, 603-017-0910, 603-017-0920, 603-017-0930, 603-021-0900, 603-021-0910, 603-021-0920, 603-021-0930, 603-022-0900, 603-022-0910, 603-022-0920, 603-022-0930, 603-024-0900, 603-024-0910, 603-024-0920, 603-024-0930, 603-025-0900, 603-025-0910, 603-025-0920, 603-025-0930, 603-028-0900, 603-028-0910, 603-028-0920, 603-028-0930, 603-100-0900, 603-100-0910, 603-100-0920, 603-100-0930

Last Date for Comment: 11-30-12, 5 p.m.

Summary: The rules create schedules of civil penalties that the Department of Agriculture may impose when a person fails to comply with statutes or rules relating to various food safety issues. Civil penalty schedules are added to ORS Chapter 603, Divisions 13 (Slaughtering Establishments), 17 (Refrigerated Lockers), 21 (Bakeries and Nonalcoholic Beverages), 22 (eggs), 24 (Definitions and Standards of Identity, Labeling and Other Regulations Relating to Fluid Milk and Dairy Products), 25 (Food Establishment Standards and Standards for Retail Food Service, 28 (Meat Products and Establishments), and 100 (Shellfish Sanitation). Penalties imposed will comply with ORS 183.745, except that any written application for a hearing must be received by the Department no later than 10 days after notice of a penalty. No penalty may exceed \$10,000. Penalties are based on a monetary range that increases as public health becomes a more apparent concern, or in situations that make regulatory oversight impossible for the Department. To determine penalty amounts the Department will consider the gravity of the violation, past violations, and other mitigating circumstances.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

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Rule Caption: Housekeeping Updates to Noxious Weed, Plant Pest, and Plant Disease Regulations.

Stat. Auth.: ORS 561, 569, 570

Stats. Implemented: ORS 561.190

Proposed Amendments: 603-052-0075, 603-052-0114, 603-052-0116, 603-052-0127, 603-052-0129, 603-052-1200, 603-052-1320

Last Date for Comment: 12-7-12, 5 p.m.

Summary: The Department of Agriculture proposes housekeeping changes to six rules as follows: update scientific name of chestnut blight; update disease distribution for Dutch elm disease and peach yellows phytoplasma; add any properties in Oregon where Japanese beetle, European chafer, or Oriental beetle are found to the area covered under Oregon's quarantine against Japanese beetle and related pests; update title of Plant Program Area Director, add newly listed weeds to the state noxious weed quarantine (goats rue and yellow archangel); add eight invertebrates to the list of species approved for commercial use and update scientific names (*Orthoporus texicolens*, *Stratiolaelaps aculeifer*, *S. miles*, *Rhopalosiphum padi*, *Sitobion avenae*, *Atheta coriaria*, *Aphidius aphidimyza*, *Osmis lignaria propinqua*); delete three species from the approved list (Luna moth, monarch butterfly, *Melittobia digitata*); and correct spelling of "bumblebees."

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

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

Rule Caption: Amending the 2011 Oregon Electrical Specialty Code for arc-fault circuit interrupter provisions.

Date: 2-19-13
Time: 10 a.m.
Location: 1535 Edgewater St. NW
Salem, OR 97304

Hearing Officer: Dennis Clements

Stat. Auth.: ORS 183.335, 455.030, 455.110, 455.610 & 479.730

Stats. Implemented: ORS 183.335, 455.030, 455.110, 455.610 & 479.730

Proposed Adoptions: Rules in 918-305

Proposed Amendments: Rules in 918-305

Proposed Repeals: Rules in 918-305

Last Date for Comment: 2-22-13, 5 p.m.

Summary: This proposed rule expands the requirement for arc-fault circuit interrupter (AFCI) protection in dwelling units. The proposed rule also adds an exception to the required AFCI protection for a limited number of branch circuits supplying one or more outlets serving in a single room of a dwelling unit.

Rules Coordinator: Stephanie Snyder

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

Telephone: (503) 373-7438

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Rule Caption: Alternative Inspection Pilot Program.

Date: 11-27-12
Time: 9:30 a.m.
Location: 1535 Edgewater Street NW
Salem, OR 97304

Hearing Officer: Richard Baumann

Stat. Auth.: ORS 455.030, 455.100 & 455.110

Stats. Implemented: ORS 455.110 & 455.705

Proposed Adoptions: Rules in 918-674

Proposed Amendments: Rules in 918-674

Last Date for Comment: 11-30-12, 5 p.m.

Summary: This proposed rule creates an alternative inspection pilot program for residential prefabricated structures intended for rent, sale, or lease in the state of Oregon.

Rules Coordinator: Richard J. Baumann

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

Telephone: (503) 373-7438

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Rule Caption: Amends the 2011 Oregon Plumbing Specialty Code.

Date: 11-27-12
Time: 10 a.m.
Location: 1535 Edgewater St. NW
Salem, OR 97304

Hearing Officer: Terry Swisher

Stat. Auth.: ORS 447.020, 455.020, 455.030 & 455.110

Stats. Implemented: ORS 447.020, 455.020, 455.030 & 455.110

Proposed Adoptions: 918-750-0115

Last Date for Comment: 11-30-12, 5 p.m.

Summary: This proposed rule amends the 2011 Oregon Plumbing Specialty Code relative to fats, oils, and grease interceptors in food service establishments.

Rules Coordinator: Richard J. Baumann

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

Telephone: (503) 373-7438

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Department of Consumer and Business Services, Insurance Division Chapter 836

Rule Caption: Changes to Mortality Adjustment Factors in Calculating Deficiency Reserves When Valuing Life Insurance Policies.

NOTICES OF PROPOSED RULEMAKING

Date: 12-3-12
Time: 1:30 p.m.
Location: 350 Winter St. NE,
Conference Rm. F
Salem, OR

Hearing Officer: Jeannette Holman
Stat. Auth.: ORS 731.244
Stats. Implemented: ORS 733.030, 733.210 & 733.300–733.322
Proposed Amendments: 836-031-0765

Last Date for Comment: 12-7-12, 5 p.m.
Summary: These proposed rules remove restrictions on the mortality adjustment factors (X factors) in the deficiency reserve calculation. The deficiency reserve calculation allows insurers to adjust the valuation mortality to mortality that approximates the expected mortality by use of the X factors. The arbitrary restrictions that are being removed from the rule prevent the use of mortality with the amount and slope similar to the expected mortality. Without this change, insurers may be required to report reserve liability larger than necessary and therefore overprice their product. This would place the insurers and consumers at a competitive disadvantage.

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

Rule Caption: Requirements for bronze and silver health plans for individuals and small business groups in Oregon.

Date: 11-28-12
Time: 9:30 a.m.
Location: 350 Winter St. NE,
Conference Rm. 260
Salem, OR

Hearing Officer: Jeannette Holman
Stat. Auth.: ORS 731.244, 743.822 & 746.240
Stats. Implemented: ORS 743.822
Proposed Adoptions: 836-100-0200
Last Date for Comment: 12-7-12, 5 p.m.

Summary: This proposed rule establishes the form, level of coverage and benefit design requirements for the standard bronze and silver health benefit plans. The requirements ensure that the bronze plan is actuarially equivalent to 60 percent of the full actuarial value of benefits included in Oregon's essential health benefits package adopted by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. 18022(a).

The requirements ensure that the silver plan is actuarially equivalent to 70 percent of the full actuarial value of benefits included in Oregon's essential health benefits package adopted by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. 18022(a).

After January 1, 2014, as a condition to transacting insurance in Oregon a health insurer must offer a bronze and silver plan inside and outside the Oregon Health Insurance Exchange.

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

Rule Caption: Adoption of Annual and Supplemental Statement Blanks and Instructions for Reporting Year 2012.
Stat. Auth.: ORS 731.244, 731.574 & 733.210
Stats. Implemented: ORS 731.574 & 733.210
Proposed Amendments: 836-011-0000
Last Date for Comment: 12-3-12, 5 p.m.

Summary: This rulemaking prescribes, for reporting year 2012, the required forms for the annual and supplemental financial statements required of insurers and health care service contractors under ORS 731.574, as well as the necessary instructions for completing the forms.

Rules Coordinator: Sue Munson

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

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

Rule Caption: Propose to adopt federal corrections/technical amendments/updates in general industry, construction, and maritime.

Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001–654.295
Proposed Amendments: 437-002-0005, 437-002-0120, 437-002-0240, 437-003-0001, 437-005-0001, 437-005-0002, 437-005-0003
Last Date for Comment: 11-27-12, 5 p.m.

Summary: This rulemaking is to keep Oregon OSHA in harmony with recent changes to Federal OSHA's standards published in three Federal Registers.

Federal OSHA updated the references in standards to recognize the 2009 edition of the American National Standard for Industrial Head Protection, and is deleting the 1986 edition of that national consensus standard because it is out of date. These changes were published in the June 22, 2012 Federal Register.

Federal OSHA corrected an editorial instruction printed in the June 22, 2012 Federal Register. This correction was published in the July 23, 2012 Federal Register.

Federal OSHA removed an unnecessary term in Appendix C of Respiratory Protection; restoring inadvertently removed requirements in Mechanical Power Presses; and, corrected a cross reference in two paragraphs in Appendix A to subdivision L of scaffold standards in construction. These changes were published in the August 7, 2012 Federal Register.

Oregon OSHA proposes to make these corrections/amendments/updates in general industry, construction, and maritime.

Please visit our web site www.orosha.org

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

Rules Coordinator: Sue C. Joye
Address: Department of Consumer and Business Services, Oregon Occupational Safety and Health Division, 350 Winter St. NE, Salem, OR 97301-3882
Telephone: (503) 947-7449

**Department of Consumer and Business Services,
Workers' Compensation Division
Chapter 436**

Rule Caption: Workers' compensation rules governing Workers' Benefit Fund assessments.

Date:	Time:	Location:
11-27-12	9 a.m.	Labor & Industries Bldg. Room F (basement) 350 Winter Street NE Salem, OR

Hearing Officer: Fred Bruyns
Stat. Auth.: ORS 656.726(4) & 656.506
Stats. Implemented: ORS 656.506
Proposed Amendments: 436-070-0002, 436-070-0003, 436-070-0010
Last Date for Comment: 11-30-12, Close of Business

Summary: The agency proposes to amend OAR chapter 436, division 070, "Workers' Benefit Fund Assessment," to:

Establish the hourly assessment rate that subject employers and any employers electing to provide workers' compensation coverage for their employees must pay to the Department of Consumer and Business Services for the Workers' Benefit Fund.

Rules Coordinator: Fred Bruyns

NOTICES OF PROPOSED RULEMAKING

Address: Department of Consumer and Business Services, Workers' Compensation Division, PO Box 14480, Salem, OR 97309-0405
Telephone: (503) 947-7717

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Rule Caption: Workers' compensation rules governing annual reporting requirements for Oregon self-insured employers.

Date:	Time:	Location:
11-27-12	9 a.m.	Labor & Industries Bldg. 350 Winter St. NE, Room F (basement) Salem, OR

Hearing Officer: Fred Bruyns

Stat. Auth.: ORS 656.407, 656.430 & 656.726(4)

Stats. Implemented: ORS 656.407 & 656.430

Proposed Amendments: 436-050-0175

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

Summary: The agency proposes to amend OAR chapter 436, division 050, "Employer/Insurer Coverage Responsibility," to modify self-insured employers' reporting requirements affecting claims with incurred losses. Currently, reports must aggregate claims with incurred costs of \$5,000 or less, providing aggregate totals for total paid, outstanding reserves, total incurred losses, and number of claims, while claims exceeding \$5,000 must be detailed individually.

The agency proposes to increase the reporting threshold for individual claims to \$10,000, effective Jan. 1, 2013, to remain consistent with reporting requirements used by the National Council on Compensation Insurance.

Rules Coordinator: Fred Bruyns

Address: Department of Consumer and Business Services, Workers' Compensation Division, PO Box 14480, Salem, OR 97309-0405
Telephone: (503) 947-7717

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Department of Energy Chapter 330

Rule Caption: Small Scale Local Energy Loan Program rules for amendments, default management, fee clarification, other aspects.

Date:	Time:	Location:
11-29-12	9 a.m.	Oregon Dept. of Energy 625 Marion St. NE Salem, OR 97301

Hearing Officer: Elizabeth Ross

Stat. Auth.: ORS 469.040, 470.080 & 470.140

Stats. Implemented: ORS 470.050-470.815

Proposed Adoptions: 330-110-0046, 330-110-0047, 330-110-0048

Proposed Amendments: 330-110-0005, 330-110-0010, 330-110-0015, 330-110-0016, 330-110-0025, 330-110-0030, 330-110-0035, 330-110-0036, 330-110-0040, 330-110-0042, 330-110-0045, 330-110-0055

Proposed Repeals: 330-110-0020, 330-110-0050

Last Date for Comment: 11-29-12, 5 p.m.

Summary: The proposed rules for the Small Scale Local Energy Loan Program revise rule definitions to clarify terms and align with current practices. The rules include processes for amendments, forbearance, and loan delinquency and default management. Overall, the proposed rules increase transparency by clarifying project technical requirements and simplify the fee structure. The proposed rules also include housekeeping amendments to correct terminology, simplify language and remove sections that are obsolete or covered elsewhere in statute or rule. The Agency requests public comment on these draft rules.

Rules Coordinator: Kathy Stuttaford

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

Telephone: (503) 373-2127

Rule Caption: Public building green energy technology program rules incorporating SB 1533 (2012) to include geothermal projects.

Date:	Time:	Location:
11-28-12	9 a.m.	Oregon Dept. of Energy 625 Marion St. NE Salem, OR 97301

Hearing Officer: Elizabeth Ross

Stat. Auth.: ORS 469.040, 279C.528 & 2012 OL Ch. 83, Sec. 2 (SB 1533)

Stats. Implemented: ORS 469.040, 279C.528 & 2012 OL Ch. 83, Sec. 2 (SB 1533)

Proposed Adoptions: 330-135-0018, 330-135-0047, 330-135-0048

Proposed Amendments: 330-135-0010, 330-135-0015, 330-135-0020, 330-135-0025, 330-135-0030, 330-135-0035, 330-135-0040, 330-135-0045, 330-135-0050, 330-135-0055

Last Date for Comment: 11-29-12, 5 p.m.

Summary: The rule amendments implement changes enacted by Oregon Laws 2012, chapter 83 (SB 1533). SB 1533 adds geothermal electricity generation or the direct use of geothermal energy to the list of green energy technologies eligible to satisfy statutory requirements. The rule also adds procedures for qualifying green energy technology to be built away from the site, clarifies the definition of total contract price, and extends procedures for deferring expenditures to a future project. Current statute requires contracting agencies to include 1.5 percent of the total contract price for the inclusion of solar technology in construction or renovation of public buildings. The department requests public comment on these draft rules.

Rules Coordinator: Kathy Stuttaford

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

Telephone: (503) 373-2127

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Rule Caption: Residential Energy Tax Credit rules for cost terms, eligibility, tax-credit technician certification and other aspects.

Date:	Time:	Location:
12-4-12	9 a.m.	Oregon Dept. of Energy 625 Marion St. NE Salem, OR 97301

Hearing Officer: Elizabeth Ross

Stat. Auth.: ORS 469.040, 469B.103, 469B.106 & 469B.112

Stats. Implemented: ORS 469B.100-469B.118 & 316.116

Proposed Amendments: 330-070-0010, 330-070-0013, 330-070-0014, 330-070-0019, 330-070-0020, 330-070-0021, 330-070-0022, 330-070-0024, 330-070-0025, 330-070-0026, 330-070-0027, 330-070-0029, 330-070-0040, 330-070-0045, 330-070-0048, 330-070-0055, 330-070-0059, 330-070-0060, 330-070-0062, 330-070-0063, 330-070-0064, 330-070-0070, 330-070-0073, 330-070-0085, 330-070-0089, 330-070-0091, 330-070-0097

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

Summary: The proposed rules for the Residential Energy Tax Credit program clarify cost terms, statutory incentive amounts, the year the tax credit can be claimed and tax credit technician registration. Additionally, the rules update the renewal requirements, renewal timelines and testing requirements for tax credit technicians. The rules provide for an upgraded heat pump system as an energy efficient appliance and update energy recovery and heat recovery ventilator minimum sensible recovery efficiency (SRE) requirements. The rules update premium efficiency biomass combustion device eligibility and incentive amounts. For solar photovoltaic projects, the rules clarify that the eligible cost does not include structures beyond those needed for mounting or racking. For wind projects, the rules suggest that applicants consider 20 years of future tree growth. Lastly, the proposed rules also include housekeeping amendments to correct terminology, simplify language and update statutory references. The department requests public comment on these draft rules.

Rules Coordinator: Kathy Stuttaford

NOTICES OF PROPOSED RULEMAKING

Address: Department of Energy, 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 Rules for Commercial and Recreational Groundfish Fisheries.

Date:	Time:	Location:
12-6-12	8 a.m.	Holiday Inn Portland Airport 8439 NE Columbia Blvd. Portland, OR 97220

Hearing Officer: Fish and Wildlife Commission

Stat. Auth.: ORS 496.138, 496.146, 496.162, 497.121, 506.036, 506.109, 506.119, 506.129, 508.530, 508.535 & 513.020

Stats. Implemented: ORS 496.004, 496.009, 496.162, 506.109, 506.119, 506.129, 506.306, 508.116, 508.025, 508.530, 508.040, 508.505, 508.535, 508.550, 508.760, 508.765, 508.858, 508.901, 508.931, 508.947 & 508.949

Proposed Adoptions: Rules in 635-004, 635-005, 635-006, 635-0039

Proposed Amendments: Rules in 635-004, 635-005, 635-006, 635-0039

Proposed Repeals: Rules in 635-004, 635-005, 635-006, 635-0039
Last Date for Comment: 12-6-12

Summary: These amended or adopted rules, as determined justified, will modify commercial and sport groundfish fisheries and establish annual groundfish management measures for 2013. Housekeeping and technical corrections to the regulations will 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: Amendments to Rule for 15-Mile Creek Sanctuary on the Columbia River.

Date:	Time:	Location:
12-6-12	8 a.m.	Holiday Inn Portland Airport 8439 NE Columbia Blvd. Portland, OR 97220

Hearing Officer: Fish and Wildlife Commission

Stat. Auth.: ORS 183.325 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Proposed Adoptions: Rules in 635-041

Proposed Amendments: Rules in 635-041

Proposed Repeals: Rules in 635-041

Last Date for Comment: 12-6-12

Summary: Amended or adopted rules, as determined justified, will modify Treaty Indian subsistence fishing rules within and around the 15-mile Creek sanctuary on the Columbia River. 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: 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

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, 635-007, 635-014, 635-023, 635-042, 635-500

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

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

Last Date for Comment: 12-7-12

Summary: 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

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Rule Caption: Amend Wildlife Integrity Rules for species classification of Tiger Muskie, Asian Carp and Quagga/Zebra Mussels.

Date:	Time:	Location:
12-6-12	1 p.m.	Holiday Inn Portland Airport 8439 NE Columbia Blvd. Portland, OR 97220

Hearing Officer: OR Fish and Wildlife Commission

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Proposed Amendments: Rules in 635-056

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

Summary: Amend Wildlife Integrity Rules to reclassify Tiger Muskie from prohibited to controlled species, Asian Carp as a prohibited species and classify live/dead quagga/zebra mussels as a prohibited species.

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

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Department of Geology and Mineral Industries Chapter 632

Rule Caption: Adopt revised rule language that addresses ORS 522 revisions.

Date:	Time:	Location:
11-15-12	10 a.m.	DOGAMI Albany Office 229 Broadalbin St. SW Albany, OR 97321

Hearing Officer: Gary Lynch

Stat. Auth.: ORS 522

Stats. Implemented: ORS 522

Proposed Adoptions: 632-020-0028, 632-020-0032

Proposed Amendments: 632-020-0005, 632-020-0010, 632-020-0015, 632-020-0020, 632-020-0025, 632-020-0030, 632-020-0031, 632-020-0035, 632-020-0040, 632-020-0065, 632-020-0070, 632-020-0090, 632-020-0095, 632-020-0100, 632-020-0105, 632-020-0110, 632-020-0115, 632-020-0125, 632-020-0135, 632-020-0138, 632-020-0140, 632-020-0145, 632-020-0150, 632-020-0154, 632-020-0155, 632-020-0156, 632-020-0157, 632-020-0159, 632-020-0170, 632-020-0175, 632-020-0180

Proposed Renumberings: 632-020-0045, 632-020-0055, 632-020-0160

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

Summary: ORS chapter 522 authorizes the Department of Geology and Mineral Industries to control the drilling, redrilling, and deepening of wells for the discovery and production of geothermal resources so that such wells will be constructed, operated, maintained, and abandoned in the manner necessary to safeguard the life,

NOTICES OF PROPOSED RULEMAKING

health, property, and welfare of the people of this state and to encourage the maximum economic recovery of geothermal resources therefrom. The Act also gives the department responsibility for regulating re-injection of geothermal fluids into underground reservoirs within prescribed limits of ORS 522.019(2) in a manner which will not be detrimental to beneficial use of waters of the state.

Rules Coordinator: Gary Lynch

Address: Department of Geology and Mineral Industries, 229 Broadalbin St. SW, Albany, OR 97321

Telephone: (541) 967-2053

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Rule Caption: Adopt revised rule language that addresses ORS 520 revisions.

Date:	Time:	Location:
11-15-12	1 p.m.	DOGAMI Albany Office 229 Broadalbin St. SW Albany, OR 97321

Hearing Officer: Gary Lynch

Stat. Auth.: ORS 520

Stats. Implemented: ORS 520

Proposed Amendments: 632-010-0004, 632-010-0008, 632-010-0010, 632-010-0011, 632-010-0012, 632-010-0014, 632-010-0015, 632-010-0016, 632-010-0017, 632-010-0018, 632-010-0020, 632-010-0128, 632-010-0130, 632-010-0132, 632-010-0134, 632-010-0136, 632-010-0138, 632-010-0140, 632-010-0142, 632-010-0144, 632-010-0146, 632-010-0148, 632-010-0150, 632-010-0151, 632-010-0152, 632-010-0154, 632-010-0156, 632-010-0157, 632-010-0159, 632-010-0161, 632-010-0162, 632-010-0163, 632-010-0165, 632-010-0166, 632-010-0167, 632-010-0170, 632-010-0172, 632-010-0174, 632-010-0176, 632-010-0178, 632-010-0182, 632-010-0186, 632-010-0188, 632-010-0190, 632-010-0192, 632-010-0194, 632-010-0196, 632-010-0198, 632-010-0205, 632-010-0210, 632-010-0220, 632-010-0225, 632-010-0230, 632-010-0235

Proposed Repeals: 632-010-0006, 632-010-0169

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

Summary: ORS chapter 520 authorizes the Department of Geology and Mineral Industries to control the exploration and development of oil and gas resources so that such wells will be constructed, operated, maintained, and decommissioned in the manner necessary to safeguard the life, health, property, and welfare of the people of this state and to encourage the maximum economic recovery of oil and gas resources therefrom. The Act also gives the department responsibility for regulating the construction of disposal wells for the re-injection of secondary produced formation waters into underground reservoirs within prescribed limits of ORS 520.095(13) in a manner which will not be detrimental to beneficial use of waters of the state.

Rules Coordinator: Gary Lynch

Address: Department of Geology and Mineral Industries, 229 Broadalbin St. SW, Albany, OR 97321

Telephone: (541) 967-2053

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Rule Caption: Adopt revised rule language that addresses ORS 520 revisions.

Date:	Time:	Location:
11-15-12	3 p.m.	DOGAMI Albany Office 229 Broadalbin St. SW Albany, OR 97321

Hearing Officer: Gary Lynch

Stat. Auth.: ORS 520

Stats. Implemented: ORS 520

Proposed Amendments: 632-015-0005, 632-015-0010, 632-015-0015, 632-015-0020, 632-015-0025, 632-015-0030, 632-015-0035, 632-015-0040, 632-015-0045, 632-015-0050, 632-015-0055, 632-015-0060

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

Summary: ORS chapter 520 authorizes the Department of Geology and Mineral Industries to control the exploration and development of oil and gas resources so that such information and seismic test

holes will be constructed, operated, maintained, and decommissioned in the manner necessary to safeguard the life, health, property, and welfare of the people of this state and to encourage the maximum economic recovery of oil and gas resources therefrom.

Rules Coordinator: Gary Lynch

Address: Department of Geology and Mineral Industries, 229 Broadalbin St. SW, Albany, OR 97321

Telephone: (541) 967-2053

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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

Date:	Time:	Location:
11-20-12	10 a.m.	Rm 257, 500 Summer St. NE Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.083, 411.116, 411.404, 411.431, 411.432, 411.598, 411.600, 411.704, 411.706, 411.816, 412.006, 412.009, 412.014, 412.024, 412.049, 414.025, 414.042, 414.231, 414.826, 414.831, 414.839

Other Auth.: 25 USC 1408, 42 USC 402, 42 USC 408, 42 USC 408(a)(12), 42 USC 409, 42 USC 602(a), 42 USC sections 1396r-5(d)(3)(C), 42 USC sections 1396r-5(g), 7 CFR 273.10, 45 CFR 98, Public Law 93-134, 97-458, 103-66, Section 4004 of Public Law 112-96 (the Welfare Integrity & Data Improvement Act), Oregon Medicaid/State Children's Health Insurance Program (SCHIP) Health Insurance & Flexibility & Accountability (HIFA) Section 115 Demonstration, 126 STAT. 197

Stats. Implemented: ORS 409.010, 409.050, 409.610, 411.060, 411.070, 411.083, 411.116, 411.117, 411.121, 411.122, 411.135, 411.404, 411.431, 411.432, 411.620, 411.640, 411.690, 411.700, 411.704, 411.706, 411.816, 412.006, 412.009, 412.014, 412.024, 412.049, 412.089, 412.151, 414.025, 414.042, 414.231, 414.826, 414.831, 414.839, HB 4165 (2012)

Proposed Amendments: 461-115-0016, 461-115-0430, 461-120-0340, 461-130-0330, 461-130-0335, 461-135-0089, 461-135-0407, 461-145-0080, 461-145-0260, 461-145-0580, 461-155-0180, 461-155-0235, 461-160-0015, 461-160-0055, 461-160-0580, 461-160-0620, 461-165-0010, 461-165-0060, 461-180-0100

Proposed Repeals: 461-115-0016(T), 461-120-0340(T), 461-135-0407(T), 461-145-0080(T), 461-145-0260(T), 461-145-0580(T), 461-160-0055(T), 461-160-0620(T)

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

Summary: OAR 461-115-0016 about the application process and reservation list for the Employment Related Day Care (ERDC) program is being amended to make permanent the temporary rule changes effective September 1, 2012, adding additional exemptions under which families would not be placed on the reservation list. Under this amendment, new applicants are exempt from the reservation list when the family is eligible for and being placed in a current opening in a contracted slot for the Oregon Program of Quality or the Head Start program. This amendment supports the Oregon Program of Quality initiative to increase the number of ERDC subsidy children who are able to access quality child care. These contracted slots will help Oregon state government prepare for an emerging statewide Tiered Quality Rating and Improvement System (TQRIS) and address Oregon's diverse populations. Oregon State University will be researching how quality and stable child care impact Oregon's low income ERDC subsidy children.

OAR 461-115-0430 about periodic redeterminations of eligibility is being amended to change the redetermination period for clients in the TANF program, depending on their participation in the Job Opportunity and Basic Skills program. The purpose of this amendment is to treat similarly situated clients comparably and reduce

NOTICES OF PROPOSED RULEMAKING

workload on Department staff determining eligibility for the TANF program.

OAR 461-120-0340 about the requirement in the TANF program to obtain child support from a non-custodial parent is being amended to expand the exemption from the requirement that a caretaker relative help the Department establish paternity of each needy child and locate and obtain support payments from the non-custodial parent of each needy child. The exemption would be expanded to any caretaker relative in a filing group that is a two-parent family. This amendment makes permanent the temporary rule change effective July 1, 2012.

OAR 461-130-0330 about disqualifications in the Pre-Temporary Assistance to Needy Families (Pre-TANF), Refugee Assistance (REF), Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance to Needy Families (TANF) programs is being amended to clarify the rule by explaining effects of a disqualification in the Refugee and TANF programs in which the needs of an adult in the family are removed. Because the needs are removed, a different payment standard level is applied, which can cause the family to be over income for the Refugee or TANF programs.

OAR 461-130-0335 about removing disqualifications and the effect on benefits in the Temporary Assistance to Needy Families (TANF) program is being amended to clarify the rule by indicating that a disqualification ends when TANF or Refugee Assistance (REF) benefits are closed for a reason other than closure at the end of the second level of disqualification.

OAR 461-135-0089 about demonstrating compliance with substance abuse and mental health requirements and restoring cash benefits in the Pre-Temporary Assistance to Needy Families (Pre-TANF), Refugee Assistance (REF), and Temporary Assistance to Needy Families (TANF) programs is being amended to clarify that a disqualification ends when TANF or REF benefits are closed for a reason other than closure at the end of the second level of disqualification.

OAR 461-135-0407 about clients in the Employment Related Day Care (ERDC) program who receive Oregon Program of Quality contracted child care is being adopted to make permanent a temporary rule adopted effective September 1, 2012, establishing policies that apply when the Department contracts with Oregon Program of Quality designated child care providers. These contracts offer full time contracted child care slots for eligible ERDC children age zero through six who meet the contracted slot criteria. Children receiving child care under the contract will have protected eligibility for up to twelve months as long as they continue to meet the requirements outlined in this rule. Families with a child receiving child care under the contract will pay the minimum copayment of \$27. This rule also supports the Oregon Program of Quality initiative to increase the number of ERDC subsidy children who are able to access quality child care. These contracted slots will help Oregon state government prepare for an emerging statewide Tiered Quality Rating and Improvement System (TQRIS) and address Oregon's diverse populations. Oregon State University will be researching how quality and stable child care impact Oregon's low income ERDC subsidy children.

OAR 461-145-0080 about the treatment of child support and cash medical support to determine eligibility for the Department's public assistance, medical and SNAP programs is being amended to expand the types of two-parent families in the TANF program for whom, for on-going eligibility and benefit determination, child support is considered countable unearned income. This amendment counts child support for all two-parent families, reducing the amount of the cash assistance grant. This amendment makes permanent the temporary rule change effective July 1, 2012.

OAR 461-145-0260 about the treatment of Indian (Native American) benefits in the determination of benefits for various self-sufficiency programs is being amended to change its statement of policy for the SNAP program in the treatment of payments made under Public Law 93-134, Public Law 97-458, and Public Law 103-66. The rule had been incorrect under 25 USC 1408 by including an exclu-

sion for income received in excess of \$2,000 per year per individual from interest in certain trust and restricted lands. This amendment states that such income is counted in the SNAP program. This amendment makes permanent a temporary rule change effective August 7, 2012.

OAR 461-145-0580 about the treatment of veterans benefits in the determination of benefits for various self-sufficiency programs is being amended to make permanent a temporary rule change effective July 11, 2012, changing policy for the SNAP program in the treatment of veterans' aid and attendance payments. Aid and attendance payments are made when a veteran requires the aid of another person in order to perform his or her activities of daily living, such as bathing, feeding, dressing, attending to the wants of nature, adjusting prosthetic devices, or protecting himself or herself from the hazards of his or her daily environment, or the veteran is bedridden, blind or in a nursing home. Previously, aid and attendance payments were counted as unearned income and the client was allowed a medical deduction. Under this amendment, the aid and attendance payment is excluded as long as it is being used for the identified purpose. Any income that is remaining is counted as unearned income.

OAR 461-155-0180 about the poverty related income standards in the Department's public assistance, medical and SNAP programs is being amended to reflect the annual increase in the federal poverty guidelines. The Department converts the annual poverty guidelines published in the Federal Register to a monthly, rounded amount and uses the result to determine the new income limits.

OAR 461-155-0235 about the premium standards for the Oregon Health Plan Standard (OHP-OPU) is being amended to reflect the annual increase in the federal poverty guidelines. The Department and the Oregon Health Authority (OHA) convert the annual poverty guidelines published in the Federal Register to a monthly, rounded amount and use the result to determine the amount of premium billed for each OHP Standard client who is required to pay a monthly premium. Some OHP Standard clients are exempt from the premium requirement.

OAR 461-160-0015 about resource limits in used to determine eligibility for various Department programs is being amended to clarify the resource limit of \$2,500 for clients who are not progressing in an activity of their case plan or serving a current Job Opportunity and Basic Skills (JOBS) program disqualification.

OAR 461-160-0055 about medical costs that are deductible when benefits are calculated and which describes medical costs for clients in the SNAP program who are elderly or have disabilities is being amended to disallow deductions for any costs related to the medical use of marijuana for these SNAP clients, making permanent temporary rule changes effective July 12, 2012.

OAR 461-160-0580 about resource assessments for married OSIPM (Oregon Supplemental Income Program Medical) clients in long-term care is being amended to reflect the federal changes in the amounts used when calculating the resource assessment.

OAR 461-160-0620 about the community spouse income allowance for married OSIPM clients in long-term care is being amended to reflect the federal changes in the cap used when calculating the community spouse income allowance. During 2012, this cap was set at \$2,841.

OAR 461-165-0010 about the legal status of benefit payments is being amended to comply with federal law and state that cash benefits may not be used in any electronic benefit transfer transaction in casinos, gaming establishments, adult entertainment establishments, or liquor stores. This amendment also adopts the federal definitions of these terms.

OAR 461-165-0060 about minimum benefit amounts is being amended so the text more clearly matches federal law and the current practices for issuing SNAP benefits. The amendment clarifies that the minimum SNAP monthly benefit for an eligible one or two person benefit group is eight percent of the Thrifty Food Plan, except when a benefit month is prorated per OAR 461-160-0070.

NOTICES OF PROPOSED RULEMAKING

OAR 461-180-0100 about the effective date for eligibility following closure in some Department programs is being amended to clarify the date for eligibility following closure in the TANF program.

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 November 21, 2012 at 5:00 p.m. Written comments may be e-mailed to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS – Self-Sufficiency 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: Self-Sufficiency Programs, 500 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

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

Rule Caption: Adult Protective Services – House Bill 4084.

Date:	Time:	Location:
11-16-12	11 a.m.	Human Services Bldg. 500 Summer St. NE, Rm. 160 Salem, Oregon 97301

Hearing Officer: Staff

Stat. Auth.: ORS 410.070, 411.116, 441.637, 443.450, & 443.767

Other Auth.: HB 4084 (2012) & 2012 OL Ch.70

Stats. Implemented: ORS 124.050–124.095, 410.020, 410.040, 410.070, 411.116, 441.630 to 441.695, 443.450, 443.500, 443.767 & 2012 OL Ch. 70

Proposed Adoptions: 411-020-0123, 411-020-0126

Proposed Amendments: 411-020-0002, 411-020-0030, 411-020-0085

Proposed Repeals: 411-020-0002(T), 411-020-0030(T), 411-020-0085(T), 411-020-0123(T), 411-020-0126(T)

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

Summary: The Department of Human Services (Department) is proposing to permanently update the adult protective services rules in OAR chapter 411, division 020 to immediately implement provisions of House Bill 4084 (2012), including changes to the way confidential information is handled and how medical or financial records need to be obtained during the course of an adult protective services investigation.

Rules Coordinator: Christina Hartman

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

Telephone: (503) 945-6398

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**Department of Justice
Chapter 137**

Rule Caption: Guidelines for calculating support.

Date:	Time:	Location:
11-28-12	1:30 p.m.	Child Support Program Administration 1215 State St. Salem, OR 97301

Hearing Officer: Jeremy Gibons

Stat. Auth.: ORS 25.270–25.290, 25.321, 25.323, 25.325 & 180.345

Stats. Implemented: ORS 25.020, 25.080 & 25.270–25.343

Proposed Amendments: 137-050-0700, 137-050-0710, 137-050-0715, 137-050-0720, 137-050-0725, 137-050-0730, 137-050-0735, 137-050-0740, 137-050-0745, 137-050-0750, 137-050-0755, 137-050-0760, 137-050-0765, 137-055-4620

Proposed Repeals: 137-055-3340

Last Date for Comment: 11-29-12, 5 p.m.

Summary: OAR 137-050-0700 provides a formal method for calculating support for a child attending school, age 18, living with a parent and attending high school.

OAR 137-050-0710 updates the method for calculating child support.

OAR 137-050-0715 clarifies income presumptions, adding more flexibility for using imputed and actual income.

OAR 137-050-0720 allows deduction of parent's own health care coverage costs; amends non-joint child terminology and the method for calculating non-joint child credit.

OAR 137-050-0725 clarifies how the basic support obligation is calculated, and applies the self-support reserve to the basic support obligation.

OAR 137-050-0730 provides updated instruction for calculating a parenting time credit.

OAR 137-050-0735 provides updated instruction for calculating child care costs for minor children.

OAR 137-050-0740 clarifies calculating credit against child support for Social Security and Veterans' Benefits.

OAR 137-050-0745 clarifies the obligated parent's self-support reserve in the child support calculation, as it applies to the basic support obligation, child care costs and medical support.

OAR 137-050-0750 changes how a medical support obligation is calculated and whether it will be ordered.

OAR 137-050-0755 changes the exception to the minimum order from 50% parenting time to 182.5 average overnights.

OAR 137-050-0760 provides for the use of rebuttals when a determination is made that the presumed amount is unjust or inappropriate.

OAR 137-050-0765 changes the deviation from the Guideline calculation by an agreed amount from 10 percent to 15 percent.

OAR 137-055-3340 is being repealed as it is no longer necessary. The medical support provisions are provided in OAR 137-055-4620.

OAR 137-055-4620 clarifies how medical support provisions are enforced. It also allows a parent to choose to exceed his/her "reasonable in cost" cap to provide health insurance.

For the Public Hearing, attendance by phone is available but may be limited if large numbers of the public call in. Call in number: (888)622-5357 Participant code: 576132

Please submit written comments by 5:00 p.m. Thursday, November 29, 2012, to Lori Woltring, Policy Analyst, Division of Child Support, 1162 Court St NE, Salem, OR 97301. Questions may be directed to that address or you may call (503) 947-4367.

Rules Coordinator: Carol Riches

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

Telephone: (503) 947-4700

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Rule Caption: Adopts Rules Required by 2012 Legislation to Implement Foreclosure Mediation Program.

Date:	Time:	Location:
11-29-12	9 a.m.	1215 State St. Redwood Conference Rm. Salem, OR

Hearing Officer: Fred Boss

Stat. Auth.: OL 2012, Ch.112, § 2(2), 2(3), 2(4), 2(5), 2(6), 2(7), 2a(3), 3, 4a(4)

Stats. Implemented: OL 2012, Ch. 112

Proposed Adoptions: 137-110-0001, 137-110-0005, 137-110-0010, 137-110-0020, 137-110-0110, 137-110-0200, 137-110-0210, 137-110-0410, 137-110-0420, 137-110-0430, 137-110-0500, 137-110-0510, 137-110-0520, 137-110-0600, 137-110-0610, 137-110-0620, 137-110-0630, 137-110-0640, 137-110-0650, 137-110-0660, 137-110-0670

Proposed Repeals: 137-110-0001(T), 137-110-0005(T), 137-110-0010(T), 137-110-0020(T), 137-110-0110(T), 137-110-0200(T), 137-110-0210(T), 137-110-0410(T), 137-110-0420(T), 137-110-0430(T), 137-110-0500(T), 137-110-0510(T), 137-110-0520(T),

NOTICES OF PROPOSED RULEMAKING

137-110-0600(T), 137-110-0610(T), 137-110-0620(T), 137-110-0630(T), 137-110-0640(T), 137-110-0650(T), 137-110-0660(T), 137-110-0670(T)

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

Summary: These rules implement the Foreclosure Avoidance Mediation Program established by Oregon Laws 2012, chapter 112. These rules provide:

- The accepted methods for providing statutorily-required notice to the Attorney General;
- The minimum training, qualifications and experience required of program mediators;
- The fees that must be paid by the parties, the timing of fee payments, and the requirements for obtaining a waiver by low-income grantors;
- The form for, and contents of, the notice of mediation that must be created by certain beneficiaries seeking non-judicial foreclosure;
- The form for, and contents of, the mediation scheduling notice issued by the program's mediation service provider;
- The form for, and contents of, an affidavit exempting a grantor from the requirement to see a housing counselor within a certain timeframe;
- The mediation guidelines that provide for the role of program mediators; documents required of both parties and the schedule for providing those documents; procedures for rescheduling or adjourning mediation sessions; confidentiality provisions; role of interpreters; means of executing agreements; and the procedure for providing a certificate of compliance to the beneficiary and the contents of that certificate.

Rules Coordinator: Carol Riches

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

Telephone: (503) 947-4700

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Rule Caption: Adopts Rules Required by 2012 Legislation to Implement Foreclosure Avoidance Measure Notices.

Date:	Time:	Location:
11-29-12	9 a.m.	1215 State St., Redwood Conference Rm. Salem OR

Hearing Officer: Fred Boss

Stat. Auth.: 2012 OL Ch. 112 § 4a(4)

Stats. Implemented: 2012 OL Ch. 112

Proposed Adoptions: 137-120-0010, 137-120-0020

Proposed Repeals: 137-120-0010(T), 137-120-0020(T)

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

Summary: These rules implement Or Laws 2012, ch 112 § 4a (SB 1552). They specify the form and content of the notice issued by a beneficiary when the beneficiary determines that a grantor is not eligible for any foreclosure avoidance measure or that the grantor has not complied with the terms of a foreclosure avoidance measure to which the grantor has agreed. They also provide the address to which a copy of the notice must be sent to the Attorney General.

Rules Coordinator: Carol Riches

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

Telephone: (503) 947-4700

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Rule Caption: Adoption of Permanent Rules for Public Records Requests for Concealed Handgun License Records or Information.

Date:	Time:	Location:
11-26-12	10 a.m.	Salem Dept. of Justice 1215 State St., Redwood Conference Rm. Salem, OR 97301
11-27-12	10 a.m.	Portland Dept. of Justice 1515 SW Fifth Ave., Suite 410 Marquam Conference Rm. Portland, 97201

Hearing Officer: Paul Logan

Stat. Auth.: 2012 OL Ch. 93, Sec. 2(4), (HB 4045 (2012))

Stats. Implemented: 2012 OL Ch. 93, Sec. 2(4), (HB 4045 (2012))

Proposed Amendments: 137-004-0900

Last Date for Comment: 12-7-12, 5 p.m.

Summary: The 2012 Legislature enacted House Bill 4045, which addresses when public bodies may disclose certain records or information concerning concealed handgun licenses. Specifically, that law prohibits public bodies from disclosing records or information that identify a person as a current or former holder of, or applicant for, a concealed handgun license, except in certain circumstances. One exception is when a public body determines that a compelling public interest requires disclosure in a particular instance, and the disclosure is limited to the name, age and county of residence of the holder or applicant.

Additionally, section 2(4) of House Bill 4045 requires the Attorney General to adopt administrative rules to carry out the law. At a minimum, the administrative rules must contain (1) a description of the procedures for submitting a request based upon the "compelling public interest" exception described above, and (2) a description of the materials that an individual must provide to the public body to establish a compelling public interest that supports the disclosure. The proposed rule would satisfy the Attorney General's obligation under the law to adopt administrative rules.

DOJ requests public comment on the proposed rule, including but not limited to whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Written comments may be submitted until Friday, December 7, 2012 to the Rules Coordinator at the address listed above, or by email to: carol.riches@doj.state.or.us.

Verbal comments may be provided during the two public hearings listed above. However, verbal comments will not be accepted as part of the rulemaking record if they provided at other times.

Rules Coordinator: Carol Riches

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

Telephone: (503) 947-4700

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Department of Revenue Chapter 150

Rule Caption: Business — Cigarette Tax: Deleting references to single cigarette sales, adding requirements for cigarette invoices.

Date:	Time:	Location:
11-26-12	9 a.m.	Revenue Bldg. 955 Center St NE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 323.160 & 323.220

Proposed Adoptions: 150-323.220-(B)

Proposed Amendments: 150-323.160(1), 150-323.160(2), 150-323.220-(A)

Last Date for Comment: 11-26-12, 5 p.m.

Summary: OAR 150-323.160(1) outlines the type of tax stamp units sold by the Dept of Revenue. Single cigarette stamps are listed but DOR no longer sells single tax stamps as sales of single cigarettes are prohibited by federal law. Updating this rule to remove references to single sales.

OAR 150-323.160(2) outlines how to affix tax stamps to packages of cigarettes. There are references to single cigarette stamps, but sales of single cigarettes are prohibited by federal law. Updating this rule to remove references to single sales.

OAR 150-323.220-(A) gives requirements for segregation of stamped and unstamped cigarettes. This amendment removes all references to single cigarettes and clarifies language around a dealer who is also a distributor.

NOTICES OF PROPOSED RULEMAKING

OAR 150-323.220-(B) Invoices showing purchases of cigarettes are required, this new rule details what information needs to be included in the cigarette invoice.

Rules Coordinator: Ken Ross

Address: Department of Revenue, 955 Center St. NE, Salem, OR 97301

Telephone: (503) 945-8890

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Rule Caption: Personal Tax: Surplus refund, appeal language, college savings plan, pass through entity payments, gain deferral.

Date:	Time:	Location:
11-26-12	9 a.m.	Revenue Bldg. 955 Center St NE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 305.100 & 305.796

Stats. Implemented: ORS 291.349, 305.265, 305.796 & 314.781

Proposed Adoptions: 150-305.796

Proposed Amendments: 150-291.349, 150-314.781

Proposed Repeals: 150-316.871(3), 150-316.873, 150-316.874, 150-316.876, 150-316.877, 150-316.878, 150-316.879, 150-316.882, 150-316.884

Proposed Ren. & Amends: 150-305.265(14)-(A) to 150-305.265(14)

Last Date for Comment: 11-26-12, 5 p.m.

Summary: 150-291.349 The surplus refund (“kicker”) was changed from issuing a check to a refundable credit on the tax return. Changes to this rule outline are to help calculate the credit.

150-305.265(14)-(A) describes when the Department of Revenue will “assess” a Notice of Deficiency. The assessment date starts the 90 window to appeal to the Tax Court. Changes to this rule are to make the language clearer, there are no policy changes.

150-305.796 As required by statute, this rule sets the number of college savings accounts in which a taxpayer may deposit their tax refund.

150-314.781 This rule discusses payments a pass-through entity makes on behalf of the non-resident owners. The changes are to require an annual reconciliation and specifying of owner amounts.

150-316.871(3), 150-316.873, 150-316.874, 150-316.876, 150-316.877, 150-316.878, 150-316.879, 150-316.882, 150-316.884 are all rules for the Deferral of Reinvested Gain program. These rules are repealed, the program sunsetted in 2011.

Rules Coordinator: Ken Ross

Address: Department of Revenue, 955 Center St. NE, Salem, OR 97301

Telephone: (503) 945-8890

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Rule Caption: Property Tax: Supervisory authority, conferences, senior deferral, refunds.

Date:	Time:	Location:
11-26-12	9 a.m.	Revenue Bldg. 955 Center St NE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 305.115, 311.670, 311.684 & 311.806

Proposed Amendments: 150-294.187, 150-306.115, 150-306.115-(A), 150-306.115-(C), 150-311.670(1), 150-311.684, 150-311.806-(A)

Proposed Repeals: 150-309.110, 150-311.668(1)(a)-(A), 150-311.668(1)(a)-(B), 150-311.679(10), 150-311.706, 150-311.706(1)

Last Date for Comment: 11-26-12, 5 p.m.

Summary: 150-294.187 — This rule requires counties to notify the Department of Revenue of the amount it deposits into the County Assessment Function Funding Assistance (CAFFA) Account at the same time they request the quarterly pool transfer at the State Treasury. This amendment is to change the date by which that should happen each quarter as dictated by statute.

150-306.115 — This rule establishes the criteria under which the department will consider the merits of a petition under the department’s supervisory authority. The rule is being amended to recognize two additional instances where the department will accept a petition request for review under DOR’s supervisory authority.

150-306.115-(A) — This rule prescribes what information is necessary on a petition to the department requesting review under our supervisory authority. This amendment is to expand what facts must be included in the petition.

150-306.115-(C) — Current rule provides specific structure regarding the proceedings in a property tax conference under the department’s supervisory authority. The rule is amended to:

a. Allow the director to delegate the conference review responsibility

b. Remove the procedures for modification of the conference decision by the director.

c. Change all references to “tape” recording.

d. Update deadline requirements for submission of evidence.

150-311.670(1) — This rule defines homestead requirements for senior deferral of property tax. The amendment is to clarify what is meant “by reason of health” in absences from the home.

150-311.684 — This rule explains the when deferred taxes must be repaid. The amendment adds a definition of “inactivated” account to the list of cancelled and disqualified.

150-311.806-(A) — This rule gives direction to counties for determining the correct recipient of a property tax refund. Amending to change the requirement that a Senior Deferral refund be sent to DOR. Rather, DOR will assist in determining where it should go.

150-309.110 — This rule provides for the correction of clerical errors or errors in jurisdiction in orders from the county boards of property tax appeals (BoPTA) that are found after the boards’ term ends on June 30 each year. This rule conflicts with another, repealing and adding some language to OAR 150-306.115.

150-311.668(1)(a)-(A) — This rule lists requirements to qualify for the Senior Deferral program. Those requirements are now listed in statute, repealing the rule.

150-311.668(1)(a)-(B) — This rule lists requirements to qualify for the Senior Deferral program. Those requirements are now listed in statute, repealing the rule.

150-311.679(10) — This rule explains the process of creating tax liens for Deferred Disabled property. The is no longer a separate process for Disabled property, repealing rule.

150-311.706 — This rule explains the application process for Senior Special Assessment Deferral. This program sunset in 2011, making rule obsolete and needing repeal.

150-311.706(1) — This rule explains the requirements for a property to qualify for Senior Special Assessment Deferral. This program sunset in 2011, making the rule obsolete and needing repeal.

Rules Coordinator: Ken Ross

Address: Department of Revenue, 955 Center St. NE, Salem, OR 97301

Telephone: (503) 945-8890

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Department of State Lands Chapter 141

Rule Caption: Adopts Provisions to Implement 2012 Legislation Related to Expiration of Reports and an Independent Review.

Date:	Time:	Location:
11-15-12	9 a.m.	Wilsonville Library, Rose Rm. 8200 SW Wilsonville Rd. Wilsonville, OR 97070

Hearing Officer: Anna Buckley

Stat. Auth.: ORS 196.692 & 196.800

Other Auth.: 2012 OL Ch.108 (Enrolled SB 1582)

Stats. Implemented: 2012 OL Ch.108 (Enrolled SB 1582)

Proposed Amendments: 141-090-0020, 141-090-0030, 141-090-0032, 141-090-0055

NOTICES OF PROPOSED RULEMAKING

Proposed Ren. & Amends: 141-090-0035, 141-090-0045, 141-090-0050

Last Date for Comment: 11-30-12, 5 p.m.

Summary: Legislation in 2012 was enacted to allow landowners to request an independent review of a wetland delineation report when there is a disagreement with a Department decision and to request a five-year extension of a recently expired delineation. This rulemaking effort addresses this 2012 legislation. Additionally, relatively minor technical and housekeeping revisions are proposed.

For additional information on this rulemaking process please visit the following link on the Departments website: http://cms.oregon.gov/DSL/Pages/rules_activity.aspx

To comment on this rulemaking via email, submit your comments to: division90.rulemaking@dsl.state.or.us

To comment on this rulemaking via US Mail, submit your comments to:

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

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

Rule Caption: Repeal of Bus Length.

Stat. Auth.: ORS 183.616, 183.619, 810 & 818

Stats. Implemented: ORS 818.200 & 818.220

Proposed Repeals: 734-073-0090

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

Summary: OAR 734-073-0090 was written to specify the maximum length for a bus following the adoption of Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) that established federal size and weight limitations on the National Network of Highways. OAR 734-073-0090 allows for a bus to operate at a maximum length of 45 feet based on provisions provided from ISTEA; however, ORS 818.080 Table I (3) that describes the maximum length limits only allows for a bus to operate at a maximum length of 40 feet. The proposed repeal is necessary to resolve the conflict between statute and rule. In addition to the rule repeal, a legislative concept is being drafted for ORS 818.080 Table I (3) to allow a bus to operate at a maximum length of 45 feet.

For clarification purposes: OAR 734-073-0090 misidentified the Intermodal Surface Transportation Efficiency Act of 1991 as Intermodal Surface Transportation Assistance Act of 1992.

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

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

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**Land Conservation and Development Department
Chapter 660**

Rule Caption: Designate areas and establish regulatory standards for marine renewable energy development within the territorial sea.

Date:	Time:	Location:
11-15-12	8 a.m.	McMinnville Civic Hall 200 NE 2nd St. McMinnville, OR
12-4-12	4:30 p.m.	Port of Tillamook Bay 6825 Officer's Row Tillamook, OR

1-24-13

8 a.m.

LCDC Basement Hearing Rm.
635 Capitol St.
Salem, OR

Hearing Officer: LCDC; Patrick Wingard

Stat. Auth.: ORS 197.404

Stats. Implemented: ORS 196.471

Proposed Amendments: Rules in 660-036

Last Date for Comment: 1-24-13, Close of Hearing

Summary: The proposed rule amendment would adopt by reference amendments to the Territorial Sea Plan authorized by ORS 196.443. ORS 196.471 requires the Land Conservation and Development Commission to review proposed Territorial Sea Plan amendments and, upon making of findings, adopt the amendments as part of the Oregon Coastal Management Program. The proposed Territorial Sea Plan Part Five amendments would incorporate maps that designate areas where marine renewable energy development may site, and the standards and review criteria that state agencies apply in conducting their review of project proposals within those designated areas. The maps and standards would be incorporated into the existing Plan as an appendix.

Rules Coordinator: Casaria Taylor

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

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

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**Landscape Contractors Board
Chapter 808**

Rule Caption: Clarifies the definition of patio as used in ORS 671.520 & 671.690.

Date:	Time:	Location:
11-28-12	9 a.m.	LCB Office 2111 Front St. NE, Suite 2-101 Salem, OR 97301

Hearing Officer: Shelley Sneed

Stat. Auth.: ORS 670.310 & 671.600

Stats. Implemented: ORS 671.520 & 671.690

Proposed Adoptions: 808-002-0755

Last Date for Comment: 11-28-12, Close of Hearing

Summary: Clarifies the definition of patio as used in ORS 671.520 & 671.690.

Rules Coordinator: Kim Gladwill-Rowley

Address: Landscape Contractors Board, 2111 Front Street NE, Suite 2-101, Salem, OR 97301

Telephone: (503) 967-6291, ext. 223

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**Mortuary and Cemetery Board
Chapter 830**

Rule Caption: Implements requirements for remains found in Cemetery; clarifies refund criteria; implements advertising and contract rules.

Date:	Time:	Location:
11-19-12	2 p.m.	Portland State Office Bldg. 800 NE Oregon St., Suite 445 Portland, OR

Hearing Officer: Lynne Nelson

Stat. Auth.: ORS 692.320 & 97.931

Other Auth.: FTC Funeral Rule

Stats. Implemented: ORS 97.933 & 97.220

Proposed Amendments: 830-020-0030, 830-020-0040, 830-030-0000, 830-030-0070, 830-030-0100, 830-040-0005, 830-040-0050

Last Date for Comment: 11-19-12, 4 p.m.

Summary: Rule implements requirements and clarifies cemetery actions when human remains or partial remains are found in a presumed unoccupied grave; clarifies refundable fee if applicant withdraws from taking an examination; removes five-day right to cancel purchases on at need contracts; requires facility name on contracts; requires internet advertising to include link to effective general price list when a price is stated; clarifies need for registration by the

NOTICES OF PROPOSED RULEMAKING

Department of Consumer & Business Services to sell trust-funded preneed goods and services;

The amendments are necessary to maintain consistency with developments in funeral service industry practices, and to clarify cemetery practices. This rulemaking also provides the opportunity to update a state agency name and fix a section error.

Rules Coordinator: Lynne Nelson

Address: Mortuary and Cemetery Board, 800 NE Oregon St., Suite 430, Portland, OR 97232

Telephone: (971) 673-1503

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Oregon Business Development Department
Chapter 123

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

Stat. Auth.: ORS 197.723

Stats. Implemented: ORS 197.723

Proposed Adoptions: 123-966-0100 – 123-966-0500

Last Date for Comment: 11-21-12, 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.

Rules Coordinator: Mindee 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: Modifies rule relating to evaluation of child for as required by federal IDEA.

Date:	Time:	Location:
11-21-12	9 a.m.	Department of Education 255 Capital St. NE, Rm. 251A Salem, OR

Hearing Officer: Cindy Hunt

Stat. Auth.: ORS 343.041 & 343.157

Stats. Implemented: ORS 343.146, 343.157, 34 CFR 300.301, 300.304 & 300.305

Proposed Amendments: 581-015-2110

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

Summary: OAR 581-015-2110 General Evaluation and Reevaluation Requirements, was implemented to comply with federal regulations implementing the Individuals with Disabilities Education Act (IDEA), specifically found at 34 CFR 300.301 Initial Evaluations, 34 CFR 300.304 Evaluation Procedures, and 34 CFR 300.305 Additional Requirements for Evaluations and Reevaluations.

OAR 581-015-2110(5)(c)(B) should speak to transfer students in the process of evaluation per federal standards found at 34 CFR 300.304(5). However, the existing OAR speaks to students in the process of reevaluation. Therefore, this amendment is needed to comply with federal standards. Additionally, the implementing authority needs to reflect 34 CFR 300.301 as it is also addressed in this OAR.

Rules Coordinator: Cindy Hunt

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

Telephone: (503) 947-5651

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Rule Caption: Modifies rule relating to human sexuality education to align with Health Education Standards and Benchmarks.

Stat. Auth.: ORS 326.051

Other Auth.: ORS 329.045

Stats. Implemented: ORS 336.035 & 336.455

Proposed Amendments: 581-022-1440

Last Date for Comment: 11-30-12, 5 p.m.

Summary: Modifies rule relating to human sexuality education to align rule with Oregon Health Education Standards and Benchmarks adopted by State Board of Education. Defines and updates terminology.

Rules Coordinator: Cindy Hunt

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

Telephone: (503) 947-5651

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Rule Caption: Modifies rule relating to student assessment, record-keeping, grading and reporting.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051 & 329.485

Proposed Amendments: 581-022-1670

Last Date for Comment: 11-30-12, 5 p.m.

Summary: Requires school districts to provide teachers of reading/language arts and mathematics in grades in which the state administers assessments with student performance data.

Requires school districts to assist teachers in adapting instruction and curriculum to meet student needs and learning rates in achieving proficiency in academic content standards.

Requires school districts to adopt grading system.

Makes other modifications to align rule with HB 2220 and other rules.

Rules Coordinator: Cindy Hunt

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

Telephone: (503) 947-5651

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Rule Caption: Modifies rule relating to instruction at private career schools in barbering programs.

Stat. Auth.: ORS 345.400

Stats. Implemented: ORS 345.400

Proposed Amendments: 581-045-0200

Last Date for Comment: 11-30-12, 5 p.m.

Summary: 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

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

Telephone: (503) 947-5651

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Rule Caption: Creates Accountability Reporting Advisory Committee and repeals outdated substantive appeals committee.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051

Proposed Adoptions: 581-002-0090

Proposed Repeals: 581-022-1065

Last Date for Comment: 11-30-12, 5 p.m.

Summary: Creates Accountability Reporting Advisory Committee (ARAC) to contribute technical expertise, stakeholder input and as arbiter of issues regarding education accountability data.

Repeals obsolete substantive appeals committee.

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: Forensic Mental Health Evaluators and Evaluations.

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

NOTICES OF PROPOSED RULEMAKING

Hearing Officer: Nola Russell
Stat. Auth.: ORS 413.042
Stats. Implemented: ORS 161.290–161.370 & 419C.524
Proposed Amendments: 309-090-0005, 309-090-0025
Last Date for Comment: 12-17-12, 5 p.m.

Summary: These rules establish minimum standards for the certification of psychiatrists and licensed psychologists related to performing forensic examinations and evaluations as described in ORS 161.309–161.370 and 419C.524.

This rulemaking activity is proposed in order to clarify several parts of the current text.

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: Align with OAR chapter 461, division 155 medical eligibility rules.

Date:	Time:	Location:
11-19-12	10:30 a.m.	500 Summer St. NE, Rm. 137C Salem, OR 97301

Hearing Officer: Cheryl Peters
Stat. Auth.: ORS 413.042
Stats. Implemented: ORS 413.042 & 414.065
Proposed Amendments: 410-120-0006
Last Date for Comment: 11-21-12, 5 p.m.

Summary: The General Rules Program administrative rules govern the Division's payment 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 eligibility rule aligns with and reflects information found in the Department's eligibility rules. In OAR 410-120-0006, the Division adopts in rule by reference Department eligibility rules and must updates OAR 410-120-0006 in conjunction.

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 Healthy KidsConnect program.

Date:	Time:	Location:
11-30-12	10 a.m.	OPHP Boardwalk Conference Rm. 250 Church St. SE, Suite 200 Salem, OR 97301

Hearing Officer: Shari Coon
Stat. Auth.: ORS 735.707
Other Auth.: HB 2009 (2009) & HB 2116 (2009)
Stats. Implemented: ORS 414.231, 414.826, 414.828 & 414.839
Proposed Amendments: 442-010-0010, 442-010-0020, 442-010-0030, 442-010-0040, 442-010-0050, 442-010-0055, 442-010-0060, 442-010-0070, 442-010-0075, 442-010-0080, 442-010-0085, 442-010-0090, 442-010-0100, 442-010-0120, 442-010-0140, 442-010-0150, 442-010-0160, 442-010-0170, 442-010-0180, 442-010-0190, 442-010-0210, 442-010-0215, 442-010-0220, 442-010-0230, 442-010-0240, 442-010-0260, 442-010-0270
Proposed Repeals: 442-010-0110, 442-010-0280
Last Date for Comment: 12-4-12, 5 p.m.

Summary: The Office of Private Health Partnerships (OPHP) Healthy KidsConnect (HKC) Program 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 Agency will delete OARs 442-010-0110 and 442-010-0280, 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

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**Oregon Health Authority,
Oregon Educators Benefit Board
Chapter 111**

Rule Caption: Revised to clarify and update language used by the Oregon Educators Benefit Board.

Date:	Time:	Location:
11-16-12	10 a.m.	1225 Ferry St. SE OEBB Boardroom Salem, OR 97301

Hearing Officer: OEBB Staff
Stat. Auth.: ORS 243.860–243.886
Stats. Implemented: ORS 243.864(1)(a)
Proposed Amendments: 111-010-0015
Last Date for Comment: 11-30-12, 5 p.m.
Summary: Revised language in 111-010-0015 to clarify definitions and keep language used throughout the rules consistent.
Rules Coordinator: April Kelly
Address: Oregon Health Authority, Oregon Educators Benefit Board, 1225 Ferry St. SE, Salem, OR 97301
Telephone: (503) 378-6588

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Rule Caption: Revised rule to keep language consistent with the OEBB definitions rule.

Date:	Time:	Location:
11-16-12	10 a.m.	1225 Ferry St. SE OEBB Boardroom Salem, OR 97301

Hearing Officer: OEBB Staff
Stat. Auth.: ORS 243.860–243.886
Stats. Implemented: ORS 243.864(1)(a)
Proposed Amendments: 111-015-0001
Last Date for Comment: 11-30-12, 5 p.m.
Summary: Revised language in 111-015-0001 to keep consistent with OEBB's definitions division and other OEBB rules.
Rules Coordinator: April Kelly
Address: Oregon Health Authority, Oregon Educators Benefit Board, 1225 Ferry St. SE, Salem, OR 97301
Telephone: (503) 378-6588

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

Rule Caption: Changes to hospital rules in response to state and federal regulation changes and housekeeping changes.

Date:	Time:	Location:
11-29-12	1 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1D Portland, OR 97232

Hearing Officer: Jana Fussell
Stat. Auth.: ORS 441.025, 441.055, 442.015 & 442.807
Other Auth.: 42 CFR Parts 482 & 485
Stats. Implemented: ORS 147.403, 441.021, 441.025, 441.037, 441.055, 442.015 & 442.805
Proposed Amendments: 333-500-0005, 333-500-0010, 333-500-0031, 333-500-0032, 333-500-0038, 333-505-0001, 333-505-0005, 333-505-0007, 333-505-0010, 333-505-0030, 333-505-0033, 333-

NOTICES OF PROPOSED RULEMAKING

505-0050, 333-505-0060, 333-505-0080, 333-510-0020, 333-510-0040, 333-520-0035, 333-520-0050, 333-520-0060, 333-520-0070

Proposed Repeals: 333-525-0010

Last Date for Comment: 11-30-12, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division is proposing to permanently amend and repeal Oregon Administrative Rules relating to hospitals in response to recent changes in state and federal regulations, as well as minor housekeeping changes. The proposed rules also respond to stakeholder requests to reduce regulatory burden in order to create a more efficient hospital system and increase the ability to devote resources to providing high quality patient care. The proposed rules address updating definitions, fees for complaint investigations, classification, governing body and administrator responsibilities, credentialing application requirements, policies, compliance issues, and quality assessment and performance improvement.

Rules Coordinator: Brittany Sande

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

Telephone: (971) 673-1291

Rule Caption: Amendments pertaining to the petition process to add qualifying conditions under the OMMA.

Date:	Time:	Location:
11-16-12	11 a.m.	1300 NW Wall St. Lewis and Clark Rm. Bend, OR 97701
11-19-12	11 a.m.	800 Cardley St., VCON Large Conference Rm. Medford, OR 97501
11-30-12	10 a.m.	Portland State Office Bldg. 800 NE Oregon St. Rm. 1D Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 475.334 & 475.338

Stats. Implemented: ORS 475.300–475.346

Proposed Amendments: 333-008-0090

Last Date for Comment: 11-30-12, 5 p.m.

Summary: The Oregon Health Authority (OHA), Public Health Division, Oregon Medical Marijuana Program is proposing to permanently amend OAR 333-008-0090 regarding the process for petitioning to add qualifying diseases or conditions as debilitating medical conditions under the Oregon Medical Marijuana Act. Under current rule, when a petition is received by OHA requesting that a particular disease or condition be included among the diseases and conditions that qualify as debilitating medical conditions, OHA appoints an expert panel of five to seven individuals to review the petition (assuming it is not denied as frivolous by the State Public Health Officer (SPHO) or designee) and to provide recommendations to the SPHO. This process is too time consuming and costly and provides no standards by which the SPHO should make a decision. OHA proposes to remove the expert panel and allow the SPHO to undertake an investigation and make a decision on the petition. An investigation may include consulting with experts in cannabis therapeutics and experts on the disease or condition proposed to be added as a debilitating medical condition and a review of scientific literature and other information related to the therapeutic use of marijuana and the disease or condition proposed to be added. A decision on a petition will consider whether there is scientific evidence that marijuana is beneficial for the disease or condition proposed to add and that any benefits are not outweighed by the harms.

After the last expert panel met to hear and consider evidence relating to the addition of several conditions to the list (all of which were denied), it became clear that the method being used (appointing an expert panel) was too time consuming and expensive.

Streamlining business processes and promoting transparency were key in suggesting these rule changes. Because the expert panel did not have any authority to add conditions, only to make recommendations to the State Health Officer, it was an extra step. The State

Public Health Officer (SPHO) has been and will remain the person making the decision about whether or not to add a condition.

The proposed rule changes will streamline the current process, developing a clear standard to evaluate petitions.

The amended rule will further improve transparency: making it clear what the process is for adding a condition and who makes the decision.

Rules Coordinator: Brittany Sande

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

Telephone: (971) 673-1291

Rule Caption: Oregon Contraceptive Care (CCare).

Date:	Time:	Location:
11-28-12	11 a.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 368 Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.032

Proposed Adoptions: 333-004-0200, 333-004-0210, 333-004-0220, 333-004-0230

Proposed Amendments: 333-004-0000, 333-004-0010, 333-004-0020, 333-004-0030, 333-004-0040, 333-004-0050, 333-004-0060, 333-004-0070, 333-004-0080, 333-004-0100, 333-004-0110, 333-004-0120, 333-004-0130, 333-004-0140, 333-004-0150, 333-004-0160

Proposed Repeals: 333-004-0170, 333-004-0180, 333-004-0190

Last Date for Comment: 11-30-12, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division is proposing to permanently adopt, amend, and repeal Oregon Administrative Rules related to the Oregon Contraceptive Care Program (CCare), previously known as the Family Planning Expansion Project (FPEP). CCare is a Medicaid waiver demonstration project approved by the Centers for Medicare and Medicaid Services (CMS). At this time, the program proposes to amend rules to reflect current program requirements and to update organizational name changes. Revisions include an expansion of the definitions section; a description of the client eligibility verification process; the addition of non-School-Based Health Center site enrollment rules; and further clarification regarding agency billing procedures regarding third party billing.

Additional revisions include: 1) an increase in the income eligibility of applicants with incomes at or below 250% of the Federal Poverty Level, per CMS approval; 2) the modification, also in accordance with CMS approval, to permit enrollment of individuals into CCare with private health insurance coverage; and 3) an expansion of the description of agency sanctions and appeals processes.

Rules Coordinator: Brittany Sande

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

Telephone: (971) 673-1291

Rule Caption: Oregon Farm Direct Nutrition Program.

Date:	Time:	Location:
11-20-12	2 p.m.	Portland State Office Bldg. 800 NE Oregon St. Rm. 1C Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 413.500

Other Auth.: 7 CFR 248, 7 CFR 249 & Public Law 108-265

Stats. Implemented: ORS 413.500

Proposed Adoptions: 333-052-0041, 333-052-0042

Proposed Amendments: 333-052-0030, 333-052-0040, 333-052-0050, 333-052-0060, 333-052-0065, 333-052-0070, 333-052-0080, 333-052-0090, 333-052-0100, 333-052-0120, 333-052-0130

Proposed Repeals: 333-052-0030(T), 333-052-0040(T), 333-052-0041(T), 333-052-0042(T), 333-052-0100(T)

NOTICES OF PROPOSED RULEMAKING

Last Date for Comment: 11-26-12, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division is proposing to permanently amend and adopt rules in OAR chapter 333, division 52 to incorporate the eligibility and benefit requirements of individuals participating in the Oregon Farm Direct Nutrition Program. The addition of these requirements limits potential program liability should an individual dispute benefit distribution. This rulemaking is also making temporary amendments set to expire on December 7, 2012 permanent.

Additionally, clarifications and adjustments to definitions, the program authorization, violations and sanctions have been made to reflect current program FDNP administrative practices.

Rules Coordinator: Brittany Sande

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

Telephone: (971) 673-1291

Oregon Health Insurance Exchange
Chapter 945

Rule Caption: Certification of Plans as Qualified Health Plans.

Date:	Time:	Location:
11-27-12	10 a.m.	3414 Cherry Ave. NE, Suite 190 Salem, OR

Hearing Officer: Gregory Jolivet

Stat. Auth.: ORS 741.002

Stats. Implemented: ORS 741.310

Proposed Adoptions: 945-020-0010, 945-020-0020

Last Date for Comment: 11-27-12, 10 a.m.

Summary: The proposed permanent rule establishes the process for certification of plans as qualified health plans. It also provides information on state and federal uniform requirements, standards, and criteria for the certification of qualified health plans.

Rules Coordinator: Gregory Jolivet

Address: Oregon Health Insurance Exchange, 3414 Cherry Ave. NE, Suite 190, Salem, OR 97303-4983

Telephone: (503) 373-9406

Oregon Health Licensing Agency
Chapter 331

Rule Caption: Adopt qualifications for temporary licensure; align rules with current agency/industry standards including informed consent documentation.

Stat. Auth.: ORS 676.607, 676.615

Stats. Implemented: ORS 676.607, 676.615, 680.500, 680.510, 680.515, 680.520, 680.527, 680.530, 680.545, 680.550, 680.565

Proposed Adoptions: 331-410-0002, 331-410-0015, 331-410-0025, 331-410-0035, 331-410-0045, 331-410-0055

Proposed Amendments: 331-405-0020, 331-410-0000, 331-410-0010, 331-410-0020, 331-410-0030, 331-410-0050, 331-410-0060, 331-410-0065, 331-410-0090, 331-415-0010, 331-415-0020, 331-420-0000, 331-420-0010, 331-420-0020

Proposed Repeals: 331-405-0045, 331-410-0040, 331-410-0080, 331-415-0000, 331-425-0010, 331-430-0030

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

Summary: Adopt, amend and repeal rules to align with current industry, agency and statewide rulemaking standards and principles. Administrative rules have been streamlined to be consistent with statutory authority and Agency protocol.

Proposed rules delineate approved educational institutions with associate degree in denture technology or its equivalent and associated clinical practice experience (1,000 hours) where applicable. Amendments also provide requirements for approval of educational institutions with associate degree in denture technology or its equivalent and associated clinical practice experience (1,000 hours).

Amend rules which define a denture technology trainee registration (1,000 hours of supervised clinical practice in denture technology) under direct and indirect supervision including timeline,

supervision requirements and notification of changes. Proposed changes also outline the minimum number of hours in direct patient care and number of dentures which must be constructed within the 1,000 hours of supervised clinical practice in denture technology. Rule provides for application requirements for a denture technology trainee registration.

Adopt rules which define a denture technology temporary license post-education and training (PET), following completion of education and 1,000 hours of supervised clinical practice in denture technology. Rule includes directives for indirect supervision, timeline for notification, supervision requirements and notification of changes. Rule provides for application requirements for a denture technology temporary license-PET including passage of a board approved written examination.

Adopt rule which specifies requirements for being an approved supervisor for denture technology trainee registration (1,000 hours of supervised clinical practice in denture technology) or temporary license post-education and training (PET) including current licensure requirements with no current or pending disciplinary action, three years experience in denture technology, ratio of individuals being supervised, notification requirements. Rule also provides supervision requirements for individuals obtaining additional work experience in order to qualify to retake the practical examination.

Licensing requirements for a full denture technology license has been streamlined to be consistent with statutory authority and agency protocol. The proposed rules address application requirements, including examinations, for the following pathways to become licensed as a denture technologist:

- 1) Pathway 1: Qualification through Associate's Degree and Clinical Practice Experience with Examination
- 2) Pathway 2: Qualification through Associate's Degree and Denture Technology Trainee Registration (1,000 hours) with Examination
- 3) Pathway 3: Equivalent Education and Clinical Practice Experience with Examination
- 4) Pathway 4: Qualification through Equivalent Education and Denture Technology Trainee Registration (1,000 hours) with Examination
- 5) Pathway 5: Reciprocity with Two Years Experience

Amend general examination information including the written and practical examinations approved by the Board which is available on the agency Website. Rule provides for requirements to retake the written and practical examination.

Proposed rule specifies certain requirements be met to be scheduled to take the practical examination including paying fees, providing form prescribed by the agency to the agency 60 days before the practical examination is scheduled. Rule also requires practical examination candidates provide certain information at the time of the practical examination including photographic identification for candidate and patient, an interpreter if the patient does not speak English and an oral health certificate for the patient on a form prescribed by the agency.

Rule changes include standardizing renewal requirements to describe a license as active, inactive or expired and the process for renewal including continuing education requirements. Adopt rule delineating licensure posting requirements and align continuing education requirements with current agency and industry standards including automatic approval of continuing education which has been accepted by the Oregon State Denturist Association or the National Denturist Association.

Amend practice standards, to include providing written and verbal information and obtain informed consent to patients purchasing teeth whitening trays. Prohibit denturists from providing teeth whitening solutions which are prescription strength. Eliminate minimum standards of acceptability for full dentures to allow flexibility to denturists to provide appropriate services to clients and allow

NOTICES OF PROPOSED RULEMAKING

the agency to use the current industry standards when investigating a complaint for full or partial dentures.

Amend business premises requirements to include surface materials and appropriate surface disinfecting, maintenance of service areas, equipment, restrooms and other public areas. Require standards for disposal of contaminated waste and sharp objects. Align sterilization and disinfection process with current industry standards and federal guidelines.

Repeal certain administrative rules which are generally handled through the contested case process or other agency/board policy.

Rules Coordinator: Samantha Patnode

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

Telephone: (503) 373-1917

Oregon Public Employees Retirement System Chapter 459

Rule Caption: Clarifies employers may use date of hire in determination of method of employee contribution.

Date:	Time:	Location:
12-18-12	3 p.m.	PERS Boardroom 11410 SW 68th Pkwy. Tigard, OR 97223

Hearing Officer: Daniel Rivas

Stat. Auth.: ORS 238.650 & 238A.450

Stats. Implemented: ORS 238.515, 238A.330 & 238A.335

Proposed Amendments: 459-009-0200

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

Summary: Amends OAR 459-009-0200 to clarify that employers may agree to different methods of employee contribution based on an employee's date of hire.

Rules Coordinator: Daniel Rivas

Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281

Telephone: (503) 603-7713

Rule Caption: Clarification of certain standards concerning employer obligations in verification of retirement data process.

Date:	Time:	Location:
12-18-12	3 p.m.	PERS Boardroom 11410 SW 68th Pkwy. Tigard, OR 97223

Hearing Officer: Daniel Rivas

Stat. Auth.: ORS 238.650 & 238A.450

Stats. Implemented: ORS 238.285

Proposed Amendments: 459-005-0040

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

Summary: OAR 459-005-0040 sets forth the standards PERS implements when responding to an eligible member's request for verification of certain retirement data based on employment data reported to PERS by the member's employers, as reflected in PERS' records. The rule provides that in processing a data verification request PERS must notify the member's employers of the request and give those employers up to 60 days to confirm or modify the data previously reported to PERS. After this period has passed, the member's employer may no longer modify that data. PERS then produces a verification based upon the data in PERS' records.

Since this rule has been adopted, the majority of employers who have responded to PERS' notification have responded within the first 30 days of notice. In the interest of ensuring that the processing of data verifications is not unnecessarily delayed, PERS staff proposes amending the timing provisions of OAR 459-005-0040 to shorten the response period. Such amendment would ameliorate the administration of verifications by removing any unnecessary delays, such that data verification requests are processed more expeditiously.

Rules Coordinator: Daniel Rivas

Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281

Telephone: (503) 603-7713

Rule Caption: Clarifies retirement eligibility for Police Officer and Firefighter (P&F) members of the OPSRP Pension Program.

Date:	Time:	Location:
12-18-12	3 p.m.	PERS Boardroom 11410 SW 68th Pkwy. Tigard, OR 97223

Hearing Officer: Daniel Rivas

Stat. Auth.: ORS 238A.450

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

Proposed Amendments: 459-075-0200

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

Summary: Under the OPSRP Pension Program a P&F member can meet the eligibility requirements for normal and early retirement as P&F if they have held a position as P&F for a period of five years immediately prior to the effective date of retirement. The modifications to OAR 459-075-0200 provide clarity in meeting the five year requirement as P&F when a member separates from employment with one employer as P&F and begins employment as P&F with another employer, and also clarifies the status of a member who is employed concurrently as P&F and other than P&F. The modifications to the rule are effective October 1, 2012.

Rules Coordinator: Daniel Rivas

Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281

Telephone: (503) 603-7713

Oregon State Lottery Chapter 177

Rule Caption: Clarifies top \$1,000 prize with multiple winners; selling bonus; claiming prize Lottery Headquarters; Other changes.

Date:	Time:	Location:
11-20-12	9 a.m.	Oregon State Lottery 500 Airport Rd. SE Salem, OR 97301

Hearing Officer: Larry Trott

Stat. Auth.: ORS 461

Other Auth.: Oregon Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.210, 461.220, 461.230 & 461.250

Proposed Amendments: 177-094-0080, 177-094-0085

Last Date for Comment: 11-20-12, 9:30 a.m.

Summary: The Oregon Lottery has initiated permanent rulemaking to establish the maximum annual payout when there are more than three winning tickets for the Win for Life \$1,000 a week top prize in a single drawing, the calculation of the retailer selling bonus under such circumstances, and to require in-person presentation of a winning ticket for the Win for Life top prize of \$1,000 a week for life at Lottery Headquarters in Salem, Oregon. The rulemaking will further specify that only one natural person may sign a Win for Life top prize of \$1,000 per week for life ticket; that ownership of a winning ticket for a Win for Life top prize of \$1,000 per week for life cannot be relinquished; will specify the process for claiming the Win for Life top prize by the personal representative of the estate of an owner who dies before the prize is claimed; and will specify that annual payments of the Win for Life top prize of \$1,000 per week for life will be paid on the anniversary date of the validation or on the next Lottery business day if the anniversary date is a Saturday, Sunday, holiday, or furlough closure day.

Rules Coordinator: Mark W. Hohlt

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

Telephone: (503) 540-1417

NOTICES OF PROPOSED RULEMAKING

Oregon University System, Oregon State University Chapter 576

Rule Caption: Sets fees/charges at Oregon State University for the balance of fiscal year 2012–2013.

Date: 12-19-12 **Time:** 1 p.m. **Location:** Memorial Union Rm. 206
Oregon State University
Corvallis, OR

Hearing Officer: Beth Giddens

Stat. Auth.: ORS 351.070 & 352.360

Other Auth.: OAR 580-040-0010

Stats. Implemented: ORS 351.070 & 352.360

Proposed Amendments: 576-010-0000

Last Date for Comment: 12-20-12, Close of Business

Summary: The proposed amendment will set fees and charges for designated services at Oregon State University for the balance of fiscal year 2012–2013. The rule states: “The University hereby adopts by reference a list of fees and charges for fiscal year 2012–2013. The list of fees and charges is at http://oarnoticefilings.sos.state.or.us/display_form.php?form_id=1154#statementavailable at Oregon State University’s Valley Library, and is hereby incorporated by reference in this rule.”

Rules Coordinator: Beth Giddens

Address: Oregon University System, Oregon State University, 638 Kerr Administration Bldg., Corvallis, OR 97331

Telephone: (541) 737-2449

Rule Caption: Ensuring all members of the faculty are eligible to act as Faculty Mediator.

Date: 12-19-12 **Time:** 1 p.m. **Location:** Memorial Union Rm. 206
Oregon State University
Corvallis, OR

Hearing Officer: Beth Giddens

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Proposed Amendments: 576-050-0015

Last Date for Comment: 12-20-12, Close of Business

Summary: Currently “Faculty Mediator” is defined as an academic employee with faculty rank who is chosen by the Faculty Senate Executive Committee to hear faculty grievances. This rule change would also make nonacademic employees of faculty rank eligible to act as a Faculty Mediator under the Division 50 rules.

Rules Coordinator: Beth Giddens

Address: Oregon University System, Oregon State University, 638 Kerr Administration Bldg., Corvallis, OR 97331

Telephone: (541) 737-2449

Rule Caption: Repeals Article 576 Division 26, Measles Immunization Policy.

Date: 12-19-12 **Time:** 1 p.m. **Location:** Memorial Union Rm. 206
Oregon State University
Corvallis, OR

Hearing Officer: Beth Giddens

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Proposed Repeals: 576-026-0005, 576-026-0010

Last Date for Comment: 12-20-12, Close of Business

Summary: Oregon law now includes the requirements set forth in Division 26, along with other requirements. Division 26 is no longer needed as OSU follows the broader state law on immunization requirements. Repealing the rule does not change any policy or procedure.

Rules Coordinator: Beth Giddens

Address: Oregon University System, Oregon State University, 638 Kerr Administration Bldg., Corvallis, OR 97331

Telephone: (541) 737-2449

Rule Caption: Criminal history checks for employment and service.

Date: 12-19-12 **Time:** 1 p.m. **Location:** Memorial Union Rm. 206
Oregon State University
Corvallis, OR

Hearing Officer: Beth Giddens

Stat. Auth.: ORS 351.070, 181.534 & 352.012

Other Auth.: OAR 380-023-0106 et seq

Stats. Implemented: ORS 351.070, 181.534 & 352.012

Proposed Adoptions: 576-055-0000, 576-055-0010, 576-055-0020, 576-055-0030, 576-055-0040, 576-055-0050, 576-055-0060, 576-055-0070, 576-055-0080, 576-055-0090, 576-055-0100, 576-055-0110, 576-055-0120, 576-055-0130, 576-055-0140, 576-055-0150, 576-055-0160

Last Date for Comment: 12-20-12, Close of Business

Summary: Oregon State University is committed to protecting the security, safety, and health of faculty, staff, students and others, as well as safeguarding the assets and resources of the University. To meet these objectives, the University may require a criminal history check as a condition prior to any applicant, employee, or volunteer providing services in a critical or security-sensitive position.

Rules Coordinator: Beth Giddens

Address: Oregon University System, Oregon State University, 638 Kerr Administration Bldg., Corvallis, OR 97331

Telephone: (541) 737-2449

Rule Caption: Motor vehicle history checks for employment and service.

Date: 12-19-12 **Time:** 1 p.m. **Location:** Memorial Union Rm. 206
Oregon State University
Corvallis, OR

Hearing Officer: Beth Giddens

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Proposed Adoptions: 576-056-0000, 576-056-0010, 576-056-0020, 576-056-0030, 576-056-0040, 576-056-0050, 576-056-0060, 576-056-0070, 576-056-0080, 576-056-0090, 576-056-0100, 576-056-0110, 576-056-0120, 576-056-0130

Last Date for Comment: 12-20-12, Close of Business

Summary: Oregon State University is committed to protecting the security, safety, and health of faculty, staff, students and others, as well as safeguarding the assets and resources of the University. To meet these objectives, the University may require a criminal history check as a condition prior to any applicant, employee, or volunteer providing services in a critical or security-sensitive position.

Rules Coordinator: Beth Giddens

Address: Oregon University System, Oregon State University, 638 Kerr Administration Bldg., Corvallis, OR 97331

Telephone: (541) 737-2449

ADMINISTRATIVE RULES

Board of Chiropractic Examiners Chapter 811

Rule Caption: Rules of Procedure in Contested Cases Amendments and date change.

Adm. Order No.: BCE 2-2012

Filed with Sec. of State: 10-15-2012

Certified to be Effective: 10-15-12

Notice Publication Date: 7-1-2012

Rules Amended: 811-001-0005, 811-001-0010

Subject: 811-001-0010

Rules of Procedure in Contested Cases

(1) In sexual boundary and unprofessional conduct cases; The Board requires an answer to charges as part of notices to parties in contested cases: In addition to the requirements of the Attorney General's Model Rules of Procedure adopted by the Board, the notice to parties in contested cases may include a statement that an answer to the assertions or charges will be requested and, if so, the consequences of failure to answer. A statement of the consequences of failure to answer may be satisfied by enclosing a copy of section (2) of this rule with the notice.

(2) In sexual boundary and unprofessional conduct cases, hearing requests and answers: Consequences of failure to answer:

(a) A hearing request, and answer when requested, shall be made in writing to the Board by the party or his attorney and an answer shall include the following:

(A) An admission or denial of each factual matter alleged in the notice;

(B) A short and plain statement of each relevant affirmative defense the party may have.

(b) Except for good cause:

(A) Factual matters alleged in the notice and not denied in the answer shall be presumed admitted;

(B) Failure to raise a particular defense in the answer will be considered a waiver of such defense;

(C) New matters alleged in the answer (affirmative defenses) shall be presumed to be denied by the agency; and

(D) Evidence shall not be taken on any issue not raised in the notice and answer.

811-001-0005

Pursuant to the provisions of ORS 183.341, the Board of Chiropractic Examiners adopts the Attorney General's Uniform and Model Rules of Procedure under the Administrative Procedures Act January 2012, these rules shall be controlling except as otherwise required by statute or rule.

Rules Coordinator: Donna Dougan—(503) 373-1579

811-001-0005

Model Rules of Procedure

Pursuant to the provisions of ORS 183.341, the Board of Chiropractic Examiners adopts the Attorney General's Uniform and Model Rules of Procedure under the Administrative Procedures Act January 2012, these rules shall be controlling except as otherwise required by statute or rule.

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

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.341

Hist.: 2CE 10, f. 2-3-72, ef. 2-15-72; 2CE 12, f. 11-20-73, ef. 12-11-73; 2CE 1-1978, f. 6-16-78, ef. 7-1-78; 2CE 3-1981, f. & ef. 11-27-81; 2CE 3-1984, f. & ef. 11-26-84; 2CE 4-1986, f. & ef. 7-3-86; CE 2-1988, f. & cert. ef. 7-1-88; CE 1-1993, f. 3-1-93, cert. ef. 4-1-93; CE 1-1995, f. & cert. ef. 10-30-95; CE 4-1997, f. & cert. ef. 11-3-97; BCE 3-2000, cert. ef. 8-23-00; BCE 1-2004, f. & cert. ef. 6-7-04; BCE 2-2007, f. 11-30-07, cert. ef. 1-31-08; BCE 2-2012, f. & cert. ef. 10-15-12

811-001-0010

Rules of Procedure in Contested Cases

(1) In sexual boundary and unprofessional conduct cases; The Board requires an answer to charges as part of notices to parties in contested cases: In addition to the requirements of the Attorney General's Model Rules of Procedure adopted by the Board, the notice to parties in contested cases may include a statement that an answer to the assertions or charges will be requested and, if so, the consequences of failure to answer. A statement of the consequences of failure to answer may be satisfied by enclosing a copy of section (2) of this rule with the notice.

(2) In sexual boundary and unprofessional conduct cases, hearing requests and answers: Consequences of failure to answer:

(a) A hearing request, and answer when requested, shall be made in writing to the Board by the party or his attorney and an answer shall include the following:

(A) An admission or denial of each factual matter alleged in the notice;

(B) A short and plain statement of each relevant affirmative defense the party may have.

(b) Except for good cause:

(A) Factual matters alleged in the notice and not denied in the answer shall be presumed admitted;

(B) Failure to raise a particular defense in the answer will be considered a waiver of such defense;

(C) New matters alleged in the answer (affirmative defenses) shall be presumed to be denied by the agency; and

(D) Evidence shall not be taken on any issue not raised in the notice and answer.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183

Hist.: 2CE 1-1985, f. & ef. 2-15-85; BCE 2-2012, f. & cert. ef. 10-15-12

Board of Licensed Professional Counselors and Therapists Chapter 833

Rule Caption: Correction to 8/22/2012 Miscellaneous Rules.

Adm. Order No.: BLPCT 3-2012

Filed with Sec. of State: 10-11-2012

Certified to be Effective: 10-11-12

Notice Publication Date: 6-1-2012

Rules Amended: 833-020-0201

Subject: Corrections due to filing error:

Missing word "business" to (1)(a).

Missing word and (d) Email address." to (2).

Rules Coordinator: Becky Eklund—(503) 378-5499, ext. 3

833-020-0201

Licensee Professional Disclosure Statement

(1) To be approved by the Board, the professional disclosure statement shall include the information set forth in and required by ORS 675.755 and:

(a) The name, address and telephone number of the business;

(b) Philosophy and approach to counseling or marriage and family therapy, including reference to any codes of standards or ethics to which the licensee subscribes;

(c) A statement indicating adherence to the Oregon Licensing Board's Code of Ethics set forth in OAR chapter 833, division 100;

(d) The bill of rights of clients listed in OAR 833, division 100, Code of Ethics;

(e) Formal education and training, title of highest relevant degree earned, school granting degree, and major coursework;

(f) Oregon licensure requirements for continuing education as well as any significant post-degree work relating to professional practice;

(g) The standard fee for service, including discounted rates or sliding scale and a statement that no fees will be charged and no additional fee will be added to another set fee such as a hospital room daily charge; and

(h) A statement indicating the following: "Additional information about this counselor or therapist is available on the Board's website: www.oregon.gov/oblpc."

(2) The Professional Disclosure Statement must also include the Board's:

(a) Name;

(b) Address;

(c) Telephone number; and

(d) Email address.

(3) Licensees must provide each client with a professional disclosure statement consistent with the content and in a format as specified in OAR 833-020-0201(1) and (2).

(4) Licensees must make a reasonable effort to assist the client to understand the information presented in the disclosure statement as required by the Code of Ethics.

(5) Exemptions to the professional disclosure statement requirements set forth in ORS 675.755 include:

ADMINISTRATIVE RULES

(a) Applicants for licensure not practicing professional counseling or marriage and family therapy in Oregon, except those seeking registration as an intern;

(b) Licensees not practicing professional counseling or marriage and family therapy in Oregon;

(c) Licensees providing crisis response; and

(d) Licensees who have submitted a written request and can satisfy the Board that there is good cause to be exempt from specific requirements and have received written exemption from the Board.

(6) Prior to providing services, the licensee must furnish each client with a copy of a professional disclosure statement. If the licensee fails to provide the statement, the licensee may not charge the client a fee for services.

(7) Whenever a licensee changes a professional disclosure statement, the new statement must be presented to the Board for approval.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.755 & 675.785

Hist.: BLPCT 2-2010(Temp), f. 1-8-10, cert. ef. 1-11-10 thru 7-9-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 2-2012, f. 9-5-12, cert. ef. 10-1-12; BLPCT 3-2012, f. & cert. ef. 10-11-12

Board of Parole and Post-Prison Supervision Chapter 255

Rule Caption: Update Rules Governing Conduct of Board Hearings.

Adm. Order No.: PAR 3-2012(Temp)

Filed with Sec. of State: 9-18-2012

Certified to be Effective: 9-18-12 thru 3-1-13

Notice Publication Date:

Rules Adopted: 255-030-0046

Rules Amended: 255-030-0010, 255-030-0013, 255-030-0021, 255-030-0023, 255-030-0024, 255-030-0025, 255-030-0026, 255-030-0027, 255-030-0032, 255-030-0035, 255-030-0040, 255-030-0055

Subject: These amendments: (1) remove outdated formatting and grammar; (2) reflect current and future technology changes that relate to holding hearings; (3) expand language to provide clear information on agency procedures for holding hearings; (4) clarify who may attend hearings and the manner in which individuals may submit information to the Board; (5) and increase opportunities for inclusion in hearings of district attorneys, victims and/or their representatives, as well as others who may have a substantial interest in the case, or who may be able to provide information to assist the Board in its deliberations.

Rules Coordinator: Shawna Harnden—(503) 945-0913

255-030-0010

Scheduling Prison Term Hearings

(1) The Board shall conduct a hearing to establish a prison term for each new inmate whose crime was committed prior to November 1, 1989, within:

(a) Six months of admission to a Department of Corrections facility for those sentenced to five years or less;

(b) Eight months of admission to a Department of Corrections facility for those sentenced to more than five years but less than fifteen years; or

(c) Twelve months of admission to a Department of Corrections facility for those sentenced to life or fifteen years or more.

(2) The Board shall follow section 1 of this rule to schedule a prison term hearing for any additional sentence received while in custody of a Department of Corrections facility.

(3) For those prison term hearings which must be conducted within six months, the Board may defer setting a prison term for ninety days to obtain additional information.

(4) The Board may establish prison terms after a hearing or as an administrative action without a hearing, pursuant to 255-030-0024.

Stat. Auth.: ORS 144.120(1)

Stats. Implemented: ORS 144.120

Hist.: 2PB 1-1979, f. & ef. 2-1-79; 2PB 7-1985, f. & ef. 5-31-85; 2PB 4-1986(Temp), f. & ef. 12-2-86; PAR 3-1987, f. & ef. 4-28-87; PAR 6-1988, f. & ef. 5-19-88; PAR 4-1989, f. & ef. 11-1-89; PAR 8-1992, f. & cert. ef. 10-9-92; PAR 3-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 6-2000, f. & cert. ef. 6-9-00; PAR 3-2012(Temp), f. & cert. ef. 9-18-12 thru 3-1-13

255-030-0013

Notification of Hearing

(1) The Board shall send written notice of the hearing and its purpose to the inmate. The inmate shall receive a copy of the Board Review Packet,

including the notice of rights (Exhibit NOR-1), at least 14 days prior to the hearing.

(2) If the inmate did not receive 14 days notice, the Board may reschedule the hearing or the inmate may waive the notice and the Board shall conduct the hearing.

(3) The Board shall attempt to notify the victim, if the victim requests notification and furnishes the Board a current address, and the District Attorney of the committing county at least ninety (90) days before all hearings by sending written notice to the current addresses of both parties.

Stat. Auth.: ORS 144.120(7) & 144.130

Stats. Implemented: ORS 144.120(7) & 144.130

Hist.: 2PB 4-1986(Temp), f. & ef. 12-2-86; PAR 3-1987, f. & ef. 4-28-87; PAR 6-1988, f. & ef. 5-19-88; PAR 4-1989, f. & ef. 11-1-89; PAR 1-1990(Temp), f. & cert. ef. 2-20-90; PAR 2-1990, f. & cert. ef. 4-5-90; PAR 8-1992, f. & cert. ef. 10-9-92; PAR 3-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 7-2010, f. & cert. ef. 9-3-10; PAR 8-2010, f. & cert. ef. 9-29-10; PAR 2-2012(Temp), f. & cert. ef. 6-28-12 thru 12-25-12; PAR 3-2012(Temp), f. & cert. ef. 9-18-12 thru 3-1-13

255-030-0021

Manner of Hearing

At the chairperson's discretion, the Board or its designated representative may conduct any hearing by teleconference call, videoconference call, or other electronic medium that ensures the inmate, the Board, and other participants the opportunity to hear and be heard.

Stat. Auth.: ORS 144.035(5)

Stats. Implemented: ORS 144.035(5)

Hist.: 2PB 7-1985, f. & ef. 5-31-85; 2PB 4-1986(Temp), f. & ef. 12-2-86; PAR 3-1987, f. & ef. 4-28-87; PAR 6-1988, f. & ef. 5-19-88; PAR 4-1989, f. & ef. 11-1-89; PAR 8-1992, f. & cert. ef. 10-9-92; PAR 3-2012(Temp), f. & cert. ef. 9-18-12 thru 3-1-13

255-030-0023

Inmate Appearance at Board Hearing

(1) The inmate shall be present in person, by telephone or videoconference, or by any other electronic medium that ensures the inmate, the Board, and other participants the opportunity to hear and be heard.

(2) If an inmate refuses to appear at a hearing, the refusal will be considered to be the inmate's waiver of appearance.

(3) The Board may compel an inmate's appearance when the inmate refuses to appear.

(4) The Board may choose not to compel the inmate to attend the hearing. The Board may then reschedule the hearing, or hold the hearing and make a decision in the inmate's absence.

Stat. Auth.: ORS 144.035(5) & 144.120

Stats. Implemented: ORS 144.035(5) & 144.120

Hist.: PAR 6-1988, f. & ef. 5-19-88; PAR 4-1989, f. & ef. 11-1-89; PAR 1-1990(Temp), f. & cert. ef. 2-20-90; PAR 3-1990, f. 6-29-90, cert. ef. 7-1-90; PAR 8-1992, f. & cert. ef. 10-9-92; PAR 3-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 3-2012(Temp), f. & cert. ef. 9-18-12 thru 3-1-13

255-030-0024

Prison Term Hearing Waiver

(1) Notwithstanding OAR 255-030-0023(3), an inmate may waive his/her right to a prison term hearing based on the following criteria:

(a) Sentence of less than 15 years; and

(b) Non-person felony (The non-person felonies are designated on Exhibit A-I of these rules.); and

(c) Matrix range of up to 14–20 months; and

(d) Completed Prison Term Hearing Packet.

(2) Within the time limits provided by OAR 255-030-0010, the Board, at its discretion, may notify the inmate in writing of:

(a) His/her eligibility to waive the prison term hearing; and

(b) The proposed prison term and conditions of parole.

(3) A Department of Corrections counselor will review the waiver form with the inmate.

(4) Upon receipt of a signed waiver, the Board shall make the findings required by OAR 255-035-0013 or 255-035-0014 and shall send the final Board order to the inmate.

(5) If the Board is not satisfied that the waiver was made knowingly and intelligently or if it needs more information before making its decision, the Board may deny the waiver and order a hearing.

Stat. Auth.: ORS 144.120(1)(b)

Stats. Implemented: ORS 144.120(1)(b)

Hist.: PAR 8-1988, f. & ef. 7-1-88; PAR 9-1988(Temp), f. & ef. 7-14-88; PAR 12-1988(Temp), f. & ef. 7-20-88; PAR 13-1988(Temp), f. & ef. 8-5-88; PAR 18-1988, f. & ef. 12-6-88; PAR 4-1989, f. & ef. 11-1-89; PAR 1-1990(Temp), f. & cert. ef. 2-20-90; PAR 3-1990, f. 6-29-90, cert. ef. 7-1-90; PAR 5-1991, f. & cert. ef. 10-15-91; PAR 3-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 6-2000, f. & cert. ef. 6-9-00; PAR 3-2012(Temp), f. & cert. ef. 9-18-12 thru 3-1-13

ADMINISTRATIVE RULES

255-030-0025

Inmate Accompaniment to Board of Parole and Post-Prison Supervision Hearing

(1) Purpose: The purpose of these rules is to jointly establish with the Department of Corrections policies and procedures governing who may accompany an inmate in a hearing before the Board of Parole and Post-Prison Supervision.

(2) Policy: It is the joint policy of the Department of Corrections and Board of Parole and Post-Prison Supervision that inmates be permitted to have a person accompany them in hearings before the Board in accordance with ORS 144.123, as provided in these rules. The decision to approve a person's physical access to a Board hearing held within a Department of Corrections facility will be made by the functional unit manager or designee of the facility in which the inmate is confined, in accordance with the department's rules on Facility Access (OAR 291-016) and Visiting (Inmate) (OAR 291-127). A person's physical access to a Department of Corrections facility may be prohibited or restricted by the functional unit manager or designee consistent with these rules; the health, safety and security of staff, inmates, and the public; and with the safe, secure, and orderly operation and management of the facility.

Stat. Auth.: ORS 144.123 & 144.120(7)

Stats. Implemented: ORS 144.120(7), 144.123 & 192.630

Hist.: 2PB 1-1979, f. & ef. 2-1-79; 2PB 10-1981(Temp), f. & ef. 11-4-81; 2PB 1-1982, f. & ef. 5-19-82; 2PB 4-1986(Temp), f. & ef. 12-2-86; PAR 3-1987, f. & ef. 4-28-87; PAR 6-1988, f. & ef. 5-19-88; PAR 4-1989, f. & ef. 11-1-89; PAR 2-1990, f. & cert. ef. 4-5-90; PAR 8-1992, f. & cert. ef. 10-9-92; PAR 3-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 6-2000, f. & cert. ef. 6-9-00; PAR 4-2004(Temp), f. & cert. ef. 5-14-04 thru 11-10-04; PAR 10-2004, f. & cert. ef. 11-2-04; PAR 3-2012(Temp), f. & cert. ef. 9-18-12 thru 3-1-13

255-030-0026

Who May Appear at a Board of Parole and Post-Prison Supervision Hearing

(1) Inmate Accompaniment: When appearing before the Board of Parole and Post-Prison Supervision in a hearing, an inmate may be accompanied at the Department of Corrections facility in which the inmate is confined, subject to the prior approval of the facility functional unit manager or designee, by:

(a) A person who has been approved for privileged visiting in accordance with the Department of Corrections rule on Visiting (Inmate) (OAR 291-127);

(b) An assigned inmate legal assistant, selected in accordance with the Department of Corrections rule on Legal Affairs (Inmate) (OAR 291-139), from the Department of Corrections facility where the inmate is confined; or

(c) The inmate's attorney.

(2) In addition to those persons specified in subsection (1) of this rule, the inmate may be accompanied at the hearing via telephone or videoconference by such other person or persons as the Board of Parole and Post-Prison Supervision, in its discretion, may approve by prior arrangement.

(a) The inmate may select one person to speak on his/her behalf. The statement shall not exceed 15 minutes. The presiding Board member may grant the support person additional time upon a finding that further testimony is likely to be relevant to the Board's decision. The presiding Board member may exclude or limit irrelevant, immaterial or unduly repetitious testimony and evidence.

(3) The Department of Corrections, if requested by the inmate or the Board, will assign an approved inmate legal assistant from the Department of Corrections facility where the inmate is confined to accompany an inmate at a Board hearing.

(a) The selection of the inmate legal assistant shall be governed by the policies and rules of the Department of Corrections.

(4) Others Who May Attend/Appear at a Board Hearing:

(a) Victim: The victim(s), personally, or by counsel or other representative, may attend Board of Parole and Post-Prison Supervision Hearings and may submit written and oral statements, including supporting documents, expressing any views concerning the crime and the offender.

(b) District attorney: the district attorney from the committing jurisdiction or his/her representative or designee, may attend Board hearings and may submit written and oral statements, including supporting documents, expressing any views concerning the crime and the offender.

(c) Public: Members of the public may attend, but not participate in, Board of Parole and Post-Prison Supervision hearings.

(d) Media Representatives: Approved media representatives may attend, but not participate in, Board of Parole and Post-Prison Supervision hearings.

(e) Department of Corrections Employees, Volunteers, and Contractors: Department of Corrections employees, volunteers, and con-

tractors may attend, but not participate in, Board of Parole and Post-Prison Supervision hearings, except as requested or approved by the Board in order to provide testimony in the hearing.

(f) Other: The Board retains the discretion to allow oral statements at hearings from one or more persons not otherwise identified in OAR 255-030-0026, if the Board deems the person(s) to have a substantial interest in the case, or to be able to provide information that may assist the Board in its deliberations.

(5) Means and Manner of Appearance/Attendance:

(a) Board Hearings Conducted With Inmate in Person Within a Department of Corrections Facility:

(A) If the inmate will appear before the Board of Parole and Post-Prison Supervision in person within a Department of Corrections facility, the person(s) accompanying the inmate, the victim, the district attorney, and/or their representatives, members of the public, and approved media representatives, may attend the hearing in person at the Department of Corrections facility, subject to the approval by the functional unit manager of the facility in which the hearing is being conducted, or if arranged in advance with the Board, via telephone, videoconference call, or other electronic medium that ensures the inmate, the Board, and other participants the opportunity to hear and be heard.

(B) A person who wants to attend a Board of Parole and Post-Prison Supervision hearing in a Department of Corrections facility must contact the Board at least two weeks in advance of the hearing to arrange.

(C) A person's access to a Department of Corrections facility is subject to the Department of Corrections rules on Facility Access (OAR 291-016) and Visiting (Inmate) (OAR 291-127), and may be prohibited or restricted by the functional unit manager or designee of the facility in which the hearing is being conducted consistent with the health, safety and security of staff, inmates, and the public, and with the safe, secure, and orderly operation and management of the facility.

(D) A person who attends a Board of Parole and Post-Prison Supervision hearing in a Department of Corrections facility is subject to the rules of conduct, and the terms and conditions of visiting set forth in the department's rules on Facility Access (OAR 291-016) and Visiting (Inmate) (OAR 291-127).

(b) Board Hearings Conducted With Inmate via Telephone, Videoconference, or Other Electronic Medium: If the inmate will appear before the Board of Parole and Post-Prison Supervision via telephone, videoconference, or other electronic medium, the person(s) accompanying the inmate, the victim(s), and the district attorney, and/or their representatives, members of the public, and approved media representatives, may appear/attend the hearing at the place in which the Board is conducting the hearing, or via telephone, videoconference, or other electronic medium, as arranged in advance with the Board.

(6) Conduct of Hearing: The Board of Parole and Post-Prison Supervision may eject any disruptive person from a hearing. The Board may require all persons to leave the designated hearing area during deliberations.

Stat. Auth.: ORS 144.123, 144.750, 144.120(7) & 192.690

Stats. Implemented: ORS 144.123, 144.750 & 144.120(7)

Hist.: PAR 10-2004, f. & cert. ef. 11-2-04; PAR 3-2012(Temp), f. & cert. ef. 9-18-12 thru 3-1-13

255-030-0027

Victim, District Attorney and Inmate Statements

(1) During the hearing, the victim(s), personally, by counsel, or by representative, and the district attorney from the committing jurisdiction may make statements not to exceed 15 minutes. The presiding Board member may grant the representative of the victim or the district attorney additional time upon a finding that further testimony is likely to be relevant to the Board's decision. The presiding Board member may exclude or limit irrelevant, immaterial, or unduly repetitious testimony and evidence. Following the statement(s) by the victim(s) and/or district attorney, the inmate may address the Board with his/her response.

(2) One person selected by the inmate may make a statement not to exceed 15 minutes. The presiding Board member may grant the witness additional time upon a finding that further testimony is likely to be relevant to the Board's decision. The presiding Board member may exclude or limit irrelevant, immaterial, or unduly repetitious testimony and evidence.

Stat. Auth.: ORS 144.750 & 144.120(7)

Stats. Implemented: ORS 144.750 & 144.120(7)

Hist.: 2PB 4-1986(Temp), f. & ef. 12-2-86; PAR 3-1987, f. & ef. 4-28-87; PAR 6-1988, f. & ef. 5-19-88; PAR 1-1992, f. & cert. ef. 1-13-92; PAR 3-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 6-2000, f. & cert. ef. 6-9-00; PAR 5-2010(Temp), f. 7-2-10, cert. ef. 7-6-10 thru 1-1-11; PAR 12-2010, f. & cert. ef. 12-1-10; PAR 3-2012(Temp), f. & cert. ef. 9-18-12 thru 3-1-13

ADMINISTRATIVE RULES

255-030-0032

Evidence

(1) The presiding Board member at a Board hearing shall explain the issues to be decided. In the case of a prison term hearing, those issues are set forth in OAR 255-035-0013. In the case of other types of hearings, the issues are set forth in the applicable division of the Board's administrative rules.

(2) Evidence of a type that reasonably prudent persons would commonly rely upon in the conduct of their serious affairs shall be admissible in Board hearings, including:

- (a) The information set forth in OAR 255-030-0035;
- (b) Other relevant evidence concerning the inmate that is available.

(3) Reliable, probative, and substantial evidence shall support Board orders. Substantial evidence is found when the record, viewed as a whole, would permit a reasonable person to make a particular finding.

(4) The Board may exclude evidence if it is:

- (a) Unduly repetitious;
- (b) Not of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs;

(c) Provided by a person, other than a justice system official, without first hand knowledge of the circumstances of the crime that is the subject of the proceeding before the Board;

(d) Provided by a person, other than a justice system official, without first hand knowledge of the character of the inmate;

(e) Addressing only guilt or innocence; or

(f) Irrelevant or immaterial to the decision(s) to be made at that particular hearing.

(5) The Board may receive evidence to which the inmate objects. If the presiding Board member does not make rulings on its admissibility during the hearing, the Board shall make findings on the record at the time a final order is issued.

(6) Erroneous rulings on evidence shall not preclude Board action on the record unless shown to have substantially prejudiced the rights of the inmate.

Stat. Auth.: ORS 144.050 & 144.140

Stats. Implemented: ORS 144.050 & 144.140

Hist.: PAR 4-1989, f. & ef. 11-1-89; PAR 5-1990, f. & cert. ef. 10-5-90; PAR 1-1992, f. & cert. ef. 1-13-92; PAR 3-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 6-2000, f. & cert. ef. 6-9-00; PAR 3-2012(Temp), f. & cert. ef. 9-18-12 thru 3-1-13

255-030-0035

Information the Board Shall Consider at a Prison Term Hearing

(1) The Board Review Packet shall contain information relevant to the purpose of the hearing, which may include, but is not limited to:

- (a) Inmate's notice of rights and notice of administrative appeal;
- (b) Presentence Investigation (PSI), Postsentence Investigation Report (PSR), Parole Analyst Report (PAR), or report of similar content;
- (c) Sentencing/judgment orders;
- (d) Department of Corrections Inmate Face sheet;
- (e) Certification of time served credits;
- (f) Board Action Forms;
- (g) Information pursuant to Ballot Measure 10;
- (h) Material submitted by the inmate or representative relating to the calculation of the prison term, or to the subject matter of the hearing;
- (i) Current psychological/psychiatric evaluations;
- (j) Other relevant material selected at the Board's discretion.

(2) The Board Review Packet need not include all documents in the inmate's file.

(3) At its discretion, the Board may consider additional written information and recommendations from those with a special interest in the case. If considered, the Board Review Packet shall include the information. The Board must receive any information submitted pursuant to this section at least fourteen days prior to the hearing. The Board may waive the fourteen-day requirement.

Stat. Auth.: ORS 144.185 & 144.223

Stats. Implemented: ORS 144.185, 144.125(1) & 144.223

Hist.: 2PB 1-1979, f. & ef. 2-1-79; 2PB 16-1981(Temp), f. & ef. 11-25-81; 2PB 1-1982, f. & ef. 5-19-82; 2PB 7-1985, f. & ef. 5-31-85; 2PB 4-1986(Temp), f. & ef. 12-2-86; PAR 3-1987, f. & ef. 4-28-87; PAR 6-1988, f. & ef. 5-19-88; PAR 4-1989, f. & ef. 11-1-89; PAR 1-1992, f. & cert. ef. 1-13-92; PAR 3-2012(Temp), f. & cert. ef. 9-18-12 thru 3-1-13

255-030-0040

Inmate's Access to Written Materials/Rebuttal and Deadlines for Receiving Materials

(1) The inmate shall have access to all the material in the Board Review Packet except that exempted by OAR 255-015-0010 (Criteria for Denial of Disclosure of Records).

(2) The inmate shall have access to all the victim and district attorney's responses pursuant to OAR 255-030-0035 except as exempted by the Board pursuant to OAR 255-015-0010. The Board shall include the responses in the Board Review Packet or shall give the responses to the inmate as soon as they are available to the Board.

(3) If the victim, his/her representative, or the district attorney wishes to rebut any of the material in the Board Review Packet, the Board must receive the response seven days prior to the hearing. The Board shall notify the victim that the Board will include the response in the Board Review Packet sent to the inmate unless the victim requests confidentiality.

(4) The inmate or representative shall submit any relevant information at least fourteen days prior to the hearing.

(5) The Board may waive deadline requirements if it finds good cause to do so.

Stat. Auth.: ORS 144.050, 144.130, 144.223, 192.502(4) or (5)

Stats. Implemented: ORS 144.130

Hist.: 2PB 1-1979, f. & ef. 2-1-79; 2PB 7-1985, f. & ef. 5-31-85; 2PB 4-1986(Temp), f. & ef. 12-2-86; PAR 3-1987, f. & ef. 4-28-87; PAR 6-1988, f. & ef. 5-19-88; PAR 4-1989, f. & ef. 11-1-89; PAR 8-1992, f. & cert. ef. 10-9-92; PAR 3-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 6-2000, f. & cert. ef. 6-9-00; PAR 3-2012(Temp), f. & cert. ef. 9-18-12 thru 3-1-13

255-030-0046

Continuance of Hearings; Cancellation of Hearings

(1) Upon the request of any party or on its own motion, the Board may, for good cause, continue a hearing for a reasonable period of time.

(2) A request for cancellation or postponement of a hearing must be for good cause, in writing, and at least seven days before the hearing.

(3) A hearing may not be postponed or cancelled if that action would violate any statute or rule requiring the hearing to be held.

(4) If the Board cancels a hearing at an inmate's request, the inmate shall not be eligible to request another hearing for 90 days from the date of the scheduled hearing. The decision to grant a hearing is at the discretion of the Board.

Stat. Auth.: ORS 144.050

Stats. Implemented: ORS 144.185

Hist.: PAR 3-2012(Temp), f. & cert. ef. 9-18-12 thru 3-1-13

255-030-0055

Notice of Decision Following Prison Term Hearing

(1) Following a Board decision concerning the prison term of an inmate, the Board shall send written notice of the Board's final order to the inmate, district attorney, sheriff or arresting agency, the Department of Corrections, and upon request, the victim, the sentencing judge and the trial counsel.

(2) The Board's final order shall contain the following findings, as applicable:

- (a) The prison term commencement date;
- (b) The history/risk assessment score;
- (c) The crime category with the subcategory rationale;
- (d) The matrix range;
- (e) When there are consecutive sentences, whether the range is unsummed and the reason for unsumming;
- (f) When there is a variation from the range, the reason for the variation;
- (g) Aggravation;
- (h) Mitigation;
- (i) The votes on minimum sentences;
- (j) The prison term set;
- (k) The parole release date;
- (l) Sentencing guidelines range, if applicable.

Stat. Auth.: ORS 144.120, 144.260 & 144.135

Stats. Implemented: ORS 144.120, 144.260 & 144.135

Hist.: 2PB 1-1979, f. & ef. 2-1-79; 2PB 7-1985, f. & ef. 5-31-85; 2PB 4-1986(Temp), f. & ef. 12-2-86; PAR 3-1987, f. & ef. 4-28-87; PAR 6-1988, f. & ef. 5-19-88; PAR 4-1989, f. & ef. 11-1-89; PAR 8-1992, f. & cert. ef. 10-9-92; PAR 4-1993, f. & cert. ef. 10-29-93; PAR 3-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 3-2012(Temp), f. & cert. ef. 9-18-12 thru 3-1-13

Rule Caption: Amends the rules to include the notice of rights forms.

Adm. Order No.: PAR 4-2012

Filed with Sec. of State: 10-15-2012

Certified to be Effective: 10-15-12

Notice Publication Date: 8-1-2012

Rules Amended: 255-030-0013, 255-032-0022, 255-075-0025

Subject: This rulemaking formally adopts the notice-of-rights forms for general Board hearings, murder review (aggravated murder) hearings, and sanction hearings (Morrissey hearings).

Rules Coordinator: Shawna Harnden—(503) 945-0913

ADMINISTRATIVE RULES

255-030-0013

Notification of Hearing

(1) The Board shall send written notice of the hearing and its purpose to the inmate. The inmate shall receive a copy of the Board Review Packet, including the notice of rights (Exhibit NOR-1), at least 14 days prior to the hearing.

(2) If the inmate did not receive 14 days notice, the Board may reschedule the hearing or the inmate may waive the notice and the Board shall conduct the hearing.

(3) The Board shall attempt to notify the victim, if the victim requests notification and furnishes the Board a current address, and the District Attorney of the committing county at least ninety (90) days before all hearings by sending written notice to the current addresses of both parties.

Stat. Auth.: ORS 144.120(7) & 144.130

Stats. Implemented: ORS 144.120(7) & 144.130

Hist.: 2PB 4-1986(Temp), f. & ef. 12-2-86; PAR 3-1987, f. & ef. 4-28-87; PAR 6-1988, f. & ef. 5-19-88; PAR 4-1989, f. & ef. 11-1-89; PAR 1-1990(Temp), f. & cert. ef. 2-20-90; PAR 2-1990, f. & cert. ef. 4-5-90; PAR 8-1992, f. & cert. ef. 10-9-92; PAR 3-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 7-2010, f. & cert. ef. 9-3-10; PAR 8-2010, f. & cert. ef. 9-29-10; PAR 2-2012(Temp), f. & cert. ef. 6-28-12 thru 12-25-12; PAR 3-2012(Temp), f. & cert. ef. 9-18-12 thru 3-1-13; PAR 4-2012, f. & cert. ef. 10-15-12

255-032-0022

Murder Review Hearings Notice

The Board's notice (Exhibit NOR-3MR) must include:

(1) A statement that the sole issue to be considered shall be whether or not the inmate is likely to be rehabilitated within a reasonable period of time, and that the inmate shall have the burden of proof, by a preponderance of the evidence;

(2) A statement of the inmate's right to be represented by counsel; and if the inmate is without sufficient funds, counsel will be appointed by the Board at Board expense;

(3) A statement that the Board has authority and jurisdiction to hold a hearing on the issue pursuant to ORS 163.105(2) or 163.115(5); and

(4) A statement of rights of the inmate at the hearing.

Stat. Auth.: ORS 183.415, 163.105(2), 163.115(5)

Stats. Implemented:

Hist.: PAR 2-2007(Temp), f. & cert. ef. 2-1-07 thru 7-30-07; PAR 5-2007, f. & cert. ef. 7-30-07; PAR 2-2012(Temp), f. & cert. ef. 6-28-12 thru 12-25-12; PAR 4-2012, f. & cert. ef. 10-15-12

255-075-0025

Rights at Hearing

(1) The designee of the Sanction Authority (eg. Hearings Officer) shall provide the offender a written notice of the hearing at least three (3) working days prior to the hearing.

(2) The hearing notice shall include:

(a) A Notice of Rights as provided in ORS 144.343(3) (Exhibit NOR-2);

(b) A written statement of alleged violations;

(c) Any documents or evidence which form the basis of the alleged violations; and

(d) The date and location of the hearing.

(3) The offender may elect to waive the three working day notification period prior to the hearing and begin the hearing immediately.

(4) If the offender elects to waive the three working day notification period, the Hearings Officer shall obtain a written waiver or tape record the offender's verbal statement waiving the three working day notification period.

(5) The Hearings Officer shall ascertain whether the offender has understood the allegations and the offender's rights and whether the offender can read, hear and understand the language of the proceedings. The Hearings Officer shall postpone the hearing if needed assistance is not readily available.

Stat. Auth.: ORS 144.343(3)

Stats. Implemented: ORS 144.096, 144.098, 144.102, 144.106, 144.108, 144.346 & Ch. 525 OL 1997 (Enrolled SB 156)

Hist.: 2PB 1-1979, f. & ef. 2-1-79; 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 3-1989, f. 10-13-89, ef. 10-16-89; 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 2-2012(Temp), f. & cert. ef. 6-28-12 thru 12-25-12; PAR 4-2012, f. & cert. ef. 10-15-12

Board of Psychologist Examiners Chapter 858

Rule Caption: Modifies educational and exam requirements for licensure; clarifies criteria for complaint rejection.

Adm. Order No.: BPE 3-2012(Temp)

Filed with Sec. of State: 10-15-2012

Certified to be Effective: 10-15-12 thru 4-13-13

Notice Publication Date:

Rules Amended: 858-010-0010, 858-010-0015, 858-010-0017, 858-010-0030, 858-020-0025

Subject: Modifies the core and clinical coursework content areas and adds a requirement for a minimum number of graded courses to the clinical psychology educational requirements for licensure as a psychologist for applicants who possess a doctoral degree from a regionally accredited, provincially chartered, or foreign program. Also allows these and psychologist associate applicants to complete limited coursework outside of their degree-granting program if the applicant's degree-granting program was deficient in required content areas. Allows certain psychologist applicants previously licensed for at least 15 years to meet the EPPP (national) exam requirement if they previously passed the exam based on the original licensing board's standards. Establishes when a candidate for licensure must retake the jurisprudence exam. Clarifies the criteria used to reject a complaint filed with the Board.

Rules Coordinator: LaRee Felton—(503) 373-1196

858-010-0010

Education Requirements — Clinical Psychologist

To meet the education requirement of ORS 675.030(1), applicants for licensure must:

(1) Possess a doctoral degree in psychology from a program accredited by the American Psychological Association or the Canadian Psychological Association as of the date the degree was awarded; or

(2) Possess a doctoral degree in psychology from:

(a) A program at an institution of higher learning that was accredited by a regional accrediting agency as of the date the degree was awarded;

(b) For Canadian universities, an institution of higher education that is provincially or territorially chartered; or

(c) A foreign program evaluated to be equivalent to American Psychological Association accreditation as of the date the degree was awarded. Evaluation must be completed by a credentialing body recognized by the Board. Submission of proof of foreign degree equivalency and cost of the foreign degree equivalency determination are the responsibility of the applicant.

(3) An applicant who possesses a degree under section (2) must show that his or her doctoral program in psychology meets all of the following requirements:

(a) A minimum of three academic years of full-time graduate study.

(b) A minimum of one continuous year in residence at the institution from which the degree is granted.

(A) One continuous year means two consecutive semesters or three consecutive quarters.

(B) In residence means physical presence, in person, at an educational institution or training facility in a manner that facilitates acculturation into the profession, the full participation and integration of the individual in the educational and training experience, and includes faculty and student interaction.

(C) The doctoral program may include distance education, but a minimum of one continuous year of the program shall be in-residence. Programs that use physical presence, including face-to-face contact for durations of less than one continuous year, (e.g., multiple long weekends and/or summer intensive sessions) or that use video teleconferencing or other electronic means as a substitute for physical presence at the institution in order to meet the residency requirement are deemed not to be acceptable for licensure.

(D) Training models that rely exclusively on physical presence for periods of less than one continuous year (e.g., multiple long weekends and/or summer intensive sessions) or that use video teleconferencing or other electronic means as a substitute for physical presence at the institution do not meet the in residence requirement.

(c) The program, wherever it may be administratively housed, must be clearly identified and labeled as a program in psychology. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

(d) The psychology program must stand as a recognizable, coherent organizational entity within the institution.

(e) There must be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines.

(f) The program must be an integrated, organized sequence of study.

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(g) There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities and a psychologist responsible for the program.

(h) The program must have an identifiable body of students who are matriculated in that program for a degree.

(i) The program must include a coordinated, sequential and supervised practicum appropriate to the practice of psychology as described in OAR 858-010-0012.

(j) The program must include a coordinated, sequential and supervised internship, field or laboratory training appropriate to the practice of psychology as described in OAR 858-010-0013.

(k) The curriculum of the program must:

(A) Encompass a minimum of three academic years of full time graduate study, including a minimum of one continuous year in residence at the educational institution granting the doctoral degree;

(B) Require an original dissertation or equivalent that was psychological in nature that meets the requirement for an approved doctoral program; and

(C) Include at least 30 semester hours or 45 quarter hours of credit in graded (not "pass-no pass") courses.

(l) The core program include a minimum of three graduate semester hours or 4.5 or more graduate quarter hours (when an academic term is other than a semester, credit hours will be evaluated on the basis of 15 hours of classroom instruction per semester hour) in each of the following substantive content areas:

(A) Scientific and professional ethics and standards;

(B) Research design and methodology;

(C) Statistics;

(D) Psychometric theory;

(E) Biological bases of behavior such as physiological psychology, comparative psychology, neuropsychology, sensation and perception, physical ergonomics, or psychopharmacology;

(F) Cognitive-affective bases of behavior such as learning, thinking, motivation, emotion, memory, cognitive information processing, or social cognition;

(G) Social bases of behavior such as social psychology, group processes, organizational and systems theory; and

(H) Individual differences in behavior such as personality theory, human development, personnel psychology or abnormal psychology.

(m) All professional education programs in psychology must include course requirements in developed practice areas/specialties.

(n) The program must demonstrate that it provides training relevant to the development of competence to practice in a diverse and multicultural society.

(o) Demonstration of competence in clinical psychology shall be met by a minimum of 18 semester hours or 27 quarter hours in the following areas: personality and intellectual assessment, diagnosis, therapeutic intervention, and evaluating the efficacy of intervention.

(p) If the doctoral program does not meet the core and/or clinical coursework requirements of (l) and (o), the applicant for licensure may remedy a deficiency of up to 6 semester hours or 9 quarter hours by completing graduate level coursework in the deficient content area(s) at a regionally accredited institution.

(4) Provide syllabi or other documentation regarding course content upon the Board's request.

Stat. Auth.: ORS 675.030

Stats. Implemented: ORS 675.030(1)(b)(c)

Hist.: PE 6, f. 12-19-73, ef. 1-11-74; PE 1-1992, f. & cert. ef. 1-16-92; PE 3-1992, f. & cert. ef. 7-14-92; PE 1-1996, f. & cert. ef. 6-25-96; PE 1-1997, f. & cert. ef. 6-17-97; BPE 1-2001(Temp), f. & cert. ef. 8-31-01 thru 2-27-02; BPE 2-2002, f. & cert. ef. 2-27-02; 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; BPE 1-2011, f. & cert. ef. 1-25-11; BPE 2-2011, f. & cert. ef. 5-31-11; BPE 3-2011, f. & cert. ef. 9-27-11; BPE 1-2012(Temp), f. & cert. ef. 2-15-12 thru 8-12-12; BPE 2-2012, f. & cert. ef. 6-8-12; BPE 3-2012(Temp), f. & cert. ef. 10-15-12 thru 4-13-13

858-010-0015

Education Requirements — Psychologist Associate

(1) To meet the education requirement of ORS 675.030(1), an applicant must possess a masters degree in psychology from a program at an institution of higher learning that was accredited by a regional accrediting agency at the graduate level as of the date the degree was awarded, or for Canadian universities, an institution of higher education that was provincially or territorially chartered.

(2) The masters program must include at least 45 quarter hours or 30 semester hours of graduate credit, 30 quarter hours or 20 semester hours of which must be in graded (not "pass-no pass") courses. Hours must be from at least five of the basic areas of psychology including:

(a) Experimental psychology; Learning theory; Physiological psychology; Motivation; Perception; Comparative psychology; Statistical methods; Design of research; Developmental psychology; Individual differences; Social psychology; Organizational psychology; Personality theory; Abnormal psychology; and

(b) A minimum of one graduate level course in ethics; and

(c) A minimum of one graduate level course psychological tests and measurements.

(3) If the masters program does not meet the coursework requirements of (2), the applicant for licensure may remedy a deficiency of up to one course or 3 semester hours or 4.5 quarter hours by completing graduate level coursework in the deficient content area at a regionally accredited institution.

Stat. Auth.: ORS 675.065

Stats. Implemented: ORS 675.065(1)(4)(c)

Hist.: PE 6, f. 12-19-73, ef. 1-11-74; PE 1-1979, f. & cert. ef. 9-5-79; PE 1-1989(Temp), f. & cert. ef. 2-24-89; PE 2-1989, f. & cert. ef. 5-24-89; PE 3-1989(Temp), f. & cert. ef. 9-7-89; PE 1-1990, f. & cert. ef. 2-16-90; PE 3-1992, f. & cert. ef. 7-14-92; PE 1-1993(Temp), f. & cert. ef. 2-12-93; PE 3-1993, f. & cert. ef. 4-13-93; PE 5-1993, f. & cert. ef. 10-6-93; PE 1-1995, f. & cert. ef. 2-16-95; PE 1-1996, f. & cert. ef. 6-25-96; BPE 1-2001(Temp), f. & cert. ef. 8-31-01 thru 2-27-02; BPE 1-2002(Temp), f. & cert. ef. 1-31-02 thru 2-27-02; BPE 2-2002, f. & cert. ef. 2-27-02; 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; BPE 1-2011, f. & cert. ef. 1-25-11; BPE 3-2011, f. & cert. ef. 9-27-11; BPE 2-2012, f. & cert. ef. 6-8-12; BPE 3-2012(Temp), f. & cert. ef. 10-15-12 thru 4-13-13

858-010-0017

Licensure by Endorsement

If an applicant possesses a current license to practice psychology based on a doctoral degree in psychology that is issued by a board with licensing standards substantially equivalent to Oregon, the applicant may be licensed by endorsement.

(1) Applicants who have maintained an active psychologist license for less than 10 years:

(a) Filing of Applications. Upon receipt of a complete Licensure by Endorsement Application, the Board shall process the application and determine if the applicant's file is ready for review. An application is considered ready for review when the following items have been received:

(A) Final graduate level transcript(s) imprinted with date degree was awarded;

(B) Social Security Number Authorization Form;

(C) An official verification of licensure in good standing from each health care professional license or registration, current or expired;

(D) A copy of the applicant's:

(i) Licensure file from the state(s) in which the applicant is licensed;

(ii) CPQ file from ASPPB;

(iii) Certification file from ABPP; or

(iv) HSPP file from the National Register.

(E) Endorsement Reference Forms from three mental health professionals;

(F) National written examination (EPPP) score;

(G) Application fee; and

(H) Fingerprinting fee and results of criminal background check.

(b) The Board may issue a license if the candidate for licensure:

(A) Has met the educational requirements for licensure of OAR 858-010-0010 or 858-010-0011;

(B) Has complied with the post-doctoral supervised work experience requirements of OAR 858-010-0036;

(C) Passes the Oregon jurisprudence examination; and

(D) Has received a passing score on the National Written Examination (EPPP).

(2) Applicants who have maintained an active psychologist license for 10 years or more:

(a) Filing of Applications. Upon receipt of a complete Licensure by Endorsement Application, the Board shall process the application and determine if the applicant's file is ready for review. An application is considered ready for review when the following items have been received:

(A) Social Security Number Authorization Form;

(B) An official verification of licensure in good standing from each health care professional license or registration, current or expired;

(C) A copy of the applicant's:

(i) Licensure file from the state(s) in which the applicant is licensed;

(ii) CPQ file from ASPPB;

(iii) Certification file from ABPP; or

(iv) HSPP file from the National Register.

(D) Endorsement Reference Forms from three mental health professionals;

(E) National written examination (EPPP) score;

ADMINISTRATIVE RULES

- (F) Application fee; and
- (G) Fingerprinting fee and results of criminal background check.
- (b) The Board may issue a license if the candidate for licensure:
 - (A) Passes the Oregon jurisprudence examination; and
 - (B) Has received a passing score on the National Written Examination (EPPP).

(c) An applicant who possesses and has maintained for at least 15 years a license to practice psychology that is based on a doctoral degree from an approved doctoral program in psychology and that is issued by a board that is a member jurisdiction of the Association of State and Provincial Psychology Boards will satisfy the EPPP exam requirement if the applicant was originally licensed based on a passing EPPP score pursuant to the issuing board's standards at that time.

Stat. Auth.: ORS 675.030
Stats. Implemented: ORS 675.030
Hist.: BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10; BPE 2-2011, f. & cert. ef. 5-31-11; BPE 3-2011, f. & cert. ef. 9-27-11; BPE 1-2012(Temp), f. & cert. ef. 2-15-12 thru 8-12-12; BPE 2-2012, f. & cert. ef. 6-8-12; BPE 3-2012(Temp), f. & cert. ef. 10-15-12 thru 4-13-13

858-010-0030

Procedures for Oregon Jurisprudence Examination

(1) Jurisprudence Examination. The purpose of the examination is to measure the candidate's knowledge and application of state laws and regulations related to the professional practice of psychology, including the American Psychological Association's ethical principles incorporated by Board statute and rule.

(a) Candidates whose education credentials, training and references have been accepted by the Board shall be notified in writing of their eligibility take the jurisprudence examination.

(b) The jurisprudence examination shall be administered at least twice a year.

(2) Eligible candidates prepared to take the jurisprudence examination must submit a written request to the Board postmarked at least 30 days prior to the examination date and pay the examination fee.

(3) The jurisprudence examination fee is not refundable except in extraordinary circumstances.

(4) The applicant shall be given no less than two weeks' notice of the date, time and place of the applicant's scheduled examination. Appearance at the scheduled examination shall constitute a waiver of the prior written notice.

(5) Special Accommodations. Requests for special accommodations for a disability or for English as a second language must be made at the time the written request to sit for the examination is made, or when the disability becomes known to the applicant. The request must include:

(a) Written verification of the disability from a qualified care provider (i.e. a person certified or licensed by the state to provide such services) detailing:

- (A) Nature, extent and duration of disability; and
- (B) Recommendation(s) for accommodation.

(b) English as a Second Language: Written request for reasonable accommodation detailing:

(A) Level of proficiency in English including, but not limited to, number of years speaking and/or writing English;

(B) History of special accommodations granted in similar testing circumstances;

(C) Other information to support request for special accommodation; and

- (D) Recommendation(s) for accommodation.
- (6) Administration.

(a) The Board shall determine the questions on each examination and shall determine the passing score.

(b) The Board shall provide a Candidate Handbook that includes a copy of the Board's examination rules, an explanation of the Board requirements related to scheduling and conduct during the examination, and current examination study materials. The Candidate Handbook shall be available at all times on the Board's website.

(c) Disqualification. A candidate sitting for the jurisprudence examination may be disqualified during or after the examination for conduct which affects the integrity of the candidate's performance or the examination. Disqualification will result in denial of the candidate's application.

(7) Scoring. Candidates shall be assigned a number so test scorers do not know the identity of the test taker until the examination report is prepared for the Board. The Board shall notify each candidate in writing regarding the result of the examination within one week of the date of the examination. If a candidate has a complaint under investigation, the Board

may delay issuing the licensure of that candidate until the complaint has been resolved.

(8) Reconsideration, Review and Reexamination.

(a) Within thirty days after notice of the examination results, a candidate who does not pass the examination may appeal in writing to have their examination rescored.

(b) Review. A candidate who does not pass the examination may review the examination record of incorrect questions and answers at the Board's office within a period of ninety days following the date of the examination and upon written request to the Board. The purpose of the review is to assist the candidate prepare to retake the examination. No more than one review shall be allowed.

(c) Reexamination. A candidate who does not pass the examination may be reexamined. If a candidate does not pass the second examination and wishes to take a third examination the candidate must submit a study plan for the Board's review and approval prior to sitting for the third examination. If a candidate fails to pass the third examination, the candidate's application for licensure shall be denied.

(d) A candidate for licensure who was formerly licensed in Oregon must re-take and pass the examination if their application for licensure is received more than 2 years after their license expired.

(e) A candidate for licensure must re-take and pass the examination if the candidate does not become licensed within 2 years of passing the exam.

Stat. Auth.: ORS 675.030, 675.040, 675.045, 675.050 & 675.065
Stats. Implemented: ORS 675.030, 675.040, 675.045, 675.050 & 675.065
Hist.: PE 6, f. 12-19-73, ef. 1-11-74; PE 1-1979, f. & ef. 9-5-79; PE 1-1981(Temp), f. & ef. 12-9-81; PE 1-1982, f. 4-13-82, ef. 6-1-82; PE 2-1982, f. & ef. 7-23-82; PE 1-1985(Temp), f. & ef. 12-20-85; PE 1-1986, f. & ef. 7-1-86; PE 1-1988, f. & cert. ef. 7-25-88; PE 3-1988(Temp), f. & cert. ef. 11-30-88; PE 1-1990, f. & cert. ef. 2-16-90; PE 1-1991, f. & cert. ef. 4-3-91; PE 2-1991, f. 8-15-91, cert. ef. 8-16-91; PE 3-1992(Temp), f. & cert. ef. 12-10-91; PE 1-1992, f. & cert. ef. 1-16-92; PE 3-1992, f. & cert. ef. 7-14-92; PE 1-1995, f. & cert. ef. 2-16-95; PE 1-1996, f. & cert. ef. 6-25-96; PE 1-1997, f. & cert. ef. 6-17-97; BPE 1-2000(Temp), f. 3-8-00, cert. ef. 3-8-00 thru 9-4-00; BPE 3-2000, f. & cert. ef. 9-7-00; BPE 1-2001(Temp), f. & cert. ef. 8-31-01 thru 2-27-02; BPE 2-2002, f. & cert. ef. 2-27-02; BPE 4-2002, f. & cert. ef. 10-11-02; BPE 1-2004(Temp), f. & cert. ef. 3-2-04 thru 8-29-04; BPE 2-2004, f. & cert. ef. 8-30-04; BPE 1-2006, f. 8-29-06, cert. ef. 9-1-06; 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; BPE 2-2012, f. & cert. ef. 6-8-12; BPE 3-2012(Temp), f. & cert. ef. 10-15-12 thru 4-13-13

858-020-0025

Complaints on Which the Board Can Act

Any complaint submitted to the Board must be specific as to the conduct upon which the complaint is based and why this conduct is cause for a complaint. The Board will review and accept for consideration complaints which might affect the licensure of psychologists and psychologist associates who are already licensed or are candidates for licensure, or which concern the possible practice of psychology by non-psychologists or unlicensed psychologists. A complaint concerning a licensed psychologist associate or psychologist resident may be regarded as a complaint against the supervisor. A complaint will be rejected if it does not allege a violation for which the Board has the grounds to impose sanctions pursuant to ORS 675.070. If authorized by ORS 676.160 to 676.180, a complaint may be referred to appropriate individuals or groups with the consent of the complainant.

Stat. Auth.: ORS 675.070
Stats. Implemented: ORS 675.070(2)
Hist.: BPE 3-1999, f. & cert. ef. 7-6-99; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 3-2012(Temp), f. & cert. ef. 10-15-12 thru 4-13-13

Bureau of Labor and Industries Chapter 839

Rule Caption: Amends the prevailing rates of wage for the period beginning October 1, 2012.

Adm. Order No.: BLI 10-2012

Filed with Sec. of State: 9-26-2012

Certified to be Effective: 10-1-12

Notice Publication Date:

Rules Amended: 839-025-0700, 839-025-0750

Subject: The amended rule amends the prevailing rates of wage as determined by the Commissioner of the Bureau of Labor and Industries for the period beginning October 1, 2012.

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

839-025-0700

Prevailing Wage Rate Determination/Amendments to Determination

(1) Pursuant to ORS 279C.815, the Commissioner of the Bureau of Labor and Industries has determined that the wage rates stated in the publication of the Bureau of Labor and Industries entitled Prevailing Wage

ADMINISTRATIVE RULES

Rates on Public Works Contracts in Oregon dated July 1, 2012, are the prevailing rates of wage for workers upon public works in each trade or occupation in the locality where work is performed for the period beginning July 1, 2012, and the effective dates of the applicable special wage determination and rates amendments: Amendments to Oregon Determination 2012-02 (effective October 1, 2012).

(2) Copies of Prevailing Wage Rates on Public Works Contracts in Oregon dated July 1, 2012, are available from any office of the Wage and Hour Division of the Bureau of Labor and Industries. The offices are located in Eugene, Portland and Salem. Copies are also available on the bureau's webpage at www.oregon.gov/boli or may be obtained from the Prevailing Wage Rate Coordinator, Prevailing Wage Rate Unit, Wage and Hour Division, Bureau of Labor and Industries, 800 NE Oregon Street #1045, Portland, Oregon 97232; (971) 673-0839.

Stat. Auth.: ORS 279C.815, 651.060

Stats. Implemented: ORS 279C.815

Hist.: BLI 7-1998(Temp), f. & cert. ef. 10-29-98 thru 4-27-99; BLI 1-1999, f. 1-8-99, cert. ef. 1-15-99; BLI 4-1999, f. 6-16-99, cert. ef. 7-1-99; BLI 6-1999, f. & cert. ef. 7-23-99; BLI 9-1999, f. 9-14-99, cert. ef. 10-1-99; BLI 16-1999, f. 12-8-99, cert. ef. 1-1-00; BLI 4-2000, f. & cert. ef. 2-1-00; BLI 9-2000, f. & cert. ef. 3-1-00; BLI 10-2000, f. 3-17-00, cert. ef. 4-1-00; BLI 22-2000, f. 9-25-00, cert. ef. 10-1-00; BLI 26-2000, f. 12-14-00 cert. ef. 1-1-01; BLI 1-2001, f. & cert. ef. 1-5-01; BLI 3-2001, f. & cert. ef. 3-15-01; BLI 4-2001, f. 3-27-01, cert. ef. 4-1-01; BLI 5-2001, f. 6-21-01, cert. ef. 7-1-01; BLI 8-2001, f. & cert. ef. 7-20-01; BLI 14-2001, f. 9-26-01, cert. ef. 10-1-01; BLI 16-2001, f. 12-28-01, cert. ef. 1-1-02; BLI 2-2002, f. 1-16-02, cert. ef. 1-18-02; BLI 8-2002, f. 3-25-02, cert. ef. 4-1-02; BLI 12-2002, f. 6-19-02 cert. ef. 7-1-02; BLI 16-2002, f. 12-24-02 cert. ef. 1-1-03; BLI 1-2003, f. 1-29-03, cert. ef. 2-14-03; BLI 3-2003, f. & cert. ef. 4-1-03; BLI 4-2003, f. 6-26-03, cert. ef. 7-1-03; BLI 5-2003, f. 9-17-03, cert. ef. 10-1-03; BLI 9-2003, f. 12-31-03, cert. ef. 1-5-04; BLI 1-2004, f. 4-9-04, cert. ef. 4-15-04; BLI 6-2004, f. 6-25-04, cert. ef. 7-1-04; BLI 11-2004, f. & cert. ef. 10-1-04; BLI 17-2004, f. 12-10-04 cert. ef. 12-13-04; BLI 18-2004, f. 12-20-04, cert. ef. 1-1-05; Renumbered from 839-016-0700, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 8-2005, f. 3-29-05, cert. ef. 4-1-05; BLI 18-2005, f. 9-19-05, cert. ef. 9-20-05; BLI 19-2005, f. 9-23-05, cert. ef. 10-1-05; BLI 26-2005, f. 12-23-05, cert. ef. 1-1-06; BLI 1-2006, f. 1-24-06, cert. ef. 1-25-06; BLI 2-2006, f. & cert. ef. 2-9-06; BLI 4-2006, f. 2-23-06, cert. ef. 2-24-06; BLI 14-2006, f. 3-30-06, cert. ef. 4-1-06; BLI 20-2006, f. & cert. ef. 6-16-06; BLI 21-2006, f. 6-16-06 cert. ef. 7-1-06; BLI 23-2006, f. 6-27-06 cert. ef. 6-29-06; BLI 25-2006, f. & cert. ef. 7-11-06; BLI 26-2006, f. & cert. ef. 7-13-06; BLI 28-2006, f. 7-21-06, cert. ef. 7-24-06; BLI 29-2006, f. 8-8-06, cert. ef. 8-9-06; BLI 32-2006, f. & cert. ef. 9-13-06; BLI 33-2006, f. 9-28-06, cert. ef. 10-1-06; BLI 36-2006, f. & cert. ef. 10-4-06; BLI 37-2006, f. & cert. ef. 10-19-06; BLI 40-2006, f. 11-17-06, cert. ef. 11-20-06; BLI 43-2006, f. 12-7-06, cert. ef. 12-8-06; BLI 45-2006, f. 12-26-06, cert. ef. 1-1-07; BLI 5-2007, f. 1-30-07, cert. ef. 1-31-07; BLI 6-2007, f. & cert. ef. 3-5-07; BLI 7-2007, f. 3-28-07, cert. ef. 3-30-07; BLI 8-2007, f. 3-29-07, cert. ef. 4-1-07; BLI 9-2007, f. & cert. ef. 4-2-07; BLI 10-2007, f. & cert. ef. 4-30-07; BLI 12-2007, f. & cert. ef. 5-31-07; BLI 13-2007, f. 6-8-07, cert. ef. 6-11-07; BLI 14-2007, f. 6-27-07, cert. ef. 6-28-07; BLI 15-2007, f. & cert. ef. 6-28-07; BLI 16-2007, f. 6-29-07, cert. ef. 7-1-07; BLI 18-2007, f. 7-10-07, cert. ef. 7-12-07; BLI 21-2007, f. 8-3-07, cert. ef. 8-8-07; BLI 22-2007, cert. ef. & cert. ef. 8-30-07; BLI 23-2007, f. 8-31-07, cert. ef. 9-4-07; BLI 24-2007, f. 9-11-07, cert. ef. 9-12-07; BLI 25-2007, f. 9-19-07, cert. ef. 9-20-07; BLI 26-2007, f. 9-25-07 cert. ef. 9-26-07; BLI 27-2007, f. 9-25-07 cert. ef. 10-1-07; BLI 28-2007, f. 9-26-07 cert. ef. 10-1-07; BLI 31-2007, f. 11-20-07, cert. ef. 11-23-07; BLI 34-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 1-2008, f. & cert. ef. 1-4-08; BLI 2-2008, f. & cert. ef. 1-11-08; BLI 3-2008, f. & cert. ef. 2-21-08; BLI 6-2008, f. & cert. ef. 3-13-08; BLI 8-2008, f. 3-31-08, cert. ef. 4-1-08; BLI 9-2008, f. & cert. ef. 4-14-08; BLI 11-2008, f. & cert. ef. 4-24-08; BLI 12-2008, f. & cert. ef. 4-30-08; BLI 16-2008, f. & cert. ef. 6-11-08; BLI 17-2008, f. & cert. ef. 6-18-08; BLI 19-2008, f. & cert. ef. 6-26-08; BLI 20-2008, f. & cert. ef. 7-1-08; BLI 23-2008, f. & cert. ef. 7-10-08; BLI 26-2008, f. & cert. ef. 7-30-08; BLI 28-2008, f. & cert. ef. 9-3-08; BLI 30-2008, f. & cert. ef. 9-25-08; BLI 31-2008, f. 9-29-08, cert. ef. 10-1-08; BLI 32-2008, f. & cert. ef. 10-8-08; BLI 36-2008, f. & cert. ef. 10-29-08; BLI 41-2008, f. & cert. ef. 11-12-08; BLI 42-2008, f. & cert. ef. 12-1-08; BLI 44-2008, f. & cert. ef. 12-29-08; BLI 45-2008, f. 12-31-08, cert. ef. 1-1-09; BLI 1-2009, f. & cert. ef. 1-6-09; BLI 2-2009, f. & cert. ef. 1-12-09; BLI 4-2009, f. & cert. ef. 2-11-09; BLI 6-2009, f. & cert. ef. 3-17-09; BLI 7-2009, f. & cert. ef. 3-24-09; BLI 8-2009, f. 3-31-09, cert. ef. 4-1-09; BLI 10-2009, f. 6-9-09, cert. ef. 6-10-09; BLI 11-2009, f. 6-29-09, cert. ef. 6-30-09; BLI 12-2009, f. 6-29-09, cert. ef. 7-1-09; BLI 13-2009, f. & cert. ef. 7-1-09; BLI 14-2009, f. & cert. ef. 7-10-09; BLI 15-2009, f. & cert. ef. 7-16-09; BLI 16-2009, f. & cert. ef. 7-22-09; BLI 17-2009, f. & cert. ef. 7-29-09; BLI 19-2009, f. & cert. ef. 8-18-09; BLI 20-2009, f. & cert. ef. 9-14-09; BLI 21-2009, f. & cert. ef. 9-21-09; BLI 22-2009, f. 9-30-09, cert. ef. 10-1-09; BLI 23-2009, f. & cert. ef. 10-8-09; BLI 24-2009, f. & cert. ef. 11-12-09; BLI 25-2009, f. & cert. ef. 11-23-09; BLI 29-2009, f. 12-31-09, cert. ef. 1-1-10; BLI 1-2010, f. 1-8-10, cert. ef. 1-12-10; BLI 2-2010, f. 1-11-10, cert. ef. 1-13-10; BLI 3-2010, f. & cert. ef. 1-19-10; BLI 4-2010, f. & cert. ef. 1-27-10; BLI 13-2010, f. & cert. ef. 4-1-10; BLI 17-2010, f. 6-29-10, cert. ef. 7-1-10; BLI 20-2010, f. & cert. ef. 10-1-10; BLI 24-2010, f. 12-30-10, cert. ef. 1-1-11; BLI 2-2011, f. 3-25-11, cert. ef. 4-1-11; BLI 4-2011, f. 6-30-11, cert. ef. 7-1-11; BLI 7-2011, f. & cert. ef. 10-12-11; BLI 10-2011, f. 12-30-11, cert. ef. 1-1-12; BLI 4-2012, f. & cert. ef. 3-29-12; BLI 6-2012, f. & cert. ef. 7-2-12; BLI 10-2012, f. 9-26-12, cert. ef. 10-1-12

839-025-0750

Residential Prevailing Wage Rate Determinations

(1) Pursuant to ORS 279C.815, the Commissioner of the Bureau of Labor and Industries has determined that the wage rates stated in the following residential rate determinations are the prevailing rates of wage for workers upon said public works projects for the periods of time specified:

(2) Copies of the rates referenced in section (1) of this rule are available from any office of the Wage and Hour Division of the Bureau of Labor and Industries. The offices are located in Eugene, Portland and Salem. Copies may also be obtained from the Prevailing Wage Rate Coordinator, Prevailing Wage Rate Unit, Wage and Hour Division, Bureau of Labor and Industries, 800 NE Oregon Street #1045, Portland, Oregon 97232; (971) 673-0839.

Stat. Auth.: ORS 279C.815

Stats. Implemented: ORS 279C.815

Hist.: BLI 5-1999, f. 6-30-99, cert. ef. 7-1-99; BLI 7-1999, f. 8-26-99, cert. ef. 9-15-99; BLI 8-1999, f. & cert. ef. 9-8-99; BLI 10-1999, f. 9-14-99, cert. ef. 9-17-99; BLI 11-1999, f. 9-22-99, cert. ef. 9-27-99; BLI 6-2000, f. 2-14-00, cert. ef. 2-15-00; BLI 12-2000, f. 5-24-00, cert. ef. 7-1-00; BLI 18-2000, f. & cert. ef. 9-1-00; BLI 21-2000, f. 9-15-00, cert. ef. 9-22-00; BLI 23-2000, f. & cert. ef. 9-25-00; BLI 24-2000, f. 10-30-00, cert. ef. 11-1-00; BLI 2-2001, f. & cert. ef. 1-24-01; BLI 6-2001, f. 6-21-01, cert. ef. 7-1-01; BLI 7-2001, f. 7-20-01, cert. ef. 7-24-01; BLI 9-2001, f. 7-31-01, cert. ef. 8-1-01; BLI 10-2001, f. 8-14-01, cert. ef. 8-15-01; BLI 11-2001, f. & cert. ef. 8-22-01; BLI 13-2001, f. 9-26-01, cert. ef. 10-1-01; BLI 6-2002, f. 3-14-02, cert. ef. 3-15-02; BLI 7-2002, f. 3-22-02, cert. ef. 3-25-02; BLI 11-2002, f. & cert. ef. 5-23-02; BLI 13-2002, f. 6-26-02 cert. ef. 7-1-02; BLI 14-2002, f. 8-23-02, cert. ef. 10-1-02; BLI 2-2003, f. & cert. ef. 3-28-03; BLI 2-2004, f. 4-23-04, cert. ef. 5-1-04; BLI 3-2004, f. 5-18-04, cert. ef. 5-19-04; BLI 4-2004, f. & cert. ef. 5-24-04; BLI 5-2004, f. 6-23-04, cert. ef. 6-24-04; BLI 7-2004, f. 7-14-04, cert. ef. 7-15-04; BLI 13-2004, f. & cert. ef. 10-19-04; BLI 14-2004, f. 10-29-04 cert. ef. 11-1-04; BLI 16-2004, f. 11-8-04, cert. ef. 11-10-04; Renumbered from 839-016-0750, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 9-2005, f. 4-15-05, cert. ef. 4-18-05; BLI 10-2005, f. & cert. ef. 5-2-05; BLI 11-2005, f. 5-31-05, cert. ef. 6-1-05; BLI 12-2005, f. & cert. ef. 6-21-05; BLI 13-2005, f. 6-30-05, cert. ef. 7-1-05; BLI 14-2005, f. & cert. ef. 7-22-05; BLI 15-2005, f. 8-9-05, cert. ef. 8-10-05; BLI 17-2005, f. 8-26-05, cert. ef. 8-29-05; BLI 23-2005, f. 10-26-05, cert. ef. 10-28-05; BLI 25-2005, f. 12-22-05, cert. ef. 12-23-05; BLI 6-2006, f. 3-9-06, cert. ef. 3-13-06; BLI 22-2006, f. 6-16-06 cert. ef. 7-1-06; BLI 27-2006, f. 7-17-06, cert. ef. 7-18-06; BLI 30-2006, f. 8-16-06, cert. ef. 8-18-06; BLI 31-2006, f. 9-8-06, cert. ef. 9-11-06; BLI 44-2006, f. 12-18-06, cert. ef. 1-1-07; BLI 17-2007, f. & cert. ef. 7-2-07; BLI 30-2007, f. 11-1-07, cert. ef. 11-2-07; BLI 10-2008, f. 4-22-08, cert. ef. 4-23-08; BLI 15-2008, f. 6-4-08, cert. ef. 6-5-08; BLI 5-2009, f. 2-27-09, cert. ef. 3-1-09; BLI 9-2009, f. 4-15-09, cert. ef. 4-16-09; BLI 10-2012, f. 9-26-12, cert. ef. 10-1-12

Rule Caption: Temporary rules clarifying substantial evidence and signature requirements for complaints of housing discrimination.

Adm. Order No.: BLI 11-2012

Filed with Sec. of State: 10-10-2012

Certified to be Effective: 10-10-12

Notice Publication Date: 9-1-2012

Rules Amended: 839-003-0005, 839-003-0200

Subject: The scope of these rules will clarify that the standard of substantial evidence required for a housing complaint is reasonable cause for the Commissioner to believe the facts concerning the alleged discriminatory housing practice are sufficient to warrant the initiation of a civil action in circuit court.

The rules will clarify that complaints of discrimination in housing need not be signed by an unemancipated minor complainant, but must be signed by the minor's parent or legal guardian.

These rules are already in place via a temporary administrative rule filed on August 8, 2012.

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

839-003-0005

Definitions

For purposes of these rules:

(1) "Administrator" means the Administrator of the Civil Rights Division of the Bureau of Labor and Industries or a designee of the administrator.

(2) "Bureau" means the Bureau of Labor and Industries.

(3) "Commissioner" means the Commissioner of the Bureau of Labor and Industries or a designee of the commissioner.

(4) "Complaint" means for the purpose of ORS Chapter 659A, except complaints under OSEA, ORS 659A.145 or 659A.421 or federal housing law, a written, verified statement that:

(a) Gives the name and address of the complainant and the respondent;

(b) Identifies the protected class basis of the complaint;

(c) Is signed by the complainant;

(d) Describes the actions complained of, including:

(A) The date(s) of occurrence;

(B) What the action was and how it harmed the complainant; and

(C) The causal connection between the complainant's protected class and the alleged harm.

(5) "Complainant" means a person filing a complaint personally or through an attorney.

(6) "Days," unless otherwise stated in the text of a document, means calendar days. "Work days" means Monday through Friday, except holidays officially recognized by the State of Oregon or the federal government.

(7) "Division" means the Civil Rights Division of the Bureau of Labor and Industries.

(8) "EEOC" means the Equal Employment Opportunity Commission of the federal government.

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(9) "Federal Housing Law" means The Fair Housing Act (42 U.S.C. 3601 et seq.) for which the U.S. Department of Housing And Urban Development ("HUD") has jurisdiction.

(10) "Notice" means written information delivered personally or sent by mail to the person's last known personal or business address or business address of the person's designated representative.

(11) "OSEA" means the Oregon Safe Employment Act, ORS 654.001 et seq.

(12) "Protected class" means a group of people protected by law from discrimination on the basis of a shared characteristic, or a perception of that characteristic, such as race, sex, age, disability or other.

(13) "Person" has the meaning given in ORS 659A.001(9).

(14) "Respondent" includes any person or other entity against whom a complaint or charge of unlawful practices is filed with the division or whose name has been added to such complaint or charge pursuant to ORS 659A.835(1).

(15) "Formal Charges" are formal charges drafted and issued by the bureau's Hearings Unit.

(16) "Substantial evidence" means:

(a) Proof that a reasonable person would accept as sufficient to support the allegations of the complaint, except complaints under ORS 659A.145 or 659A.421 or federal housing law.

(b) Under ORS 659A.145 or 659A.421, reasonable cause for the Commissioner to believe the facts concerning the alleged discriminatory housing practice are sufficient to warrant the initiation of a civil action in circuit court.

(17) "Substantial Evidence Determination" means the division's written findings of substantial evidence.

(18) "Written verified complaint" means a complaint that is:

(a) In writing; and

(b) Under oath or affirmation.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A

Hist.: BL 7-1981, f. & ef. 6-25-81; BL 7-1982, f. & ef. 4-22-82; BL 4-1996, f. & cert. ef. 3-12-96; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09; BLI 43-2008, f. 12-3-08, cert. ef. 12-5-08; BLI 6-2010, f. & cert. ef. 2-24-10; BLI 8-2011, f. 10-13-11, cert. ef. 10-14-11; BLI 5-2012(Temp), f. & cert. ef. 6-13-12 thru 12-10-12; BLI 7-2012, f. & cert. ef. 8-8-12; BLI 8-2012(Temp), f. & cert. ef. 8-8-12 thru 1-31-13; BLI 11-2012, f. & cert. ef. 10-10-12

839-003-0200

Filing a Complaint Under State and Federal Housing Discrimination Laws

(1) A person claiming to be aggrieved by an alleged unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law includes a person who believes that the person has been injured by an unlawful practice or discriminatory housing practice or will be injured by an unlawful practice or discriminatory housing practice that is about to occur.

(2) A person claiming to be aggrieved by an alleged unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law or the person's attorney, or the commissioner may file a complaint, in person or by mail, with the division at any bureau office in the state of Oregon. Complaint means a written statement signed by the complainant that:

(a) Gives the name and address of the complainant and the respondent;

(b) Describes the acts or omissions alleged to be an unlawful practice, including those acts or omissions the person believes are about to occur and;

(c) Describes how the person was harmed or will be harmed by such actions.

(3) The filing date is the date the division receives a complaint that meets the standards contained in OAR 839-003-0200(2).

(4) A person must file a complaint with the division no later than one year after the alleged unlawful practice. If the alleged unlawful practice is of a continuing nature, the right to file a complaint exists so long as the person files the complaint within one year of the most recent date the unlawful practice occurred.

(5) The procedures for filing a complaint are as follows:

(a) A person or the person's attorney makes an inquiry to the division;

(b) The division may provide the person or the person's attorney with a letter of information and/or questionnaire;

(c) If the division determines the person has a basis for filing a complaint, the division will draft a complaint based upon the information provided by the person and send or give the complaint to the person or the per-

son's attorney for verification. The person or the person's attorney will request any necessary changes to the complaint.

(d) The person will verify and sign the complaint. The complaint will then be submitted to the division.

(e) If the person is an unemancipated minor the complaint must be signed on behalf of the minor by the parent or legal guardian of the minor.

(6) The Division will serve notice upon the complainant acknowledging the filing of the complaint and advising the complainant of the time limits and choice of forums provided under ORS chapter 659A and federal housing law.

(7) Within 10 days after the filing of a complaint, the division will serve the respondent with a copy of the original complaint that identifies the alleged discriminatory housing practice and a notice that advises the respondent of the procedural rights and obligations of the Respondent, including the respondent's right to file an answer to the complaint.

(8) Each respondent may file, not later than 10 days after receipt of notice from the division, an answer to such complaint.

Stat. Auth.: ORS 659A.805

Stats. Implemented: 659A.145, 659A.421, 659A.820, 42 U.S.C. 3601 et seq.

Hist.: BLI 36-2007, f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09; BLI 43-2008, f. 12-3-08, cert. ef. 12-5-08; BLI 6-2010, f. & cert. ef. 2-24-10; BLI 5-2012(Temp), f. & cert. ef. 6-13-12 thru 12-10-12; BLI 7-2012, f. & cert. ef. 8-8-12; BLI 8-2012(Temp), f. & cert. ef. 8-8-12 thru 1-31-13; BLI 11-2012, f. & cert. ef. 10-10-12

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

Rule Caption: Amends continuing education requirements for license holders.

Adm. Order No.: BCD 9-2012

Filed with Sec. of State: 9-27-2012

Certified to be Effective: 10-1-12

Notice Publication Date: 7-1-2012

Rules Adopted: 918-035-0055

Rules Amended: 918-030-0100, 918-030-0120, 918-030-0125, 918-030-0130, 918-030-0135, 918-035-0020, 918-035-0040, 918-035-0050

Subject: These rules amend the code-change course requirements for persons licensed by the Building Codes Division by specifying the number of code-change hours for certain licenses, changing code-change course content requirements, adding separate Oregon rule and law requirements, and streamlining the course approval processes. These rules remove the requirement that all code-change courses contain materials about the Oregon amendments. These rules also clarify that licensees who take code-change courses covering only a national model code must still obtain continuing education on the Oregon amendments to that code. Finally, these rules allow for a streamlined course approval process for certain national code-development organizations.

Rules Coordinator: Stephanie Snyder—(503) 373-7438

918-030-0100

Continuing Education Generally

(1) OAR 918-030-0100 to 918-030-0150 establishes minimum continuing education requirements for licensees.

(2) The hourly continuing education requirements can be met by approved class, online or correspondence courses.

(3) When a continuing education course is taught in more than one session, credit is only granted upon completion of the entire course.

(4) Table 2-A lists the effective dates for the Oregon rule and law course requirements for specific licenses.

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

Stat. Auth.: ORS 455.117

Stat. Implemented: ORS 455.117

Hist.: BCD 2-2004, f. 2-13-04, cert. ef. 4-1-04; BCD 10-2006(Temp), f. 6-30-06, cert. ef. 7-1-06 thru 12-28-06; BCD 13-2006, f. 9-29-06, cert. ef. 10-1-06; BCD 9-2012, f. 9-27-12, cert. ef. 10-1-12

918-030-0120

Licenses Requiring 24 Hours of Continuing Education

(1) During each three-year license cycle, the following license holders are required to complete 24 hours of approved continuing education. The hours must include code-change courses in the amounts below, and

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after the date listed in Table 2-A must include a 4-hour Oregon rule and law course meeting the standards established in OAR 918-035-0055. The Oregon rule and law course is counted toward the code-change hour requirement:

- (a) General Supervising Electrician: must include 12 hours of code change;
 - (b) Limited Supervising Electrician: must include 12 hours of code change;
 - (c) General Journeyman Electrician: must include 8 hours of code change;
 - (d) Journeyman Plumber: must include 4 hours of code change.
- (2) During each three-year license cycle, the following license holders are required to complete 24 hours of approved continuing education:
- (a) Class 3 Boiler Building Service Mechanic;
 - (b) Class 4 Boiler Boilermaker;
 - (c) Class 5 Boiler Pressure-Piping Mechanic;
 - (d) Class 5A Boiler Process Piping Mechanic; and,
 - (e) Class 5B Boiler Refrigeration Piping Mechanic.

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

Stat. Auth.: ORS 455.117

Stats. Implemented: ORS 455.117

Hist.: BCD 10-2006(Temp), f. 6-30-06, cert. ef. 7-1-06 thru 12-28-06; BCD 13-2006, f. 9-29-06, cert. ef. 10-1-06; BCD 10-2008, f. 6-30-08, cert. ef. 7-1-08; BCD 9-2012, f. 9-27-12, cert. ef. 10-1-12

918-030-0125

Licenses Requiring 16 Hours of Continuing Education

During each three-year license cycle, the following license holders are required to complete 16 hours of approved continuing education. The hours must include code-change courses in the amounts below, and after the date listed in Table 2-A must include a 4-hour Oregon rule and law course meeting the standards established in OAR 918-035-0055. The Oregon rule and law course is counted toward the code-change hours requirement:

- (1) Limited Residential Electrician: must include 8 hours of code change.
- (2) Limited Journeyman Manufacturing Plant Electrician: must include 8 hours of code change.

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

Stat. Auth.: ORS 455.117

Stats. Implemented: ORS 455.117

Hist.: BCD 10-2006(Temp), f. 6-30-06, cert. ef. 7-1-06 thru 12-28-06; BCD 13-2006, f. 9-29-06, cert. ef. 10-1-06; BCD 10-2008, f. 6-30-08, cert. ef. 7-1-08; BCD 9-2012, f. 9-27-12, cert. ef. 10-1-12

918-030-0130

Licenses Requiring 8 Hours of Continuing Education

(1) During each three-year license cycle, the following license holders are required to complete 8 hours of approved continuing education. The hours must include code-change courses in the amounts below, and after the date listed in Table 2-A code-change courses must include Oregon rule and law material meeting the standards established in OAR 918-035-0055:

- (a) Limited Maintenance Electrician; must include 2 hours of code change;
- (b) Class A Limited Energy Technician; must include 8 hours of code change;
- (c) Class B Limited Energy Technician; must include 2 hours of code change.

(2) During each three-year license cycle, the following license holders are required to complete 8 hours of approved continuing education:

- (a) Solar Heating and cooling System Plumbing Installer; and,
- (b) Class 2 Boiler Pressure Vessel Installer.

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

Stat. Auth.: ORS 455.117

Stats. Implemented: ORS 455.117

Hist.: BCD 10-2006(Temp), f. 6-30-06, cert. ef. 7-1-06 thru 12-28-06; BCD 13-2006, f. 9-29-06, cert. ef. 10-1-06; BCD 10-2008, f. 6-30-08, cert. ef. 7-1-08; BCD 9-2012, f. 9-27-12, cert. ef. 10-1-12

918-030-0135

Licenses Requiring 4 Hours of Continuing Education

During each three-year license cycle, the following license holders are required to complete 4 hours of approved continuing education. The hours must include code-change in the amounts below, and after the date listed in Table 2-A code-change courses must include Oregon rule and law material meeting the standards established in OAR 918-035-0055:

- (1) Limited Renewable Energy Technician; must include 2 hours of code change; and
- (2) Limited Journeyman Sign Electrician; must include 2 hours of code change.

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

Stat. Auth.: ORS 455.117

Stats. Implemented: ORS 455.117

Hist.: BCD 10-2006(Temp), f. 6-30-06, cert. ef. 7-1-06 thru 12-28-06; BCD 13-2006, f. 9-29-06, cert. ef. 10-1-06; BCD 10-2008, f. 6-30-08, cert. ef. 7-1-08; BCD 9-2012, f. 9-27-12, cert. ef. 10-1-12

918-035-0020

Timeline for Approval; Term of Approval

(1) Application for course or instructor approval may be made at any time during the code cycle.

(2) Application for code-change course approval prior to code adoption as defined in OAR chapter 918, division 008 may be made at any time after the public notice of the 45-day comment period for the code adoption process.

(3) Courses and instructors are approved for the duration of the code-cycle and courses may be taught prior to the effective date of that code.

Stat. Auth.: ORS 455.117

Stat. Implemented: ORS 455.117

Hist.: BCD 10-2006(Temp), f. 6-30-06, cert. ef. 7-1-06 thru 12-28-06; BCD 13-2006, f. 9-29-06, cert. ef. 10-1-06; BCD 9-2012, f. 9-27-12, cert. ef. 10-1-12

918-035-0040

Minimum Requirements for Continuing Education Course Approval

(1) Except as provided in Section (2) of this rule, all continuing education courses must meet the following minimum requirements:

(a) Course instructors must be approved by the appropriate board or the division pursuant to these rules;

(b) The minimum course length is two hours or the equivalent for online or correspondence courses;

(c) The application for course or instructor approval must designate whether the course is for general continuing education credit, code-change credit, or Oregon rule and law credit; and

(d) The course must comply with the policies and procedures established by the appropriate board or the division for ensuring the quality and effectiveness of the course.

(2) Notwithstanding section (1) of this rule, the appropriate board may recognize code-development bodies or national organizations as continuing education providers without requiring them to submit specific courses to the division for approval. In approving a provider, the board will specify:

(a) The scope of the courses taught by the provider; and

(b) The type of credit to be awarded for various courses

Stat. Auth.: ORS 455.117

Stat. Implemented: ORS 455.117

Hist.: BCD 10-2006(Temp), f. 6-30-06, cert. ef. 7-1-06 thru 12-28-06; BCD 13-2006, f. 9-29-06, cert. ef. 10-1-06; BCD 9-2012, f. 9-27-12, cert. ef. 10-1-12

918-035-0050

Code-Change Course Content

(1) Code-change courses must cover:

(a) A national model code edition that is currently adopted in Oregon;

or

(b) A national model code edition for which the division has given public notice of the 45-day comment period for proposed amendments that initiates the code adoption process.

(2) If required by rule, a code-change course may contain material on Oregon rule and law as specified in OAR 918-035-0055.

Stat. Auth.: ORS 455.117

Stat. Implemented: ORS 455.117

Hist.: BCD 10-2006(Temp), f. 6-30-06, cert. ef. 7-1-06 thru 12-28-06; BCD 13-2006, f. 9-29-06, cert. ef. 10-1-06; BCD 9-2012, f. 9-27-12, cert. ef. 10-1-12

918-035-0055

Oregon Rule and Law Course Content

The appropriate advisory board or the division develops content requirements for Oregon rule and law courses. The content requirements must include but are not limited to the following:

(1) Permit processes and requirements;

(2) Instruction on the scope of work allowed under a given license; and

and

(3) The Oregon amendments to the currently adopted edition of the appropriate national model code, or the proposed Oregon amendments that are included in the notice of proposed rulemaking hearing filed with the Secretary of State as part of the code adoption process, including alternate method rulings and interpretations.

Stat. Auth.: ORS 455.117

Stats. Implemented: ORS 455.117

Hist.: BCD 9-2012, f. 9-27-12, cert. ef. 10-1-12

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Rule Caption: Electrical vehicle service equipment permit and inspection criteria.

Adm. Order No.: BCD 10-2012

Filed with Sec. of State: 9-28-2012

Certified to be Effective: 10-1-12

Notice Publication Date: 9-1-2012

Rules Amended: 918-311-0065

Subject: This rule updates the permitting and inspection criteria for electric vehicle service equipment (EVSE). Manufacturers have developed level 2 service equipment that require a 30 or 40 amp branch circuit rather than a feeder. Previous technology used only feeders. This rule provides uniform and consistent permit and inspection requirements for EVSE. Currently local jurisdictions attempting to follow the rule are requiring feeder permits for EVSE that require branch circuits.

Rules Coordinator: Stephanie Snyder—(503) 373-7438

918-311-0065

Electric Vehicle Charging Systems Statewide Permit and Inspection Protocol

To ensure a path for the emerging technology and enable the installation of charging systems for electric vehicles the following permit and inspection protocols will apply throughout the state, notwithstanding contrary provisions contained in the **Oregon Electrical Specialty Code**. This Electric Vehicle Supply Equipment (EVSE) permit covers the installation of all electrical components dedicated to the operation of an electric vehicle charging system. No other state building code permit is required.

(1) Building officials and inspectors shall permit and allow installation of an electric vehicle charging system that has a Building Codes Division special deputy certification label without further testing or certification.

(2) Persons installing an electric vehicle charging system must obtain a permit from the inspecting jurisdiction for the EVSE.

(3)(a) The permit shall be a flat fee based on an inspecting jurisdiction's feeder permit fee for circuit of equivalent size to cover the cost of enforcement and inspection of the items listed in sub-section (4).

(b) Permits issued under this rule include up to two inspections.

(4) Inspection of an EVSE installation is limited to determining compliance with the following **Oregon Electrical Specialty Code** provisions:

(a) Overcurrent protection, per articles 225 and 240;

(b) Physical protection of conductors, per article 300;

(c) Separation and sizing of the grounding and neutral conductors, per article 250.20; and

(d) Provisions for locking out the disconnecting means for maintenance, per chapter 4.

(5) If an electric vehicle charging system is mounted in or on a pedestal that is not attached to a structure, as defined by the **Oregon Electrical Specialty Code**, the installation of a grounding electrode system to supplement lightning protection is allowed but cannot be required.

(6) An electrical contractor employing a general supervising electrician in accordance with OAR 918-282-0010 is authorized to use a minor installation label to install a new branch circuit limited to 40 amps 240 volts for the purpose of installing a wall mounted EVSE unit in the garage of one and two family dwellings, and connect a listed wall mounted EVSE unit to that branch circuit. The electrical panel where the circuit originates must be in the garage within sight from the EVSE unit. This provision does not apply to installations in wet or damp locations.

Stat. Auth.: ORS 455.065

Stat. Implemented: ORS 455.065

Hist.: BCD 16-2008(Temp), f. & cert. ef. 9-26-08 thru 3-25-09; BCD 30-2008, f. 12-31-08, cert. ef. 1-1-09; BCD 8-2010, f. 6-15-10, cert. ef. 7-1-10; BCD 4-2012(Temp), f. & cert. ef. 5-1-12 thru 9-30-12; BCD 10-2012, f. 9-28-12, cert. ef. 10-1-12

Rule Caption: Amendments to the arc-fault circuit interrupter requirement of the National Electric Code.

Adm. Order No.: BCD 11-2012(Temp)

Filed with Sec. of State: 10-5-2012

Certified to be Effective: 1-1-13 thru 6-29-13

Notice Publication Date:

Rules Amended: 918-305-0105

Subject: This rule expands the requirement for the arc-fault circuit interrupter (AFCI) protection in dwelling units. The rule also adds an exception to the required AFCI protection for a limited number

of branch circuits supplying one or more outlets serving in a single room of a dwelling unit. This temporary rule will expire on June 29, 2013.

Rules Coordinator: Stephanie Snyder—(503) 373-7438

918-305-0105

Amendments to the Oregon Electrical Specialty Code

(1) The Oregon Electrical Specialty Code is adopted and amended pursuant to OAR chapter 918, Division 8. Amendments adopted for inclusion into the Oregon Electrical Specialty Code are placed in this rule, showing the section reference and a descriptive caption. Amendments to the Oregon Electrical Specialty Code are printed in their entirety in Table 1-E.

(2) Effective January 1, 2013 amend Section 210.12(A) Arc-Fault Circuit Interrupter Protection by:

(a) Adding "alcoves";

(b) Deleting "hallways"; and

(c) Adding two exceptions and an informational note.

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

Stat. Auth.: ORS 479.730 & 455.610

Stats. Implemented: ORS 479.730 & 455.610

Hist.: BCD 23-2004, f. 12-15-04, cert. ef. 4-1-05; BCD 6-2008, f. 3-7-08, cert. ef. 4-1-08; BCD 3-2011, f. 3-11-11, cert. ef. 4-1-11; BCD 5-2012(Temp), f. & cert. ef. 6-7-12 thru 10-31-12; BCD 11-2012(Temp), f. 10-5-12, cert. ef. 1-1-13 thru 6-29-13

Rule Caption: Delay of the Oregon Electrical Specialty Code provisions of the expanded arc-fault circuit interrupter requirement.

Adm. Order No.: BCD 12-2012(Temp)

Filed with Sec. of State: 10-5-2012

Certified to be Effective: 11-1-12 thru 12-31-12

Notice Publication Date:

Rules Adopted: 918-305-0107

Subject: This rule delays implementation of a requirement for arc-fault circuit interrupter (AFCI) protection in family rooms, dining rooms, living rooms, parlors, libraries, dens, sunrooms, recreation rooms, closets, or similar rooms and areas. This temporary rule will expire on December 31, 2012.

Rules Coordinator: Stephanie Snyder—(503) 373-7438

918-305-0107

Amendment to the Oregon Electrical Specialty Code Arc Fault Circuit Interrupter Protection

(1) The Oregon Electrical Specialty Code is adopted and amended pursuant to OAR chapter 918, division 8. This rule amends the Arc-Fault Circuit Interrupter Protection requirements in dwelling units. Amendments to the Oregon Electrical Specialty Code are printed in their entirety in Table 1-E.

(2) Section 210.12(A) Arc-Fault Circuit Interrupter Protection. Section 210.12(A) is amended by deleting "family rooms, dining rooms, living rooms, parlors, libraries, dens, sunrooms, recreation rooms, closets, hallways, or similar rooms or areas" through December 31, 2012.

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

Stat. Auth.: ORS 479.730 & 455.610

Stats. Implemented: ORS 479.730 & 455.610

Hist.: BCD 12-2012(Temp), f. 10-5-12, cert. ef. 11-1-12 thru 12-31-12

Department of Consumer and Business Services,

Director's Office

Chapter 440

Rule Caption: 2013 Workers' Compensation Premium Assessment Rates.

Adm. Order No.: DO 1-2012

Filed with Sec. of State: 9-28-2012

Certified to be Effective: 1-1-13

Notice Publication Date: 9-1-2012

Rules Amended: 440-045-0020, 440-045-0025

Subject: The director adopts by rule the workers' compensation premium assessment rate that is paid by all employers based on their workers' compensation premium and is collected by the insurer at the time the employer pays the premium. This assessment is used to fund workers' compensation related programs and workplace safety and health programs that serve Oregon employers and workers. In addition, the rule adopts the rate for an additional assessment percentage amount that is collected from all self-insured employers as well as

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all self-insured employer groups to fund the Self-Insured Employers Adjustment Reserve and the Self-Insured Employer Group Adjustment Reserve. These reserves are established to assure benefits are available in the event of a financial failure of a self-insured employer or self-insured employer group. These rules establish the assessment rate for calendar year 2013.

Rules Coordinator: Victor Garcia—(503) 947-7866

440-045-0020

Assessment Rate

The assessment to be levied against insurers, self-insured employers and self-insured employer groups for Calendar Year 2013 shall be 6.2 percent of direct earned premium and the direct earned premium self-insured employers and self-insured employer groups would have paid had they been insured employers.

Stat. Auth.: ORS 705.135 & 656.612

Stats. Implemented: ORS 656.612 & 656.614

Hist.: DO 2-1999, f. 10-1-99, cert. ef. 1-1-00; DO 1-2000, f. 10-11-00; DO 3-2001, f. 10-22-01, cert. ef. 1-1-02; DO 4-2002, f. 10-17-02 cert. ef. 1-1-03; DO 3-2003, f. 10-22-03, cert. ef. 1-1-04; DO 1-2004 f. 10-21-04 cert. ef. 1-1-05; DO 1-2005, f. 10-20-05, cert. ef. 1-1-06; DO 3-2006, f. 10-19-06, cert. ef. 1-1-07; DO 1-2007, f. 10-4-07, cert. ef. 1-1-08; DO 2-2008, f. 10-1-08, cert. ef. 1-1-09; DO 1-2009, f. 10-7-09 cert. ef. 1-1-10; DO 3-2010, f. 9-24-10, cert. ef. 1-1-11; DO 1-2011, f. 10-14-11, cert. ef. 1-1-12; DO 1-2012, f. 9-28-12, cert. ef. 1-1-13

440-045-0025

Adjustment Reserve Rate

In addition to the assessments established in OAR 440-045-0020, self-insured employer groups and self insured employers for the Calendar Year 2013 shall be assessed an additional 0.2 percent to fund the Self-Insured Employer Group Adjustment Reserve and the Self-Insured Employer Adjustment Reserve.

Stat. Auth.: ORS 705.135 & 656.612

Stats. Implemented: ORS 656.612 & 656.614

Hist.: DO 2-1999, f. 10-1-99, cert. ef. 1-1-00; DO 1-2000, f. 10-11-00, cert. ef. 1-1-01; DO 3-2001, f. 10-22-01, cert. ef. 1-1-02; DO 4-2002, f. 10-17-02 cert. ef. 1-1-03; DO 3-2003, f. 10-22-03, cert. ef. 1-1-04; DO 1-2004 f. 10-21-04 cert. ef. 1-1-05; DO 1-2005, f. 10-20-05, cert. ef. 1-1-06; DO 3-2006, f. 10-19-06, cert. ef. 1-1-07; DO 1-2007, f. 10-4-07, cert. ef. 1-1-08; DO 2-2008, f. 10-1-08, cert. ef. 1-1-09; DO 1-2009, f. 10-7-09 cert. ef. 1-1-10; DO 3-2010, f. 9-24-10, cert. ef. 1-1-11; DO 1-2011, f. 10-14-11, cert. ef. 1-1-12; DO 1-2012, f. 9-28-12, cert. ef. 1-1-13

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

Rule Caption: Adopt changes in Agriculture; Division 4/I and 4/Z.

Adm. Order No.: OSHA 4-2012

Filed with Sec. of State: 9-19-2012

Certified to be Effective: 1-1-13

Notice Publication Date: 5-1-2012

Rules Adopted: 437-004-9626

Rules Amended: 437-004-1005, 437-004-1020, 437-004-1030, 437-004-1035, 437-004-1041, 437-004-1050, 437-004-1060, 437-004-1070, 437-004-1075, 437-004-9000, 437-004-9050, 437-004-9090, 437-004-9600, 437-004-9620, 437-004-9640, 437-004-9650, 437-004-9710, 437-004-9740, 437-004-9760, 437-004-9780, 437-004-9830, 437-004-9850, 437-004-9860

Subject: Oregon OSHA proposed changes to Agriculture, Division 4/A General Subjects; 4/B Definitions; 4/I Protective Equipment; and 4/Z Chemical/Toxins. We removed subdivisions A and B from this current rulemaking action. Three public hearings were held in June 2012 with no comments received for proposed changes to subdivisions I and Z. Oregon OSHA adopts one new rule in Division 4/Z, one new appendix in Division 4/I, and amends 23 existing rules in Division 4/I and 4/Z.

Subdivision I modifies the requirements for employers providing Personal Protective Equipment to include an evaluation of the hazards. A new non-mandatory appendix to Subdivision I provides a template for employers to use in this evaluation. Also, training requirements are specified for employees using general PPE. The format of the rules for PPE for parts of the body (head, eyes and face, hands and feet) is simplified and the requirements are aligned with the requirements in the Division 2 rules.

The format is standardized in the rules for Subdivision Z (Chemicals and Toxins.) The Division 4 Air Contaminant rules are updated

to match the Division 2 Air Contaminant rules. The substance-specific rules make clear that either the Division 2 or Division 3 rules apply, depending on the type of activity, if there is an exposure to these toxins.

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

Rules Coordinator: Sue C. Joye—(503) 947-7449

437-004-1005

General Requirements for Protective Equipment

(1) Definitions.

(a) Contaminants – include any substance that can cause illness or physical harm to a person by contact with or entry into the body. Examples include dust in the air and pesticide residues in water.

(b) Hazards – include chemicals, contaminants, and energy sources that are present in the workplace environment in a way that can cause injury to, or functional impairment of, any part of the body through absorption, inhalation or physical contact.

(c) Personal protective equipment (PPE) – includes anything worn or used for protecting a person from hazards.

(2) Hazard assessment and protective equipment selection.

NOTE: This section applies to protective equipment not covered in OAR 437-004-1041 (Respiratory Protection) or OAR 437-004-0630 (Noise Exposure).

(a) The employer must assess the workplace to determine if hazards are present, or are likely to be present, that would make the use of personal protective equipment (PPE) necessary to protect employees.

(b) If such hazards are present, or likely to be present, the employer must:

(A) Select, and ensure that each exposed employee use, the types of PPE that will protect them from the hazards identified in the hazard assessment;

(B) Communicate PPE selection decisions to each exposed employee; and,

(C) Select PPE that properly fits each exposed employee.

NOTE: Nonmandatory Appendix A to Subdivision I provides a sample hazard assessment procedure.

(3) Payment for protective equipment.

(a) Except as in paragraphs (3)(b) through (3)(e), employers must provide, at no cost to the employee, all protective equipment, including personal protective equipment (PPE). For purposes of this rule, employees of labor contractors, labor leasing companies and temporary labor providers are the employees of the using employer. The using employer must supply PPE in compliance with this rule.

Note: When another Oregon OSHA standard specifies that the employer must pay for protective equipment, that standard applies over this one.

(b) Employers do not have to pay for non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear, if the employer allows employees to wear the items off the job site.

(c) When employers provide metatarsal guards and allow the employee, to use shoes or boots with built-in metatarsal protection, employers do not have to reimburse the employee for the shoes or boots.

(d) Employers do not have to pay for:

(A) Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots; or

(B) Ordinary clothing, skin creams, or other items, used solely for protection from weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen.

(e) Employers must pay for replacement PPE, except when the employee has lost or intentionally damaged the PPE.

NOTE: Employees must not be allowed to work in hazardous conditions without the appropriate PPE.

(f) Where an employee provides their own protective equipment the employer does not have to reimburse the employee for that equipment. (Also see paragraph (4))

(4) Employees' equipment. If employees provide their own protective equipment, the employer is responsible to ensure that it is adequate and is right for the job and hazards.

(5) Equipment inspection, maintenance, and storage. Do not allow workers to use defective or damaged personal protective equipment. All protective equipment, whether furnished by the employer or provided by the employee, must be maintained in a sanitary and reliable condition.

(6) Skin protection. Where needed, provide and require the use of protective coverings, such as aprons, ointments, gloves, or other effective pro-

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tection to employees exposed to materials or conditions that are hazardous to their skin.

(7) Follow manufacturer's instruction. Require employees to wear and use personal protective equipment according to the manufacturer's instructions.

(8) Watches and jewelry. Employees working where they might contact moving parts of powered machinery or live parts of electrical equipment, must not be allowed to wear rings, watches, earrings, bracelets or other things that could cause a hazard.

(9) Control hazards first. Contain or eliminate hazards at the source by using administrative or engineering controls. Personal protective equipment is appropriate when these types of controls are not feasible or where there are still hazards.

(10) Training.

NOTE: This section applies to protective equipment not covered in OAR 437-004-1041 (Respiratory Protection) or OAR 437-004-0630 (Noise Exposure).

(a) The employer must provide training to each employee who is required to use Personal Protective Equipment (PPE), that includes at least the following:

- (A) When PPE is necessary;
- (B) What type of PPE is necessary;
- (C) How to properly put on, take off, adjust, and use the PPE;
- (D) The limitations and useful life of the PPE; and,
- (E) The proper care, maintenance, storage and disposal of the PPE.

(b) Each affected employee must demonstrate an understanding of the training specified in paragraph (10)(a) of this section, and the ability to use PPE properly, before being allowed to perform work requiring the use of PPE.

(c) When the employer has reason to believe that any affected employee who has already been trained does not have the understanding and skill required by paragraph (10)(a) of this section, the employer must retrain that employee. Circumstances where retraining is required include:

- (A) When changes in the workplace make previous training obsolete;
- (B) When changes in the types of PPE to be used make previous training obsolete;
- (C) When deficiencies in an affected employee's demonstrated knowledge or use of assigned PPE indicate that the employee has not attained the required understanding or skill.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 5-2008, f. 5-1-08, cert. ef. 5-15-08; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-1020

Personal Fall Protection

NOTE: The general requirements for Protective Equipment in 437-004-1005 apply to Personal Fall Protection.

(1) Definitions. Competent person — is a person who because of training and experience, can identify existing and predictable hazards in equipment, material, conditions or practices and who has the knowledge and authority to take corrective steps. Lanyard — A flexible line connected at one end to a body belt or harness and at the other end to an anchorage. Personal fall arrest system means a system used to stop an employee in a fall from a working level. It consists of an anchorage, connectors, body harness and may include a lanyard, deceleration device, lifeline, or suitable combinations of these. Personal fall protection systems include arrest systems, restraint systems or positioning device systems. Personal fall restraint system means a fall protection system that prevents the user from falling any distance. The system is comprised of either a body belt or body harness, along with an anchorage, connectors and other necessary equipment. The other components typically include a lanyard, and may also include a lifeline and other devices. Positioning device system means a body belt or body harness system rigged to allow an employee to be supported on an elevated vertical surface, such as a wall, and work with both hands free while leaning. Qualified person — is a person who has a recognized degree, certification, professional standing, knowledge, training or experience; and has successfully demonstrated the ability to perform the work, or solve or resolve problems relating to the work, subject matter, or project.

(2) Protect all employees from falls when working:

(a) On unguarded surfaces more than 10 feet above a lower level; and

(b) Above open pits, tanks or dangerous equipment at any height.

NOTE: The requirements to protect employees from falls when working on unguarded surfaces more than 10 feet above a lower level does NOT apply when the work is of limited duration and limited exposure, and it is equally or more hazardous to set up or use a fall protection system. Examples include work on haystacks, stacked silage, and stacked Christmas trees in open, outdoor areas.

(3) Personal fall protection systems must use:

(a) Lanyards and vertical lifelines that have a minimum breaking strength of 5,000 pounds.

(b) Connectors that are drop forged, pressed or formed steel, or equivalent materials.

(c) Connectors that have a corrosion-resistant finish, and with smooth surfaces and edges to prevent damage to interfacing parts of the system.

(d) Dee-rings, snap hooks or carabiners that have a minimum tensile strength of 5,000 lbs. and that are proof-tested to a minimum tensile load of 3,600 pounds without cracking, breaking, or taking permanent deformation.

(e) Snap hooks and carabiners that are self-locking or double-locking and sized to be compatible with the member to which they are connected.

(4) Use lifelines, body belts or safety harnesses and lanyards only for the purpose they were intended. Remove fall protection equipment from service after it has been subjected to a load.

(5) Anchorages:

(a) Anchorages used for attachment of personal fall arrest equipment must be capable of supporting at least 5,000 pounds per employee attached, or must be designed, installed, and used as follows:

(A) Under the supervision of a qualified person; and

(B) As part of a complete personal fall arrest system which maintains a safety factor of at least two.

(b) Anchorages used for attachment of personal fall restraint or positioning device systems must be capable of supporting 3000 lbs. per employee attached, or be designed, installed and used as follows:

(A) Under the supervision of a qualified person; and

(B) As part of a complete personal fall restraint or positioning device system which maintains a safety factor of at least two.

(6) Horizontal lifelines must be designed, installed, and used, under the supervision of a qualified person, as part of a complete personal fall arrest system, which maintains a safety factor of at least two.

(7) Fall arrest and fall restraint systems.

(a) Fall arrest systems must be rigged so that an employee can neither free fall more than 6 feet, nor contact any lower level.

(b) Fall arrest systems, when stopping a fall, must limit maximum arresting force on an employee to 1,800 pounds

(c) Fall arrest systems must bring an employee to a complete stop and limit maximum deceleration distance an employee travels to 3.5 feet.

(d) Fall restraint systems must be rigged to prevent the user from falling any distance.

(e) Positioning device systems must be rigged such that an employee cannot free fall more than 2 feet.

(8) Personal fall protection systems must be inspected by a competent person prior to each use for wear, damage and other deterioration, and defective components must be removed from service.

(9) When employees use personal fall arrest systems, the employer must provide for prompt rescue of employees in the event of a fall or ensure that employees are able to rescue themselves.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-1030

Work Clothing

(1) General requirements. Ensure that employees:

(a) Wear clothing that provides adequate protection for the hazards of the work.

(b) Do not wear loose sleeves or other loose clothing when near enough to be caught in moving parts of machinery.

NOTE: See Divisions 4/O and 4/P for equipment and tool guarding requirements.

(c) Do not wear clothing soaked with flammable liquids or contaminated with other hazardous substances.

NOTE: See Subdivision 4/P, 437-004-2230 for requirements for PPE while using chain saws.

(2) High visibility garments.

(a) The employer is responsible to determine, before work begins, if any task or work assigned will expose employees to hazards caused by on-highway type moving vehicles in work zones and street or highway traffic.

(b) Work that exposes employees to these hazards must comply with Division 2/I, 437-002-0134(7) High Visibility Garments.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 9-2006, f. & cert. ef. 9-22-06; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-1035

Eye and Face Protection

NOTES: See Division 4/Q, 437-004-2310(6) for the protective equipment requirements for welders in agricultural workplaces.

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See Division 4/W, 437-004-6000, 170.240(c)(7) for the protective eyewear requirements for pesticide handlers.

(1) General requirements. Employers must:

(a) Provide and require the use of eye or face protection that protects employees from hazards such as flying particles, molten metal, liquid chemicals, acids or caustic materials, gases and vapors, electrical hazards, or potentially harmful light radiation.

(b) If an employee wears prescription lenses while doing work that involves eye or face hazards, either provide protective equipment that incorporates the prescription lenses or provide protective equipment that can be worn over the prescription lenses in a way that does not disturb the proper position of either the prescription lenses or the protective equipment.

(c) Require employees to use eye or face protection with side protection when there is a hazard from flying objects. Detachable side protectors on safety glasses (such as, clip-on or slide-on side shields) are acceptable if they offer adequate protection from the hazard.

(d) Eye and face protection equipment must be clean and in good repair.

(2) Criteria for protective eye and face devices.

(a) Protective eye and face protection devices must comply with any of the following consensus standards:

(A) ANSI Z87.1-2003, "American National Standard Practices for Occupational and Educational Eye and Face Protection;"

(B) ANSI Z89.1-1997, "American National Standard for Industrial Head Protection;"

(C) ANSI Z89.1-1986, "American National Standard for Personnel Protection — Protective Headwear for Industrial Workers — Requirements."

NOTE: The Oregon OSHA Resource Center has copies of these standards for public review at 350 Winter Street NE, Salem OR.

(b) Protective eye and face protection devices that the employer demonstrates are at least as effective as protective eye and face protection devices that are constructed in accordance with one of the consensus standards will be deemed to be in compliance with the requirements of this section.

(3) Laser protection.

(a) The employer is responsible to determine, before work begins, if any task or work assigned will expose employees to laser light beams.

(b) Work that exposes employees to laser light beams must be furnished laser safety goggles which will protect for the specific wavelength of the laser and be of optical density adequate for the energy involved.

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

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 2-2010, f. & cert. ef. 2-25-10; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-1041

Respiratory Protection

(1) Permissible practice.

(a) To control occupational diseases caused by breathing contaminated air, the best method is to prevent contamination with engineering controls. To the extent feasible, accepted engineering controls must be used. Examples of engineering controls include enclosing the source of contamination, providing general or local exhaust ventilation to remove the contaminated air from work areas, and substituting less toxic materials. When this approach is not feasible, or while engineering controls are being established, employers must provide appropriate respirators in compliance with this standard.

(b) You must provide a respirator to each employee when it is necessary to protect their health. Respirators must be appropriate for the hazard. You must also establish and maintain an effective respiratory protection program that includes at least the requirements outlined in paragraph (3) of this standard. The program must cover each employee required to use a respirator.

(2) Definitions. The following definitions apply to this standard. Air-purifying respirator is a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element. Assigned protection factor (APF) means the workplace level of respiratory protection that a respirator or class of respirators is expected to provide to employees when the employer implements a continuing, effective respiratory protection program as specified by this section. Atmosphere-supplying respirator is a respirator that supplies the user with breathing air from a source independent of the ambient atmosphere, and includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units. Canister or cartridge is a container with a filter, sorbent, or catalyst, or combination of these items, that removes specific contaminants from the air passed through the container. Competent

person is a person who, because of training and experience, can identify existing and predictable hazards in equipment, material, conditions or practices and who has the knowledge and authority to take corrective steps. Demand respirator is an atmosphere-supplying respirator that admits breathing air to the face piece only when inhalation creates a negative pressure inside the face piece. Elastomer (elastomeric) is an elastic substance like rubber or neoprene. Emergency situation is any event such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment that may or does result in an uncontrolled significant release of an airborne contaminant. Employee exposure is exposure to a concentration of an airborne contaminant that would occur if the employee were not using respiratory protection. End-of-service-life indicator (ESLI) is a device, on the cartridge, that warns respirator users when their respirator is near the end of its ability to protect them. For example, an indicator on the cartridge will change to warn the user that the cartridge sorbent material is nearing saturation and is no longer effective. Engineering control measures are methods to eliminate or control employee exposure to the hazard; e.g., substitution of a less toxic material, general or local ventilation and enclosing the operation. Escape-only respirator is a respirator only for use during emergency exit. Filter or air purifying element is a respirator component (e.g., canister or cartridge) that removes solid or liquid aerosols from the inspired air. Filtering face piece (dust mask) is a tight fitting negative pressure particulate respirator with a filter as an integral part of the face piece or with the entire face piece made of the filtering medium. Fit factor is a quantitative estimate of the fit of a particular respirator to a specific person, and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn. Instrumentation is used with ambient air as the "test agent" to quantify the respirator fit. See Appendix A. Fit test is the use of procedures in Appendix A to qualitatively or quantitatively evaluate the fit of a respirator on a person. (See also Qualitative fit test QLFT and Quantitative fit test QNFT.) Helmet is a rigid respirator covering that also provides head protection against impact and penetration. High efficiency particulate air (HEPA) filter is a filter that is at least 99.97 percent efficient in removing monodisperse particles of 0.3 micrometers in diameter. The equivalent NIOSH 42 CFR 84 particulate filters are the N100, R100, and P100 filters. Hood is a respirator covering that completely covers the head and neck and may also cover portions of the shoulders and torso. Immediately dangerous to life or health (IDLH) is an atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere. Interior structural firefighting is the physical activity of fire suppression, rescue or both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage. Loose-fitting face piece is a respiratory covering that forms a partial seal with the face, e.g., hood. Maximum use concentration (MUC) means the maximum atmospheric concentration of a hazardous substance from which an employee can be expected to be protected when wearing a respirator, and is determined by the assigned protection factor of the respirator or class of respirators and the exposure limit of the hazardous substance. The MUC can be determined mathematically by multiplying the assigned protection factor specified for a respirator by the required OSHA permissible exposure limit, short-term exposure limit, or ceiling limit. When no OSHA exposure limit is available for a hazardous substance, an employer must determine an MUC on the basis of relevant available information and informed professional judgment. Negative pressure respirator (tight fitting) is a respirator in which the air pressure inside the face piece is negative during inhalation with respect to the ambient air pressure outside the respirator. Oxygen deficient atmosphere is an atmosphere with an oxygen content less than 19.5 percent by volume. Physician or other licensed health care professional (PLHCP) is a person whose legally permitted scope of practice (i.e., license, registration, or certification) allows them to independently provide, or be delegated to provide, some or all of the health care services required by this standard. Positive pressure respirator is a respirator in which the pressure inside the respiratory covering is higher than the air pressure outside the respirator. Powered air-purifying respirator (PAPR) is an air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering. Pressure demand respirator is a positive pressure atmosphere-supplying respirator that admits breathing air to the face piece when inhalation reduces the positive pressure inside the face piece. Qualitative fit test (QLFT) is a pass/fail fit test to assess the adequacy of respirator fit that relies on the individual's response to the test agent. See Appendix A. Quantitative fit test (QNFT) is an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator. See Appendix A. Respirator covering is that part of a respirator that forms the

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protective barrier between the user's respiratory tract and an air-purifying device or breathing air source, or both. It may be a face piece, helmet, hood, suit, or a mouthpiece respirator with nose clamp. Self-contained breathing apparatus (SCBA) is an atmosphere-supplying respirator for which user carries the breathing air source. Service life is the period of time that a respirator, filter or sorbent, or other respiratory equipment adequately protects the wearer. Supplied-air respirator (SAR) or airline respirator is an atmosphere-supplying respirator for which the source of breathing air is not carried by the user. Tight-fitting face piece is a respirator covering that forms a complete seal with the face, e.g., half mask or full-face piece. User seal check is an action by the respirator user to determine if the respirator is properly seated to the face. See appendix B-1.

(3) Respiratory protection program.

(a) When respirators are necessary to protect the health of workers or when you require workers to wear them, you must have an effective, written respiratory protection program, managed by a knowledgeable person, with procedures specific to your work site. Keep the program updated to reflect changes in conditions that require the use of respirators. You must include at least these points, as applicable:

(A) Procedures for selecting respirators for use in the workplace;

(B) Procedures for the medical evaluations of employees required to use respirators;

(C) Fit testing procedures for tight-fitting respirators;

(D) Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;

(E) Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators;

(F) Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators;

(G) Procedures for training employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations;

(H) Procedures for training employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and

(I) Procedures for regularly evaluating the effectiveness of the program.

(b) The employer must provide respirators, and all other program requirements including training, and medical evaluations at no cost to the employee.

(c) Where respirator use is voluntary:

(A) You may provide respirators to employees who request them or they may use their own respirators. If you allow this voluntary use;

(i) You must determine that it will not create a hazard to the user;

(ii) You must provide the voluntary user with the information in Appendix D, "Information for Employees Using Respirators When Not Required Under the Standard", and;

(B) You must have a limited written respiratory program for voluntary users. It must include those parts of the standard program necessary to ensure that:

(i) The user is medically able to use the respirator without adverse health effects. Users of tight-fitting respirators other than dust masks must have a medical evaluation.

(ii) The user will properly clean, store and maintain the respirator.

(4) Selection of respirators. Identify and evaluate the respiratory hazard(s) including a reasonable estimate of employee exposures and an identification of the contaminant's chemical state and physical form. You must treat atmospheres with the potential for IDLH conditions as an IDLH hazard and provide appropriate respiratory protection.

(a) General requirements.

(A) You must evaluate respiratory hazards, conditions in the workplace and user factors, then select and provide the appropriate respirators.

(B) All respirators must have NIOSH certification and all use must conform to that certification.

(C) Respirators must correctly fit and be acceptable to the user.

(b) Respirators for IDLH atmospheres.

(A) Provide the following respirators for employee use in IDLH atmospheres:

(i) A full-face piece pressure demand SCBA certified by NIOSH for a minimum service life of 30 minutes, or

(ii) A combination full-face piece pressure demand supplied-air respirator (SAR) with auxiliary self-contained air supply.

(B) Respirators only for escape from IDLH atmospheres must have NIOSH certification for escape from the atmosphere of use.

(C) Treat all oxygen-deficient atmospheres as IDLH.

EXCEPTION to paragraph (4)(b)(C): If you can demonstrate that under

all foreseeable conditions, the oxygen concentration will stay within the ranges in Table A for the appropriate altitudes set out in the table, then your selection of atmosphere-supplying respirators is not limited to the types listed in (4)(b)(A). Table A

(c) Respirators for atmospheres that are not IDLH.

(A) Provide respirators adequate to protect the health of workers and ensure compliance with all other OR-OSHA requirements, under routine and reasonably foreseeable emergency situations.

(i) Assigned Protection Factors (APFs). Employers must use the assigned protection factors listed in Table B to select a respirator that meets or exceeds the required level of employee protection. When using a combination respirator (e.g., airline respirators with an air-purifying filter), employers must ensure that the assigned protection factor is appropriate to the mode of operation in which the respirator is being used. Table B

(ii) Maximum Use Concentration (MUC).

(I) The employer must select a respirator for employee use that maintains the employee's exposure to the hazardous substance, when measured outside the respirator, at or below the MUC.

(II) Employers must not apply MUCs to conditions that are immediately dangerous to life or health (IDLH); instead, they must use respirators listed for IDLH conditions in paragraph (4)(b) of this standard.

(III) When the calculated MUC exceeds the IDLH level for a hazardous substance, or the performance limits of the cartridge or canister, then employers must set the maximum MUC at that lower limit.

(B) The respirator must be appropriate for the chemical state and physical form of the contaminant.

(C) For protection against gases and vapors, provide:

(i) An atmosphere-supplying respirator, or

(ii) An air-purifying respirator, if:

(I) It has an end-of-service-life indicator (ESLI) certified by NIOSH for the contaminant; or

(II) If there is no ESLI appropriate for your conditions, implement a change schedule for canisters and cartridges that is based on objective information or data that will ensure that canisters and cartridges are changed before the end of their service life. Describe in the respirator program the information and data relied on and the basis for the canister and cartridge change schedule and the basis for reliance on the data.

NOTE: The Worker Protection Standard contains criteria for specific change out schedules for respirator canisters and cartridges. See Division 4/W, 170.240.

(D) For protection against particulates, provide:

(i) An atmosphere-supplying respirator; or

(ii) An air-purifying respirator with a filter certified by NIOSH under 30 CFR part 11 as a high efficiency particulate air (HEPA) filter, or an air-purifying respirator with a filter certified for particulates by NIOSH under 42 CFR part 84; or

(iii) For contaminants consisting primarily of particles with mass median aerodynamic diameters (MMAD) of at least 2 micrometers, an air-purifying respirator with any filter certified for particulates by NIOSH.

(5) Medical evaluation. Using a respirator may place a physiological burden on employees that depends on the type of respirator, the job and workplace conditions in which the respirator is used, and the medical status of the employee.

(a) General. You must provide medical evaluations to determine each worker's ability to use a respirator without causing adverse health effects. Do this before the worker's fit test and before they perform any work requiring respirator use. The employer may discontinue an employee's medical evaluations when the employee no longer uses a respirator.

(b) Medical evaluation procedures. The employer must identify a physician or other licensed health care professional (PLHCP) to perform medical evaluations using a medical questionnaire or an initial examination that obtains the same information as the medical questionnaire. The medical evaluation must obtain the information requested by the questionnaire in Appendix C, Part A, Sections 1 and 2, of this standard.

NOTE: If the employee refuses the examination, they may not be permitted to work in jobs that require a tight-fitting respirator.

(c) Follow-up medical examination.

(A) The employer must ensure that a follow-up medical examination is provided for an employee if, in the opinion of the PLHCP, this is necessary.

NOTE: The PLHCP may require a follow-up examination for an employee who gives a positive response to any question among questions 1 through 9, or 10 through 15 in Appendix C, Part A, Section 2; or whose initial medical examination demonstrates the need for a follow-up medical examination.

(B) The follow-up medical examination must include any medical tests, consultations, or diagnostic procedures that the PLHCP deems necessary to make a final determination.

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(d) Administration of the medical questionnaire and examinations.

(A) You must allow the employee to complete the questionnaire in a way that protects the confidentiality of the information. Employers are not allowed to see the answers or to review the completed form. You must allow employees to complete the form during normal working hours or at a time and place convenient to them. If employees need help, allow them to ask your PLHCP or anybody other than their employer or representatives of their employer.

(B) The employer must provide the employee with an opportunity to discuss the questionnaire and examination results with the PLHCP.

(e) Supplemental information for the PLHCP.

(A) You must give the PLHCP the required supplemental information before they make any recommendation about a worker's ability to use a respirator. Use Appendix C, Part B, Section 2 of this standard, or an equivalent form to provide this information.

(i) The type and weight of the respirator the employee will use;

(ii) How long and how often the employee will use the respirator (including use for rescue and escape);

(iii) The expected physical work effort while using the respirator;

(iv) Additional protective clothing and equipment to be worn; and

(v) Temperature and humidity extremes that may exist during use.

(B) Supplemental information you provide for an employee's medical evaluation does not have to be provided again for later evaluations unless the information or the PLHCP changes.

(C) You must provide a copy of your written respiratory program and this standard to the PLHCP.

Note to Paragraph (5)(e): When the employer replaces a PLHCP, the employer must ensure that the new PLHCP has this information, either by providing the documents directly to the new PLHCP or by having the documents transferred from the former PLHCP to the new PLHCP. However, OR-OSHA does not expect employers to have employees medically reevaluated solely because there is a new PLHCP.

(f) Medical determination. In determining the employee's ability to use a respirator, the employer must:

(A) Obtain a written recommendation about the employee's ability to use the respirator from the PLHCP. The recommendation must provide only the following information:

(i) Any limitations on respirator use relating to the medical condition of the employee, or relating to the workplace conditions, including whether or not the employee is medically able to use the respirator;

(ii) The need, if any, for follow-up medical evaluations; and

(iii) A statement that the PLHCP gave a copy of the recommendation to the worker.

(B) If the respirator is a negative pressure respirator and the PLHCP finds that using it would increase the employee's health risk, the employer must provide a PAPR until a subsequent evaluation clears the employee for another type.

(g) Additional medical evaluations. At a minimum, the employer must provide additional medical evaluations that comply with this standard if:

(A) An employee reports medical signs or symptoms related to ability to use a respirator;

(B) A PLHCP, supervisor, or the knowledgeable person who manages the respiratory protection program informs the employer that an employee needs a reevaluation; or

(C) Information from the respiratory protection program, including observations made during fit testing and program evaluation, indicates a need for employee reevaluation; or

(D) A change occurs in work conditions (such as physical work effort, protective clothing, and temperatures) that may result in a substantial increase in the physiological burden to the employee.

(6) Fit testing. You must:

(a) Ensure that employees using a tight-fitting face piece respirator pass an appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT), using the same make, model, style and size respirator that they will use in the workplace.

(b) Ensure that each worker using a tight-fitting face piece respirator is fit-tested, before initial respirator use; whenever they change to another type, style, model, or make of respirator, and at least annually thereafter.

(c) Do a new fit test on a worker when you observe or the worker, a supervisor, the program administrator, or a PLHCP report any change in the worker's physical condition that could affect the respirator fit. Such conditions include, but are not limited to, facial scarring, dental changes, cosmetic surgery, or an obvious change in body weight.

(d) Give employees a reasonable opportunity to select a different respirator face piece and redo the fit test if, after passing a QLFT or QNFT, the employee notifies the employer, supervisor, or PLHCP that the fit of the respirator is unacceptable.

(e) Ensure that all fit tests comply with the accepted QLFT or QNFT protocols in Appendix A of this standard.

(f) Ensure that qualitative fit tests (QLFT) are used only to fit test negative pressure air-purifying respirators that must achieve an assigned protective factor of 50 or less.

(g) Ensure that quantitative fit tests (QNFT), using an accepted QNFT protocol, are only passed by achieving a fit factor of 100 or more for a tight fitting half face piece respirator, and a fit factor of 500 or more for a tight fitting full face piece respirator.

(h) Ensure that fit testing of tight-fitting atmosphere-supplying respirators and tight-fitting powered air-purifying respirators is only accomplished by performing quantitative or qualitative fit testing in the negative pressure mode, regardless of the mode of operation (negative or positive pressure) that is used for respiratory protection.

(A) Do qualitative fit testing of these respirators by temporarily converting the respirator user's actual face piece into a negative pressure respirator with appropriate filters, or by using an identical negative pressure air-purifying respirator face piece with the same sealing surfaces as a surrogate for the atmosphere-supplying or powered air-purifying respirator face piece.

(B) Do quantitative fit testing of these respirators by modifying the face piece to allow sampling inside the face piece in the breathing zone of the user, midway between the nose and mouth. Do this by installing a permanent sampling probe onto a surrogate face piece, or by using a sampling adapter designed to temporarily provide a way to sample air from inside the face piece.

(C) Before returning a face piece to normal use, completely remove any modifications done for fit testing, and restore the face piece to NIOSH-approved configuration.

(7) Use of respirators.

(a) Face piece seal protection.

(A) You must not permit workers to wear tight-fitting face pieces if they have:

(i) Facial hair that comes between the face-to-face piece sealing surface or that interferes with the respirator's valve function; or

(ii) Any other condition that interferes with the face-to-face piece seal or valve function.

(B) If an employee wears glasses or goggles or other personal protective equipment, the employer must ensure that it does not interfere with the seal of the face piece to the face of the user.

(C) Employers must ensure that workers who wear respirators perform a user seal check before every use, using the procedures in Appendix B-1 or, if equally effective, the recommendations of the respirator manufacturer.

(b) Continuing respirator effectiveness.

(A) You must reevaluate the effectiveness of a respirator when there is a change in work area conditions or degree of employee exposure or stress that may affect respirator effectiveness.

(B) You must ensure that employees leave the area where respirators are required:

(i) To wash their faces and respirator face pieces as necessary to prevent eye or skin irritation associated with respirator use; or

(ii) If they detect vapor or gas breakthrough, changes in breathing resistance, or leakage of the face piece; or

(iii) To replace the respirator or the filter, cartridge, or canister elements.

(C) If the employee detects vapor or gas breakthrough, changes in breathing resistance, or leakage of the face piece, the employer or a competent person must replace or repair the respirator before allowing the employee to return to the work area.

(c) Procedures for IDLH atmospheres. For all IDLH atmospheres, the employer must ensure that:

(A) One employee or, when needed, more than one employee is stationed outside the IDLH atmosphere;

(B) Visual, voice, or line communication is continuous between the employee(s) in the IDLH atmosphere and the employee(s) outside the IDLH atmosphere;

(C) The employee(s) outside the IDLH atmosphere have the training and equipment to provide effective emergency rescue;

(D) The employer or designee is notified before the employee(s) outside the IDLH atmosphere enter the IDLH atmosphere to provide emergency rescue;

(E) The employer or designee authorized to do so by the employer, once notified, provides necessary assistance appropriate to the situation;

(F) Employee(s) outside the IDLH atmospheres have:

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(i) Pressure demand or other positive pressure SCBAs, or a pressure demand or other positive pressure supplied-air respirator with auxiliary SCBA; and either:

(ii) Appropriate retrieval equipment for removing the employee(s) who enter(s) these hazardous atmospheres where retrieval equipment would contribute to the rescue of the employee(s) and would not increase the overall risk resulting from entry; or

(iii) Equivalent means for rescue when there is no requirement for retrieval equipment under paragraph (7)(c)(F)(ii).

(d) Procedures for interior structural firefighting. If you require your workers to fight interior structural fires, paragraph (7)(c) applies. You must also do the following:

(A) At least two employees enter the IDLH atmosphere and remain in visual or voice contact with one another at all times; and

(B) At least two employees are located outside the IDLH atmosphere; and

(C) All employees engaged in interior structural firefighting use SCBA's.

Note 1 to paragraph (7)(d): One of the two individuals located outside the IDLH atmosphere may be assigned to an additional role, such as incident commander in charge of the emergency or safety officer, so long as this individual is able to perform assistance or rescue activities without jeopardizing the safety of health of any firefighter working at the incident.

Note 2 to paragraph (7)(d): Nothing in this section is meant to preclude firefighters from performing emergency rescue activities before an entire team has assembled.

(8) Maintenance and care of respirators.

(a) Cleaning and disinfecting. You must provide each respirator user with a respirator that is clean, sanitary, and in good working order. You also must ensure that respirators are cleaned and disinfected using the procedures in Appendix B-2, or equally effective procedures recommended by the respirator manufacturer, at the following intervals:

(A) Clean and disinfect respirators used exclusively by one worker as often as necessary to keep them sanitary;

(B) Clean and disinfect respirators after each use, or before being worn by different individuals, if used by more than one worker;

(C) Clean and disinfect emergency use respirators after each use; and

(D) Clean and disinfect fit test and training respirators after each use.

(b) Storage. Ensure that respirators are stored as follows:

(A) Store all respirators to protect them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture, damaging chemicals, and to prevent deformation of the face piece and exhalation valve.

(B) In addition to the requirements of paragraph (8)(b)(A), keep emergency respirators:

(i) Accessible to the work area;

(ii) In compartments or in covers clearly marked as containing emergency respirators; and

(iii) In accordance with any applicable manufacturer instructions.

(c) Inspections.

(A) The employer must require respirator inspections as follows:

(i) Inspect all routine use respirators before each use and during cleaning;

(ii) Inspect emergency use respirators at least monthly and according to the manufacturer's recommendations. Check for proper function before and after each use; and

(iii) Inspect escape respirators before taking them into the workplace for use.

(B) The employer must ensure that respirator inspections include the following:

(i) A check of respirator function, tightness of connections, and the condition of the various parts including, but not limited to, the face piece, head straps, valves, connecting tube, and cartridges, canisters or filters; and

(ii) A check of elastomeric parts for pliability and signs of deterioration.

(C) In addition to the requirements of paragraphs (8)(c)(A) and (B), inspect self-contained breathing apparatus monthly. Keep air and oxygen fully charged and recharge them when the pressure falls to 90 percent of the manufacturer's recommended pressure level. Be certain the regulator and warning devices work properly.

(D) For emergency use respirators, the employer must:

(i) Certify the respirator by documenting the date of inspection, the name (or signature) of the inspector, the findings, required remedial action, and a serial number or other means of identifying the respirator; and

(ii) Provide this information on a tag or label attached to the respirator storage compartment, or keep it with the respirator, or include it in paper or electronic inspection reports. Keep this information until the next report replaces it.

(d) Repairs. Do not use respirators that fail an inspection or are otherwise defective. Either discard them or repair them according to these procedures:

(A) Only people with appropriate training may repair or adjust respirators. They must use only the manufacturer's NIOSH-approved parts designed for the particular respirator;

(B) Repairs must conform to the manufacturer's recommendations for the type of repair to be performed;

(C) Only the manufacturer or a technician trained by the manufacturer may repair or adjust the reducing and admission valves, regulators and alarms.

(9) Breathing air quality and use.

(a) The employer must ensure or have their supplier certify that compressed air, compressed oxygen, liquid air, and liquid oxygen used for respiration meets the following specifications:

(A) Compressed and liquid oxygen must meet the United States Pharmacopoeia requirements for medical or breathing oxygen; and

(B) Compressed breathing air must meet at least the requirements for Grade D breathing air described in ANSI/Compressed Gas Association Commodity Specification for Air, G-7.1-1989, to include:

(i) Oxygen content (v/v) between 19.5 and 23.5 percent;

(ii) Hydrocarbon (condensed) content of no more than 5 milligrams per cubic meter of air;

(iii) Carbon monoxide (CO) content of no more than 10 ppm;

(iv) Carbon dioxide content of no more than 1,000 ppm; and

(v) No noticeable odor.

NOTE: Do not fill your own air vessels unless they and the contents meet all the requirements of this standard.

(b) Do not use compressed oxygen in atmosphere-supplied respirators that previously held compressed air.

(c) The employer must ensure that oxygen concentrations more than 23.5 percent are used only in equipment designed for oxygen service or distribution.

(d) The employer must ensure that cylinders to supply breathing air to respirators meet the following requirements:

(A) Cylinders are tested and maintained as prescribed in the Shipping Container Specification Regulations of the Department of Transportation (49 CFR part 180);

(B) Cylinders of purchased breathing air have a certificate of analysis from the supplier that the breathing air meets the requirements for Grade D breathing air; and

(C) The moisture content in the cylinder does not exceed a dew point of -50 degrees F. (-45.6 degrees C.) at 1 atmosphere pressure.

(e) The employer must ensure that compressors supplying breathing air to respirators are constructed and situated to:

(A) Prevent entry of contaminated air into the air-supply system;

(B) Minimize moisture content so that the dew point at 1 atmosphere pressure is 10 degrees F. (5.56 degrees C.) below the ambient temperature;

(C) Have suitable in-line air-purifying sorbent beds and filters to further ensure breathing air quality. Maintain and replace sorbent beds and filters according to the manufacturer's instructions.

(D) Have a tag at the compressor showing the most recent change date and the signature of the authorized person who did the change.

(f) For compressors that are not oil-lubricated, ensure that carbon monoxide levels in the breathing air do not exceed 10 ppm.

(g) For oil-lubricated compressors, use only a high-temperature or carbon monoxide alarm, or both, to monitor carbon monoxide levels. If you use only high-temperature alarms, monitor the air supply often enough to prevent carbon monoxide in the breathing air from exceeding 10 ppm.

(h) The employer must ensure that breathing air couplings are incompatible with outlets for nonrespirable worksite air or other gas systems. Do not allow any asphyxiating substance to get into breathing airlines.

(i) Use only the respirator manufacturer's NIOSH approved breathing gas containers marked and maintained in accordance with the Quality Assurance provisions of the NIOSH approval for the SCBA, as issued in accordance with the NIOSH respirator certification standard at 42 CFR part 84.

(10) Identification of filters, cartridges, and canisters. The employer must ensure that all filters, cartridges and canisters have labels and color codes that comply with the NIOSH standards and that the label remains in place and legible.

(11) Training and information.

(a) The employer must ensure that each employee can demonstrate knowledge of at least the following:

(A) Why the respirator is necessary and how improper fit, use, or maintenance can compromise the protective effect of the respirator;

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- (B) What the limitations and capabilities of the respirator are;
 - (C) How to use the respirator effectively in emergency situations, including situations in which the respirator malfunctions;
 - (D) How to inspect, put on and remove, use, and check the seals of the respirator;
 - (E) What the procedures are for maintenance and storage of the respirator;
 - (F) How to recognize medical signs and symptoms that may limit or prevent the effective use of respirators; and
 - (G) The general requirements of this rule.
- (b) Training must be in a language or form that workers understand.
- (c) Training must be complete before workers use respirators.
- (d) Retrain respirator users annually and when these situations happen:

(A) Changes in the work or the type of respirator make previous training obsolete;

(B) Inadequacies in the employee's knowledge or use of the respirator indicate that they no longer have the basic understanding or skill; or

(C) Any other situation arises in which retraining appears necessary to ensure safe respirator use.

(e) An employer who can demonstrate that a new employee has training within the last 12 months that addresses the elements in paragraph (11)(a)(A) through (G) does not have to repeat that training if, the employee can demonstrate knowledge of those element(s). Previous training not repeated initially by the employer must be provided no later than 12 months from the date of the previous training.

(f) Provide every voluntary respirator user with the basic advisory information in Appendix D. Any written or oral format that the employee understands is acceptable.

(12) Program evaluation.

(a) Evaluate the workplace as necessary to ensure effective implementation of the current written program.

(b) Regularly consult your respirator users to get their views on your program's effectiveness and to identify problems. Correct the problems identified. Things to assess include at least:

(A) Respirator fit (including the ability to use the respirator without interfering with effective workplace performance);

(B) Users have and use the correct respirator and components for their exposure hazards;

(C) Proper respirator use; and

(D) Proper respirator maintenance.

(13) Recordkeeping.

(a) Medical evaluation. Retain and make available all medical evaluations required by this standard according to Division 2/Z, 1910.1020. (Division 4/A, 437-004-0005, Medical Records Access, stipulates that Division 2/Z, 1910.1020 applies to agricultural employers.)

(b) Fit testing.

(A) You must keep a record of qualitative and quantitative fit tests for each user including:

(i) The name or identification of the employee;

(ii) Type of fit test;

(iii) Specific make, model, style, and size of respirator tested;

(iv) Date of test; and

(v) The pass/fail results for QLFTs or the fit factor and strip chart recording or other recording of the test results for QNFTs.

(B) Keep fit test records until records of a new test replace them.

(c) You must keep a written copy of your current respirator program.

(d) On request, you must make written records required by this standard, available to the Oregon OSHA Administrator or their designee for examination or copying.

(14) Appendices. Compliance with Appendix A, Appendix B-1, Appendix B-2, Appendix C, and Appendix D of this rule is mandatory.

(15) Effective Date. OAR 437-004-1041, Respiratory Protection, is effective March 1, 2007. Appendices.

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

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

Stats. Implemented: ORS 654.001 - 654.295.

Hist.: OSHA 3-2006, f. 6-7-06, cert. ef. 3-1-07; OSHA 10-2006, f. & cert. ef. 11-30-06;

OSHA 3-2007, f. & cert. ef. 8-13-07; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-1050

Head Protection

NOTE: See Division 4/W, 437-004-600, 170.240(c)(10) for information about the chemical-resistant headwear requirements for pesticide handlers.

(1) General requirements. Require employees to wear head protection helmets or hardhats when working in areas where there is a potential for

injury to the head such as from falling or flying objects or electrical hazards.

(2) Criteria for protective headwear.

(a) Head protection must comply with any of the following consensus standards:

(A) ANSI Z89.1-2003, "American National Standard for Industrial Head Protection;"

(B) ANSI Z89.1-1997, "American National Standard for Industrial Head Protection;" or

(C) ANSI Z89.1-1986, "American National Standard for Personnel Protection — Protective Headwear for Industrial Workers — Requirements."

NOTE: The Oregon OSHA Resource Center has copies of these standards for public review at 350 Winter Street NE, Salem OR.

(b) Protective headwear that the employer demonstrates is at least as effective as protective headwear that is constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

(3) Require employees who work close to moving parts of power-driven machinery or sources of ignition and whose hair is long enough to be caught in it or to be ignited, to wear caps or other head coverings that completely restrains the hair.

NOTE: See Divisions 4/O and 4/P for equipment and tool guarding requirements.

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

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 2-2010, f. & cert. ef. 2-25-10;

OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-1060

Hand and Foot Protection

NOTES: See Division 4/P, 437-004-2220(10) for the protective equipment requirements (appropriate gloves, aprons and leg guards) for employees using sharp-edged cutting tools. See Division 4/P, 437-004-2230 for requirements for PPE while using chain saws. See Division 4/W, 437-004-6000, 170.240(c)(5) and (6) for information about the requirements for gloves and chemical-resistant footwear for pesticide handlers.

(1) General requirements for hand protection.

(a) Employers must select and require employees to use appropriate hand protection when the work exposes employees' hands to hazards such as contact with harmful substances; severe cuts, lacerations, or abrasions; punctures; chemical burns; electrical hazards; harmful temperature extremes.

(b) Do not allow the use of leather or other absorbent materials to protect against chemical hazards.

(c) Do not allow employees to wear gloves near moving parts or machines that might catch them.

NOTE: See Divisions 4/O and 4/P for equipment and tool guarding requirements.

(2) General requirements for protective footwear.

(a) Require employees to use appropriate protective footwear when there is a danger of foot injuries due to falling or rolling objects, objects piercing the sole, chemical exposures, or electrical hazards.

(b) Protective footwear must comply with any of the following consensus standards:

(A) ASTM F-2412-2005, "Standard Test Methods for Foot Protection;" and ASTM F-2413-2005, "Standard Specification for Performance Requirements for Protective Footwear;"

(B) ANSI Z41-1999, "American National Standard for Personal Protection — Protective Footwear;" or

(C) ANSI Z41-1991, "American National Standard for Personal Protection — Protective Footwear."

NOTES: Look for ANSI compliance information on the shoe, the box, or tags. The Oregon OSHA Resource Center has copies of these consensus standards for public review at 350 Winter Street NE, Salem OR.

(c) Protective footwear that the employer demonstrates is at least as effective as footwear that is constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

(3) Protection of Extremities.

(a) Require employees to wear leggings or high boots of leather, rubber or other suitable material to protect legs from physical hazards such as hot or cold substances, or sharp objects, and from chemical hazards such as spills or splashes.

(b) Require employees to wear sleeves or long gloves of leather, rubber or other suitable material to protect arms from physical hazards such as hot or cold substances, or sharp objects; and from chemical hazards such as spills or splashes.

(c) Do not allow the use of leather or other absorbent materials to protect against chemical hazards.

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NOTE: See Division 4/P, OAR 437-004-2230(1)(c)(G) for the requirement to provide flexible bassistic nylon pads, chaps (or other equivalent protective equipment for the legs from the thigh to the top of the boot) for employees using chain saws.

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

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 2-2010, f. & cert. ef. 2-25-10; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-1070

Working Underway on Water.

(1) Definitions.

(a) Boat — means every description of water craft used or capable of being used as a means of transportation on the water, but does not include aircraft built to land on the water.

Examples include rowboats, powerboats, rafts, barges, pontoons, and dredges.

(b) Underway — means when a boat is in or on the water and on the move — not at anchor, not moored, and not made fast to the shore.

(2) Personal flotation devices.

(a) Workers in boats that are underway must wear Coast Guard approved or equivalent, wearable personal flotation devices (PFD).

Exception: A worker below deck or in an enclosed part of a boat like a cabin or pilot house, need not wear the PFD but must have it readily available.

(b) The PFD provided must be:

(A) The right size for the wearer,

(B) Able to perform the function that the manufacturer intended, and

(C) Maintained according to the manufacturer's requirements and recommendations.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 1-2001, f. 1-18-01, cert. ef. 3-1-01; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-1075

Working Over or In Water

(1) Definition. Rescue device means a ring buoy and line, gaff pole, throwable rescue device, or other device that serves as a means to rescue somebody from the water without requiring the rescuer to enter the water.

(2) Scope and Application.

(a) These rules apply where there is a danger of drowning and the water is more than 5 feet deep. These rules do not apply to workers protected by general or personal fall protection.

(b) If employees are engaged in diving and related support operations conducted in connection with Agricultural employment, Division 2, 1910.401 through 1910.440, Commercial Diving Operations, applies.

(3) Personal flotation and rescue devices.

(a) Workers in water, over water on floating or unstable surfaces, or adjacent to water, must wear a Coast Guard approved or equivalent, wearable personal flotation device (PFD).

(b) The PFD must be:

(A) The right size for the wearer,

(B) Able to perform the function that the manufacturer intended, and

(C) Maintained according to the manufacturer's requirements and recommendations.

(c) Piers, docks, wharves and work sites along developed shorelines must have rescue devices available within 200 feet of the water or shoreline work area.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 1-2001, f. 1-18-01, cert. ef. 3-1-01; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-9000

Oregon Rules for Air Contaminants

An employee's exposure to any substance in Oregon Tables Z-1, Z-2, or Z-3 of this section must be limited in accordance with the requirements of the following paragraphs of this section.

(1) Oregon Table Z-1.

(a) Substances with limits preceded by "C" — ceiling values. An employee's exposure to any substance in Oregon Table Z-1, the exposure limit of which is not preceded by a "C", must at no time exceed the ceiling exposure limit given for that substance. If instantaneous monitoring is not feasible, then assess the ceiling as a 15-minute time-weighted average. This exposure level must never be exceeded at any time during the workday.

(b) Other substances — 8-hour time-weighted averages (PEL-TWA). An employee's exposure to any substance in Oregon Table Z-1, the exposure limit of which is not preceded by a "C", must not exceed the 8-hour Time-Weighted Average for that substance in any 8-hour shift of a 40-hour work week.

(c) Other substances — Excursion Limits. Excursions in exposure levels may be more than three times the PEL-TWA number for no more than a total of 30 minutes during a workday, and must never be more than five times the PEL-TWA, provided that the overall 8-hour PEL-TWA is not exceeded.

(d) Skin designation. To prevent or reduce skin absorption, you must prevent or reduce an employee's skin exposure to substances listed in Oregon Table Z-1 with an "X" in the Skin designation column following the substance name. Prevent or reduce exposure to the extent necessary in the circumstances through the use of gloves, coveralls, goggles, or other appropriate personal protective equipment, engineering controls or work practices.

(e) Oregon Table Z-1 in Division 4/Z, OAR 437-004-9000, has a complete list of regulated substances. If your operation exposes an employee to a substance listed in Oregon Table Z-1, and that substance includes a reference to another rule, that rule may apply to your circumstances.

(2) Oregon Table Z-2. An employee's exposure to any substance listed in Oregon Table Z-2 must not exceed the following exposure limits:

(a) 8-hour time-weighted averages. An employee's exposure to any substance in Oregon Table Z-2, in any 8 hour work shift of a 40-hour work week, must not exceed the 8-hour time-weighted average limit for that substance in Oregon Table Z-2.

(b) Acceptable ceiling concentrations. An employee's exposure to a substance in Oregon Table Z-2 must not exceed the acceptable ceiling concentration for that substance during an 8-hour shift except:

(i) Acceptable maximum peak above the acceptable ceiling concentration for an 8-hour shift. An employee's exposure to a substance in Oregon Table Z-2 must never exceed the acceptable maximum peak above the acceptable ceiling concentration and must not exceed the maximum duration of exposure at that level for the substance during an 8-hour shift.

(c) Example. During an 8-hour work shift, an employee's exposure to benzene is limited to an 8-hour time-weighted average (TWA) of 10 ppm. The acceptable ceiling concentration of benzene during the 8-hour work shift is a maximum of 25 ppm, unless that exposure is no more than 50 ppm and for not longer than 10 minutes during an 8-hour work shift. Such exposures must be compensated by lower exposure levels (concentrations below the TWA number — 10 ppm) during that shift so that the overall 8 hour time-weighted average is a maximum of 10 ppm. Example Table.

(d) Skin designation. To prevent or reduce skin absorption, you must prevent or reduce an employee's skin exposure to substances listed in Oregon Table Z-2 with an "X" in the Skin designation column following the substance name. Prevent or reduce exposure to the extent necessary in the circumstances through the use of gloves, coveralls, goggles, or other appropriate personal protective equipment, engineering controls, or work practices.

(3) Oregon Table Z-3. An employee's exposure to any substance in Oregon Table Z-3, in any 8-hour work shift of a 40-hour work week, must not exceed the 8-hour time-weighted average limit given for that substance.

(4) Computation formulae. The computation formulae that apply to exposures to one or more substances, with 8-hour time-weighted averages included in OAR 437, Division 4/Z, Chemicals/Toxins, in order to determine whether an employee is exposed is over the regulatory limit are as follows:

(a) For a single air contaminant:

(i) Compute the cumulative exposure for an 8-hour work shift as follows:

$$E = (C_a T_a + C_b T_b + \dots C_n T_n) \div 8$$

Where:

E is the equivalent exposure to that substance for the shift.

C is the concentration during any period T where the concentration remains constant.

T is the duration in hours of the exposure at the concentration C.

The value of E must not exceed the 8-hour time-weighted average specified for that substance in Subdivision 4/Z.

(ii) To illustrate the formula in (4)(a)(i) above, assume that Substance A (from Oregon Table Z-1) has an 8 hour time-weighted average limit of 100 ppm. Assume that an employee is subject to the following exposure:

Two hours exposure at 150 ppm

Two hours exposure at 75 ppm

Four hours exposure at 50 ppm

Substituting this information in the formula, we have:

$$[(2 \times 150) + (2 \times 75) + (4 \times 50)] \div 8 = E = \text{TWA}$$

$$[2 \times 150 + 2 \times 75 + 4 \times 50] \div 8 = 81.25 \text{ ppm}$$

Since 81.25 ppm is less than 100 ppm, the 8-hour time-weighted average limit, the exposure is acceptable.

(b) For a mixture of air contaminants:

(i) In case of a mixture of air contaminants, compute the equivalent exposure as follows:

$$E_m = (C_1 \div L_1) + (C_2 \div L_2) + \dots (C_n \div L_n)$$

Where:

E_m is the equivalent exposure for the mixture.

C_n is the concentration of a particular contaminant.

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Ln is the exposure limit for that substance in Subdivision 4/Z.
The value of Em must not exceed "unity" (1).

(ii) To illustrate the formula in (4)(b)(i) above, consider the following exposures:

Table.

Substituting in the formula, we have:

$$Em = (C1 \div L1) + (C2 \div L2) + \dots (Cn \div Ln)$$

$$Em = (500 \div 1000) + (45 \div 200) + (40 \div 200)$$

$$Em = 0.500 + 0.225 + 0.200$$

$$Em = 0.925$$

Since Em (0.925) is less than unity (1), the exposure combination is within acceptable limits.

(5) Engineering or administrative controls. To achieve compliance with the exposure limits in paragraphs (1) through (4) of this section, first determine and implement, when feasible, engineering or administrative controls. When such controls are not feasible, mandate the use of protective equipment or any other protective measures to keep exposure within the limits in this section. Any equipment or technical measures used for this purpose must be approved for each particular use by a competent Industrial Hygienist or other technically qualified person. Whenever using respirators, comply with Division 4/I, OAR 437-004-1040, Respiratory Protection. Tables Z-1, Z-2, Z-3, and notes.

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

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 4-2001, f. & cert. ef. 2-5-01; OSHA 9-2001, f. & cert. ef. 9-14-01; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-9050

Asbestos

Definitions: Asbestos includes chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos and any of these minerals that have been chemically treated or altered. Asbestos-containing material (ACM) means any material containing more than 1% asbestos. Presumed asbestos containing material (PACM) means thermal system insulation and surfacing material found in buildings constructed no later than 1980. The designation of a material as "PACM" may be rebutted pursuant to Division 2/Z, 1910.1001(j)(8).

(1) The employer is responsible to determine, before work begins, if any task or activity assigned to workers will result in a potential exposure to asbestos.

(2) Work that exposes employees to asbestos must comply with Division 2/Z, 1910.1001, Asbestos; except that construction activities exposing employees to asbestos must comply with Division 3/Z, 1926.1101, Asbestos.

NOTE: Construction activities are building, altering and repairing, and include painting.

(3) The employer must periodically examine all asbestos-containing material in the workplace to ensure that there is no deterioration or damage that could cause employee exposure.

(4) If you find damage or deterioration, the material must be repaired, encapsulated, or removed consistent with the requirements in Division 3/Z, 1926.1101, Asbestos.

NOTES: Tasks or work activities that could expose employees to asbestos include the following:

Housekeeping or maintenance activities on workplace surfaces or systems with asbestos-containing materials (examples include flooring, ceiling tiles, roofing, siding, boilers, heaters, insulation, and fireproofing); Inspection, disassembly, repair and assembly of automotive or farm vehicle brakes and clutches; Demolition or salvage of structures where asbestos-containing materials are present; New construction, alteration, or renovation of structures, substrates, or portions thereof with asbestos-containing materials; and, Routine or emergency cleanup of asbestos-containing materials. Employers who have pipe systems that are insulated with asbestos-containing materials in their workplaces, must also comply with Division 4/Z, OAR 437-004-9850, Pipe Labelling.

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

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-9090

13 Carcinogens

Definitions: The 13 carcinogens are:

4-Nitrobiphenyl, CAS 92-93-3;
alpha-Naphthylamine, CAS 134-32-7;
Methyl chloromethyl ether, CAS 107-30-2;
3,3-Dichlorobenzidine (and its salts), CAS 91-94-1;
bis-Chloromethyl ether, CAS 542-88-1;
beta-Naphthylamine, CAS 91-59-8;
Benzidine, CAS 92-87-5;
4-Aminodiphenyl, CAS 92-67-1;
Ethyleneimine, CAS 151-56-4;
beta-Propiolactone, CAS 57-57-8;
2-Acetylaminofluorene, CAS 53-96-3;
4-Dimethylaminoazo-benzene, CAS 60-11-7; and
N-Nitrosodimethylamine, CAS 62-75-9.

(1) The employer is responsible to determine, before work begins, if any task or activity assigned to workers will result in a potential exposure to any of the 13 carcinogens.

(2) Work that exposes employees to any of the 13 carcinogens must comply with Division 2/Z, 1910.1003, 13 Carcinogens.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-9600

Lead

Definition: Lead means elemental, metallic lead (chemical formula Pb), all inorganic lead compounds, and organic lead soaps. All other organic lead compounds are excluded.

(1) The employer is responsible to determine, before work begins, if any task or activity assigned to workers will result in a potential exposure to lead.

(2) Work that exposes employees to lead must comply with Division 2/Z, 1910.1025, Lead; except that construction activities exposing employees to lead must comply with Division 3/D, 1926.62, Lead.

NOTES: Construction activities are building, altering and repairing and include painting.

Tasks or work activities that could expose employees to lead include: Demolition or salvage of structures where lead-containing materials are present;

New construction, alteration, or renovation of structures, substrates, or portions thereof with lead-containing materials;

Routine or emergency cleanup of lead-containing materials;

Using lead-containing paints or pigments;

Cutting, brazing, burning, heating, grinding or welding surfaces with lead-containing paints or pigments; and
Soldering with lead-containing solder.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 9-2006, f. & cert. ef. 9-22-06; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-9620

Cadmium

Definition: Cadmium means the element cadmium (Cd); and all cadmium compounds.

(1) The employer is responsible to determine, before work begins, if any task or activity assigned to workers will result in a potential exposure to cadmium.

(2) Work that exposes employees to cadmium must comply with Division 2/Z 1910.1027, Cadmium; except that construction activities exposing employees to cadmium must comply with Division 3/Z, 1926.1127, Cadmium.

NOTE: Construction activities are building, altering, and repairing and include painting.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-9626

Chromium (VI)

Definitions: Chromium (VI) (hexavalent chromium or Cr(VI)) means chromium with a valence of positive six, in any form and in any compound.

(1) The employer is responsible to determine, before work begins, if any task or activity assigned to workers will result in a potential exposure to hexavalent chromium.

(2) Work that exposes employees to hexavalent chromium must comply with Division 2/Z 1910.1026, Chromium (VI); except that construction activities exposing employees to hexavalent chromium must comply with Division 3/Z, 1926.1126, Chromium (VI).

NOTE: Construction activities are building, altering and repairing and include painting.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-9640

Benzene

Definition: Benzene (Chemical formula C₆H₆, CAS 71-43-2) means liquefied or gaseous benzene and includes benzene in liquid mixtures and benzene vapors released by these liquids. It does not include trace amounts of unreacted benzene in solid materials.

(1) The employer is responsible to determine, before work begins, if any task or activity assigned to workers will result in a potential exposure to benzene.

(2) Tasks or activities within the scope of the Division 2, Benzene rule must comply with Division 2/Z, 1910.1028, Benzene.

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(3) Tasks or activities that are not within the scope of the Division 2, Benzene rule must comply with the permissible exposure limits listed in Division 4/Z, OAR 437-004-9000, Table Z-2.

NOTES: An example of a task or activity that is within the scope of the Division 2, Benzene rule is an employee dispensing gasoline or motor fuels containing benzene for more than 4 hours per day in an indoor location.

Examples of task or activities that are NOT within the scope of the Division 2, Benzene rule include: The storage, transportation, distribution, dispensing, sale or use of gasoline, motor fuels, or other fuels containing benzene after final discharge from bulk wholesale storage facilities. The storage, transportation, distribution or sale of benzene or liquid mixtures containing more than 0.1 percent benzene in intact containers while sealed in a way to contain benzene vapors or liquid.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-9650

Bloodborne Pathogens

Definitions: Blood means human blood, human blood components and products made from human blood. Bloodborne Pathogens means pathogenic micro-organisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV). Contaminated means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface. Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. Other Potentially Infectious Materials means: Human body fluids with visible contamination of blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

(1) The employer is responsible to determine, before work begins, if any task or activity assigned to workers will result in an occupational exposure to bloodborne pathogens.

(2) Work that exposes employees to bloodborne pathogens must comply with Division 2/Z, 1910.1030, Bloodborne Pathogens.

NOTE: Examples of tasks or work activities with a potential for occupational exposures to bloodborne pathogens in agricultural workplaces include: Employees performing janitorial duties that include cleaning up human blood or OPIM; Employees who are required, as part of their job duties, to administer first aid to others that could include contact with another person's blood or OPIM.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-9710

Acrylonitrile

Definitions: Acrylonitrile or "AN" (Chemical formula CH₂=CHCN, CAS 107-13-1) means acrylonitrile monomer and includes Liquid AN. Liquid AN means acrylonitrile monomer in liquid form, and liquid or semi-liquid polymer intermediates, including slurries, suspensions, emulsions, and solutions, made during the polymerization of AN.

(1) The employer is responsible to determine, before work begins, if any task or activity assigned to workers will result in a potential exposure to acrylonitrile.

(2) Work that exposes employees to acrylonitrile must comply with Division 2/Z, 1910.1045, Acrylonitrile.

NOTE: The Division 2 Acrylonitrile rule does not apply to exposures which result solely from the processing, use, and handling of the following materials:

ABS resins, SAN resins, nitrile barrier resins, solid nitrile elastomers, and acrylic and modacrylic fibers, when these listed materials are in the form of finished polymers, and products fabricated from such finished polymers;

Materials made from and/or containing AN for which objective data is reasonably relied upon to demonstrate that the material is not capable – under the expected conditions of processing, use, and handling which will cause the greatest possible release – of releasing AN in airborne concentrations in excess of 1 ppm as an 8-hour time-weighted average, or Solid materials made from and/or containing AN which will not be heated above 170 degrees F. during handling, use, or processing.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-9740

Ethylene Oxide

Definition: Ethylene oxide or "EtO" means the organic compound with chemical formula C₂H₄O, and CAS 75-21-8.

(1) The employer is responsible to determine, before work begins, if any task or activity assigned to workers will result in a potential exposure to ethylene oxide.

(2) Work that exposes employees to ethylene oxide must comply with Division 2/Z, 1910.1047, Ethylene Oxide.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-9760

Formaldehyde

Definition: Formaldehyde means the substance with chemical formula HCHO and CAS 50 00-0.

(1) The employer is responsible to determine, before work begins, if any task or activity assigned to workers will result in a potential exposure to formaldehyde.

(2) Work that exposes employees to formaldehyde must comply with Division 2/Z, 1910.1048, Formaldehyde.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-9780

Methylenedianiline

Definition:

Methylenedianiline or "MDA" means the chemical substance 4,4'-Diaminodiphenylmethane (CAS 101-77-9), in the form of a vapor, liquid, or solid, including the salts of MDA.

(1) The employer is responsible to determine, before work begins, if any task or activity assigned to workers will result in potential exposure to Methylenedianiline.

(2) Work that exposes employees to MDA must comply with Division 2/Z, 1910.1050, Methylenedianiline, except that construction activities exposing employees to MDA must comply with Division 3/D, 1926.60, Methylenedianiline.

NOTE: Construction activities are building, altering and repairing and include painting.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-9830

Retention of Department of Transportation (DOT) Markings, Placards and Labels

(1) If you receive any container or vehicle containing hazardous material, marked to comply with U.S. Department of Transportation Hazardous Materials Regulations (49 CFR Parts 171 through 180), you must keep those markings in place and legible until the container is empty enough of product, residue or vapors to eliminate all hazards.

(2) Markings, placards and labels must be readily visible.

(3) For non-bulk packages that will not be reshipped, you are in compliance with this rule if a label or other acceptable marking is affixed to the container and includes the information required by the Hazard Communication Standard.

(4) For this rule, "hazardous material" and other terms not defined here have the same definitions as in the U.S. DOT Hazardous Materials Regulations (49 CFR Parts 171 through 180).

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-9850

Pipe Labelling

(1) Scope and application. This rule applies to all pipes that contain hazardous substances or that use asbestos as insulation material. This rule does not apply to buried pipe.

(2) **Definitions:** Asbestos: includes chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos and any of these minerals that have been chemically treated or altered. Hazardous substances: any substance that is a physical or health hazard. Health hazard: a chemical for which there is statistically significant evidence that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosive sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents that act on the hematopoietic system, and agents that damage

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the lungs, skin, eyes or mucous membranes. Physical hazard: includes combustible liquids, compressed gases, explosives, flammables, an organic peroxides, oxidizers, pyrophorics, unstable (reactive) or water reactive substances. Pipes: include pipes, valves and pipe coverings.

(3) Labelling.

(a) Label pipes that contain hazardous substances or transport substances in a hazardous state according to (A), (B), (C) and (D) below or otherwise identify them according to (c) below:

(A) Positive identification of the hazardous contents of pipe must be by lettered labels. The label must give the name of the contents in full or abbreviated form.

(B) The label must identify the contents with enough detail to identify the hazard.

(C) Label wording must be brief, informative and simple.

(D) Use stenciling, tape, adhesives, markers or effective alternative means for labels.

(b) Label pipes with asbestos insulation according to (b)(A) below, or otherwise identify them according to (3)(c) below:

(A) The label for pipe insulation containing asbestos must include the following:

DANGER
CONTAINS ASBESTOS FIBER
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD

(c) The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials instead of affixing labels to individual pipes, if the alternative method identifies the pipe(s) to which it is applicable and conveys the information required by this rule. The written materials must be readily accessible to the employees in their work areas during each shift.

(4) Location of labelling.

(a) Place the labelling where confusion may occur, such as near valves or flanges and adjacent to changes in direction, branches and where pipes pass through walls, floors or ceilings;

(b) Labelling must be, at a minimum, at the beginning and end of continuous pipe runs; and

(c) For asbestos insulation, labelling must be at a minimum, on unobstructed continuous pipe runs, every 75 feet.

Illustration 1 – Location of Labelling

(5) Visibility.

(a) Where pipes are above or below the normal line of vision, put the lettering below or above the horizontal centerline of the pipe to facilitate visibility.

(b) If pipes are inaccessible and/or at a distance that precludes clear identification of the letters on labelling, use alternatives to the labelling that meet all other requirements of this rule (i.e., schematics posted on walls in work areas).

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

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

437-004-9860

Hazardous Chemicals in Laboratories

Definitions: Carcinogens are chemicals that have been determined to cause cancer by the following sources:

(1) National Toxicology Program (NTP), Annual Report on Carcinogens (latest edition);

(2) International Agency for Research on Cancer (IARC) Monographs (latest edition);

(3) 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration; or

(4) National Institute for Occupational Safety and Health (NIOSH), The Registry of Toxic Effects of Chemical Substances (latest edition.) Crop- or product-related quality control or quality assurance-type laboratory work means the testing of crops or agricultural products to uncover defects, with the goal of improving or stabilizing production standards. Laboratory use of hazardous chemicals means handling or use of such chemicals in which all of the following conditions are met:

(a) Chemical manipulations are carried out on a "laboratory scale;"

(b) Multiple chemical procedures or chemicals are used;

(c) The procedures involved are not part of a production process, nor in any way simulate a production process; and

(d) Protective laboratory practices and equipment are available and in common use to minimize the potential for employee exposure to hazardous chemicals.

Laboratory scale means work with substances in which the containers used for reactions, transfers, and other handling of substances are designed

to be easily and safely manipulated by one person. Laboratory scale does not include those workplaces whose function is to produce commercial quantities of materials.

(5) If employees are engaged only in crop- or product-related quality control or quality assurance-type laboratory work, as defined in this rule, any work with hazardous chemicals must comply with the requirements in OAR 437-004-9800, Hazard Communication.

(6) If employees use carcinogens in laboratory research or crop- or product-related quality control or quality assurance-type laboratory work, then Division 2/Z, OAR 437-002-0391, Additional Oregon Rules for Carcinogens in Laboratories, also applies.

(7) If employees are engaged in the laboratory use of hazardous chemicals, as defined in this rule, then Division 2/Z, 1910.1450, Occupational Exposure to Hazardous Chemicals in Laboratories, applies to these activities.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13

Rule Caption: Adopt changes with federal OSHA amendments for hazard communication in general industry, construction, shipyard employment.

Adm. Order No.: OSHA 5-2012

Filed with Sec. of State: 9-25-2012

Certified to be Effective: 9-25-12

Notice Publication Date: 8-1-2012

Rules Amended: 437-002-0005, 437-002-0100, 437-002-0107, 437-002-0118, 437-002-0122, 437-002-0280, 437-002-0288, 437-002-0360, 437-002-0364, 437-002-0377, 437-002-0378, 437-002-0391, 437-003-0001, 437-005-0001

Rules Repealed: 437-002-0289, 437-002-0361, 437-003-0035

Subject: Federal OSHA modified its Hazard Communication Standard (HCS) to conform to the United Nations' Globally Harmonized System of Classification and Labelling of Chemicals (GHS). OSHA determined that the modifications will significantly reduce costs and burdens while also improving the quality and consistency of information provided to employers and employees regarding chemical hazards and associated protective measures. OSHA concluded this improved information will enhance the effectiveness of the HCS in ensuring that employees are apprised of the chemical hazards to which they may be exposed, and in reducing the incidence of chemical-related occupational illnesses and injuries.

The modifications to the standard include revised criteria for classification of chemical hazards; revised labeling provisions that include requirements for use of standardized signal words, pictograms, hazard statements, and precautionary statements; a specified format for safety data sheets; and related revisions to definitions of terms used in the standard, and requirements for employee training on labels and safety data sheets. OSHA and Oregon OSHA are also modifying provisions of other standards, including standards for flammable and combustible liquids, spray finishing, reinforced plastics, dipping and coating, welding, cutting, and brazing, hazardous waste operations and emergency response, process safety management, pipe labeling, and most substance specific health standards, to ensure consistency with the modified HCS requirements. The consequences of these modifications will be to improve safety, to facilitate global harmonization of standards, and to produce hundreds of millions of dollars in annual savings nationally.

This rulemaking also repeals three Oregon-initiated rules: OAR 437-002-0289 Precautionary Labels, general requirements in Division 2/Q; 437-002-0361, regarding certain compliance dates for the Ethylene Oxide rule in Division 2/Z; and 437-003-0035 additional rules in hazard communication in Division 3/D. All three rules repealed are obsolete and unnecessary. The text of 1926.59 Hazard Communication in Division 3/D is repealed and a note added to refer

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the reader to 1910.1200 Hazard Communication in Division 2/Z (same as federal OSHA).

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Rules Coordinator: Sue C. Joye—(503) 947-7449

437-002-0005

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1910, in the Federal Register:

(1) 29 CFR 1910.1, Purpose and scope; published 6/27/74, Federal Register, vol. 39, no. 125, p. 23503.

(2) 29 CFR 1910.2, Definitions; published 6/27/74, Federal Register, vol. 39, no. 125, p. 23503.

(3) 29 CFR 1910.3, Petitions for the issuance, amendment, or repeal of a standard; published 6/27/74, Federal Register, vol. 39, no. 125, p. 23503.

(4) 29 CFR 1910.4, Amendments to this part; published 6/27/74, Federal Register, vol. 39, no. 125, p. 23503.

(5) 29 CFR 1910.5, Applicability of standards; published 6/30/93, FR vol. 58, no. 124, p. 35308.

(6) 29 CFR 1910.6, Incorporation by reference; published 3/26/12, FR vol. 77, no. 58, p. 17574.

(7) 29 CFR 1910.7, Definition and requirements for a Nationally Recognized Testing Laboratory; published 5/11/88, FR vol. 53, no. 91, p. 16838.

(8) 29 CFR 1910.9, Compliance duties owed to each employee; published 12/12/08, Federal Register, vol. 73, no. 240, pp. 75568-75589.

These standards are on file at the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.

Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001 - 654.295

Hist.: APD 17-1988, f. & ef. 11-10-88; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 8-1999, f. & cert. ef. 8-6-99; OSHA 4-2005, f. & cert. ef. 12-14-05; OSHA 4-2007, f. & cert. ef. 8-15-07; OSHA 7-2008, f. & cert. ef. 5-30-08; OSHA 5-2009, f. & cert. ef. 5-29-09; OSHA 1-2010, f. & cert. ef. 2-19-10; OSHA 2-2010, f. & cert. ef. 2-25-10; OSHA 4-2011, f. & cert. ef. 12-8-11; OSHA 5-2012, f. & cert. ef. 9-25-12

437-002-0100

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1910, in the Federal Register:

(1) 29 CFR 1910.101 Compressed gases (General requirements), published 3/7/96, FR vol. 61, no. 46, p. 9236.

(2) 29 CFR 1910.102 Acetylene. Repealed. Oregon OSHA Admin. Order 1-2010, f. 2/19/10, ef. 2/19/10. In Oregon, OAR 437-002-2102 applies.

(3) 29 CFR 1910.103 Hydrogen, published 12/14/07, FR vol. 72, no. 240, p. 71061.

(4) 29 CFR 1910.104 Oxygen, published 3/7/96, FR vol. 61, no. 46, p. 9237.

(5) 29 CFR 1910.105 Nitrous oxide, published 3/7/96, FR vol. 61, no. 46, p. 9237.

(6) 29 CFR 1910.106 Flammable and combustible liquids, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(7) 29 CFR 1910.107 Spray finishing using flammable and combustible materials, amended with AO 3-2003, removed 1910.107, and Oregon note added, f. and ef. 4/21/03.

(8) 29 CFR 1910.108 Reserved. Published 3/23/99, Federal Register, vol. 64, no. 55, p. 13909.

(9) 29 CFR 1910.109 Explosives and blasting agents, published 6/18/98, FR vol. 63, no. 117, p. 33466.

(10) 29 CFR 1910.110 Storage and handling of liquefied petroleum gases, published 12/14/07, FR vol. 72, no. 240, p. 71061.

(11) 29 CFR 1910.111 Storage and handling of anhydrous ammonia, published amended with AO 12-2001, Oregon note added, f. and ef. 10/26/01; 12/14/07, FR vol. 72, no. 240, p. 71061.

(12) Reserved for 29 CFR 1910.112 (Reserved)

(13) Reserved for 29 CFR 1910.113 (Reserved)

(14) 29 CFR 1910.114 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9238.

(15) 29 CFR 1910.115 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9238.

(16) 29 CFR 1910.116 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9238.

(17) 29 CFR 1910.119 Process safety management of highly hazardous chemicals, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(18) 29 CFR 1910.120 Hazardous waste operations and emergency response, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(19) 29 CFR 1910.121 Reserved. Published 3/23/99, Federal Register, vol. 64, no. 55, p. 13909.

(20) 29 CFR 1910.122 Table of contents. Repealed with OR-OSHA Admin. Order 9-2007, f. and ef. 12/3/07.

(21) 29 CFR 1910.123 Dipping and coating operations: Coverage and definitions. Repealed with OR-OSHA Admin. Order 9-2007, f. and ef. 12/3/07.

(22) 29 CFR 1910.124 General requirements for dipping and coating operations. Repealed with OR-OSHA Admin. Order 9-2007, f. and ef. 12/3/07.

(23) 29 CFR 1910.125 Additional requirements for dipping and coating operations that use flammable or combustible liquids. Repealed with OR-OSHA Admin. Order 9-2007, f. and ef. 12/3/07.

(24) 29 CFR 1910.126 Additional requirements for special dipping and coating applications. Repealed with OR-OSHA Admin. Order 9-2007, f. and ef. 12/3/07.

These standards are on file with the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.

Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001 - 654.295

Hist.: APD 19-1988, f. & ef. 11-17-88; APD 12-1989, f. & ef. 7-14-89; OSHA 22-1990, f. 9-28-90, cert. ef. 10-1-90; OSHA 3-1992, f. & cert. ef. 2-6-92; OSHA 3-1993, f. & cert. ef. 2-23-93; OSHA 6-1994, f. & cert. ef. 9-30-94; OSHA 3-1995, f. & cert. ef. 2-22-95; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 3-1998, f. & cert. ef. 7-7-98; OSHA 2-1999, f. & cert. ef. 4-30-99; OSHA 8-1999, f. & cert. ef. 8-6-99; OSHA 12-2001, f. & cert. ef. 10-26-01; OSHA 4-2002, f. & cert. ef. 5-30-02; OSHA 3-2003, f. & cert. ef. 4-21-03; OSHA 4-2004, f. & cert. ef. 9-15-04; OSHA 4-2005, f. & cert. ef. 12-14-05; OSHA 4-2006, f. & cert. ef. 7-24-06; OSHA 9-2007, f. & cert. ef. 12-3-07; OSHA 7-2008, f. & cert. ef. 5-30-08; OSHA 1-2010, f. & cert. ef. 2-19-10; OSHA 5-2012, f. & cert. ef. 9-25-12

437-002-0107

Spray Finishing

(1) Scope. This section applies to finishing materials when applied as a spray by any means in a continuous or intermittent process. This section also covers the application of powders by powder spray guns, electrostatic powder spray guns, fluidized beds, or electrostatic fluidized beds. This section also applies to any sprayed material that produces combustible deposits or residue. This section does not apply to outdoor spray application of buildings, tanks, or other similar structures, nor to small portable spraying apparatus not used repeatedly in the same location.

(2) Definitions:

(a) Aerated solid powders – Any powdered material used as a coating material fluidized within a container by passing air uniformly from below. It is common practice to fluidize such materials to form a fluidized powder bed and then dip the part to be coated into the bed in a manner similar to that used in liquid dipping. Such beds are also used as sources for powder spray operations.

(b) Approved – Approved and listed by a nationally recognized testing laboratory. Refer to §1910.7 for definition of nationally recognized testing laboratory.

(c) Electrostatic fluidized bed – A chamber holding powder coating material that is aerated from below to form an air-supported, expanded cloud of the powder. The powder is electrically charged with a charge opposite to that of the object or material being coated.

(d) Fluidized bed – A chamber holding powder coating material that is aerated from below to form an air-supported, expanded cloud of the powder. The object or material being coated is preheated, then immersed into the cloud.

(e) Infrequent and of short duration – Spray finishing that is:

(A) Less than 9 square feet surface area per job, and

(B) Uses less than 1-gallon of material in 1-day, and

(C) Intermittent spraying where enough time elapses between spraying episodes to dilute the concentration of vapors essentially to zero before spraying is resumed.

(f) Listed – See “approved.”

(g) Noncombustible materials – Materials that have a fire resistance rating of at least 1-hour.

(h) Overspray – Any sprayed material that is not deposited on the intended object.

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(i) Spray area – Any area in which potentially dangerous quantities of flammable vapors or mists, or combustible residues, dusts, or deposits are present due to the operation of spraying processes.

(j) Spray booth – A power-ventilated structure provided to enclose or accommodate a spraying operation to confine and limit the escape of spray, vapor, and residue, and to safely conduct or direct them to an exhaust system.

(k) Spray room – A room designed to accommodate a spraying operation. For the purposes of this rule, the term “spray booth” includes spray rooms except where specifically noted.

(3) Rules for All Spray Finishing Operations.

(a) Conduct spray finishing in a spray booth provided with local exhaust ventilation except:

(A) When spraying is infrequent and of short duration; or

(B) When spraying is a single “air brush;” or

(C) The object to be sprayed is of such weight or proportion as to render it impracticable to move it into a spray booth; or

(D) When only liquids with a flashpoint above 199.4 degrees F (93 degrees C) are used. This exception only applies when the liquid is not heated for use to within 30 degrees F (16.7 degrees C) of the flashpoint; or

(E) When spray painting is conducted out-of-doors. For the purposes of this rule, out-of-doors means an area away from the main building and completely open at all times on at least two sides.

(b) Spray finishing outside of a booth, as permitted by OAR 437-002-0107(3)(a)(A), (C), and (D) above, must be done only in a spray area that meets the following requirements:

(A) All light switches, fans, receptacles, overhead lights and all other sources of ignition within 20 horizontal feet and 10 vertical feet of the overspray area must be inoperative or consist of Class I, Group D, explosion-proof types as specified in the National Electrical Code, NFPA 33-2000 and ANSI C2-2002.

(B) All building construction including floors, walls, ceilings, beams, etc., within 20 horizontal feet and 10 vertical feet of the overspray area must consist of or be protected by noncombustible materials.

(C) Protect all areas within 20 feet of the overspray area with automatic sprinklers. Where automatic sprinklers are not available, use other automatic extinguishing equipment. Alternatives may be used only when authorized in writing by the local fire authority.

(D) Aisles leading to exits from the spray finishing area must remain clear at all times.

(E) Provide the spray finishing area with at least six air changes per hour of airflow.

(F) Follow the requirements of paragraphs (3)(c) through (3)(e).

(c) Do not allow employees not engaged in spray finishing operations within 20 feet of the spraying and overspray area.

(d) Employees engaged in spray finishing operations must be provided with and wear respiratory protection unless exhaust ventilation is provided and reduces employee exposure to any material in the finish or its solvent to below the limits established in OAR 437-002-0382, Oregon Rules for Air Contaminants. Follow all of the requirements of OAR 437-002-1910.134, Respiratory Protection.

(e) Combustible Materials.

(A) Do not store combustible material or allow combustible material to accumulate in the spraying and overspray area unless specifically authorized in writing by the local fire authority.

(B) Give the spraying and overspray area daily housekeeping and maintenance while in use and keep it free of any accumulations between uses. Use only nonsparking tools for cleaning purposes.

(C) Combustible materials, such as paper, may be used to cover floors and walls in the spray and overspray area, but must be removed at the end of each workshift. The employer may use longer intervals only when the local fire authority has provided written approval to do so.

(f) Spray booths.

(A) Construction:

(i) Construct spray booths of substantially supported steel, concrete, or masonry.

(ii) When the booth is only used for intermittent or low volume spraying, other substantial noncombustible material may be used.

(iii) Design spray booths to sweep air currents toward the exhaust outlet.

(iv) Construct spray booths with materials that have a fire resistance rating of at least 1 hour. All adjacent construction must have a fire resistance rating of at least 1-hour or as otherwise required by the Oregon Building Codes Division.

(B) The interior surfaces of spray booths must be smooth and continuous without edges, designed to prevent residue pocketing, and designed to ease cleaning and washing.

(C) When the floor surface of a spray booth and operators’ working area is combustible, it must be covered with a noncombustible material designed to prevent pocketing of residues and ease cleaning and washing.

(D) A spray booth should be equipped with:

(i) A water washing system designed to minimize dusts or residues entering exhaust ducts and to permit the recovery of overspray finishing material; or

(ii) Distribution or baffle plates to promote an even flow of air through the booth or cause the deposit of overspray before it enters the exhaust duct; or

(iii) Overspray dry filters to minimize dusts or residues entering exhaust ducts.

(E) Where dry powders are sprayed, arrange the powder collection systems in the exhaust to capture oversprayed material.

(F) When distribution or baffle plates are used, they must be of noncombustible material and readily removable or accessible on both sides for cleaning. Such plates will not be located in exhaust ducts.

(G) When using conventional dry type spray booths with overspray dry filters or filter rolls:

(i) Inspect filter rolls to ensure proper replacement of filter media.

(ii) Immediately remove all discarded filter pads and filter rolls to a safe area away from the spray finishing operation. Alternatively, place them in a water-filled metal container and dispose of them at the close of the day’s operation unless they remain completely submerged.

(iii) Do not use filters or filter rolls when spraying a material known to be highly susceptible to spontaneous heating and ignition.

(iv) Clean filters or filter rolls must be noncombustible or authorized by the local fire authority.

(v) Do not use filters and filter rolls alternately for different types of coating materials, where the combination of materials may be conducive to spontaneous ignition.

(H) Spray booths with an open frontal area larger than 9 square feet must have a metal deflector or curtain at least 4 1/2 inches deep installed at the upper outer edge of the booth over the opening.

(I) Where conveyors are used to carry work into or out of spray booths, the openings must be as small as practical.

(J) Separate each spray booth from all other nonspray finishing operations by at least 3 feet, a wall, or a partition. This requirement does not apply to spray rooms.

(K) All portions of the spray booth must be readily accessible for cleaning.

(L) The exterior of the spray booth must have a clear space of at least 3 feet on all sides. Do not store any materials within this clear space. All construction within 3 feet of all sides of the spray booth must be noncombustible. This requirement does not apply to spray rooms.

(i) Exception: This requirement does not prohibit locating a spray booth closer than 3 feet to an exterior wall or roof assembly, provided that the wall or roof is constructed of a noncombustible material and the booth can be cleaned and maintained.

(M) When spraying areas are illuminated through glass panels or other transparent materials, use only fixed lighting units as a source of illumination.

(i) Seal panels to effectively isolate the spraying area from the area in which the lighting unit is located.

(ii) Use only noncombustible material constructed or protected so that breakage will be unlikely. Arrange panels so that normal accumulations of residue on the exposed surface of the panel will not be raised to a dangerous temperature by radiation or conduction from the source of illumination.

(N) Protect all spaces within the spray booth with automatic sprinklers acceptable to the local fire authority.

(i) Sprinkler heads must provide water distribution throughout the entire booth.

(ii) When filters are used, automatic sprinklers must be on both the downstream and upstream sides of the filters.

(iii) Keep sprinkler heads as free of overspray deposits as possible. Clean them daily if necessary. When sprinkler heads are covered to protect them from overspray, the material and method used must be authorized by the local fire authority.

(iv) When automatic sprinklers are infeasible or not practical, other means of fire protection must be provided and authorized in writing by the local fire authority.

(g) Electrical and other sources of ignition.

ADMINISTRATIVE RULES

(A) Do not allow open flame or spark producing equipment within 20 feet of the spray area, unless separated by a partition.

(B) Do not place space-heating appliances, steampipes, or hot surfaces in a spraying area where deposits of combustible residues may readily accumulate.

(C) Ensure all electrical wiring and equipment conforms to the provisions of this paragraph and OAR 437, Division 2, Subdivision S.

(D) Do not put any electrical equipment in the spray or overspray area unless it is specifically approved for those locations. All wiring must be in rigid conduit or in boxes or fittings that do not contain taps, splices, or terminal connections.

(E) Electrical wiring and equipment not subject to deposits of combustible residues but located in a spraying area must be explosion-proof, approved for Class I, Group D locations, and conform to the provisions of OAR 437, Division 2, Subdivision S, for Class I, Division 1, Hazardous Locations. Electrical wiring, motors, and other equipment outside of but within 20 feet of any spraying area, and not separated by partitions, must not produce sparks under normal operating conditions and must conform to the provisions of OAR 437, Division 2, Subdivision S for Class I, Division 2, Hazardous Locations.

(F) Electric lamps outside of any spraying area but within 20 feet, and not separated by a partition, will be totally enclosed to prevent the falling of hot particles and will be protected from physical damage by appropriate guards or by location.

(G) Do not use portable electric lamps in any spraying area during spraying operations. If portable electric lamps are used during cleaning or repairing operations, use only the type approved for hazardous Class I locations.

(H) Electrically ground all metal parts of spray booths and exhaust ducts. Electrically ground piping systems that convey flammable or combustible liquids or aerated solids.

(h) Ventilation.

(A) Provide all spraying areas with mechanical ventilation adequate to remove flammable vapors, mists, or powders to a safe location and confine and control combustible residues so that life is not endangered. Keep mechanical ventilation in operation at all times while spraying operations are being conducted and for a sufficient time afterwards to exhaust vapors from drying material and residue.

(B) Interlock the spraying equipment with the ventilation system so that spraying operations cannot be conducted unless the ventilation system is operating.

(C) Air velocity throughout the spray booth must be sufficient to keep airborne contaminants below 25 percent of their lower explosive limit (LEL).

(i) Open-faced booths must maintain at least an average of 100 feet per minute (fpm) of airflow across the open face of the booth.

(ii) Enclosed booths must maintain at least an average of 100 fpm of airflow of cross-sectional area at the operators' position.

(iii) Any deviation from the above must be authorized in writing by the local fire authority.

(iv) Install a visible gauge, audible alarm, or pressure activated device on each spray booth to indicate or ensure that the required air velocity is maintained.

(D) Provide each spray booth with an independent exhaust duct system that discharges to the exterior of the building. A common exhaust system may be used for multiple spray booths only when identical materials are sprayed and the combined frontal area of those booths is no more than 18 square feet.

(E) When more than one fan serves one booth, interconnect all fans so that one fan cannot operate without all fans being operated.

(F) The fan-rotating element must be nonferrous or nonsparking or the casing must consist of or be lined with such material.

(i) Maintain ample clearance between the fan-rotating element and the fan casing to avoid a fire by friction. Prevent contact between moving parts and the duct or fan housing by making allowance for ordinary expansion and loading.

(ii) Mount fan blades on a shaft sufficiently heavy to maintain perfect alignment even when the blades of the fan are heavily loaded.

(iii) All bearings must be of the self-lubricating type, or lubricated from the outside duct.

(G) Place electric motors driving exhaust fans outside booths or ducts. See also paragraph (3)(g) of this section.

(H) When belts and pulleys are inside the duct or booth, they must be thoroughly enclosed.

(I) Construct exhaust ducts of substantially supported steel. Exhaust ducts without dampers are preferred; however, if dampers are installed, they must be fully opened when the ventilating system is in operation.

(i) Protect exhaust ducts against mechanical damage and maintain a clearance of at least 18 inches from unprotected combustible construction or other combustible material.

(ii) If combustible construction is provided with the following protection applied to all surfaces within 18 inches of the exhaust duct, clearances may be reduced to the distances indicated:

(I) 28-gage sheet metal on 1/4-inch insulating millboard 1 2 inches.

(II) 28-gage sheet metal on 1/8-inch insulating millboard spaced out 1 inch on noncombustible spacers 9 inches.

(III) 22-gage sheet metal on 1-inch rockwool batts reinforced with wire mesh or the equivalent 3 inches.

(J) The terminal discharge point must be at least 6 feet from any combustible exterior wall or roof. The discharge point must not discharge in the direction of any combustible construction or unprotected opening in any noncombustible exterior wall within 30 feet.

(K) Keep air exhaust from spray operations away from makeup air or other ventilation intakes. Do not recirculate air exhausted from spray operations.

(L) Supply clean fresh air, free of contamination from adjacent industrial exhaust systems, chimneys, stacks, or vents, to a spray booth in quantities equal to the volume of air exhausted through the spray booth.

(M) Provide exhaust ducts with an ample number of access doors when necessary to facilitate cleaning.

(N) Provide air intake openings to rooms containing spray finishing operations adequate for the efficient operation of exhaust fans and placed to minimize the creation of dead air pockets.

(O) Dry freshly sprayed articles only in spaces provided with adequate ventilation to prevent the formation of explosive vapors. Drying spaces without adequate ventilation will be considered a spraying area. See also paragraph (6) of this section.

(4) Rules for Spray Finishing with Flammable Liquids.

(a) These rules apply to spray finishing with flammable liquids with a flashpoint below 199.4 degrees F (93 degrees C). These rules only apply to liquids with a flashpoint above 199.4 degrees F (93 degrees C) when they are heated for use to within 30 degrees F (16.7 degrees C) of their flashpoint.

(b) Flammable liquids – storage and handling.

(A) Store flammable in compliance with the requirements of OAR 437-002-1910.106.

(B) Keep only the minimum quantity of flammable liquids required for operations in the vicinity of spraying operations and do not exceed a supply for one day or one shift. Bulk storage of portable containers of flammable liquids must be in a separate, constructed building detached from other important buildings or cut off in a standard manner.

(C) Use only the original closed containers, approved portable tanks, approved safety cans, or a properly arranged system of piping for bringing flammable liquids into the spray area. Do not use open or glass containers.

(D) Use approved pumps to withdraw flammable liquids from containers with a capacity of 61 gallons or more except as provided in paragraph (4)(b)(F) of this section.

(E) Withdraw and fill containers with flammable liquids only in a suitable mixing room or in a spraying area when the ventilating system is in operation. Take adequate precautions to protect against spilling liquids and sources of ignition.

(F) Containers must conform to the following requirements:

(i) Use only closed containers to supply spray nozzles. Use metal covers to close containers that are not closed.

(ii) Use metal supports or wire cables to support containers that are not resting on floors.

(iii) When spray nozzles are supplied by gravity flow, do not use containers that exceed 10 gallons capacity.

(iv) Do not use air pressure in the original shipping containers to supply spray nozzles.

(G) Containers under air pressure supplying spray nozzles must also conform to the following requirements

(i) Use only limited capacity containers that only hold enough material for one day's operation.

(ii) Use only containers that are designed and approved for such use.

(iii) Provide containers with a visible pressure gauge.

ADMINISTRATIVE RULES

(iv) Containers must be provided with a relief valve set to operate in conformance with the requirements of the Oregon Building Codes Division OAR 918-225, "Boilers and Pressure Vessels."

(H) Pipes and hoses.

(i) All containers or piping with an attached hose or flexible connection must have a shutoff valve at the connection. Keep such valves shut when not spraying.

(ii) When a pump is used to deliver the liquid used in a spray application process, use only piping, tubing, hoses, and accessories that are designed to withstand the maximum working pressure of the pump. Alternatively, provide automatic means to limit the discharge pressure of the pump to a level within the design working pressure of the piping, tubing, hoses, and accessories.

(iii) Inspect all pressure hose and couplings at regular intervals appropriate to this service. Test the hose and couplings with the hose extended using the "inservice maximum operating pressures." Repair or discard any hose showing material deteriorations, signs of leakage, or weakness in its carcass or at the couplings.

(iv) Piping systems conveying flammable liquids must be of steel or other material having comparable properties of resistance to heat and physical damage. Properly bond and ground piping systems.

(I) Use approved and listed electrically powered spray liquid heaters. Do not put heaters in spray booths or any other location subject to the accumulation of deposits or combustible residue.

(J) If flammable liquids are supplied to spray nozzles by positive displacement pumps, use an approved relief valve on the pump discharge line that discharges to a pump suction or a safe detached location, or use a device provided to stop the prime mover if the discharge pressure exceeds the safe operating pressure of the system.

(K) Whenever flammable liquids are transferred from one container to another, effectively bond and ground both containers to prevent discharge sparks of static electricity.

(c) Install an adequate supply of suitable portable fire extinguishers near all spraying areas.

(d) Operations and maintenance.

(A) Immediately remove and dispose residue scrapings and debris contaminated with residue from the premises. Deposit all rags or waste impregnated with finishing material in tightly-closing metal waste cans immediately after use. Properly dispose of the contents of waste cans at least once daily or at the end of each shift.

(B) Do not leave clothing worn during spray finishing on the premises overnight unless kept in metal lockers.

(C) Only use solvents for cleaning operations with flashpoints at or above the flashpoints of material normally used. Cleaning operations must be done inside a spray booth with the ventilation system on, or an area authorized in writing by the local fire authority.

(D) Do not alternately use spray booths for different types of coating materials when the materials are incompatible with each other, unless all deposits of the first used material are removed from the booth and exhaust ducts prior to spraying with the second material.

(e) Mixing.

(A) Mix materials only in a mixing room, a spray area that meets the requirements of (3)(b), or in a spray booth. When a spray area or spray booth is used for mixing, the ventilation system must be on.

(B) Construct mixing rooms of substantially supported steel, concrete, or masonry. Use only noncombustible materials to construct mixing rooms.

(C) Design mixing rooms so that any spills remain inside the room.

(D) Provide at least 150 cubic feet per minute (CFM) of airflow in each mixing room. When the flooring of the mixing room is greater than 150 square feet, provide at least 1 CFM per square foot of flooring. The ventilation system for each mixing room must be on and operational at all times.

(E) Follow all of the provisions of paragraph (3)(g).

(F) Protect all spaces within the mixing room with automatic sprinklers acceptable to the local fire authority. Where automatic sprinklers are not available, use other automatic extinguishing equipment. Alternatives may be used only when authorized in writing by the local fire authority.

(5) Rules for Electrostatic Spray Finishing.

(a) Fixed electrostatic apparatus.

(A) Use only approved electrostatic apparatus and devices in connection with coating operations.

(B) Transformers, power packs, control apparatus, and all other electrical portions of the equipment, with the exception of high-voltage grids, electrodes, and electrostatic atomizing heads and their connections, must be

located outside of the spraying area, or must otherwise conform to the requirements of paragraph (3) of this section.

(C) Adequately support electrodes and electrostatic atomizing heads in permanent locations and effectively insulate them from the ground. Electrodes and electrostatic atomizing heads which are permanently attached to their bases, supports, or reciprocators are considered to comply with this section. Use only nonporous and noncombustible insulators.

(D) Properly insulate and protect high-voltage leads to electrodes from mechanical injury or exposure to destructive chemicals. Effectively and permanently support electrostatic atomizing heads on suitable insulators and effectively guard against accidental contact or grounding. Provide an automatic means for grounding the electrode system when it is electrically de-energized for any reason. Keep all insulators clean and dry.

(E) Maintain a safe distance between goods being painted and electrodes or electrostatic atomizing heads or conductors of at least twice the sparking distance. Conspicuously post a sign indicating this safe distance near the assembly.

(F) Support goods being painted using this process on conveyors. Arrange the conveyors to maintain safe distances between the goods and the electrodes or electrostatic atomizing heads at all times. Any irregularly shaped or other goods subject to possible swinging or movement must be rigidly supported to prevent swinging or movement which would reduce the clearance to less than that specified in paragraph (5)(a)(E) of this section.

(G) Equip electrostatic apparatus with automatic controls that immediately disconnect the power supply to the high voltage transformer and signals the operator when:

(i) Any failure occurs in the ventilation equipment.

(ii) The conveyor carrying goods through the high voltage field stops.

(iii) Occurrence of a ground or of an imminent ground at any point on the high voltage system.

(iv) The safe distance required by (5)(a)(E) is not maintained.

(H) Place adequate booths, fencing, railings, or guards around the equipment to assure, either by their location or character or both, that a safe isolation of the process is maintained from plant storage or personnel. Construct such railings, fencing, and guards of conducting material that is adequately grounded.

(b) Electrostatic hand spraying equipment.

(A) This paragraph applies to any equipment that uses electrostatically charged elements for the atomization and/or, precipitation of materials for coatings on articles, or for other similar purposes in which the atomizing device is hand held and manipulated during the spraying operation.

(B) Use only approved electrostatic hand spray apparatus and devices in connection with coating operations. The high voltage circuits must be designed so it does not produce a spark of sufficient intensity to ignite any vapor-air mixtures or result in appreciable shock hazard upon coming in contact with a grounded object under all normal operating conditions. The electrostatically charged exposed elements of the handgun must be capable of being energized only by a switch which also controls the coating material supply.

(C) Locate transformers, powerpacks, control apparatus, and all other electrical portions of the equipment outside of the spraying area. This requirement does not apply to the handgun itself and its connections to the power supply.

(D) Electrically connect the handle of the spraying gun to ground by a metallic connection. Ensure that the operator in normal operating position is in intimate electrical contact with the grounded handle.

(E) Adequately ground all electrically conductive objects in the spraying area. This requirement applies to paint containers, wash cans, and any other objects or devices in the area. Prominently and permanently install a warning on the equipment regarding the necessity for this grounding feature.

(F) Maintain metallic contact between objects being painted or coated and the conveyor or other grounded support. Regularly clean hooks to ensure this contact.

(G) Areas of contact must be sharp points or knife edges where possible.

(H) Conceal points of support of the object from random spray where feasible.

(I) When objects being sprayed are supported from a conveyor, the point of attachment to the conveyor must not collect spray material during normal operation.

(J) Interlock the electrical equipment with the ventilation of the spraying area so that the equipment cannot be operated unless the ventilation fans are on.

ADMINISTRATIVE RULES

(6) Drying, Curing, or Fusion Apparatus.

(a) Drying, curing, or fusion equipment.

(A) Equipment manufactured or modified on or before June 1, 2003, must comply with the provisions of the Standard for ovens and furnaces, NFPA No. 86A-1969 where applicable.

(B) Equipment manufactured or modified after June 1, 2003, must comply with the provisions of the Standard for Ovens and Furnaces, NFPA No. 86-1999 where applicable.

(b) Do not use a spray area for drying when such drying can increase the surface temperature of the spray area.

(c) Except as specifically provided in paragraph (6)(e) of this section, do not install an open flame heating system for drying, curing, or fusion in a spray area.

(d) Drying, curing, or fusion units may be installed adjacent to spray areas only when equipped with an interlocked ventilating system arranged to:

(A) Thoroughly ventilate the drying space before the heating system can be started;

(B) Maintain a safe atmosphere at any source of ignition;

(C) Automatically shut down the heating system in the event of failure of the ventilating system.

(e) Automobile refinishing spray booths or enclosures, otherwise installed and meeting the requirements of this section, may alternately be used for drying with portable electrical infrared drying apparatus that meets the following:

(A) Keep the interior (especially floors) of spray enclosures free of overspray deposits.

(B) Keep the apparatus out of the spray and overspray area while spray finishing is in progress.

(C) Equip the spraying apparatus, the drying apparatus, and the ventilating system of the spray enclosure with suitable interlocks arranged so:

(i) The spraying apparatus cannot be operated while the drying apparatus is inside the spray enclosure.

(ii) The spray enclosure is purged of spray vapors for at least 3 minutes before the drying apparatus is energized.

(iii) The ventilating system maintains a safe atmosphere within the enclosure during the drying process, and the drying apparatus will automatically shut off in the event of failure of the ventilating system.

(D) All electrical wiring and equipment of the drying apparatus must meet the applicable sections of OAR 437, Division 2, Subdivision S. Only equipment of a type approved for Class I, Division 2 hazardous locations will be located within 18 inches of floor level. All metallic parts of the drying apparatus will be properly electrically bonded and grounded.

(E) Place a warning sign on the drying apparatus indicating that ventilation must be maintained during the drying period and that spraying must not be conducted in the vicinity where spray will deposit on apparatus.

(7) Powder Coating.

(a) Ventilation.

(A) Ensure that exhaust ventilation is sufficient to maintain the atmosphere below the lowest explosive limits for the materials being applied. Ensure that all nondeposited air-suspended powders are safely removed via exhaust ducts to the powder recovery cyclone or receptacle.

(B) Do not release powders to the outside atmosphere.

(b) Operation and maintenance.

(A) Keep all areas free of the accumulation of powder coating dusts, particularly horizontal surfaces as ledges, beams, pipes, hoods, booths, and floors.

(B) Clean surfaces in a manner to avoid scattering dust to other places or creating dust clouds.

(C) Conspicuously post "No Smoking" signs in large letters on contrasting color background at all powder coating areas and powder storage rooms.

(c) Electrostatic fluidized beds.

(A) Use only approved electrostatic fluidized beds and associated equipment.

(B) Ensure that the maximum surface temperature of this equipment in the coating area does not exceed 150 degrees F.

(C) Use only high voltage circuits that will not produce a spark of sufficient intensity to ignite any powder-air mixtures.

(D) Use circuits designed to eliminate shock hazards upon coming in contact with a grounded object under normal operating conditions.

(E) Locate transformers, powerpacks, control apparatus, and all other electrical portions of the equipment outside of the powder coating area, with the exception of the charging electrodes and their connections to the power supply.

(F) Adequately ground all electrically conductive objects within the charging influence of the electrodes. The powder coating equipment must carry a prominent, permanently installed warning regarding the necessity for grounding these objects.

(G) Objects being coated will be maintained in contact with the conveyor or other support in order to ensure proper grounding. Regularly clean hangers to ensure effective contact and areas of contact will be sharp points or knife edges where possible.

(H) Interlock the electrical equipment with the ventilation system so the equipment cannot be operated unless the ventilation fans are in operation.

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

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 2-1992, f. 2-6-92, cert. ef. 5-1-92; OSHA 3-2003, f. & cert. ef. 4-21-03; OSHA 5-2012, f. & cert. ef. 9-25-12

437-002-0118

Reinforced Plastics Manufacturing

(1) Applicability. If a specific type of equipment, process or practice is not limited to the reinforced plastics industry, the provisions contained in other Divisions of OAR 437, Oregon Occupational Safety and Health Code, shall apply.

(2) Scope.

(a) These rules shall apply to reinforced plastics manufacturing operations, in their shop buildings (not field work) involving the use of polyester, vinyl ester, and other similar products in which styrene monomer is a reactive monomer for the resin. This division applies to chopper gun, gel coating, hand laminating and casting operations utilizing resin and organic peroxide catalyst.

(b) This division does not apply to:

(A) Application of flammable organic materials such as acetone, methyl ethyl ketone (MEK), either alone or mixed as flammable paints or diluents;

(B) Operations, involving polyurethane finishes or foams utilizing isocyanate catalysts;

(C) Operations involving epoxy resin compounds utilizing amine hardeners; or

(D) Cleaning of chopper guns, lines, and associated equipment in which acetone, MEK, or other flammable organic solvents are sprayed into the open air as part of the cleaning process.

(3) Definitions. The following definitions shall apply to OAR 437-002-0118:

(a) Chopper Gun — A device that feeds fiber glass rovings through a chopper and ejects them into a stream of resin and organic peroxide catalyst onto a mold surface. The resin and organic peroxide catalyst are combined and ejected from the chopper gun by either one of two systems:

(A) One nozzle ejects resin while another nozzle ejects organic peroxide catalyst towards the mold surface; or

(B) The resin and organic peroxide catalyst are fed into a single chopper gun mixing chamber ahead of the nozzle.

NOTE: By either method, the resin mixture precoats the strands of glass and the merged product is directed onto a mold surface by the operator.

(b) Flammable liquid means any liquid having a flashpoint at or below 199.4 degrees F (93 degrees C). Flammable liquids are divided into four categories as follows:

(A) Category 1 shall include liquids having flashpoints below 73.4 degrees F (23 degrees C) and having a boiling point at or below 95 degrees F (35 degrees C).

(B) Category 2 shall include liquids having flashpoints below 73.4 degrees F (23 degrees C) and having a boiling point above 95 degrees F (35 degrees C).

(C) Category 3 shall include liquids having flashpoints at or above 73.4 degrees F (23 degrees C) and at or below 140 degrees F (60 degrees C). When a Category 3 liquid with a flashpoint at or above 100 degrees F (37.8 degrees C) is heated for use to within 30 degrees F (16.7 degrees C) of its flashpoint, it shall be handled in accordance with the requirements for a Category 3 liquid with a flashpoint below 100 degrees F (37.8 degrees C).

(D) Category 4 shall include liquids having flashpoints above 140 degrees F (60 degrees C) and at or below 199.4 degrees F (93 degrees C). When a Category 4 flammable liquid is heated for use to within 30 degrees F (16.7 degrees C) of its flashpoint, it shall be handled in accordance with the requirements for a Category 3 liquid with a flashpoint at or above 100 degrees F (37.8 degrees C).

(c) Flashpoint — The minimum temperature at which a liquid gives off vapor within a test vessel in sufficient concentration to form an ignitable mixture shall be determined as follows:

ADMINISTRATIVE RULES

(A) For a liquid which has a viscosity of less than 45 SUS at 100 degrees F (37.8 degrees C), does not contain suspended solids, and does not have a tendency to form a surface film while under test, the procedure specified in the Standard Method of Test for Flashpoint by Tag Closed Tester (ASTM D-56-70), which is incorporated by reference as specified in 1910.6, or an equivalent test method as defined in Appendix B to OAR 437-002-1910.1200 – Physical Hazard Criteria, shall be used.

(B) For a liquid which has a viscosity of 45 SUS or more at 100 degrees F (37.8 degrees C), or contains suspended solids, or has a tendency to form a surface film while under test, the Standard Method of Test for Flashpoint by Pensky-Martens Closed Tester (ASTM D-93-71) or an equivalent method as defined by Appendix B to OAR 437-002-1910.1200 – Physical Hazard Criteria, shall be used except that the methods specified in Note 1 to section 1.1 of ASTM D-93-71 may be used for the respective materials specified in the Note. The preceding ASTM standard is incorporated by reference as specified in OAR 437-002-1910.6.

(C) For a liquid that is a mixture of compounds that have different volatilities and flashpoints, its flashpoint shall be determined by using the procedures in subsection (3)(c)(A) or (3)(c)(B) of this definition on the liquid in the form it is shipped.

(D) Organic peroxide catalysts are excluded from any of the flashpoint determination methods specified in this section.

(d) Gelcoating – A chopper gun pressure pot or similar device is used to apply the resin and organic peroxide catalyst mixture to a mold surface without glass fibers;

(e) Hand Laminating – Resin is mixed with organic peroxide catalyst and applied by hand with a brush, squeegee, or roller with fiber glass reinforcements.

(f) Hazard – A substance, process, practice or condition which could result in an injury or illness to an employee.

(g) Resin – A mixture of true esters dissolved in a polymerizable monomer (styrene).

(h) Threshold-Limit Value – Short Term Exposure Limit (TLV-STEL) – The maximum concentration to which workers can be exposed for a period of up to 15 minutes continuously without suffering from (a) irritation, (b) chronic or irreversible tissue change, or (c) narcosis of sufficient degree to increase accident proneness, impair self-rescue, or materially reduce work efficiency, provided that no more than four excursions per day are permitted, with at least 60 minutes between exposure periods, and provided that the daily TLV-TWA also is not exceeded. The STEL should be considered a maximum allowable concentration, or ceiling, not to be exceeded at any time during the 15-minute excursion period.

GENERAL REQUIREMENTS

(4) Permissible Exposure Limits.

(a) An employee's exposure to any material listed in Table 1, in any 8-hour workshift of a 40-hour work week, shall not exceed the 8-hour time-weighted average limit for that material in the table.

(b) An employee's exposure to a material listed in Table 1 shall not exceed, at any time during an 8-hour shift, the TLV-STEL level given for the material in the table, except for a time period, and up to a concentration not exceeding the maximum duration and concentration allowed in the column under "Acceptable Maximum Peak."

(c) Employee exposure to other airborne contaminants shall be in accordance with OAR 437, Division 2, Subdivision Z, 1910.1000, Air Contaminants, and other applicable regulations.

NOTE: In the Oregon Rules for Reinforced Plastics Manufacturing, Table 1, Permissible Exposure Limits, in OAR 437-002-0118(4), has been revised to reflect the current limits in OAR 437-002-0382, Oregon Rules for Air Contaminants, which were adopted on 11/15/93 in lieu of 1910.1000, Air Contaminants, Table.

(5) Methods of Compliance.

(a) To achieve compliance with OAR 437-002-0118(4), Permissible Exposure Limits, administrative or engineering controls must first be determined and implemented whenever feasible.

(b) When such controls are not feasible to achieve full compliance, protective measures as prescribed in OAR 437, Division 2/I, Personal Protective Equipment, shall be used to keep the exposure of employees to airborne contaminants within the limits prescribed in OAR 437-002-0118.

(6) Employee Information and Training. A training program shall be established and all affected employees shall be trained regarding the safe handling of materials used in the industry which shall include instruction in storage, handling large and small quantities, cleanup and disposal of spills, first aid for spills, equipment training, potential health and safety hazards, personal hygiene, personal protective measures, and the labeling system.

(7) Personal Protective Equipment.

(a) Safety glasses shall be worn at all times by personnel working in the manufacturing area of reinforced plastics plants.

(b) Face shields and safety glasses shall be worn when opening and filling pressurized catalyst injection equipment.

(c) An eyewash fountain shall be provided no more than 25 feet or 15 seconds of actual travel from a work area where MEK peroxide is being mixed or transferred.

(A) The criteria of 25 feet shall apply if the employee is working alone.

(B) The criteria of 15 seconds shall apply if other employees are close enough under normal working conditions to provide assistance and a formal training program which includes emergency first aid procedures for eye protection has been implemented.

(d) Clothing saturated or impregnated with flammable liquids, corrosive or toxic substances, irritants, or oxidizing agents, that present a health hazard to employees shall be removed and disposed of, or properly cleaned before reuse; however, clothing coated with cured resin may be worn.

(8) Warning Signs and Labels.

(a) Label chemical containers in accordance with OAR 437-002-1910.1200, Hazard Communication.

(b) Where extreme occupational health hazards are known to exist in the workplace, the employer shall provide warning signs or other equally effective means of calling attention to such hazards at the location where the hazards exist.

(9) Housekeeping.

(a) Housekeeping shall be sufficient to keep accumulations of combustible residues to a minimum as practical.

(b) All combustible and flammable residues shall be placed in covered noncombustible containers.

(c) To prevent excessive permanent buildup of overspray and overchop, the use of paper, polyethylene film, building or roofing paper or other similar sheet material shall be permitted on side walls and floors of chopper gun and gelcoat areas.

(A) When the accumulated depth of overchop and/or gelcoat has reached an average thickness of 2 inches in the overspray area, it shall be disposed of after at least 4 hours curing.

(B) A single day's accumulation of more than an average of 2 inches shall be permitted provided it is disposed of before operations are resumed the next day.

(d) Excess catalyzed resin inside a building shall be disposed of in open-topped containers provided with bar screens, large mesh wire screens, or other means, to support individual containers across its top through which surplus catalyzed resin can be poured and upon which empty containers that once held catalyzed resin can be placed to cure. The open-topped containers shall contain water at least 2 inches deep in which the resin shall be poured and permitted to cure in a safe fashion. Containers can be used until filled with setup resin and disposed of along with other non-toxic waste.

(10) Hygiene Facilities and Practices. If acetone is used directly on the skin to clean hands, barrier or a therapeutic cream must be made available to the employee. Gloves shall be provided should any employee wish additional protection.

(11) Storage and Handling of Flammable Liquids.

(a) The storage and handling of acetone and other Category 1-3 flammable liquids for cleanup and gun flushing shall be subject to the following requirements:

(A) Category 1-3 flammable solvents shall be kept in containers that are covered during storage;

(B) Areas within the shop where acetone or other Category 1-3 flammable solvents are transferred into containers less than 5 gallons each shall be considered Class I, Division 1 areas for a 5-foot radius around the point of transfer, and Class I Division 2, for an additional 5 feet outside of the area; and

(C) "Dirty" acetone in small individual cleanup containers of less than 5 gallons each may be handled by pouring into a larger container suitable for disposal or recycling which shall be kept covered.

(b) The following subsections shall apply to chopper gun or gelcoating areas:

(A) Areas where flammable liquids are used, shall be protected by automatic sprinklers or equivalent extinguishing systems. If a special extinguishing system including, but not limited to, those employing foam, carbon dioxide, or dry chemical is provided, approved equipment shall be used and installed in an approved manner.

(B) Exhaust fans mounted 4 feet or less, as measured from the invert (bottom) of the duct above the floor, shall have nonsparking fan blades, and

(i) A motor mounted external to the air stream in a nonexplosive atmosphere. The fan shall be driven by an interconnecting belt.

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(ii) Those fans having air suction ducts 4 feet or less above the floor shall comply with subsection (11)(b)(B).

(C) Exhaust fans mounted more than 4 feet above the floor shall have nonsparking fan blades.

(D) All other electrical equipment in chopper gun or gelcoating operations must conform to the requirements of National Fire Protection Association (NFPA) 33-1989.

(c) Acetone and other Category 1-3 flammable liquids shall be transferred only through a closed piping system from a safety can by means of a device drawing through the top or from a container or portable tank by gravity through an approved self-closing valve. The nozzle and container shall be electrically interconnected.

(d) Acetone shall be kept in covered containers when not in use.

(e) Special input and exhaust ventilation shall be provided where employees must be inside or under the item being fabricated (e.g., inside a pipe or boat hull or under a large fabricated shape) to keep air concentrations of hazardous and/or flammable materials at or below 25 percent of the lower explosive limit and employee exposure at or below the permissible exposure limit.

(f) Areas where flammable materials are handled shall either be posted with "No Smoking" signs, or smoking shall be prohibited throughout plant, manufacturing and storage areas.

(g) Storage and handling of flammable liquids not addressed in these rules shall meet the requirements of 1910.106, Flammable Liquids.

(12) Storage and Handling of Organic Peroxide Catalysts.

(a) Organic peroxide catalysts shall be isolated and stored in their original containers in a cool place under 100 degrees F (37.8 degrees C), away from other flammable materials and ignition sources.

(b) Organic peroxide catalyst containers shall be covered or kept closed at all times.

(c) Organic peroxide catalysts shall be brought into the area of use in no more than two consecutive days' supply.

(d) Larger than 8-pound containers of organic peroxide catalyst shall not be permitted outside designated catalyst storage areas, except for hand layup operations or for filling the catalyst reservoir of chopper gun and gelcoat equipment.

(e) When organic peroxide catalyst is being poured into the catalyst reservoir of chopper gun and gelcoat equipment, the catalyst container shall be equipped with a special curved pouring spout or other device which directs the catalyst into the reservoir without splashing.

(A) A supply of water of not less than 1-gallon shall be permanently installed on the chopper gun or gelcoat apparatus to wet down any catalyst spills which may occur due to overfilling. Catalyst spills shall be absorbed in accordance with the manufacturer's recommendations.

(B) Immediately after filling the chopper gun or gelcoat apparatus with catalyst, the empty or partially filled catalyst container shall be removed immediately before commencement of any other operation.

(13) Fire Protection. Areas where flammable materials are handled shall either be posted with "No Smoking" signs, or smoking shall be prohibited throughout plant, manufacturing and storage areas.

(14) Ventilation.

(a) Special input and exhaust ventilation shall be provided where employees must be inside or under the item being fabricated (e.g., inside a pipe or boat hull or under a large fabricated shape) to keep air concentrations of hazardous and/or flammable materials at or below 25 percent of the lower explosive limit and employee exposure at or below the permissible exposure limit.

(b) During cleanup and gun flushing with acetone or other Category 1-3 flammable liquids, sufficient ventilation shall be provided to maintain air concentrations below 25 percent of the lower explosive limit (LEL) and employee exposure at or below the permissible exposure limit.

(c) Where acetone and Category 1-3 flammable solvents are used in physical operations (e.g., mixing), there shall be a minimum ventilation rate of 1 cubic foot per minute per square foot of floor area in the immediate work area.

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

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 2-1992, f. 2-6-92, cert. ef. 5-1-92; OSHA 6-1994, f. & cert. ef. 9-30-94; OSHA 5-2012, f. & cert. ef. 9-25-12

437-002-0122

Dipping and Coating.

(1) Scope.

(a) This rule applies to all operations where an object is partially or fully immersed in a liquid, or the vapors of a liquid. Such operations include, but are not limited to, cleaning, coating, altering the surface of an

object, or changing the character of an object. Examples of covered operations are paint dipping, electroplating, pickling, quenching, tanning, degreasing, stripping, cleaning, roll coating, flow coating, and curtain coating. This rule also applies to draining or drying an object that has been dipped or coated.

(b) This rule does not apply to tanks that contain only water or a molten material.

(2) Definitions. Adjacent area: Any area within 20 feet (6.1 m) of a vapor area that is not separated from the vapor area by tight partitions. Approved: The equipment is listed or approved by a nationally recognized testing laboratory. Autoignition temperature: The minimum temperature required to cause self-sustained combustion, independent of any other source of heat. Dip tank: A container holding a liquid other than water and is used for dipping or coating. An object may be immersed (or partially immersed) in a dip tank or it may be suspended in a vapor coming from the tank. Flammable liquid: A liquid having a flashpoint at or below 199.4 degrees F (93 degrees C). Flashpoint: The minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite if tested in accordance with the test methods in Appendix B to OAR 437-002-1920.1200 - Physical Hazard Criteria. Lower flammable limit (LFL): The lowest concentration of a material that will propagate a flame. The LFL is usually expressed as a percent by volume of the material in air (or other oxidant). Vapor area: Any space containing a dip tank, including its drain boards, associated drying or conveying equipment, and any surrounding area where the vapor concentration exceeds 25% of the LFL of the liquid in the tank.

(3) Any container used as a dip tank must be strong enough to withstand any expected load.

(4) Ventilation.

(a) Ensure airborne concentrations of materials in any vapor area do not exceed 25% of its LFL.

(b) A tank cover or material that floats on the surface of the liquid in a dip tank to replace or supplement ventilation is acceptable, as long as the airborne concentrations do not exceed 25% of the LFL or any limit established by Division 2, Subdivision Z.

(c) When mechanical ventilation is used, it must conform to design standards based on national consensus standards that meet the following:

(A) The standard specifies the safety requirements for the particular equipment;

(B) The standard is recognized in the United States as providing specifications that result in an adequate level of safety;

(C) The standard was developed by a standards development organization under a method providing for input and consideration of views of industry groups, experts, users, governmental authorities, and others having broad experience and expertise in issues related to the design and construction of the particular equipment.

(d) Nonmandatory appendix A of this section contains examples of consensus standards that meet the requirements of paragraph (4)(c) of this section.

(e) When mechanical ventilation is used, each dip tank must have an independent exhaust system unless the combination of substances being removed will not cause a fire, explosion, or chemical reaction.

(f) When mechanical ventilation is used, it must draw the flow of air into a hood or exhaust duct.

(A) Ensure each room with exhaust hoods has make-up airflow that is at least 90% of the volume of air exhausted.

(B) Ensure that make-up air does not damage exhaust hoods.

(C) When air is recirculated, it must meet the requirements of OAR 437-002-0081, "Oregon Ventilation Regulations."

(g) Inspect hoods and ventilation ductwork for corrosion or damage at least quarterly and prior to operation after a prolonged shutdown.

(h) Ensure the ventilation airflow is adequate at least quarterly and prior to operation after a prolonged shutdown.

(5) Periodically inspect all dipping and coating equipment, including covers, drains, overflow piping, and electrical and fire-extinguishing systems, and promptly correct any deficiencies.

(6) Thoroughly clean dip tanks of solvents and vapors before permitting welding, burning, or open-flame work.

(7) Provide mechanical ventilation or respirators (selected and used as specified in 1910.134, Respiratory Protection) to protect employees in the vapor area from exposure to toxic substances released during welding, burning, or open-flame work.

(8) Medical, first aid, and hygiene facilities.

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(a) All employees working with or around dip tanks must know the first-aid procedures appropriate to the dipping and coating hazards to which they are exposed.

(b) When employees work with liquids that may burn, irritate, or otherwise harm their skin:

(A) Obtain a physician's approval before an employee with a sore, burn, or other skin lesion that requires medical attention can return to work in a vapor area.

(B) Only a properly designated person can provide treatment for any skin abrasion, cut, rash, or open sore.

(C) Keep appropriate first-aid supplies near dipping or coating operations.

(D) Provide employees who work with chromic acid periodic examinations, at least annually, of their exposed body parts, especially their nostrils.

(E) Provide locker space or other storage space to prevent contamination of employee's street clothes.

(F) Provide at least one basin with hot water for every 10 employees who work with such liquids.

(G) Follow the emergency eyewash and shower facilities requirements of OAR 437-002-0161, Medical & First Aid.

(9) Before cleaning a dip tank:

(a) Drain the tank and open the cleanout doors; and

(b) Ventilate and clear any pockets where hazardous vapors may have accumulated.

(10) Use of flammable or combustible liquids.

(a) Use only dip tanks constructed from non-combustible materials. When drainboards are used, use only drainboards constructed from non-combustible materials.

(b) Overflow piping.

(A) Provide properly trapped overflow piping for dip tanks that have a capacity greater than 150 gallons (568 liters) or a surface area greater than 10 square feet (0.95 square meters).

(B) Overflow piping must discharge to a safe location.

(C) Overflow piping must be at least 3 inches (7.6 cm) diameter and must have sufficient capacity to prevent the tank from overflowing.

(D) The bottom of the overflow connector must be at least 6 inches (15.2 cm) below the top of the dip tank.

(c) Bottom Drains.

(A) Dip tanks containing more than 500 gallons (1893 L) of liquid must have a bottom drain.

(i) A bottom drain is not required if an automatic cover that meets the requirements of paragraph (10)(d)(C) is used.

(ii) A bottom drain is not required if the viscosity of the liquid at normal atmospheric temperature makes this impractical.

(B) Ensure the bottom drain will empty the dip tank in the event of a fire.

(C) Properly trap the bottom drain.

(D) Ensure the bottom drain has pipes that will empty the dip tank within 5 minutes.

(E) Bottom drains must discharge to a safe location.

(F) Bottom drains must be capable of manual and automatic operation. Manual operation must be from a safe and accessible location.

(G) When gravity flow from the bottom drain is impractical, use automatic pumps.

(d) Fire Protection.

(A) Provide portable fire extinguishers that meet the requirements of OAR 437-002-0187 in every vapor area.

(B) Provide an automatic fire extinguishing system:

(i) When the capacity of the dip tank is at least 150 gallons (568 L) or the liquid surface area is 4 square feet (0.38 square meters) or more; or

(ii) When the capacity of a hardening or tempering tank is at least 500 gallons (1893 L) or a liquid surface area of 25 square feet (2.37 square meters) or more.

(C) A cover that is closed by an approved automatic device for the automatic fire-extinguishing system may be used instead of the fire extinguishing system if the cover:

(i) Can also be activated manually;

(ii) Is noncombustible or tin-clad, with the enclosing metal applied with locked joints; and

(iii) Is kept closed when the dip tank is not in use.

(D) In each vapor area and any adjacent area, ensure that:

(i) All electrical wiring and equipment conform to OAR 437, Division 2, Subdivision S (except as specifically permitted in paragraph (15)); and

(ii) There are no flames, spark-producing devices, or other surfaces that are hot enough to ignite vapors.

(E) Electrically bond and ground portable containers used to add liquids to dip tanks to prevent static electrical sparks or arcs.

(F) All vapor areas must be free of combustible debris and as free as practicable of combustible stock.

(G) Deposit all rags or waste impregnated with dipping or coating material in a tightly-closing metal waste can immediately after use. Use only waste cans that are approved or acceptable to the local fire authority.

(H) Empty all waste containers at the end of each shift.

(I) Prohibit smoking in all vapor areas. Post a readily visible "No Smoking" sign near each dip tank or designate the entire area as "No Smoking."

(e) If a conveyor system is used with a dip tank, it must automatically shut down in the event of a fire. If a ventilation system is used to meet the ventilation requirements of paragraph (4), the conveyor system must automatically shut down if the ventilation system fails.

(f) If a liquid is heated in a dip tank, it must be maintained below the liquid's boiling point, and it must be maintained at least 100° F (37.8° C) below the liquid's autoignition temperature.

(g) Ensure that a heating system that is used in a drying operation and could cause ignition:

(A) Is installed in accordance with NFPA 86A-1969, Standard for Ovens and Furnaces (which is incorporated by reference in 1910.6 of this part); and

(B) Has adequate mechanical ventilation that operates before and during the drying operation; and

(C) Shuts down automatically if any ventilating fan fails to maintain adequate ventilation.

(11) Hardening or Tempering Tanks.

(a) Ensure that hardening or tempering tanks:

(A) Are located as far as practicable from furnaces;

(B) Are on noncombustible flooring;

(C) Have noncombustible hoods and vents (or equivalent devices) for venting to the outside. For this purpose, treat vent ducts as flues and keep them away from combustible materials, particularly roofs.

(b) Equip each tank with an alarm that will sound if the temperature of the liquid comes within 50° F (10° C) of its flashpoint (the alarm set point).

(c) When practicable, provide each tank with a limit switch to shut down the conveyor supplying work to the tank.

(d) If the temperature of the liquid can exceed the alarm set point, equip the tank with a circulating cooling system.

(e) If the tank has a bottom drain, the bottom drain may be combined with the oil-circulating system.

(f) Do not use air under pressure when filling the dip tank or agitating the liquid in the dip tank.

(12) Flow Coating.

(a) Use a direct low-pressure pumping system or a 10-gallon (38 L) or smaller gravity tank to supply the paint for flow coating. In case of fire, an approved heat-actuated device must shut down the pumping system.

(b) Ensure that the piping is substantial and rigidly supported.

(13) When roll coating, roll spreading, or roll impregnating operations use a flammable or combustible liquid that has a flashpoint below 140° F (60° C), prevent sparking of static electricity by:

(a) Bonding and grounding all metallic parts (including rotating parts) and installing static collectors; or

(b) Maintaining a conductive atmosphere (for example, one with a high relative humidity) in the vapor area.

(14) Vapor degreasing tanks.

(a) Ensure that the condenser or vapor-level thermostat keeps the vapor level at least 36 inches (91 cm) or one-half the tank width, whichever is less, below the top of the vapor degreasing tank.

(b) When using gas as a fuel to heat the tank liquid, the combustion chamber must be airtight (except for the flue opening) to prevent solvent vapors from entering the air-fuel mixture.

(c) The flue must be made of corrosion-resistant material, and it must extend to the outside. Install a draft diverter if mechanical exhaust is used on the flue.

(d) Do not allow the temperature of the heating element to cause a solvent or mixture to decompose or to generate an excessive amount of vapor.

(15) Ensure that cyanide tanks have a dike or other safeguard to prevent cyanide from mixing with an acid if a dip tank fails.

(16) If a liquid is sprayed in the air over an open-surface cleaning or degreasing tank, control the spraying to the extent feasible by:

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- (a) Enclosing the spraying operation; and
- (b) Using mechanical ventilation to provide enough inward air velocity to prevent the spray from leaving the vapor area.

(17) Electrostatic paint detearing.

(a) Use only approved electrostatic equipment in paint-detearing operations. Electrodes in such equipment must be substantial, rigidly supported, permanently located, and effectively insulated from ground by non-porous, noncombustible, clean, dry insulators.

(b) Use conveyors to support any goods being paint deteared.

(c) Do not manually handle goods being electrostatically deteared.

(d) Maintain a minimum distance of twice the sparking distance between goods being electrostatically deteared and the electrodes or conductors of the electrostatic equipment. This minimum distance must be displayed conspicuously on a sign located near the equipment.

(e) Ensure that the electrostatic equipment has automatic controls that immediately disconnect the power supply to the high-voltage transformer and signal the operator if:

(A) Ventilation or the conveyors fail to operate;

(B) A ground (or imminent ground) occurs anywhere in the high-voltage system; or

(C) Goods being electrostatically deteared come within twice the sparking distance of the electrodes or conductors of the equipment.

(f) Use fences, rails, or guards, made of conducting material and adequately grounded, to separate paint-detearing operations from storage areas and from personnel.

(g) To protect paint-detearing operations from fire, use automatic sprinklers or an automatic fire-extinguishing system conforming to the requirements of OAR 437, Division 2, Subdivision F.

(h) To collect paint deposits, provide drip plates and screens and clean these plates and screens in a safe location.

Stat. Authority: ORS 654.025(2), 656.726(4).

Stats. Implemented: ORS 654.001 - 654.295.

Hist.: OSHA 9-2007, f. & cert. ef. 12-3-07; OSHA 5-2012, f. & cert. ef. 9-25-12

437-002-0280

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1910, in the Federal Register:

(1) 29 CFR 1910.251 Definitions, published 12/14/07, FR vol. 72, no. 240, p. 71061.

(2) 29 CFR 1910.252 General Requirements, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(3) 29 CFR 1910.253 Oxygen-Fuel Gas Welding and Cutting, published 12/14/07, FR vol. 72, no. 240, p. 71061.

(4) 29 CFR 1910.254 Arc Welding and Cutting, published 9/13/05, FR vol. 70, no. 176, p. 53925.

(5) 29 CFR 1910.255 Resistance Welding, published 4/11/90, Federal Register, vol. 55, no. 70, pp. 13710-13711.

These rules are on file with the Oregon Occupational Safety and Health Division, Department of Consumer and Business Services, and the United States Government Printing Office.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 232-1990, f. 9-28-90, cert. ef. 12-1-90; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 3-1998, f. & cert. ef. 7-7-98; OSHA 4-2005, f. & cert. ef. 12-14-05; OSHA 7-2008, f. & cert. ef. 5-30-08; OSHA 2-2010, f. & cert. ef. 2-25-10; OSHA 1-2012, f. & cert. ef. 4-10-12; OSHA 5-2012, f. & cert. ef. 9-25-12

437-002-0288

Health Protection and Ventilation — General

(1) When welding or cutting operations are being performed on the following materials (Table OR Q 1), the protective measures indicated are required unless atmospheric samples taken in the welder's breathing zone indicate that the concentration does not exceed the limits specified in Division 2/Z, OAR 437-002-0382, Oregon Rules for Air Contaminants.

(2) Nearby workers shall be afforded equivalent, effective, protection from these dangerous fumes. Table.

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

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 232-1990, f. 9-28-90, cert. ef. 12-1-90; OSHA 6-1994, f. & cert. ef. 9-30-94; OSHA 5-2012, f. & cert. ef. 9-25-12

437-002-0360

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the fol-

lowing federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1910, in the Federal Register:

(1) (Reserved) 29 CFR 1910.1000 Air contaminants. NOTE: 29 CFR 1910.1000 was repealed on 11/15/93 by OR OSHA. In Oregon, OAR 437-002-0382 applies.

(2) 29 CFR 1910.1001 Asbestos, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(3) 29 CFR 1910.1002 Coal tar pitch volatiles, interpretation of term, published 1/21/83, Federal Register, vol. 43, p. 2768.

(4) 29 CFR 1910.1003 13 Carcinogens, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(5) 29 CFR 1910.1004 See §1910.1003, 13 Carcinogens.

(6) Reserved for 29 CFR 1910.1005.

(7) 29 CFR 1910.1006 See §1910.1003, 13 Carcinogens.

(8) 29 CFR 1910.1007 See §1910.1003, 13 Carcinogens.

(9) 29 CFR 1910.1008 See §1910.1003, 13 Carcinogens.

(10) 29 CFR 1910.1009 See §1910.1003, 13 Carcinogens.

(11) 29 CFR 1910.1010 See §1910.1003, 13 Carcinogens.

(12) 29 CFR 1910.1011 See §1910.1003, 13 Carcinogens.

(13) 29 CFR 1910.1012 See §1910.1003, 13 Carcinogens.

(14) 29 CFR 1910.1013 See §1910.1003, 13 Carcinogens.

(15) 29 CFR 1910.1014 See §1910.1003, 13 Carcinogens.

(16) 29 CFR 1910.1015 See §1910.1003, 13 Carcinogens.

(17) 29 CFR 1910.1016 See §1910.1003, 13 Carcinogens.

(18) 29 CFR 1910.1017 Vinyl chloride, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(19) 29 CFR 1910.1018 Inorganic arsenic, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(20) 29 CFR 1910.1020 Access to Employee Exposure and Medical Records, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.

Appendix A Sample Authorization Letter.

Appendix B Availability of NIOSH RTECS.

(21) 29 CFR 1910.1025 Lead, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(22) 29 CFR 1910.1026 Chromium (VI), published 3/26/12, FR vol. 77, no. 58, p. 17574.

(23) 29 CFR 1910.1027 Cadmium, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(24) 29 CFR 1910.1028 Benzene, and Appendices A, B, C, D, and E, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(25) 29 CFR 1910.1029 Coke oven emissions, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(26) 29 CFR 1910.1030 Bloodborne pathogens, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.

(27) 29 CFR 1910.1043 Cotton dust, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(28) 29 CFR 1910.1044 1,2 dibromo-3 chloropropane, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(29) 29 CFR 1910.1045 Acrylonitrile, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(30) 29 CFR 1910.1047 Ethylene oxide, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(31) 29 CFR 1910.1048 Formaldehyde, and Appendices A, B, C, D and E, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(32) 29 CFR 1910.1050 Methyleneedianiline (MDA), published 3/26/12, FR vol. 77, no. 58, p. 17574.

(33) 29 CFR 1910.1051 1,3-Butadiene, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(34) 29 CFR 1910.1052 Methylene Chloride, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(NOTE: 29 CFR 1910.1101 Asbestos, was repealed by Federal Register, vol. 57, no. 110, issued 6/8/92, p. 24330.)

(35) 29 CFR 1910.1096 Ionizing radiation, published 6/20/96, FR vol. 61, no. 46, p. 31427.

(36) 29 CFR 1910.1200 Hazard communication, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(37) 29 CFR 1910.1201 Retention of DOT Markings, Placards and Labels, published 7/19/94, Federal Register, vol. 59, p. 36700.

(38) 29 CFR 1910.1450 Occupational Exposure to Hazardous Chemicals in Laboratories, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(39) 29 CFR 1910.1499 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9245.

(40) 29 CFR 1910.1500 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9245.

These standards are available at the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.

ADMINISTRATIVE RULES

Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001 - 654.295
Hist.: APD 13-1988, f. 8-2-88 & ef. 8-2-88; APD 14-1988, f. & ef. 9-12-88; APD 18-1988, f. & ef. 11-17-88; APD 4-1989(Temp), f. 3-31-89, ef. 5-1-89; APD 6-1989(Temp), f. 4-20-89, ef. 5-1-89; APD 9-1989, f. & ef. 7-7-89; APD 11-1989, f. 7-14-89, ef. 8-14-89; APD 13-1989, f. & ef. 7-17-89; OSHA 1-1990(Temp), f. & ef. 1-11-90; OSHA 3-1990(Temp), f. & ef. 1-19-90; OSHA 6-1990, f. & ef. 3-2-90; OSHA 7-1990, f. & ef. 3-2-90; OSHA 9-1990, f. 5-8-90, ef. 8-8-90; OSHA 11-1990, f. 6-7-90, ef. 7-1-90; OSHA 13-1990(Temp), f. 6-28-90, ef. 8-1-90; OSHA 14-1990, f. 6-28-90, ef. 8-1-90; OSHA 19-1990, f. & ef. 8-31-90; OSHA 20-1990, f. & ef. 9-18-90; OSHA 21-1990, f. & ef. 9-18-90; OSHA 7-1991, f. & cert. ef. 4-25-91; OSHA 13-1991, f. & cert. ef. 10-10-91; OSHA 15-1991, f. & cert. ef. 12-13-91; OSHA 1-1992, f. & cert. ef. 1-22-92; OSHA 4-1992, f. & cert. ef. 4-16-92; OSHA 5-1992, f. 4-24-92, cert. ef. 7-1-92; OSHA 6-1992, f. & cert. ef. 5-18-92; OSHA 9-1992(Temp), f. & cert. ef. 9-24-92; OSHA 11-1992, f. & cert. ef. 10-9-92; OSHA 12-1992, f. & cert. ef. 10-13-92; OSHA 14-1992, f. & cert. ef. 12-7-92; OSHA 15-1992, f. & cert. ef. 12-30-92; OSHA 1-1993, f. & cert. ef. 1-22-93; OSHA 6-1993(Temp), f. & cert. ef. 5-17-93; OSHA 12-1993, f. 8-20-93, cert. ef. 11-1-93; OSHA 17-1993, f. & cert. ef. 11-15-93; OSHA 4-1994, f. & cert. ef. 8-4-94; OSHA 1-1995, f. & cert. ef. 1-19-95; OSHA 4-1995, f. & cert. ef. 3-29-95; OSHA 5-1995, f. & cert. ef. 4-6-95; OSHA 8-1995, f. & cert. ef. 8-25-95; OSHA 4-1996, f. & cert. ef. 9-13-96; OSHA 6-1996, f. & cert. ef. 11-29-96; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 6-1997, f. & cert. ef. 5-2-97; OSHA 8-1997, f. & cert. ef. 11-14-97; OSHA 1-1998, f. & cert. ef. 2-13-98; OSHA 3-1998, f. & cert. ef. 7-7-98; OSHA 1-1999, f. & cert. ef. 3-22-99; OSHA 2-1999, f. & cert. ef. 4-30-99; OSHA 6-2001, f. & cert. ef. 5-15-01; OSHA 10-2001, f. 9-14-01, cert. ef. 10-18-01; OSHA 12-2001, f. & cert. ef. 10-26-01; OSHA 1-2005, f. & cert. ef. 4-12-05; OSHA 4-2006, f. & cert. ef. 7-24-06; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 10-2006, f. & cert. ef. 11-30-06; OSHA 5-2009, f. & cert. ef. 5-29-09; OSHA 3-2010, f. 6-10-10, cert. ef. 6-15-10; OSHA 4-2011, f. & cert. ef. 12-8-11; OSHA 5-2011, f. 12-8-11, cert. ef. 7-1-12; OSHA 1-2012, f. & cert. ef. 4-10-12; OSHA 5-2012, f. & cert. ef. 9-25-12

437-002-0364

Oregon Rules for MOCA (4,4'-Methylene Bis (2-chloroaniline))

(1) Application. This rule applies to any areas in which MOCA (4,4'-Methylene bis (2-chloroaniline)) (CAS# 101-14-4) is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under OAR 437-002-0364(5)(b), (c), and (d).

(2) Definitions:

"Absolute filter" is one capable of retaining 99.97 percent of a monodisperse aerosol of 0.3 µm particles.

"Administrator" means the Administrator of the Oregon Occupational Safety and Health Division, or any person directed to act for the Administrator.

"Authorized employee" means an employee whose duties require them to be in the regulated area and who has been specifically assigned by the employer.

"Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of MOCA. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this rule.

"Closed system" means an operation involving MOCA where containment prevents the release of MOCA into regulated areas, non-regulated areas, or the external environment.

"Decontamination" means the inactivation of MOCA or its safe disposal.

"Disposal" means the safe removal of MOCA from the work environment.

"Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of MOCA which may result in exposure to or contact with MOCA.

"External environment" means any environment external to regulated and non-regulated areas.

"Isolated system" means a fully enclosed structure other than the vessel of containment of MOCA which is impervious to the passage of MOCA and which would prevent the entry of MOCA into regulated areas, non-regulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

"Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving MOCA within the hood does not require the insertion of any portion of any employee's body other than their hands and arms.

"Non-regulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

"Open-vessel system" means an operation involving MOCA in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of MOCA into regulated areas, non-regulated areas, or the external environment.

"Protective clothing" means clothing designed to protect an employee against contact with or exposure to MOCA.

"Regulated area" means an area where entry and exit is restricted and controlled.

(3) Requirements for areas containing MOCA.

(a) A regulated area shall be established by an employer where MOCA is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(A) Isolated systems. Employees working with MOCA within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(B) Closed system operation. Within regulated areas where MOCA is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while MOCA is contained within:

(i) Access shall be restricted to authorized employees only; and
(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(C) Open vessel system operations. Open vessel system operations as defined in OAR 437-002-0364(2) are prohibited.

(D) Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system. In operations involving "laboratory type hoods," or in locations where MOCA is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this rule shall apply.

(i) Access shall be restricted to authorized employees only.

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, non-regulated areas or the external environment unless decontaminated. Clean make-up air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in MOCA handling operations must be provided and required to wear and use respiratory protection, in accordance with OAR 437, Division 2/I, Personal Protective Equipment, 1910.134, Respiratory Protection.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under OAR 437-002-0364(5)(b), (c) and (d).

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(E) Maintenance and decontamination activities. In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with MOCA could result, each authorized employee entering that area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with OAR 437, Division 2/I, Personal Protective Equipment;

(ii) Be decontaminated before removing the protective garments and hood; and

(iii) Be required to shower upon removing the protective garments and hood.

(F) Premixed solutions. Where MOCA is present only in a single solution at a temperature not exceeding 220° F, the establishment of a regulated area is not required; however:

(i) Only authorized employees shall be permitted to handle such materials;

(ii) Each day employees shall be provided with and required to wear a clean change of protective clothing (smocks, coveralls, or long-sleeved shirts and pants), gloves, and other protective garments and equipment necessary to prevent contact with the solution in the process used;

(iii) Employees shall be required to remove and leave protective clothing and equipment when leaving the work area at the end of the work day, or at any time solution is spilled on such clothing or equipment. Used clothing and equipment shall be placed in impervious containers for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under OAR 437-002-0364(5)(b), (c) and (d).

(iv) Employees shall be required to wash hands and face after removing such clothing and equipment and before engaging in other activities;

(v) Employees assigned to work covered by OAR 437-002-0364(3)(a)(F) shall be deemed to be working in regulated areas for the purposes of OAR 437-002-0364(4)(a); (b)(A), (B); (c)(C), (D), and 437-002-0364(5) through (7).

(vi) Work areas where solution may be spilled shall be:

(I) Covered daily or after any spill with a clean covering; or

(II) Cleaned thoroughly daily and after any spill.

(4) General Regulated Area Requirements:

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(a) Emergencies. In an emergency, immediate measures including, but not limited to, the requirements of sections (A), (B), (C), (D), and (E) below shall be implemented:

(A) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(B) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(C) Special medical surveillance by a physician shall be instituted within 24 hours, for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with OAR 437-002-0364(6)(b).

(D) Where an employee has a known contact with MOCA, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(E) An incident report on the emergency shall be reported as provided in OAR 437-002-0364(6)(b).

(F) Emergency deluge showers and eyewash fountains supplied with running potable water shall be located near, within sight of, and on the same level with locations where a direct exposure to MOCA would be most likely as a result of equipment failure, or improper work practice.

(b) Hygiene Facilities and Practices.

(A) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(B) Where employees are required by OAR 437-002-0364 to wash, washing facilities shall be provided in accordance with OAR 437, Division 2/J, 1910.141, Sanitation.

(C) Where employees are required by OAR 437-002-0364 to shower, shower facilities shall be provided in accordance with OAR 437, Division 2/J, 1910.141 Sanitation.

(D) Where employees wear protective clothing and equipment clean change rooms shall be provided in accordance with OAR 437, Division 2/J, 1910.141, Sanitation, for the number of such employees required to change clothes.

(E) Where toilets are in regulated areas, such toilets shall be in a separate room.

(c) Contamination Control.

(A) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to non-regulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean make-up air in equal volume shall replace air removed.

(B) Any equipment, materials, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in non-regulated areas or the external environment.

(C) Decontamination procedures shall be established and implemented to remove MOCA from the surfaces of materials, equipment, and the decontamination facility.

(D) Dry sweeping and dry mopping is prohibited.

(5) Signs, Information and Training.

(a) Signs.

(A) Entrances to regulated areas shall be posted with signs bearing the legend:

DANGER
MOCA
(4,4'-METHYLENE BIS (2-CHLOROANILINE))
MAY CAUSE CANCER
AUTHORIZED PERSONNEL ONLY

(B) Entrances to regulated areas containing operations covered in OAR 437-002-0364 (3)(a)(E), shall be posted with signs bearing the legend:

DANGER
MOCA
(4,4'-METHYLENE BIS (2-CHLOROANILINE))
MAY CAUSE CANCER
WEAR RESPIRATORY PROTECTION AND
PROTECTIVE CLOTHING IN THIS AREA
AUTHORIZED PERSONNEL ONLY

(C) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(b) Container Contents Identification.

(A) Provide impervious containers as required under OAR 437-002-0364(3)(a)(D)(v).

(i) Ensure only authorized employees have access to and handle containers.

(ii) Containers must display the following warning:

DANGER
CONTENTS CONTAMINATED with MOCA
(4,4'-METHYLENE BIS (2-CHLOROANILINE))
MAY CAUSE CANCER

(B) Label all primary and secondary containers of MOCA in accordance with 1910.1200.

(c) Lettering.

(A) Lettering on signs and instructions required by OAR 437-002-0364(5)(a)[and (b)] shall be a minimum letter height of 2 inches.

(B) Labels on containers required under OAR 437-002-0364(5)(b)(A)(ii) shall not be less than 1/2 the size of the largest lettering on the package, and not less than 8 point type in any instance; provided that no such required lettering need be more than 1 inch in height.

(d) Prohibited Statements. No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(e) Training and Indoctrination.

(A) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(i) The nature of the carcinogenic hazards of MOCA including local and systemic toxicity;

(ii) The specific nature of the operation involving MOCA which could result in exposure;

(iii) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(iv) The purpose for and application of decontamination practices and purposes;

(v) The purpose for and significance of emergency practices and procedures;

(vi) The employee's specific role in emergency procedures;

(vii) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of MOCA;

(viii) The purpose for and application of specific first aid procedures and practices; and

(ix) A review of OAR 437-002-0364 at the employee's first training and indoctrination program and annually thereafter.

(B) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(C) All materials relating to the program shall be provided upon request to authorized representatives of the Administrator.

(6) Reports.

(a) Reserved.

(b) Incidents. Incidents which result in the release of MOCA into any area where employees may be potentially exposed shall be reported in accordance with this rule.

(A) A report of the occurrence of the incident and the facts obtainable at that time, including a report of any medical treatment of affected employees, shall be made within 24 hours to the Administrator.

(B) A written report shall be filed with the Administrator within 15 calendar days thereafter, and shall include:

(i) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(ii) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(iii) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(7) Medical Surveillance. At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(a) Examinations:

(A) Before an employee is assigned to enter a regulated area, a pre-assignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(B) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the pre-assignment examination.

(C) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced

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immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(b) Records:

(A) Employers of employees examined pursuant to this rule shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. The employer shall comply with the requirements concerning transfer of records set forth in Division 2/Z, 1910.1020(h).

(B) Records required by this rule shall be provided upon request to employees, designated representatives, and the Administrator in accordance with OAR 437, Division 2/Z, 1910.1020, Access to Employee Exposure and Medical Records.

(C) Any physician who conducts a medical examination required by this rule shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: WCB 3-1975, f. 10-6-75, ef. 11-1-75; WCB 4-1979, f. 5-21-79, ef. 7-15-79; WCB 8-1980, f. 11-5-80, ef. 12-1-80; OSHA 12-1993, f. 8-20-93, cert. ef. 11-1-93; OSHA 4-2011, f. & cert. ef. 12-8-11; OSHA 5-2012, f. & cert. ef. 9-25-12

437-002-0377

Additional Oregon Rules for Hazard Communication

(1) In addition to the provisions of 1910.1200(i)(11), the Oregon Occupational Safety and Health Division shall have the authority under ORS Chapter 654 to issue a subpoena or any protective orders.

(2) Agency actions under ORS Chapter 654 and these rules may be enforced by the issuance of additional citations and penalties pursuant to ORS 654.071(4), ORS 654.086(1)(d), or ORS 654.086(3). The Oregon Occupational Safety and Health Division may refer the matter to the Circuit Court in the county in which the proceedings are pending for enforcement of the subpoena.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: WCB 6-1984, f. 6-25-84, ef. 11-25-85; APD 1-1988, f. & ef. 2-8-88; OSHA 12-1993, f. 8-20-93, cert.; ef. 11-1-93; OSHA 5-2012, f. & cert. ef. 9-25-12

437-002-0378

Oregon Rules for Pipe Labelling

(1) Scope and Application. This division shall apply to all piping systems containing hazardous substances or that use asbestos as a pipe insulation material in buildings, structures and workplaces. This division does not apply to buried piping.

(2) Definitions.

Hazardous substances: any substance which is a physical or health hazard.

Health Hazard: A chemical which is classified as posing one of the following hazardous effects: acute toxicity (any route of exposure); skin corrosion or irritation; serious eye damage or eye irritation; respiratory or skin sensitization; germ cell mutagenicity; carcinogenicity; reproductive toxicity; specific target organ toxicity (single or repeated exposure); or aspiration hazard. The criteria for determining whether a chemical is classified as a health hazard are detailed in Appendix A to 1910.1200 - Health Hazard Criteria.

Physical Hazard: A chemical that is classified as posing one of the following hazardous effects: explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid or gas); self-reactive; pyrophoric (liquid or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; or in contact with water emits flammable gas. See Appendix B to 1910.1200 - Physical Hazard Criteria.

Piping system: includes pipes, single or multiple, of any kind and, in addition, valves and pipe coverings.

Pipes: conduits for the transport of gases, liquids, semiliquids or fine particulate dusts.

(3) Purpose. The purpose of this division is to prescribe minimum labelling requirements for all piping systems which contain hazardous substances, transport substances in a hazardous state, or which use asbestos as a pipe insulation material.

(4) Labelling.

(a) Pipes and piping systems which contain hazardous substances or transport substances in a hazardous state shall be labelled in accordance with subsections (A), (B), (C) and (D) or otherwise identified in accordance with subsection (c) of this rule:

(A) Positive identification of the hazardous contents of a piping system shall be by lettered labels. The label shall give the name of the contents in full or abbreviated form.

(B) Contents shall be identified by labelling with sufficient detail to identify the hazard.

(C) Label wording shall be brief, informative and simple.

(D) Labelling shall be accomplished by stencilling, the use of tape, adhesives, markers or approved alternative means.

(b) Pipes or piping systems which use asbestos as a pipe insulation material shall be labelled in accordance with subsection (b)(A), or otherwise identified in accordance with subsection (c) below:

(A) The label for pipe insulation containing asbestos shall include the following:

DANGER
CONTAINS ASBESTOS FIBERS
MAY CAUSE CANCER
CAUSES DAMAGE TO LUNGS
DO NOT BREATHE DUST
AVOID CREATING DUST

(c) The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual pipes, as long as the alternative method identifies the pipe(s) to which it is applicable and conveys the information required by this rule. The written materials shall be readily accessible to the employees in their work areas during each shift. (OAR 437, Division 2/Z, Hazard Communication, 1910.1200.)

(5) Location of Labelling.

(a) Labelling shall be applied where confusion may occur, such as close to valves or flanges and adjacent to changes in direction, branches and where pipes pass through walls, floors or ceilings.

(b) Labelling shall be applied, at a minimum, at the beginning and end of continuous pipe runs.

(c) For asbestos insulation, labelling shall be at a minimum, on unobstructed continuous pipe runs, every 75 feet. Illustration.

(6) Visibility.

(a) Where pipes are located above or below the normal line of vision, the lettering shall be placed below or above the horizontal centerline of the pipe.

(b) Where pipes are inaccessible and/or at a distance which precludes clear identification of the letters on labelling, alternatives to the labelling which meet all other requirements of this rule may be used (i.e., schematics posted on walls in work areas). Appendix.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: WCD 8-1986, f. 9-4-86, cert. ef. 10-1-87; OSHA 12-1993, f. 6-20-93, cert. ef. 11-1-93, Renumbered from 437-153-0004-0025; OSHA 5-2012, f. & cert. ef. 9-25-12

437-002-0391

Additional Oregon Rules for Carcinogens in Laboratories

(1) Definitions.

"Absolute filter" is one capable of retaining 99.97 percent of a monodisperse aerosol of 0.3 μ m particles.

For the purposes of OAR 437-002-0391, "carcinogen" is defined as the substances regulated by 29 CFR 1910.1003, 1910.1004, 1910.1006, 1910.1007, 1910.1008, 1910.1009, 1910.1010, 1910.1011, 1910.1012, 1910.1013, 1910.1014, 1910.1015, 1910.1016 and OAR 437-002-0364.

(2) Laboratory activities. The requirements of this section shall apply to research and quality control activities involving the use of a carcinogen.

(a) Mechanical pipetting aids shall be used for all pipetting procedures.

(b) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(c) Surfaces on which a carcinogen is handled shall be protected from contamination.

(d) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(e) All other forms of a carcinogen shall be inactivated prior to disposal.

(f) Laboratory vacuum systems shall be protected with disposable absolute filters. Exhaust systems containing such filters shall be provided with suitable ports or openings to enable determination of whether the filter in its operating location, does meet the efficiency requirements defined in OAR 437-002-0391(1). Determination of filter efficiency shall be by measurement, with a forward light scattering photometer, of passage of a polydisperse dioctyl phthalate aerosol.

(g) Employees engaged in animal support activities shall be:

(A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(B) Required to remove and leave protective clothing and equipment at the point of exit prior to each exit from a regulated area and at the last exit of the day, to place used clothing and equipment in impervious con-

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tainers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers must display the following warning:

DANGER
CONTAMINATED
MAY CAUSE CANCER

(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(D) Required to shower after the last exit of the day.

(h) Employees, other than those engaged only in animal support activities, each day shall be:

(A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or full buttoned laboratory coat.

(B) Required to remove and leave protective clothing and equipment at the point of exit prior to each exit from a regulated area and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers must display the following warning:

DANGER
CONTAMINATED
MAY CAUSE CANCER

(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(i) Air pressure in laboratory areas and animal rooms where a carcinogen is handled and bio- assay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, non-regulated areas or the external environment unless decontaminated.

(j) There shall be no connection between regulated areas and any other areas through the ventilation system.

(k) A current inventory of carcinogens shall be maintained.

(l) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: WCB 3-1975, f. 10-6-75, ef. 11-1-75; OSHA 12-1993, f. 6-20-93, cert. ef. 11-1-93; OSHA 5-2012, f. & cert. ef. 9-25-12

437-003-0001

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, in the Federal Register:

(1) Subdivision A – GENERAL

(a) 29 CFR 1926.1 Purpose and Scope, published 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.2 Variances from safety and health standards, published 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.3 Inspections – right of entry, published 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.4 Rules of practice for administrative adjudications for enforcement of safety and health standards, published 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.6 Incorporation by reference, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(2) Subdivision B – GENERAL INTERPRETATIONS

(a) 29 CFR 1926.10 Scope of subpart, published 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.11 Coverage under section 103 of the act distinguished, published 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.12 Reorganization plan No. 14 of 1950, published 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.13 Interpretation of statutory terms, published 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.14 Federal contracts for 'mixed' types of performance, published 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.15 Relationship to the service contract act; Walsh-Healey Public Contracts Act, published 4/6/79, FR vol. 44, p. 20940.

(g) 29 CFR 1926.16 Rules of construction, published 4/6/79, FR vol. 44, p. 20940.

(3) Subdivision C – GENERAL SAFETY AND HEALTH PROVISIONS

(a) 29 CFR 1926.20 General safety and health provisions, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.

(b) 29 CFR 1926.21 Safety training and education, published 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.22 Recording and reporting of injuries (Reserved)

(d) 29 CFR 1926.23 First aid and medical attention, published 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.24 Fire protection and prevention, published 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.25 Housekeeping, published 4/6/79, FR vol. 44, p. 20940.

(g) 29 CFR 1926.26 Illumination, published 4/6/79, FR vol. 44, p. 20940.

(h) 29 CFR 1926.27 Sanitation, published 4/6/79, FR vol. 44, p. 20940.

(i) 29 CFR 1926.28 Personal protective equipment, published 4/6/79, FR vol. 44, p. 20940.

(j) 29 CFR 1926.29 Acceptable certifications, published 4/6/79, FR vol. 44, p. 20940.

(k) 29 CFR 1926.30 Shipbuilding and ship repairing, published 3/7/96, FR vol. 61, no. 46, p. 9249.

(l) 29 CFR 1926.31 (Reserved).

(m) 29 CFR 1926.32 Definitions, published 6/30/93, FR vol. 58, no. 124, p. 35078.

(n) 29 CFR 1926.33 Access to employee exposure and medical records, published 6/20/96, FR vol. 61, no. 46, p. 31427.

(o) 29 CFR 1926.34 Means of egress, published 6/30/93, Federal Register, vol. 58, no. 124, p. 35083.

(4) Subdivision D – OCCUPATIONAL HEALTH AND ENVIRONMENTAL CONTROLS

(a) 29 CFR 1926.50 Medical services and first aid, published 12/27/11, FR vol. 76, no. 248, p. 80735.

(b) 29 CFR 1926.51 Sanitation, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.

(c) 29 CFR 1926.52 Occupational noise exposure, published 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.53 Ionizing radiation, published 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.54 Nonionizing radiation, published 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.55 Gases, vapors, fumes, dusts, and mists, published 1/10/97, FR vol. 62, no. 7, p. 1619.

(g) 29 CFR 1926.56 Illumination, published 4/6/79, FR vol. 44, p. 20940.

(h) 29 CFR 1926.57 Ventilation, published 1/8/98, FR vol. 63, no. 5, p. 1295.

(i) 29 CFR 1926.58 Reserved, §1926.58, Asbestos, tremolite, anthophyllite and actinolite is redesignated as §1926.1101, Asbestos, and §1926.58 is reserved (8/10/94, FR vol. 59, no. 153, pp. 41131-62).

(j) 29 CFR 1926.59 Hazard Communication, published 6/20/96, FR vol. 61, p. 31427; amended with Oregon OSHA Admin. Order 5-2012, f. 9/25/12, ef. 9/25/12.

(k) 29 CFR 1926.60 Methylenedianiline (MDA), published 3/26/12, FR vol. 77, no. 58, p. 17574.

(l) 29 CFR 1926.61 Retention of DOT markings, placards and labels, published 6/20/96, FR vol. 61, p. 31427.

(m) 29 CFR 1926.62 Lead, published 3/26/12, FR vol. 77, no. 58, p. 17574.

NOTE: Cadmium has been redesignated as §1926.1127.

(n) 29 CFR 1926.65 Hazardous Waste Operations and Emergency Response

NOTE: Division 2/H, 1910.120, Hazardous Waste Operations and Emergency Response, applies to Construction.

(5) Subdivision E – PERSONAL PROTECTIVE AND LIFE SAVING EQUIPMENT

(a) 29 CFR 1926.95 Criteria for personal protective equipment, published 11/15/07, FR vol. 72, no. 220, p. 64342.

(b) 29 CFR 1926.100 Head protection, published 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.101 Hearing protection, published 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.102 Eye and face protection, published 6/30/93, FR vol. 58, no. 124, p. 35160.

(e) 29 CFR 1926.103 Respiratory protection, published 1/8/98, FR vol. 63, no. 5, p. 1297.

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NOTE: 29 CFR 1926.104 Removed, 8/9/94, FR vol. 59, no. 152, p. 40729.

(f) 29 CFR 1926.105 Reserved, 8/9/94, FR vol. 59, no. 152, p. 40729.
(g) 29 CFR 1926.106 Working over or near water, published 4/6/79, FR vol. 44, p. 20940.

(h) 29 CFR 1926.107 Definitions applicable to this subpart, published 8/9/94, FR vol. 59, no. 152, p. 40729.

(6) Subdivision F – FIRE PROTECTION AND PREVENTION

(a) 29 CFR 1926.150 Fire protection, published 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.151 Fire prevention, published 7/11/86, FR vol. 51, p. 25318.

(c) 29 CFR 1926.152 Flammable and combustible liquids, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(d) 29 CFR 1926.153 Liquefied petroleum gas (LP-Gas), published 6/30/93, FR vol. 58, no. 124, p. 35170.

(e) 29 CFR 1926.154 Temporary heating devices, published 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.155 Definitions applicable to this subpart, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(7) Subdivision G – SIGNS, SIGNALS, AND BARRICADES

(a) 29 CFR 1926.200 Accident prevention signs and tags, published 6/30/93, FR vol. 58, no. 124, p. 35173; amended with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.

(b) 29 CFR 1926.201 Signaling, REPEALED with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.

(c) 29 CFR 1926.202 Barricades, REPEALED with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.

(d) 29 CFR 1926.203 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940; amended with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.

(8) Subdivision H – MATERIALS HANDLING, STORAGE, USE AND DISPOSAL

(a) 29 CFR 1926.250 General requirements for storage, published 6/30/93, FR vol. 58, no. 124, p. 35173.

(b) 29 CFR 1926.251 Rigging equipment for material handling, published 6/8/11, Federal Register, vol. 74, no. 110, p. 33590.

(c) 29 CFR 1926.252 Disposal of waste materials, published 4/6/79, FR vol. 44, p. 20940.

(9) Subdivision I – TOOLS – HAND AND POWER

(a) 29 CFR 1926.300 General requirements, published 3/7/96, FR vol. 61, no. 46, p. 9250.

(b) 29 CFR 1926.301 Hand tools, published 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.302 Power operated hand tools, published 6/30/93, FR vol. 58, no. 124, p. 35175.

(d) 29 CFR 1926.303 Abrasive wheels and tools, published 6/30/93, FR vol. 58, no. 124, p. 35175.

(e) 29 CFR 1926.304 Woodworking tools, published 3/7/96, FR vol. 61, no. 46, p. 9251.

(f) 29 CFR 1926.305 Jacks - lever and ratchet, screw, and hydraulic, published Federal Register vol. 58, no. 124, p. 35176.

(10) Subdivision J – WELDING AND CUTTING

(a) 29 CFR 1926.350 Gas welding and cutting, published 6/30/93, FR vol. 58, no. 124, p. 35179.

(b) 29 CFR 1926.351 Arc welding and cutting, published 7/11/86, FR vol. 51, p. 25318.

(c) 29 CFR 1926.352 Fire prevention, published 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.353 Ventilation and protection in welding, cutting, and heating, published 6/30/93, FR vol. 58, no. 124, p. 35179.

(e) 29 CFR 1926.354 Welding, cutting, and heating in way of preservative coatings, published 4/6/79, FR vol. 44, p. 20940.

(11) Subdivision K – ELECTRICAL

(a) 29 CFR 1926.400 Introduction, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(b) 29 CFR 1926.401 (Reserved)

(c) 29 CFR 1926.402 Applicability, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(d) 29 CFR 1926.403 General requirements, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(e) 29 CFR 1926.404 Wiring design and protection, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335; amended with AO 5-2002, repeal (b)(1), f. 6/28/02, ef. 10/1/03.

(f) 29 CFR 1926.405 Wiring methods, components, and equipment for general use, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(g) 29 CFR 1926.406 Specific purpose equipment and installations, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(h) 29 CFR 1926.407 Hazardous (classified) locations, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(i) 29 CFR 1926.408 Special systems, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(j) 29 CFR 1926.409 (Reserved)

(k) 29 CFR 1926.415 (Reserved)

(l) 29 CFR 1926.416 General requirements, published 8/12/96, FR vol. 61, no. 156, p. 41738.

(m) 29 CFR 1926.417 Lockout and tagging of circuits, published 8/12/96, FR vol. 61, no. 156, p. 41739.

(n) 29 CFR 1926.418 (Reserved)

(o) 29 CFR 1926.430 (Reserved)

(p) 29 CFR 1926.431 Maintenance of equipment, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(q) 29 CFR 1926.432 Environmental deterioration of equipment, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(r) 29 CFR 1926.433 - 29 CFR 1926.440 (Reserved)

(s) 29 CFR 1926.441 Battery locations and battery charging, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(t) 29 CFR 1926.442 - 29 CFR 1926.448 (Reserved)

(u) 29 CFR 1926.449 Definitions applicable to this subpart, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(12) Subdivision L – SCAFFOLDING

(a) 29 CFR 1926.450 Scope, application and definitions applicable to this subpart, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(b) 29 CFR 1926.451 General requirements, published 11/25/96, FR vol. 61, no. 228, p. 59831.

(c) 29 CFR 1926.452 Additional requirements applicable to specific types of scaffolds, published 8/30/96, FR vol. 61, no. 170, p. 46113.

(d) 29 CFR 1926.453 Aerial lifts, published 11/25/96, FR vol. 61, no. 228, p. 59832.

(e) 29 CFR 1926.454 Training, published 8/30/96, FR vol. 61, no. 170, p. 46117.

(f) Appendix A to Subpart L Scaffold Specifications, published 8/30/96, FR vol. 61, no. 170, p. 46117.

(g) Appendix B to Subpart L Criteria for determining the feasibility of providing safe access and fall protection for scaffold erectors and dismantlers (Reserved), published 8/30/96, FR vol. 61, no. 170, p. 46122.

(h) Appendix C to Subpart L List of National Consensus Standards, published 8/30/96, FR vol. 61, no. 170, p. 46122.

(i) Appendix D to Subpart L List of training topics for scaffold erectors and dismantlers, published 8/30/96, FR vol. 61, no. 170, p. 46122.

(j) Appendix E to Subpart L Drawing and illustrations, published 11/25/96, FR vol. 61, no. 228, p. 59832.

(13) Subdivision M – FALL PROTECTION

(a) 29 CFR 1926.500 Scope, application, and definitions applicable to this subpart, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(b) 29 CFR 1926.501 Duty to have fall protection, published 8/9/94, FR vol. 59, no. 152, p. 40732-40733; amended with AO 6-2002, f. and ef. 7/19/02.

(c) 29 CFR 1926.502 Fall protection systems criteria and practices, published 8/9/94, FR vol. 59, no. 152, p. 40733-40738; amended with AO 6-2002, f. and ef. 7/19/02.

(d) 29 CFR 1926.503 Training requirements. REPEALED with AO 6-2002, f. and ef. 7/19/02, replaced with OI.

(e) Appendix A to Subpart M Determining Roof Widths, published 8/9/94, FR vol. 59, no. 152, p. 40738-40742.

(f) Appendix B to Subpart M Guardrail Systems, published 8/9/94, FR vol. 59, no. 152, p. 40743.

(g) Appendix C to Subpart M Personal Fall Arrest Systems, published 8/9/94, FR vol. 59, no. 152, p. 40743-40746.

(h) Appendix D to Subpart M Positioning Device Systems, published 8/9/94, FR vol. 59, no. 152, p. 40746.

(14) Subdivision N – HELICOPTERS, HOISTS, ELEVATORS, AND CONVEYORS

(a) 29 CFR 1926.550 (Reserved).

(b) 29 CFR 1926.551 Helicopters, published 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.552 Material hoists, personnel hoists, and elevators, published 4/6/79, FR vol. 44, p. 20940.

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- (d) 29 CFR 1926.553 Base-mounted drum hoist, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (e) 29 CFR 1926.554 Overhead hoists, published 4/6/79, FR vol. 44, p. 20940.
- (f) 29 CFR 1926.555 Conveyors, published 4/6/79, FR vol. 44, p. 20940.
- (15) Subdivision O – MOTOR VEHICLES, MECHANIZED EQUIPMENT, AND MARINE OPERATIONS
- (a) 29 CFR 1926.600 Equipment, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (b) 29 CFR 1926.601 Motor vehicles, REPEALED by OR-OSHA Admin. Order 6-2007, f. 9/26/07, ef. 9/26/07.
- (c) 29 CFR 1926.602 Material handling equipment, published 12/1/98, FR vol. 63, no. 230, p. 66274; amended by AO 7-2003, f. 12/5/03, ef. 12/5/03.
- (d) 29 CFR 1926.603 Pile driving equipment, published 4/6/79, FR vol. 44, p. 20940.
- (e) 29 CFR 1926.604 Site clearing, published 7/22/77, FR vol. 42, p. 37674.
- (f) 29 CFR 1926.605 Marine operations and equipment, published 4/6/79, FR vol. 44, p. 20940.
- (g) 29 CFR 1926.606 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940.
- (16) Subdivision P – EXCAVATIONS
- (a) 29 CFR 1926.650 Scope, application, and definitions applicable to this subdivision, published 10/31/89, FR vol. 54, no. 209, pp. 45959-45961.
- (b) 29 CFR 1926.651 General requirements, published 8/9/94, FR vol. 59, no. 152, p. 40730.
- (c) 29 CFR 1926.652 Requirements for protective systems, published 10/31/89, FR vol. 54, no. 209, pp. 45961-45962.
- (d) Appendices A-F to Subdivision P, Excavations, published 10/31/89, FR vol. 54, no. 209, pp. 45962-45991.
- (17) Subdivision Q – CONCRETE AND MASONRY CONSTRUCTION
- (a) 29 CFR 1926.700 Scope, application and definitions applicable to this subpart, published 10/18/90, FR vol. 55, no. 202, p. 42326.
- (b) 29 CFR 1926.701 General requirements, published 8/9/94, FR vol. 59, no. 152, p. 40730.
- (c) 29 CFR 1926.702 Requirements for equipment and tools, published 6/16/88, FR vol. 53, p. 22612.
- (d) 29 CFR 1926.703 Requirements for cast-in-place concrete, published 6/16/88, FR vol. 53, p. 22612.
- (e) 29 CFR 1926.704 Requirements for precast concrete, published 10/5/89, FR vol. 54, no. 192, p. 41088.
- (f) 29 CFR 1926.705 Requirements for lift-slab construction operations, published 10/18/90, FR vol. 55, no. 202, p. 42326.
- (g) Appendix A to 1926.705 Lift-slab operations, published 10/18/90, FR vol. 55, no. 202, p. 42326.
- (h) 29 CFR 1926.706 Requirements for masonry construction, published 6/16/88, FR vol. 53, p. 22612; amended with OR-OSHA Admin. Order 1-2003, f. 1/30/03, ef. 4/30/03.
- (18) Subdivision R – STEEL ERECTION
- (a) 29 CFR 1926.750 Scope, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (b) 29 CFR 1926.751 Definitions, published 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (c) 29 CFR 1926.752 Site layout, site-specific erection plan and construction sequence, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (d) 29 CFR 1926.753 Hoisting and rigging, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (e) 29 CFR 1926.754 Structural steel assembly, published 4/3/06, FR vol. 71, no. 63, p. 16669.
- (f) 29 CFR 1926.755 Column anchorage, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (g) 29 CFR 1926.756 Beams and columns, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (h) 29 CFR 1926.757 Open web steel joists, published 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (i) 29 CFR 1926.758 Systems-engineered metal buildings, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (j) 29 CFR 1926.759 Falling object protection, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (k) 29 CFR 1926.760 Fall protection, published 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (l) 29 CFR 1926.761 Training, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.
- (m) Appendix A to Subpart R Guidelines for establishing the components of a site-specific erection plan: Nonmandatory Guidelines for Complying with §1926.752(e), published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (n) Appendix B to Subpart R Reserved.
- (o) Appendix C to Subpart R Illustrations of bridging terminus points: Nonmandatory Guidelines for Complying with §1926.757(a)(10) and §1926.757(c)(5), published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (p) Appendix D to Subpart R Illustration of the use of control lines to demarcate controlled decking zones (CDZs): Nonmandatory Guidelines for Complying with §1926.760(c)(3), REPEALED with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (q) Appendix E to Subpart R Training: Nonmandatory Guidelines for Complying with §1926.761, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (r) Appendix F to Subpart R Perimeter columns: Nonmandatory Guidelines for Complying with §1926.756(e) to Protect the Unprotected Side or Edge of a Walking/Working Surface, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (s) Appendix G to Subpart R Fall protection systems criteria and practices from §1926.502: Nonmandatory Guidelines for Complying with Complying with §1926.760(d), REPEALED with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (t) Appendix H to Subpart R Double connections: Illustration of a clipped end connection and a staggered connection: Non-Mandatory Guidelines for Complying with Complying with §1926.756(c)(1), published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (19) Subdivision S – UNDERGROUND CONSTRUCTION, CAISSONS, COFFERDAMS, AND COMPRESSED AIR
- (a) 29 CFR 1926.800 Tunnels and shafts, published 8/9/10, FR vol. 75, no. 152, pp.47906-48177.
- (b) 29 CFR 1926.801 Caissons, published 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.802 Cofferdams, published 4/6/79, FR vol. 44, p. 20940.
- (d) 29 CFR 1926.803 Compressed air, published 7/11/86, FR vol. 51, p. 25318.
- (e) 29 CFR 1926.804 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940.
- (f) Appendix A to Subpart S Decompression Tables, published 4/6/79, FR vol. 44, p. 20940.
- (20) Subdivision T – DEMOLITION
- (a) 29 CFR 1926.850 Preparatory operations, published 4/6/79, FR vol. 44, p. 20940.
- (b) 29 CFR 1926.851 Stairs, passageways, and ladders, published 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.852 Chutes, published 4/6/79, FR vol. 44, p. 20940.
- (d) 29 CFR 1926.853 Removal of materials through floor openings, published 4/6/79, FR vol. 44, p. 20940.
- (e) 29 CFR 1926.854 Removal of walls, masonry sections, and chimneys, published 4/6/79, FR vol. 44, p. 20940.
- (f) 29 CFR 1926.855 Manual removal of floors, published 4/6/79, FR vol. 44, p. 20940.
- (g) 29 CFR 1926.856 Removal of walls, floors, and materials with equipment, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (h) 29 CFR 1926.857 Storage, published 4/6/79, FR vol. 44, p. 20940.
- (i) 29 CFR 1926.858 Removal of steel construction, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (j) 29 CFR 1926.859 Mechanical demolition, published 4/6/79, FR vol. 44, p. 20940.
- (k) 29 CFR 1926.860 Selective demolition by explosives, published 4/6/79, FR vol. 44, p. 20940.
- (21) Subdivision U – BLASTING AND USE OF EXPLOSIVES
- (a) 29 CFR 1926.900 General provisions, published 4/6/79, FR vol. 44, p. 20940.
- (b) 29 CFR 1926.901 Blaster qualifications, published 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.902 Surface transportation of explosives, published 6/30/93, FR vol. 58, no. 124, p. 35311.
- (d) 29 CFR 1926.903 Underground transportation of explosives, published 4/6/79, FR vol. 44, p. 20940.

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- (e) 29 CFR 1926.904 Storage of explosives and blasting agents, published 6/30/93, FR vol. 58, no. 124, p. 35311.
- (f) 29 CFR 1926.905 Loading of explosives or blasting agents, published 6/30/93, FR vol. 58, no. 124, p. 35184.
- (g) 29 CFR 1926.906 Initiation of explosive charges – electric blasting, published 6/18/98, FR vol. 63, no. 117, p. 33469.
- (h) 29 CFR 1926.907 Use of safety fuse, published 4/6/79, FR vol. 44, p. 20940.
- (i) 29 CFR 1926.908 Use of detonating cord, published 4/6/79, FR vol. 44, p. 20940.
- (j) 29 CFR 1926.909 Firing the blast, published 4/6/79, FR vol. 44, p. 20940.
- (k) 29 CFR 1926.910 Inspection after blasting, published 4/6/79, FR vol. 44, p. 20940.
- (l) 29 CFR 1926.911 Misfires, published 4/6/79, FR vol. 44, p. 20940.
- (m) 29 CFR 1926.912 Underwater blasting, published 4/6/79, FR vol. 44, p. 20940.
- (n) 29 CFR 1926.913 Blasting in excavation work under compressed air, published 4/6/79, FR vol. 44, p. 20940.
- (o) 29 CFR 1926.914 Definitions applicable to this subpart, published 6/30/93, FR vol. 58, no. 124, p. 35184, 35311.
- (22) Subdivision V – POWER TRANSMISSION AND DISTRIBUTION
- (a) 29 CFR 1926.950 General requirements, published 4/6/79, FR vol. 44, p. 20940.
- (b) 29 CFR 1926.951 Tools and protective equipment, published 8/9/94, FR vol. 59, no. 152, p. 40730.
- (c) 29 CFR 1926.952 Mechanical equipment, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (d) 29 CFR 1926.953 Material handling, published 4/6/79, FR vol. 44, p. 20940.
- (e) 29 CFR 1926.954 Grounding for protection of employees, published 4/6/79, FR vol. 44, p. 20940.
- (f) 29 CFR 1926.955 Overhead lines, published 4/6/79, FR vol. 44, p. 20940.
- (g) 29 CFR 1926.956 Underground lines, published 4/6/79, FR vol. 44, p. 20940.
- (h) 29 CFR 1926.957 Construction in energized substations, published 4/6/79, FR vol. 44, p. 20940.
- (i) 29 CFR 1926.958 External load helicopters, published 4/6/79, FR vol. 44, p. 20940.
- (j) 29 CFR 1926.959 Lineman's body belts, safety straps, and lanyards, published 4/6/79, FR vol. 44, p. 20940.
- (k) 29 CFR 1926.960 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940.
- (23) Subdivision W – ROLLOVER PROTECTIVE STRUCTURES: OVERHEAD PROTECTION
- (a) 29 CFR 1926.1000 Rollover protective structures (ROPS) for material handling equipment, published 4/6/79, FR vol. 44, p. 20940.
- (b) 29 CFR 1926.1001 Minimum performance criteria for rollover protective structure for designated scrapers, loaders, dozers, graders, and crawler tractors, published 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.1002 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in construction, published 7/20/06, FR vol. 71, no. 139, p. 41127..
- (d) 29 CFR 1926.1003 Overhead protection for operators of agricultural and industrial tractors, published 2/28/06, FR vol. 71, no. 39, p. 9909.
- (24) Subdivision X – STAIRWAYS AND LADDERS
- (a) 29 CFR 1926.1050 Scope, application and definitions applicable to this Subdivision, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (b) 29 CFR 1926.1051 General requirements, published 11/14/90, FR vol. 55, no. 220, p. 47688.
- (c) 29 CFR 1926.1052 Stairways, published 8/23/91, FR vol. 56, no. 164, pp. 41793-41794.
- (d) 29 CFR 1926.1053 Ladders, published 8/23/91, FR vol. 56, no. 164, pp. 41793-41794.
- (e) 29 CFR 1926.1054 (Reserved)
- (f) 29 CFR 1926.1055 (Reserved)
- (g) 29 CFR 1926.1056 (Reserved)
- (h) 29 CFR 1926.1057 (Reserved)
- (i) 29 CFR 1926.1058 (Reserved)
- (j) 29 CFR 1926.1059 (Reserved)
- (k) 29 CFR 1926.1060 Training requirements, published 11/14/90, FR vol. 55, no. 220, p. 47691.
- (25) Subdivision Z – TOXIC AND HAZARDOUS SUBSTANCES
- (a) 29 CFR 1926.1101 Asbestos, published 3/26/12, FR vol. 77, no. 58, p. 17574.
- (b) 29 CFR 1926.1126 Chromium (VI), published; 3/26/12, FR vol. 77, no. 58, p. 17574.
- (c) 29 CFR 1926.1127 Cadmium, published 3/26/12, FR vol. 77, no. 58, p. 17574.
- (d) 29 CFR 1926.1152 Methylene Chloride, published 12/18/97, FR vol. 62, no. 243, p. 66275.
- (26) Subdivision AA – (Reserved)
- (27) Subdivision BB – (Reserved)
- (28) Subdivision CC – Cranes and Derricks in Construction
- (a) 29 CFR 1926.1400 Scope, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (b) 29 CFR 1926.1401 Definitions, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (c) 29 CFR 1926.1402 Ground conditions, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (d) 29 CFR 1926.1403 Assembly/Disassembly – selection of manufacturer or employer procedures, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (e) 29 CFR 1926.1404 Assembly/Disassembly – general requirements (applies to all assembly and disassembly operations), published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (f) 29 CFR 1926.1405 Disassembly – additional requirements for dismantling of booms and jibs (applies to both the use of manufacturer procedures and employer procedures), published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (g) 29 CFR 1926.1406 Assembly/Disassembly – employer procedures – general requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (h) 29 CFR 1926.1407 Power line safety (up to 350 kV) – assembly and disassembly, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (i) 29 CFR 1926.1408 Power line safety (up to 350 kV) – equipment operations, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (j) 29 CFR 1926.1409 Power line safety (over 35 kV), published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (k) 29 CFR 1926.1410 Power line safety (all voltages) – equipment operations closer than the Table A zone, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (l) 29 CFR 1926.1411 Power line safety – while traveling, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (m) 29 CFR 1926.1412 Inspections, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (n) 29 CFR 1926.1413 Wire rope – inspection, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (o) 29 CFR 1926.1414 Wire rope – selection and installation criteria, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (p) 29 CFR 1926.1415 Safety devices, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (q) 29 CFR 1926.1416 Operational aids, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (r) 29 CFR 1926.1417 Operation, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (s) 29 CFR 1926.1418 Authority to stop operation, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (t) 29 CFR 1926.1419 Signals – general requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (u) 29 CFR 1926.1420 Signals – radio, telephone or other electronic transmission of signals, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (v) 29 CFR 1926.1421 Signals – voice signals – additional requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (w) 29 CFR 1926.1422 Signals – hand signal chart, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (x) 29 CFR 1926.1423 Fall protection, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (y) 29 CFR 1926.1424 Work area control, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (z) 29 CFR 1926.1425 Keeping clear of the load, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (aa) 29 CFR 1926.1426 Free fall and controlled load lowering, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (bb) 29 CFR 1926.1427 Operator qualification and certification, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

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(cc) 29 CFR 1926.1428 Signal person qualifications, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(dd) 29 CFR 1926.1429 Qualifications of maintenance & repair employees, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(ee) 29 CFR 1926.1430 Training, published 8/9/10, FR vol. 75, no. 152, pp.47906-48177.

(ff) 29 CFR 1926.1431 Hoisting personnel, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(gg) 29 CFR 1926.1432 Multiple-crane/derrick lifts – supplemental requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(hh) 29 CFR 1926.1433 Design, construction and testing, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(ii) 29 CFR 1926.1434 Equipment modifications, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(jj) 29 CFR 1926.1435 Tower cranes, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(kk) 29 CFR 1926.1436 Derricks, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(ll) 29 CFR 1926.1437 Floating cranes/derricks and land cranes/derricks on barges, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(mm) 29 CFR 1926.1438 Overhead & gantry cranes, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(nn) 29 CFR 1926.1439 Dedicated pile drivers, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(oo) 29 CFR 1926.1440 Sideboom cranes, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(pp) 29 CFR 1926.1441 Equipment with a rated hoisting/lifting capacity of 2,000 pounds or less, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(qq) 29 CFR 1926.1442 Severability, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(rr) Appendix A to Subdivision CC of 1926 – Standard Hand Signals, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(ss) Appendix B to Subdivision CC of 1926 – Assembly/Disassembly – Sample Procedures for Minimizing the Risk of Unintended Dangerous Boom Movement, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(tt) Appendix C to Subdivision CC of 1926 – Operator Certification – Written Examination – Technical Knowledge Criteria, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(29) Subdivision DD – Cranes and Derricks Used in Demolition and Underground Construction, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(a) 29 CFR 1926.1500 Scope, published 8/9/10, FR vol. 75, no. 152, pp.47906-48177.

(b) 29 CFR 1926.1501 Cranes and Derricks, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

These standards are available at the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.

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

Stats. Implemented: ORS 654.001 - 654.295.

Hist.: APD 5-1989(Temp), f. 3-31-89, ef. 5-1-89; APD 8-1989, f. & ef. 7-7-89; APD 14-1989(Temp), f. 7-20-89, ef. 8-1-89; APD 15-1989, f. & ef. 9-13-89; OSHA 3-1990(Temp), f. & cert. ef. 1-19-90; OSHA 7-1990, f. & cert. ef. 3-2-90; OSHA 8-1990, f. & cert. ef. 3-30-90; OSHA 13-1990(Temp), f. 6-28-90, ef. 8-1-90; OSHA 19-1990, f. & cert. ef. 8-31-90; OSHA 27-1990, f. 12-12-90, cert. ef. 2-1-91; OSHA 6-1991, f. 3-18-91, cert. ef. 4-15-91; OSHA 7-1991, f. & cert. ef. 4-25-91; OSHA 15-1991, f. & cert. ef. 12-13-91; OSHA 16-1991, f. 12-16-91, cert. ef. 1-1-92; OSHA 6-1992, f. & cert. ef. 5-18-92; OSHA 11-1992, f. & cert. ef. 10-9-92; OSHA 1-1993, f. & cert. ef. 1-22-93; OSHA 16-1993, f. & cert. ef. 11-1-93; OSHA 4-1994, f. & cert. ef. 8-4-94; OSHA 1-1995, f. & cert. ef. 1-19-95; OSHA 3-1995, f. & cert. ef. 2-22-95; OSHA 4-1995, f. & cert. ef. 3-29-95; OSHA 5-1995, f. & cert. ef. 4-6-95; OSHA 6-1995, f. & cert. ef. 4-18-95; OSHA 8-1995, f. & cert. ef. 8-25-95; OSHA 5-1996, f. & cert. ef. 11-29-96; OSHA 6-1996, f. & cert. ef. 11-29-96; OSHA 2-1997, f. & cert. ef. 3-12-97; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 6-1997, f. & cert. ef. 5-2-97; OSHA 7-1997, f. & cert. ef. 9-15-97; OSHA 3-1998, f. & cert. ef. 7-7-98; OSHA 6-1998, f. & cert. ef. 10-15-98; OSHA 7-1998, f. & cert. ef. 12-18-98; OSHA 2-1999, f. & cert. ef. 4-30-99; OSHA 6-1999, f. & cert. ef. 5-26-99; OSHA 3-2000, f. & cert. ef. 2-8-00; OSHA 3-2001, f. & cert. ef. 2-5-01; OSHA 3-2002, f. 4-15-02, cert. ef. 4-18-02; OSHA 5-2002, f. 6-28-02 cert. ef. 10-1-03; OSHA 6-2002, f. & cert. ef. 7-19-02; OSHA 1-2003, f. 1-30-03 cert. ef. 4-30-03; OSHA 2-2003, f. & cert. ef. 1-30-03; OSHA 7-2003, f. & cert. ef. 12-5-03; OSHA 8-2003, f. 12-30-03 cert. ef. 1-1-04; OSHA 1-2005, f. & cert. ef. 4-12-05; OSHA 2-2006, f. & cert. ef. 4-28-06; OSHA 4-2006, f. & cert. ef. 7-24-06; OSHA 5-2006, f. 8-7-06, cert. ef. 1-1-07; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 10-2006, f. & cert. ef. 11-30-06; OSHA 6-2007, f. & cert. ef. 9-26-07; OSHA 5-2008, f. 5-1-08, cert. ef. 5-15-08; OSHA 5-2009, f. & cert. ef. 5-29-09; OSHA 3-2010, f. 6-10-10, cert. ef. 6-15-10; OSHA 1-2011, f. & cert. ef. 2-9-11; OSHA 4-2011, f. & cert. ef. 12-8-11; OSHA 5-2011, f. 12-8-11, cert. ef. 7-1-12; OSHA 1-2012, f. & cert. ef. 4-10-12; OSHA 3-2012, f. & cert. ef. 8-20-12; OSHA 5-2012, f. & cert. ef. 9-25-12

437-005-0001

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the fol-

lowing federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1915, in the Federal Register:

- (1) Subdivision A
 - (a) 29 CFR 1915.1. Purpose and authority, published 4/20/82, Federal Register (FR) vol. 47, p. 16984.
 - (b) 29 CFR 1915.2. Scope and application, published 4/20/82, FR vol. 47, p. 16984.
 - (c) 29 CFR 1915.3. Responsibility, published 4/20/82, FR vol. 47, p. 16984.
 - (d) 29 CFR 1915.4. Definitions, published 7/3/02, FR vol. 67, no. 128, p. 44541.
 - (e) 29 CFR 1915.5. Incorporation by reference, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
 - (f) 29 CFR 1915.6. Commercial diving operations, published 4/20/82, FR vol. 47, p. 16984.
 - (g) 29 CFR 1915.7. Competent person, published 7/25/94, FR vol. 59, p. 37856.
 - (h) 29 CFR 1915.9. Compliance duties owed to each employee, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.
- (2) Subdivision B
 - (a) 29 CFR 1915.11. Scope, application and definitions applicable to this Subpart, published 7/25/94, FR vol. 59, p. 37857.
 - (b) 29 CFR 1915.12. Precautions before entering confined and enclosed spaces and other dangerous atmospheres, published 3/16/95, FR vol. 60, no. 51, p. 14218.
 - (c) 29 CFR 1915.13. Cleaning and other cold work, published 7/25/94, FR vol. 59, p. 37859.
 - (d) 29 CFR 1915.14. Hot work, published 7/3/02, FR vol. 67, no. 128, p. 44541.
 - (e) 29 CFR 1915.15. Maintenance of safe conditions, published 7/3/02, FR vol. 67, no. 128, p. 44541.
 - (f) 29 CFR 1915.16. Warning signs and labels, published 7/25/94, FR vol. 59, p. 37861. Appendix A to Subpart B published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590. Appendix B to Subpart B published 7/25/94, FR vol. 59, p. 37816.
- (3) Subdivision C
 - (a) 29 CFR 1915.31. Scope & application of subdivision, published 4/20/82, FR vol. 47, p. 16984.
 - (b) 29 CFR 1915.32. Toxic cleaning solvents, published 5/24/96, FR vol. 61, no. 102, p. 26351.
 - (c) 29 CFR 1915.33. Chemical paint & preservative remover, published 5/24/96, FR vol. 61, no. 102, p. 26351.
 - (d) 29 CFR 1915.34. Mechanical paint removers, published 5/24/96, FR vol. 61, no. 102, p. 26351.
 - (e) 29 CFR 1915.35. Painting, published 7/3/02, FR vol. 67, no. 128, p. 44541.
 - (f) 29 CFR 1915.36. Flammable liquids, published 4/20/82, FR vol. 47, p. 16984.
- (4) Subdivision D
 - (a) 29 CFR 1915.51. Ventilation & protection in welding, cutting and heating, published 7/3/02, FR vol. 67, no. 128, p. 44541.
 - (b) 29 CFR 1915.52. Fire prevention. REMOVED 9/15/04, FR vol. 69, p. 55667.
 - (c) 29 CFR 1915.53. Welding, cutting and heating of hollow metal containers & structure not covered by 1915.12, published 7/3/02, FR vol. 67, no. 128, p. 44541.
 - (d) 29 CFR 1915.55. Gas welding & cutting, published 4/20/82, FR vol. 47, p. 16984.
 - (e) 29 CFR 1915.56. Arc welding and cutting, published 4/20/82, FR vol. 47, p. 16984.
 - (f) 29 CFR 1915.57. Uses of fissionable material in ship repairing and shipbuilding, published 4/20/82, FR vol. 47, p. 16984.
- (5) Subdivision E
 - (a) 29 CFR 1915.71. Scaffolds or staging, published 7/3/02, FR vol. 67, no. 128, p. 44541.
 - (b) 29 CFR 1915.72. Ladders, published 7/3/02, FR vol. 67, no. 128, p. 44541.
 - (c) 29 CFR 1915.73. Guarding of deck openings and edges, published 7/3/02, FR vol. 67, no. 128, p. 44541.
 - (d) 29 CFR 1915.74. Access to vessels, published 7/3/02, FR vol. 67, no. 128, p. 44541.
 - (e) 29 CFR 1915.75. Access to and guarding of dry docks and marine railways, published 7/3/02, FR vol. 67, no. 128, p. 44541.
 - (f) 29 CFR 1915.76. Access to cargo spaces and confined spaces, published 4/20/82, FR vol. 47, p. 16984.

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- (g) 29 CFR 1915.77. Working surfaces, published amended 7/3/02, FR vol. 67, no. 128, p. 44541.
- (6) Subdivision F
- (a) 29 CFR 1915.80 Scope, application, definitions and effective dates, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (b) 29 CFR 1915.81 Housekeeping, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (c) 29 CFR 1915.82 Lighting, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (d) 29 CFR 1915.83 Utilities, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (e) 29 CFR 1915.84 Working alone, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (f) 29 CFR 1915.85 Vessel radar and communication systems, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (g) 29 CFR 1915.86 Lifeboats, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (h) 29 CFR 1915.87 Medical services and first aid, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (i) 29 CFR 1915.88 Sanitation, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (j) 29 CFR 1915.89 Control of hazardous energy (lockout/tagout), published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (k) 29 CFR 1915.90 Safety color code for marking physical hazards, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (l) 29 CFR 1915.91. Accident prevention signs and tags, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (m) 29 CFR 1915.92. Retention of DOT markings, placards, and labels, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (n) 29 CFR 1915.93. Motor vehicle safety equipment, operation, and maintenance, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (o) 29 CFR 1915.94. Servicing of multi-piece and single-piece rim wheels, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (7) Subdivision G
- (a) 29 CFR 1915.111. Inspection, published 4/20/ 82, FR vol. 47, p. 16984.
- (b) 29 CFR 1915.112. Ropes, chains and slings, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.
- (c) 29 CFR 1915.113. Shackles and hooks, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.
- (d) 29 CFR 1915.114. Chain falls and pull lifts, published 4/20/82, FR vol. 47, p. 16984.
- (e) 29 CFR 1915.115. Hoisting and hauling equipment, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (f) 29 CFR 1915.116. Use of gear, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (g) 29 CFR 1915.117. Qualifications of operators, published 4/20/82, FR vol. 47, p. 16984.
- (h) 29 CFR 1915.118. Tables, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (8) Subdivision H
- (a) 29 CFR 1915.131. General precautions, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (b) 29 CFR 1915.132. Portable electric tools, published 4/20/82, FR vol. 47, p. 16984.
- (c) 29 CFR 1915.133. Hand tools, published 4/20/ 82, FR vol. 47, p. 16984.
- (d) 29 CFR 1915.134. Abrasive wheels, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (e) 29 CFR 1915.135. Powder actuated fastening tools, published 5/24/96, FR vol. 61, no. 102, p. 26351.
- (f) 29 CFR 1915.136. Internal combustion engines other than ship's equipment, published 4/20/82, FR vol. 47, p. 16984.
- (9) Subdivision I
- (a) 29 CFR 1915.151. Scope, application and definitions, published 5/24/96, FR vol. 61, no. 102, p. 26352.
- (b) 29 CFR 1915.152. General requirements, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.
- (c) 29 CFR 1915.153. Eye and face protection, published 9/9/09, FR vol. 74, no. 173, pp. 46350-46361.
- (d) 29 CFR 1915.154. Respiratory protection, published 5/24/96, FR vol. 61, no. 102, p. 26354.
- (e) 29 CFR 1915.155. Head protection, published 9/9/09, FR vol. 74, no. 173, pp. 46350-46361.
- (f) 29 CFR 1915.156. Foot protection, published 9/9/09, FR vol. 74, no. 173, pp. 46350-46361.
- (g) 29 CFR 1915.157. Hand and body protection, published 5/24/96, FR vol. 61, no. 102, p. 26354.
- (h) 29 CFR 1915.158. Lifesaving equipment, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (i) 29 CFR 1915.159. Personal fall arrest systems (PFAS), published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (j) 29 CFR 1915.160. Positioning device systems, published 7/3/02, FR vol. 67, no. 128, p. 44541. Appendix A to Subpart I, published 7/3/02, FR vol. 67, no. 128, p. 44541. Appendix B to Subpart I, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (10) Subdivision J
- (a) 29 CFR 1915.161. Scope and application of subdivision, published 4/20/ 82, FR vol. 47, p. 16984.
- (b) 29 CFR 1915.162. Ship's boilers, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (c) 29 CFR 1915.163. Ship's piping systems, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (d) 29 CFR 1915.164. Ship's propulsion machinery, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (e) 29 CFR 1915.165. Ship's decking machinery, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (11) Subdivision K
- (a) 29 CFR 1915.171. Scope and application of subdivision, published 4/20/ 82, FR vol. 47, p. 16984.
- (b) 29 CFR 1915.172. Portable air receiver and other unfired pressure vessels, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (c) 29 CFR 1915.173. Drums and containers, published 4/20/82, FR vol. 47, p. 16984.
- (12) Subdivision L
- (a) 29 CFR 1915.181. Electrical circuits and distribution boards, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (13) Subdivisions M O (Reserved)
- (14) Subdivision P
- (a) 29 CFR 1915.501. General provisions, published 9/15/04, FR vol. 69, p. 55667.
- (b) 29 CFR 1915.502. Fire safety plan, published 9/15/04, FR vol. 69, p. 55667.
- (c) 29 CFR 1915.503. Precautions for hot work, published 9/15/04, FR vol. 69, p. 55667.
- (d) 29 CFR 1915.504. Fire watches, published 9/15/04, FR vol. 69, p. 55667.
- (e) 29 CFR 1915.505. Fire response, published 10/17/06, FR vol. 71, no. 200, p. 60843.
- (f) 29 CFR 1915.506. Hazards of fixed extinguishing systems on board vessels and vessel sections, published 9/15/04, FR vol. 69, p. 55667.
- (g) 29 CFR 1915.507. Land-side fire protection systems, published 10/17/06, FR vol. 71, no. 200, p. 60843.
- (h) 29 CFR 1915.508. Training, published 9/15/04, FR vol. 69, p. 55667.
- (i) 29 CFR 1915.509. Definitions applicable to this subpart, published 9/15/04, FR vol. 69, p. 55667.
- Appendix A to Subpart P, published 9/15/04, FR vol. 69, p. 55667.
- (15) Subdivision Q-Y (Reserved)
- (16) Subdivision Z
- (a) 29 CFR 1915.1000. Air Contaminants, published 12/27/11, FR vol. 76, no. 248, p. 80735.
- (b) 29 CFR 1915.1001. Asbestos, published 3/26/12, FR vol. 77, no. 58, p. 17574.
- Appendix A to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.
- Appendix B to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.
- Appendix C to 1915.1001, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.
- Appendix D to 1915.1001, published 8/10/94, FR vol. 59, p. 40964.
- Appendix E to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.
- Appendix F to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.
- Appendix G to 1915.1001, published 8/10/94, FR vol. 59, p. 40964.
- Appendix H to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.
- Appendix I to 1915.1001, published 8/10/94, FR vol. 59, p. 40964.
- Appendix J to 1915.1001, published 8/10/94, FR vol. 59, p. 40964.
- Appendix K to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.
- Appendix L to 1915.1001, published 8/23/96, FR vol. 61, p. 43454.
- (c) 29 CFR 1915.1002. Coal tar pitch volatiles; interpretation of term, published 6/20/96, FR vol. 61, p. 31427.
- (d) 29 CFR 1915.1003. 13 Carcinogens (4 Nitrobiphenyl, etc.), published 6/20/96, FR vol. 61, p. 31427.

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(e) 29 CFR 1915.1004. alpha Naphthylamine, published 6/20/96, FR vol. 61, p. 31427.

(f) 29 CFR 1915.1005. (Reserved)

(g) 29 CFR 1915.1006. Methyl chloromethyl ether, published 6/20/96, FR vol. 61, p. 31427.

(h) 29 CFR 1915.1007. 3,3'-Dichlorobenzidene (and its salts), published 6/20/96, FR vol. 61, p. 31427.

(i) 29 CFR 1915.1008. bis Chloromethyl ether, published 6/20/96, FR vol. 61, p. 31427.

(j) 29 CFR 1915.1009. beta Naphthylamine, published 6/20/96, FR vol. 61, p. 31427.

(k) 29 CFR 1915.1010. Benzidine, published 6/20/96, FR vol. 61, p. 31427.

(l) 29 CFR 1915.1011. 4 Aminodiphenyl, published 6/20/96, FR vol. 61, p. 31427.

(m) 29 CFR 1915.1012. Ethyleneimine, published 6/20/96, FR vol. 61, p. 31427.

(n) 29 CFR 1915.1013. beta Propiolactone, published 6/20/96, FR vol. 61, p. 31427.

(o) 29 CFR 1915.1014. 2 Acetylamino fluorene, published 6/20/96, FR vol. 61, p. 31427.

(p) 29 CFR 1915.1015. 4 Dimethylaminoazobenzene, published 6/20/96, FR vol. 61, p. 31427.

(q) 29 CFR 1915.1016. N Nitrosodimethylamine, published 6/20/96, FR vol. 61, p. 31427.

(r) 29 CFR 1915.1017. Vinyl chloride, published 6/20/96, FR vol. 61, p. 31427.

(s) 29 CFR 1915.1018. Inorganic arsenic, published 6/20/96, FR vol. 61, p. 31427.

(t) 29 CFR 1915.1020 Access to employee exposure and medical records, published 6/20/96, FR vol. 61, p. 31427.

(u) 29 CFR 1915.1025. Lead, published 6/20/96, FR vol. 61, p. 31427.

(v) 29 CFR 1915.1026 Chromium (VI), published 3/26/12, FR vol. 77, no. 58, p. 17574.

(w) 29 CFR 1915.1027. Cadmium, published 6/20/96, FR vol. 61, p. 31427.

(x) 29 CFR 1915.1028. Benzene, published 6/20/96, FR vol. 61, p. 31427.

(y) 29 CFR 1915.1030. Bloodborne pathogens, published 6/20/96, FR vol. 61, p. 31427.

(z) 29 CFR 1915.1044. 1,2 dibromo 3 chloropropane, published 6/20/96, FR vol. 61, p. 31427.

(aa) 29 CFR 1915.1045. Acrylonitrile, published 6/20/96, FR vol. 61, p. 31427.

(bb) 29 CFR 1915.1047. Ethylene oxide, published 6/20/96, FR vol. 61, p. 31427.

(cc) 29 CFR 1915.1048. Formaldehyde, published 6/20/96, FR vol. 61, p. 31427.

(dd) 29 CFR 1915.1050. Methylenedianiline, published 6/20/96, FR vol. 61, p. 31427.

(ee) 29 CFR 1915.1052 Methylene Chloride, published 1/10/97, Federal Register, vol. 62, no. 7, p. 1619.

(ff) 29 CFR 1915.1120 Access to employee exposure and medical records has been redesignated to §1915.1020.

(Note: 29 CFR 1915.99, Hazard Communication was redesignated as 1915.1200 on 7/1/93, FR vol. 58, no. 125, p. 35514.)

(gg) 29 CFR 1915.1200. Hazard communication, published 6/20/96, FR vol. 61, p. 31427.

(hh) 29 CFR 1915.1450. Occupational exposure to hazardous chemicals in laboratories, published 6/20/96, FR vol. 61, p. 31427

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 10-1992, f. 9-24-92, cert. ef. 11-1-92; OSHA 1-1993, f. & cert. ef. 1-22-93; OSHA 19-1993, f. & cert. ef. 12-29-93; OSHA 4-1994 f. & cert. ef. 8-4-94; OSHA 1-1995, f. & cert. ef. 1-19-95; OSHA 2-1995, f. & cert. ef. 1-25-95; OSHA 4-1995, f. & cert. ef. 3-29-95; OSHA 5-1995, f. & cert. ef. 4-6-95; OSHA 8-1995, f. & cert. ef. 8-25-95; OSHA 5-1996, f. & cert. ef. 11-29-96; OSHA 6-1996, f. & cert. ef. 11-29-96; OSHA 3-1997, f. & cert. ef. 3-28-97; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 6-1997, f. & cert. ef. 5-2-97; OSHA 7-1998, f. & cert. ef. 12-18-98; OSHA 6-1999, f. & cert. ef. 5-26-99; OSHA 4-2001, f. & cert. ef. 2-5-01; OSHA 4-2003, f. & cert. ef. 5-6-03; OSHA 8-2004, f. & cert. ef. 12-30-04; OSHA 1-2005, f. & cert. ef. 4-12-05; OSHA 4-2006, f. & cert. ef. 7-24-06; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 10-2006, f. & cert. ef. 11-30-06; OSHA 1-2007, f. 1-9-07 cert. ef. 1-16-07; OSHA 5-2008, f. 5-1-08, cert. ef. 5-15-08; OSHA 5-2009, f. & cert. ef. 5-29-09; OSHA 2-2010, f. & cert. ef. 2-25-10; OSHA 3-2010, f. 6-10-10, cert. ef. 6-15-10; OSHA 3-2011, f. & cert. ef. 11-1-11; OSHA 4-2011, f. & cert. ef. 12-8-11; OSHA 1-2012, f. & cert. ef. 4-10-12; OSHA 5-2012, f. & cert. ef. 9-25-12

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

Adm. Order No.: OSHA 6-2012

Filed with Sec. of State: 9-28-2012

Certified to be Effective: 4-1-13

Notice Publication Date: 4-1-2012

Rules Adopted: 437-002-0146

Rules Amended: 437-002-0100, 437-002-0140, 437-002-0182, 437-002-0256, 437-002-0300, 437-002-0312, 437-003-0001

Subject: Oregon OSHA adopts new rule, OAR 437-002-0146 Confined Spaces, which replaces 1910.146 Permit-Required Confined Spaces, in Division 2/J General Environmental Controls. This expands the scope of the new rule to include the construction industry.

During the 2011 proposal, several issues were discovered that needed to be resolved. We reconvened our stakeholder groups to resolve those issues and addressed any other areas for clarification. **The identified issues include:** revising and including several definitions, language for closing permits, ensuring employee access to written materials, ensuring all actions required by the permit are followed, and clarifying when alternate entry cannot be used.

Other areas amended for clarification include:

Permit Space Program.

- Changed the requirement to catalog all confined spaces to catalog all permit spaces.

- If the permit program needs to be revised, the language was changed that prohibiting entry into any space; to any space that is affected by that revision until the revision is complete.

Evacuation. Added language on what to do if entrants need to evacuate a permit space.

Decontamination. There was language requiring patient decontamination. The group consensus was to move this language to the appendix on rescue. In its place, language was added requiring MSDSs and providing them to the medical providers.

Rescue.

- For non-entry rescue — modified the language to include a rescue person, as the rescue “team” may only consist of the attendant retrieving the entrant from the space.

- For entry rescue — language change from ensuring the rescue team can proficiently perform rescues to ensuring rescue teams can efficiently perform rescues.

- Added language requiring that, if a third-party rescue service is used, that the agreement is in writing.

Alternate Entry.

- Changed the language in the exception for alternate entry.
- Added language to specify which parts of the rule don’t apply when one uses alternate entry.

- Added a condition on when the space must be evacuated during alternate entry (new hazard or conditions change).

Training. Moved the awareness training piece to the bottom of the training section to avoid confusion and clarified that it is only for employees who work around permit spaces.

Records. Modified the record retention section to refer back to the rule that requires a review of the permit program.

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

This rulemaking amends Oregon-initiated rules OAR 437-002-0182, 437-002-0256, and 437-002-0312 to update the rule reference to the new Oregon rule 437-002-0146 Confined Spaces. Also amended to reflect the new Confined Spaces rules are 1910.120 Appendix E, and 1910.269 that currently refer the reader to 1910.146. We also repeal 1926.21(b)(6) in Division 3/C, and place a note referring the reader to Division 2/J, 437-002-0146 Confined Spaces.

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

Rules Coordinator: Sue C. Joye—(503) 947-7449

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437-002-0100

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1910, in the Federal Register:

- (1) 29 CFR 1910.101 Compressed gases (General requirements), published 3/7/96, FR vol. 61, no. 46, p. 9236.
- (2) 29 CFR 1910.102 Acetylene. Repealed. Oregon OSHA Admin. Order 1-2010, f. 2/19/10, ef. 2/19/10. In Oregon, OAR 437-002-2102 applies.
- (3) 29 CFR 1910.103 Hydrogen, published 12/14/07, FR vol. 72, no. 240, p. 71061.
- (4) 29 CFR 1910.104 Oxygen, published 3/7/96, FR vol. 61, no. 46, p. 9237.
- (5) 29 CFR 1910.105 Nitrous oxide, published 3/7/96, FR vol. 61, no. 46, p. 9237.
- (6) 29 CFR 1910.106 Flammable and combustible liquids, published 9/13/05, FR vol. 70, no. 176, p. 53925.
- (7) 29 CFR 1910.107 Spray finishing using flammable and combustible materials, amended with AO 3-2003, removed 1910.107, and Oregon note added, f. and ef. 4/21/03.
- (8) 29 CFR 1910.108 Reserved. Published 3/23/99, Federal Register, vol. 64, no. 55, p. 13909.
- (9) 29 CFR 1910.109 Explosives and blasting agents, published 6/18/98, FR vol. 63, no. 117, p. 33466.
- (10) 29 CFR 1910.110 Storage and handling of liquefied petroleum gases, published 12/14/07, FR vol. 72, no. 240, p. 71061.
- (11) 29 CFR 1910.111 Storage and handling of anhydrous ammonia, published amended with AO 12-2001, Oregon note added, f. and ef. 10/26/01; 12/14/07, FR vol. 72, no. 240, p. 71061.
- (12) Reserved for 29 CFR 1910.112 (Reserved)
- (13) Reserved for 29 CFR 1910.113 (Reserved)
- (14) 29 CFR 1910.114 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9238.
- (15) 29 CFR 1910.115 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9238.
- (16) 29 CFR 1910.116 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9238.
- (17) 29 CFR 1910.119 Process safety management of highly hazardous chemicals, (NOTE: Excepted rules adopted by reference by OR-OSHA by Admin. Order 6-1994 on 9/30/94.) Amended 3/7/96, FR vol. 61, no. 46, p. 9238; amended with AO 12-2001, Oregon note added, f. and ef. 10/26/01.
- (18) 29 CFR 1910.120 Hazardous waste operations and emergency response, amended with OR-OSHA Admin. Order 6-2012, f. 9/28/12, ef. 4/1/13.
- (19) 29 CFR 1910.121 Reserved. Published 3/23/99, Federal Register, vol. 64, no. 55, p. 13909.
- (20) 29 CFR 1910.122 Table of contents. Repealed with OR-OSHA Admin. Order 9-2007, f. and ef. 12/3/07.
- (21) 29 CFR 1910.123 Dipping and coating operations: Coverage and definitions. Repealed with OR-OSHA Admin. Order 9-2007, f. and ef. 12/3/07.
- (22) 29 CFR 1910.124 General requirements for dipping and coating operations. Repealed with OR-OSHA Admin. Order 9-2007, f. and ef. 12/3/07.
- (23) 29 CFR 1910.125 Additional requirements for dipping and coating operations that use flammable or combustible liquids. Repealed with OR-OSHA Admin. Order 9-2007, f. and ef. 12/3/07.
- (24) 29 CFR 1910.126 Additional requirements for special dipping and coating applications. Repealed with OR-OSHA Admin. Order 9-2007, f. and ef. 12/3/07.

These standards are on file with the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: APD 19-1988, f. & ef. 11-17-88; APD 12-1989, f. & ef. 7-14-89; OSHA 22-1990, f. 9-28-90, cert. ef. 10-1-90; OSHA 3-1992, f. & cert. ef. 2-6-92; OSHA 3-1993, f. & cert. ef. 2-23-93; OSHA 6-1994, f. & cert. ef. 9-30-94; OSHA 3-1995, f. & cert. ef. 2-22-95; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 3-1998, f. & cert. ef. 7-7-98; OSHA 2-1999, f. & cert. ef. 4-30-99; OSHA 8-1999, f. & cert. ef. 8-6-99; OSHA 12-2001, f. & cert. ef. 10-26-01; OSHA 4-2002, f. & cert. ef. 5-30-02; OSHA 3-2003, f. & cert. ef. 4-21-03; OSHA 4-2004, f. & cert. ef. 9-15-04; OSHA 4-2005, f. & cert. ef. 12-14-05; OSHA 4-2006, f. & cert. ef. 7-24-06; OSHA 9-2007, f. & cert. ef. 12-3-07; OSHA 7-2008, f. & cert. ef. 5-30-08; OSHA 1-2010, f. & cert. ef. 2-19-10; OSHA 5-2012, f. & cert. ef. 9-25-12; OSHA 6-2012, f. 9-28-12, cert. ef. 4-1-13

437-002-0140

Adoption by Reference

In addition to and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1910, in the Federal Register:

- (1) 29 CFR 1910.141 Sanitation, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.
 - (2) Reserved for 29 CFR 1910.142 Temporary labor camps.
 - (3) 29 CFR 1910.143 Nonwater carriage disposal systems (Reserved).
 - (4) 29 CFR 1910.144 Safety color code for marking physical hazards, published 12/14/07, FR vol. 72, no. 240, p. 71061.
 - (5) 29 CFR 1910.145 Specifications for accident prevention signs and tags, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576; 7/25/11, FR vol. 76, no. 142, p. 44265.
 - (6) 29 CFR 1910.146 Permit-required confined spaces. Repealed with Oregon OSHA AO 6-2012, f. 9/28/12, ef. 4/1/13. In Oregon, OAR 437-002-0146 applies.
 - (7) 29 CFR 1910.147 The control of hazardous energy, (lockout/tagout); published 5/2/11, Federal Register vol. 76, no. 84, p. 24576; 7/25/11, FR vol. 76, no. 142, p. 44265.
 - (8) 29 CFR 1910.148 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9239.
 - (9) 29 CFR 1910.149 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9239.
 - (10) 29 CFR 1910.150 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9239.
- These federal standards are on file with the Oregon Occupational Safety and Health Division, Department of Consumer and Business Services and the United States Government Printing Office.
- Stat. Auth.: ORS 654.025(2) & 656.726(4)
- Stats. Implemented: ORS 654.001 - 654.295
- Hist.: OSHA 2-1990, f. 1-19-90, cert. ef. 3-1-90; OSHA 4-1991, f. 2-25-91, cert. ef. 3-15-91; OSHA 13-1992, f. 12-7-92, cert. ef. 2-1-93; OSHA 8-1993, f. & cert. ef. 7-1-93; OSHA 5-1994, f. & cert. ef. 9-30-94; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 2-1999, f. & cert. ef. 4-30-99; OSHA 5-1999, f. & cert. ef. 5-26-99; OSHA 12-2001, f. & cert. ef. 10-26-01; OSHA 7-2008, f. & cert. ef. 5-30-08; OSHA 3-2011, f. & cert. ef. 11-1-11; OSHA 4-2011, f. & cert. ef. 12-8-11; OSHA 6-2012, f. 9-28-12, cert. ef. 4-1-13

437-002-0146

Confined Spaces

- (1) Purpose and application. This rule applies to all activities in confined spaces and provides requirements to protect employees from the hazards of entering and working in confined spaces.
- (2) Exceptions. This standard does not apply to the following:
 - (a) Construction work regulated by Division 3/P Excavations, except for existing sanitary sewers and new sanitary sewers when connected to an existing sanitary sewer.
 - (b) Construction work regulated by Division 3/S Underground Construction, Caissons, Cofferdams and Compressed Air, except for sewers.
 - (c) Enclosed spaces regulated by 1910.269 in Division 2/R Electric Power Generation, Transmission And Distribution, except when that standard requires compliance with this standard.
 - (d) Manholes and vaults regulated by 1910.268(o) in Division 2/R Telecommunications, except when those provisions are insufficient to render the space safe to enter.
 - (e) Welding in confined spaces regulated by Division 2/Q Welding, Cutting & Brazing, when the only hazards are related to the welding process.
 - (f) Grain bins, silos, tanks, and other grain storage structures regulated by 1910.272, Grain Handling Facilities.
 - (g) Diving operations regulated by Division 2/T, Commercial Diving Operations.
 - (h) Except for (a) through (g) above, when any other applicable standard addresses work in confined spaces or additional hazards that may be present, you must comply with the provisions of that standard and this standard. Where the requirements of one standard are more restrictive than the other, follow the more stringent requirements.
- (3) Definitions. Acceptable entry conditions: The conditions that must exist in a permit-required confined space to allow safe entry and work. Alternate entry – An alternative process for entering a permit space under very specific conditions. The space remains a permit space even when entered using alternate entry. Atmospheric hazard (see the definition of hazardous atmosphere). Authorized – Approved by the employer or controlling contractor. Attendant – An individual stationed outside one or more permit spaces to monitor the authorized entrants and who performs all attendant duties assigned in the employer's permit space program. Atmospheric

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testing — see “Testing.” Authorized entrant — An employee who is authorized by the employer to enter a permit space. Barrier — A physical obstruction that blocks or limits access. Calibration — The checking of a direct-reading instrument against an accurate standard (such as a calibration gas) to determine any deviation and correct for errors.

Note: A similar process may also be referred to as a “bump test” in which an instrument is tested with an accurate standard to ensure it is still reading correctly. For the purposes of this rule, a “bump test” performed in accordance with the manufacturer’s instructions can be used to verify calibration.

(a) Confined space — A space that meets all of the following: Large enough and so configured that an employee can fully enter the space and perform work. Has limited or restricted means for entry and/or exit. Is not designed for continuous human occupancy. Continuous system — a confined space that meets all of the following: Part of, and contiguous with, a larger confined space (for example, storm sewers, sanitary sewers, or steam tunnels) Cannot be isolated from the larger confined space Subject to a potential release from the larger confined space that can overwhelm control measures and/or personal protective equipment, resulting in a hazard that is immediately dangerous to life and health. Control — The action taken to reduce the level of any hazard inside a confined space using engineering methods (for example, by isolation or ventilation), and then using these methods to maintain the reduced hazard level. Control also refers to the engineering methods used for this purpose. Personal protective equipment is not a control. Controlling contractor — The employer that has overall responsibility for construction at a worksite.

Note: A controlling contractor who owns or manages a property is both a controlling contractor and a host employer.

(b) Emergency — Any occurrence (including any failure of hazard control or monitoring equipment) or event internal or external to the permit space that could endanger entrants. Engulfment hazard — A physical hazard consisting of a liquid or flowable solid substance that can surround and capture an individual. Engulfment hazards may cause death or serious physical harm if: the individual inhales the engulfing substance into the respiratory system (drowning, for example); the substance exerts excessive force on the individual’s body resulting in strangulation, constriction, or crushing; or the substance suffocates the individual. Entrant (see the definition of authorized entrant). Entry — The action by which any part of an employee’s body breaks the plane of an opening into a confined space. Entry (or entry operations) also refers to the period during which an employee occupies a confined space. Entry Permit — Written authorization from the employer, controlling contractor, or host employer to enter a permit-required confined space and perform work. Entry supervisor: The person (such as the employer, foreman, or crew chief, or any other designated employee) responsible for: Determining if acceptable entry conditions are present at a permit space where entry is planned; and Authorizing entry and overseeing entry operations; and Terminating entry as required Hazard — A physical hazard or hazardous atmosphere. Hazardous atmosphere — An existing or potential atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (that is, escape unaided from a permit space), injury, or acute illness from one or more of the following: A flammable gas, vapor, or mist in excess of 10 percent of its lower flammable limit. An airborne combustible dust at a concentration that meets or exceeds its lower explosive limit.

Note: This concentration may be approximated as a condition in which the dust obscures vision at a distance of 5 feet (1.52 meters) or less.

An atmospheric oxygen concentration below 19.5 percent (oxygen deficient) or above 23.5 percent (oxygen enriched).

An airborne concentration of a substance that exceeds the dose or exposure limit specified by an Oregon OSHA requirement.

Note: An atmospheric concentration of any substance that is not capable of causing death, incapacitation, impairment of ability to self-rescue, injury, or acute illness due to its health effects is not covered by this provision.

An atmosphere that presents an immediate danger to life or health (IDLH). Host employer — An employer who owns or manages the property on which confined space work is taking place. Immediately dangerous to life or health (IDLH) means any condition that poses an immediate or delayed threat to life or that would cause irreversible adverse health effects or that would interfere with an individual’s ability to escape unaided from a permit space.

Note: Some materials — hydrogen fluoride gas and cadmium vapor, for example — may produce immediate transient effects that, even if severe, may pass without medical attention, but are followed by sudden, possibly fatal collapse 12 - 72 hours after exposure. The victim “feels normal” from recovery from transient effects until collapse. Such materials in hazardous quantities are considered to be “immediately” dangerous to life or health.

(c) Inerting — The displacement of the atmosphere in a permit space by a noncombustible gas (such as nitrogen) to such an extent that the resulting atmosphere is noncombustible.

Note: This procedure produces an IDLH oxygen-deficient atmosphere.

(d) Isolation: The process by which a permit-required confined space is removed from service and completely protected against the release of energy and material into the space by such means as: Blanking or blinding. Misaligning or removing sections of lines, pipes, or ducts. A double block and bleed system. Lockout or tagout of all sources of energy. Blocking or disconnecting all mechanical linkages. Mobile worker — An employee who performs their work in multiple locations such as customer sites, company offices, private homes, vendor offices, or construction sites. Monitor or monitoring — The process used to identify and evaluate the atmosphere in a permit space after an authorized entrant enters the space. This is a process of checking for changes in the atmospheric conditions within a permit space and is performed in a periodic or continuous manner after the completion of the initial testing of that space. (See also “testing.”) Non-entry rescue — Retrieval of entrants from a permit space without entering the permit space. Permit-required confined space (permit space) — A confined space that has one or more of the following characteristics: Contains, or has a potential to contain, a hazardous atmosphere. Contains a material that has the potential to engulf an entrant. Has an internal configuration such that an entrant could become trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section. Contains any other recognized serious safety or health hazard that can inhibit an entrant’s ability to self-rescue. Physical hazard: An existing or potential hazard that can cause death or serious physical harm in or near a confined space, or a hazard that has a reasonable probability of occurring in or near a confined space, and includes, but is not limited to: Explosives; mechanical, electrical, hydraulic, and pneumatic energy; radiation; temperature extremes; engulfment; noise; and inwardly converging surfaces; and Chemicals that can cause death or serious physical harm through skin or eye contact (rather than through inhalation). Potential hazards — All reasonably anticipated conditions within the space and outside the space that can adversely affect conditions within the space. Rescue — Retrieving employees who are unable to remove themselves from a permit space. Rescue service — The onsite or offsite personnel who the employer designates to engage in non-entry and/or entry rescue of employees from a permit space. Retrieval system — The equipment, including mechanical retrieval devices, used for non-entry rescue of authorized entrants from a permit space. Serious physical harm — An impairment in which a body part is made functionally useless or is substantially reduced in efficiency. Such impairment may include loss of consciousness or disorientation, and may be permanent or temporary, or chronic or acute. Injuries involving such impairment would usually require treatment by a physician or other licensed health-care professional while an illness resulting in serious physical harm could shorten life or substantially reduce physical or mental efficiency by impairing a normal bodily function or body part. Testing: The process of identifying and evaluating the atmospheric hazards that entrants may be exposed to in a permit-required confined space. Testing includes specifying the initial tests that are to be performed in the permit space. (See also “monitor or monitoring”)

Note: Testing enables employers both to devise and implement adequate control measures for the protection of authorized entrants and to determine if acceptable entry conditions are present immediately prior to and during entry.

Ventilate or ventilation - Controlling a hazardous atmosphere using powered equipment, such as fans and blowers, to continuously move air. You — The employer. Table.

(4) Evaluation.

(a) You must determine if there are confined spaces in your workplace. Ensure all confined spaces are part of this determination.

(A) Exceptions:

(i) Employers of mobile workers where the employer or controlling contractor is not the property owner are not required to perform this evaluation, but must follow the requirements of (4)(c) through (4)(e).

(ii) On sites where confined spaces are being built, the host employer or controlling contractor is not responsible for performing this determination unless:

(I) Any of their employees enter that space.

(II) An agent of the employer enters that space.

(III) Employees of an employer responsible to that controlling contractor or host employer enter that space.

(IV) They assume control over that space.

(B) Before employees of another employer enter a confined space under your control, and you have information related to paragraph (4)(b), you must provide it to that employer.

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(b) You must evaluate all of your confined spaces to determine if they are permit-required confined spaces. This evaluation must include:

- (A) Any known or anticipated hazard.
- (B) The determination from any previous evaluation of that space.
- (C) Any precautions and procedures previously implemented for entering the space.

(c) When your employees are mobile, you must determine if they will be exposed to confined spaces at their assigned work locations, and if those spaces are subject to any hazards. This determination must include information, if any, from the host employer or controlling contractor.

- (A) Determine if the space meets the definition of a confined space.
- (B) Identify any physical and atmospheric hazards that make the space a permit-required confined space.

(d) When a space has hazards that make it a permit space:

(A) Develop and implement a means so employees can identify that space. Signs, labels, or tags are methods that can be used to accomplish this.

(B) Allow employees or their representatives to observe the evaluation or re-evaluation of the space.

(C) When conditions within a confined space or a permit space change, re-evaluate it.

(D) Take all necessary measures to prevent unauthorized employees from entering permit spaces.

(e) Ensure employees do not enter any unevaluated confined space until it is fully evaluated.

(5) Permit-Required Confined Space Entry Program and Permits.

(a) When employees must enter a permit space, develop and implement a written program that describes the means, practices, and procedures to safely identify and enter permit spaces.

(b) Ensure this program includes:

- (A) Documentation of entry permit procedures.
- (B) Measures taken to prohibit unauthorized persons from entering permit spaces.

(C) Designation of employee roles, such as entrants, attendants, entry supervisors, rescuers, or those who test or monitor the atmosphere in a permit space.

- (D) Identification of designated employee duties.
- (E) Training on the written program and entry permits.
- (F) Training employees on their designated roles.
- (G) Instructions to identify and evaluate hazards.
- (H) Methods to eliminate and/or control hazards.
- (I) Instructions on equipment use and maintenance.
- (J) Instructions to coordinate entry with another employer.
- (K) Procedures necessary for concluding the entry and canceling the permit after entry operations have been completed.

(b) On fixed sites, ensure this program also includes:

- (A) The location of all permit spaces.
- (B) The reason for the classification of each permit space or each type of permit space.

Note: Where there are multiple permit spaces of the same type that have the same hazards, such as sewers, water vaults, or valve pits, the exact location of each space does not need to be identified so long as there is enough information so that employees can readily identify each type of space and its hazards at each location.

(C) Exception: The location of permit spaces at remote unmanned locations do not need to be added to the program until the first time employees go to that location after the effective date of this rule.

(c) Ensure employees and their representatives have access to the written program.

(d) Ensure procedures are developed and implemented for issuing permits. Ensure these procedures include how to:

- (A) Evaluate the hazards of the space.
- (B) Evaluate hazards of the work to be performed.
- (C) Identify safe entry conditions.
- (e) Ensure entry permits include the following information:
 - (A) The space to be entered.
 - (B) The purpose of the entry.
 - (C) The date, start, and stop times of the permit.
 - (D) The hazards of the space.
 - (E) Acceptable entry conditions.

(F) Results of initial tests and periodic monitoring performed to evaluate and identify the hazards and conditions of the space, or the period for continuous monitoring, accompanied by the names or initials of the testers and by an indication of when the tests were performed.

(G) Appropriate measures used before entry to isolate the space and eliminate or control hazards. Examples of appropriate measures include the

de-energizing and lockout or tagging of equipment, and procedures for purging, inerting, ventilating, and flushing permit spaces.

- (H) Names of entrants and current attendants.
- (I) The signature of the original supervisor authorizing entry.
- (J) The current entry supervisor.
- (K) Communication procedures for entrants and attendants to maintain contact during the entry.

(L) Equipment provided for safe entry, such as:

- (i) Personal protective equipment (PPE)
- (ii) Testing and monitoring equipment
- (iii) Communications equipment
- (iv) Alarm systems
- (v) Rescue equipment
- (M) Rescue services available, and how to contact them.
- (N) Other information needed for safety in the particular permit space
- (O) Additional permits issued for work in the space, such as for hot work.

(P) Any problems, if any, encountered during the entry.

(f) Ensure entrants or their authorized representatives have access to the completed permit before entry so they can confirm that pre-entry preparations have been completed.

(g) Review the permit program when there is any reason to believe that employees are not adequately protected, and revise it as necessary.

(A) Situations that require this review include:

- (i) Unauthorized entry of a permit space.
- (ii) A previously unrecognized hazard is discovered.
- (iii) A condition prohibited by the permit or permit program exists.
- (iv) An injury or near-miss occurs during entry.
- (v) An employee reports concerns about the effectiveness of the program.

(vi) Any other condition that affects employee safety or health.

(B) When revising the permit program to correct hazard-related deficiencies, do not allow entries into affected permit spaces to be made until the revisions are complete.

(C) Ensure employees and their representatives have access to the revised permit program.

(h) Review permits within one year of their cancellation to evaluate:

- (A) The permit program.
- (B) The protection provided to employees entering permit spaces.
- (6) Permit Entry.
 - (a) Perform initial testing for atmospheric hazards, where necessary, before entry is made.

(b) Provide each entrant or their authorized representative with the results of any initial testing before they enter the space.

(c) Ensure safe entry conditions are maintained for the duration of the entry.

(A) When the space is too large to isolate, or is part of a continuous system, such as a sewer, ensure continuous monitoring where entrants are working for the duration of the entry

(B) When an entrant or their authorized representative has reason to believe that the testing or monitoring was inadequate, re-test the space.

(d) Ensure all actions and precautions identified on the permit are followed.

(e) When conditions require the space to be evacuated, do not allow re-entry unless you:

- (A) Re-assess the conditions of the space to ensure it is safe for re-entry and ensure the permit reflects the evacuation and subsequent re-assessment; or
- (B) Issue a new permit.

(f) Allow entrants or their authorized representatives the opportunity to observe monitoring, testing, and all other actions taken to eliminate or control the hazards of the space.

(7) Equipment.

(a) When employees enter permit spaces, provide the following equipment as necessary:

- (A) Testing and monitoring equipment.
- (B) Ventilating equipment, when needed, used to obtain and maintain acceptable entry conditions.

(C) Communication equipment, such as a two-way radio, for effective communication between the attendant and all entrants, and to initiate rescue when necessary.

(D) Lighting equipment needed to ensure employees can see well enough to work safely and exit the space quickly in the event of an emergency.

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(E) Barriers or shields to protect entrants from external hazards, such as pedestrians and vehicles.

(F) Ladders or other equipment to safely enter and exit the space.

(G) Rescue and emergency equipment necessary to safely and effectively rescue entrants.

(H) Any other equipment necessary to safely enter and exit the space.

(I) Personal protective equipment as mandated by any applicable Oregon OSHA standard.

(b) Provide all necessary equipment at no cost to employees.

(c) Ensure all equipment is maintained and used in accordance with the instructions from the manufacturer.

(d) Ensure all employees who use equipment are trained in the use of that equipment.

(8) Personnel.

(a) Before employees enter permit spaces, designate entrants, attendants, and entry supervisors.

Note: The entry supervisor can also be either the attendant or entrant.

(b) Entrants must:

(A) Know the hazards that may be faced during entry, including information on the type of hazard, as well as signs, symptoms, and consequences of exposure to those hazards.

(B) Communicate with the attendant as necessary so the attendant can monitor the entrant's status and to enable the attendant to alert entrants of the need to evacuate the space.

(C) Alert the attendant whenever the entrant detects a dangerous or hazardous condition or warning sign or symptom of exposure to a dangerous situation.

(D) Exit from the permit space as quickly as possible whenever:

(i) An order to evacuate is given by the attendant or the entry supervisor, or

(ii) The entrant recognizes any warning sign or symptom of exposure to a dangerous situation, or

(iii) The entrant detects a dangerous or hazardous condition, or

(iv) An evacuation alarm is activated.

(c) Attendants must:

(A) Know the hazards that may be faced during entry, including information on the type of hazard, as well as signs, symptoms, and consequences of exposure to those hazards.

(B) Be aware of possible behavioral effects of hazard exposure in authorized entrants.

(C) Continuously maintain an accurate count of authorized entrants in the permit space and ensure that the means used to identify authorized entrants accurately identifies who is in the permit space.

(D) Remain outside the permit space during entry operations until relieved by another attendant.

(E) Communicate with authorized entrants as necessary to monitor entrant status and to alert entrants of the need to evacuate the space.

(F) Monitor activities inside and outside the space to determine if it is safe for entrants to remain in the space and order the authorized entrants to evacuate the permit space immediately under any of the following conditions:

(i) If the attendant detects a dangerous or hazardous condition;

(ii) If the attendant detects the behavioral effects of hazard exposure in an authorized entrant;

(iii) If the attendant detects a situation outside the space that could endanger the authorized entrants; or

(iv) If the attendant cannot effectively and safely perform all the duties required of the attendant

(G) Summon rescue and other emergency services as soon as the attendant determines that authorized entrants may need assistance to escape from permit space hazards;

(H) Take the following actions when unauthorized persons approach or enter a permit space while entry is underway:

(i) Warn the unauthorized persons that they must stay away from the permit space;

(ii) Advise the unauthorized persons that they must exit immediately if they have entered the permit space; and

(iii) Inform the authorized entrants and the entry supervisor if unauthorized persons have entered the permit space;

Note: The employer can give the attendant the authority to remove unauthorized individuals who enter or who attempt to enter the permit space during entry operations, so long as the attendant does not enter the space.

(I) Perform non-entry rescues as specified by the employer's rescue procedure; and

(J) Perform no duties that might interfere with the attendant's primary duty to monitor and protect any authorized entrant.

NOTE: An attendant may monitor more than one space at a time, but the

duties in relation to one space may not interfere with the duties for any other spaces. If an attendant's attention is focused on one space, such as to initiate the rescue procedures, all other spaces that the attendant is monitoring must be evacuated or another attendant must take over those duties first.

(d) Entry supervisors must:

(A) Know the hazards that may be faced during entry, including information on the type of hazard, as well as signs, symptoms, and consequences of exposure to those hazards

(B) Understand the means and methods to control and/or eliminate the hazards of the permit space

(C) Verify, by checking that the appropriate entries have been made on the permit, that all tests specified by the permit have been conducted and that all procedures and equipment specified by the permit are in place before endorsing the permit and allowing entry to begin

(D) Inform entrants and attendants of the hazards and conditions associated with the space and the methods used to eliminate and/or control those hazards

(E) Terminate the entry and cancel the permit as required by the permit entry program

(F) Verify that rescue services are available and that the means for summoning them are operable

(G) Remove unauthorized individuals who enter or who attempt to enter the permit space during entry operations.

(H) Reevaluate the conditions within the space whenever responsibility for a permit space entry operation is transferred and at intervals dictated by the hazards and operations performed within the space.

(9) Rescue.

(a) Before employees enter a permit space, develop and implement procedures to remove entrants in the event of an emergency or when they are unable to self-rescue. These procedures must include:

(A) The process for summoning rescue services.

(B) The process for summoning emergency medical services or transporting injured entrants to a medical facility.

(C) If an injured entrant is exposed to a substance for which a Safety Data Sheet (SDS) or other similar written information is required to be kept at the worksite, that MSDS or written information must be made available to the medical facility treating the exposed entrant.

(b) Where feasible, use non-entry retrieval systems or methods whenever an authorized entrant enters a permit space, unless it would increase the overall risk to the entrant or would not contribute to the rescue of the entrant.

(A) Non-entry Rescue.

(i) Use a retrieval system that meets the following requirements.

(I) Each authorized entrant must use a chest or full body harness, with a retrieval line attached at the center of the entrant's back near shoulder level, above the entrant's head, or at another point which you can establish presents a profile small enough for the successful removal of the entrant. Wristlets or ankle straps or other equally effective means may be used in lieu of the chest or full body harness if you can demonstrate that the use of a chest or full body harness is infeasible or creates a greater hazard and that the use of other methods are the safest and most effective alternative.

(II) Attach the other end of the retrieval line to a mechanical device or fixed point outside the permit space so that rescue can begin as soon as the attendant becomes aware that rescue is necessary. Ensure a mechanical device is available to retrieve personnel from vertical type permit spaces more than 5 feet (1.52 m) deep.

(ii) Designate a rescue person or team to perform rescues in a timely manner.

Note: The response time is based on the hazards of the space. For example, IDLH hazards require an immediate response, and rescuers would need to be available on-site during the duration of the entry.

(iii) Ensure all rescuers are trained in basic first aid and cardiopulmonary resuscitation (CPR). At least one member must be certified in first aid and CPR.

(iv) Rescuers must practice performing permit space rescues at least once every 12 months.

(I) The practice rescue must include every type of space in which the rescue team may perform rescues.

(II) The practice rescue must include removing persons, dummies, or manikins from the actual permit spaces or representative spaces that have similar opening size, configuration, and accessibility issues as the actual permit spaces where rescue may be performed.

(III) Exception: Rescuers do not need to perform annual practice rescues when mobile workers enter a permit space when, prior to beginning entry operations, the employees designated to perform non-entry rescue (including attendants, if applicable):

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- (i) Have access to the permit space to be entered or to a simulated permit space; and
 - (ii) Develop appropriate rescue plans; and
 - (iii) Conduct practice rescue operations in accordance with (8)(b)(A)(iv)(II).
- (B) Entry Rescue.
- (i) Where non-entry rescue is not feasible or would increase the overall risk to the entrant, designate a rescue team before employees enter any permit space.
 - (ii) Ensure the rescue team:
 - (I) Can respond to a rescue call in a timely manner. Timeliness is based on the identified hazards of the space. Rescuers must be able to reach potential victims within an appropriate time frame based on the identified hazards of the permit space.
 - (II) Can efficiently rescue employees from permit spaces.
 - (III) Has the appropriate equipment to rescue employees from all permit spaces employees enter.
 - (iii) Inform each rescue team or service about the hazards they may confront when called to perform rescue.
 - (iv) Provide the rescue team or service with access to all permit spaces from which rescue may be necessary.
 - (v) Provide rescue team members with personal protective equipment (PPE) needed for safe entry and any other equipment required to safely conduct rescues.
 - (vi) Use and maintain all equipment according to the instructions from the manufacturer.
 - (vii) Rescue teams must practice performing permit space rescues at least once every 12 months.
 - (I) The practice rescue must include the different kinds of spaces in which the rescue team may perform rescues.
 - (II) The practice rescue must include removing persons, dummies, or manikins from the actual permit spaces or representative spaces that have similar opening size, configuration, and accessibility issues as the actual permit spaces where rescue may be performed.
 - (III) Exception: The rescue team does not need to perform annual practice rescues when mobile workers enter a permit space when, prior to beginning entry operations, the employees designated to perform rescue:
 - (i) Have access to the permit space to be entered or to a simulated permit space; and
 - (ii) Develop appropriate rescue plans; and
 - (iii) Conduct practice rescue operations in accordance with (8)(b)(B)(vii)(II).
 - (viii) Rescue team personnel must have the same training and proficiencies as a permit space entrant, attendant, and/or entry supervisor.
 - (ix) Ensure all rescue team members are trained in basic first aid and cardiopulmonary resuscitation (CPR). At least one member must be certified in first aid and CPR.

Note: Additional medical training, such as oxygen administration, the use of automated external defibrillators (AEDs), and personnel decontamination should be considered.

- (x) When a third-party rescue service is used, ensure that the service is:

- (I) Aware that they are so designated and agree to it in writing prior to entry.
 - (II) Capable of performing all required rescue operations.
 - (III) Trained in first aid and CPR, and at least one member is certified in first aid and CPR.
 - (C) Third-party entry rescue providers.
- (i) In addition to the requirements of this rule, employers that provide entry rescue services must:
 - (I) Obtain information required by paragraph (4) regarding every permit space in which entry rescue by your employees may be necessary.
 - (II) Be familiar with the policies and procedures as described in paragraph (9)(a).
 - (ii) When activated to perform a rescue, without entering the space and using the entry permit, evaluate the space to:
 - (I) Identify all physical and atmospheric hazards.
 - (II) Determine the precautions and procedures to follow for entry into the space.

(10) Alternate Entry.

- (a) Permit spaces may be entered without a permit when:
 - (A) All hazards have been eliminated; or
 - (B) All physical hazards, if any, have been eliminated and all atmospheric hazards are controlled with continuous forced-air ventilation.

Note: For purposes of this rule, "hazard elimination" means that the conditions which caused the hazard no longer exist within the space.

Note: Continuous forced-air ventilation does not eliminate atmospheric

hazards. It only controls the hazards.

- (b) Exception: Alternate entry cannot be used to enter a continuous system unless you can positively isolate the area to be entered from the rest of the space or can demonstrate and document that the conditions which caused the hazard no longer exist within the system during the entry.

(c) When employees enter permit spaces under alternate entry, you do not need to comply with the requirements of paragraphs (5), (6), (8), (9), and (12) of this rule for those entries.

(d) Develop and implement procedures for each space that can be entered with alternate entry procedures. These procedures must address:

(A) The hazards of the space.

(B) The methods used to eliminate hazards.

(C) The methods used to ensure that the hazards have been eliminated.

(D) The methods used to test the atmosphere within the space, where applicable, for all atmospheric hazards.

(E) The methods used to determine if unsafe conditions arise before or during entry.

(F) The criteria and conditions for evacuating the space during entry.

(G) The methods for training employees in these procedures.

(H) The methods for ensuring employees follow these procedures.

(e) When using ventilation to control atmospheric hazards:

(A) Use only properly calibrated direct-reading meters to test the atmosphere.

(B) Ensure direct-reading instruments are used and tested according to the instructions and recommendations from the instrument manufacturer.

(C) Test the atmosphere for all identified atmospheric hazards before entering the space.

(D) Ensure employees only enter after testing verifies that all atmospheric hazards are adequately controlled by the ventilation.

(E) Perform continuous monitoring for all atmospheric hazards during the entry.

(F) Immediately evacuate the space:

(i) When monitoring indicates the return of atmospheric hazards

(ii) Upon any failure with the direct-reading instrument.

(iii) Upon any failure with the ventilation.

(iv) When a new hazard is introduced or conditions within the space change.

(f) Ensure all employees or their representatives who will conduct the entry have the opportunity to observe all activities used to comply with this section.

(g) Ensure all employees who conduct entry have an effective means of communication, such as a two-way radio, cell phone, or voice if other employees are present, to summon help while within the space.

(h) When a space is evacuated, it cannot be re-entered as an alternate entry unless:

(A) The conditions that necessitated the evacuation are corrected; and

(B) The re-entry is treated and documented as a new entry.

(i) Document each entry. This documentation must include:

(A) The location of the space.

(B) The hazards of the space.

(C) The measures taken to eliminate the hazards.

(D) When applicable, the measures used to control the atmospheric hazards

(E) When applicable, the identity of the direct-reading instruments used to test the atmosphere, including the date of calibration.

(F) When applicable, the results of the atmospheric testing.

(G) The date of the entry.

(H) The duration of the entry.

(I) When applicable, any and all conditions that required the evacuation of the space.

(J) The name, title, and signature of the person responsible for ensuring the safe entry conditions.

(j) Maintain this documentation for the duration of the entry at the location of the entry.

(11) Training.

(a) Train each employee involved in permit space activities so they acquire the understanding, knowledge, and skills necessary to safely perform their duties, according to their assigned responsibilities.

(A) Provide training:

(i) For all new employees

(ii) Before an employee is assigned permit space duties

(iii) Before there is a change in an employee's assigned duties

(iv) When there is a hazard for which the employee hasn't already been trained

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- (v) When there are changes to the permit program
- (vi) When the permit audit shows deficiencies
- (vii) Whenever there is a deviation from the established procedures or employee knowledge of the procedures is inadequate
- (b) Document employee training. Ensure the documentation:
 - (A) Contains the employee's name, the name and signature of the trainer, and the date of training.
 - (B) Contains the responsibilities for which they were trained.
 - (C) Is available for inspection by employees and their authorized representative.
 - (c) Ensure each employee is proficient in their assigned duties.
 - (d) Awareness training:
 - (A) Provide awareness training to all employees whose work operations are or may be in an area where permit spaces are present to explain:
 - (i) The permit space program
 - (ii) The entry permit system
 - (iii) The alternate entry procedures, if used
 - (iv) How to recognize permit spaces in their work area
 - (B) Provide this training:
 - (i) For all new affected employees
 - (ii) For all employees whose duties change to include work in areas with permit spaces
 - (iii) When inadequacies in an employee's knowledge indicate that the employee has not retained the requisite understanding
 - (iv) When there is a change in the permit program
 - (v) When there are new or previously unidentified permit spaces
 - (12) Multi-employer worksites.

(a) Unless you fall within an exemption under paragraph (4)(A)(a), before employees of another employer enter permit spaces under your control, you must:

- (A) Inform the employer and their employees:
 - (i) That the workplace contains permit spaces and can be entered only when the applicable requirements of this rule are met
 - (ii) Of the identified hazards and your experience with each permit space they will enter
 - (iii) Of any precautions or procedures you require to protect employees in or near spaces where the work will be performed
- (B) Coordinate entry operations with the employer, when employees of different employers will be working in or near the same permit spaces.
- (C) Discuss entry operations with the employer after they are complete. This discussion must include:

- (i) The program followed during permit space entry; and
- (ii) Any hazards confronted or created
- (b) When your employees enter a permit space under the control of another entity, at the conclusion of entry operations, inform the controlling contractor and host employer about the precautions and procedures you followed and any hazards that were present or that developed during entry operations.

(13) Records. Keep cancelled permits for at least one year from the date the permit expires for review (see paragraph (5)(i)).

Note: Additional record retention requirements may apply under OAR 437-002-1910.1020. "Access to Employee Medical and Exposure Records."

Appendices.

Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001 - 654.295
Hist.: OSHA 6-2012, f. 9-28-12, cert. ef. 4-1-13

437-002-0182

Oregon Rules for Fire Fighters.

(1) Scope and Application.
(a) These rules apply to all activities, operations and equipment of employers and employees providing fire protection services, emergency first response, and related activities that are subject to the provisions of the Oregon Safe Employment Act. These rules do not apply to the following exempted fire fighting activities:

- (A) Aircraft fire fighting and rescue;
- (B) Forest and uncultivated, wildland fire fighting;
- (C) Private industry fire brigades.
- (D) Marine Fire Fighting and rescue.

EXCEPTION: When a public fire department elects to participate in one or more of the exempted fire fighting activities, that fire department must comply with all of the provisions of OAR 437-002-0182.

(b) The provisions of OAR 437-002-0182 must be supplemented by the provisions of other applicable safety and health rules of Oregon OSHA.

(2) Definitions.

Aerial device: An aerial ladder, elevating platform, aerial ladder platform, or water tower that is designed to position personnel, handle materials,

provide egress and discharge water. Afterflame: The time a test specimen continues to flame after the flame source has been removed. ANSI: American National Standards Institute. Apparatus: A mobile piece of fire fighting equipment such as pumper, water tender, etc. Confined space means a space that: Is large enough and so configured that a person can bodily enter and perform assigned work; and Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and Is not designed for continuous occupancy.

Drill tower: A structure, which may or may not be attached to the station that is over two stories high and primarily used for nonclassroom training of the fire fighters in fire service techniques. Emergency incident: Any situation where the fire department delivers emergency services, rescue, fire suppression, medical treatment, and other forms of hazard control and mitigation. Emergency scene: The site where the suppression of a fire or the emergency exists. Fire chief: An employer representative responsible for managing the fire department's operation.

Fire fighter: A person involved in performing fire department duties and responsibilities, including fire suppression. A fire fighter may be a career or volunteer member of a fire department and may occupy any position or rank within the fire department. Fire retardant: A material to reduce, stop or prevent flame spread. Fire training: Training received by fire fighters to maintain proficiency in performing their assigned duties.

Flame-resistance: The property of materials, or combinations of component materials, to retard ignition and restrict the spread of flame.

Hazardous material incident: The accidental release of hazardous materials from their containers. Helmet: A head protective device consisting of a rigid shell, energy absorption system, and chin strap intended to protect the head against impact, flying or falling objects, electric shock, penetration, heat, and flame. Hose tower: A vertical structure where a hose is hung to dry.

Immediately dangerous to life or health (IDLH): Any condition that poses a threat to life, could cause irreversible adverse health effects, or could interfere with an individual's ability to escape unaided from a confined space. IFSTA: International Fire Service Training Association.

Lifeline: The rope that secures employees when in extremely hazardous areas. Live fire training: Any fire set within a structure, tank, pipe, pan, etc., under controlled conditions to facilitate the training of fire fighters under actual fire conditions. MSHA: Mine Safety and Health Administration. NFPA: National Fire Protection Association.

Nondestructive testing: A test to determine the characteristics or properties of a material or substance that does not involve its destruction or deterioration. Private Industry Fire Brigades: A group of employees within an industry who are required to fight interior structural fires at their place of employment. Protective clothing: The clothing or equipment worn to protect the head, body, and extremities from chemical, physical, and health hazards. Rescue saw (Cutoff saw): A powered saw with a large circular cutting blade covered in part by a movable guard used to cut metal, wood, or concrete enclosures. Respirators: Atmosphere-supplying respirator is a respirator that supplies the respirator user with air from a source independent of the ambient atmosphere, and includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units. Air-purifying respirator is a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element. Positive Pressure demand respirator is a respirator in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.

Pressure demand respirator is a positive pressure atmosphere-supplying respirator that admits air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation. SCBA is a self-contained breathing apparatus designed to provide the wearer with a supply of respirable air carried in and generated by the breathin apparatus. This apparatus requires no intake of oxygen from the outside atmosphere, and can be designed to be a demand or pressure demand type respirator.

Supplied-air respirator (SAR) or airline respirator is an atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user. Responding: Answering an emergency call or other alarm. Scabbard: A guard that prevents injury and covers the blade and pick of an axe or other sharp instrument when worn by the fire fighter.

Station (Fire station): Structure to house the fire service apparatus and personnel. Tailboard: Standing space at rear of an engine or pumper apparatus where fire fighters ride.

Training: Instruction with hands-on practice in the operation of equipment, including respiratory protection equipment, that is expected to be used and in the performance of assigned duties.

Warning light: A flashing or rotating light.

GENERAL REQUIREMENTS

(3) Organizational statement. The employer must prepare and maintain a statement or written policy that includes basic organizational structure and functions of the organization, in addition to the type, amount, and frequency of training to be provided to fire fighters. This statement must be made available for inspection by the administrator and by employees or their designated representatives.

(4) Personnel.

(a) The employer must review and evaluate the physical capability of each employee annually to determine their ability to perform duties that may be assigned. The review and evaluation will be accomplished through physical examination, stress testing, or satisfactory performance demonstrated during the performance of their assigned duties.

(b) The employer must not permit an employee with known medical condition that would significantly impair their ability to engage in fire sup-

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pression activities at the emergency scene unless a physician's certificate of the employees' fitness to participate in such activities is provided. This will not limit the employer's ability to assign personnel to support activities (versus fire suppression activities).

(5) Employer's Responsibility.

(a) Each employer must comply with the provisions of this division to protect the life, safety, and health of employees.

(b) It is the responsibility of the employer to establish and supervise:

(A) A safe and healthful working environment, as it applies to non-emergency conditions or to emergency conditions at the scene after the incident has been terminated, as determined by the officer in charge.

(B) Programs for training employees in the fundamentals of accident prevention.

(C) A safe and healthful working environment as it applies to live fire training exercises.

(c) The employer must maintain all equipment in a safe condition.

(d) The employer must see that employees who participate in exempted fire fighting activities listed in OAR 437-002-0182(1) are properly trained, protected, clothed, and equipped for the known hazards of that particular emergency operation. The following note refers to the Respiratory Protection Standard, 1910.134(g)(3) and (4), Procedures for Interior Structural Fire Fighting ("two-in/two-out rule") adopted in Oregon on July 7, 1998.

NOTE: If, upon arriving at the scene, members find an imminent life threatening situation where immediate action may prevent the loss of life or serious injury, the requirements for personnel in the outside standby mode may be suspended, when notification is given by radio to incoming companies that they must provide necessary support and backup upon their arrival.

(6) Employee's Responsibility.

(a) Each fire fighter must comply with the sections of OAR 437-002-0182 that are applicable to their own actions and conduct in the course of their employment.

(b) Fire fighters must notify the appropriate employer or safety committee representative of unsafe practices, equipment, or workplaces.

(c) All fire fighters, at regularly scheduled times, must attend required training and orientation programs designed to increase their competency in occupational safety and health.

(d) Fire fighters and other employees must apply the principles of accident prevention in their work. They must use all required safety devices and protective equipment.

(e) Each fire fighter must take proper care of their protective equipment.

(f) Fire fighters who are expected to perform fire fighting operations must notify their employer when health conditions arise that will limit their capability of performing those duties.

(7) Safety Committee.

(a) Fire departments must have a separate safety committee or hold safety meetings according to the requirements of OAR 437-001-0765 in Division 1, General Administrative Rules.

(b) When applicable, the representation on the safety committee must include both career and volunteer fire fighters.

(8) Incident Management. An incident management system that meets the requirements of NFPA standard 1561, on Fire Department Incident Management, must be established with written standard operating procedures, applying to all members involved in emergency operations. All members involved in emergency operations must be familiar with the system.

(9) Accountability.

(a) The fire department must establish written standard operating procedures for a personnel accountability system according to Section 2-6, 1995 of NFPA 1561, standard on Fire Department Incident Management System, that provides for the tracking and inventory of all members operating at an emergency incident.

(b) It is the responsibility of all members operating at an emergency incident to actively participate in the personnel accountability system.

(10) Fire Fighting Training and Education.

(a) The employer or employer representative must establish and implement a policy for educating and training throughout the fire fighting classifications (ranks). Such education and training must be provided to fire fighters before they perform assigned duties on a continuing basis.

(b) Before fire fighters participate in structural fire fighting activities, or in live fire training in a structure, they must meet the training levels prescribed by the Department of Public Safety Standards and Training's (DPSST) 'Entry-level Firefighter' or have equivalent training.

(c) When live fire training occurs, it must be conducted under the direction of the fire department training officer, or employer authorized rep-

resentative. All live fire training must be conducted following the requirements of Appendix C of this standard.

(d) During live fire training, fire fighters must wear the protective equipment normally required for that type of fire fighting.

(e) When rope rescue training occurs, it must be conducted under the direction of the fire department training officer or department-designated authority according to the equipment manufacturers' recommendations. The training officer must keep records of the manufacturers' training requirements, and must comply with all such requirements.

(f) All fire hoses used by fire departments for training and fire combat must meet the service testing requirements noted in Chapter 5 of NFPA 1962, 1993 edition.

(g) The employer must provide training for the purpose, proper selection, fitting, and limitations of personal protective equipment.

(h) The employer must ensure that each employee is informed of the procedure of reporting unsafe work conditions or equipment.

(11) General Requirements for Protective Clothing.

(a) The employer must provide employees all required protective clothing, except that an employee may opt to supply protective clothing. The employer must provide the protective clothing at no cost to employees. The protective clothing must meet the requirements in OAR 437-002-0182(11) through (16), whether supplied by the employer or employee.

(b) The employer must ensure that new protective clothing intended for structural fire fighting that is ordered, used, or purchased after the effective date of this division, meets the requirements contained in OAR 437-002-0182(11) through (16). The employer must ensure that fire fighters wear this clothing when performing structural fire fighting.

(c) In situations other than structural fire fighting, the employer must ensure that protective clothing appropriate for the known hazards of that particular emergency operation is worn.

(d) The employer must ensure that appropriate protective clothing protects the head, body, and extremities. It must consist of at least the following components: foot and leg protection, hand protection, body protection, and eye, face, and head protection.

(12) Body Protection. To ensure full body protection for the wearer coats and trousers used by structural fire fighters shall be at least equivalent to the National Fire Protection Association (NFPA) standard, No. 1971, 1991 edition, entitled "Protective Clothing for Structural Fire Fighting." (See also Appendix A.)

(13) Head Protection.

(a) Head protection must consist of a protective head device, ear protection, flaps, and chin strap, which meet the requirements of NFPA Standard 1971-2000, Protective Ensemble for Structural Fire Fighting.

(b) Use, care, alterations, and maintenance instructions for protective headgear must be supplied for each helmet.

(c) Care, maintenance, and alteration of helmets must conform to the manufacturer's recommendations.

(d) During structural fire fighting helmet accessories designed to provide or maintain protection from health and safety hazards must be worn in the manufacturer's recommended position. (See also Appendix A.)

(e) A flame-resistant protective hood that will not adversely affect the seal of a respirator facepiece and meeting the requirements of NFPA Standard 1971, 1996 edition, must be worn during interior structural fire fighting operations to protect the sides of the face and hair.

(14) Hand Protection. Hand protection for fire fighting activities must consist of protective gloves or glove system that will provide protection against cut, puncture, and heat penetration. Gloves or glove system must meet the requirements of NFPA Standard 1973, 1988 edition, titled "Gloves for Structural Fire Fighting."

(15) Foot and Leg Protection.

(a) Foot and leg protection must meet the requirements of OAR 437-002-0182(15)(a)(A) and (B) and may be achieved by either of the following methods:

(A) Fully extended boots, which provide protection for the legs; or

(B) Protective shoes or boots worn in combination with protective trousers that meet the requirements of OAR 437-002-0182(12).

(b) Protective footwear must meet the requirements of NAPA Standard 1971, 1996 edition, titled "Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting."

(c) Fire fighters' boots may be resoled but must meet the requirements of this rule.

(16) Eye and Face Protection. Eye and face protection worn by fire fighters at the fire ground must comply with the following regulations:

(a) General requirements. Face protection must be required where there is a reasonable probability of injury that can be prevented by such

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protection. When such face protection does not protect the eyes from foreign objects, additional eye protection must be provided.

(b) When self-contained respiratory equipment is being used by fire fighters, additional eye and face protection will not be required. Employers must make conveniently available a type of protection suitable for the work performed, and employees must use such protectors. Protectors must meet the following minimum requirements.

(A) They must provide adequate protection against the particular hazards for which they are designed.

(B) They must be reasonably comfortable when worn under the designated conditions.

(C) They must be durable.

(D) They must be capable of being disinfected.

(E) They must be easy to clean.

(F) Protectors that can be worn over corrective lenses must be available for those who need them, and should be kept clean and in good repair.

(c) Face shields.

(A) Face shields must be clear transparent or colored transparent.

(B) Disinfection. When a person is assigned protective equipment, this equipment must be cleaned and disinfected regularly.

(C) Face shields must be an integral part of the fire helmet and may be installed in a fixed position or hinged allowing adjustment of the shields.

(D) In the event a breathing apparatus within a face mask is being used, the face mask will be considered an acceptable face shield.

(d) Goggles, flexible, or cushioned fitting. Goggles must consist of a fully flexible frame, a lens holder or a rigid frame with integral lens or lenses, and a separate cushioned fitting surface on the full periphery of the facial contact area.

(A) Materials used must be chemical-resistant, nontoxic, nonirritating and slow-burning.

(B) There must be support on the face, such as an adjustable headband of suitable material or other appropriate support to hold the frame comfortably and snugly in front of the eyes.

(e) Design, construction, testing, and use of eye and face protection must be according to ANSI Z87.1, Occupational Eye and Face Protection (1979).

NOTE: Fire fighters must be protected from noise that exceeds the levels deemed safe in OAR 437, Division 2/G, 1910.95, Occupational Noise Exposure.

(17) Requirements for Respiratory Protection. See OAR 437, Division 2/I, 1910.134, Respiratory Protection.

(18) Criteria for Approved Self-Contained Breathing Apparatus.

(a) All compressed air cylinders used with self-contained breathing apparatus must meet Department Of Transportation and NIOSH criteria. In emergency and lifesaving situations, approved self-contained compressed-air breathing apparatus may be used with approved cylinders from other approved self-contained compressed-air breathing apparatus provided that such cylinders are of the same capacity and pressure rating. Once the emergency is over, return SCBA's to their original approved condition.

(b) Self-contained breathing apparatus must be provided with an indicator that automatically sounds an alarm when the remaining air supply of the apparatus is reduced to within a range of 20 to 25 percent of its rated service time.

(19) (Reserved)

(20) Personal Alert Safety System (PASS). Each member involved in rescue, fire suppression, or other hazardous duties, must be provided with and must use a PASS device in the hazardous area when self-contained breathing apparatus is in use. PASS devices must meet the requirements of NFPA 1982, Standard on Personal Alert Safety Systems for Fire Fighters. Each PASS device must be tested at least monthly and must be maintained according to the manufacturer's instructions.

(21) (Reserved)

(22) (Reserved)

(23) (Reserved)

(24) Breathing Air Compressors and Cylinders. In addition to the requirements contained in 1910.134(i), air samples must be taken every six months from the compressor and analyzed by the employer or an independent laboratory for Grade D breathing air. Air samples must also be tested when the system is installed or repaired. Analysis must be conducted according to ANSI/CGA Standard G7.1-1989 edition, Commodity Specification for Air.

(25) Identification of Hazardous Material Locations.

(a) A means must be provided for identifying nonresidential premises where hazardous materials are stored, as defined in the Uniform Fire Code, 1991 edition, Articles 4 and 80, and in quantities as set forth in the hazardous material permit required by Article 4 of the Uniform Fire Code.

(b) Hazardous chemicals required to be identified defined in Article 9, Section 9.110, and Article 80, Section 80.101 of the Uniform Fire Code.

(26) Hazardous Material Response Plan.

(a) Fire departments that expect or plan to respond to hazardous material incidents must develop a written response plan.

(b) The written response plan must contain the policies and procedures on:

(A) Pre-emergency planning and coordination with outside parties,

(B) Personnel roles, lines of authority, training, and communication,

(C) Emergency recognition and prevention,

(D) Safe distances,

(E) Scene security and control,

(F) Evacuation procedures,

(G) Decontamination,

(H) Emergency medical treatment and first aid,

(I) Personnel withdrawal procedures,

(J) Critique of response and follow-up,

(K) Personal protective equipment and emergency equipment and response procedures.

(c) The incident commander must be responsible for:

(A) Identifying the hazardous substance and condition,

(B) Implementing emergency operations,

(C) Ensuring personal protective equipment is worn,

(D) Limiting access of hot zone to those with a specific mission assignment,

(E) Implementing decontamination procedures,

(F) Designating a safety officer,

(G) Using appropriately trained personnel,

(H) Providing on-scene medical surveillance for emergency responders.

FIRE FIGHTING APPARATUS

(27) Fire Apparatus Area.

(a) Walkways around apparatus must be kept free of obstructions.

(b) The station's apparatus floors must be kept free of grease, oil, and tripping hazards.

(c) Class I or II flammable liquids must not be used to remove grease or dirt from apparatus.

(d) Exhaust gases from diesel or gasoline apparatus within buildings must be maintained within the limits of OAR 437, Division 2/Z, OAR 437-002-0382, Oregon Air Contaminant Rules.

(28) Design and Construction of Fire Apparatus.

(a) All fire apparatus with the exception of specialized apparatus must conform to OAR 437, Division 2/N, Oregon Rules for Commercial and Industrial Vehicles.

(b) Employers who have purchased used fire apparatus or used military equipment prior to the effective date of this division are not required to bring them under a more stringent code than the one in force at the time the apparatus was manufactured. The exception to this rule is regarding seat belts and communication systems between the tailboard and driver compartment as required by OAR 437-002-0182(29) (Automotive Fire Apparatus Equipment) and roll bars on all open top off-road vehicles as required by OAR 437-002-0182(28)(f).

(c) Fire fighters' vehicle tailboards must not project out of the vehicle sides or fenders and must be designed to provide safe footing.

(d) Exhaust systems must be installed and properly maintained and must be designed to minimize the exposure of exhaust gases by the fire fighter.

(e) The loaded gross weight and empty height of the vehicle must be posted in the vehicle such that it can be clearly read by the driver.

(f) Roll bars must be in place on all open top off-road vehicles for rollover protection.

(29) Automotive Fire Apparatus Equipment.

(a) All equipment on a vehicle must be adequately secured when the vehicle is in motion.

(b) Workers being transported by fire department vehicles must ride only in designated secure positions. Safety restraints must be provided for fire fighters riding the tailboard. (See also OAR 437, Division 2/N, Oregon Rules for Commercial and Industrial Vehicles.)

(c) Vehicles with obstructed view to the rear of the vehicle when backing, must be equipped with:

(A) An automatic back-up alarm that must sound when backing; or

(B) A fire fighter, who is visible in the driver's left-side mirror, must stand to the rear of the truck to guide the driver while backing.

(d) Fire fighting vehicles must come to a full stop before workers disembark.

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(e) If workers are required to ride the tailboard, an electrical signal system or voice communication system must be installed between the tailboard and the driver's compartment. A code of signals must be used for controlling the movement of the vehicle.

(f) When traffic flow is inhibited, vehicles equipped with emergency warning lights must be used to control traffic at emergency scenes. The use of traffic cones, fire department personnel, police, or other traffic control measures must be used as soon as practical.

(30) Automotive Apparatus Maintenance and Repair. Each employer must establish written records and procedures whereby apparatus has:

(a) A scheduled monthly maintenance check; or

(b) A maintenance check each time the apparatus is returned following an emergency response, drill, or test drive.

(31) Tires. Tires that are excessively worn, cracked, deteriorated or damaged in any way must not be used. All tires must have a minimum tread depth of 2/32-inch.

(32) Aerial Devices.

(a) Aerial devices used for fire fighting must be inspected and tested by a person competent in performing such tests and inspections according to the recommendations of NFPA Standard 1914, 1991 edition, at least annually.

(b) Where defects are found in critical components of an aerial device, the repairs must be tested and certified according to NFPA Standard 1914, 1991 edition, by a registered professional engineer or manufacturer of the apparatus or an American Welding Society (AWS) Certified Welding Inspector. A permanent record of such tests and repairs must be maintained for each unit.

HOSE DRYING AND DRILL TOWERS

(33) Hose Drying Towers.

(a) Floor openings on hose tower platforms must be equipped with a guardrail meeting the requirements of OAR 437, Division 2/D, 1910.23, Guarding Floor and Wall Openings and Holes.

(b) The toeboard requirements for elevated work platforms in hose drying towers must not apply unless hand tools or objects other than hoses are carried onto the platforms.

(c) The requirements for ladders must meet the requirements of OAR 437, Division 2/D, 437-002-0027, Fixed Ladders.

(d) Ropes used to hoist hose in the hose towers must have a breaking strength to safe load strength (rated working load) ratio of 3 to 1.

(34) Drill Towers. Permanent fixed ladders on the outside of drill towers and drill buildings are exempt from the requirements of offset platform landings and ladder cage guards.

FIRE SERVICE EQUIPMENT

(35) Testing, Maintenance and Inspection of Fire Service Equipment. The employer must maintain and inspect fire service equipment at least annually and perform any tests recommended by the manufacturers at the date of manufacture, or the recommendations of NFPA or IFSTA.

(36) Confined Space Rescue

(a) Employers subject to this section must comply with 1910.146 for their own confined spaces.

(b) Employers subject to this section must comply with 1910.146(k)(2) when they agree to serve as a designated rescue service provider.

(c) Employers subject to this section that will respond to emergency calls for rescue from confined spaces must:

(A) Train responders to recognize inherent confined space hazards before assigning or attempting any related duties in confined space rescues.

(i) Provide responders with understanding, knowledge, and skills necessary for safe performance of confined space rescues.

(ii) Practice a confined space rescue operation at least once every year from a real or simulated confined space.

(B) Certify responders in writing to Department of Public Safety Standards and Training (DPSST) Fire Fighter 1 levels or equivalent.

(C) Use the Incident Management System during confined space rescue incidents that meet the requirements of the NFPA Standard 1561, Fire Department Incident Management.

(D) Assess the situation and determine if it qualifies as a confined space incident.

(i) Classify the operation as a rescue or body recovery.

(ii) Assess and secure physical hazards related to the incident or rescue.

(iii) Assess atmospheric hazards.

(I) Use calibrated direct-reading instruments to test the atmosphere in confined spaces for oxygen content, flammable gases and vapors, and toxic air contaminants.

(II) When calibrated direct-reading instruments are not available, the Incident Commander must assume the situation is immediately dangerous to life and health (IDLH) and assure that responders who enter are equipped with appropriate respiratory protective equipment.

(iv) Determine if the space should be ventilated.

(E) Provide the appropriate rescue, emergency, and personal protective equipment for safe entry into and rescue from confined spaces.

(F) Provide necessary equipment to facilitate non-entry retrieval for responders, unless the retrieval equipment would increase the overall risk or would not contribute to the rescue operations.

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

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 10-1993, f. 7-29-93, cert. ef. 9-15-93; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 2-2000, f. & cert. ef. 1-28-00; OSHA 12-2001, f. & cert. ef. 10-26-01; OSHA 3-2005, f. & cert. ef. 6-10-05; OSHA 9-2008, f. 9-19-08, cert. ef. 1-1-09; OSHA 8-2009, f. 7-9-09, cert. ef. 10-1-09; OSHA 1-2012, f. & cert. ef. 4-10-12; OSHA 6-2012, f. 9-28-12, cert. ef. 4-1-13

437-002-0256

Stationary Compactors, Self-Contained Compactors and Balers.

This applies to all stationary compactors, self-contained compactors, and balers.

You must comply with:

Subdivision 2/D Walking/Working Surfaces, for ladders, stairs and other walking/working surfaces.

Subdivision 2/J 1910.147, Control of Hazardous Energy, for maintenance, servicing, and repair activities.

Subdivision 2/J 437-002-0146 Confined Spaces for confined space hazards.

Subdivision 2/O Machine Guarding for any guarding hazard not covered in these rules.

YOUR RESPONSIBILITY:

To protect employees from hazards associated with stationary compactors, self-contained compactors, and balers.

Operators and other employees

(1) You must:

Train and supervise equipment operators. Training must include information from the operation manual, when available, and these rules.

Document the name(s) of the trainer and trainees along with the date of the training.

Provide supervision to ensure employees follow correct operating procedures.

Instruct all employees how to identify and report exposure to hazards.

Prohibit wearing loose clothing, jewelry, or long loose hair that can become entangled in the equipment.

Installation, inspection and maintenance

(2) You must:

Install the equipment according to the manufacturer's instructions.

Keep the equipment in safe working order.

Maintain the equipment according to manufacturer's recommendations when available.

Follow the manufacturer's recommendations for inspecting and testing. If there are no manufacturer's recommendations available, inspect and test annually.

Keep a record of inspections for a minimum of two years.

Make sure that modifications do not diminish the original level of safety. Add safety precautions, resulting from modifications, to the operation manual, when available, and to the training information.

Not allow the use of damaged, malfunctioning, or defective equipment.

Ensure only qualified employees, trained and authorized by your management, or authorized service technicians are allowed to maintain and repair the equipment. Qualified employees must demonstrate a proficiency in maintaining and repairing the equipment.

Guard moving parts

(3) You must:

Have guards that prevent body parts from getting caught by moving parts during the equipment's cycle.

Use sustained manual pressure controls when not using point of operation guarding.

Make certain the point of operation is visible to the operator when using sustained manual pressure controls.

Make sure the equipment manufactured with interlocks will not function with the gate or door open.

Controls

(4) You must:

Clearly label the function of each control.

Make sure controls are not subject to unintentional activation.

Have stop controls that are red, a different size than other controls, and not recessed.

Keep emergency stop controls readily accessible to the operator, or within 3 feet of the operating feed area or chute opening at equipment location.

Provide a way to stop the complete operation of the baler or compactor at any point in the cycle.

Require horizontal balers equipped with an automatic start, to have a minimum 5-second audible and visual warning when the startup control is activated. Before the main motor starts, there must be visual warning lasting for not less than 10 additional seconds.

No alarm or delay is required when the horizontal baler is restarting from sleep mode.

Access points for Maintenance or Repairs

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(5) You must:

Make sure access covers
Have functional interlocks or locks that require hand tools for removal.
Have warning signs on compactors that read:
Restricted Area, Authorized Employees Only,
Warning – Stand Clear When Tailgate or Container is in Motion and
During Loading and Unloading,
Warning – This Compactor Starts Automatically,
Warning – Gate Must Be Closed Before Operating This Compactor.
Have warning signs on balers that read:
CAUTION – Stand clear When Bale is Ejected,
WARNING – This Baler Starts Automatically,
DANGER – High Voltage,
DANGER – Disconnect and Lock Out Power Before Opening This Panel
Replace missing or defaced signs.
Note: Additional sign requirements are in ANSI Z245-2-1997 7.10 compactors and ANSI Z245.5 –1997 5.1.6. balers.
Immediate work area

(6) You must:

Not allow clutter or waste material that causes a safety hazard or obstructs safe operation to accumulate around the operator station.
Include warning signs at all loading points and the point of operation on automatic cycling equipment indicating that the baler or compactor starts automatically.
Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001 - 654.295
Hist.: APD 22-1988, f. 12-30-88, cert. ef. 1-1-89; OSHA 6-1994, f. & cert. ef. 9-30-94, Renumbered from 437-002-0242(1); OSHA 7-2009, f. 7-7-09, cert. ef. 7-21-09; OSHA 6-2012, f. 9-28-12, cert. ef. 4-1-13

437-002-0300

Adoption by Reference

In addition to and not in lieu of, any other health and safety codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1910, in the Federal Register:

- (1) Reserved for 29 CFR 1910.261 Pulp, Paper, and Paperboard Mills
- (2) 29 CFR 1910.262 Textiles, published 6/18/98, FR vol. 63, no. 117, p. 33467.
- (3) 29 CFR 1910.263 Bakery Equipment, published 3/7/96, FR vol. 61, no. 46, p. 9241.
- (4) 29 CFR 1910.264 Laundry Machinery and Operations, published 11/7/78, FR vol. 43, p. 51760.
- (5) 29 CFR 1910.265 Sawmills, published 9/13/05, FR vol. 70, no. 176, p. 53925.
- (6) Reserved for 29 CFR 1910.266 Pulpwood Logging.
(NOTE: In Oregon, Pulpwood Logging rules are Oregon-initiated rules provided in Division 7, Forest Activities.)
- (7) Reserved for 29 CFR 1910.267 Agricultural Operations
- (8) 29 CFR 1910.268 Telecommunications, published 6/18/98, FR vol. 63, no. 117, p. 33467.
- (9) 29 CFR 1910.269 Electric power generation, transmission and distribution, published amended with OR-OSHA Admin. Order 6-2012, f. 9/28/12, ef. 4/1/13.
- (10) 29 CFR 1910.272 Grain Handling Facilities, and Appendices A, B and C, published 3/7/96, FR vol. 61, no. 46, p. 9242.
- (11) 29 CFR 1910.274 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9242.
- (12) 29 CFR 1910.275 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9242.

NOTE: These standards are available from the Oregon Occupational Safety and Health Division (OR-OSHA), Department of Consumer and Business Services; and the United States Government Printing Office.
Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001 - 654.295
Hist.: APD 10-1988, f. & ef. 7-7-88; OSHA 23-1990, f. 9-28-90, ef. 12-1-90; OSHA 27-1990, f. 12-12-90, ef. 2-1-91; OSHA 14-1991, f. 10-10-91, cert. ef. 11-1-91; OSHA 7-1993, f. 6-8-93, cert. ef. 8-1-93; OSHA 11-1993, f. 8-4-93, cert. ef. 10-1-93; OSHA 3-1994, f. & cert. ef. 8-1-94; OSHA 6-1995, f. 4-18-95, cert. ef. 6-1-95; OSHA 3-1996, f. & cert. ef. 7-22-96; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 3-1998, f. & cert. ef. 7-7-98; OSHA 2-1999, f. & cert. ef. 4-30-99; OSHA 3-1999, f. & cert. ef. 4-30-99; OSHA 5-2001, f. & cert. ef. 4-6-01; OSHA 4-2004, f. & cert. ef. 9-15-04; OSHA 4-2005, f. & cert. ef. 12-14-05; OSHA 1-2012, f. & cert. ef. 4-10-12; OSHA 6-2012, f. 9-28-12, cert. ef. 4-1-13

437-002-0312

Oregon Rules for Pulp, Paper and Paperboard Mills

- (1) General Requirements.
 - (a) Application. This section applies to establishments where pulp, paper, and paperboard are manufactured or converted. This section does not apply to logging and the transportation of logs to pulp, paper, and paperboard mills.
 - (b) Standards incorporated by reference. Standards covering issues of occupational safety and health which have general application without regard to any specific industry are incorporated by reference in sections (2) through (14) of this rule and in subsections (c) and (d) of this rule and made

applicable under this rule. Such standards shall be construed according to the rules set forth in §1910.5, Applicability of Standards, in Subdivision A.

(c) General incorporation of standards. Establishments subject to this section shall comply with the following standards of the American National Standards Institute:

- (A) Safety Requirements for Floor and Wall Openings, Railings, and Toeboards, A10.18-1983.
- (B) Scheme for the Identification of Piping Systems, A13.1-1981 (R1993).
- (C) Safety Code for Portable Wood Ladders, A14.1-1990.
- (D) Safety Code for Portable Metal Ladders, A14.2-1990.
- (E) Safety Code for Fixed Ladders, A14.3-1990.
- (F) Safety Code for Cranes, Derricks, and Hoists, B30.2-1990.
- (G) Overhead and Gantry Cranes, B30.17-1992.
- (H) Crawler, Locomotive, and Truck Cranes, B30.8-1993.
- (I) Safety Code for Woodworking Machinery, ANSI O1.1-1992.
- (J) Method of Measurement of Real-Ear Protection of Hearing Protectors – Physical Attenuation of Ear Muffs, ANSI S3.19-1974 (R1990).
- (K) Practice for Occupational and Educational Eye and Face Protection, ANSI Z87.1-1989.
- (L) Requirements for Sanitation in Places of Employment, ANSI Z4.1-1986.
- (M) Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1979 (R 1991).
- (N) Practices for Respiratory Protection, ANSI Z88.2-1992.
- (O) Safety Requirements for Industrial Head Protection, ANSI Z89.1-1986.
- (P) Safety Color Code, ANSI Z535.1-1991.
- (Q) Practice for the Inspection of Elevators (Inspector's Manual), ANSI/ASME A17.2-1988.
- (R) Safety Code for Elevators, Dumbwaiters, and Moving Walks, ANSI/ASME A17.1-1990.
- (S) Safety Code for Mechanical Power-Transmission Apparatus, ANSI/ASME B15.1-1992.
- (T) Safety Code for Conveyors, Cableways, and Related Equipment, ANSI/ASME B20.1- 1993.
- (U) Power Piping, ANSI/ASME B31.1-1992.
- (V) Safety Code for Powered Industrial Trucks, ANSI/ASME B56.1.
- (W) Practice for Industrial Lighting, ANSI/IES RP-990.
- (X) Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying, ANSI/NFPA 91-1992.
- (Y) Fire Department Self-Contained Breathing Apparatus Program, ANSI/NFPA 1404-1989.
- (Z) Safety Code for Ventilation and Operation of Open-Surface Tanks, ANSI/UL 641-1985.
- (d) Other standards. The following standards shall be considered standards under this section:
 - (A) ASME Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels 1992, including addenda.
 - (B) Building Exits Code for Life Safety from Fire, NFPA 101-1991.
 - (C) NFPA Code for Prevention of Sulfur Fires and Explosions, NFPA 655-1993.
 - (D) Safety in the Transportation, Storage, Handling and Use of Explosives, IME Pamphlet No. 17, March 1987, Institute of Makers of Explosives.
 - (2) Employee Training.
 - (a) Employees shall not be permitted to operate any machine or equipment until they have received proper training and are familiar with safe operating procedures.
 - (b) Employees shall be trained in proper lifting or moving techniques and methods. Mechanical devices should be used or employees should ask for assistance in lifting or moving heavy objects.
 - (c) In each area where hazardous substances may be encountered, personnel shall be trained to cope with emergencies arising from breaks, ruptures, or spills which would create a hazardous condition.
 - (d) Any faulty equipment or hazardous condition shall be promptly reported to the person in charge.
 - (e) When an employee is assigned to work alone in a remote or isolated area, a system shall be instituted whereby such employee reports to someone or a designated person shall check on his or her safety. The procedure shall designate the method of contact and the frequency. All persons will be trained on the procedures.
 - (3) Safe Practices.

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(a) Guards. All driving mechanisms, power transmission apparatus, and prime movers shall be constructed, guarded, and used in conformity with Subdivision O, Machinery and Machine Guarding.

(b) Inspection of controls and safety devices. Brakes, back stops, antirunaway devices, overload releases, and other safety devices shall be inspected and tested frequently to insure that all are operative and maintained in good repair.

(c) Personal protective clothing and equipment. Personal protective clothing and equipment shall be provided and worn in accordance with Subdivision I, Personal Protective Equipment. Respiratory protection must conform to the requirements of §1910.134 of Subdivision I.

(d) Floors and platforms. Floors, platforms, and work surfaces shall be guarded and maintained in accordance with §1910.23, in Subdivision D, Walking-Working Surfaces.

(e) Lockouts. Lockout/tagout shall be in accordance with the requirements of §1910.147, in Subdivision J, with the exception that:

(A) There will be no tagouts allowed in lieu of lockout for that which can be locked out. Tags are provided for identification and information purposes only.

(B) Persons engaged in repair, inspection, maintenance, or clean-up shall lockout the affected equipment, retain possession of the keys to the locks, and personally remove the lock and tag upon completion of the work.

(C) Group lockout. (See Appendices A and B.)

(i) When servicing and/or maintenance is performed by a crew, craft, department or other group, they shall utilize a procedure which affords the employees a level of protection equivalent to that provided by the implementation of a personal lockout device.

(ii) Group lockout devices shall be used in accordance with the procedures required by §1910.147(c)(4) including, but not necessarily limited to, the following specific requirements.

(I) Primary responsibility is vested in an authorized employee for a set number of employees working under the protection of a group lockout device (such as an operations lock);

(II) Provision for the authorized employee to ascertain the exposure status of individual group members with regard to the lockout of the machine or equipment; and

(III) When more than one crew, craft, department, etc. is involved, assignment or overall job-associated lockout control responsibility to an authorized employee designated to coordinate affected work forces and ensure continuity of protection; and

(IV) Each authorized employee shall affix a personal lockout device to the group lock-out device, group lockbox, or comparable mechanism when he or she begins work, and shall remove those devices when he or she stops working on the machine or equipment being serviced or maintained; and

(V) Any person involved in the lockout process shall have the right to place their own lock at each lockout location where group lockout procedures have been allowed.

(f) Confined space entry. Confined space entry shall be in accordance with 437-002-0146 Confined Spaces, in Subdivision J.

(g) Industrial power trucks.

(A) All industrial power trucks and operations shall conform to §1910.178, Powered Industrial Trucks, Subdivision N, Material Handling and Storage. All forklift trucks shall be provided with overhead guards. Design requirements shall provide protection for the liquid petroleum gas tank. All guards shall be designed in compliance with §1910.178, Powered Industrial Trucks, in Subdivision N.

(B) Mirrors or other methods to ensure visibility shall be installed at blind corners or intersections which will allow operators to observe oncoming traffic.

(C) Every power truck operated from an end platform or standing position shall be equipped with a platform extending beyond the operator's position, strong enough to withstand a compression load equal to the weight of the loaded vehicle applied along the longitudinal axis of the truck with the outermost projection of the platform against the flat vertical surface.

(D) Pushing of vehicles or rail cars with the forks or clamps of a lift truck is prohibited.

(h) Emergency lighting.

(A) Emergency lighting shall be provided wherever it is necessary for employees to remain at their machines or stations to shut down equipment in case of power failure. Emergency lighting shall be provided at stairways and passageways or aiseways used by employees for emergency exit in case of power failure. Emergency lighting shall be provided in all plant first aid and medical facilities.

(B) Emergency lighting shall be maintained in accordance with the manufacturer or engineering specifications, and shall be checked at least every 30 days for defects.

(i) Electrical equipment. All electrical installations and electrical utilization equipment shall comply with the National Electrical Code requirements and the provisions of Subdivision S, Electrical.

(4) Handling and Storage of Pulpwood and Pulp Chips.

(a) Handling pulpwood with forklift trucks. Where large forklift trucks, or lift trucks with clam-jaws, are used in the yard, the operator's enclosed cab shall be provided with an escape hatch, whenever the hydraulic arm blocks escape through the side doors.

(b) Handling pulpwood with cranes or stackers.

(A) Where locomotive cranes are used for loading or unloading pulpwood, the pulpwood shall be piled so as to allow a clearance of not less than 24 inches between the pile and the end of the cab of any locomotive crane in use, when the cab is turned in any working position.

(B) The minimum distance of the pulpwood pile from the centerline of a standard-gage track shall be maintained at not less than 8-1/2 feet.

(C) Logs shall be piled in an orderly and stable manner, with no projection into walkways or roadways.

(D) Rail cars shall not be spotted on tracks adjacent to the locomotive cranes unless a 24 inch clearance is maintained, as required in section (4)(b)(A) of this rule.

(E) The handling and storage of other materials shall conform to sections (4)(b)(A) and (B) of this rule with respect to clearance.

(F) Equipment and practices shall conform to American National Standards B30.2-1990 and B30.2.0-1967.

(G) Personal protective equipment for such uses as foot, head, and eye protection shall be required for workers on a job basis.

(H) No person shall be permitted to walk beneath a suspended load, bucket, or hook.

(c) Pulpwood storage and handling.

(A) Unauthorized vehicles and unauthorized foot traffic shall not be allowed in any active sorting, storing, loading, or unloading areas.

(B) Unloading lines shall be so arranged that it is not necessary for the workers to attach them on the pond or dump side of the load.

(C) Jackets or vests of fluorescent or other high visibility material shall be worn by persons working on dry land log storage.

(D) Wire rope doglines used for towing or rafting shall not be used when:

(i) They acquire jaggars to the extent that they present a hazard to the workers handling them; or

(ii) When they are weakened to the extent that they are hazardous.

(E) Boom sticks shall be capable of safely supporting the weight imposed upon them.

(F) Stiff booms shall be made by fastening not less than two boom sticks together. The width of the stiff boom shall be not less than 36 inches measured from outside to outside of the outer logs. The boom sticks shall be fastened together with not less than 4-inch by 6-inch cross ties or cable lashing properly recessed into notches in the boom sticks and secured.

(G) Pike poles shall be kept in good repair. Conductive pike poles shall not be used where it is possible that they may come in contact with electrical conductors.

(H) All log dumps shall be periodically cleared of bark and other debris.

(I) When cutting bands on bundled logs, workers shall position themselves in a safe location. Double-bitted axes shall not be used for cutting bands. Caution shall be used to prevent being struck by ends of bands being cut and, if needed, personal protective equipment shall be worn.

(J) Storing or sorting on water, or any boom work other than boom boat operations, shall require a minimum of two persons.

(d) Handling pulpwood from ships.

(A) Ladders and gangplanks with railings to boat docks shall meet the requirements of American National Standards A10.18-1983, A14.1-1990, A14.2-1990, and A14.3-1990, and shall be securely fastened in place.

(B) The hatch tender shall be required to signal the hoisting engineer to move the load only after the employees working in the hold are in the clear.

(C) The air in the ship's hold, tanks, or closed vessels shall be tested for oxygen deficiency and for toxic, explosive and combustible gases and vapors.

(e) Handling pulpwood from flatcars and all other rail cars.

(A) Railroad flatcars for the conveyance of pulpwood loaded parallel to the length of the car shall be equipped with safety-stake pockets.

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(B) Where pulpwood is loaded crosswise on a flatcar sufficient stakes of sizes not smaller than 4 by 4 inches shall be used to prevent the load from shifting.

(C) When it is necessary to cut stakes, those on the unloading side should be partially cut through first, and then the binder wires cut on the opposite side. Wire cutters equipped with long extension handles shall be used. No person shall be permitted along the dumping side of the car after the stakes have been cut.

(D) When steel straps without stakes are used, the steel straps shall be cut from a safe area to prevent employees from being struck by the falling logs.

(E) Flatcars and all other cars shall be chocked during unloading. Where equipment is not provided with hand brakes, rail clamping chocks shall be used.

(F) A derail shall be used to prevent movement of other rail equipment into cars where persons are working.

(f) Handling pulpwood from trucks.

(A) Cutting of stakes and binder wires shall be done in accordance with section (4)(e)(C) of this rule.

(B) Where binder chain and steel stakes are used, the binder chains shall be released and the stakes tripped from the opposite side of the load spillage.

(C) Where binder chains and crane slings are used, the crane slings shall be attached and taut before the binder chains are released. The hooker shall see that the helper is clear before signaling for the movement of the load.

(D) The truck driver shall leave the truck cab and be in the clear, in a designated area, and shall be in clear view of the unloading equipment operator while the unloader is approaching the loaded truck.

(E) The truck driver shall remain outside the cab and clear of the load while logs are being unloaded except that, after a complete load is lifted as a unit and held stationary, the driver may enter the cab and drive forward from under the suspended load.

(F) Log unloaders shall not be moved about the premises with loads raised higher than absolutely necessary.

(g) Handling pulp chips from rail cars.

(A) All cars shall be securely fastened in place and all employees in the clear before dumping is started.

(B) Personal protective equipment for such uses as foot, head, and eye protection shall be provided, and employees shall wear the equipment when working in the woodyard. Ear protection shall be provided when the noise level may be harmful.

(C) When a rollover-type unloading device is used for removing chips from cars, the cars shall be properly secured in place, and all employees shall be in the clear before dumping operation is started.

(h) Handling pulp chips and hog fuel from trucks and trailers.

(A) All trucks and trailers shall be secure and all employees in the clear before dumping is started.

(B) Personal protective equipment necessary to protect workers from hazards shall be provided and worn.

(C) Elevating platform-type or cable-lift type unloading devices shall have adequate back bumper stops.

(D) Side rails or other positive means to prevent the truck and/or trailer from falling shall be used while unloading the single trailer units.

(E) All persons shall be clear of all hoisting or elevating mechanisms before dumping commences.

(F) No person shall remain in any truck while the truck is being elevated.

(G) A safe area and suitable device shall be provided for the chip tester to use while taking chip samples.

(H) Rolled chip nets shall not be positioned where they cover the ladders on rail cars or trucks.

(I) Chip and hog fuel storage.

(i) When mobile equipment is used on top of hog fuel or chip piles, a roll-over protection system shall be installed on the equipment. If the cab is of the enclosed type, windshield wipers shall be installed.

(ii) Hog fuel bins shall be provided with standard railed platform or walkways near the top or other equally effective means shall be provided for use by employees engaged in dislodging hog fuel.

(iii) Extreme care shall be taken to prevent chips or hog fuel from creating an overhang or bridging.

(iv) Employees shall be prohibited from working under overhangs or bridges.

(J) Chip and sawdust bins. Steam or compressed-air lances, or other facilities, shall be used for breaking down the arches caused by jamming in

chip lofts. No worker shall be permitted to enter a bin unless done in accordance with 437-002-0146 Confined Spaces, in Subdivision J.

(i) Crane operations.

(A) Crane boom and load capacities as specified by the manufacturer shall be posted in the cab of the crane in accordance with §1910.180, Crawler, Locomotive and Truck Cranes, in Subdivision N, Material Handling and Storage.

(B) A safety device such as a heavy chain or cable at least equal in strength to the lifting cables shall be fastened to the boom and to the frame of the boom crane (if it is other than locomotive) at the base. Alternatively, a telescoping safety device shall be fastened to the boom and to the cab frame, so as to prevent the boom from snapping back over the cab in the event of lifting cable breakage.

(C) A crane shall not be operated where any part thereof may come within 10 feet of overhead powerlines (or other overhead obstructions) unless the powerlines have been de-energized, or clearances are maintained as specified in §1910.303, General Requirements, in Subdivision S, Electrical.

(D) Standard signals for the operation of cranes shall be established for all movements of the crane, in accordance with American National Standards B30.2-1990 and B30.8-1988.

(E) Only one member of the crew shall be authorized to give signals to the crane operator.

(F) All cranes shall be equipped with a suitable warning device such as a horn or whistle.

(G) A sheave guard shall be provided beneath the head sheave of the boom.

(H) Grapples, tongs, and buckets shall not be left suspended when not in use.

(j) Traffic warning signs or signals.

(A) A flagger shall direct the movement of cranes or locomotives being moved across railroad tracks or roads, and at any points where the vision of the operator is restricted. The flagger must always remain in sight of the operator when the crane or locomotive is in motion. The blue flag policy shall be used to mark stationary cars day and night. This policy shall include marking the track in advance of the spotted cars (flag for daytime, light for darkness).

(B) After cars are spotted for loading or unloading, warning flags or signs shall be placed in the center of the track at least 50 feet away from the cars and a derail set to protect workers in or on the car.

(k) Rail car operations and railroad warning devices.

(A) On a dead end spur, a blue signal may be displayed adjacent to the switch opening while cars are being loaded or unloaded. When such warning devices are displayed, the equipment shall not be coupled to or moved.

(B) Equipment which would obscure the blue signal shall not be placed on the track.

(C) Each maintenance crew shall display and remove its own set of blue signals.

(D) A flashing warning light or other device shall be installed near any opening which leads to a passageway crossing railroad tracks adjacent to the building. Such light or device shall be activated prior to any switching or movement of railroad equipment to warn workers of the dangerous condition in the area.

(E) Workers shall not crawl under or pass between coupled rail cars to cross tracks.

(F) An audible whistle, horn, or bell shall be sounded by the locomotive engineer to give adequate warning prior to switching across any road crossing.

(G) When switching railroad equipment in congested areas or across roadways or walkways, "flying switches" shall be prohibited.

(H) All freight car doors shall be inspected before workers open or close them. A safe method shall be used to open or close the door.

(I) Illumination. Artificial illumination shall be provided when loading or unloading is performed after dark, in accordance with American National Standard ANSI/IES-RP-1990, Practice for Industrial Lighting.

(m) Bridge or dock plates.

(A) The construction and use of bridge or dock plates shall conform to requirements of §1910.30(a), Walking-Working Surfaces, in Subdivision D.

(B) The sides of bridge or dock plates shall have an upturn or lip of at least 4 inches covering the area between the edge of the loading dock and edge of car or truck floor whenever the distance exceeds 18 inches to prevent wheeled equipment from running off the sides.

(C) Bridge or dock plates shall have at least 6 inches bearing surface on the loading dock.

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(D) Bridge or dock plates intended to be moved by mechanized equipment shall be designed for this purpose or attachments for safe handling shall be used.

(n) Hand tools. Handles of wood hooks shall be locked to the shank to prevent them from rotating.

(o) Removal of pulpwood.

(A) The ends of a woodpile shall be properly sloped and cross-tied into the pile. Upright poles shall not be used at the ends of woodpiles. To knock down wood from the woodpile, mechanical equipment shall be used to permit employees to keep in the clear of loosened wood.

(B) If dynamite is used to loosen the pile, only authorized personnel shall be permitted to handle and discharge the explosive. An electric detonator is preferable for firing; if a fuse is used, it shall be an approved safety fuse with a burning rate of not less than 120 seconds per yard and a minimum length of 3 feet, in accordance with "Safety in the Transportation, Storage, Handling and Use of Explosives", IME Pamphlet No. 17, March 1987.

(p) Log hauls, slips and carriages.

(A) Controls shall be arranged to operate from a position where the operator will at all times be in the clear of logs, machinery, lines, and rigging.

(B) Controls shall be marked to indicate their function.

(C) An effective method of disengaging the head rig saws from the power unit shall be installed on all head rigs where the power unit is not directly controlled by the sawyer. The saws shall be disengaged from the source of power which shall be locked out before repairs or changes are made.

(D) When needed for protection of personnel, an automatic stop or interlocking device shall be installed on log hauls or slips.

(E) A barricade or other positive stop of adequate strength shall be provided to protect the sawyer from rolling logs.

(F) A guard shall be provided to prevent logs from rolling off the log deck into the well.

(G) The sawyer shall be safeguarded either by his or her location or by use of substantial screens or approved safety glass.

(H) A substantial stop or bumper shall be installed at each end of the carriage run.

(I) Canting gear or other equipment shall not be allowed to hang over the log deck in such a manner as to endanger employees.

(J) Canting gear controls shall be marked to indicate their function.

(K) The sawyer shall be primarily responsible for the safety of the carriage crew and off-bearers. He or she shall exercise due care in the operation of the carriage and log turning devices.

(L) A control device shall be provided so that the sawyer may stop the head rig section of the mill without leaving his or her stand.

(M) The feed control lever of friction or belt-driven carriage feed works shall be designed to operate away from the saws or carriage track.

(N) Feed works and log turning control levers shall be so arranged that they may be secured when not in use and shall be adequately guarded against accidental activation.

(O) Carriages upon which persons are required to work shall be solidly decked over and the employees properly protected.

(P) Substantial sweeps shall be installed in front of each carriage wheel. Such sweeps shall extend to within 1/4 inch of the rails.

(Q) Where power-operated log turners are used, carriage knees shall be provided with goosenecks or other substantial means of protecting the carriage crew.

(q) Belt conveyors.

(A) The sides of the conveyor shall be constructed so that the pulpwood will not fall off.

(B) Where conveyors cross passageways or roadways, a horizontal platform shall be provided under the conveyor extending out from the sides of the conveyor a distance equal to 1 1/2 times the length of the wood handled. The platform shall extend the width of the road plus 2 feet on each side and shall be kept free of wood and rubbish. The edges of the platform shall be provided with toeboards or other protection to prevent wood from falling, in accordance with American National Standard A10.18-1983.

(C) All conveyors for pulpwood shall have the in-running nips between chain and sprockets guarded; also, turning drums shall be guarded.

(D) Every belt conveyor shall have an emergency stop cable extending the length of the conveyor so that it may be stopped from any location along the line, or conveniently located stop buttons within 10 feet of each work station, in accordance with American National Standard ANSI/ASME B20.1-1993.

(r) Signs. Where conveyors cross walkways or roadways in the yards, signs reading "Danger - Overhead Conveyor" or an equivalent warning shall be erected, in accordance with American National Standard for Safety Color Code, ANSI Z535.1-1991.

(5) Handling and Storage of Raw Materials Other Than Pulpwood or Pulp Chips.

(a) Personal protective equipment.

(A) Whenever possible, all dust, fumes, and gases incident to handling materials shall be controlled at the source, in accordance with OAR 437-002-0382, Oregon Rules for Air Contaminants, in Subdivision Z. Where control at the source is not possible, respirators with goggles or protective masks shall be provided, and employees shall wear them when handling alum, clay, soda ash, lime, bleach powder, sulfur, chlorine, and similar materials, and when opening rag bales.

(B) When handling liquid acid or alkali, workers shall be provided with approved eye and face protection and protective clothing, in accordance with Subdivision I, Personal Protective Equipment.

(b) Clearance.

(A) When materials are being piled inside a building and upon platforms, an aisle clearance at least 3 feet greater than the widest truck in use shall be provided.

(B) Baled paper and rags stored inside a building shall not be piled closer than 18 inches to walls, partitions, or sprinkler heads.

(c) Piling and unpling pulp.

(A) Piles of wet lap pulp (unless palletized) shall be stepped back one-half the width of the sheet for each 8 feet of pile height. Sheets of pulp shall be interlapped to make the pile secure. Pulp shall not be piled over pipelines to jeopardize pipes, or so as to cause overloading of floors, or to within 18 inches below sprinkler heads.

(B) Piles of pulp shall not be undermined when being unpiled.

(C) Floor capacities shall be clearly marked on all floors.

(d) Chocking rolls.

(A) Where rolls are pyramided two or more high, chocks shall be installed between each roll on the floor and at every row. Where pulp and paper rolls are stored on smooth floors in processing areas, rubber chocks with wooden core shall be used.

(B) When rolls are decked two or more high, the bottom rolls shall be chocked on each side to prevent shifting in either direction.

(6) Preparing Pulpwood.

(a) Gang and slasher saws. A guard shall be provided in front of all gang and slasher saws to protect workers from wood thrown by saws. A guard shall be placed over tail sprockets.

(b) Slasher tables. Saws shall be stopped and power switches shall be locked out and tagged whenever it is necessary for any person to be on the slasher table.

(c) Slasher drive belts, pulleys, and shafts. All belts, pulleys, and shafts shall be guarded in accordance with American National Standard ANSI/ASME B15.1-1992.

(d) Runway to the jack ladder. The runway from the pond or unloading dock to the table shall be protected with standard handrails and toeboards. Inclined portions shall have cleats or equivalent nonslip surfacing, in accordance with Subdivision D, Walking-Working Surfaces. Protective equipment shall be provided for persons working over water.

(e) Guards below table. Where not protected by the frame of the machine, the underside of the slasher saws shall be enclosed with guards.

(f) Conveyors. The requirements of section (4)(q) of this rule shall apply.

(g) Circular saws (not slasher saws). Saws shall be provided with standard guards, in accordance with American National Standard ANSI O1.1-1992.

(h) Fixed chain saws, circular cut-off saws, drag and swing saws.

(A) Saws shall be so arranged that they will not project into any passageway when in an idle or working position. When existing conditions do not leave clear passage the saws shall be fenced off in order to make it impossible for anyone to walk into them.

(B) Drag saws and fixed chain saws shall be equipped with a device that will safely lock them in an "UP" position.

(C) All persons shall be in the clear before starting operations of a drag, chain, or swing saw.

(D) Log decks shall be equipped with a device to hold the material stable while being cut.

(i) Barker feed. Each barker shall be equipped with a feed and turnover device which will make it unnecessary for the operator to hold a bolt or log by hand during the barking operation. Eye, ear, and head pro-

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tection shall be provided for the operator, in accordance with section (3)(c) of this rule.

(j) Guards. A guard shall be installed around barkers to confine flying particles, in accordance with ANSI/ASME B15.1-1992.

(k) Stops. All control devices shall be locked out and tagged when knives are being changed.

(l) Speed governor. Water wheels, when directly connected to barker disks or grinders, shall be provided with speed governors, if operated with gate wide open.

(m) Continuous barking drums.

(A) When platforms or floors allow access to the sides of the drums, a standard railing shall be constructed around the drums. When two or more drums are arranged side by side, proper walkways with standard handrails shall be provided between each set, in accordance with section (3)(d) of this rule.

(B) Sprockets and chains, gears, and trunnions shall have standard guards, in accordance with section (3)(a) of this rule.

(C) Whenever it becomes necessary for a worker to go within a drum, the driving mechanism shall be locked and tagged, at the main disconnect switch, in accordance with section (3)(e) of this rule.

(D) This subsection (m) also applies to barking drums employed in the yard.

(n) Intermittent barking drums. In addition to motor switch, clutch, belt shifter, or other power disconnecting device, intermittent barking drums shall be equipped with a device which may be locked to prevent the drum from moving while it is being emptied or filled.

(o) Hydraulic barkers.

(A) Hydraulic barkers shall be enclosed with strong baffles at the inlet and the outlet. The operator shall be protected by at least five-ply laminated glass.

(B) The high pressure hoses of hydraulic barkers shall be secured in such a manner that the hose connection ends will be restrained if a hose connection fails.

(p) Splitter block. The block upon or against which the wood is rested shall have a corrugated surface or other means provided that the wood will not slip. Wood to be split, and also the splitting block, shall be free of ice, snow, or chips. The operator shall be provided with eye and foot protection. A clear and unobstructed view shall be maintained between equipment and workers around the block and the workers' help area.

(q) Power control. Power for the operation of the splitter shall be controlled by a clutch or equivalent device.

(r) Knot cleaners. The operators of knot cleaners of the woodpecker type shall wear eye protection equipment.

(s) Chipper spout. The feed system to the chipper spout shall be arranged in such a way that the operator does not stand in a direct line with the chipper spout. All chipper spouts shall be enclosed to a height of at least 42 inches from the floor or operator's platform. When other protection is not sufficient, the operator shall be protected from falling into the chipper by the use of a safety belt and lanyard. Ear protection equipment shall be worn by the operator and others in the immediate area if there is any possibility that the noise level may be harmful (see §1910.95, Occupational Noise Exposure, in Subdivision G).

(t) Feeding material/clearing jams in machines. Appropriate safety belts and lanyards and face protection shall be used by employees who manually feed material or clear jams in machines unless other provisions are made which will protect the employees.

(u) Carriers for knives. Carriers shall be provided and used for transportation of knives.

(7) Rag and Old Paper Preparation.

(a) Ripping and trimming tools.

(A) Hand knives and scissors shall have blunt points, shall be fastened to the table with chain or thong, and shall not be carried on the person but placed safely in racks or sheaths when not in use.

(B) Hand knives and sharpening steels shall be provided with guards at the junction of the handle and the blade. Utility knives with blade exposure of 2-1/2 inches or less are exempted from this requirement.

(b) Shredders, cutters, and dusters.

(A) Rotating heads or cylinders shall be completely enclosed except for an opening at the feed side sufficient to permit only the entry of stock. The enclosure shall extend over the top of the feed rolls. It shall be constructed either of solid material or with mesh or openings not exceeding 1/2-inch and substantial enough to contain flying particles and prevent accidental contact with moving parts. The enclosure shall be bolted or locked into place.

(B) A smooth-pivoted idler roll resting on the stock or feed table shall be provided in front of feed rolls except when arrangements prevent the operator from standing closer than 36 inches to any part of the feed rolls.

(C) Any manually fed cutter, shredder, or duster shall be provided with an idler roll as per section (7)(b)(B) of this rule or the operator shall use special hand-feeding tools.

(D) Hoods of cutters, shredders, and dusters shall have exhaust ventilation, in accordance with §1910.94, Ventilation, in Subdivision G.

(c) Blowers.

(A) Blowers used for transporting rags shall be provided with feed hoppers having outer edges located not less than 48 inches from the fan.

(B) The arrangement of the blower discharge outlets and work areas shall be such as to prevent material from falling on workers.

(d) Conveyors. Conveyors and conveyor drive belts and pulleys shall be fully enclosed or, if open and within 7 feet of the floor, shall be constructed and guarded in accordance with section (4)(q) of this rule, and Subdivision N, Material Handling and Storage.

(e) Guarding requirements.

(A) Traveling sections of conveyors and other equipment with wheels which run on rails or guides shall be guarded by sweep guards, installed in front of the traveling wheels in all areas where workers may be exposed to contact. Sweep guards shall have not greater than 1/4 inch clearance above the rail or guide.

(B) When using mechanical equipment to elevate the front end of the chip containers for dumping into a hopper, the shear area between the floor and the elevated section shall be safeguarded.

(f) Dust. Measures for the control of dust shall be provided, in accordance with American National Standard ANSI/NFPA 91-1992 and Subdivision I, Personal Protective Equipment.

(g) Rag cookers.

(A) When cleaning, inspection, or other work requires that persons enter rag cookers, all steam and water valves, or other control devices, shall be locked and tagged in the closed or "off" position. Blank flanging of pipelines is acceptable in place of closed and locked valves.

(B) When cleaning, inspection, or other work requires that persons must enter the cooker, one person shall be stationed outside in a position to observe and assist in case of emergency, in accordance with section (3)(f) of this rule.

(C) Rag cookers shall be provided with safety valves in accordance with the ASME Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels – 1992.

(8) Chemical Processes of Making Pulp.

(a) Industrial kiln guns and ammunition. Management shall develop written instructions, including safety procedures, for storing and operating industrial kiln guns and ammunition. All persons working with this equipment shall be instructed in these procedures and shall follow them.

(b) Sulfur burners.

(A) Sulfur-burner houses shall be safely and adequately ventilated, and every precaution shall be taken to guard against dust explosion hazards and fires, in accordance with American National Standard Z9.2-1979 (R1991), and NFPA 655-1993.

(B) Nonsparking tools and equipment shall be used in handling dry sulfur.

(C) Sulfur storage bins shall be kept free of sulfur dust accumulation, in accordance with American National Standard ANSI Z9.2-1979 (R1991).

(D) Electric equipment shall be of the explosion-proof type, in accordance with the requirements of Subdivision S, Electrical.

(E) Sulfur-melting equipment shall not be located in the burner room.

(c) Protection for employees (acid plants).

(A) Gas masks, fitted with canisters containing absorbents for the particular acids, gases, or mists involved, shall be provided for employees of the acid department.

(B) Supplied air respirators shall be strategically located for emergency and rescue use.

(C) During inspection, repairs, or maintenance of acid towers, the worker shall be provided with eye protection, a supplied air respirator, a safety belt, and an attached lifeline. The line shall be extended to an attendant stationed outside the tower opening.

(d) Acid tower structure. Outside elevators shall be inspected daily during winter months when ice materially affects safety. Elevators, runways, stairs, etc., for the acid tower shall be inspected monthly for defects that may occur because of exposure to acid or corrosive gases.

(e) Tanks (acid). Entering acid tanks shall be in accordance with 437-002-0146 Confined Spaces, in Subdivision J.

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(f) Clothing. Where lime slaking takes place, employees shall be provided with rubber boots, rubber gloves, protective aprons, and eye protection. A deluge shower and eye fountain shall be provided to flush the skin and eyes to counteract lime or acid burns.

(g) Lead burning. When lead burning is being done within tanks, fresh air shall be forced into the tanks so that fresh air will reach the face of the worker first and the direction of the current will never be from the source of the fumes toward the face of the workers. Supplied air respirators (constant-flow type) shall be provided.

NOTE: (For specifics refer to Subdivision Q, Welding, Cutting and Brazing; and §1910.1025, Lead, in Subdivision Z.)

(h) Hoops for acid storage tanks. Hoops of tanks shall be made of rods rather than flat strips and shall be safely maintained by scheduled inspections.

(i) Quicklime stoppages. Water shall not be used to unplug quicklime stops or plugs in pipes or confined spaces.

(j) Digester building exits. At least one unobstructed exit at each end of the room shall be provided on each floor of a digester building.

(k) Digester building escape respirators. Escape respirators shall be available for escape purposes only. These respirators shall meet the requirements of §1910.134 in Subdivision I, including the requirement to be inspected at frequent intervals, not to exceed one month.

(l) Elevators.

(A) Elevators shall be constructed in accordance with American National Standard A17.1-1990.

(B) Elevators shall be equipped with escape respirators for the maximum number of passengers.

(C) Elevators shall be equipped with an alarm system to advise of failure.

(m) Blowoff valves and piping.

(A) The blowoff valve of a digester shall be arranged so as to be operated from another room, remote from safety valves.

(B) All fasteners used to secure digester piping shall conform to ANSI/ASME B31.1-1992.

(C) Digester blow valves shall be pinned or locked in closed position throughout the entire cooking period. This rule applies only to manually operated valves in batch digestors.

(n) Blow lines.

(A) When blow lines from more than one digester lead into one pipe, the cock or valve of the blow line from the tank being inspected or repaired shall be locked and tagged out, or the line shall be disconnected and blocked off.

(B) Test holes in piping systems. Test holes in blow lines of piping systems shall not be covered with insulation or other materials.

(o) Inspection and repair of tanks. All piping leading to tanks shall be blanked off or valved and locked in accordance with §1910.147, Lockout/Tagout, in Subdivision J.

(p) Blow pits and blow tanks.

(A) Blow-pit openings shall be preferably on the side of the pit instead of on top. When located on top, openings shall be as small as possible and shall be provided with railings, in accordance with Subdivision D, Walking-Working Surfaces.

(B) Entrance into blow pits must be done in accordance with 437-002-0146, Subdivision J.

(C) A signaling device shall be installed in the digester and blow-pit rooms and chip bins to be operated as a warning before and while digesters are being blown.

(D) Blow-pit hoops shall be maintained in a safe condition.

(q) Blowing batch digester.

(A) Blowoff valves shall be opened slowly.

(B) After the digester has started to be blown, the blowoff valve shall be left open, and the hand plate shall not be removed until the digester cook signals the blowpit person that the blow is completed. Whenever it becomes necessary to remove the hand plate to clear stock, operators shall wear eye protection equipment and protective clothing to guard against burns from hot stock.

(C) Means shall be provided whereby the digester cook shall signal the person in the chip bin before starting to load the digester.

(r) Inspecting and repairing digester.

(A) Valves controlling lines leading into a digester shall be locked out and tagged in accordance with §1910.147, Lockout/Tagout, in Subdivision J.

(B) Sources of energy associated with a digester shall be isolated in accordance with §1910.147, Lockout/Tagout, in Subdivision J.

(C) Entry into the digester shall be in accordance with 437-002-0146 Confined Spaces, in Subdivision J.

(D) The concentration of lead in the air shall not exceed the limits specified in §1910.1025, Lead, Subdivision Z.

(E) All employees entering digesters for inspection or repair work shall be provided with protective headgear.

(F) Eye protection and dust respirators shall be provided to workers while the old brick lining is being removed, in accordance with Subdivision I, Personal Protective Equipment.

(G) Sanitary facilities shall be provided as specified in §1910.141, Sanitation, in Subdivision J.

(s) Pressure tanks-accumulators (acid).

(A) Safety regulations governing inspection and repairing of pressure tanks-accumulators (acid) shall be the same as those specified in section (8)(t) of this rule.

(B) The pressure tanks-accumulators shall be inspected twice annually and more frequently if required by the manufacturer or engineer's recommendations. (Refer to Boiler and Pressure Vessel Safety Laws of the State Building Codes Division, Department of Consumer and Business Services.)

(t) Pressure vessels (safety devices).

(A) Each unfired pressure vessel shall have a pressure relieving device or devices installed and operated in accordance with ASME Boiler and Pressure Vessel Code, Section VIII (Unfired Pressure Vessels – 1992). In the case of batch digesters with safety pressure relieving devices installed directly to the pressure vessel, means shall be devised to verify regularly that the safety devices have not become plugged or corroded to the point of being inoperative.

(B) All safety devices shall conform to Paragraph U-2 in the ASME Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels – 1992.

(u) Miscellaneous. Insofar as the processes of the sulfate and soda operations are similar to those of the sulfite processes, sections (8)(a) through (t) of this rule shall apply.

(A) Quick operating showers, bubblers, etc., shall be available for emergency use in case of caustic soda burns.

(B) Rotary tenders, smelter operators, and those cleaning smelt spouts shall be provided with eye protection equipment (fitted with lenses that filter out the harmful rays emanating from the light source) when actively engaged in their duties, in accordance with §1910.132, in Subdivision I.

(C) Piping, valves and fittings between the digester, blowpit, and blow tanks shall be in accordance with ANSI/ASME B31.1-1992. These shall be inspected at least semi-annually to determine the degree of deterioration and repaired or replaced when necessary, in accordance with American National Standards ANSI/ASME B31.1-1992.

(v) Welding. Welding on blow tanks, accumulator tanks, or any other vessels where turpentine vapor or other combustible vapor could gather shall be done only after the vessel has been completely purged of fumes. Fresh air shall be supplied workers inside of vessels.

NOTE: See Subdivision Q, Welding, Cutting and Brazing, for additional welding requirements.

(w) Turpentine systems and storage tanks. Nonsparking tools and ground hose shall be used when pumping out the tank. The tank shall be surrounded by a berm or moat.

(x) Recovery furnace area.

(A) An audible warning system shall be installed in kraft and soda base sulfite recovery furnace areas and shall be activated whenever an emergency exists.

(B) All personnel working in recovery furnace areas shall be instructed on procedures to be followed when emergency warning systems are activated.

(C) Emergency warning systems in the recovery furnace areas shall be kept in proper working condition and shall be tested or checked weekly.

(D) Workers shall stand to the side while opening a furnace or boiler firebox door.

(E) Smelt-dissolving tanks shall be covered and the cover kept closed, except when samples are being taken.

(F) Smelt tanks shall be provided with vent stacks and explosion doors, in accordance with American National Standard ANSI/UL 641-1985.

(G) An emergency shutdown procedure as currently recommended by the boiler manufacturer shall be implemented and used when an emergency shutdown is required. Both normal and emergency shutdown procedures shall be posted.

(H) Recovery furnaces and power boilers are to be constructed, maintained, and serviced as required by the State Building Codes Division of the Department of Consumer and Business Services.

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(I) Open pipes shall not be used as punch bars if the use would create a hazard.

(J) Furnace room. Exhaust ventilation shall be provided where niter cake is fed into a rotary furnace and shall be so designed and maintained as to keep the concentration of hydrogen sulfide gas below the limits listed in OAR 437-002-0382, Oregon Rules for Air Contaminants, in Subdivision Z.

(9) Bleaching.

(a) Bleaching containers. Bleaching containers, such as cells, towers (bleaching engines), etc., except the Bellmer type, shall be completely covered on the top, with the exception of one small opening large enough to allow filling but too small to admit a person. Platforms leading from one engine to another shall have standard guardrails, in accordance with Subdivision D, Walking-Working Surfaces.

(b) Bleach plant alarm system. An audible alarm system shall be installed and it shall be activated whenever a serious leak or break develops in the bleach plant area which creates a health or fire hazard.

(c) Bleach mixing rooms.

(A) Areas where dry bleach powder is mixed shall be provided with adequate exhaust ventilation, located at the floor level, in accordance with ANSI/UL 641-1985.

(B) Respiratory protection shall be provided for emergency use, in accordance with American National Standards ANSI/NFPA 1404-1989, and Z88.2-1980. Respiratory protection must conform to the requirements of §1910.134 of Subdivision I.

(C) For emergency and rescue work, self-contained air masks or supplied air equipment shall be provided in accordance with American National Standards Z88.2-1980. Respiratory protection must conform to the requirements of §1910.134 of Subdivision I.

(d) Liquid chlorine.

(A) Tanks of liquid chlorine shall be stored in an adequately ventilated unoccupied room, where their possible leakage cannot affect workers.

(B) Gas masks capable of absorbing chlorine shall be supplied, conveniently placed, and regularly inspected, and workers who may be exposed to chlorine gas shall be instructed in their use.

(C) For emergency and rescue work, independent self-contained breathing apparatus or supplied air equipment shall be provided.

(D) At least two exits, remote from each other, shall be provided for all rooms in which chlorine is stored.

(E) Spur tracks upon which tank cars containing chlorine and caustic are spotted and connected to pipelines shall be protected by means of a derail in front of the cars.

(F) All chlorine, caustic, and acid lines shall be marked for positive identification, in accordance with American National Standard A13.1-1981 (R 1985).

(e) Handling chlorine dioxide.

(A) Chlorine dioxide generating and storage facilities shall be placed in areas which are adequately ventilated and are easily kept clean of wood, paper, pulp, etc., to avoid contamination which might cause a reaction. This can be accomplished by placing these facilities in a separate room or in a designated outside space.

(B) Safety showers and/or jump tanks and eyewash fountains shall be provided for persons working around sodium chlorate and the other hazardous chemicals involved in this process.

(C) Water hoses for flushing spills shall be adequate in size and located where needed.

(D) The generating area shall have signs in accordance with Subdivision J, General Environmental Controls, warning of the hazard and restricting entrance to authorized personnel only.

(E) Facilities handling sodium chlorate and chlorine dioxide shall be declared "No Smoking" areas and shall have signs posted accordingly.

(F) All equipment involved in the chlorine dioxide process where pressure may be generated shall be provided with adequate pressure relief devices.

(G) Respiratory protective equipment approved for use in exposures to chlorine and chlorine dioxide gases shall be provided.

(H) Management shall be responsible for developing written instructions including safety procedures for operating and maintaining the generator and associated equipment. All personnel working on this equipment shall be thoroughly trained in these procedures and shall follow them.

(I) Only authorized personnel shall be allowed in close proximity to the chlorine dioxide generating equipment.

(J) When reasonably possible, the sample station should be located on the outside of the generating room. Goggles must be worn when taking samples.

(K) Welding or burning shall not be performed on the generator system while it is operating. Immediately before maintenance can be performed on the inside of any of this equipment, it shall be thoroughly flushed with water and purged of hazardous gases.

(L) Chlorine and chlorine dioxide gas shall be carried away from the work place and breathing area by an exhaust system. The gas shall be rendered neutral or harmless before being discharged into the atmosphere. The requirements of American National Standard Z9.2-1979 (R1991) shall apply to this subdivision.

(f) Handling sodium chlorate.

(A) Workers handling and working with sodium chlorate shall be thoroughly trained in precautions to be used in handling and special work habits.

(B) Workers exposed to direct contact with sodium chlorate shall wear appropriate personal protective equipment.

(C) Facilities for storage and handling of sodium chlorate shall be constructed so as to eliminate possible contact of dry or evaporated sodium chlorate with wood or other material which could cause a fire or explosion.

(D) Chlorine gas shall be carried away from the work place and breathing area by an exhaust system. The gas shall be rendered neutral or harmless before being discharged into the atmosphere. The requirements of American National Standard Z9.2-1979 (R1991) shall apply to this subdivision.

(E) Sodium chlorate facilities shall be constructed with a minimum of packing glands, stuffing boxes, etc.

(g) Bagged or drummed chemicals. Bagged or drummed chemicals require efficient handling to prevent damage and spillage. Certain oxidizing chemicals used in bleaching pulp and also in some sanitizing work require added precautions for safety in storage and handling. In storage, these chemicals shall be isolated from combustible materials and other chemicals with which they will react such as acids. They shall also be kept dry, clean and uncontaminated.

(10) Mechanical Pulp Process.

(a) Pulp grinders.

(A) Water wheels directly connected to pulp grinders shall be provided with speed governors limiting the peripheral speed of the grinder to that recommended by the manufacturer.

(B) Doors of pocket grinders shall be arranged so as to keep them from closing accidentally.

(b) Butting saws. Hood guards shall be provided on butting saws, in accordance with American National Standard ANSI O1.1-1992.

(c) Floors and platforms. The requirements of section (3)(d) of this rule shall apply.

(d) Personal protection. Persons exposed to falling material shall wear eye, head, foot, and shin protection equipment, in accordance with Subdivision I, Personal Protective Equipment.

(11) Stock Preparation.

(a) Pulp shredders.

(A) Cutting heads shall be completely enclosed except for an opening at the feed side sufficient to permit only entry of stock. The enclosure shall be bolted or locked in place. The enclosure shall be of solid material or with mesh or other openings not exceeding 1/2-inch.

(B) Either a slanting feed table with its outer edge not less than 36 inches from the cutting head or an automatic feeding device shall be provided.

(C) Repairs for cleaning of blockage shall be done only when the shredder is shutdown and control devices locked.

(D) All power-driven mechanisms shall be guarded in accordance with section (3)(a) of this rule.

(b) Pulp conveyors. Pulp conveyors and conveyor drive belts and pulleys shall be fully enclosed, or if open and within 7 feet of the floor, shall be constructed and guarded in accordance with Subdivision N, Material Handling and Storage, and Subdivision O, Machinery and Machine Guarding.

(c) Floors, steps, and platforms. The requirements of section (3)(d) of this rule shall apply.

(d) Beaters.

(A) Beater rolls shall be provided with covers.

(B) Guardrails 42 inches high shall be provided around beaters where tub tops are less than 42 inches from the floor, in accordance with section (3)(d) of this rule and Subdivision D, Walking-Working Surfaces.

(C) When cleaning, inspecting, or other work requires that persons enter the beaters, all control devices shall be locked and tagged out, in accordance with §1910.147, Lockout, in Subdivision J.

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(D) When beaters are fed from the floor above, the chute opening, if less than 42 inches from the floor, shall be provided with a complete rail or other enclosure. Openings for manual feeding shall be sufficient only for entry of stock and shall be provided with at least two permanently secured crossrails, in accordance with Subdivision D, Walking-Working Surfaces.

(E) Floors around beaters shall be provided with sufficient drainage to remove wastes.

(e) Pulpers.

(A) All pulpers having the top or any other opening of the vessel less than 42 inches from the floor or work platform shall have such openings guarded by railed or other enclosures. For manual charging, openings shall be sufficient only to permit the entry of stock and shall be provided with at least two permanently secured crossrails, in accordance with §1910.23, Guarding Floor and Wall Openings and Holes, in Subdivision D.

(B) When cleaning, inspecting or other work requires persons to enter the pulpers it shall be in accordance with 437-002-0146 Confined Spaces, in Subdivision J. All power mechanisms shall be guarded as required in Subdivision O, Machinery and Machine Guarding.

(C) Cleaning or inspecting pulpers or other work, including work above the pulper in a dangerous position, shall be in accordance with §1910.147, Lockout, in Subdivision J.

(D) All power mechanisms shall be guarded in accordance with Subdivision O, Machinery and Machine Guarding.

(f) Pulping devices. Emergency stop controls shall be provided at the feed point when pulping devices are fed manually from the floor above.

(g) Guillotine-type roll splitters. Rolls shall be centered and in a horizontal position directly below the guillotine-type blade while being split. No part of the body shall be under the guillotine-type blade.

(h) Stock chests and tanks.

(A) All control devices shall be locked when persons enter stock chests, in accordance with §1910.147, Lockout/Tagout, in Subdivision J.

(B) All power mechanisms shall be guarded in accordance with Subdivision O, Machinery and Machine Guarding.

(C) When cleaning, inspecting, or other work requires that persons enter stock chests, they shall be provided with a low-voltage extension light.

(12) Machine Room.

(a) Controls and safety devices.

(A) Electrically or manually operated power disconnecting devices for all power-operated equipment shall be provided within easy reach of the operator while in his or her normal operating position. If necessary for safety of the operation, the machine shall be so equipped that retarding or braking action can be applied at the time of or after the source of power is deactivated.

(B) Pulp and paper machines shall be equipped with stopping devices. The devices shall be located where they can be used readily to stop the machines or sections of the machine. Power disconnect devices and retarding or braking controls provided for in section (12)(a)(A) of this rule are required for the safe operation of a pulp and paper machine.

(C) Brakes, back stops, antirunaway devices, overload releases, and other safety devices shall be inspected and tested frequently to insure that all are operative and maintained in good repair.

(D) An audible alarm shall be sounded prior to starting up any section of a pulp or paper machine. Sufficient time shall be allowed between activation of the alarm system and start-up of the equipment to allow any persons to clear the hazardous area.

(E) In starting up a dryer section, dryers shall be preheated and steam for heating the drums shall be introduced slowly, while the drums are revolving.

(F) Employees shall not attempt to remove a broken carrier rope from a dryer while the section is running at operating speed.

(G) Employees shall not feed a stack with any hand-held device which is capable of going through the nip.

(H) Employees shall stop dryer to remove a wrap except in cases where it can be safely removed by using air or other safe means.

(I) Special protective gloves shall be provided and shall be worn by employees when filing or handling sharp-edged doctor blades.

(J) Employees shall not place their hands between the sharp edge of an unloaded doctor blade and the roll while cleaning the doctor blade.

(K) The crane operator shall ascertain that reels are properly seated at winder stand or at reel arms before he or she disengages the hooks.

(L) Shaftless winders shall be provided with a barrier guard of sufficient strength and size to confine the rolls in the event they become dislodged while running.

(M) Employees shall keep clear of hazardous areas around the lowerator, especially all lowerator openings in a floor and where roll is being discharged.

(N) If a powered roll ejector is used it should be interlocked to prevent accidental actuation until the receiving platform or roll lowering table is in position to receive the roll.

(O) Provision shall be made to hold the rider roll when in a raised position unless counter-balancing eliminates the hazard.

(b) Drives.

(A) All drives, pulleys, couplings, and shafts on equipment requiring service while operating shall have standard guards in accordance with section (3)(a) of this rule.

(B) All drives shall be provided with lockout devices at the power switch which interrupts the flow of current to the unit.

(C) All ends of rotating shafts including dryer drum shafts shall be completely guarded.

(D) All accessible disengaged doctor blades should be covered.

(E) All exposed shafts shall be guarded. Crossovers shall be provided.

(F) Oil cups and grease fittings shall be placed in a safe area remote from nip and heat hazards.

(c) Protective equipment. Face shields, aprons and rubber gloves shall be provided for workers handling acids in accordance with sections (3)(c) and (5)(a) of this rule.

(d) Walkways. Steps and footwalks along the fourdrinier and press section shall have nonslip surfacing and be complete with standard handrails, when practical, in accordance with §1910.23, in Subdivision D, Walking-Working Surfaces.

(e) Steps. Steps of uniform rise and tread with nonslip surfaces shall be provided at each press in accordance with Subdivision D, Walking-Working Surfaces.

(f) Plank walkways. A removable plank shall be provided along each press, with standard guardrails installed. The planks shall have nonslip surfaces in accordance with Subdivision D, Walking-Working Surfaces.

(g) Dryer lubrication. If a gear bearing must be oiled while the machine is in operation, an automatic oiling device to protect the oiler shall be provided, or oil cups and grease fittings shall be placed along the walkways out of reach of hot pipes and dryer gears.

(h) Levers. All levers carrying weights shall be constructed so that weights will not slip or fall off.

(i) First dryer. Either a permanent guardrail or apron guard or both shall be installed in front of the first dryer in each section in accordance with Subdivision O, Machinery and Machine Guarding.

(j) Steam and hot-water pipes. All exposed steam and hot-water pipes within 7 feet of the floor or working platform or within 15 inches measured horizontally from stairways, ramps, or fixed ladders shall be covered with an insulating material, or guarded in such manner as to prevent contact.

(k) Dryer gears. Dryer gears shall be guarded except where the oilers' walkway is removed out of reach of the gears' nips and spokes and hot pipes in accordance with Subdivision O, Machinery and Machine Guarding.

(l) Broke hole.

(A) A guardrail shall be provided at broke holes in accordance with Subdivision D, Walking-Working Surfaces.

(B) Where pulpers are located directly below the broke hole on a paper machine and where the broke hole opening is large enough to permit a worker to fall through, any employee pushing broke down the hole shall wear a safety belt and lanyard. The lanyard shall be fastened in such a manner that it is impossible for the person to fall into the pulper.

(C) An alarm bell or a flashing light shall be actuated before dropping material through the broke hole.

(m) Feeder belt. A feeder belt or other effective device shall be provided for starting paper through the calender stack.

(n) Steps. Steps or ladders of uniform rise and tread with nonslip surfaces shall be provided at each calender stack. Handrails and hand grips shall be provided at each calender stack in accordance with Subdivision D, Walking-Working Surfaces.

(o) Grounding. All calender stacks and spreader bars shall be grounded in accordance with Subdivision S, Electrical, as protection against shock induced by static electricity.

(p) Sole plates. All exposed sole plates between dryers, calenders, reels, and rewinders shall have a nonskid surface.

(q) Nip points. The hazard of the nip points on all calender rolls shall be eliminated or minimized by means of an effective barrier device, or by

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feeding the paper into the rolls by means of a rope carrier, air jets, or hand feeding devices.

(r) Scrapers. Alloy steel scrapers with pullthrough blades approximately 3 by 5 inches in size shall be used to remove "scabs" from calender rolls.

(s) Illumination. Permanent lighting shall be installed in all areas where employees are required to make machine adjustments and sheet transfers in accordance with American National Standard ANSI/IES RP-1990.

(t) Control panels. All control panel handles and buttons shall be protected from accidental contact.

(u) Lifting reels.

(A) The reels shall stop rotating before being lifted from bearings.

(B) All lifting equipment (clamps, cables, and slings) shall be maintained in a safe condition and inspected regularly.

(C) Reel shafts with square block ends shall be guarded.

(v) Feeder belts. Feeder belts, carrier ropes, air carriage, or other equally effective means shall be provided for starting paper into the nip or drum-type reels.

(w) In-running nip.

(A) Where the nipping points of all drum winders and rewinders is on the operator's side, it shall be guarded by barrier guards interlocked with the drive mechanism.

(B) A zero speed switch or locking device shall be installed to prevent the guard from being raised, lowered, or removed while the roll is turning.

(x) Core collars. Set screws for securing core collars to winding and unwinding shafts shall not protrude above the face of the collar. All edges of the collar with which an operator's hand comes in contact shall be beveled to remove all sharp corners.

(y) Slitter knives. Slitter knives shall be guarded so as to prevent accidental contact. Carriers shall be provided and used for transportation of slitter knives.

(z) Winder shaft. The winder shall have a guide rail to align the shaft for easy entrance into the opened rewind shaft bearing housings.

(aa) Handling rolls, winders and core shafts. Mechanical handling equipment shall be provided for handling rolls, winder shafts, and core shafts that are too heavy for safe manual handling based on the NIOSH Work Practice Guide for Manual Lifting – 1981.

(bb) Winder area. A nonskid surface shall be provided in front of the winder to prevent accidental slipping.

(cc) Radiation. Special standards regarding the use of radiation equipment shall be posted and followed as required by §1910.1096, Ionizing Radiation, in Subdivision Z.

(13) Finishing Room.

(a) Cleaning rolls. Rolls shall be cleaned only on the outrunning side.

(b) Emergency stops. Electrically or manually operated quick power disconnecting devices, interlocked with braking action, shall be provided on all operating sides of the machine within easy reach of all employees. These devices shall be tested by making use of them when stopping the machine.

(c) Core collars. The requirements of section (12)(x) of this rule, and the requirements in Subdivision O, Machinery and Machine Guarding, shall apply.

(d) Elevators. These shall be in accordance with American National Standard ANSI/ASME A17.1-1990.

(e) Control panels. The requirements of section (12)(t) of this rule shall apply.

(f) Guillotine-type cutters.

(A) Each guillotine-type cutter shall be equipped with a control which requires the operator and helper, if any, to use both hands to engage the clutch when operated from within reach of blade.

(B) Each guillotine-type cutter shall be equipped with a nonrepeat device.

(C) Carriers shall be provided and used for transportation of guillotine-type cutter knives.

(g) Rotary cutter.

(A) On single-knife machines a guard shall be provided at a point of contact to the knife.

(B) On duplex cutters the protection required for single-knife machines shall be provided for the first knife, and a hood shall be provided for the second knife.

(C) Safe access shall be provided to the knives of a rotary cutter by means of catwalks with nonslip surfaces, railings, and toeboards in accordance with Subdivision D, Walking-Working Surfaces.

(D) A guard shall be provided for the spreader or squeeze roll at the nip side on sheet cutters.

(E) Electrically or manually operated quick power disconnecting devices with adequate braking action shall be provided on all operating sides of the machine within easy reach of all operators.

(F) The outside slitters shall be guarded.

(h) Platers.

(A) A guard shall be arranged across the face of the rolls to serve as a warning that the operator's hand is approaching the danger zone.

(B) A quick power disconnecting device shall be installed on each machine within easy reach of the operator.

(i) Finishing room rewinders.

(A) The nipping points of all drum winders and rewinders located on the operator's side shall be guarded by either automatic or manually operated barrier guards of sufficient height to protect fully anyone working around them. The barrier guard shall be interlocked with the drive mechanism to prevent operating above jog speed without the guard in place. A zero speed switch should be installed to prevent the guard from being raised while the roll is turning.

(B) A nonskid surface shall be provided in front of the winder to prevent an employee from slipping in accordance with section (3)(d) of this rule.

(C) Mechanical lifting devices shall be provided for placing and removing rolls from the machine.

(j) Control panels. The requirements of section (12)(t) of this rule shall apply.

(k) Roll-type embosser. The nipping point located on the operator's side shall be guarded by either automatic or manually operated barrier guards interlocked with the drive.

(l) Converting machines.

(A) When using a crane or hoist to place rolls into a backstand and the operator cannot see both ends of the backstand, appropriate means will be implemented to eliminate hazards involved. The operator shall ascertain that rolls are properly seated at winder stand or at roll arms before he or she disengages the hooks.

(B) All power closing sections shall be equipped with an audible warning system which will be activated when closing the sections.

(C) Slitters, slotters, and scorers not in use shall be properly stored so as not to create a hazard.

(D) Mechanical handling equipment shall be provided for handling rolls or devices that are too heavy for safe manual handling based on the NIOSH Work Practice Guide for Manual Lifting – 1981.

(E) Sheer and pinch points. Sheer and pinch points at the feed mechanism shall be color-coded orange and/or identified by signs in accordance with Subdivision J, General Environmental Controls.

(m) Sorting and counting tables.

(A) Tables shall be smooth and free from splinters, with edges and corners rounded.

(B) Paddles shall be smooth and free from splinters.

(n) Roll splitters. The nip point and cutter knife shall be guarded by either automatic or manually operated barrier guards.

(o) Corrugators.

(A) Rails of rail-mounted devices such as roll stands shall be flush with the adjacent floor, and so installed to provide a minimum of 18 inches clearance between the equipment and walls or other fixed objects.

(B) All corrugating and pressure rolls shall be equipped with appropriately designed and installed threading guides so as to prevent contact with the infeed nip of the various rolls by the operator.

(C) Lower elevating conveyor belt rolls on the single facer bridge shall have a minimum nip clearance of 4 inches.

(D) Web shears at the discharge end of the double facer shall be equipped with barrier-type guards.

(E) Slitter stations not in use shall be disconnected from the power source by positive means.

(F) The adhesive system shall be so designed and installed as to keep fumes and airborne dust within limits in accordance with OAR 437-002-0382, Oregon Rules for Air Contaminants, in Subdivision Z.

(14) Materials Handling.

(a) Hand trucks. No person shall be permitted to ride on a powered hand truck unless it is so designed by the manufacturer. A limit switch shall be on operating handle – 30° each way from a 45° angle up and down.

(b) Power trucks. Power trucks shall comply with Subdivision N, Material Handling and Storage. Adequate ventilation shall be provided and the trucks properly maintained, so that dangerous concentrations of carbon

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monoxide cannot be generated, especially in warehouses or other isolated areas of a plant.

(c) Carton-stitching machine. The carton-stitching machine shall be guarded to prevent the operator from coming in contact with the stitching head.

(d) Banding of skids, cartons, cases, etc. Banders and helpers shall wear eye protection equipment in accordance with section (3)(c) of this rule.

(e) Unloading cars or trucks.

(A) Loading and unloading materials. Platforms with ladders or stairways shall be installed or alternative methods made available when needed so that workers may safely gain access to and perform work on the top of rail cars or trucks when ladders are not installed on such equipment.

(B) Where steel bands or wires are used in boxcars or trucks, all loaders and helpers shall wear eye protection in accordance with Subdivision I, Personal Protective Equipment.

(C) The construction and use of bridge or dock plates shall conform to the requirements of American National Standard B56.1-1988.

(D) Flag signals, derails, or other protective devices shall be used to protect workers during switching operations. The blue flag policy shall be invoked according to section (4)(j) of this rule.

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

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

Stat. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 7-1994, f. & cert. ef. 11-4-94; OSHA 3-1998, f. & cert. ef. 7-7-98; OSHA 2-2001, f. & cert. ef. 2-5-01; OSHA 1-2012, f. & cert. ef. 4-10-12; OSHA 6-2012, f. 9-28-12, cert. ef. 4-1-13

437-003-0001

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, in the Federal Register:

(1) Subdivision A – GENERAL

(a) 29 CFR 1926.1 Purpose and Scope, published 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.2 Variances from safety and health standards, published 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.3 Inspections – right of entry, published 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.4 Rules of practice for administrative adjudications for enforcement of safety and health standards, published 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.6 Incorporation by reference, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(2) Subdivision B – GENERAL INTERPRETATIONS

(a) 29 CFR 1926.10 Scope of subpart, published 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.11 Coverage under section 103 of the act distinguished, published 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.12 Reorganization plan No. 14 of 1950, published 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.13 Interpretation of statutory terms, published 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.14 Federal contracts for ‘mixed’ types of performance, published 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.15 Relationship to the service contract act; Walsh-Healey Public Contracts Act, published 4/6/79, FR vol. 44, p. 20940.

(g) 29 CFR 1926.16 Rules of construction, published 4/6/79, FR vol. 44, p. 20940.

(3) Subdivision C – GENERAL SAFETY AND HEALTH PROVISIONS

(a) 29 CFR 1926.20 General safety and health provisions, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.

(b) 29 CFR 1926.21 Safety training and education, published 4/6/79, FR vol. 44, p. 20940; amended with Oregon OSHA AO 6-2012, repealed (b)(6), f. 9/28/12, ef. 4/1/13.

(c) 29 CFR 1926.22 Recording and reporting of injuries (Reserved)

(d) 29 CFR 1926.23 First aid and medical attention, published 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.24 Fire protection and prevention, published 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.25 Housekeeping, published 4/6/79, FR vol. 44, p. 20940.

(g) 29 CFR 1926.26 Illumination, published 4/6/79, FR vol. 44, p. 20940.

(h) 29 CFR 1926.27 Sanitation, published 4/6/79, FR vol. 44, p. 20940.

(i) 29 CFR 1926.28 Personal protective equipment, published 4/6/79, FR vol. 44, p. 20940.

(j) 29 CFR 1926.29 Acceptable certifications, published 4/6/79, FR vol. 44, p. 20940.

(k) 29 CFR 1926.30 Shipbuilding and ship repairing, published 3/7/96, FR vol. 61, no. 46, p. 9249.

(l) 29 CFR 1926.31 (Reserved).

(m) 29 CFR 1926.32 Definitions, published 6/30/93, FR vol. 58, no. 124, p. 35078.

(n) 29 CFR 1926.33 Access to employee exposure and medical records, published 6/20/96, FR vol. 61, no. 46, p. 31427.

(o) 29 CFR 1926.34 Means of egress, published 6/30/93, Federal Register, vol. 58, no. 124, p. 35083.

(4) Subdivision D – OCCUPATIONAL HEALTH AND ENVIRONMENTAL CONTROLS

(a) 29 CFR 1926.50 Medical services and first aid, published 6/18/98, FR vol. 63, no. 117, p. 33469.

(b) 29 CFR 1926.51 Sanitation, published 6/30/93, FR vol. 58, no. 124, p. 35084.

(c) 29 CFR 1926.52 Occupational noise exposure, published 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.53 Ionizing radiation, published 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.54 Nonionizing radiation, published 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.55 Gases, vapors, fumes, dusts, and mists, published 1/10/97, FR vol. 62, no. 7, p. 1619.

(g) 29 CFR 1926.56 Illumination, published 4/6/79, FR vol. 44, p. 20940.

(h) 29 CFR 1926.57 Ventilation, published 1/8/98, FR vol. 63, no. 5, p. 1295.

(i) 29 CFR 1926.58 Reserved, §1926.58, Asbestos, tremolite, anthophyllite and actinolite is redesignated as §1926.1101, Asbestos, and §1926.58 is reserved (8/10/94, FR vol. 59, no. 153, pp. 41131-62).

(j) 29 CFR 1926.59 Hazard Communication, published 6/20/96, FR vol. 61, p. 31427.

(k) 29 CFR 1926.60 Methylenedianiline (MDA), published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.

(l) 29 CFR 1926.61 Retention of DOT markings, placards and labels, published 6/20/96, FR vol. 61, p. 31427.

(m) 29 CFR 1926.62 Lead, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.

NOTE: Cadmium has been redesignated as §1926.1127.

(n) 29 CFR 1926.65 Hazardous Waste Operations and Emergency Response

NOTE: Division 2/H, 1910.120, Hazardous Waste Operations and Emergency Response, applies to Construction.

(5) Subdivision E – PERSONAL PROTECTIVE AND LIFE SAVING EQUIPMENT

(a) 29 CFR 1926.95 Criteria for personal protective equipment, published 11/15/07, FR vol. 72, no. 220, p. 64342.

(b) 29 CFR 1926.100 Head protection, published 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.101 Hearing protection, published 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.102 Eye and face protection, published 6/30/93, FR vol. 58, no. 124, p. 35160.

(e) 29 CFR 1926.103 Respiratory protection, published 1/8/98, FR vol. 63, no. 5, p. 1297.

NOTE: 29 CFR 1926.104 Removed, 8/9/94, FR vol. 59, no. 152, p. 40729.

(f) 29 CFR 1926.105 Reserved, 8/9/94, FR vol. 59, no. 152, p. 40729.

(g) 29 CFR 1926.106 Working over or near water, published 4/6/79, FR vol. 44, p. 20940.

(h) 29 CFR 1926.107 Definitions applicable to this subpart, published 8/9/94, FR vol. 59, no. 152, p. 40729.

(6) Subdivision F – FIRE PROTECTION AND PREVENTION

(a) 29 CFR 1926.150 Fire protection, published 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.151 Fire prevention, published 7/11/86, FR vol. 51, p. 25318.

(c) 29 CFR 1926.152 Flammable and combustible liquids, published 6/30/93, FR vol. 58, no. 124, p. 35162.

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- (d) 29 CFR 1926.153 Liquefied petroleum gas (LP-Gas), published 6/30/93, FR vol. 58, no. 124, p. 35170.
- (e) 29 CFR 1926.154 Temporary heating devices, published 4/6/79, FR vol. 44, p. 20940.
- (f) 29 CFR 1926.155 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940.
- (7) Subdivision G – SIGNS, SIGNALS, AND BARRICADES
- (a) 29 CFR 1926.200 Accident prevention signs and tags, published 6/30/93, FR vol. 58, no. 124, p. 35173; amended with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.
- (b) 29 CFR 1926.201 Signaling, REPEALED with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.
- (c) 29 CFR 1926.202 Barricades, REPEALED with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.
- (d) 29 CFR 1926.203 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940; amended with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.
- (8) Subdivision H – MATERIALS HANDLING, STORAGE, USE AND DISPOSAL
- (a) 29 CFR 1926.250 General requirements for storage, published 6/30/93, FR vol. 58, no. 124, p. 35173.
- (b) 29 CFR 1926.251 Rigging equipment for material handling, published 6/30/93, FR vol. 58, no. 124, p. 35173.
- (c) 29 CFR 1926.252 Disposal of waste materials, published 4/6/79, FR vol. 44, p. 20940.
- (9) Subdivision I – TOOLS – HAND AND POWER
- (a) 29 CFR 1926.300 General requirements, published 3/7/96, FR vol. 61, no. 46, p. 9250.
- (b) 29 CFR 1926.301 Hand tools, published 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.302 Power operated hand tools, published 6/30/93, FR vol. 58, no. 124, p. 35175.
- (d) 29 CFR 1926.303 Abrasive wheels and tools, published 6/30/93, FR vol. 58, no. 124, p. 35175.
- (e) 29 CFR 1926.304 Woodworking tools, published 3/7/96, FR vol. 61, no. 46, p. 9251.
- (f) 29 CFR 1926.305 Jacks - lever and ratchet, screw, and hydraulic, published Federal Register vol. 58, no. 124, p. 35176.
- (10) Subdivision J – WELDING AND CUTTING
- (a) 29 CFR 1926.350 Gas welding and cutting, published 6/30/93, FR vol. 58, no. 124, p. 35179.
- (b) 29 CFR 1926.351 Arc welding and cutting, published 7/11/86, FR vol. 51, p. 25318.
- (c) 29 CFR 1926.352 Fire prevention, published 4/6/79, FR vol. 44, p. 20940.
- (d) 29 CFR 1926.353 Ventilation and protection in welding, cutting, and heating, published 6/30/93, FR vol. 58, no. 124, p. 35179.
- (e) 29 CFR 1926.354 Welding, cutting, and heating in way of preservative coatings, published 4/6/79, FR vol. 44, p. 20940.
- (11) Subdivision K – ELECTRICAL
- (a) 29 CFR 1926.400 Introduction, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (b) 29 CFR 1926.401 (Reserved)
- (c) 29 CFR 1926.402 Applicability, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (d) 29 CFR 1926.403 General requirements, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (e) 29 CFR 1926.404 Wiring design and protection, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335; amended with AO 5-2002, repeal (b)(1), f. 6/28/02, ef. 10/1/03.
- (f) 29 CFR 1926.405 Wiring methods, components, and equipment for general use, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (g) 29 CFR 1926.406 Specific purpose equipment and installations, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (h) 29 CFR 1926.407 Hazardous (classified) locations, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (i) 29 CFR 1926.408 Special systems, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (j) 29 CFR 1926.409 (Reserved)
- (k) 29 CFR 1926.415 (Reserved)
- (l) 29 CFR 1926.416 General requirements, published 8/12/96, FR vol. 61, no. 156, p. 41738.
- (m) 29 CFR 1926.417 Lockout and tagging of circuits, published 8/12/96, FR vol. 61, no. 156, p. 41739.
- (n) 29 CFR 1926.418 (Reserved)
- (o) 29 CFR 1926.430 (Reserved)
- (p) 29 CFR 1926.431 Maintenance of equipment, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (q) 29 CFR 1926.432 Environmental deterioration of equipment, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (r) 29 CFR 1926.433 – 29 CFR 1926.440 (Reserved)
- (s) 29 CFR 1926.441 Battery locations and battery charging, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (t) 29 CFR 1926.442 – 29 CFR 1926.448 (Reserved)
- (u) 29 CFR 1926.449 Definitions applicable to this subpart, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (12) Subdivision L – SCAFFOLDING
- (a) 29 CFR 1926.450 Scope, application and definitions applicable to this subpart, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (b) 29 CFR 1926.451 General requirements, published 11/25/96, FR vol. 61, no. 228, p. 59831.
- (c) 29 CFR 1926.452 Additional requirements applicable to specific types of scaffolds, published 8/30/96, FR vol. 61, no. 170, p. 46113.
- (d) 29 CFR 1926.453 Aerial lifts, published 11/25/96, FR vol. 61, no. 228, p. 59832.
- (e) 29 CFR 1926.454 Training, published 8/30/96, FR vol. 61, no. 170, p. 46117.
- (f) Appendix A to Subpart L Scaffold Specifications, published 8/30/96, FR vol. 61, no. 170, p. 46117.
- (g) Appendix B to Subpart L Criteria for determining the feasibility of providing safe access and fall protection for scaffold erectors and dismantlers (Reserved), published 8/30/96, FR vol. 61, no. 170, p. 46122.
- (h) Appendix C to Subpart L List of National Consensus Standards, published 8/30/96, FR vol. 61, no. 170, p. 46122.
- (i) Appendix D to Subpart L List of training topics for scaffold erectors and dismantlers, published 8/30/96, FR vol. 61, no. 170, p. 46122.
- (j) Appendix E to Subpart L Drawing and illustrations, published 11/25/96, FR vol. 61, no. 228, p. 59832.
- (13) Subdivision M – FALL PROTECTION
- (a) 29 CFR 1926.500 Scope, application, and definitions applicable to this subpart, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (b) 29 CFR 1926.501 Duty to have fall protection, published 8/9/94, FR vol. 59, no. 152, p. 40732-40733; amended with AO 6-2002, f. and ef. 7/19/02.
- (c) 29 CFR 1926.502 Fall protection systems criteria and practices, published 8/9/94, FR vol. 59, no. 152, p. 40733-40738; amended with AO 6-2002, f. and ef. 7/19/02.
- (d) 29 CFR 1926.503 Training requirements. REPEALED with AO 6-2002, f. and ef. 7/19/02, replaced with OI.
- (e) Appendix A to Subpart M Determining Roof Widths, published 8/9/94, FR vol. 59, no. 152, p. 40738-40742.
- (f) Appendix B to Subpart M Guardrail Systems, published 8/9/94, FR vol. 59, no. 152, p. 40743.
- (g) Appendix C to Subpart M Personal Fall Arrest Systems, published 8/9/94, FR vol. 59, no. 152, p. 40743-40746.
- (h) Appendix D to Subpart M Positioning Device Systems, published 8/9/94, FR vol. 59, no. 152, p. 40746.
- (14) Subdivision N – HELICOPTERS, HOISTS, ELEVATORS, AND CONVEYORS
- (a) 29 CFR 1926.550 (Reserved).
- (b) 29 CFR 1926.551 Helicopters, published 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.552 Material hoists, personnel hoists, and elevators, published 4/6/79, FR vol. 44, p. 20940.
- (d) 29 CFR 1926.553 Base-mounted drum hoist, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (e) 29 CFR 1926.554 Overhead hoists, published 4/6/79, FR vol. 44, p. 20940.
- (f) 29 CFR 1926.555 Conveyors, published 4/6/79, FR vol. 44, p. 20940.
- (15) Subdivision O – MOTOR VEHICLES, MECHANIZED EQUIPMENT, AND MARINE OPERATIONS
- (a) 29 CFR 1926.600 Equipment, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (b) 29 CFR 1926.601 Motor vehicles, REPEALED by OR-OSHA Admin. Order 6-2007, f. 9/26/07, ef. 9/26/07.
- (c) 29 CFR 1926.602 Material handling equipment, published 12/1/98, FR vol. 63, no. 230, p. 66274; amended by AO 7-2003, f. 12/5/03, ef. 12/5/03.

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- (d) 29 CFR 1926.603 Pile driving equipment, published 4/6/79, FR vol. 44, p. 20940.
- (e) 29 CFR 1926.604 Site clearing, published 7/22/77, FR vol. 42, p. 37674.
- (f) 29 CFR 1926.605 Marine operations and equipment, published 4/6/79, FR vol. 44, p. 20940.
- (g) 29 CFR 1926.606 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940.
- (16) Subdivision P – EXCAVATIONS
- (a) 29 CFR 1926.650 Scope, application, and definitions applicable to this subdivision, published 10/31/89, FR vol. 54, no. 209, pp. 45959-45961.
- (b) 29 CFR 1926.651 General requirements, published 8/9/94, FR vol. 59, no. 152, p. 40730.
- (c) 29 CFR 1926.652 Requirements for protective systems, published 10/31/89, FR vol. 54, no. 209, pp. 45961-45962.
- (d) Appendices A-F to Subdivision P, Excavations, published 10/31/89, FR vol. 54, no. 209, pp. 45962-45991.
- (17) Subdivision Q – CONCRETE AND MASONRY CONSTRUCTION
- (a) 29 CFR 1926.700 Scope, application and definitions applicable to this subpart, published 10/18/90, FR vol. 55, no. 202, p. 42326.
- (b) 29 CFR 1926.701 General requirements, published 8/9/94, FR vol. 59, no. 152, p. 40730.
- (c) 29 CFR 1926.702 Requirements for equipment and tools, published 6/16/88, FR vol. 53, p. 22612.
- (d) 29 CFR 1926.703 Requirements for cast-in-place concrete, published 6/16/88, FR vol. 53, p. 22612.
- (e) 29 CFR 1926.704 Requirements for precast concrete, published 10/5/89, FR vol. 54, no. 192, p. 41088.
- (f) 29 CFR 1926.705 Requirements for lift-slab construction operations, published 10/18/90, FR vol. 55, no. 202, p. 42326.
- (g) Appendix A to 1926.705 Lift-slab operations, published 10/18/90, FR vol. 55, no. 202, p. 42326.
- (h) 29 CFR 1926.706 Requirements for masonry construction, published 6/16/88, FR vol. 53, p. 22612; amended with OR-OSHA Admin. Order 1-2003, f. 1/30/03, ef. 4/30/03.
- (18) Subdivision R – STEEL ERECTION
- (a) 29 CFR 1926.750 Scope, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (b) 29 CFR 1926.751 Definitions, published 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (c) 29 CFR 1926.752 Site layout, site-specific erection plan and construction sequence, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (d) 29 CFR 1926.753 Hoisting and rigging, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (e) 29 CFR 1926.754 Structural steel assembly, published 4/3/06, FR vol. 71, no. 63, p. 16669.
- (f) 29 CFR 1926.755 Column anchorage, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (g) 29 CFR 1926.756 Beams and columns, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (h) 29 CFR 1926.757 Open web steel joists, published 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (i) 29 CFR 1926.758 Systems-engineered metal buildings, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (j) 29 CFR 1926.759 Falling object protection, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (k) 29 CFR 1926.760 Fall protection, published 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (l) 29 CFR 1926.761 Training, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.
- (m) Appendix A to Subpart R Guidelines for establishing the components of a site-specific erection plan: Nonmandatory Guidelines for Complying with §1926.752(e), published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (n) Appendix B to Subpart R Reserved.
- (o) Appendix C to Subpart R Illustrations of bridging terminus points: Nonmandatory Guidelines for Complying with §1926.757(a)(10) and §1926.757(c)(5), published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (p) Appendix D to Subpart R Illustration of the use of control lines to demarcate controlled decking zones (CDZs): Nonmandatory Guidelines for Complying with §1926.760(c)(3), REPEALED with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (q) Appendix E to Subpart R Training: Nonmandatory Guidelines for Complying with §1926.761, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (r) Appendix F to Subpart R Perimeter columns: Nonmandatory Guidelines for Complying with §1926.756(e) to Protect the Unprotected Side or Edge of a Walking/Working Surface, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (s) Appendix G to Subpart R Fall protection systems criteria and practices from §1926.502: Nonmandatory Guidelines for Complying with Complying with §1926.760(d), REPEALED with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (t) Appendix H to Subpart R Double connections: Illustration of a clipped end connection and a staggered connection: Non-Mandatory Guidelines for Complying with Complying with §1926.756(c)(1), published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (19) Subdivision S – UNDERGROUND CONSTRUCTION, CAISSONS, COFFERDAMS, AND COMPRESSED AIR
- (a) 29 CFR 1926.800 Tunnels and shafts, published 8/9/10, FR vol. 75, no. 152, pp.47906-48177.
- (b) 29 CFR 1926.801 Caissons, published 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.802 Cofferdams, published 4/6/79, FR vol. 44, p. 20940.
- (d) 29 CFR 1926.803 Compressed air, published 7/11/86, FR vol. 51, p. 25318.
- (e) 29 CFR 1926.804 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940.
- (f) Appendix A to Subpart S Decompression Tables, published 4/6/79, FR vol. 44, p. 20940.
- (20) Subdivision T – DEMOLITION
- (a) 29 CFR 1926.850 Preparatory operations, published 4/6/79, FR vol. 44, p. 20940.
- (b) 29 CFR 1926.851 Stairs, passageways, and ladders, published 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.852 Chutes, published 4/6/79, FR vol. 44, p. 20940.
- (d) 29 CFR 1926.853 Removal of materials through floor openings, published 4/6/79, FR vol. 44, p. 20940.
- (e) 29 CFR 1926.854 Removal of walls, masonry sections, and chimneys, published 4/6/79, FR vol. 44, p. 20940.
- (f) 29 CFR 1926.855 Manual removal of floors, published 4/6/79, FR vol. 44, p. 20940.
- (g) 29 CFR 1926.856 Removal of walls, floors, and materials with equipment, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (h) 29 CFR 1926.857 Storage, published 4/6/79, FR vol. 44, p. 20940.
- (i) 29 CFR 1926.858 Removal of steel construction, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (j) 29 CFR 1926.859 Mechanical demolition, published 4/6/79, FR vol. 44, p. 20940.
- (k) 29 CFR 1926.860 Selective demolition by explosives, published 4/6/79, FR vol. 44, p. 20940.
- (21) Subdivision U – BLASTING AND USE OF EXPLOSIVES
- (a) 29 CFR 1926.900 General provisions, published 4/6/79, FR vol. 44, p. 20940.
- (b) 29 CFR 1926.901 Blaster qualifications, published 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.902 Surface transportation of explosives, published 6/30/93, FR vol. 58, no. 124, p. 35311.
- (d) 29 CFR 1926.903 Underground transportation of explosives, published 4/6/79, FR vol. 44, p. 20940.
- (e) 29 CFR 1926.904 Storage of explosives and blasting agents, published 6/30/93, FR vol. 58, no. 124, p. 35311.
- (f) 29 CFR 1926.905 Loading of explosives or blasting agents, published 6/30/93, FR vol. 58, no. 124, p. 35184.
- (g) 29 CFR 1926.906 Initiation of explosive charges – electric blasting, published 6/18/98, FR vol. 63, no. 117, p. 33469.
- (h) 29 CFR 1926.907 Use of safety fuse, published 4/6/79, FR vol. 44, p. 20940.
- (i) 29 CFR 1926.908 Use of detonating cord, published 4/6/79, FR vol. 44, p. 20940.
- (j) 29 CFR 1926.909 Firing the blast, published 4/6/79, FR vol. 44, p. 20940.
- (k) 29 CFR 1926.910 Inspection after blasting, published 4/6/79, FR vol. 44, p. 20940.
- (l) 29 CFR 1926.911 Misfires, published 4/6/79, FR vol. 44, p. 20940.

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- (m) 29 CFR 1926.912 Underwater blasting, published 4/6/79, FR vol. 44, p. 20940.
- (n) 29 CFR 1926.913 Blasting in excavation work under compressed air, published 4/6/79, FR vol. 44, p. 20940.
- (o) 29 CFR 1926.914 Definitions applicable to this subpart, published 6/30/93, FR vol. 58, no. 124, p. 35184, 35311.
- (22) Subdivision V – POWER TRANSMISSION AND DISTRIBUTION
- (a) 29 CFR 1926.950 General requirements, published 4/6/79, FR vol. 44, p. 20940.
- (b) 29 CFR 1926.951 Tools and protective equipment, published 8/9/94, FR vol. 59, no. 152, p. 40730.
- (c) 29 CFR 1926.952 Mechanical equipment, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (d) 29 CFR 1926.953 Material handling, published 4/6/79, FR vol. 44, p. 20940.
- (e) 29 CFR 1926.954 Grounding for protection of employees, published 4/6/79, FR vol. 44, p. 20940.
- (f) 29 CFR 1926.955 Overhead lines, published 4/6/79, FR vol. 44, p. 20940.
- (g) 29 CFR 1926.956 Underground lines, published 4/6/79, FR vol. 44, p. 20940.
- (h) 29 CFR 1926.957 Construction in energized substations, published 4/6/79, FR vol. 44, p. 20940.
- (i) 29 CFR 1926.958 External load helicopters, published 4/6/79, FR vol. 44, p. 20940.
- (j) 29 CFR 1926.959 Lineman's body belts, safety straps, and lanyards, published 4/6/79, FR vol. 44, p. 20940.
- (k) 29 CFR 1926.960 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940.
- (23) Subdivision W – ROLLOVER PROTECTIVE STRUCTURES: OVERHEAD PROTECTION
- (a) 29 CFR 1926.1000 Rollover protective structures (ROPS) for material handling equipment, published 4/6/79, FR vol. 44, p. 20940.
- (b) 29 CFR 1926.1001 Minimum performance criteria for rollover protective structure for designated scrapers, loaders, dozers, graders, and crawler tractors, published 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.1002 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in construction, published 7/20/06, FR vol. 71, no. 139, p. 41127..
- (d) 29 CFR 1926.1003 Overhead protection for operators of agricultural and industrial tractors, published 2/28/06, FR vol. 71, no. 39, p. 9909.
- (24) Subdivision X – STAIRWAYS AND LADDERS
- (a) 29 CFR 1926.1050 Scope, application and definitions applicable to this Subdivision, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (b) 29 CFR 1926.1051 General requirements, published 11/14/90, FR vol. 55, no. 220, p. 47688.
- (c) 29 CFR 1926.1052 Stairways, published 8/23/91, FR vol. 56, no. 164, pp. 41793-41794.
- (d) 29 CFR 1926.1053 Ladders, published 8/23/91, FR vol. 56, no. 164, pp. 41793-41794.
- (e) 29 CFR 1926.1054 (Reserved).
- (f) 29 CFR 1926.1055 (Reserved).
- (g) 29 CFR 1926.1056 (Reserved).
- (h) 29 CFR 1926.1057 (Reserved).
- (i) 29 CFR 1926.1058 (Reserved).
- (j) 29 CFR 1926.1059 (Reserved).
- (k) 29 CFR 1926.1060 Training requirements, published 11/14/90, FR vol. 55, no. 220, p. 47691.
- (25) Subdivision Z – TOXIC AND HAZARDOUS SUBSTANCES
- (a) 29 CFR 1926.1101 Asbestos, published 1/9/09, FR vol. 74, no. 6, p. 858.
- (b) 29 CFR 1926.1126 Chromium (VI), published; 3/17/10, FR vol. 75, no. 51, pp. 12681-12686.
- (c) 29 CFR 1926.1127 Cadmium, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.
- (d) 29 CFR 1926.1152 Methylene Chloride, published 12/18/97, FR vol. 62, no. 243, p. 66275.
- (26) Subdivision AA – (Reserved).
- (27) Subdivision BB – (Reserved).
- (28) Subdivision CC – Cranes and Derricks in Construction.
- (a) 29 CFR 1926.1400 Scope, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (b) 29 CFR 1926.1401 Definitions, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (c) 29 CFR 1926.1402 Ground conditions, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (d) 29 CFR 1926.1403 Assembly/Disassembly – selection of manufacturer or employer procedures, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (e) 29 CFR 1926.1404 Assembly/Disassembly – general requirements (applies to all assembly and disassembly operations), published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (f) 29 CFR 1926.1405 Disassembly – additional requirements for dismantling of booms and jibs (applies to both the use of manufacturer procedures and employer procedures), published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (g) 29 CFR 1926.1406 Assembly/Disassembly – employer procedures – general requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (h) 29 CFR 1926.1407 Power line safety (up to 350 kV) – assembly and disassembly, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (i) 29 CFR 1926.1408 Power line safety (up to 350 kV) – equipment operations, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (j) 29 CFR 1926.1409 Power line safety (over 35 kV), published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (k) 29 CFR 1926.1410 Power line safety (all voltages) – equipment operations closer than the Table A zone, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (l) 29 CFR 1926.1411 Power line safety – while traveling, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (m) 29 CFR 1926.1412 Inspections, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (n) 29 CFR 1926.1413 Wire rope – inspection, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (o) 29 CFR 1926.1414 Wire rope – selection and installation criteria, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (p) 29 CFR 1926.1415 Safety devices, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (q) 29 CFR 1926.1416 Operational aids, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (r) 29 CFR 1926.1417 Operation, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (s) 29 CFR 1926.1418 Authority to stop operation, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (t) 29 CFR 1926.1419 Signals – general requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (u) 29 CFR 1926.1420 Signals – radio, telephone or other electronic transmission of signals, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (v) 29 CFR 1926.1421 Signals – voice signals – additional requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (w) 29 CFR 1926.1422 Signals – hand signal chart, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (x) 29 CFR 1926.1423 Fall protection, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (y) 29 CFR 1926.1424 Work area control, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (z) 29 CFR 1926.1425 Keeping clear of the load, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (aa) 29 CFR 1926.1426 Free fall and controlled load lowering, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (bb) 29 CFR 1926.1427 Operator qualification and certification, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (cc) 29 CFR 1926.1428 Signal person qualifications, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (dd) 29 CFR 1926.1429 Qualifications of maintenance & repair employees, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (ee) 29 CFR 1926.1430 Training, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (ff) 29 CFR 1926.1431 Hoisting personnel, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (gg) 29 CFR 1926.1432 Multiple-crane/derrick lifts – supplemental requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (hh) 29 CFR 1926.1433 Design, construction and testing, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (ii) 29 CFR 1926.1434 Equipment modifications, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

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(jj) 29 CFR 1926.1435 Tower cranes, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(kk) 29 CFR 1926.1436 Derricks, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(ll) 29 CFR 1926.1437 Floating cranes/derricks and land cranes/derricks on barges, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(mm) 29 CFR 1926.1438 Overhead & gantry cranes, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(nn) 29 CFR 1926.1439 Dedicated pile drivers, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(oo) 29 CFR 1926.1440 Sideboom cranes, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(pp) 29 CFR 1926.1441 Equipment with a rated hoisting/lifting capacity of 2,000 pounds or less, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(qq) 29 CFR 1926.1442 Severability, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(rr) Appendix A to Subdivision CC of 1926 – Standard Hand Signals, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(ss) Appendix B to Subdivision CC of 1926 – Assembly/Disassembly – Sample Procedures for Minimizing the Risk of Unintended Dangerous Boom Movement, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(tt) Appendix C to Subdivision CC of 1926 – Operator Certification – Written Examination – Technical Knowledge Criteria, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(29) Subdivision DD – Cranes and Derricks Used in Demolition and Underground Construction, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(a) 29 CFR 1926.1500 Scope, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(b) 29 CFR 1926.1501 Cranes and Derricks, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

These standards are available at the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.

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

Stats. Implemented: ORS 654.001 - 654.295.

Hist.: APD 5-1989(Temp), f. 3-31-89, ef. 5-1-89; APD 8-1989, f. & ef. 7-7-89; APD 14-1989(Temp), f. 7-20-89, ef. 8-1-89; APD 15-1989, f. & ef. 9-13-89; OSHA 3-1990(Temp), f. & cert. ef. 1-19-90; OSHA 7-1990, f. & cert. ef. 3-2-90; OSHA 8-1990, f. & cert. ef. 3-30-90; OSHA 13-1990(Temp), f. 6-28-90, ef. 8-1-90; OSHA 19-1990, f. & cert. ef. 8-31-90; OSHA 27-1990, f. 12-12-90, cert. ef. 2-1-91; OSHA 6-1991, f. 3-18-91, cert. ef. 4-15-91; OSHA 7-1991, f. & cert. ef. 4-25-91; OSHA 15-1991, f. & cert. ef. 12-13-91; OSHA 16-1991, f. 12-16-91, cert. ef. 1-1-92; OSHA 6-1992, f. & cert. ef. 5-18-92; OSHA 11-1992, f. & cert. ef. 10-9-92; OSHA 1-1993, f. & cert. ef. 1-22-93; OSHA 16-1993, f. & cert. ef. 11-1-93; OSHA 4-1994, f. & cert. ef. 8-4-94; OSHA 1-1995, f. & cert. ef. 1-19-95; OSHA 3-1995, f. & cert. ef. 2-22-95; OSHA 4-1995, f. & cert. ef. 3-29-95; OSHA 5-1995, f. & cert. ef. 4-6-95; OSHA 6-1995, f. & cert. ef. 4-18-95; OSHA 8-1995, f. & cert. ef. 8-25-95; OSHA 5-1996, f. & cert. ef. 11-29-96; OSHA 6-1996, f. & cert. ef. 11-29-96; OSHA 2-1997, f. & cert. ef. 3-12-97; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 6-1997, f. & cert. ef. 5-2-97; OSHA 7-1997, f. & cert. ef. 9-15-97; OSHA 3-1998, f. & cert. ef. 7-7-98; OSHA 6-1998, f. & cert. ef. 10-15-98; OSHA 7-1998, f. & cert. ef. 12-18-98; OSHA 2-1999, f. & cert. ef. 4-30-99; OSHA 6-1999, f. & cert. ef. 5-26-99; OSHA 3-2000, f. & cert. ef. 2-8-00; OSHA 3-2001, f. & cert. ef. 2-5-01; OSHA 3-2002, f. 4-15-02, cert. ef. 4-18-02; OSHA 5-2002, f. 6-28-02, cert. ef. 10-1-03; OSHA 6-2002, f. & cert. ef. 7-19-02; OSHA 1-2003, f. 1-30-03, cert. ef. 4-30-03; OSHA 2-2003, f. & cert. ef. 1-30-03; OSHA 7-2003, f. & cert. ef. 12-5-03; OSHA 8-2003, f. 12-30-03, cert. ef. 1-1-04; OSHA 1-2005, f. & cert. ef. 4-12-05; OSHA 2-2006, f. & cert. ef. 4-28-06; OSHA 4-2006, f. & cert. ef. 7-24-06; OSHA 5-2006, f. 8-7-06, cert. ef. 1-1-07; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 10-2006, f. & cert. ef. 11-30-06; OSHA 6-2007, f. & cert. ef. 9-26-07; OSHA 5-2008, f. 5-1-08, cert. ef. 5-15-08; OSHA 5-2009, f. & cert. ef. 5-29-09; OSHA 3-2010, f. 6-10-10, cert. ef. 6-15-10; OSHA 1-2011, f. & cert. ef. 2-9-11; OSHA 4-2011, f. & cert. ef. 12-8-11; OSHA 5-2011, f. 12-8-11, cert. ef. 7-1-12; OSHA 1-2012, f. & cert. ef. 4-10-12; OSHA 3-2012, f. & cert. ef. 8-20-12; OSHA 5-2012, f. & cert. ef. 9-25-12; OSHA 6-2012, f. 9-28-12, cert. ef. 4-1-13

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Department of Consumer and Business Services, Workers' Compensation Division Chapter 436

Rule Caption: Workers' compensation rules governing medical fee schedules.

Adm. Order No.: WCD 4-2012

Filed with Sec. of State: 9-21-2012

Certified to be Effective: 10-20-12

Notice Publication Date: 8-1-2012

Rules Amended: 436-009-0015, 436-009-0050, 436-009-0080, 436-009-0207, 436-009-0240, 436-009-0260

Subject: Revised OAR 436-009, "Oregon Medical Fee and Payment Rules":

- Specify maximum monthly rental rates for certain codes used to bill for durable medical equipment, prosthetics, and orthotics, and explain how to determine daily rates.

- Clarify that hearing aids must be prescribed by the attending physician, authorized nurse practitioner, or specialist physician.

- Require that hearing and vision services billed using certain HCPCS codes must be reimbursed at the provider's usual fee, unless otherwise provided by contract.

- Adjust maximum reimbursement amounts for durable medical equipment, prosthetics, orthotics, and supplies to make the maximums proportionate to the reimbursement levels by service category before 1/1/2012.

- Use an updated Centers for Medicare and Medicaid Services (CMS) spreadsheet (DME 12_A, effective Jan. 1, 2012) as the basis for the DMEPOS fee schedule. Note: The agency adopts most of CMS' DMEPOS fee schedule model but not CMS' payment rates - see Appendix E to find maximum payment amounts for specific services, and refer to the "Statement of Need and Fiscal Impacts."

- Allow payment to ASCs for certain individual surgical procedures that are usually packaged.

- Describe billing and payment requirements affecting ambulatory surgery centers for durable medical equipment, prosthetic services, orthotic services, and medical supplies.

Rules Coordinator: Fred Bruyns—(503) 947-7717

436-009-0015

Limitations on Medical Billings

(1) An injured worker is not liable to pay for any medical service related to an accepted compensable injury or illness or any amount reduced by the insurer according to OAR chapter 436. A medical provider must not attempt to collect payment for any medical service from an injured worker, except as follows:

(a) When the injured worker seeks treatment for conditions not related to the accepted compensable injury or illness;

(b) When the injured worker seeks treatment that has not been prescribed by the attending physician or authorized nurse practitioner, or a specialist physician upon referral of the attending physician or authorized nurse practitioner. This would include, but not be limited to, ongoing treatment by non-attending physicians in excess of the 30-day/12-visit period or by nurse practitioners in excess of the 90-day period, as set forth in ORS 656.245 and OAR 436-010-0210;

(c) When the injured worker seeks palliative care that is either not compensable or not authorized by the insurer or the director under OAR 436-010-0290, after the worker has been provided notice that the worker is medically stationary;

(d) When the injured worker seeks treatment outside the provisions of a governing MCO contract after insurer notification in accordance with OAR 436-010-0275; or

(e) When the injured worker seeks treatment after being notified that such treatment has been determined to be unscientific, unproven, outmoded, or experimental.

(2) A medical provider may not charge any fee for completing a medical report form required by the director under this chapter or for providing chart notes required by OAR 436-009-0010(3).

(3) The medical provider may not charge a fee for the preparation of a written treatment plan and the supplying of progress notes that document the services billed as they are integral parts of the fee for the medical service.

(4) No fee is payable for the completion of a work release form or completion of a PCE form where no tests are performed.

(5) No fee is payable for a missed appointment except a closing examination or an appointment arranged by the insurer or for a Worker Requested Medical Examination. Except as provided in OAR 436-009-0070(10)(d) and (11)(e), when the worker fails to appear without providing the medical provider at least 24 hours notice, the medical provider must be paid at 50 percent of the examination or testing fee.

(6) Under ORS 656.245(3), the director has excluded from compensability the following medical treatment. While these services may be provided, medical providers shall not be paid for the services or for treatment of side effects.

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(a) Dimethyl sulfoxide (DMSO), except for treatment of compensable interstitial cystitis;

(b) Intradiscal electrothermal therapy (IDET);

(c) Surface EMG (electromyography) tests;

(d) Roling;

(e) Prolotherapy;

(f) Thermography;

(g) Lumbar artificial disc replacement, unless it is a single level replacement with an unconstrained or semi-constrained metal on polymer device and:

(A) The single level artificial disc replacement is between L3 and S1;

(B) The injured worker is 16 to 60 years old;

(C) The injured worker underwent a minimum of 6 months unsuccessful exercise based rehabilitation; and

(D) The procedure is not found inappropriate under OAR 436-010-0230(13) or (14); and

(h) Cervical artificial disc replacement, unless it is a single level replacement with a semi-constrained metal on polymer or a semi-constrained metal on metal device and:

(A) The single level artificial disc replacement is between C3 and C7;

(B) The injured worker is 16 to 60 years old;

(C) The injured worker underwent unsuccessful conservative treatment;

(D) There is intraoperative visualization of the surgical implant level; and

(E) The procedure is not found inappropriate under OAR 436-010-0230(15) or (16).

(7) Only one office visit code may be used for each visit except for those code numbers relating specifically to additional time.

(8) Mechanical muscle testing may be paid a maximum of three times during a treatment program when prescribed and approved by the attending physician or authorized nurse practitioner: once near the beginning, once near the middle, and once near the end of the treatment program. Additional mechanical muscle testing shall be paid for only when authorized in writing by the insurer prior to the testing. The fee for mechanical muscle testing includes a copy of the computer printout from the machine, written interpretation of the results, and documentation of time spent with the patient.

(9)(a) When a physician or authorized nurse practitioner provides services in hospital emergency or outpatient departments which are similar to services that could have been provided in the physician's or authorized nurse practitioner's office, such services must be identified by CPT® codes and paid according to the fee schedule.

(b) When a worker is seen initially in an emergency department and is then admitted to the hospital for inpatient treatment, the services provided immediately prior to admission shall be considered part of the inpatient treatment. Diagnostic testing done prior to inpatient treatment shall be considered part of the hospital services subject to the hospital fee schedule.

(10) Physician assistant, authorized nurse practitioner, or out-of-state nurse practitioner fees must be paid at the rate of 85 percent of a physician's allowable fee for a comparable service. The bills for services by these providers must be marked with modifier "81". Chart notes must document when medical services have been provided by a physician assistant or nurse practitioner.

(11) Except as otherwise provided in OAR 436-009-0070, when a medical provider is asked to prepare a report, or review records or reports prepared by another medical provider, an insurance carrier or their representative, the medical provider should bill for their report or review of the records utilizing CPT® codes such as 99080. Refer to specific code definitions in the CPT® for other applicable codes. The billing should include documentation of the actual time spent reviewing the records or reports.

[Publications: Publications referenced are available from the agency.

Stat. Auth.: ORS 656.245, 656.252 & 656.254

Stats. Implemented: ORS 656.245, 656.252 & 656.254

Hist.: WCD 9-1999, f. 5-27-99, cert. ef. 7-1-99; WCD 2-2000, f. 3-15-00, cert. ef. 4-1-00; WCD 2-2001, f. 3-8-01, cert. ef. 4-1-01; WCD 8-2001, f. 9-13-01, cert. ef. 9-17-01; WCD 13-2001, f. 12-17-01, cert. ef. 1-1-02; WCD 3-2002, f. 2-25-02 cert. ef. 4-1-02; WCD 6-2003, f. 5-28-03, cert. ef. 7-1-03; WCD 14-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-04; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 3-2006, f. 3-14-06, cert. ef. 4-1-06; WCD 2-2007, f. 5-23-07, cert. ef. 7-1-07; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 1-2009, f. 5-22-09, cert. ef. 7-1-09; WCD 3-2010, f. 5-28-10, cert. ef. 7-1-10; WCD 4-2012, f. 9-21-12, cert. ef. 10-20-12

436-009-0050

CPT® Sections

Each CPT® section has its own schedule of relative values, completely independent of and unrelated to any of the other sections. The definitions, descriptions, and guidelines found in CPT® must be used as guides

governing the descriptions of services, except as otherwise provided in these rules. The following provisions are in addition to those provided in each section of CPT®.

(1) Evaluation and Management services.

(2) Anesthesia services.

(a) In calculating the units of time, use 15 minutes per unit. If a medical provider bills for a portion of 15 minutes, round the time up to the next 15 minutes and pay one unit for the portion of time.

(b) Anesthesia basic unit values are to be used only when the anesthesia is personally administered by either a licensed physician or certified nurse anesthetist who remains in constant attendance during the procedure for the sole purpose of rendering such anesthesia service.

(c) When a regional anesthesia is administered by the attending surgeon, the value must be the "basic" anesthesia value only without added value for time.

(d) When the surgeon or attending physician administers a local or regional block for anesthesia during a procedure, the modifier "NT" (no time) must be noted on the bill.

(e) Local infiltration, digital block, or topical anesthesia administered by the operating surgeon is included in the relative value unit for the surgical procedure.

(3) Surgery services.

(a) When a worker is scheduled for elective surgery, the pre-operative visit, in the hospital or elsewhere, necessary to examine the patient, complete the hospital records, and initiate the treatment program is included in the listed global value of the surgical procedure. If the procedure is not elective, the physician is entitled to payment for the initial evaluation of the worker in addition to the global fee for the surgical procedure(s) performed.

(b) When an additional surgical procedure(s) is carried out within the listed period of follow-up care for a previous surgery, the follow-up periods will continue concurrently to their normal terminations.

(c) Multiple surgical procedures performed at the same session must be paid as follows:

(A) When multiple surgical procedures are performed by one surgeon, the principal procedure is paid at 100 percent of the maximum allowable fee, the secondary and all subsequent procedures are paid at 50 percent of the maximum allowable fee. A diagnostic arthroscopic procedure performed preliminary to an open operation, is considered a secondary procedure and paid accordingly.

(B) When multiple arthroscopic procedures are performed, the major procedure must be paid at no more than 100 percent of the value listed in these rules and the subsequent procedures paid at 50 percent of the value listed.

(C) When more than one surgeon performs surgery, each procedure must be billed separately. The maximum allowable fee for each procedure, as listed in these rules, must be reduced by 25 percent. When the surgeons assist each other throughout the operation, each is entitled to an additional fee of 20 percent of the other surgeon's allowable fee as an assistant's fee. When the surgeons do not assist each other, and a third physician assists the surgeons, the third physician is entitled to the assistant's fee of 20 percent of the surgeons' allowable fees.

(D) When a surgeon performs surgery following severe trauma that requires considerable time, and the surgeon does not think the fees should be reduced under the multiple surgery rule, the surgeon may request special consideration by the insurer. Such a request must be accompanied by written documentation and justification. Based on the documentation, the insurer may pay for each procedure at 100 percent.

(E) The multiple surgery discount described in this subsection does not apply to add-on codes listed in Appendix B with a global period indicator of ZZZ.

(F) When a surgical procedure is performed bilaterally, the modifier "50" must be noted on the bill for the second side, and paid at 50 percent of the fee allowed for the first side.

(d) When physician assistants or nurse practitioners assist a surgeon performing surgery, they must be paid at the rate of 15 percent of the surgeon's allowable fee for the surgical procedure(s). When physician assistants or nurse practitioners are the primary providers of a surgical procedure, they must be paid at the rate of 85 percent of a physician's allowable fee for a comparable service. Physician assistants and nurse practitioners must mark their bills with a modifier "81." Chart notes must document when medical services have been provided by a physician assistant or nurse practitioner.

(e) Other surgical assistants who are self-employed and work under the direct control and supervision of a physician must be paid at the rate of

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10 percent of the surgeon's allowable fee for the surgical procedure(s). The operation report must document who assisted.

(4) Radiology services.

(a) In order to be paid, x-ray films must be of diagnostic quality and include a report of the findings. Billings for 14" x 36" lateral views shall not be paid.

(b) When multiple contiguous areas are examined by computerized axial tomography (CAT) scan, computerized tomography angiography (CTA), magnetic resonance angiography (MRA), or magnetic resonance imaging (MRI), the technical component for the first area examined must be paid at 100 percent, the second area at 50 percent, and the third and all subsequent areas at 25 percent under these rules. The discount applies to multiple studies done within 2 days, unless the ordering provider provides a reasonable explanation of why the studies needed to be done on separate days. No reduction is applied to multiple areas for the professional component.

(5) Pathology and Laboratory services.

(a) The maximum allowable payment amount established in Appendix B applies only when there is direct physician involvement.

(b) Laboratory fees must be billed in accordance with ORS 676.310. If any physician submits a bill for laboratory services that were performed in an independent laboratory, the bill must show the amount charged by the laboratory and any service fee that the physician charges.

(6) Medicine services.

(7) Physical Medicine and Rehabilitation services.

(a) Increments of time for a time-based CPT® code must not be pro-rated.

(b) Payment for modalities and therapeutic procedures is limited to a total of three separate CPT®-coded services per day. CPT® codes 97001, 97002, 97003, or 97004 are not subject to this limit. An additional unit of time (15 minute increment) for the same CPT® code is not counted as a separate code.

(c) All modality codes requiring constant attendance (97032, 97033, 97034, 97035, 97036, and 97039) are time-based. Chart notes must clearly indicate the time treatment begins and the time treatment ends for the day or the amount of time spent providing the treatment.

(d) CPT® codes 97010 through 97028 shall not be paid unless they are performed in conjunction with other procedures or modalities which require constant attendance or knowledge and skill of the licensed medical provider.

(e) When multiple treatments are provided simultaneously by a machine, device, or table there must be a notation on the bill that treatments were provided simultaneously by a machine, device, or table and there must be one charge.

Stat. Auth.: ORS 656.726(4)

Stats. Implemented: ORS 656.248

Hist.: WCD 9-1999, f. 5-27-99, cert. ef. 7-1-99; WCD 2-2000, f. 3-15-00, cert. ef. 4-1-00; WCD 2-2001, f. 3-8-01, cert. ef. 4-1-01; WCD 3-2002, f. 2-25-02, cert. ef. 4-1-02; WCD 6-2003, f. 5-28-03, cert. ef. 7-1-03; WCD 3-2004, f. 3-5-04, cert. ef. 4-1-04; WCD 3-2006, f. 3-14-06, cert. ef. 4-1-06; WCD 2-2007, f. 5-23-07, cert. ef. 7-1-07; WCD 1-2009, f. 5-22-09, cert. ef. 7-1-09; WCD 3-2010, f. 5-28-10, cert. ef. 7-1-10; WCD 1-2011, f. 3-1-11, cert. ef. 4-1-11; WCD 1-2012, f. 2-16-12, cert. ef. 4-1-12; WCD 4-2012, f. 9-21-12, cert. ef. 10-20-12

436-009-0080

Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS)

(1) Durable medical equipment (DME) is equipment that is primarily and customarily used to serve a medical purpose, can withstand repeated use, could normally be rented and used by successive patients, is appropriate for use in the home, and not generally useful to a person in the absence of an illness or injury. For example: Transcutaneous Electrical Nerve Stimulation (TENS), MicroCurrent Electrical Nerve Stimulation (MENS), home traction devices, heating pads, reusable hot/cold packs, etc.

(2) A prosthetic is an artificial substitute for a missing body part or any device aiding performance of a natural function. For example: hearing aids, eye glasses, crutches, wheelchairs, scooters, artificial limbs, etc.

(3) An orthosis is an orthopedic appliance or apparatus used to support, align, prevent or correct deformities, or to improve the function of a moveable body part. For example: brace, splint, shoe insert or modification, etc.

(4) Supplies are materials that may be reused multiple times by the same person, but a single supply is not intended to be used by more than one person, including, but not limited to incontinent pads, catheters, band-aids, elastic stockings, irrigating kits, sheets, and bags.

(5) When billing for durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS), providers must use the following modifiers, when applicable:

(a) NU for purchased, new equipment;

(b) UE for purchased, used equipment; and

(c) RR for rented equipment

(11) Unless otherwise provided by contract or sections (7) through (10), insurers must pay for DMEPOS according to the following table: [Table not included. See ED. NOTE.]

(7) Unless a contract establishes a different rate, the table below lists maximum monthly rental rates for the codes listed (do not use Appendix E or section (6) to determine the rental rates for these codes): [Table not included. See ED. NOTE.]

(8) For items rented, unless otherwise provided by contract:

(a) When an item is rented on a daily basis, the maximum daily rental rate is one thirtieth (1/30) of the monthly rate established in sections (6) and (7) of this rule.

(b) After a rental period of 13 months, the item is considered purchased, if the insurer so chooses.

(c) The insurer may purchase a rental item anytime within the 13 month rental period, with a credit of 75 percent of the rental paid going towards the purchase.

(9) For items purchased, unless otherwise provided by contract:

(a) The provider is entitled to payment for any labor and reasonable expenses directly related to any subsequent modifications other than those performed at the time of purchase or repairs. The insurer must pay for labor at the provider's usual rate; or

(b) The provider may offer a service agreement at an additional cost.

(10)(a) Hearing aids must be prescribed by the attending physician, authorized nurse practitioner, or specialist physician. Testing must be done by a licensed audiologist or an otolaryngologist.

(b) Based on current technology, the preferred types of hearing aids for most workers are programmable behind the ear (BTE), in the ear (ITE), and completely in the canal (CIC) multi channel. Any other types of hearing aids needed for medical conditions will be considered based on justification from the attending physician or authorized nurse practitioner.

(c) Unless otherwise provided by contract, insurers must pay the provider's usual fee for hearing services billed with HCPCS codes V5000 through V5999. However, without approval from the insurer or director, the payment for hearing aids may not exceed \$5000 for a pair of hearing aids, or \$2500 for a single hearing aid.

(11) Unless otherwise provided by contract, insurers must pay the provider's usual fee for vision services billed with HCPCS codes V0000 through V2999.

(12) The worker may select the service provider, except for claims enrolled in a managed care organization (MCO) when service providers are specified by the MCO contract.

(13) Except as provided in subsection (10)(c) of this rule, the payment amounts established by this rule do not apply to a worker's direct purchase of DMEPOS, and do not limit a worker's right to reimbursement for actual out-of-pocket expenses under OAR 436-009-0025.

(14) DMEPOS dispensed by a hospital (inpatient or outpatient) must be billed and paid according to OAR 436-009-0020.

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

Stat. Auth.: ORS 656.726(4)

Stats. Implemented: ORS 656.248

Hist.: WCD 9-1999, f. 5-27-99, cert. ef. 7-1-99; WCD 2-2001, f. 3-8-01, cert. ef. 4-1-01; WCD 3-2002, f. 2-25-02, cert. ef. 4-1-02; WCD 14-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-04; WCD 3-2004, f. 3-5-04, cert. ef. 4-1-04; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 3-2006, f. 3-14-06, cert. ef. 4-1-06; WCD 2-2007, f. 5-23-07, cert. ef. 7-1-07; WCD 5-2008, f. 12-15-08, cert. ef. 1-1-09; WCD 1-2011, f. 3-1-11, cert. ef. 4-1-11; WCD 4-2011(Temp), f. 6-30-11, cert. ef. 7-5-11 thru 12-31-11; WCD 5-2011, f. 11-18-11, cert. ef. 1-1-12; WCD 1-2012, f. 2-16-12, cert. ef. 4-1-12; WCD 2-2012(Temp), f. 4-13-12, cert. ef. 4-23-12 thru 10-19-12; WCD 4-2012, f. 9-21-12, cert. ef. 10-20-12

436-009-0207

How Does the ASC Fill Out the CMS 1500 Form?

Unless different instructions are provided in the table below, the ASC must use the instructions provided in the **National Uniform Claim Committee 1500 Claim Form Reference Instruction Manual**.

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

Stat. Auth.: ORS 656.726(4)

Stats. Implemented: ORS 656.248, 656.252

Hist.: WCD 2-2011, f. 3-1-11, cert. ef. 4-1-12; WCD 1-2012, f. 2-16-12, cert. ef. 4-1-12; WCD 4-2012, f. 9-21-12, cert. ef. 10-20-12

436-009-0240

Are There Specific Billing Requirements for Certain Services That the ASC Needs to Know?

(1) If the ASC provides packaged services (see Appendices C and D) with a surgical procedure, the ASC should include the charges for the packaged services in the surgical charges.

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(2) The ASC should not bill for packaged codes as separate line-item charges when the payment amount says "packaged" in Appendices C or D.

(3)(a) When the ASC's cost for an implant is more than \$100, the ASC may bill for the implant as a separate line item. The ASC must provide the insurer a receipt of sale showing the ASC's cost of the implant.

(b) For the purpose of these rules, an implant is an object or material inserted or grafted into the body.

(4) When a surgical procedure is performed bilaterally, the ASC must add the modifier "50" on the bill for the second side.

(5) When a service is provided by a physician assistant or nurse practitioner, the ASC must add the modifier "81" to the appropriate code. The chart notes must document when medical services have been provided by a physician assistant or nurse practitioner.

(6) When billing for durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS), the ASC must use the following modifiers, when applicable:

- (a) NU for purchased, new equipment;
- (b) UE for purchased, used equipment; and
- (c) RR for rented equipment

(7) When the ASC receives a request for medical records, the ASC should use the Oregon specific code R0001 to bill for the copies.

Stat. Auth.: ORS 656.726(4)
Stats. Implemented: ORS 656.248, 656.252
Hist.: WCD 2-2011, f. 3-1-11, cert. ef. 4-1-12; WCD 1-2012, f. 2-16-12, cert. ef. 4-1-12; WCD 4-2012, f. 9-21-12, cert. ef. 10-20-12

436-009-0260

What are the Payment Amounts for Services Provided by an ASC?

Unless otherwise provided by contract, insurers must pay ASCs for services, equipment, and supplies according to this rule,

(1) Insurers must pay for surgical procedures (i.e., ASC facility fee) and ancillary services at the lesser amount of:

(a) The maximum allowable payment amount for the HCPCS code found in Appendix C for surgical procedures, and in Appendix D for ancillary services integral to a surgical procedure; or

(b) The ASC's usual fee for surgical procedures and ancillary services.

(2) When more than one procedure is performed in a single operative session, insurers must pay the principal procedure at 100 percent of the maximum allowable fee, the secondary and all subsequent procedures at 50 percent of the maximum allowable fee. A diagnostic arthroscopic procedure performed preliminary to an open operation, is considered a secondary procedure and paid accordingly. The multiple surgery discount described in this subsection does not apply to codes listed in Appendix C with an "N" in the "Subject to Multiple Procedure Discounting" column.

(3) The table below lists packaged surgical codes that ASCs may perform without any other surgical procedure. In this case do not use Appendix C to calculate payment, use the rates listed below instead. [Table not included. See ED. NOTE.]

(4) Notwithstanding section (5), insurers must pay implants at 110 percent of the ASC's actual cost documented on a receipt of sale when the implant's cost to the ASC is more than \$100.

(5) Except as provided in sections (6) through (8), insurers must pay for durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) according to the following table: [Table not included. See ED. NOTE.]

(6) Unless a contract establishes a different rate, the table below lists maximum monthly rental rates for the codes listed (do not use Appendix E or section (5) to determine the rental rates for these codes): [Table not included. See ED. NOTE.]

(7) For items rented:

(a) When an item is rented on a daily basis, the maximum daily rental rate is one thirtieth (1/30) of the monthly rate established in sections (5) and (6) of this rule.

(b) After a rental period of 13 months, the item is considered purchased, if the insurer so chooses.

(c) The insurer may purchase a rental item anytime within the 13-month rental period, with a credit of 75 percent of the rental paid going towards the purchase.

(8) For items purchased:

(a) The ASC is entitled to payment for any labor and reasonable expenses directly related to any subsequent modifications other than those performed at the time of purchase or repairs (the insurer must pay for labor at the provider's usual rate); or

(b) The ASC may offer a service agreement at an additional cost.

(9) When the insurer requests copies of medical records from the ASC, the insurer must pay \$10.00 for the first page and \$0.50 for each page thereafter.

[ED. NOTE: Tables & appendices referenced are available from the agency.]
Stat. Auth.: ORS 656.726(4)
Stats. Implemented: ORS 656.245, 656.248 & 656.252
Hist.: WCD 2-2011, f. 3-1-11, cert. ef. 4-1-12; WCD 1-2012, f. 2-16-12, cert. ef. 4-1-12; WCD 2-2012(Temp), f. 4-13-12, cert. ef. 4-23-12 thru 10-19-12; WCD 4-2012, f. 9-21-12, cert. ef. 10-20-12

Rule Caption: Workers' compensation rules governing Employer-at-Injury Program, Preferred Worker Program, and vocational assistance.

Adm. Order No.: WCD 5-2012

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Rules Amended: 436-105-0003, 436-105-0500, 436-105-0510, 436-105-0511, 436-105-0512, 436-105-0520, 436-105-0540, 436-110-0003, 436-110-0005, 436-110-0240, 436-110-0325, 436-110-0336, 436-110-0347, 436-120-0001, 436-120-0002, 436-120-0003, 436-120-0005, 436-120-0006, 436-120-0007, 436-120-0012, 436-120-0016, 436-120-0017, 436-120-0115, 436-120-0145, 436-120-0165, 436-120-0175, 436-120-0340, 436-120-0443, 436-120-0445, 436-120-0510, 436-120-0710

Rules Ren. & Amend: 436-120-0447 to 436-120-0448, 436-120-0447 to 436-120-0449, 436-120-0447 to 436-120-0451

Subject: Revised OAR chapter 436, division 105, "Employer-at-Injury Program" rules:

- Specify that a new employer-at-injury program may not be used for a non-disabling claim that does not become disabling within two years from the date of injury.

- Combine the (previous) \$2,500 maximum reimbursement amounts for worksite modification and purchases of tools and equipment to provide a maximum combined reimbursement of \$5,000.

- Provide that all modifications and purchases made by the employer in good faith are reimbursable.

Revised OAR chapter 436, division 110, "Preferred Worker Program," rules:

- Clarify that if an employer changes its name or ownership status during a premium exemption period, the employer is not eligible for an additional three years of premium exemption.

- Clarify that if an employer changes the job duties of a preferred worker during the premium exemption period, the employer is not eligible for an additional three years of premium exemption.

- Provide that if the employer accommodates the worker's injury-caused restrictions while waiting for a worksite modification to be completed, the employer may elect to start wage subsidy immediately.

Revised OAR chapter 436, division 120, "Vocational Assistance to Injured Workers," rules:

- Define "training."

- Require use of the cost-of-living matrix to calculate a worker's adjusted weekly wage if the worker's regular employment was the employment the worker held at the time of aggravation.

- Limit the types of worker notices that must also be sent to the Workers' Compensation Division.

- List statutory criteria for when the insurer is required to complete an eligibility evaluation.

- Clarify that the insurer must determine eligibility in cases where the worker's claim was initially denied and is later accepted.

- Clarify that the eligibility condition requiring that the worker be available in Oregon includes a worker who is within commuting distance of Oregon.

- Include in the vocational eligibility criteria that the worker did not relinquish his or her rights to vocational assistance in writing.

- Clarify that a condition for ending eligibility, in addition to suitable employment for 60 days, is completion of any necessary worksite modifications.

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- Amend the list of labor market references that may be used to analyze the worker's labor market.
- Clarify that the insurer must not use any knowledge, skills, or abilities gained by the worker, at the worker's expense, after the date of injury or aggravation to determine the worker's eligibility for vocational assistance.
- Prescribe the conditions, time frames, and documentation applicable to a worker's self-sponsored training.
- Provide that basic training, on-the-job training, and occupational skills training may be extended by the insurer (beyond the time frames stated in rule).

Rules Coordinator: Fred Bruyns — (503) 947-7717

436-105-0003

Applicability of Rules

- (1) These rules apply to:
 - (a) All individual Employer-at-Injury Programs begun on or after the effective date of these rules; and
 - (b) All reimbursement requests made to the division in accordance with OAR 436-105-0540(4) on or after the effective date of these rules regardless of the date an Employer-at-Injury Program began, unless the insurer requests that reimbursement be based on the rules in effect on the date an individual Employer-at-Injury Program began.
 - (2) The director may waive procedural rules as justice requires, unless otherwise obligated by statute.
- Stat. Auth.: ORS 656.622 & 656.726(4)
Stats. Implemented: ORS 656.622
Hist.: WCD 7-2001, f. 8-14-01, cert. ef. 10-1-01; WCD 12-2002(Temp), f. & cert. ef. 12-11-02 thru 6-8-03; WCD 5-2003, f. 5-16-03, cert. ef. 6-8-03; WCD 4-2004(Temp), f. 3-22-04, cert. ef. 4-1-04 thru 9-27-04; WCD 8-2004, f. 7-15-04, cert. ef. 8-1-04; WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-105-0500

Insurer Participation in the Employer-At-Injury Program

- (1) An insurer must be an active participant in providing reemployment assistance with the employer's consent. Participation includes issuing notices of the available assistance and administering the Employer-at-Injury Program as specified in these rules.
- (2) The insurer will notify the worker and employer-at-injury in writing of the assistance available from the Employer-at-Injury Program. A notice must be issued:
 - (a) Upon acceptance or reopening of a claim; and
 - (b) Within five days of a worker's first release for work after claim opening unless the release is for regular work.
- (3) The notices of Employer-at-Injury Program assistance must contain the following language:
 - (a) The notice to the worker must appear in bold type as follows: The Reemployment Assistance Program provides Oregon's qualified injured workers help with staying on the job or getting back to work. Because of your injury, your employer may be eligible for assistance to return you to transitional work through the Employer-at-Injury Program while your claim is open. Your employer may contact [insurer name and phone number].
 - (b) The notice to the employer-at-injury must appear in bold type as follows: Because of your worker's injury, you may be eligible for assistance through the Employer-at-Injury Program to return the worker to transitional work while the worker's claim is open. To learn more about the assistance available from the program, please call [insurer name and phone number].
 - (c) The insurer will administer the Employer-at-Injury Program according to these rules. The insurer must assist an employer to:
 - (a) Obtain a qualifying medical release, pursuant to section (5) of this rule, from the medical service provider;
 - (b) Identify a transitional work position;
 - (c) Process employer wage subsidy requests as specified in OAR 436-105-0520(1);
 - (d) Make worksite modification purchases as specified in OAR 436-105-0520(2);
 - (e) Make Employer-at-Injury Program purchases as specified in OAR 436-105-0520(3); and
 - (f) Request Employer-at-Injury Program reimbursement from the division as specified in OAR 436-105-0540.
 - (4) For purposes of the Employer-at-Injury Program, medical releases must meet the following criteria:

(a) All medical releases must be dated and related to the accepted or deferred conditions of the claim. The date the medical release is issued by the worker's medical service provider is considered the effective date if an effective date is not otherwise specified;

(b) Two types of medical release qualify under these rules:

(A) A medical release that states the worker's specific current or projected restrictions; or

(B) A statement by the medical service provider that indicates the worker is not released to regular employment accompanied by an approval of a job description which includes the job duties and physical demands required for the transitional work.

(c) A medical release must cover any period of time for which benefits are requested.

(6) For the purposes of the Employer-at-Injury Program, a medical release, and any restrictions it contains, remains in effect until another medical release is issued by the worker's medical service provider. An employer or insurer may get clarification about a medical release from the medical service provider who issued the release any time prior to submitting the reimbursement request.

(7) The insurer must maintain all records of the Employer-at-Injury Program for a period of three years from the date of the last Employer-at-Injury Program reimbursement request. The insurer will maintain the following information at the authorized claim processing location(s):

(a) The worker's claim file;

(b) Documentation from the worker's medical service provider that the worker is unable to perform regular employment due to the injury and dated copies of all work releases from the worker's medical service provider;

(c) A legible copy of the worker's payroll records for the wage subsidy period as follows:

(A) Payroll records must state the payroll period, wage rate(s), and the worker's gross wages for the wage subsidy period. The payroll record must also include the dates and hours worked each day if the worker has hourly restrictions;

(B) Insurers and employers may supplement payroll records with documentation of how the worker's earnings were calculated for the wage subsidy. Supplemental documentation may be used to determine a worker's work schedule, wages earned on a particular day, dates of paid leave, or to clarify any other necessary information not fully explained by the payroll record;

(C) If neither the payroll record(s) nor supplemental documentation show the amount of wages earned by the worker for reimbursable partial payroll periods, the allowable reimbursement amount may be calculated as follows:

(i) Divide the gross wages by the number of days in the payroll period for the daily rate; and

(ii) Multiply the daily rate by the number of eligible days; and

(D) If a partial day's reimbursement is requested after a worker is released for transitional work, or prior to returning from a medical appointment with a regular work release, documentation of the time of the medical appointment and hours and wages of transitional work must be provided for those days.

(d) A legible copy of proof of purchase, providing proof the item was ordered during the Employer-at-Injury Program period and proof of payment of the item(s) for worksite modification purchases and Employer-at-Injury Program purchases;

(e) Written documentation of the insurer's decision to approve worksite modifications;

(f) Documentation of the transitional work, which must include the start date, wage and hours, and a description of the job duties;

(g) Documentation that payments for a home care worker were made to the Oregon Department of Human Services/Oregon Health Authority, if applicable;

(h) The written acceptance by the worker when skills building is the transitional work; and

(i) Documentation, including course title and curriculum for a class or course of instruction when Employer-at Injury Program purchases are requested.

Stat. Auth.: ORS 656.340, 656.622 & 656.726(4)

Stats. Implemented: ORS 656.340 & 656.622

Hist.: WCD 1-1987(Admin), f. 2-20-87, ef. 3-16-87; WCD 12-1987, f. 12-17-87, ef. 1-1-88; WCD 13-1990(Temp), f. 6-21-90, cert. ef. 7-1-90; WCD 32-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 1-1993, f. 1-21-93, cert. ef. 3-1-93, Renumbered from 436-110-0090; WCD 20-1995(Temp), f. 12-8-95, cert. ef. 1-1-96; WCD 10-1996, f. 3-12-96, cert. ef. 4-5-96; WCD 11-1997, f. 8-28-97, cert. ef. 9-12-97, Renumbered from 436-110-0360; WCD 7-2001, f. 8-14-01, cert. ef. 10-1-0, Renumbered from 436-110-0540; WCD 12-2002(Temp), f. & cert. ef. 12-11-02 thru 6-8-03; WCD 5-2003, f. 5-16-03, cert. ef. 6-8-03; WCD 4-2004(Temp), f. 3-22-04, cert. ef. 4-1-04 thru 9-27-04; WCD 8-2004, f. 7-15-04, cert. ef. 8-1-04; WCD 4-2005,

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f. 5-26-05, cert. ef. 7-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-105-0510

Employer Eligibility

(1) The employer must maintain Oregon workers' compensation insurance coverage.

(2) The employer must be the employer at injury as defined in OAR 436-105-0005.

(3) The employer must be employing an eligible worker.

Stat. Auth.: ORS 656.622, 656.726(4)

Stats. Implemented: ORS 656.622

Hist.: WCB 1-1973, f. 1-2-73, ef. 1-15-73; WCB 3-1973, f. 3-14-73, ef. 4-1-73; WCD 2-1977(Admin)(Temp), f. 9-29-77, ef. 10-4-77; WCD 2-1978 (Admin), f. & ef. 2-1-78, WCD 7-1981(Admin), f. 12-30-81, ef. 1-1-82; Renumbered from 436-063-0020, 5-1-85; WCD 1-1987(Admin), f. 2-20-87, ef. 3-16-87; WCD 12-1987, f. 12-17-87, ef. 1-1-88; WCD 13-1990(Temp), f. 6-21-90, cert. ef. 7-1-90; WCD 32-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 1-1993, f. 1-21-93, cert. ef. 3-1-93, Renumbered from 436-110-0020; WCD 20-1995(Temp), f. 12-8-95, cert. ef. 1-1-96; WCD 10-1996, f. 3-12-96, cert. ef. 4-5-96; WCD 4-1997(Temp), f. 3-13-97, cert. ef. 3-17-97; WCD 11-1997, f. 8-28-97, cert. ef. 9-12-97, Renumbered to 436-110-0280; WCD 7-2001, f. 8-14-01, cert. ef. 10-1-0, Renumbered from 436-110-0520; WCD 12-2002(Temp), f. & cert. ef. 12-11-02 thru 6-8-03; WCD 5-2003, f. 5-16-03, cert. ef. 6-8-03; WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-105-0511

Worker Eligibility

(1) The worker must have an Oregon workers' compensation injury or occupational disease claim at the time of the Employer-at-Injury Program.

(2) The worker must not be covered by the Injured Inmate Law.

Stat. Auth.: ORS 656.622, 656.726(4)

Stats. Implemented: ORS 656.622

Hist.: WCB 1-1973, f. 1-2-73, ef. 1-15-73; WCB 3-1973, f. 3-14-73, ef. 4-1-73; WCD 2-1977(Admin)(Temp), f. 9-29-77, ef. 10-4-77; WCD 2-1978 (Admin), f. & ef. 2-1-78, WCD 7-1981(Admin), f. 12-30-81, ef. 1-1-82; Renumbered from 436-063-0020, 5-1-85; WCD 1-1987(Admin), f. 2-20-87, ef. 3-16-87; WCD 12-1987, f. 12-17-87, ef. 1-1-88; WCD 13-1990(Temp), f. 6-21-90, cert. ef. 7-1-90; WCD 32-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 1-1993, f. 1-21-93, cert. ef. 3-1-93, Renumbered from 436-110-0020; WCD 20-1995(Temp), f. 12-8-95, cert. ef. 1-1-96; WCD 10-1996, f. 3-12-96, cert. ef. 4-5-96; WCD 4-1997(Temp), f. 3-13-97, cert. ef. 3-17-97; WCD 11-1997, f. 8-28-97, cert. ef. 9-12-97, Renumbered to 436-110-0280; WCD 7-2001, f. 8-14-01, cert. ef. 10-1-0, Renumbered from 436-110-0520; WCD 12-2002(Temp), f. & cert. ef. 12-11-02 thru 6-8-03; WCD 5-2003, f. 5-16-03, cert. ef. 6-8-03; WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; 436-105-0512; Renumbered from 436-105-0510, WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-105-0512

End of Eligibility

The Employer-at-Injury Program will end:

(1) When the worker or employer no longer meets the eligibility provisions stated in OAR 436-105-0510 and 436-105-0511;

(2) When the worker's claim is closed or denied;

(3) When sanctions under OAR 436-105-0560 preclude eligibility;

(4) When the insurer ends the Employer-at-Injury Program at any time while the worker's claim is open; or

(5) Two years after the original date of acceptance of a non-disabling claim.

Stat. Auth.: ORS 656.622, 656.726(4)

Stats. Implemented: ORS 656.622

Hist.: WCB 1-1973, f. 1-2-73, ef. 1-15-73; WCB 3-1973, f. 3-14-73, ef. 4-1-73; WCD 2-1977(Admin)(Temp), f. 9-29-77, ef. 10-4-77; WCD 2-1978 (Admin), f. & ef. 2-1-78, WCD 7-1981(Admin), f. 12-30-81, ef. 1-1-82; Renumbered from 436-063-0020, 5-1-85; WCD 1-1987(Admin), f. 2-20-87, ef. 3-16-87; WCD 12-1987, f. 12-17-87, ef. 1-1-88; WCD 13-1990(Temp), f. 6-21-90, cert. ef. 7-1-90; WCD 32-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 1-1993, f. 1-21-93, cert. ef. 3-1-93, Renumbered from 436-110-0020; WCD 20-1995(Temp), f. 12-8-95, cert. ef. 1-1-96; WCD 10-1996, f. 3-12-96, cert. ef. 4-5-96; WCD 4-1997(Temp), f. 3-13-97, cert. ef. 3-17-97; WCD 11-1997, f. 8-28-97, cert. ef. 9-12-97, Renumbered to 436-110-0280; WCD 7-2001, f. 8-14-01, cert. ef. 10-1-0, Renumbered from 436-110-0520; WCD 12-2002(Temp), f. & cert. ef. 12-11-02 thru 6-8-03; WCD 5-2003, f. 5-16-03, cert. ef. 6-8-03; WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; 436-105-0512; Renumbered from 436-105-0510, WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-105-0520

Assistance Available from the Employer-at-Injury Program

The Employer-at-Injury Program may be used only once per worker per claim opening, for a non-disabling claim or a disabling claim. If a non-disabling claim becomes a disabling claim after one year from the date of acceptance, the disabling claim is considered a new opening and the Employer-at-Injury Program may be used again. Assistance available includes:

(1) Wage subsidy, which provides 50 percent reimbursement of the worker's gross wages for the wage subsidy period. Wage subsidy benefits are subject to the following conditions:

(a) A wage subsidy may not exceed 66 workdays and must be completed within a 24 consecutive month period;

(b) A wage subsidy may not start or end with paid leave;

(c) If the worker has hourly restrictions, reimbursable paid leave must be limited up to the maximum number of hours of the worker's hourly restrictions. Paid leave exceeding the worker's hourly restrictions is not subject to reimbursement;

(d) Any day during which the worker exceeds his or her injury-caused limitations will not be reimbursed. If, however, an employer uses a time clock, a reasonable time not to exceed 30 minutes per day will be allowed for the worker to get to and from the time clock and the worksite without exceeding the worker's hourly restrictions.

(2) Worksite modification, which means altering a work site by renting, purchasing, modifying, or supplementing equipment to enable a worker to perform the transitional work within the worker's limitations that resulted in the worker's EAIP eligibility, or to prevent a worsening of the worker's conditions. Worksite modification assistance is subject to the following conditions:

(a) The insurer determines the appropriate worksite modification(s) for the worker;

(b) The insurer documents its reason(s) for approving the modification(s);

(c) The worksite modification(s) must be ordered during the Employer-at-Injury Program; and

(d) Worksite modification items become the employer's property upon the end of the Employer-at-Injury Program.

(3) Employer-at-Injury Program purchases, which are limited to:

(a) Tuition, books, fees, and materials required for a class or course of instruction to enhance an existing skill or develop a new skill when skills building is used as transitional work or when required to meet the requirements of the transitional work position. Maximum expenditure is \$1,000. Tuition, books, fees, and required materials will be provided under the following conditions:

(A) The insurer determines the instruction will help the worker enhance an existing skill or develop a new skill, and documents its decision; and

(B) Costs for tuition, books, fees, and required materials may be fully reimbursed if the worker began participation in the class or course while eligible for the Employer-at-Injury Program;

(b) Clothing required for the job, except clothing the employer normally provides. Clothing becomes the worker's property. Maximum expenditure is \$400.

(4) Employer-at-Injury Program purchases of tools and equipment, including consumables, must be required for the worker to perform transitional work. These purchases will be the employer's property.

(5) Worksite modification and purchases of tools and equipment are limited to a combined maximum reimbursement of \$5,000.

(6) All modifications and purchases made by the employer in good faith are reimbursable, even if the worker refuses to return to work, or if the worker agreed to take part in training and then later refused to attend training.

Stat. Auth.: ORS 656.622 & 656.726(4)

Stats. Implemented: ORS 656.622

Hist.: WCB 1-1973, f. 1-2-73, ef. 1-15-73; WCB 3-1973, f. 3-14-73, ef. 4-1-73; WCD 2-1977(Admin)(Temp), f. 9-29-77, ef. 10-4-77; WCD 2-1978(Admin), f. & ef. 2-1-78; WCD 7-1981(Admin), f. 12-30-81, ef. 1-1-82; Renumbered from 436-063-0015, 5-1-85; WCD 1-1987(Admin), f. 2-20-87, ef. 3-16-87; WCD 12-1987, f. 12-17-87, ef. 1-1-88; WCD 13-1990(Temp), f. 6-21-90, cert. ef. 7-1-90; WCD 32-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 1-1993, f. 1-21-93, cert. ef. 3-1-93, Renumbered from 436-110-0010, 436-110-0020, 436-110-0025, 436-110-0041, 436-110-0042 & 436-110-0045; WCD 15-1995(Temp), f. 10-9-95, cert. ef. 10-11-95; WCD 20-1995(Temp), f. 12-8-95, cert. ef. 1-1-96; WCD 10-1996, f. 3-12-96, cert. ef. 4-5-96; WCD 4-1997(Temp), f. 3-13-97, cert. ef. 3-17-97; WCD 11-1997, f. 8-28-97, cert. ef. 9-12-97, Renumbered from 436-110-0200; WCD 7-2001, f. 8-14-01, cert. ef. 10-1-0, Renumbered from 436-110-0510; WCD 5-2003, f. 5-16-03, cert. ef. 6-8-03; WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-105-0540

Employer-at-Injury Program Reimbursement Procedures

(1) Reimbursements may include wage subsidy, Employer-at-Injury Program purchases, and worksite modification.

(2) The insurer is entitled to a program administrative cost of \$120.00 for the first reimbursement request of an Employer-at-Injury Program. A subsequent request for reimbursement for the same Employer-at-Injury Program is not entitled to an additional program administrative cost.

(3) The insurer must receive all required documentation for reimbursement within one year from the end of the Employer-at-Injury Program in order to qualify for reimbursement. The insurer must date stamp each reimbursement request document with the receipt date.

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(4) The insurer must submit the request for reimbursement (Form 2360) to the division within one year and 30 days from the end of the Employer-at-Injury Program.

(5) The employer-at-injury reimbursement request must be a minimum of \$100. The associated administrative costs will also be eligible for reimbursement.

(6) Subsequent requests less than \$100 will be eligible for reimbursement. However, the requests will not be eligible for reimbursement of a subsequent administrative cost.

(7) If the original request was less than \$100, but the amended request is at least \$100, the request and the associated administrative costs will be eligible for reimbursement.

(8) When the division finds the insurer has submitted an Employer-at-Injury Program reimbursement request that is incomplete or contains an error, the division may return the form to the insurer for correction. The insurer has 60 days from the date the insurer receives the reimbursement request, or one year and 30 days from the end of Employer-at-Injury Program eligibility, whichever is greater, to make the corrections and return the corrected form to the division.

(9) The insurer may send an Employer-at-Injury Program reimbursement request to the division when a claim was initially denied and was subsequently accepted after the Employer-at-Injury Program eligibility ended and more than one year and 30 days have passed. In that case, the insurer must send a completed Employer-at-Injury Program reimbursement request to the division within 60 days of the first order or stipulation and order accepting the claim. A copy of the order accepting the claim, or stipulation and order accepting the claim must be attached.

(10) The insurer may request reimbursement for a qualifying Employer-at-Injury Program that took place prior to claim denial even if the claim is denied at the time the reimbursement request is sent to the division.

(11) Amended reimbursement requests must be sent to the division within one year and 30 days from the end of the Employer-at-Injury Program eligibility except as provided in section (6) of this rule. The insurer may not request additional administrative cost reimbursement for filing an amended reimbursement request.

(12) An amended reimbursement request must clearly state that it is an amendment and cite the corrected information.

(13) The insurer will not use Employer-at-Injury Program costs subject to reimbursement for rate making, individual employer rating, dividend calculations, or in any manner that would affect the employer's insurance premiums or premium assessments with the present or a future insurer. The insurer must be able to document that Employer-at-Injury Program costs do not affect the employer's rates or dividend.

(14) If a preferred worker employed by an eligible employer with active premium exemption incurs a new injury, the claim is subject to claim cost reimbursement under OAR 436-110. If the worker subsequently enters an Employer-at-Injury Program, program costs are to be separated from claim costs and will not be reimbursed as claim costs.

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

Stat. Auth.: ORS 656.622 & 656.726(4)

Stats. Implemented: ORS 656.622

Hist.: WCD 1-1987(Admin), f. 2-20-87, ef. 3-16-87; WCD 12-1987, f. 12-17-87, ef. 1-1-88; WCD 13-1990(Temp), f. 6-21-90, cert. ef. 7-1-90; WCD 32-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 1-1993, f. 1-21-93, cert. ef. 3-1-93; Renumbered from 436-110-0090; WCD 20-1995(Temp), f. 12-8-95, cert. ef. 1-1-96; WCD 10-1996, f. 3-12-96, cert. ef. 4-5-96; WCD 11-1997, f. 8-28-97, cert. ef. 9-12-97; Renumbered from 436-110-0360; WCD 7-2001, f. 8-14-01, cert. ef. 10-1-01; Renumbered from 436-110-0540; WCD 4-2004(Temp), f. 3-22-04, cert. ef. 4-1-04 thru 9-27-04; WCD 8-2004, f. 7-15-04, cert. ef. 8-1-04; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-110-0003

Applicability of Rules

(1) These rules apply to all requests for Preferred Worker Program reemployment assistance received by the division on or after the effective date of these rules.

(2) The director may waive procedural rules as justice requires, unless otherwise obligated by statute.

Stat. Auth.: ORS 656.622 & 656.726(4)

Stats. Implemented: ORS 656.622

Hist.: WCB 1-1973, f. 1-2-73, ef. 1-15-73; WCB 3-1973, f. 3-14-73, ef. 4-1-73; WCD 2-1977(Admin)(Temp), f. 9-29-77, ef. 10-4-77; WCD 2-1978(Admin), f. & ef. 2-1-78; WCD 7-1981(Admin), f. 12-30-81, ef. 1-1-82; Renumbered from 436-063-0005, 5-1-85; WCD 1-1987(Admin), f. 2-20-87, ef. 3-16-87; WCD 12-1987, f. 12-17-87, ef. 1-1-88; WCD 13-1990(Temp), f. 6-21-90, cert. ef. 7-1-90; WCD 32-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 1-1993, f. 1-21-93, cert. ef. 3-1-93; WCD 10-1996, f. 3-12-96, cert. ef. 4-5-96; WCD 11-1997, f. 8-28-97, cert. ef. 9-12-97; WCD 7-2001, f. 8-14-01, cert. ef. 10-1-01; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-110-0005

Definitions

For the purpose of these rules, unless the context requires otherwise:

(1) "Administrator" means the Administrator of the Workers' Compensation Division, or the administrator's delegate for the matter.

(2) "Client" means a person to whom workers are provided under contract and for a fee on a temporary or leased basis.

(3) "Date of eligibility" means the date the division determines a worker is a preferred worker.

(4) "Date of hire" means the date the worker starts work as a preferred worker.

(5) "Director" means the Director of the Department of Consumer and Business Services, or the director's delegate for the matter.

(6) "Disability" means permanent physical or mental restriction(s) or limitation(s) caused by an accepted disabling Oregon workers' compensation claim that limits the worker from performing one or more of the worker's regular job duties.

(7) "Division" means the Workers' Compensation Division of the Department of Consumer and Business Services.

(8) "Division approval" means a preferred worker agreement signed by an authorized division representative.

(9) "Employer at injury" means the organization in whose employ the worker sustained the injury or occupational disease.

(10) "Exceptional disability" means a disability equal to or greater than the complete loss, or loss of use, of both legs. Exceptional disability also includes brain injury that results in impairment equal to or greater than a Class III as defined in OAR 436-035. The division will determine whether a worker has an exceptional disability based upon the combined effects of all of the worker's Oregon compensable injuries resulting in permanent disability.

(11) "Fund" means the Workers' Benefit Fund.

(12) "Insurer" means the insurance company or self-insured employer responsible for the workers' compensation claim.

(13) "Premium" means the monies paid to an insurer for the purpose of purchasing workers' compensation insurance.

(14) "Regular employment" means the job the worker held at the time of the injury, claim for aggravation, or own motion opening.

(15) "Reimbursable wages" means the worker's gross wages for the wage subsidy period.

(16) "Worksite" means a primary work area that is in Oregon, already constructed and available for a worker to use to perform the required job duties. The worksite may be the employer's, worker's, or worker leasing company's premises, property, and equipment used to conduct business under the employer's or client's direction and control. A worksite may include a worker's personal property or vehicle if required to perform the job. If the "worksite" is mobile, it must be available in Oregon for inspection and modification.

Stat. Auth.: ORS 656.622 & 656.726(4)

Stats. Implemented: ORS 656.622

Hist.: WCB 1-1973, f. 1-2-73, ef. 1-15-73; WCB 3-1973, f. 3-14-73, ef. 4-1-73; WCD 2-1977(Admin)(Temp), f. 9-29-77, ef. 10-4-77; WCD 2-1978(Admin), f. & ef. 2-1-78; WCD 7-1981(Admin), f. 12-30-81, ef. 1-1-82; Renumbered from 436-063-0010, 5-1-85; WCD 1-1987(Admin), f. 2-20-87, ef. 3-16-87; WCD 12-1987, f. 12-17-87, ef. 1-1-88; WCD 13-1990(Temp), f. 6-21-90, cert. ef. 7-1-90; WCD 32-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 1-1993, f. 1-21-93, cert. ef. 3-1-93; WCD 20-1995(Temp), f. 12-8-95, cert. ef. 1-1-96; WCD 10-1996, f. 3-12-96, cert. ef. 4-5-96; WCD 11-1997, f. 8-28-97, cert. ef. 9-12-97; WCD 7-2001, f. 8-14-01, cert. ef. 10-1-01; WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 4-2010, f. 9-15-10, cert. ef. 10-12-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-110-0240

Insurer Participation in the Preferred Worker Program

(1) The insurer of the employer at injury must be an active participant in providing reemployment assistance. Participation includes issuing notices of the assistance available from the preferred worker program.

(2) The insurer must notify the worker and employer at injury in writing of the reemployment assistance available from the fund. A notice must be issued:

(a) Within 5 days of a worker's release for work after the worker has been declared medically stationary by the attending physician;

(b) Upon determination of eligibility or ineligibility of the worker for vocational assistance under OAR 436-120; and

(c) Upon approval of a claim disposition agreement.

(3) Pursuant to section (2) of this rule, the notice to the worker must appear in bold type and contain the following language:

The preferred worker program helps Oregon's injured workers get back to work. To find out whether you qualify, contact the preferred worker program at one of the telephone numbers, fax numbers, mailing addresses, or e-mail address listed below.

For the Salem office call: 503-947-7588, 1-800-445-3948, or FAX 503-947-7581.

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For the Medford office call: 541-776-6032, 1-800-696-7161, or FAX 541-776-6022.

Or write the preferred worker program at: 350 Winter St NE, P.O. Box 14480, Salem, Oregon 97309-0405. Or write to the preferred worker program at: pwp.oregon@state.or.us

(4) Under section (2) of this rule, the notice to the employer must appear in bold type and contain the following language:

As the employer of an injured worker, you may be eligible for valuable preferred worker program incentives if the worker cannot return to regular work and has permanent limitations caused by the injury.

If the worker's preferred worker program eligibility has not been determined, you may contact the Workers' Compensation Division for an eligibility review.

To be eligible for exemption from paying workers' compensation premiums for this worker for three years, you must:

- Bring back your preferred worker to a new or modified job; and
 - Notify us within 90 days of the date the worker is determined eligible or within 90 days of the date you bring the worker back to work, whichever is later.
- To request all other preferred worker program benefits, you must contact the Workers' Compensation Division within 180 days of the worker's claim closure date.

To find out more about the preferred worker program, contact the program at one of the telephone numbers, fax numbers, or addresses listed below.

For the Salem office call: 503-947-7588, 1-800-445-3948, or FAX 503-947-7581. For the Medford office call: 541-776-6032, 1-800-696-7161, or FAX 541-776-6022.

Or write the preferred worker program at: 350 Winter St NE, P.O. Box 14480, Salem, Oregon 97309-0405. Or write to the preferred worker program at: pwp.oregon@state.or.us

(5) The insurer must provide the division with preferred worker information in the form and format the director prescribes in OAR 436-030, upon the following:

(a) Claim closure according to ORS 656.268;

(b) Within 30 calendar days from the insurer's receipt of the earliest opinion and order of an administrative law judge, order on reconsideration, order on review by the board, decision of the Court of Appeals, or stipulation that grants initial permanent disability after the latest opening of the worker's claim; and

(c) Approval of a claim disposition agreement according to ORS 656.236 and documented medical evidence indicates permanent disability exists as a result of the injury or disease, and the worker is unable to return to regular employment.

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

Stat. Auth.: ORS 656.340, 656.622 & 656.726(4)

Stats. Implemented: ORS 656.340(1), (2), (3), 656.622 & 656.726(4)

Hist.: WCD 32-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 1-1993, f. 1-21-93, cert. ef. 3-1-93, Renumbered from 436-110-0017; WCD 10-1996, f. 3-12-96, cert. ef. 4-5-96; WCD 11-1997, f. 8-28-97, cert. ef. 9-12-97; WCD 7-2001, f. 8-14-01, cert. ef. 10-1-01; WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 1-2010(Temp), f. & cert. ef. 4-15-10 thru 10-11-10; WCD 4-2010, f. 9-15-10, cert. ef. 10-12-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-110-0325

Premium Exemption General Provisions

(1) The purpose of premium exemption is to provide an incentive to employers to hire preferred workers.

(2) Premium exemption releases an employer from paying workers' compensation insurance premiums and premium assessments on a preferred worker for three years from the date premium exemption started. While using premium exemption, the employer does not report, and the insurer cannot use, the preferred worker's payroll for the calculation of insurance premiums or premium assessments. However, the employer must report and pay workers' compensation employer assessments and withhold employee contributions as required by OAR 436-070. The employer must start paying insurance premiums and premium assessments when premium exemption ends.

(3) Premium exemption cannot be used for regular employment unless the job is modified to accommodate the worker's injury-caused limitations.

(4) To qualify for premium exemption the employer at injury or aggravation must bring back its preferred worker to a new or modified job and notify its insurer within 90 days from the date of eligibility or the date of hire, whichever is later. Premium exemption starts on the date of hire or the date of eligibility, whichever is later.

(5) If a worker's preferred worker eligibility has not been determined as of the date of hire, the worker or the employer at injury or aggravation may request a preferred worker eligibility review. If the worker is eligible, the Workers' Compensation Division will issue a Preferred Worker Identification Card to the worker. The employer must notify its insurer of the worker's preferred worker status within 90 days of the eligibility date on the preferred worker identification card. Premium exemption starts on the date of hire or the date of eligibility, whichever is later.

(6) If the employer is not the employer-at-injury or aggravation, the worker discloses preferred worker status to that employer, and the employ-

er notifies the insurer within 90 days from the date of hire that they have hired a preferred worker, premium exemption starts on the date of hire.

(7) If a worker covered under premium exemption incurs a compensable injury or occupational disease during the premium exemption period, the employer must notify its insurer of the injury and the worker's preferred worker status. The claim costs for the injury are reimbursed under OAR 436-110-0330.

(8) If a business changes its name, is sold, merged, or otherwise changes its ownership during a premium exemption period, the premium exemption period is three years from the date the exemption was initiated by the original business. There will not be an additional three-year premium exemption period allowed due to the change(s) in the business.

(9) If an employer changes the job duties of a preferred worker during the premium exemption period, there is no change in the three year premium exemption period. There will not be an additional three-year premium exemption period allowed due to changes in the preferred worker's job duties with the same employer.

Stat. Auth.: ORS 656.726(4) & 656.622

Stats. Implemented: ORS 656.622

Hist.: WCB 1-1973, f. 1-2-73, ef. 1-15-73; WCB 3-1973, f. 3-14-73, ef. 4-1-73; WCD 2-1977(Admin)(Temp), f. 9-29-77, ef. 10-4-77; WCD 2-1978 (Admin), f. & ef. 2-1-78; WCD 7-1981(Admin), f. 12-30-81, ef. 1-1-82; Renumbered from 436-063-0015 & 436-063-0045, 5-1-85; WCD 1-1987(Admin), f. 2-20-87, ef. 3-16-87; WCD 12-1987, f. 12-17-87, ef. 1-1-88; WCD 13-1990(Temp), f. 6-21-90, cert. ef. 7-1-90; WCD 32-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 1-1993, f. 1-21-93, cert. ef. 3-1-93, Renumbered from 436-110-0010, 436-110-0020, 436-110-0025, 436-110-0031, 436-110-0032, 436-110-0035, 436-110-0037, 436-110-0041, 436-110-0042, 436-110-0045, 436-110-0047, 436-110-0051, 436-110-0052 & 436-110-0060; WCD 15-1995(Temp), f. 10-9-95, cert. ef. 10-11-95; WCD 20-1995(Temp), f. 12-8-95, cert. ef. 1-1-96; WCD 10-1996, f. 3-12-96, cert. ef. 4-5-96; WCD 4-1997(Temp), f. 3-13-97, cert. ef. 3-17-97; WCD 11-1997, f. 8-28-97, cert. ef. 9-12-97, Renumbered from 436-110-0200 & 436-110-0400; WCD 7-2001, f. 8-14-01, cert. ef. 10-1-01, Renumbered from 436-110-0300 & 436-110-0340; WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 4-2010, f. 9-15-10, cert. ef. 10-12-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-110-0336

Wage Subsidy — Employer at Injury Activated

Wage subsidy may be activated by the employer at injury as follows:

(1) The job must be within the worker's injury-caused restrictions. If a worksite modification is necessary to meet this requirement, wage subsidy will be deferred until:

(a) The worksite modification is complete, or

(b) The employer accommodates the worker's injury-caused restrictions while waiting for the worksite modification to be complete.

(2) The employer must complete and sign a wage subsidy agreement, and send it to the division in the timeframes allowed in OAR 436-110-0290.

(3) The completed and signed job offer must accompany the request as required in OAR 436-110-0290(4), unless it was already submitted with another request.

(4) The employer at injury may use wage subsidy once during an eligibility period.

Stat. Auth.: ORS 656.726(4) & 656.622

Stats. Implemented: ORS 656.622

Hist.: WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 1-2010(Temp), f. & cert. ef. 4-15-10 thru 10-11-10; WCD 4-2010, f. 9-15-10, cert. ef. 10-12-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-110-0347

Employment Purchases — Worker Activated

Conditions for use of employment purchases by a worker are as follows:

(1) Except for moving expenses, placement assistance, and miscellaneous purchases needed to find a job, the worker and employer must submit a completed employment purchase agreement listing item(s) that are required of the worker to obtain or perform the job.

(2) If employment purchases are to be used with a non-subject employer in Oregon, Premium Exemption is not activated.

(3) Except as otherwise provided in these rules, a preferred worker may use each employment purchase category twice, once each for two different jobs. The number of allowable uses will be restored if there is a subsequent claim closure, and the worker is unable to return to regular employment.

(4) A preferred worker may request employment purchases as follows:

(a) The worker must contact the division directly for assistance in receiving employment purchases. The worker may make the request prior to employment, but not more than three years after the date of hire.

(b) The employment purchase agreement form must be completed and signed by the worker and employer and submitted to the division. If the

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request is for moving expenses, placement assistance, or the miscellaneous category, only the worker's signature is required.

Stat. Auth.: ORS 656.726(4) & 656.622

Stats. Implemented: ORS 656.622

Hist.: WCD 4-2005, f. 5-26-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0001

Authority for Rules

The director has adopted OAR 436-120 by the director's authority under ORS 656.340 and 656.726(4).

Stat. Auth.: ORS 656.340(9) & 656.726(4)

Stats. Implemented: ORS 656.262(6), 656.268, 656.283(2), 656.313, 656.331(1)(b), 656.340, 656.447, 656.740, 656.745, 183 & Sec. 15, Ch. 600, OL 1985

Hist.: WCB 6-1973, f. 12-20-73, ef. 1-11-74; WCB 45-1974(Temp), f. & ef. 11-5-74; WCD 4-1975(Admin), f. 2-6-75, ef. 2-25-75; WCB 1-1976, f. 3-29-76, ef. 4-1-76; WCD 3-1977(Admin)(Temp), f. 9-29-77, ef. 10-4-77; WCD 1-1978(Admin), f. & ef. 2-1-78; WCD 6-1980(Admin), f. 5-22-80, ef. 6-1-80; WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; Renumbered from 436-061-0003, 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0002

Purpose of Rules

The purpose of these rules is to prescribe uniform standards for determining eligibility, delivery and payment for vocational services to injured workers, procedures for resolving disputes, and to establish standards for the certification of vocational counselors and providers.

Stat. Auth.: ORS 656.340(9) & 656.726(4)

Stats. Implemented: ORS 656.012(2)(c), 656.258, 656.268(1), 656.283, 656.340 & Sec. 15, Ch. 600, OL 1985

Hist.: WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; Renumbered from 436-061-0008, 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0003

Applicability of Rules

(1) These rules govern vocational assistance under the workers' compensation law on or after the effective date of these rules except as OAR 436-120 otherwise provides.

(2) The director's decisions under OAR 436-120-0008 regarding eligibility will be based on the rules in effect on the date the insurer issued the notice. The director's decisions regarding the nature and extent of assistance will be based on the rules in effect at the time the assistance was provided. If the director orders future assistance, such assistance must be provided in accordance with the rules in effect at the time assistance is provided.

(3) Under these rules a claim for aggravation or reopening a claim to process a newly accepted condition will be considered a new claim for purposes of vocational assistance eligibility and vocational assistance, except as otherwise provided in these rules.

(4) Under ORS 656.206, when a worker receiving permanent total disability incurs a new compensable injury, the worker is not entitled to vocational assistance.

(5) The requirement for the director's advance approval of services eligible for claims cost reimbursement pursuant to OAR 436-120-0720(7) will apply to any actions taken after the effective date of these rules.

(6) The director may waive procedural rules as justice requires, unless otherwise obligated by statute.

(7) Timeliness of any document required by these rules to be filed or submitted to the division is determined as follows:

(a) If a document is mailed, it will be considered filed on the date it is postmarked.

(b) If a document is faxed or e-mailed, it must be received by the division by 11:59 p.m. Pacific time to be considered filed on that date.

(c) If a document is delivered, it must be delivered during regular business hours to be considered filed on that date.

(8) Time periods allowed for a filing or submission to the division are calculated in calendar days. The first day is not included. The last day is included unless it is a Saturday, Sunday, or legal holiday. In that case, the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday. Legal holidays are those listed in ORS 187.010 and 187.020.

Stat. Auth.: ORS 656.340(9) & 656.726(4)

Stats. Implemented: ORS 656.283(2) & 656.340

Hist.: WCB 1-1976, f. 3-29-76, ef. 4-1-76; WCD 3-1977(Admin)(Temp), f. 9-29-77, ef. 10-4-77; WCD 1-1978(Admin), f. & ef. 2-1-78; WCD 6-1980(Admin), f. 5-22-80, ef. 6-1-80; WCD 4-1981(Admin), f. 12-4-81, ef. 1-1-82; WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; Renumbered from 436-061-0004, 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86;

WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04, cert. ef. 4-1-04; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0005

Definitions

Except where the context requires otherwise, the construction of these rules is governed by the definitions given in the workers' compensation law and as follows:

(1) "Administrative approval" means approval of the director.

(2) "Authorized return to work plan" means a completed return-to-work plan form (Form 1081 for training or Form 1083 for direct employment), signed by the worker, the insurer, and the vocational counselor who developed the plan.

(3) "Cost-of-living matrix" is a chart issued annually by the director in Bulletin 124 that publishes the conversion factors, effective July 1 of each year, used to adjust for changes in the cost-of-living rate from the date of injury to the date of calculation. The conversion factor is based on the annual percentage increase or decrease in the average weekly wage, as defined in ORS 656.211.

(4) "Delivered" means physical delivery to the Workers' Compensation Division during regular business hours.

(5) "Director" means the director of the Department of Consumer and Business Services, or the director's delegate for the matter.

(6) "Division" refers to the Workers' Compensation Division of the Department of Consumer and Business Services.

(7) "Employer at injury" means an employer in whose employ the worker sustained the compensable injury or occupational disease.

(8) "Filed" means mailed, faxed, e-mailed, delivered, or otherwise submitted to the division in a method allowable under these rules.

(9) "Insurer" means the State Accident Insurance Fund, an insurer authorized under ORS chapter 731 to transact workers' compensation insurance in Oregon, or a self-insured employer. A vocational assistance provider acting as the insurer's delegate may provide notices and warnings required by OAR 436-120.

(10) "Likely eligible" means the worker will be unable to return to regular or other suitable work with the employer-at-injury or aggravation or is unable to perform all of the duties of the regular or suitable work and it is reasonable to believe that the barriers are caused by the accepted conditions.

(11) "Mailed" means postmarked to the last known address.

(12) "Permanent employment" is a job with no projected end date or a job that had no projected end date at time of hire. Permanent employment may be year-round or seasonal.

(13) "Physical demand characteristics of work" strength rating: The physical demands strength rating reflects the estimated overall strength requirements of the job, which are considered to be important for average, successful work performance. The following definitions are used: "occasionally" is an activity or condition that exists up to 1/3 of the time; "frequently" is an activity or condition that exists from 1/3 to 2/3 of the time; "constantly" is an activity or condition that exists 2/3 or more of the time.

(a) Sedentary work (S): Exerting up to 10 pounds of force occasionally or a negligible amount of force frequently to lift, carry, push, pull, or otherwise move objects, including the human body. Sedentary work involves sitting most of the time, but may involve walking or standing for brief periods of time. Jobs are sedentary if walking and standing are required only occasionally and all other sedentary criteria are met.

(b) Light work (L): Exerting up to 20 pounds of force occasionally, or up to 10 pounds of force frequently, or a negligible amount of force constantly to move objects. Physical demand requirements are in excess of those for sedentary work. Even though the weight lifted may be only a negligible amount, a job should be rated light work: (1) when it requires walking or standing to a significant degree; (2) when it requires sitting most of the time but entails pushing or pulling of arm or leg controls; or (3) when the job requires working at a production rate pace entailing the constant pushing or pulling of materials even though the weight of those materials is negligible.

NOTE: The constant stress and strain of maintaining a production rate pace, especially in an industrial setting, can be and is physically demanding of a worker even though the amount of force exerted is negligible.

(c) Medium work (M): Exerting 20 to 50 pounds of force occasionally, or 10 to 25 pounds of force frequently, or greater than negligible up to 10 pounds of force constantly to move objects. Physical demand requirements are in excess of those for light work.

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(d) Heavy work (H): Exerting 50 to 100 pounds of force occasionally, or 25 to 50 pounds of force frequently, or 10 to 20 pounds of force constantly to move objects. Physical demand requirements are in excess of those for medium work.

(e) Very heavy (VH): Exerting in excess of 100 pounds of force occasionally, or in excess of 50 pounds of force frequently, or in excess of 20 pounds of force constantly to move objects. Physical demand requirements are in excess of those for heavy work.

(14) "Reasonable cause" may include, but is not limited to, a medically documented limitation in a worker's activities due to illness or medical condition of the worker or the worker's family, financial hardship, incarceration for less than six months, or circumstances beyond the reasonable control of the worker. "Reasonable cause" for failure to provide information or participate in activities related to vocational assistance will be determined based upon individual circumstances of the case.

(15) "Reasonable labor market": An occupation can be said to have reasonable employment opportunities if competitively qualified workers can expect to find equivalent jobs in the occupation within a reasonable period of time. A reasonable period of time, for workers in the majority of occupations, would be the six months that they could collect regular unemployment insurance benefits, if they were entitled to them.

(16) "Regular employment" means the employment the worker held at the time of the injury or at the time of the claim for aggravation, whichever gave rise to the potential eligibility for vocational assistance; or, for a worker not employed at the time of aggravation, the employment the worker held on the last day of work prior to the aggravation claim. If the basis for potential eligibility is a reopening to process a newly accepted condition, "regular employment" is the employment the worker held at the time of the injury; when the condition arose after claim closure, "regular employment" is determined as if it were an aggravation claim.

(17) "Substantial handicap to employment," as determined under OAR 436-120-0340, means the worker, because of the injury or aggravation, lacks the necessary physical capacities, knowledge, skills and abilities to be employed in suitable employment. "Knowledge," "skills," and "abilities" have meanings as follows:

(a) "Knowledge" means an organized body of factual or procedural information derived from the worker's education, training, and experience.

(b) "Skills" means the demonstrated mental and physical proficiency to apply knowledge.

(c) "Abilities" means the cognitive, psychological, and physical capability to apply the worker's knowledge and skills.

(18) "Suitable employment" or "suitable job" means employment or a job:

(a) For which the worker has the necessary physical capacities, knowledge, skills and abilities;

(b) Located where the worker customarily worked, or within reasonable commuting distance of the worker's residence. A reasonable commuting distance is no more than 50 miles one-way modified by other factors including, but not limited to:

(A) Wage of the job. A low wage may justify a shorter commute;

(B) The pre-injury commute;

(C) The worker's physical capacities, if they restrict the worker's ability to sit or drive for 50 miles;

(D) Commuting practices of other workers who live in the same geographic area; and

(E) The distance from the worker's residence to the nearest cities or towns that offer employment opportunities;

(c) That pays or would average on a year-round basis a suitable wage as defined in section (19) of this rule;

(d) That is permanent. Temporary work is suitable if the worker's job at injury was temporary; and the worker has transferable skills to earn, on a year-round basis, a suitable wage as defined in section (19) of this rule;

(e) For which a reasonable labor market as described under OAR 436-120-0340 is documented to exist; and

(f) That is modified or new employment resulting from an employer at injury activated use of the Preferred Worker Program, under OAR 436-110:

(A) Nine months from the effective date of the premium exemption if there are no worksite modifications, or

(B) Twelve months from the date the department determines the worksite modification is complete, or

(C) If the worker is terminated for cause, or

(D) If the worker voluntarily resigns for a reason unrelated to the work injury.

(19) "Suitable wage" means:

(a) For the purpose of determining eligibility for vocational assistance, a wage at least 80 percent of the adjusted weekly wage as defined in OAR 436-120-0007.

(b) For the purpose of providing or ending vocational assistance, a wage as close as possible to 100 percent of the adjusted weekly wage. This wage may be considered suitable if less than 80 percent of the adjusted weekly wage, if the wage is as close as possible to the adjusted weekly wage.

(20) "Training" means a vocational rehabilitation service provided to a worker who is enrolled and actively engaged in an approved "Return-to-Work Plan; Training" as documented on Form 1081.

(21) "Transferable skills" means the knowledge and skills demonstrated in past training or employment that make a worker employable in suitable new employment. More general characteristics such as aptitudes or interests do not, by themselves, constitute transferable skills.

(22) "Vocational assistance" means any of the services, goods, allowances, and temporary disability compensation under these rules to assist an eligible worker return to work. This does not include activities for determining a worker's eligibility for vocational assistance.

(23) "Vocational assistance provider" means an insurer or other public or private organization, registered under these rules to provide vocational assistance to injured workers.

Stat. Auth.: ORS 656.340(9) & 656.726(4)

Stats. Implemented: ORS 656.340

Hist.: WCB 7-1966, f. & ef. 6-30-66; WCB 6-1973, f. 12-20-73, ef. 1-11-74; WCB 45-1974(Temp), f. & ef. 11-5-74; WCD 4-1975(Admin), f. 2-6-75, ef. 2-25-75; WCB 1-1976, f. 3-29-76, ef. 4-1-76; WCD 3-1977(Admin)(Temp), f. 9-29-77, ef. 10-4-77; WCD 1-1978(Admin), f. & ef. 2-1-78; WCD 6-1980(Admin), f. 5-22-80, ef. 6-1-80; WCD 4-1981(Admin), f. 12-4-81, ef. 1-1-82; WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; Renumbered from 436-061-0005, 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 23-1996, f. 12-13-96, cert. ef. 2-1-97; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 14-2001(Temp), f. 12-17-01, cert. ef. 1-2-02 thru 6-30-02; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0006

Administration of Rules

(1) At any time, the director may order the insurer to determine eligibility or provide specified vocational assistance to achieve compliance with ORS chapter 656 and these rules. The order may be appealed as provided by statute.

(2) Orders issued by the division in carrying out the director's authority to administer and to enforce ORS chapter 656 and these rules are considered orders of the director.

Stat. Auth.: ORS 656.340(9), 656.726(4)

Stat. Impemented: ORS 656.313, 636.340

Hist.: WCB 6-1973, f. 12-20-73, ef. 1-11-74; WCB 45-1974(Temp), f. & ef. 11-5-74; WCD 4-1975(Admin), f. 2-6-75, ef. 2-25-75; WCB 1-1976, f. 3-29-76, ef. 4-1-76; WCD 3-1977(Admin)(Temp), f. 9-29-77, ef. 10-4-77; WCD 1-1978(Admin), f. & ef. 2-1-78; WCD 6-1980(Admin), f. 5-22-80, ef. 6-1-80; WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; Renumbered from 436-061-0003, 5-1-85; Renumbered from 436-061-0191, 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; Renumbered from 436-120-0001 & 436-120-0210; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0007

Establishing the Adjusted Weekly Wage to Determine Suitable Wage

To determine a suitable wage as defined in OAR 436-120-0005 the insurer must first establish the adjusted weekly wage as described in this rule. The insurer must calculate the "adjusted weekly wage" whenever determining or redetermining a worker's eligibility.

(1) For the purposes of this rule, the following definitions apply:

(a) "Adjusted weekly wage" is the wage currently paid as calculated under this rule.

(b) "Cost-of-living adjustments" or "collective bargaining adjustments" are increases or decreases in the wages of all workers performing the same or similar jobs for a specific employer. These adjustments are not variations in wages based on skills, merit, seniority, length of employment, or number of hours worked.

(c) "Earned income" means gross wages, salary, tips, commissions, incentive pay, bonuses, and the reasonable value of other consideration (housing, utilities, food, etc.) received from all employers for services performed from all jobs held at the time of injury or aggravation. Earned income also means gross earnings from self-employment after deductions of business expenses excluding depreciation. Earned income does not include fringe benefits such as medical, life or disability insurance, employ-

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er contributions to pension plans, or reimbursement of the worker's employment expenses such as mileage or equipment rental.

(d) "Job at aggravation" means the job or jobs the worker held on the date of the aggravation claim; or, for a worker not employed at time of aggravation, the last job or concurrent jobs held prior to the aggravation. Volunteer work does not constitute a job for purposes of this subsection.

(e) "Job at injury" is the job on which the worker originally sustained the compensable injury. For an occupational disease, the job at injury is the job the worker held at the time there is medical verification that the worker is unable to work because of the disability caused by the occupational disease.

(f) "Permanent, year-round employment" is permanent employment in which the worker worked or was scheduled or projected to work in 48 or more calendar weeks a year. Paid leave is counted as work time. Permanent year-round employment includes trial service. It does not include employment with an annual salary set by contract or self-employment.

(g) "Temporary disability" means wage loss replacement for the job at injury.

(h) "Trial service" is employment designed to lead automatically to permanent, year-round employment subject only to the employee's satisfactory performance during the trial service period.

(2) The insurer must determine the nature of the job at injury or the job or jobs at aggravation by contacting the employer or employers to verify the worker's employment status. All figures used in determining a weekly wage by this method must be supported by verifiable documentation such as the worker's state or federal tax returns, payroll records, or reports of earnings or unemployment insurance payments from the Employment Department. The insurer must calculate the worker's adjusted weekly wage as described by this rule.

(3) When the job at injury or the job at aggravation was temporary or seasonal, calculate the worker's average weekly wage as follows, then convert to the adjusted weekly wage as described in section (6) of this rule:

(a) When the worker's regular employment is the job at injury and the worker did not hold more than one job at the time of injury, and did not receive unemployment insurance benefits during the 52 weeks prior to the injury, the worker's average weekly wage is the same as the wage upon which temporary disability is based.

(b) When the worker's regular employment is the job at aggravation and the worker did not hold more than one job at the time of aggravation, and did not receive unemployment insurance benefits during the 52 weeks prior to the aggravation, the worker's average weekly wage is calculated using the same methods used to calculate temporary disability as described in OAR 436-060-0025.

(c) If the worker held more than one job at the time of the injury or aggravation, and did not receive unemployment insurance payments during the 52 weeks prior to the date of the injury or aggravation, divide the worker's earned income by the number of weeks the worker worked during the 52 weeks prior to the date of injury or aggravation.

(d) If the worker held one or more jobs at the time of the injury or aggravation, and received unemployment insurance payments during the 52 weeks prior to the date of the injury or aggravation, combine the earned income with the unemployment insurance payments and divide the total by the number of weeks the worker worked and received unemployment insurance payments during the 52 weeks prior to the date of the injury or aggravation.

(4) When the job at injury was other than as described in section (3) of this rule, use the weekly wage upon which temporary disability was based, and then convert the weekly wage to the adjusted weekly wage as described in section (6) of this rule.

(5) When the job at aggravation was other than as described in section (3) of this rule, the worker's average weekly wage is calculated using the same methods used to calculate temporary disability as described in OAR 436-060-0025, and then converting to the adjusted weekly wage as described in section (6) of this rule.

(6) Adjusted weekly wage: After arriving at the weekly wage under this rule, establish the adjusted weekly wage by determining the percentage increase or decrease from the date of injury or aggravation, or last day worked prior to aggravation, to the date of calculation, as follows:

(a) Contact the employer at injury regarding any cost-of-living or collective bargaining adjustments for workers performing the same job. Adjust the worker's weekly wage by any percentage increase or decrease;

(b) If the employer at injury is no longer in business and the worker's job was covered by a union contract, contact the applicable union for any cost-of-living or collective bargaining adjustments. Adjust the worker's weekly wage by the percentage increase or decrease;

(c) If the employer at injury is no longer in business or does not currently employ workers in the same job category, adjust the worker's weekly wage by the appropriate factor from the cost-of-living matrix; or

(d) If the worker's regular employment was the employment the worker held at the time of aggravation, adjust the worker's weekly wage by the appropriate factor from the cost-of-living matrix.

Stat. Auth.: ORS 656.340(9) & 656.726(4)

Stats. Implemented: ORS 656.340(5) & (6)

Hist.: WCD 11-1987, f. 12-17-87, ef. 1-1-88, 436-120-0030 Renumbered to 436-120-0075; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95, Renumbered from 436-120-0025; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; Renumbered from 436-120-0310, WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 14-2001(Temp), f. 12-17-01, cert. ef. 1-2-02 thru 6-30-02; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0012

General Requirements For Notices and Warnings

(1) All notices and warnings to the worker issued under OAR 436-120 must:

(a) Be in writing, signed, and dated.

(b) State the basis for the decision.

(c) Include the effective date of each action in the heading.

(d) Cite the relevant rule(s).

(e) Include the worker's appeal rights. All notices and warnings except those notifying a worker of entitlement to training or deferral of vocational assistance eligibility must contain the worker's appeal rights in bold type, as follows:

"If you disagree with this decision, you should contact (insert the person's name and the insurer name) within five days of receiving this letter to discuss your concerns. If you are still dissatisfied, you must contact the Workers' Compensation Division within 60 days of receiving this letter or you will lose your right to appeal this decision. A consultant with the division can talk with you about the disagreement and, if necessary, will review your appeal. The address and telephone number of the division are: Employment Services Team, Workers' Compensation Division, P.O. Box 14480, Salem, Oregon 97309-0405; 503-947-7816 or 1-800-452-0288 ext. 1719."

(f) Include the telephone number of the Ombudsman for Injured Workers: 1-800-927-1271; and

(g) Be mailed to the worker by both regular and certified mail.

(2) All copies of notices must be mailed to the worker's legal representative. Failure to send a copy to the worker's legal representative stays the appeal period until the worker's legal representative receives a copy of the notice.

(3) Unless otherwise indicated under OAR 436-120-0017, copies of all notices must be mailed to the division a the same time they are mailed to the worker.

Stat. Auth.: ORS 656.340(9), 656.726(4)

Stats. Implemented: ORS 656.340

Hist.: WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00, Renumbered from 436-120-0600, 436-120-0610 & 436-120-0620 [WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; Renumbered from 436-120-0004, WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0016

Warning Letters

(1) A warning letter can be issued at any time during the vocational eligibility evaluation or vocational assistance process.

(2) Warning letters do not require specific language in the headings but must include a heading clearly indicating the purpose of the warning.

(3) A warning letter must state what the worker must do, and by when, to avoid ineligibility or the ending of eligibility or training.

(4) A warning letter must include the worker's appeal rights under OAR 436-120-0012(1)(e).

Stat. Auth.: ORS 656.340(9), 656.726(4)

Stats. Implemented: ORS 656.340

Hist.: WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00, Renumbered from 436-120-0600, 436-120-0610 & 436-120-0620 [WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; Renumbered from 436-120-0004, WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0017

Types of Notices

When the insurer takes any of the actions listed below, it must issue the corresponding notices, using the headings listed in this rule. If a notice is used for more than one purpose, it must include all the headings that apply:

(1) The NOTICE OF ELIGIBILITY must:

(a) Include the date the worker became eligible.

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(b) Inform the worker which category of vocational assistance the insurer will provide:

(A) NOTICE OF ELIGIBILITY FOR VOCATIONAL ASSISTANCE and NOTICE OF ENTITLEMENT TO TRAINING, or

(B) NOTICE OF ELIGIBILITY FOR VOCATIONAL ASSISTANCE and NOTICE OF ENTITLEMENT TO DIRECT EMPLOYMENT SERVICES.

(c) Include the worker's rights and responsibilities;

(d) Include the following statement in bold type:

"You have the right to request a return-to-work plan conference if the insurer does not approve a return-to-work plan within 90 days of determining you entitled to a training plan, or within 45 days of determining you entitled to a direct employment plan. The purpose of the conference will be to identify and remove all obstacles to return-to-work plan completion and approval. The insurer, the worker, the plan developer, and any other parties involved in the return-to-work process must attend the conference. The insurer or the worker may request a conference with the division if other delays in the vocational rehabilitation process occur. Your request for this conference should be directed to the Employment Services Team of the Workers' Compensation Division. The address and telephone number of the division are: Employment Services Team, Workers' Compensation Division, P.O. Box 14480, Salem, Oregon 97309-0405; 503-947-7816 or 1-800-452-0288 ext. 1719."

(e) Include the current list of vocational assistance providers (published with Bulletin 151), and explain that the worker and the insurer must agree on the selection of a vocational assistance provider.

(f) Include the following language in bold type:

"If you have questions about the vocational counselor selection process, contact (use appropriate reference to the insurer). If you still have questions, call the Workers' Compensation Division at 1-800-452-0288 ext. 1719."

(g) Include information about the Preferred Worker Program.

(h) Explain what the worker can do if he or she disagrees with something the insurer does.

(i) Explain direct employment services and state the worker is not entitled to training, if the worker is entitled to direct employment services but not training.

(2) The NOTICE OF INELIGIBILITY FOR VOCATIONAL ASSISTANCE must:

(a) Include information about services which may be available at no cost from the Employment Department or the Office of Vocational Rehabilitation Services.

(b) Include a brief description of the Preferred Worker Program benefits, and contact information. The information can be part of the notice, or a separate document attached to the notice.

(c) Include a list of suitable occupations the worker can perform without being retrained, if the notice is based on a finding of "no substantial handicap."

(3) The NOTICE OF DEFERRAL OF VOCATIONAL ASSISTANCE ELIGIBILITY DETERMINATION must:

(a) Inform the worker the insurer deferred the vocational eligibility process because the employer at injury has activated preferred worker benefits.

(b) Inform the worker that, if the job with the employer at injury does not begin on the hire date listed in the job offer letter, the worker can ask the insurer, within 30 days, to determine vocational eligibility.

(c) Include the following language in bold type:

"If you have questions about the deferral of the vocational eligibility process, contact (use appropriate reference to the insurer). If you still have questions contact the Workers' Compensation Division's toll free number 1-800-452-0288 ext. 1719."

(4) The NOTICE OF DENIAL OF VOCATIONAL ASSISTANCE BENEFITS must:

(a) Identify what vocational assistance benefits the insurer denies and explain why. This notice is not to be used for finding a worker ineligible or ending a worker's eligibility for vocational assistance.

(b) Explain why the insurer denies the proposed return-to-work plan, if the notice is used for that purpose.

(5) The NOTICE OF END OF TRAINING:

(a) Must include the date the training plan ended. The effective date is the worker's last date of attendance.

(b) Must state whether the worker is entitled to further training.

(c) Does not have to be submitted to the division.

(6) The NOTICE OF END OF ELIGIBILITY FOR VOCATIONAL ASSISTANCE:

(a) Must include the date when eligibility ended. The effective date is the worker's last date of eligibility.

(b) Must include the reason the worker's eligibility for vocational assistance is ending. However, this notice is not required if the insurer is ending the worker's eligibility because the worker has given up his or her vocational assistance rights through a claims disposition agreement.

(c) Does not have to be submitted to the division.

(7) The NOTICE OF SELECTION OF VOCATIONAL ASSISTANCE PROVIDER, must be issued when a vocational assistance provider is agreed upon by the worker and the insurer.

(8) The NOTICE OF CHANGE OF VOCATIONAL ASSISTANCE PROVIDER, must be issued anytime there is a change in vocational assistance provider.

(9) The return-to-work plan and amendments must:

(a) Be reported using Form 1081, Return-to-Work Plan, Training, or Form 1083 Return-to-Work Plan, Direct Employment.

(b) Indicate what the changes are and why they are necessary, if the insurer amends the proposed plan.

(10) The Vocational Closure Report (Form 2800) must:

(a) Include the effective date for the end of eligibility.

(b) Include the reason for the end of eligibility.

(c) Include return-to-work and vocational assistance provider information.

(d) Be issued for each eligible worker within 30 days after eligibility ends.

Stat. Auth.: ORS 656.340(9), 656.726(4)

Stat. Impltd.: ORS 656.340

Hist.: WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00, Renumbered from 436-120-0600, 436-120-0610 & 436-120-0620 [WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; Renumbered from 436-120-0004, WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0115

Conditions Requiring Completion of a Vocational Eligibility Evaluation

(1) If the worker has an accepted disabling claim, the insurer is required to begin an eligibility evaluation within five days of any of the following conditions:

(a) The insurer receives information that indicates the worker is likely eligible for vocational assistance;

(b) The worker is medically stationary, is not currently receiving vocational assistance, and:

(A) Has not returned to or been released to regular employment; or

(B) Has not returned to other suitable employment with the employer at the time of injury or aggravation.

(c) The worker enters into a claim disposition agreement, retains vocational assistance rights, and is likely eligible for vocational assistance; or

(d) Eligibility was previously determined under the current opening of the claim and the insurer has accepted new condition(s).

(2) Even if conditions in (1) are met, the insurer is not required to do an eligibility evaluation if the worker is deceased, the worker has a permanent total disability award, or the worker's claim is reopened under a board's own motion.

(3) Nothing in these rules prevents an insurer from finding a worker eligible and providing vocational assistance at any time.

(4) If the insurer receives a request for vocational assistance from the worker and the insurer is not required to determine eligibility, the insurer must notify the worker in writing, within 14 days of the request. The notice must include at least:

(a) The reason(s) an eligibility determination is not required;

(b) The circumstances that, if present, would trigger a requirement to determine eligibility; and

(c) Instructions to contact the division at 503-947-7816 or 1-800-452-0288 ext. 1719 with questions about vocational assistance eligibility requirements and procedures.

(5) The insurer must determine eligibility if the worker's claim was initially denied and is later accepted as disabling and all appeals of the denial have been exhausted.

Stat. Auth.: ORS 656.340, 656.726(4)

Stats. Implemented.: ORS 656.340

Hist.: WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; Renumbered from 436-061-0111, 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 11-1987, f. 12-17-87, ef. 1-1-88, Renumbered from 436-120-0060; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95, Renumbered from 436-120-0035; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00, Renumbered from 436-120-0330 & 436-120-0370; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; Renumbered from 436-120-0320 by WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

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436-120-0145

Vocational Assistance Eligibility Criteria

(1) A worker whose permanent total disability benefits have been terminated by a final order is eligible for vocational assistance.

(2) A worker is eligible for vocational assistance if all the following conditions are met:

(a) The worker is authorized to work in the United States.

(b) The worker is available for vocational assistance in Oregon or within commuting distance of Oregon.

(A) If the worker is not available in Oregon or within commuting distance of Oregon, the insurer must consider the worker available in Oregon if the worker states in writing that within 30 days of being determined eligible for vocational assistance the worker will move back to Oregon, or to within commuting distance of Oregon, at the worker's own expense.

(B) The requirement that the worker be available in Oregon or within commuting distance of Oregon for vocational assistance does not apply if the Oregon subject worker did not work and live in Oregon at the time of the injury.

(c) As a result of the limitations caused by the injury or aggravation, the worker:

(A) Is not able to return to regular employment;

(B) Is not able to return to suitable and available work with the employer at injury or aggravation; and

(C) Has a substantial handicap to employment and requires assistance to overcome that handicap.

(d) The worker was not employed in suitable employment for at least 60 days after the injury or aggravation.

(e) The worker did not refuse or fail to make a reasonable effort in available light-duty work intended to result in suitable employment. Prior to finding the worker ineligible, the insurer must document the existence of one or more suitable jobs that would be available for the worker after completion of the light-duty work. If the employer-at-injury offers such employment to a non-medically stationary worker, the offer must be made in accordance with OAR 436-060.

(f) The worker is available for vocational assistance. If the worker is not available, the insurer must determine if the reasons are for reasonable or unreasonable cause prior to ending the worker's eligibility. If the reason was for incarceration, this reason must be cited in the notice to the worker. Declining vocational assistance to accept modified or new employment that results from an employer-at-injury activated use of the Preferred Worker Program, under OAR 436-110, is reasonable cause.

(g) The worker did not refuse or otherwise relinquish his or her rights to vocational assistance in writing.

(3) The worker must participate in the vocational assistance process and must provide relevant information. If the worker does not participate, or fails to provide relevant information, the insurer must issue a written warning before finding the worker ineligible under this rule.

(4) The worker must not misrepresent a matter material to evaluating eligibility.

Stat. Auth.: ORS 656.340, 656.726(4)

Stats. Implemented: ORS 656.206, 656.340

Hist.: WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; Renumbered from 436-061-0126, 5-1-85; WCD 7-1985, 12-12-85, eff. 1/1/86; Renumbered from 436-120-0090, WCD 11-1987, 12-17-87, eff. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95, Renumbered from 436-120-0045; Renumbered from 436-061-0111, 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 11-1987, f. 12-17-87, ef. 1-1-88, Renumbered from 436-120-0060; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95, Renumbered from 436-120-0035; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00, Renumbered from 436-120-0330 & 436-120-0370; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; Renumbered from 436-120-0320 & 436-120-0145 by WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0165

End of Eligibility for Vocational Assistance

A worker's eligibility ends when any of the following conditions apply:

(1) Based on new information that did not exist or that could not have been obtained with reasonable effort at the time the insurer determined eligibility, the worker no longer meets the eligibility requirements.

(2) The worker has been employed in suitable employment as described in OAR 436-120-0005(18) for at least 60 days after the date of injury or date of aggravation, and any necessary worksite modification is in place.

(3) The worker, prior to beginning an authorized return-to-work plan, refused an offer of suitable employment. If the employer-at-injury offers

employment to a non-medically stationary worker, the offer must be made in accordance with OAR 436-060.

(4) The worker, prior to beginning an authorized return-to-work plan, left suitable employment after the injury or aggravation for a reason unrelated to the limitations caused by the injury.

(5) The worker, prior to beginning an authorized return-to-work plan, refused or failed to make a reasonable effort in available light-duty work intended to result in suitable employment. Prior to ending eligibility, the insurer must document the existence of one or more suitable jobs that would be available for the worker after completion of the light-duty work. If the employer-at-injury offers such employment to a non-medically stationary worker, the offer must be made in accordance with OAR 436-060.

(6) The worker, after completing an authorized training plan, refused an offer of suitable employment.

(7) The worker declined or became unavailable for vocational assistance. The insurer must determine if the reasons are for reasonable or unreasonable cause prior to ending the worker's eligibility. If the reason was for incarceration, this reason must be cited in the notice to the worker. Declining vocational assistance to accept modified or new employment that results from an employer-at-injury activated use of the Preferred Worker Program, under OAR 436-110, is reasonable cause.

(8) The worker refused a suitable training site after the vocational counselor and worker have agreed in writing upon a return-to-work goal.

(9) The worker failed after written warning to participate in the development or implementation of a return-to-work plan. No written warning is required if the worker fails to attend two consecutive training days and fails, without reasonable cause, to notify the vocational counselor or the insurer by the close of next business day.

(10) The worker's lack of suitable employment cannot be resolved by providing vocational assistance. This includes circumstances in which the worker cannot benefit from, or participate in, vocational assistance because of medical conditions unrelated to the injury.

(11) The worker misrepresented information relevant to providing vocational assistance.

(12) The worker refused after written warning to return property provided by the insurer or reimburse the insurer as required. No vocational assistance will be provided under subsequent openings of the claim until the worker returns the property or reimburses the funds.

(13) The worker misused funds provided for the purchase of property or services. No vocational assistance will be provided under subsequent openings of the claim until the worker reimburses the insurer for the misused funds.

(14) After written warning the worker continues to harass any participant to the vocational process. This section does not apply if such behavior is the result of a documented medical or mental condition.

(15) The worker entered into a claim disposition agreement and disposed of vocational rights. The parties may agree in writing to suspend vocational services pending approval by the Workers' Compensation Board. The insurer must end eligibility when the Worker's Compensation Board approves the claims disposition agreement that disposes of vocational assistance rights. No notice regarding the end of eligibility is required.

(16) The worker received maximum direct employment services and is not entitled to other categories of vocational assistance.

Stat. Auth.: ORS 656.340, 656.726(4)

Stats. Implemented: ORS 656.340

Hist.: WCD 11-1982(Temp), f. 12-29-82 eff. 1/1/83; WCD 2-1983, 6-30-83, eff. 6-30-83; WCD 5-1983, 12-14-83, eff. 1-1-84; Renumbered from 436-061-0126, 5-1-85; WCD 7-1985, 12-12-85, eff. 1/1/86; Renumbered from 436-120-0090, WCD 11-1987, 12-17-87, eff. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95, Renumbered from 436-120-0045; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 14-2001(Temp), f. 12-17-01, cert. ef. 1-2-02 thru 6-30-02; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04, cert. ef. 4-1-04; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; Renumbered from 436-120-0350 by WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0175

Redetermining Eligibility for Vocational Assistance

If a worker was previously determined ineligible or the worker's eligibility ended, the insurer must redetermine eligibility within 35 days of notification of a change of these circumstances:

(1) The worker, for reasonable cause, was unavailable for vocational assistance and is now available.

(2) The worker's lack of suitable employment could not be resolved by providing vocational assistance. The insurer may require the worker to provide evidence that circumstances have changed.

ADMINISTRATIVE RULES

(3) The worker declined vocational assistance to accept modified or new employment that resulted from an employer-at-injury-activated use of preferred worker benefits under OAR 436-110. If the job was not suitable, the worker must request redetermination within 30 days of termination of the employment for which preferred worker benefits were provided.

(4) The worker was not available for vocational assistance in Oregon or within commuting distance of Oregon. The worker must request redetermination within six months of receiving the insurer's notice that he or she was not eligible for this reason.

(5) The worker, who was not authorized to work in the United States, is now authorized to work in the United States. Within six months of the date of the worker's receipt of the insurer's notice of ineligibility or end of eligibility, the worker must:

(a) Request redetermination; and

(b) Submit evidence to the insurer that the worker has applied for authorization to work in the United States and is awaiting a decision by the U.S. Citizenship and Immigration Services (USCIS). The worker must provide the insurer with a copy of any decision by the USCIS within 30 days of receipt. The insurer must redetermine eligibility upon receipt of documentation of the worker's authorization to work in the United States.

(6) The worker, who returned to work prior to becoming medically stationary, informs the insurer that he or she is likely eligible for vocational assistance and requests a determination within 60 days of the mailing date of the Notice of Closure.

(7) Prior to claim closure, a worker's limitations due to the injury became more restrictive.

(8) Prior to claim closure, the insurer accepts a new condition that was not considered in the original determination of the worker's eligibility.

(9) The worker's average weekly wage is redetermined and increased.

Stat. Auth.: ORS 656.340, 656.726(4)

Stats. Implemented: ORS 656.340

Hist.: WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 11-1987, f. 12-17-87, ef. 1-1-88, Renumbered from 436-120-0095; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95, Renumbered from 436-120-0055; WCD 23-1996, f. 12-13-96, cert. ef. 2-1-97; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 14-2001(Temp), f. 12-17-01, cert. ef. 1-2-02 thru 6-30-02; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; Renumbered from 436-120-0360 by WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0340

Determining Substantial Handicap

(1) A certified vocational counselor must perform a substantial handicap evaluation as part of the eligibility determination when applicable.

(2) To complete the substantial handicap evaluation the vocational counselor must submit a report documenting the following information:

(a) Relevant work history for at least the preceding five years;

(b) Level of education, proficiency in spoken and written English or other languages, where relevant, and achievement or aptitude test data if it exists;

(c) Adjusted weekly wage as determined under OAR 436-120-0007 and suitable wage as defined by OAR 436-120-0005;

(d) Permanent limitations due to the injury;

(e) An analysis of the worker's transferable skills, if any;

(f) A list of physically suitable jobs for which the worker has the knowledge, skills and abilities, that pay a suitable wage, and for which a reasonable labor market is documented to exist as described in subsection (g) below;

(g) An analysis of the worker's labor market using standard labor market reference materials, including but not limited to information provided by the Employment Department's Oregon Labor Market Information System (OLMIS) and Oregon Wage Information (OWI). When using OWI data, the presumed standard will be the 10th percentile unless there is sufficient evidence that a higher or lower wage is more appropriate; and

(h) Consideration of the vocational impact of any limitations that existed prior to the injury.

(3) When determining the worker's eligibility for vocational assistance, the insurer may include any knowledge, skills, and abilities the worker gained after the date of injury or aggravation that resulted from training provided by the employer; however, the insurer may not include any knowledge, skills, or abilities the worker gained at his or her own expense after the date of injury or aggravation.

Stat. Auth.: ORS 656.726(4)

Stats. Implemented: ORS 656.340(5) & (6)

Hist.: WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0443

Training

(1) Training services include but are not limited to plan development, training, monthly monitoring of training progress, and job placement services.

(2) The training plan must be developed and monitored by a certified vocational counselor.

(3) The selection of plan objectives and the kind of training must attempt to minimize the length and cost of training necessary to prepare the worker for suitable employment.

(4) If there are any changes made to the original training plan, an addendum to Form 1081 – Return to Work Plan must be completed, signed by all parties, and submitted to the director.

(5) Basic education may be offered, with or without other training components, to raise the worker's education to a level to enable the worker to obtain suitable employment.

(6) On-the-job training prepares the worker for permanent, suitable employment with the training employer and for employment in the labor market at large. On-the-job training must be considered first in developing a training plan.

(7) Occupational skills training is offered through a community college, based on a predetermined curriculum, at the training employer's location.

(8) Formal training may be offered through a vocational school licensed by an appropriate licensing body, community college, or other post-secondary educational facility that is part of a state system of higher education.

(9) Rehabilitation facilities training provides evaluation, training, and employment for severely disabled individuals.

(10) Notwithstanding OAR 436-120-0145(2), the director may order the insurer, or the insurer may elect, to provide training outside Oregon if such training would be more timely, appropriate, or cost effective than other alternatives.

(11) Training status continues during the following breaks:

(a) A regularly scheduled break of not more than six weeks between fixed school terms;

(b) A break of not more than two weeks between the end of one kind of training and the start of another for which the starting date is flexible; or

(c) A period of illness or recuperation that does not prevent completion of the training by the planned date.

(12) A worker actively engaged in training must receive temporary disability compensation under ORS 656.268 and ORS 656.340.

(13) Temporary disability compensation is limited to 16 months unless extended to 21 months by the insurer. In no event will temporary disability compensation during training be paid for more than 21 months.

(14) Training costs may be paid for periods longer than 21 months. Reasons for extending training may include but are not limited to:

(a) Reasons beyond the worker's control.

(b) An "exceptional disability," defined as a disability equal to or greater than the complete loss, or loss of use, of both legs. Exceptional disability also includes brain injury that results in impairment equal or greater than Class III as defined in OAR 436-035.

(c) An "exceptional loss of earning capacity" exists when no suitable training plan of 16 months or less is likely to eliminate the worker's substantial handicap to employment. The extension must allow the worker to obtain a wage as close as possible to the worker's adjusted weekly wage and at least 10 percent greater than could be expected with a shorter training program.

(15) An eligible worker is entitled to four months of job placement assistance after completion of training.

(16) When the worker returns to work following training, the insurer must monitor the worker's progress for at least 60 days to assure the suitability of the employment before ending eligibility.

(17) If the worker chooses a training plan period of longer than he or she is entitled to receive under these rules, the worker may supplement training provided by the insurer by completing "self-sponsored" training or studies. For the purpose of this rule, "self-sponsored" means the worker is obligated to pay for the training.

(a) The first day of training provided by the insurer will be considered the "training start date" and the last day of training provided by the insurer will be the "training end date."

(b) All self-sponsored training must be completed before the training start date unless the parties otherwise agree.

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(c) During self-sponsored training, the insurer may provide optional services under OAR 436-120-0455, including but not limited to payment of expenses for tuition, fees, books, and supplies.

(d) The return-to-work plan support document must describe how the worker-sponsored training and the training provided by the insurer will combine to prepare the worker for suitable employment.

Stat. Auth.: ORS 656.340(9), 656.726(4)

Stats. Implemented: ORS 656.340

Hist.: WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; Renumbered from 436-061-0060, WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; Renumbered from 436-120-0030, WCD 11-1987, f. 12-17-87, ef. 1-1-88; Renumbered from 436-120-0075 & 436-120-0085, WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; Renumbered from 436-120-0450 & 436-120-0460, WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; Renumbered from 436-120-0440, WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0445

Training Requirements

(1) Basic education is limited to six months unless extended by the insurer.

(2) On-the-job training

(a) Training time is limited to 12 months unless extended by the insurer.

(b) The insurer must reimburse the training employer for a portion of the worker's wages.

(c) The on-the-job training contract between the training employer, the insurer, and the worker must include, but is not limited to:

(A) The worker's name;

(B) The employer's legal business name;

(C) The employer's current workers' compensation insurance policy number;

(D) The name of the individual providing the training;

(E) The training plan start and end dates;

(F) The job title and duties;

(G) The skills to be taught;

(H) The base wage and the terms of wage reimbursement;

(I) An agreement that the employer will pay all taxes normally paid on the entire wage and will maintain workers' compensation insurance for the trainee; and

(J) An acknowledgement that the training may not prepare the worker for jobs elsewhere, if the training prepares a worker for a job unique to the training site.

(d) The insurer must pay temporary disability compensation as provided in ORS 656.268.

(e) Absent a need to accommodate the worker's documented medical condition or class schedule, the worker's schedule must be the same as for a regular full-time employee.

(3) Occupational skills training

(a) Training is limited to 12 months unless extended by the insurer.

(b) The training is primarily for the worker's benefit. The worker does not receive wages.

(c) Training does not establish any employer-employee relationship with the training employer. The training employer makes no guarantee of employing the worker when the training is completed.

(d) The training employer has a sufficient number of employees to accomplish its regular work and the training of the worker, and the worker does not displace an employee.

(e) Absent a need to accommodate the worker's documented medical condition or class schedule, the worker's schedule must be the same as for a regular full-time employee.

(4) Formal training

(a) Training time is limited to 16 months unless extended by the insurer.

(b) Course load must be consistent with the worker's abilities, limitations, and length of time since the worker last attended school.

(c) Courses must relate to the vocational goal.

(5) If the worker begins or completes training between the date of injury and the date of the eligibility determination, and then the insurer finds the worker eligible for vocational assistance and finds the worker's training suitable, the insurer must reimburse the worker for costs required by that training and verified by the insurer or the director, including temporary disability as required under ORS 656.268 and ORS 656.340.

Stat. Auth.: ORS 656.340(9), 656.726(4)

Stats. Implemented: ORS 656.340

Hist.: WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; Renumbered from 436-061-0060, WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; 5-

1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; Renumbered from 436-120-0030, WCD 11-1987, f. 12-17-87, ef. 1-1-88; Renumbered from 436-120-0075 & 436-120-0085, WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; Renumbered from 436-120-0450 & 436-120-0460, WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; Renumbered from 436-120-0440, WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0448

Reevaluating a Training Plan

(1) A training plan must be re-evaluated when:

(a) A change occurs in the worker's limitations that may render the training inappropriate.

(b) In an academic program:

(A) The worker fails to maintain at least a 2.00 grade point average for two grading periods, or

(B) The worker fails to complete the minimum credit hours required under the training plan.

(2) In an academic program, the vocational counselor must notify the insurer, and the insurer must give the worker a written warning of the possible end of training, at the first indication that the worker may:

(a) Fail to maintain a 2.00 grade point average for two consecutive grading periods, or

(b) Fail to complete the minimum credit hours in the training plan curriculum.

(3) In a non-academic program, the vocational counselor must notify the insurer, and the insurer must give the worker a written warning of the possible end of training, at the first indication that the worker's performance in training is unsatisfactory and may not result in employment in that field.

Stat. Auth.: ORS 656.340(9), 656.726(4)

Stat. Impltd.: ORS 656.340

Hist.: WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; Renumbered from 436-061-0060, WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; Renumbered from 436-120-0030, WCD 11-1987, f. 12-17-87, ef. 1-1-88; Renumbered from 436-120-0075 & 436-120-0085, WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; Renumbered from 436-120-0450 & 436-120-0460, WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; Renumbered from 436-120-0440, WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10; Renumbered from 436-120-0447; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0449

Ending and Reevaluating a Training Plan

(1) Training ends and must be re-evaluated when:

(a) In an academic program:

(A) The worker fails, after written warning, to maintain at least a 2.00 grade point average for two consecutive grading periods, or

(B) The worker fails, after written warning, to complete the minimum credit hours in the training plan curriculum for two consecutive grading periods.

(b) In a non-academic program, the worker's performance in training is unsatisfactory and further training is not likely to result in employment in that field. The insurer must give the worker a written warning prior to ending the worker's training under this rule.

(2) A training plan re-evaluation may include a conference with the division, under OAR 436-120-0500(2).

Stat. Auth.: ORS 656.340(9), 656.726(4)

Stat. Impltd.: ORS 656.340

Hist.: WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; Renumbered from 436-061-0060, WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; Renumbered from 436-120-0030, WCD 11-1987, f. 12-17-87, ef. 1-1-88; Renumbered from 436-120-0075 & 436-120-0085, WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; Renumbered from 436-120-0450 & 436-120-0460, WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; Renumbered from 436-120-0440, WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10; Renumbered from 436-120-0447; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0451

Ending a Training Plan

Training ends when:

(1) The worker has successfully completed training;

(2) The worker's eligibility has ended under OAR 436-120-0165; or

(3) The worker is not enrolled and actively engaged in the training; however, none of the reasons for ending training described in OAR 436-120-0443(11) will cause the worker's training status to end.

Stat. Auth.: ORS 656.340(9), 656.726(4)

Stat. Impltd.: ORS 656.340

ADMINISTRATIVE RULES

Hist.: WCD 11-1982(Admin)(Temp), f. 12-29-82, ef. 1-1-83; WCD 2-1983(Admin), f. & ef. 6-30-83; Renumbered from 436-061-0060, WCD 5-1983(Admin), f. 12-14-83, ef. 1-1-84; 5-1-85; WCD 7-1985(Admin), f. 12-12-85, ef. 1-1-86; Renumbered from 436-120-0030, WCD 11-1987, f. 12-17-87, ef. 1-1-88; Renumbered from 436-120-0075 & 436-120-0085, WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; Renumbered from 436-120-0450 & 436-120-0460, WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; Renumbered from 436-120-0440, WCD 5-2010, f. 9-15-10, cert. ef. 11-15-10; Renumbered from 436-120-0447; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0510

Return-to-Work Plan Support

(1) The worker and vocational counselor must work together to develop a return-to-work plan that includes consideration of the following:

- (a) The worker's transferable skills;
- (b) The worker's physical and mental capacities and limitations;
- (c) The worker's vocational interests;
- (d) The worker's educational background and academic skill level;
- (e) The worker's pre-injury wage; and
- (f) The worker's place of residence and that labor market.

(2) Return-to-work plan support must contain, but is not limited to, the following:

(a) Specific vocational goal(s) and projected return-to-work wage(s).
(b) A description of the worker's current medical condition, relating the worker's permanent limitations to the vocational goals.

(c) A description of the worker's education and work history, including job durations, wages, Standard Occupational Classification (SOC) codes or other standardized job titles and codes, and specific job duties. The SOC codes can be found on the Oregon Employment Department OLMIS website.

(d) If a direct employment plan, a description of the worker's transferable skills that relate to the vocational goals and a discussion of why training will not bring the worker a wage significantly closer to 100 percent of the adjusted weekly wage at the time of injury.

(e) If a training plan, a discussion of why direct employment services will not return the worker to suitable employment.

(f) A summary of the results of any evaluations or testing. If the results do not support the goals, the vocational assistance provider must explain why the goals are appropriate.

(g) A summary of current labor market information that shows the labor market supports the vocational goals and documents that the worker has been informed of the condition of the labor market.

(h) A labor market search as prescribed in 436-120-0410(7), if needed.

(i) If the labor market information does not support the goals, the vocational assistance provider must explain why the goals are appropriate. The worker and worker's representative, if any, must acknowledge in writing an awareness of the poor labor market conditions and a willingness to proceed with the plan in spite of these conditions. In the case of a training plan, this acknowledgment must include an understanding the insurer will provide no additional training should the worker be unable to find suitable employment because of the labor market.

(j) A job analysis prepared by the vocational assistance provider, signed by the worker and by the attending physician or a qualified facility designated by the attending physician, and based on a visit to a worksite comparable to what the worker could expect after completing training. If the attending physician is unable or unwilling to address the job analysis and does not designate a facility as described above, the insurer may submit the job analysis to a qualified facility of its choice. The insurer must submit the resulting information to the attending physician for concurrence. If the attending physician has not responded within 30 days of the date of request for concurrence, the plan may proceed.

(k) A signed on-the-job training contract, if applicable.

(l) A description of the curriculum, which must be term by term if the curriculum is for formal training.

(m) If material pertinent to a return-to-work plan is contained in a previous eligibility the insurer may attach a copy of the evaluation to the plan.

Stat. Auth.: ORS 656.340(9) & 656.726(4)
Stats. Implemented: ORS 656.340

Hist.: WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00, Renumbered from 436-120-0105; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 6-2005, f. 6-9-05, cert. ef. 7-1-05; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

436-120-0710

Direct Worker Purchases: Kinds

The insurer must provide the direct worker purchases described in sections (1) through (12) of this rule without regard to the worker's pre- or post-injury income. The insurer may not require the worker to submit a financial statement in order to qualify for direct worker purchases listed in sections (1) through (12). In determining the necessity of direct worker purchases described in sections (13) through (18), the insurer must consider, among all factors, the worker's pre-injury net income as compared with the worker's post-injury net income. Permanent partial disability award payments will not be considered as income. For the insurer to find the purchase necessary, the worker's pre-injury net income, as adjusted by the cost-of-living matrix, must be greater than the worker's post-injury net income, unless the worker can establish financial hardship. The insurer may require the worker to provide information about expenditures or family income when the worker claims a financial hardship.

(1) Tuition, fees, books, and supplies for training or studies. Payment is limited to those items identified as mandatory by the instructional facility, trainer, or employer. The insurer must pay the cost in full, and will not require the worker to apply for grants to pay for tuition, books or other expenses associated with training.

(2) Wage reimbursement for on-the-job training. The amount must be stipulated in a contract between the training employer and the insurer.

(3) Travel expenses for transportation, meals, and lodging required for participation in vocational assistance. For the purposes of this section, "participation in vocational assistance" includes, but is not limited to job search, required meetings with the vocational assistance provider, and meetings with employers or at training sites as required by the plan or plan development. The conditions and rates for payment of travel expenses are as follows:

(a) Transportation. Costs will be paid at public transportation rates when public transportation is available; otherwise, mileage will be paid at the rate published in Bulletin 112. Costs incidental to mileage, such as parking fees, also will be paid. For workers receiving temporary total disability or equivalent income, private car mileage will be paid only for mileage in excess of the miles the worker traveled to and from work at the time of injury. Mileage payment in conjunction with moving expenses will be allowed only for one vehicle and for a single one-way trip. To receive reimbursement for private car mileage, the worker must provide the insurer with a copy of the driver's valid driver's license and proof of insurance coverage.

(b) Meals and lodging, overnight travel. For overnight travel, meal and lodging expense will be reimbursed at the rate published in Bulletin 112.

(c) Special travel costs. Payment will be made in excess of the amounts specified in this section when special transportation or lodging is necessary because of the physical needs of the worker, or when the insurer finds prevailing costs in the travel area are substantially higher than average.

(4) Tools and equipment for training or employment. Payment is limited to items identified as mandatory for the training or initial employment, such as starter sets. Purchases will not include what the trainer or employer ordinarily would provide to all employees or trainees in the training or employment, or what the worker possesses.

(5) Moving expenses. Payment is limited to workers with employment or training outside reasonable commuting distance. In determining the necessity of paying moving expenses, the insurer may consider the availability of employment or training which does not require moving, or which requires less than the proposed moving distance. Payment is limited to moving household goods weighing not more than 10,000 pounds. If necessary, payment includes reasonable costs of meals and lodging for the worker's family and mileage pursuant to subsection (3)(a) of this rule.

(6) Second residence allowance. The purpose of the second residence is to enable the worker to participate in training outside reasonable commuting distance. The allowance must equal the rental expense reasonably necessary, plus not more than \$200 a month toward all other expenses of the second residence, excluding refundable deposits. In order to qualify for second residence allowance, the worker must maintain a permanent residence.

(7) Primary residence allowance. This allowance is applicable when the worker must change residence for training or employment. Payment includes the first month's rent and the last month's rent only if required prior to moving in.

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(8) Medical examinations and psychological examinations for conditions not related to the compensable injury when necessary for determining the worker's ability to participate in vocational assistance.

(9) Physical or work capacities evaluations.

(10) Living expense allowance during vocational evaluation. Payment is limited to workers involved in a vocational evaluation at least five hours daily for four or more consecutive days, and not receiving temporary disability payments. The worker will not be barred from receiving a living expense allowance if the worker is unable to participate five hours daily because of limitations caused by the injury. Payment must be based on the worker's temporary total disability rate if the worker's claim were reopened.

(11) Work adjustment, on-the-job evaluation, or situational assessment cost(s).

(12) Membership fees and occupational certifications, licenses, and related testing costs. Payment under this category is limited to \$500.

(13) Clothing required for participation in vocational assistance or for employment. Allowable purchases do not include items the trainer or employer would provide or the worker possesses.

(14) Child or disabled adult care services. These services are payable when required to enable the worker to participate in vocational assistance at rates prescribed by the State of Oregon's Department of Human Services. For workers receiving temporary total disability compensation or equivalent income, these costs will be paid only when in excess of what the worker paid for such services at the time of injury, adjusted using the cost-of-living matrix.

(15) Dental work, eyeglasses, hearing aids, and prosthetic devices. These are not related to the compensable injury and enable the worker to obtain suitable employment or participate in training.

(16) Dues and fees of a labor union. Payment will be limited to initiation fees, or back dues and one month's current dues.

(17) Vehicle rental or lease. There is no reasonable alternative enabling the worker to participate in vocational assistance or accept an available job. The worker must provide the insurer with proof of a valid driver's license and insurance coverage. Payment under this category is limited to \$1,000.

(18) Any other direct worker purchase the insurer considers necessary for the worker's participation as described in the introductory paragraph of this rule. Payment under this category is limited to \$1,000.

Stat. Auth.: ORS 656.340(9) & 656.726(4)

Stats. Implemented: ORS 656.340

Hist.: WCD 11-1987, f. 12-17-87, ef. 1-1-88; WCD 10-1994, f. 11-1-94, cert. ef. 1-1-95, Renumbered from 436-120-0087; WCD 6-1996, f. 2-6-96, cert. ef. 3-1-96; WCD 6-2000, f. 4-27-00, cert. ef. 6-1-00; WCD 4-2001, f. 4-13-01, cert. ef. 5-15-01; WCD 7-2002, f. 5-30-02, cert. ef. 7-1-02; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 8-2007, f. 11-1-07, cert. ef. 12-1-07; WCD 5-2012, f. 10-3-12, cert. ef. 11-1-12

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Rule Caption: Workers' compensation rules governing insurance coverage, recordkeeping, and worker leasing.

Adm. Order No.: WCD 6-2012

Filed with Sec. of State: 10-4-2012

Certified to be Effective: 1-1-13

Notice Publication Date: 8-1-2012

Rules Amended: 436-050-0001, 436-050-0002, 436-050-0003, 436-050-0005, 436-050-0006, 436-050-0008, 436-050-0015, 436-050-0025, 436-050-0040, 436-050-0045, 436-050-0050, 436-050-0055, 436-050-0110, 436-050-0120, 436-050-0150, 436-050-0160, 436-050-0165, 436-050-0170, 436-050-0175, 436-050-0180, 436-050-0185, 436-050-0190, 436-050-0195, 436-050-0200, 436-050-0205, 436-050-0210, 436-050-0220, 436-050-0230, 436-050-0260, 436-050-0270, 436-050-0280, 436-050-0290, 436-050-0300, 436-050-0340, 436-050-0400, 436-050-0410, 436-050-0420, 436-050-0440, 436-050-0450, 436-050-0455, 436-050-0460, 436-050-0470, 436-050-0480

Subject: Revised OAR chapter 436, division 050, "Employer/Insurer Coverage Responsibility," rules:

- Amend the definition of "process claims" to allow receipt of claim reports at locations out of state as long as claims are forwarded to an Oregon location for processing.

- Specify that proof of service of a civil penalty order may include a hard copy signed receipt or electronic verification.

- Include the statutory limitations that an insurer may not have more than eight locations at any one time and self-insured employ-

ers may not have more than three locations where claims are processed or records are maintained.

- Specify the types of contact information an insurer or self-insured employer must send to the director regarding its processing locations, service companies, and service agreements, and before changing its processing location, service company, or self-administration.

- Clarify insurers', self-insured employers', and worker leasing companies' record-keeping and record retention requirements.

- Eliminate the requirement that a self-insured employer may only obtain an irrevocable standby letter of credit from a federally chartered bank that has an Oregon branch office.

- Require that self-insured employers include in their annual reporting, the total annual paid losses for the previous four fiscal years valued as of January 1 of the current year.

- Clarify that the director may require a self-insured employer to submit claim loss data more frequently if the nature of the self-insured employer's business has changed since the last annual loss report.

- Provide that when determining the amount of a self-insured employer's security deposit, the director may consider changes in the employer's business, and may include IBNR ("incurred but not reported") if the director has knowledge of factors indicating financial stress or material growth in the self-insured exposure.

- Require that a self-insured employer group provide evidence to the director that the employer requesting termination has been provided a written reminder about its potential future liability.

- Increase the amount a self-insured employer group (other than a governmental subdivision) must maintain in a common claims fund, but provide that the common claims fund amounts can instead be included in the determination of the self-insured employer group's security deposit.

- Clarify that a worker leasing company may not provide workers' compensation coverage for another leasing company doing business in Oregon, regardless of whether any of the companies involved is licensed for leasing in Oregon.

- Prohibit a client employer from obtaining workers on a non-temporary basis from an unlicensed worker leasing company.

- Require temporary service providers or their clients to report information upon the director's request regarding the nature of the work performed.

- Clarify what it means to provide a worker on a temporary basis, to better distinguish temporary from leased workers.

- Amend the types of information a worker leasing company applicant must provide to the director.

- Provide that the director may conduct a background investigation of an owner of a prospective leasing company.

- Require that a worker leasing company submit a renewal application to the director at least 90 days before the expiration of the current license, and any supplemental material within 45 days before the expiration.

- List reasons the director may refuse to issue or renew a license or disqualify a person, controlling person, or worker leasing company from applying for a license in the future; provide that a person may appeal the director's decision.

- Eliminate matrices for penalties against worker leasing companies and refer to the director's general authority to impose penalties under ORS 656.745.

Rules Coordinator: Fred Bruyns—(503) 947-7717

436-050-0001

Authority for Rules

These rules are adopted under the director's authority contained in ORS 656.407, 656.430, 656.455, 656.726, 656.850, 656.855, and 731.475.

Stat. Auth.: ORS 656.704 & 656.726(4)

Stats. Implemented: ORS 656.017, 656.018, 656.021, 656.023, 656.027, 656.029, 656.031, 656.037, 656.039, 656.126, 656.128, 656.140, 656.403, 656.407, 656.419, 656.423, 656.427, 656.430, 656.434, 656.440, 656.443, 656.447, 656.455, 656.614, 656.745, 656.750, 656.850, 656.855 & 731.475

Hist.: WCB 18-1975(Admin), f. 12-19-75, ef. 1-1-76; WCB 2-1976(Admin) (Temp), f. & ef. 4-12-76; WCB 3-1976(Admin), f. & ef. 6-15-76; WCD 3-1980(Admin), f. & ef. 4-2-80;

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WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0001; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 2-1994, f. 4-1-94, cert. ef. 5-1-94; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0002

Purpose

The purpose of these rules is to carry out the workers' compensation law related to employers' and insurers' responsibilities to cover subject workers for compensable injuries and illnesses.

Stat. Auth.: ORS 656.704 & 656.726(4)
Stats. Implemented: ORS 656.017

Hist.: WCB 18-1975(Admin), f. 12-19-75, ef. 1-1-76; WCB 2-1976(Admin) (Temp), f. & ef. 4-12-76; WCB 3-1976(Admin), f. & ef. 6-15-76; WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0008; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0003

Applicability of Rules

(1) These rules are effective January 1, 2013, to carry out the provisions of:

(a) ORS 656.017 — Employer required to pay compensation and perform other duties.

(b) ORS 656.029 — Independent contractor status.

(c) ORS 656.126 — Coverage while temporarily in or out of state.

(d) ORS 656.407 — Qualifications of insured employers.

(e) ORS 656.419 — Workers' compensation insurance policies.

(f) ORS 656.423 — Cancellation of coverage by employer.

(g) ORS 656.427 — Cancellation of workers' compensation insurance policy or surety bond liability by insurer.

(h) ORS 656.430 — Certification of self-insured employer.

(i) ORS 656.434 — Certification effective until canceled or revoked; revocation of certificate.

(j) ORS 656.443 — Procedure upon default by employer.

(k) ORS 656.447 — Sanctions against insurer for failure to comply with orders, rules, or obligations under workers' compensation insurance policies.

(l) ORS 656.455 — Records location and inspection.

(m) ORS 656.745 — Civil penalties.

(n) ORS 656.850 and 656.855 — Worker leasing companies.

(o) ORS 731.475 — Insurer's in-state location.

(2) The director may waive procedural rules as justice requires, unless otherwise obligated by statute.

Stat. Auth.: ORS 656.704, 656.726(4)

Stats. Implemented: ORS 656.017, 656.029, 656.126, 656.407, 656.419, 656.423, 656.427, 656.430, 656.434, 656.443, 656.447, 656.455, 656.745, 656.850, 656.855, 731.475

Hist.: WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 10-1982(Admin), f. 9-30-82, ef. 10-1-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; Renumbered from 436-051-0003, 1-1-86; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 25-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 3-1992, f. 1-10-92, cert. ef. 2-1-92; WCD 2-1994, f. 4-1-94, cert. ef. 5-1-94; WCD 9-1996, f. 3-11-96, cert. ef. 4-1-96; WCD 1-1998, f. 1-9-98, cert. ef. 1-23-98; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 10-2003, f. 8-29-03, cert. ef. 9-15-03; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 5-2005, f. 5-26-05, cert. ef. 6-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 7-2007, f. 11-1-07, cert. ef. 11-28-07; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0005

Definitions

For the purpose of these rules unless the context requires otherwise:

(1) "Audited financial statement" means a financial statement audited by an outside accounting firm.

(2) "Board" means the Workers' Compensation Board of the Department of Consumer and Business Services.

(3) "Cancel" or "cancellation" of coverage means ending a policy at a date before its expiration date.

(4) "Client" means a person to whom workers are provided under contract and for a fee on a temporary or leased basis.

(5) "Complete records" means written records required to be kept in Oregon as described in OAR 436-050-0110 and 0120 and OAR 436-050-0210 and 0220.

(6) "Controlling person" means a person having substantial ownership or who is an officer or director of a corporation; a member or manager of a limited liability company; a partner of a partnership; or an individual who has, directly or indirectly, the power to direct or cause the direction of the management, policies, or operation of a person offering worker leasing services.

(7) "Days" means calendar days unless otherwise specified.

(8) "Default" means failure of an employer, insurer, or self-insured employer to pay the moneys due the director under ORS 656.506, 656.612, and 656.614 at such intervals as the director directs.

(9) "Department" means the Department of Consumer and Business Services.

(10) "Director" means the director of the Department of Consumer and Business Services or the director's delegate for the matter, unless the context requires otherwise.

(11) "Division" means the Workers' Compensation Division of the Department of Consumer and Business Services.

(12) "Fiscal Year" means the twelve-month period beginning July 1 and ending June 30.

(13) "Governmental subdivision" means cities, counties, special districts defined in ORS 198.010, intergovernmental agencies created under ORS 225.050, school districts as defined in ORS 255.005, public housing authorities created under ORS chapter 456, or regional council of governments created under ORS chapter 190.

(14) "Hearings Division" means the Hearings Division of the Workers' Compensation Board.

(15) "Insurer" means the State Accident Insurance Fund Corporation or an insurer authorized under ORS chapter 731 to transact workers' compensation insurance in Oregon.

(16) "Leased worker" means any worker provided by a worker leasing company on other than a "temporary basis" as described in OAR 436-050-0420.

(17) "Nonrenewal" means the insurer's decision not to renew a policy at its expiration date.

(18) "Person" means an individual, partnership, corporation, joint venture, limited liability company, association, government agency, sole proprietorship, or other business entity allowed to do business in the state of Oregon.

(19) "Premium" means the monetary consideration for an insurance policy.

(20) "Premium assessments" means moneys due the director under ORS 656.612 and 656.614.

(21) "Process claims" is the determination of compensability and management of compensation by an Oregon certified claims examiner. Determining compensability and managing compensation must be done from within this state under ORS 731.475 and this definition. Insurers and self-insured employers may receive claims reports at locations out-of-state as long as claims are forwarded to an Oregon location for processing. The act of making payment may be done from out-of-state as directed from the Oregon place of business.

(22) "Proof of coverage" for purposes of OAR 436-050 has the same meaning as defined in OAR 436-162-0005.

(23) "Renewal" or "renew" means the issuance of a policy succeeding a policy previously issued and delivered by the same insurer or the issuance of a certificate or notice extending the terms of an existing policy for a specified period beyond its expiration date.

(24) "Reinstatement" means the continuation or reestablishing of workers' compensation insurance coverage, as noted by the effective date of the reinstatement, under a workers' compensation insurance policy that was previously canceled.

(25) "Self-insured employer" means an employer who has been certified under ORS 656.430 as having met the qualifications of a self-insured employer set out by ORS 656.407.

(26) "Self-insured employer group" means five (5) or more employers certified under ORS 656.430 as having met the qualifications of a self-insured employer set out by ORS 656.407 and OAR 436-050-0260 through 436-050-0340.

(27) "State" means the State of Oregon.

(28) "Substantial ownership" means a percentage of ownership equal to or greater than the average percentage of ownership of all the owners, or ten percent, whichever is less.

(29) "Worker leasing company" means a "person," as described in section (18) of this rule, who provides workers, by contract and for a fee, as established in ORS 656.850.

(30) "Written" means that which is expressed in writing, and includes electronic records.

Stat. Auth.: ORS 656.704 & 656.726(4)

Stats. Implemented: ORS 656.704 & 656.726(4)

Hist.: WCB 2-1976(Admin)(Temp), f. & ef. 4-12-76; WCB 3-1976(Admin), f. & ef. 6-15-76; WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 10-1982(Admin), f. 9-30-82, ef. 10-1-82; WCD 1-1983(Admin), f. 6-30-83, ef. 7-1-83; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0005; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD

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9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 25-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 2-1994, f. 4-1-94, cert. ef. 5-1-94; WCD 9-1996, f. 3-11-96, cert. ef. 4-1-96; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 3-2007(Temp), f. 5-31-07, cert. ef. 6-1-07 thru 11-27-07; WCD 7-2007, f. 11-1-07, cert. ef. 11-28-07; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0006

Administration of Rules

Any orders issued by the division in carrying out the director's authority to enforce ORS chapter 656 and these rules are considered orders of the director.

Stat. Auth.: ORS 656.704 & 656.726(4)

Stats. Implemented: ORS 656.704 & 656.726(4)

Hist.: WCB 18-1975(Admin), f. 12-19-75, ef. 1-1-76; WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0010; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0008

Administrative Review and Contested Cases

(1) Any party as defined by ORS 656.005, including an assigned claims agent under ORS 656.054, aggrieved by an action taken under these rules in which a worker's right to compensation or the amount thereof is directly in issue may request a hearing by the Hearings Division of the Workers' Compensation Board under ORS chapter 656 and the board's Rules of Practice and Procedure for Contested Cases under the workers' compensation law except where otherwise provided in ORS chapter 656.

(2) Any party as described in section (1) aggrieved by a proposed order or proposed assessment of civil penalty of the director or division issued under ORS 656.254, 656.735, 656.745, or 656.750 may request a hearing by sending a written request to the Workers' Compensation Division's administrator within 60 days after the order was mailed.

(3) A hearing will not be granted if the request:

(a) Fails to state the specific grounds for which the party contests the proposed order or assessment; or

(b) Is mailed or delivered to the administrator more than 60 days after the order was mailed.

(4) Under ORS 656.704(2) and 731.240(1), any party that disagrees with an action or order of the director or division under these rules, other than as described in section (2), may request a hearing by filing a request for hearing as provided in OAR 436-001-0019 within 30 days of the mailing date of the order or notice of action. OAR 436-001 applies to the hearing.

(5) Any party described in section (1) aggrieved by an action taken under these rules by another person except as described in sections (1) through (3) above may request administrative review by submitting a written request to the administrator. The request must specify the grounds upon which the action is contested and be received by the administrator within 90 days of the contested action unless the administrator determines there was good cause for delay or that substantial injustice may otherwise result.

Stat. Auth.: ORS 656.704, 656.726(4) & 656.745

Stats. Implemented: ORS 656.254, 656.735, 656.740, 656.745 & 656.750

Hist.: WCB 18-1975(Admin), f. 12-19-75, ef. 1-1-76; WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; Renumbered from 436-051-0098, 1-1-86; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-87; WCD 25-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 1-1998, f. 1-9-98, cert. ef. 1-23-98; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0015

Suspension and Revocation of Authorization to Issue Workers' Compensation Insurance Policies

(1) Under ORS 656.447, the director may suspend or revoke the insurer's authority to renew or issue workers' compensation insurance policies upon a determination that the insurer has failed to comply with its obligations under the policy or that it has failed to comply with the law, rules, or orders of the director.

(2) For the purpose of this rule:

(a) "Suspend" or "suspension" means a stopping by the director of the insurer's authority to issue new workers' compensation insurance policies for a specified period of time.

(b) "Revoke" or "revocation" means a permanent revocation by the director of an insurer's authority to renew or issue workers' compensation insurance policies.

(c) "Show-cause hearing" means an informal meeting with the director or designee in which the insurer will be provided an opportunity to be heard and present evidence regarding any proposed orders by the director

to suspend or revoke an insurer's authority to issue workers' compensation insurance policies.

(3) Suspension or revocation under this rule will not be made until the insurer has been given notice and the opportunity to be heard through a show-cause hearing before the director and show cause why it should be permitted to continue to issue workers' compensation insurance policies.

(4) A show-cause hearing may be held at any time the director finds that an insurer has failed to comply with its obligations under a workers' compensation insurance policy or has failed to comply with law, rules, or orders of the director.

(5) Following a show-cause hearing, the director may rescind the proposed order if the insurer establishes to the director's satisfaction its ability and commitment to comply with ORS Chapter 656 and these rules.

(6) A suspension may be in effect for a period of up to 18 months. A suspended insurer may continue to serve existing accounts and renew any existing policy, unless the policy nonrenews or is canceled during the period of suspension.

(7) After 12 months of the suspension has elapsed, the division may audit the performance of the insurer. If the insurer is in compliance, the administrator may request the director to lift the suspension before the 18 months has elapsed. If the insurer is not in compliance, the administrator may request the director to revoke the insurer's authority to issue workers' compensation insurance policies.

(8) When an insurer's authority to issue workers' compensation insurance policies has been revoked, the insurer may serve an existing account only until the policy is canceled or until the next renewal date, whichever first occurs.

(9) After a revocation of an insurer's authority to issue workers' compensation insurance policies has been in effect for five years or longer, it may petition the director to restore its authority by submitting a plan demonstrating its ability and commitment to comply with the workers' compensation law, these rules, and orders of the director.

(10) Appeal of proposed and final orders of suspension and revocation issued under this rule may be made as provided in OAR 436-050-0008.

(11) Any order of suspension or revocation issued under ORS 656.447 and this rule is a preliminary order subject to revision by the director.

Stat. Auth.: ORS 656.704, 656.726(4)

Stats. Implemented: ORS 656.447

Hist.: WCD 25-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0025

Service of the Notice of Civil Penalty Orders

When the director issues a civil penalty order, it will be served by certified mail, return receipt requested, or in any other manner provided by Oregon Rules of Civil Procedure (7)(D). Proof of service may include a hard copy signed receipt or electronic verification.

Stat. Auth.: ORS 656.704, 656.726(4)

Stats. Implemented: ORS 656.704, 656.726, 656.740

Hist.: WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0040

Responsibility for Providing Coverage When a Contract is Awarded

(1) In the operation of ORS 656.029 a subject employer who fails to comply with ORS 656.017 is a "noncomplying employer" as defined by ORS 656.005.

(2) For the purposes of this rule:

(a) "Assistance of others" means one or more individuals directly and immediately aiding in a common undertaking.

(b) "Normal and customary part or process of the person's trade or business" refers to the day-to-day activities or operations which are necessary to successfully carry out the business or trade.

(3) Under ORS 656.037, a person contracting to pay remuneration for professional real estate activity as defined in ORS chapter 696 to a qualified real estate broker or qualified principal real estate broker, as defined in ORS 316.209, is not an employer of the qualified broker.

Stat. Auth.: ORS 656.704 & 656.726(4)

Stats. Implemented: ORS 656.029 & 656.037

Hist.: WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0052; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 25-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 9-1996, f. 3-11-96, cert. ef. 4-1-96; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0045

Non-Subject Workers

(1) As used in ORS 656.027(1):

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(a) "Private employment contract" means direct employment of the worker by the owner of the private home.

(b) As used in this rule, "owner of the private home" means any person who occupies and either owns, leases, or rents the private home, or any person related by blood, marriage, or an Oregon registered domestic partnership to that person, or any person who by direction of that person or by order of a court has become responsible for managing the household affairs of that person.

(2) As used in ORS 656.027(19):

(a) "A person performing foster parent duties" means any person certified by the Oregon Department of Human Services under ORS chapter 418 as a foster parent, or any person employed by that person in the operation of a foster home as defined in ORS chapter 418 and any rules promulgated thereunder.

(b) "A person performing adult foster care duties" means any person licensed by the Oregon Department of Human Services or Oregon Health Authority to operate an adult foster home, or any person employed by the operator to perform services of assistance to the residents of the adult foster home.

(3) As used in this rule, "adult foster home" means any family home or facility, licensed under ORS 443.705 to 443.825, in which room, board, and 24-hour care services are provided, for compensation, to five or fewer adults who are not related to the operator by blood or marriage.

Stat. Auth.: ORS 656.704 & 656.726(4)
Stats. Implemented: ORS 656.027

Hist.: WCD 7-1991(Temp), f. 10-4-91, cert. ef. 10-7-91; WCD 3-1992, f. 1-10-92, cert. ef. 2-1-92; WCD 1-1998, f. 1-9-98, cert. ef. 1-23-98; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0050

Corporate Officers, Partnerships; Limited Liability Company Members; Subjectivity

(1) Under ORS 656.027, a corporation, limited liability company, or partnership must elect in writing to its insurer to provide workers' compensation coverage for otherwise nonsubject workers. The election must be made at the inception of a coverage policy and remain in effect until a revised written designation is given to the insurer. A self-insured employer must file the election with the director. If an entity does not file its initial election, or is not in compliance under ORS 656.017 and 656.407, then those exempt individuals will be determined in the following order:

(a) For a corporation:

- (A) President;
- (B) Secretary, if any;
- (C) Vice President, if any;
- (D) Secretary/Treasurer, if any;
- (E) Treasurer, if any;
- (F) All other officers, if any.

(b) For a limited liability company or partners of a partnership:

- (A) The member or partner with the largest ownership interest;
- (B) The next largest ownership interest.

(c) If there is more than one person or the ownership interest is the same in any of the offices listed in subsections (a) and (b) of this rule, the sequence of those persons will be determined by whose birthday falls earlier in a year.

(2) Noncomplying corporations, noncomplying limited liability companies, or noncomplying partnerships, regardless of the number of employees, are limited to two exempt officers, members, or partners to be determined in accordance with section (1) of this rule.

(3) For purposes of clarifying terms used in ORS 656.027:

(a) "Commercial harvest of timber" means all commercial activities relating to harvest of timber from a parcel of property including, but not limited to, road building, marking of trees to be cut, timber falling, slash removal, and transportation of timber to the location where it will be processed into lumber or other products.

(b) "Director" means a person elected or appointed to a corporation's board of directors in accordance with its articles of incorporation or bylaws.

(c) "Eligible officer" means a corporate officer who is also a director of the corporation and who has a substantial ownership interest in the corporation.

(d) "Eligible partner" or "eligible member" means a partner or member who has substantial ownership in the business entity.

(e) "Noncomplying" means an employing legal entity of subject workers which is in violation of ORS 656.017(1).

Stat. Auth.: ORS 656.704 & 656.726(4)
Stats. Implemented: ORS 656.027

Hist.: WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; Renumbered from 436-051-0065, 1-1-86; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 8-1990(Temp), f. 6-18-90, cert. ef. 7-1-

90; WCD 25-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 7-1991(Temp), f. 10-4-91, cert. ef. 10-7-91; WCD 3-1992, f. 1-10-92, cert. ef. 2-1-92; WCD 9-1996, f. 3-11-96, cert. ef. 4-1-96; WCD 1-1998, f. 1-9-98, cert. ef. 1-23-98; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0055

Extraterritorial Coverage

(1) Criteria to be used in determining whether a worker is temporarily in or out of state under ORS 656.126 may include, but are not limited to:

(a) The extent to which the worker's work within the state is of a temporary duration;

(b) The intent of the employer in regard to the worker's employment status;

(c) The understanding of the worker in regard to the employment status with the employer;

(d) The permanent location of the employer and its permanent facilities;

(e) The circumstances and directives surrounding the worker's work assignment;

(f) The state laws and regulations to which the employer is otherwise subject;

(g) The residence of the worker;

(h) The extent to which the employer's work in the state is of a temporary duration, established by a beginning date and expected ending date of the employer's work; and

(i) Other information relevant to the determination.

(2) Within 30 days after coverage of an Oregon employer is effective, the insurer providing the coverage must notify the employer in writing of the provisions of ORS 656.126 and this rule.

Stat. Auth.: ORS 656.704 & 656.726(4)

Stats. Implemented: ORS 656.126

Hist.: WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 25-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 9-1996, f. 3-11-96, cert. ef. 4-1-96; WCD 1-1998, f. 1-9-98, cert. ef. 1-23-98; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2001, f. 12-7-01, cert. ef. 1-1-02; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0110

Notice of Insurer's Place of Business in State; Coverage Records Insurer Must Keep in Oregon

(1) Every insurer that is authorized to issue workers' compensation coverage to subject employers as required by ORS chapter 656 must give the director notice of the location, mailing address, telephone number, and any other contact information in this state where the insurer processes claims and keeps written records of claims and proof of coverage as required by ORS 731.475. The insurer may not have more than eight locations at any one time where claims are processed or records are maintained. While the insurer may have more than one location in this state, the information provided to the director must reasonably lead an inquirer to a person who can respond to inquiries as to workers' compensation insurance policy, claim filing, and claims processing location information and to access an in-state Oregon certified claims examiner who can respond within a reasonable time to specific claims processing inquiries. A response time of 48 hours or less, not including weekends or legal holidays, would satisfy a reasonable expectation.

(2) Notice under section (1) of this rule must be filed with the director within 30 days after the insurer becomes authorized and starts writing workers' compensation insurance policies for Oregon subject employers, and must also include contact information for:

(a) A designated person or position within the company who will assure payment of penalties and resolution of collections issues resulting from orders issued by the director; and

(b) A designated person or position within the company who can respond to workers' compensation policy and proof of coverage filing inquiries.

(3) If an insurer elects to use a service company to satisfy the purposes of ORS 731.475 with respect to all or any portion of its business, the insurer must, prior to using the service company in Oregon, file with the director a copy of the agreement between the insurer and each company for approval, and must give the director notice of the location and mailing address of each service company. The service agreement must:

(a) Be between the underwriting insurer and a service company that is incorporated in or authorized to do business in Oregon, and must not be between any other third parties;

(b) Identify the insurer by company name, or if multiple insurers related by ownership, by the name of the group if it includes all affiliates;

(c) Identify the service company by name;

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(d) Grant the service company a power of attorney to act for the insurer in workers' compensation claims proceedings under ORS chapter 656; and,

(e) Contain only those provisions for workers' compensation activities that are allowed in Oregon.

(4) If the insurer's or its service company's place of business or contact information will change, the insurer must notify the director of the new location, mailing address, telephone number, and any other contact information at least 30 days before the effective date of the change.

(5) When an insurer changes claims processing locations, service companies, or self-administration, the insurer must provide at least 10 days prior notice to workers with open or active claims, their attorneys, and attending physicians. The notice must provide the name of a contact person, telephone number, and mailing address of the new claim processor. The insurer must also provide at least 10 days prior notice to the director of which claims will be transferred. The notice to the director must include:

(a) Contact information for both the sending processor and receiving processor of the claims to include a contact person, telephone number, mailing address, and physical address where the claims are to be processed;

(b) Verification of whether the claims to be transferred include closed claims; and

(c) A listing of the claims being transferred that identifies the underwriting insurer, employer, claimant name, date of injury, and sending processor's claim number.

(6) For the purpose of this rule, those activities conducted at designated in-state location(s) and by the authorized representative(s) of the insurer must include, but need not be limited to:

(a) Processing and keeping complete records of claims for compensation;

(b) Responding to specific claims processing inquiries;

(c) Keeping records of payments of compensation;

(d) Keeping records, including records of claims processed by prior service companies, in a written form, not necessarily original form, and making those records available upon request; and

(e) Accommodating periodic in-state audits by the director.

(7) Records every insurer is required to keep in this state include all the written records of the insurer that show its insured employers have complied with ORS 656.017, including the records described by OAR 436-050-0120.

Stat. Auth.: ORS 731.475, 656.704 & 656.726(4)

Stats. Implemented: ORS 731.475

Hist.: WCB 18-1975(Admin), f. 12-19-75, ef. 1-1-76; WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 6-1984(Admin), f. & ef. 9-14-84; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0205; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0120

Records Insurers Must Keep in Oregon; Removal and Disposition

(1) The records of claims for compensation that each insurer is required to keep in this state include:

(a) Written records used and relied upon in processing claims;

(b) A written record of all payments made as a result of any claim including documentation of the date the payment was mailed. Documentation may be the actual mailing date, or an explanation of the time period between the date of issuance and mailing; and

(c) A written record as to whether supplemental temporary disability benefits, as required under ORS 656.210(5) for workers employed in more than one job, were approved or denied.

(2) Records of a denied claim may be removed from this state after all the appellate procedures have been exhausted and the denial has been affirmed by operation of law.

(3) Records of any claim for a compensable injury may be removed from this state after the expiration of the aggravation rights or not less than one year following the final payment of compensation, whichever is the last to occur.

(4) When a denied claim is found to be compensable, the records of the claim are subject to section (3) of this rule.

(5) The insurer may destroy claims records when the insurer can verify that all potential for benefits to the worker or the worker's beneficiaries is gone.

(6) The records relating to proof of coverage that insurers are required to keep in the state include:

(a) A written record of each workers' compensation insurance policy and related endorsements, reinstatements, or cancellations issued as required under the workers' compensation law;

(b) Written records of premiums due and premiums collected by the insurer from its insured employers as a result of coverage issued under the workers' compensation law; and

(c) Written records that segregate and show specifically for each employer the amounts due from the employer and all such money collected and paid by the insurer for premiums for insurance coverage, premium assessments, and any other moneys due the director or required to be remitted to the director.

(7) If all remittances have been made, proof of coverage records may be disposed of after the next Insurance Division examination under ORS 731.300 or the end of three full calendar years following the calendar year in which the workers' compensation insurance policy cancels or is not renewed, whichever occurs later.

Stat. Auth.: ORS 731.475, 656.704 & 656.726(4)

Stats. Implemented: ORS 731.475

Hist.: WCB 18-1975(Admin), f. 12-19-75, ef. 1-1-76; WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0215; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2001, f. 12-7-01, cert. ef. 1-1-02; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0150

Qualifications of a Self-Insured Employer

(1) To qualify as a self-insured employer, the employer must:

(a) Establish proof that the employer has an adequate staff qualified to process claims;

(b) Establish proof of the financial ability to make certain the prompt payment of all compensation and other payments due under ORS chapter 656;

(c) Obtain excess insurance coverage in the amounts approved by the director; and

(d) Be registered and authorized to do business in this state under ORS chapters 58, 60, 62, 63, 65, 67, 70, and 648, as applicable.

(2) An employer establishes proof of an adequate staff qualified to process claims by:

(a) Employing and retaining at each claims processing location, at least one person that is qualified in accordance with OAR 436-055-0070 and is actually involved in the claims processing function; or

(b) Contracting the services of one or more service companies that employ at each claims processing location in this state, at least one person qualified in accordance with OAR 436-055-0070 and that is actually involved in the self-insured employer's claims processing.

(3) An employer establishes proof of financial ability by providing a security deposit that the director determines is acceptable in accordance with OAR 436-050-0165, and in an amount as determined in accordance with OAR 436-050-0180.

(4) Failure of a certified self-insured employer to maintain the qualifications required in this rule will result in revocation of the employer's self-insured certification. The employer will be given 30 days written notice of the intent to revoke the self-insured certification, to be effective 30 days from the date of receipt of the revocation notice. If the employer complies with the qualification requirements within the 30-day period, the revocation will be canceled and the certification will remain in effect.

Stat. Auth.: ORS 656.407, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.407

Hist.: WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0305; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 25-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 8-2003(Temp), f. & cert. ef. 7-18-03 thru 1-13-04; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0160

Applying for Certification as a Self-Insured Employer

(1) An employer applying for certification as a self-insured employer must submit:

(a) A completed "Application for Self-Insurance" (Form 440-1868);

(b) Proof of the employer's claims processing ability by employing and retaining at each claims processing location, at least one person that is actually involved in the claims processing function and is qualified in accordance with OAR 436-055-0070; or by contracting with a service company that will have at least one person qualified in accordance with OAR

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436-055-0070, that will be processing the employer's claims in this state, under ORS 656.455(1);

(c) The employer's audited financial statements or audited annual reports for the last three fiscal or calendar years. If the audited financial statements of a parent company are provided in lieu of statements for the employer, the director will not authorize the individual employer to be self-insured under its own program, unless a parental company guarantee can be obtained. Otherwise, it will be necessary for the parent company to be the self-insured employer or to separately insure the employer. In the context of this section, a parent company is a legal entity that owns a majority interest in the employer, or owns a majority interest in another entity or succession of entities that own a majority interest in the employer;

(d) The employer's most recent experience rating modification worksheet and supporting documentation. Applicants with prior Oregon experience who do not submit this data will be assigned a 1.50 experience rating modification pending receipt of the data. All those without prior Oregon experience will be assigned a 1.00 experience rating modification;

(e) The type, retention, and limitation levels of excess workers' compensation insurance the employer is planning to obtain as required by OAR 436-050-0170;

(f) If applicable, within 30 days after the date of certification, a service agreement between the employer and service company that has been signed by both parties. The agreement must also contain the location, mailing address, telephone number, and any other contact information of the service company;

(g) Evidence from a surety bond company admitted to do surety business in this state that they will issue a surety bond for the employer, as Principal, and the Oregon Department of Consumer and Business Services, Workers' Compensation Division, as Oblige; or evidence from a qualified bank that they will issue an irrevocable standby letter of credit for the employer with the Oregon Department of Consumer and Business Services as the beneficiary;

(h) Evidence of an occupational safety and health loss control program in accordance with OAR 437-001 as required by ORS 656.430(10); and

(i) Evidence of authorization to do business in this state under ORS chapters 58, 60, 62, 63, 65, 67, 70, and 648, as applicable.

(2) Within 30 days of receipt of all information required in section (1) of this rule, the director will review the application and notify the employer that the request for certification as a self-insured employer is denied and the reason therefore; or, that the employer is qualified as a self-insured employer. If the employer qualifies as a self-insured employer, the notice will include:

(a) The type and the amount of the security deposit required;

(b) Approval of the type, retention, and limitation levels of the excess insurance; or

(c) The type, retention, and limitation levels of excess insurance required.

(3) If approved, the certification of self-insurance will be issued upon receipt of the security deposit and the appropriate excess insurance binder.

(4) Unless a later date is specified by the applicant, the effective date of certification will be the first day of the month following the date the requirements of section (3) of this rule are met.

(5) Notwithstanding subsection (1)(c) of this rule, an employer making application may submit certified financial statements in lieu of audited financial statements or annual reports. However, the director may require the employer to submit audited financial statements if the certified financial statements submitted are insufficient to evaluate the employer's financial status.

Stat. Auth.: ORS 656.407, 656.430, 656.455 & 656.726
Stats. Implemented: ORS 656.430

Hist.: WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0310; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 25-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 8-2003(Temp), f. & cert. ef. 7-18-03 thru 1-13-04; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0165

Security Deposit Requirements

(1) For the purposes of this rule:

(a) "Employer" includes employer groups;

(b) "Self-insured employer" includes self-insured employer groups; and

(c) "ISLOC" means irrevocable standby letter of credit.

(2) A self-insured employer is required to provide a security deposit that is acceptable to the director, to establish proof of its financial ability,

and to be qualified and certified as a self-insured employer or to be certified as a self-insured employer group. In accordance with ORS 656.407, a surety bond or an irrevocable standby letter of credit (ISLOC) may be accepted for the required security deposit if it complies with the following conditions and requirements:

(a) An ISLOC may be approved by the director as all or part of the security deposit. The director may approve the ISLOC if the issuing bank and the ISLOC meet the requirements of this rule:

(A) The ISLOC must be issued by or confirmed by an Oregon state chartered bank or a federally chartered bank from which funds will be immediately payable on demand. The bank issuing the ISLOC must, at the time of issuance, have a credit rating as set forth below:

(i) An "Aaa", "Aa", or "A" long term certificate of deposit (CD) rating in the current monthly edition of "Moody's Statistical Handbook" prepared by Moody's Investors Service Inc., New York; or

(ii) An "AAA", "AA" or "A" long term certificate of deposit (CD) rating in the current quarterly edition or monthly supplement of "Financial Institutions Ratings" prepared by Standard & Poors Corporation, New York.

(B) Federally chartered instrumentalities of the United States operating under authority of the Farm Credit Act of 1971 as amended, are acceptable without rating.

(C) An ISLOC issued by a bank that does not meet the credit rating set forth in paragraph (A) at the time of issuance will only be accepted with a confirming ISLOC issued by an Oregon state chartered bank or federally chartered bank meeting the credit criteria of paragraph (A). The confirming ISLOC must state that the confirming bank is primarily obligated to pay on demand the full amount of the ISLOC regardless of reimbursement from the bank whose ISLOC is being confirmed.

(D) The issuing bank must use the Irrevocable Standby Letter of Credit, Form 440-3640, issued by the director.

(E) The ISLOC will be automatically extended without amendment for an additional one (1) year from the expiry date, or any subsequent expiry date, unless, at least 60 days before the expiry date, the director is notified in writing by registered mail or overnight delivery, that the bank has elected not to extend the ISLOC for another period.

(F) If the issuing bank or any confirming bank is closed at the time of expiry of the ISLOC for any reason that would prevent delivery of a demand notice during its normal hours of operation, the ISLOC will be automatically extended for a period of 30 days commencing on the next day of operation.

(G) The ISLOC can be called immediately if:

(i) The self-insured employer has defaulted in payment of its workers' compensation liabilities or obligations, or in payments due to the director under ORS chapter 656;

(ii) The self-insured employer has filed for bankruptcy;

(iii) The self-insured employer has failed to renew or provide acceptable substitute security by fifteen (15) days prior to the expiry date of the ISLOC; or

(iv) The beneficiary has determined the existing security is deemed inadequate, that additional or replacement security must be provided by the self-insured employer, and that neither has been provided, notwithstanding written notice to the self-insured employer.

(H) The credit must be available by presentation of the beneficiary's draft drawn at sight on the issuing bank, payable within three business days, when accompanied by one of the statements contained in 436-050-0165(2)(a)(G) signed by the director of the Department of Consumer and Business Services, or the administrator of the Workers' Compensation Division, or their designated authorized representative.

(I) The ISLOC is not subject to any qualifications or conditions by the issuing bank or confirming bank and is each bank's individual obligation, which is in no way contingent upon reimbursement.

(J) An ISLOC must include a statement that the funds provided by the ISLOC are not construed to be an asset of the self-insured employer and a statement that if legal proceedings are initiated by any party with respect to the payment of any ISLOC, it is agreed that such proceedings must be subject to the jurisdiction of Oregon courts and Oregon law.

(K) Payment of any amount under an ISLOC must be made only by wire transfer in the name of the "Department of Consumer and Business Services In Trust For [the legal name of the certified self-insured employer]" to a department account, with the State Treasurer, at a designated bank.

(L) An ISLOC is subject to the International Standby Practices 1998 (ISP98), ICC Publication No. 590, which is hereby incorporated by reference, and a reference to this publication must be included in the text of the

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ISLOC. ICC Publication 590 may be obtained from the International Chamber of Commerce website: <http://iccwbo.org/policy/banking/>.

(M) All bank charges for the ISLOC are for the account of the applicant.

(N) Any amendment to the ISLOC must be approved and accepted by the director before the amendment is effective.

(O) If a bank's rating subsequent to the issuance of the ISLOC falls below the acceptable rating level as set forth in paragraph (A), the self-insured employer must, within 60 days of the publication of the lower credit rating:

(i) Replace the ISLOC with a new ISLOC issued by an Oregon state chartered bank or with a federally chartered bank with an acceptable credit rating;

(ii) Confirm the ISLOC by an Oregon state chartered bank or a federally chartered bank that has an acceptable credit rating; or

(iii) Replace the ISLOC with a policy of insurance or a surety bond of equal amount that is approved by the director, as substitute security for the ISLOC, if the policy of insurance or surety bond covers all workers' compensation liabilities and obligations that would have been covered by the ISLOC.

(P) Each self-insured employer that submits an acceptable ISLOC as its security deposit, must furnish a memorandum of understanding with the ISLOC, on the department's Form 440-3529, that affirms the self-insured employer's acceptance of all of the following requirements:

(i) An ISLOC is furnished to the director instead of a surety bond or other forms of security that may be determined to be acceptable for certification as a self-insured employer or for continuing as a certified self-insured employer;

(ii) The self-insured employer understands the ISLOC will be automatically extended without amendment for an additional one (1) year from the expiry date, or any subsequent expiry date, unless, at least 60 days before the expiry date, the director is notified in writing by the bank that the ISLOC will not be renewed;

(iii) The ISLOC may be replaced with an ISLOC or surety bond of equal amount or a policy of insurance that is accepted by the director as substitute security for the ISLOC, if the new ISLOC or surety bond or policy of insurance covers all workers' compensation liabilities and obligations that would have been covered by the ISLOC to be replaced;

(iv) The self-insured employer affirms that the ISLOC, in the amount required, is being offered with the understanding that the ISLOC can be called immediately, at the director's discretion, if the director receives notice that the ISLOC will not be renewed; if the self-insured employer fails to pay its workers' compensation liabilities, obligations, or payments due to the director under ORS chapter 656; or the self-insured employer files bankruptcy; or the self-insured employer fails to renew or provide acceptable substitute security by fifteen (15) days prior to the expiry date of the ISLOC; or the director has determined the existing security is deemed inadequate, that additional or replacement security must be provided by the self-insured employer and that neither has been provided, notwithstanding written notice to the self-insured employer; and

(v) If legal proceedings are initiated by any party with respect to payment of any ISLOC, then it is agreed that the proceedings will be subject to the jurisdiction of Oregon courts and application of Oregon law.

(b) A surety bond may be accepted by the director as a security deposit or substitute security deposit for an ISLOC, government securities, monies, or time deposits. A surety bond may be accepted as all or part of the security deposit. The director, in each particular case, will determine if the surety bond submitted is acceptable, if the issuing surety is acceptable, and if its language and format are acceptable.

(A) The surety bond must be issued by a surety company authorized to transact surety business in Oregon;

(B) Surety Bond Form 440-824 must be used for all surety bonds;

(C) Surety bonds submitted for the self-insured employer's security deposit must be continuous in form;

(D) Surety bonds may be terminated by the surety company by giving the director and the Principal written notice stating that on a date not less than thirty days after the date the notice is received by the director, such termination will be effective. Such termination in no way limits the liability of the Surety for subsequent defaults of the Principal's liability and/or obligations incurred under ORS chapter 656 prior to the effective date of such termination;

(E) Surety Bond Rider Form 440-1810 must be used for all department required increases or authorized decreases in the penal sum of the surety bond. The surety bond rider is not effective until it is accepted by the department;

(F) Surety bonds and all riders to the surety bonds must be executed by the surety company's attorney in fact and the attorney in fact's appointment and power of attorney must accompany all surety bonds and riders submitted. The power of attorney must authorize the attorney in fact to execute the surety bond in the amount of the penal sum of the bond;

(G) The liability of a surety company under its surety bond may only be discharged in the event that:

(i) The Principal files acceptable substitute security as the security deposit that is accepted by the director as substitute security for the surety bond to be released, covering all past, present, existing, and potential liability of the Principal under ORS chapter 656 and covering all the Surety's liability under the surety bond to be released, in an amount required by the director; and

(ii) The surety bond is released as documented in writing from the director or the administrator of the Workers' Compensation Division, or their designated authorized representative.

(iii) A policy of insurance or an ISLOC of equal amount that is acceptable by the director may be accepted as substitute security for the surety bond if the policy of insurance or ISLOC covers all workers' compensation liabilities and obligations that would have been covered by the surety bond.

(H) The surety company or its parent must have and maintain an acceptable credit rating in accordance with the following:

(i) Standard and Poors Insurer Financial Strength Rating of A or better rating; or

(ii) A.M. Best Company, Financial Strength Rating of B+ or better rating.

(I) A surety bond must be replaced by the self-insured employer with an acceptable type of security deposit within 30 days after notice from the department that the Surety has been placed in conservatorship, is seized, or declares insolvency, or the current credit rating is below the ratings required in subsection (H).

(c) Government securities, certificates of deposit, or time deposit accounts that were accepted by the director as a self-insured employer's or a self-insured employer group's required security deposit prior to January 1, 2004, may remain as the security deposit until the maturity date of those investments. At that time, the government securities, certificates of deposit, or time deposit accounts pledged to the department as security deposits must be replaced by a surety bond or ISLOC acceptable to the director. A self-insured employer that has government securities, certificates of deposit, or time deposit accounts as all or part of its security deposit must complete a "Security Agreement and Notice to Intermediary," Form 440-4023, granting the department a security interest in and control over those financial assets.

(d) Government securities, certificates of deposit, or time deposit accounts will not be accepted as security deposits for certified self-insured employers who must increase their security deposit or for employers whose self-insurance certification was granted after January 1, 2004.

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

Stat. Auth.: ORS 656.430, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.430

Hist.: WCD 8-2003(Temp), f. & cert. ef. 7-18-03 thru 1-13-04; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0170

Excess Insurance Requirements

(1) A self-insured employer must have excess workers' compensation insurance coverage appropriate for the employer's potential liability under ORS 656.001 to 656.990 with an insurer authorized to do business in this state. The policy providing such coverage and any endorsements thereto must be filed with the director not later than 30 days after the date the coverage is effective. A self-insured public utility with assets in excess of \$500 million as reflected by the employer's audited financial statement submitted in accordance with OAR 436-050-0160 or 436-050-0175, may obtain the required excess workers' compensation insurance coverage from an eligible surplus lines insurer.

(2) The excess insurance:

(a) Must include a provision for reimbursement to the director of all expenses paid by the director on behalf of the employer under ORS 656.614 and 656.443 in the same manner as if the director were the insured employer, subject to the policy limitations or amounts and limits of liability to the insured employer; and

(b) Coverage must be continuous and remain in effect from the date of certification until the certification is revoked or canceled; and

(c) Coverage must be specific on a per occurrence basis; and

(d) Coverage may include aggregate excess insurance; and

(e) Coverage may include a deductible endorsement acceptable to the director.

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(3) When an excess insurance policy is canceled by the excess insurer or the employer, a copy of such notice must be filed with the director 30 days prior to the effective date of cancellation.

(4) Changes in the self-insured retention level and policy limits of the excess insurance require prior approval of the director. The director may require a reduction in the self-insured retention level or an increase in the policy limits. Those items considered in determining and approving the retention and limitation levels of the excess insurance will be the employer's:

- (a) Financial status;
- (b) Risk and exposure;
- (c) Claim history; and
- (d) The amount of the required security deposit.

(5) A self-insured employer will be allowed a period, not to exceed 30 days, within which to comply with an order of the director to the employer to reduce the self-insured retention level or increase the policy limitation or amounts and limits of liability of the excess insurance.

(6) Excess insurance obtained under this section does not relieve any self-insured employer from full responsibility for claims processing and the payment of compensation required under ORS chapter 656 and these rules. Regardless of the types and amounts of excess coverage a self-insured employer must not transfer claims to the excess insurer(s) for processing.

(7) If a self-insured employer does not comply with the requirements of this section, the employer's certification as a self-insured will be revoked. The employer will be given written notice of such revocation which will be effective 30 days from receipt of the notice. If the required excess insurance is obtained within the 30 days, the revocation will be canceled and certification will remain in effect.

Stat. Auth.: ORS 656.430, 656.704 & 656.726(4)
Stats. Implemented: ORS 656.430
Hist.: WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0315; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0175

Annual Reporting Requirements

(1) To determine the financial status of a self-insured employer and to evaluate the employer's continuity of operation, a self-insured employer must file annually with the director an audited financial statement or annual report with audited financial statement, including SEC Form 10K if issued, for the just completed fiscal year. A self-insured employer that is not a municipality must make the filing within 120 days of the fiscal year end and a self-insured employer that is a municipality must make the filing within 180 days of the fiscal year end. All financial statements and annual financial reports filed, as required by this section, will be retained by the director for a period of at least three years. In lieu of an audited financial statement or annual report, a self-insured employer may file a financial statement certified by the employer that the financial statement is true and accurate and presents the employer's financial condition and results of operations as of the date of the statement.

(2) Notwithstanding section (1) of this rule, the director may require an employer to submit an audited financial statement if the certified financial statement submitted is insufficient to evaluate the employer's financial status.

(3) The self-insured employer must report claim loss data described in Bulletin 209 by March 1 of each year for the purposes of experience rating modification, retrospective rating calculations, and determining deposits.

(a) The report must be certified to be true and accurate by an authorized representative of the self-insured employer, and must include:

(A) A report of losses for each year in the experience rating period. The report must cover all claims incurred during the reporting period and must be valued as of January 1 of the current year. Reports must include:

- (i) Contract medical expenses;
- (ii) Total medical deductible;
- (iii) Number of claims for which the medical deductible is claimed;
- (iv) For claims with incurred losses of \$5,000 or less, total paid, outstanding reserves, and total incurred losses;
- (v) Number of claims with incurred losses of \$5,000 or less; and
- (vi) For each claim with incurred losses exceeding \$5,000, worker's name, date of injury, claim number, total paid, outstanding reserves, and total incurred losses. Claims must be listed in alphabetical order.

(B) A report of losses covering the self-insured period prior to the experience rating period. The report must list all open claims and must be valued as of January 1 of the current year. The report must include:

- (i) The worker's name, listed in alphabetical order;
- (ii) Date of injury;
- (iii) Claim number;
- (iv) Total paid;
- (v) Outstanding reserves; and
- (vi) Total incurred losses.

(C) Identification of claims involving catastrophes, Workers with Disabilities Program, permanent total disability or fatal benefits, third party recoveries, and claims where the total incurred has or is expected to exceed the self-insured retention of the self-insured employer's excess insurance policy.

(D) The total annual paid losses for the previous four fiscal years valued as of January 1 of the current year.

(b) Bulletin 209 provides guidelines for self-insured employers and their authorized representatives to use in submitting the required data.

(c) Each self-insured city or county that is exempted from the security deposit requirements under ORS 656.407(3) and OAR 436-050-0185 must, in addition to the above, provide the procedures, methods, and criteria used in the process of determining the amount of their actuarially sound workers' compensation loss fund, including procedures for determining the amount for injuries incurred but not reported.

(4) Notwithstanding section (3) of this rule, the director may require a self-insured employer to submit claim loss data more frequently if the nature of the self-insured employer's business has changed since the last annual loss report for reasons including, but not limited to, mergers or acquisitions, changes in employment level, nature of employment, or incurred claims costs.

(5) If a self-insured employer fails to comply with the requirements of sections (1), (2), (3), or (4) of this rule, the director may impose any or all of the following sanctions:

- (a) Require the self-insured employer to increase its deposit and premium assessments by 25%;
- (b) Conduct an audit to obtain the necessary loss information at the self-insured employer's expense;
- (c) Assess civil penalties of up to \$250 per day that the information is not provided beyond the deadline; or
- (d) Revoke the employer's certification as self-insured.

(6) To ensure each self-insured employer's claims are valued appropriately for use in deposit, experience rating, and retrospective rating calculations, the director will perform routine test audits. If a self-insured employer's total claims values are found to be 10 percent or more below the director's determined values, the current experience rating will be recalculated using the director's determined values and will be used in the security deposit and retrospective rating calculations. In addition, penalties may be assessed.

Stat. Auth.: ORS 656.407, 656.430, 656.704 & 656.726(4)
Stats. Implemented: ORS 656.407 & 656.430
Hist.: WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 25-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 7-1991(Temp), f. 10-4-91, cert. ef. 10-7-91; WCD 3-1992, f. 1-10-92, cert. ef. 2-1-92; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 7-2007, f. 11-1-07, cert. ef. 11-28-07; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0180

Determination of Amount of Self-Insured Employer's Deposit; Effective Date of Order to Increase Deposit

(1) The deposit a self-insured employer is required by ORS 656.407 to maintain with the director must be an amount not less than the greater of:

- (a) \$100,000; or
- (b) Future claim liability, including losses incurred but not reported (IBNR), a claims processing administrative cost, and the anticipated assessments payable to the director for the employer's next fiscal year; or

(c) The annual incurred losses for the self-insured's last fiscal year, including IBNR, a claims processing administrative cost, and anticipated assessments payable to the director for the employer's next fiscal year.

(2) Notwithstanding section (1) of this rule, if the employer is applying for self-insurance, the amount of the deposit must not be less than the greater of:

(a) The anticipated assessments payable to the director for the employer's next fiscal year, plus an amount equal to 65 percent of the annual premium the employer would pay if carrier-insured using the applicable occupational base rate premium, as such rate is applied to the anticipated payroll of the employer's Oregon operations for the employer's next fiscal year; or

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(b) \$300,000 plus \$30,000 additional for each \$100,000 the employer's net worth is below \$2 million; or

(c) The amount of the approved self-insured retention level for the employer's excess workers' compensation insurance.

(3) In determining the amount of deposit the director will take into consideration:

(a) The financial ability of the employer to pay compensation and other payments due;

(b) The employer's probable continuity of operation;

(c) Retention and limitation levels of the employer's excess insurance in relation to the employer's financial status;

(d) Changes in the employer's business including, but not limited to, mergers or acquisitions, changes in employment level, nature of employment, incurred claims costs, or material growth in self-insured exposure; and

(e) The balance of the Self-Insured Employers Adjustment Reserve.

(4) Assessments payable to the director referred to in this section include moneys and assessments due under ORS 656.506, 656.612, and 656.614.

(5) A self-insured employer will be allowed a period, not to exceed 30 days, within which to comply with an order of the director to the employer to increase the amount of its deposit.

(6) "Claims processing administrative cost" will be determined by developing a percentage rate to be applied against the employer's unpaid losses. The rate will be based on the information contained in Schedule P, Part ID of the Annual Statement for the previous calendar year as reported to the Insurance Commissioner by SAIF Corporation and the 20 private insurers who had the highest earned premium reported for the preceding calendar year. The rate will be computed annually to be effective for the subsequent fiscal year. The rate will be 105 percent of the median of ratios determined as follows for each of these insurers:

(a) "Loss expenses unpaid" for losses incurred in the latest eight years, divided by

(b) "Losses unpaid" for losses incurred in the latest eight years.

(7) "Incurred but not reported" (IBNR) will be calculated by applying a loss development factor against the employer's annual paid losses. The loss development factor will be calculated annually by the director. An IBNR may be included in the security deposit calculation when the director identifies factors including, but not limited to, a decrease in the self-insured employer's credit rating, a negative net worth, negative cash flow, high debt-to-equity ratio, or material growth in self-insured exposure.

Stat. Auth.: ORS 656.407, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.407

Hist.: WCB 2-1976(Admin)(Temp), f. & ef. 4-12-76; WCB 3-1976(Admin), f. & ef. 6-15-76; WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0320; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0185

Deposit Exemption for Self-Insured Cities and Counties, Qualifications, Application Procedures, Conditions and Requirements, Revocation and Requalification

(1) A self-insured city or county may apply to be exempt from the security deposit requirements of ORS 656.407(2). Under ORS 656.407(3), the requirements to qualify for exemption are as follows:

(a) The city or county must be a certified self-insured employer, not a member of a self-insured employer group, in compliance with ORS 656.407(2) and OAR 436-050-0180 as an independently self-insured employer for the three consecutive years immediately prior to applying for the exemption; and

(b) The city or county must have in effect a workers' compensation loss reserve account that is actuarially sound and that is adequately funded as determined by the annual audit under ORS 297.405 to 297.740 to pay all compensation to injured workers and amounts due the director under ORS chapter 656. The workers' compensation loss reserve account must also be dedicated to and expended only for payment of compensation and amounts due the director by the city or county under ORS chapter 656.

(2) A written application requesting exemption from ORS 656.407(2) must be submitted to the director no later than 45 days prior to the date the exemption is desired to become effective. The application must include the following supporting documentation for review and approval:

(a) A copy of the city's or county's most recent annual audit as filed with the Secretary of State under ORS 297.405 to 297.740 that identifies the actuarially sound funded amount in the dedicated workers' compensa-

tion loss reserve if not previously filed as required by OAR 436-050-0175(1);

(b) A copy of the city's or county's current fiscal year's approved budget that states the budgeted amount for the funded workers' compensation loss reserve account;

(c) A resolution or ordinance passed by the city's or county's governing body that establishes an actuarially sound and adequately funded workers' compensation loss reserve account that dedicates the workers' compensation loss reserve account to and limits expenditures to only the payment of compensation and amounts due the director under ORS chapter 656. The resolution must also include the director's first lien and priority rights to the full amount of the workers' compensation loss reserve account required to pay the present discounted value of all present and future claims under ORS chapter 656; and

(d) A statement giving the amount of the current reserves for present and future liabilities, the amount funded in the workers' compensation loss reserve account, the procedures, methods, and criteria used in the process of determining the amount funded in their actuarially sound workers' compensation loss fund, including procedures for determining the amount for injuries incurred but not reported. The statement must include the city's or county's certification that the loss reserve account is actuarially sound and adequately funded if an actuarial study is not available.

(3) Within 45 days of receipt of all information required by section (2) of this rule, the director will review the application and supporting documentation and notify the city or county that the request for exemption under ORS 656.407(3) is approved or denied.

(a) If denied, the notice will provide the reasons for the denial, any requirements for reconsideration, and the right to administrative review as provided by OAR 436-050-0008.

(b) If approved, the notice will include:

(A) The confirmation of the effective date of exemption;

(B) Authorization for cancellation of any surety bond or ISLOC held as security under ORS 656.407(2) and OAR 436-050-0180; and

(C) Procedures for release of any government securities or time deposits held as security under ORS 656.407(2) and OAR 436-050-0180.

(4) Probable cause to believe the workers' compensation loss reserve account is not actuarially sound includes but is not limited to the annual audited financial statement under ORS 297.405 to 297.740 not containing a statement by the auditor that the workers' compensation loss reserve account is adequately funded, or containing a disclaimer regarding the auditor's qualifications or ability to determine adequacy of the loss reserve account.

(5) A city or county that has been exempted from ORS 656.407(2) and desires to terminate its self-insurance certification or elects to discontinue maintaining an actuarially sound and adequately funded workers' compensation loss reserve must:

(a) Submit a written request to the director at least 60 days prior to the desired effective date the self-insured certification is requested to be terminated or 60 days prior to the effective date that the qualifying workers' compensation loss reserve account is to be discontinued;

(b) If the self-insured certification is to be terminated, the request for termination must comply with OAR 436-050-0200. Prior to the effective date of termination the city or county must provide a security deposit, as required by the director, in an amount determined under OAR 436-050-0180 and ORS 656.443; and

(c) If the city or county desires to remain self-insured, the city or county must requalify for self-insurance certification by depositing, prior to the date the qualifying workers' compensation loss reserve account is to be discontinued, a security deposit as required by the director under ORS 656.407(2) and OAR 436-050-0180. Under ORS 656.407(3)(e) failure to deposit the required security deposit with the director prior to the date of discontinuance of the qualifying workers' compensation loss reserve account will cause the city's or county's self-insurance certification to be automatically revoked as of that date.

Stat. Auth.: ORS 656.407, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.407

Hist.: WCD 7-1991(Temp), f. 10-4-91, cert. ef. 10-7-91; WCD 3-1992, f. 1-10-92, cert. ef. 2-1-92; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0190

Using Self-Insured Employers Surety Deposit/Self-Insured Employers Adjustment Reserve

(1) In the event a self-insured employer fails to or is unable to make all payments due under ORS chapter 656, the director will, on behalf of the employer, assure continued payments in accordance with ORS 656.407,

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656.443, and 656.614 and in such a manner as to ensure minimum delay in the processing of injured workers' claims.

(2) If a self-insured employer defaults and is being serviced by one or more service companies, the director will, on behalf of the employer, designate those service companies to continue processing claims in accordance with the contracts in effect. At least 90 days prior to the time the contract expires, the service company can submit a proposal to continue processing the claims. The director will consider such proposal along with other options which may include referral of the claims for processing to an assigned claims agent selected under ORS 656.054.

(3) If a self-insured employer defaults and is self-administering, the director will, on behalf of the employer, negotiate to have the employer's claims processed or may refer the claims for processing to an assigned claims agent as secured under ORS 656.054.

(4) In the event a self-insured employer reorganizes its business, assumes additional liability, acquires new operations, buys an additional business, merges with another business, files bankruptcy, emerges from bankruptcy, or otherwise changes its operation in any manner that affects its workers' compensation claims liability, the self insured employer must notify the director of the modification of business within 30 days of the event.

(5) For the purposes of this rule:

(a) "Employer" includes employer groups.

(b) "Self-insured employer" includes self-insured employer groups.

Stat. Auth.: ORS 656.407, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.407, 656.443 & 656.614

Hist.: WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0322; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0195

Requirements for Self-Insured Entity Changes

(1) If there is any change in the legal entity, changes in addresses, telephone numbers, and points of contact, or ownership changes, a self-insured employer must notify the director in writing within 30 days after the change occurs.

(2) A self-insured employer must submit requests to add or delete entities under its self-insured certification by submitting a completed "Endorsement to Self-Insured Group Application" (Form 440-1869) signed by an officer of the company. Each entity to be approved for inclusion in a self-insured employer's certification must enter into an agreement, signed by an officer of the entity being included in the self-insured employer's certification, making the entity jointly and severally liable for the payment of any compensation and moneys due to the director by the certified self-insured employer or any other entity included in the self-insured employer's certification.

(3) The director will determine, based on the information provided, the effect of the change on the deposit required and whether the entities can be combined for experience rating purposes.

(4) Failure to provide notification as required by this section may result in assessment of penalties or revocation of self-insurance certification, or both.

Stat. Auth.: ORS 656.407, 656.430, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.407 & 656.430

Hist.: WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0200

Self-Insured Certification Cancellation; Revocation

(1) A certification to a self-insurer issued by the director remains in effect until:

(a) Revoked as provided by OAR 436-050-0150 through 436-050-0230 and ORS 656.440; or

(b) Canceled by the employer with the approval of the director.

(2) If a self-insured employer wishes to cancel certification as a self-insured or cancel self-insurance for any legal entity included under the self-insurance certification, the employer must make written request to the director. Such a request must be submitted at least 60 days prior to the desired date of cancellation and include:

(a) What arrangements have been made to process present and future claims for which the employer is responsible;

(b) A statement of all present and future claims liabilities for all liabilities incurred during the period of self-insurance; and

(c) Any reports and moneys due the director under ORS 656.506, 656.612, and 656.614.

(3) If the employer will continue to have subject workers after the cancellation date, the employer must provide the director, prior to the desired date of cancellation, one of the following:

(a) An insurer filed proof of coverage for a workers' compensation insurance policy under ORS 656.017 and 656.419;

(b) Evidence of a worker leasing arrangement as allowed under ORS 656.850; or

(c) An assigned risk binder that demonstrates compliance with ORS 656.052.

(4) If the self-insured employer fails to provide the director evidence of subsequent coverage under section (3) prior to the desired date of cancellation, the self-insurance certification, including reports and moneys due the director under ORS 656.506, 656.612, and 656.614, will remain in effect.

(5) If a workers' compensation insurance policy is in effect and an active self insurance certification is on file with the director for the same employer for the same time period, the self-insured employer has the responsibility of processing claims occurring during the time period as provided under the self insurance certification.

(6) The certification of a self-insured employer may be revoked if:

(a) The employer fails to comply with ORS 656.407 or 656.430 and applicable rules; or

(b) The employer commits any violation for which a civil penalty could be assessed under ORS 656.745.

(7) Except as provided in OAR 436-050-0170 (7), notice of certificate revocation will be issued in accordance with the provision of ORS 656.440.

Stat. Auth.: ORS 656.704 & 656.726(4)

Stats. Implemented: ORS 656.434 & 656.440

Hist.: WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0325; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 7-2007, f. 11-1-07, cert. ef. 11-28-07; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0205

Notice of Self-Insurer's Personal Elections

When a person makes an election under ORS 656.039, 656.128, or 656.140, the self-insured must notify the director in writing of the election and of any cancellation of the election within 30 days of the effective date.

Stat. Auth.: ORS 656.704 & 656.726(4)

Stats. Implemented: ORS 656.039, 656.128 & 656.140

Hist.: WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0210

Notice of Self-Insurer's Place of Business in State; Records Self-Insured Must Keep in Oregon

(1) Every employer certified as a self-insured employer must give the director notice of the location, mailing address, telephone number, and any other contact information of at least one location in this state where claims will be processed and claim records kept as well as other records as required by this rule and OAR 436-050-0220. The employer must give notice of the location, mailing address, telephone number, and any other contact information upon application for certification. The employer may not have at any one time more than three locations where claims are processed or records are maintained.

(2) Notice under section (1) of this rule must include contact information for a designated person or position within the company who will assure payment of penalties and resolution of collections issues resulting from orders issued by the director.

(3) With the approval of the director, a self-insured employer may use one or more service companies as authorized by ORS 656.455 instead of establishing its own place of business in this state. To obtain approval or to change or add service locations, the employer must file with the director a copy of the agreement entered into between the employer and each company, and must give the director notice of the location, mailing address, telephone number, and any other contact information of each service company.

(4) If a self-insured employer's or its service company's place of business or contact information will change, the self insured employer must notify the director of the new location, mailing address, telephone number, and any other contact information 30 days before the effective date of the change.

(5) When a self-insured employer changes claims processing locations, service companies, or self-administration, the employer must provide at least 10 days prior notice to:

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(a) Workers with open or active claims, their attorneys, and attending physicians. The notice must provide the name of a contact person, telephone number, and mailing address of the new claim processor;

(b) The director of which claims will be transferred. The notice must include:

(A) Contact information for both the sending processor and receiving processor of the claims to include a contact person, telephone number, mailing address, and physical address where the claims are to be processed;

(B) Verification of whether the claims to be transferred include closed claims; and

(C) A listing of the claims being transferred that identifies the sending processor's claim number, claimant name, and date of injury.

(6) For the purpose of this rule, those activities conducted at designated in-state location(s) and by the authorized representative(s) of the self-insured employer must include, but need not be limited to:

(a) Processing and keeping complete records of claims for compensation;

(b) Responding to specific claims processing inquiries;

(c) Keeping records of payments for compensation;

(d) Keeping records, including records of claims processed by prior service companies, in a written form, not necessarily original form, and making those records available upon request; and,

(e) Accommodating periodic in-state audits by the director.

(7) Written records every self-insured employer is required to keep in this state include, but are not limited to, the records described by OAR 436-050-0220.

(8) Notwithstanding section (1) of this rule, the director may approve up to two additional claims processing locations, if the self-insured employer can show:

(a) That meeting the requirements of section (1) of this rule will impose a financial or operational hardship on the employer;

(b) That such additional locations will result in improved claims processing performance of the employer; and

(c) That the auditing functions of the director can be met without unnecessary expense to the director.

(9) If, upon review of a self-insured employer's claims processing performance, the performance has not remained at the levels as described in OAR 436-060, approval for additional locations provided in section (6) will be withdrawn.

(10) Notwithstanding section (1) of this rule, a self-insured employer may, with the prior approval of the director, make compensation payments from a single location other than the designated claims processing location. Approval of such a location may be revoked if at any time:

(a) Timeliness of compensation payment falls below the minimum standards as established in OAR 436-060;

(b) Written record of compensation payments is not available; or

(c) There is not sufficient written documentation to support the issuance of a check for compensation.

(11) Notwithstanding section (1) of this rule, a self-insured employer may, with prior approval of the director, have one additional location, in or out of state, for maintaining payroll records pertaining to premium assessments and assessment/contributions.

Stat. Auth.: ORS 656.455, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.455

Hist.: WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0330; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 9-1996, f. 3-11-96, cert. ef. 4-1-96; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0220

Records Self-Insured Employer Must Keep in Oregon; Period to be Retained, Removal and Disposition

(1) The written records self-insured employers are required to keep in this state to ensure compliance with ORS 656.506, 656.612, 656.614, and 656.622 include:

(a) A record of payroll by National Council on Compensation Insurance classification; and

(b) Complete records of all assessments, employer and employee contributions, and all such money due the director.

(2) The self-insured employer must maintain at a place of business in this state, those written records relating to its safety and health program as required by ORS 656.430(10) and OAR 437-001.

(3) The records of claims for compensation that each self-insured employer is required to keep in this state include, but are not limited to:

(a) Written records used and relied upon in processing claims;

(b) A written record of all payments made as a result of any claim including documentation of the date the payment was mailed. Documentation may be the actual mailing date or an explanation of the time period between the date of issuance and mailing;

(c) A written record as to whether supplemental temporary disability benefits, as required under ORS 656.210(5) for workers employed in more than one job, were approved or denied; and

(d) A summary sheet for each claim showing all payments made, separated into disability, medical, and vocational assistance payments with cumulative totals. The record of disability payments should be limited to statutory benefits and not include any additional employer obligations. Expenses must not be included in any of the three columns required on the summary sheet. "Expenses" are defined in National Council on Compensation Insurance, Workers' Compensation Statistical Plan, Part IV.

(4) Records of a denied claim may be removed from this state after all the appellate procedures have been exhausted and the denial is final by operation of law.

(5) Records of any claim for a compensable injury may be removed from this state after the expiration of the aggravation rights or not less than one year following the final payment of compensation, whichever is the last to occur.

(6) Notwithstanding sections (4) and (5) of this rule, if administrative or judicial review is requested, the claim records may not be removed from this state or disposed of until after either the review is concluded and the time for an appeal from such review has expired or at least one year after final payment of compensation has been made, whichever is the last to occur.

(7) During administrative or judicial review, if a denied claim is found to be compensable the records of the claim are subject to section (5) of this rule.

(8) The self-insured employer may destroy claim records when the self-insured employer can verify that all potential for benefits to the injured worker or the worker's beneficiaries is gone.

(9) Records retained as required by section (1) of this rule may be removed from the state or destroyed at the end of three full calendar years after the calendar year in which the money was remitted.

Stat. Auth.: ORS 656.455, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.455

Hist.: WCD 18-1975(Admin), f. 12-19-75, ef. 1-1-76; WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0335; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0230

Out-of-State Recordkeeping and Claims Processing by Self-Insured Employer; Conditions and Procedure for Permit; Revocation

(1) Notwithstanding OAR 436-050-0220, if a self-insured employer wishes to keep the claims records and process claims at a location outside this state, the employer may apply to the director for permission to do so. The application shall contain the reasons for the request and the location, mailing address, telephone number, and any other contact information where the records will be kept and the claims processed. The application must provide the director contact information for a designated person or position within the company who will assure payment of penalties and resolution of collections issues resulting from orders issued by the director. Upon receipt, the director will review the application and notify the employer that the request has been denied and the reason therefor; or, that the employer will be allowed to process claims from outside this state.

(2) The director may grant permission to the self-insured employer unless the employer has committed acts or engaged in a course of conduct that would be grounds for revocation of permission or that are contrary to any of the provisions of section (3) of this rule.

(3) A self-insured employer that keeps claims records and processes claims at a location outside this state must:

(a) Process claims in an accurate and timely manner;

(b) Make reports to the director promptly as required by ORS chapter 656 and the director's administrative rules;

(c) Pay to the director promptly all assessments and other money as it becomes due;

(d) Increase or decrease its security deposit promptly when directed to do so by the director under ORS 656.407(2); and

(e) Comply with the rules and orders of the director in processing and paying claims for compensation.

(4) After notice given as required by ORS 656.455(2), permission granted under this section will be revoked by the director if the employer

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has committed acts or engaged in a course of conduct that are in violation of any provisions of section (3) of this rule.

(5) A self-insured employer must provide written records which have been removed from this state to the director as requested within a reasonable time not to exceed 14 days or as otherwise negotiated.

Stat. Auth.: ORS 656.455, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.455

Hist.: WCD 18-1975(Admin), f. 12-19-75, ef. 1-1-76; WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0340; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0260

Qualifications of a Self-Insured Employer Group

Five or more employers may qualify as a self-insured employer group if the employers as a group:

(1) Incorporate or are a cooperative under ORS chapter 60, 62, or 65. If the group is a governmental subdivision, it must have formed a governmental entity as provided under ORS 190.003 to 190.110;

(2) Designate a board of trustees and an administrator;

(3) Demonstrate a combined net worth of \$1 million or more and have excess insurance with a retention of \$100,000 or more; or the combined net worth of the employers as a group may be less than \$1 million if the employers as a group obtain excess insurance with less than a \$100,000 retention, in which case the net worth required may be reduced by the same percentage the retention is reduced below \$100,000;

(4) Obtain excess insurance coverage of the type and amounts approved by the director;

(5) Demonstrate that accident prevention is likely to improve through self-insurance;

(6) Engage an adequate staff under OAR 436-055-0070 qualified to process claims;

(7) Develop a method approved by the director to notify the director of:

(a) The commencement or termination of membership by employers in the group, and the effect thereof on the net worth of the employers in the group; and

(b) Whether an employer who terminates membership in the group continues to be a subject employer; and if the employer remains a subject employer what arrangements have been made to continue coverage;

(8) Establish a safety and health loss prevention program as required by OAR 437-001;

(9) Create a common claims fund approved by the director;

(10) Designate an entity within or for the group responsible for centralized claims processing, payroll records, safety requirements, recording and submitting assessments and contributions and making such other reports as the director may require. With the approval of the director, a self-insured employer group may use service companies as authorized by ORS 656.455 instead of establishing its own place of business in this state. To obtain approval or to change or add service locations, the employer group must file with the director a copy of the agreement entered into between the employer group and each company, and must give the director notice of the location, mailing address, telephone number, and any other contact information of each service company;

(11) Establish proof of financial ability by providing a security deposit that the director determines is acceptable in accordance with OAR 436-050-0165; and in an amount as determined in accordance with OAR 436-050-0180; and

(12) Comply with the requirements of OAR 436-050-0165, 436-050-0170, 436-050-0175, 436-050-0180, 436-050-195, 436-050-0200, 436-050-0205, 436-050-0210 and 436-050-0220. Failure to comply with these requirements will result in the actions prescribed in those rules.

(13) Every self-insured employer group must maintain at least one place of business in this state where the employer processes claims, keeps written records of claims and other records as required by OAR 436-050-0210 to 436-050-0220.

(14) Failure of a certified self-insured employer group to maintain the qualifications required in this rule will result in revocation of the self-insured employer group's certification. The group will be given 30 days written notice of the intent to revoke the self-insured certification, to be effective 30 days from the date of receipt of the revocation notice. If the self-insured employer group complies with the qualification requirements within the 30-day period, the revocation will be canceled and the certification will remain in effect.

Stat. Auth.: ORS 656.407, 656.430, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.407 & 656.430

Hist.: WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0405; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 25-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0270

Applying for Certification as a Self-Insured Employer Group: Private Employers

(1) Employers applying for certification as a self-insured employer group must submit:

(a) A complete "Application to Become a Self-Insured Employer Group: Private Employers" (Form 440-1867);

(b) Proof in the form of a certificate from the Secretary of State's Corporation Division showing the employer group as a corporation or cooperative;

(c) A copy of the bylaws or corporate minutes which include:

(A) Designation of specific individuals as trustees for the corporation or cooperative and naming an administrator to administer the financial affairs of the group who, as obligee, must furnish a fidelity bond with the group in an amount sufficient to protect the group against the misappropriation or misuse of any moneys or securities; and

(B) The criteria utilized by the trustees and administrator when approving applications for new membership and requests for withdrawal by members of the group;

(d) A current financial statement of each member making application which taken collectively shows the following:

(A) The combined net worth of all members making application for coverage must not be less than \$1 million unless the employers as a group have obtained excess insurance coverage with less than a \$100,000 retention in which case the net worth will be reduced by the same percentage the retention is reduced below \$100,000; and

(B) Working capital in an amount establishing financial strength and liquidity of the business;

(c) An individual report by employer showing the employer's payroll by class and description and loss information for the last four calendar years;

(f) A completed "Group Self-Insured Indemnity Agreement" (Form 440-1866), or another form authorized by the director, that jointly and severally binds each member for the payment of any compensation and moneys due to the director by the group or any member of the group. Government subdivisions do not need to submit this agreement;

(g) Evidence of a safety and health loss prevention program designed to demonstrate that accident prevention will improve due to self-insurance;

(h) Proof of an adequate staff qualified to process claims by:

(A) Employing and retaining at each claims processing location, at least one person that is actually involved in the claims processing function and is qualified in accordance with OAR 436-055-0070; or

(B) Contracting the services of one or more service companies that employ, at each claims processing location, at least one person that is qualified in accordance with OAR 436-055-0070 and is actually involved in the self-insured employer's claims processing. If one or more service companies are used, a service agreement between the employer group and each service company, that meets the requirements of OAR 436-050-0260(10), must be submitted for approval of the director;

(i) The type, retention and limitation levels of excess insurance the employers as a group are planning to obtain in accordance with OAR 436-050-0170;

(j) A procedure for notifying the director of:

(A) The commencement or termination of employers within the group and the effect on the net worth of the group; and

(B) Arrangements made by an employer leaving the group to continue insurance coverage.

(k) A program whereby each employer within the group contributes to a common claims fund in accordance with OAR 436-050-0300; and

(L) The type of security deposit the employer group wishes to provide, with appropriate justification.

(2) Notwithstanding subsection (1)(d) of this rule, the director may require an audited financial statement before considering an application by a group for self-insurance.

(3) Within 60 days of receipt of all information required in section (1) of this rule, the director will review the application and notify the employer group that the request for certification as a self-insured employer group is denied and the reason therefore; or, that the group is qualified as a self-insured employer group. The notice must include:

(a) The amount of security deposit required;

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(b) Approval of the type, retention and limitation levels of the excess insurance as determined under OAR 436-050-0170; and

(c) The type, retention and limitation levels of excess insurance required.

(4) The certification of self-insurance will be issued upon receipt of the security deposit and the appropriate excess insurance binder.

(5) Unless a later date is specified by the applicant, the effective date of certification will be the first day of the month following the date the requirements of section (4) of this rule are met.

Stat. Auth.: ORS 656.407, 656.430, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.407 & 656.430

Hist.: WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0410; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 25-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0280

Applying for Certification as a Self-Insured Employer Group: Governmental Subdivisions

(1) Governmental subdivisions applying for certification as a self-insured employer group must submit:

(a) An application for the group applying for self-insurance in a form and format prescribed by the director;

(b) Proof that the governmental subdivisions have formed an inter-governmental entity as provided under ORS 190.003 to 190.110;

(c) An intergovernmental agreement which includes:

(A) Designation of specific individuals as trustees for the group and naming an administrator to administer the financial affairs of the group who, as obligee, must furnish a fidelity bond with the group in an amount sufficient to protect the group against the misappropriation or misuse of any moneys or securities; and

(B) The criteria to be used by the trustees and administrator when approving applications for new membership and requests for withdrawal by members of the group;

(d) A current financial statement of each member making application which taken collectively shows the combined net worth of all members making application for coverage must not be less than \$1 million unless the employers as a group have obtained aggregate excess insurance coverage with less than a \$100,000 retention in which case the net worth will be reduced by the same percentage the retention is reduced below \$100,000;

(e) An individual report by employer showing the governmental subdivision's payroll by class and description and loss information for the last four calendar years;

(f) A resolution by the governing body of each governmental subdivision binding it to be liable for the payment of any compensation and other amounts due to the director under ORS Chapter 656 incurred by that governmental subdivision during the period of group self-insurance;

(g) Evidence of a safety and health loss prevention program designed to demonstrate that accident prevention will improve due to self-insurance;

(h) Proof of an adequate staff qualified to process claims by:

(A) Employing and retaining at each claims processing location, at least one person that is actually involved in the claims processing function and is qualified in accordance with OAR 436-055-0070; or

(B) Contracting the services of one or more service companies that employ, at each claims processing location, at least one person that is actually involved in the self-insured group's claims processing, that is certified in accordance with OAR 436-055-0070. If service companies are used, a service agreement between the group and each service company, that meets the requirements of OAR 436-050-0260(10), must be submitted;

(i) The type, retention and limitation levels of excess insurance the employers as a group are planning to obtain in accordance with OAR 436-050-0170;

(j) A procedure for notifying the director of:

(A) The commencement or termination of governmental subdivisions within the group and the effect on the net worth of the group; and

(B) Arrangements made by a governmental subdivision leaving the group to continue insurance coverage;

(k) A program whereby each employer within the group contributes to a common claims fund in accordance with OAR 436-050-0300; and

(L) The type and amount of security deposit the group wishes to provide, with appropriate justification. In no case will the amount be less than \$300,000.

(2) Notwithstanding subsection (1)(d) of this rule, the director may require an audited or certified financial statement before considering an application by a group for self-insurance.

(3) Within 60 days of receipt of all information required in section (1) of this rule, the director will review the application and notify the group that the request for certification as a self-insured employer group is denied and the reason therefore; or, that the group is qualified as a self-insured employer group. The notice must include:

(a) The amount of the security deposit required; and

(b) Approval of the type, retention and limitation levels of the excess insurance as determined under OAR 436-050-0170; and the type, retention and limitation levels of excess insurance required.

(4) The certification of self-insurance will be issued upon receipt of the security deposit, the appropriate excess insurance binder and if applicable, a service agreement between the employer and service company that has been signed by both parties.

(5) Unless a subsequent date is specified by the applicant, the effective date of certification will be the date the certification is issued.

Stat. Auth.: ORS 656.407, 656.430, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.430 & 656.407

Hist.: WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 25-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0290

Commencement/Termination of Employers with a Self-Insured Employer Group; Effect on Net Worth; Extension of Coverage; Change in Entity; Change of Address; Recordkeeping

(1) Prospective new members of a self-insured employer group must submit an application to the board of trustees, or its administrator. The trustees, or administrator, may approve the application for membership under the bylaws of the self-insured group. Once approved, the administrator or board of trustees must submit to the director, within 30 days of the effective date of membership, a completed "Endorsement to Self-Insured Group Application" (440-1869) or a form approved by the director, which must be accompanied by:

(a) A current financial statement of the employer applying;

(b) An agreement signed by the administrator of the self-insured group and the employer, making the employer jointly and severally liable for the payment of any compensation and moneys due to the director by the group or any member of the group; or, if a governmental subdivision self-insured group, a resolution by the governing body of each governmental subdivision binding it to be liable for the payment of any compensation and other amounts due to the director under ORS Chapter 656 incurred by that governmental subdivision during the period of group self-insurance;

(c) A statement showing the effect on the net worth of the group; and

(d) The employer's payroll by class and description and loss information for the last four fiscal or calendar years.

(2) Incomplete submissions or incorrectly completed endorsements to add new members received by the director will not be considered filed. Failure to file a correct and complete endorsement with the required supporting documentation within 30 days of the effective date of membership may result in the assessment of civil penalties.

(3) Individual members may elect to terminate their participation in a self-insured group or be subject to cancellation by the group under the bylaws of the group. Such cancellation or termination will not be effective prior to approval by the director and only after the self-insured group has submitted the following information for review:

(a) A statement showing the effect of termination on the net worth of the group;

(b) Evidence that the employer requesting termination has made alternate arrangements for coverage if the employer continues to employ;

(c) Evidence that the employer requesting termination has been provided a written reminder about its potential future liability as described in section (1)(b) of this rule; and

(d) The requested date of cancellation or termination.

(4) Upon receipt of the required information, the director may approve the cancellation or termination of the employer provided:

(a) The cancellation or termination does not adversely affect the net worth of the group to the extent that the group would no longer qualify for a self-insured status; and

(b) Sufficient evidence has been presented to ensure that the employer, if employing, retains workers' compensation coverage.

(5) Once approved, the group will be notified in writing of the effective date of cancellation or termination.

(6) An employer within a group must, if there is a change in the employing legal entity, again apply for membership within the group, in accordance with this rule. A change in legal entity includes, but is not limited to:

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(a) When a partner joins or leaves the partnership;
(b) When the employer is a sole proprietorship, partnership, or corporation, and changes to a sole proprietorship, partnership, or corporation; or

(c) When an employer sells an existing business to another person(s), except in the case of a corporation.

(7) An employer within a group must, within 10 days after there is a change of address or assumed business name, notify the board of trustees or administrator of the change. The administrator or board of trustees must, within 10 days, submit to the director an endorsement as notice of the change. A change of address includes, but is not limited to:

- (a) Establishment of a new or additional location; or
- (b) Termination of an existing location.

(8) The endorsement required by section (7) of this rule must state specifically which location is being deleted or which is being added. It must also identify the type of address, whether it is mailing, operating, or the principal place of business.

(9) The employer group is responsible for maintaining coverage records relating to each member, to include:

(a) The employer's application for membership in the group, with original signatures;

(b) The employer's liability agreement under OAR 436-050-0270(1)(f), or resolution under OAR 436-050-0280(1)(f), with original signatures;

(c) Cancellation or termination notices;

(d) Reinstatement applications and notices; and

(e) Records on the whereabouts of employers that have been canceled or have terminated their participation in the group.

Stat. Auth.: ORS 656.704 & 656.726(4)

Stats. Implemented: ORS 656.430

Hist.: WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0420; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0300

Self-Insured Employer Group, Common Claims Fund

(1) A self-insured employer group must establish, under the direction and control of the board of trustees and administrator, a common claims fund for the sole purpose of ensuring the availability of funds to make certain the prompt payment of all compensation and all other payments that may become due from such self-insured employer group under the workers' compensation law.

(2) Except as provided in section (5) of this rule, the balance of the common claims fund must be maintained in an amount at least equal to 100 percent of the average of the group's paid losses for the previous four years.

(3) The director may require the self-insured group to increase the amount maintained in the common claims fund.

(4) By March 1 of each year, a self-insured employer group must provide the director with adequate documentation to validate the balance in the common claims fund or notice that the amount calculated in section (2) or (5) of this rule must be included in the determination of the self-insured employer group's security deposit under OAR 436-050-0180.

(5) For governmental subdivisions certified as a self-insured employer group, the balance of the common claims fund must be maintained in an amount at least equal to 60 percent of the average of the group's yearly paid losses for the previous four years.

Stat. Auth.: ORS 656.704 & 656.726(4)

Stats. Implemented: ORS 656.430

Hist.: WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0420; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0340

Group Self-Insurance Revocation

Notwithstanding ORS 656.440, the certification of a self-insured employer group may be revoked by the director after giving 30 days notice if:

(1) The employer group does not comply with ORS 656.430(7) or (8) or OAR 436-050-0260, 0270, 0280, 0290, or 0300;

(2) There are fewer than five employers within a group;

(3) The net worth of the group falls below that required by OAR 436-050-0260(3);

(4) The employer group commits any violation for which a civil penalty could be assessed under ORS 656.745; or

(5) The employer group or any member of the group submits any false or misleading information.

Stat. Auth.: ORS 656.704 & 656.726(4)

Stats. Implemented: ORS 656.434 & 656.440

Hist.: WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0440; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0400

Responsibility for Providing Coverage Under a Lease Arrangement

(1) Every worker leasing company providing workers to a client must satisfy the requirements of ORS 656.017, 656.407, or 656.419.

(2) Every worker leasing company providing leased workers to a client must also provide workers' compensation insurance coverage for any subject workers of the client, unless the client has an active workers' compensation insurance policy proof of coverage on file with the director or is certified under ORS 656.430 as a self-insured employer. In the latter circumstance, the client's insurer or the self-insured employer will be deemed to provide insurance coverage for all leased workers and subject workers of the client.

(3) If an insured client allows its workers' compensation insurance policy to cancel or does not obtain a renewal of the policy, or if a self-insured client allows its certification to terminate, and the client continues to employ subject workers or has leased workers, the client will be considered a noncomplying employer unless the worker leasing company has made the filing with the director under OAR 436-050-0410(1).

(4) A client can obtain leased workers from only one worker leasing company at a time unless the client has an active workers' compensation insurance policy proof of coverage on file with the director or is certified under ORS 656.430 as a self-insured employer.

(5) A worker leasing company must not provide workers' compensation coverage for another worker leasing company doing business in Oregon whether or not any of the worker leasing companies involved is licensed for worker leasing in Oregon.

(6) A client employer may not obtain workers by contract and for a fee on a non-temporary basis from an unlicensed worker leasing company.

Stat. Auth.: ORS 656.704, 656.726(4), 656.850 & 656.855

Stats. Implemented: ORS 656.850 & 656.855

Hist.: WCD 2-1994, f. 4-1-94, cert. ef. 5-1-94; WCD 15-1994, f. 12-23-94, cert. ef. 2-1-95; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 3-2007(Temp), f. 5-31-07, cert. ef. 6-1-07 thru 11-27-07; WCD 7-2007, f. 11-1-07, cert. ef. 11-28-07; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0410

Notice to Director of Lease Arrangement; Termination

(1) Within 14 days after the effective date of the lease arrangement or contract, a worker leasing company must file written notice with the director and its insurer, using Form 440-2465, that it is providing leased workers to a client and workers' compensation coverage. The notice must be correct and complete, and must include:

(a) The client's:

(A) Legal name;

(B) FEIN or other tax reporting number;

(C) Type of ownership;

(D) Primary nature of business;

(E) Mailing address; and

(F) Street address in Oregon;

(b) The worker leasing company's:

(A) Legal name;

(B) Mailing address;

(C) FEIN or other tax reporting number;

(D) WCD worker leasing license number, if any;

(E) Workers' compensation insurer's name (or "self-insured");

(F) Effective date of leasing contract;

(G) Contact name and phone number; and

(H) A signature of a representative of the worker leasing company.

(2) A worker leasing company may terminate its obligation to provide workers' compensation coverage by giving to its insurer, its client, and the director written notice of the termination. A notice of termination must state the effective date and hour of termination, but the termination will be effective not less than 30 days after the notice is received by the director. Notice to the client under this section must be given by mail, addressed to the client at its last-known address.

Stat. Auth.: ORS 656.704, 656.726(4), 656.850 & 656.855

Stats. Implemented: ORS 656.850 & 656.855

Hist.: WCD 2-1994, f. 4-1-94, cert. ef. 5-1-94; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 10-2003, f. 8-29-03, cert. ef. 9-15-03; WCD 7-2007, f. 11-1-07, cert. ef. 11-28-07; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

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436-050-0420

Temporary Worker Distinguished from Leased Worker

(1) A person who provides a worker to work for a client will be considered to be providing the worker on a “temporary basis” only if there is contemporaneous written documentation that indicates the duration of the work to be performed and that the worker is provided for a client’s special situation under ORS 656.850(1)(b). Contemporaneous documentation means documents that are created at the time the temporary service provider and the client employer make the arrangements for placement of the worker. Upon the director’s request, the documentation must be provided to the director by either the temporary service provider or the client. Contemporaneous documentation in support of workers being provided on a temporary basis includes one or more of the following conditions:

(a) To cover employee absences or employee leaves, including but not limited to such things as maternity leave, vacation, jury duty, or illness from which the permanent worker will return to work;

(b) To fill a professional skill shortage, including but not limited to, professionals such as engineers, architects, electricians, plumbers, pharmacists, nurses, or other professions, whether licensed or not, to supplement or satisfy a shortage of that skill for a known duration. Supporting documentation may include license information and whether the worker is supplementing or satisfying a client employer’s need for the skill;

(c) To staff a seasonal or sporadic increase in workload, indicated by a temporary increase in demand upon an employer’s normal workload that requires additional assistance to meet the demand. When the increased demand ends, the additional positions are eliminated. Documentation must include what constitutes the demand establishing why this special situation is beyond the norm;

(d) To staff a special assignment or project outside of the routine activities of the business where the worker will be terminated or assigned to another temporary project upon completion. For example, a construction contractor may need assistance on a construction site to help clear branches and other debris after a windstorm so the regular construction crew can continue its work. Documentation must describe the project and why it is unusual;

(e) To hire a student worker that will be provided and paid by a school district or community college through a work experience program. Documentation must include the name of the school and the work experience program; or

(f) To cover special situations where the worker has a reasonable expectation of transitioning to permanent employment with the client employer and the client employer uses a pre-established probationary period in its overall employment selection program. Documentation must include copies of the client employer’s written program or other evidence supporting the pre-established probationary period and overall employment selection program.

(2) If a person provides workers, by contract and for a fee, to work for a client and any such workers are not provided on a “temporary basis,” that person will be considered a worker leasing company.

(3) If a person provides both leased workers and workers on a temporary basis, that person must maintain written records that show specifically which workers are provided on a temporary basis. If the written records do not specify which workers are provided on a temporary basis, all workers are deemed to be leased workers.

Stat. Auth.: ORS 656.704, 656.726(4), 656.850 & 656.855

Stats. Implemented: ORS 656.850 & 656.855

Hist.: WCD 2-1994, f. 4-1-94, cert. ef. 5-1-94; WCD 15-1994, f. 12-23-94, cert. ef. 2-1-95; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 10-2003, f. 8-29-03, cert. ef. 9-15-03; WCD 3-2007(Temp), f. 5-31-07, cert. ef. 6-1-07 thru 11-27-07; WCD 7-2007, f. 11-1-07, cert. ef. 11-28-07; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0440

Qualifications, Applications, and Renewals for License as a Worker-Leasing Company

(1) Each person applying for initial license or renewal as a worker leasing company must:

(a) Be either an Oregon corporation or other legal entity registered with the Oregon Secretary of State, Corporations Division to conduct business in this state;

(b) Maintain workers’ compensation coverage under ORS 656.017; and

(c) Upon application approval and prior to licensure, pay the required licensing fee of \$2,050.

(2) Each person applying for initial license or renewal as a worker leasing company must submit an Application for Oregon Worker Leasing License Form 440-2466. The form and accompanying documentation must include:

- (a) Legal name;
- (b) Mailing address;
- (c) In-state and out-of-state phone numbers;
- (d) FEIN or other tax reporting number;
- (e) Type of business;
- (f) Physical address for Oregon principal place of business;
- (g) Assumed business names;
- (h) Name of workers’ compensation insurer (or “self-insured”) and policy number;

(i) Name(s) and contact information of the representative(s) at the Oregon location(s);

(j) List of controlling persons, and in the case of privately held entities all owners, including their names, titles, residence addresses, telephone numbers, email addresses, and dates of birth;

(k) For a person applying for an initial license, a list of all states where the person operates as a leasing company or professional employer organization (PEO), copies of licenses, registrations, recognitions, or certifications from states that require those actions, and a verifiable statement that the remaining states of operation, if any, do not require licensure, registration, recognition, or certification to provide worker leasing or PEO services;

(l) Verification of compliance with tax laws from Oregon Employment Department, Oregon Department of Revenue, and the Internal Revenue Service, using Attachments A, B, and C of Form 440-2466, the worker leasing license application;

(m) A record of any present or prior experience of providing workers by contract and for a fee in any state, by the person or any controlling person, and an explanation of that experience;

(n) A record of any bankruptcies, liens, or any actions involving or demonstrating dishonesty or misrepresentation, including but not limited to: fraud, theft, burglary, embezzlement, deception, perjury, forgery, counterfeiting, bribery, extortion, money laundering, or securities, investments, or insurance violations on the part of the person or any controlling person.

Records of such actions must include:

(A) Charges, guilty pleas, or pleas of no contest;

(B) Criminal convictions;

(C) Lawsuits;

(D) Judgments; or

(E) Discharges or permitted resignations based on allegations of these actions.

(o) Full details regarding any bankruptcy, liens, or action under subsection (n) of this section, including:

(A) The nature and dates of the action(s);

(B) Outcomes, sentences, and conditions imposed;

(C) Name and location of the court or jurisdiction in which any proceedings were held or are pending, and the dates of the proceedings; and

(D) The designation and license number for any actions against a license;

(p) Full details of any administrative actions against the person by a regulatory agency of any state regarding matters listed in subsection(2)(n) or worker leasing activities;

(q) A plan of operation that demonstrates how the worker leasing company will meet the requirements of ORS chapter 654, The Oregon Safe Employment Act;

(r) A plan of operation that demonstrates how the worker leasing company will collect and report the information necessary to establish each client’s separate experience rating to the insurer providing workers’ compensation coverage for each client, or to the National Council on Compensation Insurance for a self-insured worker leasing company and

(s) A notarized signature of an authorized representative of the applicant.

(3) The director may request additional information to further clarify the information and documentation submitted with the application. Under ORS 656.850(2), no person may perform services as a worker leasing company in Oregon without first being licensed to do so.

(4) The director will review complete applications, and may conduct a background investigation of the person applying for a license, an owner, or any controlling person. Information learned through a background investigation, or other information submitted during the application process, may be the basis for the director to refuse to issue or renew a license, or to disqualify the person from making further application.

(5) If the application is approved, the director will issue a license. Each license issued under these rules will automatically expire two years after the date of issuance unless renewed by the licensee. To renew a license, the worker leasing company must submit a renewal application to

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the director at least 90 days before the expiration of the current worker leasing license. Any supplemental material, whether requested by the director or submitted by the worker leasing company to establish a complete application, must be received by the director at least 45 days before expiration of the current license.

(6) The director may refuse to issue or renew a license or may disqualify a person, controlling person, or worker leasing company from applying for a license in the future for misrepresentation, failure to meet any of the requirements of ORS 656.850, 656.855, or these rules, or for reasons including, but not limited to:

(a) Denial of a previous application for, or prior suspension or revocation of, a worker leasing license by the director;

(b) Denial, suspension, or revocation of a license, registration, or certification, or other discipline by any governmental agency or entity;

(c) Having exercised authority, control, or decision-making responsibility concerning any worker leasing company at the time that company had its authorization to provide worker leasing services denied, suspended, revoked, or restricted;

(d) Having been the subject of an order, adverse to the person, controlling person, or worker leasing company, by any governmental agency or entity in connection with any worker leasing activity;

(e) Having been found by any governmental agency or entity to have made a false or misleading statement, material misrepresentation, or material omission, or to have failed to disclose material facts;

(f) Violations of worker leasing statutes or regulations;

(g) Failure to establish minimum experience, training, or education that demonstrates competency in providing worker leasing services;

(h) Having been the subject of a complaint, investigation, or proceeding related to an action in subsection (2)(n) of this rule;

(i) Having been charged with, convicted of, or pleaded guilty or no contest to any felony or misdemeanor specified in subsection (2)(n) of this rule; or

(j) Having failed to provide documents the director has requested.

(7) "Disqualification," as used in this rule, means a person or a prospective worker leasing company may reapply no sooner than two years from the disqualification date.

(8) A disqualification may apply to any new worker leasing company created through the sale, transfer, or conveyance of ownership or of the worker leasing company's assets to another person, owner, or controlling person.

(9) A person may appeal the director's refusal to approve and issue or renew a license, or a disqualification, under this rule as provided in OAR 436-050-0008 and OAR 436-001.

Stat. Auth.: ORS 656.704, 656.726(4), 656.850 & 656.855

Stats. Implemented: ORS 656.850 & 656.855

Hist.: WCD 2-1994, f. 4-1-94, cert. ef. 5-1-94; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 10-2003, f. 8-29-03, cert. ef. 9-15-03; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 5-2005, f. 5-26-05, cert. ef. 6-1-05; WCD 3-2007(Temp), f. 5-31-07, cert. ef. 6-1-07 thru 11-27-07; WCD 7-2007, f. 11-1-07, cert. ef. 11-28-07; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0450

Recordkeeping and Reporting Requirements

(1) Every licensed worker leasing company must give notice to the director of one Oregon location where Oregon leasing records are kept and made available for review by the director. The notice must include the physical address, mailing address, telephone number, and any other contact information in this state.

(2) Every licensed worker leasing company must have at least one representative of the worker leasing company at the Oregon location authorized to respond to inquiries and make records available by the date specified in the director's request or demand for information regarding leasing arrangements and client contracts.

(3) The following records must be kept and made available for review at the Oregon location:

(a) Copies of signed worker leasing notices for the most recent three years;

(b) Copies of signed notices of termination of leasing arrangements for the most recent three years;

(c) Copies of signed contracts between the worker leasing company and clients for the most recent three years; and

(d) Payroll records for the most recent seven years for all workers that identify leased workers subject to coverage by the worker leasing company; leased workers not subject to coverage by the worker leasing company; and, written records for all regular and temporary employees of the worker leasing company.

(4) The worker leasing company must notify the director within 30 days of the effective date of a change in any items listed in OAR 436-050-0440(2).

Stat. Auth.: ORS 656.704, 656.726(4), 656.850 & 656.855

Stats. Implemented: ORS 656.850 & 656.855

Hist.: WCD 2-1994, f. 4-1-94, cert. ef. 5-1-94; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 10-2003, f. 8-29-03, cert. ef. 9-15-03; WCD 3-2007(Temp), f. 5-31-07, cert. ef. 6-1-07 thru 11-27-07; WCD 7-2007, f. 11-1-07, cert. ef. 11-28-07; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0455

Reporting Requirements of a Self-Insured Worker-Leasing Company

(1) A self-insured worker leasing company must maintain and report to the National Council on Compensation Insurance separate statistical data for each client whose coverage is provided by the self-insured employer. Reporting must be according to the uniform statistical plan prescribed by the director according to ORS 737.225(4).

(2) Records relating to the client statistical data for self-insured worker leasing companies must be made available for review by the National Council on Compensation Insurance upon request.

Stat. Auth.: ORS 656.704, 656.726(4), 656.850 & 656.855

Stats. Implemented: ORS 656.850 & 656.855

Hist.: WCD 2-1994, f. 4-1-94, cert. ef. 5-1-94; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 7-2007, f. 11-1-07, cert. ef. 11-28-07; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0460

Suspension or Revocation of License

(1) Reasons for suspension or revocation of a worker leasing license include, but are not limited to:

(a) Insolvency, whether the worker leasing company's liabilities exceed their assets or the worker leasing company cannot meet its financial obligations;

(b) Judgments against or convictions, within the last ten years, of any worker leasing company or controlling person for the reasons identified in OAR 436-050-0440(2)(n);

(c) Administrative actions involving worker leasing activities resulting from failure to comply with the requirements of any state;

(d) Nonpayment of taxes, fees, assessments, or any other monies due the State of Oregon;

(e) If the worker leasing company or controlling person has failed to comply with any provisions of ORS chapters 654, 656, 659, 659A, 731 or 737; or any provisions of these rules; or

(f) If the worker leasing company or controlling person is permanently or temporarily enjoined by a court from engaging in or continuing any conduct or practice involving any aspect of the worker leasing business.

(2) For the purposes of this rule:

(a) "Suspension" means a stopping by the director of the worker leasing company's or controlling person's authority to provide leased workers to clients for a specified period of time. A suspension may be in effect for a period of up to two years. When the suspension expires, the worker leasing company or controlling person may petition the director to resume its worker leasing company activities.

(b) "Revocation" means a permanent stopping by the director of the worker leasing company's or controlling person's authority to provide leased workers to clients. After a revocation has been in effect for five years or longer, the worker leasing company or controlling person may reapply for license.

(c) "Show-cause hearing" means an informal meeting with the director in which the worker leasing company will be provided an opportunity to be heard and present evidence regarding any proposed actions by the director to suspend or revoke a worker leasing company's authority to provide leased workers to clients.

(3) The director may revoke a license upon discovery of a misrepresentation in the information submitted in the worker leasing application.

(4) Suspension or revocation under this rule will not be made until the worker leasing company has been given notice and the opportunity to be heard through a show-cause hearing before the director and "show cause" why it should be permitted to continue to be licensed as a worker leasing company.

(5) A show-cause hearing may be held at any time the director finds that a worker leasing company has failed to comply with its obligations under a leasing contract or that it failed to comply with the rules or orders of the director.

(6) Appeal of proposed and final orders of suspension or revocation issued under this rule may be made as provided in OAR 436-050-0008 and 436-001.

(7) Notwithstanding section (4) of this rule, the director may immediately suspend or refuse to renew a license by issuing an "emergency sus-

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pension order” if the worker leasing company fails to maintain workers’ compensation coverage; or if the director finds there is a serious danger to public health or safety.

(8) A suspension or revocation may apply to any new worker leasing company created through the sale, transfer, or conveyance of ownership or of the worker leasing company’s assets to another person.

Stat. Auth.: ORS 656.704, 656.726(4), 656.850 & 656.855
Stats. Implemented: ORS 656.850 & 656.855
Hist.: WCD 2-1994, f. 4-1-94, cert. ef. 5-1-94; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 10-2003, f. 8-29-03, cert. ef. 9-15-03; WCD 5-2005, f. 5-26-05, cert. ef. 6-1-05; WCD 3-2007(Temp), f. 5-31-07, cert. ef. 6-1-07 thru 11-27-07; WCD 7-2007, f. 11-1-07, cert. ef. 11-28-07; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0470

Monitoring/Auditing

(1) The division will monitor and conduct periodic audits of employers as necessary to ensure compliance with the worker leasing company licensing and performance requirements.

(2) All pertinent records of the worker leasing company required by these rules must be disclosed upon request of the director.

(3) Under ORS 656.726 and 656.758, the director may inspect the books, records and payrolls of employers pertinent to the administration of these rules. Employers must provide the director with all pertinent books, records and payrolls upon request.

(4) For the purposes of this rule, both the worker leasing company and its clients will be considered employers.

Stat. Auth.: ORS 656.704, 656.726(4), 656.850 & 656.855
Stats. Implemented: ORS 656.850 & 656.855
Hist.: WCD 2-1994, f. 4-1-94, cert. ef. 5-1-94; WCD 9-1996, f. 3-11-96, cert. ef. 4-1-96; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 10-2003, f. 8-29-03, cert. ef. 9-15-03; WCD 7-2007, f. 11-1-07, cert. ef. 11-28-07; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

436-050-0480

Assessment of Civil Penalties

(1) Failure to provide timely notice to the director for proof of coverage and cancellation of workers’ compensation insurance policies under ORS 656.419 or OAR 436-162, or failure to provide timely worker leasing notice to the director under ORS 656.850(5) and OAR 436-050-0410, may result in civil penalties under ORS 656.745.

(2) The director may assess a civil penalty under ORS 656.745 against an employer who fails to respond to requests for information or fails to meet the requirements of 436-050-0470. Assessment of a penalty does not relieve the employer of the obligation to provide a response.

(3) An employer failing to meet the requirements set forth in OAR 436-050-0410, 436-050-0450, and 436-050-0455, may be assessed a civil penalty under ORS 656.745.

(4) An employer who is found to be operating a worker leasing company without having obtained a license or after having failed to renew a license, or who continues to operate in Oregon as a worker leasing company after a prior Oregon license expired, may be assessed a civil penalty for each violation under ORS 656.745.

(5) For the purposes of ORS 656.850(2), a violation is defined as any month or part of a month for each client in which an employer provides leased workers to a client without having first obtained a worker leasing license.

(6) An employer obtaining workers by contract and for a fee from an unlicensed worker leasing company on a non-temporary basis may be subject to penalties under ORS 656.745. Upon a subsequent or continuing violation where written notice of such violation has been served, penalties under ORS 656.745 will be assessed against the employer.

(7) Any person or controlling person may also be subject to penalties under ORS 656.990.

[ED. NOTE: Appendices referenced are available from the agency.]
Stat. Auth.: ORS 656.704, 656.726(4), 656.850 & 656.855
Stats. Implemented: ORS 656.850 & 656.855
Hist.: WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 5-2005, f. 5-26-05, cert. ef. 6-1-05; WCD 3-2007(Temp), f. 5-31-07, cert. ef. 6-1-07 thru 11-27-07; WCD 7-2007, f. 11-1-07, cert. ef. 11-28-07; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13

Department of Fish and Wildlife Chapter 635

Rule Caption: Additional Treaty Indian Fall Commercial Gill Net Fishery Set In Columbia River.

Adm. Order No.: DFW 120-2012(Temp)

Filed with Sec. of State: 9-18-2012

Certified to be Effective: 9-18-12 thru 10-31-12

Notice Publication Date:

Rules Amended: 635-041-0075

Rules Suspended: 635-041-0075(T)

Subject: Amended rules set an additional Treaty tribal gill net fishery for all of Zone 6 in the Columbia River and allow commercial sales of fish caught during that fishery. This fall gill net fishery begins at 6:00 a.m. Tuesday, September 18 and runs through 6:00 p.m. Friday, September 21, 2012 (3.25 days). Sales of fish from this gill net fishery are authorized beginning at 10:00 a.m. Tuesday, September 18. Modifications are consistent with action taken September 17, 2012 by the Columbia River Compact agencies of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0075

Fall Salmon Season

(1) Commercial sales of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River are allowed for fish caught from 6:00 a.m. Friday, July 27, 2012 until further notice.

(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) Fish may be taken by gill net for commercial purposes in Zone 6 of the mainstem Columbia River from 6:00 a.m. Tuesday, September 18 through 6:00 p.m. Friday, September 21, 2012 (3.5 days); except that fish may not be possessed or sold prior to 10:00 a.m. Tuesday, September 18, 2012.

(a) Salmon, steelhead, shad, yellow perch, bass, walleye, catfish and carp landed during any open gill net fishing period may be sold after the period closes 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 purposes. Sockeye salmon may not be retained or sold.

(b) Gear is restricted to gill nets with an 8-inch minimum mesh size.

(c) Closed areas in Zone 6, including a reduced Spring Creek sanctuary (a radius of 150 feet around the hatchery ladder), are as set forth in OAR 635-041-0045 and remain in effect.

(3) Sales of fish caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; Drano Lake; 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 except, effective 6:00 p.m. Thursday, July 12, 2012, sales of sockeye salmon are prohibited in all tributaries except Icicle Creek.

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 75-1989(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.

ADMINISTRATIVE RULES

ef. 9-17-92; FWC 96-1992(Temp), f. 9-22-92, cert. ef. 9-23-92; FWC 105-1992(Temp), f. 10-2-92, cert. ef. 10-5-92; FWC 107-1992 (Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. 9-17-93, cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. 9-7-94, cert. ef. 9-8-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. 8-25-95, cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. 8-29-96, cert. ef. 9-2-96; FWC 51-1996(Temp), f. 9-6-96, cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. 8-29-97, cert. ef. 9-2-97; FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. 9-16-97, cert. ef. 9-17-97; DFW 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; DFW 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; DFW 77-1998(Temp), f. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; DFW 79-1998(Temp), f. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; DFW 80-1998(Temp), f. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 62-1999(Temp), f. 9-2-99, cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. 10-12-04, cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 107-2006(Temp), f. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; DFW 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; DFW 141-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; DFW 88-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 95-2009(Temp), f. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; DFW 111-2009(Temp), f. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; DFW 114-2009(Temp), f. 9-18-09, cert. ef. 9-21-09 thru 10-31-09; DFW 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; DFW 129-2009(Temp), f. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; DFW 111-2010(Temp), f. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; DFW 120-2010(Temp), f. 8-18-10, cert. ef. 8-24-10 thru 10-31-10; DFW 128-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; DFW 136-2010(Temp), f. 9-24-10, cert. ef. 9-27-10 thru 10-31-10; DFW 142-2010(Temp), f. 10-8-10, cert. ef. 10-9-10 thru 10-31-10; DFW 149-2010(Temp), f. 10-18-10, cert. ef. 10-19-10 thru 10-31-10; Administrative correction 11-23-10; DFW 103-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; DFW 119-2011(Temp), f. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; DFW 124-2011(Temp), f. 9-8-11, cert. ef. 9-12-11 thru 10-31-11; DFW 130-2011(Temp), f. 9-15-11, cert. ef. 9-19-11 thru 10-31-11; 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

Rule Caption: Additional Fall Commercial Drift Gill Net Seasons Set for the Mainstem Columbia River.

Adm. Order No.: DFW 121-2012(Temp)

Filed with Sec. of State: 9-18-2012

Certified to be Effective: 9-18-12 thru 10-31-12

Notice Publication Date:

Rules Amended: 635-042-0031

Rules Suspended: 635-042-0031(T)

Subject: Amended rule authorizes three additional fishing periods for the 2012 fall commercial salmon drift gill net fishery in the Columbia River mainstem in Zones 4 through 5. The first authorized fishing period begins at 8:00 p.m. Wednesday, September 19, 2012. Modifications are consistent with action taken September 17, 2012

by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0031

Early Fall Salmon Season

(1) Salmon and sturgeon may be taken for commercial purposes in the waters of the Columbia River: Zones 4 5 from 8:00 p.m. Wednesday, September 19 to 6:00 a.m. Thursday, September 20, 2012 (10 hours); from 8:00 p.m. Sunday, September 23 to 6:00 a.m. Monday, September 24, 2012 (10 hours); and from 8:00 p.m. Tuesday, September 25 to 6:00 a.m. Wednesday, September 26, 2012 (10 hours), as identified in OAR 635-042-0001. The deadline at the lower end of Zone 4 is defined as a straight line projected from the Warrior Rock Lighthouse on the Oregon shore easterly through the green navigation Buoy #1 and continuing to the Washington shore. Sanctuaries include: Washougal and Sandy rivers as applicable.

(2) Gear is restricted to drift gill nets only with an 8 inch minimum mesh size. The multiple net rule is in effect and nets not authorized for this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Nets fished any time between official sunset and official sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

(3) Allowable sales include: Salmon and white sturgeon from 43-54 inches in fork length. A maximum of five (5) white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. The white sturgeon possession and sales limit includes mainstem fisheries only. Sales of white sturgeon from fall Select Area fisheries are prohibited.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & cert. ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. & cert. ef. 8-29-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 91-1991(Temp), f. & cert. ef. 8-29-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 53-1996(Temp), f. & cert. ef. 9-16-96; FWC 49-1997, f. 8-20-97, cert. ef. 8-24-97; DFW 74-1998(Temp), f. & cert. ef. 8-25-98 thru 8-26-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 75-1999(Temp), f. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. 8-23-00, cert. ef. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. 8-7-01, cert. ef. 8-8-01 thru 8-9-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 79-2001(Temp), f. & cert. ef. 8-22-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. ef. 8-24-01 thru 12-31-01; DFW 86-2001(Temp), f. & cert. ef. 9-4-01 thru 12-31-01; DFW 81-2002(Temp), f. 8-2-02, cert. ef. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. 8-11-06, cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. 8-24-06, cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. 8-17-07, cert. ef. 8-23-07 thru 8-31-07; Administrative correction 9-16-07; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. ef. 8-12-08 thru 12-31-08; DFW 95-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; DFW 100-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 9-30-08; DFW 102-2008(Temp), f. & cert. ef. 8-26-08 thru 9-1-08; Administrative correction 9-29-08; Administrative correction 10-21-08; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 90-2009(Temp), f. 8-7-09, cert. ef. 8-8-09 thru 12-31-09; DFW 96-2009(Temp), f. & cert. ef. 8-21-09 thru 8-31-09; DFW 97-2009(Temp), f. & cert. ef. 8-25-09 thru 8-31-09; DFW 100-2009(Temp), f. & cert. ef. 8-27-09 thru 8-31-09; Administrative correction 9-29-09; DFW 112-2010(Temp), f. 7-30-10, cert. ef. 8-3-10 thru 8-31-10; DFW 121-2010(Temp), f. 8-18-10, cert. ef. 8-19-10 thru 8-31-10; Administrative correction 9-22-10; DFW 132-2010(Temp), f. 9-21-10, cert. ef. 9-22-10 thru 10-31-10; DFW 137-2010(Temp), f. & cert. ef. 9-24-10 thru 10-31-10; Administrative correction 11-23-10; DFW 105-2011(Temp), f. 8-2-11, cert. ef. 8-4-11 thru 8-31-11; DFW 120-2011(Temp), f. 8-26-11, cert. ef. 8-28-11 thru 9-14-11; DFW 128-2011(Temp), f. 9-14-11, cert. ef. 9-18-11 thru 9-30-11; DFW 134-2011(Temp), f. 9-21-11, cert. ef. 9-22-11 thru 9-30-11; DFW 136-2011(Temp), f. & cert. ef. 9-28-11 thru 10-5-11; DFW 140-2011(Temp), f. 10-4-11, cert. ef. 10-5-11 thru 10-12-11; DFW 144-2011(Temp), f. 10-11-11, cert. ef. 10-13-11 thru 10-31-11; DFW 147-2011(Temp), f. 10-17-11, cert. ef. 10-18-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 98-2012(Temp), f. 7-31-12, cert. ef. 8-5-12 thru 10-31-12; DFW 112-2012(Temp), f. 8-24-12, cert. ef. 8-26-12 thru 10-31-12; DFW 121-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12

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Rule Caption: Unity Reservoir Trophy Bass Protection.
Adm. Order No.: DFW 122-2012(Temp)
Filed with Sec. of State: 9-19-2012
Certified to be Effective: 9-21-12 thru 12-31-12
Notice Publication Date:
Rules Amended: 635-021-0090
Rules Suspended: 635-021-0090(T)

Subject: Amended rule prohibits harvest of bass from Unity Reservoir. Due to low water storage levels currently at Unity Reservoir, the trophy-sized bass stocked there in 2011 are highly vulnerable to over-harvest. Rule modifications provide protection of these fish from over-harvesting. Because bass recruitment is low in this reservoir, this rule will also protect younger year-classes of bass from being over-harvested.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-021-0090

Inclusions and Modifications

(1) **2012 Oregon Sport Fishing Regulations** provide requirements for the Southeast 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) Thief Valley Reservoir is open to angling for all game species from September 7 through October 31, 2012 with the following restrictions:

- (a) Harvest is allowed by hand, dip net or angling.
- (b) There is no daily catch or possession limits.
- (c) There are no minimum length requirements.

(3) The following waterbodies within the Southeast Zone are closed to all angling until further notice:

(a) All streams in the Willow-Whitehorse Basin, including but not limited to: Cottonwood Creek; Doolittle Creek; Fifteenmile Creek; Little Whitehorse Creek; Whitehorse Creek; Willow Creek.

(b) McDermitt Creek Subbasin: Cottonwood Creek (tributary of McDermitt Creek); McDermitt Creek; N. Fork McDermitt Creek.

(c) Quinn Basin, Malheur County: Indian Creek; Sage Creek.

(4) The harvest of bass from Unity Reservoir is prohibited effective September 21 through December 31, 2012.

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

Stat. Auth.: ORS 183.325, 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 76-1994(Temp), f. & cert. ef. 10-17-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 55-2001(Temp), f. & cert. ef. 6-29-01 thru 12-26-01; DFW 56-2001(Temp), f. & cert. ef. 6-29-01 thru 12-26-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 54-2002(Temp), f. 5-24-02, cert. ef. 6-15-02 thru 12-1-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 93-2002(Temp), f. 8-22-02, cert. ef. 8-24-02 thru 12-31-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 80-2003(Temp), f. & cert. ef. 8-22-03 thru 9-30-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 101-2005(Temp), f. 8-31-05, cert. ef. 9-2-05 thru 9-30-05; Administrative correction 10-19-05; 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 36-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; DFW 54-2007(Temp), f. 7-6-07, cert. ef. 7-14-07 thru 9-30-07; DFW 62-2007(Temp), f. 7-31-07, cert. ef. 8-1-07 thru 9-30-07; Administrative correction 10-16-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 51-2008(Temp), f. 5-16-08, cert. ef. 5-31-08 thru 9-1-08; DFW 74-2008(Temp), f. 7-3-08, cert. ef. 7-4-08 thru 9-1-08; DFW 77-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; Administrative correction 9-29-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 53-2009(Temp), f. 5-18-09, cert. ef. 5-30-09 thru 9-1-09; DFW 62-2009(Temp), f. 6-2-09, cert. ef. 6-13-09 thru 9-1-09; DFW 79-2009(Temp), f. 6-30-09, cert. ef. 7-5-09 thru 9-1-09; Administrative correction 9-29-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 52-2010(Temp), f. 4-30-10, cert. ef. 5-1-10 thru 9-30-10; DFW 60-2010(Temp), f. 5-13-10, cert. ef. 5-22-10 thru 9-30-10; DFW 67-2010(Temp), f. 5-18-10, cert. ef. 5-22-10 thru 9-30-10; DFW 78-2010(Temp), f. 6-10-10, cert. ef. 6-11-10 thru 9-1-10; Administrative correction 9-22-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 50-2011(Temp), f. 5-16-11, cert. ef. 5-28-11 thru 9-1-11; Administrative correction 9-23-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 60-2012(Temp), f. 6-11-12, cert. ef. 6-13-12 thru 9-1-12; DFW 114-2012(Temp), f. 8-30-12, cert. ef. 9-1-12 thru 2-27-13; DFW 117-2012(Temp), f. 9-5-12, cert. ef. 9-7-12 thru 2-27-13; DFW 122-2012(Temp), f. 9-21-12, cert. ef. 9-21-12 thru 12-31-12

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Rule Caption: Central Oregon Coast Subarea (Cape Falcon to Humbug Mountain) Nearshore Pacific Halibut Season Reopens.

Adm. Order No.: DFW 123-2012(Temp)

Filed with Sec. of State: 9-19-2012

Certified to be Effective: 9-24-12 thru 10-31-12

Notice Publication Date:

Rules Amended: 635-039-0085

Rules Suspended: 635-039-0085(T)

Subject: This amended rule reopens the nearshore sport fishery for Pacific halibut in the area between Cape Falcon and Humbug Mountain, Oregon at 12:01 a.m. on Monday, September 24, 2012. The reopening allows opportunities to harvest the remaining Central Coast Sub-area quota and the projected remaining Columbia River Sub-area quota that becomes available on October 1, 2012. This rule is consistent with regulations that have been implemented by the federal government and the International Pacific Halibut Commission for the 2012 Oregon Pacific halibut recreational fishery.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-039-0085

Halibut Seasons

(1) The Pacific halibut sport fishery in Oregon is regulated by the federal government and the International Pacific Halibut Commission (IPHC). OAR chapter 635, Division 039 incorporates into Oregon Administrative Rules, by reference:

(a) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 2012 ed.), as amended; and

(b) Federal Register Vol. 77, No. 56, dated March 22, 2012 (77 FR 16740).

(2) Therefore, persons must consult all publications referenced in this rule in addition to Division 039 to determine applicable halibut fishing seasons.

(3) Effective 11:59 p.m. Thursday, July 5, 2012, the Central Oregon Coast Subarea (Cape Falcon to Humbug Mountain) spring all-depth season is closed to the retention of Pacific halibut.

(4) Effective 11:59 p.m. Sunday, July 22, 2012, the Central Oregon Coast Subarea (Cape Falcon to Humbug Mountain) nearshore season is closed to the retention of Pacific halibut.

(5) Effective 11:59 p.m. Friday, August 24, 2012, the Central Oregon Coast Subarea (Cape Falcon to Humbug Mountain) summer all-depth season is closed to the retention of Pacific halibut.

(6) Effective 12:01 a.m. Monday, September 24, 2012, the Central Oregon Coast Subarea (Cape Falcon to Humbug Mountain) nearshore season is open to the retention of Pacific halibut.

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

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 107-2005(Temp), f. 9-14-05, cert. ef. 9-15-05 thru 10-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-19-06; DFW 34-2006(Temp), f. 5-25-06, cert. ef. 5-27-06 thru 8-3-06; Administrative correction 8-22-06; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 35-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 8-2-07; DFW 67-2007(Temp), f. 8-9-07, cert. ef. 8-12-07 thru 9-30-07; DFW 76-2007(Temp), f. 8-17-07, cert. ef. 8-24-07 thru 9-30-07; DFW 84-2007(Temp), f. 9-5-07, cert. ef. 9-15-07 thru 9-30-07; DFW 87-2007(Temp), f. 9-10-07, cert. ef. 9-14-07 thru 10-28-07; DFW 90-2007(Temp), f. 9-19-07, cert. ef. 9-20-07 thru 10-31-07; Administrative correction 11-17-07; DFW 57-2008(Temp), f. 5-30-08, cert. ef. 6-1-08 thru 7-31-08; DFW 81-2008(Temp), f. 7-11-08, cert. ef. 8-2-08 thru 9-30-08; DFW 92-2008(Temp), f. & cert. ef. 8-11-08 thru 9-30-08; DFW 101-2008(Temp), f. 8-25-08, cert. ef. 8-29-08 thru 9-30-08; DFW 107-2008(Temp), f. 9-5-08, cert. ef. 9-7-08 thru 12-31-08; DFW 111-2008(Temp), f. & cert. ef. 9-16-08 thru 12-31-08; DFW 120-2008(Temp), f. 9-25-08, cert. ef. 9-27-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 55-2009(Temp), f. & cert. ef. 5-22-09 thru 8-6-09; DFW 94-2009(Temp), f. 8-14-09, cert. ef. 8-16-09 thru 12-31-09; Administrative correction 1-25-10; DFW 32-2010, f. & cert. ef. 3-15-10; DFW 37-2010, f. 3-30-10, cert. ef. 4-1-10; DFW 100-2010(Temp), f. 7-15-10, cert. ef. 7-17-10 thru 10-31-10; DFW 118-2010(Temp), f. & cert. ef. 8-13-10 thru 10-31-10; Administrative correction 11-23-10; DFW 24-2011, f. & cert. ef. 3-22-11; DFW 58-2011(Temp), f. 5-27-11, cert. ef. 6-4-11 thru 8-4-11; DFW 82-2011(Temp), f. 6-30-11, cert. ef. 7-1-11 thru 8-4-11; DFW 85-2011(Temp), f. 7-5-11, cert. ef. 7-6-11 thru 10-31-11; DFW 114-2011(Temp), f. & cert. ef. 8-12-11 thru 10-31-11; DFW 135-2011(Temp), f. 9-21-11, cert. ef. 10-1-11 thru 12-31-11; DFW 39-2012, f. & cert. ef. 4-24-12; DFW 84-2012(Temp), f. & cert. ef. 7-5-12 thru 8-2-12; DFW 91-2012(Temp), f. 7-19-12, cert. ef. 7-22-12 thru 10-31-12; DFW 111-2012(Temp), f. 8-23-12, cert. ef. 8-24-12 thru 12-31-12; DFW 123-2012(Temp), f. 9-19-12, cert. ef. 9-24-12 thru 10-31-12

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Rule Caption: Additional treaty Indian Fall Commercial Gill Net Fishery Set in Columbia River.

Adm. Order No.: DFW 124-2012(Temp)

Filed with Sec. of State: 9-25-2012

Certified to be Effective: 9-26-12 thru 10-31-12

Notice Publication Date:

Rules Amended: 635-041-0075

Rules Suspended: 635-041-0075(T)

Subject: Amended rules set an additional Treaty tribal gill net fishery for all of Zone 6 in the Columbia River and allow commercial

ADMINISTRATIVE RULES

sales of fish caught during the fishery. This fall gill net fishery begins at 6:00 a.m. Wednesday, September 26 and runs through 6:00 p.m. Friday, September 28, 2012 (2.5 days). Modifications are consistent with action taken September 25, 2012 by the Columbia River Compact agencies of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0075

Fall Salmon Season

(1) Commercial sales of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River are allowed for fish caught from 6:00 a.m. Friday, July 27, 2012 until further notice.

(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, are as set forth in OAR 635-041-0045 and remain in effect.

(2) Fish may be taken by gill net for commercial purposes in Zone 6 of the mainstem Columbia River from 6:00 a.m. Wednesday, September 26 through 6:00 p.m. Friday, September 28, 2012 (2.5 days).

(a) Salmon, steelhead, shad, yellow perch, bass, walleye, catfish and carp landed during any open gill net fishing period may be sold after the period closes 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 purposes. Sockeye salmon may not be retained or sold.

(b) Gear is restricted to gill nets with an 8-inch minimum mesh size.

(c) Closed areas in Zone 6, including a reduced Spring Creek sanctuary (a radius of 150 feet around the hatchery ladder), are as set forth in OAR 635-041-0045 and remain in effect.

(3) Sales of fish caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; Drano Lake; 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 except, effective 6:00 p.m. Thursday, July 12, 2012, sales of sockeye salmon are prohibited in all tributaries except Icicle Creek.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 25-1979, f. & ef. 8-29-79; 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. & ef. 8-15-88; FWC 72-1988(Temp), f. & ef. 8-19-88; FWC 77-1988(Temp), f. & ef. 9-2-88; FWC 91-1988(Temp), f. & ef. 9-16-88; FWC 95-1988(Temp), f. & ef. 9-27-88; FWC 54-1989(Temp), f. & ef. 8-7-89; FWC 87-1989(Temp), f. & ef. 9-1-89; FWC 95-1989(Temp), f. & ef. 9-19-89; FWC 96-1989(Temp), f. & ef. 9-21-89; FWC 99-1989(Temp), f. & ef. 9-27-89; FWC 100-1989(Temp), f. & ef. 9-28-89; FWC 80-1990(Temp), f. & ef. 8-8-90; FWC 90-1990, f. & ef. 8-31-90; FWC 96-1990(Temp), f. & ef. 9-7-90; FWC 97-1990, f. & ef. 9-10-90; FWC 98-1990(Temp), f. & ef. 9-14-90; FWC 99-1990, f. & ef. 8-7-91; FWC 85-1991, f. & ef. 8-12-91; FWC 96-1991, f. & ef. 9-9-91; FWC 101-1991(Temp), f. & ef. 9-10-91; FWC 103-1991(Temp), f. & ef. 9-17-91; FWC 9-18-91; FWC 110-1991(Temp), f. & ef. 9-27-91; FWC 73-1992(Temp), f. & ef. 8-10-92; FWC 86-1992(Temp), f. & ef. 9-1-92; FWC 92-92; FWC 87-1992(Temp), f. & ef. 9-7-92; FWC 91-1992(Temp), f. & ef. 9-16-92; FWC 9-17-92; FWC 96-1992(Temp), f. & ef. 9-22-92; FWC 105-1992(Temp), f. & ef. 10-2-92; FWC 107-1992(Temp), f. & ef. 10-9-92; FWC 47-1993, f. & ef. 8-6-93; FWC 8-9-93; FWC 52-1993, f. & ef. 8-30-93; FWC 57-1993(Temp), f. & ef. 9-13-93; FWC 59-1993(Temp), f. & ef. 9-17-93; FWC 61-1993(Temp), f. & ef. 9-24-93; FWC 55-1994(Temp), f. & ef. 8-26-94; FWC 8-29-94; FWC 61-1994(Temp), f. & ef. 9-7-94; FWC 9-8-94; FWC 74-1994(Temp), f. & ef. 10-12-94; FWC 68-1995(Temp), f. & ef. 8-25-95; FWC 8-29-95; FWC 72-1995(Temp), f. & ef. 9-1-95; FWC 75-1995(Temp), f. & ef. 9-12-95; FWC 9-13-95; FWC 46-1996, f. & ef. 8-23-96; FWC 48-1996(Temp), f. & ef. 8-29-96; FWC 9-2-96; FWC 51-1996(Temp), f. & ef. 9-6-96; FWC 9-9-96; FWC 53-1996(Temp), f. & ef. 9-26-96; FWC 54-1996(Temp), f. & ef. 9-23-96; FWC 48-

1997, f. & ef. 8-25-97; FWC 52-1997(Temp), f. & ef. 8-29-97, cert. ef. 9-2-97, FWC 57(Temp), f. & ef. 9-9-97; FWC 60-1997(Temp), f. & ef. 9-16-97, cert. ef. 9-17-97; FWC 68-1998(Temp), f. & ef. 8-25-98 thru 9-25-98; FWC 76-1998(Temp), f. & ef. 9-8-98 thru 9-25-98; DFW 77-1998(Temp), f. & ef. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; DFW 79-1998(Temp), f. & ef. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; DFW 80-1998(Temp), f. & ef. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; DFW 59-1999(Temp), f. & ef. 8-23-99 thru 9-11-99; DFW 62-1999(Temp), f. & ef. 9-2-99, cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. & ef. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. & ef. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. & ef. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. & ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. & ef. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. & ef. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & ef. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. & ef. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. & ef. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. & ef. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. & ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. & ef. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; DFW 77-2003(Temp), f. & ef. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. & ef. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. & ef. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. & ef. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. & ef. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. & ef. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. & ef. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. & ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. & ef. 10-12-04 cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 96-2005(Temp), f. & ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. & ef. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. & ef. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. & ef. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. & ef. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 107-2006(Temp), f. & ef. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. & ef. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. & ef. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. & ef. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. & ef. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. & ef. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. & ef. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. & ef. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. & ef. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. & ef. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. & ef. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; DFW 117-2008(Temp), f. & ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. & ef. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & ef. 10-17-08 thru 10-31-08; DFW 141-2008(Temp), f. & ef. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; DFW 88-2009(Temp), f. & ef. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 95-2009(Temp), f. & ef. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; DFW 111-2009(Temp), f. & ef. 9-13-09, cert. ef. 9-13-09 thru 9-30-09; DFW 114-2009(Temp), f. & ef. 9-18-09, cert. ef. 9-21-09 thru 10-31-09; DFW 119-2009(Temp), f. & ef. 9-29-09 thru 10-31-09; DFW 129-2009(Temp), f. & ef. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; DFW 111-2010(Temp), f. & ef. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; DFW 120-2010(Temp), f. & ef. 8-18-10, cert. ef. 8-24-10 thru 10-31-10; DFW 128-2010(Temp), f. & ef. 9-10-10 thru 10-31-10; DFW 136-2010(Temp), f. & ef. 9-24-10, cert. ef. 9-27-10 thru 10-31-10; DFW 142-2010(Temp), f. & ef. 10-8-10, cert. ef. 10-9-10 thru 10-31-10; DFW 149-2010(Temp), f. & ef. 10-18-10, cert. ef. 10-19-10 thru 10-31-10; Administrative correction 11-23-10; DFW 103-2011(Temp), f. & ef. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; DFW 119-2011(Temp), f. & ef. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; DFW 124-2011(Temp), f. & ef. 9-8-11, cert. ef. 9-12-11 thru 10-31-11; DFW 130-2011(Temp), f. & ef. 9-15-11, cert. ef. 9-19-11 thru 10-31-11; DFW 133-2011(Temp), f. & ef. 9-21-11, cert. ef. 9-22-11 thru 10-31-11; DFW 138-2011(Temp), f. & ef. 9-30-11, cert. ef. 10-3-11 thru 10-31-11; DFW 142-2011(Temp), f. & ef. 10-6-11, cert. ef. 10-8-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 94-2012(Temp), f. & ef. 7-27-12 thru 10-31-12; DFW 107-2012(Temp), f. & ef. 8-15-12, cert. ef. 8-21-12 thru 10-31-12; DFW 119-2012(Temp), f. & ef. 9-10-12, cert. ef. 9-11-12 thru 10-31-12; DFW 120-2012(Temp), f. & ef. 9-18-12 thru 10-31-12; DFW 124-2012(Temp), f. & ef. 9-25-12, cert. ef. 9-26-12 thru 10-31-12

Rule Caption: Adopt rule to authorize deer and elk tags to Active Members of the Armed Forces.

Adm. Order No.: DFW 125-2012(Temp)

Filed with Sec. of State: 9-26-2012

Certified to be Effective: 9-26-12 thru 3-15-13

Notice Publication Date:

Rules Adopted: 635-060-0040

Subject: Time off can be difficult for persons in the military to plan and is prone to change.

Members of the Armed Forces with Oregon resident status, returning to Oregon after tag sale deadlines are currently permitted to purchase general season tags for themselves.

The adoption of these rules would provide a mechanism for Oregon's active duty member of the Armed Forces stationed out of state to obtain a controlled deer or elk hunt tag if they return to Oregon on leave during the season so they can hunt with their family and friends. To qualify for these tags individuals must be from Oregon, currently stationed out of state, and maintain Oregon residency.

Rules Coordinator: Therese Kucera—(503) 947-6033

ADMINISTRATIVE RULES

635-060-0040

Active Member of the Armed Forces Controlled Hunt Tags

(1) Each Oregon Department of Fish and Wildlife (Department) Wildlife District office is authorized to issue, for hunts at least partially within their Wildlife District, up to 20 controlled hunt tags for deer and 20 controlled hunt tags for elk to Oregon residents who are active members of the Armed Forces currently stationed outside of Oregon, but in Oregon on Temporary Leave.

(2) Active Member of the Armed Forces Controlled Hunt Tags will be issued first come first served until the authorized number has been issued.

(3) To purchase the tag the Active Member of the Armed Forces must provide the following information to the Department District office responsible for issuing the tag:

(a) A copy of an active duty military ID.

(b) A copy of current leave papers to document they are currently stationed outside of Oregon.

(c) A valid Oregon resident hunting license.

(4) Controlled hunts for which Active Member of the Armed Forces controlled hunt tags can be issued include:

(a) Controlled deer or elk hunts with a bag limit of "antlerless", or "spike only", or "antlerless or spike", that have a minimum of 20 tags authorized by the Commission.

(b) Controlled deer or elk hunts with a bag limit that allows buck deer or bull elk with two or more points on one antler, not counting the brow tine, to be harvested, that have a minimum of 60 tags authorized by the Commission.

(5) Active Member of the Armed Forces Controlled Hunt Tags cannot be authorized for:

(a) Controlled hunts occurring on the Starkey Experimental Forest, Hart Mountain NAR, or Umatilla NWR.

(6) All hunt specific regulations adopted by the Commission for hunts where tags are issued (dates, bag limits, boundaries, etc.) will apply.

(7) Tag recipients must pay the standard resident price for the tag.

(8) The hunter must provide harvest and effort information to the issuing office within five business days after the closing date of the hunt printed on the tag.

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

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

Hist.: DFW 125-2012(Temp), f. & cert. ef. 9-26-12 thru 3-15-13

Rule Caption: Additional Fall Commercial Drift Gill Net Seasons Set for the Mainstem Columbia River.

Adm. Order No.: DFW 126-2012(Temp)

Filed with Sec. of State: 9-27-2012

Certified to be Effective: 9-27-12 thru 10-31-12

Notice Publication Date:

Rules Amended: 635-042-0060

Subject: Amended rule authorizes three additional periods for the 2012 fall commercial salmon drift gill net fishery in the Columbia River mainstem Zones 1 through 5. The first authorized fishing period begins at 7:00 p.m. Thursday, September 27, 2012. Modifications are consistent with action taken September 25, 2012 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0060

Late Fall Salmon Season

(1) Salmon and sturgeon may be taken for commercial purposes from the Columbia River in Zones 1 through 5 as described in OAR 635-042-0001: Authorized fishing periods are as follows:

(a) 7:00 p.m. Thursday September 27 to 5:00 a.m. Friday September 28 (10 hours);

(b) 7:00 p.m. Sunday September 30 to 7:00 a.m. Monday October 1 (12 hours); and,

(c) 7:00 p.m. Tuesday October 2 to 7:00 a.m. Wednesday October 3, 2012 (12 hours).

(2) Gear is restricted to drift gill nets only with an 8-inch minimum mesh size. The multiple net rule is not in effect. Nets not authorized for this fishery are prohibited to be onboard the vessel. Nets fished any time between official sunset and official sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

(3) For the fishing period described in (1)(a) above, allowable sales include salmon, and white sturgeon from 43-54 inches in fork length. A

maximum of five (5) white sturgeon may be possessed or sold by each participating vessel during the calendar week (Sunday through Saturday) of Sunday September 23 to September 29, 2012. The white sturgeon possession and sales limit includes mainstem fisheries only. Sales of white sturgeon from fall Select Area fisheries are prohibited. For the fishing periods described in (1)(b) and (1)(c) above, allowable sales are salmon only.

(4) For the fishing period described in (1)(a) above, Elokomina-B, Cowlitz River, Kalama-B, Lewis-B, Sandy and Washougal sanctuaries are in effect as described in 635-042-0005. For the fishing periods described in (1)(b) and (1)(c) above, Elokomina-A, Cowlitz River, Kalama-A, Lewis-A, Sandy, and Washougal sanctuaries are in effect.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 40-1979, f. & cert. ef. 9-10-79; FWC 45-1979(Temp), f. & cert. ef. 9-21-79; FWC 52-1979(Temp), f. & cert. ef. 11-2-79; FWC 48-1980(Temp), f. & cert. ef. 9-19-80; FWC 51-1980(Temp), f. & cert. ef. 9-22-80; FWC 55-1980(Temp), f. & cert. ef. 9-26-80; FWC 56-1980(Temp), f. & cert. ef. 9-29-80; FWC 58-1980(Temp), f. & cert. ef. 10-17-80; FWC 37-1981(Temp), f. & cert. ef. 9-24-81; FWC 38-1981(Temp), f. & cert. ef. 9-29-81; FWC 69-1982(Temp), f. & cert. ef. 9-30-82; FWC 72-1982(Temp), f. & cert. ef. 10-20-82; FWC 56-1983(Temp), f. & cert. ef. 10-5-83; FWC 54-1984(Temp), f. & cert. ef. 9-10-84; FWC 59-1984(Temp), f. & cert. ef. 9-18-84; FWC 66-1984(Temp), f. & cert. ef. 9-26-84; FWC 68-1984(Temp), f. & cert. ef. 10-2-84; FWC 58-1985(Temp), f. & cert. ef. 9-13-85; FWC 62-1985(Temp), f. & cert. ef. 9-24-85; FWC 66-1985(Temp), f. & cert. ef. 10-11-85; FWC 54-1986(Temp), f. & cert. ef. 9-5-86; FWC 64-1986(Temp), f. & cert. ef. 10-31-86; FWC 67-1986(Temp), f. & cert. ef. 10-17-86; FWC 74-1987(Temp), f. & cert. ef. 9-4-87; FWC 75-1987(Temp), f. & cert. ef. 9-11-87; FWC 80-1987(Temp), f. & cert. ef. 9-18-87; FWC 87-1987(Temp), f. & cert. ef. 10-9-87; FWC 91-1987(Temp), f. & cert. ef. 10-16-87; FWC 85-1988(Temp), f. & cert. ef. 9-9-88; FWC 93-1988(Temp), f. & cert. ef. 9-16-88; FWC 99-1988(Temp), f. & cert. ef. 10-7-88; FWC 100-1988(Temp), f. & cert. ef. 10-21-88, cert. ef. 10-24-88; FWC 94-1989(Temp), f. & cert. ef. 9-15-89, cert. ef. 9-17-89; FWC 97-1989(Temp), f. & cert. ef. 9-21-89; FWC 109-1989(Temp), f. & cert. ef. 10-6-89; FWC 113-1989(Temp), f. & cert. ef. 11-9-89; FWC 100-1990(Temp), f. & cert. ef. 9-18-90; FWC 101-1990(Temp), f. & cert. ef. 9-19-90; FWC 102-1990(Temp), f. & cert. ef. 9-20-90; FWC 114-1990, f. & cert. ef. 10-8-90; FWC 105-1991, f. & cert. ef. 9-20-91; FWC 118-1991, f. & cert. ef. 10-4-91; FWC 122-1991(Temp), f. & cert. ef. 10-18-91; FWC 129-1991(Temp), f. & cert. ef. 11-1-91, cert. ef. 11-3-91; FWC 97-1992(Temp), f. & cert. ef. 9-22-92; FWC 100-1992(Temp), f. & cert. ef. 9-25-92, cert. ef. 9-27-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 109-1992(Temp), f. & cert. ef. 10-19-92, cert. ef. 10-20-92; FWC 110-1992(Temp), f. & cert. ef. 10-22-92; FWC 80-1995(Temp), f. & cert. ef. 10-9-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 58-1996(Temp), f. & cert. ef. 9-27-96, cert. ef. 9-30-96; FWC 60-1996(Temp), f. & cert. ef. 10-7-96; FWC 62(Temp), f. & cert. ef. 10-18-96, cert. ef. 10-21-96; FWC 61-1997(Temp), f. & cert. ef. 9-23-97, cert. ef. 9-24-97; FWC 62-1997(Temp), f. & cert. ef. 10-6-97; FWC 64-1997(Temp), f. & cert. ef. 10-14-97; FWC 65-1997(Temp), f. & cert. ef. 10-20-97; FWC 68-1997(Temp), f. & cert. ef. 11-3-97; FWC 79-1999(Temp), f. & cert. ef. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 83-1999(Temp), f. & cert. ef. 10-26-99, cert. ef. 10-27-99 thru 12-31-99; DFW 87-1999(Temp), f. & cert. ef. 11-4-99 thru 11-5-99; Administrative correction 11-17-99; DFW 62-2000(Temp), f. & cert. ef. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; DFW 68-2000(Temp), f. & cert. ef. 10-6-00, cert. ef. 10-9-00 thru 12-31-00; DFW 71-2000(Temp), f. & cert. ef. 10-20-00, cert. ef. 10-23-00 thru 12-31-00; DFW 74-2000(Temp), f. & cert. ef. 10-27-00, cert. ef. 10-30-00 thru 12-31-00; Administrative correction 6-20-01; DFW 89-2001(Temp), 9-14-01 thru 12-31-01; DFW 92-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 93-2001(Temp), f. & cert. ef. 9-21-01, cert. ef. 9-24-01 thru 12-31-01; DFW 98-2001(Temp), f. & cert. ef. 10-8-01, cert. ef. 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 106-2002(Temp), f. & cert. ef. 9-24-02 thru 12-31-02; DFW 109-2002(Temp), f. & cert. ef. 9-27-02 thru 12-31-02; DFW 112-2002(Temp), f. & cert. ef. 10-10-02, cert. ef. 10-14-02 thru 12-31-02; DFW 122-2002(Temp), f. & cert. ef. 10-24-02, cert. ef. 10-28-02 thru 12-31-02; DFW 92-2003(Temp), f. & cert. ef. 9-12-03 cert. ef. 9-15-03 thru 12-31-03; DFW 95-2003(Temp), f. & cert. ef. 9-17-03 thru 12-31-03; DFW 98-2003(Temp), f. & cert. ef. 9-22-03, cert. ef. 9-23-03 thru 12-31-03; DFW 105-2003(Temp), f. & cert. ef. 10-10-03, cert. ef. 10-12-03 thru 12-31-03; DFW 107-2003(Temp), f. & cert. ef. 10-21-03, cert. ef. 10-26-03 thru 12-31-03; DFW 95-2004(Temp), f. & cert. ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 98-2004(Temp), f. & cert. ef. 9-22-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 101-2004(Temp), f. & cert. ef. 9-29-04 thru 12-31-04; DFW 102-2004(Temp), f. & cert. ef. 10-1-04, cert. ef. 10-4-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 116-2005(Temp), f. & cert. ef. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; DFW 126-2005(Temp), f. & cert. ef. 10-21-05, cert. ef. 10-23-05 thru 12-31-05; Administrative correction 1-19-06; DFW 102-2006(Temp), f. & cert. ef. 9-15-06, cert. ef. 9-19-06 thru 12-31-06; DFW 106-2006(Temp), f. & cert. ef. 9-22-06, cert. ef. 9-25-06 thru 12-31-06; DFW 111-2006(Temp), f. & cert. ef. 9-29-06, cert. ef. 10-2-06 thru 12-31-06; DFW 112-2006(Temp), f. & cert. ef. 10-4-06, cert. ef. 10-8-06 thru 12-31-06; DFW 114-2006(Temp), f. & cert. ef. 10-12-06 thru 12-31-06; DFW 120-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 91-2007(Temp), f. & cert. ef. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 94-2007(Temp), f. & cert. ef. 9-21-07, cert. ef. 9-24-07 thru 12-31-07; DFW 97-2007(Temp), f. & cert. ef. 9-25-07, cert. ef. 9-26-07 thru 12-31-07; DFW 98-2007(Temp), f. & cert. ef. 9-26-07, cert. ef. 9-27-07 thru 12-31-07; DFW 99-2007(Temp), f. & cert. ef. 9-28-07, cert. ef. 10-1-07 thru 12-31-07; DFW 104-2007(Temp), f. & cert. ef. 10-3-07 thru 12-31-07; DFW 107-2007(Temp), f. & cert. ef. 10-10-07 thru 12-31-07; DFW 109-2007(Temp), f. & cert. ef. 10-16-07, cert. ef. 10-17-07 thru 12-31-07; DFW 111-2007(Temp), f. & cert. ef. 10-23-07 thru 12-31-07; DFW 112-2007(Temp), f. & cert. ef. 10-24-07, cert. ef. 10-25-07 thru 12-31-07; DFW 113-2008(Temp), f. & cert. ef. 9-17-08, cert. ef. 9-18-08 thru 12-31-08; DFW 119-2008(Temp), f. & cert. ef. 9-24-08 thru 12-31-08; DFW 127-2008(Temp), f. & cert. ef. 10-7-08, cert. ef. 10-8-08 thru 12-31-08; DFW 132-2008(Temp), f. & cert. ef. 10-14-08, cert. ef. 10-15-08 thru 12-31-08; DFW 136-2008(Temp), f. & cert. ef. 10-21-08 thru 12-31-08; DFW 117-2009(Temp), f. & cert. ef. 9-24-09 thru 10-31-09; DFW 120-2009(Temp), f. & cert. ef. 9-30-09 thru 10-31-09; DFW 122-2009(Temp), f. & cert. ef. 10-5-09 thru 10-31-09; DFW 124-2009(Temp), f. & cert. ef. 10-7-09 thru 10-31-09; DFW 130-2009(Temp), f. & cert. ef. 10-13-09 thru 10-31-09; DFW 134-2009(Temp), f. & cert. ef. 10-20-09 thru 10-31-09; DFW 135-2009(Temp), f. & cert. ef. 10-27-09 thru 10-31-09; Administrative correction 11-19-09; DFW 139-2010(Temp), f. & cert. ef. 10-5-10 thru 11-30-10; DFW 146-2010(Temp), f. & cert. ef. 10-13-10, cert. ef. 10-14-10 thru 11-30-10; DFW 150-2010(Temp), f. & cert. ef. 10-18-10, cert. ef. 10-19-10 thru 11-30-10; Administrative correction 12-28-10; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 126-2012(Temp), f. & cert. ef. 9-27-12 thru 10-31-12

ADMINISTRATIVE RULES

Rule Caption: Additional Treaty Indian Fall Commercial Gill Net Fishery Set In Columbia River.

Adm. Order No.: DFW 127-2012(Temp)

Filed with Sec. of State: 10-2-2012

Certified to be Effective: 10-2-12 thru 10-31-12

Notice Publication Date:

Rules Amended: 635-041-0075

Rules Suspended: 635-041-0075(T)

Subject: Amended rule sets an additional Treaty tribal gill net fishery for all of Zone 6 in the Columbia River and allows commercial sales of fish, except white sturgeon, caught during that fishery. This fall gill net fishery begins at 6:00 a.m. Tuesday, October 2 and runs through 6:00 p.m. Thursday, October 4, 2012 (2.5 days). Modifications are consistent with action taken October 1, 2012 by the Columbia River Compact agencies of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0075

Fall Salmon Season

(1) Commercial sales of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River are allowed for fish caught from 6:00 a.m. Friday, July 27, 2012 until further notice.

(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) Fish may be taken by gill net for commercial purposes in Zone 6 of the mainstem Columbia River from 6:00 a.m. Tuesday, October 2 through 6:00 p.m. Thursday, October 4, 2012 (2.5 days); except that fish may not be possessed or sold prior to 12:00 noon Tuesday, October 2, 2012.

(a) Salmon, steelhead, shad, yellow perch, bass, walleye, catfish and carp landed during any open gill net fishing period may be sold after the period closes 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 purposes.

(b) Gear is restricted to gill nets with an 8-inch minimum mesh size.

(c) Closed areas in Zone 6, including a reduced Spring Creek sanctuary (a radius of 150 feet around the hatchery ladder), are as set forth in OAR 635-041-0045 and remain in effect.

(3) Sales of fish caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; Drano Lake; 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 except, effective 6:00 p.m. Thursday, July 12, 2012, sales of sockeye salmon are prohibited in all tributaries except Icicle Creek.

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. 9-22-86; 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. & ef. 8-15-88; FWC 72-1988(Temp), f. & ef. 8-19-88; FWC 77-1988(Temp), f. & ef. 9-2-88; FWC 91-1988(Temp), f. & ef. 9-16-88; FWC 95-1988(Temp), f. & ef. 9-27-88; FWC 54-1989(Temp), f. & ef. 8-7-89; FWC 87-1989(Temp), f. & ef. 9-1-89; FWC 95-1989(Temp), f. & ef. 9-19-89; FWC 96-1989(Temp), f. & ef. 9-21-89; FWC 99-1989(Temp), f. & ef. 9-27-89; FWC 100-1989(Temp), f. & ef. 9-28-89; FWC 80-1990(Temp), f. & ef. 8-8-90; FWC

90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. & cert. ef. 9-10-90; FWC 98-1990(Temp), f. & 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. & cert. ef. 9-17-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. & cert. ef. 9-2-92; FWC 87-1992(Temp), f. & cert. ef. 9-7-92; FWC 91-1992(Temp), f. & cert. ef. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. & cert. ef. 9-23-92; FWC 105-1992(Temp), f. & cert. ef. 10-2-92, cert. ef. 10-5-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. & 8-6-93, cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. & cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. & cert. ef. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. & 7-94, cert. ef. 8-8-94; 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. & cert. ef. 9-29-97, cert. ef. 9-2-97; FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. & 9-16-97, cert. ef. 9-17-97; FWC 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; FWC 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; FWC 77-1998(Temp), f. & 9-14-98, cert. ef. 9-15-98 thru 9-25-98; FWC 79-1998(Temp), f. & 9-21-98, cert. ef. 9-22-98 thru 9-25-98; FWC 80-1998(Temp), f. & 9-23-98, cert. ef. 9-24-98 thru 9-25-98; FWC 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; FWC 62-1999(Temp), f. & 9-2-99, cert. ef. 9-3-99 thru 9-11-99; FWC 65-1999(Temp), f. & 9-14-99, cert. ef. 9-15-99 thru 9-17-99; FWC 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; FWC 72-1999(Temp), f. & 9-21-99, cert. ef. 9-22-99 thru 10-22-99; FWC 74-1999(Temp), f. & 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; FWC 50-2000(Temp), f. & 8-18-00, cert. ef. 8-21-00 thru 9-9-00; FWC 60-2000(Temp), f. & cert. ef. 9-11-00; cert. ef. 9-12-00 thru 12-31-00; FWC 61-2000(Temp), f. & 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; FWC 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; FWC 87-2001(Temp), f. & 9-10-01, cert. ef. 9-11-01 thru 9-15-01; FWC 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; FWC 94-2001(Temp), f. & 9-26-01, cert. ef. 9-27-01 thru 12-31-01; FWC 100-2001(Temp), f. & 10-16-01, cert. ef. 10-17-01 thru 12-31-01; FWC 89-2002(Temp), f. & 8-16-02, cert. ef. 8-18-02 thru 12-31-02; FWC 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; FWC 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; FWC 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; FWC 113-2002(Temp), f. & 10-14-02, cert. ef. 10-15-02 thru 12-31-02; FWC 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; FWC 81-2003(Temp), f. & 8-25-03, cert. ef. 8-26-03 thru 12-31-03; FWC 91-2003(Temp), f. & 9-12-03, cert. ef. 9-16-03 thru 12-31-03; FWC 97-2003(Temp), f. & cert. ef. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; FWC 101-2003(Temp), f. & 9-26-03, cert. ef. 10-1-03 thru 12-31-03; FWC 103-2003(Temp), f. & 10-3-03, cert. ef. 10-8-03 thru 12-31-03; FWC 104-2003(Temp), f. & 10-10-03, cert. ef. 10-11-03 thru 12-31-03; FWC 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; FWC 95-2004(Temp), f. & 9-17-04, cert. ef. 9-19-04 thru 12-31-04; FWC 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; FWC 104-2004(Temp), f. & 10-12-04, cert. ef. 10-13-04 thru 12-31-04; FWC 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; FWC 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; FWC 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; FWC 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; FWC 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; FWC 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; FWC 71-2006(Temp), f. & 7-31-06, cert. ef. 8-1-06 thru 12-31-06; FWC 86-2006(Temp), f. & 8-18-06, cert. ef. 8-21-06 thru 12-31-06; FWC 94-2006(Temp), f. & 9-8-06, cert. ef. 9-11-06 thru 12-31-06; FWC 101-2006(Temp), f. & 9-15-06, cert. ef. 9-18-06 thru 12-31-06; FWC 107-2006(Temp), f. & 9-28-06, cert. ef. 10-3-06 thru 12-31-06; FWC 115-2006(Temp), f. & 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; FWC 60-2007(Temp), f. & 7-30-07, cert. ef. 8-1-07 thru 12-31-07; FWC 77-2007(Temp), f. & 8-17-07, cert. ef. 8-22-07 thru 12-31-07; FWC 88-2007(Temp), f. & 9-10-07, cert. ef. 9-11-07 thru 12-31-07; FWC 95-2007(Temp), f. & 9-21-07, cert. ef. 9-25-07 thru 12-31-07; FWC 100-2007(Temp), f. & 9-28-07, cert. ef. 10-3-07 thru 12-31-07; FWC 110-2007(Temp), f. & 10-16-07, cert. ef. 10-20-07 thru 12-31-07; FWC 106-2008(Temp), f. & 9-4-08, cert. ef. 9-6-08 thru 10-31-08; FWC 109-2008(Temp), f. & 9-12-08, cert. ef. 9-15-08 thru 10-31-08; FWC 112-2008(Temp), f. & 9-17-08, cert. ef. 9-18-08 thru 10-31-08; FWC 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; FWC 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; FWC 125-2008(Temp), f. & 10-6-08, cert. ef. 10-7-08 thru 10-31-08; FWC 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; FWC 141-2008(Temp), f. & 11-10-08, cert. ef. 11-12-08 thru 11-30-08; FWC 88-2009(Temp), f. & 7-31-09, cert. ef. 8-1-09 thru 12-31-09; FWC 95-2009(Temp), f. & 8-19-09, cert. ef. 8-24-09 thru 12-31-09; FWC 111-2009(Temp), f. & 9-11-09, cert. ef. 9-13-09 thru 9-30-09; FWC 114-2009(Temp), f. & 9-18-09, cert. ef. 9-21-09 thru 10-31-09; FWC 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; FWC 129-2009(Temp), f. & 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; FWC 111-2010(Temp), f. & 7-30-10, cert. ef. 8-1-10 thru 10-31-10; FWC 120-2010(Temp), f. & 8-18-10, cert. ef. 8-24-10 thru 10-31-10; FWC 128-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; FWC 136-2010(Temp), f. & 9-24-10, cert. ef. 9-27-10 thru 10-31-10; FWC 142-2010(Temp), f. & 10-8-10, cert. ef. 10-9-10 thru 10-31-10; FWC 149-2010(Temp), f. & 10-18-10, cert. ef. 10-19-10 thru 10-31-10; Administrative correction 11-23-10; FWC 103-2011(Temp), f. & 7-29-11, cert. ef. 8-1-11 thru 10-31-11; FWC 119-2011(Temp), f. & 8-26-11, cert. ef. 8-29-11 thru 10-31-11; FWC 124-2011(Temp), f. & 9-8-11, cert. ef. 9-12-11 thru 10-31-11; FWC 130-2011(Temp), f. & 9-15-11, cert. ef. 9-19-11 thru 10-31-11; FWC 133-2011(Temp), f. & 9-21-11, cert. ef. 9-22-11 thru 10-31-11; FWC 138-2011(Temp), f. & 9-30-11, cert. ef. 10-3-11 thru 10-31-11; FWC 142-2011(Temp), f. & 10-6-11, cert. ef. 10-8-11 thru 10-31-11; Administrative correction, 11-18-11; FWC 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; FWC 107-2012(Temp), f. & 8-15-12, cert. ef. 8-21-12 thru 10-31-12; FWC 119-2012(Temp), f. & 9-10-12, cert. ef. 9-11-12 thru 10-31-12; FWC 120-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; FWC 124-2012(Temp), f. & 9-25-12, cert. ef. 9-26-12 thru 10-31-12; FWC 127-2012(Temp), f. & cert. ef. 10-2-12 thru 10-31-12

Rule Caption: Additional Fall Commercial Drift Gill Net Seasons Set for the Mainstem Columbia River.

Adm. Order No.: DFW 128-2012(Temp)

Filed with Sec. of State: 10-3-2012

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

Notice Publication Date:

Rules Amended: 635-042-0060

Rules Suspended: 635-042-0060(T)

ADMINISTRATIVE RULES

Subject: Amended rule authorizes three additional fishing periods for the 2012 fall commercial salmon drift gill net fishery in the Columbia River mainstem in Zones 1 through 5. The first authorized fishing period begins at 7:00 PM. Thursday September 27, 2012. Modifications are consistent with action taken September 25, 2012 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0060

Late Fall Salmon Season

(1) Salmon and sturgeon may be taken for commercial purposes from the Columbia River in Zones 1 through 5 as described in OAR 635-042-0001. Authorized fishing periods are as follows:

(a) 7:00 p.m. Thursday September 27 to 5:00 a.m. Friday, September 28 (10 hours);

(b) 7:00 p.m. Sunday September 30 to 7:00 a.m. Monday October 1 (12 hours); and

(c) 7:00 p.m. Tuesday October 2 to 7:00 a.m. Wednesday October 3, 2012 (12 hours).

(2) Gear is restricted to drift gill nets only with an 8-inch minimum mesh size. The multiple net rule is not in effect. Nets not authorized for this fishery are prohibited to be onboard the vessel. Nets fished any time between official sunset and official sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

(3) For the fishing period described in (1)(a) above, allowable sales include salmon, and white sturgeon from 43-54 inches in fork length. A maximum of five (5) white sturgeon may be possessed or sold by each participating vessel during the calendar week (Sunday through Saturday) of Sunday September 23 to September 29, 2012. The white sturgeon possession and sales limit includes mainstem fisheries only. Sales of white sturgeon from fall Select Area fisheries are prohibited. For the fishing periods described in (1)(b) and (1)(c) above, allowable sales are salmon only.

(4) For the fishing period described in (1)(a) above, Elokomin-B, Cowlitz River, Kalama-B, Lewis-B, Sandy and Washougal sanctuaries are in effect as described in 635-042-0005. For the fishing periods described in (1)(b) and (1)(c) above, Elokomin-A, Cowlitz River, Kalama-A, Lewis-A, Sandy, and Washougal sanctuaries are in effect.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 40-1979, f. & ef. 9-10-79; FWC 45-1979(Temp), f. & ef. 9-21-79; FWC 52-1979(Temp), f. & ef. 11-2-79; FWC 48-1980(Temp), f. & ef. 9-19-80; FWC 51-1980(Temp), f. & ef. 9-22-80; FWC 55-1980(Temp), f. & ef. 9-26-80; FWC 56-1980(Temp), f. & ef. 9-29-80; FWC 58-1980(Temp), f. & ef. 10-17-80; FWC 37-1981(Temp), f. & ef. 9-24-81; FWC 38-1981(Temp), f. & ef. 9-29-81; FWC 69-1982(Temp), f. & ef. 9-30-82; FWC 72-1982(Temp), f. & ef. 10-20-82; FWC 56-1983(Temp), f. & ef. 10-5-83; FWC 54-1984(Temp), f. & ef. 9-10-84; FWC 59-1984(Temp), f. & ef. 9-18-84; FWC 66-1984(Temp), f. & ef. 9-26-84; FWC 68-1984(Temp), f. & ef. 10-2-84; FWC 58-1985(Temp), f. & ef. 9-13-85; FWC 62-1985(Temp), f. & ef. 9-24-85; FWC 66-1985(Temp), f. & ef. 10-11-85; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 64-1986(Temp), f. & ef. 10-3-86; FWC 67-1986(Temp), f. & ef. 10-17-86; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987(Temp), f. & ef. 9-11-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 91-1987(Temp), f. & ef. 10-16-87; FWC 85-1988(Temp), f. & ef. 9-9-88; FWC 93-1988(Temp), f. & ef. 9-16-88; FWC 99-1988(Temp), f. & ef. 10-7-88; FWC 100-1988(Temp), f. & ef. 10-21-88, cert. ef. 10-24-88; FWC 94-1989(Temp), f. & ef. 9-15-89, cert. ef. 9-17-89; FWC 97-1989(Temp), f. & ef. 9-21-89; FWC 109-1989(Temp), f. & ef. 10-6-89; FWC 113-1989(Temp), f. & ef. 11-9-89; FWC 100-1990(Temp), f. & ef. 9-18-90; FWC 101-1990(Temp), f. & ef. 9-19-90; FWC 102-1990(Temp), f. & ef. 9-20-90; FWC 114-1990, f. & ef. 10-8-90; FWC 105-1991, f. & ef. 9-20-91; FWC 118-1991, f. & ef. 10-4-91; FWC 122-1991(Temp), f. & ef. 10-18-91; FWC 129-1991(Temp), f. & ef. 11-1-91, cert. ef. 11-3-91; FWC 97-1992(Temp), f. & ef. 9-22-92; FWC 100-1992(Temp), f. & ef. 9-25-92, cert. ef. 9-27-92; FWC 107-1992(Temp), f. & ef. 10-9-92; FWC 109-1992(Temp), f. & ef. 10-19-92, cert. ef. 10-20-92; FWC 110-1992(Temp), f. & ef. 10-22-92; FWC 80-1995(Temp), f. & ef. 9-27-95, cert. ef. 10-9-95; FWC 46-1996, f. & ef. 8-23-96; FWC 58-1996(Temp), f. & ef. 9-27-96, cert. ef. 9-30-96; FWC 60-1996(Temp), f. & ef. 10-7-96; FWC 62(Temp), f. & ef. 10-18-96, cert. ef. 10-21-96; FWC 61-1997(Temp), f. & ef. 9-23-97, cert. ef. 9-24-97; FWC 62-1997(Temp), f. & ef. 10-6-97; FWC 64-1997(Temp), f. & ef. 10-14-97; FWC 65-1997(Temp), f. & ef. 10-20-97; FWC 68-1997(Temp), f. & ef. 11-3-97; FWC 79-1999(Temp), f. & ef. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; FWC 83-1999(Temp), f. & ef. 10-26-99, cert. ef. 10-27-99 thru 12-31-99; FWC 87-1999(Temp), f. & ef. 11-4-99 thru 11-5-99; Administrative correction 11-17-99; FWC 62-2000(Temp), f. & ef. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; FWC 68-2000(Temp), f. & ef. 10-6-00, cert. ef. 10-9-00 thru 12-31-00; FWC 71-2000(Temp), f. & ef. 10-20-00, cert. ef. 10-23-00 thru 12-31-00; FWC 74-2000(Temp), f. & ef. 10-27-00, cert. ef. 10-30-00 thru 12-31-00; Administrative correction 6-20-01; FWC 89-2001(Temp), 9-14-01 thru 12-31-01; FWC 92-2001(Temp), f. & ef. 9-19-01 thru 12-31-01; FWC 93-2001(Temp), f. & ef. 9-21-01, cert. ef. 9-24-01 thru 12-31-01; FWC 98-2001(Temp), f. & ef. 10-8-01, cert. ef. 12-31-01; FWC 106-2001(Temp), f. & ef. 10-26-01 thru 12-31-01; FWC 104-2002(Temp), f. & ef. 9-19-02 thru 12-31-02; FWC 106-2002(Temp), f. & ef. 9-24-02 thru 12-31-02; FWC 109-2002(Temp), f. & ef. 9-27-02 thru 12-31-02; FWC 112-2002(Temp), f. & ef. 10-10-02, cert. ef. 10-14-02 thru 12-31-02; FWC 122-2002(Temp), f. & ef. 10-24-02, cert. ef. 10-28-02 thru 12-31-02; FWC 92-2003(Temp), f. & ef. 9-12-03, cert. ef. 9-15-03 thru 12-31-03; FWC 95-2003(Temp), f. & ef. 9-17-03 thru 12-31-03; FWC 98-2003(Temp), f. & ef. 9-22-03, cert. ef. 9-23-03 thru 12-31-03; FWC 105-2003(Temp), f. & ef. 10-10-03, cert. ef. 10-12-03 thru 12-31-03;

DFW 107-2003(Temp), f. & ef. 10-21-03, cert. ef. 10-26-03 thru 12-31-03; DFW 95-2004(Temp), f. & ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 98-2004(Temp), f. & ef. 9-22-04 thru 12-31-04; DFW 99-2004(Temp), f. & ef. 9-24-04 thru 12-31-04; DFW 101-2004(Temp), f. & ef. 9-29-04 thru 12-31-04; DFW 102-2004(Temp), f. & ef. 10-1-04, cert. ef. 10-4-04 thru 12-31-04; DFW 109-2004(Temp), f. & ef. 10-19-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 109-2005(Temp), f. & ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & ef. 9-26-05 thru 12-31-05; DFW 113-2005(Temp), f. & ef. 9-28-05 thru 12-31-05; DFW 116-2005(Temp), f. & ef. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & ef. 10-18-05 thru 12-31-05; DFW 126-2005(Temp), f. & ef. 10-21-05, cert. ef. 10-23-05 thru 12-31-05; Administrative correction 1-19-06; DFW 102-2006(Temp), f. & ef. 9-15-06, cert. ef. 9-19-06 thru 12-31-06; DFW 106-2006(Temp), f. & ef. 9-22-06, cert. ef. 9-25-06 thru 12-31-06; DFW 111-2006(Temp), f. & ef. 9-29-06, cert. ef. 10-2-06 thru 12-31-06; DFW 112-2006(Temp), f. & ef. 10-4-06, cert. ef. 10-8-06 thru 12-31-06; DFW 114-2006(Temp), f. & ef. 9-24-06 thru 12-31-06; DFW 120-2006(Temp), f. & ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 91-2007(Temp), f. & ef. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 94-2007(Temp), f. & ef. 9-21-07, cert. ef. 9-24-07 thru 12-31-07; DFW 97-2007(Temp), f. & ef. 9-25-07, cert. ef. 9-26-07 thru 12-31-07; DFW 98-2007(Temp), f. & ef. 9-26-07, cert. ef. 9-27-07 thru 12-31-07; DFW 99-2007(Temp), f. & ef. 9-28-07, cert. ef. 10-1-07 thru 12-31-07; DFW 104-2007(Temp), f. & ef. 10-3-07 thru 12-31-07; DFW 107-2007(Temp), f. & ef. 10-10-07 thru 12-31-07; DFW 109-2007(Temp), f. & ef. 10-16-07, cert. ef. 10-17-07 thru 12-31-07; DFW 111-2007(Temp), f. & ef. 10-22-07, cert. ef. 10-23-07 thru 12-31-07; DFW 112-2007(Temp), f. & ef. 10-24-07, cert. ef. 10-25-07 thru 12-31-07; DFW 113-2008(Temp), f. & ef. 9-17-08, cert. ef. 9-18-08 thru 12-31-08; DFW 119-2008(Temp), f. & ef. 9-22-08 thru 12-31-08; DFW 127-2008(Temp), f. & ef. 10-7-08, cert. ef. 10-8-08 thru 12-31-08; DFW 132-2008(Temp), f. & ef. 10-14-08, cert. ef. 10-15-08 thru 12-31-08; DFW 136-2008(Temp), f. & ef. 10-21-08 thru 12-31-08; DFW 117-2009(Temp), f. & ef. 9-23-09, cert. ef. 9-24-09 thru 10-31-09; DFW 120-2009(Temp), f. & ef. 9-30-09 thru 10-31-09; DFW 122-2009(Temp), f. & ef. 10-5-09 thru 10-31-09; DFW 124-2009(Temp), f. & ef. 10-7-09 thru 10-31-09; DFW 130-2009(Temp), f. & ef. 10-13-09 thru 10-31-09; DFW 134-2009(Temp), f. & ef. 10-20-09 thru 10-31-09; DFW 135-2009(Temp), f. & ef. 10-27-09 thru 10-31-09; Administrative correction 11-19-09; DFW 139-2010(Temp), f. & ef. 10-5-10 thru 11-30-10; DFW 146-2010(Temp), f. & ef. 10-13-10, cert. ef. 10-14-10 thru 11-30-10; DFW 150-2010(Temp), f. & ef. 10-18-10, cert. ef. 10-19-10 thru 11-30-10; Administrative correction 12-28-10; DFW 23-2011, f. & ef. 3-21-11; DFW 126-2012(Temp), f. & ef. 9-27-12 thru 10-31-12; DFW 128-2012(Temp), f. & ef. 10-3-12, cert. ef. 10-4-12 thru 10-31-12

Rule Caption: Columbia River White Sturgeon Recreational Fisheries Above Wauna Power Lines Rescinded.

Adm. Order No.: DFW 129-2012(Temp)

Filed with Sec. of State: 10-3-2012

Certified to be Effective: 10-20-12 thru 12-31-12

Notice Publication Date:

Rules Amended: 635-023-0095

Rules Suspended: 635-023-0095(T)

Subject: This amended rule rescinds a white sturgeon fishery previously authorized for the Columbia River above the Wauna power lines from October 20 through December 31, 2012 due to the expected attainment of the pre-season harvest guideline. Modifications are consistent with action taken October 2, 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.

ADMINISTRATIVE RULES

(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, August 5, 2012 until further notice, retention of white sturgeon in The Dalles Pool and adjacent tributaries is only allowed Thursdays, Fridays, and Saturdays. Only white sturgeon with a fork length of 43 to 54 inches may be retained. The daily limit is one white sturgeon.

(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

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Rule Caption: Salmon and Steelhead Angling Prohibited in Youngs River Basin Effective October 13, 2012.

Adm. Order No.: DFW 130-2012(Temp)

Filed with Sec. of State: 10-10-2012

Certified to be Effective: 10-13-12 thru 12-31-12

Notice Publication Date:

Rules Amended: 635-014-0090

Rules Suspended: 635-014-0090(T)

Subject: These rule modifications close salmon and steelhead fisheries in the Youngs River Basin from the commercial fishing dead-

line 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 October 13, 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 finclipped 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:

ADMINISTRATIVE RULES

(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 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; DFW 12-1998(Temp), f. & cert. ef. 5-24-98 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

ADMINISTRATIVE RULES

Rule Caption: Amend Wildlife Integrity Rules regarding Tilapia.

Adm. Order No.: DFW 131-2012

Filed with Sec. of State: 10-11-2012

Certified to be Effective: 10-11-12

Notice Publication Date: 9-1-2012

Rules Amended: 635-056-0075

Subject: Amend Wildlife Integrity Rules regarding selling and exchanging of Tilapia, including, but not limited to, expanding approved Tilapia species and rearing requirements.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-056-0075

Controlled Fish Species

(1) Controlled Fish

(a) Grass carp (*Ctenopharyngodon idella*): Grass carp may be released into water bodies within Oregon only pursuant to the issuance of a permit from the Department. Complete permit applications shall be submitted to Department headquarters at least 60 days before proposed stocking. A fee of \$100.00 (plus a \$2.00 license agent fee) shall be charged for each Grass carp permit issued. The following restrictions and standards will govern the issuance of grass carp permits:

(A) Stocking will occur only in water bodies which are:

(i) Completely within private land; or

(ii) On land owned or controlled by irrigation districts or drainage districts.

(B) Stocking will occur only in the following types of water bodies:

(i) Lakes, ponds, or reservoirs less than 10 acres; or

(ii) Ditches and canals.

(C) Public use of the water body must be restricted to prevent removal of grass carp (by angling or otherwise) by unauthorized persons. At a minimum, the water body must be closed to angling and other use by the general public.

(D) Stocking shall not detrimentally affect any population of species listed as threatened or endangered by the federal or state government.

(E) Stocking shall occur only in water bodies with fish screens approved by the Department. Such screens shall have screen openings 1 inch or less for fish 12–19 inches total length and screen openings 2 inches or less for fish over 19 inches total length. Screens shall be inspected and approved by the Department before a permit will be issued. The applicant must comply with fish passage requirements (OAR 635, division 412); given grass carp screening requirements, this entails applying for and receiving a waiver or exemption from passage requirements if grass carp will be stocked into waters where native migratory fish are or were historically present.

(F) Stocking will not be allowed in water bodies within 100-year floodplains (as delineated by the Federal Emergency Management Agency on federal Flood Insurance Rate Maps) during times of potential flood. Times of potential flood are January 1 through July 31 in watersheds east of the Cascades and October 15 through May 31 in watersheds west of the Cascades. Grass carp will be removed from water bodies in a 100-year floodplain and held or disposed of during times of potential flood. If grass carp will be held and not disposed of, they shall be held at a permitted site outside the 100-year floodplain. Applications for sites within a 100-year floodplain shall contain a detailed removal plan which shall receive Department approval.

(G) Grass carp may only be purchased and imported from approved suppliers outside Oregon. Grass carp may not be propagated or held for further distribution within Oregon. Department pathologists shall approve suppliers. Approval will be based on ability to provide grass carp free of Asian tapeworms and meet health and disease requirements according to OAR 635-007-0555 through 635-007-0585.

(H) Grass carp imported into Oregon shall be:

(i) Sterile triploids. Documentation from the U.S. Fish and Wildlife Service that each fish is triploid must be submitted to the Department prior to release;

(ii) At least 12 inches long;

(iii) Tagged with a Passive Integrated Transponder (PIT) tag of frequency 134.2-kilohertz. Each tag shall be programmed with a unique identification number. A list of unique tag numbers shall be submitted to the Department prior to release; and

(iv) Stocked at a rate not exceeding 22 per affected acre.

(I) In addition to documentation relating to the restrictions above, each permit application shall include:

(i) Applicant's name, address and daytime telephone number. All property owners of the water body to which grass carp will have unrestricted access must be party to the application and permit;

(ii) Location of the water body, including township, range, section and quarter section, with map including written directions for access;

(iii) Map of the water body including, vegetation present in the water body, all inlets and outlets, and screen locations;

(iv) Description of emergency procedures for responding to fish escapes from approved sites;

(v) Description of how fish will be removed and disposed of at the end of the proposed project.

(J) An application becomes the management plan upon approval. Permits and management plans shall be specific to particular sites and particular stocking projects. Permittees shall not deviate from permit conditions and management plans without prior written approval from the Department. No person may remove grass carp from one site (as identified in a management plan) and transport them to any other site without prior written approval from the Department.

(K) An Oregon Department of Fish and Wildlife fish transport permit shall accompany grass carp imported into and transported within Oregon. If transport is required within the management plan and occurs entirely on the permittee's property, a transport permit is not needed. Any other permit or documentation required for fish import, transport, or stocking shall also be obtained prior to importation and stocking.

(L) Permittees shall, as a condition of the permit, allow employees of the Department or the Oregon State Police to inspect at reasonable times the permitted water body, permit, and associated records. Inspection may take place without warrant or notice, but, unless prompted by emergency or other exigent circumstances, shall be limited to regular and usual business hours, including weekends. Nothing in these rules is intended to authorize or allow the warrantless search or inspection of property other than the water bodies or fish holding facilities on the permittee's property.

(M) Permits are revocable at any time for violation of any wildlife statute or rule of the Department. Upon revocation, if stocking has already occurred, the permittee shall remove all grass carp within two weeks at her/his own cost.

(N) Grass carp which escape a permitted water body are subject to seizure or destruction by the Department at the expense of the permit holder. The permit holder shall be held liable for incidental kill of any other species due to or during destruction of escaped grass carp.

(O) The Commission may grant an exception to OAR 635-056-0075(2)(a)(B) or (2)(a)(F). Exception requests must be submitted in writing in addition to the normal application and must address the requirements in this section. Unless the Commission determines that an alternative provides equivalent protection to fish and wildlife resources and their habitats, exceptions shall have the following additional requirements:

(i) If the water body into which grass carp will be stocked is greater than or equal to 10 acres a professional topographic survey by a licensed surveyor must be provided for the entire perimeter of the water body showing all points of water movement in and out of the water body. A topographic survey completed by a state or federal agency within five years from the date of application for the water body may be used. The Department shall determine screening requirements from the survey;

(ii) Grass carp may remain in a water body within the 100-year floodplain year-round if a professional plan or drawing that is certified by a licensed engineer is provided which indicates that the entire perimeter of the water body is protected from 100-year floods. In order to prevent grass carp escape, screens, dikes, and devices protecting the water body must be able to remain structurally sound within 100-year floods and not be overtopped by a 100-year flood. The Department reserves the right to have a licensed engineer retained by the agency review and approve or deny the plan or drawing submitted by the applicant.

(b) Tilapia (*Mozambique tilapia Oreochromis mossambicus*, Nile tilapia *O. niloticus*, Wami tilapia *O. urolepis*, Blackchin tilapia *Sarotherodon melanotheron*, and hybrids thereof): The possession, propagation, transportation, sale, purchase, exchange and disposition of these tilapia is controlled according to the following restrictions and standards:

(A) A person intending to sell, barter or exchange must apply for and receive an approved propagation license from the Oregon Department of Fish and Wildlife Fish Propagation Program prior to commencing production. A person may raise tilapia in-doors (a house, greenhouse, or other enclosed structure capable of excluding predators) for personal consumption without an Oregon Department of Fish and Wildlife-Fish Propagation license;

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(B) Propagation outdoors must occur in ponds or tanks covered with nets or screens adequate to prevent the capture or transport of cultured fish by predators or other animals;

(C) Access to production facilities must be through secure locked gates;

(D) Only animals certified as disease-free by the vendor may be purchased;

(E) Permittees must provide adequate veterinary care to identify and minimize the spread of diseases originating from the animals being held;

(F) No live tilapia or their gametes, fertilized eggs, or larvae may be released into waters of this State, as defined in ORS 506.006; and

(G) An Oregon Department of Fish and Wildlife fish transport permit shall accompany live tilapia imported into and transported within Oregon. If transport occurs entirely on the permittee's property, a transport permit is not needed.

(2) Controlled Mollusks

(a) Suminoe oysters (*Crassostrea ariakensis*), Pacific oysters (*C. gigas*), Kumamoto oysters (*C. sikamea*), Eastern oysters (*C. virginica*), and European flat oysters (*Ostrea edulis*) may be purchased and imported from outside Oregon (or from other estuaries within Oregon) for release into estuaries in Oregon pursuant to the terms of a permit issued by the department. Complete permit applications must be submitted to the department's Marine Resources Program Headquarters (2040 SE Marine Science Drive, Newport, Oregon 97365) at least 15 days before proposed stocking. Oysters may be commercially harvested and sold pursuant to OAR 635-005.

(b) Softshell clam (*Mya arenaria*), Japanese varnish clam (*Nuttallia obscurata*), and Japanese littleneck clam (*Venerupis philippinarum*) may be harvested, possessed and sold commercially pursuant to OAR 635-005 or harvested and possessed recreationally pursuant to OAR 635-039.

(3) Controlled Crustaceans:

(a) Green crabs (*Carcinus maenas*) may be harvested recreationally pursuant to OAR 635-039. Once harvested, it is unlawful to return green crab to state waters. It is unlawful to take green crab for commercial purposes.

(b) Whiteleg shrimp (*Litopenaeus vannamei*): The possession, propagation, transportation, sale, purchase, exchange and disposition of whiteleg shrimp is controlled according to the following restrictions and standards:

(A) A person must apply for and receive an approved propagation license from the Oregon Department of Fish and Wildlife Fish Propagation Program prior to commencing production;

(B) Propagation must occur in ponds covered with nets or screens adequate to prevent the capture or transport of cultured shrimp by predators or other animals;

(C) Access to production facilities must be through secure locked gates;

(D) Only animals certified as disease-free by the vendor may be purchased;

(E) Permittees must provide adequate veterinary care to identify and minimize the spread of diseases originating from the animals being held;

(F) No live whiteleg shrimp or their gametes, fertilized eggs, or larvae may be released into waters of this State, as defined in ORS 506.006; and

(G) An Oregon Department of Fish and Wildlife fish transport permit shall accompany live whiteleg shrimp imported into and transported within Oregon. If transport occurs entirely on the permittee's property, a transport permit is not needed.

(c) Giant river prawns (*Macrobrachium rosenbergii*): The possession, propagation, transportation, sale, purchase, exchange and disposition of giant river prawns is controlled according to the following restrictions and standards:

(A) A person must apply for and receive an approved propagation license from the Oregon Department of Fish and Wildlife Fish Propagation Program prior to commencing production;

(B) Propagation must occur in ponds covered with nets or screens adequate to prevent the capture or transport of cultured prawns by predators or other animals;

(C) Access to production facilities must be through secure locked gates;

(D) Only animals certified as disease-free by the vendor may be purchased;

(E) Permittees must provide adequate veterinary care to identify and minimize the spread of diseases originating from the animals being held;

(F) No giant river prawns or their gametes, fertilized eggs, or larvae may be released into waters of this State, as defined in ORS 506.006; and

(G) An Oregon Department of Fish and Wildlife fish transport permit shall accompany live giant river prawns imported into and transported within Oregon. If transport occurs entirely on the permittee's property, a transport permit is not needed.

Stat. Auth.: ORS 496.012, 496.138 & 496.146

Stat. Implemented: ORS 497.308, 497.318, 498.022, 498.052 & 498.222

Hist.: DFW 63-1998, f. & cert. ef. 8-10-98; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 79-2000, f. & cert. ef. 12-22-00; DFW 116-2001, f. & cert. ef. 12-18-01; DFW 64-2003, f. & cert. ef. 7-17-03; DFW 53-2008(Temp), f. & cert. ef. 5-28-08 thru 9-19-08; DFW 114-2008, f. & cert. ef. 9-19-08; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10; DFW 15-2011, f. & cert. ef. 2-15-11; DFW 131-2012, f. & cert. ef. 10-11-12

Rule Caption: Active Members of the Armed Forces Controlled Hunt Tags.

Adm. Order No.: DFW 132-2012

Filed with Sec. of State: 10-11-2012

Certified to be Effective: 10-11-12

Notice Publication Date: 9-1-2012

Rules Adopted: 635-060-0040

Rules Repealed: 635-060-0040(T)

Subject: Members of the armed Forces with Oregon resident status, returning to Oregon after tag sale deadlines are currently permitted to purchase general season tags for themselves.

Adoption of these rules provide a mechanism for Oregon's active duty members of the Armed Forces stationed out of state to obtain a controlled deer or elk hunt tag if they return to Oregon on leave during the season so they can hunt with their family and friends. To qualify for these tags individuals must be from Oregon, currently stationed out of state, and maintain Oregon residency.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-060-0040

Active Member of the Armed Forces Controlled Hunt Tags

(1) Each Oregon Department of Fish and Wildlife (Department) Wildlife District office is authorized to issue, for hunts at least partially within their Wildlife District, up to 20 controlled hunt tags for deer and 20 controlled hunt tags for elk to Oregon residents who are active members of the Armed Forces currently stationed outside of Oregon, but in Oregon on Temporary Leave.

(2) Active Member of the Armed Forces Controlled Hunt Tags will be issued first come first served until the authorized number has been issued.

(3) To purchase the tag the Active Member of the Armed Forces must provide the following information to the Department District office responsible for issuing the tag:

(a) A copy of an active duty military ID.

(b) A copy of current leave papers to document they are currently stationed outside of Oregon.

(c) A valid Oregon resident hunting license.

(4) Controlled hunts for which Active Member of the Armed Forces controlled hunt tags can be issued include:

(a) Controlled deer or elk hunts with a bag limit of "antlerless", or "spike only", or "antlerless or spike", that have a minimum of 20 tags authorized by the Commission.

(b) Controlled deer or elk hunts with a bag limit that allows buck deer or bull elk with two or more points on one antler, not counting the brow tine, to be harvested, that have a minimum of 60 tags authorized by the Commission.

(c) Additional tags for Active Members of the Armed Forces for each controlled hunt will not exceed 10% of the tag number authorized by the Commission.

(5) Active Member of the Armed Forces Controlled Hunt Tags cannot be authorized for: Controlled hunts occurring on the Starkey Experimental Forest, Hart Mountain NAR, or Umatilla NWR.

(6) All hunt specific regulations adopted by the Commission for hunts where tags are issued (dates, bag limits, boundaries, etc.) will apply.

(7) Tag recipients must pay the standard resident price for the tag. Any additional fee for purchasing a tag after the tag sale deadline will be waived.

(8) The hunter must provide harvest and effort information to the issuing office within five business days after the closing date of the hunt printed on the tag.

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

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

Hist.: DFW 125-2012, f. & cert. ef. 9-26-12 thru 3-15-13; DFW 132-2012, f. & cert. ef. 10-11-12

ADMINISTRATIVE RULES

Rule Caption: Fall Commercial Drift Gill Net Seasons Authorized for the Mainstem Columbia River.

Adm. Order No.: DFW 133-2012(Temp)

Filed with Sec. of State: 10-15-2012

Certified to be Effective: 10-16-12 thru 10-31-12

Notice Publication Date:

Rules Amended: 635-042-0060

Rules Suspended: 635-042-0060(T)

Subject: Amended rule authorizes three 12-hour night time fishing periods for the 2012 late fall commercial salmon drift gill net fishery in the Columbia River mainstem in Zones 1 through 5. The first authorized fishing period begins at 7:00 p.m. Tuesday, October 16, 2012. Modifications are consistent with action taken October 15, 2012 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0060

Late Fall Salmon Season

(1) Salmon may be taken for commercial purposes from the Columbia River in Zones 1 through 5 as described in OAR 635-042-0001 during the following fishing periods:

(a) 7:00 p.m. Tuesday October 16 to 7:00 a.m. Wednesday, October 17 (12 hours);

(b) 7:00 p.m. Thursday October 18 to 7:00 a.m. Friday, October 19 (12 hours); and

(c) 7:00 p.m. Sunday October 21 to 7:00 a.m. Monday, October 22 (12 hours);

(2) For the fishing periods described in section (1) above, gear is restricted to drift gill nets with an 8-inch minimum mesh size only. The multiple net rule is in effect for all authorized fishing periods. Nets not authorized for a specific fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Nets fished any time between official sunset and official sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

(3) For the fishing periods described in section (1) above white sturgeon may not be possessed or sold by participating vessels. Allowable sales are salmon only. Sales of white sturgeon from fall Select Area fisheries are prohibited.

(4) For the fishing periods described in section (1) above, Elokomin-A, Cowlitz River, Kalama-A, Lewis-A, Sandy and Washougal sanctuaries are in effect as described in 635-042-0005.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 40-1979, f. & cf. 9-10-79; FWC 45-1979(Temp), f. & cf. 9-21-79; FWC 52-1979(Temp), f. & cf. 11-2-79; FWC 48-1980(Temp), f. & cf. 9-19-80; FWC 51-1980(Temp), f. & cf. 9-22-80; FWC 55-1980(Temp), f. & cf. 9-26-80; FWC 56-1980(Temp), f. & cf. 9-29-80; FWC 58-1980(Temp), f. & cf. 10-17-80; FWC 37-1981(Temp), f. & cf. 9-24-81; FWC 38-1981(Temp), f. & cf. 9-29-81; FWC 69-1982(Temp), f. & cf. 9-30-82; FWC 72-1982(Temp), f. & cf. 10-20-82; FWC 56-1983(Temp), f. & cf. 10-5-83; FWC 54-1984(Temp), f. & cf. 9-10-84; FWC 59-1984(Temp), f. & cf. 9-18-84; FWC 66-1984(Temp), f. & cf. 9-26-84; FWC 68-1984(Temp), f. & cf. 10-2-84; FWC 58-1985(Temp), f. & cf. 9-13-85; FWC 62-1985 (Temp), f. & cf. 9-24-85; FWC 66-1985(Temp), f. & cf. 10-11-85; FWC 54-1986(Temp), f. & cf. 9-5-86; FWC 64-1986 (Temp), f. & cf. 10-3-86; FWC 67-1986(Temp), f. & cf. 10-17-86; FWC 74-1987(Temp), f. & cf. 9-4-87; FWC 75-1987 (Temp), f. & cf. 9-11-87; FWC 80-1987(Temp), f. & cf. 9-18-87; FWC 87-1987(Temp), f. & cf. 10-9-87; FWC 91-1987(Temp), f. & cf. 10-16-87; FWC 85-1988(Temp), f. & cf. 9-9-88; FWC 93-1988(Temp), f. & cf. 9-16-88; FWC 99-1988(Temp), f. & cf. 10-7-88; FWC 100-1988(Temp), f. & cf. 10-21-88, cert. ef. 10-24-88; FWC 94-1989(Temp), f. & cf. 9-15-89, cert. ef. 9-17-89; FWC 97-1989(Temp), f. & cf. 9-21-89; FWC 109-1989(Temp), f. & cf. 9-17-89; FWC 113-1989 (Temp), f. & cf. 11-9-89; FWC 100-1990(Temp), f. & cf. 9-18-90; FWC 101-1990(Temp), f. & cf. 9-19-90; FWC 102-1990(Temp), f. & cf. 9-20-90; FWC 114-1990, f. & cf. 10-8-90; FWC 105-1991, f. & cf. 9-20-91; FWC 118-1991, f. & cf. 10-4-91; FWC 122-1991(Temp), f. & cf. 10-18-91; FWC 129-1991(Temp), f. & cf. 11-1-91, cert. ef. 11-3-91; FWC 97-1992(Temp), f. & cf. 9-22-92; FWC 100-1992(Temp), f. & cf. 9-25-92, cert. ef. 9-27-92; FWC 107-1992(Temp), f. & cf. 10-9-92; FWC 109-1992(Temp), f. & cf. 10-19-92, cert. ef. 10-20-92; FWC 110-1992(Temp), f. & cf. 10-22-92; FWC 80-1995(Temp), f. & cf. 9-27-95, cert. ef. 10-9-95; FWC 46-1996, f. & cf. 8-23-96; FWC 58-1996(Temp), f. & cf. 9-27-96, cert. ef. 9-30-96; FWC 60-1996(Temp), f. & cf. 10-7-96; FWC 62(Temp), f. & cf. 10-18-96, cert. ef. 10-21-96; FWC 61-1997(Temp), f. & cf. 9-23-97, cert. ef. 9-24-97; FWC 62-1997(Temp), f. & cf. 10-6-97; FWC 64-1997(Temp), f. & cf. 10-14-97; FWC 65-1997(Temp), f. & cf. 10-20-97; FWC 68-1997(Temp), f. & cf. 11-3-97; FWC 79-1999(Temp), f. & cf. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 83-1999(Temp), f. & cf. 10-26-99, cert. ef. 10-27-99 thru 12-31-99; DFW 87-1999(Temp), f. & cf. 11-4-99 thru 11-5-99; Administrative correction 11-17-99; DFW 62-2000(Temp), f. & cf. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; DFW 68-2000(Temp), f. & cf. 10-6-00, cert. ef. 10-9-00 thru 12-31-00; DFW 71-2000(Temp), f. & cf. 10-20-00, cert. ef. 10-23-00 thru 12-31-00; DFW 74-2000(Temp), f. & cf. 10-27-00, cert. ef. 10-30-00 thru 12-31-00; Administrative correction 6-20-01; DFW 89-2001(Temp), 9-14-01 thru 12-31-01; DFW 92-

2001(Temp), f. & cf. 9-19-01 thru 12-31-01; DFW 93-2001(Temp), f. & cf. 9-21-01, cert. ef. 9-24-01 thru 12-31-01; DFW 98-2001(Temp), f. & cf. 10-8-01, cert. ef. 12-31-01; DFW 106-2001(Temp), f. & cf. 10-26-01 thru 12-31-01; DFW 104-2002(Temp), f. & cf. 9-19-02 thru 12-31-02; DFW 106-2002(Temp), f. & cf. 9-24-02 thru 12-31-02; DFW 109-2002(Temp), f. & cf. 9-27-02 thru 12-31-02; DFW 112-2002(Temp), f. & cf. 10-10-02, cert. ef. 10-14-02 thru 12-31-02; DFW 122-2002(Temp), f. & cf. 10-24-02, cert. ef. 10-28-02 thru 12-31-02; DFW 92-2003(Temp), f. & cf. 9-12-03, cert. ef. 9-15-03 thru 12-31-03; DFW 95-2003(Temp), f. & cf. 9-17-03 thru 12-31-03; DFW 98-2003(Temp), f. & cf. 9-22-03, cert. ef. 9-23-03 thru 12-31-03; DFW 105-2003(Temp), f. & cf. 10-10-03, cert. ef. 10-12-03 thru 12-31-03; DFW 107-2003(Temp), f. & cf. 10-21-03, cert. ef. 10-26-03 thru 12-31-03; DFW 95-2004(Temp), f. & cf. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 98-2004(Temp), f. & cf. 9-22-04 thru 12-31-04; DFW 99-2004(Temp), f. & cf. 9-24-04 thru 12-31-04; DFW 101-2004(Temp), f. & cf. 9-29-04 thru 12-31-04; DFW 102-2004(Temp), f. & cf. 10-1-04, cert. ef. 10-4-04 thru 12-31-04; DFW 109-2004(Temp), f. & cf. 10-19-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 109-2005(Temp), f. & cf. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cf. 9-26-05 thru 12-31-05; DFW 113-2005(Temp), f. & cf. 9-28-05 thru 12-31-05; DFW 116-2005(Temp), f. & cf. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cf. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cf. 10-18-05 thru 12-31-05; DFW 126-2005(Temp), f. & cf. 10-21-05, cert. ef. 10-23-05 thru 12-31-05; Administrative correction 1-19-06; DFW 102-2006(Temp), f. & cf. 9-15-06, cert. ef. 9-19-06 thru 12-31-06; DFW 106-2006(Temp), f. & cf. 9-22-06, cert. ef. 9-25-06 thru 12-31-06; DFW 111-2006(Temp), f. & cf. 9-29-06, cert. ef. 10-2-06 thru 12-31-06; DFW 112-2006(Temp), f. & cf. 10-4-06, cert. ef. 10-8-06 thru 12-31-06; DFW 114-2006(Temp), f. & cf. 10-12-06 thru 12-31-06; DFW 120-2006(Temp), f. & cf. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 91-2007(Temp), f. & cf. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 94-2007(Temp), f. & cf. 9-21-07, cert. ef. 9-24-07 thru 12-31-07; DFW 97-2007(Temp), f. & cf. 9-25-07, cert. ef. 9-26-07 thru 12-31-07; DFW 98-2007(Temp), f. & cf. 9-26-07, cert. ef. 9-27-07 thru 12-31-07; DFW 99-2007(Temp), f. & cf. 9-28-07, cert. ef. 10-1-07 thru 12-31-07; DFW 104-2007(Temp), f. & cf. 10-3-07 thru 12-31-07; DFW 107-2007(Temp), f. & cf. 10-10-07 thru 12-31-07; DFW 109-2007(Temp), f. & cf. 10-16-07, cert. ef. 10-17-07 thru 12-31-07; DFW 111-2007(Temp), f. & cf. 10-22-07, cert. ef. 10-23-07 thru 12-31-07; DFW 112-2007(Temp), f. & cf. 10-24-07, cert. ef. 10-25-07 thru 12-31-07; DFW 113-2008(Temp), f. & cf. 9-17-08, cert. ef. 9-18-08 thru 12-31-08; DFW 119-2008(Temp), f. & cf. 9-24-08 thru 12-31-08; DFW 127-2008(Temp), f. & cf. 10-7-08, cert. ef. 10-8-08 thru 12-31-08; DFW 132-2008(Temp), f. & cf. 10-14-08, cert. ef. 10-15-08 thru 12-31-08; DFW 136-2008(Temp), f. & cf. 10-21-08 thru 12-31-08; DFW 117-2009(Temp), f. & cf. 9-23-09, cert. ef. 9-24-09 thru 10-31-09; DFW 120-2009(Temp), f. & cf. 9-30-09 thru 10-31-09; DFW 122-2009(Temp), f. & cf. 9-5-09 thru 10-31-09; DFW 124-2009(Temp), f. & cf. 10-7-09 thru 10-31-09; DFW 130-2009(Temp), f. & cf. 10-13-09 thru 10-31-09; DFW 134-2009(Temp), f. & cf. 10-20-09 thru 10-31-09; DFW 135-2009(Temp), f. & cf. 10-27-09 thru 10-31-09; Administrative correction 11-19-09; DFW 139-2010(Temp), f. & cf. 10-5-10 thru 11-30-10; DFW 146-2010(Temp), f. & cf. 10-13-10, cert. ef. 10-14-10 thru 11-30-10; DFW 150-2010(Temp), f. & cf. 10-18-10, cert. ef. 10-19-10 thru 11-30-10; Administrative correction 12-28-10; DFW 23-2011, f. & cf. 3-21-11; DFW 126-2012(Temp), f. & cf. 9-27-12 thru 10-31-12; DFW 128-2012(Temp), f. & cf. 10-3-12, cert. ef. 10-4-12 thru 10-31-12; DFW 133-2012(Temp), f. & cf. 10-15-12, cert. ef. 10-16-12 thru 10-31-12

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

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 30-2012

Filed with Sec. of State: 9-28-2012

Certified to be Effective: 10-1-12

Notice Publication Date: 8-1-2012

Rules Amended: 461-001-0000, 461-110-0340, 461-110-0370, 461-110-0430, 461-110-0530, 461-110-0630, 461-125-0170, 461-135-0070, 461-135-0075, 461-135-1250, 461-135-1260, 461-145-0080, 461-145-0240, 461-145-0460, 461-145-0870, 461-155-0150, 461-155-0190, 461-155-0680, 461-160-0120, 461-160-0420, 461-160-0430, 461-160-0620, 461-165-0180, 461-170-0011, 461-180-0130, 461-190-0211, 461-193-0031, 461-193-0240, 461-193-0246, 461-193-0320, 461-193-0670

Rules Repealed: 461-001-0000(T), 461-110-0340(T), 461-110-0530(T), 461-110-0630(T), 461-125-0170(T), 461-135-0070(T), 461-135-0075(T), 461-135-1175, 461-135-1250(T), 461-135-1260(T), 461-145-0080(T), 461-145-0870(T), 461-155-0150, 461-160-0120(T), 461-160-0620(T), 461-170-0011(T), 461-180-0130(T)

Subject: OAR 461-001-0000 defining many terms used in the eligibility rules is being amended to change the definition of "caretaker relative" in the Pre-TANF, REF, SFPSS, and TANF programs so this definition follows state statute (ORS 412.001) and so other rules that use this term also follow state statute. Under this change the term caretaker relative no longer includes any blood relative, including great and great-great grandparents. This amendment also makes permanent a temporary rule change adopted on May 1, 2012.

OAR 461-110-0340 (about filing groups), 461-110-0530 (about financial groups), and 461-110-0630 (about need groups) are being

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amended to provide a more understandable and streamlined explanation of steps to follow in determining medical eligibility. Although these revisions will not change the outcome of a medical eligibility determination, the changes are intended to provide a smoother process and understanding of the Medical Assistance to Families (MAF) eligibility groups for eligibility staff and the public. OAR 461-145-0870 about deemed assets and spouses of non-parent caretaker relatives and 461-160-0120 about deemed assets, ineligible non-citizens, and fathers of an unborn are being amended to clarify how to treat the deemed income for the Medical Assistance for Families (MAF) eligibility groups. These amendments clarify what amount to deduct from an individual's income when they are no longer in the MAF filing group but the individual's income must be deemed back in. Although these revisions will not change the outcome of a medical eligibility determination, the changes are intended to provide a smoother process and understanding of the Medical Assistance to Families (MAF) eligibility groups for eligibility staff and the public. These rules are also being amended to make permanent changes adopted by temporary rule on May 1, 2012.

OAR 461-110-0370 about which members of a household are considered together to determine eligibility for the SNAP program is being amended to reflect the annual federal poverty level change for 165 percent of the federal poverty limit. Elderly household individuals with permanent and severe disabling conditions may be eligible to file separately from people in their household who purchase and prepare meals together as long as the other household members income is below 165 percent of the federal poverty level.

OAR 461-110-0430 about filing groups in the Refugee Assistance and Refugee Assistance Medical programs is being amended to clarify the policy and clearly lay out the circumstances in which a separate filing group may be created in a refugee household group. The filing group consists of individuals from the household group whose circumstances are considered in the eligibility process.

OAR 461-125-0170 about determining deprivation based on under or unemployment in the TANF and Medical Assistance Assumed (MAA) programs and OAR 461-135-0070 about eligibility requirements in the TANF, MAA, and MAF (Medical Assistance to Families) programs are being amended to implement Senate Bill 1579, Section 81 (2012) and as part of the state's budget shortfall strategy. These amendments make a family ineligible for TANF program benefits for 120 days if the caretaker relative left employment for a reason without good cause. Prior to these amendments, the period of ineligibility had been 60 days. These amendments also make permanent changes adopted by temporary rule on May 1, 2012.

OAR 461-135-0075 is being amended to address budget constraints and implement SB 1579 (2012) by changing how time on TANF is counted toward the 60-month time limit for eligibility. Under this amendment, months may be counted and are no longer exempt when the Oregon unemployment rate is equal to or greater than seven percent. Additionally, two-parent households funded with state funds will now accumulate time toward time limits. This amendment also clarifies that adults and minor parent heads of households with 60 countable months in any state will no longer be eligible for TANF, unless subject to certain exemptions. This rule is also being amended to state that months in which individuals receive a Jobs Participation Incentive food benefit do no count toward time limits. This rule is also being amended to make permanent the temporary rule changes adopted on May 1, 2012.

OAR 461-135-1175 about the Senior Farm Direct Nutrition Program is being repealed because this program has been transferred to the Oregon Health Authority, Public Health Division, and its policies are set out at OAR 333-052-0030, 333-052-0040, 333-052-0041, 333-052-0042, 333-052-0100. This repeal makes permanent the suspension of this rule that occurred on June 8, 2012.

OAR 461-135-1250 about specific client eligibility and participation requirements in the Post-Temporary Assistance for Needy Families (Post-TANF) program is being amended to state that program funding ended on April 30, 2012 there are no benefits after that

date. This amendment also does not allow continuing benefits in the Post-TANF program after April 30, 2012 for pending or submitted hearing requests. This amendment makes permanent temporary rule changes adopted on April 12 and April 13, 2012.

OAR 461-135-1260 about the specific requirements for the Job Participation Incentive (a \$10 monthly food benefit) and OAR 461-170-0011 about changes that must be reported for the Job Participation Incentive are being amended to allow SNAP cases to be considered without being restricted by the reporting system. OAR 461-135-1260 is also being amended to clarify and expand the kinds of employment and self-employment that are counted to be eligible for JPI. OAR 461-135-1260 is also being amended to remove redundant requirements. These amendment also make permanent the temporary rule changes that were effective on May 1, 2012 and May 24, 2012.

OAR 461-145-0080 about the treatment of child support and cash medical support to determine eligibility for the Department's public assistance, medical and SNAP programs is being amended to clarify how to count in-kind income when child support payments are made directly to the financial group or to a third-party for rent, mortgage, utilities, or child care.

OAR 461-145-0240 about income-producing sales contracts is being amended to change current policy regarding the treatment of income-producing sales contracts in the General Assistance (GA), General Assistance Medical (GAM), Oregon Supplemental Income Program Medical (OSIPM), and Qualified Medicare Beneficiary (QMB) programs. This amendment identifies situations when the equity value of an income-producing sales contract is counted as a resource and when it is excluded. Currently the equity value of all income-producing sales contracts is excluded. Additionally, this amendment identifies situations when the equity value of an income-producing sales contract can result in transfer of asset penalties.

OAR 461-145-0460 about the sale of a resource is being amended to change current policy regarding the treatment of the proceeds from the sale of a home in the General Assistance (GA), General Assistance Medical (GAM), Oregon Supplemental Income Program Medical (OSIPM), and Qualified Medicare Beneficiary (QMB) programs. This amendment identifies situations when the proceeds (including principal and interest) are counted as income, resource or excluded. Currently proceeds (regardless of whether they are income or principal) are either excluded or counted as a resource (except for GAM - if the proceeds put the benefit group over the resource limit they are counted as periodic or lump-sum income).

OAR 461-155-0150 about the child care eligibility standard, payment rates, and copayments is being amended to increase the minimum monthly copayment from \$25 to \$27 and to increase copayments by 10 percent for families receiving Employment Related Day Care. This increase addresses part of the Department's shortfall in the current biennium as part of the legislative and Department 2011-13 budget rebalance plan. These amendments make permanent the temporary rule changes to these rates that took effect on May 1, 2012. This rule is also being amended to change how rounding occurs during the calculation of the copayment.

OAR 461-155-0190 about income and payment standards in the SNAP program is being amended to reflect changes in the countable and adjusted income limit, and the SNAP payment standard or Thrifty Food Plan. This rule will also be amended to reflect an increase in the monthly maximum benefit amount, if there is an increase.

OAR 461-155-0680 about the supplemental telephone allowance in the Oregon Supplemental Income Program Medical (OSIPM) is being amended to remove references to Link-Up America, which are no longer applicable, and to clarify that to receive telephone assistance, a client may be either an SSI recipient, a client with an adjusted income less than the OSIPM program standard (under OAR 461-155-0250), or a client receiving in-home services if the client meets

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certain conditions. This language change clarifies that a client does not have to meet all three conditions in order to be eligible.

OAR 461-160-0420 about the shelter cost calculation for the shelter deduction in the SNAP program is being amended to reflect the new utility standards effective October 1, 2012 for the 2013 federal fiscal year. Each year Oregon surveys utility companies and the general public about increases in utility costs. The utility allowances are derived from these surveys and approved by the Food and Nutrition Service in the SNAP Program State Plan. There are four utility allowances. The full utility allowance (FUA) is for any household that is responsible for paying a heating or cooling cost, or receives any benefits from Low Income Heating and Energy Assistance (LIHEAP) programs. The limited utility allowance (LUA) is used for those households with more than one non-heating/cooling cost. The individual utility allowance (IUA) for households with a single non-heat and non-telephone cost. The telephone utility allowance (TUA) is for households with only a telephone cost.

OAR 461-160-0430 about income deductions in the SNAP program is being amended to reflect the new standard deduction for the 2013 federal fiscal year.

OAR 461-160-0620 about income deductions and liability for OSIPM clients in long-term care is being amended to reflect the federal changes in the amounts used when calculating the maintenance needs allowance and the dependent income allowance deducted from the income of an institutionalized spouse. This amendment makes permanent a temporary rule change effective July 1, 2012.

OAR 461-165-0180 about eligibility of child care providers is being updated to add timelines for providers to return the child care provider listing form to the Department. This change will require the provider to submit a completed listing form within 30 calendar days. This rule is also being amended to indicate that providers must notify the Department before using someone else to supervise a child. The rule had indicated this only applied to temporary changes.

OAR 461-180-0130 about the effective date for restoring benefits is being amended as part of the expansion of JPI. This amendment clarifies that restoration of benefits for JPI is limited to months under which the JPI rule makes the individual eligible. Parents in the newly expanded group will not receive restored JPI benefits prior to May of this year. This amendment also makes permanent the temporary rule changes that were effective on May 24, 2012.

OAR 461-190-0211 about the 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 adjust and clarify program restrictions implemented July 1, 2011 as a result of budget reductions from the 2011 legislative session. The monthly family maximum imposed for support services, including child care, is being removed, including for teen parents. This amendment also clarifies the rule in the context of removing maximum amounts. These amendments also make permanent temporary rule changes adopted on April 6 and May 23, 2012.

OAR 461-193-0031 about eligibility requirements for the Refugee Case Services Project (RCSP) is being amended to clarify when an RCSP case may be opened when a newly arrived adult refugee is rejoining one or more family members in the United States.

OAR 461-193-0240 about exemptions from participating in the New Arrival Employment Services (NAES) program is being amended to update its exempt categories by aligning with the exempt categories that apply in the TANF program in OAR 461-130-0310.

OAR 461-193-0246 about employment and training incentives in the New Arrival Employment Services (NAES) program is being amended to limit the number of incentives presently being provided. The Refugee Program is discontinuing training and 30-day employment incentives.

OAR 461-193-0320 about effective dates for cash assistance in the Refugee Case Service Project is being amended to clarify the dates of cash eligibility, and to comply with 45 CFR 400.77 by specifying

the cash eligibility date for an employable applicant who has quit a job or refused a job without good cause within 30 consecutive calendar days prior to the application as well as the cash eligibility date for a benefit recipient whose disqualification is being lifted.

OAR 461-193-0670 is being amended to remove statements about client requirements because its policy about client requirements is redundant and covered in another rule, OAR 461-193-0010.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-001-0000

Definitions for Chapter 461

Defined terms are often italicized throughout this chapter of rules. If a defined term is accompanied by a cross-reference to a rule defining the term, subsequent usages of that term in the same rule refer to the same definition cross-referenced earlier in the rule. In this chapter of rules, unless the context indicates otherwise:

(1) A reference to Division, Adult and Family Services Division (or AFS), Senior and Disabled Services Division (or SDDS), or any other agency formerly part of the Department of Human Services shall be taken to mean the Department of Human Services (DHS), except that the rule in which reference occurs only regulates programs covered by Chapter 461 of the Oregon Administrative Rules.

(2) "Address Confidentiality Program" (ACP) means a program of the Oregon Department of Justice, which provides a substitute mailing address and mail forwarding service for ACP participants who are victims of domestic violence, sexual assault, or stalking.

(3) "Adjusted income" means the amount determined by subtracting income deductions from countable income (see OAR 461-140-0010). Specific rules on the deductions are found in division 461-160.

(4) "Adoption assistance" means financial assistance provided to families adopting children with special needs. Adoption assistance may be state or federally funded. Federal adoption assistance is authorized by the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. No. 96-272, 94 Stat. 500 (1980)). State adoption assistance is authorized by ORS 418.330 to 418.335.

(5) "Assets" mean income and resources.

(6) "Basic decision notice" means a decision notice mailed no later than the date of action given in the notice.

(7) "Branch office" means any Department or AAA (Area Agency on Aging) office serving a program covered by this chapter of rules.

(8) "Budgeting" means the process of calculating the benefit level.

(9) "Budget month" means the calendar month from which nonfinancial and financial information is used to determine eligibility and benefit level for the payment month.

(10) "Cafeteria plan" means a written benefit plan offered by an employer in which:

(a) All participants are employees; and

(b) Participants can choose, cafeteria-style, from a menu of two or more cash or qualified benefits. In this context, qualified benefits are benefits other than cash that the Internal Revenue Service does not consider part of an employee's gross income. Qualified benefits include, but are not limited to:

(A) Accident and health plans (including medical plans, vision plans, dental plans, accident and disability insurance);

(B) Group term life insurance plans (up to \$50,000);

(C) Dependent care assistance plans; and

(D) Certain stock bonus plans under section 401(k)(2) of the Internal Revenue Code (but not 401(k)(1) plans).

(11) "Capital asset" means property that contributes toward earning self-employment income, including self-employment income from a microenterprise, either directly or indirectly. A capital asset generally has a useful life of over one year and a value, alone or in combination, of \$100 or more.

(12) "Caretaker" means an individual who is responsible for the care, control, and supervision of a child. The status of caretaker ends once the individual no longer exercises care, control, and supervision of the child for 30 days.

(13) "Caretaker relative" means:

(a) In the Pre-TANF, REF, SFPSS, and TANF programs, a dependent child's father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece who lives in a residence maintained by one or more of the relatives as the child's or the relative's own home.

(b) In all programs not covered under subsection (a) of this section, a caretaker who meets the requirements of one of the following paragraphs:

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- (A) Is one of the following relatives of the dependent child:
- (i) Any blood relative, including those of half-blood, and including first cousins, nephews, or nieces, and individuals of preceding generations as denoted by prefixes of grand, great, or great-great.
 - (ii) Stepfather, stepmother, stepbrother, and stepsister.
 - (iii) An individual who legally adopts the child and any individual related to the individual adopting the child, either naturally or through adoption.
- (B) Is or was a spouse of an individual listed in paragraph (A) of this subsection.
- (C) Met the definition of caretaker relative under paragraph (A) or (B) of this subsection before the child was adopted (notwithstanding the child's subsequent adoption).
- (14) "Certification period" means the period for which a client is certified eligible for a program.
- (15) "Child" includes natural, step, and adoptive children. The term child does not include an unborn.
- (a) In the ERDC program, a child need not have a biological or legal relationship to the caretaker but must be in the care and custody of the caretaker, must meet the citizenship or alien status requirements of OAR 461-120-0110, and must be:
- (A) Under the age of 18; or
 - (B) Under the age of 19 and in secondary school or vocational training at least half time.
- (b) In the GA, GAM, and OSIP programs, a child is an individual under the age of 18.
- (c) In the OHP program, child means an individual, including a minor parent, under the age of 19.
- (d) In the OSIPM and QMB programs, child means an unmarried individual living with a parent who is:
- (A) Under the age of 18; or
 - (B) Under the age of 22 and attending full time secondary, post secondary or vocational-technical training designed to prepare the individual for employment.
- (16) "Community based care" is any of the following:
- (a) Adult foster care — Room and board and 24 hour care and services for the elderly or for disabled people 18 years of age or older. The care is contracted to be provided in a home for five or fewer clients.
 - (b) Assisted living facility — A program approach, within a physical structure, which provides or coordinates a range of services, available on a 24-hour basis, for support of resident independence in a residential setting.
 - (c) In-home Services — People living in their home receiving services determined necessary by the Department.
 - (d) Residential care facility — A facility that provides residential care in one or more buildings on contiguous property for six or more individuals who have physical disabilities or are socially dependent.
 - (e) Specialized living facility — Identifiable services designed to meet the needs of individuals in specific target groups which exist as the result of a problem, condition or dysfunction resulting from a physical disability or a behavioral disorder and require more than basic services of other established programs.
 - (f) Independent choices — In-Home Services program wherein the participant is given cash benefits to purchase self-directed personal assistance services or goods and services provided pursuant to a written service plan (see OAR 411-030-0020).
- (17) "Continuing benefit decision notice" means a decision notice that informs the client of the right to continued benefits and is mailed in time to be received by the date benefits are, or would be, received.
- (18) "Countable" means that an available asset (either income or a resource) is not excluded and may be considered by some programs to determine eligibility.
- (19) "Custodial parents" mean parents who have physical custody of a child. Custodial parents may be receiving benefits as dependent children or as caretaker relatives for their own children.
- (20) "Decision notice" means a written notice of a decision by the Department regarding an individual's eligibility for benefits in a program.
- (21) "Department" means the Department of Human Services (DHS).
- (22) "Dependent child", in the EXT, MAA, MAF, REF, REFM, and TANF programs, means the following:
- (a) An individual who is not a caretaker relative of a child in the household, is unmarried or married but separated, and is under the age of 18, or 18 years of age and a full time student in secondary school or the equivalent level of vocational or technical training; or

- (b) A minor parent whose parents have chosen to apply for benefits for the minor parent. This does not apply to a minor parent who is married and living with his or her spouse.
- (23) "Disability" means:
- (a) In the SNAP program, see OAR 461-001-0015.
 - (b) In the REF, SFPSS, TA-DVS, and TANF programs, for purposes other than determining eligibility:
 - (A) An individual with a physical or mental impairment that substantially limits the individual's ability to meet the requirements of the program; or
 - (B) An individual with a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or who is regarded as having such an impairment as defined by the Americans with Disabilities Act (42 USC 12102; 28 CFR 35.104).
- (24) "Domestic violence" means the occurrence of one or more of the following acts between family members, intimate partners, or household members:
- (a) Attempting to cause or intentionally, knowingly or recklessly causing physical injury or emotional, mental or verbal abuse.
 - (b) Intentionally, knowingly or recklessly placing another in fear of imminent serious physical injury.
 - (c) Committing sexual abuse in any degree as defined in ORS 163.415, 163.425 and 163.427.
 - (d) Using coercive or controlling behavior.
- (25) "Domestic violence shelters" are public or private nonprofit residential facilities providing services to victims of domestic violence. If the facility serves other people, a portion must be used solely for victims of domestic violence.
- (26) ELA means Express Lane Agency: A public agency identified in the State Medicaid Plan or State CHIP Plan as an agency capable of making determinations regarding one or more eligibility requirements in the OHP-OPC, OHP-CHP, or HKC programs.
- (27) ELE means Express Lane Eligibility: In the HKC, OHP-CHP, and OHP-OPC programs, the Department's option to rely on a determination, made within a reasonable period, by an ELA finding that a child satisfies the requirements for OHP-CHP or OHP-OPC program eligibility. ELE qualifies a child for medical assistance benefits based on a finding from another public agency, even when the other agency's eligibility methodology differs from that ordinarily used by the Department to determine HKC, OHP-CHP, and OHP-OPC program eligibility.
- (28) "Electronic application" is an application electronically signed and submitted through the internet.
- (29) "Eligibility" means the decision as to whether an individual qualifies, under financial and nonfinancial requirements, to receive program benefits.
- (30) "Equity value" means fair market value minus encumbrances.
- (31) "Fair market value" means the amount an item is worth on the open market.
- (32) "Family stability" in the JOBS, Pre-TANF, Post-TANF, SFPSS, TA-DVS, and TANF programs means the characteristics of a family that support healthy child development, including parental mental health, drug and alcohol free environment, stable relationships, and a supportive, flexible, and nurturing home environment.
- (33) "Family stability activity" in the JOBS, Pre-TANF, Post-TANF, SFPSS, TA-DVS, and TANF programs means an action or set of actions taken by the client, as specified in a case plan, intended to promote the ability of one or both parents to achieve or maintain family stability.
- (34) "Financial institution" means a bank, credit union, savings and loan association, investment trust, or other organization held out to the public as a place receiving funds for deposit, savings, checking, or investment.
- (35) "HPN" means a health plan new/noncategorical client eligible under OHP-OPU.
- (36) "Income producing property" means any real or personal property that generates income for the financial group. Examples of income producing property are:
- (a) Livestock, poultry, and other animals.
 - (b) Farmland, rental homes (including a room or other space in the home or on the property of a member of the financial group), vacation homes, condominiums.
- (37) "Initial month" of eligibility means any of the following:
- (a) In all programs, the first month a benefit group (see OAR 461-110-0750) is eligible for a program benefit in Oregon after a period during which the group is not eligible.
 - (b) In all programs except the SNAP program, the first month a benefit group is eligible for a program benefit after there has been a break in

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the program benefit of at least one full calendar month. If benefits are suspended for one month, that is not considered a break.

(c) In the SNAP program:

(A) The first month for which the benefit group is certified following any period during which they were not certified to participate, except for migrant and seasonal farm workers (see OAR 461-001-0015).

(B) For migrant and seasonal farmworkers, the first month for which the benefit group is certified following any period of one month or more during which they were not certified to participate.

(d) In the OHP program, the first month of a redetermination or recertification period.

(e) For a new applicant to the GA, GAM, OSIP, or OSIPM program living in a nonstandard living arrangement, for the purposes of calculating the correct divisor in OAR 461-140-0296, the month in which the client would have been eligible had it not been for the disqualifying transfer of assets.

(38) "In-kind income" means income in a form other than money (such as food, clothing, cars, furniture, and payments made to a third party).

(39) "Legally married" means a marriage uniting a man and a woman according to the provisions of either:

(a) The statutes of the state where the marriage occurred;

(b) The common law of the state in which the man and woman previously resided while meeting the requirements for common law marriage in that state; or

(c) The laws of a country in which the man and woman previously resided while meeting the requirements for legal or cultural marriage in that country.

(40) "Life estate" means the right to property limited to the lifetime of the individual holding it or the lifetime of some other individual. In general, a life estate enables the owner of the life estate to possess, use, and obtain profits from property during the lifetime of a designated individual while actual ownership of the property is held by another individual. A life estate is created when an individual owns property and then transfers ownership to another individual while retaining, for the rest of his or her life, certain rights to that property. In addition, a life estate is established when a member of the financial group (see OAR 461-110-0530) purchases a life estate interest in the home of another individual.

(41) "Lodger" means a member of the household group (see OAR 461-110-0210) who:

(a) Is not a member of the filing group; and

(b) Pays the filing group for room and board.

(42) "Long term care" means the system through which the Department provides a broad range of social and health services to eligible adults who are aged, blind, or have disabilities for extended periods of time. This includes nursing homes and state hospitals (Eastern Oregon and Oregon State Hospitals).

(43) "Lump-sum income" means income received too infrequently or irregularly to be reasonably anticipated, or received as a one-time payment. Lump-sum income includes:

(a) Retroactive benefits covering more than one month, whether received in a single payment or several payments.

(b) Income from inheritance, gifts, winnings, and personal injury claims.

(44) "Marriage" means the union of a man and a woman who are legally married.

(45) "Microenterprise" means a sole proprietorship, partnership, or family business with fewer than five employees and capital needs no greater than \$35,000.

(46) "Minor parent", in the ERDC, EXT, MAA, MAF, REF, REFM, and TANF programs, means a parent under the age of 18.

(47) "Nonstandard living arrangement" is defined as follows:

(a) In the GA, GAM, OSIP, OSIPM, and QMB programs, a client is considered to be in a nonstandard living arrangement when the client is applying for or receiving services in any of the following locations:

(A) A nursing facility in which the client receives long-term care services paid with Medicaid funding, except this subsection does not apply to a Medicare client in a skilled-stay nursing facility.

(B) An intermediate care facility for the mentally retarded (ICF/MR).

(C) A psychiatric institution, if the individual is not yet 21 years of age or has reached the age of 65.

(D) A community based care (see section (16) of this rule) setting, except a State Plan Personal Care (SPPC) setting is not considered a nonstandard living arrangement.

(b) In all programs except GA, GAM, OSIP, OSIPM, and QMB, nonstandard living arrangement means each of the following locations:

(A) Foster care.

(B) Residential Care facility.

(C) Drug or alcohol residential treatment facility.

(D) Homeless or domestic violence shelter.

(E) Lodging house if paying for room and board.

(F) Correctional facility.

(G) Medical institution.

(48) "Ongoing month" means one of the following:

(a) For all programs except the OHP and SNAP programs, any month following the initial month of eligibility, if there is no break in the program benefit of one or more calendar months.

(b) For the OHP and SNAP programs, any month in the certification period following the initial month of eligibility.

(49) "Parent" means the biological or legal (step or adoptive) mother or father of an individual or unborn child.

(a) If the mother lives with a male and either she or the male claims that he is the father of the child or unborn, and no one else claims to be the father, he is treated as the father even if paternity has not been legally established.

(b) A stepparent relationship exists if:

(A) The individual is legally married to the child's biological or adoptive parent; and

(B) The marriage has not been terminated by legal separation, divorce, or death.

(c) A legal adoption erases all prior legal and blood relationships and establishes the adoptive parent as the legal parent. However, the biological parent is also considered a parent if both of the following are true:

(A) The child lives with the biological parent; and

(B) The legal parent (the adoptive parent) has given up care, control, and supervision of the child.

(50) "Payment month" means, for all programs except EA, the calendar month for which benefits are issued.

(51) "Payment period" means, for EA, the 30-day period starting with the date the first payment is issued and ending on the 30th day after the date the payment is issued.

(52) "Periodic income" means income received on a regular basis less often than monthly.

(53) "Primary person" for all programs except the SNAP program, means the filing group member who is responsible for providing information necessary to determine eligibility and calculate benefits. The primary person for individual programs is as follows:

(a) For the EXT, MAA, MAF, and TANF programs, the parent or caretaker relative.

(b) For the ERDC program, the caretaker.

(c) For SNAP, see OAR 461-001-0015.

(d) For the GA, GAM, OSIP, OSIPM, and QMB programs, the client or client's spouse.

(e) For the OHP, REF, and REFM programs, the applicant, caretaker, caretaker relative, or parent.

(54) "Qualified Partnership Policy" means a long term care insurance policy meeting the requirements of OAR 836-052-0531 that was either:

(a) Issued while the client was a resident in Oregon on January 1, 2008 or later; or

(b) Issued in another state while the client was a resident of that state on or after the effective date of that state's federally approved State Plan Amendment to issue qualified partnership policies.

(55) "Real property" means land, buildings, and whatever is erected on or affixed to the land and taxed as real property.

(56) "Reimbursement" means money or in-kind compensation provided specifically for an identified expense.

(57) "Safe homes" mean private homes that provide a few nights lodging to victims of domestic violence. The homes must be recognized as such by the local domestic violence agency, such as crisis hot lines and shelters.

(58) "Shelter costs" mean, in all programs except the SNAP program, housing costs (rent or mortgage payments, property taxes) and utility costs, not including cable TV or non-basic telephone charges. In the SNAP program, see OAR 461-160-0420.

(59) "Shelter in kind" means an agency or person outside the financial group (see OAR 461-110-0530) provides the shelter of the financial group, or makes a payment to a third party for some or all of the shelter costs of the financial group. Shelter-in-kind does not include temporary shelter provided by a domestic violence shelter, homeless shelter, or residential alcohol and drug treatment facilities or situations where no shelter is being provided, such as sleeping in a doorway, park, or bus station.

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(60) "Sibling" means the brother or sister of an individual. "Blood related" means they share at least one biological or adoptive parent. "Step" means they are not related by blood, but are related by the marriage of their parents.

(61) "Spousal support" means income paid (voluntarily, per court order, or per administrative order) by a separated or divorced spouse to a member of the financial group (see OAR 461-110-0530).

(62) "Spouse" means an individual who is legally married to another individual. In the ERDC and SNAP programs, spouse includes an individual who is not legally married to another, but is presenting themselves to the community as the husband or wife by:

(a) Representing themselves as husband and wife to relatives, friends, neighbors, or tradespeople; and

(b) Sharing living expenses or household duties.

(63) "Stable income" means income that is the same amount each time it is received.

(64) "Standard living arrangement" means a location that does not qualify as a nonstandard living arrangement.

(65) "Teen parent" means, for TANF and JOBS, a parent under the age of 20 who has not completed a high school diploma or GED.

(66) "Timely continuing benefit decision notice" means a decision notice that informs the client of the right to continued benefits and is mailed no later than the time requirements in OAR 461-175-0050.

(67) "Trust funds" mean money, securities, or similar property held by a person or institution for the benefit of another person.

(68) "USDA meal reimbursements" mean cash reimbursements made by the Oregon Department of Education for family day-care providers who serve snacks and meals to children in their care.

(69) "Variable income" means earned or unearned income that is not always received in the same amount each month.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.816, 412.006, 412.014 & 412.049
Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.816, 412.001, 412.006, 412.014 & 412.049
Hist.: AFS 28-1978, f. & cert. ef. 7-13-78; AFS 54-1984, f. 12-28-84, cert. ef. 1-1-85; AFS 21-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 14-2007, f. 12-31-07, cert. ef. 1-1-08; SSP 15-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 8-2008, f. & cert. ef. 4-1-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 29-2009(Temp), f. & cert. ef. 10-1-09 thru 3-30-10; Administrative correction 4-21-10; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 17-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-110-0340

Filing Group; MAF and SAC

(1) In the MAF program, a filing group must include a dependent child (see OAR 461-001-0000) or unborn child and the following household group (see OAR 461-110-0210) members:

(a) Each applicant who meets all nonfinancial eligibility requirements.

(b) Each of the following household group members, even if the member did not apply or does not meet nonfinancial eligibility requirements:

(A) Each parent (see OAR 461-001-0000) of a dependent child in the filing group.

(B) Each parent of an unborn child, as follows:

(i) If there is no other dependent child in the filing group, only the mother and the unborn are in the filing group.

(ii) The father is in the filing group if he is the father of a dependent child in the filing group or is legally married (see OAR 461-001-0000) to the mother.

(C) A needy caretaker relative (see OAR 461-001-0000) of a dependent child.

(D) Except as provided in subsection (2)(a) of this rule, each sibling (see OAR 461-001-0000) of a dependent child if the sibling meets all of the following nonfinancial eligibility requirements:

(i) The age requirement in OAR 461-120-0510.

(ii) The requirement to live with a caretaker relative under OAR 461-120-0630.

(iii) A deprivation requirement of the MAF program, described under OAR 461-125-0010.

(iv) The citizenship or alien status requirements in OAR 461-120-0110.

(2) Notwithstanding the requirements of section (1) of this rule, in the MAF program:

(a) In a two-parent household with common and uncommon children in which the parents are not married, each parent may form their own MAF filing group with their uncommon children.

(b) A father of the unborn is excluded from the MAF filing group if there is no other eligible dependent child in the filing group and he is not legally married to the mother of the unborn.

(c) One or more ineligible noncitizens with income may be excluded from the MAF filing group.

(d) The spouse (see OAR 461-001-0000) and any dependent child of a needy caretaker relative may be excluded from the MAF filing group.

(e) A sibling of a dependent child may be excluded from the MAF filing group if the sibling is receiving adoption assistance (see OAR 461-001-0000) or guardianship assistance (see OAR 461-145-0001 and 461-145-0200) and if counting the sibling's income causes the filing group to be ineligible for benefits.

(f) A dependent child is not included in the MAF filing group if the dependent child is or will be receiving foster care payments for more than 30 days.

(3) In the SAC program, the filing group includes each household group member who meets all nonfinancial eligibility requirements.

Stat. Auth.: ORS 411.060, 411.070, 411.404 & 414.231
Stats. Implemented: ORS 411.060, 411.070, 411.404, 414.025 & 414.231
Hist.: AFS 9-1997, f. & cert. ef. 7-1-97; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 16-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-110-0370

Filing Group; SNAP

In the SNAP program:

(1) Except as provided in this rule, the filing group consists of members of a household group (see OAR 461-110-0210) who choose to apply together or customarily purchase and prepare meals together.

(2) Except as provided in sections (3) and (8) of this rule, the following household group members must be in the same filing group, even if they do not customarily purchase and prepare meals together:

(a) Each spouse (see OAR 461-001-0000).

(b) A parent (see OAR 461-001-0000) and his or her child under age 22 living with the parent.

(c) A household group member and any child under age 18 who lives with and is under parental control of that household group member. For the purposes of this subsection, "parental control" means the adult is responsible for the care, control, and supervision of the child or the child is financially dependent on the adult.

(3) In the following specific situations, the Department forms a filing group as indicated:

(a) An individual is not included in the filing group if, during the month the group applied for SNAP program benefits, the individual received SSI benefits through the state of California. This exclusion applies only in the month the group applied and, if necessary to meet notice requirements, in the month following the month the group applied.

(b) An individual is not included in the filing group if during the month the group applied for SNAP program benefits the individual received SNAP program benefits in another household and was not the head of household in the prior household. This exclusion applies only in the month the group applied and, if necessary to meet notice requirements, in the month following the month the group applied.

(c) An elderly (see OAR 461-001-0015) individual and his or her spouse may be considered a separate filing group from others with whom the elderly individual purchases and prepares meals, if:

(A) The elderly individual is unable to purchase or prepare food because of a permanent and severe disabling condition; and [Table not included. See ED. NOTE]

(4) A paid live-in attendant may choose not to be in the filing group with the recipient of the services provided, unless required by section (2) of this rule to be in the same filing group.

(5) An individual in foster care, the individual's spouse, and each child under age 22 living with the individual are not eligible to participate in the SNAP program independently of the care or service provider's filing group, but may be included in the provider's filing group if the provider applies for benefits.

(6) Unless required under section (2) of this rule, the following household group members may form a separate filing group from other members of the household group:

(a) A resident of an alcohol or drug treatment and rehabilitation program certified by the Department for which an employee of the facility is the authorized representative (see OAR 461-135-0550). A resident's spouse

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in the same facility may be in a separate filing group, but a child of a resident must be in the same filing group as the resident.

(b) A resident in group living (see OAR 461-001-0015).

(c) A resident of a public or private non-profit homeless or domestic violence shelter (see OAR 461-135-0510).

(d) An individual who is a resident of federally subsidized housing for the elderly, an individual with a disability, or blind recipient of benefits under Title I, II, X, XIV, or XVI of the Social Security Act.

(7) A member of the household group who pays the filing group for room and board (lodger) is treated as follows:

(a) A lodger cannot participate in the SNAP program independently of the household group when the lodger pays a reasonable amount for room and board. A reasonable amount is:

(A) An amount that equals or exceeds the Thrifty Food Plan for the individual and anyone in that individual's filing group (see OAR 461-155-0190(2)), if more than two meals per day are provided; or

(B) An amount that equals or exceeds two-thirds of the Thrifty Food Plan for the individual and anyone in the individual's filing group, if two or fewer meals per day are provided.

(b) A lodger may participate in the SNAP program independently of the household group when the lodger pays less than a reasonable amount for room and board.

(8) A household group member is not included in the filing group, if the member is:

(a) A resident of a commercial boarding house; or

(b) An ineligible student, as defined in OAR 461-135-0570.

(9) A household group member may be included in two filing groups in the same month, if the member:

(a) Is a resident of a domestic violence shelter (see OAR 461-001-0000) or safe home (see OAR 461-001-0000); and

(b) Recently left the household group containing the member's abuser.

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

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816, 411.825

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; 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 20-1991, f. & cert. ef. 10-1-91; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 1-1993, f. & cert. ef. 2-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 19-1994, f. & cert. ef. 9-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 32-1996(Temp), f. & cert. ef. 9-23-96; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 15-1998(Temp), f. 9-15-98, cert. ef. 10-1-98 thru 10-31-98; AFS 22-1998, f. 10-30-98, cert. ef. 11-1-98; AFS 11-1999, f. & cert. ef. 10-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 12-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-110-0430

Filing Group; REF, REFM

In the REF and REFM programs:

(1) The filing group consists of only the individuals described in at least one of the following three subsections:

(a) A single adult who has no spouse (see OAR 461-001-0000) or dependent child (see OAR 461-001-0000) in the household group (see OAR 461-110-0210).

(b) A legally married (see OAR 461-001-0000) couple who is in the same household group and has no dependent child.

(c) A TANF program filing group (see OAR 461-110-0330) that is ineligible for TANF program benefits.

(2) A separate REF and REFM program filing group may be formed within a household group consisting of only the newly arriving refugees, if there is at least one adult in the newly formed filing group, and the requirements of at least one of the following subsections is met:

(a) The newly arrived refugee is rejoining a spouse (see OAR 461-001-0000) who has been more than eight consecutive months in the United States, and there are no minor children in the household group.

(b) The newly arrived refugee is rejoining a spouse whose income is equal to or over the REF countable (see OAR 461-001-0000) income and adjusted income (see OAR 461-001-0000) limits (see OAR 461-155-0030). There are also no minor children in the household group.

(c) The newly arrived refugee is rejoining a spouse or a parent (see OAR 461-001-0000) of a common child in the household group who does

not meet the REF program eligibility requirement under OAR 461-135-0900(2).

(d) The previously arrived spouse or parent of a common child is working, and the individual's income is equal to or exceeds both the REF and TANF program countable income and adjusted income limits (see OAR 461-155-0030).

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.116, 412.006, 412.049

Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.116, 412.006, 412.049

Hist.: AFS 9-1997, f. & cert. ef. 7-1-97; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-110-0530

Financial Group

(1) Except as provided in section (5) of this rule, a "financial group" consists of the filing group members whose income and resources the Department considers in determining eligibility (see OAR 461-001-0000) and benefits.

(2) In the ERDC, GA, OSIPM-EPD, QMB, and SNAP programs, the financial group consists of each individual in the filing group.

(3) In the EXT, MAA, REF, REFM, and SAC programs, the financial group consists of each individual in the filing group, except the following:

(a) A caretaker relative (see OAR 461-001-0000) other than a parent (see OAR 461-001-0000) who chooses not to be included in the need group (see OAR 461-110-0630); and

(b) An individual who is eligible for and receives an SSI cash payment.

(4) In the HKC and OHP programs, the financial group consists of each individual in the filing group (including those receiving SSI benefits), except a caretaker relative (other than a parent) who chooses not to be included in the need group.

(5) In the MAF program, the financial group consists of each individual in the filing group (see OAR 461-110-0340), except for an individual who is eligible for and receives an SSI payment.

(6) In the OSIPM (except OSIPM-EPD) program:

(a) For the purposes of this section of this rule, "ineligible" means an individual not eligible to receive either SSI or TANF program benefits.

(b) When an individual lives in a standard living arrangement (see OAR 461-001-0000):

(A) Except as provided in paragraph (B) of this subsection, each member of the filing group is in the financial group.

(B) When an individual is not assumed eligible (see OAR 461-135-0010) for OSIPM:

(i) The individual's spouse (see OAR 461-001-0000) who is ineligible and in the filing group is not in the financial group if the individual's adjusted income (see OAR 461-001-0000) using the deductions allowed under OAR 461-160-0550(3) is greater than the OSIPM program adjusted income standard for a need group of one under OAR 461-155-0250. The financial group consists only of the individual.

(ii) If the ineligible spouse's remaining income after allocation (see OAR 461-160-0551) to each ineligible child is equal to or less than the difference between the couple and the individual SSI standards: the spouse who is ineligible is not considered to be in the financial group when determining income eligibility; however, the spouse is considered to be in the financial group when determining resource eligibility.

(c) When an individual lives in a nonstandard living arrangement (see OAR 461-001-0000), the financial group consists only of the individual applying for benefits, except that the community spouse (see OAR 461-001-0030) is included in the financial group to determine initial eligibility. At initial eligibility, the resources of the community spouse are considered and the provisions of OAR 461-160-0580 apply. The income of the community spouse is not considered in determining initial eligibility, and the community spouse is not included in any other eligibility group.

(7) In the TANF program, the financial group consists of each individual in the filing group except the following:

(a) A caretaker relative, other than a parent, who chooses not to be included in the need group and has income less than the non-needy countable income limit standard (see OAR 461-155-0030) for the filing group of the caretaker relative;

(b) The spouse of a caretaker relative, when the caretaker relative meets the requirements under subsection (a) of this section;

(c) A dependent child of a caretaker relative when the caretaker relative meets the requirements under subsection (a) of this section;

(d) An individual in the filing group solely due to the requirements of OAR 461-110-0310(2)(b); and

(e) An individual who is eligible for and receives an SSI cash payment.

ADMINISTRATIVE RULES

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.049, 412.064, 412.124, 414.231 & 414.712
Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.816, 412.006, 412.049, 412.064, 412.124, 414.025, 414.231, 414.712, 414.826, 414.831 & 414.839
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 8-2009(Temp), f. 4-20-09, cert. ef. 5-1-09 thru 10-28-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 14-2009(Temp), f. & cert. ef. 7-1-09 thru 10-28-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 39-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 16-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-110-0630 Need Group

(1) The “need group” consists of the individuals whose basic and special needs are used in determining eligibility (see OAR 461-001-0000) and benefit level.

(2) In the EA, REF, and REFM programs, the need group consists of the members of the financial group (see OAR 461-110-0530) who meet all nonfinancial eligibility requirements, except that members disqualified for an intentional program violation are not in the need group.

(3) In the ERDC, OSIPM-EPD, QMB, and SAC programs, the need group consists of each member of the financial group.

(4) In the EXT program, the need group consists of each member of the financial group except an individual excluded from the need group for not complying with social security number requirements under OAR 461-120-0210.

(5) In the SNAP program, the need group consists of the members of the financial group who meet all nonfinancial eligibility requirements, except the following individuals are not in the need group:

(a) A member disqualified for an intentional program violation (see OAR 461-195-0601).

(b) A fleeing felon under OAR 461-135-0560.

(c) An individual violating a condition of state or federal parole, probation, or post-prison supervision under OAR 461-135-0560.

(6) In the GA and GAM programs, the need group consists of each member of the financial group except that the following individuals may not be in the need group:

(a) A fleeing felon under OAR 461-135-0560.

(b) An individual in violation of a condition of state or federal parole, probation, or post-prison supervision under OAR 461-135-0560.

(c) An individual not complying with social security number requirements under OAR 461-120-0210.

(7) In the MAA and TANF programs, the need group is formed as follows:

(a) Except as provided in subsection (b) of this section, the need group consists of the members of the financial group who meet all nonfinancial eligibility requirements other than the citizenship and alien status requirements of OAR 461-120-0110 or the citizenship documentation requirements of OAR 461-115-0705.

(b) The need group may not include:

(A) A parent (see OAR 461-001-0000) who is in foster care and for whom foster care payments are being made.

(B) An unborn child.

(C) In the TANF program:

(i) An individual who may not be in the need group because of a disqualification penalty.

(ii) An individual who may not be in the need group because the individual has exceeded the 60-month time limit and does not meet any of the exceptions listed in OAR 461-135-0075.

(iii) A fleeing felon under OAR 461-135-0560.

(iv) An individual violating a condition of state or federal parole, probation, or post-prison supervision under OAR 461-135-0560.

(8) In the MAF program, the need group consists of the members of the financial group, except the following individuals:

(a) A parent who is in foster care and for whom foster care payments are being made.

(b) An unborn child.

(9) In the HKC and OHP programs:

(a) An unborn child of a pregnant female is included in the need group.

(b) Except as provided in OAR 461-150-0055(5), the need group consists of each member of the financial group.

(10) In the OSIPM (except OSIPM-EPD) program:

(a) If a child is applying, the need group consists of the child.

(b) In all other situations, the need group consists of each member of the financial group.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.049 & 414.231

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.049, 414.025, 414.231, 414.826, 414.831 & 414.839

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 6-1991(Temp), f. & cert. ef. 2-8-91; AFS 13-1991, f. & cert. ef. 7-1-91; 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 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04; SSP 6-2004, f. & cert. ef. 4-1-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 7-2006(Temp), f. 3-31-06, cert. ef. 4-1-06 thru 9-28-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 39-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 25-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 16-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-125-0170

Deprivation Based on Unemployment or Underemployment of the Primary Wage Earner (PWE); MAA, TANF

(1) In the MAA program, deprivation based on the unemployment or underemployment of the primary wage earner (PWE) exists if all the following are true:

(a) A child lives with two parents.

(b) The PWE is unemployed or underemployed.

(c) The PWE is not participating in a labor dispute.

(d) The PWE was not separated from his or her last job held within the previous 60 days from the date of request (see OAR 461-115-0030) for program benefits and for which the individual was hired to work 100 or more hours per month or worked or was scheduled to work 100 or more hours in the last full calendar month of employment, for any of the following reasons:

(A) Discharged or fired without good cause (see OAR 461-135-0070)

for:

(i) “Misconduct” means willful or wantonly negligent violation of the standards of behavior which an employer has the right to expect of an employee, including an act or series of actions that amount to a willful or wantonly negligent disregard of an employer’s interest); or

(ii) Felony or theft.

(B) Voluntary quit:

(i) In anticipation of discharge; or

(ii) Without good cause.

(2) In the TANF program, deprivation based on the unemployment or underemployment of the PWE exists if all the following are true:

(a) A child lives with two parents.

(b) The PWE is unemployed or underemployed.

(c) The PWE is not participating in a labor dispute.

Stat. Auth.: ORS 411.060, 411.070, 411.400, 411.404, 412.006, 412.016, 412.049

Stats. Implemented: ORS 411.060, 411.070, 412.006, 412.016, 412.049, 412.064, 2011 OL 604, 2012 OL 107

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; SSP 18-2009(Temp), f. 7-29-09, cert. ef. 8-1-09 thru 1-28-10; SSP 32-2009(Temp), f. & cert. ef. 10-29-09 thru 1-28-10; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 18-2011(Temp), f. & cert. ef. 7-1-11 thru 12-28-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 17-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-135-0070

Specific Requirements; MAA, MAF, and TANF

(1) To be eligible for MAA, MAF, or TANF program benefits, a client must be one of the following:

(a) A dependent child (see OAR 461-001-0000). However, a dependent child for whom foster care payments are made for more than 30 days is not eligible while the payments are being made for the dependent child.

(b) A caretaker relative (see OAR 461-001-0000) of an eligible dependent child. However, a caretaker relative to whom foster care payments are made for more than 30 days is not eligible while the payments are being made to the caretaker relative.

(c) A caretaker relative of a dependent child, when the dependent child is ineligible for MAA, MAF, or TANF program benefits because of one of the following reasons:

(A) The child is receiving SSI.

(B) The child is in foster care, but is expected to return home within 30 days.

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(C) The child is ineligible for MAA or MAF program benefits because citizenship has not been documented (see OAR 461-115-0705).

(d) An essential person. An essential person is a member of the household group (see OAR 461-110-0210) who:

(A) Is not required to be in the filing group;

(B) Provides a service necessary to the health or protection of a member of the benefit group (see OAR 461-110-0750) who has a mental or physical disability; and

(C) Is less expensive to include in the benefit group than the cost of purchasing this service from another source.

(e) A parent of an unborn, as follows:

(A) For the TANF and MAA programs, any parent whose only child is an unborn child once the mother's pregnancy has reached the calendar month before the month in which the due date falls.

(B) For the TANF and MAA programs, the father of an unborn child, if there is another dependent child in the filing group.

(C) For the MAF program, a mother whose only child is an unborn once the mother's pregnancy has reached the calendar month immediately before the month in which the due date falls.

(2) A client is eligible for MAA or MAF program benefits if the client is:

(a) Eligible for MAA or MAF program benefits under OAR 461-135-0010; or

(b) A minor parent (see OAR 461-001-0000) ineligible for TANF program benefits only because:

(A) The minor refuses to live with a parent or legal guardian as required by OAR 461-135-0080; or

(B) The income of the minor exceeds the income standards because the Department required the minor to return to live with a parent, if the minor parent meets the conditions in OAR 461-135-0080(2).

(3) As used in this rule and OAR 461-125-0170:

(a) Except as provided otherwise in this section, "good cause" means a reasonable person of normal sensitivity, exercising ordinary common sense under similar circumstances, would have --

(A) Left work; or

(B) Participated in behavior leading to the individual's discharge or to the individual quitting work in anticipation of discharge.

(b) For an individual with a physical or mental impairment (as defined at 29 CFR 1630.2(h)), except as provided otherwise in subsection (c) of this section, "good cause" for leaving work means that a reasonable person with the characteristics and qualities of such individual under similar circumstances would have --

(A) Left work;

(B) Participated in behavior leading to the individual's discharge; or

(C) Quit work in anticipation of a discharge.

(c) There is no "good cause" if the reason for separation from employment is a labor dispute.

(4) Except as provided under section (5) of this rule, a need group (see OAR 461-110-0630) is not eligible for TANF program benefits for 120 days from the date a caretaker relative was separated from his or her last employment in which the caretaker relative in the need group was hired to work 100 or more hours per month or worked or was scheduled to work 100 or more hours in the last full calendar month of employment.

(5) A need group (see OAR 461-110-0630) may not be denied TANF program benefits based on section (4) of this rule, or based on not meeting OAR 461-125-0170(1)(c) or (d), if the caretaker relative is one of the following:

(a) A Parents as Scholars (PAS) participant who temporarily becomes ineligible for TANF program benefits for four months or less due to income from a paid work experience (see OAR 461-190-0199).

(b) A teen parent (see OAR 461-001-0000) returning to high school or equivalent.

(c) An individual fleeing from or at risk of domestic violence (see OAR 461-001-0000).

(d) An individual in the ninth month of pregnancy or experiencing a medical complication due to the pregnancy which is documented by a qualified and appropriate professional.

(e) An individual unable to work due to a disability or medical condition documented by a qualified and appropriate professional, and which is expected to last for 30 days or more from the date of request (see OAR 461-115-0030) for TANF program benefits.

(f) An individual who was separated from employment for a reason the Department determines is good cause.

(g) An individual who was separated from employment as a result of a layoff.

(6) If the need group is not eligible for TANF program benefits solely under section (4) of this rule, the need group is eligible for MAA or MAF program benefits as long as the need group meets all other eligibility (see OAR 461-001-0000) requirements.

(7) A client is eligible for MAF program benefits even while ineligible for TANF program benefits if the client is ineligible for TANF program benefits only because the client is:

(a) A family who would be eligible for the TANF program benefits if allowed the following deductions from income:

(A) The earned income deductions authorized by OAR 461-160-0190.

(B) The unearned income support deduction authorized by OAR 461 160 0200.

(b) A self-employed family who would be eligible for TANF program benefits if the cost of producing the self-employment income was subtracted from the gross sales or receipts under OAR 461-145-0920.

(c) A family that includes an ineligible non-citizen or the father of an unborn who would be eligible for TANF program benefits if the ineligible non-citizen's or father's income is counted under OAR 461-160-0120.

(d) An individual who would be eligible for TANF program benefits if the assets of the following household members were not counted:

(A) An unmarried parent of a dependent child or unborn in the eligibility group.

(B) A child in common of parents in the eligibility group.

(C) The spouse and each child of a caretaker relative in the need group.

(e) The spouse of a caretaker relative, but only if the spouse is the parent of a dependent child.

(8) A family is ineligible for TANF program benefits if the family meets the requirements of all of the following subsections:

(a) The family lives in Klamath County.

(b) The family meets any of the following conditions:

(A) The family has a single custodial parent who is a member of the Klamath Tribes, or the single custodial parent is not a Klamath Tribes member and at least 50 percent of the dependent children are Klamath Tribes members;

(B) The family has two custodial parents (see OAR 461-001-0000) who are members of the Klamath Tribes, or only one of the two custodial parents is a Klamath Tribes member and at least 50 percent of the dependent children are Klamath Tribes members; or

(C) The family has a caretaker relative who is not the custodial parent and at least 50 percent of the dependent children are Klamath Tribes members.

(c) The family is eligible for the Klamath Tribes TANF program or would be eligible for the Klamath Tribes TANF program if not for the failure of the family to cooperate with program requirements.

(9) A family is ineligible for TANF program benefits if all of the following subsections apply to the family:

(a) A parent, caretaker relative, or child is a member of the Siletz Tribe (Confederated Tribes of Siletz Indians of Oregon) and lives in one of the eleven service area counties: Benton, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, or Yamhill counties.

(b) The family includes members who are living in the same household and at least one of the following paragraphs applies:

(A) A two-parent family with one enrolled Siletz tribal member with a shared dependent.

(B) A single-parent family with one enrolled Siletz tribal member.

(C) A non-needy caretaker relative or essential person with one enrolled Siletz tribal member who is a minor.

(D) A pregnant enrolled Siletz tribal member in her eighth month of pregnancy.

(c) The family is eligible for the Siletz Tribes TANF program or would be eligible for the Siletz Tribes TANF program if not for the failure of the family to cooperate with Siletz TANF program requirements.

(10) If a parent or caretaker relative covered by section (8) or (9) of this rule fails to follow through with a Department referral to the Klamath or Siletz Tribal TANF program, the entire filing group is ineligible for TANF program benefits.

Stat. Auth.: ORS 411.060, 411.070, 411.400, 411.404, 412.006, 412.016, 412.049, 412.124
Stats. Implemented: ORS 411.060, 411.070, 411.400, 411.404, 412.006, 412.016, 412.049,
412.064, 412.124, 2011 OL 604, 2012 OL 107

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 9-1991, f. 3-29-91, cert. ef. 4-1-91;
AFS 13-1991, f. & cert. ef. 7-1-91; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 26-1996, f. 6-
27-96, cert. ef. 7-1-96; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 19-1997, f. & cert. ef. 10-1-
97; AFS 25-1997(Temp), f. 12-31-97, cert. ef. 1-1-98 thru 4-30-98; AFS 8-1998, f. 4-28-98,
cert. ef. 5-1-98; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 26-1998(Temp), f. 12-30-98, cert.
ef. 1-1-99 thru 3-31-99; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 15-1999, f. 11-30-99,
cert. ef. 12-1-99; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; SSP 15-2006, f. 12-29-06, cert.

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ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 8-2009(Temp), f. 4-20-09, cert. ef. 5-1-09 thru 10-28-09; SSP 19-2009(Temp), f. 7-29-09, cert. ef. 8-1-09 thru 10-28-09; SSP 33-2009, f. & cert. ef. 10-29-09; SSP 18-2011(Temp), f. & cert. ef. 7-1-11 thru 12-28-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 17-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-135-0075

Limitation on Eligibility Period; TANF

(1) A minor parent head of household or an adult may not receive a TANF grant in Oregon if the minor parent head of household or adult has received a TANF grant in any state or states in excess of 60 months except as allowed in this rule.

(2) The following months do not count toward the time limit in section (1) of this rule:

(a) Months prior to July 1, 2003 in which a minor parent head of household or an adult received a TANF grant in Oregon or another state.

(b) Months between July 1, 2003 and September 30, 2007 in which a minor parent head of household or adult received TANF in Oregon; and

(A) Participated in required JOBS activities or other education, employment, or job training program including teen parent programs; or

(B) Was not required to participate in JOBS activities or other education, employment, or job training program including teen parent programs.

(c) Months beginning July 1, 2003 in which the family resided in Indian Country (as defined in 18 U.S.C. 1151) and 50 percent or more of the adult residents of that area were unemployed.

(d) Months beginning October 1, 2007 in which the minor parent head of household or adult is a participant in the JOBS Plus, Pre-TANF, Post-TANF, or SFPSS programs.

(e) Months beginning October 1, 2011 in which the minor parent head of household or adult is a participant in the JPI program.

(f) Months between October 1, 2007 and June 30, 2009 and months between October 1, 2011 and April 30, 2012 in which the filing group (see OAR 461-110-0330) is a two-parent family receiving cash assistance in Oregon for which deprivation is based on unemployment or underemployment of the primary wage earner.

(g) Months beginning October 1, 2007 in which the individual who is now a parent or pregnant was in that month a minor child and neither the head of a household nor married to the head of a household.

(h) Months beginning October 1, 2007 in which a minor parent head of household or adult received aid in Oregon and is a participant in the Degree Completion Initiative (DCI) activity (see OAR 461-001-0025) enrolled in an educational institution.

(i) Months beginning October 1, 2008 in which a minor parent head of household or adult received aid in Oregon and is a participant in the Parents as Scholars (PAS) activity (see OAR 461-001-0025) enrolled in an educational institution consistent with OAR 461-190-0199.

(j) Months beginning October 1, 2007 in which the individual is unable to obtain or maintain employment for a sufficient number of hours in a month to satisfy the federally required participation rates (see OAR 461-001-0025) because the individual:

(A) Is a victim of domestic violence (see OAR 461-001-0000);

(B) Has a certified learning disability;

(C) Has a verified alcohol and drug or mental health condition;

(D) Has a child with a disability (see OAR 461-001-0000), which prevents the parent from obtaining or keeping employment;

(E) Is an individual with a disability;

(F) Is providing care for a family member who lives in the home and is an individual with a disability;

(G) Is deprived of needed medical care; or

(H) Is subjected to battery or extreme cruelty. For purposes of this rule, an individual is subjected to battery or extreme cruelty if the individual has been subjected to one or more of the following:

(i) Physical acts that resulted in, or threatened to result in, physical injury to the individual.

(ii) Sexual abuse.

(iii) Sexual activity involving a dependent child.

(iv) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities.

(v) Threats of, or attempts at, physical or sexual abuse.

(vi) Mental abuse.

(vii) Neglect or deprivation of medical care.

(k) Months between July 1, 2008 and April 30, 2012 in which the individual did not qualify for any other TANF time-limit exemption under this rule, and was unable to obtain or maintain employment for a sufficient number of hours in a month to satisfy the federally required participation rates (see OAR 461-001-0025) when Oregon's statewide average unem-

ployment rate as published by the Oregon Employment Department was equal to or greater than seven percent. For purposes of this rule, this determination --

(A) Through December 31, 2011 is calculated based on a six-month period as follows:

(i) The time period during July 1, 2008 through June 30, 2009 was based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the period July 1, 2008 through December 31, 2008.

(ii) In each six-month period, starting July 1, 2009 and ending December 31, 2011:

(I) The time period during January 1 through June 30 was based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the period April 1 through September 30 of the preceding year.

(II) The time period during July 1 through December 31 was based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the period October 1 through December 31 of the preceding year and January 1 through March 31 of the current year.

(B) From January 1, 2012 through April 30, 2012 was based on Oregon's statewide average unemployment rate as published by the Oregon Employment Department for the period April 1 through September 30, 2011.

(3) Months that do not count toward the time limit based on a condition described in paragraphs (2)(j)(B) to (2)(j)(F) of this rule require documentation from a licensed or certified professional qualified to make such a determination.

(4) A minor parent head of household or an adult may not be denied a TANF grant under section (1) of this rule during months that qualify as exempt from time limits under sections (2), and (3) of this rule.

(5) Each minor parent head of household and adult who qualifies for a TANF grant under this rule must also meet all other TANF eligibility requirements and cooperate with the requirements of his or her case plan, unless good cause (see OAR 461-130-0327) exists.

(6) Except as provided otherwise in section (4) of this rule, a minor parent head of household or an adult in the benefit group who exceeds the 60-month time limit is removed from the need group (see OAR 461-110-0630). When a minor head of household or adult is removed from the need group under this section, the remaining need group members may continue to receive TANF benefits.

(7) If a minor parent head of household or adult qualifies under sections (2), (3), or (4) of this rule, any disqualifications that have been accrued for the benefit group remain in place.

Stat. Auth.: ORS 411.060 & 412.049

Stats. Implemented: ORS 411.060, 411.117, 412.049 & 412.079

Hist.: AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 22-2008(Temp), f. & cert. ef. 10-1-08 thru 3-30-09; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 12-2009(Temp), f. 6-23-09, cert. ef. 7-1-09 thru 12-28-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 15-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 30-2011(Temp), f. & cert. ef. 11-1-11 thru 4-29-12; SSP 9-2012, f. 3-29-12, cert. ef. 4-1-12; SSP 17-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-135-1250

Specific Requirements: Post-TANF

(1) This rule explains specific requirements for the Post-TANF program. Through September 30, 2010, the Post-TANF program provides \$100 per month per qualifying adult in aid for 12 consecutive months or until the household income exceeds 250 percent of the Federal Poverty Level (FPL), whichever comes first, as long as the client meets JOBS federally required participation rates (see OAR 461-001-0025) in combined unsubsidized paid work and JOBS activities.

(2) Effective October 1, 2010, the Post-TANF program provides \$50 per month per qualifying adult in aid for 12 consecutive months or until the household income exceeds 250 percent of the FPL, whichever comes first, as long as the client meets JOBS federally required participation rates in combined unsubsidized paid work and JOBS activities.

(3) To enroll in the Post-TANF program, a client must:

(a) Have obtained unsubsidized paid employment;

(b) Have become ineligible for the Pre-TANF, TANF or SFPSS programs due to earnings; and

(c) Be a Work Eligible Individual as defined by federal regulations.

(4) To remain eligible for the monthly Post-TANF payment, the client must meet the requirements of all of the following subsections:

(a) Meet all TANF eligibility requirements, except the client need not meet the following requirements:

ADMINISTRATIVE RULES

(A) OAR 461-120-0310 and 461-120-0340 (child support assignment and cooperation);

(B) OAR 461-120-0330 (pursuing assets);

(C) OAR 461-125-0010 (deprivation);

(D) OAR 461-155-0030 (income limits); and

(E) OAR 461-160-0015 (resource limits).

(b) Report and meet the monthly JOBS federal participation requirements with unsubsidized paid work and, if necessary, other JOBS activities.

(c) Provide the Department with employer-produced documents of paid, unsubsidized work hours within 45 days after Pre-TANF, TANF, or SFPSS has ended.

(d) The client must also provide employer-produced documents of paid, unsubsidized work hours each time requested by the Department or no later than the last day of the sixth month following the date the client provides the verification of work hours in accordance with subsection (c) of this section.

(e) Report all changes in residency and household group (see OAR 461-110-0210) affecting Post-TANF eligibility within 10 days of the occurrence.

(f) Changes reported for another program that affect Post-TANF eligibility are considered reported for Post-TANF.

(5) A client failing to comply with subsection (4)(c) of this rule but then providing documents after 45 days is eligible for Post-TANF payments only in the month the local Department office receives the documents and the months thereafter.

(6) Household income for the Post-TANF program is calculated in accordance with all TANF financial rules.

(7) Each parent (see OAR 461-001-0000) of a two-parent family is entitled to a monthly Post-TANF payment if both parents meet all Post-TANF enrollment and eligibility requirements.

(8) Monthly payments in the Post-TANF program begin the month after the last regular TANF benefit payment; or for Pre-TANF clients, the month after the Department verifies that the client meets TANF eligibility requirements.

(9) A client in the Post-TANF program is entitled to support services in accordance with OAR 461-190-0241. Additional support services may be granted with manager approval.

(10) A client is no longer eligible for a Post-TANF payment when the client does not meet JOBS federal participation requirements due to:

(a) Loss of employment;

(b) A reduction in work hours, and the client chooses not to participate in required JOBS activities offered by the Department; or

(c) A reduction in JOBS activity hours without good cause (see OAR 461-130-0327) that when combined with work hours does not meet the JOBS federally required participation rates.

(11) Notwithstanding any other administrative rule in Chapter 461, effective April 30, 2012 the Post-TANF program funding ends. Continuation of Post-TANF benefits is not authorized after April 30, 2012, regardless of whether a hearing request on Post-TANF is submitted or pending.

Stat. Auth.: ORS 411.060, 411.070, 412.006, 412.009, 412.049 & 412.124

Stats. Implemented: ORS 411.060, 411.070, 412.006, 412.009, 412.049, 412.124 & 2009 ORL Ch. 827

Hist.: 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 25-2008(Temp), f. 12-31-08, cert. ef. 1-1-09 thru 6-30-09; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 29-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; [SSP 13-2011(Temp), f. & cert. ef. 6-15-11 thru 12-12-11; Suspended by SSP 14 2011(Temp), f. & cert. ef. 6-29-11 thru 12-12-11]; SSP 14-2012(Temp), f. & cert. ef. 4-12-12 thru 10-9-12; SSP 15-2012(Temp), f. & cert. ef. 4-13-12 thru 10-9-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-135-1260

Specific Requirements: Job Participation Incentive

(1) This rule explains specific requirements of the Job Participation Incentive (JPI). The JPI food benefit provides \$10 per month for qualifying SNAP households with a dependent child (see OAR 461-001-0000) under age 18.

(2) An individual eligible for JPI may receive a \$10 monthly food benefit.

(a) The individual receives the \$10 incentive payment starting the month the Department receives documentation that all enrollment criteria in section (3) of this rule have been met.

(b) There are no partial months of JPI benefits.

(c) The individual may only be issued retroactive JPI benefits as allowed under OAR 461-180-0130.

(3) To receive JPI, an individual must meet the requirements of all of the following subsections:

(a) Be working at an unsubsidized paid employment that meets the federally required participation rates (see OAR 461-001-0025). For self-employment or piece rate work, the hours of work must be equivalent to the required average weekly hours at Oregon State minimum wage. An individual must either:

(A) Be a single parent of a dependent child under six years of age and working at an unsubsidized paid employment for an average of at least 20 weekly hours; or

(B) Be a single parent of a dependent child at least six years of age and under 18 years of age, and working at an unsubsidized paid employment for an average of at least 30 weekly hours.

(b) Provide the Department with employer-produced documents of paid, unsubsidized work hours covering a consecutive two-week period that has occurred within the last 60 days.

(c) Anticipate weekly employment hours will remain the same or increase for the reporting period.

(d) Provide employer-produced documents of paid, unsubsidized work hours each time requested by the Department and no later than the last day of the sixth month following the date the client provides the verification of work hours in accordance with subsections (a) and (b) of this section.

(e) Be an eligible adult in a SNAP benefit group (see OAR 461-110-0750) and the sole parent of an eligible dependent child under age 18 in the same SNAP benefit group.

(f) Not be receiving any Post-TANF, SFPSS, or TANF program benefits in the same month.

(4) To remain eligible for JPI, a client must:

(a) Meet all SNAP eligibility and reporting requirements (see OAR 461-170-0011); and

(b) Meet all requirements in section (3) of this rule at the time of the interim change report and at the time of the recertification of SNAP benefits.

(5) Household income in JPI is calculated in accordance with all SNAP financial rules.

(6) A client is no longer eligible for JPI when it has been determined that the client does not meet federally required participation rates and requirements due to any of the following:

(a) Loss of employment.

(b) A reduction in work hours.

(c) The client no longer has a dependent child under age 18 in their SNAP benefit group.

(d) The client is no longer the sole parent of a dependent child under age 18.

Stat. Auth.: ORS 409.050, 411.060, 411.070 & 412.049

Stats. Implemented: ORS 409.010, 411.060, 411.070 & 412.049

Hist.: SSP 26-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; SSP 10-2012, f. 3-29-12, cert. ef. 3-30-12; SSP 17-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 19-2012(Temp), f. 5-23-12, cert. ef. 5-24-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-145-0080

Child Support and Cash Medical Support

(1) Child support and cash medical support paid by a non-custodial parent for a dependent child (see OAR 461-001-0000) or minor parent (see OAR 461-001-0000) in the financial group (see OAR 461-110-0530) are considered income of the dependent child or minor parent, whether the support is paid voluntarily or in accordance with an order to pay child support.

(2) For the purposes of this rule:

(a) "Disregard" means child support, up to \$50 per dependent child or minor parent per financial group per month and not to exceed \$200 per financial group per month, that is not counted as income of the client. "Disregard" includes current child support only.

(b) "Pass-through" means child support, up to \$50 per dependent child or minor parent per financial group per month and not to exceed \$200 per financial group per month, that is sent to the client before any remaining amount of current child support is withheld by the State. "Pass-through" includes current child support only.

(3) In the ERDC program, child support is considered countable (see OAR 461-001-0000) unearned income if it is received by the financial group or is countable under OAR 461-145-0280. Otherwise it is excluded.

(4) In the SNAP program, child support and cash medical support are treated as follows:

(a) Child support payments the group receives that must be assigned to the Department to maintain TANF eligibility are excluded, even if the group fails to turn the payments over to the Department.

ADMINISTRATIVE RULES

(b) Child support payments received by a filing group (see OAR 461-110-0370) with at least one member working under a TANF JOBS Plus agreement are excluded, except:

(A) It is considered countable unearned income in the calculation of the wage supplement; and

(B) Any pass-through pursuant to section (2) of this rule is considered countable unearned income.

(c) All other child support, including any pass-through pursuant to section (2) of this rule, is considered countable unearned income.

(d) Cash medical support is considered countable unearned income except to the extent it is used to reimburse (see OAR 461-145-0440) an actual medical cost.

(e) Payments made by a non-custodial parent to a third party for the benefit of the financial group are treated in accordance with OAR 461-145-0280.

(5) Except as provided otherwise in section (9) of this rule for the TANF program, in the MAA, MAF, REF, REFM, SAC, and TANF programs:

(a) In determining initial eligibility, except for disregard pursuant to section (2) of this rule, child support received by the Oregon Department of Justice, Division of Child Support (DCS) is considered countable unearned income, if continued receipt of the child support is reasonably anticipated. These payments are excluded when determining the benefit amount.

(b) In determining on-going eligibility, except for clients working under a TANF JOBS Plus agreement and except for child support passed through to the client and disregarded pursuant to section (2) of this rule, child support received by the DCS is considered countable unearned income, if continued receipt of the child support is reasonably anticipated. These payments are excluded when determining the benefit amount.

(c) For clients working under a TANF JOBS Plus agreement:

(A) Child support is excluded in determining countable income.

(B) Child support is excluded when calculating the TANF portion of the benefit equivalency standards.

(C) All child support paid directly to the client is considered countable unearned income in the calculation of the wage supplement.

(d) All other child support payments:

(A) Paid directly to the financial group that are turned over to the Department or to the DCS are considered countable unearned income except for any amount of pass-through and disregard pursuant to section (2) of this rule.

(B) Paid directly to the financial group that are not turned over to the Department or to the DCS are considered countable unearned income.

(C) Paid to a third party for the benefit of the financial group are considered countable unearned income. This includes but is not limited to payments made by a non-custodial parent to a third party for rent, mortgage, utilities, or child care.

(e) Cash medical support is excluded in determining countable income.

(6) In the OHP program:

(a) Child support paid directly to the financial group or paid to a third party for the benefit of the financial group is considered countable unearned income. This includes but is not limited to payments made by a non-custodial parent to a third-party for rent, mortgage, utilities, or child care.

(b) Cash medical support is excluded.

(7) In the OSIP, OSIPM, and QMB programs, all child support and cash medical support paid to the financial group are considered countable unearned income. Child support and cash medical support paid by the financial group are not deductible from income.

(8) In the SFPSS program, notwithstanding section (5) of this rule, for on-going eligibility and benefit determination:

(a) Except for disregard pursuant to section (2) of this rule, child support is considered countable unearned income.

(b) Cash medical support is excluded in determining countable income.

(c) Payments made by a non-custodial parent to a third party for the benefit of the financial group are considered countable unearned income. This includes but is not limited to payments made by a non-custodial parent to a third-party for rent, mortgage, utilities, or child care.

(9) For on-going eligibility and benefit determination for TANF clients for whom deprivation is based on the unemployment or underemployment of the primary wage earner (PWE) in a two-parent household, starting October 1, 2011:

(a) Except for disregard pursuant to section (2) of this rule, child support is considered countable unearned income.

(b) Cash medical support is excluded in determining countable income.

(c) Payments made by a non-custodial parent to a third party for the benefit of the financial group are considered countable unearned income. This includes but is not limited to payments made by a non-custodial parent to a third party for rent, mortgage, utilities, or child care.

(d) For a filing group (see OAR 461-110-0330) with at least one member working under a TANF JOBS Plus agreement:

(A) Child support is excluded in determining countable income.

(B) Child support is excluded when calculating the TANF portion of the benefit equivalency standards.

(C) All child support paid directly to the client is considered countable unearned income in the calculation of the wage supplement.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.816, 412.009, 412.014, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.816, 412.009, 412.014, 412.049
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 7-2008(Temp), f. & cert. ef. 3-21-08 thru 9-17-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 12-2009(Temp), f. 6-23-09, cert. ef. 7-1-09 thru 12-28-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 29-2011(Temp), f. & cert. ef. 10-5-11 thru 4-2-12; SSP 9-2012, f. 3-29-12, cert. ef. 4-1-12; SSP 24-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 12-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-145-0240

Income-Producing Sales Contract

(1) The equity value (see OAR 461-001-0000) of an income-producing sales contract is treated as follows:

(a) In the GA, GAM, OSIPM, and QMB programs for contracts originating on or after October 1, 2012:

(A) Except for a contract resulting from the sale of a home, that is treated in accordance with paragraph (B) of this subsection, it is a countable (see OAR 461-001-0000) resource valued at the outstanding principal balance of the contract unless the individual provides convincing evidence of a lower cash value or there is a legal bar to the sale of the contract. If there is a legal bar to the sale of the contract, the equity value of the contract is a transfer of assets (OAR 461-140-0210 to 461-140-0300 regulate the effect of a transfer of assets on a client) for less than fair market value (see OAR 461-001-0000).

(B) The equity value of a contract resulting from the sale of a home is excluded if the entire principal portion of the payments received from the contract is used to purchase another home within three calendar months of receipt of the payments. Otherwise the equity value is treated in accordance with paragraph (A) of this subsection.

(b) Except as provided in subsection (a) of this section, it is excluded.

(2) In all programs, income received from a sales contract is treated as provided in OAR 461-145-0460.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 412.049
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-145-0460

Sale of a Resource

(1) In the ERDC and EXT programs, all proceeds from the sale of a resource are excluded as income and as a resource.

(2) In the MAA, MAF, REF, REFM, SAC, and TANF programs:

(a) Proceeds from the sale of an excluded resource to the extent reinvested in another excluded resource are excluded as income and as a resource.

(b) All proceeds from the sale of the resource are counted as unearned income, unless excluded in subsection (a) of this section.

(3) In all programs except the ERDC, EXT, MAA, MAF, REF, REFM, SAC, and TANF programs, proceeds from the sale of a resource are treated as follows:

(a) Proceeds from the sale of a resource (other than a home) received on a monthly or other periodic basis are counted as unearned income. Proceeds received on a lump sum basis are treated as follows:

(A) If the proceeds are from the sale of an excluded resource, the amount reinvested in another excluded resource is excluded, and the remainder is counted as a resource.

(B) The proceeds from all other sales are counted as a resource. If the proceeds put the benefit group (see OAR 461-110-0750) over the resource

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limit, the proceeds are counted as periodic or lump sum income (see OAR 461-140-0110 and 461-140-0120).

(b) Proceeds from the sale of the home of the financial group (see OAR 461-110-0530) are excluded for three months if the financial group intends to use the proceeds (subparagraphs (A)(i) and (A)(ii) of this subsection set out the scope of use of excluded proceeds in the GA, GAM, OSIP, and QMB programs) to buy another home, except as follows:

(A) In the GA, GAM, OSIPM (except for clients eligible under OAR 461-135-0771), and QMB programs for a home sold on or after October 1, 2012:

(i) Principal payments, including lump-sum payments, are excluded for three full calendar months from the date of receipt if the financial group intends to use the proceeds to buy another home or for associated costs including:

- (I) Downpayments;
- (II) Settlement costs;
- (III) Loan processing fees and points;
- (IV) Moving expenses;
- (V) Necessary repairs to or replacement of the new home's structure or fixtures (including roof, furnace, plumbing, built-in appliances) that are identified and documented prior to occupancy; and
- (VI) Mortgage payments.

(ii) For the purposes of subparagraph (i) of this paragraph, funds that are obligated by contract during these three full calendar months are also excluded.

(iii) Interest payments are counted as unearned income.

(B) For clients eligible for OSIPM under OAR 461-135-0771, the proceeds from the sale of the financial group's home, if the financial group intends to use them to buy another home (subparagraphs (A)(i) and (A)(ii) of this subsection set out the scope of use of excluded proceeds), are treated as follows:

(i) For a home sold prior to October 1, 2012, the proceeds are excluded for 12 full calendar months.

(ii) For a home sold on or after October 1, 2012:

(I) Principal payments, including lump-sum payments, are excluded for 12 full calendar months from the date of receipt.

(II) Interest payments are counted as unearned income.

(c) The proceeds from the sale of a home that are not reinvested in another home are counted as a resource, except as follows:

(A) In the GA and GAM programs, if the proceeds put the benefit group over the resource limit, they are counted as periodic or lump sum income.

(B) In the GA, GAM, OSIPM, and QMB programs for a home sold on or after October 1, 2012:

(i) Principal is counted as a resource, except that in the GA and GAM programs, if the proceeds put the benefit group over the resource limit, they are counted as periodic or lump sum income.

(ii) Interest payments are counted as unearned income.

(C) In the SNAP program, the proceeds are treated as lump-sum income (see OAR 461-001-0000) under OAR 461-140-0120.

(d) In the SNAP program:

(A) Interest received monthly or on another periodic basis from the sale of a home is counted as unearned income.

(B) If a self-employed client sells a work-related asset, including equipment and inventory, the proceeds of the sale are treated as self-employment income (see OAR 461-145-0910).

(4) Costs of the type excluded under OAR 461-145-0920 are subtracted from proceeds counted as income under this rule.

Stat. Auth.: ORS 411.060, 411.070, 411.700, 411.816, 412.049, 414.042

Stats. Implemented: ORS 411.060, 411.070, 411.700, 411.816, 412.049, 414.042

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 21-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 9-2001, f. & cert. ef. 6-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-145-0870

Deemed Assets, Spouse of Nonparent Caretaker Relative; MAF

In the MAF program:

(1) The Department deems all the resources of the spouse (see OAR 461-001-0000) of a nonparent caretaker relative (see OAR 461-001-0000) back to the MAF financial group (see OAR 461-110-0530) if the needy caretaker relative is in the financial group. The Department treats the resource according to the TANF rules for the type of resource.

(2) The Department deems the income of the spouse as follows:

(a) The Department deducts the following from the spouse's countable (see OAR 461-001-0000) income:

(A) The needs of the spouse and the spouse's dependents living in the household, who are not in the MAF filing group (see OAR 461-110-0340), at the adjusted income standard (see OAR 461-155-0330); and

(B) The \$90 earned income deduction.

(b) The Department counts any remaining income as unearned income to the financial group.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404 & 411.700

Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.404 & 411.700

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 9-1999, f. & cert. ef. 7-1-99; SSP 16-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-155-0150

Child Care Eligibility Standard, Payment Rates, and Copayments

The following provisions apply to child care in the ERDC, JOBS, JOBS Plus, and TANF programs:

(1) The following definitions apply to the rules governing child care rates:

(a) Infant: For all providers other than licensed (registered or certified) care, a child aged newborn to 1 year. For licensed care, an infant is a child aged newborn to 18 months.

(b) Toddler: For all providers other than licensed (registered or certified) care, a child aged 1 year to 3 years. For licensed care, a toddler is a child aged 18 months to 3 years.

(c) Preschool: A child aged 3 years to 6 years.

(d) School: A child aged 6 years or older.

(e) Special Needs: A child who meets the age requirement of the program (ERDC or TANF) and who requires a level of care over and above the norm for his or her age due to a physical, behavioral or mental disability. The need for a higher level of care must be determined by the provider and the disability must be verified by one of the following:

(A) A physician, nurse practitioner, licensed or certified psychologist or clinical social worker.

(B) Eligibility for Early Intervention and Early Childhood Special Education Programs, or school-age Special Education Programs.

(C) Eligibility for SSI.

(2) The following definitions apply to the types of care specified in the child care rate charts in subsections (4)(a) through (4)(c) of this rule:

(a) The Standard Family Rate applies to child care provided in the provider's own home or in the home of the child when the provider does not qualify for the enhanced rate allowed by subsection (b) of this section.

(b) The Enhanced Family Rate applies to child care provided in the provider's own home or in the home of the child when the provider meets the training requirements of the Oregon Registry, established by the Oregon Center for Career Development in Childhood Care and Education.

(c) The Registered Family Rate applies to child care provided in the provider's own home when the provider meets criteria established by the Child Care Division.

(d) The Certified Family Rate applies to child care provided in a residential dwelling that is certified by the Child Care Division as a Certified Family Home. To earn this designation, the facility must be inspected, and both provider and facility are required to meet certain standards not required of a registered family provider.

(e) The Standard Center Rate applies to child care provided in a facility that is not located in a residential dwelling and is exempt from Child Care Division Certification rules (see OAR 414-300-0000).

(f) The Enhanced Center Rate applies to child care provided in an exempt center whose staff meet the training requirements of the Oregon Registry established by the Oregon Center for Career Development in Childhood Care and Education. Eligibility to receive the enhanced center rate for care provided in an exempt center is subject to the following requirements:

(A) A minimum of one staff member for every 20 children in care must meet the Oregon Registry training requirements noted in paragraph (2)(b) of this rule.

(B) New staff must meet the Oregon Registry training requirements within 90 days of hire, if necessary to maintain the trained staff-to-children ratio described in paragraph (A) of this subsection.

(C) There must be at least one person present where care is provided who has a current certificate in infant and child CPR and a current American Red Cross First Aid card or an equivalent.

(g) An enhanced rate will become effective not later than the second month following the month in which the Department receives verification that the provider has met the requirements of subsection (2)(b), (f), or (g) of this rule.

(h) The Certified Center Rate applies to child care provided in a center that is certified by the Child Care Division.

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(3) The following provisions apply to child care payments:

(a) Providers not eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 158 hours per month subject to the maximum full-time monthly rate.

(b) Providers eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 136 hours a month, unless the provider customarily bills all families at a part-time monthly rate (subject to the maximum full-time monthly rate) and is designated as the primary provider for the case.

(c) At their request, providers eligible for the enhanced or licensed rate may be paid at the part-time monthly rate if they provide 63 or more hours of care in the month, customarily bill all families at a part-time monthly rate, and are designated as the primary provider for the case.

(d) Unless required by the circumstances of the client or child, the Department will not pay for care at a part-time monthly or a monthly rate to more than one provider for the same child for the same month.

(e) The Department will pay at the hourly rate for less than 63 hours of care in the month subject to the maximum full-time monthly rate.

(f) The Department will pay for up to five days each month the child is absent if:

(A) The child was scheduled to be in care and the provider bills for the amount of time the child was scheduled to be in care;

(B) The absent child's place is not filled by another child; and

(C) It is the provider's policy to bill all families for absent days.

(g) The Department will not pay for more than five consecutive days of scheduled care for which the child is absent.

(4) The following are the child care rates, the rates are based on the type of provider, the location of the provider (shown by zip code), the age of the child, and the type of billing used (hourly or monthly):

(a) [Table not included. See ED. NOTE.]

(5) Except to the extent provided otherwise in section (12) of this rule, this section establishes the ERDC eligibility standard and the client's copayment (copy).

(a) The ERDC eligibility standard is met for need groups (see OAR 461-110-0630) of eight or less if monthly countable income (see OAR 461-001-0000) for the need group is less than 185 percent of the federal poverty level (FPL), as described in OAR 461-155-0180(6). The eligibility standard for a need group size of eight applies to any need group larger than eight.

(b) The minimum monthly ERDC copay is \$25.

(c) For filing groups (see OAR 461-110-0310) whose countable income is at or below 50 percent of the 2007 FPL, the copay is \$25 or 1.5 percent of the filing group's monthly countable income, whichever is greater.

(d) For filing groups whose countable income is over 50 percent of the 2007 FPL, the copay amount is determined with the following percentage of monthly income:

(A) Determine filing group's countable income as a percent of FPL (rounding to the nearest hundredth of the percentage), subtract 50, and multiply this difference by 0.12.

(B) Add 1.5 to the amount in paragraph (A) of this subsection. This sum is the percentage of monthly income to determine the copay amount.

(e) The 2007 federal poverty level used to determine copay amounts under subsections (c) and (d) of this section is set at the following amounts: [Table not included. See ED. NOTE.]

(6) Subject to the provisions in section (9) of this rule, the monthly limit for each child's child care payments is the lesser of the amount charged by the provider or providers and the following amounts:

(a) The monthly rate provided in section (4) of this rule.

(b) The product of the hours of care, limited by section (8) of this rule, multiplied by the hourly rate provided in section (4) of this rule.

(7) The limit in any month for child care payments on behalf of a child whose caretaker is away from the child's home for more than 30 days because the caretaker is a member of a reserve or National Guard unit that is called up for active duty is the lesser of the following:

(a) The amount billed by the provider or providers.

(b) The monthly rate established in this rule for 215 hours of care.

(8) The number of payable billed hours of care for a child is limited as follows:

(a) In the ERDC and TANF programs, the total payable hours of care in a month may not exceed:

(A) 125 percent of the number of hours necessary for the client to perform the duties of his or her job, or to participate in activities included in a case plan (see OAR 461-001-0025) including, for clients in the JOBS Plus

program, the time the client searches for unsubsidized employment and for which the employer pays the client; or

(B) The monthly rate established in section (4) of this rule multiplied by a factor of not more than 1.5, determined by dividing the number of hours billed by 215, when the client meets the criteria for extra hours under section (10) of this rule.

(b) In the ERDC program, for a client who earns less than the Oregon minimum wage, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time). The limitation of this subsection is waived for the first three months of the client's employment.

(c) In the TANF program, for a client who earns less than the Oregon minimum wage or is self-employed, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time). The limitation of this subsection is waived for the first three months of the client's employment.

(9) The limit in any month for child care payments on behalf of a child whose caretaker has special circumstances, defined in section (10) of this rule, is the lesser of one of the following:

(a) The amount billed by the provider or providers; or

(b) The monthly rate established in section (4) of this rule multiplied by a factor, of not more than 1.5, determined by dividing the number of hours billed by 215.

(10) The limit allowed by section (9) of this rule is authorized once the Department has determined the client has special circumstances. For the purposes of this section, a client has special circumstances when it is necessary for the client to obtain child care in excess of 215 hours in a month to perform the requirements of his or her employment or training. This is limited to the following situations:

(a) The commute time to and from work exceeds two hours per day.

(b) The caretaker works an overnight shift and care is necessary for both work hours and sleep hours.

(c) The caretaker works a split shift and it is not feasible to care for the child between shifts.

(d) The caretaker consistently works more than 40 hours per week.

(e) Weekend work or other nonstandard work hours require care by more than one provider, and the total allowable hours billed by both providers exceeds the maximum limit.

(f) The caretaker needs child care for both full-time work and participation in Department assigned activities.

(11) The payment available for care of a child who meets the special needs criteria described in subsection (1)(e) of this rule is increased in accordance with OAR 461-155-0151 if the requirements of both of the following subsections are met:

(a) The child requires significantly more direct supervision by the child care provider than normal for a child of the same age; and

(b) The child is enrolled in a local school district Early Intervention or Early Childhood Special Education program or school-age Special Education Program. The enrollment required by this subsection is waived if determined inappropriate by a physician, nurse practitioner, licensed or certified psychologist, clinical social worker, or school district official.

(12) Starting May 1, 2012:

(a) The minimum monthly ERDC copay is \$27.

(b) Except as stated in subsection (a) of this section, the Department adds 10 percent to the monthly client co-payment amount set under section (5) of this rule.

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

Stat. Auth.: ORS 411.060, 411.070, 412.006 & 412.049

Stats. Implemented: ORS 409.610, 411.060, 411.070, 412.006 & 412.049

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 16-1990, f. 6-29-90, cert. ef. 7-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 19-1991(Temp), f. & cert. ef. 10-1-91; AFS 4-1992, f. 2-28-92, cert. ef. 3-1-92; AFS 14-1992, f. & cert. ef. 6-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 10-1993, f. & cert. ef. 6-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 9-1994, f. 4-29-94, cert. ef. 5-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 19-1994, f. & cert. ef. 9-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 23-1995, f. 4-20-95, cert. ef. 10-1-95; AFS 41-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 14-1999, f. & cert. ef. 11-1-99; AFS 16-1999, f. 12-29-99, cert. ef. 1-1-00; AFS 4-2000(Temp), f. 2-29-00, cert. ef. 3-1-00 thru 8-25-00; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; AFS 10-2002, f. & cert. ef. 7-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; AFS 23-2002(Temp), f. 12-31-02, cert. ef. 1-1-03 thru 6-30-03; SSP 2-2003(Temp), f. & cert. ef. 2-7-03 thru 6-30-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 24-2003(Temp), f. & cert. ef. 10-1-03 thru 12-31-03; SSP 35-2003(Temp), f. 12-31-03 cert. ef. 1-1-04 thru 3-31-04; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 35-2003(Temp), f. 12-31-03 cert. ef. 1-1-04 thru 3-31-04; SSP 8-2004, f. & cert. ef. 4-1-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 7-2006(Temp), f. 3-31-06, cert. ef. 4-1-06 thru 9-28-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; 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 4-2009(Temp), f. 3-11-09, cert. ef. 4-1-09 thru 9-28-09;

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SSP 27-2009, f. & cert. ef. 9-29-09; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 17-2011, f. & cert. ef. 7-1-11; SSP 35-2011, f. 12-27-11, cert. ef. 1-1-12; SSP 13-2012(Temp), f. & cert. ef. 4-10-12 thru 10-7-10; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-155-0190

Income and Payment Standards; SNAP

(1) The monthly SNAP Countable and Adjusted Income Limits are as follows: [Table not included. See ED. NOTE.]

(2) The SNAP Payment Standard (Thrifty Food Plan) is: [Table not included. See ED. NOTE.]

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

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816, 411.825

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 16-1990, f. 6-29-90, cert. ef. 7-1-90; AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 20-1991, f. & cert. ef. 10-1-91; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 15-1998(Temp), f. 9-15-98, cert. ef. 10-1-98 thru 10-31-98; AFS 22-1998, f. 10-30-98, cert. ef. 11-1-98; AFS 11-1999, f. & cert. ef. 10-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 6-2009(Temp), f. & cert. ef. 4-1-09 thru 9-28-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-155-0680

Special Need — Supplemental Telephone Allowance; OSIPM

In the OSIPM program:

(1) The Department provides a telephone allowance for a client receiving SSI, a client with an adjusted income less than the OSIPM program standard under OAR 461-155-0250, or a client receiving in-home services if the client is 18 years of age or older and is unable to leave his or her residence without assistance due to a documented medical condition.

(2) The telephone allowance may cover the following costs:

(a) The least expensive appropriate telephone service or the basic rate, whichever is less.

(b) The cost of telephone adaptive equipment, if the client has a medically documented need (for instance, TDD, a special headset, dialing mechanism, or emergency response system).

(c) Necessary installation charges.

(3) An SSI-eligible client or a client with an adjusted income less than the OSIPM program standard granted a telephone allowance must apply for a payment through the Oregon Telephone Assistance Program (OTAP).

Stat. Auth.: ORS 411.060, 411.070, 411.706

Stats. Implemented: 411.060, 411.070, 411.704, 411.706

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 22-2002, f. 12-31-02, cert. ef. 1-1-03; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-160-0120

Deemed Assets, Ineligible Non-Citizens and Father of an Unborn; MAF

In the MAF program:

(1) A need group (see OAR 461-110-0630) ineligible for the MAA program that includes one or more ineligible non-citizens or a father of an unborn is evaluated for the MAF program by deeming the non-excluded income of the father or the ineligible non-citizens as provided in sections (2) and (3) of this rule. The amount deemed is counted as unearned income to the MAF financial group (see OAR 461-110-0530).

(2) If an individual is excluded from the MAF filing group (see OAR 461-110-0340) because he is the father of an unborn, the amount of the income deemed back to the MAF financial group from the father is determined by deducting from his non-excluded income:

(a) The adjusted income standard in OAR 461-155-0030(2) for one person; and

(b) The first \$90 of earned income.

(3) If one or more individuals are excluded from the MAF filing group for failure to meet the requirements of OAR 461-120-0125 (regarding citizenship and alien status), the amount of the income deemed back to the MAF financial group from the ineligible non-citizens is determined by deducting from their non-excluded income:

(a) The adjusted income standard in OAR 461-155-0030(2) for the number of people who do not meet the citizenship or alien status requirements; and

(b) The first \$90 of earned income for each ineligible non-citizen.

Stat. Auth.: ORS 411.060, 411.070 & 411.404

Stats. Implemented: ORS 411.060, 411.070 & 411.404

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 16-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-160-0420

Shelter Cost; SNAP

(1) This rule explains how to calculate the client's shelter cost. The shelter cost is used to determine the shelter deduction (see OAR 461-160-0430). The shelter cost is the sum of the client's cost of housing plus an allowance for utilities, if the client incurs a utility cost. The shelter deduction is based on the shelter cost but is subject to a limitation described in OAR 461-160-0430.

(2) Cost of housing.

(a) The following comprise the cost of housing if they are incurred with respect to the client's current residence or the home described in section (5) of this rule:

(A) Regular, periodic charges for the shelter of the financial group (see OAR 461-110-0530), such as rent, mortgage payments, and condominium or association fees. Late fees charged because a mortgage or rent payment was made late are not deductible.

(B) Property taxes, state and local assessments, and property insurance on the structure.

(C) Costs for repairing a home substantially damaged or destroyed by a natural disaster (such as a fire or flood), if such costs are not reimbursed.

(D) If the need group (see OAR 461-110-0630) is homeless and living in a vehicle — vehicle payments and collision and comprehensive insurance premiums for the vehicle.

(b) If housing costs are billed on a weekly or biweekly basis, the monthly cost is the weekly cost multiplied by 4.3 or the biweekly cost multiplied by 2.15.

(c) The financial group has the following choices about housing costs:

(A) The group may choose to apply the cost in the month it is billed or becomes due.

(B) The group may choose to have periodic costs averaged.

(C) For expenses that are billed less often than monthly, the group may choose to have them averaged over the period they are intended to cover.

(3) Shared housing. If the filing group (see OAR 461-110-0370) shares housing costs with an individual in the dwelling who is not in the filing group, only the housing costs incurred by the filing group are included in the calculation. If the portion paid by a person outside the filing group cannot be ascertained, the cost is apportioned among the people contributing to the cost. The pro rata share of those not in the filing group is deducted from the total, and the balance is considered a housing cost of the filing group.

(4) Cost for utilities.

(a) A filing group has a cost for utilities if it incurs a cost for heating or cooling; cooking fuel; electricity; water and sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; service for a telephone, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes; or initial installation fees charged by a utility provider.

(b) If the group incurs no cost for utilities in either its current home or in the home described in section (5) of this rule, then the shelter cost is calculated without an allowance for utilities.

(c) If a homeless need group uses a vehicle for shelter, the cost of fuel for the vehicle is considered a utility cost.

(d) If a filing group incurs a cost for utilities, then the utility allowance is one of the following:

(A) Allowance with heating or cooling. A full standard utility allowance of \$401 per month is used if the household group (see OAR 461-110-0210) is billed for heating or cooling costs for its dwelling. Charges for any fuel and for electricity are considered heating costs if they are used for heating. A financial group who receives an energy assistance payment for the dwelling provided through the Low Income Energy Assistance Act of 1981 is eligible for the utility allowance established by this paragraph (A).

(B) Allowance without heating or cooling.

(i) A limited standard utility allowance of \$295 per month is used if the household group is not billed for heating or cooling costs but is billed for at least two other costs enumerated in subsection (4)(a) of this rule.

(ii) An individual standard utility allowance of \$48 per month is used if the household is not billed for heating or cooling costs but is billed for only one of the costs enumerated in subsection (4)(a) of this rule other than the service cost for a telephone, including the related taxes or fees.

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(iii) A telephone standard utility allowance of \$54 per month is used if the household is not billed for heating or cooling costs but is billed for telephone service, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes.

(5) Housing costs for a home not occupied by the household. Housing and utility costs with respect to a home not currently occupied by the household may be considered in calculating the shelter cost if:

(a) The home is temporarily unoccupied because of employment or training away from home, illness, or abandonment caused by casualty or natural disaster;

(b) The financial group intends to return to the home;

(c) No other, current occupant is claiming a deduction for shelter costs in the SNAP program; and

(d) The home is not leased during the household's absence.

Stat. Auth.: ORS 411.816, 411.825

Stats. Implemented: ORS 411.816, 411.825

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 1-1991(Temp), f. & cert. ef. 1-2-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 21-1998(Temp), f. 10-15-98 & cert. ef. 11-1-98 thru 12-31-98; AFS 25-1998, f. 12-28-98, cert. ef. 1-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 9-2001, f. & cert. ef. 6-1-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-160-0430

Income Deductions; SNAP

(1) Deductions from income are subtracted from countable income (see OAR 461-140-0010) in the following order to determine adjusted income (see OAR 461-001-0000) for the SNAP program:

(a) An earned income deduction of 20 percent of countable earned income. The 20 percent deduction is not taken from the wages funded by grant diversions such as Work Supplementation wages.

(b) A standard deduction of \$149 per month for a benefit group (see OAR 461-110-0750) of one, two, or three individuals. A standard deduction of \$160 per month for a benefit group of four individuals. A standard deduction of \$187 per month for a benefit group of five individuals. A standard deduction of \$214 per month for a benefit group of six or more individuals.

(c) A dependent care deduction for dependent care costs billed to a member of the financial group (see OAR 461-110-0530) and not paid for through any other program of the Department. For the cost to be deductible under this section, the care must be necessary to enable a member of the need group (see OAR 461-110-0630) to--

(A) Accept or continue employment;

(B) Seek employment, including a job search that meets the requirements of a case plan (see OAR 461-001-0020); or

(C) Attend vocational or educational training. A student receiving educational income is entitled to a deduction only for costs not excluded from educational income by OAR 461-145-0150.

(d) The medical deduction for elderly clients and clients who have a disability (see OAR 461-001-0015) in the need group. The deduction is calculated by determining the total of their deductible medical costs (see OAR 461-160-0415) and subtracting \$35. The remainder is the medical deduction.

(e) A deduction for child support payments (including cash medical support) a member of the household makes under a legal obligation to a child not a member of the household group (see OAR 461-110-0210), including payments for the current month and for payments on arrearages. Child support is not deductible if collected by setoff through the Oregon Department of Revenue or by interception of a federal tax refund.

(f) A shelter deduction, calculated as follows:

(A) For SNAP clients required to pay room and board in a nonstandard living arrangement (see OAR 461-001-0000), the shelter deduction is:

(i) The cost of room and board, minus the payment standard for the benefit group; or

(ii) The actual room cost, if the client can prove that the room cost exceeds the cost described in subparagraph (i) of this paragraph.

(B) For all other clients, the shelter deduction is calculated as follows:

(i) The standard deduction and the deductions of earned income, dependent care, court-ordered child support, and medical expenses are subtracted from countable income. Fifty percent of the remainder is subtracted from the shelter cost calculated in accordance with OAR 461-160-0420.

(ii) The rounded balance is the deduction, except the deduction is limited if the filing group has no member who has a disability or is elderly (see OAR 461-001-0015). The limit is \$469 per month.

(2) If the client cannot verify a medical or court-ordered child-support expense or cannot verify any other expense when asked to do so, the unverified expense is not used to calculate the deduction. If the client provides verification, the deduction is applied when calculating the next month's benefits. If verification is provided within the period authorized for processing applications (see OAR 461-115-0210), the benefits for the initial month (see OAR 461-001-0000) are recalculated using the deduction.

Stat. Auth.: ORS 411.816

Stat. Implemented: ORS 411.816 & 411.825

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 20-1991, f. & cert. ef. 10-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 19-1994, f. & cert. ef. 9-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 27-1995(Temp), f. 10-30-95, cert. ef. 11-1-95; AFS 41-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 31-1996, f. & cert. ef. 9-23-96; AFS 41-1996(Temp), f. & cert. ef. 12-31-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 4-1998, f. 2-25-98, cert. ef. 3-1-98; AFS 5-1998(Temp), f. & cert. ef. 3-11-98 thru 5-31-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 15-1998(Temp), f. 9-15-98, cert. ef. 10-1-98 thru 10-31-98; AFS 22-1998, f. 10-30-98, cert. ef. 11-1-98; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 23-2000(Temp), f. 9-29-00, cert. ef. 10-1-00 thru 12-31-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 23-2000(Temp) Suspended by AFS 28-2000(Temp), f. 10-31-0, cert. ef. 11-1-00 thru 12-31-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; AFS 3-2001, f. 2-27-01, cert. ef. 3-1-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 39-2010(Temp), f. & cert. ef. 11-4-10 thru 5-3-11; SSP 41-2010, f. & cert. ef. 7-1-10; SSP 22-2011, f. 1-1-11; SSP 43-2010(Temp), f. 12-30-10, cert. ef. 1-1-11 thru 4-30-11; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-160-0620

Income Deductions and Client Liability; Long-Term Care Services or Waivered Services; OSIPM

In the OSIPM program:

(1) Deductions from income are made for a client residing in or entering a long-term care facility or receiving Title XIX waived services as explained in subsections (3)(a) to (3)(h) of this rule.

(2) Except as provided otherwise in OAR 461-160-0610, the liability of the client is determined according to subsection (3)(i) of this rule.

(3) Deductions are made in the following order:

(a) One standard earned income deduction of \$65 is made from the earned income in the OSIPM-AD and OSIPM-OAA programs. The deduction is \$85 in the OSIPM-AB program.

(b) The deductions under the plan for self-support as allowed by OAR 461-145-0405.

(c) One of the following need standards:

(A) A \$30 personal needs allowance for a client receiving long-term care services.

(B) A \$90 personal needs allowance for a client receiving long-term care services who is eligible for VA benefits based on unreimbursed medical expenses. The \$90 allowance is allowed only when the VA benefit has been reduced to \$90.

(C) The OSIPM maintenance standard for a client who receives waived services.

(d) A community spouse monthly income allowance is deducted from the income of the institutionalized spouse to the extent that the income is made available to or for the benefit of the community spouse, using the following calculation.

(A) Step 1 — Determine the maintenance needs allowance. \$1,892 is added to the amount over \$567 that is needed to pay monthly shelter expenses for the principal residence of the couple. This sum or \$2,841 whichever is less, is the maintenance needs allowance. For the purpose of this calculation, shelter expenses are the rent or home mortgage payment (principal and interest), taxes, insurance, required maintenance charges for a condominium or cooperative, and the full standard utility allowance for the SNAP program (see OAR 461-160-0420).

(B) Step 2 — Compare maintenance needs allowance with community spouse's countable income. The countable income of the community spouse is subtracted from the maintenance needs allowance determined in step 1. The difference is the income allowance unless the allowance described in step 3 is greater.

(C) Step 3 — If a spousal support order or exceptional circumstances resulting in significant financial distress require a greater income allowance than that calculated in step 2, the greater amount is the allowance.

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(e) A dependent income allowance as follows:

(A) For a case with a community spouse, a deduction is permitted only if the monthly income of the eligible dependent is below \$1,892. To determine the income allowance of each eligible dependent:

(i) The monthly income of the eligible dependent is deducted from \$1,892.

(ii) One-third of the amount remaining after the subtraction in paragraph (A) of this subsection is the income allowance of the eligible dependent.

(B) For a case with no community spouse:

(i) The allowance is the TANF adjusted income standard for the client and eligible dependents.

(ii) The TANF standard is not reduced by the income of the dependent.

(f) Costs for maintaining a home if the client meets the criteria in OAR 461-160-0630.

(g) Medical deductions allowed by OAR 461-160-0030 and 461-160-0055 are made for costs not covered under the state plan. This includes the public and private health insurance premiums of the community spouse and the client's dependent.

(h) After taking all the deductions allowed by this rule, the remaining balance is the adjusted income.

(i) The client liability is determined as follows:

(A) For a client receiving waived services (except a client identified in OAR 461-160-0610(4)), the liability is the actual cost of the waived service or the adjusted income of the client, whichever is less. This amount must be paid to the Department each month as a condition of being eligible for waived services. In OSIPM-IC, the liability is subtracted from the gross monthly benefit.

(B) For a client who resides in a nursing facility, a state psychiatric hospital, an Intermediate Care Facility for the Mentally Retarded, or a non-waivered mental health facility, there is a liability as described at OAR 461-160-0610.

(4) The deduction used to determine adjusted income for a GA and GAM client receiving long-term care services or waived services is as follows:

(a) One standard earned income deduction of \$65 is made from the earned income for a client who is not blind; or

(b) One standard earned income deduction of \$85 is made from the earned income for a client who is blind.

Stat. Auth.: ORS 411.060, 411.070 & 411.706

Stats. Implemented: ORS 411.060, 411.070 & 411.706

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 16-1990, f. 6-29-90, cert. ef. 7-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 17-1992, f. & cert. ef. 7-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 5-1993, f. & cert. ef. 4-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 15-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 5-1997, f. 4-30-97, cert. ef. 5-1-97; AFS 6-1998(Temp), f. 3-30-98, cert. ef. 4-1-98 thru 5-31-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 3-1999, f. 3-31-99, cert. ef. 4-1-99; AFS 6-1999, f. & cert. ef. 4-22-99; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 11-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 10-2002, f. & cert. ef. 7-1-02; AFS 22-2002, f. 12-31-02, cert. ef. 1-1-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 8-2005(Temp), f. & cert. ef. 7-1-05 thru 10-1-05; SSP 9-2005(Temp), f. & cert. ef. 7-6-05 thru 10-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 14-2007, f. 12-31-07, cert. ef. 1-1-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 18-2011(Temp), f. & cert. ef. 7-1-11 thru 12-28-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 35-2011, f. 12-27-11, cert. ef. 1-1-12; SSP 23-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 12-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-165-0180

Eligibility of Child Care Providers

(1) The Department must approve a child care provider to receive payment for child care if information available to the Department provides no basis for denying eligibility unless --

(a) The provider previously was denied and subsequently was not determined to be eligible; or

(b) The Department determines, following a preliminary or final fitness determination (see OAR 407-007-0320) or Child Protective Service (CPS) records checks, that the provider or other subject individual (see OAR 407-007-0210(21)(a)(G)) is not eligible for payment.

(2) Ineligibility for payment may result from any of the following:

(a) A finding of "denied". A provider may be denied under OAR 461-165-0410 and 461-165-0420. If, after conducting a weighing test as

described in OAR 407-007-0210, the Department finds substantial risk to the health or safety of a child in the care of the provider, the provider must be denied and is ineligible for payment. A provider who has been denied has the right to a hearing under OAR 407-007-0330.

(b) A finding of "failed". A provider may be failed if the Department determines, based on a specific eligibility requirement and evidence, that a provider does not meet the eligibility requirements of this rule. A provider with a status of "failed" may reapply at any time by providing the required documents and information to the Department for review.

(c) The Department has referred an overpayment against the provider for collection and the claim is unsatisfied.

(3) The provider must submit a completed Child Care Provider Listing Form (DHS 7494) to the Department within 30 calendar days from the date the Department issues the listing form to the client. The provider and each individual identified under section (4) of this rule is considered a subject individual and must complete and sign the authorization for a records check through the Criminal History (CH) record system maintained by the Oregon State Police and the Child Protective Service (CPS) record system maintained by the Department and, if necessary, an authorization to release information and fingerprint cards. The provider must fully disclose all requested information as part of the records check.

(4) A subject individual is identified as follows:

(a) The site director of an exempt child care facility and each employee of the facility who may have unsupervised access to a child in care.

(b) The child care provider and each individual the provider uses to supervise a child in his or her absence.

(c) In the case of a provider who provides care for a child in the provider's home:

(A) Each individual 16 years of age or older who lives in the provider's home; and

(B) Each individual who frequently visits the home of the provider during the hours care is provided and may have unsupervised access to a child in care.

(5) To receive payment or authorization for payment, the provider must meet the requirements of either subsection (a) or (b) of this section:

(a) Currently be certified or registered with the Child Care Division (CCD) of the Employment Department under OAR 414-205-0000 to 414-205-0170, 414-300-0000 to 414-300-0440, or 414-350-0000 to 414-350-0250 unless legally exempt, and be in compliance with the applicable rules.

(b) If legally exempt from being certified or registered with the CCD, complete the Department's background check process and be approved by the Department.

(6) Each subject individual must:

(a) Allow the Department to conduct a national criminal history records check through the Oregon State Police and the Federal Bureau of Investigation as specified in OAR 407-007-0250. The Department must withhold authorization for payment to a provider until the background check process is complete and the Department approves the provider.

(b) Provide, in a manner specified by the Department, information required to conduct CH and CPS records checks or determine whether the provider meets health and safety requirements.

(c) Have a history of behavior that indicates no substantial risk to the health or safety of a child in the care of the provider.

(7) Each provider must:

(a) Obtain written approval from their certifier or certifier's supervisor if the provider is also certified as a foster parent.

(b) Be 18 years of age or older and in such physical and mental health as will not affect adversely the ability to meet the needs of safety, health, and well-being of a child in care.

(c) Not be in the same filing group as the child cared for and cannot be the parent (see OAR 461-001-0000) of the child.

(d) Allow the Department to inspect the site of care while child care is provided.

(e) Keep daily attendance records showing the arrival and departure times for each child in care and billing records for each child receiving child care benefits from the Department. The provider must keep written records of any attendance that is not able to be recorded in the Child Care Billing and Attendance Tracking (CCBAT) system. These written records must be retained for a minimum of 12 months and provided to the Department upon request.

(f) Be the individual or facility listed as providing the child care. The provider must notify the Department before using someone else to supervise a child.

(g) Not bill a Department client for an amount collected by the Department to recover an overpayment or an amount paid by the

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Department to a creditor of the provider because of a lien, garnishment, or other legal process.

(h) Report to the Department within 10 days of occurrence:

(A) Any arrest or involvement with CPS or any other agency providing child protective services of the child care provider, household member, or facility member.

(B) Any change to his or her name or address including where care is provided, and the addition of any individual or employee to the household or facility.

(i) Report suspected child abuse of any child in his or her care to CPS or a law enforcement agency.

(j) Supervise each child in care at all times.

(k) Prevent any individual who behaves in a manner that may harm children from having access to a child in the care of the provider.

(l) Allow the custodial parent of a child in his or her care to have immediate access to the child at all times.

(m) Inform a parent of the need to obtain immunizations for a child.

(n) Take reasonable steps to protect a child in his or her care from the spread of infectious diseases.

(o) Ensure that the facility where care is provided meets all of the following standards, unless the care is provided in the home of the child, except that a provider who provides care in the home of the child must meet only the requirements of paragraph (A) of this subsection:

(A) Each floor level used by a child has two usable exits to the outdoors (a sliding door or window that can be used to evacuate a child is considered a usable exit). If a second floor is used for child care, the provider must have a written plan for evacuating occupants in the event of an emergency.

(B) The facility has safe drinking water.

(C) The facility has a working smoke detector on each floor level and in any area where a child naps.

(D) Each fireplace, space heater, electrical outlet, wood stove, stairway, pool, pond, and any other hazard has a barrier to protect a child.

(E) Any firearm, ammunition, and other dangerous item such as any medicine, drug, cleaning supply, paint, plastic bag, and poisonous and toxic material is kept in a secure place out of a child's reach.

(F) The building, grounds, any toy, equipment, and furniture are maintained in a clean, sanitary, and hazard free condition.

(G) The facility has a telephone in operating condition.

(p) Complete and submit a new listing form every two years, or sooner at the request of the Department, so that the Department may review the provider's eligibility. This requirement does not apply to a provider registered or licensed by CCD.

(q) Provide evidence of compliance with the Department's administrative rules, upon request of Department staff.

(r) Complete registration for the CCBAT system within 45 days of the date of the registration notice.

(8) A child care provider not subject to certification or registration with the Oregon Employment Department, Child Care Division (CCD) under OAR 414-205-0000 to 414-205-0170, 414-300-0000 to 414-300-0440, or 414-350-0000 to 414-350-0250, must complete an orientation provided by the Department or a Child Care Resource and Referral agency within 90 days of being approved by the Department if he or she:

(a) Receives funds from the Department; and

(b) Begins providing child care services after June 30, 2010, or resumes providing child care services, after a break of more than one year that began after June 30, 2010.

Stat. Auth.: ORS 181.537, 409.050, 411.060, 411.070

Stats. Implemented: ORS 181.537, 409.010, 409.610, 411.060, 411.070, 411.122, 657A.340
Hist.: AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 17-1994(Temp), f. & cert. ef. 8-15-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 2-1997, f. 2-27-97, cert. ef. 3-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 12-1997, f. & cert. ef. 8-25-97; AFS 14-1999, f. & cert. ef. 11-1-99; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 12-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 22-2002, f. 12-31-02, cert. ef. 1-1-03; SSP 13-2004, f. 4-29-04, cert. ef. 5-1-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 6-2005(Temp), f. & cert. ef. 4-25-05 thru 9-30-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 25-2012, f. 6-29-12, cert. ef. 7-1-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-170-0011

Changes That Must Be Reported

(1) A change in employment status is considered to occur as follows:

(a) For a new job, the change occurs the first day of the new job.

(b) For a job separation, the change occurs on the last day of employment.

(2) A change in source of income is considered to occur as follows:

(a) For earned income, the change occurs upon the receipt by the client of the first paycheck from a new job or the first paycheck reflecting a new rate of pay.

(b) For unearned income, the change occurs the day the client receives the new or changed payment.

(3) A client must report, orally or in writing, the following changes:

(a) In the BCCM program, a client must report either of the following changes within 10 days of occurrence:

(A) A change in health care coverage.

(B) A change in residence.

(b) In the ERDC program:

(A) A client not participating in SRS in the SNAP program must report the following changes within 10 days of occurrence:

(i) A change in child care provider.

(ii) A change in employment status.

(iii) A change in mailing address or residence.

(iv) A change in membership of the filing group (see OAR 461-110-0350).

(v) A change in source of income expected to continue.

(B) A client participating in SRS in the SNAP program must report the following changes by the tenth day of the month following the month of occurrence:

(i) A change in child care provider.

(ii) Loss of employment.

(iii) Monthly income exceeding the SNAP countable income limit.

(iv) A parent (see OAR 461-001-0000) of a child or unborn or the spouse of the caretaker moves into the residence.

(C) The ERDC case may continue to follow the reporting requirements in paragraph (3)(b)(B) of this rule without a companion SNAP case in SRS when:

(i) The ERDC case was certified in the fifth or sixth month of the SNAP certification period (see OAR 461-001-0000); and

(ii) The SNAP companion case automatically closes because the Interim Change Report (see OAR 461-170-0010) was not received.

(c) In the EXT program, a client must report any of the following changes within 10 days of occurrence:

(A) A change in health care coverage.

(B) A change in name.

(C) A change in pregnancy status of any member of the filing group (see OAR 461-110-0330).

(D) A change in residence.

(E) A member in filing group is no longer a dependent child (see OAR 461-001-0000).

(d) In the SNAP program:

(A) A client assigned to CRS must report any of the following changes within 10 days of occurrence:

(i) A change in earned income of more than \$100.

(ii) A change in unearned income of more than \$50.

(iii) A change in source of income.

(iv) A change in membership of the filing group (see OAR 461-110-0370) and any resulting change in income.

(v) A change in residence and the shelter costs in the new residence.

(vi) A change in the legal obligation to pay child support.

(vii) When the sum of cash on hand, stocks, bond, and money in a bank or savings institution account reaches or exceeds program resource limits.

(viii) Acquisition or change in ownership of a non-excluded vehicle.

(B) A client assigned to SRS must report when the filing group's monthly income exceeds the SNAP countable income limit by the tenth day of the month following the month of occurrence.

(C) A client assigned to TBA is not required to report any changes.

(e) For JPI (see OAR 461-135-1260), a client must follow the same reporting requirements as a SNAP client assigned to SRS or TBA reporting systems (see OAR 461-170-0010).

(f) In the GA, GAM, OSIP, OSIPM, and QMB programs a client must report all changes that may affect eligibility within 10 days of occurrence, including any of the following changes:

(A) A change in employment status.

(B) A change in health care coverage.

(C) A change in membership of the household group (see OAR 461-110-0210).

(D) A change in marital status.

(E) A change in residence.

(F) A change in resources.

(G) A change in source or amount of income.

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(g) In the MAA, MAF, REF, SAC, SFPSS, and TANF programs, clients assigned to CRS must report any of the following changes within 10 days of occurrence:

- (A) Acquisition or change in ownership of a non-excluded vehicle.
- (B) A change in earned income more than \$100.
- (C) A change in employment status.
- (D) A change in membership of the household group (see OAR 461-110-0210).
- (E) A change in mailing address or residence.
- (F) A change in pregnancy status of any member of the filing group.
- (G) A change in source of income.
- (H) A change in unearned income more than \$50.
- (I) A change in who pays the shelter costs if the costs will be paid by a non-custodial parent.

(J) Sale or receipt of a resource that causes total resources to exceed program resource limits.

(h) In the HKC and OHP programs, a client must report any of the following changes within 10 days of occurrence:

- (A) A change in availability of employer-sponsored health insurance.
- (B) A change in health care coverage.
- (C) A change in mailing address or residence.
- (D) A change in name.
- (E) A change in pregnancy status of any member of the filing group (see OAR 461-110-0400).

(i) In the REFM program, clients must report the following changes within 10 days of occurrence:

- (A) A change in membership of the household group (see OAR 461-110-0210).
- (B) A change in residence.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049 & 414.231
Stats. Implemented: ORS 411.060, 411.070, 411.081, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 414.025, 414.231, 414.826 & 414.831

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1992, f. & cert. ef. 5-1-92; AFS 17-1992, f. & cert. ef. 7-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 19-1994, f. & cert. ef. 9-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 15-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 13-1997, f. 8-28-97, cert. ef. 9-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 25-1998, f. 12-18-98, cert. ef. 1-1-99; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 11-1999, f. & cert. ef. 10-1-99; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 24-2002(Temp), f. 12-31-02, cert. ef. 1-1-03 thru 6-30-03; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 13-2003, f. 6-12-03, cert. ef. 6-16-03; SSP 20-2003, f. & cert. ef. 8-15-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 16-2005, f. & cert. ef. 12-1-05; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; Renumbered from 461-170-0015, 461-170-0020, 461-170-0025, 461-170-0030, 461-170-0035 by SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 39-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SSP 5-2010, f. & cert. ef. 4-1-10; SSP 7-2010(Temp), f. & cert. ef. 4-1-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 26-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; SSP 10-2012, f. 3-29-12, cert. ef. 3-30-12; SSP 17-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-180-0130

Effective Dates; Restored Benefits

(1) The effective date for restoring benefits that were underpaid (including erroneous collections of overpayments) or denied or closed in error is set as follows:

(a) Except as provided in subsections (b) and (c) of this section, in all programs except the SNAP program, for underpayments resulting from administrative error, the effective date is the date the error was made.

(b) In all programs except as provided in subsection (c) of this section, benefits may be restored only for the preceding 12 months.

(c) JPI benefits may be restored only for the preceding four months and not to a date earlier than the individual is eligible under OAR 461-135-1260.

(d) In all programs except the SNAP program, for underpayments resulting from client error, the effective date is the earliest of the following:

- (A) The month the benefit group (see OAR 461-110-0750) notifies the branch office (see OAR 461-001-0000) of the possible loss.
- (B) The month the branch office discovers the loss.
- (C) The date a hearing is requested.

(2) In the SNAP program, for underpayments resulting from administrative error, benefits are restored for not more than twelve months prior to whichever of the following occurs first:

(a) The date the benefit group notifies the branch office of the possible loss.

(b) The date the branch office discovers the loss.

(c) The date a hearing is requested.

(3) In the SNAP program, benefits are not restored for underpayments resulting from client error.

(4) The effective date for restoring benefits that have been suspended is:

(a) For individuals whose medical assistance is suspended because they are incarcerated with an anticipated stay of a year or less, see OAR 461-135-0950(8).

(b) When subsection (a) of this section does not apply:

(A) The first of the month after the suspension, if suspension was for only one month; or

(B) The date the benefit group again becomes eligible, if benefits have been suspended for more than 30 days. The Department treats the month in which benefits are restored as an initial month (see OAR 461-001-0000).

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049, 414.231
Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.404, 411.439, 411.816, 412.014, 412.049, 414.231

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 15-2011(Temp), f. & cert. ef. 6-29-11 thru 12-26-11; SSP 28-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 12-26-11; SSP 32-2011, f. & cert. ef. 12-27-11; SSP 33-2011(Temp), f. & cert. ef. 12-27-11 thru 6-24-12; SSP 9-2012, f. 3-29-12, cert. ef. 4-1-12; SSP 20-2012(Temp), f. 5-23-12, cert. ef. 5-24-12 thru 11-20-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

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.

(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 OAR 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).

(3) The following activities will not include support services payments:

(a) Domestic Violence Intervention.

(b) Family Stability (see OAR 461-001-0000), unless subsection (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 OAR 461-135-0070).

(C) Reliable or available transportation.

(D) No outstanding legal issues that would impact or prevent employment.

ADMINISTRATIVE RULES

(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 individuals may be eligible for child care, transportation, or other costs related to a job offer.

(b) Near Job Ready individuals may be eligible for child care, transportation, or other costs related to a job offer.

(c) Not Job Ready individuals are not eligible for support services, unless subsection (2)(g) of this rule applies.

(d) 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 OAR 461-001-0025).

(e) 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 OAR 461-155-0150.

(B) The minimum hours necessary, including meal and commute time, for the individual to participate in an approved JOBS program activity.

(f) 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.

(g) Housing and Utilities. Payments for housing and utilities are not allowed.

(h) Other Payments. The Department may provide payments to individuals for costs directly related to a job offer, or costs needed for a teen parent to attain a high school diploma or GED.

(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 OAR 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 411.060, 412.006, 412.009, 412.014, 412.049, 412.124, 2011 Or. Laws 604
Stats. Implemented: ORS 411.060, 412.001, 412.006, 412.009, 412.014, 412.049, 412.124, 2011 Or. Laws 604

Hist.: AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 9-1991, f. 3-29-91, cert. ef. 4-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 26-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 18-1998, f. & cert. ef. 10-2-98; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 21-2004, f. & cert. ef. 10-1-04; SSP 11-2005(Temp), f. & cert. ef. 9-1-05 thru 12-31-05; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 42-2010(Temp), f. 12-30-10, cert. ef. 1-1-11 thru 6-30-11; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 19-2011(Temp), f. & cert. ef. 7-1-11 thru 12-28-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 30-2011(Temp), f. & cert. ef. 11-1-11 thru 4-29-12; 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

461-193-0031

Eligibility Requirements; Refugee Case Services Project (RCSP)

In the RCSP program, to be eligible an applicant must meet the requirements of sections (1) to (6) of this rule, and section (7) if section (7) applies:

(1) Meet all REF or TANF program eligibility (see OAR 461-001-0000) requirements.

(2) Meet the alien status requirements under OAR 461-120-0125.

(3) Reside in Clackamas, Multnomah, or Washington County.

(4) Have resided in the U.S. for eight months or less. The first month is, for an individual meeting the alien status requirements of OAR 461-120-0125:

(a) Subsections (8)(a), (c), (d), or (e), the month the individual entered the United States.

(b) Subsections (8)(b), (f), or (g), the month the individual was granted the individual's immigration status.

(c) Subsection (8)(h):

(A) If the individual entered the U.S. with special immigrant status, the month the individual entered the United States.

(B) If the individual is granted special immigrant status after entering the U.S., the month in which the special immigrant status was granted.

(d) Each month in the U.S. is counted as a whole month, there is no prorating of any month.

(5) Be 64 years old or younger.

(6) Not be enrolled as a full-time student or intending to enroll as a full-time student within six months of RCSP program intake.

(7) For a newborn, a parent must provide verification of the child's birth, including the date of birth. The newborn child's U.S. arrival date and eligibility period are the same as those for the child's mother.

(8) An RCSP case may be opened in cases of family reunification, when a newly arrived adult refugee is permitted to establish a separate filing group under OAR 461-110-0430(2).

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.116, 412.006, 412.049

ADMINISTRATIVE RULES

Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.116, 412.006, 412.049
Hist.: AFS 9-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 24-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 13-2001, f. 6-29-01, cert. ef. 7-1-01; SSP 7-2009, f. & cert. ef. 4-1-09; SSP 9-2009(Temp), f. & cert. ef. 5-1-09 thru 10-28-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-193-0240

Exemption From Participating; New Arrival Employment Services (NAES)

(1) Participation in the NAES program is limited to RCSP program adult clients and refugees who would be eligible for the RCSP program, but have been in the U.S. for more than eight months and less than 13 months.

(2) An adult client is exempt from participation in or disqualification from the NAES program when the client meets the requirements of OAR 461-130-0310.

Stat. Auth.: ORS 411.060, 411.116, 412.006
Stats. Implemented: ORS 411.060, 411.116, 412.006
Hist.: AFS 25-1991, f. 12-30-91, cert. ef. 1-1-92; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 8-1995(Temp), f. 3-30-95, cert. ef. 4-1-95; AFS 37-1995, f. 11-28-95, cert. ef. 12-1-95; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 19-1997, f. & cert. ef. 10-1-97; SSP 7-2009, f. & cert. ef. 4-1-09; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 13-2010(Temp), f. & cert. ef. 5-17-10 thru 11-13-10; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-193-0246

Employment Incentive; New Arrival Employment Services (NAES)

In the NAES program:

(1) A client is eligible for an employment incentive only while active in the NAES program.

(2) To be eligible for an employment incentive, a client must meet the requirements of one of the following subsections:

(a) The client must retain full-time employment for 90 days. Eligibility for the incentive starts on the 90th day of employment.

(b) The client must be employed in two part-time jobs concurrently, totaling at least 35 hours per week. Eligibility for the incentive starts on the 90th day of the job which makes the work week total to 35 hours per week or more.

(3) A client may receive only one 90-day employment incentive.

Stat. Auth.: ORS 409.050, 411.060
Stats. Implemented: ORS 409.010, 411.060
Hist.: AFS 9-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 24-1995, f. 9-20-95, cert. ef. 10-1-95; 41-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 15-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 5-1997, f. 4-30-97, cert. ef. 5-1-97; AFS 22-1997, f. & cert. ef. 12-1-97; AFS 13-2001, f. 6-29-01, cert. ef. 7-1-01; SSP 18-2003, f. & cert. ef. 7-1-03; SSP 7-2009, f. & cert. ef. 4-1-09; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-193-0320

Effective Dates for Cash Assistance; Refugee Case Service Project

In the Refugee Case Service Project (RCSP), eligibility for cash assistance is according to the following dates:

(1) After all initial eligibility factors for the case are completed and verified, the initial cash assistance date is set as the date of the case service intake.

(2) For a child born in the United States to a refugee already enrolled in RCSP as per section (1) of this rule, the initial cash assistance date is set as the date of birth.

(3) For an applicant who quit a job or refused to accept an offer of employment without good cause (see OAR 461-193-0890) within 30 consecutive calendar days immediately prior to the application, the initial cash assistance eligibility is no earlier than the 30th day from the date of the job quit or job refusal.

(4) For cases in which a disqualification has been removed due to a client's compliance with participation requirements and completion of a cooperation period of two consecutive weeks as specified in a new employment plan, the cash eligibility date is the date the client agreed to re-engage, per OAR 461-193-1230.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.116, 412.006, 412.049
Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.116, 412.006, 412.049
Hist.: AFS 25-1991, f. 12-30-91, cert. ef. 1-1-92; AFS 2-1994, f. & cert. 2-1-94; AFS 37-1995, f. 11-28-95, cert. ef. 12-1-95; AFS 2-1996(Temp), f. 1-30-96, cert. ef. 2-1-96; AFS 11-1996, f. 3-27-96, cert. ef. 4-1-96; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 5-1997, f. 4-30-97, cert. ef. 5-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 8-2000(Temp), f. 3-10-00, cert. ef. 3-10-00 thru 5-1-00; AFS 14-2000, f. & cert. ef. 5-2-00; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

461-193-0670

Payment Controls; Refugee Case Services Project (RCSP)

In the RCSP program, a cash assistance benefit payment must be authorized by the RCSP program provider, approved by a supervisor, and

documented on a Department approved project form. The final determination of eligibility is made as described in OAR 461-193-0470.

Stat. Auth.: ORS 411.060
Stats. Implemented: ORS 411.060
Hist.: AFS 25-1991, f. 12-30-91, cert. ef. 1-1-92; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 8-1995(Temp), f. 3-30-95, cert. ef. 4-1-95; AFS 37-1995, f. 11-28-95, cert. ef. 12-1-95; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 19-1997, f. & cert. ef. 10-1-97; SSP 7-2009, f. & cert. ef. 4-1-09; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 31-2012(Temp)

Filed with Sec. of State: 9-28-2012

Certified to be Effective: 10-1-12 thru 12-28-12

Notice Publication Date:

Rules Amended: 461-145-0080

Subject: OAR 461-145-0080 about the treatment of child support and cash medical support to determine eligibility for the Department's public assistance, medical and SNAP programs is being amended to expand the types of two-parent families in the TANF program for whom on-going eligibility and benefit determination, child support is considered countable unearned income. This amendment counts child support for all two-parent families, reducing the amount of the cash assistance grant. This policy has been in this rule since July 1, 2012 but that temporary rule change is being refiled due to the intervening adoption of other permanent changes to this rule.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-145-0080

Child Support and Cash Medical Support

(1) Child support and cash medical support paid by a non-custodial parent for a *dependent child* (see OAR 461-001-0000) or *minor parent* (see 461-001-0000) in the *financial group* (see 461-110-0530) are considered income of the *dependent child* or *minor parent*, whether the support is paid voluntarily or in accordance with an order to pay child support.

(2) For the purposes of this rule:

(a) "Disregard" means child support, up to \$50 per *dependent child* or *minor parent* per *financial group* per month and not to exceed \$200 per *financial group* per month, that is not counted as income of the client. "Disregard" includes current child support only.

(b) "Pass-through" means child support, up to \$50 per *dependent child* or *minor parent* per *financial group* per month and not to exceed \$200 per *financial group* per month, that is sent to the client before any remaining amount of current child support is withheld by the State. "Pass-through" includes current child support only.

(3) In the ERDC program, child support is considered *countable* (see OAR 461-001-0000) unearned income if it is received by the *financial group* or is *countable* under OAR 461-145-0280. Otherwise it is excluded.

(4) In the SNAP program, child support and cash medical support are treated as follows:

(a) Child support payments the group receives that must be assigned to the Department to maintain TANF eligibility are excluded, even if the group fails to turn the payments over to the Department.

(b) Child support payments received by a *filing group* (see OAR 461-110-0370) with at least one member working under a TANF JOBS Plus agreement are excluded, except:

(A) It is considered *countable* unearned income in the calculation of the wage supplement; and

(B) Any *pass-through* pursuant to section (2) of this rule is considered *countable* unearned income.

(c) All other child support, including any *pass-through* pursuant to section (2) of this rule, is considered *countable* unearned income.

(d) Cash medical support is considered *countable* unearned income except to the extent it is used to reimburse (see OAR 461-145-0440) an actual medical cost.

(e) Payments made by a non-custodial parent to a third party for the benefit of the *financial group* are treated in accordance with OAR 461-145-0280.

(5) Except as provided otherwise in section (9) of this rule for the TANF program, in the MAA, MAF, REF, REFM, SAC, and TANF programs:

(a) In determining initial eligibility, except for *disregard* pursuant to section (2) of this rule, child support received by the Oregon Department of Justice, Division of Child Support (DCS) is considered *countable* unearned

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income, if continued receipt of the child support is reasonably anticipated. These payments are excluded when determining the benefit amount.

(b) In determining on-going eligibility, except for clients working under a TANF JOBS Plus agreement and except for child support passed through to the client and disregarded pursuant to section (2) of this rule, child support received by the DCS is considered **countable** unearned income, if continued receipt of the child support is reasonably anticipated. These payments are excluded when determining the benefit amount.

(c) For clients working under a TANF JOBS Plus agreement:

(A) Child support is excluded in determining *countable* income.

(B) Child support is excluded when calculating the TANF portion of the benefit equivalency standards.

(C) All child support paid directly to the client is considered *countable* unearned income in the calculation of the wage supplement.

(d) All other child support payments:

(A) Paid directly to the *financial group* that are turned over to the Department or to the DCS are considered *countable* unearned income except for any amount of *pass-through* and *disregard* pursuant to section (2) of this rule.

(B) Paid directly to the *financial group* that are not turned over to the Department or to the DCS are considered *countable* unearned income.

(C) Paid to a third party for the benefit of the *financial group* are considered *countable* unearned income. This includes but is not limited to payments made by a non-custodial parent to a third party for rent, mortgage, utilities, or child care.

(e) Cash medical support is excluded in determining *countable* income.

(6) In the OHP program:

(a) Child support paid directly to the *financial group* or paid to a third party for the benefit of the *financial group* is considered *countable* unearned income. This includes but is not limited to payments made by a non-custodial parent to a third-party for rent, mortgage, utilities, or child care.

(b) Cash medical support is excluded.

(7) In the OSIP, OSIPM, and QMB programs, all child support and cash medical support paid to the *financial group* are considered *countable* unearned income. Child support and cash medical support paid by the *financial group* are not deductible from income.

(8) In the SFPSS program, notwithstanding section (5) of this rule, for on-going eligibility and benefit determination:

(a) Except for *disregard* pursuant to section (2) of this rule, child support is considered *countable* unearned income.

(b) Cash medical support is excluded in determining *countable* income.

(c) Payments made by a non-custodial parent to a third party for the benefit of the *financial group* are considered *countable* unearned income. This includes but is not limited to payments made by a non-custodial parent to a third-party for rent, mortgage, utilities, or child care.

(9) For on-going eligibility and benefit determination for TANF clients in a two-parent household:

(a) Except for *disregard* pursuant to section (2) of this rule, child support is considered *countable* unearned income.

(b) Cash medical support is excluded in determining *countable* income.

(c) Payments made by a non-custodial parent to a third party for the benefit of the *financial group* are considered *countable* unearned income. This includes but is not limited to payments made by a non-custodial parent to a third party for rent, mortgage, utilities, or child care.

(d) For a *filing group* (see OAR 461-110-0330) with at least one member working under a TANF JOBS Plus agreement:

(A) Child support is excluded in determining *countable* income.

(B) Child support is excluded when calculating the TANF portion of the benefit equivalency standards.

(C) All child support paid directly to the client is considered *countable* unearned income in the calculation of the wage supplement.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.816, 412.009, 412.014 & 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.816, 412.009, 412.014 & 412.049
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 7-2008(Temp), f. & cert. ef. 3-21-08 thru 9-17-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 12-2009(Temp), f. 6-23-09, cert. ef. 7-1-09 thru 12-28-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 29-2011(Temp), f. & cert. ef. 10-5-11 thru 4-2-12; SSP 9-2012, f. 3-

29-12, cert. ef. 4-1-12; SSP 24-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 12-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 31-2012(Temp), f. 9-28-12, cert. ef. 10-1-12 thru 12-28-12

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 32-2012(Temp)

Filed with Sec. of State: 10-5-2012

Certified to be Effective: 10-5-12 thru 4-3-13

Notice Publication Date:

Rules Adopted: 461-025-0301

Rules Amended: 461-025-0300

Subject: OAR 461-025-0300 about contested case hearings is being amended and OAR 461-025-0301 about lay representatives is being adopted to implement ORS 183.452 and satisfy requirements of the Oregon Department of Justice concerning use of lay representatives by the Department of Human Services and the restrictions that apply to them. OAR 461-025-0300 is also being amended to address the application of confidentiality laws to attendance at contested case hearings.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-025-0300

Contested Case Hearings

(1) The rules in division 25 of this chapter of rules apply to contested case hearings of the Department authorized by OAR 461-025-0310(1). The hearings are conducted in accordance with the Attorney General's model rules at 137-003-0501 and following, except to the extent that Department rules are permitted to and provide for different procedures.

(a) The method described in OAR 137-003-0520(11) is used in computing any period of time prescribed in this division of rules.

(b) In any contested case to which this division of rules applies:

(A) When a party or claimant is not represented by an attorney:

(i) Upon request of the party or claimant, the Department provides work contact information — telephone number and address — for any Department employees expected to testify at the hearing as witnesses, except rebuttal witnesses.

(ii) Except as provided in subparagraph (i) of this paragraph, the Department and any party or claimant in the contested case are not required to provide the telephone numbers and addresses of witnesses prior to the hearing.

(B) The Department does not provide the telephone number and addresses of a witness if the Department has concerns that the release of the information may affect the safety of the witness.

(2) When a Department employee represents the Department in a contested case to which this division of rules applies, requests for admission and written interrogatories are not permitted.

(3) The Department's contested case hearings governed by this division of rules are not open to the public and are closed to nonparticipants, except nonparticipants may attend subject to the parties' consent and applicable confidentiality laws.

(4) The Department has adopted the exceptions to the Attorney General's model rules set out in subsection (1)(b) and section (2) of this rule due to its caseload volume and because these discovery procedures would unduly complicate or interfere with the hearing process.

Stat. Auth.: ORS 409.050, 411.060, 411.404, 411.816, 412.014, 412.049

Stats. Implemented: ORS 183.452, 409.010, 411.060, 411.404, 411.816, 412.014, 412.049

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 4-1995, f. & cert. ef. 2-1-95; AFS 26-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 16-1999, f. 12-29-99, cert. ef. 1-1-00; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 4-2012(Temp), f. & cert. ef. 1-31-12 thru 7-29-12; SSP 25-2012, f. 6-29-12, cert. ef. 7-1-12; SSP 32-2012(Temp), f. & cert. ef. 10-5-12 thru 4-3-13

461-025-0301

Lay Representation in Contested Case Hearings

(1) Subject to the approval of the Attorney General, an officer or employee of the Department of Human Services (Department) is authorized to appear on behalf of the Department in the following types of hearings conducted by the Office of Administrative Hearings:

(a) Public assistance, including but not limited to eligibility for benefits, the level and amount of benefits, and effective date and the suspension, reduction, or denial of benefits, medical assistance services, prior authorizations, or medical management decisions;

(b) Employment-Related Day Care;

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(c) Eligibility for Supplemental Nutrition Assistance Program (SNAP), the level and amount of benefits, and effective date; and

(d) Client overpayments.

(2) The Department's representative may not make legal argument on behalf of the Department.

(a) "Legal argument" includes arguments on:

(A) The jurisdiction of the Department to hear the contested case;

(B) The constitutionality of a statute or rule or the application of a constitutional requirement to the Department; and

(C) The application of court precedent to the facts of the particular contested case proceeding.

(b) "Legal argument" does not include presentation of motions, evidence, examination and cross-examination of witnesses, or presentation of factual arguments or arguments on:

(A) The application of the statutes or rules to the facts in the contested case;

(B) Comparison of prior actions of the Department in handling similar situations;

(C) The literal meaning of the statutes or rules directly applicable to the issues in the contested case;

(D) The admissibility of evidence; and

(E) The correctness of procedures being followed in the contested case hearing.

(3) When an officer or employee appears on behalf of the Department, the administrative law judge shall advise the Department's representative of the manner in which objections may be made and matters preserved for appeal. Such advice is of a procedural nature and does not change applicable law on waiver or the duty to make timely objection.

(4) If the administrative law judge determines that statements or objections made by the Department representative appearing under section (1) of this rule involve legal argument as defined in this rule, the administrative law judge shall provide reasonable opportunity for the Department representative to consult the Attorney General and permit the Attorney General to present argument at the hearing or to file written legal argument within a reasonable time after conclusion of the hearing.

(5) A Department representative appearing under section (1) of this rule must read and be familiar with the Code of Conduct for Non-Attorney Representatives at Administrative Hearings, which is maintained by the Oregon Department of Justice and available on its website at <http://www.doj.state.or.us>.

Stat. Auth.: ORS 409.050, 411.060, 411.404, 411.816, 412.014, 412.049

Stats. Implemented: ORS 183.452, 409.010, 411.060, 411.404, 411.816, 412.014, 412.049

Hist.: SSP 32-2012(Temp), f. & cert. ef. 10-5-12 thru 4-3-13

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

Rule Caption: Homecare Workers Enrolled in the Client-Employed Provider Program - Collective Bargaining Agreement.

Adm. Order No.: SPD 13-2012(Temp)

Filed with Sec. of State: 9-26-2012

Certified to be Effective: 9-26-12 thru 3-25-13

Notice Publication Date:

Rules Amended: 411-030-0080, 411-031-0020, 411-031-0040

Subject: The Department of Human Services (Department) is temporarily updating the in-home services rules in OAR chapter 411, division 030 and the rules for homecare workers enrolled in the Client-Employed Provider Program in OAR chapter 411, division 031 to immediately implement the 2011-2013 Collective Bargaining Agreement between the Home Care Commission and the Service Employee's International Union (SEIU), Local 503, Oregon Public Employees' Union (OPEU).

Rules Coordinator: Christina Hartman—(503) 945-6398

411-030-0080

Spousal Pay Program

(1) The Spousal Pay Program is one of the live-in service options under in-home services for those who qualify.

(2) For the purposes of the Spousal Pay Program, a spouse is defined as a person who is legally married per OAR 461-001-0000 to an individual eligible for the In-Home Support Services Program.

(3) **ELIGIBILITY.** An individual may be eligible for the Spousal Pay Program when all of the following conditions are met:

(a) The individual has met all program requirements of the In-Home Support Services Program;

(b) The individual requires full assistance in at least four of the six ADLs described in OAR 411-015-0006 as determined by the assessment described in OAR chapter 411, division 015;

(c) The individual would otherwise require nursing facility services without home and community-based waived in-home services;

(d) The individual has a medically-diagnosed, progressive, debilitating condition that limits additional ADL, or has experienced a spinal cord injury or similar disability with permanent impairment of the ability to perform ADLs;

(e) At the time of requesting enrollment in the Spousal Pay Program, the individual is determined, through a pre-admission screening (PAS) assessment (as defined in OAR 411-070-0005) to meet the requirements described in sections (3)(b), (3)(c) and (3)(d) of this rule. The PAS assessment is a second, independent assessment, conducted by a Department/AAA representative using the CA/PS;

(f) The individual's service needs exceed in both extent and duration the usual and customary services rendered by one spouse to another;

(g) The spouse demonstrates the capability and health to provide the services and actually provides the principal services, including the majority of service plan hours, for which payment has been authorized;

(h) The spouse meets all requirements for enrollment as a homecare worker in the Client-Employed Provider Program as described in OAR 411-031-0040; and

(i) The Department has reviewed the request and approved program eligibility at enrollment and annually upon re-assessment.

(4) PAYMENTS.

(a) All payments must be prior authorized by the Department or the Department's designee.

(b) The hours authorized in the service plan must consist of one-half of the assessed hours for 24 hour availability, one-half of the assessed hours for self-management tasks, plus all of the hours for specific ADLs based on the service needs of the individual.

(c) Spousal pay providers are paid at live-in homecare worker rates for ADL, self-management tasks, and 24 hour availability, except as described otherwise in section (4)(d) of this rule as bargained in the Collective Bargaining Agreement between the Home Care Commission and Service Employees International Union, Local 503, OPEU as defined in OAR 411-031-0020.

(d) Homecare workers who marry their consumer-employer retain the same standard of compensation, if their employer meets the spousal pay eligibility criteria as described in section (3) of this rule. Additional self-management task hours may be authorized in the service plan when necessary to prevent a loss of compensation to the homecare worker following marriage to the consumer-employer.

(e) Spousal pay providers may not claim payment from the Department for hours that the spousal pay provider did not work unless paid leave is utilized.

(5) Spousal pay providers are subject to the provisions in OAR chapter 411, division 31 governing homecare workers enrolled in the Client-Employed Provider Program.

(6) Individuals receiving Spousal Pay Program services who have excess income must contribute to the cost of services pursuant to OAR 461-160-0610 and OAR 461-160-0620.

Stat. Auth.: ORS 409.050, 410.070, & 410.090

Stats. Implemented: ORS 410.010, 410.020, 410.070, 411.802, & 411.803

Hist.: SSD 4-1984, f. 4-27-84, ef. 5-1-84; SSD 3-1985, f. & ef. 4-1-85; SSD 4-1993, f. 4-30-93, cert. ef. 6-1-93, Renumbered from 411-030-0027; SDSD 2-2000, f. 3-27-00, cert. ef. 4-1-00; SPD 2-2003(Temp), f. 1-31-03, cert. ef. 2-1-03 thru 7-30-03; SPD 14-2003, f. & cert. ef. 7-31-03; SPD 15-2003 f. & cert. ef. 9-30-03; SPD 15-2004, f. 5-28-04, cert. ef. 6-7-04; SPD 20-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 3-2007(Temp), f. 4-11-07, cert. ef. 5-1-07 thru 10-28-07; SPD 17-2007, f. 10-26-07, cert. ef. 10-28-07; SPD 15-2008, f. 12-26-08, cert. ef. 1-1-09; SPD 13-2012(Temp), f. & cert. ef. 9-26-12 thru 3-25-13

411-031-0020

Definitions

(1) "Activities of Daily Living (ADL)" mean those personal, functional activities required by an individual for continued well-being, which are essential for health and safety. Activities include eating, dressing/grooming, bathing/personal hygiene, mobility (ambulation and transfer), elimination (toileting, bowel, and bladder management), and cognition/behavior as defined in OAR 411-015-0006.

(2) "Adult Protective Services" mean the services described in OAR chapter 411, division 020 provided in response to the need for protection from harm or neglect to an aged, disabled, or blind person 18 years of age or older regardless of income.

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(3) "Area Agency on Aging (AAA)" means the Department designated agency charged with the responsibility to provide a comprehensive and coordinated system of services to seniors or individuals with disabilities in a planning and service area. For purposes of these rules, the term Area Agency on Aging is inclusive of both Type A and Type B Area Agencies on Aging as defined in ORS 410.040 and described in ORS 410.210 to 410.300.

(4) "Bargaining Agreement" means the 2011-2013 Collective Bargaining Agreement between the Home Care Commission and the Service Employee's International Union, Local 503, Oregon Public Employees' Union.

(5) "Burden of Proof" means that the existence or nonexistence of a fact must be established by a preponderance of the evidence.

(6) "Career Homecare Worker" means a homecare worker with an unrestricted provider enrollment. A career homecare worker has a provider enrollment that allows the homecare worker to provide services to any eligible in-home services consumer. At any given time, a career homecare worker may choose not to be referred for work.

(7) "Case Manager" means an employee of the Department or Area Agency on Aging who assesses the service needs of an applicant, determines eligibility, and offers service choices to the eligible individual. The case manager authorizes and implements the service plan, and monitors the services delivered.

(8) "Client-Employed Provider Program (CEP)" refers to the program wherein the provider is directly employed by the consumer and provides either hourly or live-in services. In some aspects of the employer and employee relationship, the Department acts as an agent for the consumer-employer. These functions are clearly described in OAR 411-031-0040.

(9) "Companionship Services" mean those services designated by the Department of Labor as meeting the personal needs of a consumer. Companionship services are exempt from federal and state minimum wage laws.

(10) "Consumer" or "Consumer-Employer" means the individual eligible for in-home services. "Individual" and "client" is synonymous with consumer.

(11) "Department" means the Department of Human Services (DHS). "Division" is synonymous with Department.

(12) "Evidence" means testimony, writings, material objects, or other things presented to the senses that are offered to prove the existence or nonexistence of a fact.

(13) "Fiscal Improprieties" means the homecare worker committed financial misconduct involving the consumer's money, property, or benefits. Fiscal improprieties include but are not limited to financial exploitation, borrowing money from the consumer, taking the consumer's property or money, having the consumer purchase items for the homecare worker, forging the consumer's signature, falsifying payment records, claiming payment for hours not worked, or similar acts intentionally committed for financial gain.

(14) "Homecare Worker (HCW)" means a provider, as described in OAR 411-031-0040, that is directly employed by a consumer and provides either hourly or live-in services to the eligible consumer.

(a) The term homecare worker includes consumer-employed providers in the Spousal Pay and Oregon Project Independence Programs. It also includes consumer-employed providers that provide state plan personal care services to seniors and people with physical disabilities.

(b) Homecare worker does not include Independent Choices Program providers or personal care attendants enrolled through Developmental Disability Services or the Addictions and Mental Health Division.

(15) "Hourly Services" mean the in-home services, including activities of daily living and self-management tasks, that are provided at regularly scheduled times.

(16) "Imminent Danger" means there is reasonable cause to believe a person's life or physical, emotional, or financial well-being is in danger if no intervention is immediately initiated.

(17) "In-Home Services" mean those activities of daily living and self-management tasks that assist an individual to stay in his or her own home.

(18) "Lack of Ability or Willingness to Maintain Consumer-Employer Confidentiality" means the homecare worker is unable or unwilling to keep personal information about their consumer-employer private.

(19) "Lack of Skills, Knowledge, and Ability to Adequately or Safely Perform the Required Work" means the homecare worker does not possess the skills to perform services needed by consumers of the Department. The homecare worker may not be physically, mentally, or emotionally capable of providing services to seniors and persons with disabilities. Their lack of

skills may put consumers at risk because they fail to perform, or learn to perform, their duties adequately to meet the needs of the consumer.

(20) "Live-In Services" mean those Client-Employed Provider Program services provided when a consumer requires activities of daily living, self-management tasks, and 24 hour availability. Time spent by any live-in homecare worker doing self-management and 24 hour availability are exempt from federal and state minimum wage and overtime requirements.

(21) "Office of Administrative Hearings" means the panel described in ORS 183.605 to 183.690 established within the Employment Department to conduct contested case proceedings and other such duties on behalf of designated state agencies.

(22) "Oregon Project Independence (OPI)" means the program of in-home services described in OAR chapter 411, division 032.

(23) "Preponderance of the Evidence" means that one party's evidence is more convincing than the other party's.

(24) "Provider" means the person who actually renders the service.

(25) "Provider Enrollment" means a homecare worker's authorization to work as a provider employed by the consumer for the purpose of receiving payment for authorized services provided to consumers of the Department. Provider enrollment includes the issuance of a provider number.

(26) "Provider Number" means an identifying number issued to each homecare worker who is enrolled as a provider through the Department.

(27) "Restricted Homecare Worker" means the Department or Area Agency on Aging has placed restrictions on an individual homecare workers' provider enrollment as described in OAR 411-031-0040.

(28) "Self-Management Tasks" or "Instrumental Activities of Daily Living (IADL)" mean those activities, other than activities of daily living, required by an individual to continue independent living. The definitions and parameters for assessing needs in self-management tasks are identified in OAR 411-015-0007.

(29) "Services are Not Provided as Required" means the homecare worker does not provide the services to the consumer as described in the service plan authorized by the Department.

(30) "These Rules" mean the rules in OAR chapter 411, division 031.

(31) "Twenty-Four (24) Hour Availability" means the availability and responsibility of a homecare worker to meet activities of daily living and self-management needs of a client as required by that client over a twenty-four hour period. Twenty-four hour services are provided by a live-in homecare worker and are exempt from federal and state minimum wage and overtime requirements.

(32) "Unacceptable Conduct at Work" means the homecare worker has repeatedly engaged in one or more of the following behaviors:

(a) Delay in their arrival to work or absences from work not prior-scheduled with the consumer, that are either unsatisfactory to the consumer or that neglect the consumer's service needs; or

(b) Inviting unwelcome guests or pets into the consumer's home, resulting in the consumer's dissatisfaction or inattention to the consumer's required service needs.

(33) "Unacceptable Background Check" means a check that produces information related to an individual's background that precludes the individual from being a homecare worker for the following reasons:

(a) The individual applying to be a homecare worker has been disqualified under OAR 407-007-0275;

(b) A homecare worker enrolled in the Client-Employed Provider Program for the first time, or after any break in enrollment, after July 28, 2009 has been disqualified under OAR 407-007-0275; or

(c) A background check and fitness determination have been conducted resulting in a "denied" status, as defined in OAR 407-007-0210.

(34) "Violation of a Drug-Free Workplace" means there was a substantiated complaint against the homecare worker for:

(a) Being intoxicated by alcohol, inhalants, prescription drugs, or other drugs, including over-the-counter medications, while responsible for the care of the consumer, while in the consumer's home, or while transporting the consumer; or

(b) Manufacturing, possessing, selling, offering to sell, trading, or using illegal drugs while providing authorized services to the consumer or while in the consumer's home.

(35) "Violations of Protective Service and Abuse Rules" means the homecare worker violated the protective service and abuse rules in OAR chapter 411, division 020.

Stat. Auth.: ORS 409.050, 410.070 & 410.090

Stats. Implemented: ORS 410.010, 410.020 & 410.070

Hist.: SPD 17-2004, f. 5-28-04, cert. ef. 6-1-04; SPD 40-2004(Temp), f. 12-30-04, cert. ef. 1-1-05 thru 6-30-05; SPD 10-2005, f. & cert. ef. 7-1-05; SPD 15-2005(Temp), f. & cert. ef. 11-16-05 thru 5-15-06; SPD 15-2006, f. 4-26-06, cert. ef. 5-1-06; SPD 28-2006(Temp), f. 10-18-

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06, cert. ef. 10-23-06 thru 4-20-07; SPD 4-2007, f. 4-12-07, cert. ef. 4-17-07; SPD 3-2010, f. 5-26-10, cert. ef. 5-30-10; SPD 4-2010(Temp), f. 6-23-10, cert. ef. 7-1-10 thru 12-28-10; SPD 26-2010, f. 11-29-10, cert. ef. 12-1-10; SPD 13-2012(Temp), f. & cert. ef. 9-26-12 thru 3-25-13

411-031-0040

Client-Employed Provider Program

The Client-Employed Provider Program contains systems and payment structures to employ both hourly and live-in providers. The live-in structure assumes a provider is required for activities of daily living and self-management tasks and 24 hour availability. To ensure continuity of service for the consumer, live-in service plans must include at least one homecare worker providing 24 hour availability for a minimum of five days in a calendar week. The hourly structure assumes the provider is required for activities of daily living and self-management tasks during specific substantial periods. Except as indicated, all of the following criteria apply to both hourly and live-in providers.

(1) **EMPLOYMENT RELATIONSHIP.** The relationship between the provider and the consumer is that of employee and employer.

(2) **CONSUMER-EMPLOYER JOB DESCRIPTIONS.** Each consumer-employer is responsible for creating and maintaining a job description for the potential employee in coordination with the services authorized by the consumer's case manager.

(3) **HOMECARE WORKER LIABILITIES.** The only benefits available to homecare workers are those negotiated in the Bargaining Agreement and as provided in Oregon Revised Statute. This agreement does not include participation in the Public Employees Retirement System or the Oregon Public Service Retirement Plan. Homecare workers are not state employees.

(4) **CONSUMER-EMPLOYER ABSENCES.** When a consumer-employer is absent from the home due to an illness or medical treatment and is expected to return to the home within a 30 day period, the live-in provider may be retained to ensure the live-in provider's presence upon the consumer-employer's return or to maintain the consumer's home for up to 30 days at the rate of pay immediately preceding the consumer's absence.

(5) **SELECTION OF HOMECARE WORKER.** The consumer-employer carries primary responsibility for locating, interviewing, screening, and hiring his or her own employees. The consumer-employer has the right to employ any person who successfully meets the provider enrollment standards described in section (8) of this rule. The Department/AAA office shall determine whether the employee meets minimum qualifications to provide the authorized services paid by the Department.

(6) **EMPLOYMENT AGREEMENT.** The consumer-employer retains the full right to establish the employer-employee relationship at any time after Bureau of Citizenship and Immigration Services papers have been completed and identification photocopied. The Department may not guarantee payment for those services until all acceptable enrollment standards have been verified and both the employer and homecare worker have been formally notified in writing that payment by the Department is authorized.

(7) **TERMS OF EMPLOYMENT.** The terms of the employment relationship are the responsibility of the consumer-employer to establish at the time of hire. These terms of employment may include dismissal or resignation notice, work scheduling and absence reporting, as well as any sleeping arrangements or meals provided for live-in or hourly employees.

(8) PROVIDER ENROLLMENT.

(a) **ENROLLMENT STANDARDS.** A homecare worker must meet all of the following standards to be enrolled with the Department's Client-Employed Provider Program:

(A) The homecare worker must maintain a drug-free work place.

(B) The homecare worker must complete the background check process described in OAR 407-007-0200 to 407-007-0370 with an outcome of approved or approved with restrictions. The Department/AAA may allow a homecare worker to work on a preliminary basis in accordance with OAR 407-007-0315 if the homecare worker meets the other provider enrollment standards described in this section of the rule.

(C) The homecare worker must have the skills, knowledge, and ability to perform, or to learn to perform, the required work.

(D) The homecare worker's U.S. employment authorization must be verified.

(E) The homecare worker must be 18 years of age or older. The Department may approve a restricted enrollment, as described in section (8)(d) of this rule, for a homecare worker who is at least 16 years of age.

(F) The homecare worker must complete an orientation as described in section (8)(e) of this rule.

(b) The Department/AAA may deny an application for provider enrollment in the Client-Employed Provider Program when:

(A) The applicant has a history of violating protective service and abuse rules;

(B) The applicant has committed fiscal improprieties;

(C) The applicant does not have the skills, knowledge, or ability to adequately or safely provide services;

(D) The applicant has an unacceptable background check;

(E) The applicant is not 18 years of age;

(F) The applicant has been excluded by the Health and Human Services, Office of Inspector General, from participation in Medicaid, Medicare, and all other Federal Health Care Programs; or

(G) The Department/AAA has information that enrolling the applicant as a homecare worker may put vulnerable consumers at risk.

(c) **BACKGROUND RECHECKS.** Background rechecks shall be conducted at least every other year from the date the homecare worker is enrolled. The Department/AAA may conduct a recheck more frequently based on additional information discovered about the homecare worker, such as possible criminal activity or other allegations.

(A) When a homecare worker is approved without restrictions following a background check fitness determination, the approval must meet the homecare worker provider enrollment requirement statewide whether the qualified entity is a state-operated Department office or an AAA operated by a county, council of governments, or a non-profit organization.

(B) Background check approval is effective for two years unless:

(i) Based on possible criminal activity or other allegations against the homecare worker, a new fitness determination is conducted resulting in a change in approval status; or

(ii) The approval has ended because the Department has inactivated or terminated the homecare worker's provider enrollment for one or more reasons described in this rule or OAR 411-031-0050.

(C) Prior background check approval for another Department provider type is inadequate to meet background check requirements for homecare worker enrollment.

(d) RESTRICTED PROVIDER ENROLLMENT.

(A) The Department/AAA may enroll an applicant as a restricted homecare worker. A restricted homecare worker may only provide services to specific individuals.

(i) Unless disqualified under OAR 407-007-0275, the Department/AAA may approve a homecare worker with prior criminal records under a restricted enrollment to provide services only to specific individuals who are family members, neighbors, or friends after conducting a weighing test as described in OAR 407-007-0200 to 407-007-0370.

(ii) Based on the applicant's lack of skills, knowledge, or abilities, the Department/AAA may approve an applicant as a restricted homecare worker to provide services only to specific individuals who are family members, neighbors, or friends.

(iii) Based on an exception to the age requirements for provider enrollment approved by the Department as described in subsection (a)(E) of this section, a homecare worker who is at least 16 years of age may be approved as a restricted homecare worker.

(B) To remove restricted homecare worker status and be designated as a career homecare worker, the applicant must complete a new application and background check and be approved by the Department/AAA.

(e) **HOMECARE WORKER ORIENTATION.** Homecare workers must participate in an orientation arranged through a Department/AAA office. The orientation must occur within the first 30 days after becoming enrolled in the Client-Employed Provider Program and prior to beginning work for any specific Department/AAA consumers. When completion of an orientation is not possible within those timelines, orientation must be completed within 90 days of being enrolled. If a homecare worker fails to complete an orientation within 90 days of provider enrollment, their provider number shall be inactivated and any authorization for payment of services shall be discontinued.

(f) A homecare worker's provider enrollment may be inactivated when:

(A) The homecare worker has not provided any paid services to any consumer in the last 12 months;

(B) The homecare worker's background check results in a closed case pursuant to OAR 407-007-0325;

(C) The homecare worker informs the Department/AAA they will no longer be providing homecare worker services in Oregon;

(D) The provider fails to participate in a homecare worker orientation arranged through a Department/AAA office within 90 days of provider enrollment; or

(E) The homecare worker, who at the time is not providing any paid services to consumers, is being investigated by Adult Protective Services

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for suspected abuse that poses imminent danger to current or future consumers.

(9) PAID LEAVE.

(a) **LIVE-IN HOMECARE WORKERS.** Irrespective of the number of consumers served, the Department shall authorize one 24-hour period of leave each month when a live-in homecare worker or spousal pay provider is the only live-in provider during the course of a month. For any part of a month worked, the live-in homecare worker shall receive a proportional share of that 24-hour period of leave authorization. A prorated share of the 24-hours shall be allocated proportionately to each live-in when there is more than one live-in provider per consumer.

(A) **ACCUMULATION AND USAGE FOR LIVE-IN PROVIDERS.** A provider may not accumulate more than 144 hours of accrued leave. The employer, homecare worker, and case manager must coordinate the timely use of these hours. Live-in homecare workers must take vacation leave in 24-hour increments or in hourly increments of at least one but not more than 12 hours. Accrued leave must be taken while employed as a live-in.

(B) **THE RIGHT TO RETAIN LIVE-IN PAID LEAVE.** The homecare worker retains the right to access earned paid leave when terminating employment with one employer, so long as the homecare worker is employed with another employer as a live-in within one year of separation.

(C) **TRANSFERABILITY OF LIVE-IN PAID LEAVE.** Live-in homecare workers who convert to hourly or separate from live-in service and return as an hourly homecare worker within one year from the last day of live-in services shall be credited with their unused hours of leave up to a maximum of 32 hours.

(D) CASH OUT OF PAID LEAVE.

(i) The Department shall pay live-in homecare workers 50 percent of all unused paid leave accrued as of January 31 of each year. The balance of paid leave is reduced 50 percent with the cash out.

(ii) Vouchers requesting payment of paid leave received after January 31 may only be paid up to the amount of remaining unused paid leave.

(iii) A live-in homecare worker providing live-in services seven days per week for one consumer-employer may submit a request for payment of 100 percent of unused paid leave if:

(I) The live-in homecare worker's consumer-employer is no longer eligible for in-home services described in OAR chapter 411, division 030; and

(II) The live-in homecare worker does not have alternative residential housing.

(iv) If a request for payment of 100 percent of unused paid leave based on subparagraph (D)(iii)(I) and (II) of this subsection is granted, the homecare's paid leave balance is reduced to zero.

(b) **HOURLY HOMECARE WORKERS.** On July 1st of each year, active homecare workers who worked 80 authorized and paid hours in any one of the three months that immediately precede July (April, May, June) shall be credited with one 16 hour block of paid leave to use during the current fiscal biennium (July 1 through June 30) in which it was accrued. On February 1st of each year, active employees who worked 80 authorized and paid hours in any one of the three months that immediately precede February (November, December, January) shall be credited with 16 hours of paid time off. One 16 hour block of paid leave shall be credited to each eligible homecare worker, irrespective of the number of consumers they serve. Such leave may not be cumulative from biennium to biennium.

(A) UTILIZATION OF HOURLY PAID LEAVE.

(i) Time off must be utilized in one eight hour block subject to authorization. If the homecare worker's normal workday is less than eight hours, such time off may be utilized in blocks equivalent to the normal workday. Any remaining hours that are less than the normally scheduled workday may be taken as a single block.

(ii) Hourly homecare workers may take unused paid leave when their employer is temporarily unavailable for the homecare worker to provide services. In all other situations, homecare workers who are not working during a month shall not be eligible to use paid time off in that month.

(B) **LIMITATIONS OF HOURLY PAID LEAVE.** Homecare workers may not be compensated for paid leave unless the time off work is actually taken except as noted in subsection (b)(D) of this section.

(C) **TRANSFERABILITY OF HOURLY PAID LEAVE.** An hourly homecare worker who transfers to work as a live-in homecare worker (within the biennium that their hourly leave is earned) shall maintain their balance of hourly paid leave and begin accruing live-in paid leave.

(D) CASH OUT OF PAID LEAVE.

(i) The Department shall pay hourly providers for all unused paid leave accrued as of January 31 of each year. The balance of paid leave is reduced to zero with the cash out.

(ii) Vouchers requesting payment of paid leave received after January 31 may not be paid if paid leave has already been cashed out.

(10) DEPARTMENT FISCAL AND ACCOUNTABILITY RESPONSIBILITY.

(a) **DIRECT SERVICE PAYMENTS.** The Department shall make payment to the provider on behalf of the consumer for all in-home services. This payment shall be considered full payment for the services rendered under Title XIX. Under no circumstances is the homecare worker to demand or receive additional payment for these Title XIX-covered services from the consumer or any other source. Additional payment to homecare workers for the same services covered by Oregon's Title XIX Home and Community Based Services Waiver is prohibited.

(b) **TIMELY SUBMISSION OF CLAIMS.** In accordance with OAR 410-120-1300, all claims for services must be submitted within 12 months of the date of service.

(c) ANCILLARY CONTRIBUTIONS.

(A) **FEDERAL INSURANCE CONTRIBUTIONS ACT (FICA).** Acting on behalf of the consumer-employer, the Department shall apply any applicable FICA regulations and shall:

(i) Withhold the homecare worker-employee contribution from payments; and

(ii) Submit the consumer-employer contribution and the amounts withheld from the homecare worker-employee to the Social Security Administration.

(B) **BENEFIT FUND ASSESSMENT.** The Workers' Benefit Fund pays for programs that provide direct benefits to injured workers and their beneficiaries and that assist employers in helping injured workers return to work. The Department of Consumer and Business Services sets the Workers' Benefit Fund assessment rate for each calendar year. The Department calculates the hours rounded up to the nearest whole hour and deducts an amount rounded up to the nearest cent. Acting on behalf of the consumer-employer, the Department shall:

(i) Deduct the homecare worker-employees' share of the Benefit Fund assessment rate for each hour or partial hour worked by each paid homecare worker;

(ii) Collect the consumer-employer's share of the Benefit Fund assessment for each hour or partial hour of paid services received; and

(iii) Submit the consumer and homecare worker's contributions to the Workers' Benefit Fund.

(C) The Department shall pay the employer's share of the unemployment tax.

(d) **ANCILLARY WITHHOLDINGS.** For the purposes of this subsection of the rule, "labor organization" means any organization that has, as one of its purposes, representing employees in their employment relations.

(A) The Department shall deduct from the homecare worker's monthly salary or wages the specified amount for payment to a labor organization.

(B) In order to receive this payment, the labor organization must enter into a written agreement with the Department to pay the actual administrative costs of the deductions.

(C) The Department shall pay the deducted amount monthly to the designated labor organization.

(e) STATE AND FEDERAL INCOME TAX WITHHOLDING.

(A) The Department shall withhold state and federal income taxes on all payments to homecare workers, as indicated in the bargaining agreement.

(B) Homecare workers must complete and return a current Internal Revenue Service W-4 form to the local office. The Department shall apply standard income tax withholding practices in accordance with the Code of Federal Regulations, Title 26, Part 31 (26 CFR 31).

(11) HOMECARE WORKER EXPENSES SECONDARY TO PERFORMANCE OF DUTIES.

(a) Providers may be reimbursed at \$0.485 cents per mile when they use their own car for service plan related transportation, if prior authorized by the case manager. If unscheduled transportation needs arise during non-office hours, an explanation as to the need for the transportation must be provided and approved prior to reimbursement.

(b) Medical transportation through the Division of Medical Assistance Programs (DMAP), volunteer transportation, and other transportation services included in the service plan shall be considered a prior resource.

(c) The Department is not responsible for vehicle damage or personal injury sustained while using a personal motor vehicle for DMAP or service plan-related transportation, except as may be covered by workers' compensation.

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(12) **BENEFITS.** Workers' compensation as defined in Oregon Revised Statute and health insurance are available to eligible homecare workers as defined in the bargaining agreement. In order to receive homecare worker services, the consumer-employer must provide written authorization and consent to the Department for the provision of workers' compensation insurance for their employee.

(13) **OVERPAYMENTS.** An overpayment is any payment made to a homecare worker by the Department that is more than the person is authorized to receive.

(a) Overpayments are categorized as follows:

(A) **Administrative error overpayment.** Occurs when the Department failed to authorize, compute, or process the correct amount of in-home service hours or wage rate.

(B) **Provider error overpayment.** Occurs when the Department overpays the homecare worker due to a misunderstanding or unintentional error.

(C) **Fraud overpayment.** "Fraud" means taking actions that may result in receiving a benefit in excess of the correct amount, whether by intentional deception, misrepresentation, or failure to account for payments or money received. "Fraud" also means spending payments or money the provider was not entitled to and any act that constitutes fraud under applicable federal or state law (including 42 CFR 455.2). The Department shall determine, based on a preponderance of the evidence, when fraud has resulted in an overpayment. The Department of Justice, Medicaid Fraud Unit shall determine when a Medicaid fraud allegation shall be pursued for prosecution.

(b) Overpayments are recovered as follows:

(A) Overpayments shall be collected prior to garnishments, such as child support, Internal Revenue Service back taxes, and educational loans.

(B) Administrative or provider error overpayments shall be collected at no more than 5 percent of the homecare worker's gross wages.

(C) The Department shall determine when a fraud overpayment has occurred and the manner and amount to be recovered.

(D) Providers no longer employed as homecare workers shall have any remaining overpayment deducted from their final check. The provider is responsible for repaying the amount in full when the final check is insufficient to cover the remaining overpayment.

Stat. Auth.: ORS 409.050, 410.070 & 410.090

Stats. Implemented: ORS 410.010, 410.020, 410.070, 410.612 & 410.614

Hist.: SPD 17-2004, f. 5-28-04, cert. ef. 6-1-04; SPD 40-2004(Temp), f. 12-30-04, cert. ef. 1-1-05 thru 6-30-05; SPD 10-2005, f. & cert. ef. 7-1-05; SPD 15-2006, f. 4-26-06, cert. ef. 5-1-06; SPD 28-2006(Temp), f. 10-18-06, cert. ef. 10-23-06 thru 4-20-07; SPD 4-2007, f. 4-12-07, cert. ef. 4-17-07; SPD 18-2007(Temp), f. 10-30-07, cert. ef. 11-1-07 thru 4-29-08; SPD 6-2008, f. 4-28-08, cert. ef. 4-29-08; SPD 16-2009(Temp), f. & cert. ef. 12-1-09 thru 5-30-10; SPD 3-2010, f. 5-26-10, cert. ef. 5-30-10; SPD 4-2010(Temp), f. 6-23-10, cert. ef. 7-1-10 thru 12-28-10; SPD 26-2010, f. 11-29-10, cert. ef. 12-1-10; SPD 13-2012(Temp), f. & cert. ef. 9-26-12 thru 3-25-13

Rule Caption: Lay Representation at Contested Case Hearings.

Adm. Order No.: SPD 14-2012(Temp)

Filed with Sec. of State: 10-5-2012

Certified to be Effective: 10-5-12 thru 4-3-13

Notice Publication Date:

Rules Adopted: 411-001-0500

Subject: The Department of Human Services (Department) is temporarily adopting OAR 411-001-0500 concerning the Department's use of an officer or employee of the Department as a lay representative that may appear on behalf of the Department during contested case hearings, pursuant to ORS 183.452.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-001-0500

Lay Representation in Contested Case Hearings

(1) Subject to the approval of the Attorney General, an officer or employee of the Department of Human Services (Department) is authorized to appear on behalf of the Department in the following types of hearings conducted by the Office of Administrative Hearings:

(a) Eligibility for services available through a waiver or state plan administered by the Department's Aging and People with Disabilities (APD) or Developmental Disabilities (DD) Divisions, including but not limited to the level or amount of benefits, and effective date;

(b) Eligibility for medical benefits, the level and amount of benefits, and effective date;

(c) Client overpayments related to waived service benefits or medical benefits;

(d) Suspension, reduction, or denial of medical assistance services, prior authorizations, or medical management decisions; and

(e) Client-employed provider matters, including but not limited to provider enrollment or denial of enrollment, overpayment determinations, audits, and sanctions.

(2) A Department officer or employee acting as the Department's representative may not make legal argument on behalf of the Department.

(a) "Legal argument" includes arguments on:

(A) The jurisdiction of the Department to hear the contested case;

(B) The constitutionality of a statute or rule or the application of a constitutional requirement to the Department; and

(C) The application of court precedent to the facts of the particular contested case proceeding.

(b) "Legal argument" does not include presentation of motions, evidence, examination and cross-examination of witnesses, or presentation of factual arguments or arguments on:

(A) The application of the statutes or rules to the facts in the contested case;

(B) Comparison of prior actions of the Department in handling similar situations;

(C) The literal meaning of the statutes or rules directly applicable to the issues in the contested case;

(D) The admissibility of evidence; and

(E) The correctness of procedures being followed in the contested case hearing.

(3) When an officer or employee appears on behalf of the Department, the administrative law judge shall advise the Department's representative of the manner in which objections may be made and matters preserved for appeal. Such advice is of a procedural nature and does not change applicable law on waiver or the duty to make timely objection.

(4) If the administrative law judge determines that statements or objections made by the Department representative appearing under section (1) involve legal argument as defined in this rule, the administrative law judge shall provide reasonable opportunity for the Department representative to consult the Attorney General and permit the Attorney General to present argument at the hearing or to file written legal argument within a reasonable time after conclusion of the hearing.

(5) A Department representative appearing under section (1) must read and be familiar with the Code of Conduct for Non-Attorney Representatives at Administrative Hearings, which is maintained by the Oregon Department of Justice and available on its website at <http://www.doj.state.or.us>.

(6) When a Department officer or employee represents the Department in a contested case, requests for admission and written interrogatories are not permitted.

(7) The Department may not provide the telephone number and addresses of a witness if the Department has reasonable concern that the release of information may affect the safety of the witness.

(8) The Department's contested case hearings governed by the rules in OAR chapter 411, division 001 are not open to the public and are closed to nonparticipants, except nonparticipants may attend subject to the party's consent unless confidential information of another person may be presented during the hearing and that person has not consented to the disclosure of confidential information.

Stat. Auth.: ORS 409.050

Stats Implemented: ORS 183.452

Hist.: SPD 14-2012(Temp), f. & cert. ef. 10-5-12 thru 4-3-13

Department of Justice Chapter 137

Rule Caption: Incarcerated obligors; Temporary employment-related modifications; Suspending support for obligor receiving cash assistance.

Adm. Order No.: DOJ 15-2012

Filed with Sec. of State: 9-27-2012

Certified to be Effective: 10-1-12

Notice Publication Date: 8-1-2012

Rules Amended: 137-055-3300, 137-055-3430, 137-055-5400

Rules Repealed: 137-055-5420

Subject: OAR 137-055-3300 is amended to clarify the process for incarcerated obligors.

OAR 137-055-3430 is amended to clarify the process for temporary employment-related modifications.

OAR 137-055-5400 is amended to clarify the process for an obligor receiving cash assistance.

ADMINISTRATIVE RULES

OAR 137-055-5420 is repealed because the process is consolidated into OAR 137-055-5400.

Rules Coordinator: Carol Riches—(503) 947-4700

137-055-3300

Incarcerated Obligor

(1) For purposes of establishing or modifying a support order, the following definitions apply:

(a) “Correctional facility” means any place used for the confinement of persons charged with or convicted of a crime or otherwise confined under a court order, and includes but is not limited to a youth correction facility.

(A) “Correctional facility” applies to a state hospital only as to persons detained therein charged with or convicted of a crime, or detained therein after acquittal of a crime by reason of mental defect;

(B) “Correctional facility” includes alternative forms of confinement, such as house arrest or confinement, where an obligor is not permitted to seek or hold regular employment.

(b) “Incarcerated obligor” means a person who:

(A) Is or may become subject to an order establishing or modifying child support; and

(B) Is, or is expected to be, confined in a correctional facility for at least six consecutive months from the date of initiation of action to establish a support order, or from the date of a request to modify an existing order pursuant to this rule.

(2) For purposes of computing a monthly support obligation for an incarcerated obligor, all provisions of the Oregon child support guidelines, as set forth in OAR 137-050-0700 through 137-050-0765, will apply except as otherwise specified in this rule.

(3) The incarcerated obligor’s income and assets are presumed available to the obligor, unless such income or assets are specifically restricted, assigned, or otherwise inaccessible pursuant to state or federal laws or rules regarding the income and assets of incarcerated obligors.

(4) If the incarcerated obligor has gross income less than \$200 per month, the administrator shall presume that the obligor has zero ability to pay support.

(5) If the provisions of section (4) of this rule apply, the administrator will not initiate an action to establish a support obligation if the obligor is an incarcerated obligor, as defined in subsection (1)(b) of this rule, until 61 days after the obligor’s release from incarceration.

(6) The administrator will not initiate an action to modify a support obligation because of incarceration unless the obligor is an incarcerated obligor, as defined in subsection (1)(b) of this rule, and a party to the current order has requested a modification.

(7) An order entered pursuant to ORS 416.425 and this rule, that modifies a support order because of the incarceration of the obligor, is effective only during the period of the obligor’s incarceration and for 60 days after the obligor’s release from incarceration. The previous support order is reinstated by operation of law on the 61st day after the obligor’s release from incarceration.

(a) An order that modifies a support order because of the obligor’s incarceration must contain a notice that the previous order will be reinstated on the 61st day after the obligor’s release from incarceration;

(b) Nothing in this rule precludes an obligor from requesting a modification based on a change of circumstances, pursuant to OAR 137-055-3420.

(8) The provisions of this rule do not apply to an obligor who is incarcerated because of nonpayment of support.

Stat. Auth.: ORS 180.345 & 416.455

Stats. Implemented: ORS 416.425

Hist.: AFS 21-2000, f. & cert. ef. 8-1-00; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0078; AFS 4-2001, f. 3-28-01, cert. ef. 4-1-01; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-3300; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03; DOJ 7-2004, f. 3-30-04, cert. ef. 4-1-04; DOJ 12-2004, f. & cert. ef. 10-1-04; DOJ 1-2010, f. & cert. ef. 1-4-10; DOJ 6-2012(Temp), f. & cert. ef. 5-24-12 thru 11-20-12; DOJ 15-2012, f. 9-27-12, cert. ef. 10-1-12

137-055-3430

Substantial Change in Circumstance Review and Modification of Child Support Order Amounts

(1) For purposes of this rule:

(a) The definitions provided in ORS 25.321, OAR 137-050-0750 and OAR 137-055-3420 apply;

(b) A “temporary modification” is an order entered under ORS 416.425(13), which suspends and temporarily modifies a support order based on a party’s employment-related change of income; and

(c) “Employment-related change of income” includes but is not limited to reduced work hours, unpaid furloughs, loss of job and wage reductions. Employment-related change of income does not include a voluntary reduction of income or self-imposed curtailment of earning capacity, if it is shown that such action was not taken in good faith but was for the primary purpose of avoiding the support obligation. A party’s employment-related change of income is considered to take place “during a period of significant unemployment” even if the change occurred prior to the Attorney General’s determination under ORS 416.425(13)(b), as long as the effects of the employment-related change of income continue into the time period covered by the determination.

(2) Notwithstanding OAR 137-055-3420, proceedings may be initiated at any time to review and modify a support obligation based upon a substantial change in circumstance.

(3) The administrator will conduct a review based upon a request for a change of circumstance modification when:

(a) Oregon has jurisdiction to modify;

(b) The administrator:

(A) Receives a request for modification based upon a change of circumstance and at least 60 days have passed from the date the existing support order was entered, except for those cases where a review is requested pursuant to paragraphs (3)(c)(H) or (I);

(B) Determines that a temporary modification should be initiated based on receipt of a request from a party who has experienced an employment-related change of income; or

(C) Determines that a modification should be initiated based on the administrator’s own motion; and

(c) At least one of the following criteria are met:

(A) A change in the written parenting time agreement or order has taken place;

(B) The financial or household circumstances of one or more of the parties are different now than they were at the time the order was entered;

(C) Social Security benefits received on behalf of a child due to a parent’s disability or retirement were not previously considered in the order or they were considered in an action initiated before May 12, 2003;

(D) Veterans’ benefits received on behalf of a child due to a parent’s disability or retirement were not previously considered in the order or they were considered in an action initiated before May 12, 2003;

(E) Survivors’ and Dependents’ Education Assistance benefits received by the child or on behalf of the child were not previously considered in the order;

(F) Since the date of the last order, the obligor has been incarcerated, as defined in OAR 137-055-3300;

(G) The needs of the child(ren) have changed;

(H) There is a need to add or change medical support provisions for a child;

(I) A change in the physical custody of a minor child has taken place;

(J) An order is being modified to include a subsequent child of the parties or to remove a child of the parties;

(K) A child between 18 and 20 years old does not qualify as a child attending school under ORS 107.108 and OAR 137-055-5110 and, pursuant to ORS 107.108(10), tiered order provisions must be added, removed or changed. Tiered order has the meaning given in OAR 137-055-1020,

(d) And the requesting party (if other than the administrator):

(A) Completes a written or verbal request for modification based upon a substantial change of circumstance;

(B) Pursuant to ORS 416.425, provides appropriate documentation for the criteria in subsection (c) of this section showing that a substantial change of circumstance has occurred; and

(C) Completes a Uniform Income Statement or Uniform Support Affidavit or, if a temporary modification, provides employment status and income information sufficient to permit the administrator to have a reasonable basis to make a determination.

(4) Sections (5) through (9) do not apply to temporary modifications.

(5) Upon receipt of a request for a review and modification, or upon the administrator’s own initiative, the administrator will notify the parties of the review in writing, allowing the parties 30 days to provide information which may affect the support calculation.

(6) A request for review will be granted unless:

(a) The conditions in section (3) have not been met; or

(b) The review was requested due to one of the criteria in paragraphs (3)(c)(A) through (3)(c)(G), and the order is in substantial compliance with the guidelines. The determination of substantial compliance will be made as outlined in OAR 137-055-3420(1)(d), except as provided in section (7).

ADMINISTRATIVE RULES

(7) The provisions of subsection (6)(b) do not apply if the new calculation:

(a) Includes consent by the parties as provided in OAR 137-050-0765;

(b) Includes compelling factors in the reasonable-in-cost limitation, as provided in OAR 137-050-0750(2)(a);

(c) Includes application of rebuttals, as provided in OAR 137-050-0760; or

(d) Is for a modification to consider receipt of Social Security or Veterans' benefits as provided in paragraphs (3)(c)(C) or (D).

(8) If the request for review is granted, the administrator will advise the parties of the presumed correct support amount. Notification may be by motion for modification and will include a request for hearing form. If there is an adult child on the case, the proposed modification will be a tiered order as defined in OAR 137-055-1020.

(9) If the order is found to be in substantial compliance, and at least 35 months have passed since the date the most recent support order took effect, the administrator will complete the request as provided in OAR 137-055-3420(9).

(10) Sections (11) and (12) apply only to temporary modifications.

(11) The administrator will, to the extent possible, gather information from the parties which could affect the support calculation by phone or other electronic means, including facsimile and e-mail.

(12) The administrator will advise the parties of the presumed correct support amount and may seek a consent order. Notification may be by motion for modification and will include a request for hearing form.

(13) If the circumstances under which a temporary modification was issued have not changed and the administrator receives a request from one of the parties prior to the order expiring, the administrator may renew the order for one additional six-month period. The administrator will not renew a temporary modification more than once. If the circumstances have not changed at the time the renewal expires, the administrator will tell the parties that they may request a change of circumstances modification.

(14) If a request under this rule is denied, the administrator will notify the requesting party of the denial in writing within 30 days and inform the party of their right to file a motion for modification as provided in ORS 416.425. The administrator will advise the party on how to obtain the Oregon Judicial Department packet that has been prescribed for this purpose.

(15) No provision of this rule precludes the parties from obtaining the services of private legal counsel at any time to pursue modification of the support order pursuant to all applicable laws.

(16) If a request for review and modification is received because a change in the physical custody of the minor child(ren) has taken place, a party may also request a credit back to the date the change in physical custody took place in accordance with OAR 137-055-5510.

Stat. Auth.: ORS 180.345 & 416.425

Stats. Implemented: ORS 25.080, 25.287, 25.321 - 25.343, 107.108, 107.135 & 416.425
Hist.: DOJ 10-2004, f. & cert. ef. 7-1-04; DOJ 16-2004, f. 12-30-04, cert. ef. 1-3-05; DOJ 4-2005, f. & cert. ef. 4-1-05; DOJ 8-2005(Temp), f. & cert. ef. 9-1-05 thru 2-17-06; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 5-2006, f. 6-29-06, cert. ef. 7-3-06; DOJ 8-2007, f. 9-28-07, cert. ef. 10-1-07; DOJ 4-2009(Temp), f. 5-6-09, cert. ef. 5-7-09 thru 11-1-09; DOJ 6-2009(Temp), f. & cert. ef. 5-14-09 thru 11-1-09; DOJ 13-2009, f. & cert. ef. 10-30-09; DOJ 13-2010(Temp), f. & cert. ef. 7-1-10 thru 12-27-10; DOJ 19-2010, f. 12-20-10, cert. ef. 12-27-10; DOJ 13-2011, f. 12-30-11, cert. ef. 1-3-12; DOJ 6-2012(Temp), f. & cert. ef. 5-24-12 thru 11-20-12; DOJ 15-2012, f. 9-27-12, cert. ef. 10-1-12

137-055-5400

Obligor Receiving Cash Assistance, Presumed Unable to Pay Child Support

(1) Cases for obligors receiving cash assistance as specified in ORS 25.245 from Oregon will be identified and processed as set forth in 25.245. Obligor receiving cash assistance as specified in 25.245 from another state or tribe must provide to the administrator written proof of receipt of such cash assistance. The written proof must:

(a) Be provided by the obligor to the administrator to initiate suspension and every three months thereafter;

(b) Include the date the cash assistance payment was first made, the amount of the cash assistance for each and every month in which cash assistance was received, and the ending date, if known, of the cash assistance;

(c) Be official documentation, recognized by the issuing agency, that covers each and every month that cash assistance was received, including but not limited to a benefits award letter, deposit record or receipt.

(2)(a) When an obligor has provided written proof of receipt of cash assistance pursuant to section (1) of this rule, the administrator will, subject to section (3) of this rule, credit the case for arrears accrued from the date the obligor submitted written proof of receipt of cash assistance back to the

date the cash assistance was first made, but not earlier than October 6, 2001;

(b) When an obligor notifies the administrator that the obligor is no longer receiving cash assistance, the administrator will begin accrual and billing pursuant to the support order currently in effect with the next support payment due following the end of the last month that the obligor received public assistance;

(c) If the obligor fails to provide written proof of receipt of cash assistance pursuant to section (1) of this rule, the administrator will begin accrual and billing pursuant to the support order currently in effect with the next support payment due for the month following the month for which the obligor last provided written proof;

(d) If the obligor provides written proof of receipt of cash assistance pursuant to section (1) of this rule after failing to provide timely written proof of receipt of cash assistance within three months, thereby causing the administrator to begin billing and accrual pursuant to subsection (c) of this section, support accrual may be suspended and arrears may be credited pursuant to subsection (a) of this section.

(3)(a) Upon receipt of information that the obligor is receiving or has received cash assistance as specified in ORS 25.245(1), the administrator will send a notice to all parties to the support order. The notice will contain a statement of the presumption that support accrual ceases and include the following:

(A) A statement of the month in which cash assistance was first made, and the ending date, if known;

(B) A statement that, unless the party objects, child support payments cease accruing beginning with the support payment due on or after the date the obligor began receiving cash assistance, but not earlier than:

(i) January 1, 1994, if the obligor received Oregon Title IV-A cash assistance, Oregon general cash assistance, Oregon Supplemental Income Program cash assistance or Supplemental Security Income Program payments by the Social Security Administration; or

(ii) October 6, 2001, if the obligor received Title IV-A cash assistance or general cash assistance from another state or Tribe;

(C) A statement that the administrator will continue providing enforcement services, including services to collect any arrears;

(D) A statement that if the obligor ceases to receive cash assistance as specified in ORS 25.245(1), accrual and billing will begin with the next support payment due following the end of the last month that the obligor receives cash assistance or for which the obligor provided written proof;

(E) A statement that any party may object to the presumption that the obligor is unable to pay support by sending to the administrator a written objection within 30 days of the date of service;

(F) A statement that the objections must include a written description of the resource or other evidence that might rebut the presumption of inability to pay; and

(G) A statement that the entity responsible for providing enforcement services represents the state and that low cost legal counsel may be available.

(b) Included with each notice under this section will be a separate form for the party to use if they choose to file an objection to the presumption that the obligor is unable to pay support.

(4) No credit will be given for periods for which the court or administrative law judge has previously declined to suspend the obligor's child support obligation in an action under ORS 25.245;

(5) No credit will be given for months when the administrator had suspended accrual or where credit was already received.

Stat. Auth.: ORS 25.245 & 180.345

Stats. Implemented: ORS 25.245

Hist.: AFS 4-1994, f. & cert. ef. 3-4-94; AFS 20-1998, f. & cert. ef. 10-5-98; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0120; AFS 23-2001, f. 10-2-01, cert. ef. 10-6-01; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-5400; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-5400; DOJ 5-2005, f. & cert. ef. 7-15-05; DOJ 8-2005(Temp), f. & cert. ef. 9-1-05 thru 2-17-06; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 13-2011, f. 12-30-11, cert. ef. 1-3-12; DOJ 15-2012, f. 9-27-12, cert. ef. 10-1-12

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

Rule Caption: Update adopted code editions, penalty matrix, and other minor changes.

Adm. Order No.: OSFM 9-2012

Filed with Sec. of State: 10-2-2012

Certified to be Effective: 10-2-12

Notice Publication Date: 9-1-2012

ADMINISTRATIVE RULES

Rules Amended: 837-020-0040, 837-020-0125

Subject: This rule change is needed to update the editions for codes adopted and used for cardlock facility inspections, the penalty matrix, and other minor updating changes.

Rules Coordinator: Connie Dalke—(503) 934-8211

837-020-0040

General

(1) Nonretail facility and conditional nonretail facility operators desiring to engage in nonretail facility or conditional nonretail facility operations must comply with all applicable state, federal and local laws, rules and regulations including, but not limited to:

- (a) ORS 480.310 through 480.385;
 - (b) OAR 837-020-0025 through 837-020-0125;
 - (c) Oregon Fire Code (OFC), 2010 Edition;
 - (d) OAR chapter 837, division 85, Hazardous Materials Reporting;
- and
- (e) NFPA 30 and 30A, 2012 Edition.

(2) In addition to other applicable provisions of law, each nonretail facility and conditional nonretail facility must meet the following requirements as per OAR 837-020-0040:

(a) Proper drainage grades or curbs must be situated to prevent any spills from flowing towards any building or other pump islands;

(b) Locations for the emergency fuel shut off devices must be clearly and conspicuously posted;

(c) Instructions for the operation of nonretail dispensers must be clearly and conspicuously posted;

(d) Locations of all fire extinguishers must be clearly and conspicuously posted;

(e) Fire extinguishers must be accessible;

(f) Be adequately lighted at all times when available for use;

(g) A fire alarm transmitting device or a telephone not requiring a coin or credit card to operate must be provided, and be accessible, at each nonretail facility and conditional nonretail facility during all hours of operation. This equipment must be maintained in good working order in the event emergency assistance is needed; and

(h) All applicable provisions of the OFC must be met.

(3) All nonretail facilities and conditional nonretail facilities must have the following warning signs posted. These signs must be readily visible and readable from each Class 1 flammable liquid dispensing pump from a distance of ten feet and state:

(a) Smoking is prohibited;

(b) Vehicle engines must be shut off while fueling;

(c) The nonretail facility or conditional use facility address;

(d) The telephone number of the owner or operator;

(e) Do not fill unapproved containers;

(f) Portable containers must be removed from inside the trunk, passenger compartment, or truck bed of a vehicle and placed on the ground before filling.

(g) It is a violation of law, subject to penalty, to dispense Class 1 flammable liquids without first receiving the training required by OAR 837-020-0055; and

(h) It is a violation of law, subject to penalty, to dispense Class 1 flammable liquids for personal use or into motor vehicles or containers not owned or used by a business, government, non-profit, or charitable organization, per ORS 480.345(4), (not required at conditional nonretail facilities).

(i) Discharge your static electricity before fueling by touching a metal surface away from the nozzle.

(j) To prevent static charge, do not reenter your vehicle while gasoline is pumping.

(k) If a fire starts, do not remove nozzle, use emergency fuel shut off.

(l) Persons dispensing fuel must remain outside the vehicle being fueled, with the fueling nozzle in full view at all times.

(4) In addition to the provisions required by OAR 837-020-0040, nonretail dual operation facilities separated by distance must:

(a) Have signs visible from each driveway access point identifying the retail and nonretail pump islands. Signs must be readily visible and readable, be at least three feet by four feet in size, and have a minimum height of six inch letters on a contrasting background;

(b) Where retail and nonretail dispensing of Class 1 flammable liquids occurs during the same hours, nonretail pump islands must be separated from retail pump islands by a space of at least 50 feet. Nonretail and retail pump islands may be separated by a distance of no less than 20 feet, pro-

vided prior approval is given by the State Fire Marshal, and that one of the following barriers is present:

(A) An approved solid physical barrier or a solid wall at least four feet high, constructed of fire resistive materials, and which runs the entire length of the pump island; or

(B) A fire resistive building, meeting the requirements of the building code.

(c) Unless pump islands are separated by at least 50 feet (20 feet with an approved barrier), retail and nonretail dispensing may not occur during the same hours at a facility.

(d) Where retail and nonretail dispensing is separated only by time, signs must be visible from each driveway access point and each Class 1 flammable liquid dispensing pump stating the days and hours that separate retail and nonretail operations occur. These signs must be readily visible and readable, be at least three feet by four feet in size, and have a minimum height of six inch letters on a contrasting background.

(5) At least 45 days prior to the start of intended operations, the facility owner or operator of each new nonretail facility and conditional nonretail facility covered by OAR 837-020-0040 must file the appropriate license application forms and certifications with the State Fire Marshal.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 480.380

Stats. Implemented: ORS 480.310 - 480.385

Hist.: FM 4-1992, f. 6-15-92, cert. ef. 7-15-92; FM 2-1995, f. 10-11-95, cert. ef. 10-16-95; OSFM 1-2002, f. & cert. ef. 2-25-02; OSFM 10-2002, f. & cert. ef. 12-6-02; OSFM 6-2005, f. 5-24-05, cert. ef. 5-26-05; OSFM 1-2007, f. 3-30-07, cert. ef. 4-1-07; OSFM 7-2008, f. 9-26-08, cert. ef. 10-1-08; OSFM 9-2012, f. & cert. ef. 10-2-12

837-020-0125

Penalties

The State Fire Marshal may impose a civil penalty of up to \$500 for each violation of ORS 480.310 through 480.385, and OAR 837-020-0040. All penalties are imposed in accordance with the following penalty matrix established by the State Fire Marshal. Penalties may be based on history, violation types, number of instances of violations identified, and severity of violations.

Violation Types, Instances, and Penalty Assessments

(1) The Types of Violations are:

(a) Minimal — Type I;

(b) Moderate — Type II;

(c) Severe — Type III.

(2) The violation instance is determined based on the number of times a person, individual, owner, or operator has committed a violation. A violation occurs each time a person, individual, owner, or operator breaks a rule established by OAR 837-020-0040.

PENALTY MATRIX:

VIOLATION TYPE

PENALTY INSTANCE 1 — 2 — 3 — 4 — 5

I MINIMAL — \$50 — \$100 — \$150 — \$200 — \$250

II MODERATE — \$150 — \$200 — \$250 — \$300 — \$400

III SEVERE — \$300 — \$400 — \$500 — \$500 — \$500

TYPE I MINIMAL

Eligibility Documentation (excluding safety training)

Signs

Retail/Nonretail locations

Phone # of operator

It is a violation of law

Days and hours of operation of time separation facility not present or correct

License applications not received by deadline

AST labels for above ground tanks not present

Dispensing instructions not present

Other _____

TYPE II MODERATE

Unlawful dispensing at nonretail facilities

Certification of correction of deficiencies not provided in accordance with Notice and Order

Order

Weekly Site Inspections not completed

Signs

No Smoking

Emergency Fuel Shut Off Device location

Fire Extinguisher location

Do Not Fill Unapproved Containers

In Case of Fire, Spill or Release

Do Not Fill Portable containers

Discharge static electricity

Other _____

TYPE III SEVERE

Falsified license application

Falsified Weekly Site Inspection forms

Required facility equipment not present or not in good working order

Safety training not provided prior to allowing customer to dispense fuel

Unlawful dispensing at retail facilities

Operating a nonretail facility or conditional nonretail facility without a license

Other _____

Stat. Auth.: ORS 480.380

Stats. Implemented: ORS 480.380 & 480.385

ADMINISTRATIVE RULES

Hist.: FM 4-1991(Temp), f. 12-31-91, cert. ef. 1-1-92; FM 4-1992, f. 6-15-92, cert. ef. 7-15-92 (and corrected 6-22-92); OSFM 1-2002, f. & cert. ef. 2-25-02; OSFM 10-2002, f. & cert. ef. 12-6-02; OSFM 6-2005, f. 5-24-05, cert. ef. 5-26-05; OSFM 1-2007, f. 3-30-07, cert. ef. 4-1-07; OSFM 9-2012, f. & cert. ef. 10-2-12

Rule Caption: Update adopted code editions and add clarify language.

Adm. Order No.: OSFM 10-2012

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Rules Amended: 837-030-0120, 837-030-0130, 837-030-0140, 837-030-0150, 837-030-0160, 837-030-0170, 837-030-0190, 837-030-0200, 837-030-0210, 837-030-0220, 837-030-0230, 837-030-0235, 837-030-0240, 837-030-0250, 837-030-0260, 837-030-0270, 837-030-0280

Subject: This rule change is needed to update the editions of codes adopted for the LPG program and examinations, and to add clarify language.

Rules Coordinator: Connie Dalke—(503) 934-8211

837-030-0120

Definitions

(1) For the purpose of these rules, the following definitions apply to OAR 837-030-0100 through 837-030-0280.

(2) Application means the forms required by the State Fire Marshal to be completed and submitted to the State Fire Marshal.

(3) Bulk Plant is a facility where the primary function is to store LP-Gas prior to further distribution. LP-Gas is received by cargo tank vehicle, railroad tank car, or pipeline, and then distributed by portable container (package) delivery, by cargo tank vehicle, or through gas piping.

(4) Company License means the same as an Installation License defined in OAR 837-030-0120(14).

(5) Company Representative means an individual who has passed the installation examination administered by the State Fire Marshal and represents the company at a specific site.

(6) Delivery Unit means any unit that is used to deliver or transport liquefied petroleum gas.

(7) Examination means a document designed to test an applicant's knowledge regarding liquefied petroleum gas, its properties, related equipment and applicable safety regulations.

(8) Fitter License in general means a license issued to an individual who performs LP-Gas container and container appurtenance installation or replacement, and or, performs work on liquefied petroleum fuel gas systems including but not limited to, LP-gas containers, plumbing and pipe fitting, gas venting, installs, repairs or remodels any piping or venting, installs or repairs, connects, or disconnects any liquefied petroleum gas appliance. The specific types of Fitter Licenses are:

(a) HVAC Fitter — Required for all individuals who install or perform LPG work on HVAC equipment, including hearth products; does not include piping up to the final shut off valve upstream of the equipment (see Master Fitter);

(b) IC Fitter (Internal Combustion) — Required for all individuals who work on LPG fuel systems of LPG powered internal combustion engines;

(c) Master Fitter — Required for all individuals who perform LPG fuel gas plumbing work including but not limited to, fitting or venting work, install or replace LP-Gas containers and container appurtenances, install, replace, repair or remodel any LP-Gas container, appliance, piping or venting. This license covers all areas of LPG work.

NOTE: Individuals licensed as a fitter prior to May 16, 2005, are considered a Master Fitter;

(d) RV Fitter — Required for all individuals who work on recreational vehicle LPG fuel gas systems (license not required for construction or warranty work for manufactured dwellings or recreational vehicles).

(9) Individual means one distinct, individual human being. It does not mean person.

(10) Installation means an LP-Gas container or containers set on a specific customer property with the intent of supplying fuel gas to utilization equipment. (See ORS 480.450(1)).

(11) Installer means, a licensed company who provides a licensed individual making the connection from an installation to a LP-Gas fuel gas system and who conducts required leak testing and ensures the installation and piping system are in compliance to applicable codes and standards.

(12) Installation License means a license issued to a company or business (hereinafter referred to as a Company License) that engages in or works at the business of installing LP-Gas containers and container appurtenances, installing extending, altering or repairing any liquefied petroleum fuel gas systems including but not limited to, gas appliances or piping, vent or flue connection pertaining to or in connection with liquefied petroleum gas installations. This includes the operation of delivery equipment on motorized vehicles.

(13) License means the official written permission granted by the State Fire Marshal for the purpose of working in the liquefied petroleum gas business.

(14) Liquefied Petroleum Gas means any liquid composed predominately of any of the following hydrocarbons or mixtures of the same: Propane, propylene, butanes (normal butane or isobutene) and butylenes.

(15) Person means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of persons and includes the state, state agencies, counties, municipal corporations, school districts and other public corporations or subdivisions.

(16) Truck Equipment Operator License means a license issued to an individual who operates liquefied petroleum gas delivery equipment installed on a motorized vehicle.

Stat. Auth.: ORS 476 & 480

Stats. Implemented: ORS 480.410

Hist.: FM 3-1995, f. & cert. ef. 11-14-95; OSFM 3-1999(Temp), f. & cert. ef. 7-23-99 thru 1-18-00; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert. ef. 4-12-00; OSFM 16-2005, f. & cert. ef. 11-9-05; OSFM 8-2008, f. 9-26-08, cert. ef. 10-1-08; OSFM 10-2012, f. & cert. ef. 10-2-12

837-030-0130

Fire and Life Safety Standards

(1) The following National Fire Protection Association Standards (NFPA) are hereby adopted by reference and are the Standards on which the examinations referenced in these rules will be primarily based:

(a) NFPA 54 — **National Fuel Gas Code**; (2012 Edition); and

(b) NFPA 58 — **Liquefied Petroleum Gas Code** (2011 Edition).

(c) NFPA 1192 — **Standard on Recreational Vehicles** (2011 Edition).

(2) Whenever the following phrases or abbreviations appear in the above referenced standards, they mean the following:

(a) Authority Having Jurisdiction means the State Fire Marshal;

(b) National Electrical Code means the **Oregon Electrical Specialty Code**; and

(c) NFPA means the National Fire Protection Association.

(3) The State Fire Marshal has adopted the **Oregon Fire Code, 2010 Edition** for inspection and enforcement of liquefied petroleum gas installations pursuant to ORS 476.030(1) and 480.420(1). (Refer to OAR 837, division 40.)

(4) The State Fire Marshal recognizes the Oregon Building Codes Division inspection and enforcement authority on those portions of liquefied petroleum gas installations downstream of the first stage regulator. Depending on occupancy classification, these portions may be regulated under the **Oregon Mechanical Specialty Code** as adopted by OAR 918-440-0010 or the **Oregon Residential Specialty Code** as adopted by OAR 918-480-0005.

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

Stat. Auth.: ORS 476 & 480

Stats. Implemented: ORS 480.420

Hist.: FM 22, f. 11-15-65; FM 59, f. 2-25-72, ef. 3-15-72; FM 62, f. 6-14-73, ef. 7-1-73; FM 66, f. 2-20-75, ef. 3-11-75; FM 1-1981, f. 7-20-81, ef. 8-1-81; FM 6-1985, f. & ef. 9-20-85; FM 1-1987, f. & ef. 3-18-87; FM 6-1987, f. & ef. 10-20-87; FM 3-1995, f. & cert. ef. 11-14-95, Renumbered from 837-030-0010, 837-030-0015, 837-030-0020 & 837-030-0025; OSFM 3-1999(Temp), f. & cert. ef. 7-23-99 thru 1-18-00; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert. ef. 4-12-00; OSFM 2-2002, f. & cert. ef. 2-25-02; OSFM 2-2004, f. & cert. ef. 1-14-04; OSFM 16-2005, f. & cert. ef. 11-9-05; OSFM 8-2008, f. 9-26-08, cert. ef. 10-1-08; OSFM 10-2012, f. & cert. ef. 10-2-12

837-030-0140

Licenses Required

(1) A company license is required for any company engaged in the business of installing, extending, altering or repairing any liquefied petroleum fuel gas system including but not limited to gas appliances or piping, vent or flue connection pertaining to or in connection with liquefied petroleum gas installations, and includes the installation of LP-Gas containers, container appurtenances and the operation of delivery equipment on motorized vehicles.

(2) A fitter license is required for any individual performing the installation or replacement of LPG containers, container appurtenances and or performs work on LPG fuel gas systems including but not limited to lique-

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fied petroleum gas fitting, venting, installation or repair or remodel to any piping or venting, installs or repairs, connects, or disconnects any liquefied petroleum gas appliance.

(3) A Truck Equipment Operator license is required for any individual who operates liquefied petroleum gas delivery equipment installed on a motorized vehicle.

(4) Any individual required to have a fitter or truck equipment operator license is also required to have an installation license unless the individual is an employee of an employer who has a company license.

(5) Company licenses are not transferable. When a company transfers ownership, the new company must complete the licensing process the same as any other new company.

(6) Fitter and truck equipment operator licensees may transfer from licensed company to licensed company without relicensing if the license has not expired.

(7) Company representatives may transfer their company representative status from licensed company to licensed company without re-testing if their existing license has not expired.

Stat. Auth.: ORS 476 & 480

Stats. Implemented: ORS 480.432

Hist.: FM 52, f. 4-29-71, ef. 5-25-71; FM 6-1985, f. & ef. 9-20-85; FM 6-1987, f. & ef. 10-20-87; FM 5-1988(Temp), f. & cert. 3-31-88; FM 10-1988, f. & cert. ef. 9-19-1988; FM 3-1995, f. & cert. ef. 11-14-95, Renumbered from 837-030-0030; OSFM 3-1999(Temp), f. & cert. ef. 7-23-99 thru 1-18-00; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert. ef. 4-12-00; OSFM 8-2008, f. 9-26-08, cert. ef. 10-1-08; OSFM 10-2012, f. & cert. ef. 10-2-12

837-030-0150

Company License (Company Representative)

(1) Each company business or dealership location must obtain a separate company license.

(2) A separate company license is not needed for dispatch centers.

(3) Each location must have a company representative unique to that location.

(4) To qualify the company for a company license, an individual company representative at each location and unique to that location must pass an examination, as detailed in OAR 837-030-0190, and administered by the State Fire Marshal, with a score of 80 percent or more of the questions answered correctly.

(5) If the company representative transfers or resigns employment with the company, the company must notify the State Fire Marshal, in writing, within two weeks of the transfer or resignation.

(6) The new company representative must meet examination requirements within 60 calendar days of the last date of employment of the preceding company representative.

(7) Exceptions to this requirement for a company license are as follows:

(a) This rule does not apply to liquefied petroleum gas installations made in a manufactured dwelling or recreational vehicle when those installations are made during the construction of the manufactured dwelling or recreational vehicle.

(b) This rule does not apply to warranty work for liquefied petroleum gas installations in a manufactured dwelling or recreational vehicle so long as the work performed falls in the scope of the original manufacturer's warranty issued at the time the home or recreational vehicle was manufactured.

(c) This rule does not apply to a person who holds a valid journeyman plumber's certificate that was issued under ORS 693.060 or who is in an approved journeyman plumber apprenticeship established under ORS 660.

Stat. Auth.: ORS 476 & 480

Stats. Implemented: ORS 480.432

Hist.: FM 52, f. 4-29-71, ef. 5-25-71; FM 6-1985, f. & ef. 9-20-85; FM 6-1987, f. & ef. 10-20-87; FM 5-1988(Temp), f. & cert. 3-31-88; FM 10-1988, f. & cert. ef. 9-19-1988; FM 3-1995, f. & cert. ef. 11-14-95, Renumbered from 837-030-0030; OSFM 3-1999(Temp), f. & cert. ef. 7-23-99 thru 1-18-00; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert. ef. 4-12-00; OSFM 8-2008, f. 9-26-08, cert. ef. 10-1-08; OSFM 10-2012, f. & cert. ef. 10-2-12

837-030-0160

Fitter License

(1) Any individual performing liquefied petroleum gas fitting, venting, installation or repair must obtain a fitter license.

(2) To qualify for a fitter license, an individual must pass a written examination, as detailed in OAR 837-030-0190, and administered by the State Fire Marshal, with a score of 80 percent or more of the questions answered correctly.

(3) An individual may work under probationary status only as detailed in OAR 837-030-0180.

(4) A fitter may transfer their license to another company.

(5) The State Fire Marshal must be notified in writing within two weeks of employment by the new company that the fitter's license is to be transferred.

(6) Exceptions to this requirement for a fitter license are as follows:

(a) This rule does not apply to individuals who perform liquefied petroleum gas installations made in a manufactured dwelling or recreational vehicle when those installations are made during the construction of the manufactured dwelling or recreational vehicle.

(b) This rule does not apply to individuals who perform warranty work for liquefied petroleum gas installations in a manufactured dwelling or recreational vehicle so long as the work performed falls in the scope of the original manufacturer's warranty issued at the time the home or recreational vehicle was manufactured.

(c) This rule does not apply to an individual who holds a valid journeyman plumber's certificate issued under ORS 693.060 or who is in an approved journeyman plumber apprenticeship established under ORS 660, when installing piping. If a journeyman plumber intends to install an LP gas container or make any connection to an LP gas container, the journeyman plumber must first obtain a fitter license through the State Fire Marshal.

Stat. Auth.: ORS 476 & 480

Stats. Implemented: ORS 480.432

Hist.: FM 52, f. 4-29-71, ef. 5-25-71; FM 6-1985, f. & ef. 9-20-85; FM 6-1987, f. & ef. 10-20-87; FM 5-1988(Temp), f. & cert. 3-31-88; FM 10-1988, f. & cert. ef. 9-19-1988; FM 3-1995, f. & cert. ef. 11-14-95, Renumbered from 837-030-0030; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert. ef. 4-12-00; OSFM 8-2008, f. 9-26-08, cert. ef. 10-1-08; OSFM 10-2012, f. & cert. ef. 10-2-12

837-030-0170

Truck Equipment Operator License

(1) Any individual operating liquefied petroleum gas delivery equipment installed on a motorized vehicle must obtain a truck equipment operator license.

(2) To qualify for a truck equipment operator license, an individual must pass a written examination, as detailed in OAR 837-030-0190, and administered by the State Fire Marshal, with a score of 80 percent or more of the questions answered correctly.

(3) An individual may work under probationary status only as detailed in OAR 837-030-0180.

(4) A truck equipment operator may transfer their license to another company.

(5) The State Fire Marshal must be notified in writing within two weeks of employment by the new company that the truck equipment operator's license is to be transferred.

Stat. Auth.: ORS 476 & 480

Stats. Implemented: ORS 480.432

Hist.: FM 52, f. 4-29-71, ef. 5-25-71; FM 6-1985, f. & ef. 9-20-85; FM 6-1987, f. & ef. 10-20-87; FM 5-1988(Temp), f. & cert. 3-31-88; FM 10-1988, f. & cert. ef. 9-19-1988; FM 3-1995, f. & cert. ef. 11-14-95, Renumbered from 837-030-0030; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert. ef. 4-12-00; OSFM 8-2008, f. 9-26-08, cert. ef. 10-1-08; OSFM 10-2012, f. & cert. ef. 10-2-12

837-030-0190

Examinations

(1) Persons applying for installation (company), fitter or truck equipment operator licenses must pass a written examination, administered by the State Fire Marshal, with a score of 80 percent or more of the questions answered correctly on each applicable section of the examination.

(2) Examinations for fitter and truck equipment operator licenses assess the individual's knowledge of liquefied petroleum gas, its properties, related equipment, and applicable codes, statutes and safety regulations.

(3) Examinations for the company representative assess the individual's knowledge of applicable codes, statutes, safety regulations, Oregon Revised Statutes and Oregon Administrative Rules that regulate and govern liquefied petroleum gas.

(4) License types and combinations are:

(a) Company Representative;

(b) Master Fitter;

(c) Truck Equipment Operator;

(d) Company Representative, Fitter, Truck Equipment Operator Combination;

(e) Company Representative, Fitter Combination;

(f) Company Representative, Truck Equipment Operator Combination;

(g) Fitter, Truck Equipment Operator Combination;

(h) IC Fitter;

(i) RV Fitter;

(j) HVAC Fitter;

(k) Company Representative, RV Fitter;

(l) Company Representative, HVAC Fitter;

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(m) Company Representative, IC Fitter.

(5) Examinations are open book and administered on-line by the State Fire Marshal. No individual person completing an examination can use any information other than the information referenced in these rules to complete the examination, nor can they use any other means to obtain a passing score on the examination.

(6) Examinations will be based primarily on the standards referenced in OAR 837-030-0130, ORS 480.410 through 480.460, 480.990, and OAR 837-030-0100 through 837-030-0280.

(7) All applications to take examination must be made on a form provided by the State Fire Marshal and must be accompanied by the fee required in ORS 480.434.

(8) Upon receipt of a properly completed application and fee, the State Fire Marshal will provide the applicant with instructions to access the on-line examination.

(9) If an applicant fails to complete the examination within 30 days of having access to the examination, or fails to pass the examination, the applicant must submit to the State Fire Marshal a new application and fee pursuant to ORS 480.434.

(10) License holders and persons previously licensed are not required to complete new examinations unless a period of two years or more has elapsed from the date of their last license expiration date.

(11) Examinations are automatically graded and results provided to the applicant upon completion of the examination.

(12) The State Fire Marshal reserves the right to disqualify an applicant's examination score for valid cause.

Stat. Auth.: ORS 476 & 480

Stats. Implemented: ORS 480.434

Hist.: FM 52, f. 4-29-71, ef. 5-25-71; FM 6-1985, f. & ef. 9-20-85; FM 6-1987, f. & ef. 10-20-87; FM 5-1988(Temp), f. & cert. 3-31-88; FM 10-1988, f. & cert. ef. 9-19-1988; FM 3-1995, f. & cert. ef. 11-14-95, Renumbered from 837-030-0030; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert. ef. 4-12-00; OSFM 16-2005, f. & cert. ef. 11-9-05; OSFM 8-2008, f. 9-26-08, cert. ef. 10-1-08; OSFM 10-2012, f. & cert. ef. 10-2-12

837-030-0200

License Application, Approval, Issuance

(1) All license applications must be on a form provided by the State Fire Marshal.

(2) License applications may not be submitted until the applicant has passed the appropriate qualifying examination.

(3) The completed application form must contain the following:

- (a) Applicant's name;
 - (b) Type of license applied for;
 - (c) Name and address of the company;
 - (d) Signature of the company representative; and
 - (e) Company number assigned by the State Fire Marshal.
- (4) Applications must be accompanied by the appropriate license fee.
- (5) Upon approval of the application, a license will be issued and mailed to the company.

(6) Company licenses are valid for a period of one year from date of issue. Fitter and truck equipment operator licenses are valid for a period of two years from date of issue. If the examinee has not applied for and been issued a license within two years from the date of completion of the examination in which the passing score was received, the examination score will be invalid and the applicant must re-take and pass the examination.

Stat. Auth.: ORS 476 & 480

Stats. Implemented: ORS 480.434

Hist.: FM 52, f. 4-29-71, ef. 5-25-71; FM 6-1985, f. & ef. 9-20-85; FM 6-1987, f. & ef. 10-20-87; FM 5-1988(Temp), f. & cert. 3-31-88; FM 10-1988, f. & cert. ef. 9-19-1988; FM 3-1995, f. & cert. ef. 11-14-95, Renumbered from 837-030-0030; OSFM 3-1999(Temp), f. & cert. ef. 7-23-99 thru 1-18-00; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert. ef. 4-12-00; OSFM 2-2002, f. & cert. ef. 2-25-02; OSFM 16-2005, f. & cert. ef. 11-9-05; OSFM 8-2008, f. 9-26-08, cert. ef. 10-1-08; OSFM 10-2012, f. & cert. ef. 10-2-12

837-030-0210

License Revocation, Suspension or Denial

(1) The State Fire Marshal may revoke, suspend, or refuse to issue or renew a license required under ORS 480.410 to 480.460. Any such revocation, suspension, or refusal to issue must be in conformance with ORS 183.310 to 183.550. Valid cause exists for the revocation, suspension, or refusal to issue a license when any of the following occur:

- (a) The licensee or applicant deliberately falsifies an application for an examination or license;
- (b) Has committed a violation of ORS 162.305;
- (c) Has failed to comply with any provision of ORS 480.410 to 480.460;

(d) Has failed to comply with any provision of OAR 837-030-0100 through 837-030-0280;

(e) Has failed to maintain the status required under ORS 480.434; or

(f) Has violated any other provision of the liquefied petroleum gas statutes, administrative rules, or applicable fire and life safety standards.

(2) The period of denial, revocation or suspension may not exceed three (3) years if the circumstances of the licensee's or applicant's failure to comply with applicable laws and rules pertaining to liquefied petroleum gas presented a significant hazard or other public danger.

(3) Licenses are the property of the State Fire Marshal and must be surrendered upon request of the State Fire Marshal or a State Fire Marshal assistant.

Stat. Auth.: ORS 476 & 480

Stats. Implemented: ORS 480.435

Hist.: FM 52, f. 4-29-71, ef. 5-25-71; FM 6-1985, f. & ef. 9-20-85; FM 6-1987, f. & ef. 10-20-87; FM 5-1988(Temp), f. & cert. 3-31-88; FM 10-1988, f. & cert. ef. 9-19-1988; FM 3-1995, f. & cert. ef. 11-14-95, Renumbered from 837-030-0030; OSFM 8-2008, f. 9-26-08, cert. ef. 10-1-08; OSFM 10-2012, f. & cert. ef. 10-2-12

837-030-0220

License Renewal

(1) All licenses must be renewed on or before a date specified by the State Fire Marshal. This date will be 30 days after service of written notice by the State Fire Marshal and will be specified on the renewal application.

(2) License renewals must be made on a form provided by the State Fire Marshal and must be accompanied by the appropriate fees.

(3) Company license renewals are valid for a period of one year. Fitter or truck equipment operator licenses renewals are valid for a period of two years.

(4) Licenses not renewed by the specified date are subject to a late fee. The fees for the liquefied petroleum gas program are located in Oregon Revised Statute as follows: ORS 480.436 License fees; term of licenses; delinquency penalty.

(5) Licenses not renewed by their expiration date are invalid and the licensee must cease working until such time as licensing is brought current.

Stat. Auth.: ORS 476 & 480

Stats. Implemented: ORS 480.436

Hist.: FM 3-1995, f. & cert. ef. 11-14-95; OSFM 3-1999(Temp), f. & cert. ef. 7-23-99 thru 1-18-00; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert. ef. 4-12-00; OSFM 5-2003(Temp), f. & cert. ef. 11-4-03 thru 12-31-03; OSFM 2-2004, f. & cert. ef. 1-14-04; OSFM 8-2008, f. 9-26-08, cert. ef. 10-1-08; OSFM 10-2012, f. & cert. ef. 10-2-12

837-030-0230

Motor Fuel Installations (Conversions)/Plan Approval

(1) Any company converting or manufacturing any vehicle or machinery to use liquefied petroleum gas for motor fuel must obtain the company and fitter licenses as required in OAR 837-030-0140.

(2) Any manufacture of vehicle or machinery, or any conversion of existing vehicle or machinery to use liquefied petroleum gas as motor fuel, must be in compliance with all applicable liquefied petroleum gas laws, rules and regulations.

(3) All equipment must be installed in accordance with these regulations and the applicable safety standards as adopted, unless written approval is otherwise granted by the State Fire Marshal.

(4) The State Fire Marshal or a State Fire Marshal assistant may make on-site inspections of manufacturing plants where liquefied petroleum gas motor fuel systems are being installed to ensure compliance with applicable safety standards.

(5) Any company manufacturing or converting vehicles or machinery to use liquefied petroleum gas as motor fuel may make application for plan approval of a model or prototype to the State Fire Marshal. The application and plans must include two complete sets of plans which show in detail:

- (a) The location of all liquefied petroleum gas equipment including containers, fuel lines, carburetion system, vaporizers, and all pertinent equipment; and
 - (b) The name of the equipment manufacturer and model numbers when available;
 - (c) Sufficient information to permit the State Fire Marshal to determine compliance or noncompliance with fire and life safety regulations relating to the use of liquefied petroleum gas as motor fuel.
- (6) Upon approval, one copy of the plans will be returned to the applicant with the written approval and an assigned permit number. One copy of the plans will be retained by the State Fire Marshal;
- (7) If the plans are disapproved, the applicant will be notified in writing the reason the plans were disapproved and provided information on how to meet the applicable fire and life safety regulations so the plans may be approved.

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(8) All vehicles or machinery manufactured or converted to use liquefied petroleum gas as motor fuel and installing liquefied petroleum gas motor fuel tanks must be reported to the State Fire Marshal.

(9) The State Fire Marshal must be notified by the last day of each month by the installation company of all new liquefied petroleum motor fuel installations made during the preceding month.

(10) United States Post Office postmark date will be used to determine the reporting date. If the last day of a month falls on a day when a postmark cannot be obtained, notification must be postmarked on the preceding business day when a postmark can be obtained.

(11) Notification must be made on a form (Notice of Installation of Liquefied Petroleum Gas Tank for Motor Fuel) and must include the following information:

- (a) Customer name for whom the conversion was made;
- (b) Address where the vehicle or machinery may be inspected;
- (c) Date conversion was completed;
- (d) Water capacity of tank;
- (e) Signature of fitter who installed tank and their fitter license number;
- (f) Tank serial number;
- (g) Name of company installing tank and their company license number;
- (h) Any other information that may be helpful in locating the tank.

(12) The company representative must sign the notice verifying the information is correct; and

(13) The appropriate tank installation fee for the Liquefied Petroleum Gas Program is located in Oregon Revised Statute as follows: ORS 480.450 Notice of new installations; inspection fees; inspections after original inspection; notice of changes; correction of improper installations required.

EXCEPTION: This section does not apply to liquefied petroleum gas installations made in manufactured dwellings or recreational vehicles performed during the construction of the manufactured dwelling or recreational vehicle, or the alteration or repair of the liquefied petroleum gas installation in a manufactured dwelling or recreational vehicle when they are made pursuant to the manufacturer's warranty. All repairs or alterations performed outside of the initial construction or the manufacturer's warranty must be completed by a licensed company and a licensed fitter.

(14) Any vehicle or machinery manufactured or converted to use liquefied petroleum gas as motor fuel that is found to be in violation of the applicable fire and life safety standards, may be ordered by the State Fire Marshal to be taken out of service. Once out of service, it may not be placed back in service, sold or offered for sale until all necessary corrections have been made, the State Fire Marshal notified and the vehicle or machinery put back in service by the State Fire Marshal.

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

Stat. Auth.: ORS 476 & 480

Stats. Implemented: ORS 480.450

Hist.: FM 52, f. 4-29-71, ef. 5-25-71; FM 81, f. & ef. 3-3-76; FM 6-1985, f. & ef. 9-20-85; FM 6-1987, f. & ef. 10-20-87; FM 3-1995, f. & cert. ef. 11-14-95, Renumbered from 837-030-0035; OSFM 3-1999(Temp), f. & cert. ef. 7-23-99 thru 1-18-00; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert. ef. 4-12-00; OSFM 5-2003(Temp), f. & cert. ef. 11-4-03 thru 12-31-03; OSFM 2-2004, f. & cert. ef. 1-14-04; OSFM 8-2008, f. 9-26-08, cert. ef. 10-1-08; OSFM 10-2012, f. & cert. ef. 10-2-12

837-030-0235

Plan Review of Certain Storage Tanks

(1) Liquefied petroleum gas installations wherein a single container is more than 2,000 gallons in water capacity, or the aggregate capacity of the installation is greater than 4,000 gallons, require a plan review from the State Fire Marshal.

(2) Applications for plan reviews must be submitted to the State Fire Marshal within 10 working days from the proposed installation date.

(3) Applications for plan reviews must be submitted on a State Fire Marshal form and be accompanied by a \$100 fee.

Stat. Auth.: ORS 476.033 & 480.410 - 480.460

Stats. Implemented: ORS 476.033 & 480.410 - 480.460

Hist.: OSFM 16-2005, f. & cert. ef. 11-9-05; OSFM 8-2008, f. 9-26-08, cert. ef. 10-1-08; OSFM 10-2012, f. & cert. ef. 10-2-12

837-030-0240

Reporting Tank Installations

(1) The State Fire Marshal must be notified by the last day of each month by the installing company of all new liquefied petroleum gas tank installations made during the preceding month. New installations include tank replacements.

(2) United States Post Office postmark date will be used to determine the reporting date. If the last day of a month falls on a day when a postmark cannot be obtained, notification must be postmarked on the preceding business day when a postmark can be obtained.

(3) Notification must be made on a form (Notice of Installation of Liquefied Petroleum Gas Tank) provided by the State Fire Marshal and include the following information:

(a) Customer name and contact phone number for whom the tank was installed;

(b) Address where tank was installed;

(c) County of installation;

(d) Date tank was installed;

(e) Water capacity of tank;

(f) Tank serial number;

(g) Signature of fitter who installed tank and their fitter license number;

(h) Name of company installing tank and their company license number;

(i) A site map providing detailed directions to the tank location.

(4) Tank installation notices must be accompanied by a summary sheet that details the number and size of tanks installed during the preceding month.

(5) The company representative must sign the summary sheet verifying the information is correct.

(6) Installation notices for tanks installed underground must be accompanied by a tank underground worksheet.

(7) LP-Gas containers, including customer owned containers, that have not been reported as specified in ORS 480.450 shall not be filled or refilled.

(8) The appropriate tank installation fees must accompany the tank installation notices and summary sheet. The fee for the liquefied petroleum gas program is located in Oregon Revised Statute as follows: ORS 480.450 Notice of new installations; inspection fees; inspections after original inspection; notice of changes; correction of improper installations required.

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

Stat. Auth.: ORS 476 & 480

Stats. Implemented: ORS 480.450

Hist.: FM 3-1995, f. & cert. ef. 11-14-95; OSFM 3-1999(Temp), f. & cert. ef. 7-23-99 thru 1-18-00; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert. ef. 4-12-00; OSFM 5-2003(Temp), f. & cert. ef. 11-4-03 thru 12-31-03; OSFM 2-2004, f. & cert. ef. 1-14-04; OSFM 8-2008, f. 9-26-08, cert. ef. 10-1-08; OSFM 10-2012, f. & cert. ef. 10-2-12

837-030-0250

Inspection of Tank Installations

(1) State Fire Marshal Deputies or State Fire Marshal assistants will inspect a reasonable number of reported tank installations.

(2) Inspection records will be maintained at the State Fire Marshal.

(3) Tank installation companies will be notified in writing by an inspection notice when a tank installation is not in compliance with State Fire Marshal requirements.

(4) The State Fire Marshal will notify the company of:

(a) Necessary corrections to bring the installation into compliance;

(b) The number of days (not to exceed 60 days) the company has to bring the installation into compliance.

(5) The installing company must notify the State Fire Marshal that the corrections have been made to bring the installation into compliance, as follows:

(a) The date the corrections were made must be in writing; including a signature of those making corrections, and

(b) Must be returned to the State Fire Marshal.

(6) Corrections not made or not reported within the number of days allowed to bring the installation into compliance, are subject to fees for the Liquefied Petroleum Gas Program located in Oregon Revised Statute as follows: ORS 480.450 Notice of new installations; inspection fees; inspections after original inspection; notice of changes; correction of improper installations required.

Stat. Auth.: ORS 476 & 480

Stats. Implemented: ORS 480.450

Hist.: FM 3-1995, f. & cert. ef. 11-14-95; OSFM 3-1999(Temp), f. & cert. ef. 7-23-99 thru 1-18-00; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert. ef. 4-12-00; OSFM 5-2003(Temp), f. & cert. ef. 11-4-03 thru 12-31-03; OSFM 2-2004, f. & cert. ef. 1-14-04; OSFM 8-2008, f. 9-26-08, cert. ef. 10-1-08; OSFM 10-2012, f. & cert. ef. 10-2-12

837-030-0260

Bulk Storage Sites: Inspections/Notifications

(1) State Fire Marshal deputies or State Fire Marshal assistants will inspect bulk storage sites annually.

(2) Inspection records will be maintained at the Office of State Fire Marshal.

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(3) The installing company will be notified in writing by an inspection notice when a bulk site is not in compliance with State Fire Marshal requirements.

(4) The State Fire Marshal will notify the company of:

(a) Necessary corrections to bring the installation into compliance;

(b) The number of days (may not exceed 60 days) the company has to bring the installation into compliance.

(5) The installing company must notify the State Fire Marshal that the corrections have been made to bring the installation into compliance, as follows:

(a) The date the corrections were made and the signature of those making corrections must be written on the copy of the inspection notice provided to the company;

(b) The inspection notice must be returned to the State Fire Marshal.

(6) Any changes to the bulk site, including but not limited to the installation of one or more additional tanks, removal of one or more tanks, and closure of the site, must be reported to the State Fire Marshal in writing within two weeks of the change.

Stat. Auth.: ORS 476 & 480

Stats. Implemented: ORS 480.440 & 480.450

Hist.: FM 3-1995, f. & cert. ef. 11-14-95; OSFM 8-2008, f. 9-26-08, cert. ef. 10-1-08; OSFM 10-2012, f. & cert. ef. 10-2-12

837-030-0270

Delivery Units: Inspections/Notifications

(1) State Fire Marshal deputies or State Fire Marshal assistants may inspect delivery units annually.

(2) Delivery units must be made readily available to the deputy or assistant for the annual inspection after notification by the State Fire Marshal that the annual inspection is due.

(3) Inspection records will be maintained at the Office of State Fire Marshal.

(4) Companies will be notified in writing by an inspection notice when a delivery unit is not in compliance with State Fire Marshal requirements.

(5) The State Fire Marshal will notify the company of:

(a) Necessary corrections to bring the delivery unit into compliance;

(b) The number of days (may not exceed 60 days) the company has to bring the delivery unit into compliance.

(6) The company must notify the State Fire Marshal that the corrections have been made to bring the delivery unit into compliance, as follows:

(a) The date the corrections were made must be written on the copy of the inspection notice provided to the company.

(b) The inspection notice must be returned to the State Fire Marshal.

(7) Any changes to the delivery units, including but not limited to the addition of one or more delivery units to the company, and transfer, sale, disposal, or taking out of service of one or more delivery units must be reported to the State Fire Marshal in writing within two weeks of the change.

Stat. Auth.: ORS 476 & 480

Stats. Implemented: ORS 480.440 & 480.450

Hist.: FM 3-1995, f. & cert. ef. 11-14-95; OSFM 3-1999(Temp), f. & cert. ef. 7-23-99 thru 1-18-00; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert. ef. 4-12-00; OSFM 8-2008, f. 9-26-08, cert. ef. 10-1-08; OSFM 10-2012, f. & cert. ef. 10-2-12

837-030-0280

Fees/Penalties

(1) Fees must be paid at, or mailed to, the State Fire Marshal and must accompany the appropriate application.

(2) Payment may be made by personal check, business check, cashier's check or money order made payable to the State Fire Marshal. If the fee is paid by either personal or business check, the State Fire Marshal will not take any action on the application until the check has cleared the bank.

(3) Fees for the Liquefied Petroleum Gas Program are located in Oregon Revised Statutes as follows:

(a) Examination Fees — ORS 480.434 Examination of applicants for licenses; issuance of license. Examination fees are non-refundable and non-transferable.

(b) Company License — ORS 480.436 License fees; term of licenses; delinquency penalty.

(c) Fitter License — ORS 480.436 License fees; term of licenses; delinquency penalty.

(d) Truck Equipment Operator License — ORS 480.436 License fees; term of licenses; delinquency penalty.

(e) Company, Fitter, and Truck Equipment Operator License — ORS 480.436 License fees; term of licenses; delinquency penalty.

(f) Plan Review Fee — ORS 480.450 Notice of new installations; inspection fees; inspections after original inspection; notice of changes; correction of improper installations required.

(g) Bulk Plant Inspection Fee — ORS 480.440 Inspection of certain storage tanks. (Excludes initial inspection during plant construction).

(h) Delivery Unit Inspection Fee — ORS 480.440 Inspection of certain storage tanks.

(4) Tank Installation Fees for all tanks — ORS 480.450 Notice of new installations; inspection fees; inspections after original inspection; notice of changes; correction of improper installations required.

(5) Tank Reinspection Fees — ORS 480.450 Notice of new installations; inspection fees; inspections after original inspection; notice of changes; correction of improper installations required. 10 year tank inspection fee — ORS 480.450 Notice of new installations; inspection fees; inspections after original inspection; notice of changes; correction of improper installations required.

(6) Penalty Fees for the Liquefied Petroleum Gas Program are located in Oregon Revised Statutes as follows:

(a) ORS 480.436 License fees; term of licenses; delinquency penalty.

(b) ORS 480.450 Notice of new installations; inspection fees; inspections after original inspection; notice of changes; correction of improper installations required.

(c) ORS 480.990 Penalties.

Stat. Auth.: ORS 476 & 480

Stats. Implemented: ORS 480.436, 480.440, 480.450 & 480.460

Hist.: FM 3-1995, f. & cert. ef. 11-14-95; OSFM 3-1999(Temp), f. & cert. ef. 7-23-99 thru 1-18-00; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert. ef. 4-12-00; OSFM 5-2003(Temp), f. & cert. ef. 11-4-03 thru 12-31-03; OSFM 2-2004, f. & cert. ef. 1-14-04; OSFM 16-2005, f. & cert. ef. 11-9-05; OSFM 8-2008, f. 9-26-08, cert. ef. 10-1-08; OSFM 10-2012, f. & cert. ef. 10-2-12

Department of Public Safety Standards and Training Chapter 259

Rule Caption: Clarifies meaning of alternate coverage; develops a process to allow Board discretion in considering applications.

Adm. Order No.: DPSST 20-2012

Filed with Sec. of State: 9-24-2012

Certified to be Effective: 9-24-12

Notice Publication Date: 9-1-2012

Rules Amended: 259-070-0020

Subject: ORS 243.956(5) allows for the Public Safety Memorial Fund Board to award a benefit of comparable health and dental insurance "if alternate coverage is not provided." The statute does not clarify the meaning of "alternate coverage." Legal research indicates that this clause was added to the statute in 2001 and was intended to avoid "double-dipping" situations in which health and dental benefits were being paid to everyone, regardless of need.

This rule now clarifies the meaning of "alternate coverage" and develops a process which allows for Public Safety Memorial Fund Board discretion in situations where an eligible family member has alternate health and dental coverage available, but loses it or chooses to decline it.

Rules Coordinator: Linsay Hale—(503) 378-2431

259-070-0020

Discretionary Benefits

(1) The Board will consider financial need, available funds in the Public Safety Memorial Fund and the anticipated demands on the fund in determining payment amounts of discretionary benefits.

(2) Health and Dental Insurance Reimbursement. The Board may award health and dental reimbursement for coverage comparable to that provided by the public safety officer to eligible family members or designees if alternate coverage is not provided.

(a) For the purposes of this rule, "alternate coverage" means the availability of health and dental coverage at the time of application.

(A) An application for health and dental insurance reimbursement made by an eligible family member who has declined or lost alternate coverage will be reviewed by the Board to determine eligibility for reimbursement.

(B) The Board will take into consideration any mitigating circumstances surrounding the application.

(b) Spouses or designees are eligible for five years after the date of the final order confirming eligibility or until re-marriage, whichever occurs first.

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(c) An eligible child between the ages of 18 and 23 years is eligible for reimbursement only if enrolled as a full-time undergraduate student during the entire period of the requested reimbursement.

(3) Mortgage Payments. An application requesting mortgage payments must be made within the first 12 months following the initial determination of eligibility.

(4) Scholarship Considerations. In determining the amount of scholarship benefits under ORS 243.956(8) and (10), "State Institution of Higher Education" means an institution listed in ORS 352.002.

Stat. Auth.: ORS 243.950
Stats. Implemented: ORS 243.962 & 243.968
Hist.: BPSST 2-2000(Temp), f. 4-21-00, cert. ef. 4-27-00 thru 10-16-00; BPSST 5-2000, f. & cert. ef. 9-29-00; BPSST 3-2002, f. & cert. ef. 2-11-02; DPSST 12-2005, f. & cert. ef. 11-15-05; DPSST 14-2012, f. 6-27-12, cert. ef. 7-1-12; DPSST 20-2012, f. & cert. ef. 9-24-12

Rule Caption: Separate Wildland Interface Fire Fighter into two levels of certification (FFT1 and FFT2).

Adm. Order No.: DPSST 21-2012

Filed with Sec. of State: 10-1-2012

Certified to be Effective: 10-1-12

Notice Publication Date: 9-1-2012

Rules Amended: 259-009-0005, 259-009-0062

Subject: Since its adoption into administrative rule, the National Wildfire Coordinating Group (NWCG) has made changes to the Wildland Interface Fire Fighter Standards which has presented difficulties for the Oregon fire service in relation to the supervision component in the FFT1 task book. To remedy this, Wildland Interface Fire Fighters is separated into two levels of certification: Wildland Interface Fire Fighter (FFT2) and Advanced Wildland Interface Fire Fighter (FFT1).

Rules Coordinator: Linsay Hale—(503) 378-2431

259-009-0005

Definitions

(1) "Advanced Wildland Interface Fire Fighter (FFT1)" means a person who is an entry level supervisory position with the knowledge and skills to tactically supervise other fire line firefighters.

(2) "Authority having jurisdiction" means the Department of Public Safety Standards and Training.

(3) "Agency Head" means the chief officer of a fire service agency directly responsible for the administration of that unit.

(4) "Board" means the Board on Public Safety Standards and Training.

(5) "Cargo Tank Specialty" means a person who provides technical support pertaining to cargo tank cars, provided oversight for product removal and movement of damaged cargo tanks, and acts as liaison between technicians and outside resources.

(6) "Chief Officer" means an individual of an emergency fire agency at a higher level of responsibility than a company officer. A chief officer supervises two or more fire companies in operations or manages and supervises a particular fire service agency program such as training, communications, logistics, prevention, emergency medical services provisions and other staff related duties.

(7) "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.

(8) "Company Officer" means a fire officer who supervises a company of fire fighters assigned to an emergency response apparatus.

(9) "Content Level Course" is a course that includes an identifiable block of learning objectives or outcomes that are required for certification at one or more levels.

(10) "Department" means the Department of Public Safety Standards and Training.

(11) "Director" means the Director of the Department of Public Safety Standards and Training.

(12) "Entry Level Fire Fighter" means an individual at the beginning of his/her fire service involvement. During the probationary period an entry level fire fighter is in a training and indoctrination period under constant supervision by a more senior member of a fire service agency.

(13) "Field Training Officer" means an individual who is authorized by a fire service agency of by the Department to sign as verifying completion of tasks required by task books.

(14) "Fire Company" means a group of fire fighters, usually 3 or more, who staff and provide the essential emergency duties of a particular emergency response apparatus.

(15) "Fire Fighter" is a term used to describe an individual who renders a variety of emergency response duties primarily to save lives and protect property. This applies to career and volunteer personnel.

(16) "Fire Ground Leader" means a Fire Service Professional who is qualified to lead emergency scene operations."

(17) "Fire Inspector" means an individual whose primary function is the inspection of facilities in accordance with the specific jurisdictional fire codes and standards.

(18) "Fire Service Agency" means any unit of state or local government, a special purpose district or a private firm which provides, or has authority to provide, fire protection services.

(19) "Fire Service Professional" means a paid (career) or volunteer fire fighter, an officer or a member of a public or private fire protection agency who is engaged primarily in fire investigation, fire prevention, fire safety, fire control or fire suppression or providing emergency medical services, light and heavy rescue services, search and rescue services or hazardous materials incident response. "Fire service professional" does not include forest fire protection agency personnel.

(20) "Fire Training Officer" means a fire service member assigned the responsibility for administering, providing, and managing and/or supervising a fire service agency training program.

(21) "First Responder" means an "Operations Level Responder"

(22) "Hazardous Materials Safety Officer" means a person who works within an incident management system (IMS) (specifically, the hazardous materials branch/group) to ensure that recognized hazardous materials/WMD safe practices are followed at hazardous materials/weapons of mass destruction (WMD) incidents.

(23) "Hazardous Materials Technician" means a person who responds to hazardous materials/weapons of mass destruction (WMD) incidents using a risk-based response process by which they analyze a problem involving hazardous materials/weapons of mass destruction (WMD), select applicable decontamination procedures, and control a release using specialized protective and control equipment.

(24) "Incident Commander" (IC) means a person who is responsible for all incidents activities, including the development of strategies and tactics and the ordering and release of resources.

(25) "Intermodal Tank Specialty" means a person who provides technical support pertaining to intermodal tanks, provided oversight for product removal and movement of damaged intermodal tanks, and acts as a liaison between technicians and outside resources.

(26) "Marine Tank Vessel Specialty" means a person who provides technical support pertaining to marine tank vessels, provided oversight for product removal and movement of damaged marine tank vessels, and acts as a liaison between technicians and outside resources.

(27) "NFPA" stands for National Fire Protection Association which is a body of individuals representing a wide variety of professions, including fire protection, who develop consensus standards and codes for fire safety by design and fire protection agencies.

(28) "NFPA Aircraft Rescue and Fire-Fighting Apparatus" means a Fire Service Professional who has met the requirements of Fire Fighter II as specified in NFPA 1001, Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4, NFPA Airport Fire Fighter as specified in NFPA 1003 and the job performance requirements defined in NFPA 1002 Sections 9.1 and 9.2.

(29) "NFPA Airport Firefighter" means a member of a Fire Service Agency who has met job performance requirements of NFPA Standard 1003.

(30) "NFPA Apparatus Equipped with an Aerial Device" means a Fire Service Professional who has met the requirements of Fire Fighter I as specified in NFPA 1001, Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4 and the job performance requirements defined in NFPA 1002 Sections 6.1 and 6.2.

(31) "NFPA Apparatus Equipped with a Tiller" means a Fire Service Professional who has met the requirements of Fire Fighter I as specified in NFPA 1001, Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4, Apparatus Equipped with an Aerial Device as specified in NFPA 1002 Chapter 6 and the job performance requirements defined in NFPA 1002 Sections 7.2.

(32) "NFPA Apparatus Equipped with Fire Pump" means a Fire Service Professional who has met the requirements of Fire Fighter I as specified in NFPA 1001, Fire Apparatus Driver/Operator as specified in

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NFPA 1002 Chapter 4 and the job performance requirements defined in NFPA 1002 Sections 5.1 and 5.2.

(33) “NFPA Confined Space Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 7 sections 7.1 and 7.2.

(34) “NFPA Dive Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 11 sections 11.1 and 11.2, and Chapter 13 sections 13.1 and 13.2.

(35) “NFPA Fire Apparatus Driver/Operator” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1002, Chapter 4 sections 4.2 and 4.3.

(36) “NFPA Fire Fighter I” means a member of a fire service agency who has met the Level I job performance requirements of NFPA standard 1001. Sometimes referred to as a journeyman fire fighter.

(37) “NFPA Fire Fighter II” means a member of a fire service agency who met the more stringent Level II job performance requirements of NFPA Standard 1001. Sometimes referred to as a senior fire fighter.

(38) “NFPA Fire Inspector I” means an individual who conducts basic fire code inspections and has met the Level I job performance requirements of NFPA Standard 1031.

(39) “NFPA Fire Inspector II” means an individual who conducts complicated fire code inspections, reviews plans for code requirements, and recommends modifications to codes and standards. This individual has met the Level II job performance requirements of NFPA standard 1031.

(40) “NFPA Fire Inspector III” means an individual at the third and most advanced level of progression who has met the job performance requirements specified in this standard for Level III. The Fire Inspector III performs all types of fire inspections, plans review duties, and resolves complex code-related issues.

(41) “NFPA Fire Investigator” means an individual who conducts post fire investigations to determine the cause and the point of origin of fire. This individual has met the job performance requirements of NFPA Standard 1033.

(42) “NFPA Fire Officer I” means the fire officer, at the supervisory level, who has met the job performance requirements specified in NFPA 1021 Standard Fire Officer Professional Qualifications. (Company officer rank)

(43) “NFPA Fire Officer II” means the fire officer, at the supervisory/managerial level, who has met the job performance requirements in NFPA Standard 1021. (Station officer, battalion chief rank)

(44) “NFPA Fire Officer III” means the fire officer, at the managerial/administrative level, who has met the job performance requirements in NFPA Standard 1021. (District chief, assistant chief, division chief, deputy chief rank)

(45) “NFPA Fire Officer IV” means the fire officer, at the administrative level, who has met the job performance requirements in NFPA Standard 1021. (Fire Chief)

(46) “NFPA Instructor I” means a fire service instructor who has demonstrated the knowledge and ability to deliver instruction effectively from a prepared lesson plan, including instructional aids and evaluation instruments; adapt lesson plans to the unique requirements of the students and authority having jurisdiction; organize the learning environment so that learning is maximized; and meet the record-keeping requirements of authority having jurisdiction.

(47) “NFPA Instructor II” means a fire service instructor who, in addition to meeting Instructor I qualifications, has demonstrated the knowledge and ability to develop individual lesson plans for a specific topic including learning objectives, instructional aids, and evaluation instruments; schedule training sessions based on overall training plan of authority having jurisdiction; and supervise and coordinate the activities of other instructors.

(48) “NFPA Instructor III” means a fire service instructor who, in addition to meeting Instructor II qualifications, has demonstrated the knowledge and ability to develop comprehensive training curricula and programs for use by single or multiple organizations; conduct organization needs analysis; and develop training goals and implementation strategies.

(49) “NFPA Marine Land-Based Fire Fighter” means a member of a fire service agency who meets the job performance requirements of NFPA 1005.

(50) “NFPA Mobile Water Supply Apparatus” means a Fire Service Professional who has met the requirements of Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4 and the job performance requirements defined in NFPA 1002 Sections 10.1 and 10.2.

(51) “NFPA Rope Rescue — Level I” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 6 section 6.1.

(52) “NFPA Rope Rescue — Level II” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 6 section 6.2.

(53) “NFPA Surf Rescue” means a Fire Service Professional who had met the job performance requirements defined in NFPA 1006, Chapter 11 sections 11.1 and 11.2, and Chapter 15 sections 15.1 and 15.2.

(54) “NFPA Surface Water Rescue — Level I” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 11 section 11.1.

(55) “NFPA Surface Water Rescue — Level II” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 11 section 11.2.

(56) “NFPA Swiftwater Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 6 sections 6.1 and 6.2, Chapter 11 sections 11.1 and 11.2, and Chapter 12 sections 12.1 and 12.2.

(57) “NFPA Trench Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 8 sections 8.1 and 8.2.

(58) “NFPA Structural Collapse Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 9 sections 9.1 and 9.2.

(59) “NFPA Vehicle and Machinery Rescue” means a Fire Service Professional who has met the job performance requirements defined in NFPA 1006, Chapter 10 sections 10.1 and 10.2.

(60) “NFPA Wildland Fire Apparatus” means a Fire Service Professional who has met the requirements of Fire Apparatus Driver/Operator as specified in NFPA 1002 Chapter 4 and the job performance requirements defined in NFPA 1002 Sections 8.1 and 8.2.

(61) “Operations Level Responder” means a person who responds to hazardous materials/weapons of mass destruction (WMD) incidents for the purpose of implementing or supporting actions to protect nearby persons, the environment, or property from the effects of the release.

(62) “Service Delivery” means to be able to adequately demonstrate, through job performance, the knowledge, skills, and ability of a certification level.

(63) “Staff” means those employees occupying full-time, part-time, and/or temporary positions with the Department.

(64) “Tank Car Specialty” means a person who provides technical support pertaining to tank cars, provided oversight for product removal and movement of damaged tank cars, and acts as a liaison between technicians and outside resources.

(65) “Task Performance” means to be able to demonstrate the ability to perform the tasks, of a certification level, in a controlled environment while being evaluated.

(66) “The Act” refers to the Public Safety Standards and Training Act (ORS 181.610 to 181.705).

(67) “Topical Level Course” is a course that does not include an identifiable block of learning objectives or outcomes that are required for certification at one or more levels.

(68) “Track” means a field of study required for certification.

(69) “Waiver” means to refrain from pressing or enforcing a rule.

(70) “Wildland Interface Crew Boss” means a person who is in supervisory position in charge of 16 to 21 fire fighters and is responsible for their performance, safety, and welfare.

(71) “Wildland Interface Division/Group Supervisor” means a person who is responsible to act in an ICS position responsible for commanding and managing resources on a particular geographic area of a wildland fire. Reports to a Branch Director or Operations Section Chief.

(72) “Wildland Interface Engine Boss” means a person who is in supervisory position who has demonstrated the skills and depth of knowledge necessary to function under general supervision while operating a piece of apparatus such as an engine.

(73) “Wildland Interface Fire Fighter (FFT2)” means a person at the first level of progression who demonstrated the knowledge and skills necessary to function safely as a member of a wildland fire suppression crew whose principal function is fire suppression. This position has direct supervision.

(74) “Wildland Interface Strike Team Leader Crew” means a person who is responsible to act in an ICS position and is responsible for the direct supervision of a crew strike team.

(75) “Wildland Interface Strike Team Leader Engine” means a person who is responsible to act in an ICS position and is responsible for the direct supervision of an engine strike team.

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(76) “Wildland Interface Structural Group Supervisor” means a person who is responsible to act in an ICS position responsible for supervising equipment and personnel assigned to a group. Groups are composed of resources assembled to perform a special function not necessarily within a single geographic division. Groups, when activated, are located between branches and resources in the operations section. Reports to a Branch Director or Operations Section Chief.

Stat. Auth.: ORS 181.640
Stats. Implemented: ORS 181.640
Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 8-2004, f. & cert. ef. 4-23-04; DPSST 2-2006, f. & cert. ef. 1-24-06; DPSST 9-2006, f. & cert. ef. 7-7-06; DPSST 2-2007, f. & cert. ef. 1-12-07; DPSST 10-2008, f. & cert. ef. 7-15-08; DPSST 7-2009, f. & cert. ef. 7-13-09; DPSST 12-2009, f. & cert. ef. 10-15-09; DPSST 16-2009(Temp), f. & cert. ef. 12-15-09 thru 6-11-10; DPSST 5-2010, f. 6-11-10, cert. ef. 6-14-10; DPSST 11-2010, f. & cert. ef. 11-12-10; DPSST 3-2011, f. 3-28-11, cert. ef. 5-1-11; DPSST 12-2011, f. & cert. ef. 8-1-11; DPSST 21-2012, f. & cert. ef. 10-1-12

259-009-0062

Fire Service Personnel Certification

(1) A fire service professional affiliated with an Oregon fire service agency may be certified by satisfactorily completing the requirements specified in section (2) of this rule: through participation in a fire service agency training program accredited by the Department; or through a course certified by the Department; or by evaluation of experience as specified in OAR 259-009-0063. The Department may certify a fire service professional who has satisfactorily completed the requirements for certification as prescribed in section (2) of this rule, including the Task Performance Evaluations (TPE) if applicable.

(2) The following standards for fire service personnel are hereby adopted by reference:

(a) The provisions of the NFPA Standard 1001, 2008 Edition, entitled “Fire Fighter Professional Qualifications”;

(A) “Authority having jurisdiction” means the Department of Public Safety Standards and Training.

(B) Delete section 1.3.1.

NOTE: This references NFPA 1500.

(C) Delete section 2.2.

NOTE: This references NFPA 1500 and 1582.

(D) Entry Level Fire Fighter means an individual trained to the requirements of Section 2-1 Student Prerequisites, NFPA Standard 1403, 1997 Edition, entitled “Live Fire Training Evolutions” and the applicable safety requirements adopted by OR-OSHA. An individual trained to this level and verified so by the agency head is qualified to perform live-fire training exercises and to perform on the emergency scene under constant supervision. An Entry Level Fire Fighter should be encouraged to complete Fire Fighter I training within one year.

(E) Before an applicant can qualify for certification, the applicant must complete either a Task Performance Evaluation or a Department approved Task Book for Fire Fighter I and Fire Fighter II, signed off by the Agency Head or Training Officer.

(b) The provisions of the NFPA Standard 1002, 2009 Edition, entitled “Standard for Fire Apparatus Driver/Operator Professional Qualifications,” are adopted subject to the following definitions and modifications hereinafter stated:

(A) 5.1 General. The job performance requirements defined in Sections 5.1 and 5.2, must be met prior to certification as a Fire Service Agency Driver/Operator-Pumper.

(B) 6.1 General. The requirements of NFPA 1001 Fire Fighter I and NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 6.1 and 6.2, must be met prior to certification as a Fire Service Agency Driver/Operator-Aerial.

(C) 7.1 General. The requirements of NFPA 1001 Fire Fighter I and NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 7.1 and 7.2 must be met prior to certification as a Fire Service Agency Driver/Operator-Tiller.

(D) 8.1 General. The requirements of NFPA 1001 Fire Fighter I and NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 8.1 and 8.2, must be met prior to certification as a Fire Service Agency Driver/Operator-Wildland Fire Apparatus.

(E) 9.1 General. The requirements of NFPA 1001 Fire Fighter II and NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 9.1 and 9.2, must be met prior to certification as a Fire Service Agency Driver/Operator-Aircraft Rescue and Fire Fighting Apparatus (ARFF).

(F) 10.1 General. The requirements of NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 10.1 and 10.2, must be met prior to certification as a Fire Service Agency Driver/Operator-Mobile Water Supply Apparatus.

(G) Delete “the requirements of NFPA 1500, Standard on Fire Department Occupational Safety and Health Program”.

(H) All applicants for certification must complete either a Task Performance Evaluation or a Department approved Task Book for: Driver, Pumper Operator, Aerial Operator, Tiller Operator, Wildland Fire Apparatus Operator, Aircraft Rescue and Fire-Fighting Apparatus Operator or Mobile Water Supply Apparatus Operator and signed off by the Agency Head or Training Officer before an applicant can qualify for certification.

(c) The provisions of the NFPA Standards 1003, 2005 Edition, entitled “Standard for Airport Fire Fighter Professional Qualifications,”

(A) 6.1 General. Prior to certification as a Fire Service Agency NFPA 1003 Airport Fire Fighter, the requirements of NFPA 1001 Fire Fighter II and NFPA 1002 Aircraft Rescue and Fire Fighting Apparatus Operator (ARFF), as specified by the Department, and the job performance requirements defined in sections 6.1 through 6.4 must be met.

(B) All applicants for certification must complete either a Task Performance Evaluation or a Department-approved Task Book for: Airport Fire Fighter and signed off by the Agency Head or Training Officer before an applicant can qualify for certification.

(d) The provisions of NFPA Standard 1005, 2007 Edition, entitled “Marine Fire Fighting for Land Based Fire Fighters Professional Qualifications,” are adopted subject to the following definitions and modifications:

(A) “Authority having jurisdiction” means the Department of Public Safety Standards and Training.

(B) Delete section 2.2.

NOTE: This references NFPA 1500.

(C) Delete sections of 2.4.

NOTE: This references NFPA 1000, NFPA 1081, NFPA 1405, NFPA 1670 and NFPA 1710.

(D) 5.1 General. Prior to certification as a Fire Service Agency NFPA 1005 Marine Land-Based Fire Fighter, the requirements of NFPA 1001 Fire Fighter II, as specified by the Department.

(E) All applicants for certification must complete a Department approved Task Book for: Marine Fire Fighting for Land Based Fire Fighters and signed off by the Agency Head or Training Officer before an applicant can qualify for certification.

(e) The provisions of the NFPA Standards 1003, 2005 Edition, entitled “Standard for Airport Fire Fighter Professional Qualifications,”

(A) 6.1 General. Prior to certification as a Fire Service Agency NFPA 1003 Airport Fire Fighter, the requirements of NFPA 1001 Fire Fighter II and NFPA 1002 Aircraft Rescue and Fire Fighting Apparatus Operator (ARFF), as specified by the Department, and the job performance requirements defined in sections 6.1 through 6.4 must be met.

(B) All applicants for certification must complete either a Task Performance Evaluation or a Department-approved Task Book for: Airport Fire Fighter and signed off by the Agency Head or Training Officer before an applicant can qualify for certification.

(f) The provisions of NFPA Standard 1005, 2007 Edition, entitled “Marine Fire Fighting for Land Based Fire Fighters Professional Qualifications,” are adopted subject to the following definitions and modifications:

(A) “Authority having jurisdiction” means the Department of Public Safety Standards and Training.

(B) Delete section 2.2.

NOTE: This references NFPA 1500.

(C) Delete sections of 2.4.

NOTE: This references NFPA 1000, NFPA 1081, NFPA 1405, NFPA 1670 and NFPA 1710.

(D) 5.1 General. Prior to certification as a Fire Service Agency NFPA 1005 Marine Land-Based Fire Fighter, the requirements of NFPA 1001 Fire Fighter II, as specified by the Department.

(E) All applicants for certification must complete a Department approved Task Book for: Marine Fire Fighting for Land Based Fire Fighters and signed off by the Agency Head or Training Officer before an applicant can qualify for certification.

(F) Transition Phase:

(i) An application for certification in Marine Fire Fighting for Land Based Fire Fighters must be submitted to the Department no later than June 30, 2009 to receive consideration for certification without having to complete a task book.

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(ii) All applications received on or after July 1, 2009, will need to show completion of the approved task book.

(g) The provisions of the NFPA Standard No. 1031, Edition of (2009), entitled "Professional Qualifications for Fire Inspector and Plan Examiner" are adopted.

(A) All applicants for certification as an NFPA Fire Inspector I must:

(i) Successfully complete a Department approved Task Book; and

(ii) Furnish proof that they have passed an exam demonstrating proficiency in the model fire code adopted by the State of Oregon or an equivalent.

(B) All applicants for certification as an NFPA Fire Inspector II must:

(i) Hold a certification as a Fire Inspector I; and

(ii) Successfully complete a Department approved Task Book.

(C) All applicants for certification as an NFPA Fire Inspector III must:

(i) Hold a certification as a Fire Inspector II; and

(ii) Successfully complete a Department approved Task Book.

(D) Task books must be monitored by a Field Training Officer approved by the Department. The Field Training Officer must be certified at or above the level being monitored and have at least five (5) years inspection experience. The Department may approve other Field Training Officers with equivalent training, education and experience as determined by designated Department staff.

(h) The provisions of the NFPA Standard No. 1033, Edition of (2009), entitled "Professional Qualifications for Fire Investigator" are adopted subject to the following definitions and requirements:

(A) An individual must successfully complete a Department approved Task Book before the Department will administer a written examination for the Fire Investigator certification level. Exception: Anyone holding a valid IAAI Fire Investigator Certification, National Association of Fire Investigators (NAFI) certification, or Certified Fire Explosion Investigators (CFEI) certification is exempt from taking the Department's Fire Investigator written exam.

(B) A Department approved Field Training Officer must monitor the completion of a Task Book. The Field Training Officer must be certified at or above the level being monitored and have at least five (5) years fire investigation experience. Exception: The Department may approve a Field Training Officers with equivalent training, education and experience.

(i) The provisions of the NFPA Standard No. 1035, Edition of 2000, entitled "Professional Qualifications for Public Fire and Life Safety Educator" are adopted subject to the following definitions and modifications:

(A) Chapter 6 (Six) "Juvenile Firesetter Intervention Specialist I" and Chapter 7 (Seven) "Juvenile Firesetter Intervention Specialist II," Oregon-amended, shall be adopted with the following changes:

(i) Change the following definitions:

(I) 1-4.4 Change the definition of "Assessment" to read: "A structured process by which relevant information is gathered for the purpose of determining specific child or family intervention needs conducted by a mental health professional."

(II) 1-4.11 Change the title of "Fire Screener" to "Fire Screening" and the definition to read "The process by which we conduct an interview with a firesetter and his or her family using state approved forms and guidelines. Based on recommended practice, the process may determine the need for referral for counseling and/or implementation of educational intervention strategies to mitigate effects of firesetting behavior."

(III) 1-4.14 Include "insurance" in list of agencies.

(IV) 1-4.15 Change the definition to read: "...that may include screening, education and referral for assessment for counseling, medical services."

(V) 1-4.16 Change "person" to "youth" and change age from 21 to 18.

(VI) 1-4.17 Add "using state-approved prepared forms and guidelines."

(VII) 1-4.22 Add "...or by authority having jurisdiction."

(VIII) 1-4.24 Add "...or as defined by the authority having jurisdiction."

(ii) Under 6-1 General Requirements, delete the statement, "In addition, the person shall meet the requirements for Public Fire and Life Safety Educator I prior to being certified as a Juvenile Firesetter Intervention Specialist I."

(B) A task book shall be completed prior to certification as a Public Fire and Life Safety Educator I, II or III.

(C) A task book shall be completed prior to certification as a Public Information Officer.

(D) A task book shall be completed prior to certification as a Juvenile Firesetter Intervention Specialist I and II.

(j) The provisions of the NFPA Standard No. 1041, Edition of 2007, entitled "Standard for Fire Service Instructor Professional Qualifications," are adopted subject to the following definitions and modifications:

(A) "Fundamentals of Instruction" shall mean a 16-hour instructor training course for those instructors used for in-house training. This course includes a task book. This course does not lead to certification.

(B) Successfully complete an approved task book for Fire Service Instructor I and II. This requirement is effective for any application for certification after January 4, 2002.

(k) The provisions of the NFPA Standard 1021, 2009 Edition, entitled "Standards for Fire Officer Professional Qualifications," are adopted subject to the following definitions and modifications:

(A) 4.1 General. For certification as Fire Officer I, the candidate must be certified at NFPA 1001 Fire Fighter II, and NFPA 1041 Fire Instructor I, as defined by the Department, and meet the job performance requirements defined in Sections 4.1 through 4.7 of this Standard.

(i) Amend section 4.1.2 General Prerequisite Skills to include college courses or Department approved equivalent courses in the following areas of study: Communications, Math, Physics, Chemistry, or Fire Behavior and Combustion. Refer to the suggested course guide for detailed course, curriculum and training information.

(ii) All applicants for certification must complete either a Task Performance Evaluation or a Department approved Task Book for; NFPA Fire Officer I and signed off by the Agency Head or Training Officer before an applicant can qualify for certification.

(B) 5.1 General. For certification as NFPA Fire Officer II, the candidate must be certified as NFPA Fire Officer I, as defined by the Department, and meet the job performance requirements defined in Section 5.1 through 5.7 of the Standard.

(i) Amend section 5.1.2 General Prerequisite Skills to include college courses or Department approved equivalent courses in the following areas of study: Psychology or Sociology.

(ii) Amend section 5.3 Community and Government Relations to include State and Local Government or Department approved equivalent courses.

(iii) All applicants for certification must complete either a Task Performance Evaluation or a Department approved Task Book for NFPA Fire Officer II, and signed off by the Agency Head or Training Officer, before an applicant can qualify for certification.

(C) 6.1 General. For certification as NFPA Fire Officer III, the candidate must be certified as a NFPA Fire Officer II, NFPA, NFPA 1041 Fire Instructor II, as defined by the Department, and meet the job performance requirements defined in Sections 6.1 through 6.7 of the Standard.

(i) All applicants for certification must complete a Department approved Task Book for NFPA Fire Officer III, and signed off by the Agency Head or Training Officer, before an applicant can qualify for certification.

(D) 7.1 General. For certification as NFPA Fire Officer IV the candidate must be certified as NFPA Fire Officer III, as defined by the Department, and meet the job performance requirements in Sections 7.1 through 7.7 of the Standard.

(i) All applicants for certification must complete a Department approved Task Book for NFPA Fire Officer IV, and signed off by the Agency Head or Training Officer, before an applicant can qualify for certification.

(l) Hazardous Materials Responder (DPSST-P-12 1/96).

(m) Fire Ground Leader.

(A) This is a standard that is Oregon-specific.

(B) An applicant applying for Fire Ground Leader must first be certified as an NFPA Fire Fighter II.

(C) An applicant applying for Fire Ground Leader must document training in all of the following areas:

(i) Building Construction: Non-Combustible and Combustible;

(ii) Emergency Service Delivery;

(iii) Fire Behavior;

(iv) Fire Ground Safety; and

(v) Water Supply Operations.

(D) All applicants for certification must complete a Task Performance Evaluation or a Department-approved Task Book for Fire Ground Leader. The Evaluation or Task Book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(n) Advanced Wildland Interface Fire Fighter (FFT1).

(A) This standard includes NWCG Wildland Fire Fighter Type 1.

(B) An individual applying for Wildland Interface Fire Fighter (FFT1) must be certified as Wildland Interface Fire Fighter (FFT2) prior to apply-

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ing for Wildland Interface Fire Fighter (FFT1) and must document training in all of the following areas at the time of application:

- (i) S-131 Firefighter Type I;
- (ii) S-133 Look Up, Look Down, Look Around; and
- (iii) Completion of the NWCG NWCG Firefighter Type 1 (FFT1)/Incident Commander Type 5 (ICT5) Task Book.

(o) Wildland Interface Fire Fighter (FFT2).

(A) This standard includes NWCG Wildland Fire Fighter Type 2.

(B) An individual applying for Wildland Interface Fire Fighter (FFT2) must document training in all of the following areas at the time of application:

- (i) S-130 Fire Fighter Training;
 - (ii) S-190 Wildland Fire Behavior;
 - (iii) L-180 Human Factors on the Fireline; and
 - (iv) I-100 Introduction to ICS.
- (p) Wildland Interface Engine Boss.
- (A) This is an NWCG standard.

(B) An individual applying for Wildland Interface Engine Boss must be certified as Wildland Interface Fire Fighter prior to applying for Wildland Interface Engine Boss and must document training in all of the following areas at the time of application:

- (i) I-200 Basic Incident Command;
- (ii) S-230 or S-231 Crew Boss (Single Resource);
- (iii) S-290 Intermediate Wildland Fire Behavior; and
- (iv) Completion of the Task Book for NWCG Single Resource Boss Engine.

(q) Wildland Interface Crew Boss.

(A) This is an NWCG standard.

(B) An individual applying for Wildland Interface Crew Boss must be certified as Wildland Interface Fire Fighter prior to applying for Wildland Interface Crew Boss and must document training in all of the following areas at the time of application:

- (i) I-200 Basic Incident Command;
- (ii) S-230 Crew Boss (Single Resource);
- (iii) S-290 Intermediate Wildland Fire Behavior; and
- (iv) Completion of the Task Book for NWCG Single Resource Boss Crew.

(r) Wildland Interface Strike Team Leader Engine.

(A) This is an NWCG standard.

(B) An individual applying for Wildland Interface Strike Team Leader Engine must be certified as Wildland Interface Engine Boss prior to applying for Wildland Interface Strike Team/Leader Engine and must document training in all of the following areas at the time of application:

- (i) S-215 Fire Operations in the WUI;
- (ii) S-330 Task Force/Strike Team Leader;
- (iii) I-300 Intermediate ICS; and
- (iv) Completion of the Task Book for NWCG Strike Team Leader Engine.

(s) Wildland Interface Strike Team Leader Crew.

(A) This is an NWCG standard.

(B) An individual applying for Wildland Interface Strike Team Leader Crew must be certified as Wildland Interface Crew Boss prior to applying for Wildland Interface Strike Team Leader Crew and must document training in all of the following areas at the time of application:

- (i) S-215 Fire Operations in the WUI;
- (ii) S-330 Task Force/Strike Team Leader;
- (iii) I-300 Intermediate ICS; and
- (iv) Completion of the Task Book for NWCG Strike Team Leader Crew.

(t) Wildland Interface Structural Group Supervisor.

(A) This is an Oregon standard.

(B) An individual applying for Wildland Interface Structural Group Supervisor must be certified as Wildland Interface Strike Team Leader Engine prior to applying for certification as Wildland Structural Interface Group Supervisor and must document training in all of the following areas at the time of application:

- (i) S-390 Introduction to Wildland Fire Behavior Calculations;
 - (ii) S-339 Division/Group Supervisor; and
 - (iii) Completion of the Task Book for NWCG Group Supervisor.
- (u) Wildland Interface Division/Group Supervisor.
- (A) This is an NWCG standard.

(B) An individual applying for Wildland Interface Division/Group Supervisor must be certified as Wildland Interface Strike Team Leader Engine and a Wildland Interface Strike Team Leader Crew prior to applying for certification as Wildland Interface Division/Group Supervisor and

must document training in all of the following areas at the time of application:

- (i) S-390 Introduction to Wildland Fire Behavior Calculations;
- (ii) S-339 Division/Group Supervisor; and
- (iii) Completion of the Task Book for NWCG Division/Group Supervisor.

(v) Maritime Fire Service Operator Standards Professional Qualifications (October, 1999) and completion of an approved task book. Historical Recognition:

(A) The application shall be submitted with the Fire Chief or designee's signature attesting to the skill level and training of the applicant.

(B) The application must be submitted to the Department no later than October 1, 2004, to receive certification for Maritime Fire Service Operator without having to complete the task book.

(C) All applications received after October 1, 2004, will need to show completion of the approved task book.

(w) Certification guide for Wildland Fire Investigator (August, 2005).

(x) The provisions of the 2008 Edition of NFPA 1006 entitled, "Standards for Technical Rescuer Professional Qualifications" are adopted subject to the following modifications:

(A) The "Authority Having Jurisdiction" means the local or regional fire service agency.

(B) Historical Recognition:

(i) Applicants who currently hold active Department of Public Safety Standards and Training NFPA Surface Water Rescue Technician and NFPA Rope Rescue levels of certification may apply for NFPA Swiftwater Rescue level of certification.

(ii) The NFPA Technical Rescuer application for certification under (i) above must be submitted to the Department of Public Safety Standards and Training on or before December 30, 2011.

(C) Instructors:

(i) Curriculum must be certified by the Department to meet NFPA 1006 standards.

(ii) An instructor delivering training under a fire service agency's accreditation agreement must be a certified technician in that specialty rescue area.

(D) Task Books:

(i) A task book must be completed for each of the eleven specialty rescue areas applied for.

(ii) Only a certified technician in that specialty rescue area can sign off on the task book.

(iii) The requirements in Chapters 4 and 5 need only to be met once for all eleven specialty rescue areas.

(y) Urban Search and Rescue.

(A) This is a standard that is Oregon-specific.

(B) The following eleven (11) specialty Urban Search and Rescue (USAR) certifications are adopted:

- (i) Task Force Leader;
- (ii) Safety Officer;
- (iii) Logistics Manager;
- (iv) Rescue Team Manager;
- (v) Rescue Squad Officer;
- (vi) Rescue Technician;
- (vii) Medical Technician;
- (viii) Rigging Technician;
- (ix) Search Team Manager;
- (x) Search Squad Officer;
- (xi) Search Technician.

(C) An applicant applying for any USAR certification(s) must complete the appropriate application(s) attesting to completion of the required training.

(z) The provisions of the NFPA Standard 472, 2008 Edition, entitled "Standard for Hazardous Materials and Weapons of Mass Destruction" are adopted subject to the following definitions and modifications hereinafter stated:

(A) Hazardous Materials Technician: All applicants for certification must first certify as an Operations Level Responder and complete a Department approved Task Book, signed off by the Agency Head or Training Officer, before an applicant can qualify for certification.

(B) Hazardous Materials Safety Officer: All applicants for certification must first certify as a Hazardous Materials Technician and complete a Department approved Task Book, signed off by the Agency Head or Training Officer, before an applicant can qualify for certification. This certification level includes, but is not limited to, the following course work:

- (i) Analyzing the Incident;

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- (ii) Planning the Response;
- (iii) Implementing the Planned Response;
- (iv) Evaluating the Progress.

(C) Incident Commander: The level of certification formerly known as "On-Scene Incident Commander" is now known as "Incident Commander." The Incident Commander correlates directly with NFPA 472. All applicants for certification must first certify as an Operations Level Responder.

(D) Operations Level Responder: The level of certification formerly known as "First Responder" is now known as "Operations Level Responder." The Operations Level Responder correlates directly with NFPA 472. Successful completion of skills sheets or task performance evaluations (TPE) must be met prior to certification as an Operations Level Responder.

(aa) Specialty Levels of Certification. All applicants for specialty levels of certification must first certify as a Hazardous Materials Technician.

(A) The following four (4) specialty certifications are adopted:

- (i) Cargo Tank Specialty;
- (ii) Intermodal Tank Specialty;
- (iii) Marine Tank Vessel Specialty;
- (iv) Tank Car Specialty;

(B) Successful completion of task performance evaluations (TPE) must be met prior to obtaining a specialty level of certification.

(3) Task performance evaluations, where prescribed, shall be required prior to certification. Such examinations shall be conducted in the following manner:

(a) Task performance competency shall be evaluated by three people nominated by the employing fire service agency's Chief Officer for approval by the Department or its designated representative.

(b) The employing fire service agency's equipment and operational procedures shall be used in accomplishing the task performance to be tested.

(c) Specific minimum testing procedures, as provided by the Department, shall be used for administration of the evaluation.

(d) The training officer for an accredited fire service agency training program must notify the Department or its designated representative prior to performing a Task Performance Evaluation.

(e) At the request of the fire chief, a representative of the Department will be designated to monitor the task performance evaluation for personnel from a fire service agency whose training program is not accredited.

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

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 11-2003 f. & cert. ef. 7-24-03; DPSST 13-2003(Temp), f. & cert. ef. 10-27-03 thru 3-31-04; DPSST 3-2004(Temp), f. & cert. ef. 4-9-04 thru 10-1-04; DPSST 8-2004, f. & cert. ef. 4-23-04; DPSST 2-2006, f. & cert. ef. 1-24-06; DPSST 9-2006 f. & cert. ef. 7-7-06; DPSST 14-2006, f. & cert. ef. 10-13-06; DPSST 16-2006, f. & cert. ef. 11-20-06; DPSST 2-2007, f. & cert. ef. 1-12-07; DPSST 10-2008, f. & cert. ef. 7-15-08; DPSST 7-2009, f. & cert. ef. 7-13-09; DPSST 12-2009, f. & cert. ef. 10-15-09; DPSST 16-2009(Temp), f. & cert. ef. 12-15-09 thru 6-11-10; DPSST 5-2010, f. 6-11-10, cert. ef. 6-14-10; DPSST 11-2010, f. & cert. ef. 11-12-10; DPSST 11-2010, f. & cert. ef. 11-12-10; DPSST 3-2011, f. 3-28-11, cert. ef. 5-1-11; DPSST 7-2012, f. & cert. ef. 3-28-12; DPSST 21-2012, f. & cert. ef. 10-1-12

Department of State Lands Chapter 141

Rule Caption: Removal-Fill Authorizations within Oregon Waters, General Authorizations and General Permits.

Adm. Order No.: DSL 3-2012

Filed with Sec. of State: 9-28-2012

Certified to be Effective: 9-29-12

Notice Publication Date: 5-1-2012

Rules Adopted: 141-093-0220, 141-093-0225, 141-093-0230, 141-093-0235, 141-093-0240, 141-093-0245

Rules Amended: 141-085-0510, 141-085-0515, 141-085-0520, 141-085-0525, 141-085-0530, 141-085-0534, 141-085-0535, 141-085-0540, 141-085-0545, 141-085-0550, 141-085-0560, 141-085-0585, 141-085-0595, 141-085-0676, 141-085-0680, 141-085-0690, 141-085-0695, 141-085-0700, 141-085-0705, 141-085-0710, 141-085-0715, 141-085-0725, 141-085-0735, 141-085-0755, 141-085-0760, 141-085-0765, 141-085-0770, 141-085-0775, 141-085-0780, 141-085-0785, 141-089-0620, 141-089-0625, 141-089-0630, 141-089-0640, 141-089-0650, 141-089-0670, 141-089-0675, 141-089-0700, 141-089-0715, 141-089-0790, 141-089-0825, 141-089-0835, 141-

093-0103, 141-093-0104, 141-093-0105, 141-093-0107, 141-093-0120, 141-093-0135, 141-093-0151, 141-093-0165, 141-093-0175

Subject: The Division 85 and Division 93 rules required revisions to be consistent with 2011 legislation. Other changes were required in Division 85 to add definitions and improve clarity for program requirements. Division 89 was revised to add additional activities to allow for program streamlining and be consistent with statute (ORS 196.850). Division 93 was revised to address 2011 legislation for GPs issued by order and the program administration of this section. Division 93 was also amended for the fee schedule to address the waiver of fees for GPs issued for the protection of agricultural drainage. Rule language was also developed in response to the legislation to allow for a GP for the protection of agricultural drainage.
Rules Coordinator: Tiana Teeters—(503) 986-5239

141-085-0510

Definitions

The following definitions are used in addition to those in ORS 196.600 to 196.990.

(1) "Applicant" means a landowner, a person authorized by a landowner to conduct a removal or fill activity, or a person that proposes a removal or fill activity for construction or maintenance of a linear facility.

(2) "Aquatic Life and Habitats" means the aquatic environment including all fish, wildlife, amphibians, plants and other biota dependent upon environments created and supported by the waters of this state. Aquatic life includes communities and species populations that are adapted to aquatic habitats for at least a portion of their life.

(3) "Artificial Means" means the purposeful movement or placement of material by humans and/or their machines.

(4) "Authorization" means an individual permit, general authorization, general permit or emergency authorization.

(5) "Bankfull Stage" means the two-year recurrence interval flood elevation.

(6) "Baseline Conditions" means the ecological conditions, wetland functions and values and the soils and hydrological characteristics present at a site before any change by the applicant is made.

(7) "Basin" means one of the eighteen (18) Oregon drainage basins identified by the Oregon Water Resources Department as shown on maps published by that agency.

(8) "Beds" means:

(a) For the purpose of OAR 141-089, the land within the wet perimeter and any adjacent non-vegetated dry gravel bar; and

(b) For all other purposes, "beds" means that portion of a waterway that carries water when water is present.

(9) "Beds or Banks" means the physical container of the waters of this state, bounded on freshwater bodies by the ordinary high water line or bankfull stage, and in tidal bays and estuaries by the limits of the highest measured tide. The "bed" is typically the horizontal section and includes non-vegetated gravel bars. The "bank" is typically the vertical portion.

(10) "Buffer" means an upland or wetland area immediately adjacent to or surrounding a wetland or other water that is set aside to protect the wetland or other waters from conflicting adjacent land uses and to support ecological functions.

(11) "Channel" means a natural (perennial or intermittent stream) or human made (e.g., drainage ditch) waterway that periodically or continuously contains moving water and has a defined bed and bank that serve to confine the water.

(12) "Channel Relocation" means a change in location of a channel in which a new channel is dug and the flow is diverted from the old channel into the new channel.

(13) "Coastal Zone" means the area lying between the Washington border on the north to the California border on the south, bounded on the west by the extent of this state's jurisdiction as recognized by federal law, and the east by the crest of the coastal mountain range, excepting:

(a) The Umpqua River basin, where the coastal zone extends to Scottsburg;

(b) The Rogue River basin, where the coastal zone extends to Agness; and

(c) The Columbia River basin, where the coastal zone extends to the downstream end of Puget Island.

(14) "Coastal Zone Certification Statement" means a signed statement by the applicant or an authorized agent indicating that the proposed project will be undertaken in a manner consistent with the applicable enforceable policies of the Oregon Coastal Management Program.

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(15) "Commercial Operator" means any person undertaking a project having financial profit as a goal.

(16) "Compensatory Mitigation" means activities conducted by a permittee or third party to create, restore, enhance or preserve the functions and values of the waters of this state to compensate for the removal-fill related adverse impacts of project development to waters of this state or to resolve violations of ORS 196.600 to 196.905. Compensatory mitigation for removal-fill activities does not affect permit requirements of other state departments.

(17) "Compensatory Non-Wetland Mitigation (CNWM)" means activities conducted by a permittee or third party to replace non-wetland water functions and values through enhancement, creation, restoration or preservation to compensate for the adverse effects of project development or to resolve violations of ORS 196.600 to 196.905.

(18) "Compensatory Wetland Mitigation (CWM)" means activities conducted by a permittee or third party to create, restore or enhance wetland and tidal waters functions and values through enhancement, creation, restoration or preservation to compensate for the adverse effects of project development or to resolve violations of ORS 196.600 to 196.905.

(19) "Comprehensive Plan" means a generalized, coordinated land use map and associated regulations and ordinances of the governing body of a local government.

(20) "Condition" refers to the state of a water's naturalness or ecological integrity.

(21) "Converted wetlands" means agriculturally managed wetlands that, on or before June 30, 1989, were brought into commercial agricultural production by diking, draining, leveling, filling or any similar hydrologic manipulation and by removal or manipulation of natural vegetation, and that are managed for commercial agricultural purposes. "Converted wetlands" does not include any stream, slough, ditched creek, spring, lake or any other waters of this state that are located within or adjacent to a converted wetland area.

(22) "Cowardin" means Cowardin, L. M., V. Carter, F. C. Golet, E. T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. U. S. Department of the Interior, Fish and Wildlife Service, Washington, D.C.

(23) "Credit" means the measure of the increase in the functions and values of the water resources of this state achieved at a mitigation site.

(24) "Day of Violation" means the first day and each day thereafter on which there is a failure to comply with any provision of the Removal-Fill Law, ORS 196.600 through 196.990, or rules adopted by the Department, or any order or authorization issued by the Department.

(25) "Deep Ripping, Tiling and Moling" refer to certain specific mechanical methods used to promote subsurface drainage of agricultural wetlands.

(26) "Degraded Wetland" refers to a wetland in poor condition with diminished functions and values resulting from hydrologic manipulation (such as diking, draining and filling) and other disturbance factors that demonstrably interfere with the normal functioning of wetland processes.

(27) "Department" means the Oregon Department of State Lands and the Director or designee.

(28) "Ditch" means a manmade water conveyance channel. Channels that are manipulated streams are not considered ditches.

(29) "Dredging" means removal of bed material using other than hand held tools.

(30) "Ecologically or Environmentally Preferable" means compensatory mitigation that has a higher likelihood of replacing functions and values or improving water resources of this state.

(31) "Emergency" means natural or human-caused circumstances that pose an immediate threat to public health, safety or substantial property including crop or farmland.

(32) "Enhancement" means to improve the condition and increase the functions and values of an existing degraded wetland or other water of this state.

(33) "Erosion-Flood Repair" means the placement of riprap or any other work necessary to protect existing facilities and land from flood and high stream flows, in accordance with these regulations.

(34) "Essential Indigenous Anadromous Salmonid Habitat (ESH)" means the streams designated pursuant to ORS 196.810 that are necessary to prevent the depletion of indigenous anadromous salmonid species during their life history stages of spawning and rearing, and any adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to an ESH stream.

(35) "Estuary" means:

(a) For waters other than the Columbia River, the body of water from the ocean to the head of tidewater that is partially enclosed by land and within which salt water is usually diluted by fresh water from the land, including all associated estuarine waters, tidelands, tidal marshes and submerged lands; and

(b) For the Columbia River, all waters from the mouth of the river up to the western edge of Puget Island, including all associated estuarine waters, tidelands, tidal marshes and submerged lands.

(36) "Extreme Low Tide" means the lowest estimated tide.

(37) "Fill" means the total of deposits by artificial means equal to or exceeding 50 cubic yards or more of material at one location in any waters of this state. However, in designated ESH areas (OAR 141-102) and in designated Scenic Waterways (OAR 141-100) "fill" means any amount of deposit by artificial means.

(38) "Food and Game Fish" means those species identified under ORS 506.011, 506.036 or 496.009.

(39) "Forestland" means the same as used in the Forest Practices Act and rules (ORS 527.610 to 527.992); land which is used for the commercial growing and harvesting of forest tree species, regardless of how the land is zoned or taxed or how any state or local statutes, ordinances, rules or regulations are applied.

(40) "Functions and Values" are those ecological characteristics or processes associated with a water of this state and the societal benefits derived from those characteristics. The ecological characteristics are "functions," whereas the associated societal benefits are "values."

(41) "Highest Measured Tide" means the highest tide projected from actual observations within an estuary or tidal bay (see OAR 141-085-0515).

(42) "Hydrogeomorphic Method (HGM)" means the method of wetland classification and functional assessment based on a wetland's location in the landscape and the sources and characteristics of water flow.

(43) "Independent Utility" as used in the definition of "project," means that the project accomplishes its intended purpose without the need for additional phases or other projects requiring further removal-fill activities.

(44) "In-Lieu Fee Mitigation" means the federally approved compensatory mitigation program used to compensate for reasonably expected adverse impacts of project development on waters of the United States and waters of this state with fees paid by the applicant to the Department or other sponsor, as approved by the Department.

(45) "Interagency Review Team (IRT)" is an advisory committee to the Department on mitigation banks and other compensatory mitigation projects.

(46) "Intermittent Stream" means any stream which flows during a portion of every year and which provides spawning, rearing or food-producing areas for food and game fish.

(47) "Legally Protected Interest" means a claim, right, share or other entitlement that is protected under state or federal law. A legally protected interest includes, but is not limited to, an interest in property.

(48) "Linear Facility" means any railway, highway, road, pipeline, water or sewer line, communication line, overhead or underground electrical transmission or distribution line, or similar facility.

(49) "Listed Species" means any species listed as endangered or threatened under the federal Endangered Species Act (ESA) and/or any species listed as endangered or threatened by the State of Oregon.

(50) "Location" means the entire area where the project is located.

(51) "Material" means rock, gravel, sand, silt and other inorganic substances removed from waters of this state and any materials, organic or inorganic, used to fill waters of this state.

(52) "Maintenance" means the periodic repair or upkeep of a structure in order to maintain its original use. "Maintenance" includes a structure being widened by no more than twenty percent of its original footprint at any specific location in waters of this state if necessary to maintain its serviceability. "Maintenance" also includes removal of the minimum amount of sediment either within, on top of or immediately adjacent to a structure that is necessary to restore its serviceability, provided that the spoil is placed on upland.

(53) "Mitigation" means the reduction of adverse effects of a proposed project by considering, in the following order:

(a) Avoiding the effect altogether by not taking a certain action or parts of an action;

(b) Minimizing effects by limiting the degree or magnitude of the action and its implementation;

(c) Rectifying the effect by repairing, rehabilitating or restoring the affected environment;

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(d) Reducing or eliminating the effect over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate corrective measures; and

(e) Compensating for the effect by creating, restoring, enhancing or preserving substitute functions and values for the waters of this state.

(54) “Mitigation Bank” or “Bank” means a site created, restored, enhanced or preserved in accordance with ORS 196.600 to 196.655 to compensate for unavoidable adverse impacts to waters of this state due to activities which otherwise comply with the requirements of ORS 196.600 to 196.905.

(55) “Mitigation Bank Instrument (MBI)” means the legally binding and enforceable agreement between the Department and a mitigation bank sponsor that formally establishes the mitigation bank and stipulates the terms and conditions of the mitigation bank’s construction, operation and long-term management.

(56) “Mitigation Bank Prospectus” or “Prospectus” means the preliminary proposal prepared by a mitigation bank sponsor describing a proposed bank.

(57) “Mitigation Bank Sponsor” or “Sponsor” means a person or single legal entity that has the authority and responsibility to fully execute the terms and conditions of a mitigation bank instrument.

(58) “Navigational Servitude” means activities of the federal government that directly result in the construction or maintenance of congressionally authorized navigation channels.

(59) “Non-Motorized Methods or Activities” are those removal-fill activities within ESH that are completed by hand and are not powered by internal combustion, hydraulics, pneumatics or electricity. Hand-held tools such as wheelbarrows, shovels, rakes, hammers, pry bars and manually operated cable winches are examples of common non-motorized methods.

(60) “Non-Water Dependent Uses” means uses that do not require location on or near a waterway to fulfill their basic purpose.

(61) “Non-Wetland Waters” means waters of this state other than wetlands, including bays, intermittent streams, perennial streams, lakes and all other regulated waters.

(62) “Office of Administrative Hearings” means the state agency unit that provides Administrative Law Judges to conduct contested case proceedings.

(63) “Ordinary High Water Line (OHWL)” means the line on the bank or shore to which the high water ordinarily rises. The OHWL excludes exceptionally high water levels caused by large flood events (e.g., 100-year events).

(64) “Oregon Rapid Wetland Assessment Protocol (ORWAP)” is a method for rapidly assessing wetland functions and values (as well as other attributes) in all wetland types throughout Oregon.

(65) “Payment In-Lieu Mitigation” means compensatory mitigation for waters of this state that is fulfilled by using funds paid to the Department. The payment in-lieu program is not approved to compensate for impacts to waters of the United States.

(66) “Perennial Stream” means a stream that has continuous flow in parts of its bed all year long during years of normal precipitation.

(67) “Person” means a person or a public body, as defined in ORS 174.109; the federal government, when operating in any capacity other than navigational servitude or any other legal entity.

(68) “Plowing” means all forms of tillage and similar physical means for the breaking up, cutting, turning over and stirring of soil to prepare it for planting crops. Plowing does not include deep ripping or redistribution of materials in a manner that changes any waters of this state to upland.

(69) “Practicable” means capable of being accomplished after taking into consideration cost, existing technology and logistics with respect to the overall project purpose.

(70) “Preservation” means to permanently protect waters of this state having exceptional ecological features.

(71) “Private Operator” means any person undertaking a project for an exclusively non-income-producing and nonprofit purpose.

(72) “Project” means the primary development or use, having independent utility, proposed by one person. A project may include more than one removal-fill activity.

(73) “Project Site” means the geographic area upon which the project is being proposed.

(74) “Prospecting” means to search or explore for samples of gold, silver or other precious minerals, using non-motorized methods; by filling, removing or moving by artificial means less than one cubic yard of material at any one individual site; and, cumulatively, not more than five cubic yards of material from within the bed or wet perimeter of any single ESH stream in a single year.

(75) “Public Body” as used in the statutes of this state means state government bodies, local government bodies and special government bodies (ORS 174.109).

(76) “Public Use” means a publicly owned project or a privately owned project that is available for use by the public.

(77) “Push-Up Dam” means a berm of streambed material that is excavated or bulldozed (i.e., pushed-up) from within the streambed itself and positioned in the stream in such a way as to hold or divert water in an active flowing stream. The push-up dam may extend part way or all the way across the stream. Push-up dams are most frequently used to divert water for irrigation purposes associated with agricultural production including livestock watering. Push-up dams are reconstructed each water-use season; high water usually flattens or breaches them; and equipment is used to breach or flatten them at the close of the water-use season.

(78) “Reasonably Expected Adverse Effect” and “Adverse Impact” means the direct or indirect, reasonably expected or predictable results of project development upon waters of this state including water resources, navigation, fishing and public recreation uses.

(79) “Reconstruction” means to rebuild or to replace the existing structure in-kind. “Reconstruction” includes a structure being widened by no more than twenty percent of its original footprint at any specific location in waters of this state.

(80) “Recreational Placer Mining” means to search or explore for samples of gold, silver or other precious minerals by removing, filling or moving material from or within the bed of a stream, using non-motorized equipment or a motorized surface dredge having an intake nozzle with an inside diameter not exceeding four inches and a muffler meeting or exceeding factory-installed noise reduction standards.

(81) “Reference Site” means a site or sites that represent the desired future characteristics and condition to be achieved by a compensatory mitigation plan.

(82) “Removal” means the taking of more than 50 cubic yards of material (or its equivalent weight in tons) in any waters of this state in any calendar year; or the movement by artificial means of an equivalent amount of material on or within the bed of such waters, including channel relocation. However, in designated ESH areas (OAR 141-102) and in designated Scenic Waterways (OAR 141-100) the 50-cubic-yard minimum threshold does not apply.

(83) “Removal-Fill Site” means the specific point where a person removes material from and/or fills any waters of this state. A project may include more than one removal-fill site.

(84) “Riprap” means facing a bank with rock or similar substance to control erosion.

(85) “Serviceable” means capable of being used for its intended purpose.

(86) “Service Area” means the boundaries set forth in a mitigation bank instrument that include one or more watersheds identified on the United States Geological Survey, Hydrologic Unit Map -1974, State of Oregon, for which a mitigation bank provides credits to compensate for adverse effects from project developments to waters of this state. Service areas for mitigation banks are not mutually exclusive.

(87) “State Scenic Waterway (SSW)” means a river or segment of river or lake that has been designated as such in accordance with Oregon Scenic Waterway Law (ORS 390.805 to 390.995).

(88) “Temporary Impacts” are adverse impacts to waters of this state that are rectified within 24 months from the date of the initiation of the impact.

(89) “Temporal Loss” means the loss of the functions and values of waters of this state that occurs between the time of the impact and the time of their replacement through compensatory mitigation.

(90) “Tidal Waters” are the areas in estuaries, tidal bays and tidal rivers located between the highest measured tide and extreme low tide (or to the elevation of any eelgrass beds, whichever is lower), that is flooded with surface water at least annually during most years. Tidal waters include those areas of land such as tidal swamps, tidal marshes, mudflats, algal and eelgrass beds and are included in the Estuarine System and Riverine Tidal Subsystem as classified by Cowardin.

(91) “Violation” means removing material from or placing fill in any of the waters of this state in a manner that is inconsistent with any provision of the Removal-Fill Law (ORS 196.600 through 196.990), rules adopted by the Department, or any order or authorization issued by the Department.

(92) “Water Quality” means the measure of physical, chemical and biological characteristics of water as compared to Oregon’s water quality

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standards and criteria set out in rules of the Oregon Department of Environmental Quality and applicable state law.

(93) "Water Resources" includes not only water itself but also aquatic life and habitats therein and all other natural resources in and under the waters of this state.

(94) "Waters of This State" means all natural waterways, tidal and non-tidal bays, intermittent streams, constantly flowing streams, lakes, wetlands, that portion of the Pacific Ocean that is in the boundaries of this state, all other navigable and non-navigable bodies of water in this state and those portions of the ocean shore, as defined in ORS 390.605, where removal or fill activities are regulated under a state-assumed permit program as provided in 33 U.S.C. 1344(g) of the Federal Water Pollution Control Act, as amended.

(95) "Wet Perimeter", as used in OAR 141-089, means the area of the stream that is under water, or is exposed as a non-vegetated dry gravel bar island surrounded on all sides by actively moving water at the time a removal-fill activity occurs.

(96) "Wetland Creation" means to convert an area that has never been a wetland to a wetland.

(97) "Wetland Enhancement" means to improve the condition and increase the functions and/or values of an existing degraded wetland.

(98) "Wetland Hydrology" means the permanent or periodic inundation or prolonged saturation sufficient to create anaerobic conditions in the soil and support hydrophytes.

(99) "Wetland Restoration" means to reestablish a former wetland.

(100) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Stat. Auth.: ORS 196.825 & 196.600-196.692

Stats. Implemented: ORS 196.600-196.692 & 196.800-196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0515

Removal-Fill Jurisdiction by Type of Water

This section describes the types and jurisdictional limits of the waters of this state that are regulated by the Department of State Lands.

(1) Pacific Ocean. The Pacific Ocean is jurisdictional from the line of extreme low tide seaward to the limits of the territorial sea. As defined in ORS 390.605(2), the land lying between extreme low tide and the statutory vegetation line or the line of established upland shore vegetation, whichever is farther inland, is known as the "ocean shore." "Ocean shore" does not include an estuary as defined in ORS 196.600. The "ocean shore" is regulated by the Oregon Department of Parks and Recreation.

(2) Estuaries, Tidal Bays and Tidal Rivers. Estuaries, tidal bays and rivers below the head of tide are jurisdictional to the elevation of the highest measured tide (excluding storm surge), or to the upper edge of wetland, whichever is higher. The head of tide is the farthest point upstream where a river is affected by tidal fluctuations. The highest measured tide elevation on a parcel may be determined by a land survey referenced to the closest tidal benchmark based upon the most recent tidal epoch and reference to both the tidal datum (MLLW) and the fixed geodetic datum (NAVD88). In lieu of surveyed elevations, subject to approval by the Department, highest measured tide elevation may be based upon actual tide gauge measurements during a wintertime spring tide or observation of the highest of the field indicators listed in subsections (a) through (f) below. These field indicators are often not observable within the upper riverine portion of an estuary, in which case a land survey is required:

(a) The uppermost drift or wrack (or debris) line containing small driftwood, mats of filamentous algae (algae that form long visible chains, threads, or filaments that intertwine forming a mat), seaweeds, seagrasses, pieces of bulrush or other emergent vascular plants, styrofoam or other buoyant plastic debris, bivalve shells, crab molts, or other aquatic invertebrate remains;

(b) The uppermost water mark line on an eroding bank;

(c) The uppermost water mark line (e.g., discoloration; sediment, barnacles, snails, or algae growth) visible on a hard shoreline or bank consisting of bedrock, boulders, cobbles, riprap or a seawall;

(d) The uppermost intertidal zone inhabited by a community of barnacles, limpets, and littorine snails along shorelines composed of bedrock, riprap, boulders, and/or cobble;

(e) The uppermost tidal marsh/upland boundary, as indicated by a dominant plant community characteristic of saltwater, brackish, or freshwater tidal plant communities changing to a dominant plant community typical of uplands; and/or

(f) The intertidal/upland boundary along sandy shores as indicated by the appearance of a distinct dune plant community.

(3) Waters, Including Rivers, Intermittent and Perennial Streams, Lakes and Ponds. These waters are jurisdictional to the ordinary high water line (OHWL). The OHWL can be determined by direct observation of the annual high water event, using local gauge data to estimate bankfull stage, and/or by using readily identifiable field indicators. Field indicators for OHWL include:

(a) Clear, natural line impressed on the shore;

(b) Change in vegetation from riparian (e.g., willows) to upland (e.g., oak, fir) dominated;

(c) Textural change of depositional sediment or changes in the character of the soil (e.g., from sand, sand and cobble, cobble and gravel to upland soils);

(d) Elevation below which no fine debris (needles, leaves, cones, and seeds) occurs;

(e) Presence of litter and debris, water-stained leaves, water lines on tree trunks; and/or

(f) Other appropriate means that consider the characteristics of the surrounding areas.

(4) Wetlands. Wetlands are jurisdictional within the wetland boundary.

(5) Reservoirs. The Department's jurisdiction over reservoirs extends to the higher of either the normal operating pool level or the upper edge of adjacent wetland.

(6) Artificially Created Wetlands and Ponds. These waters are jurisdictional when they are:

(a) Equal to or greater than one acre in size;

(b) Created, in part or in whole, in waters of this state; or

(c) Identified in an authorization as a mitigation site.

(7) Exempt Artificially Created Wetlands and Ponds. Artificially created wetlands and ponds created entirely from upland, regardless of size, are not waters of this state if they are constructed for the purpose of:

(a) Wastewater treatment;

(b) Settling of sediment;

(c) Stormwater detention and/or treatment;

(d) Agricultural crop irrigation or stock watering;

(e) Fire suppression;

(f) Cooling water;

(g) Surface mining, even if the site is managed for interim wetlands functions and values;

(h) Log storage; or

(i) Aesthetic purposes.

(8) Jurisdictional Ditches. Except as provided under section (9) and (10) below, ditches are jurisdictional if they are:

(a) Created in wetlands, estuaries, tidal rivers or other waters of this state; or

(b) Created from upland and meet the following conditions:

(i) Contain food and game fish; and

(ii) Have a free and open connection to waters of this state. A "free and open connection" means a connection by any means, including but not limited to culverts, to or between natural waterways and other navigable and non-navigable bodies of water that allows the interchange of surface flow at bankfull stage or ordinary high water, or at or below mean higher high tide between tidal waterways.

(9) Non-Jurisdictional Irrigation Ditches. Existing irrigation ditches that meet the following tests are not jurisdictional:

(a) Are operated and maintained for the primary purpose of conveying water for irrigation; and

(b) Are dewatered for the non-irrigation season except for water incidentally retained in isolated low areas of the ditch or are used for stock water runs, provision of water for fire suppression, or to collect storm water runoff.

(10) Non-Jurisdictional Roadside and Railroad Ditches. Roadside and railroad ditches that meet the following tests are not jurisdictional:

(a) Ten feet wide or less at the ordinary high water line;

(b) Artificially created from upland or from wetlands;

(c) Not adjacent and connected or contiguous with other wetlands; and

(d) Do not contain food or game fish.

Stat. Auth.: ORS 196.825 & 196.600-196.692

Stats. Implemented: ORS 196.600-196.692 & 196.800-196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

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141-085-0520

Removal-Fill Jurisdiction by Volume of Material

The following criteria are used to determine jurisdictional volume thresholds that trigger the requirement for an authorization.

(1) Oregon State Scenic Waterways (SSWs). The threshold volume is any amount greater than zero.

(2) Essential Indigenous Anadromous Salmonid Habitat (ESH). The threshold volume is any amount greater than zero.

(3) Compensatory Mitigation Sites. The threshold volume is any amount greater than zero for compensatory mitigation sites referenced in an authorization.

(4) All Other Waters of This State:

(a) For fill activities, any combination of either organic or inorganic material deposited by artificial means at any one location in waters of this state equal to or exceeding 50 cubic yards or the equivalent weight in tons; and

(b) For removal activities, the taking or movement by artificial means of more than 50 cubic yards of inorganic material or the equivalent weight in tons in any calendar year.

Stat. Auth.: ORS 196.825 & 196.600 - 196.692

Stats. Implemented: ORS 196.600 - 196.692 & 196.800 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0525

Measuring and Calculating Volume of Removal and Fill

(1) Calculating Removal Volume. Removal volume for all waters includes the full extent of the excavation or movement within the jurisdictional areas.

(2) Calculating Fill Volume. For waters other than wetlands, fill volume is measured to the ordinary high water line (OHWL) or the highest measured tide (HMT). For wetlands, fill volume is measured to the height of the fill, excluding buildings.

(3) Calculating Volume for Channel Relocation. When calculating the volume for channel relocation, the threshold is met considering either:

(a) The volume of material removed to construct the new channel up to OHWL; or

(b) The volume that would be required to completely fill the old channel to the OHWL or HMT.

(4) Projects that Involve Both Fill and Removal. For projects that involve both fill and removal, the combined volumes are used to determine whether a permit is required.

Stat. Auth.: ORS 196.825 & 196.600 - 196.692

Stats. Implemented: ORS 196.600 - 196.692 & 196.800 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0530

Exemptions for Certain Activities and Structures

These exemptions apply in all waters of this state except State Scenic Waterways.

(1) State Forest Management Practices. Non-federal forest management practices subject to Oregon's Forest Practices Act conducted in any non-navigable water of this state are exempt. When these forestlands are being converted to other uses the exemption does not apply to the activities associated with the new use. Forest management practices must be directly connected with a forest management practice conducted in accordance with ORS 527.610 through 527.770, 527.990 and 527.992, such as:

- (a) Reforestation;
- (b) Road construction and maintenance;
- (c) Harvesting of forest tree species; and
- (d) Disposal of slash.

(2) Fill for Construction, Operation and Maintenance of Certain Dams and Water Diversion Structures. Filling the beds of the waters of this state for the purpose of constructing, operating and maintaining dams or other diversions for which permits or certificates have been or will be issued under ORS Chapters 537 or 539 and for which preliminary permits or licenses have been or will be issued under ORS 543.010 through 543.610 is exempt.

(3) Navigational Servitude. Activities conducted by or on the behalf of any agency of the federal government acting in the capacity of navigational servitude in connection with a federally authorized navigation channel are exempt. Disposal of dredged material within the ordinary high water line of the same waterway is also exempt.

(4) Maintenance or Reconstruction of Water Control Structures. Fill or removal or both for maintenance or reconstruction of water control struc-

tures such as culverts, dikes, dams, levees, groins, riprap, tidegates, drainage ditches, irrigation ditches, and tile drain systems are exempt if:

(a) The project meets the definition of maintenance under OAR 141-085-0510(49);

(b) The project meets the definition of reconstruction under OAR 141-085-0510(79);

(c) The structure was serviceable within the past five years; and

(d) The maintenance or reconstruction would not significantly adversely affect wetlands or other waters of this state to a greater extent than the wetlands or waters of this state were affected as a result of the original construction of those structures.

(5) Maintenance and Emergency Reconstruction of Roads and Transportation Structures. Fill or removal for maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable roads or transportation structures, such as groins and riprap protecting roads, causeways, bridge abutments or approaches, and boat ramps is exempt.

(6) Prospecting and Non-Motorized Activities within Designated Essential Indigenous Anadromous Salmonid Habitat (ESH). A permit is not required for prospecting or other non-motorized activities resulting in removal-fill of less than one cubic yard of material at any one individual site and, cumulatively, not more than five cubic yards of material within a particular stream in a single year. Prospecting or other non-motorized activities may be conducted only within the bed or wet perimeter of the waterway and must not occur at any site where fish eggs are present.

(7) Fish Passage and Fish Screening Structures in Essential Indigenous Anadromous Salmonid Habitat (ESH). Less than 50 cubic yards of removal-fill for construction or maintenance of fish passage and fish screening structures that are constructed, operated or maintained under ORS 498.306, 498.316, 498.326 or 509.600 to 509.645. This exemption includes removal of material that inhibits fish passage or prevents fish screens from functioning properly.

(8) Change in Point of Diversion for Surface Water. Fill or removal for a change in the point of diversion to withdraw surface water for beneficial use is exempt if the change in the point of diversion is:

(a) Necessitated by a change in the location of the surface water; and

(b) Authorized by the Oregon Water Resources Department.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0534

Exemptions for Certain Voluntary Habitat Restoration Activities

(1) Definitions. For the purposes of this rule:

(a) "Habitat Restoration" means the return of an ecosystem from a disturbed or altered condition to a close approximation of its ecological condition prior to disturbance.

(b) "Voluntary" means activities undertaken by a person of their own free will, and not as a result of any legal requirement of the Removal-fill Law (ORS 196.600-196.990).

(2) Conditions of Exemption: Activities described in Sections (3) through (8) of this rule are exempt from permit requirements under the following conditions:

(a) Activities are not conducted in areas designated as State Scenic Waterways, unless listed as an exempt activity under ORS 390.835(5);

(b) In-water activities are conducted during the Oregon Department of Fish and Wildlife (ODFW) recommended in-water timing guidelines, unless otherwise approved in writing by ODFW;

(c) The in-water activities conform to ODFW fish passage requirements (ORS 509.580 through 509.910), unless otherwise approved in writing by ODFW;

(d) The activities will not convert waters of this state to uplands;

(e) The activities will cause no more than minimal adverse impact on waters of this state including impacts related to navigation, fishing, and public recreation;

(f) The activities will not cause the water to rise or be redirected in such a manner that it results in flooding or other damage to structures or substantial property off of the project site; and

(g) All necessary access permits, right of ways and local, state, and federal approvals have been obtained.

(3) Research and Fish Management in Essential Indigenous Anadromous Salmonid Habitat (ESH) are Exempt. A permit is not required for the construction and maintenance of scientific and research devices related to population management, watershed and habitat restoration, or

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species recovery, provided the activity does not exceed 50 cubic yards of removal-fill.

(4) Vegetative Planting. A permit is not required for planting native woody or herbaceous plants by hand or mechanized means. Ground alteration such as grading or contouring prior to planting is not covered by this exemption.

(5) Refuge Management. A permit is not required for habitat management activities located on a National Wildlife Refuge or State Wildlife Area that are consistent with an adopted refuge or wildlife area management plan. Fill or removal in waters of this state for non-habitat management activities such as roads and building is not covered by this exemption.

(6) Ditch and Drain Tile Removal. A permit is not required for the disruption or removal of subsurface drainage structures (e.g., drain tiles) and plugging or filling of drainage ditches in wetlands. Notification must be submitted on a form provided by the Department at least 30 calendar days prior to commencing the activity.

(7) Placement of Large Wood, Boulders and Spawning Gravels. A permit is not required for the placement of large wood, boulders and spawning gravels provided the material is placed consistent with the Guide to Placing Large Wood and Boulders (DSL/ODFW 2010). If the activity will exceed 50 cubic yards of removal-fill in waters of this state, or any amount in Essential Salmonid Habitat, notice of the activity must be provided to the Department. Notification must be submitted on a form provided by the Department at least 30 calendar days prior to commencing the activity.

(8) Other Activities Customarily Associated with Habitat Restoration in Essential Indigenous Anadromous Salmonid Habitat (ESH). A permit is not required for voluntary habitat restoration activities resulting in less than 50 cubic yards of removal-fill in waters of this state. This includes the disposal of material resulting from the restoration activities within the project area as long as it assists in accomplishing the objectives of the habitat restoration project. The activities must be consistent with the Oregon Aquatic Habitat Restoration and Enhancement Guide and utilize materials or structures that would naturally and/or historically occur at the project site. Notice of the activity must be provided, submitted on a form provided by the Department, at least 30 calendar days prior to commencing the activity.

(9) Removal of Trash, Garbage and Rubble. A permit is not required for the removal of any amount of inorganic trash, garbage and rubble (e.g., tires, metal, broken concrete, asphalt, foam, plastic) from waters of this state. The project must meet the following criteria:

(a) There are no adverse impacts to waters of this state or woody vegetation as a result of the project;

(b) There is no stockpiling of collected trash, garbage or rubble in waters of this state; and

(c) The trash and garbage is disposed of at a licensed Department of Environmental Quality collection facility.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0535

Exemptions Specific to Agricultural Activities

These exemptions apply in all waters of this state except State Scenic Waterways.

(1) Exemptions Do Not Apply to Nonfarm Uses. The exemptions under OAR 141-085-0535(2) and (3) do not apply to any fill or removal that involves changing an area of wetlands to a nonfarm use.

(2) Normal Farming and Ranching Activities on Converted Wetlands. "Converted Wetlands" are defined under OAR 141-085-0510. Exempt activities on converted wetlands include:

- (a) Plowing;
- (b) Grazing;
- (c) Seeding;
- (d) Planting;
- (e) Cultivating;
- (f) Conventional crop rotation; and
- (g) Harvesting.

(3) Certain Activities Conducted on Exclusive Farm Use (EFU) Zoned Land. The following activities on lands zoned for exclusive farm use as described in ORS 215.203 and designated in the city or county comprehensive plan are exempt:

(a) Drainage or maintenance of farm or stock ponds;

(b) Maintenance of existing farm roads in such a manner as to not significantly adversely affect wetlands or any other waters of this state; or

(c) Subsurface drainage by deep ripping, tiling or moling, limited to converted wetlands.

(4) Farm Uses on Certified Prior Converted Cropland. Any activity defined as a farm use in ORS 215.203 is exempt if the land is zoned for exclusive farm use pursuant to ORS 215.203, if the lands are converted wetlands that are also certified as prior converted cropland by the Natural Resources Conservation Service, as long as commercial agricultural production on the land has not been abandoned for five or more years.

(5) Federal Conservation Reserve Program. Reestablishment of crops under federal conservation reserve program provisions set forth in 16 U.S.C. 3831.

(6) Activities Customarily Associated with Agriculture in Essential Indigenous Anadromous Salmonid Habitat (ESH). These are activities, including maintenance activities, that are commonly and usually associated with the raising of livestock or the growing of crops in Oregon. Removal-fill covered by this exemption must not exceed 50 cubic yards of material.

(7) Agricultural Drainage Ditch Maintenance. Exempt maintenance of agricultural drainage ditches under OAR 141-085-0530(4) includes disposal of dredged material in a thin layer on converted wetlands, provided such disposal does not change wetland to upland. For the purposes of this exemption, "ditch" is defined in OAR 141-085-0510(28).

(8) Push-Up Dams.

(a) Department-authorized push-up dams equal to or greater than 10 cubic yards can continue to be maintained indefinitely during the irrigation season and reconstructed each successive season provided the work is done in compliance with all original permit conditions and the Oregon Department of Fish and Wildlife fish passage statutes (ORS 509.580 through 509.910). In the event of conflicts with the original permit conditions, the most recent fish passage requirements will be controlling.

(b) Push-up dams that were built prior to September 13, 1967, are exempt from the Removal-Fill Law if they meet the following tests:

(A) Are reconstructed, serviceable and used within the past five years;

(B) Have the same effect as when first constructed (i.e., size and location); and

(C) Are operated in a manner consistent with the water right certificate and ORS 540.510(5).

(c) Push-up dams less than 50 cubic yards used for agricultural purposes in ESH are exempt.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0540

Types of Authorizations

One of the following types of authorizations is required for regulated activities in waters of this state.

(1) Individual Permits. IPs are issued for projects that do not qualify for other types of authorizations.

(2) General Authorizations. GAs are adopted by rule for a category of activities that have minimal impacts to waters of this state (OAR 141-089).

(3) General Permits.

(a) GPs are issued by rule on a statewide or geographic basis; or

(b) By order for an applicant or group of applicants to cover activities that are substantially similar in nature, are recurring or ongoing, and have predictable effects and outcomes.

(4) Emergency Authorizations. EAs are issued in circumstances that pose an immediate threat to public health, safety or substantial property including crop and farmland.

Stat. Auth.: ORS 196.825 & 196.600-196.692

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0545

Fees; Amounts and Disposition

(1) Disposition of Fees. All applications that require a fee, except for an emergency authorization, must include the fee at the time of application.

(2) Project Applications that Require a Fee. Except as provided in Section (3) of this rule, the following types of projects require a fee for a complete application:

(a) Individual Permit and General Permit applications that require a fee, must be accompanied by the applicable base fee and volume fee in accordance with the current fee schedule;

(b) General Authorization notifications which require a fee under OAR 141-089-0635, must be accompanied by the flat fee when the proposed removal-fill activity is 50 cubic yards or more; and

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(c) Emergency Authorization holders, except for erosion or flood repair, must submit the required fee to the Department within 45 calendar days of receiving the authorization.

(3) Project Applications that Do Not Require a Fee. No application fee or renewal fee is required when submitting an application or notification for the following:

(a) An agency determination that the project does not require a permit from the Department;

(b) Erosion-flood repair or stream bank stabilization projects, regardless of the authorization type;

(c) Voluntary habitat restoration projects directed at habitat improvement, regardless of the authorization type;

(d) A general authorization when the project involves less than 50 cubic yards of removal-fill activity; and

(e) A general permit that does not require a fee when specified in 141-093.

(4) Calculating Application Fees. For each application that involves both removal and fill activity, the application fee is calculated separately for each activity using the base and volume fees. The required fee to be submitted with the application is the greater of the two calculated fees.

(5) Base Fees. Base fees are based on the following applicant classifications:

(a) Private operator, or a person contracting to perform services for a private operator;

(b) Public body; or

(c) Commercial operator.

(6) Volume Fees. In addition to the base fee established under Section (5) of this rule, each applicant may be required to also pay, as part of the application, an additional fee based on the volume of material according to the following schedule:

(a) Less than 500 cubic yards;

(b) 500 to less than 5,000 cubic yards;

(c) 5,000 to less than or equal to 50,000 cubic yards; or

(d) Over 50,000 cubic yards.

(7) Annual fees. For individual permits that are renewed or valid for more than one year, an annual fee is assessed for each year that the permit is in effect. The annual fee is equal to the base fee at the time of renewal or annual billing and is due by the anniversary date of issuance of the permit.

(8) Multiyear Permits. For issuance of multiyear permits valid over a period of more than one year and up to five years, the Department may assess a one-time fee at the rate in effect at the time of the application or renewal. The one-time fee must include:

(a) The application fee; and

(b) Any applicable annual fees for the duration of the term of the permit.

(9) Adjusting Fee Amounts. Fees are adjusted annually, on January 1 of each year. By December 1 of each year the Department will consult the Portland-Salem, OR-WA Consumer Price Index for All Urban Consumers for All Items as published by the Bureau of Labor Statistics of the United States Department of Labor to determine the appropriate annual fee adjustment to become effective on January 1 of the following year. The Department will then revise the fees in accordance with the CPI and post the fee schedule on the Department's website (<http://oregonstatelands.us/>).

Stat. Auth.: ORS 196.825 & 196.600-196.692

Stats. Implemented: ORS 196.600-196.692 & 196.800-196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0550

Application Requirements for Individual Permits

(1) Written Application Required. A person who is required to have an individual permit to remove material from the bed or banks, or fill any waters of this state, must file a written application with the Department for each individual project. A permit must be issued by the Department before performing any regulated removal-fill activity.

(2) Complete and Accurate Information Required. Failure to provide complete and accurate information in the application may be grounds for administrative closure of the application file or denial, suspension or revocation of the authorization.

(3) Fee Required for a Complete Application. For an application to be determined complete, the Department must have received the appropriate fee.

(4) Level of Detail Required May Vary. The applicant is responsible for providing sufficient detail in the application to enable the Department to render the necessary determinations and decisions. The level of documentation may vary depending on the degree of adverse impacts, the level

of public interest and other factors that increase the complexity of the project.

(5) Required Information: A completed and signed application on current forms provided by the Department, including any maps, necessary photos and drawings, is required. The information must be entered in the appropriate blocks on the application form. The Department may require the applicant to submit any or all application materials electronically. The application must include all of the following:

(a) Applicant information including name, mailing address, phone number and e-mail address. When the applicant is a business entity, the business must be registered with the Oregon Secretary of State Corporate Division. The exact name of the business entity, as listed with Secretary of State Corporate Division, must be entered on the application.

(b) Landowner information including name and mailing address where any removal-fill activity is proposed, and if applicable, where permittee-responsible compensatory mitigation is proposed.

(A) For the construction of a new linear facility, the applicant must provide a complete list of landowner names and mailing addresses for all landowners whose land is identified in the permit application within the alignment of the new linear facility. Mailing labels must be provided when there are more than five landowners listed in the application.

(B) For the purpose of this rule, a condemner is the landowner when:

(i) If using state condemnation authority, the condemner has complied with ORS Chapter 35, filed an eminent domain action in court and deposited the condemner's estimate of just compensation with the court for the use and benefit of the defendants, or it has a court's order authorizing its possession of the land; or

(ii) If using federal authority, the condemner has complied with Federal Rules of Civil Procedure 71.1 and, if other than the United States, has a court's order authorizing its possession of the land.

(c) Project site location information including Township, Range, Quarter/Quarter Section and Tax Lot(s), latitude and longitude, street location if any, and location maps with site location indicated.

(d) The location of any off-site disposal or borrow sites, if these sites contain waters of this state.

(e) Project information including:

(A) Description of all removal-fill activities associated with the project;

(B) Demonstration of independent utility to include all phases, projects or elements of the proposed project which will require removal-fill activities;

(C) Volumes of fill and removal within jurisdictional areas expressed in cubic yards;

(D) Area of removal and fill within jurisdictional areas expressed in acres to the nearest 0.01-acre for impacts greater than 0.01 of an acre or expressed in acres to the nearest 0.001-acre for impacts less than 0.01 of an acre; and

(E) Description of how the project will be accomplished including construction methods, site access and staging areas.

(f) A description of the purpose and need for the project. All projects must have a defined purpose or purposes and be based on a documented need or needs. The project purpose and need statement must be specific enough to allow the Department to determine whether the applicant has considered a reasonable range of alternatives.

(g) Project plan views and cross-sectional views drawn to scale that clearly identify the jurisdictional boundaries of the waters of this state (e.g., wetland delineation or ordinary high water determination). Project details, such as footprint and impact area must also be included so that the amount and extent of the impact to jurisdictional areas can be readily determined.

(h) A written analysis of potential changes that the project may make to the hydrologic characteristics of the waters of this state, and an explanation of measures taken to avoid or minimize any adverse impacts of those changes, such as:

(A) Impeding, restricting or increasing flows;

(B) Relocating or redirecting flow; and

(C) Potential flooding or erosion downstream of the project.

(i) A description of the existing biological and physical characteristics of the water resources, along with the identification of the adverse impacts that will result from the project.

(j) A description of the navigation, fishing and public recreation uses, when the project is proposed on state-owned land.

(k) If the proposed activity involves wetland impacts, a wetland determination or delineation report that meets the requirements in OAR 141-090 must be submitted, unless otherwise approved in writing by the Department. A wetland delineation is usually required to determine the pre-

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cise acreage of wetland impact and compensatory wetland mitigation requirements. Whenever possible, wetland determination and delineation reports should be submitted for review well in advance of the permit application. Although an approved wetland delineation report is not required for application completeness, a jurisdictional determination must be obtained prior to the permit decision.

(l) A functions and values assessment that meets the requirements in OAR 141-085-0685 when permanent impacts to wetlands are proposed.

(m) Any information known by the applicant concerning the presence of any federal or state listed species.

(n) Any information known by the applicant concerning historical, cultural and archeological resources. Information may include but is not limited to a statement on the results of consultation with impacted tribal governments and/or the Oregon State Historic Preservation Office of the Oregon Parks and Recreation Department.

(o) An analysis of alternatives to derive the practicable alternative that has the least reasonably expected adverse impacts on waters of this state. The alternatives analysis must provide the Department all the underlying information to support its considerations enumerated in OAR 141-085-0565, such as:

(A) A description of alternative project sites and designs that would avoid impacts to waters of this state altogether, with an explanation of why each alternative is, or is not practicable, in light of the project purpose and need;

(B) A description of alternative project sites and designs that would minimize adverse impacts to waters of this state with an explanation of why each alternative is, or is not practicable, in light of the project purpose and need;

(C) A description of methods to repair, rehabilitate or restore the impact area to rectify the adverse impacts; and

(D) A description of methods to further reduce or eliminate the impacts over time through monitoring and implementation of corrective measures.

(p) If applicable, a complete compensatory mitigation plan that meets the requirements listed in OAR 141-085-0680 through 141-085-0715 and 141-085-0765 to compensate for unavoidable permanent impacts to waters of this state and a complete rehabilitation plan if unavoidable temporary impacts to waters of this state are proposed.

(q) For each proposed removal-fill activity and physical mitigation site applied for in the application, a list of the names and addresses of the adjacent landowners, including those properties located across a street or stream from the proposed project.

(A) For a new linear facility, the applicant must provide a list of the names and mailing addresses of the adjacent landowners for the new linear facility.

(B) Mailing labels must be provided by the applicant, when there are more than five names and addresses of adjacent landowners listed.

(r) A signed local government land use affidavit.

(s) A signed Coastal Zone Certification statement, if the project is in the coastal zone.

(t) Applicant Signature. Signature of the applicant must be provided. If the application is on behalf of a business entity, a certificate of incumbency must be provided to certify that the individual signing the application is authorized to do so.

(u) Landowner Signature. If the applicant is not the landowner upon which the removal-fill activity (including mitigation) is to occur and does not hold an easement allowing the activity on that land, a written authorization from the owner of the land consenting to the application must be provided.

(A) Notwithstanding the requirement set forth under (u) above, a landowner signature is not required for applications for the construction and maintenance of linear facilities; and

(B) The condemner may sign as landowner when the requirements of OAR 141-085-0550(5)(b)(B) have been met.

(v) Mitigation Site Landowner Signature. If the applicant is not the owner of the land upon which the mitigation is to occur and does not hold an easement allowing the activity on that land, a written authorization from the owner of the land consenting to the application must be provided.

(6) Additional Requirements for Estuarine Fill. If the activity is proposed in an estuary for a non-water-dependent use, a complete application must also include a written statement that describes the following:

(a) The public use of the proposed project;

(b) The public need for the proposed project; and

(c) The availability of alternative, non-estuarine sites for the proposed use.

(7) Additional Information as Requested. The Department may request additional information as necessary to make an informed decision on whether or not to issue the authorization.

(8) Waiver of Required Information. At its discretion, the Department may waive any of the information requirements listed in section (5) of this rule for voluntary restoration projects.

(9) Permit Application Modifications. A modification to a permit application may be submitted at any time prior to the permit decision. If the modification is received after the public review period, the Department may circulate the revised application again for public review. Modifications proposing significantly different or additional adverse impacts will generally be resubmitted for public review. The Department may set an expedited time frame for public review.

(10) Pre-Application Conference. An applicant may request the Department to hold a pre-application meeting. In considering whether to grant the request, the Department will consider the complexity of the project and the availability of Department staff.

Stat. Auth.: ORS 196.825 & 196.600-196.692

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0560

Public Review Process for Individual Removal-Fill Permit Applications

(1) Circulation of the Application for Public Review. Once the application has been deemed complete and sufficient, the Department will provide notification of the availability of the application for review either by U.S. mail or electronically (e.g., facsimile, e-mail, posting on the Internet) to adjacent property owners, watershed councils, public interest groups, affected local government land use planning departments, state agencies, federal agencies and tribal governments in the geographic area affected by the permit. For construction and maintenance of linear facilities, landowners identified in the application will be notified by the Department by U.S. mail or electronically that the application is available for review. Upon request the Department may make a copy of the application available at the public library closest to the proposed project.

(2) Copies of the Application by Request. The Department will furnish to any member of the public, upon written request and at the expense of the member of the public, a printed copy of any application.

(3) Submitting Public Comments. To be considered by the Department and to become part of the permit record, all comments must be sent to the destination specified in the notification or submitted through the Web site. All recommendations and comments regarding the application must be submitted in writing to the Department within the period established by the Department, but not more than 30 calendar days from the date of the notice, except as noted under subsection (a), below:

(a) The Department will grant an extension of up to 75 calendar days to the Department of Environmental Quality if the application requires Section 401 certification under the Federal Water Pollution Control Act (P.L. 92-500) as amended.

(b) If a commenter fails to comment on the application within the comment period, the Department will assume the commenter has no objection to the project.

(4) Department Review of Public Comments and Public Hearing. The Department will review and consider substantive comments received during the public review period, and may conduct any necessary investigations to develop a factual basis for a permit decision. Necessary investigations may include but are not limited to the following:

(a) The Department may, as a result of the public review process or the Department's investigations, request that the applicant submit supplemental information and answer additional questions prior to the Department making the permit decision.

(b) The Department may schedule a permit review coordination meeting with interested agencies or groups and the applicant to provide the applicant an opportunity to explain the project and to resolve issues; and

(c) At the Department's discretion, the Department may hold a public hearing to gather necessary information that may not otherwise be available to make a decision.

(5) Applicant Response to Comments.

(a) Comments resulting from the public review process will be forwarded to the applicant after the comment period deadline.

(b) The applicant may, at his or her discretion, respond to public and agency comments. The response may be in the form of additional information to support the application and/or revisions to the project that address the comments.

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(c) If no response is received from the applicant by the date specified by the Department, the Department will presume that the applicant does not intend to provide additional supporting information or revisions to the application.

(6) Final Review

(a) Unless the timeline is extended as provided below in subsection (b), the Department will make a final permit decision within 90 calendar days after determining an application is complete;

(b) The permit decision deadline may be extended beyond 90 calendar days when the applicant and the Department agree to an extension.

(c) If the Department does not approve an extension, the Department will make a final permit decision based upon the record as it existed with-in:

(A) The original 90-day time period; or

(B) The extension period approved immediately prior to the applicant's most recent request for an extension.

(7) Application Withdrawal. An applicant may withdraw an application at any time prior to the permit decision. In the event the applicant fails to respond to the Department's requests for information or otherwise fails to reasonably proceed with the application process, the Department may administratively withdraw the application with at least 30 calendar days' notice to the applicant. There will be no refund of the application fee in either case.

Stat. Auth.: ORS 196.825 & 196.600-196.692

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0585

Permit Conditions, Permit Expiration Dates and Permit Transfer

(1) Applicable Permit Conditions. If the Department approves the permit, it will impose applicable conditions to eliminate or reduce the reasonably expected adverse impacts of project development to waters of this state.

(2) Applicant Acceptance of Permit Conditions. Once an authorization holder initiates the removal fill activity authorized by a permit, it is understood that the permit holder accepts the conditions contained within the permit.

(3) Enforceability of Permit Conditions. Authorizations may include conditions, including compensatory mitigation and monitoring conditions that impose obligations beyond the expiration date of the removal/fill activity. All such conditions are enforceable until such obligations are satisfied.

(4) Conflicts Between the Application and Permit Conditions. The application, including all plans and operating specification, becomes an enforceable part of the removal-fill authorization. In the event there is a conflict between information contained in the application and conditions in the removal-fill authorization, the authorization conditions prevail.

(5) Permit Expiration Date. The Department may issue an individual removal-fill authorization for up to five years for removal-fill activities that occur on a continuing basis or will take more than one year to complete.

(6) Limits on Terms for Commercial Gravel Operations. For commercial gravel removal, the Department will only issue a multi-year permit when it determines that:

(a) There is sufficient aggregate resource or annual recharge to allow the proposed volumes to be removed; and

(b) The authorization holder has, for at least one year preceding the pending renewal, conducted removal in compliance with permit conditions.

(7) Modification of Permit Conditions. Modifications of permit conditions may be either requested by the authorization holder or initiated by the Department.

(a) A modification request from the authorization holder must be submitted in writing. Based on the scope of the modification request, the Department may:

(A) Modify permit conditions to address changes in operating conditions or changes to the project; or

(B) Deny the modification request and request a new application.

(b) The Department may modify permit conditions to address new standards or new information related to water resource impacts in effect at the time of the permit renewal request or on the anniversary date of issuance for multiyear permits issued in accordance with OAR 141-085-0545(8).

(8) Transfer of Permit Responsibility. Authorizations are issued to the applicant and are not automatically transferred through property transactions. The applicant is responsible for complying with the conditions of the permit, unless the permit is officially transferred to a different person or party. A transfer form must be submitted to the Department for review and

approval. If the transferee is a business entity, the business must be registered with the Oregon Secretary of State Corporate Division. The exact name of the business entity, as listed with Secretary of State Corporate Division, must be entered on the transfer form. The transfer form must be accompanied by a signed certificate of incumbency. Transfers are approved through one of the following means:

(a) If the authorization has not expired, the Department will issue a modified permit to the transferee, who will then be responsible for complying with all of the conditions in the permit. If financial security was required for compensatory mitigation, a new financial security instrument, naming the transferee as the obligor must be provided to the Department before the transfer; or

(b) If the authorization has expired, but there is a pending mitigation obligation, the mitigation obligation will be transferred to the transferee through an acknowledgement letter. If financial security was required for the pending mitigation obligation, a new financial security instrument must be provided, naming the transferee as the obligor prior to the transfer.

Stat. Auth.: ORS 196.825 & 196.600-196.692

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0595

Permit Requirements and Interagency Coordination for Department of Environmental Quality Approved Remedial Action, Corrections Facilities, Solid Waste Land Fills and Energy Facilities

(1) DEQ Remedial Action Waiver. Pursuant to ORS 465.315, no removal-fill authorization is required for remedial action conducted on a site selected or approved by the Department of Environmental Quality. The responsible party must notify the Department of its intended action, pay applicable fees, and comply with the substantive requirements provided by the Department. Failure to comply with the substantive requirements may result in enforcement action.

(2) Application Process Requirements for Specific Siting Entities. Upon submission by the applicant of a complete application and payment of the proper fees, the Department will issue the permits authorized by the authorized siting entity listed below, subject to the conditions set forth by the siting entity (including conditions supplied to the siting authority by the Department). The Department will continue to exercise enforcement authority over a permit issued pursuant to this section. These siting entities are:

(a) The Corrections Facilities Siting Authority, pursuant to ORS 421.628, relating to siting corrections facilities;

(b) The Environmental Quality Commission, pursuant to ORS 459.047, relating to siting solid waste landfills;

(c) The Energy Facility Siting Council, pursuant to ORS 469.300 et seq. related to siting energy facilities; and

(d) The Economic Recovery Review Council, pursuant to Oregon Laws 2011, chapter 564, related to the siting of industrial development projects of state significance.

Stat. Auth.: ORS 196.825 & 196.600-196.692

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0676

Emergency Authorizations

(1) Eligibility and Applicability. The Department may issue, orally or in writing, an emergency authorization to a person for the removal of material from the beds or banks or filling of any waters of this state in an emergency, for the purpose of making repairs or for the purpose of preventing irreparable harm, injury or damage to persons or property. In order to qualify for an emergency authorization the Department must determine that:

(a) The emergency poses a direct threat to substantial property, including but not limited to a dwelling, transportation structure, farm or cropland;

(b) Prompt action is required to reduce or eliminate the threat;

(c) The nature of the threat does not allow the time necessary to obtain some other form of authorization; and

(d) The proposed project is the minimal amount necessary to reduce or eliminate the threat and minimizes, to the extent practicable, adverse impacts to waters of this state.

(2) Information Requirements. Any person requesting an emergency authorization may apply verbally or in writing. Written applications may be sent via facsimile, e-mail or U.S. mail. Applications for an emergency authorization must include:

(a) The applicant planning and carrying out the activity;

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- (b) The location of the project;
 - (c) The nature of the emergency (specifically, the nature of the threat to public health, public safety or property and the immediacy of the threat and need to act promptly);
 - (d) A description of the proposed work, including the approximate volume of material to be removed and/or filled, how the work will be accomplished and the schedule for doing the work;
 - (e) The date and approximate time when the event that caused the emergency took place;
 - (f) A statement as to whether the emergency action is intended as a temporary or permanent response measure; and
 - (g) Additional information, as requested from the Department.
- (3) Authorized Representative. The Department may authorize a person, including personnel from public agencies, to act as a representative of the Department to conduct an on-site evaluation of the planned activity and make recommendations as to whether or not the application should be approved as requested, approved with conditions, denied or processed as an individual removal-fill authorization application.

(4) Department Decision. Based on review of all the available information, the Department may take the following action(s):

(a) Approve the emergency authorization, either verbally or in writing; or

(b) Deny issuance of the emergency authorization. If a request for an emergency authorization is denied, the applicant may submit an application for an individual removal-fill permit, general permit or general authorization, as appropriate for the scope of the project.

(5) Written Authorization Needed to Confirm Verbal Authorization. If an emergency authorization is issued verbally, the authorization will be confirmed in writing by the Department within five calendar days confirming the issuance and setting forth the conditions of operation.

(6) Term. The term of the emergency authorization will be limited to the time necessary to complete the planned project and will be specifically stated in the authorization.

(7) Conditions of Emergency Authorizations. An emergency authorization may contain conditions to minimize the reasonably expected adverse impacts of the activity to waters of this state. Conditions may include:

- (a) Compensatory mitigation or compensatory wetland mitigation;
- (b) A requirement to revise the project and apply for a removal-fill permit after the emergency situation has subsided;
- (c) A requirement to submit a report on the outcome of the project or monitor the project removal-fill sites; and
- (d) Any other condition necessary to minimize reasonably expected adverse impacts on waters of this state.

Stat. Auth.: ORS 196.825 & 196.600-196.692
Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990
Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; Renumbered from 141-085-0570 by DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0680 Compensatory Wetland and Tidal Waters Mitigation (CWM); Applicability and Principal Objectives

(1) Applicability. OAR 141-085-0680 through 0760 applies to removal-fill that occurs within wetlands and tidal waters and applies to all forms of compensatory mitigation (i.e., mitigation bank, in-lieu fee mitigation, advance mitigation, permittee responsible mitigation, and payment in-lieu mitigation). OAR 141-085-0680 through 141-085-0760 does not apply to removal-fill within areas covered by an approved Wetland Conservation Plan.

(2) Principal Objectives for CWM. For projects where impacts to wetlands or tidal waters cannot be avoided, CWM will be required to compensate for the reasonably expected adverse impacts in fulfillment of the following principal objectives.

- (a) The principal objectives of CWM are to:
 - (A) Replace functions and values lost at the removal-fill site;
 - (B) Provide local replacement for locally important functions and values, where appropriate;
 - (C) Enhance, restore, create or preserve wetlands or tidal areas that are self-sustaining and minimize long-term maintenance needs;
 - (D) Ensure the siting of CWM in ecologically suitable locations considering: local watershed needs and priorities; appropriate landscape position for the wetland types, functions and values sought; connectivity to other habitats and protected resources; and the absence of contaminants or conflicting adjacent land uses that would compromise wetland functions; and

(E) Minimize temporal loss of wetlands and tidal waters and their functions and values.

(b) Applicants must demonstrate how the selected method of CWM (i.e., mitigation bank, in-lieu fee mitigation, advance mitigation, permittee-responsible mitigation and payment in-lieu mitigation) addresses the principal objectives.

(3) General Requirements.

(a) Permittee-responsible CWM at an off-site location will be located within the 4th field Hydrologic Unit Code (HUC) in which the removal-fill site is located.

(b) Impacts to tidal waters must be replaced in the same estuary unless the Director determines that it is environmentally preferable to exceed this limitation.

(c) Projects that involve 0.20 acres or less of permanent wetland impact may use mitigation banks, in-lieu fee, or payment in-lieu mitigation without addressing the principle objectives set forth in Section (2) of this rule.

(d) Payment in-lieu mitigation or in-lieu fee credits may not be used if appropriate mitigation bank credits are available on the day that the public review period closes.

Stat. Auth.: ORS 196.825 & 196.600-196.692
Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990
Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0690 Additional Requirements for CWM

(1) Replacement by Class and Functions and Values. The CWM project must have the capability to replace:

(a) Wetland or tidal water type(s) impacted by the project, as classified per Cowardin system and class (e.g., palustrine forested) and by HGM class/subclass(es) impacted by the project (e.g., riverine impounding), using the Oregon HGM Statewide Classification (Oregon Department of State Lands, 2001); and

(b) The functions and values of the impacted wetland or tidal waters.

(2) Exceptions. The Department may approve exceptions to replacement by class and function if the applicant demonstrates, in writing, that the alternative CWM:

(a) Replaces functions and values that address problems (such as flooding) that are identified in a watershed management plan or water quality management plan;

(b) Replaces important wetland or tidal waters types (Cowardin/HGM) and functions and values disproportionately lost in the region;

(c) Replaces rare or uncommon plant communities appropriate to the region, as identified in the most recent Oregon Natural Heritage Program plant community classification; or

(d) Is for the replacement of a non-tidal wetland or tidal water type that is technically impracticable to replace. Upon demonstration of such to the satisfaction of the Department, the Department may require re-consideration of alternatives to ensure that all practicable opportunities to avoid and minimize impacts have been reasonably incorporated into the project.

(3) Conversion of Wetland to Tidal Waters. CWM involving the conversion of wetland to tidal waters may not be approved where the wetland proposed for conversion provides a high level of functionality, provides locally important functions or values, or supports listed species or rare plant community or communities.

(4) CWM Ratios.

(a) The purpose of a CWM ratio is to:

(A) Ensure that the total area of the state's wetland and tidal waters resource base is maintained; and

(B) Replace wetland and tidal waters functions that may be size dependent.

(b) Ratios will not be used as the sole basis for demonstrating functional replacement.

(c) Except as otherwise provided in this section, the following minimum ratios must be used in the development of CWM plans:

(A) One acre of restored wetland or tidal waters for one acre of impacted wetland or tidal waters (1:1);

(B) One and one-half acres of created wetland or tidal waters for one acre of impacted wetland or tidal waters (1.5:1);

(C) Three acres of enhanced wetland or tidal waters for one acre of impacted wetland or tidal waters (3:1);

(D) Two acres of enhanced cropped wetland for one acre of impacted wetland (2:1). Cropped wetland is converted wetland that is regularly plowed, seeded and harvested in order to produce a crop for market. Pasture, including lands determined by the Natural Resources and

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Conservation Service to be “farmed wetland pasture,” is not cropped wetland; and

(E) There is no established ratio for CWM using preservation. The acreage needed under preservation will be determined on a case-by-case basis by the Department.

(d) The Department may double the minimum ratio requirements for project development affecting existing CWM sites.

(e) The Department may increase the ratios when:

(A) Mitigation is proposed to compensate for an unauthorized removal-fill activity; or

(B) Mitigation will not be implemented in the same construction season as the authorized impact.

(f) At the option of the applicant, CWM may consist of any one or a combination of the following CWM ratios for commercial aggregate mining operations where both the mining operation and the CWM are conducted on converted wetlands (not including pasture):

(A) One acre of wetland and open water habitat, with depths less than 35 feet, for one acre of wetland impacted;

(B) Three acres of wetland and open water habitat, with depths greater than 35 feet, for one acre of wetland impacted; and

(C) One acre of a combination of restored, created or enhanced wetland and upland, comprising at least 50 percent wetland, for one acre of wetland impacted.

(g) The Department may also apply the following CWM measures for commercial aggregate mining operations on converted wetland (not including pasture):

(A) Allow for staged CWM or mined land reclamation required under ORS 517.700; or

(B) Allow the applicant, upon approval by the Department, to pay the entire cost of CWM according to the following criteria:

(i) On an annual basis for a period not to exceed 20 years over the life expectancy of the operation, whichever is less; or

(ii) On an annual basis over time at a monetary rate per cubic yard or ton of aggregate material removed annually from the site.

(h) Alternative methods may be used for mitigation crediting and/or impact debiting by applying a wetland function-based accounting method approved by the Department.

(5) Timing of CWM Implementation. CWM earthwork must be completed within the same construction season as the authorized removal-fill project. The Department may approve non-concurrent CWM if the applicant clearly demonstrates, in writing, the reason for the delay or that there is benefit to the water resources in doing so.

(6) CWM in Areas with High Natural Resource Value. CWM projects must not degrade areas with existing high natural resource values (e.g., forested uplands).

(7) CWM Hydrology Must Be Self-Sustaining. CWM must not rely on features or facilities that require frequent and regular long-term maintenance and management. For example, permanent water control structures may be acceptable, whereas pumping from a groundwater well to provide adequate hydrologic support is not acceptable.

(8) Multiple Purpose CWM. CWM sites may fulfill multiple purposes including storm water retention or detention, provided:

(a) All other CWM requirements are met;

(b) No alteration or management is required to maintain the functionality of the stormwater facility that would degrade the wetland functions and values;

(c) The stormwater entering the CWM site has been pretreated to the level necessary to assure that state water quality standards and criteria are met in the mitigation area;

(d) Construction of storm water facilities in existing wetlands meets the criteria for enhancement;

(e) Construction of the CWM site will not adversely affect adjacent wetlands or tidal waters;

(f) Construction of the CWM site will not significantly change pre-development hydrologic conditions, significantly increase peak flows or significantly change the velocity to receiving streams; and

(g) Stormwater discharges to existing or CWM wetlands will not result in hydrologic conditions that impair vegetation or substrate characteristics necessary to support wetland functions.

(9) Special Requirements for Enhancement as CWM. CWM enhancement must conform to the following additional requirements. Enhancement must:

(a) Be conducted only on degraded wetlands or tidal waters;

(b) Result in a demonstrable net gain in functions and values at the CWM site as compared to those functions and values lost or diminished as

a result of the project and those functions and values that already exist at the CWM site;

(c) Not replace or diminish existing wetland or tidal waters functions and values with different functions and values unless the applicant justifies, in writing, that it is ecologically preferable to do so;

(d) Not consist solely of the conversion of one HGM or Cowardin class to another;

(e) Identify the causes of wetland or tidal waters degradation at the CWM site and the means by which the CWM plan will reverse, minimize or control those causes of degradation in order to ensure self-sustaining success; and

(f) Not consist solely of removal of non-native, invasive vegetation and replanting or seeding of native plant species.

(10) Preservation as CWM. Preservation of wetlands or tidal waters may be used for meeting the CWM requirement when the wetland or tidal waters site proposed for preservation is demonstrated to be under threat of destruction or adverse modification and one of the following applies:

(a) The preservation site supports a significant population of rare plant or animal species;

(b) The preservation site is a rare wetland or tidal waters type (S1 or S2 according to the Oregon Natural Heritage Program);

(c) The preservation site is a native, mature forested wetland; or

(d) The preservation site, with existing and ongoing management, is in good condition and is highly functioning (as determined using a Department-approved assessment method). Preservation must also accomplish one or more of the following:

(A) Serves a documented watershed need; or

(B) Preserves wetland types disproportionately lost in the watershed.

(11) Preservation as the Preferred CWM Option. Preservation may be accepted as the preferred CWM option when the lost or diminished functions and values are exceptionally difficult to replace. Examples of such waters include, but are not limited to, vernal pools, fens, bogs and tidal spruce wetlands, as defined by the Oregon Natural Heritage Program.

(12) Special Case; CWM for Linear Projects in Multiple Watersheds. The Department will review and approve CWM for linear projects in multiple watersheds (e.g., roads or utility lines with wetland or tidal waters impacts) on a case-by-case basis and may establish other CWM requirements than those explicitly set forth in these rules.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0695

Administrative Protection of CWM Sites

(1) Administrative Protection Instruments. All CWM sites must be protected from adverse impacts in perpetuity with appropriate protection instruments.

(2) Protection Instrument Standards. Protection instruments must meet the following standards:

(a) The permanent protection instrument must prohibit any uses of the CWM site that would violate conditions of the removal-fill authorization or otherwise adversely affect functions and values provided by the CWM site;

(b) Any proposed revisions to the protection instrument require prior approval from the Department;

(c) A conservation easement may only be granted to qualifying parties set forth in ORS 271;

(d) Conservation easements must provide the Department a third party right-of-enforcement; and

(e) Must include a Right of Entry or an access easement, conveyed to the Department, and recorded on the deed for all CWM sites on non-public lands, using a template provided by the Department.

(3) Publicly Owned CWM Sites. For publicly owned CWM sites, administrative protection may be provided through an adopted management plan. Such plan will provide for appropriate protection of the CWM site as determined by the Department.

Stat. Auth.: ORS 196.825 & 196.600-196.692

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0700

Financial Security for CWM Sites

(1) Purpose. Financial security instruments are required for CWM sites as a guarantee that the CWM will be constructed, monitored and maintained in accordance with removal-fill authorization requirements.

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(2) Exceptions. Financial security Instruments are required for CWM projects except in the following circumstances:

(a) No financial security instrument is required for projects conducted by government agencies;

(b) The Department may waive the requirement for a financial security instrument for impacts (0.20) of an acre or less; and

(c) Financial security instruments are not required when CWM is satisfied by purchase of credits from a wetland mitigation bank, an in-lieu fee program or payment in-lieu mitigation.

(3) Types of Financial Security Instruments. The Department may allow the following types of financial security instruments:

(a) Surety bonds executed by the permit holder and a corporate surety licensed to do business in Oregon;

(b) Assignment of deposit must be issued by a bank licensed to do business in Oregon, assigned to the Department, and upon the books of the bank issuing such certificates;

(c) Letters of credit issued by a bank authorized to do business in the State of Oregon that are irrevocable prior to release by the Department; and

(d) Such other financial instrument as the Department deems appropriate to secure the financial commitment of the applicant to fulfill the success requirements of the CWM.

(4) Financial Security Form. The applicant must file the financial security instrument or instruments on a form or forms prescribed and furnished by the Department. Financial security instruments must be made payable to the Department and must be submitted to the Department prior to permit issuance or prior to release of credits from a mitigation bank.

(5) Commencement of the Liability Period. The period of liability will begin at the time of authorization issuance. The liability period must be renewed until the Department deems the CWM to be complete and the Department releases the permittee from any further monitoring requirements.

(6) Determining the Amount. For issuance of an authorization requiring a financial security, the Department will set the amount of the financial security instrument equal to either the current cost of mitigation bank credit(s) within a service area covering the removal-fill site, or the current cost of payment in-lieu mitigation, whichever is greater. For mitigation banks, the amount must be sufficient to ensure a high level of confidence that the mitigation will be successfully completed.

(7) Financial Security Instrument Replacement. The Department may allow a permit holder to replace an existing financial security instrument with another if the total liability is transferred to the replacement. The Department will not release an existing financial security instrument until the permit holder has submitted and the Department has approved the replacement.

(8) Financial Security Instrument Release. The Department will authorize release of the financial security instrument when the CWM meets the requirements of the CWM plan and the conditions of the removal-fill authorization. The permit holder must file a request with the Department for the release of all or part of a financial security instrument. The request must include:

(a) The precise location of the CWM area;

(b) The permit holder's name;

(c) The removal-fill authorization number and the date it was approved;

(d) The amount of the financial security instrument filed and the portion proposed for release; and

(e) A description of the results achieved relative to the permit holder's approved CWM plan.

(9) Forfeiture. The Department may declare forfeiture of all or part of a financial security instrument for any project area or an increment of a project area if CWM activities fail to meet success criteria, the permittee fails to provide monitoring reports, or fails to follow other permit conditions related to mitigation. The Department will identify, in writing, the reasons for the declaration.

(10) Determination of Forfeiture Amount and Use of Funds. The permit holder must forfeit the amount of the outstanding liability in the financial security instrument. The Department will either use the funds collected from the security forfeiture to complete the CWM or deposit the proceeds in the Oregon Removal-Fill Mitigation Fund.

Stat. Auth.: ORS 196.825 & 196.600-196.692

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0705

Requirements for All CWM Plans

(1) CWM Plan Content. CWM Plan detail must be commensurate with the size and complexity of the proposed mitigation. A CWM Plan is not required for proposed CWM by means of using credits from an approved bank, advance mitigation site, in-lieu fee mitigation or payment in-lieu mitigation. A CWM plan for permittee responsible CWM must include the sections listed below.

(a) CWM plan overview, including:

(A) CWM ecological goals and objectives;

(B) The CWM concept in general terms including a description of how the plan, when implemented, will replace the functions and values of the impacted non-tidal wetland or tidal waters;

(C) Mitigation site acreage by method(s) of mitigation proposed (restoration, creation and enhancement) and by proposed HGM and Cowardin classification for each method; and

(D) Summary of proposed net losses and gains of wetland or tidal waters functions and values.

(b) CWM site ownership and location information:

(A) CWM site ownership information (name, address, phone). If this is different from the applicant, copies of legal agreements demonstrating permission to conduct the CWM and willingness of the property owner to provide long-term protection are required;

(B) Legal description (Township, Range, Quarter and Quarter-quarter Section and tax lot or lots); and

(C) CWM site location shown on a USGS or similar map showing the CWM site location relative to the impacted site, longitude and latitude, physical address, if any (e.g., 512 Elm Street), and road milepost (e.g., mp 25.21).

(c) A description of how the proposed CWM addresses each of the principal objectives for CWM as defined in OAR 141-085-0680.

(d) CWM site existing conditions, including the following, as applicable.

(A) If wetlands or tidal waters exist on the CWM site, then the following information must be provided:

(i) A wetland determination/delineation report pursuant to OAR 141-090 for existing wetlands on the CWM site (or for tidal waters, any wetlands above highest measured tide elevation), as necessary to confirm acreage of proposed CWM;

(ii) Identification of HGM and Cowardin class(es) and subclass(es) of all wetlands and tidal waters present within the CWM site;

(iii) A general description of the existing and proposed water source, duration and frequency of inundation or saturation, and depth of surface water for wetlands or tidal waters on the CWM site. This information must include identification of any water rights necessary to sustain the intended functions. When water rights are required, the applicant must provide documentation that the water right has been secured prior to issuance; and

(iv) Plans that involve enhancement must include identification of the cause(s) of degradation and how the plan will reverse it and sustain the reversal.

(B) A description of the major plant communities and their relative distribution, including the abundance of exotic species within the CWM site and associated buffers.

(C) Approximate location of all water features (e.g., wetlands, streams, lakes) within 500 feet of the CWM site.

(D) Any known CWM site constraints or limitations.

(E) Plans for CWM by means of restoration must include documentation sufficient to demonstrate that the site was formerly, but is not currently, a wetland or tidal water.

(e) A functions and values assessment. A summary of the assessment must be placed in the body of the CWM plan, and supporting data sheets or assessment model outputs must be placed in an appendix of the CWM Plan.

(f) CWM drawings and specifications, including:

(A) Proposed construction schedule;

(B) Scaled site plan(s) showing CWM project boundaries, existing and proposed wetland or tidal waters boundaries, restoration, creation and enhancement areas, buffers, existing and proposed contours, cross-section locations, construction access location and staging areas;

(C) Scaled cross sections showing existing and proposed contours and proposed water depths;

(D) Plant list for each Cowardin and HGM class at the CWM site (include scientific names and wetland indicator status);

(E) Schematic of any proposed water control structures; and

(F) For CWM sites involving tidal waters, plan views and cross sections must show relevant tidal elevations relative to mean lower low water

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(MLLW) using the nearest local tidal datum. The elevation of MLLW must be referenced to the North American Vertical Datum 1988 (NAVD88).

(g) Proposed CWM performance standards. The applicant may propose to use applicable pre-defined performance standards as approved by the Department, or may provide CWM site-specific performance standards that:

(A) Address the proposed ecological goals and objectives for the CWM;

(B) Are objective and measurable; and

(C) Provide a timeline for achievement of each performance standard.

(h) A description of the proposed financial security instrument. The Department will determine the amount of security required. A final financial security instrument will be required prior to permit issuance unless otherwise approved by the Department.

(i) A monitoring plan including specific methods, timing, monitoring plot locations, and photo-documentation locations.

(j) A long-term maintenance plan describing:

(A) How the applicant anticipates providing for maintenance of the CWM site beyond the monitoring period to ensure its sustainability (e.g., maintenance of any water control structures, weed management, prescribed burning, and vandalism repair);

(B) Expected long-term ownership of the CWM site and the anticipated responsible party or parties for long-term maintenance; and

(C) How the maintenance activities are anticipated to be funded.

(k) The CWM plan must identify the long-term protection instrument for the CWM site in accordance with OAR 141-085-0695.

(l) If permittee-responsible mitigation is proposed and the application for a permit or authorization is submitted on behalf of a closely held corporation, limited partnership, limited liability company or trust, the Department will require from each shareholder or stockholder, limited partner, member, trustee, current beneficiary or other principal:

(i) A joint and several personal guarantee securing compliance with mitigation obligations; and

(ii) A written agreement to make all reasonable efforts to maintain the business entity in active status until all mitigation obligations have been satisfied.

(iii) For the purpose of subsection (L) of this section, a "closely held corporation" is one in which all shares are held by less than five individuals.

(m) The Department may require additional information as necessary to determine the appropriateness, feasibility and sustainability of the proposed CWM and at any time prior to the permit decision may make recommendations for improvements to CWM plans.

(2) CWM Plans Using Preservation. A CWM plan using preservation must include:

(a) Functions and values assessment of the removal-fill site and site proposed for preservation;

(b) Maps showing the preservation site including all delineated wetlands or tidal waters to be conserved;

(c) Documentation demonstrating that the proposed preservation site meets the requirements of OAR 141-085-0690(10);

(d) The surrounding land uses and an analysis of both the short-term and long-term known and probable effects of those land uses and activities on the preserved wetlands or tidal waters;

(e) Measures that may be necessary to minimize the effects of surrounding land uses and activities on the preserved wetlands or tidal waters;

(f) Identification of the party or parties responsible for long-term protection of the preservation site;

(g) A long-term protection instrument;

(h) A long-term management plan with a funding mechanism that addresses the specific management needs to optimize and maintain functionality and ecological sustainability of the wetlands or tidal waters to be preserved; and

(i) The protection instrument, management plan and funding mechanism must be in place prior to issuance of the authorization.

(3) Authorization Conditions for CWM Plans.

(a) The Department will review the CWM plan for sufficiency. In approving the final CWM plan, the Department may impose authorization conditions necessary to ensure compliance.

(b) The approved CWM plan becomes an enforceable part of the removal-fill authorization. In the event of conflict between CWM Plan provisions and removal-fill authorization conditions, the authorization conditions prevail.

(c) Regardless of the expiration date of the authorization, all compensatory mitigation conditions remain enforceable until the Department declares that the CWM has been successful.

(d) The permit holder cannot delegate responsibility for CWM requirements, unless the Department has officially transferred the mitigation obligation.

(e) If applicable, the Department will approve necessary draft administrative protection instrument(s) prior to permit issuance. A copy or copies of the recorded administrative protection instrument(s) must be submitted to the Department with the post construction report unless the Department approves another schedule.

(f) For authorizations involving payment in-lieu mitigation as CWM:

(A) The individual removal-fill permit or letter of authorization for an activity will not be issued until payment has been made as approved by the Department; and

(B) Once an authorized removal-fill permit activity has begun, the payment is non-refundable.

(g) For authorizations involving a mitigation bank or in-lieu fee credit purchase, proof of the purchase is required prior to issuance of the authorization.

Stat. Auth.: ORS 196.825 & 196.600-196.692

Stats. Implemented: ORS 196.600-196.692 & 196.800-196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0710

Monitoring Requirements for CWM

(1) Purpose. The purpose of the CWM monitoring requirement is to provide information for the Department to:

(a) Determine whether the CWM complies with the conditions of the authorization and whether the CWM has achieved its stated goals, objectives and performance standards;

(b) Determine whether the CWM is replacing wetland and tidal waters area and functions and values; and

(c) Provide information for removal-fill program monitoring.

(2) Monitoring Reports. The permit holder must monitor the CWM site and provide to the Department monitoring reports commensurate with CWM site size and complexity. Those reports must include at minimum:

(a) A post construction report demonstrating as built conditions and discussing any variation from the approved plan. Unless waived by the Department, the post construction report must be submitted within 90 calendar days of completing grading;

(b) An annual written monitoring report that includes all data necessary to document compliance with CWM conditions and performance standards; and

(c) A sufficient number of permanent monitoring points to provide a representative sampling of the CWM site and buffers.

(3) Duration. Monitoring must be conducted for a minimum period of five growing seasons after the completion of all the initial plantings, unless otherwise specified by the Department.

(4) Final Monitoring Report Requirements. To determine whether the CWM project will meet acreage and functional replacement requirements, the Department must receive by not later than the fifth year of the monitoring program the following additional documentation:

(a) Mapping of the CWM site boundary and verification of quantities of actual restoration, creation and enhancement acreages achieved by HGM and Cowardin class; and

(b) Comparison of actual functions and values attained at the CWM site compared to the predicted functions and values for the CWM site identified in the CWM Plan.

(5) Additional Monitoring. The Department may require modifications to the CWM plan, as well as require additional monitoring, if the Department determines that the CWM fails to meet performance standards, replacement acreage requirements, or replace functions and values.

(6) Release From Monitoring Obligations. When the Department determines that the CWM complies with the conditions of the removal-fill authorization, the Department will notify the permit holder in writing that additional monitoring is not required.

Stat. Auth.: ORS 196.825 & 196.600-196.692

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0715

Mitigation for Temporary Impacts

Applicants for projects that involve temporary impacts to waters of this state must provide a rehabilitation plan for rectification of temporary

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impacts. Rectification must include re-establishment of pre-existing contours and pre-existing vegetation. A monitoring plan to confirm the reestablishment of wetland or tidal waters, or reestablishment of vegetation may be required.

Stat. Auth.: ORS 196.825 & 196.600-196.692
Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990
Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0725

Process for Establishing Mitigation Banks

(1) Pre-prospectus Meeting with the Department. To initiate a mitigation bank, a prospective bank sponsor must request a meeting with the Department for initial review of the mitigation concept, site suitability, and content of the Prospectus.

(2) Department Review of Draft Documents, Generally. The process for establishing a mitigation bank involves the development of a Prospectus and Mitigation Bank Instrument (MBI) in consultation with an interagency review team (IRT). In an effort to supply the IRT with complete documents that meet the requirements of these rules, multiple drafts and completeness reviews may be required.

(3) Submittal of the Prospectus. After discussion of the mitigation concept with the Department, a mitigation bank sponsor must submit a Mitigation Bank Prospectus. A Mitigation Bank Prospectus must include:

- (a) Site information including location, size, ownership, soil mapping, and recent air photo;
- (b) The objectives of the proposed mitigation bank;
- (c) How the mitigation bank will be established and operated, in general terms;
- (d) The proposed service area;
- (e) A market or other analysis that demonstrates the general need for the mitigation bank;
- (f) A description of the technical feasibility of the proposed mitigation bank;
- (g) The proposed ownership arrangements and long-term management strategy for the mitigation bank;
- (h) How the mitigation bank addresses each of the principal objectives for CWM listed in OAR 141-085-0680; and
- (i) Names and addresses of all landowners within 500 feet of the bank.

(4) Prospectus Completeness Review. Within 30 calendar days of the Department's receipt of a Prospectus, the Department will conduct an initial review to determine if the Prospectus is complete and the information contained in the Prospectus adequately addresses the requirements. Following the Prospectus completeness review, the Department will inform the applicant of one of the following findings:

- (a) The Prospectus is complete and will proceed to the public notice; or
- (b) The Prospectus is incomplete.

(5) Incomplete Prospectus. If the Department determines that the Prospectus is incomplete, the Department will notify the sponsor in writing and list the missing or deficient information. The Department will take no action on the incomplete Prospectus until the required information is submitted. The sponsor must resubmit the entire amended Prospectus for reconsideration, unless instructed by the Department to do otherwise. Submission of a new or amended Prospectus starts a new 30 calendar day initial review period.

(6) Department May Decline to Participate. If a mitigation bank sponsor cannot demonstrate the need for the mitigation credits or the technical feasibility and ecological desirability of the bank, the Department may decline to participate in its development.

(7) Public Notice of Prospectus. Upon determining that a Prospectus is sufficient, the Department will issue a public notice entitled, "Intent To Create A Mitigation Bank." The Department will:

- (a) Post the notice on the Department's web site for 30 calendar days;
- (b) Send the notice to city and county planning departments, affected state and federal natural resource and regulatory agencies, adjacent landowners, conservation organizations and other interested persons requesting such notices;
- (c) Briefly describe the proposed mitigation bank and reference the Prospectus provided by the bank sponsor; and
- (d) Solicit comments for 30 calendar days from the date of the public notice.

(8) Consideration of Comments Received During the Public Notice Period. All comments received will be provided to the bank sponsor and to the IRT. If comments are not received from an interested party within the

30-day comment period, the Department will assume the entity does not desire to provide comments.

(9) Establishment of an Interagency Review Team (IRT) and the Role of the IRT. The Department will invite participants to serve on an IRT within 30 calendar days of the date of the public notice. The Department will serve as chair (or co-chair) of the IRT.

(a) The Department will invite each of the following agencies to nominate a representative for an IRT:

- (A) Oregon Department of Environmental Quality;
- (B) Oregon Department of Fish and Wildlife;
- (C) Oregon Department of Land Conservation and Development;
- (D) U.S. Fish and Wildlife Service;
- (E) U.S. Environmental Protection Agency;
- (F) Soil and Water Conservation District; and
- (G) Local Government Planner, or equivalent.

(b) The Department may appoint other members of the IRT based on the nature and location of the project, particular interest in the project by persons or groups, and/or any specific expertise that may be required by the Department in development of the MBI.

(c) The IRT acts in an advisory capacity to the Department in the establishment and operation of mitigation banks. The IRT may:

- (A) Review and provide input to the Department on the Prospectus and the comments received during the public notice for use in the development of the MBI;
- (B) Review and provide input on the draft MBI;
- (C) Review the performance of the bank to assist the Department in determining compliance with the MBI; and
- (D) Provide input on adaptive management of the mitigation bank, as necessary, to achieve the ecological goals and objectives.

(10) Mitigation Bank Instrument (MBI). After consideration of the public comments and input from the IRT, the bank sponsor must develop a Draft Mitigation Bank Instrument (MBI) for submittal to the Department. If the sponsor intends that the MBI serve as the permit application, the sponsor must notify the Department of this intention at the time of submittal of the first draft MBI. If an MBI is used in place of a permit application, in addition to all requirements below, it must meet the requirements for fees, content, and review procedures as specified in OAR 141-085-0545 through 141-085-0565. The draft MBI must contain:

- (a) If the proposed bank is for wetland mitigation, all requirements for CWM plans per OAR 141-085-0680 through 141-085-0710; and
- (b) The applicant must also provide the following information:
 - (A) The proposed service area for the bank, including a map clearly showing recognizable geographic place names and watershed boundaries;
 - (B) Demonstration of the need for the bank as shown by past removal-fill activities, projected demographics for the proposed service area, statements of expected activities from the local planning agency, and like documentation;

(C) A description of the projected wetland losses in the service area by HGM and Cowardin wetland classes;

(D) Proof of ownership including a title report and disclosure of any and all liens or easements on the bank site. If the sponsor does not own the land, the MBI must contain explicit legal and recordable permission granted by the landowner to perpetually dedicate the land upon which the proposed bank and any associated buffer is located;

(E) A description of the methods and results of the evaluation of ecological stressors, such as contaminants, present at the bank site that could compromise the wetland functions;

(F) Description of the location and plant community composition of reference site(s), unless an HGM reference data set is used;

(G) Description of the method(s) used to determine the number of credits to be created at the proposed bank, as well as those that will be used to account for and report credit and debit transactions;

(H) The proposed credit release schedule linked to achievement of specific performance standards;

(I) Detailed contingency plans describing how project deficiencies or performance failures will be corrected, including assignment of responsibilities for failures such as floods, vandalism, damage by pests and wildlife, invasion by weedy vegetation, etc.;

(J) Land use affidavit; and

(K) A statement indicating when each of the conditions of the MBI will terminate, unless they are perpetual in nature.

(11) Review of the Draft MBI. Within 30 calendar days of the Department's receipt of a draft MBI, the Department will conduct an initial review to determine if the MBI is complete and the information contained

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in the MBI adequately addresses the requirements. Following the review, the Department will inform the sponsor of its findings, either:

(a) The draft MBI is complete and will proceed to the IRT review process; or

(b) The draft MBI is incomplete.

(12) Incomplete Draft MBI. If the Department determines that the draft MBI is incomplete or deficient, the Department will notify the sponsor in writing and list the missing or deficient information. The Department will take no action on the incomplete draft MBI until the required information is submitted. The applicant must resubmit the entire draft MBI for reconsideration, unless instructed by the Department to do otherwise. Submission of a new or amended draft MBI starts a new 30 day review period.

(13) IRT Review of the Draft MBI. Upon notification that the draft MBI is complete, the sponsor must provide copies to the IRT for review. At the next available IRT meeting, the IRT will review and discuss the draft MBI and identify any issues that need to be resolved prior to finalizing the MBI. IRT meetings will be held as necessary to resolve issues identified by the co-chairs.

(14) Preparation of the Final MBI. When revisions have been completed and issues identified through the IRT process have been resolved, the sponsor must submit a final MBI to the Department and IRT members.

(15) Final Approval of the MBI. Within 30 calendar days of receipt of the final MBI, the Department will notify the sponsor and the IRT whether the agency will approve the MBI.

(16) Appeal of Department Decision. Appeals of the Department decision to affirm or deny mitigation bank approval will be administered according to OAR 141-085-0575.

(17) Construction Timing. At their own risk, a sponsor may begin construction of a bank before approval of the final MBI if the sponsor:

(a) Provides the Department with detailed documentation of the baseline conditions existing at the proposed site(s) of the bank; and

(b) Receives written consent from the Department before undertaking any construction. However, such consent from the Department does not exempt the sponsor from having to apply for, and obtain a removal-fill permit, if required. Written consent from the Department recognizes the sponsor's intent to create a bank but does not guarantee subsequent approval of the MBI by the Department. The Department assumes no liability for the sponsor's actions.

Stat. Auth.: ORS 196.825 & 196.600-196.692

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0735

Release, Use and Sale of Mitigation Credits

(1) Initial Release of Credits Must Be Specified in the MBI. The maximum number of credits that may be released for sale in advance of achieving performance standards will be clearly specified in the MBI. In no case may this amount exceed 30 percent of the total credits anticipated for each phase of bank construction. Advance releases require a commensurate financial security per OAR 141-085-0700.

(2) Release of Credits Must Be in Compliance with MBI. The Department will not allow the sale or exchange of credits by a mitigation bank that is not in compliance with the terms of the MBI, the Removal-Fill Law, and in the case of a wetland mitigation bank, all applicable rules governing CWM. The Department may consult with the IRT in order to determine noncompliance and appropriate remedies, including enforcement action. The Department may, in consultation with the IRT, modify the credit release schedule, including reducing the number of credits or suspending credit transfers, when necessary to ensure that all credit transfers are backed by mitigation projects with a high probability of meeting performance standards.

(3) Sales to Permit Applicants. After credits have been released to the bank sponsor, they may be sold to permit applicants upon approval by the Department that such credits will satisfy the mitigation obligation of a specific permit, or to resolve an enforcement case. Each credit sale transfers the mitigation obligation from the permit applicant to the sponsor.

(4) Sales to Public Benefit Corporations or Public Bodies. At the request of a mitigation bank sponsor, the Department may authorize the withdrawal of mitigation bank credits by a public benefit corporation as defined in ORS 65.001 or a public body. Such entities will be designated by the Director for the purpose of reserving credits for future use in accordance with this subsection. The Director will manage such transactions to ensure that each credit is used no more than once to satisfy a use in accor-

dance with this section. Mitigation Banks must report every credit sale to the Department and will provide an annual credit ledger.

(5) The Department May Purchase Bank Credits. Funds from the wetland mitigation bank revolving fund may be used to purchase approved bank credits where such purchases will provide appropriate CWM.

(6) Records and Reporting. The Department will maintain a record of credit releases and withdrawals for each active wetland mitigation bank.

Stat. Auth.: ORS 196.825 & 196.600-196.692

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0755

Advance Mitigation; Standard Path

(1) Set-Aside Excess Credits. As part of the existing, active individual removal-fill permit application process, an applicant may request that the Department consider that the proposed permittee-responsible CWM (as documented in a CWM Plan prepared in accordance with OAR 141-085-0705) could produce mitigation credits in excess of those needed to satisfy project requirements.

(2) Additional Information Required. If the applicant desires to preserve the option of receiving additional mitigation credit from the excess credits for future projects by the same applicant and by up to one additional party, then the following additional information must be submitted as a part of the applicant's CWM plan:

(a) The specific area(s) of the CWM site that compensates for the specific permitted effect, and identification of the specific areas of the CWM site that are proposed for credit in future projects;

(b) A table showing how much credit, in acres under suitable mitigation ratios, is being claimed at the CWM site; and

(c) The name of any additional person who would use the advance credits.

(3) Applicant Assumes All Risk. If the applicant elects to pursue this option, he/she does so completely at his/her own risk. CWM in advance does not create the presumption that a proposed future wetland impact will be authorized, or that the CWM will be considered suitable CWM. A separate alternatives analysis will be required for each and every separate individual removal-fill permit application.

(4) Monitoring Requirements. Monitoring to determine if success criteria are met must continue for five years or until the success criteria are achieved, whichever is longer. Such monitoring requirements will apply to each designated mitigation area, or for the entire mitigation site if constructed at one time.

(5) Conversion of Unused Credits. Unused credits created by standard path advance mitigation may be converted to alternate path mitigation credits at the discretion of the Department and in accordance with OAR 141-085-0760.

Stat. Auth.: ORS 196.825 & 196.600-196.692

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0760

Pilot Program for Advance Mitigation; Alternate Path

(1) Objective. The objective of advance mitigation is to provide compensatory wetland mitigation that replaces wetland functions and values before authorized wetland impacts. Currently, the Department has an advance mitigation option available through the mitigation banking program (OAR 141-085-0720 through 0745.) and standard path advance mitigation program (OAR 141-085-0755). The current methods of advance mitigation remain in effect and are not modified by this alternate path approach. The purpose for creating alternate path advance mitigation is to:

(a) Reduce or eliminate the temporal loss of wetland functions and values associated with permittee responsible CWM;

(b) Reduce the risk of mitigation site failure by demonstrating mitigation site success prior to credit release;

(c) Reduce entry requirements associated with wetland mitigation banking by reducing initial administrative requirements and performance security requirements; and

(d) Reduce the Department's administrative burden for authorizing advance mitigation.

(2) Implementation. The Department will establish a method for implementing the alternate path advance mitigation program, including, but not limited to the following elements:

(a) Requirements for baseline condition documentation, including but not limited to: wetland delineation, wetland functions and values assessment, site selection criteria, proposed success criteria, and monitoring plan;

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- (b) Department approval of baseline documentation;
- (c) Advance mitigation site development including removal-fill authorization, as necessary;
- (d) Mitigation site monitoring by the advance mitigation proponent; and
- (e) Petition to the Department for credit release including, but not limited to, final wetland delineation and functions and values assessment, monitoring results, credit ledger management, and long-term management and site protection plan.

(3) Term of Pilot Program. The Department may evaluate the pilot program in 2013 and may continue, modify or suspend the program depending on evaluation outcome. The Department's evaluation will consider the extent to which the program:

(a) Accomplishes the program purposes described in Section (1) of this rule;

(b) Provides CWM of quality at least commensurate with wetland mitigation banking; and

(c) Influences the viability of the existing wetland mitigation banking program.

(4) Applications May Be Limited. The Department may limit the number of applicants for the alternate path advance mitigation pilot program.

Stat. Auth.: ORS 196.825 & 196.600 - 196.692

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0765

Compensatory Non-Wetland Mitigation (CNWM)

(1) Compensatory Non-Wetland Mitigation (CNWM) for Waters Other Than Wetlands or Tidal Waters. The Department will also require CNWM for unavoidable impacts to waters of this state for waters other than wetlands or tidal waters. Such conditions may impose obligations on the permit holder beyond the expiration of the authorization.

(2) Scope of CNWM. CNWM will be commensurate with removal-fill impacts and may include, but is not limited to:

(a) Offsite or onsite enhancement, creation, restoration and preservation of water resources of this state such as rivers, intermittent and perennial streams, lakes, ponds and springs; and

(b) Offsite and onsite improvements to enhance navigation, fishing and public recreation uses of waters of this state.

(3) CNWM Functional Assessment. When no other Department-approved functional assessment method is available, best professional judgment may be used to assess waterway functions and values. A written discussion of the basis of the conclusions must be provided. The written discussion must provide a detailed rationale based upon direct measurement or observation of the indicators for the following functions and values:

- (a) Hydrologic;
- (b) Geomorphic;
- (c) Biological; and
- (d) Chemical and nutrient.

(4) CNWM Approval Standard. In order for the Department to approve compensatory mitigation for impacts to waters of this state other than wetlands or tidal waters, the applicant must demonstrate in writing, using a method approved by the Department, that the compensatory mitigation plan will replace or provide comparable substitute water resources of this state.

(5) CNWM Conditions of Approval. The Department may require that the CNWM include:

- (a) Defined performance standards;
- (b) Site monitoring and reporting using a method approved by the Department;
- (c) Administrative protection of the CNWM site; and
- (d) Financial security.

Stat. Auth.: ORS 196.825 & 196.600 - 196.692

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0770

Complaints and Investigations

(1) Violations. A violation is:

- (a) Removal-fill without a valid authorization;
- (b) Non-compliance with any condition of an authorization;

(c) Obtaining an authorization or reporting on conditions of an authorization by misrepresentation or by failure to fully disclose known material facts;

(d) Failing to comply with any term of an enforcement agreement or order;

(e) Failing to comply with the requirements of the Removal-Fill Law or these rules; or

(f) Non-compliance with any condition of an approved wetlands conservation plan.

(2) Reporting Suspected Violations; Complaints. Alleged or suspected violations may be reported as complaints to the Department in person, by e-mail, facsimile, telephone or in writing. When reports of alleged or suspected violations are submitted to the Department in confidence, as expressly requested by the complainant, and the information is not otherwise required by law to be submitted, the Department may keep the name of the person making the report confidential if the criteria set forth in ORS 192.501 or 192.502 are met.

Stat. Auth.: ORS 196.825 & 196.600 - 196.692

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0775

Enforcement Actions and Procedures; Appeals

(1) Enforcement Powers. The Department is authorized to take or recommend such civil, criminal or administrative actions as are necessary to enforce the Removal-Fill Law and these rules.

(2) Administrative Remedies. The Department may take appropriate action to remedy violations or alleged violations or to enforce these rules, a permit or authorization, or a final order or agreement.

(a) Appropriate enforcement action depends upon the nature of the violation and may include, but is not limited to, requiring the violator to:

- (A) Comply with conditions of a permit, authorization or order;
- (B) Remove an unpermitted fill;
- (C) Restore the site of an unpermitted removal;
- (D) Pay a civil penalty;
- (E) Provide compensatory mitigation for unauthorized impacts or mitigation shortfalls. At the discretion of the Department and in accordance with these rules, mitigation may include payment in-lieu of mitigation, purchase of mitigation bank credits or purchase of in-lieu fee credits; and

(F) Forfeit their right to apply for new removal-fill permits or authorizations (debarment).

(b) The following administrative remedies may be used to implement appropriate enforcement actions:

(A) Cease and desist orders may be issued to prevent damage. The Department may issue an order requiring any person to cease and desist from any project if the Department determines that such violation or threatened violation presents an imminent and substantial risk of injury, loss or damage to water resources.

(i) A cease and desist order may be entered without prior notice or hearing and will be served upon the person by personal service or by registered or certified mail.

(ii) A cease and desist order will state that a hearing will be held on the order if a written request for hearing is filed by the person subject to the order within 10 calendar days after receipt of the order.

(iii) If a person subject to a cease and desist order files a timely request for a hearing, the Department will hold a contested case hearing before the Office of Administrative Hearings pursuant to the applicable provisions of ORS 183.310 through 183.550.

(iv) Cease and desist orders will not be stayed during the pendency of a hearing conducted under this section.

(v) Neither the Department nor any duly authorized representative of the Department will be liable for any damages a person may sustain as a result of a cease and desist order issued under this section.

(B) Consent agreements and consent orders are cooperative in nature and are used when an agreement can be reached to resolve the violation. In signing a consent agreement, the violator waives his or her right to appeal;

(C) Restoration orders may be issued when a cooperative agreement is not reached to resolve the violation. Restoration orders are appealable;

(D) Revocation or suspension of an authorization, as per OAR 141-085-0780; and

(E) Consent agreements, consent orders and restoration orders may include a civil penalty and corrective action necessary to resolve the violation.

(3) Notice and Due Process. The Department will give notice of any proposed restoration order relating to a violation by personal service or by

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mailing the notice by registered or certified mail to the person or public body affected. Any proposed restoration order will include a notice of violation and will describe the nature and extent of the violation.

(4) Request for Hearing. If a person subject to a restoration order under this section files a timely request for hearing, the Department will hold a contested case hearing before the Office of Administrative Hearings according to the applicable provisions of ORS 183.310 through 183.550. If the person fails to request a hearing, a final order will be issued upon a prima facie case made on the record of the agency.

(5) Restoration Orders Must be Appealed Within 20 Calendar Days. Any person aggrieved by a proposed restoration order may request a hearing within 20 calendar days of the date of personal service or mailing of the notice.

(6) Written Requests for Hearings. Any written request for a hearing concerning a cease and desist or proposed restoration order shall admit or deny all factual matters stated in the proposed restoration order and shall state any and all claims or defenses regarding the alleged violation. Any factual matters not denied shall be presumed admitted, and failure to raise a claim or defense shall be presumed to be a waiver of such claim or defense. Evidence shall not be taken at the hearing on any issue not raised in the written request for hearing.

(7) Civil Remedies. Any violation of ORS 196.600 to 196.990 or of any rule or final order of the Department under ORS 196.600 to 196.990 may be enjoined in civil abatement proceedings brought in the name of the State of Oregon; and in any such proceedings the Department may seek and the court may award a sum of money sufficient to compensate the public for any destruction or infringement of any public right of navigation, fishery or recreation resulting from such violation. Civil remedies sought under this section may also include property liens. Proceedings thus brought by the Department will set forth, if applicable, the dates of notice and hearing and the specific rule or order of the Department, together with the facts of noncompliance, the facts giving rise to the public nuisance, and a statement of the damages to any public right of navigation, fishery or recreation, if any, resulting from such violation.

Stat. Auth.: ORS 196.825 & 196.600 - 196.692

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0780

Revoking or Suspending an Authorization; Allowing Corrective Action

(1) Revocation or Suspension if Out of Compliance. The Department may revoke or suspend an authorization if an alleged violator is not in compliance with any conditions of an authorization, or if the applicant failed to provide complete and accurate information in the permit application.

(2) Suspension for Delinquency of Payment. Any authorization shall be suspended during any period of delinquency of payment of the renewal fee and will be treated as though no authorization had been issued.

(3) Procedures to Revoke or Suspend Authorization. The Department may initiate the following proceedings to revoke an authorization:

(a) The Department will issue a Notice of Intent to Revoke or Suspend to the alleged violator stating the intent to revoke or suspend the authorization; and

(b) The Notice will include the following information:

(A) A statement of the alleged violator's right to a contested case hearing within 20 calendar days of receiving the notice;

(B) A statement of the authority and jurisdiction under which the contested case hearing is to be held;

(C) Citations for the relevant sections of law and rule;

(D) A short and plain statement of the matters asserted or charged as constituting the violation(s); and

(E) A statement of any action that is necessary by the alleged violator to correct or offset the effects of the violation including, but not limited to, removal of filled material or replacement of removed material.

(c) Any action specified in the notice will include a reasonable time period in which to complete the corrective action.

(A) If the alleged violator completes such action within the specified time period, the revocation or suspension procedure will be terminated; and

(B) If the authorization holder fails to request a contested case hearing, the Department may issue a final order revoking or suspending the authorization after presenting a prima facie case demonstrating that a violation has occurred.

(4) Revocation or Suspension of Multi-Year Authorizations. If a person fails to comply with reporting requirements or any other condition of a multi-year authorization the Department may revoke the multi-year status

and require annual renewal, suspend the permit pending correction, or take any other enforcement action available to the Department.

(5) Appeals Procedures. Procedures for requesting an appeal on a revocation or suspension are as set forth in OAR 141-085-0775(4) and (6).

Stat. Auth.: ORS 196.825 & 196.600 - 196.692

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-085-0785

Civil Penalties; Appeals

(1) Applicable Permit Conditions. If the Department approves the permit, it will impose applicable conditions to eliminate or reduce the reasonably expected adverse impacts of project development to waters of this state.

(2) Applicant Acceptance of Permit Conditions. Once an authorization holder initiates the removal fill activity authorized by a permit, it is understood that the permit holder accepts the conditions contained within the permit.

(3) Enforceability of Permit Conditions. Authorizations may include conditions, including compensatory mitigation and monitoring conditions that impose obligations beyond the expiration date of the removal/fill activity. All such conditions are enforceable until such obligations are satisfied.

(4) Conflicts Between the Application and Permit Conditions. The application, including all plans and operating specification, becomes an enforceable part of the removal-fill authorization. In the event there is a conflict between information contained in the application and conditions in the removal-fill authorization, the authorization conditions prevail.

(5) Permit Expiration Date. The Department may issue an individual removal-fill authorization for up to five years for removal-fill activities that occur on a continuing basis or will take more than one year to complete.

(6) Limits on Terms for Commercial Gravel Operations. For commercial gravel removal, the Department will only issue a multi-year permit when it determines that:

(a) There is sufficient aggregate resource or annual recharge to allow the proposed volumes to be removed; and

(b) The authorization holder has, for at least one year preceding the pending renewal, conducted removal in compliance with permit conditions.

(7) Modification of Permit Conditions. Modifications of permit conditions may be either requested by the authorization holder or initiated by the Department.

(a) A modification request from the authorization holder must be submitted in writing. Based on the scope of the modification request, the Department may:

(A) Modify permit conditions to address changes in operating conditions or changes to the project; or

(B) Deny the modification request and request a new application.

(b) The Department may modify permit conditions to address new standards or new information related to water resource impacts in effect at the time of the permit renewal request or on the anniversary date of issuance for multiyear permits issued in accordance with OAR 141-085-0545(8).

(8) Transfer of Permit Responsibility. Authorizations are issued to the applicant and are not automatically transferred through property transactions. The applicant is responsible for complying with the conditions of the permit, unless the permit is officially transferred to a different person or party. A transfer form must be submitted to the Department for review and approval. If the transferee is a business entity, the business must be registered with the Oregon Secretary of State Corporate Division. The exact name of the business entity, as listed with Secretary of State Corporate Division, must be entered on the transfer form. The transfer form must be accompanied by a signed certificate of incumbency. Transfers are approved through one of the following means:

(a) If the authorization has not expired, the Department will issue a modified permit to the transferee, who will then be responsible for complying with all of the conditions in the permit. If financial security was required for compensatory mitigation, a new financial security instrument, naming the transferee as the obligor must be provided to the Department before the transfer; or

(b) If the authorization has expired, but there is a pending mitigation obligation, the mitigation obligation will be transferred to the transferee through an acknowledgement letter. If financial security was required for the pending mitigation obligation, a new financial security instrument must be provided, naming the transferee as the obligor prior to the transfer.

Stat. Auth.: ORS 196.825 & 196.600 - 196.692

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

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Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-089-0620

General

(1) Special Headings and Fonts. Where headings, special fonts or double-spacing are used, they are for the convenience of the user only and have no substantive effect.

(2) Applicability of OAR 141-085. Unless otherwise specified under OAR 141-089, the provisions of OAR 141-085 apply to General Authorizations.

(3) Previous GAs Repealed. OAR 141-089-0095 through 141-089-0615 were repealed on March 1, 2011.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 2-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-089-0625

General Authorizations (GA); Process for Establishing; Standards and Criteria

(1) Waiver of Permit Requirements. An individual removal-fill permit may not be necessary if a proposed activity meets the requirements of a General Authorization (GA). Any person proposing to conduct a removal-fill activity under a GA must first notify the Department in writing and pay any applicable fee to the Department.

(2) Establishment. General Authorizations are adopted, amended and repealed as administrative rules in accordance with the Administrative Procedure Act (ORS 183.310 through 183.550). A General Authorization may be granted on a statewide or other geographic basis.

(3) Criteria for Adoption. The Department may adopt a GA based upon a finding that the category of activities of removal-fill:

(a) Are substantially similar in nature;

(b) Would cause only minimal individual and cumulative environmental impacts; and

(c) Would not result in long-term harm to the water resources of this state.

(4) Department Findings. These General Authorizations are made pursuant to ORS 196.850 and are based upon the determination that the authorized activities are similar in nature and when conducted in accordance with these rules will not result in long-term harm to water resources of the state, and will cause only minimal individual and cumulative environmental effects.

(5) Amend or Rescind. The Department may amend or rescind any GA, through rulemaking, upon a determination that the removal-fill activity conducted under the General Authorization has resulted in or would result in more than minimal adverse effect or long-term harm to the water resources of this state. Any person may request the Department apply this provision. Such a request must include the specific General Authorization to be rescinded or amended and the reasons for the request.

(6) Expiration of General Authorizations. The Department will conduct a review of the GAs on or before March 1, 2016. The review will include public notice and opportunity

for public hearing. At the completion of its review, the Department will decide whether to modify, reissue or rescind the GAs.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 2-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-089-0630

Project Applicability

(1) Applicability. This rule sets forth conditions under which a person may, without an individual removal-fill permit from the Department, place or remove material within waters of this state, as defined in OAR 141-085 for the purposes set forth in each GA. This rule does not apply to activities proposed within areas designated as:

(a) A State Scenic Waterway; or

(b) A wetland of conservation concern, unless the activity is for habitat restoration purposes. Wetlands of conservation concern are bogs, fens, playas, salt flats, alkaline lakes, hot springs, native wet prairies, vernal pools, inter dunal wetlands, mature forest wetlands, ultramafic soil wetlands, wooded tidal wetlands, and un diked tidal wetlands, as determined by the Department.

(2) Department Determination of Eligibility. To be eligible for a GA, a project must comply with the general conditions described in OAR 141-089-0650 as well as individual GA purpose, eligibility, authorized activities and activity-specific conditions. In the event a dispute arises concerning or about the applicability of a General Authorization to any project notification, the Department will make the final determination.

(3) Thresholds and Best Management Practices (BMPs). BMPs necessary to comply with the general conditions are not included in the thresholds under each General Authorization.

(4) Project with More Than Minimal Impacts. The Department may require an individual removal-fill permit for a project that would otherwise be authorized by a general authorization, if the Department determines that the activity might cause more than minimal individual or cumulative environmental effects or might result in long-term harm to the water resources of the state. The Department may also require an application for an individual removal-fill permit if requested to do so by the Oregon Department of Fish and Wildlife, the Oregon Department of Environmental Quality or the affected local land use planning department.

(5) Combining Activities. The following General Authorizations may be combined to cover a single project when the combined activities result in no more than minimal impacts:

(a) Waterway Habitat Restoration;

(b) Wetland Ecosystem Restoration;

(c) Waterway Bank Stabilization;

(d) Piling Placement and Removal;

(e) Certain Transportation-Related Activities in ESH; and

(f) Temporary Impacts to Non-Tidal Wetlands.

(6) Entire Project. Projects eligible for GAs must rely solely on GAs for their authorization. GAs may not be combined with either Individual Permits or authorizations under General Permits.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 2-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-089-0640

Pre-Construction Notification

(1) Project Notification Required. A complete project notification must be submitted to the Department at least 30 calendar days before starting the project. A complete notification is one that contains all the information required on the form provided by the Department and all required attachments.

(2) Review of the Notification. Within 30 calendar days of receipt, the Department will review the notification for completeness and eligibility, make one of the following determinations and notify the responsible party that:

(a) The notification is complete and the project is eligible under the GA;

(b) The notification is incomplete and the person must supply certain specified missing, inaccurate or insufficient information. The person may amend and resubmit the notification within 120 calendar days of the notice for reconsideration, unless instructed by the Department to do otherwise. Submission of an amended notification starts a new 30-day review period; or

(c) The project is ineligible for certain specified reasons. The person may then either revise the project and submit for reconsideration within 120 days of the notification or apply for an individual permit under OAR 141-085. Submission of an amended notification commences a new 30-day review period.

(3) Timeframe for Resubmittal of Incomplete or Ineligible Notifications. If a revised notification or application is not resubmitted within 120 calendar days of an incompleteness or ineligible determination, the Department will presume that the responsible party does not intend to provide revisions to the notification and may administratively close the file. If the Department closes the file under these circumstances, the Department will retain the application fee. If the Department receives a subsequent notification or application for the same or similar project after a file has been closed, the responsible party must pay any applicable fees for the new notification at time of submission.

(4) Project Implementation. The person submitting the notification may begin the project:

(a) Immediately upon receipt of a determination by the Department under OAR 141-089-0640(2)(a) that the project is eligible; or

(b) Thirty (30) calendar days after Department received the notification, unless the Department issued a determination under OAR 141-089-0640(b) or (c).

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 2-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-089-0650

General Conditions

The following conditions apply to all general authorizations, unless otherwise specified in a specific GA or an authorization issued under a GA:

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(1) **Responsible Party.** The person listed on the notification as the responsible party is responsible for the activities of all contractors or other operators involved in project work covered by the GA.

(2) **Copy of Approved Notification Available for Inspection.** A copy of the notification approved by the Department must be available at the work site whenever noticed activities are being conducted.

(3) **Site Access Required.** Employees of the Department and all authorized representatives must be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under a notification.

(4) **Archeological Resources.** If any archeological sites, resources or artifacts are discovered during construction, work must immediately cease and the State Historic Preservation Office must be contacted.

(5) **ODFW Fish Passage Requirement.** The activity must meet Oregon Department of Fish and Wildlife requirements for fish passage before the project is started (ORS 509.580 through 509.901 and OAR 635-412-0005 through 635-412-0040).

(6) **Hazards to Recreation, Navigation and Fishing.** The activity must be timed so as not to interfere with or create a hazard to recreational and commercial navigation and fishing.

(7) **Work Period in Jurisdictional Areas.** Fill or removal activities below the Ordinary High Water Line must be conducted when recommended by ODFW, unless otherwise coordinated with Oregon Department of Fish and Wildlife and approved in writing by DSL. Work is prohibited when fish eggs are present within the reach where activities are being conducted.

(8) **Pre-Construction Resource Area Fencing or Flagging.** Prior to any site grading, the boundaries of any avoided wetlands, waterways and riparian areas adjacent to the project site must be surrounded by noticeable construction fencing or flagging. There must be no vegetation removal or heavy equipment within marked areas. The marked areas must be maintained during construction of the project and be removed immediately upon project completion.

(9) **Erosion Control Methods.** The following erosion control measures must be installed at the construction site prior to construction and maintained during and after construction to prevent erosion and minimize movement of soil into waters of this state:

(a) All exposed soils must be stabilized during and after construction in order to prevent erosion and sedimentation;

(b) Filter bags, sediment fences, sediment traps or catch basins, leave strips or berms, or other measures must be used to prevent movement of soil into waterways and wetlands;

(c) To prevent erosion, use of compost berms, impervious materials or other equally effective methods, must be used to protect soil stockpiled during rain events or when the stockpile site is not moved or reshaped for more than 48 hours;

(d) Unless part of the permanent fill, all construction access points through, and staging areas in, riparian and wetland areas must use removable pads or mats to prevent soil compaction. However, in some wetland areas under dry summer conditions, this requirement may be waived upon approval by DSL. At project completion, disturbed areas with soil exposed by construction activities must be stabilized by mulching and native vegetative plantings/seeding. Sterile grass may be used instead of native vegetation for temporary sediment control if native vegetation is unavailable. If soils are to remain exposed for more than seven days after completion of the permitted work, they must be covered with erosion control pads, mats or similar erosion control devices until vegetative stabilization is installed;

(e) Where vegetation is used for erosion control on slopes steeper than 2:1, tackified seed mulch must be used so the seed does not wash away before germination and rooting;

(f) Dredged or other excavated material must be placed on upland areas having stable slopes and must be prevented from eroding back into waterways and wetlands;

(g) Erosion control measures must be inspected and maintained as necessary to ensure their continued effectiveness until soils become stabilized; and

(h) All erosion control structures must be removed when the project is complete and soils are stabilized and vegetated.

(10) **Hazardous, Toxic, and Waste Material Handling.** Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint, wood treated with leachable preservatives or other deleterious waste materials must not be allowed to enter waters of this state. Machinery refueling is to occur at least 150 feet from waters of this state and confined in a designated area to prevent spillage into waters of this state. Barges must have a containment system to effectively prevent petroleum products or other

deleterious material from entering waters of this state. Project-related spills into waters of this state or onto land with a potential to enter waters of this state must be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311.

(11) **Raising or Redirecting Water.** The project must not cause water to rise or be redirected and result in damage to structures or property.

(12) **Waste Disposal.** Old piling and other waste material discarded by the project must be disposed of in an appropriate disposal facility. There must be no temporary storage of piling or other waste material below top of bank, in any wetland, Federal Emergency Management Administration designated floodway, or an area historically subject to landslides.

(13) **DSL May Halt or Modify.** DSL retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.

(14) **Work Area Isolation.** The work area must be isolated from the water during construction. All structures and materials used to isolate the work area must be removed immediately following construction and water flow returned to pre-construction conditions. All fish must be salvaged from the isolated area in accordance with Oregon Department of Fish and Wildlife requirements.

(15) **Spoil Disposal.** Spoil materials, not used in the project, must be placed in an upland location. Spoil materials used in the project must be included in the cumulative removal-fill calculation for the activity.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 2-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-089-0670

Authorized Activities

Eligible projects are limited to the following:

(1) **Investigative Drilling and Sampling.** Removal and fill for investigative drilling and sampling to gather necessary technical data for designing structures or characterizing sediments.

(2) **Scientific Measurement.** Installation, removal, construction and maintenance of scientific measurement devices, such as staff gages, tide gages, water recording devices, water quality testing and improvement devices, and similar structures, whose purpose is to measure and record scientific data.

(3) **Surveys.** Removal and fill for surveys conducted for historical resources.

(4) **Maintenance of Water Intake and Outfall Structures.** Removal and fill activity necessary to maintain serviceability of existing water intake and outfall structures.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 2-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-089-0675

Activity-Specific Conditions

(1) **General Conditions Apply.** Projects eligible for this General Authorization must adhere to the General Conditions listed under OAR 141-089-0650.

(2) **Scientific Measurement.** All scientific measurement devices, including all associated structures and fills including anchoring devices, buoys and cables, must be removed within 30 days after the research is completed.

(3) **Surveys.** The responsible party must isolate all in-stream exploratory trenching from the active channel.

(4) **Maintenance of Water Intakes.** The responsible party must implement measures necessary to prevent streambed gradient alterations and streambank erosion.

(5) **Investigative Drilling and sampling.** The responsible party must use existing roads, paths and drilling pads where available. Temporary placement of mats is allowed to provide site access. Temporary mats must be removed upon completion of the authorized work

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 2-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-089-0700

Purpose

These rules set forth the conditions under which a person may, without an individual removal-fill permit from the Department, temporarily place or remove material in non-tidal wetlands.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 2-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

ADMINISTRATIVE RULES

141-089-0715

Activity-Specific Conditions

Projects eligible for this GA must adhere to the general conditions in OAR 141-089-0650 and the following activity-specific conditions:

(1) Temporary Impact Rectification. Rectification of temporary impacts includes re-establishment of pre-existing contours and pre-existing vegetation.

(2) Timing of Temporary Impact Rectification. Re-establishment of pre-construction contours and planting to re-vegetate temporarily disturbed areas must be completed within 24 months of the initial impacts. However, if the temporary impact requires only one construction season, site rectification must be completed within the same construction season as the temporary impact. Planting must include species of sufficient number, spacing, and diversity to replace affected aquatic functions.

(3) Post-Construction Report Required. Within two years of planting, a report must be submitted to the Department. The report must include:

(a) Data plots, according to OAR 141-090, to confirm that the wetland area impacted by the project meets wetland criteria; and

(b) Photos taken at the previously established photo points.

(4) Protection of Ground Surface. Before placing temporary fill in wetlands, fabric must be placed to allow complete removal of all temporary materials from the wetlands. If necessary to assist with removal of the fill, chain link fence or similar material may be placed under the fill. All fabric, fencing and other materials must be completely removed at project completion.

(5) Stockpile Topsoil. When trenching, the upper 12 inches of topsoil must be removed and stockpiled separately from subsurface soils and used as the final layer in backfilling.

(6) Prevent Hydraulic Piping. The project must be constructed to prevent underground hydraulic piping to dewater the site or adjacent wetlands. If the native underlying soils are not used as bedding material, and a coarser, non-native soil or other material is used, preventive measures must be used such as restoration of the restrictive layer and placement of clay or other impermeable plugs. Such plugs must be placed at each wetland boundary.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 2-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-089-0790

Authorized Activities

The following activities may be combined for a single project and the volume thresholds for each activity may be calculated separately:

(1) Barrier Removal. Barriers may be removed to reconnect waterway corridors, reestablish wetlands, restore natural channel and flow conditions, and assist fish and wildlife movement. The project must meet the following criteria:

(a) Removal is limited to artificially created barriers including, but not limited to culverts, dams, earthen embankments, spillway systems, tide-gates, outfalls and pipes; and

(b) Cumulative removal-fill volume for this activity must not exceed 200 cubic yards.

(2) Grade Control. This activity includes construction of grade control structures to stabilize channel grade, reduce erosion, reconnect a waterway to the floodplain or reduce channel incision. The project must meet the following criteria:

(a) Grade control structures must be constructed of materials that mimic natural substrate found within the system;

(b) Grade control structures must be sized appropriately for the system to prevent creating a fish passage barrier or require annual maintenance; and

(c) The activity is limited to 100 cubic yards for every one-half mile of waterway, unless otherwise approved by the Department.

(3) Fish and Wildlife Passage. This activity includes installation or replacement of fish passage structures including, but not limited to vertical slot fishways, nature-like fishways and lamprey ramps to aid fish and/or wildlife passage. The project must meet the following criteria:

(a) Oregon Department of Fish and Wildlife (ODFW) must be notified;

(b) Passage structures must be designed to consider the velocity, depth, pool-length and jump-height preferences of native species;

(c) Passage structures must be sized appropriately for the system yet be stable; and

(d) The activity is limited to 100 cubic yards for every one-half mile of waterway, unless otherwise approved by the Department.

(4) Installation or Replacement of Fish Screening Structures. The project must meet the following criteria:

(a) Oregon Department of Fish and Wildlife (ODFW) must be notified;

(b) Screens must meet ODFW fish screen criteria; and

(c) Cumulative removal-fill for this activity must not exceed 100 cubic yards in waters of this state.

(5) Porous Weir. This activity includes the construction of a self-sustaining, low profile, structure. A porous weir delays but does not store water. It is used to redirect flow toward the center of the channel, provide energy dissipation and promote increased sedimentation along banks while allowing fish passage through a porous design. This activity includes, but is not limited to cross vanes and artificial riffles. The project must meet the following criteria:

(a) Porous weirs must be placed so scour pools occur in areas where pools would naturally form in a pool and riffle complex;

(b) Porous weirs must not result in culvert inlet or outlet scour;

(c) Porous weirs must be sized appropriately for the system so as not to require annual maintenance;

(d) Porous weirs must be constructed of materials that mimic natural substrate found within the system;

(e) The structure must not exceed 100 cubic yards and 40% of the channel cross-section width; and

(f) The activity is limited to 100 cubic yards for every one-half mile of waterway, unless otherwise approved by the Department.

(6) Side Channel and Alcove Habitat. This activity is limited to reconnecting existing side channel or alcove habitat, as follows:

(a) Cumulative removal-fill volume may not exceed 200 cubic yards unless otherwise approved by the Department;

(b) Reconnection consists only of the removal of artificial barriers; and

(c) The side channel or alcove being reconnected must be naturally formed and does not require alteration or reconstruction.

(d) Remove or Replace Existing Culverts and Tide Gates for Fish Passage. Tide gate and culvert replacement for fish passage through the installation of a larger culvert or for replacing the culvert with a bridge is allowed when:

(A) The new culvert or tidegate is not exempt ; and

(B) The project is consistent with ODFW Fish Passage Statutes, as evidenced in writing by an ODFW fisheries biologist.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 2-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-089-0825

Eligibility Requirements

(1) Purpose. The activity is for the specific purpose of recreational placer mining.

(2) Essential Salmonid Habitat. The activity is conducted within ESH.

(3) Threshold. The activity will remove, fill or move less than twenty-five (25) cubic yards of material annually from or within the bed of streams designated as ESH.

(4) Wet Perimeter. The activity is confined to the wet perimeter.

(5) Disturbance of Woody Vegetation. The activity does not disturb the streambank, including any rooted or embedded woody plants below the Ordinary High Water Line.

(6) Fish Passage. The activity does not divert a waterway or obstruct fish passage.

(7) Minimization of Impounded Water. The activity creates only the minimal area of impounded water necessary to operate the dredge and the impoundment structure is removed immediately upon completion of the mining activity.

(8) No Disturbance of Stream Structure. No movement is allowed of boulders, logs, stumps or other woody material from within the wet perimeter other than movement by hand and non-motorized equipment.

(9) Dredge Intake Nozzle Limited. If a motorized suction dredge is used, it must have an intake nozzle that has an inside diameter not exceeding four inches.

(10) Expiration of Recreational Placer Mining Authorizations. Authorizations issued under the Recreational Placer Mining GA expire on December 31 of each year.

(11) Renewal. Renewal of the authorization will require submission of a completed Recreational Placer Mining Report for the previous year to the Department.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 2-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

ADMINISTRATIVE RULES

141-089-0835

Activity-Specific Conditions

Proposed projects eligible for this General Authorization must adhere to the general conditions in OAR 141-089-0650, except that for recreational-placer mining OAR 141-089-0650(10) is replaced by OAR 141-089-0835(8) below. The following activity-specific conditions also apply:

(1) Prevent Fish Stranding. Upon completion of the activity at a given location, the responsible party must level all piles and fill all furrows, potholes and other depressions created by the activity.

(2) Wet Perimeter. The activity is confined to the wet perimeter. The wet perimeter is the area of the stream that is under water or is exposed as a non-vegetated, dry gravel-bar island surrounded on all sides by actively moving water at the time the activity occurs.

(3) Disturbance of Woody Vegetation. The activity does not disturb the streambank, including any rooted or embedded woody plants below the Ordinary High Water Line.

(4) Fish Passage. The activity does not divert a waterway or obstruct fish passage.

(5) Minimization of Impounded Water. The activity may impound only the minimal area of water necessary to operate the dredge under the following conditions:

(a) The temporary dam does not extend across more than 75% of the wetted perimeter;

(b) The designs for the temporary dam are consistent with ODFW requirements set forth in ORS 509.580 through 509.901 and OAR 635-412-0005 through 635-412-0040;

(c) All in-water work is performed during the recommended ODFW in-water work window; and

(d) The impoundment structure is removed immediately upon completion of the mining activity.

(6) No Disturbance of Stream Structure. No movement is allowed of boulders, logs, stumps or other woody material from within the wet perimeter other than movement by hand and non-motorized equipment.

(7) Dredge Intake Nozzle Limited. If a motorized suction dredge is used, it must have an intake nozzle that has an inside diameter not exceeding four inches.

(8) Refueling. All fuel and oil must be stored in an impermeable container and must be located at least 25 feet from the wet perimeter of the stream. For dredge locations where a 25 foot buffer is not possible, addition precaution must be taken to ensure that petroleum products cannot spill or otherwise enter the stream.

(9) Annual Report Required. By December 31 of each year, the responsible party must submit to the Department an annual report, on a form provided by the Department, the estimated amount of material filled, removed or moved in each specific waterway mined during the preceding calendar year. When no jurisdictional activity was conducted, the report must be submitted reporting zero cubic yards for the year.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 2-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-093-0103

Agency Process and Standards for Establishing General Permits

(1) General Permits Established by Rulemaking. GPs are issued by rule on a statewide basis or a geographic basis.

(2) General Permits Established by Order. GPs are issued by order for an applicant or group of applicants to cover activities that are substantially similar in nature or ongoing, and have predictable effects.

(3) Periodic Review. The GPs will be periodically reviewed for compliance with the review standards set forth in ORS 196.600 through 196.905 and the Department must find that each GP will not result in long-term harm to water resources of this state.

(4) Amend or Rescind. The Department will amend or rescind any GP upon a determination that the activities conducted under the GP have resulted in or would result in unacceptable individual or cumulative environmental effects or long-term harm to the water resources of this state.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 3-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-093-0104

Project Applicability

(1) Applicability. This rule sets forth conditions under which a person may, without an individual removal-fill permit from the Department, place or remove material within waters of this state, excluding State Scenic Waterways, as defined in OAR 141-085 for the purposes set forth in a GP.

(2) Department Determination of Eligibility. To be eligible for a GP, a project must comply with the general conditions described in OAR 141-093-0135 as well as the individual GP's purpose, eligibility, authorized activities and activity-specific conditions. In the event a dispute arises as to the applicability of a GP to any project application, the Department will make the final determination.

(3) Thresholds and Best Management Practices (BMPs). BMPs necessary to comply with the general conditions are not included in the thresholds under each GP.

(4) Individual Permit May Be Required. The Department may require an individual removal-fill permit for a project that would otherwise be authorized by a GP if:

(a) The activity conducted under the permit may have unpredictable effects or outcomes which may result in unacceptable individual or cumulative environmental effects to waters of this state; or

(b) The activity might result in long-term harm to the water resources of this state; or

(c) If the Oregon Department of Fish and Wildlife, the Oregon Department of Environmental Quality or the affected local land use planning department request that the Department do so.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 3-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-093-0105

Application Requirements and Completeness Review for Authorizing Projects under a General Permit

(1) Authorization Required. Unless otherwise specified, a separate application must be submitted to the Department before starting any project covered by a GP.

(2) Required Information. A complete, signed application must be submitted on forms provided by the Department. The application must contain all applicable information set forth in OAR 141-085-0550. An approved, unexpired wetland delineation is required when wetlands are proposed for impact, unless otherwise approved by the Department.

(3) Applicant Signature Required. The applicant signature is required. As used in this section, "applicant" means a person who has the authority and responsibility to fully execute the terms and conditions of an authorization issued under these rules. The applicant becomes the authorization holder. The OAR 141-085-0510(1) definition of "applicant" does not govern use of the term in this Division.

(4) Fee. Any person proposing to conduct an activity under a GP must pay application fees in accordance with the procedures set forth in Fees and Disposition Section under OAR 141-085-0545, unless otherwise specified in a specific GP.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990

Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990

Hist.: DSL 3-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-093-0107

Completeness and Eligibility Review for Authorizing Projects under a GP

(1) Initial Review. The Department will review the application within 15 calendar days (unless otherwise stated in the administrative rules for a specific GP), of agency receipt of the application to determine whether the application is complete and the project is eligible for the GP.

(a) Complete and Eligible Application. A complete application is one that contains all the information required in the Department's application. An eligible project is one that meets the eligibility requirements, activity-specific application requirements and authorized activities listed under the GP.

(b) Incomplete Application Notification. If the Department determines that the application is incomplete or deficient, the Department will notify the applicant in writing and list the missing or deficient information. The applicant may resubmit the entire amended package for reconsideration within 120 calendar days from date of the Department's notice, unless instructed by the Department to do otherwise. Submission of a new or amended application package starts a new initial review period.

(c) Ineligible Projects. If the review of the application results in a determination that the project is ineligible for a GP, the applicant will be notified and informed of the reason for ineligibility. The applicant may then either revise the project and resubmit the application for reconsideration or apply for an Individual Permit under OAR 141-085 within 120 calendar days from date of agency determination.

(2) Timeframe for Resubmittal. If a revised application is not resubmitted within 120 calendar days of an incompleteness or ineligibility determination, the Department may administratively close the application. If the

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Department closes the file under this circumstance, the Department will retain the application fee. A subsequent application for the same or similar project will require payment of an application fee.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990
Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990
Hist.: DSL 3-2011, f. & cert. ef. 3-1-11; DSL 1-2012, f. 3-14-12, cert. ef. 4-1-12; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-093-0120

Expiration and Annual Billing

(1) Term of Authorizations Issued Under a General Permit. Authorizations under a General Permit may be kept active for up to five years or as allowed under a specific GP provided the applicable annual fees are received by the Department before the anniversary date of the authorization.

(2) Annual Billing Notice. Unless otherwise specified, an annual fee is assessed for each year that the authorization is in effect. The annual fee is equal to the base fee in effect at the time of annual billing and is due by the anniversary date of issuance of the authorization. Before the anniversary date of authorization, the Department will send an annual billing notice to the authorization holder.

(3) Failure to Pay Annual Billing Fee. When an GP authorization holder fails to submit the applicable annual fee, the Department will expire the authorization on the anniversary date of the authorization.

(4) One-Time Fee Assessment for Authorization under a General Permit. Authorization under a GP may be issued for up to five years, the Department may, at the request of the applicant, assess a one-time fee based on the fee schedule in effect at the time of the application or annual billing. The one-time fee must include:

- (a) The application fee; and
- (b) Any applicable annual fees for the duration of the term of the authorization.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990
Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990
Hist.: DSL 3-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-093-0135

General Conditions

Unless otherwise modified by a specific GP or an authorization issued under a GP, the following general conditions apply:

(1) Responsible Party. The person listed on the application as the applicant is responsible for the activities of all contractors or other operators involved in project work covered by the authorization under the GP.

(2) Copy of Authorization Available for Inspection. A copy of the authorization must be available at the work site whenever authorized activities are being conducted.

(3) Site Access Required. Employees of the Department and all authorized representatives must be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this authorization.

(4) Archeological Resources. If any archeological sites, resources or artifacts are discovered during construction, work must immediately cease and the State Historic Preservation Office must be contacted.

(5) ODFW Fish Passage Requirement. The authorized activity must meet Oregon Department of Fish and Wildlife requirements for fish passage before commencing the project (ORS 509.580 through 509.901 and OAR 635-412-0005 through 635-412-0040).

(6) Hazards to Recreation, Navigation or Fishing. The activity must be timed not to interfere with or create a hazard to recreational or commercial navigation or fishing.

(7) Work Period in Jurisdictional Areas. Fill or removal activities below the Ordinary High Water Line must be conducted when recommended by ODFW, unless otherwise coordinated with Oregon Department of Fish and Wildlife and approved in writing by DSL. Work is prohibited when fish eggs are present within the reach where the authorized activities are being conducted.

(8) Pre-Construction Resource Area Fencing or Flagging. Prior to any site grading, the boundaries of any avoided wetlands, waterways and riparian areas adjacent to the project site must be surrounded by noticeable construction fencing or flagging. There will be no vegetation removal or heavy equipment within marked areas. The marked areas must be maintained during construction of the project and be removed immediately upon project completion.

(9) Erosion Control Methods. The following erosion control measures must be installed at the construction site before construction and maintained during and after construction to prevent erosion and minimize movement of soil into waters of this state:

(a) All exposed soils must be stabilized during and after construction in order to prevent erosion and sedimentation;

(b) Filter bags, sediment fences, sediment traps or catch basins, leave strips or berms, or other measures must be used to prevent movement of soil into waterways and wetlands;

(c) To prevent erosion, use of compost berms, impervious materials or other equally effective methods, must be used to protect soil stockpiled during rain events or when the stockpile site is not moved or reshaped for more than 48 hours;

(d) Unless part of the permanent fill, all construction access points through, and staging areas in, riparian and wetland areas must use removable pads or mats to prevent soil compaction. However, in some wetland areas under dry summer conditions, this requirement may be waived upon approval by DSL. At project completion, disturbed areas with soil exposed by construction activities must be stabilized by mulching and native vegetative plantings or seeding. Sterile grass may be used instead of native vegetation for temporary sediment control if native vegetation is unavailable. If soils are to remain exposed for more than seven days after completion of the permitted work, they must be covered with erosion control pads, mats or similar erosion control devices until vegetative stabilization is installed;

(e) Where vegetation is used for erosion control on slopes steeper than 2:1, tackified seed mulch must be used so the seed does not wash away before germination and rooting;

(f) Dredged or other excavated material must be placed on upland areas having stable slopes and must be prevented from eroding back into waterways and wetlands;

(g) Erosion control measures must be inspected and maintained as necessary to ensure their continued effectiveness until soils become stabilized; and

(h) All erosion control structures must be removed when the project is complete and soils are stabilized and vegetated.

(10) Hazardous, Toxic, and Waste Material Handling. Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint, wood treated with leachable preservatives or other deleterious waste materials must not be allowed to enter waters of this state. Machinery refueling is to occur at least 150 feet from waters of this state and confined in a designated area to prevent spillage into waters of this state. Barges must have a containment system to effectively prevent petroleum products or other deleterious material from entering waters of this state. Project-related spills into waters of this state or onto land with a potential to enter waters of this state must be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311.

(11) Raising or Redirecting Water. The project must not cause water to rise or be redirected and result in damage to structures or property.

(12) Waste Disposal. Old piling and other waste material generated by the project must be disposed of in an appropriate disposal facility. There must be no temporary storage of piling or other waste material below top of bank, in wetlands; in a Federal Emergency Management Administration designated floodway, or in an area historically subject to landslides.

(13) DSL May Halt or Modify. DSL retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.

(14) Spoil Disposal. Spoil materials, not authorized used in the project for placement in waters of this state, must be placed in an upland location. Spoil materials used in the project must be included in the cumulative removal-fill calculation for the activity.

(15) Additional Conditions. The Department may impose additional conditions, if necessary, to eliminate and reduce the reasonably expected adverse impacts of a project to waters of this state. OAR 141-093-0135.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990
Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990
Hist.: DSL 3-2011, f. & cert. ef. 3-1-11; DSL 1-2012, f. 3-14-12, cert. ef. 4-1-12; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-093-0151

General Permit-Specific Conditions

(1) General Conditions Apply. All the requirements, procedures and conditions set forth in 141-093-0135 apply to this GP.

(2) Work Area Isolation. The work area must be isolated from the water during construction. All structures and materials used to isolate the work area must be removed immediately following construction and water flow returned to pre-construction conditions. All fish must be salvaged from the isolated area in accordance with Oregon Department of Fish and Wildlife requirements.

(3) Proof of Mitigation Purchase. Before an authorization is approved, the Department must have proof of purchase of wetland mitiga-

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tion bank credit, in-lieu fee credit purchase, or cash payment of the correct in-lieu amount.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990
Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990
Hist.: DSL 3-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-093-0165

Compensatory Wetland Mitigation

Unless otherwise approved by the Department, compensatory mitigation options in accordance with OAR 141-085-0705(3)(f) and (g) are:

(1) Bank credit purchase from a Department-approved mitigation bank with a service area that includes the proposed removal-fill site and supplies the appropriate Ecologic System and Class (e.g., Palustrine emergent) under the Cowardin Classification System;

(2) In-lieu fee credit purchase; and

(3) Payment to the Department's payment in-lieu program.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990
Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990
Hist.: DSL 3-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-093-0175

General Permit-Specific Conditions

(1) General Conditions Apply. All the requirements, procedures and conditions set forth in OAR 141-093-0135 apply to this GP.

(2) Proof of Mitigation Purchase. Before an authorization is approved, the Department must have proof of purchase of wetland mitigation bank credit, in-lieu fee credit purchase, or payment of the correct in-lieu amount.

Stat. Auth.: ORS 196.600 - 196.692, 196.795 - 196.990
Stats. Implemented: ORS 196.600 - 196.692, 196.795 - 196.990
Hist.: DSL 3-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-093-0220

Purpose

This General Permit (GP) authorizes removal of up to 100 cubic yards of material and fill of up to 100 cubic yards of material for the purpose of maintaining drainage to protect agricultural lands.

Stat. Auth.: ORS 196.600 - 196.692 & 196.795 - 196.990
Stats. Implemented: ORS 196.600 - 196.692 & 196.795 - 196.990
Hist.: DSL 2-2012(Temp), f. & cert. ef. 4-2-12 thru 9-28-12; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-093-0225

Eligibility Requirements

Activities authorized by this GP must meet all of the following requirements for maintaining drainage to protect agricultural lands.

(1) Purpose. Removal and fill must be for the primary purpose of maintaining drainage to protect agricultural land.

(2) Land Use. The current land use must be agricultural land. For the purposes of this general permit, agricultural land means:

(a) Land currently used for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals, fish, or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof.

(b) Agricultural land also includes land used for the:

(i) On-site preparation, storage and disposal of the products or by-products raised on such land for human or animal use;

(ii) Primary purpose of obtaining a monetary profit by stabling or training equines;

(iii) On-site construction and maintenance of equipment and facilities used for the activities described in this subsection; or

(iv) Growing trees exclusively as an agricultural, not forestry, commodity (e.g. cultured Christmas trees or hybrid cottonwood).

(3) Removal of Material. The excavation is limited to the minimum amount necessary to maintain drainage within existing bed and banks. Channel relocation is not allowed.

(4) Removal Threshold. The activity is limited to no more than a total of one hundred (100) cubic yards of material from below ordinary high water or below the elevation of highest measured tide, for each landowner, per calendar year.

(5) Disposal of Excavated Material. Material removed as a result of this activity may be placed in adjacent converted wetlands as long as the effects are temporary and do not result in a permanent conversion of wetland to upland.

(6) No Removal-Fill in SSW Allowed. Removal and fill under this general permit may not occur in waterways designated State Scenic Waterway (SSW) or waterways located in SSW Related Adjacent Lands.

Stat. Auth.: ORS 196.600 - 196.692 & 196.795 - 196.990
Stats. Implemented: ORS 196.600 - 196.692 & 196.795 - 196.990
Hist.: DSL 2-2012(Temp), f. & cert. ef. 4-2-12 thru 9-28-12; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-093-0230

GP-Specific Application Requirements

Notwithstanding 141-093-0115, the applicant must provide the following information in an application:

(1) Description of the work to be done. Provide a description of how the work will be conducted and where the dredge spoil will be placed.

(2) Alternatives. Provide a statement about other methods that would protect agricultural lands and maintain drainage which would not require work in the waterway.

(3) Location of Project:

(a) A tax lot map that highlights the entire location and length of the removal and fill activity with respect to all tax lot lines;

(b) A scaled plan view drawing showing the approximate location of the existing channel and its dimensions; and

(c) The line indicating the location of the Ordinary High Water for non-tidal waters and Highest Measured Tide for tidal waters.

(4) Disposal Location. The application must include a map of the disposal location with respect to tax lot lines and waterways within the tax lot.

(5) Fees. No Application or renewal fee required for this GP.

Stat. Auth.: ORS 196.600 - 196.692 & 196.795 - 196.990
Stats. Implemented: ORS 196.600 - 196.692 & 196.795 - 196.990
Hist.: DSL 2-2012(Temp), f. & cert. ef. 4-2-12 thru 9-28-12; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-093-0235

Authorized Activities

Maintenance of Drainage. The annual removal of up to one hundred cubic yards of material below OHW or HMT for jurisdictional waterways for maintaining existing drainage to protect agricultural land and the placement of up to one hundred cubic yards of material in converted wetlands as a result of the project, when upland disposal is not practicable. Placement of material in converted wetlands must not result in creation of upland.

Stat. Auth.: ORS 196.692
Stats. Implemented: ORS 196.816
Hist.: DSL 2-2012(Temp), f. & cert. ef. 4-2-12 thru 9-28-12; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-093-0240

General Permit-Specific Conditions

(1) General Conditions Apply. All the conditions set forth in OAR 141-093-0135 apply to this GP.

(2) Temporary Impacts Only. No conversion of wetland to upland is allowed. All material placed in wetlands must be spread in a thin layer before the onset of winter rains.

(3) Removal of Woody Vegetation. Removal of woody vegetation must be limited to the minimum amount needed to complete the activity, including removal site access.

(4) Maintenance of Riparian Buffer. Where practicable and necessary to complete the activity, removal of woody vegetation is limited to the north or east sides of the stream channel.

(5) No Operation of Equipment in the Water Allowed. Equipment used to remove material must operate from top of bank position when feasible, otherwise from a dry position below top of bank.

(6) Design to Limit Maintenance. To the extent practicable, the project must be implemented to naturally maintain inlet and outlet connections with the main stream channel.

(7) Erosion Control. As necessary, erosion control measures must be installed and maintained during the activity and after disposal, so as to prevent discharge into waters of this state.

Stat. Auth.: ORS 196.600 - 196.692 & 196.795 - 196.990
Stats. Implemented: ORS 196.600 - 196.692 & 196.795 - 196.990
Hist.: DSL 2-2012(Temp), f. & cert. ef. 4-2-12 thru 9-28-12; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

141-093-0245

Fees

This General Permit is exempt from the fee requirements set forth in 141-085-0545.

Stat. Auth.: ORS 196.692
Stats. Implemented: ORS 196.816
Hist.: DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12

ADMINISTRATIVE RULES

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

Rule Caption: Restrictions Added to Commercial Driver License or Instruction Permit and Cancellation Action.

Adm. Order No.: DMV 12-2012

Filed with Sec. of State: 9-20-2012

Certified to be Effective: 9-20-12

Notice Publication Date: 8-1-2012

Rules Amended: 735-063-0065, 735-063-0067, 735-063-0070

Subject: FMCSR section 383.153 requires that states place certain restrictions on a commercial driver license (CDL) or a commercial instruction driver permit if the driver meets particular physical or medical criteria. On January 30, 2012, changes to the federal regulations related to proof of medical qualification requirements for CDL holders and commercial instruction driver permit holders went into effect. A “V” restriction is required if the driver has a medical variance. DMV has amended OAR 735-063-0065 to specify when a “V” restriction is required. For more clarity and consistency, DMV also specified when a “K” restriction is required in OAR 735-063-0065 and removed that information from OAR 735-063-0070. Amended OAR 735-063-0067 also authorizes DMV to cancel a CDL or commercial instruction driver permit if the person does not meet DMV’s requirement to have a “V” or “K” restriction added.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-063-0065

Medical Qualification Procedures for CDL or Commercial Instruction Driver Permit

(1) An applicant for a CDL or commercial instruction driver permit must have proof of medical qualification as described in OAR 735-063-0060. DMV will not issue a CDL or commercial instruction driver permit if any proof of medical qualification is denied, expired or revoked.

(2) The CDL or commercial instruction driver permit of a driver who is issued a notice of exemption or SPE certificate by FMSCA, as described in OAR 735-063-0060(1), must have a “V” restriction. DMV will add a “V” restriction to the CDL or commercial instruction driver permit.

(3) The CDL or commercial instruction driver permit of a driver who is issued a Waiver of Physical Disqualification by DMV, as described in OAR 735-063-0070, must have a “K” restriction limiting the driver to operating a CMV in intrastate commerce. DMV will add a “K” restriction to the CDL or commercial instruction driver permit.

(4) An applicant for a CDL or commercial instruction driver permit who certifies a driving type of non-excepted interstate must also certify on the application or renewal form that he or she meets the driver qualification requirements contained in FMCSR Part 391.

(5) To maintain proof of medical qualification to operate a commercial motor vehicle, the holder of a CDL or commercial instruction driver permit must have a valid medical examiner’s certificate. Proof of medical qualification must be provided to DMV when requested. If proof is not provided within 60 days following the expiration of the holder’s current proof of medical qualification as described in OAR 735-063-0060, DMV will cancel the holder’s CDL or commercial instruction driver permit as provided in OAR 735-063-0067.

(6) A driver who needs to replace a medical examiner’s certificate because it is lost, mutilated, or destroyed may obtain a duplicate from the same source from which they obtained the original medical certificate.

(7) DMV is not responsible for any expenses an applicant may incur from the acquisition of an approved medical examiner’s certificate or duplicate medical examiner’s certificate.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.040

Stats. Implemented: ORS 807.040, 807.100 & 807.150

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0760; MV 4-1987, f. & ef. 5-18-87; MV 6-1990, f. & cert. ef. 4-2-90; DMV 11-1998, f. & cert. ef. 9-14-98; DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0170; DMV 9-2007(Temp), f. & cert. ef. 9-17-07 thru 3-14-08; Renumbered from 735-074-0290, DMV 17-2007, f. 12-24-07, cert. ef. 1-1-08; DMV 4-2009, f. & cert. ef. 2-20-09; DMV 7-2011, f. & cert. ef. 6-21-11; DMV 1-2012, f. 1-27-12, cert. ef. 1-30-12; DMV 12-2012, f. & cert. ef. 9-20-12

735-063-0067

Cancellation or Suspension of CDL or Commercial Instruction Driver Permit Due to No Valid Proof of Medical Qualification or Failure to Have Restriction on the License or Permit when Required

(1) DMV will cancel a person’s CDL or commercial instruction driver permit if any proof of medical qualification, as described in OAR 735-063-0060, is denied, expired or revoked.

(2) DMV will cancel a person’s CDL or commercial instruction driver permit if proof of medical qualification, as described in OAR 735-063-0060, is not submitted when requested by DMV. Such requests will be made only when DMV does not already have proof of medical qualification.

(3) A CDL or commercial instruction driver permit cancelled under Section (1) or (2) of this rule may be reissued if the person submits proof of medical qualification as described in OAR 735-063-0060.

(4) Failure of a person to obtain the “V” restriction as required by OAR 735-063-0065(2) within the time period specified by DMV will result in cancellation of the commercial driver license or commercial instruction driver permit in accordance with ORS 807.010(1) and 809.310(1).

(5) Failure of a person to obtain the “K” restriction as required by OAR 735-063-0065(3) within the time period specified by DMV will result in cancellation of the commercial driver license in accordance with ORS 807.010(1) and 809.310(1).

(4) DMV will suspend, for one year, a person’s commercial driving privileges and the person’s right to apply for commercial driving privileges if DMV determines that the person submitted false information to DMV for the purpose of establishing or maintaining qualification to operate a commercial motor vehicle, hold a CDL, or hold a commercial instruction driver permit.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.040, 807.100, 809.415

Stats. Implemented: ORS 807.040, 807.100, 809.415

Hist.: DMV 1-2012, f. 1-27-12, cert. ef. 1-30-12; DMV 12-2012, f. & cert. ef. 9-20-12

735-063-0070

Waiver of Physical Disqualification

(1) This rule is applicable to holders of or applicants for a CDL, CDL instruction driver permit or Class C non-commercial license issued by DMV, who intend to operate a CMV only in Oregon intrastate commerce or are exempt from the physical qualification requirements in FMCSR sections 391.41 and 391.43 under FMCSR sections 390.3(f), 391.2, 391.68 or 398.3 but must have an approved medical certificate under ORS 807.100. For purposes of this rule, CMV means a commercial motor vehicle as defined in FMCSR Sec. 390.5 and includes a driver employed (or applying for employment) to operate a CMV by a for-hire carrier as defined in ORS 825.005.

(2) DMV may issue or renew a Waiver of Physical Disqualification if the person is otherwise disqualified from operating a CMV under FMCSR Sec. 391.41(b) because of one or more of the following disqualifying conditions:

- (a) Loss or impairment of limb;
- (b) Diabetes;
- (c) Seizure disorder;
- (d) Impaired vision; or
- (e) Hearing loss.

(3) Except as provided in Sections (2) and (13) of this rule, DMV will not issue or renew a Waiver of Physical Disqualification to a person who does not meet the physical qualification standards set forth in FMCSR Sec. 391.41(b).

(4) To apply for a Waiver of Physical Disqualification, an applicant must do the following:

- (a) Submit a completed waiver application form and:

(A) A current FMCSA medical examination report completed by a licensed physician, chiropractic physician, physician assistant or nurse practitioner. The report must show that notwithstanding the disqualifying condition, the applicant meets all other physical qualification standards as set forth in FMCSR Sec. 391.41(b);

(B) Current medical information regarding the disqualifying condition from a treating medical specialist specializing in the assessment and treatment of the type of disqualifying condition for which the applicant is requesting a waiver; and

(C) If requested by DMV, a copy of the applicant’s out-of-state driver record(s) if the applicant has held a driver license in another jurisdiction during the three year period preceding the date of application.

(b) Provide additional information showing that the disqualifying condition does not impair the person’s ability to safely operate a CMV in intrastate commerce, if requested by DMV.

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(5) The Medical Determination Officer will review an application for an original waiver or for renewal of a waiver and make a recommendation to DMV whether to approve or deny the waiver.

(a) The Medical Determination Officer review will be conducted using medical waiver guidelines. These are criteria maintained by the Medical Determination Officer and available from DMV.

(b) The Medical Determination Officer may request additional information from DMV or the applicant before making a recommendation.

(6) Records relating to an applicant or the holder of a current waiver may be reviewed at any time by DMV to determine if the person is or remains qualified to hold the waiver and is complying with the restrictions and conditions of the waiver. The review may include a recommendation from the Medical Determination Officer. DMV may use the information from these records or a recommendation from the Medical Determination Officer as a basis for denial of a waiver or for revocation of an existing waiver as specified in OAR 735-063-0075(4). Records include but are not limited to:

- (a) Driving record;
- (b) Accident/conviction record; and
- (c) Medical records.

(7) If DMV has reason to believe the holder of a Waiver of Physical Disqualification is no longer qualified for the waiver, DMV:

(a) May immediately revoke the waiver as specified in OAR 735-063-0075;

(b) May request in writing that the holder submit any information requested by DMV in order for DMV to determine if the holder remains eligible for the waiver. The holder must submit any requested information to DMV within 60 days of the date the written request is mailed. Failure to submit the requested information will result in revocation of the waiver as set forth in OAR 735-063-0075(3). DMV may grant an additional 30 days if:

(A) The person is seriously ill or injured and a physician requests an extension in writing;

(B) The person is temporarily out of state and a written request is received from the person; or

(C) The person can show that the information was requested from another party within the 60 day time period and the delay in submitting the information was caused by the other party.

(8) To be eligible for a Waiver of Physical Disqualification, a driver must:

(a) Qualify for commercial driving privileges, have a valid Oregon CDL or commercial instruction driver permit, or be an Oregon licensed driver employed (or applying for employment) by a for-hire carrier to operate a CMV only in Oregon intrastate commerce;

(b) Not have driving privileges suspended, revoked, cancelled or withdrawn in Oregon or any other jurisdiction;

(c) Not have a Waiver of Physical Disqualification that is currently denied or revoked as specified in OAR 735-063-0075(1) or 735-063-0075(4);

(d) Apply for the Waiver of Physical Disqualification as explained in section (4) of this rule; and

(e) Receive a recommendation for waiver approval from the Medical Determination Officer.

(9) Any driver issued a waiver must comply with the following conditions:

(a) Notify DMV within 10 days of any change in the driver's physical condition or any other condition pertaining to the need for the waiver, modification of the waiver or revocation of the waiver;

(b) Notify DMV of all crashes, arrests or convictions involving the use of a motor vehicle within 30 days of the crash or within 10 days of the arrest or conviction;

(c) Notify DMV within 10 days of any suspension, cancellation, revocation or withdrawal of driving privileges in a jurisdiction other than Oregon;

(d) Notify DMV within 10 days of changing employers and provide the employer with a copy of the waiver;

(e) Carry a copy of the medical waiver and any listed waiver conditions at all times while operating a CMV and make the waiver and waiver conditions available to enforcement personnel upon request;

(f) Only operate a CMV in Oregon intrastate commerce. This subsection does not apply to a driver who is exempt from the physical qualification requirements in FMCSR sections 391.41 and 391.43 under FMCSR sections 390.3(f), 391.2, 391.68 or 398.3, but must have an approved medical certificate under ORS 807.100; and

(g) Comply with all waiver conditions related to the disqualifying condition as noted on the Waiver of Physical Disqualification.

(10) The waiver is valid for a period not to exceed the expiration date of the driver's medical certificate.

(11) Incomplete waiver applications are invalid after 180 days and DMV will take no action to deny or approve the application. After this period, the person must reapply for a waiver in accordance with all of the requirements of this rule.

(12) DMV will renew a Waiver of Physical Disqualification issued for a sleep disorder or cardiac condition if the waiver was in effect on August 10, 2009 and all other requirements set forth in section (8) of this rule are met.

Stat. Auth.: ORS 184.616, 184.619 & 802.010

Stats. Implemented: ORS 807.040 & 807.150

Hist.: MCTB 4-2000, f. & cert. ef. 6-12-00; Renumbered from 740-100-0140, DMV 9-

2007(Temp), f. & cert. ef. 9-17-07 thru 3-14-08; Renumbered from 740-100-0140, DMV 9-

2008, f. & cert. ef. 3-21-08; DMV 4-2009, f. & cert. ef. 2-20-09; DMV 8-2010, f. & cert. ef.

3-17-10; DMV 7-2011, f. & cert. ef. 6-21-11; DMV 12-2012, f. & cert. ef. 9-20-12

Rule Caption: Driving Privilege and Identification Card Cancellation and Suspension Actions Under ORS 809.310.

Adm. Order No.: DMV 13-2012

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Notice Publication Date: 8-1-2012

Rules Amended: 735-070-0004

Subject: ORS 809.310 authorizes, but does not require, the suspension and cancellation of driving privileges or an identification card when DMV determines that a person has committed an act listed in ORS 809.310(3). OAR 735-070-0004 establishes the specific situations where DMV will suspend and cancel a person's driving privileges or identification card, including those situations where the person has provided false or fictitious information. A person may obtain an Oregon driver license or identification card by providing a false or fictitious address to DMV for various reasons, including avoidance of DEQ vehicle emissions testing requirements or avoidance of out-of-state sales tax when purchasing a new vehicle in Oregon. DMV has concluded that false or fictitious address information does not impact highway or public safety and that the potential penalties imposed for improperly registering a vehicle are sufficient deterrents. DMV has amended OAR 735-070-0004 to clarify that it will cancel, but not suspend, driving privileges or an identification card when the person has given a false or fictitious address. The amendment will align administrative rule with current DMV policy and procedure.

DMV also updated a statutory citation in Section (1) of the rule, which results from amendments to ORS 807.400.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-070-0004

Cancellation and Suspension Actions Under ORS 809.310

(1) Pursuant to ORS 809.310(1) and (2) and 807.400(17), DMV will cancel any driver license, driver permit or identification card when DMV determines that it was issued on the basis of false information given to DMV or determines that the person is not entitled to driving privileges or the identification card. The cancellation action may be taken in addition to the suspension actions authorized by section (3) of this rule.

(2) When DMV cancels a person's driver license, driver permit or identification card under section (1) of this rule, DMV may cancel any other driver license, driver permit or identification card issued to the person to which the person is not entitled or which was issued on the basis of false information given to DMV.

(3) Pursuant to ORS 809.310(3) and 809.415(5), DMV will suspend driving privileges and the right to apply for driving privileges if DMV determines that a person has knowingly committed any of the acts identified in ORS 809.310(3)(a) through (h). The suspension will be imposed regardless of when the act occurred.

(4) When DMV suspends a person's driving privileges pursuant to ORS 809.411(9) because the person has been convicted of any of the acts identified in 809.310(3) (a) through (h), or because DMV has determined the person knowingly committed any of the acts identified in 809.310(3)(a) through (h), DMV will suspend any other driving privileges issued to the person and the person's right to apply for driving privileges.

ADMINISTRATIVE RULES

(5) Notwithstanding sections (3) and (4) of this rule, when DMV has determined a person gave a false or fictitious address to DMV, DMV will cancel but not suspend the person's driver license, driver permit or identification card under section (1) of this rule.

Stat. Auth.: ORS 184.616, 184.619 & 802.010
Stat. Imp.: ORS 809.310 & 809.320
Hist.: MV 8-1989, f. & cert. ef. 2-1-89; MV 18-1993, f. 12-17-93, cert. ef. 1-1-94; DMV 16-1994, f. & cert. ef. 12-20-94; DMV 16-2008, f. 6-23-08, cert. ef. 7-1-08; DMV 11-2011, f. & cert. ef. 11-23-11; DMV 13-2012, f. & cert. ef. 9-20-12

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Department of Transportation, Highway Division Chapter 734

Rule Caption: Locations and Criteria of Variable Interstate Speed Limits.

Adm. Order No.: HWD 10-2012

Filed with Sec. of State: 9-27-2012

Certified to be Effective: 9-27-12

Notice Publication Date: 8-1-2012

Rules Amended: 734-020-0019

Subject: ORS 810.180 authorizes the Department of Transportation to conduct speed zone investigations and set speeds on most public roads, including interstate highways. As amended, 734-020-0019 will not show any current locations of variable speed limits on the Interstates because ODOT has decided that advisory speeds are sufficient for previously listed locations.

Rules Coordinator: Lauri Kunze—(503) 986-3171

734-020-0019

Locations and Criteria of Variable Interstate Speed Limits

(1) All locations of mainline interstate highways have speed limits set in OAR 734-020-0011 or a maximum speed limit of 65 MPH per ORS 811.111(1)(a). The speed limit for vehicles listed in 811.111(1)(b) is 55 mph unless a lower speed is posted under section (3) of this rule or in section (2) of OAR 734-020-0011.

(2) There are no variable speed limit locations on the interstate at this time.

(3) Criteria for Changing Speeds.

(a) Normal automated variable speed limits:

(A) The minimum traffic volume for variable speed limit system operation shall be greater than 1,200 vehicles per hour in any lane.

(B) Speed limits between subsequent highway sections shall not be reduced by more than 10 MPH.

(C) The speed limit shall be lowered in 5 MPH increments.

(D) The speed limit shall not be changed more than once within a 5 minute period.

(E) The minimum variable speed limit shall not be less than 30 MPH.

(F) The variable posted speed limit shall be within 10 MPH below the 85th percentile speed and posted in accordance with the following Table:

VARIABLE POSTED SPEED TABLE

85TH percentile speed (MPH) — Posted Speed (MPH)

55 — 50

50—54 — 45

40—49 — 40

30—39 — 35

Less than 30 — 30

(b) During periods of crashes and other traffic lane blockage incidents the Transportation Operations Center may establish variable speed limits other than the normal automated variable speed limits in accordance with the following:

(A) The speed increment of 5 MPH for changing the speed under normal conditions may be system overridden.

(B) The minimum traffic volume criteria may be system overridden.

(C) The minimum 5 minute period for changing speeds may be system overridden and the posted speed changed immediately to the minimum of 30 MPH.

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

Stat. Auth.: ORS 184.616, 184.619, 810.180 & 811.111

Stats. Implemented: ORS 810.180 & 811.111

Hist.: HWD 1-2012, f. & cert. ef. 1-27-12; HWD 10-2012, f. & cert. ef. 9-27-12

Employment Department, Child Care Division Chapter 414

Rule Caption: Sunscreen.

Adm. Order No.: CCD 2-2012

Filed with Sec. of State: 9-28-2012

Certified to be Effective: 10-10-12

Notice Publication Date: 9-1-2012

Rules Amended: 414-205-0100, 414-300-0230, 414-350-0180

Rules Repealed: 414-205-0100(T), 414-300-0230(T), 414-350-0180(T)

Subject: Clarified and made more specific, requirements for the safe and appropriate use of sunscreen in child care settings, including: requiring written parental authorization, permitting use of bulk sunscreen, prohibiting use of aerosol spray bottles.

Rules Coordinator: Courtney Brooks—(503) 947-1724

414-205-0100

Health

(1) The home must be a healthy environment for children.

(a) No person shall smoke or use smokeless tobacco in the family child care home during the hours the child care business is conducted. No person shall smoke or use smokeless tobacco in motor vehicles while child care children are passengers.

(b) No one shall consume alcohol or use non-prescription controlled substances in the presence of children. No one under the influence of alcohol or non-prescription controlled substances shall be in the home when child care children are present.

(c) There must be at least one flush toilet and one hand-washing sink available to children. Steps or blocks must be available to ensure children can use the toilet and sink without assistance.

(d) The room temperature must be at least 68°F during the hours the child care business is conducted.

(e) Rooms occupied by children must have a combination of natural and artificial lighting.

(f) Floors must be free of splinters, large unsealed cracks, sliding rugs and other hazards.

(2) The provider must have a basic first aid kit available for use. The kit must be kept out of the reach of children.

(3) Infants must be put to sleep on their backs.

(4) Except for mild cold symptoms that do not impair a child's function, children who are ill shall not be in care.

(5) If a child becomes ill in child care, the provider must separate the child from other children, to the extent possible, and contact the child's parent(s) to remove the child from care as soon as possible.

(6) Parents must be notified if their child is exposed to a communicable disease.

(7) Prescription and non-prescription medication may be given to a child only if the provider has written authorization from the parent, as required in OAR 414-205-0130(3).

(8) Prescription and non-prescription medications must be properly labeled and stored.

(a) Non-prescription medications or topical substances must be labeled with the child's name.

(b) Prescription medications must be in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, and the physician's name.

(c) Medication requiring refrigeration must be kept in a separate, covered container, marked "medication," in the refrigerator.

(9) Sunscreen is considered a non-prescription medication and may be used for child care children under the following conditions:

(a) Providers must obtain written parental authorization prior to using sunscreen.

(b) One container of sunscreen may be used for child care children unless a parent supplies an individual container for their child. The sunscreen shall be applied in a manner that prevents contaminating the container.

(A) Parents must be informed of the type of product and the sun protective factor (SPF).

(B) Parents must be given the opportunity to inspect the product and active ingredients.

ADMINISTRATIVE RULES

(c) If sunscreen is supplied for an individual child care child, the sunscreen must be labeled with the child's first and last name and must be used for only that child.

(d) Providers must reapply sunscreen every two hours while the child care children are exposed to the sun.

(e) Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as "Broad Spectrum".

(f) Providers shall not use aerosol sunscreens on child care children.

(g) Sunscreen shall not be used on child care children younger than six months.

(h) Child care children over six years of age may apply sunscreen to themselves under the direct supervision of the provider or staff member.

(10) Parents must be informed daily of any medications given to their child or any injuries their child has had.

(11) The provider must provide or ensure the availability of meals and snacks appropriate for the ages and needs of the children served.

(a) Meals and snacks must be based on the guidelines of the USDA Child Care Food Program.

(b) Foods must be stored and maintained at the proper temperature.

(c) Foods must be prepared and served according to the minimum standards for food handler certification.

(d) Infants must either be held or be fed sitting up for bottle feeding. Propping bottles is prohibited.

(12) Any animal at the family child care home must be in good health and be a friendly companion for the children in care.

(a) Potentially aggressive animals must not be in the same physical space as the children.

(b) Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations.

(13) Animal litter boxes shall not be located in areas accessible to children.

(14) Caregivers must be physically present when children are interacting with animals.

(15) Reptiles (e.g. lizards, turtles, snakes, iguanas) frogs, monkeys, hooked beaked birds, baby chicks and ferrets are prohibited unless they are housed in and remain in a tank or other container which precludes any direct contact by children. Educational programs that include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted.

(16) Parents must be made aware of the presence of any animals in the child care home.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 1-2008(Temp), f. & cert. ef. 8-6-08 thru 2-2-09; CCD 3-2008, f. & cert. ef. 10-2-08; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; CCD 7-2010, f. 12-29-10, cert. ef. 1-1-11; CCD 1-2012(Temp), f. & cert. ef. 6-12-12 thru 11-6-12; CCD 2-2012, f. 9-28-12, cert. ef. 10-10-12

414-300-0230

Medications

(1) No prescription medication or non-prescription medication, including, but not limited to, pain relievers, sunscreen, cough syrup, diapering and first aid ointments or nose drops, may be given to a child except under the following conditions:

(a) A signed, dated, written authorization by the parent(s) is on file;

(b) Prescription medication is in the original container and labeled with the child's name, name of the drug, dosage, directions for administering, date, and physician's name;

(c) Non-prescription medication is in the original container, labeled with the child's name, dosage, and directions for administering; and

(d) A written record of all medications administered listing, as a minimum, the name of the child, type of medication, the signature of the person administering the medication, date, time, and dosage given, shall be kept.

(2) All medications shall be:

(a) Secured in a tightly-covered container with a child-proof lock or latch; and

(b) Stored in an area not used by children.

(3) Medications requiring refrigeration shall be kept in the refrigerator in a separate tightly-covered container, with a child-proof lock or latch, clearly marked "medication".

(4) Sunscreen is considered a non-prescription medication and may be used for child care children under the following conditions:

(a) Providers must obtain written parental authorization prior to using sunscreen.

(b) One container of sunscreen may be used for child care children unless a parent supplies an individual container for their child. The sunscreen shall be applied in a manner that prevents contaminating the container.

(A) Parents must be informed of the type of product and the sun protective factor (SPF).

(B) Parents must be given the opportunity to inspect the product and active ingredients.

(c) If sunscreen is supplied for an individual child care child, the sunscreen must be labeled with the child's first and last name and must be used for only that child.

(d) Providers must reapply sunscreen every two hours while the child care children are exposed to the sun.

(e) Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as "Broad Spectrum".

(f) Providers shall not use aerosol sunscreens on child care children.

(g) Sunscreen shall not be used on child care children younger than six months.

(h) Child care children over six years of age may apply sunscreen to themselves under the direct supervision of the provider or staff member.

(5) Parent(s) shall be informed daily of medication administered to their child.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CSD 21-1988, f. & cert. ef. 9-29-8; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0652; CCD 4-2001, f. 7-13-01, cert. ef. 7-15-01; CCD 3-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; CCD 1-2012(Temp), f. & cert. ef. 6-12-12 thru 11-6-12; CCD 2-2012, f. 9-28-12, cert. ef. 10-10-12

414-350-0180

Illness or Injury

(1) A provider shall not admit, or retain in care, a child who:

(a) Is diagnosed as having or being a carrier of a child care-restrictable disease, as defined in Department of Human Services administrative rules, OAR 333-019-0010; or

(b) Has one of the following symptoms, or combination of symptoms, of illness:

(A) Diarrhea (more than one abnormally loose, runny, watery or bloody stool);

(B) Vomiting;

(C) Fever over 100 degrees F taken under the arm;

(D) Severe cough;

(E) Unusual yellow color to skin or eyes;

(F) Skin or eye lesions or rashes that are severe, weeping, or pus-filled;

(G) Stiff neck and headache with one or more of the symptoms listed above;

(H) Difficult breathing or abnormal wheezing; or

(I) Complaints of severe pain.

(2) A child who, after being admitted, shows signs of illness, as defined in subsection (1) of this rule, shall be isolated and the parent(s) notified and asked to remove the child from the home as soon as possible.

(3) If a child has mild cold symptoms that do not impair his/her functioning, the child may remain in the home and the parent(s) notified when they pick up the child.

(4) A specific place for isolating a child who becomes ill shall be provided. The isolation area shall be:

(a) Located where the child can be seen and heard by a caregiver; and

(b) Equipped with a cot, mat, or bed for each sick child.

(5) The provider shall identify a licensed physician, hospital, or clinic to be used for emergency medical care:

(a) The provider shall have written procedures for taking a child to emergency medical care;

(b) In the event of an illness or injury which requires immediate medical care, the provider is responsible for securing such care and notifying the parent(s).

(6) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place but kept out of reach of children:

(a) The first aid supplies shall include bandaids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes or solution to be used as a wound cleaning agent, scissors, disposable plastic gloves for handling blood spills, chlorine bleach for sanitizing after a blood spill, a sanitary temperature taking device, and CPR mouthguards; and

(b) First aid supplies shall be taken on all field trips.

(7) Injuries or accidents shall be reported to the child's parent(s) on the day of occurrence:

ADMINISTRATIVE RULES

(a) A written report of the injury or accident shall be maintained on file;

(b) The report shall include the date, child's full name, nature of the injury, witnesses, action taken, and the signatures of the provider and parent(s); and

(c) The injury to or death of a child shall be reported to CCD in accordance with OAR 414-350-0050(9).

(8) No prescription or non-prescription medication, including, but not limited to, pain relievers, sunscreen, cough syrup, diapering and first aid ointments or nose drops, shall be given to a child except under the following conditions:

(a) A signed, dated, written authorization from the parent(s) is on file;

(b) Prescription medication is in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, date and physician's name;

(c) Non-prescription medication is in the original container, labeled with the child's name, the dosage, and directions for administering;

(d) A written record of all medications administered, listing, as a minimum, the name of the child, type of medication, the signature of the caregiver administering the medication, date, time, and dosage given, shall be kept;

(e) All medications shall be secured in a tightly-covered container with a child-proof lock or latch and stored so that they are not accessible to children;

(f) Medications requiring refrigeration shall be kept in the refrigerator in a separate, tightly-covered container, with a child-proof lock or latch, clearly marked "medication"; and

(g) Parent(s) shall be informed daily of medication administered to their child.

(9) Sunscreen is considered a non-prescription medication and may be used for child care children under the following conditions:

(a) Providers must obtain written parental authorization prior to using sunscreen.

(b) One container of sunscreen may be used for child care children unless a parent supplies an individual container for their child. The sunscreen shall be applied in a manner that prevents contaminating the container.

(A) Parents must be informed of the type of product and the sun protective factor (SPF).

(B) Parents must be given the opportunity to inspect the product and active ingredients.

(c) If sunscreen is supplied for an individual child care child, the sunscreen must be labeled with the child's first and last name and must be used for only that child.

(d) Providers must reapply sunscreen every two hours while the child care children are exposed to the sun.

(e) Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as "Broad Spectrum".

(f) Providers shall not use aerosol sunscreens on child care children.

(g) Sunscreen shall not be used on child care children younger than six months.

(h) Child care children over six years of age may apply sunscreen to themselves under the direct supervision of the provider or staff member.

(10) Parents of all children enrolled in the certified family child care home shall be informed of any outbreak of communicable disease within the facility.

Stat. Auth.: ORS 657A.260
Stats. Implemented: ORS 657A.260, 657A.280 & 657A.290
Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CSD 2-1989, f. & cert. ef. 1-25-89; CSD 10-1990, f. & cert. ef. 4-34-90; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0750; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 3-2002, f. 10-14-02, cert. ef. 10-15-02; CCD 2-2007, f. & cert. ef. 7-13-07; CCD 4-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; CCD 1-2012(Temp), f. & cert. ef. 6-12-12 thru 11-6-12; CCD 2-2012, f. 9-28-12, cert. ef. 10-10-12

Oregon Education Investment Board Chapter 705

Rule Caption: Regarding Procedural Rules.

Adm. Order No.: OEIB 3-2012

Filed with Sec. of State: 9-20-2012

Certified to be Effective: 9-20-12

Notice Publication Date: 8-1-2012

Rules Adopted: 705-001-0000, 705-001-0005, 705-001-0010

Rules Repealed: 705-001-0000(T), 705-001-0005(T), 705-001-0010(T)

Subject: 705-001-0000 — Regarding Notice of Proposed Rules.

705-001-0005 — Regarding Model Rules of Procedure.

705-001-0010 — Regarding Establishing Fees for Public Record.

Rules Coordinator: Seth Allen—(503) 378-8213

705-001-0000

Notice of Proposed Rule

(1) Before permanently adopting, amending or repealing any rule, the Oregon Education Investment Board shall give notice of the proposed adoption, amendment or repeal:

(a) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date of the rule to be adopted;

(b) By mailing or e-mailing, at least 28 days before the effective date of the rule, a copy of the notice to persons on the Board's mailing list established pursuant to ORS 183.335(8);

(c) By mailing or e-mailing a copy of the notice to the legislators specified in ORS 183.335(15) at least 49 days before the effective day of the rule; and,

(d) By mailing or e-mailing a copy of the notice to persons, organizations and publications identified by the Board and established educational, student and parent organizations that have submitted mailing or e-mailing addresses to the Board.

(2) Persons who wish to be placed on the Oregon Education Investment Board's mailing or e-mailing list may request in writing or by e-mail that the Board send to the person copies of its notice of proposed rulemaking.

(3) The Board may update the mailing and e-mailing lists described in this rule annually by requesting persons to confirm that they wish to remain on the lists. If a person does not respond to a request for confirmation within 28 days of the date the Board sends the request, the Board will remove the person from the mailing and e-mailing lists. Any person removed from the mailing or e-mailing lists will be returned to the mailing or e-mailing list upon request, provided that the person provides a mailing address or e-mailing address to which notice may be sent.

Stat. Auth.: ORS 183.335 & 183.341(4)

Stats. Implemented: ORS 183.335

Hist.: OEIB 1-2012(Temp), f. & cert. ef. 3-28-12 thru 9-24-12; OEIB 3-2012, f. & cert. ef. 9-20-12

705-001-0005

Model Rules of Procedure

Pursuant to the provisions of ORS 183.341, the Oregon Education Investment Board adopts the Attorney General's Model Rules of Procedure under the Administrative Procedure Act in effect on January 1, 2012.

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

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: OEIB 1-2012(Temp), f. & cert. ef. 3-28-12 thru 9-24-12; OEIB 3-2012, f. & cert. ef. 9-20-12

705-001-0010

Establishing Fees for Public Records

(1) The Oregon Education Investment Board may charge a fee of 25 cents per page for supplying copies of public records on request.

(2) The Board may charge an additional fee reasonably calculated to provide reimbursement for actual costs incurred in summarizing, compiling, or tailoring the public records to make them available for inspection, and for costs of conveying such records to the requester. Employee time required for such purposes shall be billed at a rate not to exceed cost of employee time to the Board. The Board may include the cost for time spent by an attorney for the Board in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records.

(3) No additional fee will be charged for providing records in an alternative format to individuals with vision or hearing impairments when required by the Americans with Disabilities Act.

(4) The Chief Education Officer or designee, or, in the event of a vacancy in the Chief Education Officer position, a person designated by the chair of the Board, may reduce or waive fees when:

(a) The time spent making the records available was negligible;

(b) Supplying the requested records is within the normal scope of Board activity; or,

(c) Supplying the public records is in the public interest because making the record available primarily benefits the general public.

Stat. Auth.: 2011 OL Ch. 519 Sec. 1 & ORS 192.440

Stats. Implemented: ORS 192.440

Hist.: OEIB 1-2012(Temp), f. & cert. ef. 3-28-12 thru 9-24-12; OEIB 3-2012, f. & cert. ef. 9-20-12

ADMINISTRATIVE RULES

Rule Caption: Regarding Achievement Compacts and Chief Education Officer.

Adm. Order No.: OEIB 4-2012

Filed with Sec. of State: 9-21-2012

Certified to be Effective: 9-21-12

Notice Publication Date: 8-1-2012

Rules Adopted: 705-010-0005, 705-010-0010, 705-010-0015, 705-010-0020, 705-010-0025, 705-010-0030, 705-010-0035, 705-010-0040, 705-010-0045, 705-010-0050, 705-010-0055, 705-010-0060, 705-010-0065, 705-010-0070, 705-010-0075, 705-050-0010

Rules Repealed: 705-010-0005(T), 705-010-0010(T), 705-010-0015(T), 705-010-0020(T), 705-010-0025(T), 705-010-0030(T), 705-010-0035(T), 705-010-0040(T), 705-010-0045(T), 705-010-0050(T), 705-010-0055(T), 705-010-0060(T), 705-010-0065(T), 705-010-0070(T), 705-010-0075(T)

Subject: 705-010-0005 – Regarding definitions.

705-010-0010 — Regarding parties to achievement compacts.

705-010-0015 — Regarding terms of achievement compacts.

705-010-0020 — Regarding optional local priorities.

705-010-0025 — Regarding guidance.

705-010-0030 — Regarding distribution of achievement compacts to educational entities.

705-010-0035 — Regarding the completion and execution of achievement compacts.

705-010-0040 — Regarding disadvantaged subgroups of students.

705-010-0045 — Regarding communication with stakeholders.

705-010-0050 — Regarding modification of achievement compacts.

705-010-0055 — Regarding receipt and acceptance of achievement compacts.

705-010-0060 — Regarding authority of Chief Education Officer relating to achievement compacts.

705-010-0065 — Regarding End-of-Year Reports.

705-010-0070 — Regarding Achievement Compact Advisory Committees.

705-010-0075 — Regarding Recommendations from State Associations.

705-050-0010 — Regarding Appointment of Technical Advisory Committees and Workgroups.

Rules Coordinator: Seth Allen—(503) 378-8213

705-010-0005

Definitions

The following definitions apply to Oregon Administrative Rules, 705-010-0005 to 705-010-0060, unless otherwise indicated by the context:

(1) “Board” means Oregon Education Investment Board established under section 1, chapter 519, Oregon Laws 2011 (Enrolled Senate Bill 909).

(2) “Chief Education Officer” means the Chief Education Officer appointed under section 2, chapter 519, Oregon Laws 2011 (Enrolled Senate Bill 909) by the Board, or, in the event of a vacancy in the Chief Education Officer position, the Chair of the Board or the Chair’s designee.

(3) “Education entity” means:

(a) A school district, as defined in ORS 332.002;

(b) An education service district operated under ORS chapter 334;

(c) A community college district or community college service district operated under ORS chapter 341;

(d) The Oregon University System established by ORS 351.011;

(e) A public university of the Oregon University System, as listed in ORS 352.002; and

(f) The health professions and graduate science programs of the Oregon Health and Science University (OHSU) operated under ORS chapter 353.

(4) “Governing body of an education entity” means:

(a) For a school district, the school district board;

(b) For an education service district, the board of directors of the education servicedistrict;

(c) For a community college district or a community college service district, the board of education of the community college district;

(d) For the Oregon University System, the State Board of Higher Education;

(e) For a public university of the Oregon University System, the president of the university; and

(f) For the Oregon Health and Science University, the Oregon Health and Science University Board of Directors.

(5) “Achievement compact” means an agreement entered into between the Oregon Education Investment Board and the governing body of an education entity.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0010

Parties to Achievement Compacts

Prior to the beginning of each fiscal year, the governing body of each education entity must enter into an achievement compact with the Oregon Education Investment Board for the fiscal year.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0015

Terms of Achievement Compacts

(1) The Board shall establish the terms for achievement compacts, which may include:

(a) A description of goals for outcomes that are consistent with the high school and college completion goals identified as the mission of education in ORS 351.009 and the educational goals expressed in ORS 329.015 and 351.003.

(b) A description of the outcomes and measures of progress that will allow each education entity to quantify:

(A) Completion rates for:

(i) Critical stages of learning and programs of study;

(ii) The attainment of diplomas, certificates and degrees; and

(iii) Achieving the high school and post-secondary education goals established in ORS 351.009 and a projection of the progress needed to achieve those goals by 2025;

(B) Validations of the quality of knowledge and skills acquired by students of the education entity; and

(C) The relevance of the knowledge and skills acquired by the students of the education entity and the means by which those skills and knowledge will contribute to the workforce, the economy and society as described in state policy.

(c) Local priorities as provided by OAR 705-010-0020.

(2) Notwithstanding the terms listed in subsection (1) of this rule, the achievement compact for Oregon Health and Science University shall be limited to the enrollment of, and attainment of degrees by, Oregon residents in programs for which the state provides funding.

(3) For school districts, the Board shall provide to each school district a number quantifying the district’s estimated level of funding for the next fiscal year compared to the determination of funding needed to ensure that the state’s system of kindergarten through grade 12 public education meets the quality goals specified under ORS 327.506. This number shall be included within the achievement compacts for school districts.

(4) For education entities other than school districts, the Board shall provide a number quantifying the entity’s estimated level of state and local funding for the next fiscal year.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0020

Optional Local Priorities

(1) The governing body of an education entity may include in its achievement compact local priorities that include outcome measures that the education entity chooses to use to inform its goals for educational achievement if those priorities meet the requirements of this rule and are approved by the Board.

(2) Education entities must provide to the Board a research-based rationale for their use of local priorities and a description of what the education entity projects to be accomplished by the use of these priorities.

(3) The Board shall provide guidance and examples to education entities of local priorities that would be acceptable to the Board.

(4) The Board shall act on the approval of local priorities within thirty days of receipt of an education entity’s completed achievement compact.

ADMINISTRATIVE RULES

(5) The Board delegates to the Chief Education Officer the authority to approve local priorities.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0025

Guidance

(1) The Board shall provide guidance to all education entities on the definitions and methodologies to be used in setting targets for outcome measures when the Board distributes the achievement compacts.

(2) The guidance shall include:

(a) A calculation of the progress needed to achieve the high school and post-secondary education goals established in ORS 351.009 and a projection of the progress needed to achieve those goals by 2025;

(b) Definitions and explanations of the outcomes to be measured and the methodologies for calculating such measures;

(c) An explanation of the Board's expectations for local priorities and examples of such priorities that would be acceptable to the Board, pursuant to OAR 705-010-0020;

(d) The determination of a sufficient number of students to require the inclusion of numbers and percentages for groups of students identified in OAR 705-010-0040; and,

(e) Any other provision that the Board or Chief Education Officer determines is relevant to the completion of achievement compacts.

(3) For school districts and education service districts, the Board's guidance shall include:

(a) Direction to include in the calculation of high school completion students who:

- (A) Were awarded a high school diploma in four or fewer years;
- (B) Were awarded a high school diploma in five years;
- (C) Were awarded a modified diploma;
- (D) Were awarded an extended diploma; and
- (E) Earned a General Educational Development (GED) certificate.

(b) Data for the categories of high school completion identified in subsection (3)(a) herein for the most recent year for which such data are available.

(4) The Board may provide and collect data on other categories of students to be tracked separately, including those who:

- (a) Were awarded an alternative certificate;
- (b) Left school without receiving a diploma or certificate prior to age 21; and,
- (c) Were no longer qualified to be offered a free appropriate public education by a school district under ORS 339.115 and did not receive a diploma or certificate.

(5) The Board shall provide guidance to education entities regarding the progress needed to close the achievement gap between disadvantaged groups of students and other students when setting targets for disadvantaged groups of students.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0030

Distribution of Compacts to Education Entities

(1) For the 2012–13 fiscal year, the Board shall distribute achievement compacts to all education entities by the following dates:

- (a) For school districts, by 5:00 PM, April 5, 2012;
- (b) For education service districts, by 5:00 PM, April 5, 2012;
- (c) For community colleges, by 5:00 PM, April 12, 2012;
- (d) For the Oregon University systems and its public universities, by 5:00 PM, April 6, 2012; and,
- (e) For the Oregon Health and Science University, by 5:00 PM, April 12, 2012.

(2) Distribution may be done by electronic means.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0035

Completion and Execution of Achievement Compacts

(1) Prior to the beginning of each fiscal year, the governing body of each education entity must complete and execute its achievement compact with the Board.

(2) Completion means that the governing body shall identify a target number and percentage of students for achievement of the outcomes, measures of progress and goals specified in the achievement compact for the fiscal year, as directed by the Board. The Board may waive the requirement to identify both a target number and percentage of students and require either a number or percentage for specific outcome measures, depending on the specifications of the compacts it approves.

(3) Education entities may provide a range of target numbers and percentages, but the Board shall use the lowest figure of any range provided.

(4) Education entities may provide target numbers and percentages for fiscal years beyond the next fiscal year.

(5) Execution of an achievement compact requires the signature of the chair or president of the governing board or that of its chief executive officer and its submission to the Board.

(6) The deadline for the submission of achievement compacts for 2012-13 is 5:00 PM, July 2, 2012. Education entities may submit by electronic means.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0040

Data for Student Groups

(1) In addition to the target numbers and percentages of all students that are identified in achievement compacts for the outcome measures specified in OAR 705-010-0015 and 705-010-0020, education entities must include in their achievement compacts for each outcome measure a target number and percentage for the combined total of all students in disadvantaged groups specified in subsections (2) and (4) of this rule.

(2) The governing body of school districts and education service districts must set targets for all outcome measures in their achievement compacts for students in each of the following groups:

- (a) Economically disadvantaged students;
- (b) Limited English proficient students;
- (c) Students with disabilities;
- (d) Black students (not of Hispanic origin);
- (e) Hispanic/Latino students;
- (f) American Indian or Alaska Native students; and
- (g) Pacific Islander students.

(3) In addition to the groups of students identified in subsections (2) of this rule, school districts and education service districts shall also set targets for all outcome measures for students in each of the following groups:

- (a) Talented and gifted students; and,
- (b) Asian students.

(4) The governing body of post-secondary education entities must set targets for all outcome measures in their achievement compacts for students in each of the following groups:

- (a) African American students;
- (b) Hispanic/Latino students;
- (c) Native American or Alaska native students;
- (d) Pacific Islander students;
- (e) Multi-racial or multi-ethnic students;
- (f) Economically disadvantaged students based on Pell Grant eligibility.

(5) An education entity is not required to include a target number or percentage under this section if the district does not have a sufficient number of the students in that group to ensure that individual students are not personally identifiable. The Chief Education Officer will identify a minimum number of students necessary in each subgroup to ensure that an individual student's information is not personally identifiable.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0045

Communications

As part of the process of entering into an achievement compact, the governing body of an education entity shall ensure that open communications are provided to parents, students, teachers or faculty, employees, exclusive bargaining representatives and community representatives for the purposes of explaining and discussing the outcomes, measures of progress, goals and targets specified in the achievement compact for the fiscal year. The open communications must be provided during each education entity's public budget process.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)
Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

ADMINISTRATIVE RULES

Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0050

Modification of Achievement Compacts

(1) After submission and acceptance of an achievement compact, an education entity may modify its target numbers and percentages in its achievement compact in the event of unexpected circumstances that the Chief Education Officer determines constitute a compelling reason to warrant such modification.

(2) The Board may provide guidance on what constitutes a compelling reason to warrant the modification of an education entity's target numbers and percentages pursuant to this rule.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0055

Receipt and Acceptance of Achievement Compacts

(1) The Chief Education Officer shall acknowledge receipt of each achievement compact and shall inform the education entity of the Board's acceptance of any local priorities within 30 days of receipt of the achievement compact.

(2) The Board shall post on its website the achievement compacts received and summary reports of the information contained in the achievement compacts.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0060

Authority of Chief Education Officer Relating to Achievement Compacts

(1) In addition to the authorities specified in these rules, the Chief Education Officer may:

(a) Communicate with the governing boards of education entities on behalf of the board about the implementation of and response to the achievement compacts; and

(b) Waive any timelines specified in the rules, policies and guidelines adopted by the Board, to the extent permitted by section 14, chapter 36, Oregon Laws 2012 (Enrolled Senate Bill 1581),

(2) The Chief Education Officer may settle any disputes relating to the achievement compacts. Any decision of the Chief Education Officer shall be considered a final decision.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Hist.: OEIB 2-2012(Temp), f. & cert. ef. 3-29-12 thru 9-25-12; OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0065

End-of-Year Reports

(1) For terms of achievement compacts that are carried forward in identical form from one fiscal year to the next, an education entity's report of results in a subsequent year's achievement compact shall represent its report of final results for a given fiscal year.

(2) For terms of achievement compacts that are not carried forward in identical form from one fiscal year to the next, the education entity shall report its results in conjunction with its data reports for the Oregon Report Card or in separate reports within ____ days after the close of the fiscal year.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Hist.: OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0070

Achievement Compact Advisory Committees

(1) Each school district, as defined in ORS 332.022, and each education service district operated under ORS Chapter 334 shall form an achievement compact advisory committee no later than September 30, 2012.

(2) An achievement compact advisory committee shall be responsible for ensuring that the district's achievement compact is implemented for the 2012-13 school year and annually thereafter and for ensuring that achievement compacts for subsequent school years are developed with input from educators and staff of the district.

(3) An achievement compact advisory committee shall:

(a) Develop plans for achieving the district's outcomes, measures of progress, goals and targets expressed in an achievement compact, including

methods of assessing and reporting progress toward the achievement of goals and targets; and

(b) Recommend outcomes, measures of progress, goals and targets to be contained in the district's achievement compact for the next fiscal year.

(4) Each achievement compact advisory committee shall present its recommendations in a report to the governing board of the district no later than February 1 of each year. An achievement compact advisory committee's report and recommendations shall be considered by the governing board of the district when entering into an achievement compact for the next fiscal year. The governing board shall file the achievement compact advisory committee's report with each achievement compact it adopts and forwards to the Board.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Hist.: OEIB 4-2012, f. & cert. ef. 9-21-12

705-010-0075

Recommendations from State Associations

(1) State associations representing educators, administrators and governing board members of school districts and education service districts may develop and recommend to the Board collaborative models and resources, including professional development opportunities, that may be used by districts and achievement compact advisory committees for the achievement of student success.

(2) State associations, organizations and employee organizations representing educators, administrators, students and governing board members of community colleges and universities may develop and recommend to the Oregon Education Investment Board processes for collaboration in the development of achievement compacts for their institutions, including professional development opportunities, for the achievement of student success.

(3) The entities described in subsections (1) and (2) of this section must make any recommendations to the Chief Education Officer on behalf of the Board no later than September 30, 2012. Such recommendations may be submitted by electronic means.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Hist.: OEIB 4-2012, f. & cert. ef. 9-21-12

705-050-0010

Appointment of Technical Advisory Committees and Work Groups

(1) With the exception of subcommittees and work groups of the Board appointed by the Chair of the Board, the Chief Education Officer shall have the authority to appoint:

(a) Advisory committees for the purpose of advising the Board on the adoption of Board rules; and

(b) Technical advisory committees created to advise the Board and the Chief Education Officer on the implementation of policies adopted or under consideration for adoption by the Board.

(2) The Chief Education Officer shall designate the chairpersons of any subcommittees or work groups established pursuant to this rule.

Stat. Auth.: 2011 OL Ch. 519 Sec. 2 (Enrolled SB 909)

Stats. Implemented:

Hist.: OEIB 4-2012, f. & cert. ef. 9-21-12

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Rule Caption: Regarding Achievement Compact Advisory Committees.

Adm. Order No.: OEIB 5-2012(Temp)

Filed with Sec. of State: 10-11-2012

Certified to be Effective: 10-11-12 thru 4-9-13

Notice Publication Date:

Rules Amended: 705-010-0070

Subject: 705-010-0070 — regarding achievement compact advisory committees.

Rules Coordinator: Seth Allen—(503) 378-8213

705-010-0070

Achievement Compact Advisory Committees

(1) Each school district, as defined in ORS 332.022, and each education service district operated under ORS Chapter 334 shall form an achievement compact advisory committee no later than September 30, 2012.

(2) An achievement compact advisory committee shall be responsible for ensuring that the district's achievement compact is implemented for the 2012-13 school year and annually thereafter and for ensuring that achievement compacts for subsequent school years are developed with input from educators and staff of the district.

ADMINISTRATIVE RULES

(3) An achievement compact advisory committee shall:

(a) Develop plans for achieving the district's outcomes, measures of progress, goals and targets expressed in an achievement compact, including methods of assessing and reporting progress toward the achievement of goals and targets; and

(b) Recommend outcomes, measures of progress, goals and targets to be contained in the district's achievement compact for the next fiscal year.

(4) Each achievement compact advisory committee shall present its recommendations in a report to the governing board of the district no later than February 1 of each year. An achievement compact advisory committee's report and recommendations shall be considered by the governing board of the district when entering into an achievement compact for the next fiscal year. The governing board shall file the achievement compact advisory committee's report with each achievement compact it adopts and forwards to the Board.

(5) Parent engagement is an important component in the advancement of Achievement Compacts. Each district needs to ensure that they have a process for allowing a diverse group of parents to share their perspectives and their recommendations about:

(a) District services that contribute to student success and instructional program quality;

(b) Student, school, and district progress toward the state's 40-40-20 educational goals; and

(c) The type of academic program they believe will help students in their district succeed and support the state in reaching the 40-40-20 goal.

(6) All materials, not containing confidential student information, available to the Achievement Compact committee shall be available to parent and community members. The narrative that will accompany the district compact should include a brief description of the parent engagement strategy and a summary of the recommendations they received from parents and the community.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Hist.: OEIB 4-2012, f. & cert. ef. 9-21-12; OEIB 5-2012(Temp), f. & cert. ef. 10-11-12 thru 4-9-13

Oregon Health Authority
Chapter 943

Rule Caption: Amend Electronic Data Transmission rules to include Coordinated Care Organizations.

Adm. Order No.: OHA 7-2012

Filed with Sec. of State: 10-9-2012

Certified to be Effective: 10-10-12

Notice Publication Date: 9-1-2012

Rules Amended: 943-120-0100, 943-120-0110, 943-120-0112, 943-120-0114, 943-120-0116, 943-120-0118, 943-120-0120, 943-120-0170, 943-120-0180, 943-120-0200

Subject: The Authority is amending these rules to ensure the Authority's EDT rules include Coordinated Care Organization related to the functionality of the Oregon Replacement Medicaid Management Information System (MMIS) in conjunction with the Health Insurance Portability and Accountability Act (HIPAA) transactions and codes set standards for the exchange of electronic data. These rules allow CCO's to submit MMIS transactions.

Rules Coordinator: Evonne Alderete—(503) 932-9663

943-120-0100

Definitions

The following definitions apply to OAR 943-120-0100 through 943-120-0200:

(1) "Access" means the ability or means necessary to read, write, modify, or communicate data or information or otherwise use any information system resource.

(2) "Agent" means a third party or organization that contracts with a provider, allied agency, coordinated care organization (CCO) or prepaid health plan (PHP), to perform designated services in order to facilitate a transaction or conduct other business functions on its behalf. Agents include billing agents, claims clearinghouses, vendors, billing services, service bureaus, and accounts receivable management firms. Agents may also be clinics, group practices, and facilities that submit billings on behalf of providers but the payment is made to a provider, including the following: an employer of a provider, if a provider is required as a condition of employment to turn over his fees to the employer; the facility in which the service is provided, if a provider has a contract under which the facility sub-

mits the claim; or a foundation, plan, or similar organization operating an organized health care delivery system, if a provider has a contract under which the organization submits the claim. Agents may also include electronic data transmission submitters.

(3) "Allied Agency" means local and regional allied agencies and includes local mental health authority, community mental health programs, Oregon Youth Authority, Department of Corrections, local health departments, schools, education service districts, developmental disability service programs, area agencies on aging, federally recognized American Indian tribes, and other governmental agencies or regional authorities that have a contract (including an interagency, intergovernmental, or grant agreement, or an agreement with an American Indian tribe pursuant to ORS 190.110) with the Oregon Health Authority to provide for the delivery of services to covered individuals and that request to conduct electronic data transactions in relation to the contract.

(4) "Authority" or "Oregon Health Authority" 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 Authority are the Public Health Division, the Addictions and Mental Health Division, and the Division of Medical Assistance Programs..

(5) "Authority Network and Information Systems" means the Authority's computer infrastructure that provides personal communications, confidential information, regional, wide area and local networks, and the interworking of various types of networks on behalf of the Authority.

(6) "Clinic" means a group practice, facility, or organization that is an employer of a provider, if a provider is required as a condition of employment to turn over his fees to the employer; the facility in which the service is provided, if a provider has a contract under which the facility submits the claim; or a foundation, plan, or similar organization operating an organized health care delivery system, if a provider has a contract under which the organization submits the claim; and the group practice, facility, or organization is enrolled with the Authority, and payments are made to the group practice, facility, or organization. If the entity solely submits billings on behalf of providers and payments are made to each provider, then the entity is an agent.

(7) "Confidential Information" means information relating to covered individuals which is exchanged by and between the Authority, a provider, CCO, PHP, clinic, allied agency, or agents for various business purposes, but which is protected from disclosure to unauthorized individuals or entities by applicable state and federal statutes such as ORS 414.679, 344.600, 410.150, 411.320, 418.130, or the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 and its implementing regulations. These statutes and regulations are collectively referred to as "Privacy Statutes and Regulations."

(8) "Contract" means a specific written agreement between the Authority and a provider, CCO, PHP, clinic, or allied agency that provides or manages the provision of services, goods, or supplies to covered individuals and where the Authority and a provider, CCO, PHP, clinic, or allied agency may exchange data. A contract specifically includes, without limitation, an Authority provider enrollment agreement, fully capitated health plan managed care contract, dental care organization managed care contract, mental health organization managed care contract, chemical dependency organization managed care contract, physician care organization managed care contract, coordinated care organization contract, a county financial assistance agreement, or any other applicable written agreement, interagency agreement, intergovernmental agreement, or grant agreement between the Authority and a provider, CCO, PHP, clinic, or allied agency.

(9) "Coordinated Care Organization" (CCO) means an entity that has been certified by the Authority to provide coordinated and integrated health services.

(10) "Covered Entity" means a health plan, health care clearing house, health care provider who transmits any health information in electronic form in connection with a transaction covered by 45 CFR 162.100 through 162.1902, or allied agency that transmits any health information in electronic form in connection with a transaction, including direct data entry (DDE), and who must comply with the National Provider Identifier (NPI) requirements of 45 CFR 162.402 through 162.414.

(11) "Covered Individual" means individuals who are eligible for payment of certain services or supplies provided to them or their eligible dependents by or through a provider, CCO, PHP, clinic, or allied agency under the terms of a contract applicable to a governmental program for which the Authority processes or administers data transmissions.

ADMINISTRATIVE RULES

(12) "Data" means a formalized representation of specific facts or concepts suitable for communication, interpretation, or processing by individuals or by automatic means.

(13) "Data Transmission" means the transfer or exchange of data between the Authority and a web portal or electronic data interchange (EDI) submitter by means of an information system which is compatible for that purpose and includes without limitation, web portal, EDI, electronic remittance advice (ERA), or electronic media claims (EMC) transmissions.

(14) "Department" means the Department of Human Services.

(15) "Direct Data Entry (DDE)" means the process using dumb terminals or computer browser screens where data is directly keyed into a health plan's computer by a provider or its agent, such as through the use of a web portal.

(16) "Electronic Data Interchange (EDI)" means the exchange of business documents from application to application in a federally mandated format or, if no federal standard has been promulgated, using bulk transmission processes and other formats as the Authority designates for EDI transactions. For purposes of these rules (OAR 943-120-0100 through 943-120-0200), EDI does not include electronic transmission by web portal.

(17) "Electronic Data Interchange Submitter" means an individual or entity authorized to establish the electronic media connection with the Authority to conduct an EDI transaction. An EDI submitter may be a trading partner or an agent of a trading partner.

(18) "Electronic Media" means electronic storage media including memory devices in computers or computer hard drives; any removable or transportable digital memory medium such as magnetic tape or disk, optical disk, or digital memory card; or transmission media used to exchange information already in electronic storage media. Transmission media includes but is not limited to the internet (wide-open), extranet (using internet technology to link a business with information accessible only to collaborating parties), leased lines, dial-up lines, private networks, and the physical movement of removable or transportable electronic storage media. Certain transmissions, including paper via facsimile and voice via telephone, are not considered transmissions by electronic media because the information being exchanged did not exist in electronic form before transmission.

(19) "Electronic Media Claims (EMC)" means an electronic media means of submitting claims or encounters for payment of services or supplies provided by a provider, CCO, PHP, clinic, or allied agency to a covered individual.

(20) "Electronic Remittance Advice (ERA)" means an electronic file in X12 format containing information pertaining to the disposition of a specific claim for payment of services or supplies rendered to covered individuals which are filed with the Authority on behalf of covered individuals by providers, clinics, or allied agencies. The documents include, without limitation, the provider name and address, individual name, date of service, amount billed, amount paid, whether the claim was approved or denied, and if denied, the specific reason for the denial. For CCOs or PHPs, the remittance advice file contains information on the adjudication status of encounter claims submitted.

(21) "Electronic Data Transaction (EDT)" means a transaction governed by the Health Insurance Portability and Accountability Act (HIPAA) transaction rule, conducted by either web portal or EDI.

(22) "Envelope" means a control structure in a mutually agreed upon format for the electronic interchange of one or more encoded data transmissions either sent or received by an EDI submitter or the Authority.

(23) "HIPAA Transaction Rule" means the standards for electronic transactions at 45 CFR Part 160 and 162 as revised effective January 16, 2009 (from version in effect on January 1, 2008) adopted by the Department of Health and Human Services (DHHS) to implement the Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d et. seq.

(24) "Incident" means the attempted or successful unauthorized access, use, disclosure, modification, or destruction of an information system or information asset including but not limited to unauthorized disclosure of information, failure to protect user IDs, and theft of computer equipment using or storing Authority information assets or confidential information.

(25) "Individual User Profile (IUP)" means Authority forms used to authorize a user, identify their job assignment, and the required access to the Authority's network and information system. It generates a unique security access code used to access the Authority's network and information system.

(26) "Information Asset" means all information, also known as data, provided through the Authority, regardless of the source, which requires measures for security and privacy of the information.

(27) "Information System" means an interconnected set of information resources under the same direct management control that shares common functionality. A system normally includes hardware, software, information, data, applications, communications, and trained personnel necessary for successful data transmission.

(28) "Lost or Indecipherable Transmission" means a data transmission which is never received by or cannot be processed to completion by the receiving party in the format or composition received because it is garbled or incomplete, regardless of how or why the message was rendered garbled or incomplete.

(29) "Mailbox" means the term used by the Authority to indicate trading partner-specific locations on the Authority's secure file transfer protocol (SFTP) server to deposit and retrieve electronic data identified by a unique Authority assigned trading partner number.

(30) "Password" means the alpha-numeric codes and special characters assigned to an EDI submitter by the Authority for the purpose of allowing access to the Authority's information system, including the web portal, for the purpose of successfully executing data transmissions or otherwise carrying out the express terms of a trading partner agreement or provider enrollment agreement and these rules.

(31) "Personal Identification Number (PIN)" means the alpha-numeric codes assigned to web portal submitters by the Authority for the purpose of allowing access to the Authority's information system, including the web portal, for the purpose of successfully executing DDE, data transmissions, or otherwise carrying out the express terms of a trading partner agreement, provider enrollment agreement, and these rules.

(32) "Prepaid Health Plan (PHP) or Plan" means a managed health care, dental care, chemical dependency, physician care organization, or mental health care organization that contracts with the Authority on a case managed, prepaid, capitated basis under the Oregon Health Plan (OHP).

(33) "Provider" means an individual, facility, institution, corporate entity, or other organization which supplies or provides for the supply of services, goods or supplies to covered individuals pursuant to a contract, including but not limited to a provider enrollment agreement with the Authority. A provider does not include billing providers as used in the Division of Medical Assistance (DMAP) general rules but does include non-healthcare providers such as foster care homes. DMAP billing providers are defined in these rules as agents, except for DMAP billing providers that are clinics.

(34) "Provider Enrollment Agreement" means an agreement between the Authority and a provider for payment for the provision of covered services to covered individuals.

(35) "Registered Transaction" means each type of EDI transaction applicable to a trading partner that must be registered with the Authority before it can be tested or approved for EDI transmission.

(36) "Security Access Codes" means the access code assigned by the Authority to the web portal submitter or EDI submitter for the purpose of allowing access to the Authority's information system, including the web portal, to execute data transmissions or otherwise carry out the express terms of a trading partner agreement, provider enrollment agreement, and these rules. Security access codes may include passwords, PINs, or other codes. For password standards, refer to the Authority's ISPO best practice: http://www.dhs.state.or.us/policy/admin/security/090_002.htm.

(37) "Source Documents" means documents or electronic files containing underlying data which is or may be required as part of a data transmission with respect to a claim for payment of charges for medical services or supplies provided to a covered individual, or with respect to any other transaction. Examples of data contained within a specific source document include but are not limited to an individual's name and identification number, claim number, diagnosis code for the services provided, dates of service, service procedure description, applicable charges for the services provided, and a provider's, CCOs, PHPs, clinic's, or allied agency's name, identification number, and signature.

(38) "Standard" means a rule, condition, or requirement describing the following information for products, systems, or practices:

(a) Classification of components;

(b) Specification of materials, performance, or operations; or

(c) Delineation of procedures.

(39) "Standards for Electronic Transactions" mean a transaction that complies with the applicable standard adopted by DHHS to implement standards for electronic transactions.

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(40) "Submitter" means a provider, CCO, PHP, clinic, or allied agency that may or may not have entered into a Trading Partner Agreement depending upon whether the need is to exchange Electronic Data Transactions or access the Authority's Web Portal.

(41) "Transaction" means the exchange of data between the Authority and a provider using web portal access or a trading partner using electronic media to carry out financial or administrative activities.

(42) "Trade Data Log" means the complete written summary of data and data transmissions exchanged between the Authority and an EDI submitter during the period of time a trading partner agreement is in effect and includes but is not limited to sender and receiver information, date and time of transmission, and the general nature of the transmission.

(43) "Trading Partner" means a provider, CCO, PHP, clinic, or allied agency that has entered into a trading partner agreement with the Authority in order to satisfy all or part of its obligations under a contract by means of EDI, ERA, or EMC, or any other mutually agreed means of electronic exchange or transfer of data.

(44) "Trading Partner Agreement (TPA)" means a specific written request by a provider, CCO, PHP, clinic, or allied agency to conduct EDI transactions that governs the terms and conditions for EDI transactions in the performance of obligations under a contract. A provider, CCO, PHP, clinic, or allied agency that has executed a TPA will be referred to as a trading partner in relation to those functions.

(45) "User" means any individual or entity authorized by the Authority to access network and information systems or information assets.

(46) "User Identification Security (UIS)" means a control method required by the Authority to ensure that only authorized users gain access to specified information assets. One method of control is the use of passwords and PINs with unique user identifications.

(47) "Web Portal" means a site on the World Wide Web that provides secure access with personalized capabilities to its visitors and a pathway to other content designed for use with the Authority specific DDE applications.

(48) "Web Portal Submitter" means an individual or entity authorized to establish an electronic media connection with the Authority to conduct a DDE transaction. A web portal submitter may be a provider or a provider's agent.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11; OHA 4-2012(Temp), f. & cert. ef. 7-12-12 thru 1-6-13; OHA 7-2012, f. 10-9-12, cert. ef. 10-10-12

943-120-0110

Purpose

(1) These rules establish requirements applicable to providers, CCOs, PHPs, and allied agencies that want to conduct electronic data transactions with the Authority. These rules govern the conduct of all web portal or EDI transactions with the Authority. These rules only apply to services or items that are paid for by the Authority. If the service or item is paid for by a plan or an allied agency, these rules do not apply.

(2) These rules establish the Authority's electronic data transaction requirements for purposes of the Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d-1320d-8, Public Law 104-191, sec. 262 and sec. 264, and the implementing standards for electronic transactions rules. Where a federal HIPAA standard has been adopted for an electronic data transaction, this rule implements and does not alter the federal standard.

(3) These rules establish procedures that must be followed by any provider, CCO, PHP, or allied agency in the event of a security or privacy incident, regardless of whether the incident is related to the use of an electronic data transaction.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11; OHA 4-2012(Temp), f. & cert. ef. 7-12-12 thru 1-6-13; OHA 7-2012, f. 10-9-12, cert. ef. 10-10-12

943-120-0112

Scope and Sequence of Electronic Data Transmission Rules

(1) The Authority communicates with and receives communications from its providers, CCOs, PHPs, and allied agencies using a variety of methods appropriate to the services being provided, the nature of the entity providing the services, and constantly changing technology. These rules describe some of the basic ways that the Authority will exchange data electronically. Additional details may be provided in the Authority's access control rules, provider-specific rules, or the applicable contract documents.

(2) Access to eligibility information about covered individuals may occur using one or more of the following methods:

(a) Automated voice response, via a telephone;

(b) Web portal access;

(c) EDI submitter access; or

(d) Point of sale (POS) for pharmacy providers.

(3) Claims for which the Authority is responsible for payment or encounter submissions made to the Authority may occur using one or more of the following methods:

(a) Paper, using the form specified in the provider specific rules and supplemental billing guidance. Providers may submit paper claims, except that pharmacy providers are required to use the POS process for claims submission, and CCOs and PHPs must use the 837 electronic formats;

(b) Web portal access;

(c) EDI submitter access; or

(d) POS for pharmacy providers.

(4) Authority informational updates, provider record updates, depositary for CCO or PHP reports, or EDT as specified by the Authority for contract compliance.

(5) Other Authority network and information system access is governed by specific program requirements, which may include but is not limited to IUP access. Affected providers, CCOs, PHPs, and allied agencies shall be separately instructed about the access and requirements. Incidents are subject to these rules.

(6) Providers and allied agencies that continue to use only paper formats for claims transactions are only subject to the confidentiality and security rule, OAR 943-120-0170.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11; OHA 4-2012(Temp), f. & cert. ef. 7-12-12 thru 1-6-13; OHA 7-2012, f. 10-9-12, cert. ef. 10-10-12

943-120-0114

Provider Enrollment Agreement

(1) When a provider applies to enroll, the application form will include information about how to participate in the web portal for use of DDE and automated voice response (AVR) inquiries. The enrollment agreement shall include a section describing the process that will permit the provider, once enrolled, to participate in DDE over the Internet using the secure Authority web portal. This does not include providers enrolled through the use of the DMAP 3108 Managed Care Plan and FFS Non Paid Provider Application. CCOs and PHPs shall receive the information described in this rule, along with PINs and other information required for access.

(2) When the provider number is issued by the Authority, the provider will also receive two PINs: one that may be used to access the web portal and one that may be used for AVR.

(a) If the PINs are not activated within 60 days of issuance, the Authority will initiate a process to inactivate the PIN. If the provider wants to use PIN-based access to the web portal or AVR after deactivation, the provider must submit an update form to obtain another PIN.

(b) Activating the PIN will require Internet access and the provider must supply security data that will be associated with the use of the PIN.

(c) Providers, CCOs, and PHPs using the PIN must protect the confidentiality and security of the PIN pursuant to OAR 943-120-0170.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11; OHA 4-2012(Temp), f. & cert. ef. 7-12-12 thru 1-6-13; OHA 7-2012, f. 10-9-12, cert. ef. 10-10-12

943-120-0116

Web Portal Submitter

(1) Any provider, CCO, or PHP activating their web portal access for web portal submission may be a web portal submitter. The provider will be referred to as the web portal submitter when functioning in that capacity, and shall be required to comply with these rules governing web portal submitters.

(2) The authorized signer of the provider enrollment agreement shall be the individual who is responsible for the provider's, CCO's, or PHP's DDE claims submission process.

(a) If a provider, CCO, or PHP submits their own claims directly, the provider, CCO, or PHP will be referred to as the web portal submitter when functioning in that capacity and shall be required to comply with these rules.

(b) If a provider, CCO, or PHP uses an agent or clinic to submit DDE claims using the Authority's web portal, the agent or clinic will be referred

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to as the web portal submitter when functioning in that capacity and shall be required to comply with these rules.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11; OHA 4-2012(Temp), f. & cert. ef. 7-12-12 thru 1-6-13; OHA 7-2012, f. 10-9-12, cert. ef. 10-10-12

943-120-0118

Conduct of Direct Data Entry Using Web Portal

(1) The web portal submitter is responsible for the conduct of the DDE transactions submitted on behalf of the provider, CCO, or PHP, as follows:

(a) The web portal submitter must take reasonable care to ensure that data and DDE transmissions are timely, complete, accurate, and secure, and must take reasonable precautions to prevent unauthorized access to the information system or the DDE transmission. The Authority may not correct or modify an incorrect DDE transaction prior to processing. The transactions may be rejected and the web portal submitter shall be notified of the rejection.

(b) The web portal submitter and the Authority must bear their own information system costs. The web portal submitter must, at their own expense, obtain access to Internet service that is compatible with and has the capacity for secure access to the Authority's web portal. Web portal submitters must pay their own costs for all charges, including but not limited to charges for equipment, software and services, Internet connection and use time, terminals, connections, telephones, and modems. The Authority is not responsible for providing technical assistance for access to or use of Internet web portal services or the processing of a DDE transaction.

(c) The web portal submitter must send and receive all data transactions in the Authority's approved format. Any attempt to modify or alter the DDE transaction format may result in denial of web portal access.

(d) Re-submissions. The web portal submitter must maintain source documents and back-up files or other means sufficient to re-create a data transmission in the event that re-creation becomes necessary for any purpose, within timeframes required by federal or state law, or by contractual agreement. Back ups, archives, or related files are subject to the terms of these rules to the same extent as the original data transmission.

(2) To protect security and confidentiality, web portal submitters must comply with the following:

(a) Refrain from copying, reverse engineering, disclosing, publishing, distributing, or altering any data or data transmissions, except as permitted by these rules or the contract, or use the same for any purpose other than that which the web portal submitter was specifically given access and authorization by the Authority or the provider.

(b) Refrain from obtaining access by any means to any data or the Authority's network and information system for any purpose other than that which the web portal submitter has received express authorization to receive access. If the web portal submitter receives data or data transmissions from the Authority which are clearly not intended for the receipt of web portal submitter, the web portal submitter will immediately notify the Authority and make arrangements to return or re-transmit the data or data transmission to the Authority. After re-transmission, the web portal submitter must immediately delete the data contained in the data transmission from its information system.

(c) Install necessary security precautions to ensure the security of the DDE transmission or records relating to the information system of either the Authority or the web portal submitter when the information system is not in active use by the web portal submitter.

(d) Protect and maintain, at all times, the confidentiality of security access codes issued by the Authority. Security access codes are strictly confidential and specifically subject, without limitation, to all of the restrictions in OAR 943-120-0170. The Authority may change the designated security access codes at any time and in any manner as the Authority in its sole discretion considers necessary.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11; OHA 4-2012(Temp), f. & cert. ef. 7-12-12 thru 1-6-13; OHA 7-2012, f. 10-9-12, cert. ef. 10-10-12

943-120-0120

Registration Process — EDI Transactions

(1) The EDI transaction process is preferred by providers, CCOs, PHPs, and allied agencies for conducting batch or real time transactions, rather than the individual data entry process used for DDE. EDI registration is an administrative process governed by these rules. The EDI registration process begins with the submission of a TPA by a provider, CCO, PHP, clin-

ic, or allied agency, including all requirements and documentation required by these rules.

(2) Trading partners must be Authority providers, CCOs, PHPs, clinics, or allied agencies with a current Authority contract. The Authority will not accept a TPA from individuals or entities who do not have a current contract with the Authority; however, the Authority shall accept a TPA from entities that have been provisionally certified to become CCOs in order to facilitate testing, pending contract signing.

(a) The Authority may receive and hold the TPA for individuals or entities that have submitted a provider enrollment agreement or other pending contract, subject to the satisfactory execution of the pending document.

(b) Termination, revocation, suspension, or expiration of the contract will result in the concurrent termination, revocation, suspension, or expiration of the TPA without any additional notice; except that the TPA will remain in effect to the extent necessary for a trading partner or the Authority to complete obligations involving EDI under the contract for dates of service when the contract was in effect. Contracts that are periodically renewed or extended do not require renewal or extension of the TPA unless there is a lapse of time between contracts.

(c) Failure to identify a current Authority contract during the registration process shall result in a rejection of the TPA. The Authority shall verify that the contract numbers identified by a provider, CCO, PHP, clinic, or allied agency are current contracts.

(d) If contract number or contract status changes, the trading partner must provide the Authority with updated information within five business days of the change in contract status. If the Authority determines that a valid contract no longer exists, the Authority shall discontinue EDI transactions applicable for any time period in which the contract no longer exists; except that the TPA will remain in effect to the extent necessary for the trading partner or the Authority to complete obligations involving EDI under the contract for dates of service when the contract was in effect.

(3) To register as a trading partner with the Authority, a provider, CCO, PHP, clinic, or allied agency must submit a signed TPA to the Authority.

(4) In addition to the requirements of section (3) of this rule, a trading partner must submit an application for authorization to the Authority. The application provides specific identification and legal authorization from the trading partner for an EDI submitter to conduct EDI transactions on behalf of a trading partner.

(5) A trading partner may use agents to facilitate the electronic transmission of data. If a trading partner will be using an agent as an EDI submitter, the application for authorization required under section (4) of this rule must identify and authorize an EDI submitter and must include the EDI certification signed by an EDI submitter before the Authority may accept electronic submission from or send electronic transmission to an EDI submitter.

(6) In addition to the requirements of section (3) of this rule, a trading partner must also submit its EDI registration form. This form requires the trading partner or its authorized EDI submitter to register an EDI submitter and the name and type of EDI transaction they are prepared to conduct. Signature of the trading partner or authorized EDI submitter is required on the EDI registration form. The registration form will also permit the trading partner to identify the individuals or EDI submitters who are authorized to submit or receive EDI registered transactions.

(7) The Authority shall review the documentation provided to determine compliance with sections (1) through (6) of this rule. The Authority may verify the documentation. When the Authority determines that the information complies with these rules, the Authority shall notify the trading partner and EDI submitter by email about any testing or other requirements applicable to place the registered transaction into a production environment.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11; OHA 4-2012(Temp), f. & cert. ef. 7-12-12 thru 1-6-13; OHA 7-2012, f. 10-9-12, cert. ef. 10-10-12

943-120-0170

Security

(1) Individually Identifiable Health Information. All providers, CCOs, PHPs, and allied agencies are responsible for ensuring the security of individually identifiable health information, consistent with the requirements of the privacy statutes and regulations, and shall take reasonable action to prevent any unauthorized disclosure of confidential information by a provider, CCO, PHP, allied agency, or other agent. A provider, web portal submitter, trading partner, EDI submitter, or other agent must com-

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ply with any and all applicable privacy statutes and regulations relating to confidential information.

(2) General Requirements for Electronic Submitters. A provider (web portal submitter), trading partner (EDI submitter), or other agent must maintain adequate security procedures to prevent unauthorized access to data, data transmissions, security access codes, or the Authority's information system, and must immediately notify the Authority of all unauthorized attempts by any individual or entity to obtain access to or otherwise tamper with the data, data transmissions, security access codes, or the Authority's information system.

(3) Notice of Unauthorized Disclosures. All providers, CCOs, PHPs, and allied agencies must promptly notify the Authority of all unlawful or unauthorized disclosures of confidential information that come to its agents' attention pursuant to the Authority's ISPO policy: http://www.dhs.state.or.us/policy/admin/security/090_005.pdf, and shall cooperate with the Authority if corrective action is required by the Authority. The Authority shall promptly notify a provider, CCO, PHP, or allied agency of all unlawful or unauthorized disclosures of confidential information in relation to a provider, CCO, PHP, or allied agency that come to the Authority's or its agents' attention, and will cooperate with a provider, PHP, or allied agency if corrective action is required.

(4) Wrongful use of the web portal, EDI systems, or the Authority's network and information system, or wrongful use or disclosure of confidential information by a provider, CCO, PHP, allied agency, electronic submitters, or their agents may result in the immediate suspension or revocation of any access granted under these rules or other Authority rules, at the sole discretion of the Authority.

(5) A provider, allied agency, CCO, PHP, or electronic submitter must report to the Authority's Information Security Office at dhsinfo.security@state.or.us and to the Authority program contact individual, any privacy or security incidents that compromise, damage, or cause a loss of protection to confidential information, information assets, or the Authority's network and security system. Reports must be made in the following manner:

(a) No later than five business days from the date on which a provider, allied agency, CCO, PHP, or electronic submitter becomes aware of the incident; and

(b) Provide the results of the incident assessment findings and resolution strategies no later than 30 business days after the report is due under section (4)(a).

(6) A provider, allied agency, CCO, PHP, or electronic submitter must comply with the Authority's requests for corrective action concerning a privacy or security incident and with applicable laws requiring mitigation of harm caused by the unauthorized use or disclosure of confidential information.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11; OHA 4-2012(Temp), f. & cert. ef. 7-12-12 thru 1-6-13; OHA 7-2012, f. 10-9-12, cert. ef. 10-10-12

943-120-0180

Record Retention and Audit

(1) Records Retention. A provider, CCO, PHP, web portal submitter, trading partner, and EDI submitter shall maintain, for a period of no less than seven years from the date of service, complete, accurate, and unaltered copies of all source documents associated with all data transmissions.

(2) EDI Trade Data Log. An EDI submitter must establish and maintain a trade data log that must record all data transmissions taking place between an EDI submitter and the Authority during the term of a TPA. A trading partner and EDI submitter must take necessary and reasonable steps to ensure that the trade data log constitutes a current, truthful, accurate, complete, and unaltered record of all data transmissions between the parties and must be retained by each party for no less than 24 months following the date of the data transmission. The trade data log may be maintained on electronic media or other suitable means provided that, if necessary, the information may be timely retrieved and presented in readable form.

(3) Right to Audit. A provider, CCO or PHP must allow and require any web portal submitter to allow, and a trading partner must allow and require an EDI submitter or other agent to allow access to the Authority, the Oregon Secretary of State, the Oregon Department of Justice Medicaid Fraud Unit, or its designees, and DHHS or its designees to audit relevant business records, source documents, data, data transmissions, trade data logs, or information systems of a provider and its web portal submitter, and a trading partner, and its agents, as necessary, to ensure compliance with these rules. A provider must allow and require its web portal submitter to allow, and a trading partner must allow and require an EDI submitter or

other agent to allow the Authority, or its designee, access to ensure that adequate security precautions have been made and are implemented to prevent unauthorized disclosure of any data, data transmissions, or other information.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11; OHA 4-2012(Temp), f. & cert. ef. 7-12-12 thru 1-6-13; OHA 7-2012, f. 10-9-12, cert. ef. 10-10-12

943-120-0200

Authority System Administration

(1) No individual or entity shall be registered to conduct a web portal or an EDI transaction with the Authority except as authorized under these rules. Eligibility and continued participation as a provider, CCO, PHP, allied agency or web portal submitter in the conduct of DDE transactions, or as a trading partner or EDI submitter in the conduct of registered transactions, is conditioned on the execution and delivery of the documents required in these rules, the continued accuracy of that information consistent with OAR 943-120-0190, and compliance with a requirements of these rules. Data, including confidential information, governed by these rules may be used for purposes related to treatment, payment, and health care operations and for the administration of programs or services by the Authority.

(2) In addition to the requirements of section (1) of this rule, in order to qualify as a trading partner:

(a) An individual or entity must be a Authority provider, CCO, PHP, clinic, or allied agency pursuant to a current valid contract; and

(b) A provider, CCO, PHP, clinic, or allied agency must have submitted an executed TPA and all related documentation, including the application for authorization that identifies and authorizes an EDI submitter.

(3) In addition to the requirements of section (1) of this rule, in order to qualify as an EDI submitter:

(a) A trading partner must have identified the individual or entity as an authorized EDI submitter in the application for authorization;

(b) If a trading partner identifies itself as an EDI submitter, the application for authorization must include the information required in the "Trading Partner Authorization of EDI Submitter" and the "EDI Submitter Information"; and

(c) If a trading partner uses an agent as an EDI submitter, the application for authorization must include the information described in section (3)(b) and the signed EDI submitter certification.

(4) The EDI registration process described in these rules provides the Authority with essential profile information that the Authority may use to confirm that a trading partner or EDI submitter is not otherwise excluded or disqualified from submitting EDI transactions to the Authority.

(5) Nothing in these rules or a TPA prevents the Authority from requesting additional information from a trading partner or an EDI submitter to determine their qualifications or eligibility for registration as a trading partner or EDI submitter.

(6) The Authority shall deny a request for registration as a trading partner or for authorization of an EDI submitter or an EDI registration if it finds any of the following:

(a) A trading partner or EDI submitter has substantially failed to comply with the applicable administrative rules or laws;

(b) A trading partner or EDI submitter has been convicted of (or entered a plea of nolo contendere) a felony or misdemeanor related to a crime or violation of federal or state public assistance laws or privacy statutes or regulations;

(c) A trading partner or EDI submitter is excluded from participation in the Medicare program, as determined by the DHHS secretary; or

(d) A trading partner or EDI submitter fails to meet the qualifications as a trading partner or EDI submitter.

(7) Failure to comply with these rules, trading partner agreement, or EDI submitter certification or failure to provide accurate information on an application or certification may also result in sanctions and payment recovery pursuant to applicable Authority program contracts or rules.

(8) For providers using the DDE submission system by the Authority web portal, failure to comply with the terms of these rules, a web portal registration form, or failure to provide accurate information on the registration form may result in sanctions or payment recovery pursuant to the applicable Authority program contracts or rules.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 413.042 & 414.065

Hist.: OHA 13-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 26-2011, f. 10-31-11, cert. ef. 11-1-11; OHA 4-2012(Temp), f. & cert. ef. 7-12-12 thru 1-6-13; OHA 7-2012, f. 10-9-12, cert. ef. 10-10-12

ADMINISTRATIVE RULES

Oregon Health Authority, Division of Medical Assistance Programs Chapter 410

Rule Caption: Amendment of HERC Prioritized List of Health Services reflecting approved modifications effective October 1, 2012.

Adm. Order No.: DMAP 43-2012(Temp)

Filed with Sec. of State: 9-21-2012

Certified to be Effective: 9-23-12 thru 3-21-13

Notice Publication Date:

Rules Amended: 410-141-0520

Subject: The Oregon Health Plan (OHP) Program administrative rules govern Division of Medical Assistance Programs' (Division) payments for services provided to clients. The Division is temporarily amending 410-141-0520 HERC Prioritized List of Health Services to reference the January 1, 2011 – December 31, 2013, Prioritized List of Health Services effective October 1, 2012 which includes interim modifications and technical changes made for 2009 national code set.

Rules Coordinator: Cheryl Peters—(503) 945-6527

410-141-0520

Prioritized List of Health Services

(1) The Health Evidenced Review Commission (HERC) shall assume responsibility for the former HSC's Prioritized List of Health Services (Prioritized List). The Prioritized List is the listing of physical and mental health services with "expanded definitions" of preventive services and the practice guidelines, as presented to the Oregon Legislative Assembly. The Prioritized List is generated and maintained by HERC. The HERC maintains the most current list on their Web site: www.oregon.gov/OHA/OHPR/HERC/Pending.shtml, or for a hardcopy contact the Division of Medical Assistance Programs. This rule incorporates by reference the Centers for Medicare and Medicaid Services (CMS) approved biennial January 1, 2011–December 31, 2013 Prioritized List, including October 1, 2012 modifications and technical revisions, expanded definitions, practice guidelines and condition treatment pairs funded through line 498.

(2) Certain mental health services are only covered for payment when provided by a Mental Health Organization (MHO), Community Mental Health Program (CMHP) or authorized Fully Capitated Health Plan (FCHP) or Physician Care Organization (PCO).

(3) Chemical dependency (CD) services are covered for eligible OHP clients when provided by an FCHP, PCO, or by a provider who has a letter of approval from the Addictions and Mental Health Division and approval to bill Medicaid for CD services.

Stat. Auth.: ORS 192.527, 192.528, 413.042 & 414.065

Stats. Implemented: ORS 192.527, 192.528, 414.065 & 414.727

Hist.: HR 7-1994, f. & cert. ef. 2-1-94; OMAP 33-1998, f. & cert. ef. 9-1-98; OMAP 40-1998(Temp), f. & cert. ef. 10-1-98 thru 3-1-99; OMAP 48-1998(Temp), f. & cert. ef. 12-1-98 thru 5-1-99; OMAP 21-1999, f. & cert. ef. 4-1-99; OMAP 39-1999, f. & cert. ef. 10-1-99; OMAP 9-2000(Temp), f. 4-27-00, cert. ef. 4-27-00 thru 9-26-00; OMAP 13-2000, f. & cert. ef. 9-12-00; OMAP 14-2000(Temp), f. 9-15-00, cert. ef. 10-1-00 thru 3-30-01; OMAP 40-2000, f. 11-17-00, cert. ef. 11-20-00; OMAP 22-2001(Temp), f. 3-30-01, cert. ef. 4-1-01 thru 9-1-01; OMAP 28-2001, f. & cert. ef. 8-10-01; OMAP 53-2001, f. & cert. ef. 10-1-01; OMAP 18-2002, f. 4-15-02, cert. ef. 5-1-02; OMAP 64-2002, f. & cert. ef. f. & cert. ef. 10-2-02; OMAP 65-2002(Temp), f. & cert. ef. 10-2-02 thru 3-15-04; OMAP 88-2002, f. 12-24-02, cert. ef. 1-1-03; OMAP 14-2003, f. 2-28-03, cert. ef. 3-1-03; OMAP 30-2003, f. 3-31-03 cert. ef. 4-1-03; OMAP 79-2003(Temp), f. & cert. ef. 10-2-03 thru 3-15-04; OMAP 81-2003(Temp), f. & cert. ef. 10-23-03 thru 3-15-04; OMAP 94-2003, f. 12-31-03 cert. ef. 1-1-04; OMAP 17-2004(Temp), f. 3-15-04 cert. ef. 4-1-04 thru 9-15-04; OMAP 28-2004, f. 4-22-04 cert. ef. 5-1-04; OMAP 48-2004, f. 7-28-04 cert. ef. 8-1-04; OMAP 51-2004, f. 9-9-04, cert. ef. 10-1-04; OMAP 68-2004(Temp), f. 9-14-04, cert. ef. 10-1-04 thru 3-15-05; OMAP 83-2004, f. 10-29-04 cert. ef. 11-1-04; OMAP 27-2005, f. 4-20-05, cert. ef. 5-1-05; OMAP 54-2005(Temp), f. & cert. ef. 10-14-05 thru 4-1-06; OMAP 62-2005, f. 11-29-05, cert. ef. 12-1-05; OMAP 71-2005, f. 12-21-05, cert. ef. 1-1-06; OMAP 6-2006, f. 3-22-06, cert. ef. 4-1-06; OMAP 46-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 14-2007(Temp), f. & cert. ef. 10-1-07 thru 3-28-08; DMAP 28-2007(Temp), f. & cert. ef. 12-20-07 thru 3-28-08; DMAP 8-2008, f. & cert. ef. 3-27-08; DMAP 10-2008(Temp), f. & cert. ef. 4-1-08 thru 9-15-08; DMAP 23-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 31-2008(Temp), f. & cert. ef. 10-1-08 thru 3-29-09; DMAP 40-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 4-2009(Temp), f. & cert. ef. 1-30-09 thru 6-25-09; DMAP 6-2009(Temp), f. 3-26-09, cert. ef. 4-1-09 thru 9-25-09; DMAP 8-2009(Temp), f. & cert. ef. 4-17-09 thru 9-25-09; DMAP 26-2009, f. 8-3-09, cert. ef. 8-5-09; DMAP 30-2009(Temp), f. 9-15-09, cert. ef. 10-1-09 thru 3-29-10; DMAP 36-2009(Temp), f. 12-10-09, cert. ef. 1-1-10 thru 3-29-10; DMAP 1-2010(Temp), f. & cert. ef. 1-15-10 thru 3-29-10; DMAP 3-2010, f. 3-5-10, cert. ef. 3-17-10; DMAP 5-2010(Temp), f. 3-26-10, cert. ef. 4-1-10 thru 9-1-10; DMAP 10-2010, f. & cert. ef. 4-26-10; DMAP 27-2010(Temp), f. 9-24-10, cert. ef. 10-1-10 thru 3-25-11; DMAP 43-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 4-2011, f. 3-23-11, cert. ef. 4-1-11; DMAP 24-2011(Temp), f. 9-15-11, cert. ef. 10-1-11 thru 3-26-12; DMAP 45-2011, f. 12-21-11, cert. ef. 12-23-11; DMAP 47-2011(Temp), f. 12-13-11, cert. ef. 1-1-12 thru 6-25-12; DMAP 22-2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 9-21-12; DMAP 43-2012(Temp), f. 9-21-12, cert. ef. 9-23-12 thru 3-21-13

Rule Caption: Amending Preferred Drug List and Prior Authorization Guide — June 28, 2012 DUR/P&T Action.

Adm. Order No.: DMAP 44-2012(Temp)

Filed with Sec. of State: 9-26-2012

Certified to be Effective: 9-26-12 thru 1-18-13

Notice Publication Date:

Rules Amended: 410-121-0030, 410-121-0040

Rules Suspended: 410-121-0030(T), 410-121-0040(T)

Subject: The Pharmaceutical Services Program administrative rules (Division 121) govern Division payments for services provided to certain clients. The Division needs to amend rules as follows:

410-121-0030:

• Make Lovaza non-preferred in the Cardiovascular Other Lipid Lowering Agents drug class.

• Add Cardiovascular, Anti-Anginals to the PDL, making sublingual tablets, isosorbide dinitrate tablets, isosorbide mononitrate tablets, isosorbide dinitrate ER, isosorbide mononitrate ER 24H tablets, isosorbide dinitrate ER capsules, nitroglycerin ER capsules and nitroglycerine patches preferred. Make isosorbide dinitrate ER tablets, nitroglycerin spray and ointments, including nitroglycerin ointment 0.4% (Rectiv®) non-preferred.

• Make peginesatide (Omontys®) non-preferred.

• Make golimumab, tocilizumab and ustekinumab non-preferred in the Immunologics, Targeted Immune Modulators drug class .

• Make deferoxamine (Ferriprox®) preferred.

410-121-0040:

• Ivacaftor (Kalydeco®) – criteria re-written.

• Erythropoiesis Stimulating Agents (ESAs) – criteria re-written.

Rules Coordinator: Cheryl Peters—(503) 945-6527

410-121-0030

Practitioner-Managed Prescription Drug Plan

(1) The Practitioner-Managed Prescription Drug Plan (PMPDP) is a plan that ensures that fee-for-service clients of the Oregon Health Plan shall have access to the most effective prescription drugs appropriate for their clinical conditions at the best possible price:

(a) Licensed health care practitioners (informed by the latest peer reviewed research), make decisions concerning the clinical effectiveness of the prescription drugs;

(b) The licensed health care practitioners also consider the health condition of a client or characteristics of a client, including the client's gender, race or ethnicity.

(2) PMPDP Preferred Drug List (PDL):

(a) The PDL is the primary tool that the Division developed to inform licensed health care practitioners about the results of the latest peer-reviewed research and cost effectiveness of prescription drugs;

(b) The PDL (as defined in 410-121-0000 (cc) consists of prescription drugs that the Division, in consultation with the Drug Use Review (DUR) / Pharmacy & Therapeutics Committee (P&T), has determined represent the most effective drug(s) available at the best possible price;

(c) The PDL shall include drugs that are Medicaid reimbursable and the Food and Drug Administration (FDA) has determined to be safe and effective.

(3) PMPDP PDL Selection Process:

(a) The Division shall utilize the recommendations made by the P&T, that result from an evidence-based evaluation process, as the basis for selecting the most effective drug(s);

(b) The Division shall determine the drugs selected in (3)(a) that are available for the best possible price and shall consider any input from the P&T about other FDA-approved drug(s) in the same class that are available for a lesser relative price. The Division shall determine relative price using the methodology described in subsection (4);

(c) The Division shall evaluate selected drug(s) for the drug classes periodically:

(A) Evaluation shall occur more frequently at the discretion of the Division if new safety information or the release of new drugs in a class or other information which makes an evaluation advisable;

(B) New drugs in classes already evaluated for the PDL shall be non-preferred until the new drug has been reviewed by the P&T;

(C) The Division shall make all changes or revisions to the PDL, using the rulemaking process and shall publish the changes on the Division's Pharmaceutical Services provider rules Web page.

(4) Relative cost and best possible price determination:

ADMINISTRATIVE RULES

(a) The Division shall determine the relative cost of all drugs in each selected class that are Medicaid reimbursable and that the FDA has determined to be safe and effective;

(b) The Division may also consider dosing issues, patterns of use and compliance issues. The Division shall weigh these factors with any advice provided by the P&T in reaching a final decision;

(5) Pharmacy providers shall dispense prescriptions in the generic form, unless:

(a) The practitioner requests otherwise, subject to the regulations outlined in OAR 410-121-0155;

(b) The brand name medication is listed as preferred on the PDL.

(6) The exception process for obtaining non-preferred physical health drugs that are not on the PDL drugs shall be as follows:

(a) If the prescribing practitioner, in their professional judgment, wishes to prescribe a physical health drug not on the PDL, they may request an exception, subject to the requirements of OAR 410-121-0040;

(b) The prescribing practitioner must request an exception for physical health drugs not listed in the PDL subject to the requirements of OAR 410-121-0060;

(c) Exceptions shall be granted in instances:

(A) Where the prescriber in their professional judgment determines the non-preferred drug is medically appropriate after consulting with the Division or the Oregon Pharmacy Help Desk; or

(B) Where the prescriber requests an exception subject to the requirement of (6)(b) and fails to receive a report of PA status within 24 hours, subject to OAR 410-121-0060.

(7) Table 121-0030-1, PMPDP PDL.

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

Stat. Auth.: ORS 409.025, 409.040, 409.110, 414.065, 413.042 & 414.325

Stats. Implemented: ORS 414.065

Hist.: OMAP 25-2002, f. 6-14-02 cert. ef. 7-1-02; OMAP 31-2002, f. & cert. ef. 8-1-02; OMAP 36-2002, f. 8-30-02, cert. ef. 9-1-02; OMAP 29-2003, f. 3-31-03 cert. ef. 4-1-03; OMAP 35-2003, f. & cert. ef. 5-1-03; OMAP 47-2003, f. & cert. ef. 7-1-03; OMAP 57-2003, f. 9-5-03, cert. ef. 10-1-03; OMAP 70-2003(Temp), f. 9-15-03, cert. ef. 10-1-03 thru 3-15-04; OMAP 82-2003, f. 10-31-03, cert. ef. 11-1-03; OMAP 9-2004, f. 2-27-04, cert. ef. 3-1-04; OMAP 29-2004, f. 4-23-04 cert. ef. 5-1-04; OMAP 34-2004, f. 5-26-04 cert. ef. 6-1-04; OMAP 45-2004, f. 7-22-04 cert. ef. 8-1-04; OMAP 81-2004, f. 10-29-04 cert. ef. 11-1-04; OMAP 89-2004, f. 11-24-04 cert. ef. 12-1-04; OMAP 19-2005, f. 3-21-05, cert. ef. 4-1-05; OMAP 32-2005, f. 6-21-05, cert. ef. 7-1-05; OMAP 58-2005, f. 10-27-05, cert. ef. 11-1-05; OMAP 16-2006, f. 6-12-06, cert. ef. 7-1-06; OMAP 32-2006, f. 8-31-06, cert. ef. 9-1-06; OMAP 48-2006, f. 12-28-06, cert. ef. 1-1-07; DMAP 4-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 16-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 36-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 39-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 17-2010, f. 6-15-10, cert. ef. 7-1-10; DMAP 40-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 2-2011(Temp), f. & cert. ef. 3-1-11 thru 8-20-11; DMAP 19-2011, f. 7-15-11, cert. ef. 7-17-11; DMAP 44-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 12-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 18-2012, f. 3-30-12, cert. ef. 4-9-12; DMAP 26-2012, f. & cert. ef. 5-14-12; DMAP 29-2012, f. & cert. ef. 6-21-12; DMAP 33-2012(Temp), f. 7-18-12, cert. ef. 7-23-12 thru 1-18-13; DMAP 40-2012(Temp), f. & cert. ef. 8-20-12 thru 1-18-13; DMAP 44-2012(Temp), f. & cert. ef. 9-26-12 thru 1-18-13

410-121-0040

Prior Authorization Required for Drugs and Products

(1) Prescribing practitioners are responsible for obtaining prior authorization (PA) for the drugs and categories of drugs requiring PA in this rule, using the procedures required in OAR 410-121-0060.

(2) All drugs and categories of drugs, including but not limited to those drugs and categories of drugs that require PA as described in this rule, are subject to the following requirements for coverage:

(a) Each drug must be prescribed for conditions funded by Oregon Health Plan (OHP) in a manner consistent with the Oregon Health Services Commission's Prioritized List of Health Services (OAR 410-141-0480 through 410-141-0520). If the medication is for a non-covered diagnosis, the medication shall not be covered unless there is a co-morbid condition for which coverage would be extended. The use of the medication must meet corresponding treatment guidelines, be included within the client's benefit package of covered services, and not otherwise excluded or limited;

(b) Each drug must also meet other criteria applicable to the drug or category of drug in these pharmacy provider rules, including PA requirements imposed in this rule.

(3) The Oregon Health Authority (Authority) may require PA for individual drugs and categories of drugs to ensure that the drugs prescribed are indicated for conditions funded by OHP and consistent with the Prioritized List of Health Services and its corresponding treatment guidelines (see OAR 410-141-0480). The drugs and categories of drugs that the Authority requires PA for this purpose are found in the OHP Fee-For-Service Pharmacy PA Criteria Guide (PA Criteria Guide) dated September 24, 2012, incorporated in rule by reference and found on our Web page at: <http://www.dhs.state.or.us/policy/healthplan/guides/pharmacy/clinical.html>

(4) The Authority may require PA for individual drugs and categories of drugs to ensure medically appropriate use or to address potential client

safety risk associated with the particular drug or category of drug, as recommended by the Pharmacy & Therapeutics Committee (P&T) and adopted by the Authority in this rule (see OAR 410-121-0100 for a description of the DUR program). The drugs and categories of drugs for which the Authority requires PA for this purpose are found in the Pharmacy PA Criteria Guide.

(5) New drugs shall be evaluated when added to the weekly upload of the First DataBank drug file:

(a) If the new drug is in a class where current PA criteria apply, all associated PA criteria shall be required at the time of the drug file load;

(b) If the new drug is indicated for a condition below the funding line on the Prioritized List of Health Services, PA shall be required to ensure that the drug is prescribed for a condition funded by OHP;

(c) PA criteria for all new drugs shall be reviewed by the DUR/P&T Committee.

(6) PA is required for brand name drugs that have two or more generically equivalent products available and that are NOT determined Narrow Therapeutic Index drugs by the Oregon DUR/P&T Committee:

(a) Immunosuppressant drugs used in connection with an organ transplant must be evaluated for narrow therapeutic index within 180 days after United States patent expiration;

(b) Manufacturers of immunosuppressant drugs used in connection with an organ transplant must notify the department of patent expiration within 30 days of patent expiration for (5)(a) to apply;

(c) Criteria for approval are:

(A) If criteria established in subsection (3) or (4) of this rule applies, follow that criteria;

(B) If (6)(A) does not apply, the prescribing practitioner must document that the use of the generically equivalent drug is medically contraindicated, and provide evidence that either the drug has been used and has failed or that its use is contraindicated based on evidence-based peer reviewed literature that is appropriate to the client's medical condition.

(7) PA is required for non-preferred Preferred Drug List (PDL) products in a class evaluated for the PDL except in the following cases:

(a) The drug is a mental health drug as defined in OAR 410-121-0000;

(b) The original prescription is written prior to 1/1/10;

(c) The prescription is a refill for the treatment of seizures, cancer, HIV or AIDS; or

(d) The prescription is a refill of an immunosuppressant.

(8) PA may not be required:

(a) When the prescription ingredient cost plus the dispensing fee is less than the PA processing fees as determined by the Authority;

(b) For over-the-counter (OTC) covered drugs when prescribed for conditions covered under OHP or;

(c) If a drug is in a class not evaluated from the Practitioner-Managed Prescription Drug Plan under ORS 414.334.

Stat. Auth.: ORS Chap. 409.110, 413.042, 414.325, 414.065 & 414.334

Stats. Implemented: 414.065

Hist.: AFS 56-1989, f. 9-28-89, cert. ef. 10-1-89; AFS 2-1990, f. & cert. ef. 1-16-90; HR 29-1990, f. 8-31-90, cert. ef. 9-1-90, Renumbered from 461-016-0170; HR 10-1991, f. & cert. ef. 2-19-91; HR 14-1993, f. & cert. ef. 7-2-93; HR 25-1994, f. & cert. ef. 7-1-94; HR 6-1995, f. 3-31-95, cert. ef. 4-1-95; HR 18-1996(Temp), f. & cert. ef. 10-1-96; HR 8-1997, f. 3-13-97, cert. ef. 3-15-97; OMAP 1-1999, f. & cert. ef. 2-1-99; OMAP 29-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 31-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 44-2002, f. & cert. ef. 10-1-02; OMAP 66-2002, f. 10-31-02, cert. ef. 11-1-02; OMAP 29-2003, f. 3-31-03 cert. ef. 4-1-03; OMAP 40-2003, f. 5-27-03, cert. ef. 6-1-03; OMAP 43-2003(Temp), f. 6-10-03, cert. ef. 7-1-03 thru 12-15-03; OMAP 49-2003, f. 7-31-03 cert. ef. 8-1-03; OMAP 84-2003, f. 11-25-03 cert. ef. 12-1-03; OMAP 87-2003(Temp), f. & cert. ef. 12-15-03 thru 5-15-04; OMAP 9-2004, f. 2-27-04, cert. ef. 3-1-04; OMAP 71-2004, f. 9-15-04, cert. ef. 10-1-04; OMAP 74-2004, f. 9-23-04, cert. ef. 10-1-04; OMAP 89-2004, f. 11-24-04 cert. ef. 12-1-04; OMAP 4-2006(Temp), f. & cert. ef. 3-15-06 thru 9-7-06; OMAP 32-2006, f. 8-31-06, cert. ef. 9-1-06; OMAP 41-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 4-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 26-2007, f. 12-11-07, cert. ef. 1-1-08; DMAP 9-2008, f. 3-31-08, cert. ef. 4-1-08; DMAP 16-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 14-2009 f. 6-12-09, cert. ef. 7-1-09; DMAP 39-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 17-2010, f. 6-15-10, cert. ef. 7-1-10; DMAP 40-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 27-2011(Temp), f. & cert. ef. 9-30-11 thru 3-15-12; DMAP 44-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 12-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 18-2012, f. 3-30-12, cert. ef. 4-9-12; DMAP 23-2012(Temp), f. & cert. ef. 4-20-12 thru 10-15-12; DMAP 27-2012(Temp), f. & cert. ef. 5-14-12 thru 10-15-12; DMAP 29-2012, f. & cert. ef. 6-21-12; DMAP 33-2012(Temp), f. 7-18-12, cert. ef. 7-23-12 thru 1-18-13; DMAP 40-2012(Temp), f. & cert. ef. 8-20-12 thru 1-18-13; DMAP 44-2012(Temp), f. & cert. ef. 9-26-12 thru 1-18-13

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Rule Caption: Align with OAR chapter 461, division 155 medical eligibility rules.

Adm. Order No.: DMAP 45-2012(Temp)

Filed with Sec. of State: 10-5-2012

Certified to be Effective: 10-5-12 thru 1-19-13

Notice Publication Date:

ADMINISTRATIVE RULES

Rules Amended: 410-120-0006

Rules Suspended: 410-120-0006(T)

Subject: The General Rules Program administrative rules govern the Division's payments for services provided to clients, and medical assistance eligibility determinations made by the Oregon Health Authority. In coordination with the Department of Human Services' (Department) temporary revision of medical eligibility rules in chapter 461, the Division 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 permanently on or before January 19, 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 October 5, 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

Rule Caption: Clarify Technical References and Guides for Billing Services for Administrative Medical Examinations and Reports.

Adm. Order No.: DMAP 46-2012

Filed with Sec. of State: 10-11-2012

Certified to be Effective: 10-15-12

Notice Publication Date: 9-1-2012

Rules Amended: 410-150-0040

Rules Repealed: 410-150-0000, 410-150-0020, 410-150-0060, 410-150-0080, 410-150-0200, 410-150-0300

Subject: The Division is amending OAR 410-150-0040 to ensure clarity in rule text. As a continued effort to make administrative rules more efficient, the Division will delete OARs 410-150-0000, 410-150-0020, 410-150-0060, 410-150-0080, 410-150-0200 and 410-150-0300, removing unnecessary text and placing other text in more appropriate rules.

Rules Coordinator: Cheryl Peters—(503) 945-6527

410-150-0040

Request Requirements

(1) "Administrative Medical Examinations and Reports" is defined in Oregon Administrative Rule (OAR) 410-120-0000.

(2) A completed DMAP 729 Administrative Medical Examination/ Report Authorization is authorization for the provider to furnish services.

(3) Only an employee of the Department of Human Services (Department), or Oregon Youth Authority (OYA) or the Division of Medical Assistance (Division) may request an administrative medical examination or report. Department, OYA and Division employees must request administrative medical examinations and reports in compliance with the policies outlined in the Division worker guide located at http://www.oregon.gov/oha/healthplan/pages/data_pubs/wguide/main.aspx

(4) Claims may only be submitted by a Division-enrolled provider who:

(a) Is contracted with the Department, OYA or the Division to provide Administrative Medical Examinations and Reports;

(b) Meets acceptable source criteria for the agency making the request; and

(c) Has received a completed DMAP 729 form.

(5) Providers may only perform the services included on the DMAP 729 as requested by a Department, OYA or Division employee. Providers must:

(a) Follow the instructions for all forms received in the DMAP 729 series, and

(b) Keep a copy of the DMAP 729 for seven years.

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

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: OMAP 27-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 22-2003, f. 3-26-03, cert. ef. 4-1-03; DMAP 46-2012, f. 10-11-12, cert. ef. 10-15-12

Oregon Health Authority, Office for Oregon Health Policy and Research Chapter 409

Rule Caption: Temporary amendment to the Patient-Centered Primary Care Home Program Rules.

Adm. Order No.: OHP 7-2012(Temp)

Filed with Sec. of State: 10-4-2012

Certified to be Effective: 10-4-12 thru 4-1-13

Notice Publication Date:

Rules Amended: 409-055-0030

Subject: The Oregon Health Authority, Office for Oregon Health Policy and Research is adopting temporary administrative rules for the Patient-Centered Primary Care Home (PCPCH) Program to allow a 30 day grace period for practices to submit annual renewal applications.

Rules Coordinator: Zarie Haverkate—(503) 373-1574

409-055-0030

Practice Application and Recognition Process

(1) Practices or other entities on behalf of the practice shall submit a PCPCH Recognition Process Application electronically to the Authority via the Program's online application system found on the Program website. The application shall include data per OAR 409-055-0040.

(2) The Authority shall review the application for completed data and compliance with the criteria in OAR 409-055-0040.

(3) When the PCPCH applicant meets the criteria requirements, the Authority shall deem the applicant as a Recognized PCPCH Practice and assign a Tier level.

(4) The Authority shall keep instructions and criteria for submitting a PCPCH Recognition Process Application posted on the Program website.

(5) Practices shall be notified in writing or electronically of a PCPCHs Tier score or contacted for additional information within 60 days of application submission.

(6) A practice may be denied PCPCH recognition if it does not meet the criteria in OAR 409-055-0040.

(7) Practices must file a request for review with the Program within 90 days if the practice disagrees with the calculated Tier score.

(8) PCPCHs must renew their recognition annually or at the discretion of the OHA, but no less than 12 months from the effective recognition date identified to the practice by the Authority. At the Authority's discretion a 30-day grace period may be allowed for PCPCHs to submit their annual renewal application without having a lapse in recognition status. If during

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the year, a PCPCH believes that it meets the criteria to be recognized at a higher tier, it may request to have its tier status reassessed by re-submitting an application not more than once every six months.

(9) The effective recognition date identified by the Authority shall be the date on which the Authority has completed the application review process.

(10) The Authority reserves the right to identify a recognition date other than the date of application review process completion.

(11) It is the intent of the Program to refine the criteria per OAR 409-055-0040 during the first two years of implementation of the Program based on PCPCH provider and stakeholder feedback. After this time, the Authority intends to move to a recognition renewal process of once every three years.

(12) Recognition requests may be sent electronically or by mail to the address posted on the Program website.

[Tables: Tables reference are available from the agency.]

Stat. Auth: ORS 413.042, 414.655 & 442.210

Stats. Implemented: 413.042, 414.655 & 442.210

Hist.: OHP 6-2011(Temp), f. 9-29-11, cert. ef. 10-1-11 thru 3-15-12; OHP 2-2012, f. 2-29-12, cert. ef. 3-1-12; OHP 7-2012(Temp), f. & cert. ef. 10-4-12 thru 4-1-13

Oregon Health Authority, Oregon Educators Benefit Board Chapter 111

Rule Caption: Removes limits on plan selection options and adopts language for a new benefit plan offering.

Adm. Order No.: OEBB 8-2012

Filed with Sec. of State: 10-9-2012

Certified to be Effective: 10-9-12

Notice Publication Date: 6-1-2012

Rules Adopted: 111-030-0047

Rules Amended: 111-030-0005, 111-030-0010

Rules Repealed: 111-030-0005(T), 111-030-0010(T), 111-030-0047(T)

Subject: Amended language in 111-030-0005 and 111-030-0010 removes limits on the number of plan options effective for the 2012-2013 plan year. 111-030-0047 is the new language that details the development of a new benefit plan, flexible spending accounts.

Rules Coordinator: April Kelly—(503) 378-6588

111-030-0005

Benefit Plans Selection through OEBB

(1) As used in this section, “benefit plans” includes medical, dental, pharmaceutical, dental, basic life and accidental death and dismemberment, optional life and AD&D, short and long term disability, long term care and employee assistance program.

(2) OEBB will offer a range of benefit plans that provide the flexibility to choose between a number of high quality plan options.

(3) The process for the 2012-13 Plan Year benefit plans selection includes:

(a) OEBB releases preliminary designs and costs for all benefit plan options to Educational Entities no later than 45 days prior to final selection date. The total number offered may vary each year.

(b) OEBB will pre-populate the MyOEBB Educational Entity Plan Management section with all medical, dental and vision plans available in the Educational Entity’s service area.

(c) Educational Entities may choose to, or allow each Employee Group to choose to, de-select benefit plan options to be offered to each Employee Group unless otherwise specified in an OEBB administrative rule.

(d) Final benefit plan selections for each Employee Group must be submitted through the MyOEBB Educational Entity plan management section or an approved electronic format to OEBB no later than June 15 each year for the following plan year. Plan selections must be authorized by an official with the Educational Entity.

Stat. Auth: ORS 243.860–243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 8-2008, f. 6-25-08, cert. ef. 6-26-08; OEBB 13-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 20-2009, f. & cert. ef. 12-17-09; OEBB 8-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 2-2011, f. & cert. ef. 2-11-11; OEBB 3-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 8-2012, f. & cert. ef. 10-9-12

111-030-0010

Medical, Pharmaceutical, Dental and Vision Plan Selection Criteria

(1)(a) Effective October 1, 2012, Educational Entities may choose or allow all medical, dental and vision plans available in the service area to be

available to some or all Entity Employee Groups with the following exception:

(b) The HMO vision plan offered through Kaiser Permanente is only available if the HMO medical plan offered through Kaiser Permanente is available.

Stat. Auth.: ORS 243.860–243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 8-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 2-2011, f. & cert. ef. 2-11-11; OEBB 3-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 8-2012, f. & cert. ef. 10-9-12

111-030-0047

Development of Flexible Spending Accounts

(1) Effective October 1, 2012, OEBB will offer the use of an employer sponsored vendor for Flexible Spending Accounts (FSAs) including a Health Care Flexible Spending Account, Limited Health Care Spending Account and Dependent Care Flexible Spending Account.

(2) If an Educational Entity chooses to offer an employer sponsored FSA, the Educational Entity may offer this plan through the OEBB-contracted FSA vendor.

(3) Eligible employees who are eligible to enroll in an FSA, and choose the employer sponsored FSA vendor, do so directly through their Educational Entity.

(4) Eligible employees must meet requirements established by the Internal Revenue Service (IRS) to qualify for enrollment in an FSA. Once enrolled in an FSA, members are responsible to adhere to tax requirements of the IRS.

Stat. Auth.: ORS 243.860–243.886

Stats. Implemented: ORS 243.874(5)

Hist.: OEBB 3-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 8-2012, f. & cert. ef. 10-9-12

Rule Caption: Amendments to these enrollment rules clarifies existing language.

Adm. Order No.: OEBB 9-2012

Filed with Sec. of State: 10-9-2012

Certified to be Effective: 10-9-12

Notice Publication Date: 6-1-2012

Rules Amended: 111-040-0001, 111-040-0005, 111-040-0010, 111-040-0015, 111-040-0020, 111-040-0025, 111-040-0030, 111-040-0040, 111-040-0050

Rules Repealed: 111-040-0001(T), 111-040-0005(T), 111-040-0010(T), 111-040-0015(T), 111-040-0020(T), 111-040-0025(T), 111-040-0030(T), 111-040-0040(T), 111-040-0050(T)

Subject: Amendments to 111-040-0001, 111-040-0005, 111-040-0010, 111-040-0020, 111-040-0030 and 111-040-0050 clarify existing language in rule. 111-040-0015 expands language on eligibility audits. 111-040-0025 tightens the timeframe on correcting processing errors and also gives the OEBB Administrator the authority to grant exceptions to the OEBB Administrative Rules. 111-040-0040 removes some events as Qualified Status Change events which are written and explained in other parts of the rule. OEBB’s review of these rules prompted revisions to keep language used in contracts with carriers, communication materials and everyday language consistent with our administrative rules.

Rules Coordinator: April Kelly—(503) 378-6588

111-040-0001

Effective Dates

(1) Effective Dates for Newly Eligible Employees. Initial benefit elections, unless otherwise specified in a collective bargaining agreement or documented district policy in effect on June 30, 2008, are effective on the later of:

(a) The first of the month following a completed online enrollment in the OEBB benefit management system or submission of a paper enrollment or change form, or

(b)(A) The first of the month following the date of hire or the date of eligibility; with the following exception:

(B) The first of the month following approval of Evidence of Insurability for Optional Life Insurance above the guarantee issue amount, Long Term Disability, or Long Term Care insurance.

(2) Effective Dates for Qualified Status Changes. Covered dependent changes are effective the first of the month following the date of the event causing the dependent to be eligible under OEBB administrative rules with the following exceptions:

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(a) Coverage for a newborn child is effective on the date of birth. The active eligible employee must add the newborn child to their benefit plans within 60 calendar days from the date of birth in order for the newborn child to be eligible for benefit coverage.

(b) Coverage for a newly adopted child is effective the date of the adoption decree or date of placement for adoption. The active eligible employee must add the adopted child to their benefit plans within 60 calendar days from the date of the decree or placement in order for the newly adopted child to be eligible for benefit coverage; and

(A) The active eligible employee must submit the adoption agreement with the enrollment forms to the Educational Entity.

(B) Claims payments will not be made for expenses incurred prior to the date of decree or placement.

(c) Coverage for an eligible grandchild is as follows:

(A) If the legal guardianship is finalized within the first 60 days following the birth of the grandchild, coverage will be effective retroactive to the date of the birth.

(B) If the legal guardianship is finalized 61 or more days from the date of birth of the grandchild, the coverage will be effective the first of the month following the date the guardianship documents are finalized.

(C) If the legal guardianship is finalized 61 to 180 days from the date of birth of the grandchild, and the effective date of legal guardianship is retroactive to the grandchild's date of birth, coverage will be effective retroactive to the date of birth. If legal guardianship is finalized after 180 days coverage will be effective the first of the month following the date the guardianship documents are finalized.

(d) The first of the month following approval of Evidence of Insurability for Optional Spouse/Domestic Partner Life insurance above the guaranteed issue amount, if applicable, or Long Term Care Insurance.

(3) Elections made during an open enrollment period are effective on the first day of the new plan year. There will be a 12-month waiting period for services other than preventive dental exams and cleanings and/or routine vision exams for coverage added during the open enrollment period if enrolling in a dental or vision plan in which the employee and/or dependents were previously eligible.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 14-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 21-2009, f. & cert. ef. 12-17-09; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 12-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11; OEBB 3-2011, f. & cert. ef. 2-11-11; OEBB 17-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; OEBB 23-2011, f. & cert. ef. 12-14-11; OEBB 4-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 9-2012, f. & cert. ef. 10-9-12

111-040-0005

Termination Dates

(1) Effective October 1, 2011, if an active eligible employee requests a termination of coverage for them self, a spouse, a domestic partner, or a child, coverage ends on the last day of the month that eligibility is lost. Requests for coverage termination must be made consistent with a Qualified Status Change as defined by 111-040-0040.

(2) Retroactive termination of coverage may be made in the event of a delay in the Educational Entities' reconciliation process and shall generally be within 14 days of receiving notification from the employee of the qualified status change event and requested benefit changes.

(3) Effective October 1, 2011, benefit coverage termination that is considered by OEBB to be intentional misrepresentation may be rescinded in compliance with the law. If this occurs, OEBB shall give the affected individual 30 days notice of the rescission of benefit coverage and an opportunity to appeal before the rescission takes effect.

(4) Benefit coverage for active eligible employees ends on the last day of the month that they retire, unless otherwise determined in a collective bargaining agreement or documented district policy in effect on June 30, 2008. Benefit coverage may be continued based on the requirements and limitations in OARs 111-050-0001 through 111-050-0050.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 12-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11; OEBB 3-2011, f. & cert. ef. 2-11-11; OEBB 23-2011, f. & cert. ef. 12-14-11; OEBB 4-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 9-2012, f. & cert. ef. 10-9-12

111-040-0010

Newly-hired and Newly-eligible Employees

(1) Newly-hired and newly-eligible employees must enroll in OEBB-sponsored benefit plans through the OEBB benefit management system or paper equivalent within 31 calendar days of the date of hire or date of eligibility, unless determined otherwise in a separate OEBB administrative

rule or in a collective bargaining agreement or documented district policy in effect on June 30, 2008.

(2) An employee enrolling in OEBB-sponsored benefit plans and terminating employment before the effective date of benefit coverage is not eligible to receive benefits.

Stat. Auth: 2007 OL Ch. 7

Stats. Implemented: 2007 OL Ch. 7, Sec. 3

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 4-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 9-2012, f. & cert. ef. 10-9-12

111-040-0015

Removing an Ineligible Individual from Benefit Plans

(1) An active employee who enrolls them self and / or an eligible person is responsible for removing spouses, domestic partners and children from their OEBB-sponsored benefit plans by submitting completed, applicable forms to their Educational Entity benefits administrator within 31 calendar days after the date the individual becomes ineligible. Coverage ends on the date identified under OAR 111-040-0005.

(2) An Educational Entity is responsible for removing ineligible individuals from the OEBB benefits management system. The Educational Entity must complete such removal within 14 calendar days after:

(a) An event resulting in loss of the employee's eligibility, or

(b) The receipt of notification of an event resulting in loss of eligibility of the employee's spouse, domestic partner or child.

(3) If coverage of an employee's spouse, domestic partner or child is terminated retroactively then:

(a) The employee may be responsible for claims previously paid by the benefit plans to the providers during the period of ineligibility at the carrier's discretion; and

(b) Premium adjustments will be made retroactively based on the coverage end date.

(4) OEBB shall conduct audits to monitor compliance with OEBB administrative rules governing eligibility and enrollment. Eligibility audits will occur at different times throughout the plan year. The member is responsible to submit documentation upon request. In the event the member does not provide the required documentation in a timely manner to sufficiently prove the dependent meets eligibility requirements, or the documentation provided is insufficient, the dependent's coverage will be terminated. Retroactive terminations may occur if the documentation provided shows the dependent was not eligible for coverage and the member misrepresented the dependent as being an eligible dependent as defined by OAR 111-080-0045.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 12-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11; OEBB 3-2011, f. & cert. ef. 2-11-11; OEBB 17-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; OEBB 23-2011, f. & cert. ef. 12-14-11; OEBB 4-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 9-2012, f. & cert. ef. 10-9-12

111-040-0020

Open Enrollment

(1) Eligible employees may make benefit plan changes or elections and add or remove eligible dependents during open enrollment periods as designated by OEBB.

(2) Coverage under OEBB-sponsored benefits plans for an eligible individual added during open enrollment begins on the first day of the new plan year. Dental and vision coverage added during the open enrollment period will be limited to preventive dental exams and cleanings and routine vision exams for the first 12 months of coverage, if the eligible individual and/or their eligible dependents were eligible for the coverage directly prior to the beginning of the new plan year. Coverage for an individual terminated during open enrollment ends on the last day of the month of the current plan year.

(3) Benefit plan elections are irrevocable for the new plan year except as specified in OAR 111-040-0040.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 12-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11; OEBB 3-2011, f. & cert. ef. 2-11-11; OEBB 4-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 9-2012, f. & cert. ef. 10-9-12

111-040-0025

Correcting Enrollment and Processing Errors

(1) Employee Enrollment Errors. Enrollment errors occur when an Eligible Employee provides incorrect information or fails to make correct selections when making benefit plan elections. The Eligible Employee is responsible for identifying enrollment errors or omissions.

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(a) OEBB authorizes Educational Entities to correct enrollment errors reported by the Eligible Employee within 45 calendar days of the original eligibility date, open enrollment period end date, or Qualified Status Change date.

(b) Enrollment errors identified after 45 calendar days of the eligibility date, open enrollment period end date or Qualified Status Change date must be submitted to OEBB for review and approval based on OAR 111-080-0030.

(2) Benefit Administrator Processing Errors. Processing errors or omissions occur when benefit plan elections are processed incorrectly in the benefit system or when a newly eligible employee does not receive correct enrollment information.

(a) OEBB authorizes Educational Entities to correct processing errors identified within 45 calendar days of the eligibility date, open enrollment period end date, or Qualified Status Change date. The Educational Entity must reconcile all premium discrepancies.

(b) Processing errors identified after 45 calendar days of the eligibility date, open enrollment period end date, or Qualified Status Change date must be submitted to OEBB for review and approval based on OAR 111-080-0030. The Educational Entity must reconcile all premium discrepancies within 30 calendar days of any adjustments made in the system.

(3) The effective date for the correction of either an employee enrollment error or benefit administrator error is retroactive to the original effective date as identified in OAR 111-040-0001.

(4) The OEBB Administrator has the authority to grant exceptions to OEBB's Administrative Rules when there are extenuating circumstances which can be supported by documentation and verified by OEBB staff.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 14-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 21-2009, f. & cert. ef. 12-17-09; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 3-2011, f. & cert. ef. 2-11-11; OEBB 17-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; OEBB 23-2011, f. & cert. ef. 12-14-11; OEBB 4-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 9-2012, f. & cert. ef. 10-9-12

111-040-0030

Late Enrollment

(1) Late enrollment occurs when an active eligible employee fails to notify their educational entity of the Qualified Status Change within 31 calendar days, or unless otherwise specified in rule, of:

(a) The date of hire or other benefit eligibility date as identified in OAR 111-040-0001;

(b) The date a spouse, domestic partner, or child gains eligibility;

(c) The date of marriage to a spouse who was most recently enrolled as a domestic partner; or

(d) The date of birth of the employee's biological newborn child;

(e) The date the child was adopted or the date the employee became the legal guardian.

(2) OEBB authorizes Educational Entities to add and/or enroll employees and dependents within 45 calendar days of the eligibility dates referenced in sections (1)(a), (1)(b), and (1)(c) and within 60 calendar days of the eligibility dates referenced in (1)(d) and (1)(e).

(3) OEBB must review and approve all late enrollment requests based on OAR 111-080-0030 when the request and enrollment is made more than 45 calendar days after the eligibility dates referenced in sections (1)(a), (1)(b), and (1)(c), and more than 60 calendar days after the eligibility dates referenced in sections (1)(d) and (1)(e).

(4) Approved late enrollment requests, unless determined otherwise in a collective bargaining agreement or documented district policy in effect on June 30, 2008, are effective the first of the month following the date the request is received by a district benefits administrator or OEBB, except for approved requests to add newborn children or newly adopted child which are retroactive to the month the child was born or adopted along with any premium adjustments.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 14-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 21-2009, f. & cert. ef. 12-17-09; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 3-2011, f. & cert. ef. 2-11-11; OEBB 4-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 9-2012, f. & cert. ef. 10-9-12

111-040-0040

Qualified Status Changes (QSC's)

(1) An Eligible Employees experiencing a change in family or work status as noted below after annual open enrollment, or anytime during the plan year, has 31 calendar days beginning on the date of the event to make changes. If the event is gaining a child, as defined by 111-040-0040(4)(c),

or results in a loss of eligibility, the Eligible Employee has 60 calendar days after the event to make changes.

(2) An Eligible Employee can only make changes that are consistent with the event for them self and/or dependents.

(3) An Eligible Employee must report the Qualified Status Change (QSC) to the employee's Educational Entity within the specified timeframe. Failure to report a QSC that will result in removal of a spouse, domestic partner, or child within the timeframe stated in 111-040-0040(1) may be considered intentional misrepresentation, and OEBB may rescind the individual's coverage back to the last day of the month in which the individual lost eligibility. Please refer to the QSC matrix for details on what changes can occur with each event.

(4) Qualified Status Changes which allow the employee to make changes to his or her coverage are:

(a) Gain spouse by marriage or domestic partner by meeting domestic partner eligibility;

(b) Loss of spouse or domestic partner by divorce, annulment, death or termination of domestic partnership,

(c) Gain a child by birth, placement for/or adoption, or Domestic Partner's children (by affidavit of domestic partnership),

(d) Change in employee group which affects plan option availability;

(e) Spouse or domestic partner starts new employment or other change in employment status which affects eligibility;

(f) Spouse or domestic partner's employment ends or other change in employment status resulting in a loss of eligibility under their employer's plan;

(g) Event by which a child satisfies eligibility requirements under OEBB plans;

(h) Event by which a child ceases to satisfy eligibility requirements under OEBB plans;

(i) Changes in the residence of the active eligible employee, spouse, domestic partner, or child (i.e., moving out of the service area of an HMO);

(j) Reinstatement of coverage. Reinstatement can be used in the following situations:

(A) Military (USERRA);

(B) When coverage was continued under COBRA

(C) When coverage was terminated in error and there is no lapse in coverage.

(k) Significant changes in cost of the Eligible Employee's or Early Retiree's current plan and tier level that result in a negative impact of 10 percent or more to:

(A) The amount an active Eligible Employee or Early Retiree must contribute toward benefits.

(B) The amount a spouse or domestic partner must contribute toward his or her group health insurance plan cost.

(l) Different Open Enrollment/Plan Year under a spouse/domestic partner's employer plan.

(m) Related laws or court orders. For example: Qualified Medical Child Support Order (QMCSO), Medicare, HIPAA, or Family Health Insurance Assistance Program (FHIAP). Changes are determined by the applicable law or court order.

(5) Changes in coverage, or contribution amounts that result in a reduced amount that an employee or eligible dependent must contribute toward benefits, do not constitute a Qualified Status Change.

(6) The following applies to the Long Term Care benefit plans only:

(a) Cancel the plan at anytime without a QSC event.

(b) Plan additions or changes require a QSC event as defined 111-040-0040(2). The addition of a plan or change in plans with a QSC is subject to a medical evidence review by the LTC carrier.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 10-2009(Temp), f. 5-4-09, cert. ef. 5-5-09 thru 10-31-09; OEBB 11-2009, f. & cert. ef. 7-31-09; OEBB 17-2009(Temp), f. & cert. ef. 10-7-09 thru 4-4-10; OEBB 22-2009, f. & cert. ef. 12-17-09; OEBB 2-2010(Temp), f. & cert. ef. 3-3-10 thru 8-29-10; OEBB 6-2010, f. & cert. ef. 8-3-10; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 12-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11; OEBB 3-2011, f. & cert. ef. 2-11-11; OEBB 7-2011(Temp), f. & cert. ef. 2-15-11 thru 8-13-11; OEBB 11-2011, f. & cert. ef. 6-22-11; OEBB 17-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; OEBB 23-2011, f. & cert. ef. 12-14-11; OEBB 4-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 9-2012, f. & cert. ef. 10-9-12

111-040-0050

Declination of Coverage

(1) As used in this section:

(a) "Opting out of coverage" means that an otherwise Eligible Employee elects not to enroll in a medical plan and is eligible to receive a portion of the cash contribution or other type of remuneration as provided

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for under a collective bargaining agreement, documented district policy, or employment contract.

(b) "Waiving benefits" means that an otherwise Eligible Employee elects not to enroll in any one of the benefit plans available under the OEBB-sponsored benefits program and is not eligible to receive any portion of a cash contribution or other type of remuneration.

(2) Unless otherwise specified in a collective bargaining agreement, documented district policy or employment contract in effect on July 1, 2008, an Eligible Employee may opt out of the OEBB-sponsored medical benefit plans. Eligible Employees electing to opt out must:

(a) Maintain coverage under another employer-sponsored group medical benefit plan;

(b) Meet the requirements of the district opt out program in which they are participating;

(c) Submit their election to opt out through the OEBB benefit management system; and

(d) If requested, provide proof of current coverage under another employer-sponsored group medical benefit plan.

(3) Eligible Employees electing to opt out of the OEBB-sponsored medical benefit plans may enroll in the dental benefit plans, vision benefit plans, and optional benefit plans.

(4) The level and type of funds and allowances retained by Eligible Employees and districts as a result of opt out programs are determined through collective bargaining agreements and documented district policies.

(5) An Educational Entity will provide OEBB with a written description of its opt out program upon request.

(6) An otherwise Eligible Employee may opt-out of medical if the criteria above are met, decline dental and/or vision, or elect any combination of benefits provided under the OEBB-sponsored benefits program, unless otherwise stated in a collective bargaining agreement or documented district policy.

(7) Elections to opt out of the medical benefit plans or waive benefits must be made at the time of hire, when initially meeting eligibility, during an open enrollment period, or following a QSC event whereby the OEBB QSC Matrix allows this as an option.

(a) Coverage for previously OEBB-eligible employees or a previously OEBB-eligible dependent enrolling in the dental and/or vision plans during an open enrollment period will be limited to routine and preventive care for the first 12 months and subject to a 12-month waiting period for orthodontia coverage.

(b) An Eligible Employee who enrolls in the dental or vision plans, or adds previously OEBB-eligible dependents to the dental and vision plans following and consistent with a QSC event will not be subject to waiting periods.

(9) An Eligible Employee electing to not enroll when initially eligible for optional insurance plans, or enrolling for more than the guarantee issue amount, will have to go through a medical review. Failure to remit a medical history statement or complete other requirements will result in a declination of requested amounts, or the amount above the guaranteed amount, if applicable.

(10) An Eligible Employee electing to not enroll when initially eligible for optional short term disability will be subject to a late enrollment penalty upon enrollment.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 9-2008, f. 6-25-08, cert. ef. 6-26-08; OEBB 14-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 21-2009, f. & cert. ef. 12-17-09; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 3-2011, f. & cert. ef. 2-11-11; OEBB 4-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 9-2012, f. & cert. ef. 10-9-12

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Rule Caption: Amendments to these continuation of coverage rules clarifies existing language.

Adm. Order No.: OEBB 10-2012

Filed with Sec. of State: 10-9-2012

Certified to be Effective: 10-9-12

Notice Publication Date: 6-1-2012

Rules Amended: 111-050-0010, 111-050-0015, 111-050-0016, 111-050-0020, 111-050-0025, 111-050-0030, 111-050-0035, 111-050-0045, 111-050-0050

Rules Repealed: 111-050-0010(T), 111-050-0015(T), 111-050-0016(T), 111-050-0020(T), 111-050-0025(T), 111-050-0030(T), 111-050-0035(T), 111-050-0045(T), 111-050-0050(T)

Subject: Amendments to our Continuation of Coverage Division 50 rules are similar to those amendments in Division 40, but apply to COBRA and Early Retiree population. OEBB's review of these rules

prompted revisions to keep language used in contracts with carriers, communication materials and everyday language consistent with our administrative rules.

Rules Coordinator: April Kelly—(503) 378-6588

111-050-0010

Eligibility for Retiree Insurance Coverage

(1) An Eligible Early Retiree and their eligible dependents enrolled in an OEBB benefit plan or district benefit plan for active employees may continue participation in any OEBB retiree, dental, vision, life or accidental death and dismemberment insurance plan or plans available to his or her Employee Group if selected by an Educational Entity. Insurance coverage under the OEBB or district active benefit plans, as an employee or as a dependent of an employee, and retiree benefit plans must be continuous.

(2) Eligible Early Retirees and eligible dependents not yet eligible for Medicare due to age or a disability will have the option to continue enrollment in an OEBB retiree medical plan. Insurance coverage under the OEBB or district active benefit plan, as an employee or as a dependent of any employee, and the retiree benefit plan must be continuous.

(3) An Eligible Early Retiree must be:

(a) Receiving a service or disability retirement allowance or pension under the Public Employees Retirement System (PERS) or under any other retirement or disability benefit plan or system offered by an OEBB participating organization for its employees;

(b) Eligible to receive a service retirement allowance under PERS and has reached earliest retirement age under ORS Chapter 238;

(c) Eligible to receive a pension under ORS 238A.100 to 238A.245 and has reached earliest retirement age as described in ORS 238A.165; or

(d) Eligible to receive a service retirement allowance or pension under another retirement benefit plan or system offered by an OEBB participating organization and has reached earliest retirement age under the plan or system.

(4) An Eligible Early Retiree may continue medical, dental, vision, optional life and accidental death and dismemberment coverage for themselves only or may continue to cover any eligible dependents who were enrolled in the employee's active plan immediately prior to the retirement as long as the coverage and plan options are included in the plans offered by the Educational Entity.

(5) Basic life and basic accidental death and dismemberment requires 100 percent mandatory enrollment unless otherwise specified in a collective bargaining agreement in effect on or before September 30, 2009, and the Educational Entity can provide documentation that supports the administration of this benefit.

(6) A former Eligible Employee who elects COBRA and is also eligible for early retiree benefits or later becomes eligible as an Eligible Early Retiree will have the right to transfer the COBRA medical, dental, and vision insurance coverage to the OEBB early retiree benefit plans at any time during COBRA or within 30 days of the COBRA end date. Insurance coverage under the OEBB active, COBRA and early retiree benefit plans must be continuous.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; OEBB 7-2008, f. & cert. ef. 4-15-08; OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 15-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 1-2010, f. & cert. ef. 2-1-10; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 4-2011, f. & cert. ef. 2-11-11; OEBB 5-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 10-2012, f. & cert. ef. 10-9-12

111-050-0015

Medical, Dental and Vision Termination Dates for Early Retirees

(1) An Eligible Early retiree enrolled in OEBB early retiree insurance plan that becomes eligible for Medicare coverage may not continue on an OEBB medical or vision plan, unless they are eligible as a result of end-stage renal disease. OEBB benefits end the last day of the month prior to the Medicare effective date. The retiree is responsible for reporting to their Educational Entity and to OEBB when the retiree is covered by Medicare within 31 days after the Medicare coverage effective date. Failure to report within this timeframe may be considered intentional misrepresentation by OEBB and OEBB may rescind OEBB coverage back to the last day of the month prior to the Medicare effective date.

(2) If an Eligible Early retiree becomes eligible for Medicare coverage, but his or her currently-enrolled eligible dependents are not, these eligible individuals may continue OEBB medical, dental and vision insurance coverage until such time as they no longer meet OEBB eligibility requirements or become eligible for Medicare coverage for reasons other than end-stage renal disease, whichever occurs first. The eligible individuals must

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confirm intent to continue coverage with the retiree plan administrator within 31 days after the retiree's eligibility for Medicare.

(3) Eligible dependents who were covered on a plan at the time of retirement who are eligible for Medicare, or who become eligible for Medicare, may not continue coverage on an OEBB medical or vision plan unless it is stated in a collective bargaining agreement or documented district policy in effect on or before February 1, 2010, that they may continue on OEBB medical plans until the retiree becomes eligible for Medicare with the following exception: OEBB coverage must end for Medicare-eligible dependents of a retiree enrolled on a Kaiser Permanente medical plan.

(4) If the Eligible Early retiree is responsible for self-paying all or partial premiums and fails to remit the premium amount to their Educational Entity, all coverage will terminate on the last day of the month in which premiums are paid in full to OEBB.

(5) Dental coverage may be continued subject to the Educational Entity's documented district policy or collective bargaining agreement. Coverage is based on the OEBB dental plans that the Educational Entity offers to retired OEBB Medicare-eligible individuals.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; OEBB 7-2008, f. & cert. ef. 4-15-08; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 15-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 1-2010, f. & cert. ef. 2-1-10; OEBB 13-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11; OEBB 4-2011, f. & cert. ef. 2-11-11; OEBB 18-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; OEBB 24-2011, f. & cert. ef. 12-14-11; OEBB 5-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 10-2012, f. & cert. ef. 10-9-12

111-050-0016

Life and Accidental Death and Dismemberment Termination Dates for Early Retirees

(1) Eligible Early Retirees may continue to participate in any or all coverage and plan options selected by the Educational Entity for his or her Employee Group until they reach age 65, unless otherwise specified in a documented district policy or collective bargaining agreement effective on or before February 1, 2010.

(2) Eligible Early Retirees or dependents of retirees who lose eligibility for basic or optional life insurance plans due to reaching age 65 can convert their coverage if requested within 31 days of the date the coverage ends. Requests for conversion of coverage must be made to the Life and AD&D insurance carrier.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 1-2010, f. & cert. ef. 2-1-10; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 4-2011, f. & cert. ef. 2-11-11; OEBB 5-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 10-2012, f. & cert. ef. 10-9-12

111-050-0020

Initial Enrollment

(1) An Eligible Early Retiree has 60 calendar days from the end date of active eligible employee insurance coverage to:

(a) Continue enrollment in OEBB-sponsored medical, dental, vision, basic life, basic accidental death and dismemberment, optional life and optional accidental death and dismemberment plans with the same eligible dependents which were included on your coverage as an active employee; provided they are offered by the Educational Entity.

(b) Disenroll eligible dependents covered during active enrollment. Dependents cannot be re-enrolled once they are dropped from coverage.

(c) Disenroll in any or all plans. Once a retiree drops coverage the retiree cannot re-enroll.

(d) Change medical plan to a less expensive medical plan if the Eligible Early Retiree is no longer receiving a monetary contribution.

(2) All coverage and dependent enrollments must be continuous from the date the active coverage ends.

(3) Coverage not elected at the time of initial eligibility for early retiree benefits cannot be added at a later date.

(4) An Eligible Early Retiree may choose to continue enrollment in an OEBB-sponsored medical plan, dental plan, basic life, basic accidental death and dismemberment, optional life, or optional accidental death and dismemberment plan, or any combination of these, unless determined otherwise by a collective bargaining agreement or documented district policy with the following restrictions:

(a) The Eligible Early Retiree must enroll in an OEBB-sponsored medical plan to continue an OEBB-sponsored vision plan; and

(b) The Eligible Early Retiree must be enrolled in an OEBB-sponsored optional life or optional accidental death and dismemberment plan to continue optional spouse or dependent life or accidental death and dismemberment, respectively.

(c) The Educational Entity offers the plan(s) to their retiree group.

(5) Plan Change Periods: OEBB will offer an annual plan change period for Eligible Early Retirees.

(6) An Eligible Early Retiree can change benefit plans consistent with members of their former active Employee Group.

(7) An Eligible Early Retiree may not add dependents or enroll in coverage(s) he or she did not select during the initial enrollment period.

(8) An Eligible Early Retiree may choose to reduce the amount of optional life and optional accidental death and dismemberment coverage for themselves and/or their dependents, but may not increase coverage in these plans.

(9) Qualified Status Changes (QSC): An Eligible Early Retiree may make changes consistent with the OEBB QSC Matrix.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 15-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 1-2010, f. & cert. ef. 2-1-10; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 4-2011, f. & cert. ef. 2-11-11; OEBB 5-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 10-2012, f. & cert. ef. 10-9-12

111-050-0025

Effective Dates

(1) Benefit plan changes or initial elections, unless otherwise specified in a collective bargaining agreement or documented district policy in effect on June 30, 2008, are effective on the first of the month following termination of the active employee coverages.

(2) Effective Dates for Qualified Status Changes. Covered dependent changes are effective the first of the month following the date of the event causing the dependent to be eligible under OEBB administrative rules with the following exceptions:

(a) Coverage for a newborn child is effective on the date of birth. Retired eligible employee must add the newborn child to their benefit plans within 60 calendar days from the date of birth for the newborn child to be eligible for benefit coverage.

(b) Coverage for a newly adopted child is effective the date of the adoption decree or date of placement for adoption. Retired eligible employee must add the adopted child to their benefit plans within 60 calendar days from the date of the decree or placement for the newly adopted child to be eligible for benefit coverage; and

(A) Eligible Early Retiree must submit the adoption agreement with the enrollment forms to the Educational Entity.

(B) Claims payments will not be made for expenses incurred prior to the date of decree or placement.

(c) Coverage for an eligible grandchild is as follows:

(A) If the legal guardianship is finalized within the first 60 days following the birth of the grandchild, coverage will be effective retroactive to the date of the birth.

(B) If the legal guardianship is finalized 61 or more days from the date of birth of the grandchild, the coverage will be effective the first of the month following the date the guardianship documents are finalized.

(C) If the legal guardianship is finalized 61 to 180 days from the date of birth of the grandchild, and the effective date of legal guardianship is retroactive to the grandchild's date of birth, coverage will be effective retroactive to the date of birth. If legal guardianship is finalized after 180 days coverage will be effective the first of the month following the date the guardianship documents are finalized.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 15-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 1-2010, f. & cert. ef. 2-1-10; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 4-2011, f. & cert. ef. 2-11-11; OEBB 18-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; OEBB 24-2011, f. & cert. ef. 12-14-11; OEBB 5-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 10-2012, f. & cert. ef. 10-9-12

111-050-0030

Correcting Enrollment and Processing Errors

(1) Enrollment Errors. Enrollment errors occur when an Eligible Early Retiree employee provides incorrect information or fails to make correct selections when making benefit plan changes. The Eligible Early Retiree is responsible for identifying enrollment errors or omissions.

(a) OEBB authorizes Educational Entities to correct enrollment errors reported by the Eligible Early Retiree within 45 calendar days of the original eligibility date, annual plan change period end date, or Qualified Status Change date.

(b) Enrollment errors identified after 45 calendar days of the eligibility date, annual plan change period end date or Qualified Status Change date must be submitted to OEBB for review and approval based on OAR 111-080-0030.

ADMINISTRATIVE RULES

(2) Benefit Administrator Processing Errors. Processing errors or omissions occur when benefit plan changes are processed incorrectly in the benefit system.

(a) OEBB authorizes Educational Entities to correct processing errors identified within 45 calendar days of the eligibility date, annual plan change period end date, or Qualified Status Change date. The Educational Entities must reconcile all premium discrepancies.

(b) Processing errors identified after 45 calendar days of the eligibility date, annual plan change period end date, or Qualified Status Change date must be submitted to OEBB for review and approval based on OAR 111-080-0030. If approved, corrections are retroactive to the original effective date as identified in 111-040-0001. The Educational Entity must reconcile all premium discrepancies within 30 calendar days of any adjustments made in the system.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 13-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11; OEBB 4-2011, f. & cert. ef. 2-11-11; OEBB 18-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; OEBB 24-2011, f. & cert. ef. 12-14-11; OEBB 5-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 10-2012, f. & cert. ef. 10-9-12

111-050-0035

Late Enrollment

(1) Late enrollment occurs when an Eligible Early Retiree fails to enroll for benefits within 60 days of retirement or fails to notify their educational entity of the Qualified Status Change within 31 calendar days of:

(a) The date a spouse, domestic partner, or child gains eligibility;

(b) The date of marriage to a spouse who was most recently enrolled as a domestic partner; or

(c) The date of birth of the retired eligible employee's biological newborn child.

(d) The date the child was adopted of the date the retiree became the legal guardian.

(2) OEBB authorizes Educational Entities to add and/or enroll Eligible Early Retirees and dependents within 45 calendar days of the eligibility dates referenced in sections (1)(a) and (1)(b), and within 60 calendar days of the eligibility dates referenced in (1)(c) and (1)(d).

(3) OEBB must review and approve all late enrollment requests based on OAR 111-080-0030 when the request and enrollment is made more than 45 calendar days after the eligibility dates referenced in sections (1)(a) and (1)(b), and more than 60 calendar days after the eligibility dates referenced in sections (1)(c) and (1)(d).

(4) Approved late enrollment requests, unless determined otherwise in a collective bargaining agreement or documented district policy in effect on June 30, 2008, are effective the first of the month following the date the request is received by a district benefits administrator or OEBB, except for approved requests to add newborn children or newly adopted child which are retroactive to the month the child was born or adopted along with any premium adjustments.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 4-2011, f. & cert. ef. 2-11-11; OEBB 5-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 10-2012, f. & cert. ef. 10-9-12

111-050-0045

Termination Dates

(1) Effective October 1, 2011, if an Eligible Early Retiree requests a termination of coverage for them self, a spouse, a domestic partner, or a child, coverage ends on the last day of the month that eligibility is lost. Requests for coverage termination must be made consistent with a Qualified Status Change, as defined by 111-040-0040.

(2) Retroactive termination of coverage may be made in the event of a delay in the Educational Entities' reconciliation process and shall generally be within 14 days of receiving notification from the Eligible Early Retiree of the qualified status change event and requested benefit changes.

(3) Effective October 1, 2011, benefit coverage termination that is considered by OEBB to be intentional misrepresentation may be rescinded in compliance with the law. If this occurs, OEBB shall give the affected individual 30 days notice of the rescission of benefit coverage and an opportunity to appeal before the rescission takes effect.

(4) Benefit coverage for a spouse, domestic partner, or child ends on the last day of the month that a retired eligible employee dies, unless otherwise determined by a collective bargaining agreement or documented district policy in effect on June 30, 2008.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 13-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11; OEBB 4-2011, f. & cert. ef. 2-11-11; OEBB 18-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; OEBB 24-2011, f. & cert. ef. 12-14-11; OEBB 5-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 10-2012, f. & cert. ef. 10-9-12

111-050-0050

Removing an Ineligible Individual from Benefit Plans

(1) An Eligible Early Retiree who enrolls themselves and/or an eligible person is responsible for removing ineligible spouses, domestic partners and children from their OEBB-sponsored benefit plans by submitting completed, applicable forms to their Educational Entity benefits administrator within 31 calendar days after the date the individual becomes ineligible. Coverage ends on the date identified under OAR 111-050-0045.

(2) An Educational Entity is responsible for removing ineligible individuals from the OEBB benefits management system. The Educational Entity must complete such removal within 14 calendar days after:

(a) An event resulting in loss of the early retiree's eligibility, or

(b) The receipt of notification of an event resulting in loss of eligibility of the early retiree's spouse, domestic partner or child.

(3) If coverage of an early retiree's spouse, domestic partner or child is terminated retroactively then:

(a) The early retiree may be responsible for claims previously paid by the benefit plans to the providers during the period of ineligibility at the carrier's discretion; and

(b) Premium adjustments will be made retroactively based on the coverage end date.

(5) OEBB shall conduct audits to monitor compliance with OEBB administrative rules governing eligibility and enrollment. Eligibility audits will occur at different times throughout the plan year. The member is responsible to submit documentation upon request. In the event the member does not provide the required documentation in a timely manner to sufficiently prove the dependent meets eligibility requirements, or the documentation provided is insufficient, the dependent's coverage will be terminated. Retroactive terminations may occur if the documentation provided shows the dependent was not eligible for coverage and the member misrepresented the dependent as being an eligible dependent as defined by OAR 111-080-0045.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 13-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11; OEBB 4-2011, f. & cert. ef. 2-11-11; OEBB 18-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; OEBB 24-2011, f. & cert. ef. 12-14-11; OEBB 5-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 10-2012, f. & cert. ef. 10-9-12

Rule Caption: Adopts new rules for the OEBB Administration of Early Retiree Groups.

Adm. Order No.: OEBB 11-2012

Filed with Sec. of State: 10-9-2012

Certified to be Effective: 10-9-12

Notice Publication Date: 6-1-2012

Rules Adopted: 111-065-0001, 111-065-0005, 111-065-0010, 111-065-0015, 111-065-0020, 111-065-0025, 111-065-0030, 111-065-0035, 111-065-0040

Rules Repealed: 111-065-0001(T), 111-065-0005(T), 111-065-0010(T), 111-065-0015(T), 111-065-0020(T), 111-065-0025(T), 111-065-0030(T), 111-065-0035(T), 111-065-0040(T)

Subject: These new rules govern the processes and procedures for which OEBB plans to administer the new self pay early retiree groups.

Rules Coordinator: April Kelly—(503) 378-6588

111-065-0001

Definitions

For the purpose of this rule:

(1) "Direct Debit" for purposes of this OAR refers to a payment through an Automated Clearing House (ACH) credit or ACH debit that initiates the movement of funds electronically from the early retiree's individual banking account within the United States to the OEBB Treasury account.

(2) "OEBB Administered Early Retiree" means an individual who meets the definition of Eligible Early Retiree in OAR 111-010-0015 and whose benefits are administered by OEBB.

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(3) "Overpayment" means the amount of the early retiree's monthly payment to OEBB that exceeded the amount due.

(4) "Payment in full" means payment received by OEBB which is equal to the current monthly amount due for all benefit premiums which the early retiree is currently enrolled in.

(5) "Underpayment" means a payment submitted on or before the due date by the early retiree that is less than the invoiced amount.

Stats. Auth.: 243.860 - 243.886
Stats. Implemented: ORS 243.864(1)(a)
Hist.: OEBB 6-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 11 2012, f. & cert. ef. 10-9-12

111-065-0005

Untitled

The following administrative rules in Division 65 pertain to OEBB Administered Early Retirees in addition to OEBB's Division 50 rules which pertain to all Early Retirees.

Stats. Auth.: 243.860 - 243.886
Stats. Implemented: ORS 243.864(1)(a)
Hist.: OEBB 6-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 11 2012, f. & cert. ef. 10-9-12

111-065-0010

OEBB Early Retiree Invoicing

(1) OEBB will enroll the early retiree after the member has completed their online enrollments and one of the following is completed:

(a) The required ACH Authorization for a recurring Direct Debit Payment is received from the early retiree to initiate the setup of automated payments via ACH.

(b) The Exception Request Form is received from the early retiree, reviewed and approved.

(2) OEBB will send payment invoices to early retirees that will provide notification of the amount and payment due date or the date the automatic checking deduction will occur. OEBB will send invoices on the 15th of the month with payment due by the 25th of the month.

(3) Advance payments may be made only within the same Plan Year. Any remaining balances will be carried into the next Plan Year.

Stats. Auth.: 243.860 - 243.886
Stats. Implemented: ORS 243.864(1)(a)
Hist.: OEBB 6-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 11 2012, f. & cert. ef. 10-9-12

111-065-0015

Early Retiree Payment Methods and Due Dates

(1) Early retirees will submit payment to OEBB for benefits by Direct Debit Payment via ACH.

(2) OEBB may grant an exception from the requirement in section (1) to pay by Direct Debit if the early retiree demonstrates their financial institution cannot accommodate a Direct Debit, or the member does not maintain an account at a financial institution.

(3) OEBB will accept payment from Early Retirees by methods other than Direct Debit when specific exceptions apply:

(a) The individual does not have an account with a financial institution within the United States;

(b) The individual's special circumstances, which OEBB will review on a case by case basis.

(4) A request for exception must be made in writing and include the reason why or special circumstance that would not allow the member to submit payment via Direct Debit

(5) OEBB will review the request for exception, determine whether to allow or deny the exception, and notify the requesting party of its decision within 21 days of receipt of the request.

(6) Notwithstanding administrative rules in 111-065-0010, all premium payments must be received by the 25th calendar day of the month for next month's health care coverage. All payments will be subject to this due date.

Stats. Auth.: 243.860 - 243.886
Stats. Implemented: ORS 243.864(1)(a)
Hist.: OEBB 6-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 11 2012, f. & cert. ef. 10-9-12

111-065-0020

Early Retiree Overpayments

(1) OEBB will include overpayment amounts on the monthly invoice. The invoice will include the total payment received, the date it was received, the amount of premium payment due, and any remaining balance of additional premiums paid.

(2) OEBB will automatically apply any overpayments to the next month's premium due. The early retiree may complete a Request for

Reimbursement form if a refund of an overpayment is desired. The early retiree may be responsible for processing fees associated with refunds less than \$100. Reimbursements will be refunded via check.

(3) Remaining balances on coverage that has ended will be refunded in full within 30 days of the coverage end date or the date OEBB is notified that coverage should end, whichever occurs later.

Stats. Auth.: 243.860 - 243.886
Stats. Implemented: ORS 243.864(1)(a)
Hist.: OEBB 6-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 11 2012, f. & cert. ef. 10-9-12

111-065-0025

Early Retiree Underpayments

(1) Premiums that are not paid in full by the 25th calendar day of the month prior to the coverage effective month will result in the early retirees and dependents coverage being terminated at the end of the month for which premiums were paid in full.

(2)(a) Early retirees will be notified if their coverage was terminated due to the premium not being paid in full on the specified due date, including payments returned by the bank for Non-Sufficient Funds (NSF), closed bank accounts, and frozen accounts.

(b) A check or ACH transaction that is returned for NSF, closed bank account, or frozen account is considered non-payment of premiums.

Stats. Auth.: 243.860 - 243.886
Stats. Implemented: ORS 243.864(1)(a)
Hist.: OEBB 6-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 11 2012, f. & cert. ef. 10-9-12

111-065-0030

Termination

(1) OEBB shall not be responsible for any unpaid portion of premiums for coverage and will terminate the early retiree and dependent coverage for non-payment or underpayment of premiums due.

(2) OEBB coverage will be terminated under the following circumstances:

(a) Premiums are not paid in full by the due date. If the payment is not received in full by the 25th calendar day of the month, the early retiree's coverage will be terminated on the last day of the month in which a full premium payment was received; or

(b) As referenced in 111-050-0015.
Stats. Auth.: 243.860 - 243.886
Stats. Implemented: ORS 243.864(1)(a)
Hist.: OEBB 6-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 11 2012, f. & cert. ef. 10-9-12

111-065-0035

Appeals

Early retirees have the right to use the OEBB Appeals and Administrative Review process as defined in OAR 111-080-0030.

(1) Early retirees may appeal OEBB's eligibility decision.

(2) Early retirees have the right to request a review of benefit and claim issues that are not resolved following the completion of the carrier appeal process. Administrative Review requests relating to denied benefits are limited to a determination of whether or not a benefit was intended to be covered under the current contract.

Stats. Auth.: 243.860 - 243.886
Stats. Implemented: ORS 243.864(1)(a)
Hist.: OEBB 6-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 11 2012, f. & cert. ef. 10-9-12

111-065-0040

Continuation of Coverage

(1) Early Retirees and dependents have COBRA rights consistent with 111-050-0001.

(2) Loss of coverage due to failure to make a premium payment is not a qualifying event.

Stats. Auth.: 243.860 - 243.886
Stats. Implemented: ORS 243.864(1)(a)
Hist.: OEBB 6-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 11 2012, f. & cert. ef. 10-9-12

Rule Caption: Amends Appeals and Administrative Review rule.

Adm. Order No.: OEBB 12-2012

Filed with Sec. of State: 10-9-2012

Certified to be Effective: 10-9-12

Notice Publication Date: 6-1-2012

Rules Amended: 111-080-0030

Rules Repealed: 111-080-0030(T)

ADMINISTRATIVE RULES

Subject: The amendment to the Appeals and Administrative Reviews rule, 111-080-0030 gives the Administrative Review Committee (ARC) the authority to make exceptions to our administrative rules.

Rules Coordinator: April Kelly—(503) 378-6588

111-080-0030

Appeals and Administrative Reviews

(1) Eligibility, enrollment issues or rescissions. OEBB has an Appeal process consisting of three levels that a member can use if they disagree with an eligibility determination or enrollment record. If the appeal is a result of a rescission, or a determination that the benefit is not a covered benefit, coverage will continue pending the outcome of the appeal. These three levels are:

(A) Appeal. An Appeal is the first level and must be received by OEBB in writing. OEBB staff gathers all information and sets up the Appeal file. OEBB Staff reviews the Appeal and makes a decision. The member is then notified in writing of the OEBB staff's decision. If the decision is an adverse benefit determination, the notice will include the specific reason(s) for the decision, a reference to the specific plan provision or OAR on which the determination was based a description of any additional information required and a description of the OEBB appeals process.

(B) Request for Reconsideration. A Request for Reconsideration is the second level and can be used if the member is not satisfied with the outcome on their Appeal. The request by the member must be received in writing within 31 days of receiving the Appeal decision notification. OEBB staff requests any additional information needed and includes in the Appeal file. The OEBB Management Team reviews all the information contained in the file (from the Appeal and the Request for Reconsideration) and makes a decision. The member is then notified in writing of the OEBB Management Team's decision. If the decision is an adverse benefit determination, the notice will include the specific reason(s) for the decision, a reference to the specific plan provision or OAR on which the determination was based, a description of any additional information required and a description of the OEBB appeals process.

(C) Administrative Review Request. An Administrative Review Request is the third level and can be used if the member is not satisfied with the outcome on their Request for Reconsideration. The request by the member must be in writing OEBB staff requests any additional information and adds it to the Appeal file. OEBB staff will schedule an Administrative Review Committee meeting. OEBB staff will notify the member and all applicable parties of the date, time and location. At the meeting, the Administrative Review Request will be presented to the Administrative Review Committee members and after considering all documentation and possible public comment, a decision is made. The Administrative Review Committee has the authority to grant exceptions to OEBB's Administrative Rules when there are extenuating circumstances which can be supported by documentation and verified by OEBB staff. All such documentation will be included in the member's Appeal file. The member will be notified in writing of the Administrative Review Committee's decision. If the decision is an adverse benefit determination, the notice will include the specific reason(s) for the decision, a reference to the specific plan provision or OAR on which the determination was based a description of any additional information required and a description of the OEBB appeals process.

(2) Benefit and claim issues. Following the Insurance Carrier's appeals process, a member can request an administrative review by OEBB. An Administrative Review Request can be made to OEBB if the member is not satisfied with the outcome after completing the carrier's appeal process. OEBB staff gathers all information and sets up the file. The OEBB Contracts Officer will complete an initial review of the file to ensure it is limited to a determination of whether or not a service or benefit was intended to be covered under the current contract. The initial review will assess whether there is documentation contained within the contract or member handbook relating to the benefit that was denied. If the Administrative Review request does not meet the specified criteria the Contracts Officer will refer it to the OEBB Management Team and the member will be notified in writing of the OEBB Management Team's decision. If the request does meet the specified criteria, OEBB staff will schedule an Administrative Review Committee meeting. OEBB staff will notify the member and all applicable parties of the date, time and location. At the meeting, the Administrative Review Request will be presented to the Administrative Review Committee. They will consider all documentation and public comment and make a decision in accordance with the information presented. The member will be notified in writing of the Administrative Review Committee's decision. If the decision is an adverse benefit determination, the notice will include the specific reason(s) for the

decision, a reference to the specific plan provision or OAR on which the determination was based a description of any additional information required and a description of the OEBB appeals process.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 17-2008(Temp), f. & cert. ef. 10-16-08 thru 4-13-09; OEBB 7-2009, f. 3-24-09, cert. ef. 4-1-09; OEBB 18-2009(Temp), f. & cert. ef. 10-26-09 thru 4-23-10; OEBB 5-2010(Temp), f. & cert. ef. 4-26-10 thru 10-22-10; OEBB 15-2010, f. 9-29-30, cert. ef. 10-1-10; OEBB 7-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 12-2012, f. & cert. ef. 10-9-12

Oregon Health Authority, Public Health Division Chapter 333

Rule Caption: Treatment of Allergic Response.

Adm. Order No.: PH 14-2012

Filed with Sec. of State: 9-19-2012

Certified to be Effective: 9-19-12

Notice Publication Date: 8-1-2012

Rules Adopted: 333-055-0006, 333-055-0021

Rules Amended: 333-055-0000, 333-055-0015, 333-055-0030, 333-055-0035

Subject: The Oregon Health Authority, Public Health Division is permanently adopting and amending Oregon Administrative Rules relating to the treatment of allergic response in response to legislation passed in 2011 (SB 104, sections 8 & 9) along with making updates to outdated language and processes. The legislation that passed allows the training to be taught by an emergency medical service provider meeting requirements established by the Authority, specifies the proper administration of epinephrine, and lowers the eligibility training age from 21 to 18 years.

The Public Health Division is responsible for the development of an educational training protocol on the treatment of allergic response to be used by providers to train individuals who have, or reasonably expect to have, responsibility for or contact with persons as a result of the individual's occupation or volunteer status.

These rules were last updated in 2004 and the changes address the following:

Create definitions;

Clarifies who may conduct the training;

Creates a section on who is eligible to receive training; and

Updates terminology and process for the training and statements of training completion.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-055-0000

Purpose

(1) The purpose of OAR 333-055-0000 through 333-055-0035 is to define the procedures for authorizing certain individuals, when a licensed health care professional is not immediately available, to administer epinephrine to a person who has a severe allergic response to an allergen, and glucagon to a person who is experiencing severe hypoglycemia when other treatment has failed or cannot be initiated, and to define the circumstances under which these rules shall apply.

(2) Severe allergic reactions requiring epinephrine will occur in a wide variety of circumstances. Severe hypoglycemia requiring glucagon, in settings where children prone to severe hypoglycemia are known to lay providers and arrangements for the availability of glucagon have been made, will occur primarily in, but not limited to, school settings, sports activities, and camps.

Stat. Auth.: ORS 433.800 & 433.830

Stats. Implemented: ORS 433.800 - 433.830

Hist.: HD 10-1982, f. & ef. 5-25-82; HD 23-1990(Temp), f. & cert. ef. 8-15-90; OHD 7-1998, f. & cert. ef. 7-28-98; PH 14-2012, f. & cert. ef. 9-19-12

333-055-0006

Definitions

(1) "Allergen" means a substance, usually a protein, which evokes a particular adverse response in a sensitive individual.

(2) "Allergic response" means a medical condition caused by exposure to an allergen, with physical symptoms that may be life threatening, ranging from localized itching to severe anaphylactic shock and death.

(3) "Emergency Medical Services Provider (EMS Provider)" means a person who has received formal training in pre-hospital and emergency

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care and is state-licensed to attend to any ill, injured or disabled person. Police officers, fire fighters, funeral home employees and other personnel serving in a dual capacity, one of which meets the definition of "emergency medical services provider" are "emergency medical services providers" within the meaning of ORS chapter 682.

(4) "Hypoglycemia" means a condition in which a person experiences low blood sugar, producing symptoms that may range from drowsiness to loss of muscle control so that chewing or swallowing is impaired, to irrational behavior in which food intake is resisted, or to convulsions, fainting or coma.

(5) "Other treatment" means oral administration of food containing glucose or other forms of carbohydrate, such as jelly or candy.

(6) "Other treatment has failed" means the hypoglycemic student's symptoms have worsened or the student has become incoherent, unconscious or unresponsive.

(7) "Paramedic" means a person who is licensed by the Oregon Health Authority as a Paramedic.

(8) "Supervising professional" means a physician licensed under ORS chapter 677, or a nurse practitioner licensed under ORS chapter 678 to practice in this state and who has prescription writing authority.

Stat. Auth.: ORS 433.810
Stats. Implemented: ORS 433.800 & ORS 433.810
Hist: PH 14-2012, f. & cert. ef. 9-19-12

333-055-0015

Educational Training

(1) Individuals to be trained to administer glucagon shall be trained under the supervision of a physician licensed under ORS chapter 677, or a nurse practitioner licensed under ORS chapter 678 to practice in this state. The training may be conducted by a registered nurse licensed under ORS chapter 678 as delegated by a supervising professional.

(2) Individuals to be trained to administer epinephrine shall be trained under the supervision of a physician licensed under ORS chapter 677, or a nurse practitioner licensed under ORS chapter 678 to practice in this state. The training may be conducted by a registered nurse licensed under ORS chapter 678 as delegated by a supervising professional, or a paramedic as delegated by an EMS medical director defined in OAR chapter 333, division 265.

(3) The training shall be conducted following an Oregon Health Authority, Public Health Division training protocol (or approved equivalent). The Public Health Division approved training protocol for emergency glucagon providers is available on the Internet at <http://healthoregon.org/diabetes>. The training protocol for the treatment of severe allergic reaction is available on the Internet at <http://healthoregon.org/ems>.

Stat. Auth.: ORS 433.810
Stats. Implemented: ORS 433.800 - 433.830
Hist.: HD 10-1982, f. & ef. 5-25-82; HD 23-1990(Temp), f. & cert. ef. 8-15-90; OHD 7-1998, f. & cert. ef. 7-28-98; PH 10-2004, f. & cert. ef. 3-23-04; PH 14-2012, f. & cert. ef. 9-19-12

333-055-0021

Eligibility for Training

In order to be eligible for training, a person must:

(1) Be 18 years of age or older; and

(2) Have, or reasonably expect to have, responsibility for or contact with at least one other person as a result of the eligible person's occupational or volunteer status, such as, but not limited to, a camp counselor, scout leader, forest ranger, school employee, tour guide or chaperone.

Stat. Auth.: ORS 433.810
Stats. Implemented: ORS 433.820
Hist: PH 14-2012, f. & cert. ef. 9-19-12

333-055-0030

Statement of Completion of Training

(1) Persons who successfully complete educational training under OAR 333-055-0000 through 333-055-0035 shall be given a Public Health Division statement of completion signed by the individual conducting the training. The statement of completion for the treatment of allergic response training may also be used as an authorization to obtain epinephrine if fully completed and personally signed by a nurse practitioner or a physician responsible for the training program. Statements of completion for the treatment of allergic response training may be obtained from the Oregon Health Authority, Public Health Division, 800 NE Oregon Street, Suite 290, Portland, Oregon 97232, Phone: (971) 673-1230. A statement of completion for emergency glucagon providers is included in the training protocol available at <http://healthoregon.org/diabetes>.

(2) The statement of completion and authorization to obtain epinephrine form allows a pharmacist to generate a prescription and dispense an emergency supply of epinephrine for not more than one child and one adult

in an automatic injection device if signed by a nurse practitioner or physician. Whenever such a statement of completion form for an emergency supply of epinephrine is presented, the pharmacist shall write upon the back of the statement of completion form in non-erasable ink the date that the prescription was filled, returning the statement of completion to the holder. The prescription may be filled up to 4 times. The pharmacist who dispenses an emergency supply of epinephrine under this rule shall also reduce the prescription to writing for his files, as in the case of an oral prescription for a non-controlled substance, and file the same in the pharmacy.

(3) A person who has successfully completed educational training in the administration of glucagon may receive, from the parent or guardian of a student, doses of glucagon prescribed by a health care professional with appropriate prescriptive privileges licensed under ORS chapters 677 or 678, and the necessary paraphernalia for administration.

(4) Completion of a training program and receipt of a statement of completion does not guarantee the competency of the individual trained.

(5) A statement of completion and authorization to obtain epinephrine shall expire three years after the date of training identified on the statement of completion. Individuals trained to administer epinephrine or glucagon must be trained every three years in accordance with OAR 333-055-0015 in order to obtain a new statement of completion.

(6) Individuals trained to administer epinephrine or glucagon may be asked to provide copies of a current statement of completion to their employers or to organizations or entities to which they volunteer.

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

Stat. Auth.: ORS 433.810
Stats. Implemented: ORS 433.800 & 433.830
Hist.: HD 10-1982, f. & ef. 5-25-82; HD 23-1990(Temp), f. & cert. ef. 8-15-90; OHD 7-1998, f. & cert. ef. 7-28-98; PH 10-2004, f. & cert. ef. 3-23-04; PH 14-2012, f. & cert. ef. 9-19-12

333-055-0035

Circumstances in Which Trained Persons May Administer Epinephrine or Glucagon

(1) A person who holds a current statement of completion pursuant to OAR 333-055-0030 may administer, in an emergency situation when a licensed health care professional is not immediately available, epinephrine to any person suffering a severe allergic response to an insect sting or other allergen. The decision to give epinephrine should be based upon recognition of the signs of a systemic allergic reaction and need not be postponed for purposes of identifying the specific antigen which caused the reaction.

(2) A person who holds a current statement of completion pursuant to OAR 333-055-0030 may administer, in an emergency situation involving an individual who is experiencing hypoglycemia and when a licensed health care professional is not immediately available, physician-prescribed glucagon to a person for whom glucagon is prescribed, when other treatment has failed or cannot be initiated. The decision to give glucagon should be based upon recognition of the signs of severe hypoglycemia and the inability to correct it with oral intake of food or drink.

Stat. Auth.: ORS 433.810
Stats. Implemented: ORS 433.800 - 433.830
Hist.: HD 10-1982, f. & ef. 5-25-82; OHD 7-1998, f. & cert. ef. 7-28-98; PH 10-2004, f. & cert. ef. 3-23-04; PH 14-2012, f. & cert. ef. 9-19-12

Oregon Health Licensing Agency Chapter 331

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

Adm. Order No.: HLA 15-2012(Temp)

Filed with Sec. of State: 10-15-2012

Certified to be Effective: 10-15-12 thru 4-12-13

Notice Publication Date:

Rules Amended: 331-900-0000, 331-900-0040, 331-900-0085, 331-900-0098, 331-900-0105, 331-905-0095, 331-905-0115, 331-905-0120, 331-910-0010, 331-910-0070, 331-915-0020, 331-915-0025, 331-915-0070, 331-915-0075, 331-915-0085, 331-920-0000, 331-920-0005

Subject: 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.

Changes to the 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 produce the jewelry. Initial jewelry for body

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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 a education and training program licensure may be possible in the future.

Rules Coordinator: Samantha Patnode—(503) 373-1917

331-900-0000

Body Piercing Definitions

The following definitions apply to OAR chapter 331, division 900:

(1) "Affidavit of Licensure" has the meaning set forth in OAR 331-030-0040.

(2) "Agency" means the Oregon Health Licensing Agency.

(3) "APP" means Association of Professional Piercers.

(4) "Body piercing" has the definition set forth in ORS 690.350.

(5) "Direct supervision" means the supervisor or instructor is present in the facility and actively involved in direct oversight and training of students or trainees.

(6) "Earlobe piercing services" means services limited to the soft lower part of the external ear only, not to include cartilage.

(7) "EPA" means United States Environmental Protection Agency.

(8) "FDA" means Food and Drug Administration.

(9) "Field of practice" has the definition set forth in ORS 690.350.

(10) "High-level disinfectant" means a chemical agent, registered with the EPA, which has demonstrated tuberculocidal activity.

(11) "Instruments" means equipment used during body piercing services. Types of instruments include but are not limited to needles, forceps, hemostats, tweezers, and jewelry.

(12) "Official transcript" means:

(a) An original document authorized by the appropriate office in the Oregon Department of Education and certified by a career school licensed under ORS chapter 345 indicating applicant identity information, field of practice(s) enrolled under, specific hour requirements for each field of practice if applicable, enrollment information and a signature by an authorized representative on file with the Agency. Original documents must be submitted directly to the Agency from the educational institution by United States Postal Service mail or other recognized mail service providers in a sealed envelope; or

(b) A document authorized by the appropriate office in the Oregon Department of Education and certified by career school licensed under ORS chapter 345 providing applicant identity information, field(s) of practice studied and completed, specific hour requirements for each field of practice if applicable, enrollment information and a signature by an authorized representative on file with the Agency. Non-original documents shall only be accepted when and in the manner approved by the Agency

(13) "Practitioner" means a person licensed to perform services included within a field of practice.

(14) "Sharps container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal. The container must be labeled with the "Biohazard" symbol.

(15) "Single point piercing", also referred to as an anchor or micro-dermal, means a single point perforation of any body part for the purpose of inserting an anchor with a step either protruding or flush with the skin;

(16) "Standard body piercing" includes all body piercings with the exception of specialty level one genital piercings and specialty level two genital piercings defined under 331-905-0000. Standard body piercing services do not include testes, deep shaft (corpus cavernosa), uvula, eyelids, or sub-clavicle piercings.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 Sec. 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

331-900-0040

Temporary Standard Body Piercing License

(1) A temporary standard body piercing license pursuant to ORS 690.365 is a temporary license to perform standard body piercing services on a limited basis, not to exceed 15 consecutive calendar days. A temporary standard body piercing license holder:

(a) May revive the license up to four times, in a 12 month period from the date the Agency receives the initial application. Reviving a license can be done consecutively with no lapse in active license dates;

(b) Must submit all requests to revive a license on a form prescribed by the Agency. Request to revive a license must be received at least 15 days before standard body piercing services are provided unless otherwise approved by the Agency.

(c) Must submit notification of a change in work location on a form prescribed by the Agency at least 24 hours before services are performed; and

(d) Must work in a licensed facility.

(2) A temporary standard body piercing license holder may only perform standard body piercing services.

(3) A temporary standard body piercing license holder is prohibited from performing specialty level one genital piercing services defined under OAR 331-905-0000 and specialty level two genital piercing services defined under OAR 331-905-0000.

(4) A temporary standard body piercing license holder is prohibited from piercing the testes, deep shaft (corpus cavernosa), uvula, eyelids or sub-clavicle.

(5) A temporary standard body piercing license holder must adhere to all standards within OAR 331-900-0100, 331-900-0105, 331-900-0110, 331-900-0115, 331-900-0120, 331-900-0125, 331-900-0130, and all applicable rules listed in OAR 331 division 925.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

331-900-0085

Continuing Education for Standard Body Piercing License

A standard body piercing license holder must comply with the following continuing education requirements:

(1) Complete 10 clock hours of satisfactory continuing education every year.

(2) Satisfactory continuing education courses must fit into the approved course of study outlined in OAR 331-900-0005, and must be obtained as follows:

(a) Five hours must involve participation or attendance at an instructional program presented, recognized, or under the auspices of any permanently organized institution, agency, or completion and certification by an approved national home study organization; and

(b) Five hours may be self-study which may include the following:

(A) Correspondence courses including online courses;

(B) Review of publications, textbooks, printed material, or audio cassette(s);

(C) Viewing of films, videos, or slides;

(3) A licensee must report compliance with the continuing education requirement through attestation on the license renewal document. Licensees will be subject to the provisions of OAR 331-900-0090 pertaining to periodic audit of continuing education.

(4) Hours of continuing education, in excess of the requirement for renewal will not be carried forward.

(5) Continuing education requirements must be met every year, even if the license is inactive or suspended.

(6) A licensee must maintain proof of continuing education for five years following the date of the continuing education hours obtained, for auditing purposes.

(7) A licensee may carry up to 8 continuing education hours forward to the next renewal cycle.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

ADMINISTRATIVE RULES

331-900-0098

Standards for Client Services for Temporary Earlobe Piercing Licensees

(1) A temporary earlobe piercing licensee must observe and adhere to the following hand washing and disposable glove standards when servicing clients:

(a) **HAND WASHING:** Hands must be washed or treated with an antibacterial hand sanitizer before and after treatment of each client, and before putting on disposable gloves and immediately after disposable gloves are removed;

(b) Hand washing must include thoroughly washing the hands in warm, running water with liquid soap using friction on all surfaces of the hands and wrists, then rinsing hands and drying hands with a clean, disposable paper towel, or by using an antibacterial hand sanitizer by using friction on all surfaces of the hands and wrists. Use of bar soap is prohibited.

(2) A temporary earlobe piercing licensee must observe and adhere to the following protective disposable glove standards when servicing clients:

(a) **PROTECTIVE DISPOSABLE GLOVES:** A new pair of disposable gloves must be worn during the treatment of each client;

(b) Hands must be washed in accordance with hand washing instructions listed in Subsection (1) of this rule before putting on disposable gloves and immediately after disposable gloves are removed;

(c) When a treatment session is interrupted disposable gloves must be removed and discarded. Hand washing instructions listed in Subsection (1) of this rule must be followed and a new pair of gloves put on when returning to the earlobe piercing service area.

(d) When a licensee leaves the earlobe piercing procedure area in the middle of a earlobe piercing procedure, gloves must be removed before leaving the procedure area, hand washing instructions listed in Subsection (1) of this rule must be followed and a new pair of gloves put on when returning to the procedure area.

(e) Disposable gloves must be removed and discarded before leaving the area where earlobe piercing services are performed.

(f) Torn or perforated gloves must be removed immediately, and hand washing instructions listed in Subsection (1) of this rule must be followed and gloves changed following hand washing.

(g) The use of disposable gloves does not preclude or substitute for hand washing instructions listed in subsection (1) of this rule.

(3) Disposable gloves must be worn during pre-cleaning, cleaning, rinsing, disinfecting and drying of equipment and instruments;

(4) A client's skin must be thoroughly cleaned with an antiseptic solution.

Stat. Auth.: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

331-900-0105

Initial Jewelry for Standard Body Piercing

(1) All standard body piercers must meet the following jewelry grade standards for initial piercings:

(a) Surgical steel that is ASTM F-138 compliant or ISO 5832-1 compliant, ISO 10993-(6,10 or 11) compliant, or ECC (European Economic Community) Nickel Directive compliant;

(b) Implant certified titanium (Ti6Al4V ELI) that is ASTM F-136 compliant or ISO 5832-3 compliant, or commercially pure titanium that is ASTM F-67 compliant;

(c) Niobium;

(d) White or yellow gold that is 14k or higher, nickel-free, and solid (no gold plated, gold-filled, or gold overlay/vermeil);

(e) Platinum;

(f) Biocompatible polymers (plastics) including Tygon Medical Surgical Tubing 5-50HL or 5-54HL, PTFE (Teflon), Bioplast™ or any new polymer products that are USP VI compliant;

(g) Glass — Fused quartz glass, lead-free borosilicate, or lead-free soda-lime glass;

(h) Any other material that the APP determines to be appropriate for use in an initial piercing;

(i) Threaded jewelry must be internally threaded and all surfaces and ends must be free of nicks, scratches, burrs and polishing compounds.

(2) A licensee must have on the facility premises a "Mill Test Certificate" that provides evidence of a specific grade of metal with a code designation from the International Society for Testing and Materials

Standard or the International Organization for Standardization or other documentation approved by the agency.

(3) Jewelry used during earlobe piercing services defined under OAR 331-900-0000 for an initial earlobe piercing is not required to meet the jewelry grade standards of this rule.

Stat. Auth.: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

331-905-0095

General Standards for Specialty Body Piercing

(1) The cleanliness of any common in a facility is the responsibility of each license holder. All license holders may be cited for violations found in the common area.

(2) An individual licensed to perform services in a field of practice or a licensed facility owner must:

(a) Use and maintain appropriate equipment and instruments for providing services in a field of practice at the place of business;

(b) Use equipment and instruments in a manner described in the manufacturer's instructions which is consistent with the manufacturer's intended use of the device by the FDA;

(c) Use equipment and instruments that are not prohibited for use in a field of practice by the Agency or the FDA;

(d) Ensure a high-level disinfectant is used in accordance with manufacturer's instructions to disinfect surfaces where services are performed.

(e) Ensure chemicals are stored in labeled, closed containers.

(f) Ensure that single-use disposable paper products, single-use needles, sterilized jewelry and protective gloves are used for each client. Use of towels and linens are prohibited.

(g) Have unrestricted access or availability to a sink with hot and cold running water, as part of surrounding premises or adjacent to the facility but separate from a restroom.

(h) Ensure lavatories located within the facility are kept clean and in good working order at all times. Air blowers within lavatories can be substituted for disposable hand towels.

(i) Ensure all waste material related to a service in a field of practice be deposited in a covered container following service for each client.

(j) Ensure pets or other animals not be permitted in the business facility. This prohibition does not apply to service animals recognized by the American with Disabilities Act or to fish in aquariums or nonpoisonous reptiles in terrariums.

(k) Ensure all disinfecting solutions or agents be kept at adequate strengths to maintain effectiveness, be free of foreign material and be available for immediate use at all times the facility is open for business.

(l) Ensure waste disposed of in receptacles located in non-service areas is limited to materials, which are not practice-related or used in the performance of any client services.

(m) Ensure all waste items that come in direct contact with the client's skin that cannot be cleaned and sterilized must be disposed of utilizing a "double bagging" technique: which means the waste must be completely enclosed inside a discarded glove or disposed of in a closed plastic bag that is separate from the garbage liners. The waste must be disposed of in a covered waste receptacle immediately after use.

(n) Ensure disposable sharp objects that come in contact with blood and/or body fluids must be disposed of in a sharps container.

(o) Adhere to all Centers for Disease Control and Prevention, Standard Precautions.

(p) Ensure that all instruments that come in direct contact with client's skin are handled using gloves.

(3) A licensee must wear eye goggles, shields or a mask if spattering is possible while providing services.

(4) All substances shall be dispensed from containers in a manner to prevent contamination of the unused portion. Single use tubes or containers and applicators shall be discarded following the service.

(5) Cross contaminating from touch or air particulates in any procedure area which comes in direct contact with client is prohibited.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

ADMINISTRATIVE RULES

331-905-0115

Informed Consent for Specialty Body Piercing Procedures

(1) A specialty level one genital piercer must provide information prescribed by the Agency to the client, regarding specialty level one genital piercings.

(2) A specialty level two genital piercer must provide information prescribed by the Agency to the client, regarding specialty level two genital piercings.

(3) Informed consent documents for certain body piercing procedures listed in Subsection (1) and (2) of this rule is published on the Agency's website at <http://www.oregon.gov/OHLA/BAP/forms.shtml>.

(4) A specialty level one genital piercer must disclose to each client receiving a specialty level one genital piercing the number of specific specialty level one genital piercings which the piercer has completed on clients and which the piercer can verify on a form prescribed by the Agency.

(5) A specialty level two genital piercer must disclose to each client receiving a specialty level two genital piercing the number of specific specialty level two genital piercings which the piercer has completed on clients and which the piercer can verify on a form prescribed by the Agency.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

331-905-0120

Initial Jewelry for Specialty Genital Piercing Services

(1) All standard body piercers must meet the following jewelry grade standards for initial piercings:

(a) Surgical steel that is ASTM F-138 compliant or ISO 5832-1 compliant, ISO 10993-(6,10 or 11) compliant, or ECC (European Economic Community) Nickel Directive compliant;

(b) Implant certified titanium (Ti6Al4V ELI) that is ASTM F-136 compliant or ISO 5832-3 compliant, or commercially pure titanium that is ASTM F-67 compliant;

(c) Niobium;

(d) White or yellow gold that is 14k or higher, nickel-free, and solid (no gold plated, gold-filled, or gold overlay/vermeil);

(e) Platinum;

(f) Biocompatible polymers (plastics) including Tygon Medical Surgical Tubing 5-50HL or 5-54HL, PTFE (Teflon), Bioplast™ or any new polymer products that are USP VI compliant;

(g) Glass — Fused quartz glass, lead-free borosilicate, or lead-free soda-lime glass;

(h) Any other material that the APP determines to be appropriate for use in an initial piercing;

(i) Threaded jewelry must be internally threaded and all surfaces and ends must be free of nicks, scratches, burrs and polishing compounds.

(2) A licensee must have on the facility premises a "Mill Test Certificate" that provides evidence of a specific grade of metal with a code designation from the International Society for Testing and Materials Standard or the International Organization for Standardization or other documentation approved by the agency.

(3) Jewelry used for initial piercings must be sterilized before use on each client in accordance with OAR 331-905-0105.

Stat. Auth.: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, & 345

Stats Implemented: ORS 676.607, 676.615, 676.625, 690.365, 690.371, 690.385, 690.390, 690.405, 690.407, 690.410, 690.415, OL 2011, Ch. 346, Sec. 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

331-910-0010

Electrology Temporary License

(1) An electrology temporary license pursuant to ORS 690.365 is a temporary license to perform electrology services on a limited basis, not to exceed 15 consecutive calendar days. A electrology temporary license holder;

(a) Must submit all requests to revive a license on a form prescribed by the Agency. Request to revive a license must be received at least 15 days before electrology services are provided unless otherwise approved by the Agency.

(b) Must submit all requests to revive a license on a form prescribed by the Agency and received 15 days before electrology services are provided unless otherwise approved by the Agency.

(c) Must submit notification of a change in work location at least 24 hours before services are performed on a form prescribed by the Agency; and

(d) Must work in a licensed facility.

(2) An electrology temporary license holder must adhere to standards within OAR 331-910-0065, 331-910-0070, 331-910-0075, 331-910-0080, 331-910-0085 and all applicable rules listed in OAR 331 division 925.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690.405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 2-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

331-910-0070

Standards for Client Services for Electrology

(1) An electrologist must observe and adhere to the following hand washing and disposable glove standards when servicing clients:

(a) HAND WASHING: Hands must be washed or treated with an antibacterial hand sanitizer before and after treatment of each client, and before putting on disposable gloves and immediately after disposable gloves are removed;

(b) Hand washing must include thoroughly washing the hands in warm, running water with liquid soap using friction on all surfaces of the hands and wrists, then rinsing hands and drying hands with a clean, disposable paper towel, or by using an antibacterial hand sanitizer by using friction on all surfaces of the hands and wrists. Use of bar soap is prohibited.

(2) An electrologist must observe and adhere to the following protective disposable glove standards when servicing clients:

(a) PROTECTIVE DISPOSABLE GLOVES: A new pair of disposable gloves must be worn during the treatment of each client;

(b) Hands must be washed in accordance with hand washing instructions listed in Subsection (1) of this rule before putting on disposable gloves and immediately after disposable gloves are removed;

(c) When a treatment session is interrupted disposable gloves must be removed and discarded. A new pair of disposable gloves must be put on when returning to the electrology service area.

(d) When a licensee leaves the electrology procedure area in the middle of an electrology procedure, gloves must be removed before leaving the procedure area, hand washing instructions listed in Subsection (1) of this rule must be followed and a new pair of gloves put on when returning to the procedure area.

(e) Disposable gloves must be removed before leaving the area where electrology services are performed.

(f) Torn or perforated gloves must be removed immediately, and hand washing instructions listed in Subsection (1) of this rule must be followed and gloves changed following hand washing.

(g) The use of disposable gloves does not preclude or substitute for hand washing instructions listed in subsection (1) of this rule.

(3) Disposable gloves must be worn during pre-cleaning, cleaning, rinsing, sterilizing and drying of equipment and instruments and disinfecting of surfaces;

(4) A client's skin must be thoroughly cleaned with an astringent. If flammable the astringent should be allowed to dry.

Stat. Auth: ORS 676.607 & 676.615

Stats. Implemented: ORS 676.606, 676.607, 690.350, 690.365, 690.390 & 690.405

Hist.: HLA 2-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

331-915-0020

Temporary Tattoo License

(1) A temporary tattoo license pursuant to ORS 690.365 is a temporary license to perform tattooing services on a limited basis, not to exceed 15 consecutive calendar days. A temporary tattoo license holder;

(a) May revive the license up to four times in a 12 month period from the date the Agency receives the initial application. Reviving a license can be done consecutively with no lapse in active license dates;

(b) Must submit all requests to revive a license on a form prescribed by the Agency. Request to revive a license must be received at least 15 days before tattooing services are provided unless otherwise approved by the Agency.

(c) Must submit notification of a change in work location at least 24 hours before services are performed on a form prescribed by the Agency;

(d) Must work in a licensed facility.

ADMINISTRATIVE RULES

(2) A temporary tattoo license holder must adhere to all standards under OAR 331-915-0065, 331-915-0070, 331-915-0075, 331-915-0080, 331-915-0085 and all applicable rules listed in OAR 331 division 925.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415
Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35
Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 3-2012(Temp), f. & cert. ef. 3-1-12 thru 6-25-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

331-915-0025

Application Requirements for Temporary Tattoo License

An individual applying for a Temporary Tattoo License must:

- (1) Meet the requirements of OAR 331 division 30;
- (2) Submit a completed application form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees and must be received at least 15 days before tattooing services are provided to clients;
- (3) Submit proof of being 18 years of age. Documentation may include identification listed under OAR 331-030-0000;
- (4) Submit proof of current training in blood-borne pathogens; and
- (5) Attest to six months of training or experience, within the last two years, performing tattooing on a form prescribed by the Agency; or
- (6) Submit affidavit of licensure pursuant to OAR 331-030-0040.

(7) For the purpose of this rule training or experience includes attendance or participation at an instructional program presented, recognized, or under the sponsorship of any permanently organized institution, agency, or professional organization or association recognized by the Agency.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415
Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35
Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 7-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; HLA 8-2012(Temp), f. & cert. ef. 5-3-12 thru 10-16-12; HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

331-915-0070

General Standards for Tattooing

(1) The cleanliness of any common in a facility is the responsibility of each license holder. All license holders may be cited for violations found in the common area.

(2) An individual licensed to perform services in a field of practice or a licensed facility owner must:

- (a) Use and maintain appropriate equipment and instruments for providing services in a field of practice at the place of business;
- (b) Use equipment and instruments in a manner described in the manufacturer's instructions which is consistent with the manufacturer's intended use of the device by the FDA;
- (c) Use equipment and instruments that are not prohibited for use in a field of practice by the Agency or the FDA;
- (d) Ensure a high-level disinfectant is used in accordance with manufacturer's instructions to disinfect surfaces where services are performed.
- (e) Ensure chemicals are stored in labeled, closed containers.
- (f) Ensure that single-use disposable paper products, single-use needles, and protective gloves are used for each client. Use of towels and linens are prohibited.
- (g) Have unrestricted access or availability to a sink with hot and cold running water, as part of surrounding premises or adjacent to the facility but separate from a restroom.
- (h) Ensure lavatories located within the facility are kept clean and in good working order at all times. Air blowers within lavatories can be substituted for disposable hand towels.
- (i) Ensure all waste material related to a service in a field of practice be deposited in a covered container following service for each client.
- (j) Ensure pets or other animals not be permitted in the business facility. This prohibition does not apply to service animals recognized by the American with Disabilities Act or to fish in aquariums or nonpoisonous reptiles in terrariums.
- (k) Ensure all disinfecting solutions or agents be kept at adequate strengths to maintain effectiveness, be free of foreign material and be available for immediate use at all times the facility is open for business.
- (l) Ensure waste disposed of in receptacles located in non-service areas is limited to materials, which are not practice-related or used in the performance of any client services.
- (m) Ensure all waste items that come in direct contact with the client's skin that cannot be cleaned and sterilized must be disposed of utilizing a

"double bagging" technique: which means the waste must be completely enclosed inside a discarded glove or disposed of in a closed plastic bag that is separate from the garbage liners. The waste must be disposed of in a covered waste receptacle immediately after use.

(n) Ensure disposable sharp objects that come in contact with blood and/or body fluids must be disposed of in a sharps container.

(o) Adhere to all Centers for Disease Control and Prevention, Standard Precautions.

(p) Ensure that all instruments that come in direct contact with client's skin are handled using gloves.

(3) A licensee must wear eye goggles, shields or a mask if spattering is possible while providing services.

(4) All substances must be dispensed from containers in a manner to prevent contamination of the unused portion. Single use tubes or containers and applicators shall be discarded following the service.

(5) Cross contaminating from touch or air particulates in any procedure area which comes in direct contact with client is prohibited.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415
Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35
Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

331-915-0075

Standards for Client Services for Tattooing

(1) A licensee must wash hands in accordance with Subsection (2) of this rule:

- (a) Prior to donning gloves to set-up of instruments used for conducting a tattoo procedure;
- (b) Immediately prior to donning gloves to perform a tattoo procedure;
- (c) Immediately after removing gloves at the conclusion of performing a tattoo procedure and after removing gloves at the conclusion of procedures performed in the sterilization area;
- (d) When leaving the work area;
- (e) When coming in contact with blood or bodily fluids;
- (f) Before and after performing the following acts not limited to eating, drinking, smoking, applying lip cosmetics or lip balm, handling contact lenses, or using the bathroom; or
- (g) When hands are visibly soiled.

- (2) Hand washing must include thoroughly washing the hands in warm, running water with liquid soap using friction on all surfaces of the hands and wrists, then rinsing hands and drying hands with a clean, disposable paper towel, or by using an antibacterial hand sanitizer by using friction on all surfaces of the hands and wrists.
- (3) A new pair of disposable gloves must be worn during the treatment of each client;
- (4) A minimum of one pair of disposable gloves must be used for each of the following stages of the tattooing procedure:
 - (a) Set-up of instruments used for conducting tattooing procedures and skin preparation of the tattooing procedure area;
 - (b) The tattooing procedure and post-procedure teardown; or
 - (c) Cleaning and disinfection of the procedure area after each use or between clients.
- (5) Once gloves have been removed, they must be disposed of immediately and hand washing instructions listed in Subsection (2) of this rule must be followed.
- (6) Torn or perforated gloves must be removed immediately, and hand washing instructions listed in Subsection (2) of this rule must be followed and gloves changed following hand washing.
- (7) Disposable gloves must be removed before leaving the area where tattoo procedures are performed.
- (8) When a licensee leaves the tattooing procedure area in the middle of a tattooing procedure, gloves must be removed before leaving the procedure area, hand washing instructions listed in Subsection (2) of this rule must be followed and a new pair of gloves put on when returning to the procedure area.
- (9) The use of disposable gloves does not preclude or substitute for hand washing instructions listed in subsection (2) of this rule.
- (10) A client's skin must be thoroughly cleaned with an antiseptic solution.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415
Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

ADMINISTRATIVE RULES

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

Oregon Housing and Community Services Department Chapter 813

331-915-0085

Client Records and Information for Tattooing

(1) A licensee is responsible for maintaining and keeping copies of all client records. If client records are maintained by the facility the facility owner must provide the licensee with copies of those client records upon request. The record must include the following for each client:

- (a) Name, address, telephone number and date of birth of client;
- (b) Date of each service, procedure location on the body and type of service performed on client;
- (c) Name and license number of the licensee providing service;
- (d) Special instructions or notations relating to the client's medical or skin conditions including but not limited to diabetes, cold sores and fever blisters, psoriasis or eczema, pregnancy or breast-feeding/nursing.
- (e) Complete list of the client's sensitivities to medicines or topical solutions;
- (f) History of the client's bleeding disorders;
- (g) Description of complications during procedure(s);
- (h) Signature from the client that they have received the following information in writing and verbally:

(A) All information related to the tattooing service including possible reactions, side effects and potential complications of the service and consent to obtaining the tattooing service; and

(B) After care instructions including care following service, possible side effects and complications and restrictions.

(2) A licensee may obtain advice from physicians regarding medical information needed to safeguard client and licensee. Advice from the physician must be documented in the client record.

(3) A licensee must obtain proof of age for all clients; a copy of a government issued photographic identification must be included in the client record.

(4) A physician may authorize or prescribe a tattoo service be performed on a client who is a minor pursuant to OAR 331-915-0065. Written authorization or prescription from the physician is required. The physician authorization or prescription must be submitted to the licensee by the physician prior to tattooing the minor. A copy of the minor's photographic identification must be included in the client record.

(5) For the purpose of Subsection (1) through (4) of this rule records must be maintained at on the facility premises for a minimum of three years and must be made immediately available to the agency upon request.

(6) Client records must be typed or printed in a legible format. Client records, which are not readable by the Agency, will be treated as incomplete.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 10-2012, f. & cert. ef. 6-25-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

331-920-0000

Dermal Implanting Prohibitions

Dermal implanting services defined under ORS 690.350 are prohibited until education and training programs can be implemented.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

331-920-0005

Scarification Prohibited

Scarification services defined under ORS 690.350 are prohibited until education and training programs can be implemented.

Stat. Auth: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415

Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35

Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 15-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

Rule Caption: Adoption of the Attorney General's Mediation Confidentiality Rules .

Adm. Order No.: OHCS 5-2012(Temp)

Filed with Sec. of State: 10-15-2012

Certified to be Effective: 10-15-12 thru 4-12-13

Notice Publication Date:

Rules Adopted: 813-004-0001, 813-004-0002

Subject: 813-004-0001 Adopts the Attorney General's model rule for Confidentiality and Inadmissibility of Mediation Communications.

813-004-0002 Adopts the Attorney General's model rule for Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation.

Rules Coordinator: Sandy McDonnell—(503) 986-2012

813-004-0001

Confidentiality and Inadmissibility of Mediation Communications

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Written Agreement. Section (7) of this rule does not apply to a mediation unless the parties to the mediation agree in writing that the mediation communications in the mediation will be confidential and/or nondiscoverable and inadmissible. If the mediator is the employee of and acting

ADMINISTRATIVE RULES

on behalf of a state agency, the mediator or an authorized agency representative must also sign the agreement. The parties' agreement to participate in a confidential mediation must refer to this mediation confidentiality rule.

AGREEMENT TO PARTICIPATE IN A CONFIDENTIAL MEDIATION

The Oregon Housing and Community Services and the parties to the mediation agree to participate in a mediation in which the mediation communications are confidential and/or nondiscoverable and inadmissible to the extent authorized by OAR 813-004-0001(7) and this agreement.

This agreement relates to the following mediation:

To the extent authorized by OAR 813-004-0001(7), mediation communications in this mediation are: (check one or more)

___ Confidential and may not be disclosed to any other person.

___ Not admissible in any subsequent administrative proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent administrative proceeding, or introduced as evidence by the parties or the mediator in any subsequent administrative proceeding.

___ Not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent administrative, judicial or arbitration proceeding, or introduced as evidence by the parties or the mediator in any subsequent administrative, judicial or arbitration proceeding.

Name of Agency: Oregon Housing and Community Services

Signature of OHCS's authorized representative (if OHCS is a party)

_____ Date _____

Signature of OHCS employee acting as the mediator (if OHCS is mediating the dispute)

_____ Date _____

Name of party to the mediation

Signature of party's authorized representative

_____ Date _____

Name of party to the mediation

Signature of party's authorized representative

_____ Date _____

(9) Exceptions to confidentiality and inadmissibility.

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

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

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

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

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

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

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

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

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

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

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

(A) A request for mediation, or

(B) A communication from the Employment Relations Board Conciliation Service establishing the time and place of mediation, or

(C) A final offer submitted by the parties to the mediator pursuant to ORS 243.712, or

(D) A strike notice submitted to the Employment Relations Board.

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

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

(A) Attorney client privileged communications so long as they have been disclosed to no one other than the mediator in the course of the mediation or to persons as to whom disclosure of the communication would not waive the privilege, or

(B) Attorney work product prepared in anticipation of litigation or for trial, or

(C) Prepared exclusively for the mediator or in a caucus session and not given to another party in the mediation other than a state agency, or

(D) Prepared in response to the written request of the mediator for specific documents or information and given to another party in the mediation, or

(E) Settlement concepts or proposals, shared with the mediator or other parties.

(n) A mediation communication made to the agency may be disclosed and may be admitted into evidence to the extent the Oregon Housing and Community Services Director or designee determines that disclosure of the communication is necessary to prevent or mitigate a serious danger to the public's health or safety, and the communication is not otherwise confidential or privileged under state or federal law.

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

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

(10) When a mediation is subject to section (7) of this rule, the agency will provide to all parties to the mediation and the mediator a copy of this rule or a citation to the rule and an explanation of where a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

Stat. Auth.: ORS 36.224

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

Hist.: OHCS 5-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

ADMINISTRATIVE RULES

813-004-0002

Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications

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

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

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

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

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

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

(b) The mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c) or (h)-(j) of section (7) of this rule; or

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

(a) The parties to the mediation and the agency have agreed in writing to the confidentiality of the mediation, and;

(b) The person agreeing to the confidentiality of the mediation on behalf of the agency:

(A) Is neither a party to the dispute nor the mediator, and

(B) Is designated by the agency to authorize confidentiality for the mediation, and

(C) Is at the same or higher level in the agency than any of the parties to the mediation or who is a person with responsibility for human resources or personnel matters in the agency, unless the agency head or member of the governing board is one of the persons involved in the interpersonal dispute, in which case the Governor or the Governor's designee.

(7) Exceptions to confidentiality and inadmissibility.

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

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

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

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

(e) A party to the mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation communications to a person

for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree.

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

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

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

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

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

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

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

Stat. Auth.: ORS 36.224
Stats. Implemented: ORS 36.230(4)
Hist.: OHCS 5-2012(Temp), f. & cert. ef. 10-15-12 thru 4-12-13

Oregon Medical Board Chapter 847

Rule Caption: Fee schedule.

Adm. Order No.: OMB 27-2012(Temp)

Filed with Sec. of State: 10-12-2012

Certified to be Effective: 10-12-12 thru 4-10-13

Notice Publication Date:

Rules Amended: 847-005-0005

Subject: Temporary rule amendment reorganizes the fee schedule for accuracy and clarity and corrects a typo in the fines for delinquent registrations.

Rules Coordinator: Nicole Krishnaswami—(971) 673-2667

847-005-0005

Fees

(1) Licensing Fees:

(a) Doctor of Medicine/Doctor of Osteopathy (MD/DO) Initial License Application — \$375.

(b) MD/DO Registration: Active, Administrative Medicine, Inactive, Locum Tenens, Military/Public Health, Telemedicine, Telemonitoring and Teleradiology — \$232/year+*.

(c) MD/DO Registration: Emeritus — \$50/year.

(d) MD/DO Limited License, SPEX/COMVEX, Visiting Professor, Fellow, Medical Faculty, Postgraduate, Special Application — \$185.

(e) Acupuncture Initial License Application — \$245.

(f) Acupuncture Registration: Active, Inactive, Locum Tenens and Military/Public Health — \$148/year*.

ADMINISTRATIVE RULES

ef. 3-2-12 thru 8-29-12; OMB 20-2012, f. & cert. ef. 8-3-12; OMB 27-2012(Temp), f. 10-12-12 thru 4-10-13

- (g) Acupuncture Registration: Emeritus — \$50/year.
- (h) Acupuncture Limited License, Special, Visiting Professor, Postgraduate Application — \$75.
 - (i) Physician Assistant Initial License Application — \$245.
 - (j) Physician Assistant Registration: Active, Inactive, Locum Tenens and Military/Public Health — \$175/year*.
 - (k) Physician Assistant Registration: Emeritus — \$50/year.
 - (l) Physician Assistant Limited License, Special, Postgraduate Application — \$75.
 - (m) Podiatrist Initial Application — \$340.
 - (n) Podiatrist Registration: Active, Administrative Medicine, Inactive, Locum Tenens, Military/Public Health, Telemedicine and Telemonitoring — \$222/year*.
 - (o) Podiatrist Registration: Emeritus — \$50/year.
 - (p) Podiatrist Limited License, Special, Postgraduate Application — \$185.
 - (q) Reactivation Application Fee — \$50.
 - (r) Electronic Prescription Drug Monitoring Program — \$25/year**.
 - (s) Workforce Data Fee — \$5/license period***.
 - (t) Oral Specialty or Competency Examination (\$1,000 deposit required) — Actual costs.
- (2) Delinquent Registration Renewals:
 - (a) Delinquent MD/DO Registration Renewal — \$195.
 - (b) Delinquent Acupuncture Registration Renewal — \$80.
 - (c) Delinquent Physician Assistant Registration Renewal — \$80.
 - (d) Delinquent Podiatrist Registration Renewal — \$195.
- (3) Licensee Information Request Charges:
 - (a) Verification of Licensure — Individual Requests (1-4 Licenses) — \$10 per license.
 - (b) Verification of Licensure — Multiple (5 or more) — \$7.50 per license.
 - (c) Verification of MD/DO License Renewal — \$150 Biennially.
 - (d) Malpractice Report — Individual Requests — \$10 per license.
 - (e) Malpractice Report — Multiple (monthly report) — \$15 per report.
 - (f) Disciplinary — Individual Requests — \$10 per license.
 - (g) Disciplinary Report - Multiple (quarterly report) — \$15 per report.
 - (4) Base Service Charges for Copying — \$5 + .20/page.
 - (5) Record Search Charges (+ copy charges in section (4) of this rule):
 - (a) Clerical — \$20 per hour.
 - (b) Administrative — \$40 per hour.
 - (c) Executive — \$50 per hour.
 - (d) Medical — \$75 per hour.
 - (6) Data Order Charges:
 - (a) Standard Licensee Data Order — \$150 each.
 - (b) Custom Licensee Data Order — \$150.00 + \$40.00 per hour Administrative time.
 - (c) Address Label Disk — \$100 each.

- (7) All Board fees and fines are non-refundable and non-transferable.
 - + Per ORS 677.290(3), fee includes \$10.00 for the Oregon Health and Science University Library.

* Collected biennially excepted where noted in the Administrative Rules.

** Per ORS 431.960-431.978, fee is assessed to licensees authorized to prescribe or dispense controlled substances in Oregon for the purpose of creating and maintaining the Prescription Drug Monitoring Program administered by the Oregon Health Authority.

***Per ORS 676.410, fee is assessed for the purpose of creating and maintaining a healthcare workforce data base administered by the Oregon Health Authority.

Stat. Auth.: ORS 431.972, 676.410, 677.265 & 677.290
Stats. Implemented: ORS 431.972, 676.410, 677.265 & 677.290
Hist.: ME 7-1984, f. & ef. 1-26-84; ME 17-1984, f. & ef. 11-5-84; ME 6-1985, f. & ef. 7-30-85; ME 3-1986(Temp), f. & ef. 4-23-86; ME 4-1986, f. & ef. 4-23-86; ME 9-1986, f. & ef. 7-31-86; ME 2-1987, f. & ef. 1-10-87; ME 7-1987(Temp), f. & ef. 1-26-87; ME 9-1987, f. & ef. 4-28-87; ME 25-1987, f. & ef. 11-5-87; ME 9-1988, f. & ef. 8-5-88; ME 14-1988, f. & ef. 10-20-88; ME 1-1989, f. & ef. 1-25-89; ME 5-1989(Temp), f. & ef. 2-16-89; ME 6-1989, f. & ef. 4-27-89; ME 9-1989(Temp), f. & ef. 8-1-89; ME 17-1989, f. & ef. 10-20-89; ME 4-1990, f. & ef. 4-25-90; ME 9-1990, f. & ef. 8-2-90; ME 5-1991, f. & ef. 7-24-91; ME 11-1991(Temp), f. & ef. 10-21-91; ME 6-1992, f. & ef. 5-26-92; ME 1-1993, f. & ef. 1-29-93; ME 13-1993, f. & ef. 11-1-93; ME 14-1993(Temp), f. & ef. 11-1-93; ME 1-1994, f. & ef. 1-24-94; ME 6-1995, f. & ef. 7-28-95; ME 7-1996, f. & ef. 10-29-96; ME 3-1997, f. & ef. 11-3-97; BME 7-1998, f. & ef. 7-22-98; BME 7-1999, f. & ef. 4-22-99; BME 10-1999, f. & ef. 7-8-99, cert. ef. 8-3-99; BME 14-1999, f. & ef. 10-28-99; BME 4-2000, f. & ef. 2-22-00; BME 6-2001(Temp), f. & ef. 7-18-01 thru 11-30-01; BME 10-2001, f. & ef. 10-30-01; BME 8-2003, f. & ef. 4-24-03; BME 16-2003, f. & ef. 10-23-03; BME 17-2004, f. & ef. 9-9-04; BME 6-2005, f. & ef. 7-20-05; BME 15-2006, f. & ef. 7-25-06; BME 1-2007, f. & ef. 1-24-07; BME 1-2008, f. & ef. 1-22-08; BME 15-2008, f. & ef. 7-21-08; BME 1-2009, f. & ef. 1-22-09; BME 15-2009(Temp), f. & ef. 9-11-09 thru 3-8-10; BME 1-2010, f. & ef. 1-26-10; OMB 10-2011(Temp), f. & ef. 7-13-11 thru 1-4-12; OMB 18-2011(Temp), f. & ef. 10-13-11 thru 4-10-12; OMB 22-2011, f. & ef. 10-18-11; OMB 33-2011(Temp), f. & ef. 12-28-11, cert. ef. 1-1-12 thru 6-29-12; OMB 3-2012, f. & ef. 2-10-12; OMB 9-2012(Temp), f. & ef.

Oregon Public Employees Retirement System
Chapter 459

Rule Caption: Housekeeping edits clarify administration of the judge member retirement program under ORS 238.500 to 238.585.

Adm. Order No.: PERS 12-2012

Filed with Sec. of State: 10-4-2012

Certified to be Effective: 10-4-12

Notice Publication Date: 9-1-2012

Rules Amended: 459-040-0020, 459-040-0080

Subject: Legislation in 2005 (House Bill 3238) requires agencies to review new rules adopted since January 1, 2006, within five years of the date the new rules are adopted. The rules contained in Chapter 459, Division 40 – Judge Member Program, were adopted on July 26, 2007, and the five-year review of these rules was completed on July 26, 2012. The proposed modifications to OAR 459-040-0020 and 459-040-0080 include housekeeping edits to delete and update rule citations and deletion of the separate date of disability retirement standard for judge members.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-040-0020

Judge Member Disability Retirement

A judge member who meets the requirements of ORS 238.555 may apply for disability retirement. The provisions of OAR Chapter 459, Division 15 apply to judge member disability retirement with the following exceptions:

(1) The terms “member” and “employee member” in Division 15 mean a judge member as defined in ORS 238.500.

(2) “Normal retirement age” means the age at which a judge member may retire without a reduced benefit as set forth under ORS 238.535.

(3) A judge member must have six years of service as a judge member to be eligible for non-duty disability retirement.

(4) If a judge member meets the eligibility criteria for disability retirement, the member’s disability retirement allowance shall be based on creditable service time as though the member had continuously worked as a judge pursuant to ORS 238.555(1) or (2).

(5) Former PERS judge members who have terminated membership through a withdrawal under ORS 238.545 are not eligible to receive PERS disability retirement allowances.

Stat. Auth: ORS 238.650

Stats. Implemented: ORS 238.555

Hist.: PERS 11-2007, f. & cert. ef. 7-26-07; PERS 12-2012, f. & cert. ef. 10-4-12

459-040-0080

Required Minimum Distribution of Judge Member Death Benefits

(1) Upon the death of a judge member, the required minimum distribution(s) to a surviving spouse and/or to a beneficiary of the deceased judge member shall be made in accordance with OAR 459-005-0560. For the purposes of this rule, a former spouse is a non-spouse beneficiary of the deceased judge member.

(2) A lump sum distribution of death benefits of a deceased judge member may be eligible for a rollover in accordance with OAR 459-005-0590 to 459-005-0599.

Stat. Auth: ORS 238.650

Stats. Implemented: ORS 238.565

Hist.: PERS 11-2007, f. & cert. ef. 7-26-07; PERS 12-2012, f. & cert. ef. 10-4-12

Oregon University System,
Eastern Oregon University
Chapter 579

Rule Caption: Amend Special student Fees.

Adm. Order No.: EOU 6-2012

Filed with Sec. of State: 10-15-2012

Certified to be Effective: 10-15-12

Notice Publication Date: 9-1-2012

Rules Amended: 579-020-0006

Subject: Amend fees charged to students for special uses of facilities, services or supplies at Eastern Oregon University.

Rules Coordinator: Teresa Carson-Mastrude—(541) 962-3773

ADMINISTRATIVE RULES

579-020-0006

Special Student Fees

Eastern Oregon University is adopting by reference Special Student Fees for the 2012–2013 school year.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: EOSC 3, f. & ef. 6-23-76; EOSC 8, f. & ef. 6-16-77; EOSC 6-1978, f. & ef. 10-2-78; EOSC 1-1979, f. & ef. 6-27-79; EOSC 1-1981, f. & ef. 1-12-81; EOSC 3-1981, f. & ef. 7-1-81; EOSC 2-1983, f. & ef. 12-16-83; EOSC 2-1984, f. & ef. 10-25-84; EOSC 1-1986, f. & ef. 2-13-86; EOSC 2-1988, f. & cert. ef. 10-28-88; EOSC 2-1989, f. & cert. ef. 7-31-89; EOSC 2-1990, f. & cert. ef. 10-9-90; EOSC 3-1991, f. & cert. ef. 9-20-91; EOSC 5-1990, f. & cert. ef. 12-20-91 (and corrected 1-2-92); EOSC 1-1992, f. & cert. ef. 5-13-92; EOSC 2-1992, f. & cert. ef. 8-24-92; EOSC 4-1993, f. & cert. ef. 8-2-93; EOSC 4-1994, f. & cert. ef. 7-25-94; EOSC 1-1996, f. & cert. ef. 8-15-96; EOU 1-2001, f. & cert. ef. 9-28-01; EOU 1-2003, f. & cert. ef. 7-31-03; EOU 1-2005, f. & cert. ef. 5-16-05; EOU 1-2006, f. & cert. ef. 4-14-06; EOU 1-2007, f. & cert. ef. 5-14-07; EOU 4-2007(Temp), f. & cert. ef. 8-15-07 thru 1-15-08; Administrative Correction 1-24-08; EOU 1-2008, f. & cert. ef. 3-14-08; EOU 5-2008, f. & cert. ef. 8-15-08; EOU 1-2009, f. & cert. ef. 3-12-09; EOU 2-2009, f. & cert. ef. 8-14-09; EOU 3-2009, f. & cert. ef. 12-15-09; EOU 1-2010, f. & cert. ef. 5-13-10; EOU 2-2010, f. & cert. ef. 7-15-10; EOU 1-2011, f. & cert. ef. 6-6-11; EOU 3-2011, f. & cert. ef. 8-5-11; EOU 4-2011(Temp), f. & cert. ef. 11-14-11 thru 5-6-12; EOU 5-2011(Temp), f. & cert. ef. 12-1-11 thru 5-6-12; EOU 1-2012, f. & cert. ef. 4-23-12; EOU 4-2012(Temp), f. & cert. ef. 6-22-12 thru 12-15-12; EOU 6-2012, f. & cert. ef. 10-15-12

Rule Caption: To modify rules for Rates for Residence Halls and Board Dining.

Adm. Order No.: EOU 7-2012

Filed with Sec. of State: 10-15-2012

Certified to be Effective: 10-15-12

Notice Publication Date: 9-1-2012

Rules Amended: 579-060-0190

Subject: Policies and Rates for Residence Halls and Board Dining.

Policies that govern the operation of the residence halls shall be in accordance with the Residence Life Room and Dining Contract, Student Handbook and the Residence Hall Room and Board Dining Rates. These documents are by reference included in the Oregon Administrative Rules herein.

Rules Coordinator: Teresa Carson-Mastrude—(541) 962-3773

579-060-0190

Policies and Rates for Residence Halls and Board Dining

Policies that govern the operation of the residence halls shall be in accordance with the Residence Life Room and Dining Contract, Student Handbook, and the Residence Hall Room and Board Dining Rates. These documents are by reference included in the Oregon Administrative Rules herein.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 183 & OAR 580-011-0015

Hist.: EOSC 1-1994, f. & cert. ef. 3-7-94; EOU 4-2005, f. & cert. ef. 7-7-05; EOU 3-2012(Temp), f. & cert. ef. 6-8-12 thru 12-1-12; EOU 7-2012, f. & cert. ef. 10-15-12

Oregon University System, Portland State University Chapter 577

Rule Caption: Amends Portland State University's Code of Student Conduct and Responsibility.

Adm. Order No.: PSU 5-2012

Filed with Sec. of State: 10-11-2012

Certified to be Effective: 10-11-12

Notice Publication Date: 9-1-2012

Rules Amended: 577-031-0125, 577-031-0130, 577-031-0131, 577-031-0132, 577-031-0133, 577-031-0135, 577-031-0136, 577-031-0137, 577-031-0139, 577-031-0140, 577-031-0141, 577-031-0142, 577-031-0143, 577-031-0144, 577-031-0145, 577-031-0146, 577-031-0147, 577-031-0148

Subject: The proposed amendments to Portland State University's procedural rules governing the University's Code of Student Conduct and Responsibility are a result of the required review and revisions of the Student Code of Conduct that takes place every three years. These revisions clarify definitions, standardize use of defined terms, revise potential violations and sanctions, clarify appeal procedures, clarify procedures regarding allegations of certain sexual offenses, and update the rules to reflect updates in other University terms and policies. A copy of the Permanent Rule Certificate and Order for Fil-

ing and the text for the proposed rules can be found at <http://www.pdx.edu/fadm/rulemaking-portland-state>.

Rules Coordinator: Lorraine D. Baker—(503) 725-8050

577-031-0125

General Policy

(1) Portland State University seeks excellence in instruction, research, and public service. The University recognizes the intrinsic value of individual differences and diversity. The University supports the right of all people to live and learn in a safe and respectful environment that promotes the free and vigorous expression of ideas. Policies and procedures are designed to protect these freedoms and the fundamental rights of others. Students are expected to conduct themselves in a manner consistent with these principles.

(2) A Student, Recognized Student Organization, or group of Students whose conduct is determined incongruent with the standards of the University as described in this Code of Student Conduct and Responsibility ("Code") is subject to disciplinary action. The procedures for that action are generally educational in nature and are intended to lead to self-evaluation and accountability.

(3) The procedures of this Code consider each case individually and without prejudice.

(4) In addition to the regulations in this Code, all Students must follow the academic and professional standards of all applicable academic units, departments, schools, and colleges.

(5) This Code becomes effective on October 11, 2012 and supersedes all other previous student conduct codes.

Stat. Auth.: ORS 351.070

Stats. Implemented:

Hist.: PSU 1-1982, f. & ef. 4-22-82; PSU 1-1994, f. & cert. ef. 1-10-94; PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09; PSU 5-2012, f. & cert. ef. 10-11-12

577-031-0130

Applicability

(1) This Code applies to any Student as defined in OAR 577-031-0131(17).

(2) This Code applies to any Recognized Student Organization as defined in OAR 577-031-0131(13) and to other groups of Students.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 1-1982, f. & ef. 4-22-82; PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09; PSU 5-2012, f. & cert. ef. 10-11-12

577-031-0131

Definitions

(1) The "Code" is this Code of Student Conduct and Responsibility, OAR chapter 577, division 31.

(2) A "Complainant" is any person submitting a written Complaint to the Dean of Student Life alleging that a Student, Recognized Student Organization or group has engaged in conduct proscribed by this Code.

(3) A "Complaint" is a Campus Public Safety Office Incident Report, Portland Police Bureau Report, Dean of Student Life Conduct Complaint Form, or Residence Life Incident Report.

(4) A "Conduct Record" includes, but is not limited to, incident reports, final reports, notification of allegation, disciplinary reports, informal discussion notes, formal hearing records and recommendations, decision statements, appeal records and decision, and related documentation and correspondence that may be covered by OAR 166-475-0110(38).

(5) A "Course Instructor" is any person employed by the University to conduct classroom activities or who has an official instructional function with the University.

(6) A "Day" is any business day in which the University is open. It does not include weekends, federal and state holidays or days in which the University is not open for business.

(7) The "Dean of Student Life" or "Dean" is the University Official holding this title. Any action required to be performed by the Dean under this Code may be performed by his or her designee(s).

(8) The "Vice President for Enrollment Management and Student Affairs" or "Vice President" is the University Official holding this title. Any action required to be performed by the Vice President under this Code may be performed by his or her designee(s).

(9) "Effective Consent" is a voluntary, non-coerced and mutually understandable communication indicating a willingness to participate in a particular act. Consent must be freely and actively given. Silence in and of itself is not an indication of consent. Consent can be withdrawn at any time.

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(10) A "Hearing Officer" is a University Official designated to adjudicate cases by the Senior Conduct Officer.

(11) A "Mental or Physical Impairment" is an impairment that causes a person to be unable to understand the situation, understand the consequences of his/her choices, or to express his/her desires. This may include, but is not limited to, being intoxicated, being under the influence of drugs, being unconscious, or other cognitive impairment.

(12) A "Mental Disorder" is a diagnosable mental disease or disorder that limits a person's ability to make a knowing or voluntary decision.

(13) "Mental Incapacitation" is a condition that renders a person incapable of determining his or her own conduct at the time of the alleged offense because of the influence of a controlled or other intoxicating substance.

(14) A "Recognized Student Organization" is a group of five or more Students who have formed around a defined mission or purpose and who have been officially recognized by Student Activities and Leadership Programs or Campus Recreation.

(15) A "Respondent" is a Student who is alleged to have engaged in conduct proscribed by the Code.

(16) The "Senior Conduct Officer" is the University Official charged with the responsibility of administering the Code. Any action required to be performed under this Code by the Senior Conduct Officer may be performed by his or her designee.

(17) The "Student Conduct Committee" (the "Committee") is composed of faculty and staff appointed by the Faculty Senate of the University and students appointed by the President of the Associated Students of Portland State University.

(18) A "Student" is a person who: (a) is enrolled as a student and/or registered for one or more credit hours; (b) is enrolled in a special non-credit program approved by the University; or (c) was enrolled as a student within the last six months. A person who satisfies (a), (b), or (c) above is considered a "Student" for purposes of the Code as of the date that the person first submitted an application for admission, financial aid or any other service provided by the University that requires student status.

(19) A "University Official" is any person performing assigned administrative or professional responsibilities on behalf of the University.

(20) The "University Premises" are all lands, buildings, facilities, and other property owned, in the possession of, used, or controlled by the University.

(21) A "University Sponsored Activity" is any program or event hosted by a department, program, organization, or individual representing the University. Such activities include, but are not limited to, field trips, athletic events, education abroad, University exchange programs, and student organization-hosted programs or events.

(22) The "University" is Portland State University, or any part, program, department, or division within Portland State University.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 1-2006, f. & cert. ef. 3-10-06; PSU 3-2006, f. & cert. ef. 7-21-06; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09; PSU 5-2012, f. & cert. ef. 10-11-12

577-031-0132

General Statement of Authority

(1) The Senior Conduct Officer will maintain overall responsibility for developing and implementing policies for the administration of the Code and procedural rules for the conduct of hearings that are consistent with provisions of the Code and applicable law.

(2) The Senior Conduct Officer will review all complaints received by the Dean of Student Life, determine if they are reasonable, and assign them to the appropriate hearing body or University Official for adjudication.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09; PSU 5-2012, f. & cert. ef. 10-11-12

577-031-0133

Jurisdiction

(1) The provisions of OAR 577-031-0135 and 577-031-0136 apply to all Students and activities on University Premises; during any University Sponsored Activity regardless of location; and to off-campus conduct that has a rational nexus to the University and/or the pursuit of its objectives or that poses a potential threat to the health, safety, or assets of the University or any person associated with the University or substantially impacts any person's ability to continue their University-related pursuits. Questions regarding jurisdiction will be resolved by the Senior Conduct Officer.

(2) Students participating in co-admission programs between Portland State University and other institutions will be accountable to conduct stan-

dards at Portland State University regardless of the standards applicable at the other institution and whether the other institution is or is not pursuing charges.

(3) Allegations of certain behavior may be adjudicated within the University's administrative conduct program as outlined in this Code as well as within any off-campus criminal justice system. Adjudication of allegations of misconduct by Students or Recognized Student Organizations or groups will occur expeditiously without regard to the status of any off-campus adjudication.

(4) Students may be charged up to six months from the date of discovery of the alleged violation regardless of their current enrollment status. If the discovered violation is of academic misconduct, a notation on the permanent record or degree revocation may be appropriate if the Student has separated from the University.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09; PSU 5-2012, f. & cert. ef. 10-11-12

577-031-0135

Conduct Proscribed by the State Board of Higher Education

The following constitutes conduct as proscribed by the State Board of Higher Education for which a Student or Recognized Student Organization or group is subject to disciplinary action:

(1) Obstruction or disruption of teaching, research, administration, disciplinary procedures or other University activities, including the University's public service functions or other authorized activities on University-owned or -controlled property.

(2) Obstruction or disruption interfering with freedom of movement, either pedestrian or vehicular, on University-owned or -controlled property.

(3) Possession or use of explosives, dangerous chemicals, or other dangerous weapons or instrumentalities on University-owned or -controlled property, unless expressly authorized by law, Board or PSU rules or policies.

(4) Detention or physical abuse of any person or conduct which is intended to threaten imminent bodily harm or endanger the health of any person on University-owned or -controlled property.

(5) Malicious damage, misuse or theft of University property, or the property of any other person where such property is located on University-owned or -controlled property, or, regardless of location, is in the care, custody or control of the University.

(6) Refusal by any person while on University property to comply with an order of the President of the University, or appropriate authorized official or officials, to leave such premises because of conduct proscribed by the Code, when such conduct constitutes a danger to personal safety, property, or other appropriate University activities on such premises.

(7) Unauthorized entry to or use of University facilities, including buildings and grounds.

(8) Illegal use, possession or distribution of drugs on University-owned or -controlled property.

(9) Inciting others to engage in any of the conduct or to perform any of the acts prohibited in this Code. Inciting means that advocacy of proscribed conduct that calls upon the person or persons addressed for imminent action, and is coupled with a reasonable apprehension of imminent danger to the functions and purposes of the University, including the safety of persons, and the protection of its property.

(10) Violating the State Board of Higher Education's Policy for Intercollegiate Athletics as described in Section 8 of its Internal Management Directives, specifically including the subsection entitled Code of Ethics.

Stat. Auth.: ORS 351.060
Stats. Implemented:
Hist.: PSU 1-1982, f. & ef. 4-22-82; PSU 1-1994, f. & cert. ef. 1-10-94; PSU 3-1994, f. & cert. ef. 10-26-94; PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09; PSU 1-2012(Temp), f. & cert. ef. 3-12-12 thru 9-7-12; PSU 3-2012, f. & cert. ef. 8-13-12; PSU 5-2012, f. & cert. ef. 10-11-12

577-031-0136

Conduct Proscribed by Portland State University

The following constitutes conduct proscribed by Portland State University for which a Student or Recognized Student Organization or group is subject to disciplinary action:

(1) Academic Misconduct. Academic Misconduct is defined as fraud, deceit, or unauthorized use of materials prohibited or inappropriate in the context of the academic assignment. This includes, but is not limited to:

- (a) Cheating;
- (b) Fraud;

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(c) Plagiarism, such as word for word copying, using borrowed words or phrases from original text into new patterns without attribution, or paraphrasing another writer's ideas;

(d) The buying or selling of all or any portion of course assignments and research papers;

(e) Performing academic assignments (including tests and examinations) in another person's stead;

(f) Unauthorized disclosure or receipt of academic information;

(g) Falsification of research data; and

(h) Unauthorized collaboration;

(i) Using the same paper or data for several assignments or courses without proper documentation;

(j) Unauthorized alteration of student records; and

(k) Academic sabotage, including destroying or obstructing another student's work.

(2) Furnishing false or misleading information to the University, including but not limited to knowingly failing to provide required information to the University or misrepresenting a person's identity to a Course Instructor or other University Official.

(3) Forgery, alteration or unauthorized use of University documents, records, identification or resources.

(4) Behavior that constitutes a possible threat to the health or safety of others.

(5) Stalking. Stalking is repeatedly contacting another person without a legitimate purpose when: (a) the contacting person knows or should know that the contact is unwanted by the other person; and (b) it is reasonable for the other person in that situation to have been alarmed or coerced by the contact. As used in this subsection, "contacting" includes but is not limited to coming into the visual or physical presence of the other person; following another person; or sending written, electronic or telephonic communication of any form to the other person, personally or through a third party.

(6) Harassment. Harassment is a course of conduct directed at a specific individual or individuals that causes or is intended to cause emotional or physical distress and serves no legitimate purpose. This includes but is not limited to harassment based on protected class that violates the University's "Prohibited Discrimination and Harassment Policy."

(7) Sexual Exploitation. Sexual Exploitation occurs when a Student takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit or to benefit another person. Examples of sexual exploitation include, but are not limited to: invasion of sexual privacy, engaging in voyeurism, exposing one's genitals in non-consensual circumstances, prostituting another person, or inducing incapacitation with the intent to commit other acts of sexual misconduct.

(8) Non-Consensual Sexual Contact. Non-Consensual Sexual Contact is any intentional sexual touching, by a person upon another person that is without consent and/or by force. This type of contact includes but is not limited to breasts, buttocks, groin, or genitals, or touching with any of these body parts, or making another touch another person or themselves with any of these body parts.

(9) Non-Consensual Sexual Intercourse. Non-Consensual Sexual Intercourse is unwanted sexual intercourse of any kind of attempt to engage in such conduct. Sexual intercourse includes vaginal, oral or anal sex. Intercourse includes penetration by a penis, object, tongue, finger, or oral copulation no matter how slight. Sexual intercourse is "unwanted" if no Effective Consent is given or if the Respondent knew or should have known that the person was incapable of giving Effective Consent by reason of Mental or Physical Impairment, Mental Disorder, or Mental Incapacitation.

(10) Tampering with the election of any Student, Recognized Student Organization or group.

(11) Hazing. Hazing is conduct which subjects a person to bodily danger, or physical, mental, or emotional harm, or to the likelihood of bodily danger or physical, mental, or emotional harm, or requiring, authorizing or permitting that the person be subjected to such conduct or act, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a student group or organization. The real or alleged participation in, consent to, or acquiescence in such conduct by a person subjected to hazing does not relieve an individual or group from responsibility for violating the Code.

(12) Violation of the University Alcohol and Other Drugs Policy or possession or consumption of alcohol beverages by persons under 21 years of age, or furnishing of alcoholic beverages to persons under 21 years, on University Premises or at any University Sponsored Activity.

(13) Smoking in unauthorized areas.

(14) Public indecency, such as exposing the intimate parts while in a public place or a place visible from a public place.

(15) Failure to comply with a University Official's requests. Students and Recognized Student Organizations and groups are expected to comply with and respond appropriately to the lawful requests of University Officials made in the performance of their duties.

(16) Engaging in conduct that is contrary to any federal or state law or city or local ordinance when such violation interferes with, or is detrimental to, the mission of the University or interferes with other students' legitimate educational activities and interests. Use of University property or University Premises to facilitate conduct that is contrary to any federal or state law or city or local ordinance shall automatically be deemed to be detrimental to the mission of the University. University disciplinary proceedings may be instituted against a Respondent charged with conduct that potentially violates both the law and this Code without regard to the pendency of civil or criminal litigation or criminal arrest and prosecution. Determinations made or sanctions imposed under this Code are not subject to change merely because criminal charges arising out of the same facts are dismissed, reduced, or resolved in favor of or against an individual.

(17) Violation of any University or Oregon University System rule, policy or Internal Management Directive (IMD), including but not limited to: Standards of Residence, PSU Housing Handbook, University Housing Office contracts, University Key Policy, the University Computer and Acceptable Use Policy, and the Prohibited Discrimination and Harassment Policy.

(18) Conviction of a felony or misdemeanor under circumstances where it is reasonable to conclude that the presence of the person at the University would constitute a danger to health, personal safety, or property.

(19) Conduct described in OAR 577-031-0135(1), (2), (4), or (8) within the full jurisdiction described in OAR 577-031-0133(1), whether or not the conduct occurs on University-owned or -controlled property.

(20) Illegal manufacture of drugs within the full jurisdiction described in OAR 577-031-0133(1).

(21) A violation of any sanctions imposed as a result of previous disciplinary proceedings under the Code.

(22) Abuse of the University conduct program as outlined in this Code, including but not limited to: (a) falsification, distortion or misrepresentation of information before any conduct body; (b) knowingly initiating any conduct proceedings without cause; (c) attempting to discourage an individual's participation in, or use of, any conduct system; or (d) influencing or attempting to influence another person to commit an abuse of any conduct system.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09; PSU 5-2012, f. & cert. ef. 10-11-12

577-031-0137

Procedures for Complaints Against Recognized Student Organizations

(1) Complaints submitted to the Dean of Student Life against a Recognized Student Organization or group may be referred, in the best judgment of the Dean of Student Life, to a University Official of the department or unit to which the group is most closely affiliated. The University Official will follow the procedures of the department or unit to which the complaint is referred.

(2) The president, principal officer, contact person(s), or other students designated by the Recognized Student Organization or group to act on behalf of the organization shall be given reasonable notice of the charges and be afforded all procedural rights in accordance with the provisions of this Code. The president, principal officer, contact person(s), or group agent shall be required to represent the group at all applicable stages of the judicial program. Failure to cooperate or appear and represent the organization will not delay the disposition of the matter.

Stat. Auth.: ORS 351.070

Stats. Implemented:

Hist.: PSU 1-1994, f. & cert. ef. 1-10-94; PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09; PSU 5-2012, f. & cert. ef. 10-11-12

577-031-0139

Procedures for Emergency Action

(1) If the Dean of Student Life determines that a Student presents a significant risk of substantial harm to the health or safety of others, then the Dean may take such emergency action as is necessary to address the risk. Emergency action may include, but is not limited to:

(a) immediate suspension of the Student;

(b) exclusion from University Premises or any portion thereof;

(c) loss of any of the privileges of being a Student;

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(d) mandating completion by the Student of an assessment by a qualified professional and compliance with the recommendations of the professional; or

(e) any other action determined by the Dean to be reasonable due to the circumstances.

(2) All incidents in which emergency action is taken will be forwarded to the Senior Conduct Officer and follow the procedures outlined in OAR 577-031-0140. The emergency action will remain in effect until a final decision has been made about the Respondent. All incidents in which emergency action has been taken will be adjudicated as quickly as possible.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09; PSU 5-2012, f. & cert. ef. 10-11-12

577-031-0140

Procedures for Complaints Against Individuals

(1) Any person may submit a written complaint to the Dean of Student Life alleging that a Student(s) or Recognized Student Organization or group has engaged in conduct proscribed by this Code. Any charge should be submitted as soon as possible after the event takes place, preferably within fourteen (14) Days of the event. The process cannot begin until the written complaint has been received.

(2) The Senior Conduct Officer will review all complaints received by the Dean of Student Life to determine if there are reasonable grounds for the complaint. If there are no reasonable grounds, the complaint will be dismissed. If there are reasonable grounds for the complaint, an investigation will be initiated and the process will proceed as outlined below or, as appropriate, as outlined in OAR 577-031-0141.

(3) After initiating an investigation, the Senior Conduct Officer will send written notice to the Respondent(s) advising of the allegations and referencing the specific section of this Code allegedly violated.

(4) The Senior Conduct Officer, in his or her best judgment, will determine which hearing body will hear the complaint. The Respondent may request that the Senior Conduct Officer choose a particular hearing body.

(5) If the Senior Conduct Officer hears the case, the Senior Conduct Officer will facilitate the hearing procedures and may decide the matter in his or her best judgment. All hearings before the Senior Conduct Officer are closed, and the information and supporting documents presented are confidential except as required by law. The hearing is informal and does not follow administrative contested case or courtroom procedures, including formal rules of evidence.

(a) If the Respondent fails to attend the meeting, the Senior Conduct Officer will decide the matter in the Respondent's absence. Failure to cooperate or appear will not delay the disposition of the matter.

(b) The Respondent may bring up to two (2) third party advisors of his/her choice to the hearing as long as the availability of the advisor does not interfere with the timeliness of the hearing. The Respondent will be expected to speak for himself or herself at all times and may only use the advisor for consultation or support. The Respondent may elect to have an attorney serve as an advisor. The Respondent must notify the Dean of Student Life at least 24 hours prior to the scheduled meeting if his or her attorney will be present. The University assumes no responsibility for any costs associated with such representation.

(c) The Respondent will have the opportunity to offer information on his or her behalf and to review and respond to all information presented.

(d) The Senior Conduct Officer may ask questions of any person present during the hearing. The Senior Conduct Officer may invite questions and comments from advisors or others present.

(e) If the Senior Conduct Officer decides an essential person or piece of information is missing, the Senior Conduct Officer may decide to reconvene the hearing at the earliest practical time that the missing information will be available.

(f) The Senior Conduct Officer will determine, based upon a preponderance of the evidence (which means whether something is "more likely than not"), whether the Respondent is responsible for a Code violation and, if so, what sanctions are to be imposed. Once that determination is made, the Senior Conduct Officer will send written notice to the Respondent articulating the determination of responsible or not for the alleged violation(s), subsequent sanction(s), if any are imposed, and information about the appeal process described in OAR 577-031-0143.

(6) If the Student Conduct Committee (the Committee) hears the case, the Committee Chairperson facilitates the hearing procedures and has voting power in the case of a tie. The Senior Conduct Officer serves as an ex-officio consultant and ensures administrative support of the process. All Committee hearings are closed, and the information and supporting docu-

ments presented are confidential except as required by law. The hearing is informal and does not follow administrative contested case or courtroom procedures, including formal rules of evidence.

(a) If the Respondent fails to attend the meeting, the Committee will decide the matter in the Respondent's absence. Failure to cooperate or appear will not delay the disposition of the matter.

(b) The Respondent may bring up to two (2) third party advisors of his/her choice to the hearing as long as the availability of the advisor does not interfere with the timeliness of the hearing. The Respondent will be expected to speak for himself or herself at all times and may only use the advisor for consultation or support. The Respondent may elect to have an attorney serve as an advisor. The Respondent must notify the Dean of Student Life at least 24 hours prior to the scheduled meeting if his or her attorney will be present. The University assumes no responsibility for any costs associated with such representation.

(c) The Respondent will have the opportunity to offer information on his or her behalf and to review and respond to all information presented.

(d) Members of the Committee may ask questions of any person present during the hearing. The Chairperson may invite questions and comments from advisors or others present.

(e) If the Chairperson decides an essential person or piece of information is missing, the Chairperson may decide to reconvene the hearing at the earliest practical time that the missing information will be available.

(f) After the Chairperson has determined that all the necessary information has been presented and questions answered, the Committee will go into executive session and all persons except for the Committee and its legal advisors, if any, will be excused. The Committee will determine, based on a preponderance of evidence (which means whether something is "more likely than not"), whether the Respondent is responsible for a Code violation, and, if so, what sanctions are to be imposed. Once that determination is made, the Committee will send written notice to the Respondent articulating the determination of responsible or not for the alleged violation(s), subsequent sanction(s), if any are imposed, and information about the appeal process described in OAR 577-031-0143.

(7) Appeals of the decision of the Senior Conduct Officer or of the Committee must follow the appeal process outlined in OAR 577-031-0143.

(8) Except as limited by the Dean of Student Life pursuant to OAR 577-031-0139, the Respondent is entitled to all rights and privileges of a student in good standing pending the Senior Conduct Officer's or the Committee's resolution of the matter. If the Senior Conduct Officer or the Committee decides to impose sanctions, those sanctions shall be effective immediately upon notice to the Respondent and shall remain in effect pending resolution of any appeal unless (a) the Senior Conduct Officer or the Committee states otherwise in a written notice issued under 577-031-0140(5) or (6) or (b) the Vice President decides to stay the imposition of those sanctions while the appeal is being decided.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 1-1982, f. & ef. 4-22-82; PSU 4-1987, f. 9-30-87, ef. 10-1-87; PSU 2-1988(Temp), f. & cert. ef. 3-15-88; PSU 4-1988, f. & cert. ef. 6-16-88; PSU 1-1994, f. & cert. ef. 1-10-94; PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 1-2007, f. & cert. ef. 1-5-07; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09; PSU 5-2012, f. & cert. ef. 10-11-12

577-031-0141

Procedures for Investigations and Notice of Outcomes

When the Senior Conduct Officer has determined that a complaint requires an investigation, the process will proceed as follows:

(1) If a complaint alleges facts that would constitute a sex offense, including sexual harassment, sexual exploitation, non-consensual sexual contact, and non-consensual sexual intercourse, or violate the University's "Prohibited Discrimination and Harassment Policy," the Complainant and Respondent will be provided with equivalent opportunities to present relevant witnesses, documents and information during the investigation and, to participate during any hearings or other proceedings.

(2) Pursuant to OAR 577-031-0139, the Dean of Student Life may impose interim actions such as suspension, relocation, or no contact orders between parties, to protect the integrity of the investigation and prevent the recurrence of the alleged code violation.

(3) The Senior Conduct Officer or other investigator will contact the Complainant and Respondent to gather statements, documents, digital records, and other information related to the complaint. The investigator will interview relevant witnesses. The Complainant and Respondent will be kept informed of the status of the investigation.

(4) Complaints will be investigated and resolved, and parties will be notified of the outcome promptly, but not later than sixty (60) Days from the date of the complaint, absent extenuating circumstances.

ADMINISTRATIVE RULES

(5) Hearing result notifications will be provided to Complainants and Respondents consistent with the Family Educational Rights and Privacy Act and other applicable laws.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09; PSU 5-2012, f. & cert. ef. 10-11-12

577-031-0142

Procedures for Complaints of Academic Misconduct

(1) Course Instructors have the primary responsibility and purview for responding to academic dishonesty by students enrolled in their respective courses. Course Instructors may issue a zero or a failing grade for the assignment for which the dishonesty was found. Course Instructors may not issue a failing grade for the course unless a failing grade on the assignment in question results in a failing grade for the course, per the syllabus. Instructors may not administratively remove a student from a course.

(2) Departments, programs, colleges, or schools may also address academic dishonesty in accordance with their respective policies and procedures. These entities are limited to the following academic sanctions: (a) Issuing a zero or a failing grade for the assignment for which the dishonesty was found; or (b) suspension or expulsion from the department, program, college or school per the process proscribed by the respective entity.

(3) Any person may submit a written Complaint to the Dean of Student Life alleging that a Student(s) has engaged in academic misconduct. Any charge should be submitted as soon as possible after the activity takes place, preferably within fourteen (14) Days of such activity.

(4) If the Complaint is submitted by anyone other than the Course Instructor, the Complaint will also be referred to the Course Instructor in which the alleged academic misconduct occurred.

(5) Course Instructors who submit a Complaint alleging academic misconduct will be notified of the outcome of their Complaints upon request.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09; PSU 5-2012, f. & cert. ef. 10-11-12

577-031-0143

Appeals

(1) Appeals from the decision of the Senior Conduct Officer or the Committee shall be made to the Vice President for Enrollment Management and Student Affairs, whose decision is final.

(2) Appeal requests must be in writing and received by the Vice President within ten (10) Days following the date of the letter notifying the Respondent of the outcome of the hearing.

(3) The request for an appeal must demonstrate why an appeal is required. Appropriate justification may include:

(a) new evidence or information that was not available at the time of the original hearing;

(b) a demonstration that the sanction(s) imposed were outside of the University's authority; or

(c) demonstrated errors in the conduct process. Justifications described in (a) or (c) will not be a basis for sustaining an appeal unless the deviation would have materially affected the decision of the Committee or the Senior Conduct Officer.

(4) After receiving the request for appeal, the Vice President will review the appeal request, together with any other information the Vice President deems relevant, and determine whether an appeal hearing would assist the Vice President in deciding the appeal. The Vice President may grant an appeal hearing, or not, in his or her best judgment. The Vice President may limit the subject of hearing to the matters that will assist him or her in deciding the appeal.

(5) If the Vice President grants a hearing, the Vice President will facilitate the hearing procedures. All appeal hearings are closed, and the information and supporting documents presented are confidential except as required by law. The appeal hearing is informal and does not follow administrative contested case or courtroom procedures, including formal rules of evidence.

(a) During the appeal hearing, if any, the Respondent may bring up to two (2) third party advisors of his/her choice as long as the availability of the advisor does not interfere with the timeliness of the hearing. The Respondent will be expected to speak for himself or herself at the hearing. The Respondent may elect to have an attorney serve as an advisor. The Respondent must notify the Vice President at least 24 hours prior to the scheduled meeting if his or her attorney will be present. The University assumes no responsibility for any costs associated with such representation.

(b) The Respondent's failure to cooperate or appear at the appeal hearing will not delay the disposition of the appeal. The Vice President may dismiss the appeal if the Respondent fails to appear at the appeal hearing.

(c) At the appeal hearing, if any, the Senior Conduct Officer or the Chair of the Committee will have the opportunity, within any limits prescribed by the Vice President in granting the appeal hearing, to offer information and to review and respond to all information presented;

(d) At the appeal hearing, if any, the Respondent will have the opportunity to offer information on his or her behalf, within any limits prescribed by the Vice President in granting the appeal hearing, and to review and respond to all information presented.

(e) The Vice President may ask questions of any person present during the appeal hearing. The Vice President may invite questions and comments from advisors or others present. No person other than the Vice President may ask questions of persons present at the hearing.

(f) If the Vice President decides an essential person or piece of information is missing, the Vice President may decide to reconvene the hearing at the earliest practical time that the missing information will be available.

(g) After the Vice President has determined that all the necessary information has been presented and questions answered, the appeal hearing will be closed. The Vice President will determine, based on a preponderance of evidence (which means whether something is "more likely than not"), whether or not the appeal is warranted, and, if so, what subsequent actions may be appropriate.

(h) The Vice President's decision will be in writing to the Respondent with copies to the Senior Conduct Officer and/or Chair of the Committee.

(6) Sanctions associated with a decision are deemed upheld unless the Vice President specifies otherwise in his or her written decision.

Stat. Auth.: ORS 351
Stats. Implemented: ORS 351.070
Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09; PSU 5-2012, f. & cert. ef. 10-11-12

577-031-0144

Fees

(1) A Student or Recognized Student Organization or group that has been determined to have violated the Code will be assessed a fee as provided in this rule. In incidents involving more than one violation, a fee will be assessed for the highest level offense only.

(2) The amount of the fee will be determined by the nature of the offense, as follows:

(a) For a Low Level Offense, the first violation will result in a \$10 fee, a second violation of the same or similar nature will result in a \$20 fee, and the fee will increase by an additional \$10 for each subsequent violation of the same or similar nature.

(b) For a Mid Level Offense, the first violation will result in a \$20 fee, a second violation of the same or similar nature will result in a \$40 fee, and the fee will increase by an additional \$20 for each subsequent violation of the same or similar nature.

(c) For a High Level Offense, the first violation will result in a \$75 fee, a second violation of the same or similar nature will result in a \$100 fee, and the fee will increase by an additional \$25 for each subsequent violation of the same or similar nature.

(d) For a Drug or Alcohol Offense, the first violation will result in a \$50 fee, a second violation of the same or similar nature will result in a \$75 fee, and the fee will increase by an additional \$25 for each subsequent violation of the same or similar nature.

(3) The following definitions apply to this rule:

(a) A "Low Level Offense" is any of the following: (i) any violation of the Housing Handbook that is not a High Level Offense or a Drug or Alcohol Offense, unless the offense endangered the health or safety of the Student or others, (ii) Academic Negligence, or (iii) a violation based solely on the use of University computer resources that is alleged to have violated intellectual property rights.

(b) A "Mid Level Offense" is any offense that is not a Low Level Offense, High Level Offense or Drug or Alcohol Offense.

(c) A "High Level Offense" is any of the following: (i) any offense that involved firearms or weapons, (ii) any offense that resulted in physical injury to another, (iii) Sexual Misconduct, (iv) Sexual Assault, (v) Hazing, or (vi) any offense in which the sanction imposed includes suspension, expulsion or negative notation on transcript.

(d) A "Drug or Alcohol Offense" is any offense, that is not a High Level Offense, that included the use or possession of drugs or alcohol in violation of the Code.

(4) The Senior Conduct Officer may waive the imposition of a fee in unique and compelling circumstances.

ADMINISTRATIVE RULES

(5) All fees will be assessed to the University account of the responsible Student or Recognized Student Organization or group.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09; PSU 5-2012, f. & cert. ef. 10-11-12

577-031-0145

Sanctions

Students or Recognized Student Organizations whose behavior violates this Code may be subject to one or more sanctions, including, but not limited to:

(1) Mediation Intake. Participation in a facilitated discussion about the matter with an option to move forward with a discussion with the Complainant. Mediation involving a Complainant is not an appropriate sanction in a case involving a sex offense as described in OAR 577-031-0141(1).

(2) Assessments. Completion of evaluation(s) and following the recommendations of a qualified professional for treatment and/or education.

(3) Restitution. Those responsible may be required to make monetary restitution, return any stolen or misappropriated property, or provide services to the University or a member of the University community in accordance with the nature of the violation and in an amount not to exceed the actual expenses, damages, or losses incurred.

(4) Educational Assignment. Complete specific assignments or render a designated number of hours of specified service to the University or the community.

(5) Reprimand. Written notice that the conduct in which the Student(s) engaged is inconsistent with the requirements of the Code and that the Student is reprimanded for that conduct. Such notice will also indicate that future violations of the Code may result in the imposition of additional sanctions.

(6) Disciplinary Probation. Constitutes a period of time during which additional violations of the Code will result in sanctions of increased severity. Upon expiration of the period of probation and fulfillment of other sanctions imposed, if any, the Student's disciplinary probation will be lifted.

(7) Social Probation. Establishes a fixed period of time, not less than one term, in which a student/organization may not be permitted to represent the University or participate in any University, extracurricular, athletic, or other activities. The specifics of the social probation will vary based upon the violation and the individual Student's circumstances. For example, a Student may be restricted and allowed to participate only in activities directly related to academic pursuits and only be permitted to enter buildings necessary for the completion of academic requirements. Students on social probation may be restricted from attending or purchasing tickets for certain events sponsored by the University including, but not limited to, athletic events, concerts, SALP programs, intramurals, off-campus trips, etc.

(8) No Contact. An order of "No Contact" with another student, faculty member, staff member or University Official. In this case, Respondents or Recognized Student Organizations or groups may be required to organize their on-campus activities in order to avoid contact with designated individuals.

(9) Registration Hold. Students who do not complete assigned sanctions within the time provided may be prevented from registering for classes until completion of those sanctions.

(10) Exclusion from the University Premises or any portion thereof.

(11) Suspension. Loss of the right to be a student at the University for a specific period of time. Suspended Students are not eligible for the privileges and services provided to currently enrolled students, including but not limited to residing in University-owned student housing, registering, attending class, or using other University services or facilities. The suspension may be specified for any length of time.

(a) If a student is suspended, fees will be refunded in accordance with the refund schedule adopted by the Oregon State Board of Higher Education.

(b) If the pending conduct hearing or appeal may result in suspension, award of the academic degree sought will be postponed pending the outcome of the hearing.

(c) Upon expiration of the period of suspension the Student must submit in writing to the Senior Conduct Officer a request for the suspension to be lifted. The request should include a description of the Student's activities since the suspension went into effect. If the Senior Conduct Officer certifies that all the terms of the suspension have been met and the suspension lifted, the student may register for courses through the regular process, con-

tingent on the completion and/or satisfaction of all sanctions and satisfaction of general admission and registration requirements.

(d) A notation of "Disciplinary Suspension" shall be entered on the student's transcript for the duration of the suspension. After the suspension period is complete and all other conditions, if any, have been satisfied, the Senior Conduct Officer will notify the Registrar's Office to lift the Registration Hold, and the notation will be removed from the transcript.

(12) Administrative Removal from a Course. In the case of administrative removal from a particular course, a student will be allowed to continue in all other courses unless otherwise stated. After removal from a course, fees will be refunded in accordance with the refund schedule adopted by the Oregon State Board of Higher Education.

(13) Negative Notation on Transcript. Entry of information onto the student's permanent academic record regarding his or her violation of the Code and subsequent sanction. The entry may be permanent or temporary. If the notation is temporary, after the expiration of the period of time specified, the notation will be removed upon written request by the student to the Dean of Student Life. If the notation is permanent, "Permanent Negative Notation" on transcript will remain on the Respondent's transcript indefinitely.

(14) Expulsion. Permanent suspension from the University. A permanent notation is entered on the transcript of an expelled Student: "Permanently expelled for [conduct or academic dishonesty] effective [date]".

(15) Degree Revocation. A former Student may have his/her degree revoked if the Student is found to have engaged in conduct leading to a degree that, if known at the time the degree was awarded, would have made the Student unqualified for the program or degree.

Stat. Auth.: OR 351

Stats. Implemented:

Hist.: PSU 1-1982, f. & ef. 4-22-82; PSU 4-1987, f. 9-30-87, ef. 10-1-87; PSU 1-1994, f. & cert. ef. 1-10-94; PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09; PSU 5-2012, f. & cert. ef. 10-11-12

577-031-0146

Types of Sanctions for Recognized Student Organization or Group Conduct

A Recognized Student Organization or group may be subject to the disciplinary sanctions outlined in OAR 577-031-0145(1)-(8), (10)-(11), or (14), including the temporary or permanent suspension of the organization or group's official University recognition.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09; PSU 5-2012, f. & cert. ef. 10-11-12

577-031-0147

Records

(1) All Complaints, except as described in OAR 577-031-0140(2), involve the creation of a Conduct Record for the Student or Recognized Student Organization or group alleged to have violated the Code. These records are confidential and accessible only to the Respondent and appropriate University Officials and other entities as required by law.

(2) An Expulsion of a Student will be permanently noted in a Student's general academic record maintained by the Office of Admissions, Records and Registration by means of a notation, which indicates the reason for the action. The Student may include in the record a response to the action taken by the University.

(3) A Suspension of a Student will be noted in a Student's general academic record maintained by the Office of Admissions, Records and Registration by means of a notation, which indicates the reason for the action until the Suspension is lifted.

(4) All files and records are kept in accordance with OAR 166-475-0110(38).

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09; PSU 5-2012, f. & cert. ef. 10-11-12

577-031-0148

Interpretation and Revision

(1) Any question of interpretation regarding the Code must be referred to the Vice President for final determination.

(2) The Code should be reviewed every three years or as needed.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: PSU 2-2002, f. & cert. ef. 10-22-02; PSU 4-2006, f. & cert. ef. 8-22-06; PSU 3-2009, f. 8-13-09, cert. ef. 9-28-09; PSU 5-2012, f. & cert. ef. 10-11-12

ADMINISTRATIVE RULES

Racing Commission Chapter 462

Rule Caption: Rulemaking will edit OARs with detailed direction to licenses and updates rule terminology.

Adm. Order No.: RC 3-2012

Filed with Sec. of State: 10-9-2012

Certified to be Effective: 10-15-12

Notice Publication Date: 4-1-2012

Rules Amended: 462-210-0010, 462-220-0040

Subject: Amendment #1: 462-210-0010 (Definitions): Proposed amendments add definitions for "Advance Deposit Wagering Licensee or ADW", "Business Day", and "Person" and clarify existing definitions.

Amendment #2: 462-220-0040 (State of Oregon Share of the Pari-Mutuel Handle): Proposed amendments to this rule updates some of the rule language and list an updated tax table.

Rules Coordinator: Nancy A. Artmann—(971) 673-0211

462-210-0010

Definitions

The following definitions and interpretations shall apply to these rules unless otherwise indicated or text otherwise requires.

(1) "Account": An account for account wagering with a specific identifiable record of deposits, wagers, and withdrawals established by an account holder and managed by the advance deposit wagering licensee or race meet licensee.

(2) "Account Holder": A person who successfully completed an application and for whom an account has been opened.

(3) "Account Wagering": A form of pari-mutuel wagering in which a person may deposit money in an account with an advance deposit wagering licensee or race meet licensee and then use the current balance to pay for pari-mutuel wagering.

(4) "Account Wagering Center": An actual location, equipment, and staff of an advance deposit wagering licensee or race meet licensee and/or agents involved in the management, servicing, and operation of account wagering.

(5) "Advance Deposit Wagering Licensee or ADW": Any person or entity holding a currently valid license to engage in related activities as a multi-jurisdictional simulcasting and interactive wagering totalizator hub as defined in Oregon Administrative Rule 462-220-0010(1).

(6) "Agent": Those persons or entities with the authority to accept deposits and wagers or issue a receipt or other confirmation to the account holder evidencing such deposits and wagers, and transfer credits and debits to and from accounts on behalf of the advance deposit wagering licensee or race meet licensee.

(7) "Applicant": A person who has submitted an application to establish an account with an advance deposit wagering licensee or race meet licensee.

(8) "Application": The form or forms and other required submissions received from an applicant with the intent of opening an account.

(9) "Business Day": Monday through Friday with the exception of a federal or state observed holiday.

(10) "Commission": The Oregon Racing Commission or any successor agency.

(11) "Confidential Information":

(a) The amount of money credited to, debited from, withdrawn from, or present in any particular account holder's account;

(b) The amount of money wagered by a particular account holder on any race or series of races;

(c) The account number and secure personal identification code of a particular account holder;

(d) The identities of particular entries on which the account holder is wagering or has wagered; and

(e) Unless otherwise authorized by the account holder, the name, address, and other information in the possession of the account wagering center and race meet licensee that would identify the account holder to anyone other than the commission, the account wagering center or the race meet licensee.

(12) "Credits": All positive inflows of money to an account.

(13) "Debits": All negative outflow of money from an account.

(14) "Deposit": A payment of money by cash, check, money order, credit card, debit card, or electronic funds transfer made by an account holder to the account holder's account.

(15) "Person": Any natural person at least 18 years of age or a single member limited liability company where the single member is a natural person.

(16) "Principal Residence Address": That place where the person submitting an application for an account resides at least fifty percent (50%) of the time during the calendar year.

(17) "Proper Identification": A form of identification accepted in the normal course of business to establish that the person making a transaction is an account holder.

(18) "Race Course": As defined in ORS 462.010(5).

(19) "Race Meet Licensee": Any person or entity holding a currently valid license to engage in racing or related regulated activities.

(20) "Secure Personal Identification Code": An alpha-numeric character code chosen by an account holder as a means by which the advance deposit wagering licensee or race meet licensee may verify a wager or account transaction as authorized by the account holder.

(21) "Withdrawal": A payment of money from an account by the advance deposit wagering licensee or race meet licensee to the account holder when properly requested by the account holder.

(22) "Withdrawal Slip": A form provided by the race meet licensee for use by an account holder in withdrawing funds from an account.

Stat. Auth.: ORS 462.270(3) & 462.700

Stats. Implemented: ORS 462.142

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2012, f. 5-29-12, cert. ef. 6-1-12; RC 3-2012, f. 10-9-12, cert. ef. 10-15-12

462-220-0040

State of Oregon Share of the Pari-Mutuel Handle

In addition to the licensing fee set forth in OAR 462-220-0030(5), the hub operator shall pay to the Oregon Racing Commission the tax authorized by ORS 462.725(3)(b) on all gross mutuel wagering receipts recorded by the hub's totalizator system during the license period. The payments shall be made as follows:

(1) Payments shall be made each week based on the gross mutuel wagering receipts for that week.

(2) Payments shall be made in a timely manner as prescribed by the executive director of the commission.

(3) Payments shall be calculated according to one of the following formulas as elected by the hub operator in the manner specified in section (4):

(a) Payment of 0.125% of the first 60 million dollars in gross mutuel wagering receipts during the license period and 0.25% of the gross mutuel wagering receipts in excess of 60 million dollars during that period; or

(b) Payment of 0.25% of gross mutuel wagering receipts, except that, if the hub operator conducts business in a state where hubs are specifically authorized and the tax rate is less than 0.25%, the tax rate for wagers by the residents of such state would be that of the state in which they reside. This exception is limited to a single state designated by the hub operator in the manner specified in section (4).

(A) The base tax for fiscal year 2007-08 is \$350,000.

(B) The maximum payment set out in section (3), subsection (a), paragraph (A), will increase 7.5% on an annual basis for each fiscal year unless the commission changes that limit before the beginning of a fiscal year.

Fiscal Year	Tax Amount
2008-09	376,250.00
2009-10	404,469.00
2010-11	434,804.00
2011-12	467,414.00
2012-13	502,470.00
2013-14	540,156.00
2014-15	580,667.00
2015-16	624,217.00
2016-17	671,034.00
2017-18	721,361.00

Stat. Auth.: ORS 462.270(3) & 462.725

Stats. Implemented: ORS 462.725

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 1-2001, f. & cert. ef. 3-19-01; RC 4-2002, f. & cert. ef. 6-28-02; RC 3-2003, f. 6-13-03, cert. ef. 7-1-03; RC 4-2003, f. 6-20-03, cert. ef. 7-1-03; RC 3-2004, f. 6-23-04, cert. ef. 7-1-04; RC 1-2005, f. 5-23-05, cert. ef. 7-1-05; RC 2-2012, f. 5-29-12, cert. ef. 6-1-12; RC 3-2012, f. 10-9-12, cert. ef. 10-15-12

ADMINISTRATIVE RULES

Travel Information Council Chapter 733

Rule Caption: Free Coffee program to be offered in additional rest areas managed by the Council.

Adm. Order No.: TIC 1-2012

Filed with Sec. of State: 10-11-2012

Certified to be Effective: 10-11-12

Notice Publication Date: 9-1-2012

Rules Amended: 733-030-0500

Subject: The Travel Information Council held a quarterly meeting on July 24, 2012. The Council proposed changes to the rule to allow the offering of the “free coffee” program in additional rest areas managed by the Council. Having received no comments from the public, the Council voted to adopt the changes at the October 10, 2012 meeting.

Rules Coordinator: Diane Cheyne—(503) 378-4508

733-030-0500

Applicability and Purpose

(1) The purpose of these regulations is to establish rules for the “free coffee” program service sponsored by non-profit organizations in rest areas; permissible under federal regulations and state law; and found by the Council, in certain instances, to be in the interest of public safety.

(2) These regulations are applicable to those rest areas managed by the Council.

(3) The authority for the issuance of these regulations is Oregon Laws 2012, Section 10, Chapter 63.

Stat. Auth.: Oregon Jobs & Transportation Act 2009 (HB 2001)

Stats. Implemented:

Hist.: TIC 1-2010, f. & cert. ef. 3-15-10; TIC 1-2012, f. & cert. ef. 10-11-12

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
111-005-0040	1-13-2012	Amend(T)	2-1-2012	111-050-0010(T)	10-9-2012	Repeal	11-1-2012
111-005-0040	4-18-2012	Amend	6-1-2012	111-050-0015	12-14-2011	Amend	1-1-2012
111-005-0040(T)	4-18-2012	Repeal	6-1-2012	111-050-0015	4-20-2012	Amend(T)	6-1-2012
111-005-0042	1-13-2012	Amend(T)	2-1-2012	111-050-0015	10-9-2012	Amend	11-1-2012
111-005-0042	4-18-2012	Amend	6-1-2012	111-050-0015(T)	12-14-2011	Repeal	1-1-2012
111-005-0042(T)	4-18-2012	Repeal	6-1-2012	111-050-0015(T)	10-9-2012	Repeal	11-1-2012
111-010-0015	12-14-2011	Amend	1-1-2012	111-050-0016	4-20-2012	Amend(T)	6-1-2012
111-010-0015(T)	12-14-2011	Repeal	1-1-2012	111-050-0016	10-9-2012	Amend	11-1-2012
111-030-0005	4-20-2012	Amend(T)	6-1-2012	111-050-0016(T)	10-9-2012	Repeal	11-1-2012
111-030-0005	10-9-2012	Amend	11-1-2012	111-050-0020	4-20-2012	Amend(T)	6-1-2012
111-030-0005(T)	10-9-2012	Repeal	11-1-2012	111-050-0020	10-9-2012	Amend	11-1-2012
111-030-0010	4-20-2012	Amend(T)	6-1-2012	111-050-0020(T)	10-9-2012	Repeal	11-1-2012
111-030-0010	10-9-2012	Amend	11-1-2012	111-050-0025	12-14-2011	Amend	1-1-2012
111-030-0010(T)	10-9-2012	Repeal	11-1-2012	111-050-0025	4-20-2012	Amend(T)	6-1-2012
111-030-0047	4-20-2012	Adopt(T)	6-1-2012	111-050-0025	10-9-2012	Amend	11-1-2012
111-030-0047	10-9-2012	Adopt	11-1-2012	111-050-0025(T)	12-14-2011	Repeal	1-1-2012
111-030-0047(T)	10-9-2012	Repeal	11-1-2012	111-050-0025(T)	10-9-2012	Repeal	11-1-2012
111-040-0001	12-14-2011	Amend	1-1-2012	111-050-0030	12-14-2011	Amend	1-1-2012
111-040-0001	4-20-2012	Amend(T)	6-1-2012	111-050-0030	4-20-2012	Amend(T)	6-1-2012
111-040-0001	10-9-2012	Amend	11-1-2012	111-050-0030	10-9-2012	Amend	11-1-2012
111-040-0001(T)	12-14-2011	Repeal	1-1-2012	111-050-0030(T)	12-14-2011	Repeal	1-1-2012
111-040-0001(T)	10-9-2012	Repeal	11-1-2012	111-050-0030(T)	10-9-2012	Repeal	11-1-2012
111-040-0005	12-14-2011	Amend	1-1-2012	111-050-0035	4-20-2012	Amend(T)	6-1-2012
111-040-0005	4-20-2012	Amend(T)	6-1-2012	111-050-0035	10-9-2012	Amend	11-1-2012
111-040-0005	10-9-2012	Amend	11-1-2012	111-050-0035(T)	10-9-2012	Repeal	11-1-2012
111-040-0005(T)	12-14-2011	Repeal	1-1-2012	111-050-0045	12-14-2011	Amend	1-1-2012
111-040-0005(T)	10-9-2012	Repeal	11-1-2012	111-050-0045	4-20-2012	Amend(T)	6-1-2012
111-040-0010	4-20-2012	Amend(T)	6-1-2012	111-050-0045	10-9-2012	Amend	11-1-2012
111-040-0010	10-9-2012	Amend	11-1-2012	111-050-0045(T)	12-14-2011	Repeal	1-1-2012
111-040-0010(T)	10-9-2012	Repeal	11-1-2012	111-050-0045(T)	10-9-2012	Repeal	11-1-2012
111-040-0015	12-14-2011	Amend	1-1-2012	111-050-0050	12-14-2011	Amend	1-1-2012
111-040-0015	4-20-2012	Amend(T)	6-1-2012	111-050-0050	4-20-2012	Amend(T)	6-1-2012
111-040-0015	10-9-2012	Amend	11-1-2012	111-050-0050	10-9-2012	Amend	11-1-2012
111-040-0015(T)	12-14-2011	Repeal	1-1-2012	111-050-0050(T)	12-14-2011	Repeal	1-1-2012
111-040-0015(T)	10-9-2012	Repeal	11-1-2012	111-050-0050(T)	10-9-2012	Repeal	11-1-2012
111-040-0020	4-20-2012	Amend(T)	6-1-2012	111-065-0001	4-20-2012	Adopt(T)	6-1-2012
111-040-0020	10-9-2012	Amend	11-1-2012	111-065-0001	10-9-2012	Adopt	11-1-2012
111-040-0020(T)	10-9-2012	Repeal	11-1-2012	111-065-0001(T)	10-9-2012	Repeal	11-1-2012
111-040-0025	12-14-2011	Amend	1-1-2012	111-065-0005	4-20-2012	Adopt(T)	6-1-2012
111-040-0025	4-20-2012	Amend(T)	6-1-2012	111-065-0005	10-9-2012	Adopt	11-1-2012
111-040-0025	10-9-2012	Amend	11-1-2012	111-065-0005(T)	10-9-2012	Repeal	11-1-2012
111-040-0025(T)	12-14-2011	Repeal	1-1-2012	111-065-0010	4-20-2012	Adopt(T)	6-1-2012
111-040-0025(T)	10-9-2012	Repeal	11-1-2012	111-065-0010	10-9-2012	Adopt	11-1-2012
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111-040-0030	10-9-2012	Amend	11-1-2012	111-065-0015	4-20-2012	Adopt(T)	6-1-2012
111-040-0030(T)	10-9-2012	Repeal	11-1-2012	111-065-0015	10-9-2012	Adopt	11-1-2012
111-040-0040	12-14-2011	Amend	1-1-2012	111-065-0015(T)	10-9-2012	Repeal	11-1-2012
111-040-0040	4-20-2012	Amend(T)	6-1-2012	111-065-0020	4-20-2012	Adopt(T)	6-1-2012
111-040-0040	10-9-2012	Amend	11-1-2012	111-065-0020	10-9-2012	Adopt	11-1-2012
111-040-0040(T)	12-14-2011	Repeal	1-1-2012	111-065-0020(T)	10-9-2012	Repeal	11-1-2012
111-040-0040(T)	10-9-2012	Repeal	11-1-2012	111-065-0025	4-20-2012	Adopt(T)	6-1-2012
111-040-0050	4-20-2012	Amend(T)	6-1-2012	111-065-0025	10-9-2012	Adopt	11-1-2012
111-040-0050	10-9-2012	Amend	11-1-2012	111-065-0025(T)	10-9-2012	Repeal	11-1-2012
111-040-0050(T)	10-9-2012	Repeal	11-1-2012	111-065-0030	4-20-2012	Adopt(T)	6-1-2012
111-050-0010	4-20-2012	Amend(T)	6-1-2012	111-065-0030	10-9-2012	Adopt	11-1-2012
111-050-0010	10-9-2012	Amend	11-1-2012	111-065-0030(T)	10-9-2012	Repeal	11-1-2012

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111-065-0035	10-9-2012	Adopt	11-1-2012	123-018-0010	12-19-2011	Amend(T)	2-1-2012
111-065-0035(T)	10-9-2012	Repeal	11-1-2012	123-018-0010	6-1-2012	Amend	7-1-2012
111-065-0040	4-20-2012	Adopt(T)	6-1-2012	123-018-0010(T)	6-1-2012	Repeal	7-1-2012
111-065-0040	10-9-2012	Adopt	11-1-2012	123-018-0065	12-19-2011	Amend(T)	2-1-2012
111-065-0040(T)	10-9-2012	Repeal	11-1-2012	123-018-0065	6-1-2012	Amend	7-1-2012
111-080-0005	12-14-2011	Amend	1-1-2012	123-018-0065(T)	6-1-2012	Repeal	7-1-2012
111-080-0005(T)	12-14-2011	Repeal	1-1-2012	123-018-0140	12-19-2011	Amend(T)	2-1-2012
111-080-0030	4-20-2012	Amend(T)	6-1-2012	123-018-0140	6-1-2012	Amend	7-1-2012
111-080-0030	10-9-2012	Amend	11-1-2012	123-018-0140(T)	6-1-2012	Repeal	7-1-2012
111-080-0030(T)	10-9-2012	Repeal	11-1-2012	123-021-0000	12-8-2011	Amend(T)	1-1-2012
115-010-0012	12-29-2011	Amend	2-1-2012	123-021-0000	6-1-2012	Amend	7-1-2012
115-035-0000	12-29-2011	Amend	2-1-2012	123-021-0000(T)	6-1-2012	Repeal	7-1-2012
115-035-0035	12-29-2011	Amend	2-1-2012	123-021-0010	12-8-2011	Amend(T)	1-1-2012
115-035-0045	12-29-2011	Amend	2-1-2012	123-021-0010	6-1-2012	Amend	7-1-2012
115-040-0005	12-29-2011	Amend	2-1-2012	123-021-0010(T)	6-1-2012	Repeal	7-1-2012
115-070-0000	12-29-2011	Amend	2-1-2012	123-021-0015	12-8-2011	Amend(T)	1-1-2012
115-070-0035	12-29-2011	Amend	2-1-2012	123-021-0015	6-1-2012	Amend	7-1-2012
115-070-0050	12-29-2011	Amend	2-1-2012	123-021-0015(T)	6-1-2012	Repeal	7-1-2012
115-080-0010	12-29-2011	Amend	2-1-2012	123-021-0020	12-8-2011	Amend(T)	1-1-2012
122-070-0000	2-1-2012	Repeal	3-1-2012	123-021-0020	6-1-2012	Amend	7-1-2012
122-070-0010	2-1-2012	Repeal	3-1-2012	123-021-0020(T)	6-1-2012	Repeal	7-1-2012
122-070-0020	2-1-2012	Repeal	3-1-2012	123-021-0040	12-8-2011	Amend(T)	1-1-2012
122-070-0030	2-1-2012	Repeal	3-1-2012	123-021-0040	6-1-2012	Amend	7-1-2012
122-070-0040	2-1-2012	Repeal	3-1-2012	123-021-0040(T)	6-1-2012	Repeal	7-1-2012
122-070-0050	2-1-2012	Repeal	3-1-2012	123-021-0080	12-8-2011	Amend(T)	1-1-2012
122-070-0060	2-1-2012	Repeal	3-1-2012	123-021-0080	6-1-2012	Amend	7-1-2012
122-070-0065	2-1-2012	Repeal	3-1-2012	123-021-0080(T)	6-1-2012	Repeal	7-1-2012
122-070-0070	2-1-2012	Repeal	3-1-2012	123-021-0090	12-8-2011	Amend(T)	1-1-2012
122-070-0080	2-1-2012	Repeal	3-1-2012	123-021-0090	6-1-2012	Amend	7-1-2012
122-070-0100	2-1-2012	Adopt	3-1-2012	123-021-0090(T)	6-1-2012	Repeal	7-1-2012
122-070-0110	2-1-2012	Adopt	3-1-2012	123-021-0110	12-8-2011	Amend(T)	1-1-2012
122-070-0120	2-1-2012	Adopt	3-1-2012	123-021-0110	6-1-2012	Amend	7-1-2012
122-070-0130	2-1-2012	Adopt	3-1-2012	123-021-0110(T)	6-1-2012	Repeal	7-1-2012
122-070-0140	2-1-2012	Adopt	3-1-2012	123-021-0130	12-8-2011	Amend(T)	1-1-2012
122-070-0150	2-1-2012	Adopt	3-1-2012	123-021-0130	6-1-2012	Amend	7-1-2012
122-070-0160	2-1-2012	Adopt	3-1-2012	123-021-0130(T)	6-1-2012	Repeal	7-1-2012
122-075-0100	2-1-2012	Adopt	3-1-2012	123-042-0026	1-1-2012	Amend	2-1-2012
122-075-0110	2-1-2012	Adopt	3-1-2012	123-042-0045	1-1-2012	Amend	2-1-2012
122-075-0120	2-1-2012	Adopt	3-1-2012	123-043-0010	4-2-2012	Amend	5-1-2012
122-075-0150	2-1-2012	Adopt	3-1-2012	123-043-0010(T)	4-2-2012	Repeal	5-1-2012
122-075-0160	2-1-2012	Adopt	3-1-2012	123-043-0025	4-2-2012	Amend	5-1-2012
123-006-0035	4-2-2012	Amend	5-1-2012	123-043-0025(T)	4-2-2012	Repeal	5-1-2012
123-011-0021	6-1-2012	Amend	7-1-2012	123-043-0115	4-2-2012	Amend	5-1-2012
123-011-0025	6-1-2012	Amend	7-1-2012	123-043-0115(T)	4-2-2012	Repeal	5-1-2012
123-011-0027	6-1-2012	Amend	7-1-2012	123-091-0001	4-2-2012	Adopt	5-1-2012
123-011-0030	6-1-2012	Amend	7-1-2012	123-091-0010	4-2-2012	Adopt	5-1-2012
123-011-0035	12-8-2011	Amend(T)	1-1-2012	123-091-0015	4-2-2012	Adopt	5-1-2012
123-011-0035	6-1-2012	Amend	7-1-2012	123-091-0020	4-2-2012	Adopt	5-1-2012
123-011-0035(T)	6-1-2012	Repeal	7-1-2012	123-091-0025	4-2-2012	Adopt	5-1-2012
123-011-0037	6-1-2012	Amend	7-1-2012	123-091-0030	4-2-2012	Adopt	5-1-2012
123-011-0040	6-1-2012	Amend	7-1-2012	123-475-0012	1-1-2012	Amend	2-1-2012
123-011-0045	12-8-2011	Amend(T)	1-1-2012	123-475-0015	7-1-2012	Amend	8-1-2012
123-011-0045	6-1-2012	Amend	7-1-2012	123-475-0025	1-1-2012	Amend	2-1-2012
123-011-0045(T)	6-1-2012	Repeal	7-1-2012	123-475-0030	1-1-2012	Amend	2-1-2012
123-011-0050	6-1-2012	Amend	7-1-2012	123-600-0100	6-1-2012	Adopt	7-1-2012

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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
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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
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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
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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
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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
125-246-0570	1-1-2012	Amend	2-1-2012	125-249-0300	1-1-2012	Amend	2-1-2012
125-247-0100	1-1-2012	Amend	2-1-2012	125-249-0310	1-1-2012	Amend	2-1-2012

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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
137-003-0570	1-31-2012	Am. & Ren.	2-1-2012	137-048-0230	1-1-2012	Amend	1-1-2012
137-003-0570	1-31-2012	Am. & Ren.	2-1-2012	137-048-0240	1-1-2012	Amend	1-1-2012

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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	141-085-0510	9-29-2012	Amend	11-1-2012
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137-055-5420	10/1/2012	Repeal	11-1-2012	141-085-0520	9-29-2012	Amend	11-1-2012
137-055-6021	1-3-2012	Amend	2-1-2012	141-085-0525	9-29-2012	Amend	11-1-2012
137-055-6100	1-3-2012	Repeal	2-1-2012	141-085-0530	9-29-2012	Amend	11-1-2012
137-055-6200	1-3-2012	Amend	2-1-2012	141-085-0534	9-29-2012	Amend	11-1-2012
137-055-6220	1-3-2012	Amend	2-1-2012	141-085-0535	9-29-2012	Amend	11-1-2012
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137-087-0025	8-1-2012	Amend	9-1-2012	141-085-0755	9-29-2012	Amend	11-1-2012
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141-085-0775	9-29-2012	Amend	11-1-2012	150-118.100(6)	8-1-2012	Adopt	9-1-2012
141-085-0780	9-29-2012	Amend	11-1-2012	150-118.140	8-1-2012	Amend	9-1-2012
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141-089-0620	9-29-2012	Amend	11-1-2012	150-118.160-(B)	8-1-2012	Amend	9-1-2012
141-089-0625	9-29-2012	Amend	11-1-2012	150-118.171	8-1-2012	Amend	9-1-2012
141-089-0630	9-29-2012	Amend	11-1-2012	150-118.225	8-1-2012	Amend	9-1-2012
141-089-0640	9-29-2012	Amend	11-1-2012	150-118.250(1)	8-1-2012	Am. & Ren.	9-1-2012
141-089-0650	9-29-2012	Amend	11-1-2012	150-118.260	8-1-2012	Adopt	9-1-2012
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141-089-0700	9-29-2012	Amend	11-1-2012	150-118.260(4)	8-1-2012	Repeal	9-1-2012
141-089-0715	9-29-2012	Amend	11-1-2012	150-118.260(6)	8-1-2012	Amend	9-1-2012
141-089-0790	9-29-2012	Amend	11-1-2012	150-118.265	8-1-2012	Adopt	9-1-2012
141-089-0825	9-29-2012	Amend	11-1-2012	150-118.300	8-1-2012	Amend	9-1-2012
141-089-0835	9-29-2012	Amend	11-1-2012	150-137.300(3)	8-1-2012	Am. & Ren.	9-1-2012
141-093-0103	9-29-2012	Amend	11-1-2012	150-137.302(7)	8-1-2012	Repeal	9-1-2012
141-093-0104	9-29-2012	Amend	11-1-2012	150-18.385	1-1-2012	Amend	2-1-2012
141-093-0105	9-29-2012	Amend	11-1-2012	150-18.385(A)	1-1-2012	Amend	2-1-2012
141-093-0107	4-1-2012	Amend	4-1-2012	150-267.380(2)	1-1-2012	Amend	2-1-2012
141-093-0107	9-29-2012	Amend	11-1-2012	150-294.326(3)	7-26-2012	Am. & Ren.	9-1-2012
141-093-0115	4-1-2012	Amend	4-1-2012	150-294.336	7-26-2012	Renumber	9-1-2012
141-093-0120	9-29-2012	Amend	11-1-2012	150-294.352	7-26-2012	Am. & Ren.	9-1-2012
141-093-0135	4-1-2012	Amend	4-1-2012	150-294.352(1)-(A)	7-26-2012	Am. & Ren.	9-1-2012
141-093-0135	9-29-2012	Amend	11-1-2012	150-294.352(8)	7-26-2012	Am. & Ren.	9-1-2012
141-093-0151	9-29-2012	Amend	11-1-2012	150-294.371	7-26-2012	Am. & Ren.	9-1-2012
141-093-0165	9-29-2012	Amend	11-1-2012	150-294.376	7-26-2012	Renumber	9-1-2012
141-093-0175	9-29-2012	Amend	11-1-2012	150-294.381(2)	7-26-2012	Am. & Ren.	9-1-2012
141-093-0180	4-1-2012	Adopt	4-1-2012	150-294.401(7)	7-26-2012	Renumber	9-1-2012
141-093-0185	4-1-2012	Adopt	4-1-2012	150-294.416	7-26-2012	Am. & Ren.	9-1-2012
141-093-0187	4-1-2012	Adopt	4-1-2012	150-294.430(1)	7-26-2012	Renumber	9-1-2012
141-093-0190	4-1-2012	Adopt	4-1-2012	150-294.435(1)-(A)	1-1-2012	Amend	2-1-2012
141-093-0195	4-1-2012	Adopt	4-1-2012	150-294.435(1)-(A)	7-26-2012	Am. & Ren.	9-1-2012
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141-093-0205	4-1-2012	Adopt	4-1-2012	150-294.435(1)-(C)	7-26-2012	Am. & Ren.	9-1-2012
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141-093-0220	4-2-2012	Adopt(T)	5-1-2012	150-294.450(3)	7-26-2012	Renumber	9-1-2012
141-093-0220	9-29-2012	Adopt	11-1-2012	150-294.480	1-1-2012	Amend	2-1-2012
141-093-0225	4-2-2012	Adopt(T)	5-1-2012	150-294.480	7-26-2012	Am. & Ren.	9-1-2012
141-093-0225	9-29-2012	Adopt	11-1-2012	150-294.525	7-26-2012	Am. & Ren.	9-1-2012
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141-093-0235	9-29-2012	Adopt	11-1-2012	150-294.555(2)-(B)	7-26-2012	Renumber	9-1-2012
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141-093-0240	9-29-2012	Adopt	11-1-2012	150-305.810	2-1-2012	Amend(T)	3-1-2012
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141-110-0080	12-13-2011	Amend	1-1-2012	150-307.250(1)(c)	1-1-2012	Am. & Ren.	2-1-2012
150-118.005	8-1-2012	Adopt	9-1-2012	150-308.290(4)(b)	1-1-2012	Am. & Ren.	2-1-2012
150-118.010	8-1-2012	Adopt	9-1-2012	150-308.505(3)	2-1-2012	Adopt(T)	3-1-2012
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150-118.010(3)	8-1-2012	Amend	9-1-2012	150-314.280-(F)	1-1-2012	Amend	2-1-2012
150-118.010(4)(b)	8-1-2012	Amend	9-1-2012	150-314.360	1-1-2012	Amend	2-1-2012
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150-314.HB2071(A)	8-1-2012	Renumber	9-1-2012	161-020-0150	11-17-2011	Amend	1-1-2012
150-314.HB2071(B)	1-1-2012	Adopt	2-1-2012	161-025-0025	8-3-2012	Amend(T)	9-1-2012
150-314.HB2071(B)	8-1-2012	Renumber	9-1-2012	161-025-0030	8-3-2012	Amend(T)	9-1-2012
150-315.134	8-1-2012	Repeal	9-1-2012	161-025-0060	11-17-2011	Amend	1-1-2012
150-315.311(1)	8-1-2012	Repeal	9-1-2012	161-025-0060	1-1-2012	Amend(T)	2-1-2012
150-315.311(2)	8-1-2012	Repeal	9-1-2012	161-025-0060	7-3-2012	Amend	8-1-2012
150-315.311(6)	8-1-2012	Repeal	9-1-2012	161-030-0000	1-1-2012	Amend	1-1-2012
150-315.324(7)	8-1-2012	Repeal	9-1-2012	161-050-0000	8-3-2012	Amend(T)	9-1-2012
150-315.326	1-1-2012	Adopt	2-1-2012	161-050-0050	8-3-2012	Amend(T)	9-1-2012
150-315.354	1-1-2012	Repeal	2-1-2012	161-500-0000	1-1-2012	Adopt(T)	2-1-2012
150-315.514	6-1-2012	Amend(T)	7-1-2012	161-500-0000	7-3-2012	Adopt	8-1-2012
150-315.514	8-1-2012	Amend	9-1-2012	161-510-0010	1-1-2012	Adopt(T)	2-1-2012
150-315.HB 3672	11-29-2011	Adopt(T)	1-1-2012	161-510-0010	7-3-2012	Adopt	8-1-2012
150-315.HB 3672(T)	11-29-2011	Suspend	1-1-2012	161-510-0010	8-3-2012	Amend(T)	9-1-2012
150-315.HB3672	1-1-2012	Suspend	2-1-2012	161-510-0030	1-1-2012	Adopt(T)	2-1-2012
150-316.014	8-1-2012	Am. & Ren.	9-1-2012	161-510-0030	7-3-2012	Adopt	8-1-2012
150-317.710(5)(b)	1-1-2012	Amend	2-1-2012	161-510-0030	8-3-2012	Suspend	9-1-2012
150-401.000 Note	8-1-2012	Repeal	9-1-2012	161-520-0005	7-3-2012	Adopt	8-1-2012
160-010-0030	3-1-2012	Adopt	4-1-2012	161-520-0010	1-1-2012	Adopt(T)	2-1-2012
160-010-0050	6-1-2012	Adopt	7-1-2012	161-520-0010	7-3-2012	Adopt	8-1-2012
160-010-0310	3-1-2012	Amend	4-1-2012	161-520-0020	1-1-2012	Adopt(T)	2-1-2012
160-010-0400	3-1-2012	Amend	4-1-2012	161-520-0020	7-3-2012	Adopt	8-1-2012
160-010-0450	3-1-2012	Adopt	4-1-2012	161-520-0030	1-1-2012	Adopt(T)	2-1-2012
160-050-0115	3-1-2012	Adopt	4-1-2012	161-520-0030	7-3-2012	Adopt	8-1-2012
160-050-0140	6-1-2012	Amend	7-1-2012	161-520-0030	8-3-2012	Amend(T)	9-1-2012
160-050-0200	3-1-2012	Amend	4-1-2012	161-520-0035	8-3-2012	Adopt(T)	9-1-2012
160-050-0210	3-1-2012	Amend	4-1-2012	161-520-0040	1-1-2012	Adopt(T)	2-1-2012
161-002-0000	11-17-2011	Amend	1-1-2012	161-520-0040	7-3-2012	Adopt	8-1-2012
161-002-0000	1-1-2012	Amend(T)	2-1-2012	161-520-0045	7-3-2012	Adopt	8-1-2012
161-002-0000	7-3-2012	Amend	8-1-2012	161-520-0050	7-3-2012	Adopt	8-1-2012
161-002-0000	8-3-2012	Amend(T)	9-1-2012	161-520-0055	7-3-2012	Adopt	8-1-2012
161-006-0000	11-17-2011	Amend	1-1-2012	161-520-0060	7-3-2012	Adopt	8-1-2012
161-006-0025	11-17-2011	Amend	1-1-2012	161-530-0010	1-1-2012	Adopt(T)	2-1-2012
161-006-0025	8-3-2012	Amend(T)	9-1-2012	161-530-0010	7-3-2012	Adopt	8-1-2012
161-006-0025(T)	11-17-2011	Repeal	1-1-2012	161-530-0010	8-3-2012	Amend(T)	9-1-2012
161-006-0160	11-17-2011	Amend	1-1-2012	161-530-0020	1-1-2012	Adopt(T)	2-1-2012
161-006-0175	11-17-2011	Amend	1-1-2012	161-530-0020	7-3-2012	Adopt	8-1-2012
161-008-0040	11-17-2011	Amend	1-1-2012	161-530-0030	1-1-2012	Adopt(T)	2-1-2012
161-010-0010	8-3-2012	Amend(T)	9-1-2012	161-530-0030	7-3-2012	Adopt	8-1-2012
161-010-0020	11-17-2011	Amend	1-1-2012	161-530-0040	1-1-2012	Adopt(T)	2-1-2012
161-010-0020	8-3-2012	Amend(T)	9-1-2012	161-530-0040	7-3-2012	Adopt	8-1-2012
161-010-0025	11-17-2011	Amend	1-1-2012	161-540-0010	1-1-2012	Adopt(T)	2-1-2012
161-010-0035	11-17-2011	Amend	1-1-2012	161-540-0010	7-3-2012	Adopt	8-1-2012
161-010-0045	11-17-2011	Amend	1-1-2012	161-550-0010	1-1-2012	Adopt(T)	2-1-2012
161-010-0065	8-3-2012	Adopt(T)	9-1-2012	161-550-0010	7-3-2012	Adopt	8-1-2012
161-010-0080	8-3-2012	Amend(T)	9-1-2012	161-550-0020	7-3-2012	Adopt	8-1-2012
161-010-0085	11-17-2011	Amend	1-1-2012	161-560-0010	1-1-2012	Adopt(T)	2-1-2012
161-015-0010	8-3-2012	Amend(T)	9-1-2012	161-560-0010	7-3-2012	Adopt	8-1-2012
161-015-0025	8-3-2012	Amend(T)	9-1-2012	161-560-0020	1-1-2012	Adopt(T)	2-1-2012
161-015-0030	8-3-2012	Amend(T)	9-1-2012	161-560-0020	7-3-2012	Adopt	8-1-2012
161-020-0005	8-3-2012	Amend(T)	9-1-2012	161-570-0010	1-1-2012	Adopt(T)	2-1-2012
161-020-0015	11-17-2011	Amend	1-1-2012	161-570-0010	7-3-2012	Adopt	8-1-2012
161-020-0045	11-17-2011	Amend	1-1-2012	161-570-0015	7-3-2012	Adopt	8-1-2012
161-020-0055	11-17-2011	Amend	1-1-2012	161-570-0020	7-3-2012	Adopt	8-1-2012

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161-570-0045	7-3-2012	Adopt	8-1-2012	166-500-0000	9-12-2012	Amend	10-1-2012
161-570-0050	7-3-2012	Adopt	8-1-2012	166-500-0005	9-12-2012	Amend	10-1-2012
162-040-0001	4-1-2012	Amend	3-1-2012	166-500-0010	9-12-2012	Amend	10-1-2012
162-040-0002	4-1-2012	Amend	3-1-2012	166-500-0015	9-12-2012	Amend	10-1-2012
162-040-0005	4-1-2012	Amend	3-1-2012	166-500-0020	9-12-2012	Amend	10-1-2012
162-040-0010	4-1-2012	Amend	3-1-2012	166-500-0030	5-1-2012	Amend(T)	6-1-2012
162-040-0015	4-1-2012	Repeal	3-1-2012	166-500-0030	9-12-2012	Amend	10-1-2012
162-040-0020	4-1-2012	Amend	3-1-2012	166-500-0040	9-12-2012	Amend	10-1-2012
162-040-0050	4-1-2012	Amend	3-1-2012	166-500-0050	9-12-2012	Amend	10-1-2012
162-040-0054	4-1-2012	Amend	3-1-2012	166-500-0055	9-12-2012	Amend	10-1-2012
162-040-0055	4-1-2012	Amend	3-1-2012	170-061-0015	1-26-2012	Amend(T)	3-1-2012
162-040-0060	4-1-2012	Amend	3-1-2012	177-052-0000	12-1-2011	Adopt	1-1-2012
162-040-0065	4-1-2012	Amend	3-1-2012	177-052-0000(T)	12-1-2011	Repeal	1-1-2012
162-040-0070	4-1-2012	Amend	3-1-2012	177-052-0010	12-1-2011	Adopt	1-1-2012
162-040-0075	4-1-2012	Amend	3-1-2012	177-052-0010(T)	12-1-2011	Repeal	1-1-2012
162-040-0090	4-1-2012	Repeal	3-1-2012	177-052-0020	12-1-2011	Adopt	1-1-2012
162-040-0095	4-1-2012	Amend	3-1-2012	177-052-0020(T)	12-1-2011	Repeal	1-1-2012
162-040-0096	4-1-2012	Adopt	3-1-2012	177-052-0030	12-1-2011	Adopt	1-1-2012
162-040-0110	4-1-2012	Repeal	3-1-2012	177-052-0030(T)	12-1-2011	Repeal	1-1-2012
162-040-0115	4-1-2012	Repeal	3-1-2012	177-052-0040	12-1-2011	Adopt	1-1-2012
162-040-0120	4-1-2012	Repeal	3-1-2012	177-052-0040(T)	12-1-2011	Repeal	1-1-2012
162-040-0125	4-1-2012	Repeal	3-1-2012	177-052-0050	12-1-2011	Adopt	1-1-2012
162-040-0130	4-1-2012	Repeal	3-1-2012	177-052-0050(T)	12-1-2011	Repeal	1-1-2012
162-040-0135	4-1-2012	Repeal	3-1-2012	177-052-0060	12-1-2011	Adopt	1-1-2012
162-040-0136	4-1-2012	Repeal	3-1-2012	177-052-0060(T)	12-1-2011	Repeal	1-1-2012
162-040-0140	4-1-2012	Repeal	3-1-2012	177-052-0070	12-1-2011	Adopt	1-1-2012
162-040-0146	4-1-2012	Repeal	3-1-2012	177-052-0070(T)	12-1-2011	Repeal	1-1-2012
162-040-0148	4-1-2012	Repeal	3-1-2012	177-085-0000	1-15-2012	Amend	2-1-2012
162-040-0155	4-1-2012	Amend	3-1-2012	177-085-0005	1-15-2012	Amend	2-1-2012
165-001-0015	1-3-2012	Amend	2-1-2012	177-085-0010	1-15-2012	Amend	2-1-2012
165-001-0016	1-3-2012	Amend	2-1-2012	177-085-0015	1-15-2012	Amend	2-1-2012
165-001-0025	1-3-2012	Amend	2-1-2012	177-085-0020	1-15-2012	Amend	2-1-2012
165-001-0034	1-3-2012	Amend	2-1-2012	177-085-0025	1-15-2012	Amend	2-1-2012
165-007-0030	4-24-2012	Amend	6-1-2012	177-085-0025	1-15-2012	Amend(T)	2-1-2012
165-007-0300	1-3-2012	Amend	2-1-2012	177-085-0025	5-1-2012	Amend	6-1-2012
165-007-0320	1-3-2012	Repeal	2-1-2012	177-085-0025(T)	5-1-2012	Repeal	6-1-2012
165-010-0005	1-3-2012	Amend	2-1-2012	177-085-0030	1-15-2012	Amend	2-1-2012
165-010-0060	1-3-2012	Amend	2-1-2012	177-085-0035	1-15-2012	Amend	2-1-2012
165-010-0085	1-3-2012	Repeal	2-1-2012	177-085-0065	1-15-2012	Amend	2-1-2012
165-012-0005	1-3-2012	Amend	2-1-2012	177-085-0065	1-15-2012	Amend(T)	2-1-2012
165-012-0060	1-3-2012	Repeal	2-1-2012	177-085-0065	5-1-2012	Amend	6-1-2012
165-012-0240	1-3-2012	Amend	2-1-2012	177-085-0065	8-16-2012	Amend(T)	10-1-2012
165-013-0010	1-3-2012	Amend	2-1-2012	177-085-0065(T)	5-1-2012	Repeal	6-1-2012
165-013-0020	1-3-2012	Amend	2-1-2012	177-094-0080	6-29-2012	Amend(T)	8-1-2012
165-013-0030	9-13-2012	Adopt	10-1-2012	177-094-0085	6-29-2012	Amend(T)	8-1-2012
165-014-0005	1-3-2012	Amend	2-1-2012	177-098-0110	1-9-2012	Amend(T)	2-1-2012
165-014-0270	1-3-2012	Amend	2-1-2012	177-098-0110	5-1-2012	Amend	6-1-2012
165-016-0040	6-21-2012	Amend	8-1-2012	177-098-0110(T)	5-1-2012	Repeal	6-1-2012
165-016-0045	6-21-2012	Amend	8-1-2012	177-200-0020	12-1-2011	Amend	1-1-2012
165-016-0050	6-21-2012	Amend	8-1-2012	177-200-0020(T)	12-1-2011	Repeal	1-1-2012
165-016-0055	6-21-2012	Amend	8-1-2012	177-200-0032	12-1-2011	Amend	1-1-2012
165-016-0070	6-21-2012	Amend	8-1-2012	177-200-0032(T)	12-1-2011	Repeal	1-1-2012
165-016-0080	6-21-2012	Amend	8-1-2012	213-001-0000	4-27-2012	Amend(T)	6-1-2012
165-016-0100	6-21-2012	Adopt	8-1-2012	213-003-0001	1-1-2012	Amend(T)	2-1-2012
165-016-0105	6-21-2012	Adopt	8-1-2012	213-003-0001	4-27-2012	Amend	6-1-2012

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213-003-0001(T)	4-27-2012	Repeal	6-1-2012	255-030-0040	9-18-2012	Amend(T)	11-1-2012
213-004-0001	4-27-2012	Amend	6-1-2012	255-030-0046	9-18-2012	Adopt(T)	11-1-2012
213-005-0001	4-27-2012	Amend	6-1-2012	255-030-0055	9-18-2012	Amend(T)	11-1-2012
213-005-0011	4-27-2012	Amend	6-1-2012	255-032-0005	3-13-2012	Amend	4-1-2012
213-005-0013	4-27-2012	Amend	6-1-2012	255-032-0011	3-13-2012	Repeal	4-1-2012
213-017-0006	1-1-2012	Amend(T)	2-1-2012	255-032-0022	6-28-2012	Amend(T)	8-1-2012
213-017-0006	4-27-2012	Amend	6-1-2012	255-032-0022	10-15-2012	Amend	11-1-2012
213-017-0006(T)	1-1-2012	Suspend	2-1-2012	255-032-0035	11-30-2011	Amend	1-1-2012
213-017-0006(T)	4-27-2012	Repeal	6-1-2012	255-032-0037	11-30-2011	Adopt	1-1-2012
213-017-0007	1-27-2012	Amend(T)	3-1-2012	255-032-0037	3-13-2012	Amend	4-1-2012
213-017-0007	4-27-2012	Amend	6-1-2012	255-075-0025	6-28-2012	Amend(T)	8-1-2012
213-017-0007(T)	4-27-2012	Repeal	6-1-2012	255-075-0025	10-15-2012	Amend	11-1-2012
213-017-0008	4-27-2012	Amend	6-1-2012	257-010-0060	12-15-2011	Adopt(T)	1-1-2012
213-017-0008(T)	4-27-2012	Repeal	6-1-2012	257-010-0060	5-22-2012	Adopt	7-1-2012
213-018-0037	4-27-2012	Adopt	6-1-2012	257-080-0000	5-9-2012	Suspend	6-1-2012
230-020-0300	7-12-2012	Amend(T)	8-1-2012	257-080-0000	7-12-2012	Amend(T)	8-1-2012
250-010-0150	4-20-2012	Amend	6-1-2012	257-080-0000	9-5-2012	Amend	10-1-2012
250-010-0440	12-22-2011	Amend(T)	2-1-2012	257-080-0000(T)	7-12-2012	Suspend	8-1-2012
250-010-0440	4-20-2012	Amend	6-1-2012	257-080-0005	5-9-2012	Suspend	6-1-2012
250-010-0440(T)	4-20-2012	Repeal	6-1-2012	257-080-0005	7-12-2012	Amend(T)	8-1-2012
250-010-0650	2-1-2012	Amend	2-1-2012	257-080-0005	9-5-2012	Amend	10-1-2012
250-010-0650	3-14-2012	Amend	4-1-2012	257-080-0005(T)	7-12-2012	Suspend	8-1-2012
250-010-0650(T)	2-1-2012	Repeal	2-1-2012	257-080-0010	5-9-2012	Suspend	6-1-2012
250-010-0660	2-1-2012	Adopt	2-1-2012	257-080-0010	7-12-2012	Amend(T)	8-1-2012
250-010-0660(T)	2-1-2012	Repeal	2-1-2012	257-080-0010	9-5-2012	Amend	10-1-2012
250-014-0001	5-1-2012	Amend	6-1-2012	257-080-0010(T)	7-12-2012	Suspend	8-1-2012
250-014-0004	5-1-2012	Amend	6-1-2012	257-080-0015	5-9-2012	Suspend	6-1-2012
250-017-0000	2-1-2012	Amend	2-1-2012	257-080-0015	7-12-2012	Amend(T)	8-1-2012
250-017-0010	2-1-2012	Amend	2-1-2012	257-080-0015	9-5-2012	Amend	10-1-2012
250-017-0020	2-1-2012	Amend	2-1-2012	257-080-0015(T)	7-12-2012	Suspend	8-1-2012
250-017-0030	2-1-2012	Amend	2-1-2012	257-080-0020	5-9-2012	Suspend	6-1-2012
250-017-0040	2-1-2012	Amend	2-1-2012	257-080-0020	7-12-2012	Amend(T)	8-1-2012
250-020-0102	8-19-2012	Amend(T)	10-1-2012	257-080-0020	9-5-2012	Amend	10-1-2012
250-020-0102	8-26-2012	Amend(T)	10-1-2012	257-080-0020(T)	7-12-2012	Suspend	8-1-2012
250-020-0221	4-2-2012	Amend(T)	5-1-2012	257-080-0025	5-9-2012	Suspend	6-1-2012
250-020-0221	5-1-2012	Amend	6-1-2012	257-080-0025	7-12-2012	Amend(T)	8-1-2012
250-020-0280	12-1-2011	Amend(T)	1-1-2012	257-080-0025	9-5-2012	Amend	10-1-2012
250-020-0280	1-1-2012	Amend(T)	2-1-2012	257-080-0025(T)	7-12-2012	Suspend	8-1-2012
250-020-0280	4-20-2012	Amend	6-1-2012	257-080-0030	5-9-2012	Suspend	6-1-2012
250-020-0280(T)	1-1-2012	Suspend	2-1-2012	257-080-0030	7-12-2012	Amend(T)	8-1-2012
250-020-0280(T)	4-20-2012	Repeal	6-1-2012	257-080-0030	9-5-2012	Amend	10-1-2012
250-025-0010	8-1-2012	Repeal	9-1-2012	257-080-0030(T)	7-12-2012	Suspend	8-1-2012
250-025-0020	8-1-2012	Repeal	9-1-2012	257-080-0035	5-9-2012	Suspend	6-1-2012
250-030-0030	5-1-2012	Amend	6-1-2012	257-080-0035	7-12-2012	Amend(T)	8-1-2012
255-030-0010	9-18-2012	Amend(T)	11-1-2012	257-080-0035	9-5-2012	Amend	10-1-2012
255-030-0013	6-28-2012	Amend(T)	8-1-2012	257-080-0035(T)	7-12-2012	Suspend	8-1-2012
255-030-0013	9-18-2012	Amend(T)	11-1-2012	257-080-0040	5-9-2012	Suspend	6-1-2012
255-030-0013	10-15-2012	Amend	11-1-2012	257-080-0040	7-12-2012	Amend(T)	8-1-2012
255-030-0021	9-18-2012	Amend(T)	11-1-2012	257-080-0040	9-5-2012	Amend	10-1-2012
255-030-0023	9-18-2012	Amend(T)	11-1-2012	257-080-0040(T)	7-12-2012	Suspend	8-1-2012
255-030-0024	9-18-2012	Amend(T)	11-1-2012	257-080-0045	5-9-2012	Suspend	6-1-2012
255-030-0025	9-18-2012	Amend(T)	11-1-2012	257-080-0045	7-12-2012	Amend(T)	8-1-2012
255-030-0026	9-18-2012	Amend(T)	11-1-2012	257-080-0045	9-5-2012	Amend	10-1-2012
255-030-0027	9-18-2012	Amend(T)	11-1-2012	257-080-0045(T)	7-12-2012	Suspend	8-1-2012
255-030-0032	9-18-2012	Amend(T)	11-1-2012	257-080-0050	7-12-2012	Adopt(T)	8-1-2012

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257-080-0055	7-12-2012	Adopt(T)	8-1-2012	291-078-0010	9-1-2012	Amend(T)	10-1-2012
257-080-0055	9-5-2012	Adopt	10-1-2012	291-078-0015	9-1-2012	Amend(T)	10-1-2012
259-001-0015	3-7-2012	Amend	4-1-2012	291-078-0020	9-1-2012	Amend(T)	10-1-2012
259-003-0015	3-7-2012	Amend	4-1-2012	291-078-0026	9-1-2012	Adopt(T)	10-1-2012
259-005-0015	3-7-2012	Amend	4-1-2012	291-078-0031	9-1-2012	Adopt(T)	10-1-2012
259-008-0005	3-27-2012	Amend	5-1-2012	291-082-0105	3-1-2012	Amend	4-1-2012
259-008-0010	8-27-2012	Amend	10-1-2012	291-082-0110	3-1-2012	Amend	4-1-2012
259-008-0010	8-31-2012	Amend	10-1-2012	291-105-0005	12-7-2011	Amend	1-1-2012
259-008-0011	3-26-2012	Amend	5-1-2012	291-105-0010	12-7-2011	Amend	1-1-2012
259-008-0011	8-31-2012	Amend	10-1-2012	291-105-0013	12-7-2011	Amend	1-1-2012
259-008-0025	5-8-2012	Amend(T)	6-1-2012	291-105-0015	12-7-2011	Amend	1-1-2012
259-008-0025	8-24-2012	Amend	10-1-2012	291-105-0021	12-7-2011	Amend	1-1-2012
259-008-0025(T)	8-24-2012	Repeal	10-1-2012	291-105-0026	12-7-2011	Amend	1-1-2012
259-008-0060	12-23-2011	Amend	2-1-2012	291-105-0028	12-7-2011	Amend	1-1-2012
259-008-0066	3-29-2012	Amend	5-1-2012	291-105-0031	12-7-2011	Amend	1-1-2012
259-008-0068	5-1-2012	Repeal	6-1-2012	291-105-0036	12-7-2011	Amend	1-1-2012
259-008-0069	11-28-2011	Amend(T)	1-1-2012	291-105-0041	12-7-2011	Amend	1-1-2012
259-008-0069	2-29-2012	Adopt	4-1-2012	291-105-0046	12-7-2011	Amend	1-1-2012
259-008-0069(T)	2-29-2012	Repeal	4-1-2012	291-105-0066	12-7-2011	Amend	1-1-2012
259-008-0070	4-24-2012	Amend	6-1-2012	291-105-0069	12-7-2011	Amend	1-1-2012
259-008-0070	8-31-2012	Amend	10-1-2012	291-105-0081	12-7-2011	Amend	1-1-2012
259-008-0100	4-9-2012	Amend	5-1-2012	291-105-0100	12-7-2011	Amend	1-1-2012
259-009-0005	10-1-2012	Amend	11-1-2012	291-127-0320	6-19-2012	Amend	8-1-2012
259-009-0062	3-28-2012	Amend	5-1-2012	291-130-0006	9-1-2012	Amend(T)	10-1-2012
259-009-0062	10-1-2012	Amend	11-1-2012	291-130-0011	9-1-2012	Amend(T)	10-1-2012
259-009-0070	8-31-2012	Amend	10-1-2012	291-130-0016	9-1-2012	Amend(T)	10-1-2012
259-013-0220	8-27-2012	Amend	10-1-2012	291-130-0020	9-1-2012	Amend(T)	10-1-2012
259-013-0230	8-27-2012	Amend	10-1-2012	291-130-0080	9-1-2012	Amend(T)	10-1-2012
259-020-0005	6-28-2012	Amend	8-1-2012	291-180-0115	12-7-2011	Repeal	1-1-2012
259-020-0010	6-28-2012	Amend	8-1-2012	291-180-0125	12-7-2011	Repeal	1-1-2012
259-020-0015	12-30-2011	Amend	2-1-2012	291-180-0135	12-7-2011	Repeal	1-1-2012
259-020-0015	2-24-2012	Amend(T)	4-1-2012	291-180-0145	12-7-2011	Repeal	1-1-2012
259-020-0015	6-28-2012	Amend	8-1-2012	291-180-0155	12-7-2011	Repeal	1-1-2012
259-060-0015	4-2-2012	Amend	5-1-2012	291-180-0165	12-7-2011	Repeal	1-1-2012
259-061-0018	2-6-2012	Adopt(T)	3-1-2012	291-180-0175	12-7-2011	Repeal	1-1-2012
259-061-0018	7-2-2012	Amend	8-1-2012	291-180-0185	12-7-2011	Repeal	1-1-2012
259-061-0018(T)	7-2-2012	Repeal	8-1-2012	291-180-0195	12-7-2011	Repeal	1-1-2012
259-070-0010	12-28-2011	Amend	2-1-2012	291-180-0205	12-7-2011	Repeal	1-1-2012
259-070-0020	7-1-2012	Amend	8-1-2012	291-180-0215	12-7-2011	Repeal	1-1-2012
259-070-0020	9-24-2012	Amend	11-1-2012	291-180-0225	12-7-2011	Repeal	1-1-2012
274-015-0010	2-22-2012	Amend	4-1-2012	291-180-0235	12-7-2011	Repeal	1-1-2012
274-015-0020	2-22-2012	Adopt	4-1-2012	291-180-0245	12-7-2011	Repeal	1-1-2012
274-020-0440	6-25-2012	Amend	8-1-2012	291-180-0252	12-7-2011	Adopt	1-1-2012
274-045-0220	6-25-2012	Amend	8-1-2012	291-180-0255	12-7-2011	Repeal	1-1-2012
291-024-0081	11-17-2011	Adopt(T)	1-1-2012	291-180-0262	12-7-2011	Adopt	1-1-2012
291-031-0025	1-27-2012	Amend	3-1-2012	291-180-0275	1-10-2012	Amend(T)	2-1-2012
291-031-0300	6-19-2012	Adopt	8-1-2012	291-180-0275	5-24-2012	Amend	7-1-2012
291-031-0310	6-19-2012	Adopt	8-1-2012	291-180-0285	12-7-2011	Repeal	1-1-2012
291-031-0320	6-19-2012	Adopt	8-1-2012	291-180-0295	12-7-2011	Repeal	1-1-2012
291-031-0330	6-19-2012	Adopt	8-1-2012	291-180-0305	12-7-2011	Repeal	1-1-2012
291-031-0340	6-19-2012	Adopt	8-1-2012	291-180-0315	12-7-2011	Repeal	1-1-2012
291-031-0350	6-19-2012	Adopt	8-1-2012	291-180-0325	12-7-2011	Repeal	1-1-2012
291-031-0360	6-19-2012	Adopt	8-1-2012	291-180-0335	12-7-2011	Repeal	1-1-2012
291-062-0110	3-1-2012	Amend	4-1-2012	291-180-0345	12-7-2011	Repeal	1-1-2012
291-062-0140	3-1-2012	Amend	4-1-2012	291-180-0355	12-7-2011	Repeal	1-1-2012

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291-180-0365	12-7-2011	Repeal	1-1-2012	309-016-0610(t)	6-19-2012	Repeal	8-1-2012
291-180-0375	12-7-2011	Repeal	1-1-2012	309-016-0630	1-1-2012	Amend(T)	2-1-2012
291-180-0385	12-7-2011	Repeal	1-1-2012	309-016-0630	5-17-2012	Amend(T)	7-1-2012
291-180-0395	12-7-2011	Repeal	1-1-2012	309-016-0630	6-19-2012	Amend	8-1-2012
291-180-0405	12-7-2011	Repeal	1-1-2012	309-016-0630(t)	6-19-2012	Repeal	8-1-2012
291-180-0415	12-7-2011	Repeal	1-1-2012	309-016-0675	1-1-2012	Amend(T)	2-1-2012
291-180-0425	12-7-2011	Repeal	1-1-2012	309-016-0675	5-17-2012	Amend(T)	7-1-2012
291-180-0435	12-7-2011	Repeal	1-1-2012	309-016-0675	6-19-2012	Amend	8-1-2012
291-180-0445	12-7-2011	Repeal	1-1-2012	309-016-0675(t)	6-19-2012	Repeal	8-1-2012
291-180-0455	12-7-2011	Repeal	1-1-2012	309-016-0680	5-17-2012	Amend(T)	7-1-2012
291-180-0465	12-7-2011	Repeal	1-1-2012	309-016-0685	1-1-2012	Amend(T)	2-1-2012
291-180-0475	12-7-2011	Repeal	1-1-2012	309-016-0685	6-19-2012	Amend	8-1-2012
291-180-0485	12-7-2011	Repeal	1-1-2012	309-016-0685(t)	6-19-2012	Repeal	8-1-2012
291-180-0495	12-7-2011	Repeal	1-1-2012	309-016-0726	5-17-2012	Adopt(T)	7-1-2012
291-180-0505	12-7-2011	Repeal	1-1-2012	309-016-0727	5-17-2012	Adopt(T)	7-1-2012
291-180-0515	12-7-2011	Repeal	1-1-2012	309-016-0728	5-17-2012	Adopt(T)	7-1-2012
291-180-0525	12-7-2011	Repeal	1-1-2012	309-016-0729	5-17-2012	Adopt(T)	7-1-2012
291-180-0535	12-7-2011	Repeal	1-1-2012	309-016-0745	1-1-2012	Amend(T)	2-1-2012
291-180-0545	12-7-2011	Repeal	1-1-2012	309-016-0745	6-19-2012	Amend	8-1-2012
291-180-0555	12-7-2011	Repeal	1-1-2012	309-016-0745(t)	6-19-2012	Repeal	8-1-2012
291-180-0565	12-7-2011	Repeal	1-1-2012	309-016-0750	1-1-2012	Amend(T)	2-1-2012
291-180-0575	12-7-2011	Repeal	1-1-2012	309-016-0750	6-19-2012	Amend	8-1-2012
291-180-0585	12-7-2011	Repeal	1-1-2012	309-016-0750(t)	6-19-2012	Repeal	8-1-2012
291-180-0595	12-7-2011	Repeal	1-1-2012	309-016-0760	7-1-2012	Adopt(T)	8-1-2012
291-180-0605	12-7-2011	Repeal	1-1-2012	309-016-0765	7-1-2012	Adopt(T)	8-1-2012
291-180-0615	12-7-2011	Repeal	1-1-2012	309-016-0770	7-1-2012	Adopt(T)	8-1-2012
291-180-0625	12-7-2011	Repeal	1-1-2012	309-016-0775	7-1-2012	Adopt(T)	8-1-2012
291-180-0635	12-7-2011	Repeal	1-1-2012	309-016-0780	7-1-2012	Adopt(T)	8-1-2012
291-180-0645	12-7-2011	Repeal	1-1-2012	309-016-0800	7-1-2012	Adopt(T)	8-1-2012
291-180-0655	12-7-2011	Repeal	1-1-2012	309-016-0805	7-1-2012	Adopt(T)	8-1-2012
291-180-0665	12-7-2011	Repeal	1-1-2012	309-016-0810	7-1-2012	Adopt(T)	8-1-2012
291-208-0010	1-27-2012	Adopt	3-1-2012	309-016-0815	7-1-2012	Adopt(T)	8-1-2012
291-208-0020	1-27-2012	Adopt	3-1-2012	309-016-0820	7-1-2012	Adopt(T)	8-1-2012
291-208-0030	1-27-2012	Adopt	3-1-2012	309-031-0200	1-1-2012	Suspend	2-1-2012
291-208-0040	1-27-2012	Adopt	3-1-2012	309-031-0200	6-25-2012	Repeal	8-1-2012
291-208-0050	1-27-2012	Adopt	3-1-2012	309-031-0205	1-1-2012	Suspend	2-1-2012
309-014-0300	2-23-2012	Adopt	4-1-2012	309-031-0205	6-25-2012	Repeal	8-1-2012
309-014-0300(T)	2-23-2012	Repeal	4-1-2012	309-031-0210	1-1-2012	Suspend	2-1-2012
309-014-0310	2-23-2012	Adopt	4-1-2012	309-031-0210	6-25-2012	Repeal	8-1-2012
309-014-0310(T)	2-23-2012	Repeal	4-1-2012	309-031-0215	1-1-2012	Suspend	2-1-2012
309-014-0320	2-23-2012	Adopt	4-1-2012	309-031-0215	6-25-2012	Repeal	8-1-2012
309-014-0320(T)	2-23-2012	Repeal	4-1-2012	309-031-0220	1-1-2012	Suspend	2-1-2012
309-014-0330	2-23-2012	Adopt	4-1-2012	309-031-0220	6-25-2012	Repeal	8-1-2012
309-014-0330(T)	2-23-2012	Repeal	4-1-2012	309-031-0250	1-1-2012	Suspend	2-1-2012
309-014-0340	2-23-2012	Adopt	4-1-2012	309-031-0250	6-25-2012	Repeal	8-1-2012
309-014-0340(T)	2-23-2012	Repeal	4-1-2012	309-031-0255	1-1-2012	Suspend	2-1-2012
309-016-0600	1-1-2012	Amend(T)	2-1-2012	309-031-0255	6-25-2012	Repeal	8-1-2012
309-016-0600	6-19-2012	Amend	8-1-2012	309-032-0175	11-22-2011	Suspend	1-1-2012
309-016-0600	7-1-2012	Amend(T)	8-1-2012	309-032-0180	11-22-2011	Suspend	1-1-2012
309-016-0600(t)	6-19-2012	Repeal	8-1-2012	309-032-0185	11-22-2011	Suspend	1-1-2012
309-016-0605	1-1-2012	Amend(T)	2-1-2012	309-032-0190	11-22-2011	Suspend	1-1-2012
309-016-0605	5-17-2012	Amend(T)	7-1-2012	309-032-0195	11-22-2011	Suspend	1-1-2012
309-016-0605	6-19-2012	Amend	8-1-2012	309-032-0200	11-22-2011	Suspend	1-1-2012
309-016-0605	7-1-2012	Amend(T)	8-1-2012	309-032-0205	11-22-2011	Suspend	1-1-2012
309-016-0605(t)	6-19-2012	Repeal	8-1-2012	309-032-0210	11-22-2011	Suspend	1-1-2012
309-016-0610	1-1-2012	Amend(T)	2-1-2012	309-032-0301	11-22-2011	Adopt(T)	1-1-2012

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309-032-0301	2-9-2012	Adopt	3-1-2012	309-032-1565	1-1-2012	Amend(T)	2-1-2012
309-032-0301(T)	2-9-2012	Repeal	3-1-2012	309-032-1565	6-15-2012	Amend	7-1-2012
309-032-0311	11-22-2011	Adopt(T)	1-1-2012	309-032-1565(T)	6-15-2012	Repeal	7-1-2012
309-032-0311	2-9-2012	Adopt	3-1-2012	309-035-0100	12-5-2011	Amend(T)	1-1-2012
309-032-0311(T)	2-9-2012	Repeal	3-1-2012	309-035-0100	5-4-2012	Amend	6-1-2012
309-032-0321	11-22-2011	Adopt(T)	1-1-2012	309-035-0100(T)	5-4-2012	Repeal	6-1-2012
309-032-0321	2-9-2012	Adopt	3-1-2012	309-035-0105	12-5-2011	Amend(T)	1-1-2012
309-032-0321(T)	2-9-2012	Repeal	3-1-2012	309-035-0105	5-4-2012	Amend	6-1-2012
309-032-0331	11-22-2011	Adopt(T)	1-1-2012	309-035-0105(T)	5-4-2012	Repeal	6-1-2012
309-032-0331	2-9-2012	Adopt	3-1-2012	309-035-0250	12-5-2011	Amend(T)	1-1-2012
309-032-0331(T)	2-9-2012	Repeal	3-1-2012	309-035-0250	5-4-2012	Amend	6-1-2012
309-032-0341	11-22-2011	Adopt(T)	1-1-2012	309-035-0250(T)	5-4-2012	Repeal	6-1-2012
309-032-0341	2-9-2012	Adopt	3-1-2012	309-035-0260	12-5-2011	Amend(T)	1-1-2012
309-032-0341(T)	2-9-2012	Repeal	3-1-2012	309-035-0260	5-4-2012	Amend	6-1-2012
309-032-0351	11-22-2011	Adopt(T)	1-1-2012	309-035-0260(T)	5-4-2012	Repeal	6-1-2012
309-032-0351	2-9-2012	Adopt	3-1-2012	309-040-0300	12-5-2011	Amend(T)	1-1-2012
309-032-0351(T)	2-9-2012	Repeal	3-1-2012	309-040-0300	5-4-2012	Amend	6-1-2012
309-032-1500	1-1-2012	Amend(T)	2-1-2012	309-040-0300(T)	5-4-2012	Repeal	6-1-2012
309-032-1500	6-15-2012	Amend	7-1-2012	309-040-0305	12-5-2011	Amend(T)	1-1-2012
309-032-1500(T)	6-15-2012	Repeal	7-1-2012	309-040-0305	5-4-2012	Amend	6-1-2012
309-032-1505	1-1-2012	Amend(T)	2-1-2012	309-040-0305(T)	5-4-2012	Repeal	6-1-2012
309-032-1505	6-15-2012	Amend	7-1-2012	309-090-0000	1-1-2012	Adopt(T)	2-1-2012
309-032-1505(T)	6-15-2012	Repeal	7-1-2012	309-090-0000	6-25-2012	Adopt	8-1-2012
309-032-1510	1-1-2012	Amend(T)	2-1-2012	309-090-0000(T)	6-25-2012	Repeal	8-1-2012
309-032-1510	6-15-2012	Amend	7-1-2012	309-090-0005	1-1-2012	Adopt(T)	2-1-2012
309-032-1510(T)	6-15-2012	Repeal	7-1-2012	309-090-0005	6-25-2012	Adopt	8-1-2012
309-032-1515	1-1-2012	Amend(T)	2-1-2012	309-090-0005(T)	6-25-2012	Repeal	8-1-2012
309-032-1515	6-15-2012	Amend	7-1-2012	309-090-0010	1-1-2012	Adopt(T)	2-1-2012
309-032-1515(T)	6-15-2012	Repeal	7-1-2012	309-090-0010	6-25-2012	Adopt	8-1-2012
309-032-1520	1-1-2012	Amend(T)	2-1-2012	309-090-0010(T)	6-25-2012	Repeal	8-1-2012
309-032-1520	6-15-2012	Amend	7-1-2012	309-090-0015	1-1-2012	Adopt(T)	2-1-2012
309-032-1520(T)	6-15-2012	Repeal	7-1-2012	309-090-0015	6-25-2012	Adopt	8-1-2012
309-032-1525	1-1-2012	Amend(T)	2-1-2012	309-090-0015(T)	6-25-2012	Repeal	8-1-2012
309-032-1525	6-15-2012	Amend	7-1-2012	309-090-0020	1-1-2012	Adopt(T)	2-1-2012
309-032-1525(T)	6-15-2012	Repeal	7-1-2012	309-090-0020	6-25-2012	Adopt	8-1-2012
309-032-1530	1-1-2012	Amend(T)	2-1-2012	309-090-0020(T)	6-25-2012	Repeal	8-1-2012
309-032-1530	6-15-2012	Amend	7-1-2012	309-090-0025	1-1-2012	Adopt(T)	2-1-2012
309-032-1530(T)	6-15-2012	Repeal	7-1-2012	309-090-0025	6-25-2012	Adopt	8-1-2012
309-032-1535	1-1-2012	Amend(T)	2-1-2012	309-090-0025(T)	6-25-2012	Repeal	8-1-2012
309-032-1535	6-15-2012	Amend	7-1-2012	309-090-0030	1-1-2012	Adopt(T)	2-1-2012
309-032-1535(T)	6-15-2012	Repeal	7-1-2012	309-090-0030	6-25-2012	Adopt	8-1-2012
309-032-1540	1-1-2012	Amend(T)	2-1-2012	309-090-0030(T)	6-25-2012	Repeal	8-1-2012
309-032-1540	6-15-2012	Amend	7-1-2012	309-090-0035	1-1-2012	Adopt(T)	2-1-2012
309-032-1540(T)	6-15-2012	Repeal	7-1-2012	309-090-0035	6-25-2012	Adopt	8-1-2012
309-032-1545	1-1-2012	Amend(T)	2-1-2012	309-090-0035(T)	6-25-2012	Repeal	8-1-2012
309-032-1545	6-15-2012	Amend	7-1-2012	309-090-0040	1-1-2012	Adopt(T)	2-1-2012
309-032-1545(T)	6-15-2012	Repeal	7-1-2012	309-090-0040	6-25-2012	Adopt	8-1-2012
309-032-1550	1-1-2012	Amend(T)	2-1-2012	309-090-0040(T)	6-25-2012	Repeal	8-1-2012
309-032-1550	6-15-2012	Amend	7-1-2012	309-090-0050	6-25-2012	Adopt	8-1-2012
309-032-1550(T)	6-15-2012	Repeal	7-1-2012	309-091-0000	1-1-2012	Adopt(T)	2-1-2012
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

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309-092-0140(t)	6-19-2012	Repeal	8-1-2012	309-092-0235	1-1-2012	Adopt(T)	2-1-2012
309-092-0145	1-1-2012	Adopt(T)	2-1-2012	309-092-0235	6-19-2012	Adopt	8-1-2012
309-092-0145	6-19-2012	Adopt	8-1-2012	309-092-0235(t)	6-19-2012	Repeal	8-1-2012
309-092-0145(t)	6-19-2012	Repeal	8-1-2012	309-092-0240	1-1-2012	Adopt(T)	2-1-2012
309-092-0150	1-1-2012	Adopt(T)	2-1-2012	309-092-0240	6-19-2012	Adopt	8-1-2012
309-092-0150	6-19-2012	Adopt	8-1-2012	309-092-0240(t)	6-19-2012	Repeal	8-1-2012
309-092-0150(t)	6-19-2012	Repeal	8-1-2012	309-102-0100	2-9-2012	Adopt	3-1-2012
309-092-0155	1-1-2012	Adopt(T)	2-1-2012	309-102-0100(T)	2-9-2012	Repeal	3-1-2012
309-092-0155	6-19-2012	Adopt	8-1-2012	309-102-0110	2-9-2012	Adopt	3-1-2012
309-092-0155(t)	6-19-2012	Repeal	8-1-2012	309-102-0110(T)	2-9-2012	Repeal	3-1-2012
309-092-0160	1-1-2012	Adopt(T)	2-1-2012	309-102-0120	2-9-2012	Adopt	3-1-2012
309-092-0160	6-19-2012	Adopt	8-1-2012	309-102-0120(T)	2-9-2012	Repeal	3-1-2012
309-092-0160(t)	6-19-2012	Repeal	8-1-2012	309-102-0130	2-9-2012	Adopt	3-1-2012
309-092-0165	1-1-2012	Adopt(T)	2-1-2012	309-102-0130(T)	2-9-2012	Repeal	3-1-2012
309-092-0165	6-19-2012	Adopt	8-1-2012	309-102-0140	2-9-2012	Adopt	3-1-2012
309-092-0165(t)	6-19-2012	Repeal	8-1-2012	309-102-0140(T)	2-9-2012	Repeal	3-1-2012
309-092-0170	1-1-2012	Adopt(T)	2-1-2012	309-102-0150	2-9-2012	Adopt	3-1-2012
309-092-0170	6-19-2012	Adopt	8-1-2012	309-102-0150(T)	2-9-2012	Repeal	3-1-2012
309-092-0170(t)	6-19-2012	Repeal	8-1-2012	325-005-0015	4-1-2012	Amend	5-1-2012
309-092-0175	1-1-2012	Adopt(T)	2-1-2012	330-070-0013	1-1-2012	Amend	2-1-2012
309-092-0175	6-19-2012	Adopt	8-1-2012	330-070-0014	1-1-2012	Amend	2-1-2012
309-092-0175(t)	6-19-2012	Repeal	8-1-2012	330-070-0019	1-1-2012	Amend	2-1-2012
309-092-0178	6-19-2012	Adopt	8-1-2012	330-070-0020	1-1-2012	Amend	2-1-2012
309-092-0180	1-1-2012	Adopt(T)	2-1-2012	330-070-0021	1-1-2012	Amend	2-1-2012
309-092-0180	6-19-2012	Adopt	8-1-2012	330-070-0022	1-1-2012	Amend	2-1-2012
309-092-0180(t)	6-19-2012	Repeal	8-1-2012	330-070-0024	1-1-2012	Amend	2-1-2012
309-092-0185	1-1-2012	Adopt(T)	2-1-2012	330-070-0025	1-1-2012	Amend	2-1-2012
309-092-0185	6-19-2012	Adopt	8-1-2012	330-070-0026	1-1-2012	Amend	2-1-2012
309-092-0185(t)	6-19-2012	Repeal	8-1-2012	330-070-0027	1-1-2012	Amend	2-1-2012
309-092-0190	1-1-2012	Adopt(T)	2-1-2012	330-070-0029	1-1-2012	Adopt	2-1-2012
309-092-0190	6-19-2012	Adopt	8-1-2012	330-070-0045	1-1-2012	Amend	2-1-2012
309-092-0190(t)	6-19-2012	Repeal	8-1-2012	330-070-0048	1-1-2012	Amend	2-1-2012
309-092-0195	1-1-2012	Adopt(T)	2-1-2012	330-070-0060	1-1-2012	Amend	2-1-2012
309-092-0195	6-19-2012	Adopt	8-1-2012	330-070-0064	1-1-2012	Amend	2-1-2012
309-092-0195(t)	6-19-2012	Repeal	8-1-2012	330-070-0070	1-1-2012	Amend	2-1-2012
309-092-0200	1-1-2012	Adopt(T)	2-1-2012	330-070-0073	1-1-2012	Amend	2-1-2012
309-092-0200	6-19-2012	Adopt	8-1-2012	330-070-0089	1-1-2012	Amend	2-1-2012
309-092-0200(t)	6-19-2012	Repeal	8-1-2012	330-070-0091	1-1-2012	Amend	2-1-2012
309-092-0205	1-1-2012	Adopt(T)	2-1-2012	330-070-0097	1-1-2012	Amend	2-1-2012
309-092-0205	6-19-2012	Adopt	8-1-2012	330-090-0105	7-10-2012	Amend	8-1-2012
309-092-0205(t)	6-19-2012	Repeal	8-1-2012	330-090-0110	7-10-2012	Amend	8-1-2012
309-092-0210	1-1-2012	Adopt(T)	2-1-2012	330-090-0120	7-10-2012	Amend	8-1-2012
309-092-0210	6-19-2012	Adopt	8-1-2012	330-090-0130	1-13-2012	Amend(T)	2-1-2012
309-092-0210(t)	6-19-2012	Repeal	8-1-2012	330-090-0130	7-10-2012	Amend	8-1-2012
309-092-0215	1-1-2012	Adopt(T)	2-1-2012	330-090-0130(T)	7-10-2012	Repeal	8-1-2012
309-092-0215	6-19-2012	Adopt	8-1-2012	330-090-0133	11-30-2011	Amend	1-1-2012
309-092-0215(t)	6-19-2012	Repeal	8-1-2012	330-090-0133	7-10-2012	Amend	8-1-2012
309-092-0220	1-1-2012	Adopt(T)	2-1-2012	330-090-0150	7-10-2012	Amend	8-1-2012
309-092-0220	6-19-2012	Adopt	8-1-2012	330-090-0160	11-30-2011	Adopt	1-1-2012
309-092-0220(t)	6-19-2012	Repeal	8-1-2012	330-090-0160	7-10-2012	Amend	8-1-2012
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

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330-180-0010	11-22-2011	Adopt	1-1-2012	330-210-0045	6-19-2012	Adopt	8-1-2012
330-180-0020	11-22-2011	Adopt	1-1-2012	330-210-0045(T)	6-19-2012	Repeal	8-1-2012
330-180-0030	11-22-2011	Adopt	1-1-2012	330-210-0050	12-23-2011	Adopt(T)	2-1-2012
330-180-0040	11-22-2011	Adopt	1-1-2012	330-210-0050	6-19-2012	Adopt	8-1-2012
330-180-0050	11-22-2011	Adopt	1-1-2012	330-210-0050(T)	6-19-2012	Repeal	8-1-2012
330-180-0060	11-22-2011	Adopt	1-1-2012	330-210-0060	12-23-2011	Adopt(T)	2-1-2012
330-180-0070	11-22-2011	Adopt	1-1-2012	330-210-0060	6-19-2012	Adopt	8-1-2012
330-200-0000	2-22-2012	Adopt(T)	4-1-2012	330-210-0060(T)	6-19-2012	Repeal	8-1-2012
330-200-0000	8-15-2012	Adopt	9-1-2012	330-210-0070	12-23-2011	Adopt(T)	2-1-2012
330-200-0000(T)	8-15-2012	Repeal	9-1-2012	330-210-0070	6-19-2012	Adopt	8-1-2012
330-200-0010	2-22-2012	Adopt(T)	4-1-2012	330-210-0070(T)	6-19-2012	Repeal	8-1-2012
330-200-0010	8-15-2012	Adopt	9-1-2012	330-210-0080	12-23-2011	Adopt(T)	2-1-2012
330-200-0010(T)	8-15-2012	Repeal	9-1-2012	330-210-0080	6-19-2012	Adopt	8-1-2012
330-200-0020	2-22-2012	Adopt(T)	4-1-2012	330-210-0080(T)	6-19-2012	Repeal	8-1-2012
330-200-0020	8-15-2012	Adopt	9-1-2012	330-210-0090	12-23-2011	Adopt(T)	2-1-2012
330-200-0020(T)	8-15-2012	Repeal	9-1-2012	330-210-0090	6-19-2012	Adopt	8-1-2012
330-200-0030	2-22-2012	Adopt(T)	4-1-2012	330-210-0090(T)	6-19-2012	Repeal	8-1-2012
330-200-0030	8-15-2012	Adopt	9-1-2012	330-210-0100	12-23-2011	Adopt(T)	2-1-2012
330-200-0030(T)	8-15-2012	Repeal	9-1-2012	330-210-0100	6-19-2012	Adopt	8-1-2012
330-200-0040	2-22-2012	Adopt(T)	4-1-2012	330-210-0100(T)	6-19-2012	Repeal	8-1-2012
330-200-0040	8-15-2012	Adopt	9-1-2012	330-210-0150	12-23-2011	Adopt(T)	2-1-2012
330-200-0040(T)	8-15-2012	Repeal	9-1-2012	330-210-0150	6-19-2012	Adopt	8-1-2012
330-200-0050	2-22-2012	Adopt(T)	4-1-2012	330-210-0150(T)	6-19-2012	Repeal	8-1-2012
330-200-0050	8-15-2012	Adopt	9-1-2012	330-220-0000	2-7-2012	Adopt(T)	3-1-2012
330-200-0050(T)	8-15-2012	Repeal	9-1-2012	330-220-0000	8-1-2012	Adopt	9-1-2012
330-200-0060	2-22-2012	Adopt(T)	4-1-2012	330-220-0000(T)	8-1-2012	Repeal	9-1-2012
330-200-0060	8-15-2012	Adopt	9-1-2012	330-220-0010	2-7-2012	Adopt(T)	3-1-2012
330-200-0060(T)	8-15-2012	Repeal	9-1-2012	330-220-0010	8-1-2012	Adopt	9-1-2012
330-200-0070	2-22-2012	Adopt(T)	4-1-2012	330-220-0010(T)	8-1-2012	Repeal	9-1-2012
330-200-0070	8-15-2012	Adopt	9-1-2012	330-220-0020	2-7-2012	Adopt(T)	3-1-2012
330-200-0070(T)	8-15-2012	Repeal	9-1-2012	330-220-0020	8-1-2012	Adopt	9-1-2012
330-200-0080	2-22-2012	Adopt(T)	4-1-2012	330-220-0020(T)	8-1-2012	Repeal	9-1-2012
330-200-0080	8-15-2012	Adopt	9-1-2012	330-220-0030	2-7-2012	Adopt(T)	3-1-2012
330-200-0080(T)	8-15-2012	Repeal	9-1-2012	330-220-0030	8-1-2012	Adopt	9-1-2012
330-200-0090	2-22-2012	Adopt(T)	4-1-2012	330-220-0030(T)	8-1-2012	Repeal	9-1-2012
330-200-0090	8-15-2012	Adopt	9-1-2012	330-220-0040	2-7-2012	Adopt(T)	3-1-2012
330-200-0090(T)	8-15-2012	Repeal	9-1-2012	330-220-0040	8-1-2012	Adopt	9-1-2012
330-200-0150	2-22-2012	Adopt(T)	4-1-2012	330-220-0040(T)	8-1-2012	Repeal	9-1-2012
330-200-0150	8-15-2012	Adopt	9-1-2012	330-220-0050	2-7-2012	Adopt(T)	3-1-2012
330-200-0150(T)	8-15-2012	Repeal	9-1-2012	330-220-0050	8-1-2012	Adopt	9-1-2012
330-210-0000	12-23-2011	Adopt(T)	2-1-2012	330-220-0050(T)	8-1-2012	Repeal	9-1-2012
330-210-0000	6-19-2012	Adopt	8-1-2012	330-220-0070	2-7-2012	Adopt(T)	3-1-2012
330-210-0000(T)	6-19-2012	Repeal	8-1-2012	330-220-0070	8-1-2012	Adopt	9-1-2012
330-210-0010	12-23-2011	Adopt(T)	2-1-2012	330-220-0070(T)	8-1-2012	Repeal	9-1-2012
330-210-0010	6-19-2012	Adopt	8-1-2012	330-220-0080	2-7-2012	Adopt(T)	3-1-2012
330-210-0010(T)	6-19-2012	Repeal	8-1-2012	330-220-0080	8-1-2012	Adopt	9-1-2012
330-210-0020	12-23-2011	Adopt(T)	2-1-2012	330-220-0080(T)	8-1-2012	Repeal	9-1-2012
330-210-0020	6-19-2012	Adopt	8-1-2012	330-220-0090	2-7-2012	Adopt(T)	3-1-2012
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

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330-225-0000	6-11-2012	Adopt	7-1-2012	331-115-0030	8-17-2012	Repeal	10-1-2012
330-225-0010	6-11-2012	Adopt	7-1-2012	331-115-0060	8-17-2012	Repeal	10-1-2012
330-225-0020	6-11-2012	Adopt	7-1-2012	331-120-0000	8-17-2012	Repeal	10-1-2012
330-225-0030	6-11-2012	Adopt	7-1-2012	331-120-0001	8-17-2012	Adopt	10-1-2012
330-225-0040	6-11-2012	Adopt	7-1-2012	331-120-0010	8-17-2012	Repeal	10-1-2012
330-225-0050	6-11-2012	Adopt	7-1-2012	331-120-0020	8-17-2012	Repeal	10-1-2012
330-225-0070	6-11-2012	Adopt	7-1-2012	331-120-0030	8-17-2012	Repeal	10-1-2012
330-225-0080	6-11-2012	Adopt	7-1-2012	331-125-0000	8-17-2012	Repeal	10-1-2012
330-225-0090	6-11-2012	Adopt	7-1-2012	331-125-0010	8-17-2012	Repeal	10-1-2012
330-225-0100	6-11-2012	Adopt	7-1-2012	331-125-0020	8-17-2012	Repeal	10-1-2012
330-225-0150	6-11-2012	Adopt	7-1-2012	331-130-0001	8-17-2012	Adopt	10-1-2012
330-230-0000	12-23-2011	Adopt(T)	2-1-2012	331-130-0005	8-17-2012	Adopt	10-1-2012
330-230-0000	6-19-2012	Adopt	8-1-2012	331-130-0011	8-17-2012	Adopt	10-1-2012
330-230-0000(T)	6-19-2012	Repeal	8-1-2012	331-130-0015	8-17-2012	Adopt	10-1-2012
330-230-0010	12-23-2011	Adopt(T)	2-1-2012	331-135-0000	8-17-2012	Repeal	10-1-2012
330-230-0010	6-19-2012	Adopt	8-1-2012	331-150-0000	8-17-2012	Adopt	10-1-2012
330-230-0010(T)	6-19-2012	Repeal	8-1-2012	331-150-0005	8-17-2012	Adopt	10-1-2012
330-230-0020	12-23-2011	Adopt(T)	2-1-2012	331-150-0010	8-17-2012	Adopt	10-1-2012
330-230-0020	6-19-2012	Adopt	8-1-2012	331-160-0005	8-17-2012	Adopt	10-1-2012
330-230-0020(T)	6-19-2012	Repeal	8-1-2012	331-160-0010	8-17-2012	Adopt	10-1-2012
330-230-0030	12-23-2011	Adopt(T)	2-1-2012	331-160-0015	8-17-2012	Adopt	10-1-2012
330-230-0030	6-19-2012	Adopt	8-1-2012	331-205-0020	1-1-2012	Repeal	2-1-2012
330-230-0030(T)	6-19-2012	Repeal	8-1-2012	331-205-0030	1-1-2012	Repeal	2-1-2012
330-230-0040	12-23-2011	Adopt(T)	2-1-2012	331-210-0000	1-1-2012	Repeal	2-1-2012
330-230-0040	6-19-2012	Adopt	8-1-2012	331-210-0010	1-1-2012	Repeal	2-1-2012
330-230-0040(T)	6-19-2012	Repeal	8-1-2012	331-210-0020	1-1-2012	Repeal	2-1-2012
330-230-0050	12-23-2011	Adopt(T)	2-1-2012	331-210-0021	1-1-2012	Repeal	2-1-2012
330-230-0050	6-19-2012	Adopt	8-1-2012	331-215-0000	1-1-2012	Repeal	2-1-2012
330-230-0050(T)	6-19-2012	Repeal	8-1-2012	331-215-0010	1-1-2012	Repeal	2-1-2012
330-230-0060	12-23-2011	Adopt(T)	2-1-2012	331-215-0020	1-1-2012	Repeal	2-1-2012
330-230-0060	6-19-2012	Adopt	8-1-2012	331-215-0030	1-1-2012	Repeal	2-1-2012
330-230-0060(T)	6-19-2012	Repeal	8-1-2012	331-215-0040	1-1-2012	Repeal	2-1-2012
330-230-0110	12-23-2011	Adopt(T)	2-1-2012	331-220-0000	1-1-2012	Repeal	2-1-2012
330-230-0110	6-19-2012	Adopt	8-1-2012	331-220-0010	1-1-2012	Repeal	2-1-2012
330-230-0110(T)	6-19-2012	Repeal	8-1-2012	331-220-0020	1-1-2012	Repeal	2-1-2012
330-230-0120	12-23-2011	Adopt(T)	2-1-2012	331-220-0030	1-1-2012	Repeal	2-1-2012
330-230-0120	6-19-2012	Adopt	8-1-2012	331-220-0040	1-1-2012	Repeal	2-1-2012
330-230-0120(T)	6-19-2012	Repeal	8-1-2012	331-220-0050	1-1-2012	Repeal	2-1-2012
330-230-0130	12-23-2011	Adopt(T)	2-1-2012	331-220-0060	1-1-2012	Repeal	2-1-2012
330-230-0130	6-19-2012	Adopt	8-1-2012	331-220-0080	1-1-2012	Repeal	2-1-2012
330-230-0130(T)	6-19-2012	Repeal	8-1-2012	331-225-0000	1-1-2012	Repeal	2-1-2012
330-230-0140	12-23-2011	Adopt(T)	2-1-2012	331-225-0020	1-1-2012	Repeal	2-1-2012
330-230-0140	6-19-2012	Adopt	8-1-2012	331-225-0030	1-1-2012	Repeal	2-1-2012
330-230-0140(T)	6-19-2012	Repeal	8-1-2012	331-225-0040	1-1-2012	Repeal	2-1-2012
330-230-0150	6-19-2012	Adopt	8-1-2012	331-225-0050	1-1-2012	Repeal	2-1-2012
331-020-0020	3-1-2012	Amend(T)	4-1-2012	331-225-0060	1-1-2012	Repeal	2-1-2012
331-020-0020	5-15-2012	Amend	6-1-2012	331-225-0070	1-1-2012	Repeal	2-1-2012
331-020-0020(T)	5-15-2012	Repeal	6-1-2012	331-225-0080	1-1-2012	Repeal	2-1-2012
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

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331-650-0015	8-17-2012	Adopt	10-1-2012	331-900-0010	3-1-2012	Amend(T)	4-1-2012
331-660-0000	8-17-2012	Adopt	10-1-2012	331-900-0010	6-25-2012	Amend	8-1-2012
331-660-0010	8-17-2012	Adopt	10-1-2012	331-900-0010(T)	6-25-2012	Repeal	8-1-2012
331-660-0020	8-17-2012	Adopt	10-1-2012	331-900-0015	1-1-2012	Adopt	2-1-2012
331-660-0030	8-17-2012	Adopt	10-1-2012	331-900-0015	3-1-2012	Amend(T)	4-1-2012
331-660-0040	8-17-2012	Adopt	10-1-2012	331-900-0015	6-25-2012	Amend	8-1-2012
331-660-0050	8-17-2012	Adopt	10-1-2012	331-900-0015(T)	6-25-2012	Repeal	8-1-2012
331-660-0060	8-17-2012	Adopt	10-1-2012	331-900-0020	1-1-2012	Adopt	2-1-2012
331-660-0070	8-17-2012	Adopt	10-1-2012	331-900-0020	3-1-2012	Amend(T)	4-1-2012
331-660-0080	8-17-2012	Adopt	10-1-2012	331-900-0020	6-25-2012	Amend	8-1-2012
331-705-0050	1-1-2012	Amend	2-1-2012	331-900-0020(T)	6-25-2012	Repeal	8-1-2012
331-705-0060	1-1-2012	Repeal	2-1-2012	331-900-0025	1-1-2012	Adopt	2-1-2012
331-705-0072	11-22-2011	Adopt(T)	1-1-2012	331-900-0025	6-25-2012	Amend	8-1-2012
331-705-0072	1-1-2012	Adopt	2-1-2012	331-900-0030	1-1-2012	Adopt	2-1-2012
331-705-0072(T)	1-1-2012	Repeal	2-1-2012	331-900-0030	3-1-2012	Amend(T)	4-1-2012
331-705-0080	1-1-2012	Adopt	2-1-2012	331-900-0030	6-25-2012	Amend	8-1-2012
331-710-0005	1-1-2012	Adopt	2-1-2012	331-900-0030(T)	6-25-2012	Repeal	8-1-2012
331-710-0010	1-1-2012	Amend	2-1-2012	331-900-0035	1-1-2012	Adopt	2-1-2012
331-710-0010	9/14/2012	Amend	10-1-2012	331-900-0035	6-25-2012	Amend	8-1-2012
331-710-0015	1-1-2012	Adopt	2-1-2012	331-900-0040	1-1-2012	Adopt	2-1-2012
331-710-0020	1-1-2012	Amend	2-1-2012	331-900-0040	3-1-2012	Amend(T)	4-1-2012
331-710-0030	1-1-2012	Repeal	2-1-2012	331-900-0040	6-25-2012	Amend	8-1-2012
331-710-0040	1-1-2012	Adopt	2-1-2012	331-900-0040	10-15-2012	Amend(T)	11-1-2012
331-710-0040	9/14/2012	Amend	10-1-2012	331-900-0040(T)	6-25-2012	Repeal	8-1-2012
331-710-0045	1-1-2012	Adopt	2-1-2012	331-900-0045	1-1-2012	Adopt	2-1-2012
331-710-0050	1-1-2012	Adopt	2-1-2012	331-900-0045	6-25-2012	Amend	8-1-2012
331-710-0050	9/14/2012	Amend	10-1-2012	331-900-0050	1-1-2012	Adopt	2-1-2012
331-710-0060	9/14/2012	Adopt	10-1-2012	331-900-0055	1-1-2012	Adopt	2-1-2012
331-710-0070	9/14/2012	Adopt	10-1-2012	331-900-0060	1-1-2012	Adopt	2-1-2012
331-710-0080	9/14/2012	Adopt	10-1-2012	331-900-0065	1-1-2012	Adopt	2-1-2012
331-710-0090	9/14/2012	Adopt	10-1-2012	331-900-0070	1-1-2012	Adopt	2-1-2012
331-710-0100	9/14/2012	Adopt	10-1-2012	331-900-0070	3-1-2012	Amend(T)	4-1-2012
331-710-0110	9/14/2012	Adopt	10-1-2012	331-900-0070	6-25-2012	Amend	8-1-2012
331-712-0000	1-1-2012	Adopt	2-1-2012	331-900-0070(T)	6-25-2012	Repeal	8-1-2012
331-712-0010	1-1-2012	Adopt	2-1-2012	331-900-0075	1-1-2012	Adopt	2-1-2012
331-712-0010	9/14/2012	Amend	10-1-2012	331-900-0080	1-1-2012	Adopt	2-1-2012
331-712-0020	1-1-2012	Adopt	2-1-2012	331-900-0085	1-1-2012	Adopt	2-1-2012
331-715-0010	1-1-2012	Amend	2-1-2012	331-900-0085	3-1-2012	Amend(T)	4-1-2012
331-715-0030	1-1-2012	Repeal	2-1-2012	331-900-0085	6-25-2012	Amend	8-1-2012
331-715-0045	1-1-2012	Repeal	2-1-2012	331-900-0085	10-15-2012	Amend(T)	11-1-2012
331-718-0000	1-1-2012	Adopt	2-1-2012	331-900-0085(T)	6-25-2012	Repeal	8-1-2012
331-718-0010	1-1-2012	Adopt	2-1-2012	331-900-0090	1-1-2012	Adopt	2-1-2012
331-718-0020	1-1-2012	Adopt	2-1-2012	331-900-0090	3-1-2012	Amend(T)	4-1-2012
331-720-0010	1-1-2012	Amend	2-1-2012	331-900-0090	6-25-2012	Amend	8-1-2012
331-720-0015	1-1-2012	Adopt	2-1-2012	331-900-0090(T)	6-25-2012	Repeal	8-1-2012
331-725-0020	1-1-2012	Repeal	2-1-2012	331-900-0095	1-1-2012	Adopt	2-1-2012
331-740-0000	1-1-2012	Adopt	2-1-2012	331-900-0095	3-1-2012	Amend(T)	4-1-2012
331-900-0000	1-1-2012	Adopt	2-1-2012	331-900-0095	6-25-2012	Amend	8-1-2012
331-900-0000	3-1-2012	Amend(T)	4-1-2012	331-900-0095(T)	6-25-2012	Repeal	8-1-2012
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

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331-900-0100(T)	6-25-2012	Repeal	8-1-2012	331-905-0034	3-1-2012	Adopt(T)	4-1-2012
331-900-0105	1-1-2012	Adopt	2-1-2012	331-905-0034(T)	6-25-2012	Repeal	8-1-2012
331-900-0105	10-15-2012	Amend(T)	11-1-2012	331-905-0035	1-1-2012	Adopt(T)	2-1-2012
331-900-0110	1-1-2012	Adopt	2-1-2012	331-905-0035	3-1-2012	Adopt(T)	4-1-2012
331-900-0110	6-25-2012	Amend	8-1-2012	331-905-0035	6-25-2012	Adopt	8-1-2012
331-900-0115	6-25-2012	Adopt	8-1-2012	331-905-0035(T)	3-1-2012	Suspend	4-1-2012
331-900-0120	6-25-2012	Adopt	8-1-2012	331-905-0035(T)	6-25-2012	Repeal	8-1-2012
331-900-0125	6-25-2012	Adopt	8-1-2012	331-905-0040	1-1-2012	Adopt(T)	2-1-2012
331-900-0130	6-25-2012	Adopt	8-1-2012	331-905-0040	3-1-2012	Adopt(T)	4-1-2012
331-905-0000	1-1-2012	Adopt(T)	2-1-2012	331-905-0040	6-25-2012	Adopt	8-1-2012
331-905-0000	3-1-2012	Adopt(T)	4-1-2012	331-905-0040(T)	3-1-2012	Suspend	4-1-2012
331-905-0000	6-25-2012	Adopt	8-1-2012	331-905-0040(T)	6-25-2012	Repeal	8-1-2012
331-905-0000(T)	3-1-2012	Suspend	4-1-2012	331-905-0045	1-1-2012	Adopt(T)	2-1-2012
331-905-0000(T)	6-25-2012	Repeal	8-1-2012	331-905-0045	3-1-2012	Adopt(T)	4-1-2012
331-905-0003	3-1-2012	Adopt(T)	4-1-2012	331-905-0045	6-25-2012	Adopt	8-1-2012
331-905-0003(T)	6-25-2012	Repeal	8-1-2012	331-905-0045(T)	3-1-2012	Suspend	4-1-2012
331-905-0005	1-1-2012	Adopt(T)	2-1-2012	331-905-0045(T)	6-25-2012	Repeal	8-1-2012
331-905-0005	3-1-2012	Adopt(T)	4-1-2012	331-905-0050	1-1-2012	Adopt(T)	2-1-2012
331-905-0005	6-25-2012	Adopt	8-1-2012	331-905-0050	3-1-2012	Adopt(T)	4-1-2012
331-905-0005(T)	3-1-2012	Suspend	4-1-2012	331-905-0050	6-25-2012	Adopt	8-1-2012
331-905-0005(T)	6-25-2012	Repeal	8-1-2012	331-905-0050(T)	3-1-2012	Suspend	4-1-2012
331-905-0010	1-1-2012	Adopt(T)	2-1-2012	331-905-0050(T)	6-25-2012	Repeal	8-1-2012
331-905-0010	3-1-2012	Adopt(T)	4-1-2012	331-905-0052	6-25-2012	Adopt	8-1-2012
331-905-0010	6-25-2012	Adopt	8-1-2012	331-905-0053	3-1-2012	Adopt(T)	4-1-2012
331-905-0010(T)	3-1-2012	Suspend	4-1-2012	331-905-0053(T)	6-25-2012	Repeal	8-1-2012
331-905-0010(T)	6-25-2012	Repeal	8-1-2012	331-905-0055	1-1-2012	Adopt(T)	2-1-2012
331-905-0011	6-25-2012	Adopt	8-1-2012	331-905-0055	3-1-2012	Adopt(T)	4-1-2012
331-905-0012	3-1-2012	Adopt(T)	4-1-2012	331-905-0055	6-25-2012	Adopt	8-1-2012
331-905-0012	6-25-2012	Adopt	8-1-2012	331-905-0055(T)	3-1-2012	Suspend	4-1-2012
331-905-0012(T)	6-25-2012	Repeal	8-1-2012	331-905-0055(T)	6-25-2012	Repeal	8-1-2012
331-905-0013	6-25-2012	Adopt	8-1-2012	331-905-0058	6-25-2012	Adopt	8-1-2012
331-905-0014	3-1-2012	Adopt(T)	4-1-2012	331-905-0060	1-1-2012	Adopt(T)	2-1-2012
331-905-0014	6-25-2012	Adopt	8-1-2012	331-905-0060	3-1-2012	Adopt(T)	4-1-2012
331-905-0014(T)	6-25-2012	Repeal	8-1-2012	331-905-0060	6-25-2012	Adopt	8-1-2012
331-905-0015	1-1-2012	Adopt(T)	2-1-2012	331-905-0060(T)	3-1-2012	Suspend	4-1-2012
331-905-0015	3-1-2012	Adopt(T)	4-1-2012	331-905-0060(T)	6-25-2012	Repeal	8-1-2012
331-905-0015	6-25-2012	Adopt	8-1-2012	331-905-0065	1-1-2012	Adopt(T)	2-1-2012
331-905-0015(T)	3-1-2012	Suspend	4-1-2012	331-905-0065	3-1-2012	Adopt(T)	4-1-2012
331-905-0015(T)	6-25-2012	Repeal	8-1-2012	331-905-0065(T)	6-25-2012	Repeal	8-1-2012
331-905-0020	1-1-2012	Adopt(T)	2-1-2012	331-905-0070	6-25-2012	Adopt	8-1-2012
331-905-0020	3-1-2012	Adopt(T)	4-1-2012	331-905-0075	6-25-2012	Adopt	8-1-2012
331-905-0020	6-25-2012	Adopt	8-1-2012	331-905-0080	6-25-2012	Adopt	8-1-2012
331-905-0020(T)	3-1-2012	Suspend	4-1-2012	331-905-0085	6-25-2012	Adopt	8-1-2012
331-905-0020(T)	6-25-2012	Repeal	8-1-2012	331-905-0090	6-25-2012	Adopt	8-1-2012
331-905-0025	1-1-2012	Adopt(T)	2-1-2012	331-905-0095	6-25-2012	Adopt	8-1-2012
331-905-0025	3-1-2012	Adopt(T)	4-1-2012	331-905-0095	10-15-2012	Amend(T)	11-1-2012
331-905-0025	6-25-2012	Adopt	8-1-2012	331-905-0100	6-25-2012	Adopt	8-1-2012
331-905-0025(T)	3-1-2012	Suspend	4-1-2012	331-905-0105	6-25-2012	Adopt	8-1-2012
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

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331-910-0010	1-1-2012	Adopt	2-1-2012	331-915-0010(T)	6-25-2012	Repeal	8-1-2012
331-910-0010	3-1-2012	Amend(T)	4-1-2012	331-915-0015	1-1-2012	Adopt	2-1-2012
331-910-0010	6-25-2012	Amend	8-1-2012	331-915-0015	3-1-2012	Amend(T)	4-1-2012
331-910-0010	10-15-2012	Amend(T)	11-1-2012	331-915-0015	6-25-2012	Amend	8-1-2012
331-910-0010(T)	6-25-2012	Repeal	8-1-2012	331-915-0015(T)	6-25-2012	Repeal	8-1-2012
331-910-0015	1-1-2012	Adopt	2-1-2012	331-915-0020	1-1-2012	Adopt	2-1-2012
331-910-0015	3-1-2012	Amend(T)	4-1-2012	331-915-0020	3-1-2012	Amend(T)	4-1-2012
331-910-0015	6-25-2012	Amend	8-1-2012	331-915-0020	6-25-2012	Amend	8-1-2012
331-910-0015(T)	6-25-2012	Repeal	8-1-2012	331-915-0020	10-15-2012	Amend(T)	11-1-2012
331-910-0020	1-1-2012	Adopt	2-1-2012	331-915-0020(T)	6-25-2012	Repeal	8-1-2012
331-910-0020	3-1-2012	Amend(T)	4-1-2012	331-915-0025	1-1-2012	Adopt	2-1-2012
331-910-0020	6-25-2012	Amend	8-1-2012	331-915-0025	4-20-2012	Amend(T)	6-1-2012
331-910-0020(T)	6-25-2012	Repeal	8-1-2012	331-915-0025	5-3-2012	Amend(T)	6-1-2012
331-910-0025	1-1-2012	Adopt	2-1-2012	331-915-0025	6-25-2012	Amend	8-1-2012
331-910-0025	3-1-2012	Amend(T)	4-1-2012	331-915-0025	10-15-2012	Amend(T)	11-1-2012
331-910-0025	6-25-2012	Amend	8-1-2012	331-915-0025(T)	6-25-2012	Repeal	8-1-2012
331-910-0025(T)	6-25-2012	Repeal	8-1-2012	331-915-0027	3-21-2012	Adopt(T)	5-1-2012
331-910-0030	1-1-2012	Adopt	2-1-2012	331-915-0027	3-30-2012	Suspend	5-1-2012
331-910-0035	1-1-2012	Adopt	2-1-2012	331-915-0027(T)	6-25-2012	Repeal	8-1-2012
331-910-0040	1-1-2012	Adopt	2-1-2012	331-915-0029	3-21-2012	Adopt(T)	5-1-2012
331-910-0040	3-1-2012	Amend(T)	4-1-2012	331-915-0029	3-30-2012	Suspend	5-1-2012
331-910-0040	6-25-2012	Amend	8-1-2012	331-915-0029(T)	6-25-2012	Repeal	8-1-2012
331-910-0040(T)	6-25-2012	Repeal	8-1-2012	331-915-0030	1-1-2012	Adopt	2-1-2012
331-910-0045	1-1-2012	Adopt	2-1-2012	331-915-0035	1-1-2012	Adopt	2-1-2012
331-910-0045	3-1-2012	Amend(T)	4-1-2012	331-915-0040	1-1-2012	Adopt	2-1-2012
331-910-0045	6-25-2012	Amend	8-1-2012	331-915-0040	3-1-2012	Amend(T)	4-1-2012
331-910-0045(T)	6-25-2012	Repeal	8-1-2012	331-915-0040	6-25-2012	Amend	8-1-2012
331-910-0050	1-1-2012	Adopt	2-1-2012	331-915-0040(T)	6-25-2012	Repeal	8-1-2012
331-910-0055	1-1-2012	Adopt	2-1-2012	331-915-0045	1-1-2012	Adopt	2-1-2012
331-910-0055	3-1-2012	Amend(T)	4-1-2012	331-915-0045	3-1-2012	Amend(T)	4-1-2012
331-910-0055	6-25-2012	Amend	8-1-2012	331-915-0045	6-25-2012	Amend	8-1-2012
331-910-0055(T)	6-25-2012	Repeal	8-1-2012	331-915-0045(T)	6-25-2012	Repeal	8-1-2012
331-910-0060	1-1-2012	Adopt	2-1-2012	331-915-0050	1-1-2012	Adopt	2-1-2012
331-910-0065	1-1-2012	Adopt	2-1-2012	331-915-0055	1-1-2012	Adopt	2-1-2012
331-910-0065	3-1-2012	Amend(T)	4-1-2012	331-915-0060	1-1-2012	Adopt	2-1-2012
331-910-0065	6-25-2012	Amend	8-1-2012	331-915-0065	1-1-2012	Adopt	2-1-2012
331-910-0065(T)	6-25-2012	Repeal	8-1-2012	331-915-0065	6-25-2012	Amend	8-1-2012
331-910-0070	3-1-2012	Adopt(T)	4-1-2012	331-915-0070	6-25-2012	Adopt	8-1-2012
331-910-0070	6-25-2012	Adopt	8-1-2012	331-915-0070	10-15-2012	Amend(T)	11-1-2012
331-910-0070	10-15-2012	Amend(T)	11-1-2012	331-915-0075	6-25-2012	Adopt	8-1-2012
331-910-0070(T)	6-25-2012	Repeal	8-1-2012	331-915-0075	10-15-2012	Amend(T)	11-1-2012
331-910-0075	3-1-2012	Adopt(T)	4-1-2012	331-915-0080	6-25-2012	Adopt	8-1-2012
331-910-0075	6-25-2012	Adopt	8-1-2012	331-915-0085	6-25-2012	Adopt	8-1-2012
331-910-0075(T)	6-25-2012	Repeal	8-1-2012	331-915-0085	10-15-2012	Amend(T)	11-1-2012
331-910-0080	3-1-2012	Adopt(T)	4-1-2012	331-920-0000	1-1-2012	Adopt	2-1-2012
331-910-0080	6-25-2012	Adopt	8-1-2012	331-920-0000	10-15-2012	Amend(T)	11-1-2012
331-910-0080(T)	6-25-2012	Repeal	8-1-2012	331-920-0005	1-1-2012	Adopt	2-1-2012
331-910-0085	3-1-2012	Adopt(T)	4-1-2012	331-920-0005	10-15-2012	Amend(T)	11-1-2012
331-910-0085	6-25-2012	Adopt	8-1-2012	331-925-0000	1-1-2012	Adopt	2-1-2012
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

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331-925-0010	1-1-2012	Adopt	2-1-2012	331-930-0025	1-1-2012	Adopt	2-1-2012
331-925-0010	3-1-2012	Amend(T)	4-1-2012	331-930-0025	3-1-2012	Amend(T)	4-1-2012
331-925-0010	6-25-2012	Amend	8-1-2012	331-930-0025	6-25-2012	Repeal	8-1-2012
331-925-0010(T)	6-25-2012	Repeal	8-1-2012	331-930-0025(T)	6-25-2012	Repeal	8-1-2012
331-925-0015	1-1-2012	Adopt	2-1-2012	331-930-0030	1-1-2012	Adopt	2-1-2012
331-925-0015	3-1-2012	Amend(T)	4-1-2012	331-930-0030	3-1-2012	Amend(T)	4-1-2012
331-925-0015	6-25-2012	Amend	8-1-2012	331-930-0030	6-25-2012	Repeal	8-1-2012
331-925-0015(T)	6-25-2012	Repeal	8-1-2012	331-930-0030(T)	6-25-2012	Repeal	8-1-2012
331-925-0020	1-1-2012	Adopt	2-1-2012	331-940-0000	1-1-2012	Adopt	2-1-2012
331-925-0020	3-1-2012	Amend(T)	4-1-2012	331-940-0000	3-5-2012	Amend(T)	4-1-2012
331-925-0020	6-25-2012	Amend	8-1-2012	331-940-0000	7-25-2012	Amend	9-1-2012
331-925-0020(T)	6-25-2012	Repeal	8-1-2012	331-950-0010	1-1-2012	Adopt	2-1-2012
331-925-0025	1-1-2012	Adopt	2-1-2012	331-950-0010	6-25-2012	Amend	8-1-2012
331-925-0025	3-1-2012	Amend(T)	4-1-2012	331-950-0020	1-1-2012	Adopt	2-1-2012
331-925-0025	6-25-2012	Amend	8-1-2012	331-950-0020	6-25-2012	Amend	8-1-2012
331-925-0025(T)	6-25-2012	Repeal	8-1-2012	331-950-0030	1-1-2012	Adopt	2-1-2012
331-925-0030	1-1-2012	Adopt	2-1-2012	331-950-0030	6-25-2012	Amend	8-1-2012
331-925-0030	3-1-2012	Amend(T)	4-1-2012	331-950-0040	1-1-2012	Adopt	2-1-2012
331-925-0030	6-25-2012	Amend	8-1-2012	331-950-0040	6-25-2012	Amend	8-1-2012
331-925-0030(T)	6-25-2012	Repeal	8-1-2012	331-950-0050	1-1-2012	Adopt	2-1-2012
331-925-0035	1-1-2012	Adopt	2-1-2012	331-950-0050	6-25-2012	Amend	8-1-2012
331-925-0035	3-1-2012	Amend(T)	4-1-2012	331-950-0060	1-1-2012	Adopt	2-1-2012
331-925-0035	6-25-2012	Amend	8-1-2012	331-950-0060	6-25-2012	Amend	8-1-2012
331-925-0035(T)	6-25-2012	Repeal	8-1-2012	331-950-0070	1-1-2012	Adopt	2-1-2012
331-925-0040	1-1-2012	Adopt	2-1-2012	331-950-0070	6-25-2012	Amend	8-1-2012
331-925-0040	3-1-2012	Amend(T)	4-1-2012	332-025-0120	4-12-2012	Amend(T)	4-1-2012
331-925-0040	6-25-2012	Amend	8-1-2012	332-025-0120	5-10-2012	Amend(T)	6-1-2012
331-925-0040(T)	6-25-2012	Repeal	8-1-2012	332-025-0120	9-7-2012	Amend	10-1-2012
331-925-0045	1-1-2012	Adopt	2-1-2012	332-025-0120(T)	5-10-2012	Suspend	6-1-2012
331-925-0045	6-25-2012	Amend	8-1-2012	332-025-0120(T)	9-7-2012	Repeal	10-1-2012
331-925-0050	3-1-2012	Adopt(T)	4-1-2012	332-040-0000	1-1-2012	Amend(T)	2-1-2012
331-925-0050	6-25-2012	Adopt	8-1-2012	332-040-0000	3-9-2012	Amend(T)	4-1-2012
331-925-0050(T)	6-25-2012	Repeal	8-1-2012	332-040-0000	7-25-2012	Amend	9-1-2012
331-925-0055	3-1-2012	Adopt(T)	4-1-2012	333-003-0105	4-1-2012	Amend	5-1-2012
331-925-0055	6-25-2012	Adopt	8-1-2012	333-003-0110	4-1-2012	Amend	5-1-2012
331-925-0055(T)	6-25-2012	Repeal	8-1-2012	333-003-0115	4-1-2012	Amend	5-1-2012
331-930-0000	1-1-2012	Adopt	2-1-2012	333-003-0117	4-1-2012	Adopt	5-1-2012
331-930-0000	3-1-2012	Amend(T)	4-1-2012	333-003-0118	4-1-2012	Amend	5-1-2012
331-930-0000	6-25-2012	Repeal	8-1-2012	333-003-0119	4-1-2012	Adopt	5-1-2012
331-930-0000(T)	6-25-2012	Repeal	8-1-2012	333-003-0125	4-1-2012	Amend	5-1-2012
331-930-0005	1-1-2012	Adopt	2-1-2012	333-003-0140	4-1-2012	Amend	5-1-2012
331-930-0005	3-1-2012	Suspend	4-1-2012	333-003-0210	4-1-2012	Amend	5-1-2012
331-930-0005	6-25-2012	Repeal	8-1-2012	333-010-0000	1-1-2012	Amend	2-1-2012
331-930-0005(T)	6-25-2012	Repeal	8-1-2012	333-010-0010	1-1-2012	Amend	2-1-2012
331-930-0010	1-1-2012	Adopt	2-1-2012	333-010-0020	1-1-2012	Amend	2-1-2012
331-930-0010	3-1-2012	Suspend	4-1-2012	333-010-0030	1-1-2012	Amend	2-1-2012
331-930-0010	6-25-2012	Repeal	8-1-2012	333-010-0032	1-1-2012	Adopt	2-1-2012
331-930-0010(T)	6-25-2012	Repeal	8-1-2012	333-010-0035	1-1-2012	Amend	2-1-2012
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

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333-010-0110	1-17-2012	Amend	3-1-2012	333-027-0015	4-1-2012	Amend	5-1-2012
333-010-0115	1-17-2012	Amend	3-1-2012	333-027-0017	4-1-2012	Adopt	5-1-2012
333-010-0130	1-17-2012	Amend	3-1-2012	333-027-0018	4-1-2012	Adopt	5-1-2012
333-010-0197	1-17-2012	Adopt	3-1-2012	333-027-0020	4-1-2012	Amend	5-1-2012
333-010-0340	6-11-2012	Repeal	7-1-2012	333-027-0025	4-1-2012	Amend	5-1-2012
333-011-0006	1-1-2012	Amend	2-1-2012	333-027-0029	4-1-2012	Adopt	5-1-2012
333-011-0016	1-1-2012	Amend	2-1-2012	333-027-0030	4-1-2012	Repeal	5-1-2012
333-011-0061	1-1-2012	Amend	2-1-2012	333-027-0033	4-1-2012	Adopt	5-1-2012
333-011-0101	1-1-2012	Amend	2-1-2012	333-027-0035	4-1-2012	Repeal	5-1-2012
333-012-0002	6-11-2012	Repeal	7-1-2012	333-027-0036	4-1-2012	Adopt	5-1-2012
333-012-0003	6-11-2012	Repeal	7-1-2012	333-027-0037	4-1-2012	Adopt	5-1-2012
333-012-0004	6-11-2012	Repeal	7-1-2012	333-027-0038	4-1-2012	Adopt	5-1-2012
333-012-0010	6-11-2012	Repeal	7-1-2012	333-027-0040	4-1-2012	Amend	5-1-2012
333-012-0035	6-11-2012	Repeal	7-1-2012	333-027-0050	4-1-2012	Amend	5-1-2012
333-012-0040	6-11-2012	Repeal	7-1-2012	333-027-0060	4-1-2012	Amend	5-1-2012
333-012-0041	6-11-2012	Repeal	7-1-2012	333-027-0064	4-1-2012	Adopt	5-1-2012
333-012-0043	6-11-2012	Repeal	7-1-2012	333-027-0080	4-1-2012	Amend	5-1-2012
333-012-0045	6-11-2012	Repeal	7-1-2012	333-027-0090	4-1-2012	Amend	5-1-2012
333-012-0050	9-4-2012	Amend	10-1-2012	333-027-0100	4-1-2012	Amend	5-1-2012
333-012-0053	3-1-2012	Amend	4-1-2012	333-027-0110	4-1-2012	Amend	5-1-2012
333-012-0053	9-4-2012	Amend	10-1-2012	333-027-0120	4-1-2012	Amend	5-1-2012
333-012-0055	3-1-2012	Amend	4-1-2012	333-027-0130	4-1-2012	Amend	5-1-2012
333-012-0055	9-4-2012	Amend	10-1-2012	333-027-0140	4-1-2012	Amend	5-1-2012
333-012-0057	9-4-2012	Amend	10-1-2012	333-027-0150	4-1-2012	Amend	5-1-2012
333-012-0060	9-4-2012	Amend	10-1-2012	333-027-0170	4-1-2012	Amend	5-1-2012
333-012-0061	9-4-2012	Amend	10-1-2012	333-027-0175	4-1-2012	Adopt	5-1-2012
333-012-0063	9-4-2012	Amend	10-1-2012	333-027-0180	4-1-2012	Adopt	5-1-2012
333-012-0065	9-4-2012	Amend	10-1-2012	333-027-0185	4-1-2012	Adopt	5-1-2012
333-012-0067	9-4-2012	Amend	10-1-2012	333-027-0190	4-1-2012	Adopt	5-1-2012
333-012-0070	9-4-2012	Amend	10-1-2012	333-047-0010	1-1-2012	Adopt	2-1-2012
333-013-0001	6-11-2012	Repeal	7-1-2012	333-047-0030	1-1-2012	Adopt	2-1-2012
333-013-0004	6-11-2012	Amend	7-1-2012	333-047-0040	1-1-2012	Adopt	2-1-2012
333-013-0100	6-11-2012	Repeal	7-1-2012	333-047-0050	1-1-2012	Adopt	2-1-2012
333-015-0025	2-1-2012	Amend	3-1-2012	333-049-0010	1-1-2012	Amend	2-1-2012
333-015-0030	2-1-2012	Amend	3-1-2012	333-049-0040	1-1-2012	Amend	2-1-2012
333-015-0035	2-1-2012	Amend	3-1-2012	333-049-0050	1-1-2012	Amend	2-1-2012
333-015-0040	2-1-2012	Amend	3-1-2012	333-049-0065	1-1-2012	Amend	2-1-2012
333-015-0045	2-1-2012	Amend	3-1-2012	333-049-0070	1-1-2012	Amend	2-1-2012
333-015-0064	2-1-2012	Amend	3-1-2012	333-049-0090	1-1-2012	Amend	2-1-2012
333-015-0066	2-1-2012	Amend	3-1-2012	333-052-0030	6-11-2012	Amend(T)	7-1-2012
333-015-0068	2-1-2012	Amend	3-1-2012	333-052-0040	6-11-2012	Amend(T)	7-1-2012
333-015-0069	2-1-2012	Amend	3-1-2012	333-052-0041	6-11-2012	Adopt(T)	7-1-2012
333-015-0070	2-1-2012	Amend	3-1-2012	333-052-0042	6-11-2012	Adopt(T)	7-1-2012
333-015-0075	2-1-2012	Amend	3-1-2012	333-052-0100	6-11-2012	Amend(T)	7-1-2012
333-015-0080	2-1-2012	Amend	3-1-2012	333-055-0000	9-19-2012	Amend	11-1-2012
333-015-0082	2-1-2012	Amend	3-1-2012	333-055-0006	9-19-2012	Adopt	11-1-2012
333-015-0085	2-1-2012	Amend	3-1-2012	333-055-0015	9-19-2012	Amend	11-1-2012
333-015-0090	2-1-2012	Repeal	3-1-2012	333-055-0021	9-19-2012	Adopt	11-1-2012
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

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333-157-0000	9-4-2012	Amend	10-1-2012	333-536-0010	7-1-2012	Amend	8-1-2012
333-157-0010	9-4-2012	Amend	10-1-2012	333-536-0015	7-1-2012	Amend	8-1-2012
333-157-0020	9-4-2012	Amend	10-1-2012	333-536-0020	7-1-2012	Repeal	8-1-2012
333-157-0030	9-4-2012	Amend	10-1-2012	333-536-0021	7-1-2012	Adopt	8-1-2012
333-157-0040	9-4-2012	Amend	10-1-2012	333-536-0023	7-1-2012	Adopt	8-1-2012
333-157-0045	9-4-2012	Amend	10-1-2012	333-536-0025	7-1-2012	Amend	8-1-2012
333-157-0070	9-4-2012	Amend	10-1-2012	333-536-0030	7-1-2012	Repeal	8-1-2012
333-157-0073	3-1-2012	Adopt	4-1-2012	333-536-0031	7-1-2012	Adopt	8-1-2012
333-157-0077	3-1-2012	Adopt	4-1-2012	333-536-0033	7-1-2012	Adopt	8-1-2012
333-157-0077	9-4-2012	Amend	10-1-2012	333-536-0035	7-1-2012	Amend	8-1-2012
333-157-0080	9-4-2012	Amend	10-1-2012	333-536-0040	7-1-2012	Repeal	8-1-2012
333-158-0000	9-4-2012	Amend	10-1-2012	333-536-0041	7-1-2012	Adopt	8-1-2012
333-162-0020	9-4-2012	Amend	10-1-2012	333-536-0042	7-1-2012	Adopt	8-1-2012
333-162-0880	9-4-2012	Amend	10-1-2012	333-536-0043	7-1-2012	Adopt	8-1-2012
333-162-0890	9-4-2012	Amend	10-1-2012	333-536-0045	7-1-2012	Amend	8-1-2012
333-162-0910	9-4-2012	Amend	10-1-2012	333-536-0050	7-1-2012	Amend	8-1-2012
333-162-0920	9-4-2012	Amend	10-1-2012	333-536-0055	7-1-2012	Amend	8-1-2012
333-162-0950	9-4-2012	Amend	10-1-2012	333-536-0060	7-1-2012	Amend	8-1-2012
333-162-1005	9-4-2012	Amend	10-1-2012	333-536-0065	7-1-2012	Amend	8-1-2012
333-170-0010	9-4-2012	Amend	10-1-2012	333-536-0070	7-1-2012	Amend	8-1-2012
333-170-0110	9-4-2012	Amend	10-1-2012	333-536-0075	7-1-2012	Amend	8-1-2012
333-170-0130	9-4-2012	Amend	10-1-2012	333-536-0080	7-1-2012	Amend	8-1-2012
333-175-0051	9-4-2012	Amend	10-1-2012	333-536-0085	7-1-2012	Amend	8-1-2012
333-175-0091	9-4-2012	Amend	10-1-2012	333-536-0090	7-1-2012	Amend	8-1-2012
333-250-0051	7-1-2012	Adopt(T)	8-1-2012	333-536-0093	7-1-2012	Adopt	8-1-2012
333-265-0000	1-1-2012	Amend	2-1-2012	333-536-0095	7-1-2012	Amend	8-1-2012
333-265-0010	1-1-2012	Amend	2-1-2012	333-536-0105	7-1-2012	Amend	8-1-2012
333-265-0012	1-1-2012	Amend	2-1-2012	333-536-0110	7-1-2012	Adopt	8-1-2012
333-265-0014	1-1-2012	Amend	2-1-2012	333-536-0115	7-1-2012	Repeal	8-1-2012
333-265-0015	1-1-2012	Amend	2-1-2012	333-536-0117	7-1-2012	Adopt	8-1-2012
333-265-0016	1-1-2012	Amend	2-1-2012	333-536-0120	7-1-2012	Adopt	8-1-2012
333-265-0018	1-1-2012	Amend	2-1-2012	333-536-0125	7-1-2012	Adopt	8-1-2012
333-265-0020	1-1-2012	Amend	2-1-2012	333-700-0000	4-1-2012	Amend	5-1-2012
333-265-0022	1-1-2012	Amend	2-1-2012	333-700-0004	4-1-2012	Adopt	5-1-2012
333-265-0023	1-1-2012	Amend	2-1-2012	333-700-0005	4-1-2012	Amend	5-1-2012
333-265-0025	1-1-2012	Amend	2-1-2012	333-700-0010	4-1-2012	Amend	5-1-2012
333-265-0030	1-1-2012	Amend	2-1-2012	333-700-0015	4-1-2012	Amend	5-1-2012
333-265-0040	1-1-2012	Amend	2-1-2012	333-700-0017	4-1-2012	Adopt	5-1-2012
333-265-0050	1-1-2012	Amend	2-1-2012	333-700-0018	4-1-2012	Adopt	5-1-2012
333-265-0060	1-1-2012	Amend	2-1-2012	333-700-0019	4-1-2012	Adopt	5-1-2012
333-265-0070	1-1-2012	Amend	2-1-2012	333-700-0020	4-1-2012	Amend	5-1-2012
333-265-0080	1-1-2012	Amend	2-1-2012	333-700-0025	4-1-2012	Amend	5-1-2012
333-265-0083	1-1-2012	Amend	2-1-2012	333-700-0030	4-1-2012	Amend	5-1-2012
333-265-0085	1-1-2012	Amend	2-1-2012	333-700-0035	4-1-2012	Amend	5-1-2012
333-265-0087	1-1-2012	Amend	2-1-2012	333-700-0040	4-1-2012	Amend	5-1-2012
333-265-0090	1-1-2012	Amend	2-1-2012	333-700-0045	4-1-2012	Amend	5-1-2012
333-265-0100	1-1-2012	Amend	2-1-2012	333-700-0050	4-1-2012	Amend	5-1-2012
333-265-0105	1-1-2012	Amend	2-1-2012	333-700-0053	4-1-2012	Adopt	5-1-2012
333-265-0110	1-1-2012	Amend	2-1-2012	333-700-0055	4-1-2012	Repeal	5-1-2012
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

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333-700-0072	4-1-2012	Adopt	5-1-2012	340-041-0310	5-21-2012	Amend	7-1-2012
333-700-0073	4-1-2012	Adopt	5-1-2012	340-041-0315	5-21-2012	Amend	7-1-2012
333-700-0075	4-1-2012	Amend	5-1-2012	340-045-0100	11-18-2011	Amend	1-1-2012
333-700-0080	4-1-2012	Amend	5-1-2012	340-098-0000	6-26-2012	Adopt	8-1-2012
333-700-0085	4-1-2012	Amend	5-1-2012	340-098-0010	6-26-2012	Adopt	8-1-2012
333-700-0090	4-1-2012	Amend	5-1-2012	340-098-0100	6-26-2012	Adopt	8-1-2012
333-700-0095	4-1-2012	Amend	5-1-2012	340-098-0150	6-26-2012	Adopt	8-1-2012
333-700-0100	4-1-2012	Amend	5-1-2012	340-098-0200	6-26-2012	Adopt	8-1-2012
333-700-0105	4-1-2012	Amend	5-1-2012	340-200-0020	5-17-2012	Amend	7-1-2012
333-700-0110	4-1-2012	Amend	5-1-2012	340-200-0040	12-21-2011	Amend	2-1-2012
333-700-0115	4-1-2012	Amend	5-1-2012	340-200-0040	5-17-2012	Amend	7-1-2012
333-700-0120	4-1-2012	Amend	5-1-2012	340-204-0010	12-21-2011	Amend	2-1-2012
333-700-0125	4-1-2012	Amend	5-1-2012	340-204-0030	12-21-2011	Amend	2-1-2012
333-700-0130	4-1-2012	Amend	5-1-2012	340-204-0040	12-21-2011	Amend	2-1-2012
334-001-0000	1-1-2012	Amend	1-1-2012	340-210-0100	5-17-2012	Amend	7-1-2012
334-001-0005	1-1-2012	Amend	1-1-2012	340-210-0110	5-17-2012	Amend	7-1-2012
334-001-0020	1-1-2012	Amend	1-1-2012	340-210-0120	5-17-2012	Amend	7-1-2012
334-001-0025	1-1-2012	Adopt	1-1-2012	340-210-0250	5-17-2012	Amend	7-1-2012
334-001-0028	1-1-2012	Adopt	1-1-2012	340-215-0060	7-2-2012	Amend	8-1-2012
334-001-0032	1-1-2012	Adopt	1-1-2012	340-220-0030	7-2-2012	Amend	8-1-2012
334-001-0035	1-1-2012	Repeal	1-1-2012	340-220-0040	7-2-2012	Amend	8-1-2012
334-001-0036	1-1-2012	Adopt	1-1-2012	340-220-0050	7-2-2012	Amend	8-1-2012
334-001-0060	1-1-2012	Amend	1-1-2012	340-228-0020	5-17-2012	Amend	7-1-2012
334-010-0005	1-1-2012	Amend	1-1-2012	340-228-0200	5-17-2012	Amend	7-1-2012
334-010-0008	1-1-2012	Amend	1-1-2012	340-228-0210	5-17-2012	Amend	7-1-2012
334-010-0009	1-1-2012	Adopt	1-1-2012	340-262-0450	5-17-2012	Amend	7-1-2012
334-010-0009	7-1-2012	Amend	8-1-2012	340-262-0600	5-17-2012	Amend	7-1-2012
334-010-0010	1-1-2012	Amend	1-1-2012	345-001-0005	5-15-2012	Amend	6-1-2012
334-010-0012	1-1-2012	Amend	1-1-2012	345-001-0010	5-15-2012	Amend	6-1-2012
334-010-0015	1-1-2012	Amend	1-1-2012	345-001-0050	5-15-2012	Amend	6-1-2012
334-010-0015	7-1-2012	Amend	8-1-2012	345-011-0020	5-15-2012	Amend	6-1-2012
334-010-0017	1-1-2012	Amend	1-1-2012	345-011-0050	5-15-2012	Amend	6-1-2012
334-010-0018	1-1-2012	Adopt	1-1-2012	345-015-0014	5-15-2012	Amend	6-1-2012
334-010-0018	7-1-2012	Amend	8-1-2012	345-015-0085	5-15-2012	Amend	6-1-2012
334-010-0025	1-1-2012	Amend	1-1-2012	345-015-0110	5-15-2012	Amend	6-1-2012
334-010-0027	1-1-2012	Adopt	1-1-2012	345-015-0120	5-15-2012	Amend	6-1-2012
334-010-0028	7-1-2012	Adopt	8-1-2012	345-015-0160	5-15-2012	Amend	6-1-2012
334-010-0029	7-1-2012	Adopt	8-1-2012	345-015-0180	5-15-2012	Amend	6-1-2012
334-010-0033	1-1-2012	Amend	1-1-2012	345-015-0190	5-15-2012	Amend	6-1-2012
334-010-0033	7-1-2012	Amend	8-1-2012	345-015-0220	5-15-2012	Amend	6-1-2012
334-010-0046	1-1-2012	Amend	1-1-2012	345-015-0230	5-15-2012	Amend	6-1-2012
334-010-0050	1-1-2012	Amend	1-1-2012	345-015-0240	5-15-2012	Amend	6-1-2012
334-020-0015	1-1-2012	Amend	1-1-2012	345-015-0300	5-15-2012	Amend	6-1-2012
334-030-0001	1-1-2012	Amend	1-1-2012	345-015-0310	5-15-2012	Amend	6-1-2012
334-030-0005	1-1-2012	Amend	1-1-2012	345-020-0011	5-15-2012	Amend	6-1-2012
334-040-0001	1-1-2012	Amend	1-1-2012	345-020-0016	5-15-2012	Amend	6-1-2012
334-040-0010	1-1-2012	Amend	1-1-2012	345-020-0040	5-15-2012	Amend	6-1-2012
335-060-0006	2-23-2012	Amend	4-1-2012	345-021-0000	5-15-2012	Amend	6-1-2012
335-060-0007	2-23-2012	Amend	4-1-2012	345-021-0010	5-15-2012	Amend	6-1-2012
335-060-0010	2-23-2012	Amend	4-1-2012	345-021-0050	5-15-2012	Amend	6-1-2012
337-010-0030	1-12-2012	Amend	2-1-2012	345-021-0055	5-15-2012	Amend	6-1-2012
337-010-0045	5-1-2012	Amend	6-1-2012	345-021-0090	5-15-2012	Amend	6-1-2012
339-010-0012	9-1-2012	Amend	8-1-2012	345-022-0020	5-15-2012	Amend	6-1-2012
339-010-0013	9-1-2012	Adopt	8-1-2012	345-023-0005	5-15-2012	Amend	6-1-2012
340-041-0002	5-21-2012	Amend	7-1-2012	345-023-0030	5-15-2012	Amend	6-1-2012

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345-023-0040	5-15-2012	Amend	6-1-2012	407-007-0230(T)	8-1-2012	Repeal	9-1-2012
345-024-0015	5-15-2012	Amend	6-1-2012	407-007-0240	2-27-2012	Amend(T)	4-1-2012
345-024-0550	5-15-2012	Amend	6-1-2012	407-007-0240	8-1-2012	Amend	9-1-2012
345-024-0560	5-15-2012	Amend	6-1-2012	407-007-0240(T)	8-1-2012	Repeal	9-1-2012
345-024-0570	5-15-2012	Amend	6-1-2012	407-007-0250	2-27-2012	Amend(T)	4-1-2012
345-024-0590	5-15-2012	Amend	6-1-2012	407-007-0250	8-1-2012	Amend	9-1-2012
345-024-0600	5-15-2012	Amend	6-1-2012	407-007-0250(T)	8-1-2012	Repeal	9-1-2012
345-024-0610	5-15-2012	Amend	6-1-2012	407-007-0275	2-27-2012	Amend(T)	4-1-2012
345-024-0620	5-15-2012	Amend	6-1-2012	407-007-0275	4-13-2012	Amend(T)	5-1-2012
345-024-0630	5-15-2012	Amend	6-1-2012	407-007-0275	8-1-2012	Amend	9-1-2012
345-024-0640	5-15-2012	Amend	6-1-2012	407-007-0275(T)	4-13-2012	Suspend	5-1-2012
345-024-0680	5-15-2012	Amend	6-1-2012	407-007-0275(T)	8-1-2012	Repeal	9-1-2012
345-024-0710	5-15-2012	Amend	6-1-2012	407-007-0277	4-13-2012	Adopt(T)	5-1-2012
345-024-0720	5-15-2012	Amend	6-1-2012	407-007-0277	8-1-2012	Adopt	9-1-2012
345-026-0080	5-15-2012	Amend	6-1-2012	407-007-0277(T)	8-1-2012	Repeal	9-1-2012
345-026-0170	5-15-2012	Amend	6-1-2012	407-007-0280	2-27-2012	Amend(T)	4-1-2012
345-027-0020	5-15-2012	Amend	6-1-2012	407-007-0280	8-1-2012	Amend	9-1-2012
345-027-0023	5-15-2012	Amend	6-1-2012	407-007-0280(T)	8-1-2012	Repeal	9-1-2012
345-027-0028	5-15-2012	Amend	6-1-2012	407-007-0290	2-27-2012	Amend(T)	4-1-2012
345-027-0030	5-15-2012	Amend	6-1-2012	407-007-0290	8-1-2012	Amend	9-1-2012
345-027-0050	5-15-2012	Amend	6-1-2012	407-007-0290(T)	8-1-2012	Repeal	9-1-2012
345-027-0060	5-15-2012	Amend	6-1-2012	407-007-0300	2-27-2012	Amend(T)	4-1-2012
345-027-0070	5-15-2012	Amend	6-1-2012	407-007-0300	8-1-2012	Amend	9-1-2012
345-027-0080	5-15-2012	Amend	6-1-2012	407-007-0300(T)	8-1-2012	Repeal	9-1-2012
345-027-0090	5-15-2012	Amend	6-1-2012	407-007-0315	2-27-2012	Amend(T)	4-1-2012
345-027-0100	5-15-2012	Amend	6-1-2012	407-007-0315	8-1-2012	Amend	9-1-2012
345-027-0110	5-15-2012	Amend	6-1-2012	407-007-0315(T)	8-1-2012	Repeal	9-1-2012
345-027-0210	5-15-2012	Amend	6-1-2012	407-007-0320	2-27-2012	Amend(T)	4-1-2012
345-027-0220	5-15-2012	Amend	6-1-2012	407-007-0320	8-1-2012	Amend	9-1-2012
345-027-0230	5-15-2012	Amend	6-1-2012	407-007-0320(T)	8-1-2012	Repeal	9-1-2012
350-081-0020	6-1-2012	Amend	6-1-2012	407-007-0325	2-27-2012	Amend(T)	4-1-2012
350-081-0036	6-1-2012	Amend	6-1-2012	407-007-0325	8-1-2012	Amend	9-1-2012
350-081-0038	6-1-2012	Amend	6-1-2012	407-007-0325(T)	8-1-2012	Repeal	9-1-2012
350-081-0042	6-1-2012	Amend	6-1-2012	407-007-0330	2-27-2012	Amend(T)	4-1-2012
350-081-0054	6-1-2012	Amend	6-1-2012	407-007-0330	8-1-2012	Amend	9-1-2012
350-081-0082	6-1-2012	Amend	6-1-2012	407-007-0330(T)	8-1-2012	Repeal	9-1-2012
350-081-0190	6-1-2012	Amend	6-1-2012	407-007-0335	2-27-2012	Amend(T)	4-1-2012
350-081-0370	6-1-2012	Amend	6-1-2012	407-007-0335	8-1-2012	Amend	9-1-2012
350-081-0550	6-1-2012	Amend	6-1-2012	407-007-0335(T)	8-1-2012	Repeal	9-1-2012
350-081-0600	6-1-2012	Amend	6-1-2012	407-007-0340	2-27-2012	Amend(T)	4-1-2012
350-081-0620	6-1-2012	Amend	6-1-2012	407-007-0340	8-1-2012	Amend	9-1-2012
407-007-0200	2-27-2012	Amend(T)	4-1-2012	407-007-0340(T)	8-1-2012	Repeal	9-1-2012
407-007-0200	8-1-2012	Amend	9-1-2012	407-007-0350	2-27-2012	Amend(T)	4-1-2012
407-007-0200(T)	8-1-2012	Repeal	9-1-2012	407-007-0350	8-1-2012	Amend	9-1-2012
407-007-0210	2-27-2012	Amend(T)	4-1-2012	407-007-0350(T)	8-1-2012	Repeal	9-1-2012
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

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407-014-0040(T)	12-16-2011	Repeal	2-1-2012	409-025-0120	6-1-2012	Amend	7-1-2012
407-014-0050	12-16-2011	Amend	2-1-2012	409-025-0130	6-1-2012	Amend	7-1-2012
407-014-0050(T)	12-16-2011	Repeal	2-1-2012	409-025-0160	6-1-2012	Amend	7-1-2012
407-014-0060	12-16-2011	Amend	2-1-2012	409-045-0000	1-11-2012	Adopt(T)	2-1-2012
407-014-0060(T)	12-16-2011	Repeal	2-1-2012	409-045-0000	5-1-2012	Amend	6-1-2012
407-014-0070	12-16-2011	Amend	2-1-2012	409-045-0000(T)	5-1-2012	Repeal	6-1-2012
407-014-0070(T)	12-16-2011	Repeal	2-1-2012	409-050-0110	12-1-2011	Amend	1-1-2012
407-014-0300	2-1-2012	Amend	3-1-2012	409-050-0110(T)	12-1-2011	Repeal	1-1-2012
407-014-0300(T)	2-1-2012	Repeal	3-1-2012	409-050-0120	12-1-2011	Amend	1-1-2012
407-014-0305	2-1-2012	Amend	3-1-2012	409-050-0120(T)	12-1-2011	Repeal	1-1-2012
407-014-0305(T)	2-1-2012	Repeal	3-1-2012	409-050-0130	12-22-2011	Amend	2-1-2012
407-014-0310	2-1-2012	Amend	3-1-2012	409-050-0130(T)	12-22-2011	Repeal	2-1-2012
407-014-0310(T)	2-1-2012	Repeal	3-1-2012	409-055-0000	3-1-2012	Amend	4-1-2012
407-014-0315	2-1-2012	Amend	3-1-2012	409-055-0000(T)	3-1-2012	Repeal	4-1-2012
407-014-0315(T)	2-1-2012	Repeal	3-1-2012	409-055-0010	3-1-2012	Amend	4-1-2012
407-014-0320	2-1-2012	Amend	3-1-2012	409-055-0010(T)	3-1-2012	Repeal	4-1-2012
407-014-0320(T)	2-1-2012	Repeal	3-1-2012	409-055-0020	3-1-2012	Amend	4-1-2012
407-043-0020	12-27-2011	Adopt	2-1-2012	409-055-0020(T)	3-1-2012	Repeal	4-1-2012
407-043-0020(T)	12-27-2011	Repeal	2-1-2012	409-055-0030	3-1-2012	Amend	4-1-2012
407-045-0250	12-5-2011	Amend	1-1-2012	409-055-0030	10/4/2012	Amend(T)	11-1-2012
407-045-0260	12-5-2011	Amend	1-1-2012	409-055-0030(T)	3-1-2012	Repeal	4-1-2012
407-045-0280	12-5-2011	Amend	1-1-2012	409-055-0040	3-1-2012	Amend	4-1-2012
407-045-0290	12-5-2011	Amend	1-1-2012	409-055-0040(T)	3-1-2012	Repeal	4-1-2012
407-045-0320	12-5-2011	Amend	1-1-2012	409-055-0050	3-1-2012	Amend	4-1-2012
407-045-0400	12-1-2011	Amend	1-1-2012	409-055-0050(T)	3-1-2012	Repeal	4-1-2012
407-045-0400(T)	12-1-2011	Repeal	1-1-2012	409-055-0060	3-1-2012	Amend	4-1-2012
407-045-0410	12-1-2011	Repeal	1-1-2012	409-055-0060(T)	3-1-2012	Repeal	4-1-2012
407-045-0420	12-1-2011	Repeal	1-1-2012	409-055-0070	3-1-2012	Amend	4-1-2012
407-045-0430	12-1-2011	Repeal	1-1-2012	409-055-0070(T)	3-1-2012	Repeal	4-1-2012
407-045-0440	12-1-2011	Repeal	1-1-2012	409-055-0080	3-1-2012	Amend	4-1-2012
407-045-0450	12-1-2011	Repeal	1-1-2012	409-055-0080(T)	3-1-2012	Repeal	4-1-2012
407-045-0460	12-1-2011	Repeal	1-1-2012	409-055-0090	3-1-2012	Adopt	4-1-2012
407-045-0470	12-1-2011	Repeal	1-1-2012	410-050-0100	7-1-2012	Amend(T)	8-1-2012
407-045-0480	12-1-2011	Repeal	1-1-2012	410-050-0110	7-1-2012	Amend(T)	8-1-2012
407-045-0490	12-1-2011	Repeal	1-1-2012	410-050-0861	1-1-2012	Amend(T)	2-1-2012
407-045-0500	12-1-2011	Repeal	1-1-2012	410-050-0861	3-1-2012	Amend	4-1-2012
407-045-0510	12-1-2011	Repeal	1-1-2012	410-050-0861(T)	3-1-2012	Repeal	4-1-2012
407-045-0520	12-1-2011	Repeal	1-1-2012	410-120-0000	1-1-2012	Amend	1-1-2012
407-120-0100	12-27-2011	Amend	2-1-2012	410-120-0000	3-16-2012	Amend(T)	5-1-2012
407-120-0100(T)	12-27-2011	Repeal	2-1-2012	410-120-0000	7-1-2012	Amend	8-1-2012
407-120-0112	12-27-2011	Amend	2-1-2012	410-120-0000(T)	7-1-2012	Repeal	8-1-2012
407-120-0112(T)	12-27-2011	Repeal	2-1-2012	410-120-0006	1-1-2012	Amend	1-1-2012
407-120-0114	12-27-2011	Amend	2-1-2012	410-120-0006	1-13-2012	Amend(T)	2-1-2012
407-120-0114(T)	12-27-2011	Repeal	2-1-2012	410-120-0006	1-26-2012	Amend(T)	3-1-2012
407-120-0150	12-27-2011	Amend	2-1-2012	410-120-0006	1-31-2012	Amend(T)	3-1-2012
407-120-0150(T)	12-27-2011	Repeal	2-1-2012	410-120-0006	2-1-2012	Amend(T)	3-1-2012
407-120-0200	12-27-2011	Amend	2-1-2012	410-120-0006	3-1-2012	Amend(T)	4-1-2012
407-120-0200(T)	12-27-2011	Repeal	2-1-2012	410-120-0006	4-1-2012	Amend(T)	5-1-2012
409-025-0100	6-1-2012	Amend	7-1-2012	410-120-0006	5-1-2012	Amend(T)	6-1-2012
409-025-0100	6-1-2012	Amend(T)	7-1-2012	410-120-0006	7-20-2012	Amend(T)	9-1-2012
409-025-0100	7-9-2012	Amend	8-1-2012	410-120-0006	10-5-2012	Amend(T)	11-1-2012
409-025-0100(T)	7-9-2012	Repeal	8-1-2012	410-120-0006(T)	1-1-2012	Repeal	1-1-2012
409-025-0110	6-1-2012	Amend	7-1-2012	410-120-0006(T)	1-26-2012	Suspend	3-1-2012
409-025-0110	6-1-2012	Amend(T)	7-1-2012	410-120-0006(T)	3-1-2012	Suspend	4-1-2012
409-025-0110	7-9-2012	Amend	8-1-2012	410-120-0006(T)	4-1-2012	Suspend	5-1-2012

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410-120-0006(T)	10-5-2012	Suspend	11-1-2012	410-121-0111	3-16-2012	Adopt(T)	5-1-2012
410-120-0025	7-1-2012	Amend	8-1-2012	410-121-0111	9-12-2012	Adopt(T)	10-1-2012
410-120-0027	7-1-2012	Repeal	8-1-2012	410-121-0146	1-1-2012	Amend	2-1-2012
410-120-0030	4-1-2012	Amend	5-1-2012	410-121-0147	1-1-2012	Amend	2-1-2012
410-120-0250	7-1-2012	Amend	8-1-2012	410-121-0160	1-1-2012	Amend	2-1-2012
410-120-1160	1-1-2012	Amend	1-1-2012	410-121-0160(T)	1-1-2012	Repeal	2-1-2012
410-120-1200	1-1-2012	Amend	1-1-2012	410-121-0185	1-1-2012	Amend	2-1-2012
410-120-1210	1-1-2012	Amend	1-1-2012	410-121-0190	1-1-2012	Amend	2-1-2012
410-120-1260	7-1-2012	Amend	8-1-2012	410-121-2000	3-13-2012	Amend	4-1-2012
410-120-1295	3-22-2012	Amend	5-1-2012	410-121-2005	3-13-2012	Amend	4-1-2012
410-120-1295(T)	3-22-2012	Repeal	5-1-2012	410-121-2010	3-13-2012	Amend	4-1-2012
410-120-1340	1-1-2012	Amend	1-1-2012	410-121-2020	3-13-2012	Amend	4-1-2012
410-120-1340	7-1-2012	Amend	8-1-2012	410-121-2030	3-13-2012	Amend	4-1-2012
410-120-1340	9-1-2012	Amend(T)	10-1-2012	410-121-2050	3-13-2012	Amend	4-1-2012
410-120-1340(T)	1-1-2012	Repeal	1-1-2012	410-121-2065	3-13-2012	Amend	4-1-2012
410-120-1395	7-1-2012	Amend	8-1-2012	410-122-0186	1-1-2012	Amend	2-1-2012
410-120-1510	1-1-2012	Amend	1-1-2012	410-122-0186	7-1-2012	Amend(T)	8-1-2012
410-120-1860	2-1-2012	Amend(T)	3-1-2012	410-122-0186(T)	1-1-2012	Repeal	2-1-2012
410-120-1860	7-1-2012	Amend	8-1-2012	410-122-0188	1-1-2012	Adopt	2-1-2012
410-120-1860(T)	7-1-2012	Repeal	8-1-2012	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

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410-130-0368	1-1-2012	Amend	2-1-2012	410-141-3120	8-1-2012	Adopt	9-1-2012
410-130-0595	1-1-2012	Amend	2-1-2012	410-141-3140	3-26-2012	Adopt(T)	5-1-2012
410-130-0595(T)	1-1-2012	Repeal	2-1-2012	410-141-3140	8-1-2012	Adopt	9-1-2012
410-131-0040	1-1-2012	Amend	1-1-2012	410-141-3145	3-26-2012	Adopt(T)	5-1-2012
410-131-0060	1-1-2012	Repeal	1-1-2012	410-141-3145	8-1-2012	Adopt	9-1-2012
410-131-0080	1-1-2012	Amend	1-1-2012	410-141-3160	3-26-2012	Adopt(T)	5-1-2012
410-131-0100	1-1-2012	Amend	1-1-2012	410-141-3160	8-1-2012	Adopt	9-1-2012
410-131-0120	1-1-2012	Amend	1-1-2012	410-141-3170	3-26-2012	Adopt(T)	5-1-2012
410-131-0140	1-1-2012	Repeal	1-1-2012	410-141-3170	8-1-2012	Adopt	9-1-2012
410-131-0160	1-1-2012	Amend	1-1-2012	410-141-3180	3-26-2012	Adopt(T)	5-1-2012
410-131-0180	1-1-2012	Repeal	1-1-2012	410-141-3180	8-1-2012	Adopt	9-1-2012
410-131-0200	1-1-2012	Repeal	1-1-2012	410-141-3200	3-26-2012	Adopt(T)	5-1-2012
410-131-0270	1-1-2012	Repeal	1-1-2012	410-141-3200	8-1-2012	Adopt	9-1-2012
410-131-0275	1-1-2012	Repeal	1-1-2012	410-141-3220	3-26-2012	Adopt(T)	5-1-2012
410-131-0280	1-1-2012	Repeal	1-1-2012	410-141-3220	8-1-2012	Adopt	9-1-2012
410-140-0080	12-6-2011	Amend	1-1-2012	410-141-3260	3-26-2012	Adopt(T)	5-1-2012
410-140-0260	12-6-2011	Amend	1-1-2012	410-141-3260	8-1-2012	Adopt	9-1-2012
410-140-0400	12-6-2011	Amend	1-1-2012	410-141-3261	3-26-2012	Adopt(T)	5-1-2012
410-141-0000	3-16-2012	Amend(T)	5-1-2012	410-141-3261	8-1-2012	Adopt	9-1-2012
410-141-0000	8-1-2012	Amend	9-1-2012	410-141-3262	3-26-2012	Adopt(T)	5-1-2012
410-141-0070	11-21-2011	Amend(T)	1-1-2012	410-141-3262	8-1-2012	Adopt	9-1-2012
410-141-0070	5-1-2012	Amend	6-1-2012	410-141-3263	3-26-2012	Adopt(T)	5-1-2012
410-141-0070(T)	5-1-2012	Repeal	6-1-2012	410-141-3263	8-1-2012	Adopt	9-1-2012
410-141-0080	1-1-2012	Amend(T)	1-1-2012	410-141-3264	3-26-2012	Adopt(T)	5-1-2012
410-141-0080	5-1-2012	Amend	6-1-2012	410-141-3264	8-1-2012	Adopt	9-1-2012
410-141-0080(T)	5-1-2012	Repeal	6-1-2012	410-141-3265	3-26-2012	Adopt(T)	5-1-2012
410-141-0264	2-7-2012	Amend(T)	3-1-2012	410-141-3265	8-1-2012	Repeal	9-1-2012
410-141-0264	8-4-2012	Amend	9-1-2012	410-141-3266	3-26-2012	Adopt(T)	5-1-2012
410-141-0420	1-1-2012	Amend(T)	2-1-2012	410-141-3266	8-1-2012	Repeal	9-1-2012
410-141-0520	12-23-2011	Amend	2-1-2012	410-141-3268	3-26-2012	Adopt(T)	5-1-2012
410-141-0520	1-1-2012	Amend(T)	2-1-2012	410-141-3268	8-1-2012	Adopt	9-1-2012
410-141-0520	4-1-2012	Amend(T)	5-1-2012	410-141-3270	3-26-2012	Adopt(T)	5-1-2012
410-141-0520	9-23-2012	Amend(T)	11-1-2012	410-141-3270	8-1-2012	Adopt	9-1-2012
410-141-0520(T)	12-23-2011	Repeal	2-1-2012	410-141-3280	3-26-2012	Adopt(T)	5-1-2012
410-141-0520(T)	4-1-2012	Suspend	5-1-2012	410-141-3280	8-1-2012	Adopt	9-1-2012
410-141-0860	3-22-2012	Amend	5-1-2012	410-141-3300	3-26-2012	Adopt(T)	5-1-2012
410-141-0860(T)	3-22-2012	Repeal	5-1-2012	410-141-3300	8-1-2012	Adopt	9-1-2012
410-141-3000	3-16-2012	Adopt(T)	5-1-2012	410-141-3320	3-26-2012	Adopt(T)	5-1-2012
410-141-3000	8-1-2012	Adopt	9-1-2012	410-141-3320	8-1-2012	Adopt	9-1-2012
410-141-3010	3-16-2012	Adopt(T)	5-1-2012	410-141-3340	3-20-2012	Adopt(T)	5-1-2012
410-141-3010	8-1-2012	Adopt	9-1-2012	410-141-3340	8-1-2012	Adopt	9-1-2012
410-141-3015	3-26-2012	Adopt(T)	5-1-2012	410-141-3345	3-20-2012	Adopt(T)	5-1-2012
410-141-3015	8-1-2012	Adopt	9-1-2012	410-141-3345	8-1-2012	Adopt	9-1-2012
410-141-3020	3-26-2012	Adopt(T)	5-1-2012	410-141-3350	3-20-2012	Adopt(T)	5-1-2012
410-141-3020	8-1-2012	Adopt	9-1-2012	410-141-3350	8-1-2012	Adopt	9-1-2012
410-141-3030	3-26-2012	Adopt(T)	5-1-2012	410-141-3355	3-20-2012	Adopt(T)	5-1-2012
410-141-3030	8-1-2012	Adopt	9-1-2012	410-141-3355	8-1-2012	Adopt	9-1-2012
410-141-3050	3-26-2012	Adopt(T)	5-1-2012	410-141-3360	3-20-2012	Adopt(T)	5-1-2012
410-141-3050	8-1-2012	Adopt	9-1-2012	410-141-3360	8-1-2012	Adopt	9-1-2012
410-141-3060	3-26-2012	Adopt(T)	5-1-2012	410-141-3365	3-20-2012	Adopt(T)	5-1-2012
410-141-3060	8-1-2012	Adopt	9-1-2012	410-141-3365	8-1-2012	Adopt	9-1-2012
410-141-3070	3-26-2012	Adopt(T)	5-1-2012	410-141-3370	3-20-2012	Adopt(T)	5-1-2012
410-141-3070	8-1-2012	Adopt	9-1-2012	410-141-3370	8-1-2012	Adopt	9-1-2012
410-141-3080	3-26-2012	Adopt(T)	5-1-2012	410-141-3375	3-20-2012	Adopt(T)	5-1-2012
410-141-3080	8-1-2012	Adopt	9-1-2012	410-141-3375	8-1-2012	Adopt	9-1-2012

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410-141-3380	8-1-2012	Adopt	9-1-2012	411-054-0013	5-1-2012	Amend	6-1-2012
410-141-3385	3-20-2012	Adopt(T)	5-1-2012	411-054-0013	9-1-2012	Amend	10-1-2012
410-141-3385	8-1-2012	Adopt	9-1-2012	411-054-0013(T)	5-1-2012	Repeal	6-1-2012
410-141-3390	3-20-2012	Adopt(T)	5-1-2012	411-054-0016	5-1-2012	Amend	6-1-2012
410-141-3390	8-1-2012	Adopt	9-1-2012	411-054-0016	9-1-2012	Amend	10-1-2012
410-141-3395	3-20-2012	Adopt(T)	5-1-2012	411-054-0016(T)	5-1-2012	Repeal	6-1-2012
410-141-3395	8-1-2012	Adopt	9-1-2012	411-054-0019	9-1-2012	Amend	10-1-2012
410-141-3420	3-26-2012	Adopt(T)	5-1-2012	411-054-0025	9-1-2012	Amend	10-1-2012
410-141-3420	8-1-2012	Adopt	9-1-2012	411-054-0027	9-1-2012	Amend	10-1-2012
410-141-3430	8-9-2012	Adopt(T)	9-1-2012	411-054-0034	9-1-2012	Amend	10-1-2012
410-142-0020	1-1-2012	Amend	1-1-2012	411-054-0085	9-1-2012	Amend	10-1-2012
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

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411-325-0310	1-6-2012	Repeal	2-1-2012	411-340-0120	12-28-2011	Amend	2-1-2012
411-325-0320	1-6-2012	Amend	2-1-2012	411-340-0125	12-28-2011	Adopt	2-1-2012
411-325-0320(T)	1-6-2012	Repeal	2-1-2012	411-340-0130	12-28-2011	Amend	2-1-2012
411-325-0430	1-6-2012	Amend	2-1-2012	411-340-0140	12-28-2011	Amend	2-1-2012
411-325-0450	1-6-2012	Repeal	2-1-2012	411-340-0150	12-28-2011	Amend	2-1-2012
411-325-0460	1-6-2012	Amend	2-1-2012	411-345-0010	1-6-2012	Amend	2-1-2012
411-325-0460(T)	1-6-2012	Repeal	2-1-2012	411-345-0010(T)	1-6-2012	Repeal	2-1-2012
411-328-0560	1-6-2012	Amend	2-1-2012	411-345-0020	1-6-2012	Amend	2-1-2012
411-328-0560(T)	1-6-2012	Repeal	2-1-2012	411-345-0020(T)	1-6-2012	Repeal	2-1-2012
411-328-0570	1-6-2012	Amend	2-1-2012	411-345-0030	1-6-2012	Amend	2-1-2012
411-328-0570(T)	1-6-2012	Repeal	2-1-2012	411-345-0030(T)	1-6-2012	Repeal	2-1-2012
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

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413-010-0714	4-4-2012	Amend	5-1-2012	413-100-0940	12-28-2011	Amend	2-1-2012
413-010-0715	4-4-2012	Amend	5-1-2012	413-120-0400	6-26-2012	Amend	8-1-2012
413-010-0716	4-4-2012	Amend	5-1-2012	413-120-0420	12-28-2011	Amend(T)	2-1-2012
413-010-0717	4-4-2012	Amend	5-1-2012	413-120-0420	6-26-2012	Amend	8-1-2012
413-010-0718	4-4-2012	Amend	5-1-2012	413-120-0440	6-26-2012	Amend	8-1-2012
413-010-0720	4-4-2012	Amend	5-1-2012	413-120-0450	6-26-2012	Amend	8-1-2012
413-010-0721	4-4-2012	Amend	5-1-2012	413-120-0455	6-26-2012	Amend	8-1-2012
413-010-0722	4-4-2012	Amend	5-1-2012	413-120-0457	6-26-2012	Adopt	8-1-2012
413-010-0723	4-4-2012	Amend	5-1-2012	413-120-0460	12-28-2011	Amend(T)	2-1-2012
413-010-0732	4-4-2012	Amend	5-1-2012	413-120-0460	6-26-2012	Amend	8-1-2012
413-010-0735	4-4-2012	Amend	5-1-2012	413-120-0470	12-28-2011	Suspend	2-1-2012
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
413-100-0925	12-28-2011	Amend	2-1-2012	413-200-0354	12-28-2011	Amend	2-1-2012
413-100-0930	12-28-2011	Amend	2-1-2012	413-200-0358	12-28-2011	Amend	2-1-2012

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413-200-0362	12-28-2011	Amend	2-1-2012	415-065-0055	2-9-2012	Amend	3-1-2012
413-200-0371	12-28-2011	Amend	2-1-2012	415-065-0055	7-1-2012	Amend	8-1-2012
413-200-0377	12-28-2011	Amend	2-1-2012	415-065-0060	2-9-2012	Amend	3-1-2012
413-200-0379	12-28-2011	Amend	2-1-2012	415-065-0060	7-1-2012	Amend	8-1-2012
413-200-0383	12-28-2011	Amend	2-1-2012	415-065-0065	2-9-2012	Amend	3-1-2012
413-200-0386	12-28-2011	Amend	2-1-2012	415-065-0070	7-1-2012	Repeal	8-1-2012
413-200-0388	12-28-2011	Amend	2-1-2012	416-001-0005	9-11-2012	Amend	10-1-2012
413-200-0390	12-28-2011	Amend	2-1-2012	416-100-0000	4-3-2012	Amend	5-1-2012
413-200-0393	12-28-2011	Amend	2-1-2012	416-100-0005	4-3-2012	Amend	5-1-2012
413-200-0394	12-28-2011	Amend	2-1-2012	416-100-0010	4-3-2012	Amend	5-1-2012
413-200-0395	12-28-2011	Amend	2-1-2012	416-100-0020	4-3-2012	Amend	5-1-2012
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

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416-450-0020	4-3-2012	Amend	5-1-2012	436-009-0240	10/20/2012	Amend	11-1-2012
416-450-0030	4-3-2012	Amend	5-1-2012	436-009-0245	4-1-2012	Amend	4-1-2012
416-450-0040	4-3-2012	Amend	5-1-2012	436-009-0250	4-1-2012	Repeal	4-1-2012
416-450-0050	4-3-2012	Amend	5-1-2012	436-009-0255	4-1-2012	Amend	4-1-2012
416-450-0060	4-3-2012	Amend	5-1-2012	436-009-0260	4-1-2012	Amend	4-1-2012
416-450-0070	4-3-2012	Amend	5-1-2012	436-009-0260	4-23-2012	Amend(T)	5-1-2012
416-500-0050	6-25-2012	Amend	8-1-2012	436-009-0260	10/20/2012	Amend	11-1-2012
423-010-0023	6-1-2012	Amend	7-1-2012	436-009-0265	4-1-2012	Amend	4-1-2012
423-010-0026	6-1-2012	Amend	7-1-2012	436-009-0270	4-1-2012	Amend	4-1-2012
436-001-0003	7-1-2012	Amend(T)	7-1-2012	436-009-0275	4-1-2012	Amend	4-1-2012
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

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436-050-0195	1-1-2013	Amend	11-1-2012	437-001-0075	7-1-2012	Amend	6-1-2012
436-050-0200	1-1-2013	Amend	11-1-2012	437-001-0145	7-1-2012	Amend	6-1-2012
436-050-0205	1-1-2013	Amend	11-1-2012	437-001-0160	7-1-2012	Amend	6-1-2012
436-050-0210	1-1-2013	Amend	11-1-2012	437-001-0165	7-1-2012	Amend	6-1-2012
436-050-0220	1-1-2013	Amend	11-1-2012	437-001-0175	7-1-2012	Amend	6-1-2012
436-050-0230	1-1-2013	Amend	11-1-2012	437-001-0230	7-1-2012	Amend	6-1-2012
436-050-0260	1-1-2013	Amend	11-1-2012	437-001-0255	7-1-2012	Amend	6-1-2012
436-050-0270	1-1-2013	Amend	11-1-2012	437-001-0260	7-1-2012	Repeal	6-1-2012
436-050-0280	1-1-2013	Amend	11-1-2012	437-001-0400	7-1-2012	Amend	6-1-2012
436-050-0290	1-1-2013	Amend	11-1-2012	437-001-0405	7-1-2012	Amend	6-1-2012
436-050-0300	1-1-2013	Amend	11-1-2012	437-001-0410	7-1-2012	Amend	6-1-2012
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

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437-002-0340	4-10-2012	Amend	5-1-2012	437-004-9626	1-1-2013	Adopt	11-1-2012
437-002-0360	12-8-2011	Amend	1-1-2012	437-004-9640	1-1-2013	Amend	11-1-2012
437-002-0360	4-10-2012	Amend	5-1-2012	437-004-9650	1-1-2013	Amend	11-1-2012
437-002-0360	7-1-2012	Amend	1-1-2012	437-004-9710	1-1-2013	Amend	11-1-2012
437-002-0360	9-25-2012	Amend	11-1-2012	437-004-9740	1-1-2013	Amend	11-1-2012
437-002-0361	9-25-2012	Repeal	11-1-2012	437-004-9760	1-1-2013	Amend	11-1-2012
437-002-0364	12-8-2011	Amend	1-1-2012	437-004-9780	1-1-2013	Amend	11-1-2012
437-002-0364	9-25-2012	Amend	11-1-2012	437-004-9830	1-1-2013	Amend	11-1-2012
437-002-0373	4-10-2012	Amend	5-1-2012	437-004-9850	1-1-2013	Amend	11-1-2012
437-002-0377	9-25-2012	Amend	11-1-2012	437-004-9860	1-1-2013	Amend	11-1-2012
437-002-0378	9-25-2012	Amend	11-1-2012	437-005-0001	12-8-2011	Amend	1-1-2012
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	438-020-0010	11-1-2012	Amend	10-1-2012
437-003-0001	7-1-2012	Amend	1-1-2012	440-045-0020	1/1/2013	Amend	11-1-2012
437-003-0001	8-20-2012	Amend	10-1-2012	440-045-0025	1/1/2013	Amend	11-1-2012
437-003-0001	9-25-2012	Amend	11-1-2012	441-025-0050	7-9-2012	Amend	8-1-2012
437-003-0001	4-1-2013	Amend	11-1-2012	441-175-0002	7-9-2012	Amend	8-1-2012
437-003-0015	12-8-2011	Amend	1-1-2012	441-175-0010	7-9-2012	Amend	8-1-2012
437-003-0035	9-25-2012	Repeal	11-1-2012	441-175-0060	7-9-2012	Amend	8-1-2012
437-003-0062	7-1-2012	Adopt	1-1-2012	441-175-0070	7-9-2012	Amend	8-1-2012
437-003-0096	12-8-2011	Amend	1-1-2012	441-175-0080	7-9-2012	Amend	8-1-2012
437-003-0875	4-10-2012	Amend	5-1-2012	441-175-0100	7-9-2012	Amend	8-1-2012
437-003-1101	7-1-2012	Adopt	1-1-2012	441-175-0105	7-9-2012	Amend	8-1-2012
437-003-1127	7-1-2012	Adopt	1-1-2012	441-175-0120	7-9-2012	Amend	8-1-2012
437-003-3060	7-1-2012	Adopt	1-1-2012	441-175-0130	7-9-2012	Amend	8-1-2012
437-004-1005	1-1-2013	Amend	11-1-2012	441-175-0150	7-9-2012	Amend	8-1-2012
437-004-1020	1-1-2013	Amend	11-1-2012	441-175-0160	7-9-2012	Amend	8-1-2012
437-004-1030	1-1-2013	Amend	11-1-2012	441-175-0165	7-9-2012	Amend	8-1-2012
437-004-1035	1-1-2013	Amend	11-1-2012	441-195-0020	7-9-2012	Amend	8-1-2012
437-004-1041	1-1-2013	Amend	11-1-2012	441-505-3046	12-15-2011	Amend(T)	1-1-2012
437-004-1050	1-1-2013	Amend	11-1-2012	441-505-3090	8-8-2012	Adopt(T)	9-1-2012
437-004-1060	1-1-2013	Amend	11-1-2012	441-674-0005	1-1-2012	Repeal	2-1-2012
437-004-1070	1-1-2013	Amend	11-1-2012	441-674-0100	1-1-2012	Repeal	2-1-2012
437-004-1075	1-1-2013	Amend	11-1-2012	441-674-0120	1-1-2012	Repeal	2-1-2012
437-004-1110	12-8-2011	Amend	1-1-2012	441-674-0130	1-1-2012	Repeal	2-1-2012
437-004-9000	1-1-2013	Amend	11-1-2012	441-674-0140	1-1-2012	Repeal	2-1-2012
437-004-9050	1-1-2013	Amend	11-1-2012	441-674-0210	1-1-2012	Repeal	2-1-2012
437-004-9090	1-1-2013	Amend	11-1-2012	441-674-0220	1-1-2012	Repeal	2-1-2012
437-004-9600	1-1-2013	Amend	11-1-2012	441-674-0230	1-1-2012	Repeal	2-1-2012

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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
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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	442-005-0020	1-13-2012	Amend	2-1-2012
441-755-0000	7-23-2012	Amend	9-1-2012	442-005-0030	1-13-2012	Amend	2-1-2012
441-755-0100	7-23-2012	Amend	9-1-2012	442-005-0050	1-13-2012	Amend	2-1-2012
441-755-0110	7-23-2012	Amend	9-1-2012	442-005-0070	1-13-2012	Amend	2-1-2012
441-755-0120	7-23-2012	Amend	9-1-2012	442-010-0020	12-22-2011	Amend	2-1-2012
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441-755-0150	7-23-2012	Amend	9-1-2012	442-010-0030	12-22-2011	Amend	2-1-2012
441-755-0160	7-23-2012	Amend	9-1-2012	442-010-0040	12-22-2011	Amend	2-1-2012
441-755-0170	7-23-2012	Amend	9-1-2012	442-010-0055	12-22-2011	Amend	2-1-2012
441-755-0210	7-23-2012	Amend	9-1-2012	442-010-0060	12-22-2011	Amend	2-1-2012
441-755-0300	7-23-2012	Amend	9-1-2012	442-010-0060(T)	12-22-2011	Repeal	2-1-2012
441-755-0310	7-23-2012	Amend	9-1-2012	442-010-0065	12-22-2011	Repeal	2-1-2012
441-830-0010	11-23-2011	Repeal	1-1-2012	442-010-0070	12-22-2011	Amend	2-1-2012
441-830-0015	11-23-2011	Repeal	1-1-2012	442-010-0075	12-22-2011	Amend	2-1-2012
441-830-0020	11-23-2011	Repeal	1-1-2012	442-010-0075(T)	12-22-2011	Repeal	2-1-2012
441-830-0030	11-23-2011	Repeal	1-1-2012	442-010-0080	12-22-2011	Amend	2-1-2012
441-830-0040	11-23-2011	Repeal	1-1-2012	442-010-0085	12-22-2011	Amend	2-1-2012
441-850-0005	8-1-2012	Amend	9-1-2012	442-010-0090	12-22-2011	Amend	2-1-2012
441-850-0042	12-15-2011	Amend(T)	1-1-2012	442-010-0100	12-22-2011	Amend	2-1-2012

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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
459-050-0250	5-24-2012	Amend	7-1-2012	461-120-0120	4-1-2012	Repeal	5-1-2012
459-050-0300	5-24-2012	Amend	7-1-2012	461-120-0125	4-1-2012	Amend	5-1-2012

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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
461-135-1210	4-1-2012	Repeal	5-1-2012	461-155-0528	1-1-2012	Repeal	2-1-2012
461-135-1250	4-12-2012	Amend(T)	5-1-2012	461-155-0575	12-1-2011	Amend(T)	1-1-2012

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461-155-0680	10-1-2012	Amend	11-1-2012	462-210-0010	10-15-2012	Amend	11-1-2012
461-155-0693	1-1-2012	Repeal	2-1-2012	462-210-0020	6-1-2012	Amend	7-1-2012
461-160-0015	1-1-2012	Amend	2-1-2012	462-210-0030	6-1-2012	Amend	7-1-2012
461-160-0015(T)	1-1-2012	Repeal	2-1-2012	462-220-0010	6-1-2012	Amend	7-1-2012
461-160-0055	7-12-2012	Amend(T)	8-1-2012	462-220-0040	6-1-2012	Amend	7-1-2012
461-160-0120	5-1-2012	Amend(T)	6-1-2012	462-220-0040	10-15-2012	Amend	11-1-2012
461-160-0120	10-1-2012	Amend	11-1-2012	462-220-0050	6-1-2012	Amend	7-1-2012
461-160-0120(T)	10-1-2012	Repeal	11-1-2012	462-220-0080	6-1-2012	Amend	7-1-2012
461-160-0420	10-1-2012	Amend	11-1-2012	462-220-0090	6-1-2012	Amend	7-1-2012
461-160-0430	10-1-2012	Amend	11-1-2012	462-230-0010	6-1-2012	Adopt	7-1-2012
461-160-0580	1-1-2012	Amend	2-1-2012	462-230-0020	6-1-2012	Adopt	7-1-2012
461-160-0620	1-1-2012	Amend	2-1-2012	471-030-0053	12-5-2011	Amend	1-1-2012
461-160-0620	7-1-2012	Amend(T)	8-1-2012	471-030-0053(T)	12-5-2011	Repeal	1-1-2012
461-160-0620	10-1-2012	Amend	11-1-2012	471-030-0080	3-5-2012	Amend	4-1-2012
461-160-0620(T)	10-1-2012	Repeal	11-1-2012	471-030-0080(T)	3-5-2012	Repeal	4-1-2012
461-165-0035	2-27-2012	Amend(T)	4-1-2012	471-030-0230	1-1-2012	Adopt(T)	2-1-2012
461-165-0035	7-1-2012	Amend	8-1-2012	471-030-0230	2-29-2012	Adopt(T)	4-1-2012
461-165-0035(T)	7-1-2012	Repeal	8-1-2012	471-030-0230(T)	2-29-2012	Suspend	4-1-2012
461-165-0180	7-1-2012	Amend	8-1-2012	471-031-0200	5-9-2012	Repeal	6-1-2012
461-165-0180	10-1-2012	Amend	11-1-2012	471-040-0010	2-10-2012	Amend	3-1-2012
461-170-0011	3-30-2012	Amend	5-1-2012	471-040-0010(T)	2-10-2012	Repeal	3-1-2012
461-170-0011	5-1-2012	Amend(T)	6-1-2012	471-040-0040	2-10-2012	Amend	3-1-2012
461-170-0011	10-1-2012	Amend	11-1-2012	471-040-0040(T)	2-10-2012	Repeal	3-1-2012
461-170-0011(T)	10-1-2012	Repeal	11-1-2012	471-040-0041	2-10-2012	Amend	3-1-2012
461-175-0200	7-1-2012	Amend	8-1-2012	471-040-0041(T)	2-10-2012	Repeal	3-1-2012
461-175-0210	1-1-2012	Amend(T)	2-1-2012	571-004-0020	9-4-2012	Amend(T)	10-1-2012
461-175-0210	6-30-2012	Amend	8-1-2012	571-004-0025	9-4-2012	Amend(T)	10-1-2012
461-175-0290	1-1-2012	Amend	2-1-2012	571-004-0030	9-4-2012	Amend(T)	10-1-2012
461-180-0050	1-1-2012	Amend	2-1-2012	571-004-0038	9-4-2012	Adopt(T)	10-1-2012
461-180-0050(T)	1-1-2012	Repeal	2-1-2012	571-004-0050	9-4-2012	Amend(T)	10-1-2012
461-180-0070	1-1-2012	Amend	2-1-2012	571-004-0055	9-4-2012	Amend(T)	10-1-2012
461-180-0070(T)	1-1-2012	Repeal	2-1-2012	571-050-0005	6-13-2012	Amend	7-1-2012
461-180-0085	1-1-2012	Amend	2-1-2012	571-051-0005	7-11-2012	Amend	8-1-2012
461-180-0130	12-27-2011	Amend	2-1-2012	571-051-0010	7-11-2012	Amend	8-1-2012
461-180-0130	12-27-2011	Amend(T)	2-1-2012	571-060-0005	7-1-2012	Amend	7-1-2012
461-180-0130	4-1-2012	Amend	5-1-2012	571-060-0005	7-1-2012	Amend(T)	7-1-2012
461-180-0130	5-24-2012	Amend(T)	7-1-2012	571-060-0005	8-13-2012	Amend	9-1-2012
461-180-0130	10-1-2012	Amend	11-1-2012	571-060-0005(T)	8-13-2012	Repeal	9-1-2012
461-180-0130(T)	4-1-2012	Repeal	5-1-2012	573-040-0005	5-10-2012	Amend	6-1-2012
461-180-0130(T)	10-1-2012	Repeal	11-1-2012	573-050-0015	6-11-2012	Amend	7-1-2012
461-190-0211	4-6-2012	Amend	5-1-2012	573-050-0025	6-11-2012	Amend	7-1-2012
461-190-0211	4-6-2012	Amend(T)	5-1-2012	574-031-0000	7-31-2012	Amend	9-1-2012
461-190-0211	5-23-2012	Amend(T)	7-1-2012	574-031-0010	7-31-2012	Amend	9-1-2012
461-190-0211	10-1-2012	Amend	11-1-2012	574-031-0020	7-31-2012	Amend	9-1-2012
461-190-0211(T)	4-6-2012	Repeal	5-1-2012	574-031-0030	7-31-2012	Amend	9-1-2012
461-190-0211(T)	5-23-2012	Suspend	7-1-2012	574-031-0040	7-31-2012	Amend	9-1-2012
461-193-0031	10-1-2012	Amend	11-1-2012	574-032-0000	7-31-2012	Amend	9-1-2012
461-193-0240	10-1-2012	Amend	11-1-2012	574-032-0010	7-31-2012	Amend	9-1-2012
461-193-0246	10-1-2012	Amend	11-1-2012	574-032-0020	7-31-2012	Amend	9-1-2012
461-193-0320	10-1-2012	Amend	11-1-2012	574-032-0030	7-31-2012	Amend	9-1-2012
461-193-0670	10-1-2012	Amend	11-1-2012	574-032-0040	7-31-2012	Repeal	9-1-2012
462-120-0050	6-1-2012	Amend	7-1-2012	574-032-0050	7-31-2012	Amend	9-1-2012
462-120-0100	6-1-2012	Amend	7-1-2012	574-032-0060	7-31-2012	Amend	9-1-2012
462-130-0010	6-1-2012	Amend	7-1-2012	574-032-0070	7-31-2012	Amend	9-1-2012
462-160-0130	5-21-2012	Amend(T)	7-1-2012	574-032-0080	7-31-2012	Amend	9-1-2012

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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
576-065-0010	3-30-2012	Amend(T)	5-1-2012	580-061-0010	6-18-2012	Amend	8-1-2012
576-065-0010	5-9-2012	Amend	6-1-2012	580-061-0030	6-18-2012	Amend	8-1-2012
577-001-0125	9-7-2012	Repeal	10-1-2012	580-062-0020	6-18-2012	Amend	8-1-2012
577-031-0125	10-11-2012	Amend	11-1-2012	580-063-0005	6-18-2012	Amend	8-1-2012
577-031-0130	10-11-2012	Amend	11-1-2012	580-063-0020	6-18-2012	Amend	8-1-2012

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581-001-0005	4-2-2012	Amend	5-1-2012	581-021-0062	6-11-2012	Repeal	7-1-2012
581-001-0016	9-17-2012	Adopt(T)	10-1-2012	581-021-0220	4-2-2012	Amend	5-1-2012
581-015-2000	4-2-2012	Amend	5-1-2012	581-021-0255	1-1-2012	Amend	1-1-2012
581-015-2005	2-17-2012	Amend	4-1-2012	581-021-0270	4-2-2012	Amend	5-1-2012
581-015-2010	2-17-2012	Amend	4-1-2012	581-021-0500	2-3-2012	Amend	3-1-2012
581-015-2040	2-17-2012	Amend	4-1-2012	581-021-0500	9-17-2012	Amend(T)	10-1-2012
581-015-2075	2-17-2012	Amend	4-1-2012	581-021-0550	5-1-2012	Adopt	5-1-2012
581-015-2080	2-17-2012	Amend	4-1-2012	581-021-0553	5-1-2012	Adopt	5-1-2012
581-015-2080	4-2-2012	Amend	5-1-2012	581-021-0556	5-1-2012	Adopt	5-1-2012
581-015-2300	4-2-2012	Amend(T)	5-1-2012	581-021-0559	5-1-2012	Adopt	5-1-2012
581-015-2300	6-11-2012	Amend	7-1-2012	581-021-0563	5-1-2012	Adopt	5-1-2012
581-015-2300(T)	6-11-2012	Repeal	7-1-2012	581-021-0566	5-1-2012	Adopt	5-1-2012
581-015-2570	12-15-2011	Amend	1-1-2012	581-022-1060	1-1-2012	Amend	1-1-2012
581-015-2571	12-15-2011	Amend	1-1-2012	581-022-1133	2-3-2012	Amend	3-1-2012
581-015-2572	12-15-2011	Amend	1-1-2012	581-022-1134	2-3-2012	Amend	3-1-2012
581-015-2573	12-15-2011	Amend	1-1-2012	581-022-1135	2-3-2012	Amend	3-1-2012
581-015-2574	12-15-2011	Amend	1-1-2012	581-022-1330	12-15-2011	Amend	1-1-2012
581-015-2700	4-2-2012	Amend	5-1-2012	581-022-1369	1-1-2012	Repeal	1-1-2012
581-015-2700	8-1-2012	Amend	9-1-2012	581-022-1622	8-1-2012	Amend	9-1-2012
581-015-2712	4-2-2012	Adopt	5-1-2012	581-022-1680	1-1-2012	Repeal	1-1-2012
581-015-2713	4-2-2012	Adopt	5-1-2012	581-022-1720	12-15-2011	Amend	1-1-2012
581-015-2730	4-2-2012	Amend	5-1-2012	581-022-1723	12-15-2011	Adopt	1-1-2012
581-015-2770	4-2-2012	Amend(T)	5-1-2012	581-022-1723	8-1-2012	Amend	9-1-2012
581-015-2770	6-11-2012	Amend	7-1-2012	581-022-1724	12-15-2011	Adopt	1-1-2012
581-015-2770(T)	6-11-2012	Repeal	7-1-2012	581-022-1725	12-15-2011	Adopt	1-1-2012
581-015-2774	4-2-2012	Adopt	5-1-2012	581-022-1725	8-1-2012	Amend	9-1-2012
581-015-2775	4-2-2012	Amend	5-1-2012	581-023-0012	1-1-2012	Repeal	1-1-2012
581-015-2780	4-2-2012	Amend	5-1-2012	581-023-0036	9-17-2012	Adopt	10-1-2012
581-015-2780	8-1-2012	Amend	9-1-2012	581-023-0040	12-15-2011	Amend	1-1-2012
581-015-2790	4-2-2012	Amend	5-1-2012	581-023-0106	6-11-2012	Adopt	7-1-2012
581-015-2805	4-2-2012	Amend	5-1-2012	581-023-0110	1-1-2012	Repeal	1-1-2012
581-015-2810	4-2-2012	Amend	5-1-2012	581-023-0112	1-1-2012	Amend	1-1-2012
581-015-2815	4-2-2012	Amend	5-1-2012	581-040-0000	12-15-2011	Repeal	1-1-2012
581-015-2825	4-2-2012	Amend	5-1-2012	581-044-0080	12-15-2011	Repeal	1-1-2012
581-015-2830	4-2-2012	Amend	5-1-2012	581-044-0090	12-15-2011	Repeal	1-1-2012
581-015-2835	4-2-2012	Amend	5-1-2012	581-044-0100	12-15-2011	Repeal	1-1-2012
581-015-2840	4-2-2012	Amend	5-1-2012	581-044-0110	12-15-2011	Repeal	1-1-2012
581-015-2863	4-2-2012	Adopt	5-1-2012	581-044-0120	12-15-2011	Repeal	1-1-2012
581-015-2870	4-2-2012	Amend	5-1-2012	581-044-0130	12-15-2011	Repeal	1-1-2012
581-015-2885	4-2-2012	Amend	5-1-2012	581-044-0140	12-15-2011	Repeal	1-1-2012
581-015-2890	4-2-2012	Amend	5-1-2012	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
581-020-0334	12-15-2011	Amend	1-1-2012	581-044-0220	4-2-2012	Adopt	5-1-2012
581-020-0336	1-1-2012	Amend	1-1-2012	581-044-0230	4-2-2012	Adopt	5-1-2012
581-020-0339	12-15-2011	Repeal	1-1-2012	581-044-0240	4-2-2012	Adopt	5-1-2012
581-020-0342	12-15-2011	Adopt	1-1-2012	581-044-0250	4-2-2012	Adopt	5-1-2012
581-020-0342(T)	12-15-2011	Repeal	1-1-2012	581-044-0260	4-2-2012	Adopt	5-1-2012
581-020-0343	12-15-2011	Adopt	1-1-2012	581-045-0001	9-17-2012	Amend	10-1-2012
581-020-0343(T)	12-15-2011	Repeal	1-1-2012	581-045-0500	2-3-2012	Repeal	3-1-2012
581-021-00032	1-1-2012	Repeal	1-1-2012	581-045-0505	2-3-2012	Repeal	3-1-2012
581-021-0019	2-3-2012	Amend	3-1-2012	581-045-0510	2-3-2012	Repeal	3-1-2012
581-021-0034	1-1-2012	Repeal	1-1-2012	581-045-0515	2-3-2012	Repeal	3-1-2012
581-021-0035	1-1-2012	Repeal	1-1-2012	581-045-0520	2-3-2012	Repeal	3-1-2012
581-021-0042	1-1-2012	Repeal	1-1-2012	581-045-0522	2-3-2012	Repeal	3-1-2012
581-021-0044	1-1-2012	Repeal	1-1-2012	581-045-0525	2-3-2012	Repeal	3-1-2012

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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
581-053-0240	6-14-2012	Adopt	7-1-2012	581-070-0380	12-15-2011	Repeal	1-1-2012
581-053-0250	6-14-2012	Adopt	7-1-2012	581-070-0390	12-15-2011	Repeal	1-1-2012
581-053-0310	6-14-2012	Adopt	7-1-2012	581-070-0400	12-15-2011	Repeal	1-1-2012
581-053-0320	6-14-2012	Adopt	7-1-2012	581-070-0410	12-15-2011	Repeal	1-1-2012
581-053-0330	6-14-2012	Adopt	7-1-2012	581-070-0420	12-15-2011	Repeal	1-1-2012
581-053-0340	6-14-2012	Adopt	7-1-2012	581-070-0500	12-15-2011	Repeal	1-1-2012
581-053-0410	6-14-2012	Adopt	7-1-2012	581-070-0510	12-15-2011	Repeal	1-1-2012
581-053-0420	6-14-2012	Adopt	7-1-2012	581-071-0005	12-15-2011	Repeal	1-1-2012
581-053-0430	6-14-2012	Adopt	7-1-2012	581-071-0010	12-15-2011	Repeal	1-1-2012
581-053-0440	6-14-2012	Adopt	7-1-2012	584-010-0001	3-9-2012	Amend	4-1-2012
581-053-0445	6-14-2012	Adopt	7-1-2012	584-010-0001	9-14-2012	Amend	10-1-2012
581-053-0507	6-14-2012	Repeal	7-1-2012	584-010-0006	9-14-2012	Amend	10-1-2012
581-053-0511	6-14-2012	Adopt	7-1-2012	584-010-0010	3-9-2012	Amend	4-1-2012
581-053-0512	6-14-2012	Repeal	7-1-2012	584-010-0015	3-9-2012	Amend	4-1-2012
581-053-0516	6-14-2012	Repeal	7-1-2012	584-010-0020	3-9-2012	Amend	4-1-2012

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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
584-018-0205	3-9-2012	Adopt	4-1-2012	584-100-0016	5-18-2012	Amend	7-1-2012
584-018-0205	5-18-2012	Amend	7-1-2012	584-100-0017	5-18-2012	Adopt	7-1-2012
584-018-0305	5-18-2012	Adopt	7-1-2012	584-100-0021	5-18-2012	Amend	7-1-2012
584-018-0310	5-18-2012	Adopt	7-1-2012	584-100-0026	5-18-2012	Amend	7-1-2012
584-018-0315	3-9-2012	Adopt	4-1-2012	584-100-0031	5-18-2012	Amend	7-1-2012
584-018-0405	3-9-2012	Adopt	4-1-2012	584-100-0038	5-18-2012	Amend	7-1-2012
584-018-0410	3-9-2012	Adopt	4-1-2012	585-010-0310	8-9-2012	Amend	9-1-2012
584-018-0415	3-9-2012	Adopt	4-1-2012	589-002-0100	7-17-2012	Amend(T)	9-1-2012
584-018-0505	3-9-2012	Adopt	4-1-2012	589-002-0110	7-17-2012	Adopt(T)	9-1-2012
584-018-0510	3-9-2012	Adopt	4-1-2012	589-002-0120	7-17-2012	Adopt(T)	9-1-2012
584-018-0515	3-9-2012	Adopt	4-1-2012	589-002-0130	7-17-2012	Adopt(T)	9-1-2012
584-023-0005	5-18-2012	Amend	7-1-2012	589-007-0700	12-9-2011	Amend	1-1-2012
584-023-0015	5-18-2012	Amend	7-1-2012	589-007-0700	8-6-2012	Amend(T)	9-1-2012
584-036-0010	5-18-2012	Amend	7-1-2012	589-007-0800	12-9-2011	Adopt	1-1-2012
584-036-0015	5-18-2012	Amend	7-1-2012	603-016-0355	7-1-2012	Repeal	7-1-2012

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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
603-027-0490	12-14-2011	Amend	1-1-2012	603-053-0200	6-12-2012	Amend	7-1-2012
603-028-0710	5-15-2012	Adopt	6-1-2012	603-057-0001	6-1-2012	Amend	7-1-2012
603-028-0715	5-15-2012	Adopt	6-1-2012	603-057-0001	1-1-2013	Amend	2-1-2012
603-028-0720	5-15-2012	Adopt	6-1-2012	603-057-0006	7-10-2012	Amend	8-1-2012
603-028-0725	5-15-2012	Adopt	6-1-2012	603-057-0100	6-1-2012	Amend	7-1-2012
603-028-0730	5-15-2012	Adopt	6-1-2012	603-057-0100	1-1-2013	Amend	2-1-2012
603-028-0735	5-15-2012	Adopt	6-1-2012	603-057-0106	1-1-2013	Amend	6-1-2012
603-028-0740	5-15-2012	Adopt	6-1-2012	603-057-0120	7-10-2012	Amend	8-1-2012
603-031-0105	7-1-2012	Repeal	7-1-2012	603-057-0127	6-1-2012	Amend	7-1-2012
603-031-0111	7-1-2012	Repeal	7-1-2012	603-057-0127	1-1-2013	Amend	2-1-2012
603-031-0112	7-1-2012	Repeal	7-1-2012	603-057-0135	7-10-2012	Amend	8-1-2012
603-031-0113	7-1-2012	Repeal	7-1-2012	603-057-0150	7-10-2012	Amend	8-1-2012
603-031-0114	7-1-2012	Repeal	7-1-2012	603-057-0300	7-1-2012	Repeal	7-1-2012
603-031-0116	7-1-2012	Repeal	7-1-2012	603-057-0500	7-10-2012	Amend	8-1-2012
603-031-0117	7-1-2012	Repeal	7-1-2012	603-057-0525	7-10-2012	Amend	8-1-2012

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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	603-077-0105	8-1-2012	Amend	9-1-2012
603-065-0065	7-1-2012	Repeal	7-1-2012	603-077-0110	8-1-2012	Amend	9-1-2012
603-065-0070	7-1-2012	Repeal	7-1-2012	603-077-0112	8-1-2012	Amend	9-1-2012
603-065-0075	7-1-2012	Repeal	7-1-2012	603-077-0113	8-1-2012	Amend	9-1-2012
603-065-0080	7-1-2012	Repeal	7-1-2012	603-077-0119	8-1-2012	Amend	9-1-2012
603-065-0085	7-1-2012	Repeal	7-1-2012	603-085-0000	7-1-2012	Repeal	7-1-2012
603-066-0005	7-1-2012	Repeal	7-1-2012	603-085-0010	7-1-2012	Repeal	7-1-2012
603-066-0010	7-1-2012	Repeal	7-1-2012	603-085-0020	7-1-2012	Repeal	7-1-2012
603-066-0015	7-1-2012	Repeal	7-1-2012	603-085-0030	7-1-2012	Repeal	7-1-2012
603-066-0020	7-1-2012	Repeal	7-1-2012	603-085-0040	7-1-2012	Repeal	7-1-2012
603-066-0025	7-1-2012	Repeal	7-1-2012	603-085-0050	7-1-2012	Repeal	7-1-2012
603-066-0030	7-1-2012	Repeal	7-1-2012	603-085-0060	7-1-2012	Repeal	7-1-2012
603-066-0100	7-1-2012	Repeal	7-1-2012	603-085-0070	7-1-2012	Repeal	7-1-2012
603-066-0110	7-1-2012	Repeal	7-1-2012	603-085-0080	7-1-2012	Repeal	7-1-2012
603-066-0200	7-1-2012	Repeal	7-1-2012	603-095-0200	1-12-2012	Repeal	2-1-2012
603-066-0205	7-1-2012	Repeal	7-1-2012	603-095-0200	6-1-2012	Repeal	7-1-2012
603-066-0210	7-1-2012	Repeal	7-1-2012	603-095-0220	1-12-2012	Repeal	2-1-2012
603-066-0300	7-1-2012	Repeal	7-1-2012	603-095-0220	6-1-2012	Repeal	7-1-2012
603-066-0305	7-1-2012	Repeal	7-1-2012	603-095-0240	1-12-2012	Repeal	2-1-2012
603-066-0310	7-1-2012	Repeal	7-1-2012	603-095-0240	6-1-2012	Repeal	7-1-2012
603-067-0020	7-1-2012	Repeal	7-1-2012	603-095-0260	1-12-2012	Repeal	2-1-2012
603-067-0035	7-1-2012	Repeal	7-1-2012	603-095-0260	6-1-2012	Repeal	7-1-2012

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603-095-0280	6-1-2012	Repeal	7-1-2012	635-004-0065	7-1-2012	Am. & Ren.	8-1-2012
603-095-1400	1-12-2012	Amend	2-1-2012	635-004-0066	7-1-2012	Am. & Ren.	8-1-2012
603-095-1400	6-1-2012	Amend	7-1-2012	635-004-0068	7-1-2012	Am. & Ren.	8-1-2012
603-095-1420	1-12-2012	Amend	2-1-2012	635-004-0070	7-1-2012	Am. & Ren.	8-1-2012
603-095-1420	6-1-2012	Amend	7-1-2012	635-004-0075	7-1-2012	Repeal	8-1-2012
603-095-1440	1-12-2012	Amend	2-1-2012	635-004-0080	7-1-2012	Am. & Ren.	8-1-2012
603-095-1440	6-1-2012	Amend	7-1-2012	635-004-0085	7-1-2012	Am. & Ren.	8-1-2012
603-095-1460	1-12-2012	Adopt	2-1-2012	635-004-0090	7-1-2012	Am. & Ren.	8-1-2012
603-095-1460	6-1-2012	Adopt	7-1-2012	635-004-0100	7-1-2012	Repeal	8-1-2012
603-100-0000	1-1-2013	Amend	7-1-2012	635-004-0110	7-1-2012	Repeal	8-1-2012
603-100-0010	1-1-2013	Amend	7-1-2012	635-004-0125	7-1-2012	Am. & Ren.	8-1-2012
603-100-0050	1-1-2013	Adopt	7-1-2012	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
635-004-0019(T)	7-1-2012	Suspend	8-1-2012	635-004-0335	7-1-2012	Adopt	8-1-2012
635-004-0020	7-1-2012	Am. & Ren.	8-1-2012	635-004-0350	7-1-2012	Adopt	8-1-2012
635-004-0021	7-1-2012	Am. & Ren.	8-1-2012	635-004-0355	7-1-2012	Adopt	8-1-2012
635-004-0025	7-1-2012	Am. & Ren.	8-1-2012	635-004-0355	7-1-2012	Amend(T)	8-1-2012
635-004-0026	7-1-2012	Renumber	8-1-2012	635-004-0355	9-11-2012	Amend(T)	10-1-2012
635-004-0027	1-9-2012	Amend(T)	2-1-2012	635-004-0355(T)	9-11-2012	Suspend	10-1-2012
635-004-0027	7-1-2012	Am. & Ren.	8-1-2012	635-004-0370	7-1-2012	Adopt	8-1-2012
635-004-0029	7-1-2012	Repeal	8-1-2012	635-004-0375	7-1-2012	Adopt	8-1-2012
635-004-0033	1-1-2012	Amend	2-1-2012	635-004-0375	8-23-2012	Amend(T)	10-1-2012
635-004-0033	6-1-2012	Amend(T)	7-1-2012	635-004-0380	7-1-2012	Adopt	8-1-2012
635-004-0033	7-1-2012	Repeal	8-1-2012	635-004-0385	7-1-2012	Adopt	8-1-2012
635-004-0035	7-1-2012	Am. & Ren.	8-1-2012	635-004-0390	7-1-2012	Adopt	8-1-2012
635-004-0036	7-1-2012	Am. & Ren.	8-1-2012	635-004-0395	7-1-2012	Adopt	8-1-2012
635-004-0040	7-1-2012	Repeal	8-1-2012	635-004-0400	7-1-2012	Adopt	8-1-2012
635-004-0042	7-1-2012	Am. & Ren.	8-1-2012	635-004-0405	7-1-2012	Adopt	8-1-2012
635-004-0048	7-1-2012	Am. & Ren.	8-1-2012	635-004-0410	7-1-2012	Adopt	8-1-2012
635-004-0050	7-1-2012	Am. & Ren.	8-1-2012	635-004-0415	7-1-2012	Adopt	8-1-2012
635-004-0052	7-1-2012	Repeal	8-1-2012	635-004-0420	7-1-2012	Adopt	8-1-2012
635-004-0055	7-1-2012	Am. & Ren.	8-1-2012	635-004-0445	7-1-2012	Adopt	8-1-2012

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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
635-004-0685	7-1-2012	Adopt	8-1-2012	635-005-0190	7-1-2012	Am. & Ren.	8-1-2012
635-004-0690	7-1-2012	Adopt	8-1-2012	635-005-0195	7-1-2012	Am. & Ren.	8-1-2012
635-005-0001	7-1-2012	Am. & Ren.	8-1-2012	635-005-0200	7-1-2012	Renumber	8-1-2012
635-005-0002	7-1-2012	Repeal	8-1-2012	635-005-0205	7-1-2012	Am. & Ren.	8-1-2012
635-005-0003	7-1-2012	Am. & Ren.	8-1-2012	635-005-0210	7-1-2012	Am. & Ren.	8-1-2012
635-005-0005	7-1-2012	Am. & Ren.	8-1-2012	635-005-0215	7-1-2012	Am. & Ren.	8-1-2012
635-005-0015	7-1-2012	Repeal	8-1-2012	635-005-0220	7-1-2012	Am. & Ren.	8-1-2012
635-005-0016	7-1-2012	Repeal	8-1-2012	635-005-0225	7-1-2012	Adopt	8-1-2012
635-005-0020	7-1-2012	Am. & Ren.	8-1-2012	635-005-0230	7-1-2012	Adopt	8-1-2012
635-005-0030	7-1-2012	Am. & Ren.	8-1-2012	635-005-0235	7-1-2012	Adopt	8-1-2012
635-005-0031	7-1-2012	Repeal	8-1-2012	635-005-0245	7-1-2012	Adopt	8-1-2012
635-005-0032	7-1-2012	Am. & Ren.	8-1-2012	635-005-0250	7-1-2012	Adopt	8-1-2012
635-005-0035	7-1-2012	Repeal	8-1-2012	635-005-0255	7-1-2012	Adopt	8-1-2012
635-005-0040	7-1-2012	Renumber	8-1-2012	635-005-0260	7-1-2012	Adopt	8-1-2012
635-005-0042	7-1-2012	Am. & Ren.	8-1-2012	635-005-0265	7-1-2012	Adopt	8-1-2012
635-005-0045	12-1-2011	Amend(T)	1-1-2012	635-005-0270	7-1-2012	Adopt	8-1-2012
635-005-0045	12-15-2011	Amend(T)	1-1-2012	635-005-0275	7-1-2012	Adopt	8-1-2012
635-005-0045	5-1-2012	Amend	6-1-2012	635-005-0280	7-1-2012	Adopt	8-1-2012
635-005-0045	7-1-2012	Am. & Ren.	8-1-2012	635-005-0305	7-1-2012	Adopt	8-1-2012
635-005-0045(T)	12-15-2011	Suspend	1-1-2012	635-005-0310	7-1-2012	Adopt	8-1-2012
635-005-0047	7-1-2012	Am. & Ren.	8-1-2012	635-005-0315	7-1-2012	Adopt	8-1-2012

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635-005-0320	7-1-2012	Adopt	8-1-2012	635-005-0720	7-1-2012	Adopt	8-1-2012
635-005-0325	7-1-2012	Adopt	8-1-2012	635-005-0725	7-1-2012	Adopt	8-1-2012
635-005-0330	7-1-2012	Adopt	8-1-2012	635-005-0730	7-1-2012	Adopt	8-1-2012
635-005-0335	7-1-2012	Adopt	8-1-2012	635-005-0735	7-1-2012	Adopt	8-1-2012
635-005-0340	7-1-2012	Adopt	8-1-2012	635-005-0740	7-1-2012	Adopt	8-1-2012
635-005-0345	7-1-2012	Adopt	8-1-2012	635-005-0745	7-1-2012	Adopt	8-1-2012
635-005-0355	7-4-2012	Amend(T)	8-1-2012	635-005-0750	7-1-2012	Adopt	8-1-2012
635-005-0360	7-1-2012	Adopt	8-1-2012	635-005-0755	7-1-2012	Adopt	8-1-2012
635-005-0365	7-1-2012	Adopt	8-1-2012	635-005-0760	7-1-2012	Adopt	8-1-2012
635-005-0370	7-1-2012	Adopt	8-1-2012	635-005-0765	7-1-2012	Adopt	8-1-2012
635-005-0375	7-1-2012	Adopt	8-1-2012	635-005-0770	7-1-2012	Adopt	8-1-2012
635-005-0380	7-1-2012	Adopt	8-1-2012	635-005-0775	7-1-2012	Adopt	8-1-2012
635-005-0385	7-1-2012	Adopt	8-1-2012	635-005-0790	7-1-2012	Adopt	8-1-2012
635-005-0390	7-1-2012	Adopt	8-1-2012	635-005-0795	7-1-2012	Adopt	8-1-2012
635-005-0395	7-1-2012	Adopt	8-1-2012	635-005-0800	7-1-2012	Adopt	8-1-2012
635-005-0400	7-1-2012	Adopt	8-1-2012	635-005-0805	7-1-2012	Adopt	8-1-2012
635-005-0405	7-1-2012	Adopt	8-1-2012	635-005-0810	7-1-2012	Adopt	8-1-2012
635-005-0410	7-1-2012	Adopt	8-1-2012	635-005-0815	7-1-2012	Adopt	8-1-2012
635-005-0415	7-1-2012	Adopt	8-1-2012	635-005-0820	7-1-2012	Adopt	8-1-2012
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635-005-0430	7-1-2012	Adopt	8-1-2012	635-005-0835	7-1-2012	Adopt	8-1-2012
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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
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635-005-0565	7-1-2012	Adopt	8-1-2012	635-006-0010	7-1-2012	Amend	8-1-2012
635-005-0570	7-1-2012	Adopt	8-1-2012	635-006-0133	7-1-2012	Repeal	8-1-2012
635-005-0575	7-1-2012	Adopt	8-1-2012	635-006-0134	7-1-2012	Amend	8-1-2012
635-005-0580	7-1-2012	Adopt	8-1-2012	635-006-0135	7-1-2012	Amend	8-1-2012
635-005-0585	7-1-2012	Adopt	8-1-2012	635-006-0140	7-1-2012	Amend	8-1-2012
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635-005-0605	7-1-2012	Adopt	8-1-2012	635-006-0205	7-1-2012	Amend	8-1-2012
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635-005-0650	7-1-2012	Adopt	8-1-2012	635-006-0210	7-1-2012	Amend	8-1-2012
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635-005-0685	7-1-2012	Adopt	8-1-2012	635-006-0212	7-1-2012	Amend	8-1-2012
635-005-0690	7-1-2012	Adopt	8-1-2012	635-006-0212	7-5-2012	Amend(T)	8-1-2012
635-005-0695	7-1-2012	Adopt	8-1-2012	635-006-0213	7-1-2012	Amend	8-1-2012
635-005-0700	7-1-2012	Adopt	8-1-2012	635-006-0215	1-1-2012	Amend	2-1-2012
635-005-0705	7-1-2012	Adopt	8-1-2012	635-006-0215	7-1-2012	Amend	8-1-2012
635-005-0710	7-1-2012	Adopt	8-1-2012	635-006-0215	7-5-2012	Amend(T)	8-1-2012
635-005-0715	7-1-2012	Adopt	8-1-2012	635-006-0225	7-1-2012	Amend	8-1-2012

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635-006-0225	8-6-2012	Amend	9-1-2012	635-012-0020	12-25-2011	Amend(T)	1-1-2012
635-006-0232	1-1-2012	Amend(T)	2-1-2012	635-012-0020	8-6-2012	Amend	9-1-2012
635-006-0232	2-7-2012	Amend	3-1-2012	635-012-0020(T)	12-25-2011	Suspend	1-1-2012
635-006-0232(T)	2-7-2012	Repeal	3-1-2012	635-012-0030	12-25-2011	Suspend	1-1-2012
635-006-0235	7-1-2012	Amend	8-1-2012	635-012-0030	8-6-2012	Amend	9-1-2012
635-006-0405	7-1-2012	Amend	8-1-2012	635-012-0040	12-25-2011	Suspend	1-1-2012
635-006-0425	7-1-2012	Amend	8-1-2012	635-012-0040	8-6-2012	Amend	9-1-2012
635-006-0800	7-1-2012	Repeal	8-1-2012	635-012-0050	12-25-2011	Suspend	1-1-2012
635-006-0810	7-1-2012	Repeal	8-1-2012	635-012-0050	8-6-2012	Amend	9-1-2012
635-006-0820	7-1-2012	Repeal	8-1-2012	635-012-0060	12-25-2011	Suspend	1-1-2012
635-006-0830	7-1-2012	Repeal	8-1-2012	635-012-0060	8-6-2012	Amend	9-1-2012
635-006-0840	7-1-2012	Repeal	8-1-2012	635-012-0070	8-6-2012	Adopt	9-1-2012
635-006-0850	7-1-2012	Repeal	8-1-2012	635-012-0080	8-6-2012	Adopt	9-1-2012
635-006-0870	7-1-2012	Repeal	8-1-2012	635-012-0090	8-6-2012	Adopt	9-1-2012
635-006-0880	7-1-2012	Repeal	8-1-2012	635-012-0100	8-6-2012	Adopt	9-1-2012
635-006-0890	7-1-2012	Repeal	8-1-2012	635-012-0110	8-6-2012	Adopt	9-1-2012
635-006-0900	7-1-2012	Repeal	8-1-2012	635-012-0120	8-6-2012	Adopt	9-1-2012
635-006-0910	7-1-2012	Repeal	8-1-2012	635-012-0130	8-6-2012	Adopt	9-1-2012
635-006-0915	7-1-2012	Repeal	8-1-2012	635-012-0140	8-6-2012	Adopt	9-1-2012
635-006-0930	7-1-2012	Repeal	8-1-2012	635-012-0150	8-6-2012	Adopt	9-1-2012
635-006-0940	7-1-2012	Repeal	8-1-2012	635-012-0160	8-6-2012	Adopt	9-1-2012
635-006-0950	7-1-2012	Repeal	8-1-2012	635-013-0003	1-1-2012	Amend	2-1-2012
635-006-1005	7-1-2012	Amend	8-1-2012	635-013-0003	5-1-2012	Amend	6-1-2012
635-006-1010	12-1-2011	Amend(T)	1-1-2012	635-013-0004	1-1-2012	Amend	2-1-2012
635-006-1010	5-1-2012	Amend	6-1-2012	635-013-0007	7-1-2012	Amend	7-1-2012
635-006-1010	7-1-2012	Repeal	8-1-2012	635-014-0080	1-1-2012	Amend	2-1-2012
635-006-1015	12-1-2011	Amend(T)	1-1-2012	635-014-0090	1-1-2012	Amend	2-1-2012
635-006-1015	5-1-2012	Amend	6-1-2012	635-014-0090	6-1-2012	Amend(T)	7-1-2012
635-006-1015	7-1-2012	Amend	8-1-2012	635-014-0090	6-12-2012	Amend(T)	7-1-2012
635-006-1025	7-1-2012	Amend	8-1-2012	635-014-0090	7-1-2012	Amend	7-1-2012
635-006-1035	7-1-2012	Amend	8-1-2012	635-014-0090	7-1-2012	Amend(T)	8-1-2012
635-006-1060	7-1-2012	Amend	8-1-2012	635-014-0090	10-13-2012	Amend(T)	11-1-2012
635-006-1065	12-1-2011	Amend(T)	1-1-2012	635-014-0090(T)	7-1-2012	Suspend	8-1-2012
635-006-1065	5-1-2012	Amend	6-1-2012	635-014-0090(T)	10-13-2012	Suspend	11-1-2012
635-006-1065	7-1-2012	Amend	8-1-2012	635-016-0080	1-1-2012	Amend	2-1-2012
635-006-1075	4-24-2012	Amend	6-1-2012	635-016-0090	1-1-2012	Amend	2-1-2012
635-006-1075	7-1-2012	Amend	8-1-2012	635-016-0090	7-1-2012	Amend	7-1-2012
635-006-1085	7-1-2012	Amend	8-1-2012	635-017-0080	1-1-2012	Amend	2-1-2012
635-006-1095	5-1-2012	Amend	6-1-2012	635-017-0090	1-1-2012	Amend	2-1-2012
635-006-1095	7-1-2012	Amend	8-1-2012	635-017-0090	1-1-2012	Amend(T)	1-1-2012
635-006-1110	7-1-2012	Repeal	8-1-2012	635-017-0090	3-12-2012	Amend	4-1-2012
635-006-1200	7-1-2012	Amend	8-1-2012	635-017-0090	7-26-2012	Amend(T)	9-1-2012
635-006-1210	7-1-2012	Amend	8-1-2012	635-017-0090	8-1-2012	Amend(T)	9-1-2012
635-008-0120	8-6-2012	Amend	9-1-2012	635-017-0090(T)	8-1-2012	Suspend	9-1-2012
635-008-0123	1-1-2012	Amend	1-1-2012	635-017-0095	1-1-2012	Amend	2-1-2012
635-008-0135	1-1-2012	Amend	1-1-2012	635-017-0095	2-17-2012	Amend(T)	3-1-2012
635-008-0146	4-24-2012	Amend	6-1-2012	635-017-0095	2-23-2012	Amend(T)	4-1-2012
635-008-0147	4-24-2012	Amend	6-1-2012	635-017-0095(T)	2-23-2012	Suspend	4-1-2012
635-008-0151	2-6-2012	Amend(T)	3-1-2012	635-018-0080	1-1-2012	Amend	2-1-2012
635-008-0151	6-11-2012	Amend	7-1-2012	635-018-0090	1-1-2012	Amend	2-1-2012
635-008-0151(T)	6-11-2012	Repeal	7-1-2012	635-018-0090	1-1-2012	Amend(T)	2-1-2012
635-008-0155	1-1-2012	Amend	1-1-2012	635-018-0090	3-12-2012	Amend	4-1-2012
635-010-0170	2-6-2012	Amend(T)	3-1-2012	635-018-0090	4-15-2012	Amend(T)	5-1-2012
635-010-0170	6-11-2012	Amend	7-1-2012	635-018-0090	6-4-2012	Amend(T)	7-1-2012
635-010-0170(T)	6-11-2012	Repeal	7-1-2012	635-018-0090	8-1-2012	Amend(T)	9-1-2012

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635-018-0090(T)	4-15-2012	Suspend	5-1-2012	635-023-0125(T)	7-9-2012	Suspend	8-1-2012
635-018-0090(T)	6-4-2012	Suspend	7-1-2012	635-023-0128	1-1-2012	Amend	2-1-2012
635-019-0080	1-1-2012	Amend	2-1-2012	635-023-0128	6-16-2012	Amend(T)	7-1-2012
635-019-0090	1-1-2012	Amend	2-1-2012	635-023-0128	7-9-2012	Amend(T)	8-1-2012
635-019-0090	5-23-2012	Amend(T)	7-1-2012	635-023-0128(T)	7-9-2012	Suspend	8-1-2012
635-019-0090	5-24-2012	Amend(T)	7-1-2012	635-023-0128(T)	8-1-2012	Suspend	9-1-2012
635-019-0090	6-11-2012	Amend(T)	7-1-2012	635-023-0130	1-1-2012	Amend	2-1-2012
635-019-0090	6-22-2012	Amend(T)	8-1-2012	635-023-0130	8-1-2012	Amend(T)	9-1-2012
635-019-0090	6-27-2012	Amend(T)	8-1-2012	635-023-0134	1-1-2012	Amend	2-1-2012
635-019-0090	7-1-2012	Amend(T)	8-1-2012	635-023-0134	4-22-2012	Amend(T)	6-1-2012
635-019-0090	7-15-2012	Amend(T)	8-1-2012	635-023-0134	8-5-2012	Amend(T)	9-1-2012
635-019-0090(T)	5-24-2012	Suspend	7-1-2012	635-023-0134	9-1-2012	Amend(T)	10-1-2012
635-019-0090(T)	6-11-2012	Suspend	7-1-2012	635-023-0134(T)	8-5-2012	Suspend	9-1-2012
635-019-0090(T)	6-12-2012	Suspend	7-1-2012	635-023-0134(T)	9-1-2012	Suspend	10-1-2012
635-019-0090(T)	6-22-2012	Suspend	8-1-2012	635-039-0080	1-1-2012	Amend	2-1-2012
635-019-0090(T)	6-27-2012	Suspend	8-1-2012	635-039-0080	4-24-2012	Amend	6-1-2012
635-019-0090(T)	7-1-2012	Suspend	8-1-2012	635-039-0085	4-24-2012	Amend	6-1-2012
635-019-0090(T)	7-15-2012	Suspend	8-1-2012	635-039-0085	7-5-2012	Amend(T)	8-1-2012
635-021-0080	1-1-2012	Amend	2-1-2012	635-039-0085	7-22-2012	Amend(T)	9-1-2012
635-021-0090	1-1-2012	Amend	2-1-2012	635-039-0085	8-24-2012	Amend(T)	10-1-2012
635-021-0090	6-13-2012	Amend(T)	7-1-2012	635-039-0085	9-24-2012	Amend(T)	11-1-2012
635-021-0090	9-1-2012	Amend(T)	10-1-2012	635-039-0085(T)	7-22-2012	Suspend	9-1-2012
635-021-0090	9-7-2012	Amend(T)	10-1-2012	635-039-0085(T)	8-24-2012	Suspend	10-1-2012
635-021-0090	9-21-2012	Amend(T)	11-1-2012	635-039-0085(T)	9-24-2012	Suspend	11-1-2012
635-021-0090(T)	9-1-2012	Suspend	10-1-2012	635-039-0090	12-1-2011	Amend(T)	1-1-2012
635-021-0090(T)	9-21-2012	Suspend	11-1-2012	635-039-0090	12-15-2011	Amend(T)	1-1-2012
635-023-0080	1-1-2012	Amend	2-1-2012	635-039-0090	1-1-2012	Amend	2-1-2012
635-023-0090	1-1-2012	Amend	2-1-2012	635-039-0090	7-20-2012	Amend(T)	9-1-2012
635-023-0095	1-1-2012	Amend	2-1-2012	635-039-0090(T)	12-1-2011	Suspend	1-1-2012
635-023-0095	1-5-2012	Amend(T)	2-1-2012	635-039-0090(T)	12-15-2011	Suspend	1-1-2012
635-023-0095	2-7-2012	Amend	3-1-2012	635-041-0020	6-16-2012	Amend(T)	7-1-2012
635-023-0095	2-18-2012	Amend(T)	3-1-2012	635-041-0020	8-27-2012	Amend(T)	10-1-2012
635-023-0095	5-20-2012	Amend(T)	6-1-2012	635-041-0020(T)	8-27-2012	Suspend	10-1-2012
635-023-0095	7-1-2012	Amend(T)	8-1-2012	635-041-0045	2-1-2012	Amend(T)	3-1-2012
635-023-0095	8-1-2012	Amend(T)	9-1-2012	635-041-0045	2-29-2012	Amend(T)	4-1-2012
635-023-0095	10-20-2012	Amend(T)	11-1-2012	635-041-0045	5-15-2012	Amend(T)	6-1-2012
635-023-0095(T)	2-7-2012	Repeal	3-1-2012	635-041-0045	7-1-2012	Amend(T)	8-1-2012
635-023-0095(T)	5-20-2012	Suspend	6-1-2012	635-041-0045	7-12-2012	Amend(T)	8-1-2012
635-023-0095(T)	7-1-2012	Suspend	8-1-2012	635-041-0045	7-27-2012	Amend(T)	9-1-2012
635-023-0095(T)	8-1-2012	Suspend	9-1-2012	635-041-0045	9-11-2012	Amend(T)	10-1-2012
635-023-0095(T)	10-20-2012	Suspend	11-1-2012	635-041-0045(T)	2-29-2012	Suspend	4-1-2012
635-023-0125	1-1-2012	Amend	2-1-2012	635-041-0045(T)	5-15-2012	Suspend	6-1-2012
635-023-0125	2-15-2012	Amend(T)	3-1-2012	635-041-0045(T)	7-12-2012	Suspend	8-1-2012
635-023-0125	4-6-2012	Amend(T)	5-1-2012	635-041-0045(T)	7-27-2012	Suspend	9-1-2012
635-023-0125	4-14-2012	Amend(T)	5-1-2012	635-041-0045(T)	9-11-2012	Suspend	10-1-2012
635-023-0125	5-2-2012	Amend(T)	6-1-2012	635-041-0063	7-30-2012	Amend(T)	9-1-2012
635-023-0125	5-16-2012	Amend(T)	6-1-2012	635-041-0065	2-1-2012	Amend(T)	3-1-2012
635-023-0125	5-19-2012	Amend(T)	7-1-2012	635-041-0065	2-29-2012	Amend(T)	4-1-2012
635-023-0125	5-26-2012	Amend(T)	7-1-2012	635-041-0065	3-5-2012	Amend(T)	4-1-2012
635-023-0125(T)	4-6-2012	Suspend	5-1-2012	635-041-0065	3-5-2012	Amend(T)	4-1-2012
635-023-0125(T)	4-14-2012	Suspend	5-1-2012	635-041-0065	5-15-2012	Amend(T)	6-1-2012
635-023-0125(T)	5-2-2012	Suspend	6-1-2012	635-041-0065(T)	2-29-2012	Suspend	4-1-2012
635-023-0125(T)	5-16-2012	Suspend	6-1-2012	635-041-0065(T)	3-5-2012	Suspend	4-1-2012
635-023-0125(T)	5-19-2012	Suspend	7-1-2012	635-041-0065(T)	3-5-2012	Suspend	4-1-2012
635-023-0125(T)	5-26-2012	Suspend	7-1-2012	635-041-0065(T)	5-15-2012	Suspend	6-1-2012
635-023-0125(T)	6-16-2012	Suspend	7-1-2012	635-041-0072	6-21-2012	Amend(T)	8-1-2012

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635-041-0072	7-12-2012	Amend(T)	8-1-2012	635-042-0180	8-13-2012	Amend(T)	9-1-2012
635-041-0072(T)	7-12-2012	Suspend	8-1-2012	635-043-0051	12-30-2011	Amend(T)	2-1-2012
635-041-0075	7-27-2012	Amend(T)	9-1-2012	635-044-0000	8-6-2012	Amend	9-1-2012
635-041-0075	8-21-2012	Amend(T)	9-1-2012	635-044-0002	8-6-2012	Amend	9-1-2012
635-041-0075	9-11-2012	Amend(T)	10-1-2012	635-044-0130	8-6-2012	Amend	9-1-2012
635-041-0075	9-18-2012	Amend(T)	11-1-2012	635-045-0000	8-6-2012	Amend	9-1-2012
635-041-0075	9-26-2012	Amend(T)	11-1-2012	635-045-0002	8-6-2012	Amend	9-1-2012
635-041-0075	10-2-2012	Amend(T)	11-1-2012	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
635-042-0031	8-5-2012	Amend(T)	9-1-2012	635-051-0000	8-6-2012	Amend	9-1-2012
635-042-0031	8-26-2012	Amend(T)	10-1-2012	635-051-0001	8-10-2012	Amend(T)	9-1-2012
635-042-0031	9-18-2012	Amend(T)	11-1-2012	635-051-0048	8-6-2012	Amend	9-1-2012
635-042-0031(T)	8-26-2012	Suspend	10-1-2012	635-052-0000	8-6-2012	Amend	9-1-2012
635-042-0031(T)	9-18-2012	Suspend	11-1-2012	635-053-0000	8-6-2012	Amend	9-1-2012
635-042-0060	9-27-2012	Amend(T)	11-1-2012	635-053-0005	8-10-2012	Amend(T)	9-1-2012
635-042-0060	10-4-2012	Amend(T)	11-1-2012	635-053-0035	12-21-2011	Amend(T)	2-1-2012
635-042-0060	10-16-2012	Amend(T)	11-1-2012	635-053-0100	8-6-2012	Amend	9-1-2012
635-042-0060(T)	10-4-2012	Suspend	11-1-2012	635-053-0105	8-6-2012	Amend	9-1-2012
635-042-0060(T)	10-16-2012	Suspend	11-1-2012	635-053-0111	8-6-2012	Amend	9-1-2012
635-042-0105	5-24-2012	Amend(T)	7-1-2012	635-053-0125	8-6-2012	Amend	9-1-2012
635-042-0135	1-30-2012	Amend(T)	3-1-2012	635-054-0000	8-6-2012	Amend	9-1-2012
635-042-0145	2-12-2012	Amend(T)	3-1-2012	635-056-0050	8-31-2012	Amend(T)	10-1-2012
635-042-0145	3-18-2012	Amend(T)	4-1-2012	635-056-0075	10-11-2012	Amend	11-1-2012
635-042-0145	3-21-2012	Amend(T)	5-1-2012	635-060-0000	8-6-2012	Amend	9-1-2012
635-042-0145	3-29-2012	Amend(T)	5-1-2012	635-060-0023	4-1-2012	Amend	4-1-2012
635-042-0145	4-1-2012	Amend(T)	5-1-2012	635-060-0040	9-26-2012	Adopt(T)	11-1-2012
635-042-0145	4-5-2012	Amend(T)	5-1-2012	635-060-0040	10-11-2012	Adopt	11-1-2012
635-042-0145	4-19-2012	Amend(T)	6-1-2012	635-060-0040(T)	10-11-2012	Repeal	11-1-2012
635-042-0145	7-2-2012	Amend(T)	8-1-2012	635-060-0046	2-10-2012	Amend(T)	3-1-2012
635-042-0145	8-1-2012	Amend(T)	9-1-2012	635-060-0046	6-11-2012	Amend	7-1-2012
635-042-0145(T)	3-18-2012	Suspend	4-1-2012	635-060-0046(T)	6-11-2012	Repeal	7-1-2012
635-042-0145(T)	3-21-2012	Suspend	5-1-2012	635-065-0001	1-1-2012	Amend	1-1-2012
635-042-0145(T)	3-29-2012	Suspend	5-1-2012	635-065-0015	1-1-2012	Amend	1-1-2012
635-042-0145(T)	4-1-2012	Suspend	5-1-2012	635-065-0090	1-1-2012	Amend	1-1-2012
635-042-0145(T)	4-5-2012	Suspend	5-1-2012	635-065-0401	1-1-2012	Amend	1-1-2012
635-042-0145(T)	4-19-2012	Suspend	6-1-2012	635-065-0625	1-1-2012	Amend	1-1-2012
635-042-0145(T)	7-2-2012	Suspend	8-1-2012	635-065-0635	1-1-2012	Amend	1-1-2012
635-042-0160	2-12-2012	Amend(T)	3-1-2012	635-065-0720	6-11-2012	Amend	7-1-2012
635-042-0160	8-13-2012	Amend(T)	9-1-2012	635-065-0733	1-1-2012	Amend	1-1-2012
635-042-0170	4-26-2012	Amend(T)	6-1-2012	635-065-0740	1-1-2012	Amend	1-1-2012
635-042-0170	8-13-2012	Amend(T)	9-1-2012	635-065-0760	1-1-2012	Amend	1-1-2012
635-042-0180	2-12-2012	Amend(T)	3-1-2012	635-065-0765	7-23-2012	Amend(T)	9-1-2012

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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
635-073-0000	6-11-2012	Amend	7-1-2012	660-018-0022	1-1-2012	Amend(T)	2-1-2012
635-073-0065	2-1-2012	Amend	2-1-2012	660-018-0022	2-14-2012	Amend	3-1-2012
635-073-0070	2-1-2012	Amend	2-1-2012	660-018-0022(T)	2-14-2012	Repeal	3-1-2012
635-078-0011	4-1-2012	Amend	4-1-2012	660-018-0025	2-14-2012	Amend	3-1-2012
635-095-0100	2-10-2012	Adopt	3-1-2012	660-018-0030	2-14-2012	Repeal	3-1-2012
635-095-0105	2-10-2012	Adopt	3-1-2012	660-018-0035	2-14-2012	Amend	3-1-2012
635-095-0105	6-11-2012	Amend	7-1-2012	660-018-0040	1-1-2012	Amend(T)	2-1-2012
635-095-0111	2-10-2012	Adopt	3-1-2012	660-018-0040	2-14-2012	Amend	3-1-2012
635-095-0125	2-10-2012	Adopt	3-1-2012	660-018-0040(T)	2-14-2012	Repeal	3-1-2012
635-095-0125	6-11-2012	Amend	7-1-2012	660-018-0045	2-14-2012	Amend	3-1-2012
635-100-0125	3-14-2012	Amend	4-1-2012	660-018-0050	2-14-2012	Amend	3-1-2012
635-170-0000	6-11-2012	Adopt	7-1-2012	660-018-0055	2-14-2012	Amend	3-1-2012
635-435-0000	3-16-2012	Amend	5-1-2012	660-018-0060	2-14-2012	Amend	3-1-2012
635-435-0005	3-16-2012	Amend	5-1-2012	660-018-0085	2-14-2012	Amend	3-1-2012
635-435-0010	3-16-2012	Amend	5-1-2012	660-018-0140	2-14-2012	Repeal	3-1-2012
635-435-0015	3-16-2012	Amend	5-1-2012	660-018-0150	2-14-2012	Amend	3-1-2012
635-435-0025	3-16-2012	Amend	5-1-2012	660-025-0010	2-14-2012	Amend	3-1-2012
635-435-0030	3-16-2012	Amend	5-1-2012	660-025-0020	2-14-2012	Amend	3-1-2012
635-435-0035	3-16-2012	Amend	5-1-2012	660-025-0030	2-14-2012	Amend	3-1-2012
635-435-0040	3-16-2012	Amend	5-1-2012	660-025-0035	2-14-2012	Amend	3-1-2012
635-435-0060	3-16-2012	Amend	5-1-2012	660-025-0040	2-14-2012	Amend	3-1-2012
647-010-0010	7-1-2012	Amend	6-1-2012	660-025-0050	2-14-2012	Amend	3-1-2012
656-010-0000	11-30-2011	Amend	1-1-2012	660-025-0060	2-14-2012	Amend	3-1-2012
656-010-0010	11-30-2011	Amend	1-1-2012	660-025-0070	2-14-2012	Amend	3-1-2012
660-007-0000	2-14-2012	Amend	3-1-2012	660-025-0080	2-14-2012	Amend	3-1-2012
660-007-0005	2-14-2012	Amend	3-1-2012	660-025-0085	2-14-2012	Amend	3-1-2012
660-007-0015	2-14-2012	Amend	3-1-2012	660-025-0090	2-14-2012	Amend	3-1-2012
660-007-0018	2-14-2012	Amend	3-1-2012	660-025-0100	2-14-2012	Amend	3-1-2012
660-007-0020	2-14-2012	Amend	3-1-2012	660-025-0110	2-14-2012	Amend	3-1-2012
660-007-0022	2-14-2012	Amend	3-1-2012	660-025-0130	2-14-2012	Amend	3-1-2012
660-007-0030	2-14-2012	Amend	3-1-2012	660-025-0140	2-14-2012	Amend	3-1-2012
660-007-0033	2-14-2012	Amend	3-1-2012	660-025-0150	2-14-2012	Amend	3-1-2012
660-007-0035	2-14-2012	Amend	3-1-2012	660-025-0160	2-14-2012	Amend	3-1-2012
660-007-0037	2-14-2012	Amend	3-1-2012	660-025-0170	2-14-2012	Amend	3-1-2012
660-007-0045	2-14-2012	Amend	3-1-2012	660-025-0175	2-14-2012	Amend	3-1-2012
660-007-0050	2-14-2012	Amend	3-1-2012	660-025-0180	2-14-2012	Amend	3-1-2012
660-007-0060	2-14-2012	Amend	3-1-2012	660-025-0210	2-14-2012	Amend	3-1-2012

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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
660-035-0015	6-15-2012	Adopt	7-1-2012	705-010-0005	9-21-2012	Adopt	11-1-2012
660-035-0020	6-15-2012	Amend	7-1-2012	705-010-0005(T)	9-21-2012	Repeal	11-1-2012
660-035-0030	6-15-2012	Amend	7-1-2012	705-010-0010	3-29-2012	Adopt(T)	5-1-2012
660-035-0040	6-15-2012	Repeal	7-1-2012	705-010-0010	9-21-2012	Adopt	11-1-2012
660-035-0050	6-15-2012	Amend	7-1-2012	705-010-0010(T)	9-21-2012	Repeal	11-1-2012
660-035-0060	6-15-2012	Amend	7-1-2012	705-010-0015	3-29-2012	Adopt(T)	5-1-2012
660-035-0070	6-15-2012	Amend	7-1-2012	705-010-0015	9-21-2012	Adopt	11-1-2012
660-035-0080	6-15-2012	Repeal	7-1-2012	705-010-0015(T)	9-21-2012	Repeal	11-1-2012
668-010-0015	4-12-2012	Amend	5-1-2012	705-010-0020	3-29-2012	Adopt(T)	5-1-2012
668-030-0020	4-12-2012	Amend	5-1-2012	705-010-0020	9-21-2012	Adopt	11-1-2012
690-013-0100	2-1-2012	Amend	3-1-2012	705-010-0020(T)	9-21-2012	Repeal	11-1-2012
690-013-0310	2-1-2012	Amend	3-1-2012	705-010-0025	3-29-2012	Adopt(T)	5-1-2012
690-018-0050	2-1-2012	Amend	3-1-2012	705-010-0025	9-21-2012	Adopt	11-1-2012
690-019-0080	2-1-2012	Amend	3-1-2012	705-010-0025(T)	9-21-2012	Repeal	11-1-2012
690-053-0015	2-1-2012	Amend	3-1-2012	705-010-0030	3-29-2012	Adopt(T)	5-1-2012
690-053-0030	2-1-2012	Amend	3-1-2012	705-010-0030	9-21-2012	Adopt	11-1-2012
690-053-0035	2-1-2012	Amend	3-1-2012	705-010-0030(T)	9-21-2012	Repeal	11-1-2012
690-077-0029	2-1-2012	Amend	3-1-2012	705-010-0035	3-29-2012	Adopt(T)	5-1-2012
690-077-0031	2-1-2012	Amend	3-1-2012	705-010-0035	9-21-2012	Adopt	11-1-2012
690-077-0039	2-1-2012	Amend	3-1-2012	705-010-0035(T)	9-21-2012	Repeal	11-1-2012
690-077-0077	2-1-2012	Amend	3-1-2012	705-010-0040	3-29-2012	Adopt(T)	5-1-2012
690-240-0010	2-2-2012	Amend	3-1-2012	705-010-0040	9-21-2012	Adopt	11-1-2012
690-240-0035	2-2-2012	Amend	3-1-2012	705-010-0040(T)	9-21-2012	Repeal	11-1-2012
690-240-0040	2-2-2012	Adopt	3-1-2012	705-010-0045	3-29-2012	Adopt(T)	5-1-2012
690-240-0043	2-2-2012	Adopt	3-1-2012	705-010-0045	9-21-2012	Adopt	11-1-2012
690-240-0046	2-2-2012	Adopt	3-1-2012	705-010-0045(T)	9-21-2012	Repeal	11-1-2012
690-240-0049	2-2-2012	Adopt	3-1-2012	705-010-0050	3-29-2012	Adopt(T)	5-1-2012
690-300-0010	2-1-2012	Amend	3-1-2012	705-010-0050	9-21-2012	Adopt	11-1-2012
690-310-0020	2-1-2012	Amend	3-1-2012	705-010-0050(T)	9-21-2012	Repeal	11-1-2012
690-310-0050	2-1-2012	Amend	3-1-2012	705-010-0055	3-29-2012	Adopt(T)	5-1-2012
690-310-0080	2-1-2012	Amend	3-1-2012	705-010-0055	9-21-2012	Adopt	11-1-2012
690-310-0090	2-1-2012	Amend	3-1-2012	705-010-0055(T)	9-21-2012	Repeal	11-1-2012
690-310-0100	2-1-2012	Amend	3-1-2012	705-010-0060	3-29-2012	Adopt(T)	5-1-2012
690-310-0150	2-1-2012	Amend	3-1-2012	705-010-0060	9-21-2012	Adopt	11-1-2012
690-315-0050	2-1-2012	Amend	3-1-2012	705-010-0060(T)	9-21-2012	Repeal	11-1-2012
690-330-0010	2-1-2012	Amend	3-1-2012	705-010-0065	9-21-2012	Adopt	11-1-2012
690-380-2260	2-1-2012	Amend	3-1-2012	705-010-0065(T)	9-21-2012	Repeal	11-1-2012

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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
731-030-0050	6-27-2012	Amend	8-1-2012	734-005-0005	1-1-2012	Adopt	2-1-2012
731-030-0080	6-27-2012	Repeal	8-1-2012	734-005-0010	1-1-2012	Adopt	2-1-2012
731-030-0090	6-27-2012	Amend	8-1-2012	734-005-0015	1-1-2012	Adopt	2-1-2012
731-030-0100	6-27-2012	Amend	8-1-2012	734-010-0240	7-19-2012	Amend	9-1-2012
731-030-0110	6-27-2012	Amend	8-1-2012	734-020-0005	12-22-2011	Amend	2-1-2012
731-030-0120	6-27-2012	Amend	8-1-2012	734-020-0018	1-27-2012	Adopt	3-1-2012
731-030-0130	6-27-2012	Amend	8-1-2012	734-020-0019	1-27-2012	Adopt	3-1-2012
731-030-0150	6-27-2012	Amend	8-1-2012	734-020-0019	9-27-2012	Amend	11-1-2012
731-030-0160	6-27-2012	Amend	8-1-2012	734-020-0020	3-26-2012	Amend	5-1-2012
731-030-0170	6-27-2012	Adopt	8-1-2012	734-020-0025	3-26-2012	Repeal	5-1-2012
731-035-0020	12-22-2011	Amend	2-1-2012	734-020-0032	3-26-2012	Repeal	5-1-2012
731-035-0040	12-22-2011	Amend	2-1-2012	734-020-0034	3-26-2012	Repeal	5-1-2012
731-035-0050	12-22-2011	Amend	2-1-2012	734-020-0055	12-22-2011	Repeal	2-1-2012
731-035-0060	12-22-2011	Amend	2-1-2012	734-020-0135	3-26-2012	Repeal	5-1-2012
731-035-0070	12-22-2011	Amend	2-1-2012	734-020-0140	3-26-2012	Repeal	5-1-2012
731-035-0080	12-22-2011	Amend	2-1-2012	734-020-0400	3-26-2012	Amend	5-1-2012
731-040-0010	7-19-2012	Amend	9-1-2012	734-020-0420	3-26-2012	Amend	5-1-2012
731-040-0020	7-19-2012	Amend	9-1-2012	734-020-0430	3-26-2012	Amend	5-1-2012
731-040-0030	7-19-2012	Amend	9-1-2012	734-020-0440	3-26-2012	Repeal	5-1-2012
731-040-0040	7-19-2012	Repeal	9-1-2012	734-020-0440	3-26-2012	Repeal	5-1-2012
731-040-0050	7-19-2012	Amend	9-1-2012	734-020-0450	3-26-2012	Repeal	5-1-2012
731-040-0052	7-19-2012	Adopt	9-1-2012	734-020-0460	3-26-2012	Repeal	5-1-2012
731-040-0053	7-19-2012	Adopt	9-1-2012	734-020-0470	3-26-2012	Amend	5-1-2012
731-040-0054	7-19-2012	Adopt	9-1-2012	734-020-0480	3-26-2012	Amend	5-1-2012
731-040-0055	7-19-2012	Adopt	9-1-2012	734-020-0485	3-26-2012	Adopt	5-1-2012
731-040-0056	7-19-2012	Adopt	9-1-2012	734-020-0490	3-26-2012	Repeal	5-1-2012
731-040-0057	7-19-2012	Adopt	9-1-2012	734-020-0500	3-26-2012	Amend	5-1-2012
731-040-0058	7-19-2012	Adopt	9-1-2012	734-026-0010	1-1-2012	Adopt	2-1-2012
731-040-0059	7-19-2012	Adopt	9-1-2012	734-026-0020	1-1-2012	Adopt	2-1-2012
731-040-0060	7-19-2012	Repeal	9-1-2012	734-026-0030	1-1-2012	Adopt	2-1-2012
731-040-0062	7-19-2012	Adopt	9-1-2012	734-026-0040	1-1-2012	Adopt	2-1-2012
731-040-0064	7-19-2012	Adopt	9-1-2012	734-026-0045	1-1-2012	Adopt	2-1-2012
731-040-0070	7-19-2012	Repeal	9-1-2012	734-035-0010	2-24-2012	Amend	4-1-2012
731-040-0080	7-19-2012	Repeal	9-1-2012	734-035-0040	2-24-2012	Amend	4-1-2012
731-080-0010	7-19-2012	Amend	9-1-2012	734-051-0010	1-1-2012	Suspend	2-1-2012
731-080-0020	7-19-2012	Amend	9-1-2012	734-051-0010	6-29-2012	Repeal	8-1-2012
731-080-0030	7-19-2012	Amend	9-1-2012	734-051-0020	1-1-2012	Suspend	2-1-2012
				734-051-0020	6-29-2012	Repeal	8-1-2012

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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
734-051-0125	6-29-2012	Repeal	8-1-2012	734-051-0550	6-29-2012	Repeal	8-1-2012
734-051-0135	1-1-2012	Suspend	2-1-2012	734-051-0560	1-1-2012	Suspend	2-1-2012
734-051-0135	6-29-2012	Repeal	8-1-2012	734-051-0560	6-29-2012	Repeal	8-1-2012
734-051-0145	1-1-2012	Suspend	2-1-2012	734-051-1010	1-1-2012	Adopt(T)	2-1-2012
734-051-0145	6-29-2012	Repeal	8-1-2012	734-051-1010	6-29-2012	Adopt	8-1-2012
734-051-0155	1-1-2012	Suspend	2-1-2012	734-051-1010(T)	6-29-2012	Repeal	8-1-2012
734-051-0155	6-29-2012	Repeal	8-1-2012	734-051-1020	1-1-2012	Adopt(T)	2-1-2012
734-051-0165	1-1-2012	Suspend	2-1-2012	734-051-1020	6-29-2012	Adopt	8-1-2012
734-051-0165	6-29-2012	Repeal	8-1-2012	734-051-1020(T)	6-29-2012	Repeal	8-1-2012
734-051-0175	1-1-2012	Suspend	2-1-2012	734-051-1030	1-1-2012	Adopt(T)	2-1-2012
734-051-0175	6-29-2012	Repeal	8-1-2012	734-051-1030	6-29-2012	Adopt	8-1-2012
734-051-0185	1-1-2012	Suspend	2-1-2012	734-051-1030(T)	6-29-2012	Repeal	8-1-2012
734-051-0185	6-29-2012	Repeal	8-1-2012	734-051-1040	6-29-2012	Adopt	8-1-2012
734-051-0195	1-1-2012	Suspend	2-1-2012	734-051-1040(T)	6-29-2012	Repeal	8-1-2012
734-051-0195	6-29-2012	Repeal	8-1-2012	734-051-1050	1-1-2012	Adopt(T)	2-1-2012
734-051-0205	1-1-2012	Suspend	2-1-2012	734-051-1050	6-29-2012	Adopt	8-1-2012
734-051-0205	6-29-2012	Repeal	8-1-2012	734-051-1050(T)	6-29-2012	Repeal	8-1-2012
734-051-0215	1-1-2012	Suspend	2-1-2012	734-051-1060	1-1-2012	Adopt(T)	2-1-2012
734-051-0215	6-29-2012	Repeal	8-1-2012	734-051-1060	6-29-2012	Adopt	8-1-2012
734-051-0225	1-1-2012	Suspend	2-1-2012	734-051-1060(T)	6-29-2012	Repeal	8-1-2012
734-051-0225	6-29-2012	Repeal	8-1-2012	734-051-1070	1-1-2012	Adopt(T)	2-1-2012
734-051-0245	1-1-2012	Suspend	2-1-2012	734-051-1070	6-29-2012	Adopt	8-1-2012
734-051-0245	6-29-2012	Repeal	8-1-2012	734-051-1070(T)	6-29-2012	Repeal	8-1-2012
734-051-0255	1-1-2012	Suspend	2-1-2012	734-051-2010	1-1-2012	Adopt(T)	2-1-2012
734-051-0255	6-29-2012	Repeal	8-1-2012	734-051-2010	6-29-2012	Adopt	8-1-2012
734-051-0265	1-1-2012	Suspend	2-1-2012	734-051-2010(T)	6-29-2012	Repeal	8-1-2012
734-051-0265	6-29-2012	Repeal	8-1-2012	734-051-2020	1-1-2012	Adopt(T)	2-1-2012
734-051-0275	1-1-2012	Suspend	2-1-2012	734-051-2020	6-29-2012	Adopt	8-1-2012
734-051-0275	6-29-2012	Repeal	8-1-2012	734-051-2020(T)	6-29-2012	Repeal	8-1-2012
734-051-0285	1-1-2012	Suspend	2-1-2012	734-051-2030	1-1-2012	Adopt(T)	2-1-2012
734-051-0285	6-29-2012	Repeal	8-1-2012	734-051-2030	6-29-2012	Adopt	8-1-2012
734-051-0295	1-1-2012	Suspend	2-1-2012	734-051-2030(T)	6-29-2012	Repeal	8-1-2012
734-051-0295	6-29-2012	Repeal	8-1-2012	734-051-3010	1-1-2012	Adopt(T)	2-1-2012
734-051-0305	1-1-2012	Suspend	2-1-2012	734-051-3010	6-29-2012	Adopt	8-1-2012
734-051-0305	6-29-2012	Repeal	8-1-2012	734-051-3010(T)	6-29-2012	Repeal	8-1-2012
734-051-0315	1-1-2012	Suspend	2-1-2012	734-051-3020	1-1-2012	Adopt(T)	2-1-2012
734-051-0315	6-29-2012	Repeal	8-1-2012	734-051-3020	5-3-2012	Amend(T)	6-1-2012

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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
734-051-3080	6-29-2012	Adopt	8-1-2012	734-051-5110	1-1-2012	Adopt(T)	2-1-2012
734-051-3080(T)	6-29-2012	Repeal	8-1-2012	734-051-5110	6-29-2012	Adopt	8-1-2012
734-051-3090	1-1-2012	Adopt(T)	2-1-2012	734-051-5110(T)	6-29-2012	Repeal	8-1-2012
734-051-3090	6-29-2012	Adopt	8-1-2012	734-051-5120	1-1-2012	Adopt(T)	2-1-2012
734-051-3090(T)	6-29-2012	Repeal	8-1-2012	734-051-5120	6-29-2012	Adopt	8-1-2012
734-051-3100	1-1-2012	Adopt(T)	2-1-2012	734-051-5120(T)	6-29-2012	Repeal	8-1-2012
734-051-3100	6-29-2012	Adopt	8-1-2012	734-051-6010	1-1-2012	Adopt(T)	2-1-2012
734-051-3100(T)	6-29-2012	Repeal	8-1-2012	734-051-6010	6-29-2012	Adopt	8-1-2012
734-051-3110	1-1-2012	Adopt(T)	2-1-2012	734-051-6010(T)	6-29-2012	Repeal	8-1-2012
734-051-3110	6-29-2012	Adopt	8-1-2012	734-051-6020	1-1-2012	Adopt(T)	2-1-2012
734-051-3110(T)	6-29-2012	Repeal	8-1-2012	734-051-6020	6-29-2012	Adopt	8-1-2012
734-051-4010	1-1-2012	Adopt(T)	2-1-2012	734-051-6020(T)	6-29-2012	Repeal	8-1-2012
734-051-4010	6-29-2012	Adopt	8-1-2012	734-051-6030	1-1-2012	Adopt(T)	2-1-2012
734-051-4010(T)	6-29-2012	Repeal	8-1-2012	734-051-6030	6-29-2012	Adopt	8-1-2012
734-051-4020	1-1-2012	Adopt(T)	2-1-2012	734-051-6030(T)	6-29-2012	Repeal	8-1-2012
734-051-4020	6-29-2012	Adopt	8-1-2012	734-051-6040	1-1-2012	Adopt(T)	2-1-2012
734-051-4020(T)	6-29-2012	Repeal	8-1-2012	734-051-6040	6-29-2012	Adopt	8-1-2012
734-051-4030	1-1-2012	Adopt(T)	2-1-2012	734-051-6040(T)	6-29-2012	Repeal	8-1-2012
734-051-4030	6-29-2012	Adopt	8-1-2012	734-051-6050	1-1-2012	Adopt(T)	2-1-2012
734-051-4030(T)	6-29-2012	Repeal	8-1-2012	734-051-6050	6-29-2012	Adopt	8-1-2012
734-051-4040	1-1-2012	Adopt(T)	2-1-2012	734-051-6050(T)	6-29-2012	Repeal	8-1-2012
734-051-4040	6-29-2012	Adopt	8-1-2012	734-051-6060	1-1-2012	Adopt(T)	2-1-2012
734-051-4040(T)	6-29-2012	Repeal	8-1-2012	734-051-6060	6-29-2012	Adopt	8-1-2012
734-051-4050	1-1-2012	Adopt(T)	2-1-2012	734-051-6060(T)	6-29-2012	Repeal	8-1-2012
734-051-4050	6-29-2012	Adopt	8-1-2012	734-051-6070	1-1-2012	Adopt(T)	2-1-2012
734-051-4050(T)	6-29-2012	Repeal	8-1-2012	734-051-6070	6-29-2012	Adopt	8-1-2012
734-051-5010	1-1-2012	Adopt(T)	2-1-2012	734-051-6070(T)	6-29-2012	Repeal	8-1-2012
734-051-5010	6-29-2012	Adopt	8-1-2012	734-051-7010	1-1-2012	Adopt(T)	2-1-2012
734-051-5010(T)	6-29-2012	Repeal	8-1-2012	734-051-7010	6-29-2012	Adopt	8-1-2012
734-051-5020	1-1-2012	Adopt(T)	2-1-2012	734-051-7010(T)	6-29-2012	Repeal	8-1-2012
734-051-5020	6-29-2012	Adopt	8-1-2012	734-060-0000	3-26-2012	Amend	5-1-2012
734-051-5020(T)	6-29-2012	Repeal	8-1-2012	734-060-0000(T)	3-26-2012	Repeal	5-1-2012
734-051-5030	1-1-2012	Adopt(T)	2-1-2012	734-060-0007	3-26-2012	Adopt	5-1-2012
734-051-5030	6-29-2012	Adopt	8-1-2012	734-060-0007(T)	3-26-2012	Repeal	5-1-2012
734-051-5030(T)	6-29-2012	Repeal	8-1-2012	734-060-0010	3-26-2012	Amend	5-1-2012
734-051-5040	1-1-2012	Adopt(T)	2-1-2012	734-065-0015	3-26-2012	Amend	5-1-2012
734-051-5040	6-29-2012	Adopt	8-1-2012	734-065-0020	3-26-2012	Amend	5-1-2012

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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
734-076-0075	1-27-2012	Amend	3-1-2012	735-064-0220	1-1-2012	Amend	2-1-2012
734-076-0105	1-27-2012	Amend	3-1-2012	735-070-0004	11-23-2011	Amend	1-1-2012
734-076-0115	1-27-2012	Amend	3-1-2012	735-070-0004	9-20-2012	Amend	11-1-2012
734-076-0135	1-27-2012	Amend	3-1-2012	735-070-0010	1-1-2012	Amend	2-1-2012
734-076-0145	1-27-2012	Amend	3-1-2012	735-070-0054	11-23-2011	Amend	1-1-2012
734-076-0155	1-27-2012	Amend	3-1-2012	735-070-0085	3-26-2012	Amend(T)	5-1-2012
734-076-0165	1-27-2012	Amend	3-1-2012	735-070-0085	7-19-2012	Amend	9-1-2012
734-076-0175	1-27-2012	Amend	3-1-2012	735-072-0035	1-1-2012	Amend	2-1-2012
734-082-0021	1-27-2012	Amend	3-1-2012	735-074-0140	1-1-2012	Amend	2-1-2012
735-001-0030	12-22-2011	Repeal	2-1-2012	735-076-0020	1-1-2012	Amend	2-1-2012
735-001-0050	1-30-2012	Amend	3-1-2012	735-152-0000	1-1-2012	Amend	2-1-2012
735-010-0000	6-27-2012	Amend	8-1-2012	735-152-0005	1-1-2012	Amend	2-1-2012
735-010-0008	6-27-2012	Amend	8-1-2012	735-152-0020	1-1-2012	Amend	2-1-2012
735-010-0010	6-27-2012	Amend	8-1-2012	735-152-0040	1-1-2012	Amend	2-1-2012
735-010-0030	1-30-2012	Amend	3-1-2012	735-152-0050	1-1-2012	Amend	2-1-2012
735-010-0030	6-27-2012	Amend	8-1-2012	735-152-0060	1-1-2012	Amend	2-1-2012
735-010-0040	6-27-2012	Amend	8-1-2012	736-004-0005	2-15-2012	Amend	3-1-2012
735-012-0000	7-19-2012	Amend(T)	9-1-2012	736-004-0010	2-15-2012	Amend	3-1-2012
735-016-0080	12-22-2011	Repeal	2-1-2012	736-004-0015	2-15-2012	Amend	3-1-2012
735-020-0010	2-21-2012	Amend	4-1-2012	736-004-0020	2-15-2012	Amend	3-1-2012
735-020-0012	2-21-2012	Amend	4-1-2012	736-004-0025	2-15-2012	Amend	3-1-2012
735-022-0120	5-18-2012	Repeal	7-1-2012	736-004-0030	2-15-2012	Amend	3-1-2012
735-022-0130	5-18-2012	Adopt	7-1-2012	736-004-0045	2-15-2012	Amend	3-1-2012
735-030-0105	8-17-2012	Adopt	10-1-2012	736-004-0060	2-15-2012	Amend	3-1-2012
735-030-0330	1-1-2012	Amend	2-1-2012	736-004-0062	2-15-2012	Amend	3-1-2012
735-032-0010	4-1-2012	Amend	5-1-2012	736-004-0085	2-15-2012	Amend	3-1-2012
735-032-0055	5-18-2012	Adopt	7-1-2012	736-004-0090	2-15-2012	Amend	3-1-2012
735-040-0030	1-1-2012	Amend	2-1-2012	736-004-0095	2-15-2012	Amend	3-1-2012
735-040-0098	7-19-2012	Amend	9-1-2012	736-004-0100	2-15-2012	Amend	3-1-2012
735-050-0090	12-22-2011	Repeal	2-1-2012	736-004-0105	2-15-2012	Amend	3-1-2012
735-062-0002	1-30-2012	Amend	3-1-2012	736-004-0115	2-15-2012	Amend	3-1-2012
735-062-0005	1-1-2012	Amend	2-1-2012	736-004-0120	2-15-2012	Amend	3-1-2012
735-062-0007	1-30-2012	Amend	3-1-2012	736-004-0125	2-15-2012	Amend	3-1-2012
735-062-0010	1-1-2012	Amend	2-1-2012	736-004-0130	2-15-2012	Adopt	3-1-2012
735-062-0015	1-1-2012	Amend	2-1-2012	736-006-0110	5-11-2012	Amend	6-1-2012
735-062-0016	11-23-2011	Amend	1-1-2012	736-006-0115	5-11-2012	Amend	6-1-2012
735-062-0016	7-19-2012	Amend	9-1-2012	736-006-0125	5-11-2012	Amend	6-1-2012

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736-006-0150	5-11-2012	Amend	6-1-2012	740-100-0070	4-1-2012	Amend	4-1-2012
736-015-0006	6-26-2012	Amend(T)	8-1-2012	740-100-0080	4-1-2012	Amend	4-1-2012
736-015-0010	11-28-2011	Amend	1-1-2012	740-100-0085	4-1-2012	Amend	4-1-2012
736-015-0020	11-28-2011	Amend	1-1-2012	740-100-0090	4-1-2012	Amend	4-1-2012
736-015-0026	11-28-2011	Amend	1-1-2012	740-100-0100	1-1-2012	Amend	2-1-2012
736-015-0030	11-28-2011	Amend	1-1-2012	740-100-0230	4-23-2012	Amend	6-1-2012
736-017-0005	5-11-2012	Amend	6-1-2012	740-110-0010	4-1-2012	Amend	4-1-2012
736-017-0010	5-11-2012	Amend	6-1-2012	740-200-0010	7-19-2012	Amend	9-1-2012
736-017-0020	5-11-2012	Amend	6-1-2012	740-200-0020	2-21-2012	Amend	4-1-2012
736-017-0035	5-11-2012	Amend	6-1-2012	740-200-0030	8-16-2012	Amend	10-1-2012
736-018-0045	9/14/2012	Amend	10-1-2012	740-200-0040	2-21-2012	Amend	4-1-2012
736-045-0006	5-4-2012	Adopt	6-1-2012	740-300-0010	11-23-2011	Amend	1-1-2012
736-045-0011	5-4-2012	Adopt	6-1-2012	740-300-0060	3-26-2012	Amend	5-1-2012
736-045-0100	5-4-2012	Adopt	6-1-2012	741-040-0010	1-27-2012	Adopt	3-1-2012
736-045-0200	5-4-2012	Adopt	6-1-2012	741-040-0020	1-27-2012	Adopt	3-1-2012
736-045-0300	5-4-2012	Adopt	6-1-2012	741-040-0030	1-27-2012	Adopt	3-1-2012
736-045-0305	5-4-2012	Adopt	6-1-2012	741-040-0040	1-27-2012	Adopt	3-1-2012
736-045-0310	5-4-2012	Adopt	6-1-2012	741-040-0050	1-27-2012	Adopt	3-1-2012
736-045-0320	5-4-2012	Adopt	6-1-2012	741-040-0060	1-27-2012	Adopt	3-1-2012
736-045-0330	5-4-2012	Adopt	6-1-2012	741-040-0070	1-27-2012	Adopt	3-1-2012
736-045-0340	5-4-2012	Adopt	6-1-2012	800-010-0015	2-1-2012	Amend	3-1-2012
736-045-0400	5-4-2012	Adopt	6-1-2012	800-010-0040	2-1-2012	Amend	3-1-2012
736-045-0405	5-4-2012	Adopt	6-1-2012	800-015-0005	2-1-2012	Amend	3-1-2012
736-045-0410	5-4-2012	Adopt	6-1-2012	800-015-0010	2-1-2012	Amend	3-1-2012
736-045-0412	5-4-2012	Adopt	6-1-2012	800-015-0015	2-1-2012	Amend	3-1-2012
736-045-0414	5-4-2012	Adopt	6-1-2012	800-015-0020	2-1-2012	Amend	3-1-2012
736-045-0416	5-4-2012	Adopt	6-1-2012	800-015-0030	2-1-2012	Amend	3-1-2012
736-045-0418	5-4-2012	Adopt	6-1-2012	800-020-0015	2-1-2012	Amend	3-1-2012
736-045-0420	5-4-2012	Adopt	6-1-2012	800-020-0022	2-1-2012	Amend	3-1-2012
736-045-0422	5-4-2012	Adopt	6-1-2012	800-020-0025	2-1-2012	Amend	3-1-2012
736-045-0424	5-4-2012	Adopt	6-1-2012	800-025-0020	2-1-2012	Amend	3-1-2012
736-045-0426	5-4-2012	Adopt	6-1-2012	800-025-0027	2-1-2012	Amend	3-1-2012
736-045-0428	5-4-2012	Adopt	6-1-2012	801-001-0035	1-1-2012	Amend	2-1-2012
736-045-0430	5-4-2012	Adopt	6-1-2012	801-001-0045	1-1-2012	Adopt	2-1-2012
736-045-0432	5-4-2012	Adopt	6-1-2012	801-005-0010	1-1-2012	Amend	2-1-2012
736-045-0434	5-4-2012	Adopt	6-1-2012	801-005-0300	1-1-2012	Amend	2-1-2012
736-045-0436	5-4-2012	Adopt	6-1-2012	801-010-0010	1-1-2012	Amend	2-1-2012
736-045-0438	5-4-2012	Adopt	6-1-2012	801-010-0040	1-1-2012	Amend	2-1-2012
736-045-0440	5-4-2012	Adopt	6-1-2012	801-010-0050	1-1-2012	Amend	2-1-2012
736-045-0442	5-4-2012	Adopt	6-1-2012	801-010-0065	1-1-2012	Amend	2-1-2012
736-045-0444	5-4-2012	Adopt	6-1-2012	801-010-0073	1-1-2012	Amend	2-1-2012
736-045-0446	5-4-2012	Adopt	6-1-2012	801-010-0075	1-1-2012	Amend	2-1-2012
736-045-0448	5-4-2012	Adopt	6-1-2012	801-010-0079	1-1-2012	Amend	2-1-2012
736-045-0500	5-4-2012	Adopt	6-1-2012	801-010-0080	1-1-2012	Amend	2-1-2012
736-045-0505	5-4-2012	Adopt	6-1-2012	801-010-0085	1-1-2012	Amend	2-1-2012
738-010-0025	2-28-2012	Amend(T)	4-1-2012	801-010-0110	1-1-2012	Amend	2-1-2012
738-040-0035	6-11-2012	Adopt(T)	7-1-2012	801-010-0115	1-1-2012	Amend	2-1-2012
740-035-0005	8-16-2012	Adopt	10-1-2012	801-010-0120	1-1-2012	Amend	2-1-2012
740-035-0015	8-16-2012	Adopt	10-1-2012	801-010-0125	1-1-2012	Amend	2-1-2012
740-040-0070	8-16-2012	Amend	10-1-2012	801-010-0130	1-1-2012	Amend	2-1-2012
740-055-0010	12-22-2011	Amend	2-1-2012	801-010-0190	1-1-2012	Am. & Ren.	2-1-2012
740-055-0025	8-16-2012	Adopt	10-1-2012	801-010-0340	1-1-2012	Amend	2-1-2012
740-055-0100	11-23-2011	Amend	1-1-2012	801-010-0345	1-1-2012	Amend	2-1-2012
740-100-0010	4-1-2012	Amend	4-1-2012	801-040-0010	1-1-2012	Amend	2-1-2012
740-100-0010	5-18-2012	Amend	7-1-2012	801-040-0020	1-1-2012	Amend	2-1-2012

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801-040-0090	1-1-2012	Amend	2-1-2012	809-050-0000	6-15-2012	Amend	7-1-2012
801-040-0100	1-1-2012	Amend	2-1-2012	809-050-0010	6-15-2012	Amend	7-1-2012
801-040-0160	1-1-2012	Amend	2-1-2012	811-001-0005	10-15-2012	Amend	11-1-2012
801-050-0010	1-1-2012	Amend	2-1-2012	811-001-0010	10-15-2012	Amend	11-1-2012
801-050-0020	1-1-2012	Amend	2-1-2012	811-010-0110	5-31-2012	Amend	7-1-2012
801-050-0040	1-1-2012	Amend	2-1-2012	812-001-0120	5-1-2012	Amend	6-1-2012
804-001-0005	5-23-2012	Amend	7-1-2012	812-001-0140	5-1-2012	Amend	6-1-2012
804-010-0000	9-5-2012	Amend(T)	10-1-2012	812-002-0060	5-1-2012	Amend	6-1-2012
804-020-0001	9-5-2012	Amend(T)	10-1-2012	812-002-0100	5-1-2012	Amend	6-1-2012
804-020-0003	9-5-2012	Amend(T)	10-1-2012	812-002-0160	5-1-2012	Amend	6-1-2012
804-020-0010	9-5-2012	Amend(T)	10-1-2012	812-002-0250	5-1-2012	Amend	6-1-2012
804-020-0015	9-5-2012	Amend(T)	10-1-2012	812-002-0260	1-1-2012	Amend	1-1-2012
804-020-0030	9-5-2012	Amend(T)	10-1-2012	812-002-0360	5-1-2012	Amend	6-1-2012
804-020-0040	9-5-2012	Amend(T)	10-1-2012	812-002-0443	3-2-2012	Amend	4-1-2012
804-020-0045	9-5-2012	Amend(T)	10-1-2012	812-002-0673	5-1-2012	Amend	6-1-2012
804-020-0065	9-5-2012	Amend(T)	10-1-2012	812-002-0700	5-1-2012	Amend	6-1-2012
804-022-0005	6-1-2012	Amend	7-1-2012	812-002-0800	5-1-2012	Amend	6-1-2012
804-022-0010	6-1-2012	Amend	7-1-2012	812-004-0200	5-1-2012	Amend	6-1-2012
804-040-0000	9-5-2012	Amend(T)	10-1-2012	812-004-0560	5-1-2012	Amend	6-1-2012
806-010-0045	1-4-2012	Amend	2-1-2012	812-004-1001	5-1-2012	Amend	6-1-2012
806-010-0060	8-13-2012	Amend	9-1-2012	812-004-1110	5-1-2012	Amend	6-1-2012
806-010-0090	8-13-2012	Amend	9-1-2012	812-004-1120	5-1-2012	Amend	6-1-2012
806-010-0105	8-13-2012	Amend	9-1-2012	812-004-1140	5-1-2012	Amend	6-1-2012
806-010-0145	8-13-2012	Amend	9-1-2012	812-004-1160	5-1-2012	Amend	6-1-2012
808-001-0005	5-30-2012	Amend	7-1-2012	812-004-1180	5-1-2012	Amend	6-1-2012
808-001-0008	8-2-2012	Amend	9-1-2012	812-004-1195	5-1-2012	Amend	6-1-2012
808-002-0020	1-1-2012	Amend	2-1-2012	812-004-1210	5-1-2012	Amend	6-1-2012
808-002-0390	1-1-2012	Adopt	2-1-2012	812-004-1240	5-1-2012	Amend	6-1-2012
808-002-0500	8-2-2012	Amend	9-1-2012	812-004-1250	5-1-2012	Amend	6-1-2012
808-002-0625	1-1-2012	Amend	2-1-2012	812-004-1260	5-1-2012	Amend	6-1-2012
808-003-0015	1-1-2012	Amend	2-1-2012	812-004-1300	5-1-2012	Amend	6-1-2012
808-003-0025	1-1-2012	Amend	2-1-2012	812-004-1320	5-1-2012	Amend	6-1-2012
808-003-0030	1-1-2012	Amend	2-1-2012	812-004-1340	5-1-2012	Amend	6-1-2012
808-003-0040	1-1-2012	Amend	2-1-2012	812-004-1350	5-1-2012	Amend	6-1-2012
808-003-0065	1-1-2012	Amend	2-1-2012	812-004-1360	5-1-2012	Amend	6-1-2012
808-003-0090	1-1-2012	Amend	2-1-2012	812-004-1400	5-1-2012	Amend	6-1-2012
808-003-0126	1-1-2012	Adopt	2-1-2012	812-004-1420	5-1-2012	Amend	6-1-2012
808-003-0130	1-1-2012	Amend	2-1-2012	812-004-1440	5-1-2012	Amend	6-1-2012
808-003-0230	5-30-2012	Amend	7-1-2012	812-004-1450	5-1-2012	Amend	6-1-2012
808-003-0620	1-1-2012	Adopt	2-1-2012	812-004-1460	5-1-2012	Amend	6-1-2012
808-004-0320	1-1-2012	Amend	2-1-2012	812-004-1480	5-1-2012	Amend	6-1-2012
808-005-0020	1-1-2012	Amend	2-1-2012	812-004-1490	5-1-2012	Amend	6-1-2012
808-040-0020	1-1-2012	Amend	2-1-2012	812-004-1500	5-1-2012	Amend	6-1-2012
808-040-0020	4-1-2012	Amend	5-1-2012	812-004-1505	5-1-2012	Amend	6-1-2012
808-040-0025	4-1-2012	Amend	5-1-2012	812-004-1510	5-1-2012	Amend	6-1-2012
808-040-0050	4-1-2012	Amend(T)	5-1-2012	812-004-1520	5-1-2012	Amend	6-1-2012
808-040-0050	8-2-2012	Amend	9-1-2012	812-004-1530	5-1-2012	Amend	6-1-2012
808-040-0050(T)	8-2-2012	Repeal	9-1-2012	812-004-1537	5-1-2012	Amend	6-1-2012
808-040-0080	1-1-2012	Amend	2-1-2012	812-004-1600	5-1-2012	Amend	6-1-2012
808-040-0080	4-1-2012	Amend	5-1-2012	812-005-0100	5-1-2012	Amend	6-1-2012
809-001-0005	6-15-2012	Amend	7-1-2012	812-005-0110	5-1-2012	Amend	6-1-2012
809-003-0000	6-15-2012	Amend	7-1-2012	812-005-0140	3-2-2012	Amend	4-1-2012
809-015-0020	6-15-2012	Adopt	7-1-2012	812-005-0140(T)	3-2-2012	Repeal	4-1-2012
809-030-0005	6-15-2012	Amend	7-1-2012	812-005-0210	5-1-2012	Amend	6-1-2012
809-030-0015	6-15-2012	Amend	7-1-2012	812-005-0250	3-2-2012	Amend	4-1-2012
809-030-0020	6-15-2012	Amend	7-1-2012	812-005-0270	5-1-2012	Amend	6-1-2012

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812-005-0800	1-1-2012	Amend	1-1-2012	813-020-0045(T)	3-27-2012	Repeal	5-1-2012
812-005-0800	3-2-2012	Amend	4-1-2012	813-020-0050	3-27-2012	Renumber	5-1-2012
812-005-0800	5-1-2012	Amend	6-1-2012	813-020-0051	3-27-2012	Renumber	5-1-2012
812-007-0020	3-2-2012	Amend	4-1-2012	813-020-0060	3-27-2012	Amend	5-1-2012
812-007-0302	3-2-2012	Amend	4-1-2012	813-020-0060(T)	3-27-2012	Repeal	5-1-2012
812-007-0350	3-2-2012	Amend	4-1-2012	813-020-0070	3-27-2012	Amend	5-1-2012
812-008-0000	1-1-2012	Amend	1-1-2012	813-020-0070(T)	3-27-2012	Repeal	5-1-2012
812-008-0020	1-1-2012	Amend	1-1-2012	813-044-0000	3-27-2012	Amend	5-1-2012
812-008-0030	1-1-2012	Amend	1-1-2012	813-044-0000(T)	3-27-2012	Repeal	5-1-2012
812-009-0060	5-1-2012	Amend	6-1-2012	813-044-0010	3-27-2012	Repeal	5-1-2012
812-009-0085	5-1-2012	Amend	6-1-2012	813-044-0020	3-27-2012	Repeal	5-1-2012
812-009-0090	5-1-2012	Amend	6-1-2012	813-044-0030	3-27-2012	Amend	5-1-2012
812-009-0185	5-1-2012	Adopt	6-1-2012	813-044-0030(T)	3-27-2012	Repeal	5-1-2012
812-009-0300	5-1-2012	Amend	6-1-2012	813-044-0040	3-27-2012	Amend	5-1-2012
812-009-0350	5-1-2012	Adopt	6-1-2012	813-044-0040(T)	3-27-2012	Repeal	5-1-2012
812-021-0005	1-13-2012	Amend(T)	2-1-2012	813-044-0050	3-27-2012	Amend	5-1-2012
812-021-0005	5-1-2012	Amend	6-1-2012	813-044-0050(T)	3-27-2012	Repeal	5-1-2012
812-021-0005(T)	5-1-2012	Repeal	6-1-2012	813-044-0055	3-27-2012	Adopt	5-1-2012
812-021-0015	11-18-2011	Amend(T)	1-1-2012	813-044-0055(T)	3-27-2012	Repeal	5-1-2012
812-021-0015	3-2-2012	Amend	4-1-2012	813-044-0060	3-27-2012	Repeal	5-1-2012
812-021-0015(T)	3-2-2012	Repeal	4-1-2012	813-140-0096	4-11-2012	Amend	5-1-2012
812-021-0019	3-2-2012	Amend	4-1-2012	817-020-0001	9-1-2012	Adopt	10-1-2012
812-021-0025	2-9-2012	Amend(T)	3-1-2012	817-020-0006	9-1-2012	Amend	10-1-2012
812-021-0025	3-2-2012	Amend	4-1-2012	817-020-0007	9-1-2012	Adopt	10-1-2012
812-021-0025	5-1-2012	Amend	6-1-2012	817-020-0009	9-1-2012	Adopt	10-1-2012
812-021-0025(T)	3-2-2012	Repeal	4-1-2012	817-020-0015	9-1-2012	Repeal	10-1-2012
812-021-0030	2-9-2012	Amend(T)	3-1-2012	817-030-0003	9-1-2012	Adopt	10-1-2012
812-021-0030	5-1-2012	Amend	6-1-2012	817-035-0010	9-1-2012	Amend	10-1-2012
812-021-0030(T)	5-1-2012	Repeal	6-1-2012	817-035-0048	9-1-2012	Adopt	10-1-2012
812-021-0031	2-9-2012	Amend(T)	3-1-2012	817-035-0050	9-1-2012	Amend	10-1-2012
812-021-0031	5-1-2012	Amend	6-1-2012	817-035-0052	9-1-2012	Adopt	10-1-2012
812-021-0031(T)	5-1-2012	Repeal	6-1-2012	817-035-0068	9-1-2012	Adopt	10-1-2012
812-021-0040	3-2-2012	Amend	4-1-2012	817-035-0070	9-1-2012	Amend	10-1-2012
813-004-0001	10-15-2012	Adopt(T)	11-1-2012	817-035-0090	9-1-2012	Amend	10-1-2012
813-004-0002	10-15-2012	Adopt(T)	11-1-2012	817-090-0025	3-12-2012	Amend(T)	4-1-2012
813-006-0025	4-2-2012	Amend(T)	5-1-2012	817-090-0025	9-1-2012	Amend	10-1-2012
813-020-0005	3-27-2012	Amend	5-1-2012	817-090-0025(T)	9-1-2012	Repeal	10-1-2012
813-020-0005(T)	3-27-2012	Repeal	5-1-2012	817-090-0035	3-12-2012	Amend(T)	4-1-2012
813-020-0010	3-27-2012	Repeal	5-1-2012	817-090-0035	9-1-2012	Amend	10-1-2012
813-020-0015	3-27-2012	Repeal	5-1-2012	817-090-0035(T)	9-1-2012	Repeal	10-1-2012
813-020-0016	3-27-2012	Repeal	5-1-2012	817-090-0045	3-12-2012	Amend(T)	4-1-2012
813-020-0017	3-27-2012	Renumber	5-1-2012	817-090-0045	9-1-2012	Amend	10-1-2012
813-020-0020	3-27-2012	Amend	5-1-2012	817-090-0045(T)	9-1-2012	Repeal	10-1-2012
813-020-0020(T)	3-27-2012	Repeal	5-1-2012	817-090-0105	3-12-2012	Amend(T)	4-1-2012
813-020-0024	3-27-2012	Renumber	5-1-2012	817-090-0105	9-1-2012	Amend	10-1-2012
813-020-0025	3-27-2012	Amend	5-1-2012	817-090-0105(T)	9-1-2012	Repeal	10-1-2012
813-020-0025(T)	3-27-2012	Repeal	5-1-2012	817-120-0005	3-12-2012	Amend(T)	4-1-2012
813-020-0030	3-27-2012	Renumber	5-1-2012	817-120-0005	9-1-2012	Amend	10-1-2012
813-020-0032	3-27-2012	Renumber	5-1-2012	817-120-0005(T)	9-1-2012	Repeal	10-1-2012
813-020-0033	3-27-2012	Repeal	5-1-2012	818-001-0087	1-27-2012	Amend	3-1-2012
813-020-0035	3-27-2012	Amend	5-1-2012	818-021-0085	7-1-2012	Amend	7-1-2012
813-020-0035(T)	3-27-2012	Repeal	5-1-2012	818-026-0030	7-1-2012	Amend	7-1-2012
813-020-0040	3-27-2012	Renumber	5-1-2012	818-026-0055	7-1-2012	Amend	7-1-2012
813-020-0041	3-27-2012	Renumber	5-1-2012	818-035-0065	7-1-2012	Amend	7-1-2012
813-020-0042	3-27-2012	Renumber	5-1-2012	818-035-0066	7-1-2012	Adopt	7-1-2012

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818-042-0040	7-1-2012	Amend	7-1-2012	833-020-0021	5-15-2012	Amend	6-1-2012
818-042-0100	7-1-2012	Amend	7-1-2012	833-020-0075	5-15-2012	Adopt	6-1-2012
820-001-0015	9-14-2012	Amend	10-1-2012	833-020-0201	10/1/2012	Amend	10-1-2012
820-010-0204	5-10-2012	Amend	6-1-2012	833-020-0201	10-11-2012	Amend	11-1-2012
820-010-0206	5-10-2012	Amend	6-1-2012	833-020-0401	10/1/2012	Adopt	10-1-2012
820-010-0208	5-10-2012	Amend	6-1-2012	833-050-0031	10/1/2012	Amend	10-1-2012
820-010-0209	5-10-2012	Amend	6-1-2012	833-060-0012	10/1/2012	Amend	10-1-2012
820-010-0210	5-10-2012	Amend	6-1-2012	833-080-0011	10/1/2012	Amend	10-1-2012
820-010-0212	5-10-2012	Amend	6-1-2012	833-100-0041	10/1/2012	Amend	10-1-2012
820-010-0213	5-10-2012	Amend	6-1-2012	833-120-0011	12-15-2011	Amend	1-1-2012
820-010-0214	5-10-2012	Amend	6-1-2012	833-120-0021	12-15-2011	Amend	1-1-2012
820-010-0215	5-10-2012	Amend	6-1-2012	833-120-0031	12-15-2011	Amend	1-1-2012
820-010-0215	9-14-2012	Amend	10-1-2012	833-120-0041	12-15-2011	Amend	1-1-2012
820-010-0225	9-14-2012	Amend	10-1-2012	834-001-0000	8-17-2012	Repeal	10-1-2012
820-010-0226	9-14-2012	Amend	10-1-2012	834-001-0005	8-17-2012	Repeal	10-1-2012
820-010-0260	5-10-2012	Amend	6-1-2012	834-010-0005	8-17-2012	Repeal	10-1-2012
820-010-0300	5-10-2012	Amend	6-1-2012	834-010-0010	8-17-2012	Repeal	10-1-2012
820-010-0305	3-16-2012	Amend(T)	5-1-2012	834-010-0015	8-17-2012	Repeal	10-1-2012
820-010-0305	5-10-2012	Amend	6-1-2012	834-010-0019	8-17-2012	Repeal	10-1-2012
820-010-0305(T)	5-10-2012	Repeal	6-1-2012	834-010-0025	8-17-2012	Repeal	10-1-2012
820-010-0415	9-14-2012	Amend	10-1-2012	834-010-0030	8-17-2012	Repeal	10-1-2012
820-010-0440	9-14-2012	Amend	10-1-2012	834-010-0035	8-17-2012	Repeal	10-1-2012
820-010-0442	5-10-2012	Amend	6-1-2012	834-010-0040	8-17-2012	Repeal	10-1-2012
820-010-0444	9-14-2012	Amend	10-1-2012	834-010-0045	8-17-2012	Repeal	10-1-2012
820-010-0463	9-14-2012	Amend	10-1-2012	834-010-0050	8-17-2012	Repeal	10-1-2012
820-010-0465	5-10-2012	Amend	6-1-2012	834-010-0055	8-17-2012	Repeal	10-1-2012
820-010-0470	9-14-2012	Amend	10-1-2012	834-010-0065	8-17-2012	Repeal	10-1-2012
820-010-0505	3-16-2012	Amend(T)	5-1-2012	834-020-0000	8-17-2012	Adopt	10-1-2012
820-010-0505	5-10-2012	Amend	6-1-2012	834-030-0000	8-17-2012	Adopt	10-1-2012
820-010-0505(T)	5-10-2012	Repeal	6-1-2012	834-030-0010	8-17-2012	Adopt	10-1-2012
820-010-0520	5-10-2012	Amend	6-1-2012	834-040-0000	3-28-2012	Adopt	5-1-2012
820-010-0530	5-10-2012	Amend	6-1-2012	834-050-0000	8-17-2012	Adopt	10-1-2012
820-010-0621	5-10-2012	Amend	6-1-2012	834-050-0010	8-17-2012	Adopt	10-1-2012
820-010-0622	5-10-2012	Amend	6-1-2012	834-060-0000	8-17-2012	Adopt	10-1-2012
820-010-0622	7-13-2012	Amend	8-1-2012	834-060-0010	8-17-2012	Adopt	10-1-2012
820-010-0730	5-10-2012	Adopt	6-1-2012	836-005-0107	3-27-2012	Amend	5-1-2012
820-020-0040	9-14-2012	Amend	10-1-2012	836-009-0007	7-1-2012	Amend(T)	7-1-2012
830-011-0000	4-1-2012	Amend	5-1-2012	836-010-0000	1-1-2012	Amend	2-1-2012
830-011-0020	4-1-2012	Amend	5-1-2012	836-010-0011	1-1-2012	Amend	2-1-2012
830-011-0070	4-1-2012	Amend	5-1-2012	836-010-0012	1-1-2012	Repeal	2-1-2012
830-020-0030	4-1-2012	Amend	5-1-2012	836-011-0000	2-7-2012	Amend	3-1-2012
830-020-0040	4-1-2012	Amend	5-1-2012	836-011-0600	2-16-2012	Adopt	4-1-2012
830-020-0050	4-1-2012	Amend	5-1-2012	836-029-0000	7-1-2012	Adopt(T)	7-1-2012
830-030-0000	4-1-2012	Amend	5-1-2012	836-029-0005	7-1-2012	Adopt(T)	7-1-2012
830-030-0008	4-1-2012	Amend	5-1-2012	836-029-0010	7-1-2012	Adopt(T)	7-1-2012
830-030-0010	4-1-2012	Amend	5-1-2012	836-029-0015	7-1-2012	Adopt(T)	7-1-2012
830-030-0030	4-1-2012	Amend	5-1-2012	836-029-0020	7-1-2012	Adopt(T)	7-1-2012
830-030-0040	4-1-2012	Amend	5-1-2012	836-029-0025	7-1-2012	Adopt(T)	7-1-2012
830-030-0050	4-1-2012	Amend	5-1-2012	836-029-0030	7-1-2012	Adopt(T)	7-1-2012
830-030-0090	4-1-2012	Amend	5-1-2012	836-029-0035	7-1-2012	Adopt(T)	7-1-2012
830-030-0100	4-1-2012	Amend	5-1-2012	836-029-0040	7-1-2012	Adopt(T)	7-1-2012
830-040-0000	4-1-2012	Amend	5-1-2012	836-029-0045	7-1-2012	Adopt(T)	7-1-2012
830-040-0010	4-1-2012	Amend	5-1-2012	836-029-0050	7-1-2012	Adopt(T)	7-1-2012
830-040-0020	4-1-2012	Amend	5-1-2012	836-029-0055	7-1-2012	Adopt(T)	7-1-2012
830-040-0040	4-1-2012	Amend	5-1-2012	836-029-0060	7-1-2012	Adopt(T)	7-1-2012

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836-029-0065	7-1-2012	Adopt(T)	7-1-2012	836-053-1000	12-19-2011	Amend	2-1-2012
836-029-0070	7-1-2012	Adopt(T)	7-1-2012	836-053-1030	12-19-2011	Amend	2-1-2012
836-029-0075	7-1-2012	Adopt(T)	7-1-2012	836-053-1033	12-19-2011	Adopt	2-1-2012
836-029-0080	7-1-2012	Adopt(T)	7-1-2012	836-053-1035	12-19-2011	Adopt	2-1-2012
836-029-0085	7-1-2012	Adopt(T)	7-1-2012	836-053-1060	12-19-2011	Amend	2-1-2012
836-029-0090	7-1-2012	Adopt(T)	7-1-2012	836-053-1070	12-19-2011	Amend	2-1-2012
836-029-0095	7-1-2012	Adopt(T)	7-1-2012	836-053-1080	12-19-2011	Amend	2-1-2012
836-029-0100	7-1-2012	Adopt(T)	7-1-2012	836-053-1100	12-19-2011	Amend	2-1-2012
836-029-0105	7-1-2012	Adopt(T)	7-1-2012	836-053-1110	12-19-2011	Amend	2-1-2012
836-029-0110	7-1-2012	Adopt(T)	7-1-2012	836-053-1140	12-19-2011	Amend	2-1-2012
836-029-0115	7-1-2012	Adopt(T)	7-1-2012	836-053-1310	12-19-2011	Amend	2-1-2012
836-029-0120	7-1-2012	Adopt(T)	7-1-2012	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	836-071-0110	8-1-2012	Amend(T)	8-1-2012
836-043-0101	1-1-2013	Amend	9-1-2012	836-071-0118	8-1-2012	Amend(T)	8-1-2012
836-043-0105	1-1-2013	Amend	9-1-2012	836-071-0130	8-1-2012	Amend(T)	8-1-2012
836-043-0110	1-1-2013	Amend	9-1-2012	836-071-0140	8-1-2012	Amend(T)	8-1-2012
836-043-0115	1-1-2013	Amend	9-1-2012	836-071-0220	8-1-2012	Amend(T)	8-1-2012
836-043-0120	1-1-2013	Amend	9-1-2012	836-071-0225	8-1-2012	Amend(T)	8-1-2012
836-043-0125	1-1-2013	Amend	9-1-2012	836-071-0235	8-1-2012	Amend(T)	8-1-2012
836-043-0130	1-1-2013	Amend	9-1-2012	836-071-0240	8-1-2012	Amend(T)	8-1-2012
836-043-0135	1-1-2013	Amend	9-1-2012	836-071-0355	8-1-2012	Amend(T)	8-1-2012
836-043-0140	1-1-2013	Repeal	9-1-2012	836-071-0360	8-1-2012	Amend(T)	8-1-2012
836-043-0145	1-1-2013	Amend	9-1-2012	836-071-0500	1-1-2012	Amend	2-1-2012
836-043-0150	1-1-2013	Amend	9-1-2012	836-071-0501	1-1-2012	Adopt	2-1-2012
836-043-0155	1-1-2013	Amend	9-1-2012	836-071-0550	1-1-2012	Adopt	2-1-2012
836-043-0165	1-1-2013	Amend	9-1-2012	836-071-0560	1-1-2012	Adopt	2-1-2012
836-043-0170	1-1-2013	Amend	9-1-2012	836-071-0560	8-1-2012	Amend(T)	8-1-2012
836-043-0175	1-1-2013	Amend	9-1-2012	836-071-0565	1-1-2012	Adopt	2-1-2012
836-043-0180	1-1-2013	Amend	9-1-2012	836-071-0565	8-1-2012	Amend(T)	8-1-2012
836-043-0185	1-1-2013	Amend	9-1-2012	836-071-0570	1-1-2012	Adopt	2-1-2012
836-043-0190	1-1-2013	Repeal	9-1-2012	836-072-0010	8-1-2012	Amend(T)	8-1-2012
836-052-0138	1-1-2013	Amend	4-1-2012	836-075-0000	8-1-2012	Amend(T)	8-1-2012
836-052-0143	1-1-2013	Adopt	4-1-2012	836-075-0030	8-1-2012	Amend(T)	8-1-2012
836-052-0508	2-14-2012	Amend	3-1-2012	836-080-0337	6-7-2012	Amend	7-1-2012
836-052-0768	2-14-2012	Adopt	3-1-2012	836-200-0250	1-1-2012	Adopt	1-1-2012
836-052-0770	2-14-2012	Adopt	3-1-2012	836-200-0255	1-1-2012	Adopt	1-1-2012
836-052-0900	1-13-2012	Suspend	2-1-2012	836-200-0300	1-1-2012	Adopt	1-1-2012
836-052-0900	5-1-2012	Repeal	6-1-2012	836-200-0305	1-1-2012	Adopt	1-1-2012
836-052-1000	4-5-2012	Amend	5-1-2012	836-200-0310	1-1-2012	Adopt	1-1-2012
836-053-0410	12-19-2011	Amend	2-1-2012	836-200-0315	1-1-2012	Adopt	1-1-2012
836-053-0415	12-19-2011	Adopt	2-1-2012	837-012-0515	2-6-2012	Amend(T)	3-1-2012
836-053-0471	8-1-2012	Amend	9-1-2012	837-012-0515	8-3-2012	Amend	6-1-2012
836-053-0825	12-19-2011	Adopt	2-1-2012	837-020-0040	10-2-2012	Amend	11-1-2012
836-053-0830	12-19-2011	Adopt	2-1-2012	837-020-0080	1-24-2012	Amend	3-1-2012
836-053-0851	12-19-2011	Amend	2-1-2012	837-020-0085	1-24-2012	Amend	3-1-2012
836-053-0856	12-19-2011	Repeal	2-1-2012	837-020-0115	1-24-2012	Amend	3-1-2012
836-053-0857	12-19-2011	Adopt	2-1-2012	837-020-0125	10-2-2012	Amend	11-1-2012
836-053-0861	12-19-2011	Repeal	2-1-2012	837-030-0120	10-2-2012	Amend	11-1-2012
836-053-0862	12-19-2011	Adopt	2-1-2012	837-030-0130	10-2-2012	Amend	11-1-2012
836-053-0862	4-15-2012	Suspend	5-1-2012	837-030-0140	10-2-2012	Amend	11-1-2012
836-053-0862	8-24-2012	Repeal	10-1-2012	837-030-0150	10-2-2012	Amend	11-1-2012
836-053-0863	4-15-2012	Adopt(T)	5-1-2012	837-030-0160	10-2-2012	Amend	11-1-2012
836-053-0863	8-24-2012	Adopt	10-1-2012	837-030-0170	10-2-2012	Amend	11-1-2012
836-053-0866	12-19-2011	Repeal	2-1-2012	837-030-0190	10-2-2012	Amend	11-1-2012

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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
837-030-0280	10-2-2012	Amend	11-1-2012	839-006-0440	1-1-2012	Amend	2-1-2012
837-035-0000	1-24-2012	Amend	3-1-2012	839-006-0440	2-8-2012	Amend	3-1-2012
837-035-0060	1-24-2012	Amend	3-1-2012	839-006-0450	1-1-2012	Amend	2-1-2012
837-035-0080	1-24-2012	Amend	3-1-2012	839-006-0450	2-8-2012	Amend	3-1-2012
837-035-0100	1-24-2012	Amend	3-1-2012	839-006-0455	1-1-2012	Amend	2-1-2012
837-035-0160	1-24-2012	Amend	3-1-2012	839-006-0455	2-8-2012	Amend	3-1-2012
837-035-0200	1-24-2012	Amend	3-1-2012	839-006-0470	1-1-2012	Amend	2-1-2012
837-035-0220	1-24-2012	Amend	3-1-2012	839-006-0470	2-8-2012	Amend	3-1-2012
837-035-0240	1-24-2012	Amend	3-1-2012	839-006-0480	1-1-2012	Amend	2-1-2012
837-039-0040	6-27-2012	Amend	8-1-2012	839-006-0480	2-8-2012	Amend	3-1-2012
837-040-0020	2-10-2012	Amend(T)	3-1-2012	839-009-0325	1-1-2012	Amend	2-1-2012
837-040-0020	3-1-2012	Amend	3-1-2012	839-009-0325	2-8-2012	Amend	3-1-2012
837-040-0020	8-2-2012	Amend	7-1-2012	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
839-003-0005	8-8-2012	Amend(T)	9-1-2012	839-011-0084	1-3-2012	Amend	2-1-2012
839-003-0005	10-10-2012	Amend	11-1-2012	839-011-0088	1-3-2012	Amend	2-1-2012
839-003-0025	6-13-2012	Amend(T)	7-1-2012	839-011-0090	1-3-2012	Amend	2-1-2012
839-003-0025	8-8-2012	Amend	9-1-2012	839-011-0140	1-3-2012	Amend	2-1-2012
839-003-0031	6-13-2012	Adopt(T)	7-1-2012	839-011-0141	1-3-2012	Amend	2-1-2012
839-003-0031	8-8-2012	Adopt	9-1-2012	839-011-0142	1-3-2012	Amend	2-1-2012
839-003-0200	6-13-2012	Amend(T)	7-1-2012	839-011-0143	1-3-2012	Amend	2-1-2012
839-003-0200	8-8-2012	Amend	9-1-2012	839-011-0145	1-3-2012	Amend	2-1-2012
839-003-0200	8-8-2012	Amend(T)	9-1-2012	839-011-0162	1-3-2012	Amend	2-1-2012
839-003-0200	10-10-2012	Amend	11-1-2012	839-011-0170	8-15-2012	Amend(T)	9-1-2012
839-005-0033	1-1-2012	Renumber	2-1-2012	839-011-0175	1-3-2012	Amend	2-1-2012
839-005-0033	2-8-2012	Am. & Ren.	3-1-2012	839-011-0265	1-3-2012	Amend	2-1-2012
839-005-0075	1-1-2012	Adopt	2-1-2012	839-011-0270	1-3-2012	Amend	2-1-2012

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839-011-0310	1-3-2012	Amend	2-1-2012	847-001-0025(T)	4-17-2012	Repeal	6-1-2012
839-011-0320	1-3-2012	Amend	2-1-2012	847-001-0030	2-7-2012	Amend(T)	3-1-2012
839-011-0334	1-3-2012	Amend	2-1-2012	847-001-0030	4-17-2012	Amend	6-1-2012
839-025-0700	1-1-2012	Amend	2-1-2012	847-001-0030(T)	4-17-2012	Repeal	6-1-2012
839-025-0700	3-29-2012	Amend	5-1-2012	847-003-0100	8-3-2012	Adopt	9-1-2012
839-025-0700	7-2-2012	Amend	8-1-2012	847-005-0005	1-1-2012	Amend(T)	2-1-2012
839-025-0700	10-1-2012	Amend	11-1-2012	847-005-0005	2-10-2012	Amend	3-1-2012
839-025-0750	10-1-2012	Amend	11-1-2012	847-005-0005	3-2-2012	Amend(T)	4-1-2012
839-050-0040	1-1-2012	Amend	2-1-2012	847-005-0005	8-3-2012	Amend	9-1-2012
839-050-0310	1-1-2012	Amend	2-1-2012	847-005-0005	10-12-2012	Amend(T)	11-1-2012
839-050-0340	1-1-2012	Amend	2-1-2012	847-005-0005(T)	2-10-2012	Repeal	3-1-2012
845-001-0007	6-1-2012	Amend	6-1-2012	847-005-0005(T)	8-3-2012	Repeal	9-1-2012
845-003-0200	9-1-2012	Amend	9-1-2012	847-008-0010	4-17-2012	Amend	6-1-2012
845-003-0210	9-1-2012	Amend	9-1-2012	847-008-0015	8-3-2012	Amend	9-1-2012
845-003-0220	9-1-2012	Amend	9-1-2012	847-008-0018	8-3-2012	Amend	9-1-2012
845-003-0270	9-1-2012	Amend	9-1-2012	847-008-0040	1-1-2012	Amend(T)	1-1-2012
845-003-0331	9-1-2012	Amend	9-1-2012	847-008-0040	2-10-2012	Amend	3-1-2012
845-003-0340	9-1-2012	Amend	9-1-2012	847-008-0040	8-3-2012	Amend	9-1-2012
845-003-0460	9-1-2012	Amend	9-1-2012	847-008-0040(T)	2-10-2012	Repeal	3-1-2012
845-003-0590	9-1-2012	Amend	9-1-2012	847-008-0070	8-3-2012	Amend	9-1-2012
845-003-0670	9-1-2012	Amend	9-1-2012	847-020-0155	2-10-2012	Amend	3-1-2012
845-005-0413	4-5-2012	Amend(T)	5-1-2012	847-020-0155	3-2-2012	Amend(T)	4-1-2012
845-005-0413	10/1/2012	Amend	10-1-2012	847-020-0155	8-3-2012	Amend	9-1-2012
845-005-0425	1-1-2012	Amend	1-1-2012	847-020-0155(T)	2-10-2012	Repeal	3-1-2012
845-006-0335	5-1-2012	Amend	5-1-2012	847-020-0155(T)	8-3-2012	Repeal	9-1-2012
845-006-0392	5-1-2012	Amend	5-1-2012	847-020-0170	8-3-2012	Amend	9-1-2012
845-006-0396	5-1-2012	Amend	5-1-2012	847-020-0180	8-3-2012	Amend	9-1-2012
845-009-0135	1-1-2012	Amend	1-1-2012	847-020-0182	8-3-2012	Adopt	9-1-2012
845-015-0101	1-1-2012	Amend	1-1-2012	847-035-0011	4-17-2012	Amend	6-1-2012
845-015-0101	4-1-2012	Amend	5-1-2012	847-035-0020	2-10-2012	Amend	3-1-2012
845-015-0105	4-1-2012	Amend	5-1-2012	847-035-0030	4-17-2012	Amend	6-1-2012
845-015-0115	4-1-2012	Amend	5-1-2012	847-050-0005	1-1-2012	Amend(T)	1-1-2012
845-015-0118	4-1-2012	Amend	5-1-2012	847-050-0005	2-10-2012	Amend	3-1-2012
845-015-0120	1-1-2012	Amend	1-1-2012	847-050-0005(T)	2-10-2012	Repeal	3-1-2012
845-015-0185	1-1-2012	Amend	1-1-2012	847-050-0010	1-1-2012	Amend(T)	1-1-2012
845-015-0190	1-1-2012	Amend	1-1-2012	847-050-0010	2-10-2012	Amend	3-1-2012
845-015-0196	1-1-2012	Amend	1-1-2012	847-050-0010(T)	2-10-2012	Repeal	3-1-2012
845-015-0210	1-1-2012	Adopt	1-1-2012	847-050-0015	1-1-2012	Amend(T)	1-1-2012
847-001-0000	2-7-2012	Amend(T)	3-1-2012	847-050-0015	2-10-2012	Amend	3-1-2012
847-001-0000	4-17-2012	Amend	6-1-2012	847-050-0015(T)	2-10-2012	Repeal	3-1-2012
847-001-0000(T)	4-17-2012	Repeal	6-1-2012	847-050-0020	1-1-2012	Amend(T)	1-1-2012
847-001-0005	2-7-2012	Amend(T)	3-1-2012	847-050-0020	2-10-2012	Amend	3-1-2012
847-001-0005(T)	4-17-2012	Repeal	6-1-2012	847-050-0020(T)	2-10-2012	Repeal	3-1-2012
847-001-0007	2-10-2012	Adopt	3-1-2012	847-050-0023	1-1-2012	Amend(T)	1-1-2012
847-001-0007	8-3-2012	Amend	9-1-2012	847-050-0023	2-10-2012	Amend	3-1-2012
847-001-0010	2-7-2012	Amend(T)	3-1-2012	847-050-0023(T)	2-10-2012	Repeal	3-1-2012
847-001-0010(T)	4-17-2012	Repeal	6-1-2012	847-050-0025	1-1-2012	Amend(T)	1-1-2012
847-001-0015	2-7-2012	Amend(T)	3-1-2012	847-050-0025	2-10-2012	Amend	3-1-2012
847-001-0015	4-17-2012	Amend	6-1-2012	847-050-0025(T)	2-10-2012	Repeal	3-1-2012
847-001-0015(T)	4-17-2012	Repeal	6-1-2012	847-050-0026	1-1-2012	Amend(T)	1-1-2012
847-001-0020	2-7-2012	Amend(T)	3-1-2012	847-050-0026	2-10-2012	Amend	3-1-2012
847-001-0020	4-17-2012	Amend	6-1-2012	847-050-0026(T)	2-10-2012	Repeal	3-1-2012
847-001-0020(T)	4-17-2012	Repeal	6-1-2012	847-050-0027	1-1-2012	Amend(T)	1-1-2012
847-001-0022	2-7-2012	Amend(T)	3-1-2012	847-050-0027	2-10-2012	Amend	3-1-2012
847-001-0022(T)	4-17-2012	Repeal	6-1-2012	847-050-0027	3-2-2012	Amend(T)	4-1-2012

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847-050-0027	8-3-2012	Amend	9-1-2012	847-065-0055	7-31-2012	Amend(T)	9-1-2012
847-050-0027(T)	2-10-2012	Repeal	3-1-2012	847-065-0060	7-31-2012	Amend(T)	9-1-2012
847-050-0027(T)	8-3-2012	Repeal	9-1-2012	847-065-0065	7-31-2012	Amend(T)	9-1-2012
847-050-0029	1-1-2012	Amend(T)	1-1-2012	847-065-0070	7-31-2012	Amend(T)	9-1-2012
847-050-0029	2-10-2012	Amend	3-1-2012	847-070-0045	2-10-2012	Amend	3-1-2012
847-050-0029(T)	2-10-2012	Repeal	3-1-2012	848-010-0015	3-1-2012	Amend	3-1-2012
847-050-0035	1-1-2012	Amend(T)	1-1-2012	848-010-0020	3-1-2012	Amend	3-1-2012
847-050-0035	2-10-2012	Amend	3-1-2012	848-010-0026	3-1-2012	Amend	3-1-2012
847-050-0035(T)	2-10-2012	Repeal	3-1-2012	848-010-0035	3-1-2012	Amend	3-1-2012
847-050-0037	1-1-2012	Amend(T)	1-1-2012	848-035-0030	3-1-2012	Amend	3-1-2012
847-050-0037	2-10-2012	Amend	3-1-2012	848-035-0040	3-1-2012	Amend	3-1-2012
847-050-0037(T)	2-10-2012	Repeal	3-1-2012	848-040-0125	3-1-2012	Amend	3-1-2012
847-050-0038	1-1-2012	Amend(T)	1-1-2012	848-045-0010	3-1-2012	Amend	3-1-2012
847-050-0038	2-10-2012	Amend	3-1-2012	850-030-0010	4-12-2012	Amend(T)	5-1-2012
847-050-0038(T)	2-10-2012	Repeal	3-1-2012	850-030-0010	6-15-2012	Amend	7-1-2012
847-050-0040	1-1-2012	Amend(T)	1-1-2012	850-030-0010(T)	6-15-2012	Repeal	7-1-2012
847-050-0040	2-10-2012	Amend	3-1-2012	850-030-0030	4-12-2012	Amend(T)	5-1-2012
847-050-0040(T)	2-10-2012	Repeal	3-1-2012	850-030-0030	6-15-2012	Amend	7-1-2012
847-050-0041	1-1-2012	Amend(T)	1-1-2012	850-030-0030(T)	6-15-2012	Repeal	7-1-2012
847-050-0041	2-10-2012	Amend	3-1-2012	850-030-0031	4-12-2012	Adopt(T)	5-1-2012
847-050-0041	6-1-2012	Amend(T)	6-1-2012	850-030-0031	6-15-2012	Adopt	7-1-2012
847-050-0041(T)	2-10-2012	Repeal	3-1-2012	850-030-0031(T)	6-15-2012	Repeal	7-1-2012
847-050-0042	1-1-2012	Amend(T)	1-1-2012	850-030-0070	4-12-2012	Amend(T)	5-1-2012
847-050-0042	2-10-2012	Amend	3-1-2012	850-030-0070	6-15-2012	Amend	7-1-2012
847-050-0042(T)	2-10-2012	Repeal	3-1-2012	850-030-0070(T)	6-15-2012	Repeal	7-1-2012
847-050-0043	1-1-2012	Amend(T)	1-1-2012	850-050-0120	12-23-2011	Amend	1-1-2012
847-050-0043	2-10-2012	Amend	3-1-2012	850-050-0120	6-15-2012	Amend	7-1-2012
847-050-0043(T)	2-10-2012	Repeal	3-1-2012	850-060-0215	12-23-2011	Amend	1-1-2012
847-050-0046	1-1-2012	Amend(T)	1-1-2012	850-060-0226	6-15-2012	Amend	7-1-2012
847-050-0046	2-10-2012	Amend	3-1-2012	851-002-0000	11-22-2011	Amend	1-1-2012
847-050-0046(T)	2-10-2012	Repeal	3-1-2012	851-002-0010	8-1-2012	Amend	8-1-2012
847-050-0050	1-1-2012	Amend(T)	1-1-2012	851-002-0020	8-1-2012	Amend	8-1-2012
847-050-0050	2-10-2012	Amend	3-1-2012	851-002-0030	8-1-2012	Amend	8-1-2012
847-050-0050(T)	2-10-2012	Repeal	3-1-2012	851-002-0035	8-1-2012	Amend	8-1-2012
847-050-0055	1-1-2012	Amend(T)	1-1-2012	851-045-0030	6-1-2012	Amend	6-1-2012
847-050-0055	2-10-2012	Amend	3-1-2012	851-045-0070	6-1-2012	Amend	6-1-2012
847-050-0055(T)	2-10-2012	Repeal	3-1-2012	851-045-0100	4-26-2012	Amend(T)	6-1-2012
847-050-0060	1-1-2012	Amend(T)	1-1-2012	851-045-0100	6-1-2012	Amend	6-1-2012
847-050-0060	2-10-2012	Amend	3-1-2012	851-045-0100	6-5-2012	Amend	7-1-2012
847-050-0060(T)	2-10-2012	Repeal	3-1-2012	851-045-0100	8-1-2012	Amend	8-1-2012
847-050-0063	1-1-2012	Amend(T)	1-1-2012	851-050-0004	6-1-2012	Amend	6-1-2012
847-050-0063	2-10-2012	Amend	3-1-2012	851-050-0009	6-1-2012	Adopt	6-1-2012
847-050-0063(T)	2-10-2012	Repeal	3-1-2012	851-050-0150	4-26-2012	Suspend	6-1-2012
847-050-0065	1-1-2012	Amend(T)	1-1-2012	851-050-0150	8-1-2012	Repeal	8-1-2012
847-050-0065	2-10-2012	Amend	3-1-2012	851-052-0040	6-1-2012	Amend	6-1-2012
847-050-0065	6-1-2012	Amend(T)	6-1-2012	851-054-0060	6-1-2012	Adopt	6-1-2012
847-050-0065(T)	2-10-2012	Repeal	3-1-2012	851-062-0090	4-1-2012	Amend	4-1-2012
847-065-0010	7-31-2012	Amend(T)	9-1-2012	851-062-0110	4-1-2012	Amend	4-1-2012
847-065-0015	7-31-2012	Amend(T)	9-1-2012	851-070-0090	4-26-2012	Amend(T)	6-1-2012
847-065-0020	7-31-2012	Amend(T)	9-1-2012	851-070-0090	8-1-2012	Amend	8-1-2012
847-065-0025	7-31-2012	Amend(T)	9-1-2012	853-001-0000	1-1-2012	Repeal	1-1-2012
847-065-0030	7-31-2012	Amend(T)	9-1-2012	853-001-0005	1-1-2012	Repeal	1-1-2012
847-065-0035	7-31-2012	Amend(T)	9-1-2012	853-001-0020	1-1-2012	Repeal	1-1-2012
847-065-0040	7-31-2012	Amend(T)	9-1-2012	853-001-0025	1-1-2012	Repeal	1-1-2012
847-065-0045	7-31-2012	Amend(T)	9-1-2012	853-001-0030	1-1-2012	Repeal	1-1-2012
847-065-0050	7-31-2012	Amend(T)	9-1-2012	853-010-0010	1-1-2012	Repeal	1-1-2012

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853-010-0015	1-1-2012	Repeal	1-1-2012	855-043-0410	6-19-2012	Adopt	8-1-2012
853-010-0017	1-1-2012	Repeal	1-1-2012	855-043-0415	6-19-2012	Adopt	8-1-2012
853-010-0020	1-1-2012	Repeal	1-1-2012	855-043-0420	6-19-2012	Adopt	8-1-2012
853-010-0025	1-1-2012	Repeal	1-1-2012	855-043-0425	6-19-2012	Adopt	8-1-2012
853-010-0035	1-1-2012	Repeal	1-1-2012	855-043-0430	6-19-2012	Adopt	8-1-2012
853-010-0040	1-1-2012	Repeal	1-1-2012	855-043-0435	6-19-2012	Adopt	8-1-2012
853-010-0045	1-1-2012	Repeal	1-1-2012	855-043-0440	6-19-2012	Adopt	8-1-2012
853-010-0050	1-1-2012	Repeal	1-1-2012	855-043-0445	6-19-2012	Adopt	8-1-2012
853-010-0055	1-1-2012	Repeal	1-1-2012	855-043-0450	6-19-2012	Adopt	8-1-2012
853-010-0060	1-1-2012	Repeal	1-1-2012	855-043-0455	6-19-2012	Adopt	8-1-2012
853-010-0065	1-1-2012	Repeal	1-1-2012	855-060-0004	1-1-2012	Adopt	2-1-2012
853-010-0070	1-1-2012	Repeal	1-1-2012	855-065-0005	6-19-2012	Amend(T)	8-1-2012
853-010-0074	1-1-2012	Repeal	1-1-2012	855-080-0100	12-15-2011	Amend(T)	1-1-2012
853-010-0075	1-1-2012	Repeal	1-1-2012	855-080-0100	6-19-2012	Amend	8-1-2012
853-010-0076	1-1-2012	Repeal	1-1-2012	855-080-0100(T)	12-15-2011	Suspend	1-1-2012
853-010-0077	1-1-2012	Repeal	1-1-2012	855-080-0103(T)	12-15-2011	Suspend	1-1-2012
853-010-0078	1-1-2012	Repeal	1-1-2012	855-110-0005	12-15-2011	Amend	1-1-2012
853-010-0079	1-1-2012	Repeal	1-1-2012	855-110-0007	12-15-2011	Amend	1-1-2012
853-010-0080	1-1-2012	Repeal	1-1-2012	855-110-0007	6-19-2012	Amend(T)	8-1-2012
853-020-0000	1-1-2012	Adopt	1-1-2012	855-110-0010	12-15-2011	Amend	1-1-2012
853-030-0000	1-1-2012	Adopt	1-1-2012	856-010-0015	12-30-2011	Amend	2-1-2012
853-030-0010	1-1-2012	Adopt	1-1-2012	856-010-0027	12-30-2011	Adopt	2-1-2012
853-030-0020	1-1-2012	Adopt	1-1-2012	856-030-0000	5-29-2012	Amend	7-1-2012
853-030-0030	1-1-2012	Adopt	1-1-2012	858-010-0001	6-8-2012	Amend	7-1-2012
853-030-0040	1-1-2012	Adopt	1-1-2012	858-010-0010	2-15-2012	Amend(T)	3-1-2012
853-030-0050	1-1-2012	Adopt	1-1-2012	858-010-0010	6-8-2012	Amend	7-1-2012
853-030-0060	1-1-2012	Adopt	1-1-2012	858-010-0010	10-15-2012	Amend(T)	11-1-2012
853-030-0070	1-1-2012	Adopt	1-1-2012	858-010-0010(T)	6-8-2012	Repeal	7-1-2012
853-040-0000	1-1-2012	Adopt	1-1-2012	858-010-0011	2-15-2012	Amend(T)	3-1-2012
853-050-0000	1-1-2012	Adopt	1-1-2012	858-010-0011	6-8-2012	Amend	7-1-2012
853-050-0010	1-1-2012	Adopt	1-1-2012	858-010-0011(T)	6-8-2012	Repeal	7-1-2012
853-060-0000	1-1-2012	Adopt	1-1-2012	858-010-0012	2-15-2012	Amend(T)	3-1-2012
853-060-0010	1-1-2012	Adopt	1-1-2012	858-010-0012	6-8-2012	Amend	7-1-2012
855-006-0005	6-19-2012	Amend	8-1-2012	858-010-0012(T)	6-8-2012	Repeal	7-1-2012
855-019-0260	1-1-2012	Amend	2-1-2012	858-010-0013	2-15-2012	Amend(T)	3-1-2012
855-019-0280	1-1-2012	Amend	2-1-2012	858-010-0013	6-8-2012	Amend	7-1-2012
855-019-0290	1-1-2012	Amend	2-1-2012	858-010-0013(T)	6-8-2012	Repeal	7-1-2012
855-031-0010	1-1-2012	Amend	2-1-2012	858-010-0015	6-8-2012	Amend	7-1-2012
855-031-0020	1-1-2012	Amend	2-1-2012	858-010-0015	10-15-2012	Amend(T)	11-1-2012
855-031-0026	1-1-2012	Adopt	2-1-2012	858-010-0016	2-15-2012	Amend(T)	3-1-2012
855-031-0045	1-1-2012	Amend	2-1-2012	858-010-0016	6-8-2012	Amend	7-1-2012
855-041-0016	6-12-2012	Adopt	7-1-2012	858-010-0016(T)	6-8-2012	Repeal	7-1-2012
855-041-0095	1-1-2012	Amend	2-1-2012	858-010-0017	2-15-2012	Amend(T)	3-1-2012
855-041-0095	5-1-2012	Amend	6-1-2012	858-010-0017	6-8-2012	Amend	7-1-2012
855-041-0105	5-1-2012	Am. & Ren.	6-1-2012	858-010-0017	10-15-2012	Amend(T)	11-1-2012
855-041-0110	5-1-2012	Repeal	6-1-2012	858-010-0017(T)	6-8-2012	Repeal	7-1-2012
855-041-0115	5-1-2012	Am. & Ren.	6-1-2012	858-010-0020	6-8-2012	Amend	7-1-2012
855-041-5100	5-1-2012	Adopt	6-1-2012	858-010-0025	6-8-2012	Amend	7-1-2012
855-041-5120	5-1-2012	Adopt	6-1-2012	858-010-0030	6-8-2012	Amend	7-1-2012
855-041-5130	5-1-2012	Adopt	6-1-2012	858-010-0030	10-15-2012	Amend(T)	11-1-2012
855-041-5140	5-1-2012	Adopt	6-1-2012	858-010-0036	6-8-2012	Amend	7-1-2012
855-041-5150	5-1-2012	Adopt	6-1-2012	858-010-0037	6-8-2012	Amend	7-1-2012
855-041-5160	5-1-2012	Adopt	6-1-2012	858-010-0038	6-8-2012	Amend	7-1-2012
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	858-020-0065	6-8-2012	Repeal	7-1-2012

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859-030-0005	2-3-2012	Amend(T)	3-1-2012	860-036-0756	1-1-2012	Amend	2-1-2012
859-030-0005	4-16-2012	Amend	6-1-2012	860-036-0757	1-1-2012	Amend	2-1-2012
859-030-0005(T)	4-16-2012	Repeal	6-1-2012	860-036-0815	1-1-2012	Amend	2-1-2012
859-030-0010	2-3-2012	Amend(T)	3-1-2012	860-036-0816	1-1-2012	Adopt	2-1-2012
859-030-0010	4-16-2012	Amend	6-1-2012	860-038-0480	3-15-2012	Amend	4-1-2012
859-030-0010(T)	4-16-2012	Repeal	6-1-2012	860-038-0480(T)	3-15-2012	Repeal	4-1-2012
859-070-0040	2-3-2012	Adopt(T)	3-1-2012	860-038-0540	8-24-2012	Repeal	10-1-2012
859-070-0040	4-16-2012	Adopt	6-1-2012	860-038-0580	8-24-2012	Amend	10-1-2012
859-070-0040(T)	4-16-2012	Repeal	6-1-2012	860-039-0005	2-22-2012	Amend	4-1-2012
859-200-0001	12-22-2011	Adopt(T)	2-1-2012	860-086-0000	8-24-2012	Adopt	10-1-2012
859-300-0050	12-13-2011	Amend	1-1-2012	860-086-0010	8-24-2012	Adopt	10-1-2012
859-300-0050(T)	12-13-2011	Repeal	1-1-2012	860-086-0020	8-24-2012	Adopt	10-1-2012
860-001-0080	4-17-2012	Amend	6-1-2012	860-086-0030	8-24-2012	Adopt	10-1-2012
860-001-0500	4-17-2012	Amend	6-1-2012	860-086-0040	8-24-2012	Adopt	10-1-2012
860-022-0019	4-17-2012	Amend	6-1-2012	863-020-0000	8-15-2012	Amend(T)	9-1-2012
860-022-0041	4-17-2012	Repeal	6-1-2012	863-020-0005	8-15-2012	Amend(T)	9-1-2012
860-022-0047	8-23-2012	Adopt	10-1-2012	863-020-0007	8-15-2012	Amend(T)	9-1-2012
860-023-0080	1-1-2012	Repeal	1-1-2012	863-020-0008	8-15-2012	Suspend	9-1-2012
860-023-0090	1-1-2012	Repeal	1-1-2012	863-020-0010	8-15-2012	Amend(T)	9-1-2012
860-023-0100	1-1-2012	Repeal	1-1-2012	863-020-0015	8-15-2012	Amend(T)	9-1-2012
860-023-0110	1-1-2012	Repeal	1-1-2012	863-020-0020	8-15-2012	Amend(T)	9-1-2012
860-023-0120	1-1-2012	Repeal	1-1-2012	863-020-0025	8-15-2012	Amend(T)	9-1-2012
860-023-0130	1-1-2012	Repeal	1-1-2012	863-020-0030	8-15-2012	Amend(T)	9-1-2012
860-023-0140	1-1-2012	Repeal	1-1-2012	863-020-0035	8-15-2012	Amend(T)	9-1-2012
860-023-0150	1-1-2012	Repeal	1-1-2012	863-020-0040	8-15-2012	Amend(T)	9-1-2012
860-023-0160	1-1-2012	Repeal	1-1-2012	863-020-0045	8-15-2012	Amend(T)	9-1-2012
860-024-0010	3-9-2012	Amend	4-1-2012	863-020-0050	8-15-2012	Amend(T)	9-1-2012
860-027-0200	4-17-2012	Amend	6-1-2012	863-020-0055	8-15-2012	Amend(T)	9-1-2012
860-036-0001	1-1-2012	Amend	2-1-2012	863-020-0060	8-15-2012	Amend(T)	9-1-2012
860-036-0010	1-1-2012	Amend	2-1-2012	863-020-0065	8-15-2012	Amend(T)	9-1-2012
860-036-0015	1-1-2012	Amend	2-1-2012	863-022-0000	8-15-2012	Amend(T)	9-1-2012
860-036-0030	1-1-2012	Amend	2-1-2012	863-022-0005	8-15-2012	Amend(T)	9-1-2012
860-036-0040	1-1-2012	Amend	2-1-2012	863-022-0010	8-15-2012	Amend(T)	9-1-2012
860-036-0050	1-1-2012	Amend	2-1-2012	863-022-0015	8-15-2012	Amend(T)	9-1-2012
860-036-0060	1-1-2012	Amend	2-1-2012	863-022-0020	8-15-2012	Amend(T)	9-1-2012
860-036-0065	1-1-2012	Amend	2-1-2012	863-022-0022	8-15-2012	Adopt(T)	9-1-2012
860-036-0097	1-1-2012	Amend	2-1-2012	863-022-0025	8-15-2012	Amend(T)	9-1-2012
860-036-0130	1-1-2012	Amend	2-1-2012	863-022-0030	8-15-2012	Amend(T)	9-1-2012
860-036-0405	1-1-2012	Amend	2-1-2012	863-022-0035	8-15-2012	Amend(T)	9-1-2012
860-036-0407	1-1-2012	Repeal	2-1-2012	863-022-0040	8-15-2012	Suspend	9-1-2012
860-036-0425	1-1-2012	Adopt	2-1-2012	863-022-0045	8-15-2012	Amend(T)	9-1-2012
860-036-0505	1-1-2012	Amend	2-1-2012	863-022-0050	8-15-2012	Amend(T)	9-1-2012
860-036-0605	1-1-2012	Amend	2-1-2012	863-022-0055	8-15-2012	Amend(T)	9-1-2012
860-036-0610	1-1-2012	Amend	2-1-2012	863-022-0060	8-15-2012	Amend(T)	9-1-2012
860-036-0615	1-1-2012	Amend	2-1-2012	875-005-0005	12-12-2011	Amend(T)	1-1-2012
860-036-0625	1-1-2012	Am. & Ren.	2-1-2012	875-005-0005	6-25-2012	Amend	8-1-2012
860-036-0640	1-1-2012	Amend	2-1-2012	875-005-0005	8-28-2012	Amend	10-1-2012
860-036-0705	1-1-2012	Amend	2-1-2012	875-040-0000	6-25-2012	Amend	8-1-2012
860-036-0708	1-1-2012	Adopt	2-1-2012	875-040-0005	12-12-2011	Adopt(T)	1-1-2012
860-036-0710	1-1-2012	Amend	2-1-2012	875-040-0010	6-25-2012	Adopt	8-1-2012
860-036-0715	1-1-2012	Amend	2-1-2012	877-001-0020	12-29-2011	Amend	2-1-2012
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

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877-015-0136	12-29-2011	Amend	2-1-2012	943-007-0335	5-7-2012	Adopt(T)	6-1-2012
877-020-0005	12-29-2011	Amend	2-1-2012	943-007-0335	8-10-2012	Adopt	9-1-2012
877-020-0008	12-29-2011	Amend	2-1-2012	943-007-0335(T)	8-10-2012	Repeal	9-1-2012
877-020-0010	12-29-2011	Amend	2-1-2012	943-007-0501	5-7-2012	Adopt(T)	6-1-2012
877-020-0016	12-29-2011	Amend	2-1-2012	943-007-0501	8-10-2012	Adopt	9-1-2012
877-020-0036	12-29-2011	Amend	2-1-2012	943-007-0501(T)	8-10-2012	Repeal	9-1-2012
877-025-0006	12-29-2011	Amend	2-1-2012	943-014-0300	12-1-2011	Adopt	1-1-2012
877-025-0011	12-29-2011	Amend	2-1-2012	943-014-0300(T)	12-1-2011	Repeal	1-1-2012
877-040-0050	12-29-2011	Amend	2-1-2012	943-014-0305	12-1-2011	Adopt	1-1-2012
918-030-0100	10/1/2012	Amend	11-1-2012	943-014-0305(T)	12-1-2011	Repeal	1-1-2012
918-030-0120	10/1/2012	Amend	11-1-2012	943-014-0310	12-1-2011	Adopt	1-1-2012
918-030-0125	10/1/2012	Amend	11-1-2012	943-014-0310(T)	12-1-2011	Repeal	1-1-2012
918-030-0130	10/1/2012	Amend	11-1-2012	943-014-0315	12-1-2011	Adopt	1-1-2012
918-030-0135	10/1/2012	Amend	11-1-2012	943-014-0315(T)	12-1-2011	Repeal	1-1-2012
918-035-0020	10/1/2012	Amend	11-1-2012	943-014-0320	12-1-2011	Adopt	1-1-2012
918-035-0040	10/1/2012	Amend	11-1-2012	943-014-0320(T)	12-1-2011	Repeal	1-1-2012
918-035-0050	10/1/2012	Amend	11-1-2012	943-045-0000	12-4-2011	Adopt	1-1-2012
918-035-0055	10/1/2012	Adopt	11-1-2012	943-045-0000(T)	12-4-2011	Repeal	1-1-2012
918-098-1000	1-1-2012	Amend	2-1-2012	943-045-0250	12-5-2011	Adopt	1-1-2012
918-098-1510	3-1-2012	Amend(T)	4-1-2012	943-045-0250	6-28-2012	Adopt	8-1-2012
918-098-1510	7-1-2012	Amend	8-1-2012	943-045-0250(T)	12-5-2011	Repeal	1-1-2012
918-098-1530	3-1-2012	Amend(T)	4-1-2012	943-045-0250(T)	6-28-2012	Repeal	8-1-2012
918-098-1530	7-1-2012	Amend	8-1-2012	943-045-0260	12-5-2011	Adopt	1-1-2012
918-098-1590	3-1-2012	Adopt(T)	4-1-2012	943-045-0260	6-28-2012	Adopt	8-1-2012
918-098-1590	7-1-2012	Adopt	8-1-2012	943-045-0260(T)	12-5-2011	Repeal	1-1-2012
918-098-1591	7-1-2012	Adopt	8-1-2012	943-045-0260(T)	6-28-2012	Repeal	8-1-2012
918-098-1620	1-1-2012	Amend	2-1-2012	943-045-0280	12-5-2011	Adopt	1-1-2012
918-225-0240	1-1-2012	Amend	2-1-2012	943-045-0280	6-28-2012	Adopt	8-1-2012
918-225-0430	1-1-2012	Amend	2-1-2012	943-045-0280(T)	12-5-2011	Repeal	1-1-2012
918-225-0435	1-1-2012	Amend	2-1-2012	943-045-0280(T)	6-28-2012	Repeal	8-1-2012
918-225-0570	1-1-2012	Amend	2-1-2012	943-045-0290	12-5-2011	Adopt	1-1-2012
918-225-0600	1-1-2012	Amend	2-1-2012	943-045-0290	6-28-2012	Adopt	8-1-2012
918-225-0600	1-1-2012	Amend	2-1-2012	943-045-0290(T)	12-5-2011	Repeal	1-1-2012
918-225-0606	1-1-2012	Adopt	2-1-2012	943-045-0290(T)	6-28-2012	Repeal	8-1-2012
918-225-0609	1-1-2012	Adopt	2-1-2012	943-045-0300	12-5-2011	Adopt	1-1-2012
918-225-0612	1-1-2012	Adopt	2-1-2012	943-045-0300	6-28-2012	Adopt	8-1-2012
918-225-0615	1-1-2012	Adopt	2-1-2012	943-045-0300(T)	12-5-2011	Repeal	1-1-2012
918-225-0618	1-1-2012	Adopt	2-1-2012	943-045-0300(T)	6-28-2012	Repeal	8-1-2012
918-225-0620	1-1-2012	Amend	2-1-2012	943-045-0310	12-5-2011	Adopt	1-1-2012
918-305-0105	6-7-2012	Amend(T)	7-1-2012	943-045-0310	6-28-2012	Adopt	8-1-2012
918-305-0105	1-1-2013	Amend(T)	11-1-2012	943-045-0310(T)	12-5-2011	Repeal	1-1-2012
918-305-0107	11-1-2012	Adopt(T)	11-1-2012	943-045-0310(T)	6-28-2012	Repeal	8-1-2012
918-311-0065	5-1-2012	Amend(T)	6-1-2012	943-045-0320	12-5-2011	Adopt	1-1-2012
918-311-0065	10/1/2012	Amend	11-1-2012	943-045-0320	6-28-2012	Adopt	8-1-2012
918-400-0455	1-1-2012	Amend	2-1-2012	943-045-0320(T)	12-5-2011	Repeal	1-1-2012
918-400-0458	1-1-2012	Amend	2-1-2012	943-045-0320(T)	6-28-2012	Repeal	8-1-2012
918-440-0012	1-1-2012	Amend	2-1-2012	943-045-0330	12-5-2011	Adopt	1-1-2012
918-460-0015	1-1-2012	Amend	2-1-2012	943-045-0330	6-28-2012	Adopt	8-1-2012
918-460-0015	2-1-2012	Amend	3-1-2012	943-045-0330(T)	12-5-2011	Repeal	1-1-2012
918-460-0015	9-1-2012	Amend	10-1-2012	943-045-0330(T)	6-28-2012	Repeal	8-1-2012
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

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943-045-0350(T)	6-28-2012	Repeal	8-1-2012	943-060-0090	8-1-2012	Adopt	9-1-2012
943-045-0360	12-5-2011	Adopt	1-1-2012	943-060-0100	8-1-2012	Adopt	9-1-2012
943-045-0360	6-28-2012	Adopt	8-1-2012	943-060-0110	8-1-2012	Adopt	9-1-2012
943-045-0360(T)	12-5-2011	Repeal	1-1-2012	943-060-0120	8-1-2012	Adopt	9-1-2012
943-045-0360(T)	6-28-2012	Repeal	8-1-2012	943-120-0100	7-12-2012	Amend(T)	8-1-2012
943-045-0370	12-5-2011	Adopt	1-1-2012	943-120-0100	10-10-2012	Amend	11-1-2012
943-045-0370	6-28-2012	Adopt	8-1-2012	943-120-0110	7-12-2012	Amend(T)	8-1-2012
943-045-0370(T)	12-5-2011	Repeal	1-1-2012	943-120-0110	10-10-2012	Amend	11-1-2012
943-045-0370(T)	6-28-2012	Repeal	8-1-2012	943-120-0112	7-12-2012	Amend(T)	8-1-2012
943-045-0400	12-23-2011	Adopt	2-1-2012	943-120-0112	10-10-2012	Amend	11-1-2012
943-045-0400(T)	12-23-2011	Repeal	2-1-2012	943-120-0114	7-12-2012	Amend(T)	8-1-2012
943-045-0410	12-23-2011	Adopt	2-1-2012	943-120-0114	10-10-2012	Amend	11-1-2012
943-045-0410(T)	12-23-2011	Repeal	2-1-2012	943-120-0116	7-12-2012	Amend(T)	8-1-2012
943-045-0420	12-23-2011	Adopt	2-1-2012	943-120-0116	10-10-2012	Amend	11-1-2012
943-045-0420(T)	12-23-2011	Repeal	2-1-2012	943-120-0118	7-12-2012	Amend(T)	8-1-2012
943-045-0430	12-23-2011	Adopt	2-1-2012	943-120-0118	10-10-2012	Amend	11-1-2012
943-045-0430(T)	12-23-2011	Repeal	2-1-2012	943-120-0120	7-12-2012	Amend(T)	8-1-2012
943-045-0440	12-23-2011	Adopt	2-1-2012	943-120-0120	10-10-2012	Amend	11-1-2012
943-045-0440(T)	12-23-2011	Repeal	2-1-2012	943-120-0170	7-12-2012	Amend(T)	8-1-2012
943-045-0450	12-23-2011	Adopt	2-1-2012	943-120-0170	10-10-2012	Amend	11-1-2012
943-045-0450(T)	12-23-2011	Repeal	2-1-2012	943-120-0180	7-12-2012	Amend(T)	8-1-2012
943-045-0460	12-23-2011	Adopt	2-1-2012	943-120-0180	10-10-2012	Amend	11-1-2012
943-045-0460(T)	12-23-2011	Repeal	2-1-2012	943-120-0200	7-12-2012	Amend(T)	8-1-2012
943-045-0470	12-23-2011	Adopt	2-1-2012	943-120-0200	10-10-2012	Amend	11-1-2012
943-045-0470(T)	12-23-2011	Repeal	2-1-2012	945-001-0001	3-6-2012	Adopt	4-1-2012
943-045-0480	12-23-2011	Adopt	2-1-2012	945-001-0006	3-6-2012	Adopt	4-1-2012
943-045-0480(T)	12-23-2011	Repeal	2-1-2012	945-001-0011	3-6-2012	Adopt	4-1-2012
943-045-0490	12-23-2011	Adopt	2-1-2012	945-010-0001	3-6-2012	Adopt	4-1-2012
943-045-0490(T)	12-23-2011	Repeal	2-1-2012	945-010-0006	3-6-2012	Adopt	4-1-2012
943-045-0500	12-23-2011	Adopt	2-1-2012	945-010-0011	3-6-2012	Adopt	4-1-2012
943-045-0500(T)	12-23-2011	Repeal	2-1-2012	945-010-0021	3-6-2012	Adopt	4-1-2012
943-045-0510	12-23-2011	Adopt	2-1-2012	945-010-0031	3-6-2012	Adopt	4-1-2012
943-045-0510(T)	12-23-2011	Repeal	2-1-2012	945-010-0041	3-6-2012	Adopt	4-1-2012
943-045-0520	12-23-2011	Adopt	2-1-2012	945-010-0051	3-6-2012	Adopt	4-1-2012
943-045-0520(T)	12-23-2011	Repeal	2-1-2012	945-010-0061	3-6-2012	Adopt	4-1-2012
943-060-0000	8-1-2012	Adopt	9-1-2012	945-010-0071	3-6-2012	Adopt	4-1-2012
943-060-0010	8-1-2012	Adopt	9-1-2012	945-010-0081	3-6-2012	Adopt	4-1-2012
943-060-0020	8-1-2012	Adopt	9-1-2012	945-010-0091	3-6-2012	Adopt	4-1-2012
943-060-0030	8-1-2012	Adopt	9-1-2012	945-010-0101	3-6-2012	Adopt	4-1-2012
943-060-0040	8-1-2012	Adopt	9-1-2012	945-020-0010	10/1/2012	Adopt(T)	10-1-2012
943-060-0050	2-17-2012	Adopt(T)	4-1-2012	945-020-0020	10/1/2012	Adopt(T)	10-1-2012
943-060-0050	8-1-2012	Adopt	9-1-2012	951-003-0005	7-20-2012	Repeal	9-1-2012
943-060-0050(T)	8-1-2012	Repeal	9-1-2012	951-004-0003	1-1-2012	Amend	1-1-2012
943-060-0060	8-1-2012	Adopt	9-1-2012	951-004-0004	1-1-2012	Amend	1-1-2012
943-060-0070	8-1-2012	Adopt	9-1-2012				