

OREGON BULLETIN

Supplements the 2012 *Oregon Administrative Rules Compilation*

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For August 16, 2012–September 14, 2012



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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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TABLE OF CONTENTS

	<i>Page</i>
Information and Publication Schedule	2
Table of Contents	3
Other Notices	4–8
Notices of Proposed Rulemaking Hearings/Notices	
The citations and statements required by ORS 183.335(2)(b)(A)–(D) have been filed with and are available from the Secretary of State.	
Board of Architect Examiners, Chapter 806	9
Board of Chiropractic Examiners, Chapter 811	9
Board of Psychologist Examiners, Chapter 858	9
Bureau of Labor and Industries, Chapter 839	9
Construction Contractors Board, Chapter 812	9, 10
Department of Agriculture, Chapter 603	10
Department of Community Colleges and Workforce Development, Chapter 589	10, 11
Department of Consumer and Business Services, Division of Finance and Corporate Securities, Chapter 441	11
Insurance Division, Chapter 836	11, 12
Workers’ Compensation Board, Chapter 438	12
Workers’ Compensation Division, Chapter 436	12, 13
Department of Corrections, Chapter 291	13
Department of Environmental Quality, Chapter 340	14
Department of Human Services, Administrative Services Division and Director’s Office, Chapter 407	14
Department of Public Safety Standards and Training, Chapter 259	14, 15
Department of State Lands, Chapter 141	15
Department of Transportation, Driver and Motor Vehicle Services Division, Chapter 735	15, 16
Highway Division, Chapter 734	16
Landscape Architect Board, Chapter 804	16
Oregon Business Development Department, Chapter 123	16, 17
Oregon Department of Education, Chapter 581	17
Oregon Health Authority, Addictions and Mental Health Division: Mental Health Services, Chapter 309	17
Division of Medical Assistance Programs, Chapter 410	17, 18
Public Health Division, Chapter 333	18
Oregon Liquor Control Commission, Chapter 845	18, 19
Oregon Medical Board, Chapter 847	19
Oregon State Lottery, Chapter 177	19, 20
Racing Commission, Chapter 462	20
Secretary of State, Audits Division, Chapter 162	20
Elections Division, Chapter 165	20
Administrative Rules	
The citations and statements required by ORS 183.335(2)(b)(A)–(D) have been filed with and are available from the Secretary of State.	
Board of Examiners for Engineering and Land Surveying, Chapter 820	21–24
Board of Licensed Professional Counselors and Therapists, Chapter 833	24–26
Department of Consumer and Business Services, Building Codes Division, Chapter 918	26, 27
Insurance Division, Chapter 836	27
Oregon Occupational Safety and Health Division, Chapter 437	27–32
Workers’ Compensation Board, Chapter 438	32–36
Department of Corrections, Chapter 291	36–40
Department of Fish and Wildlife, Chapter 635	40–48
Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, Chapter 413	48–50
Self-Sufficiency Programs, Chapter 461	50–51
Seniors and People with Disabilities Division, Chapter 411	51–63
Department of Justice, Chapter 137	63, 64
Department of Oregon State Police, Chapter 257	64, 65
Department of Public Safety Standards and Training, Chapter 259	65–81
Department of Transportation, Driver and Motor Vehicle Services Division, Chapter 735	81, 82
Motor Carrier Transportation Division, Chapter 740	82–84
Landscape Architect Board, Chapter 804	84, 85
Oregon Department of Education, Chapter 581	85–92
Oregon Health Authority, Division of Medical Assistance Programs, Chapter 410	92–96
Public Health Division, Chapter 333	96–151
Oregon Health Insurance Exchange, Chapter 945	151, 152
Oregon Health Licensing Agency, Chapter 331	152–163
Oregon Health Licensing Agency, Board of Cosmetology, Chapter 817	164–167
Board of Direct Entry Midwifery, Chapter 332	167
Board of Licensed Dietitians, Chapter 834	168, 169
Oregon Liquor Control Commission, Chapter 845	169–171
Oregon Public Employees Retirement System, Chapter 459	171, 172
Oregon State Lottery, Chapter 177	172
Oregon State Marine Board, Chapter 250	173, 174
Oregon University System, Chapter 580	174, 175
Oregon University System, Oregon Institute of Technology, Chapter 578	175, 176
Portland State University, Chapter 577	176
University of Oregon, Chapter 571	176–178
Oregon Youth Authority, Chapter 416	178, 179
Parks and Recreation Department, Chapter 736	179, 180
Public Utility Commission, Chapter 860	180–184
Secretary of State, Archives Division, Chapter 166	184–186
Elections Division, Chapter 165	186, 187
Teacher Standards and Practices Commission, Chapter 584	187–192
Veterinary Medical Examining Board, Chapter 875	192, 193
OAR Revision Cumulative Index	194–258

OTHER NOTICES

PUBLIC NOTICE DEQ NOTICE OF PROSPECTIVE PURCHASER AGREEMENT WITH CITY OF VALE

PROJECT LOCATION: Former Goodman Oil Service Station & Bulk Plant, 252 N Glenn St., Vale

PROJECT SUMMARY: The Department of Environmental Quality has entered into a prospective purchaser agreement with the City of Vale to facilitate the donation of the property to the city and the future redevelopment of the property. This prospective purchaser agreement will result in a substantial public benefit through the redevelopment of a blighted commercial property located in a key gateway area.

A gasoline service station and petroleum bulk plant operated on the property from the 1950s to 2002. Petroleum releases from the service station contaminated soil and groundwater. DEQ was initially notified of the contamination in 2002. DEQ has performed multiple phases of investigations at the property since 2010 to determine the extent of contamination. Additional investigations are currently being performed by DEQ.

The prospective purchaser agreement requires the City of Vale to place institutional controls on the property if determined to be necessary by DEQ, to actively work with DEQ to seek grant funding to complete cleanup actions, to retain ownership of the property until cleanup actions are completed, and to reimburse a portion of DEQ's costs from the proceeds of the future sale of the property.

The prospective purchaser agreement provides the City of Vale with a release from liability for claims by the State of Oregon under Oregon Revised Statute §465.255 relating to 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.

The prospective purchaser agreement is a tool that facilitates the beneficial reuse of contaminated property and its cleanup and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing contaminated property. The prospective purchaser program was created in 1995 through amendments to the state's environmental cleanup law. DEQ has approved over 100 prospective purchaser agreements throughout the State.

ADDITIONAL INFORMATION: For additional information on the project contact the Project Manager, Katie Robertson by phone at 541-278-4620 or by e-mail at Robertson.Katie@deq.state.or.us. For additional information on the prospective purchaser program contact the Program Coordinator, Cheyenne Chapman by phone at 503-229-6461 or by email at Chapman.Cheyenne@deq.state.or.us. Additional information on the program is also available at www.deq.state.or.us/lq/cu/ppa.htm.

To access site summary information, the prospective purchaser agreement, and other site documents in DEQ's Leaking Underground Storage Tank database, go to www.deq.state.or.us/lq/tanks/lust/LustPublicLookup.asp, enter 23-02-0546 in the LUST Number box and click "Lookup" at the bottom of the form. Next, click the link labeled 23-02-0546 in the Log Number column. To review the project file, contact the project manager above for a file review appointment.

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.

A CHANCE TO COMMENT ON PROSPECTIVE PURCHASER AGREEMENT CONSENT JUDGMENT, CERTIFICATE OF COMPLETION FOR GABLES PARTNERS, LLC

COMMENTS DUE: Wednesday, October 31, 2012

PROJECT LOCATION: The property is located at 1025-1045 NW 9th Street, Corvallis, Oregon.

PROPOSAL: Pursuant to Oregon Revised Statute ORS 465.320, ORS 465.325(10) and ORS 465.327, 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 October 14, 2010 in the form of a Consent Judgment (Benton County Circuit Court Case Number 10-10563). The DEQ will consider public comments prior to issuing Certification of Completion.

HIGHLIGHTS: The property was used as a residence and as the Sunny Brook Dairy processing facility from 1948 to 1995. Several leaking underground storage tanks (LUSTs) were located on the property and were removed beginning in 1991. The site was characterized and determined to contain total petroleum hydrocarbon (TPH) contamination of soil and groundwater. Following documented removal and remedial activities by a previous owner of the property, DEQ issued in 2004 a conditional No Further Action determination for the removed tanks; however, DEQ subsequently found that the consulting firm, UST Environmental Services, Inc., had submitted fraudulent environmental reports to DEQ and this called into question the accuracy of the removal work at the Site. Gables Partners, LLC, acting as a prospective purchaser of the property, engaged Hart Crowser as its environmental consultant, and completed Phase I and Phase II Environmental Assessment reports for the Site. Under the terms of the PPA, Gables Partners agreed to: (1) conduct any work involving excavation according to a DEQ approved worker health and safety plan; (2) decommission one remaining UST on site by removal; (3) evaluate, sample and manage any TPH-related contamination that may be found, if the existing on-site building(s) is demolished; and (4) enter into an Easement and Equitable Servitude (EES) to manage human health and environmental threats posed by groundwater contamination through restrictions on groundwater use. On August 9, 2012, Gables Partners requested DEQ to issue a Certification of Completion, based on Gable Partners, LLC's satisfactory completion of all work items specified in the PPA.

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

1) The only excavation work done on-site during this period was by the contractor who removed the UST heating oil tank. This contractor is required to have their own *Health and Safety Plan* to do this type of work. As a condition of the Certificate of Completion document, if buildings are removed in the future a *Health and Safety Plan* is required.

2) The underground heating oil tank was decommissioned by removal as required. The UST removal work was documented in the February 8, 2011, UST decommissioning report submitted to DEQ by Gables Partners, LLC.

3) No buildings were removed and no contamination was discovered during this period of time. However, if future site redevelopment requires demolition of existing building(s), all TPH-related contamination needs to be properly evaluated, sampled, managed and disposed of in accordance with DEQ's rules.

4) An Easement and Equitable Servitude (EES) was signed and recorded with Benton County on February 1, 2011.

The applicable requirements of the Consent Judgment have been satisfied. Requirements that may become applicable in the future are included in the Certificate of Completion document.

HOW TO COMMENT: Written comments can be sent to DEQ, Western Region Office located at 750 Front Street NE, Salem, Oregon. To view the project files please call Ginny Deck at 503-378-5046, to schedule an appointment. If you have any questions, please call the DEQ project manager, Bruce Scherzinger, at 503-378-5038 or by email at scherzinger.bruce@deq.state.or.us.

THE NEXT STEP: Once the public comment period has closed DEQ will consider all comments before making a decision concerning the Certification of Completion.

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-

OTHER NOTICES

6762; or email to deqinfo@deq.state.or.us. People with hearing impairments may call 711.

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT PROPOSED APPROVAL OF THE CLEANUP OF A PHENOL SPILL, GEORGIA-PACIFIC RESINS EUGENE, OREGON

COMMENTS DUE : October 31, 2012

PROJECT LOCATION: 2665 Hwy North, Eugene

PROPOSAL: In accordance with Oregon Revised Statute (ORS) 465, et seq., the Oregon Department of Environmental Quality (DEQ) is proposing approval of the cleanup of a phenol spill that occurred at the Georgia-Pacific Resins site, located at 2665 Hwy 99 North, Eugene, Oregon. DEQ's Environmental Cleanup Program is proposing to issue a determination that no further action is required for investigation or cleanup of the spill. A public review period is required under ORS 465.320.

HIGHLIGHTS: On February 16, 2012 approximately 600 pounds of molten phenol was spilled during unloading from a rail car. The phenol quickly solidified, but residual phenol contaminated stormwater runoff from the spill site and some soil in a drainage ditch. The spill was reported to Oregon Emergency Response and was cleaned up under DEQ's oversight. Contaminated soil was removed from the ditch and disposed of appropriately. Contaminated surface water was recycled or disposed of at an appropriate off-site facility. Stormwater quality at the site, including monitoring of phenol concentrations, will continue to be regulated under an NPDES permit, and remains under the purview of DEQ's Water Quality Program.

A file containing detailed information for the site is available for review in DEQ's office located in Suite 100 at 165 East 7th Avenue in Eugene. Select documents, including DEQ's rationale for its determination, are available online at the following web address: <http://www.deq.state.or.us/Webdocs/Forms/Output/FPCcontroller.ashx?SourceId=203&SourceIdType=11>. Questions concerning this site should be directed to Don Hanson at DEQ's Eugene office by calling him at 541-687-7349

HOW TO COMMENT: Comments will be received from October 1, 2012 until 5 p.m., October 31, 2012. Comments should be sent to the DEQ Project Manager, Don Hanson, at 165 E. 7th Avenue, Suite 100, Eugene, OR 97401. Comments can also be sent by email to hanson.don@deq.state.or.us or by fax to (541) 686-7551 or toll-free in Oregon at 1-800-844-8467, extension 7349.

THE NEXT STEP: After the public comment period has ended, DEQ will consider all comments received before approving the cleanup action.

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 800-844-8467, email at deqinfo@deq.state.or.us, or 711 for people with hearing impairments.

REQUEST FOR COMMENTS PROPOSED CLEANUP PLAN FOR THE FORMER MULTNOMAH METALS PROPERTY

COMMENTS DUE: Oct. 31, 2012

PROJECT LOCATION: 236 SW Flower Street, Portland, OR

PROPOSAL: The Department of Environmental Quality (DEQ) invites public comment on a proposed cleanup plan for the property.

HIGHLIGHTS: The former Multnomah Metals Company operated a secondary lead smelting facility at the project location from the early 1920s to the mid-1960s. A large building at this location was used as a foundry to melt and recycle lead, solder and other scrap metal. The building was demolished in 1975, and a new residential dwelling was constructed on the property in 1976.

Environmental investigations have identified lead and arsenic concentrations in soil that exceed DEQ screening values over most

of the property. The proposed cleanup includes a combination of removing highly concentrated lead-contaminated soil, relocating less contaminated soil within the property, and placement of an engineered hardscape to physically contain and prevent direct contact with all remaining contaminated soil exceeding DEQ risk-based concentrations.

HOW TO COMMENT: Details regarding the proposed remedy can be found at <http://www.deq.state.or.us/lq/cu/nwr/multnomah-metals.htm>. Send comments no later than 5 p.m., October 31, 2012 to DEQ Project Manager Scott Manzano at 2020 SW 4th Ave. Suite 400, Portland, Oregon, 97213, Email: manzano.scott@deq.state.or.us or fax: 503 229-6899. To review project records, contact Dawn Weinburger for an appointment at (503) 229-5425 and ask for records for Environmental Cleanup Site Information (ECSI) site #3274. To access site summary information and other documents, go to DEQ's on-line ECSI database at: <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, enter 3274 in the Site ID box, and click "Submit" at the bottom of the page. Next, click the link labeled 3274 in the Site ID/Info column.

DEQ will conduct a public meeting on October 24, 2012 at 2020 SW 4th Ave. Suite 400, Portland, Oregon at 6:00 p.m. to discuss the proposed remedy. DEQ will also present results of its neighborhood assessment for lead in soil at properties nearby the former smelter property.

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

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 SEDIMENT CLEANUP FOR WARRENTON BOAT YARD

COMMENTS DUE: 5 p.m., Tuesday, Oct.30, 2012

PROJECT LOCATION: Warrenton Boat Yard, 101 NE Harbor Street, Warrenton, Oregon

PROPOSAL: Warrenton Boat Yard is a small operating boat yard that has provided routine boat maintenance and repair services since 1946. The site is located approximately 1.5 miles upstream from Young's Bay on the west side of the Skipanon Waterway. Historic operations at the boat yard led to releases of metals, polychlorinated biphenyls, polycyclic aromatic hydrocarbons, and pesticides to site sediments of the Skipanon Waterway.

Based on results of environmental investigations and potential cleanup options, DEQ recommends the following cleanup actions to address contamination present in sediments at the site:

- Excavation of hot spot sediments near the shoreline
- Off-site disposal of excavated sediments in a RCRA Subtitle D Landfill
- Installation of a sediment cap if necessary based on confirmation testing results
- Institutional controls
- Operation and maintenance of the cap

HIGHLIGHTS: Remedial investigation work was completed in 2009. The risk assessment for the investigation identified two potential scenarios that create unacceptable risk at the site:

- Eating fish exposed to impacted sediment
- Exposure of sediment dwelling organisms to impacted sediment

Cleanup of sediments is necessary to reduce these risks to human health and the environment. Cleanup alternatives were evaluated starting in 2010. In 2012, new financial constraints necessitated that the recommended remedial alternative be changed to include installation of a sediment cap in addition to dredging of contaminated sediments.

HOW TO COMMENT: Send comments by 5 p.m., Oct. 30, 2012, to DEQ Project Manager Anna Coates at 2020 SW 4th Avenue, Suite 400, Portland, Oregon 97201 503-229-5213 or by email at

OTHER NOTICES

coates.anna@deq.state.or.us. To review the project file, call Dawn Weinberger at 503-229-6729 for a file review appointment. To access site summary information and other documents in DEQ's Environmental Cleanup Site Information database, go to <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, then enter 2764 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 2764 in the Site ID/Info column.

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

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 APPROVAL OF CLEANUP FOR NORTHWEST TRACTOR PARTS & EQUIPMENT

COMMENTS DUE: Wednesday, Oct. 31, 2012

PROJECT LOCATION: 26180 SE Highway 212, Boring

PROPOSAL: The Department of Environmental Quality is proposing to issue a No Further Action determination based on the results of an amended *Phase II Soil Investigation and Remediation Report* completed on August 8, 2012 for the Northwest Tractor Parts and Equipment facility near Boring. DEQ is proposing that no further investigation or cleanup be required at the site because residual contamination does not exceed acceptable risk levels as defined in Oregon Revised Statutes (ORS) 465.315.

HIGHLIGHTS: Northwest Tractor Parts is a construction equipment salvage and maintenance facility located on the south side of Highway 212 between the east Damascus city limits and Boring. Investigation and cleanup of petroleum-contaminated soils at the facility was conducted from February to August 2012. Approximately 520 tons of visibly-contaminated soil was removed and shipped to the Hillsboro Landfill for disposal. The contamination generally extended less than one foot below ground surface, although some excavations extended up to 9½ feet deep. Residual soil contamination at the facility does not exceed DEQ's current, applicable risk-based standards.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Northwest Region Office at 2020 SW 4th Avenue, Suite 400, Portland, OR 97201. To schedule an appointment to review the file, please contact Dawn Weinberger at (503) 229-6729. To access site summary information and the *No Further Action recommendation* memo in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet, go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter 2095 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 2095 in the Site ID/Info column. Send written comments by 5:00 PM October 31 to Kevin Dana, Project Manager, by e-mail or regular mail to the address listed above. Upon written request by ten or more persons or by a group with a membership of 10 or more, DEQ will hold a public meeting to receive verbal comments.

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

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

REQUEST FOR COMMENTS PROPOSED CONDITIONAL NO FURTHER ACTION FOR THE BEAR MOUNTAIN FOREST PRODUCTS FACILITY SITE

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

PROJECT LOCATION: 34363 Lake Creek Drive, Brownsville, Oregon

PROPOSAL: The Oregon Department of Environmental Quality's Voluntary Cleanup Program proposes to issue a conditional no further action determination for the Bear Mountain Forest Products property (Site) located at 34363 Lake Creek Drive in Brownsville. DEQ issues a no further action determination when a cleanup has met regulatory standards.

HIGHLIGHTS: The Site is an active wood products processing facility which had historic releases of phenolic resins from an on-site pond and petroleum releases from processing equipment. Investigations did not identify any resin contamination, but did identify limited petroleum contamination in soil and shallow groundwater at the Site. The detected concentrations are below applicable exposure pathway levels and are protective of human health and the environment. A contaminated media management plan and the recordation of a deed notice institutional control will manage any future exposures or development at the property. 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 229 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 229 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., October 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 andreson.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.

REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION FOR THE BEST CLEANERS SITE

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

PROJECT LOCATION: 176 West Hermiston Avenue, Hermiston, Oregon

PROPOSAL: The Oregon Department of Environmental Quality's Voluntary Cleanup Program proposes to issue conditional a no further action determination for the former Best Cleaners property (Site) located at 176 West Hermiston Avenue in Hermiston, Oregon. DEQ issues a no further action determination when a cleanup has met regulatory standards.

HIGHLIGHTS: The Site was an active dry cleaning facility which used chlorinated dry cleaning solvents, including tetrachloroethene (PCE). Investigations at the Site identified limited contamination in soil and groundwater at and near the Site. 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

OTHER NOTICES

www.deq.state.or.us/lq/ECSI/ecsi.htm, select "Search complete ECSI database" link, enter 2810 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 2810 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., October 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 andreson.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.

REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION FOR THE OREGON TRAIL CLEANERS SITE

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

PROJECT LOCATION: 1935 Valley Avenue, Baker City, Oregon

PROPOSAL: The Oregon Department of Environmental Quality's Dry Cleaner Program proposes to issue a no further action determination for the Oregon Trail Cleaners property (Site) located at 1935 Valley Avenue in Baker City. DEQ issues a no further action determination when a cleanup has met regulatory standards.

HIGHLIGHTS: The Site is an active dry cleaning facility which used petroleum based and chlorinated dry cleaning solvents, including tetrachloroethene (PCE). Investigations at the Site identified contamination in soil and groundwater at and near the Site. The detected concentrations are below applicable exposure pathway levels and are protective of human health and the environment. The recordation of a deed notice institutional control will also be required for the property. 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 2945 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 2945 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., October 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 andreson.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.

PUBLIC COMMENT REQUESTED ON A PROPOSED NO FURTHER ACTION FOR THE COOS HEAD AREA OF CONCERN (AOC) D AND AREA OF CONCERN (AOC) C OUTFALL 2 CONTAMINANTS OF CONCERN LOCATED AT 63379 COOS HEAD ROAD, COOS BAY, OREGON

Oregon Department of Environmental Quality (ODEQ) invites public comment on a proposed No Further Action (NFA) determination

for a cleanup of soil and groundwater contamination at the Area of Concern D (AOC-D) and Area of Concern C (AOC-C) Outfall 2 Contaminants of Concern. These two AOCs represent portions of the former Air National Guard (ANG) Base, located at 63379 Coos Head Road, Coos Bay, Oregon. Most of the Coos Head Site is owned by Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, but was administered by the U.S. military from the mid-19th century until recently. The portion of the site known as AOC-D is owned by the U.S. Navy. ODEQ has completed a review of the Interim Removal Action Report for soils at AOC-D and the Sampling Results for AOC-C- Outfall 2 Soil Sampling and found them to be in compliance with ODEQ's requirements for the U.S. Navy's clean up of these two AOCs.

Contamination in soil at AOC-D appeared to be from releases of polychlorinated biphenyls (PCBs) as a result of a pole-mounted electrical transformer that caught fire and exploded in 1970. The explosion released PCBs to the soil surface. Dioxins, which are often found together with PCBs, were also detected in the soil but at low levels.

Soil excavation at AOC-D led to the disposal of 392 tons of contaminated soil at the Coffin Butte Landfill. Soil was removed to an approximate depth of 3 feet below ground surface (bgs) throughout the excavation area.

The U.S. Navy installed a non-woven geotextile delineation fabric at the 3-foot bgs level after confirmation sampling was conducted at AOC-D. Approximately 544 tons of backfill and topsoil were placed, compacted, and graded with excavation equipment and landscaped with grass seeds above the delineation fabric. Gravel was placed around the perimeter of the excavation area adjacent to the asphalt road pavement. Confirmation samples show that this remedial action was successful for removing PCB-related contaminants and dioxins.

AOC-D is next to an ongoing cleanup of fuel contamination being conducted by the ANG. It is the responsibility of the ANG to address any fuel or other contamination of the soil under the geotextile installed by the U.S. Navy at AOC-D. Sediments in an area downstream from AOC D, known as AOC-C Outfall 2, were sampled for PCB-related contaminants and dioxins. These contaminants measured below the ODEQ's levels of concern.

These two (2) proposed NFAs apply only to AOC-D and AOC-C Outfall 2 Contaminants of Concern for PCB-related contaminants and dioxins. Non-PCB-related contaminants found at AOC-C Outfall 2 will be addressed at a later date by ANG.

Project documents for this site are available for public review at DEQ's Eugene office, 165 E. 7th Avenue, Suite 100, Eugene 97401. Contact the file specialist at (541) 686-7838 or 1-800-844-8467 (toll-free in Oregon) for an appointment. Please send written comments to Norman Read at the listed above address or via email at read.norm@deq.state.or.us. DEQ must receive written comments by 5 p.m., October 31, 2012.

DEQ PROPOSES NO FURTHER ACTION AT CERTAIN TEED FACILITY, WHITE CITY, OREGON

COMMENTS DUE: October 31, 2012

PROJECT LOCATION: 1200 Avenue G, White City, Oregon

PROPOSAL: DEQ proposes to approve the cleanup conducted at the Certain-Teed facility in White City. DEQ requests public comment on its recommendation that no further investigation or cleanup action is required for petroleum-contaminated soil on this property.

BACKGROUND: DEQ's proposed NFA determination applies to Tax Lot #219, T36S, R1W, S18. For detailed project information please see a copy of the final project report on DEQ's website at: <http://www.deq.state.or.us/Webdocs/Forms/Output/FPCController.aspx?SourceIdType=11&SourceId=5131&Screen=Load>

During construction activities in the mid-2000s, two areas were found in which the oil is used to lubricate the molds in which the siding is pressed had been released to soils. One area was excavated and remediated in 2003, and the other area was excavated and remediated in 2007. Confirmation sampling of soil in both excava-

OTHER NOTICES

tions and groundwater show that no contaminants of potential concern are present above appropriate risk-based screening levels.

In the absence of unacceptable risks, DEQ recommends that no further action be required.

HOW TO COMMENT: Written comments must be received by October 31, 2012. Comments should be submitted to DEQ's Eugene office, 165 East 7th Street, Eugene, OR 97401 or by e-mail at sadofsky.sethg@deq.state.or.us. Questions may also be directed to Seth Sadofsky at the Eugene address or by calling him at 1-800-844-8467 ext 7329.

THE NEXT STEP: DEQ will consider all public comments before taking final action on this matter. A public meeting will be held to receive verbal comments on the proposed cleanup action upon written request by ten or more persons, or by a group with ten or more members.

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 Architect Examiners
Chapter 806

Rule Caption: 2011-13 Board of Architect Examiners Budget Amendment.

Date:	Time:	Location:
10-16-12	9:30 a.m.	205 Liberty St. NE, Suite A Salem, OR 97301

Hearing Officer: James Denno

Stat. Auth.: ORS 671.125 & 182.462

Stats. Implemented: ORS 671.125 & 182.462

Proposed Amendments: 806-001-0003

Last Date for Comment: 10-16-12, 4:30 p.m.

Summary: 2011-13 Board of Architect Examiners Budget Amendment.

Rules Coordinator: Jim Denno

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

Telephone: (503) 763-0662

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Board of Chiropractic Examiners
Chapter 811

Rule Caption: Pre-Paid Treatment Plan amendments; License Suspension and Probation Provisions.

Date:	Time:	Location:
11-15-12	1:30 p.m.	University of Western States 2900 Northeast 132nd Ave., Hampton Hall Portland, OR 97230

Hearing Officer: Dave McTeague

Stat. Auth.: ORS 684

Other Auth.: ORS 684.100

Stats. Implemented: ORS 684.155 (1)(b)

Proposed Adoptions: 811-015-0080

Proposed Amendments: 811-015-0002

Last Date for Comment: 11-15-12, 1:30 p.m.

Summary: Pre-Paid Treatment Plan amendments; License Suspension and Probation Provisions.

Rules Coordinator: Donna Dougan

Address: Board of Chiropractic Examiners, 3218 Pringle Rd. SE, Suite 150, Salem, OR 97302

Telephone: (503) 373-1579

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Board of Psychologist Examiners
Chapter 858

Rule Caption: Clarifies the requirements to reactivate a license.

Stat. Auth.: ORS 675.010-675.150

Stats. Implemented: ORS 675.110

Proposed Amendments: 858-010-0050

Last Date for Comment: 10-26-12, Close of Business

Summary: The proposed rule change clarifies the amount of continuing education (CE) sufficient to maintain professional competence which is required to reactivate a license from inactive status to active or semi-active status. It also delineates the prorated CE and license fee calculation upon reactivation.

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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Bureau of Labor and Industries
Chapter 839

Rule Caption: Amendment for Clarification of Eligibility of OMFLA and Clarification for Leave due to Harassment.

Stat. Auth.: ORS 659A.805

Other Auth.: ORS 659A.093(6)

Stats. Implemented: ORS 659A.270-659A.285 & 659A.090-659A.099

Proposed Amendments: 839-009-0335, 839-009-0390, 839-009-0410

Last Date for Comment: 11-09-12, 5 p.m.

Summary: The amendment to OAR 839-009-0335 will add harassment to the title of OAR 839-009-0335 to conform to ORS 659A.270 to ORS 659A.285.

The amendments to OAR 839-009-0390 and 839-007-0410 will clarify that an eligible employee need not be eligible to take protected leave under the Oregon Family Leave Act in order to qualify for protected leave under the Oregon Military Family Leave Act and conform with ORS 659A.090(1) and ORS 659A.093.

Rules Coordinator: Marcia Ohlemiller

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

Telephone: (971) 673-0784

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Construction Contractors Board
Chapter 812

Rule Caption: Housekeeping; LBP to match EPA & OHA; clarify complaints filed; clarify proof CE required.

Date:	Time:	Location:
10-23-12	11 a.m.	West Salem Roths IGA Santiam Rm. 425 Glen Creek Rd. Salem, OR

Hearing Officer: Rob Yorke

Stat. Auth.: ORS 670.310, 701.126, 701.145, 701.235, 701.515 & 1999 OL Ch. 849, Sec. 8

Stats. Implemented: ORS 183.413 to 183.470, 470, 670.310, 701.063, 701.108, 701.119, 701.126, 701.145, 701.505-701.520 & OL 2009, Ch. 753

Proposed Amendments: 812-007-0020, 812-009-0010, 812-021-0037, 812-021-0040, 812-025-0020

Last Date for Comment: 10-23-12, Close of Hearing

NOTICES OF PROPOSED RULEMAKING

Summary: 812-007-0020 is amended to define “minor repair and maintenance activities” to read the same as the rules adopted by the federal Environmental Protection Agency and the Oregon Health Authority.

812-009-0010 is amended to clarify that for Dispute Resolution Services (DRS) complaints filed before July 1, 2011 (pre-DRS-mediation only), sections in rules relating to exceptions and appeals apply.

812-021-0037 and 812-021-0040 are amended to clarify what proof of continuing education (CE) an inactive renewing contractor must provide. Removes language from OAR 812-021-0037 (general section) and places it in OAR 812-021-0040 (specific section governing inactive contractors).

Rules Coordinator: Catherine Dixon

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

Telephone: (503) 934-2185

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Department of Agriculture Chapter 603

Rule Caption: State supervised price negotiation threshold.

Date:	Time:	Location:
10-22-12	10:30 a.m.	Hatfield Marine Science Ctr. Guin Library Seminar Rm. 2030 Marine Sciences Dr. Newport, OR

Hearing Officer: Kris Anderson

Stat. Auth.: ORS 62.511–62.515, 576.610–576.650, 646.515–646.545, 646.715, 646.736, 646.739, 646.740 & 183

Stats. Implemented: ORS 646.715, 646.736 & 646.739

Proposed Amendments: 603-076-0052

Last Date for Comment: 10-23-12, 5 p.m.

Summary: The rule change will reduce the threshold requirement for holding state supervised price negotiations from 75% of active seafood harvesters and 75% of dealers, as determined by pounds processed in the preceding year, to 51% active seafood harvesters and 51% of dealers, as determined by pounds processed in the preceding year.

The purpose of the rule change is to reduce the percentage of harvesters and dealers that may petition the Oregon Department of Agriculture (ODA) Director for regulated price negotiations. ODA asserts that the percentage of participants in relation to the industry as a whole is sufficient to allow the harvesters and the dealers to bargain collectively to arrive at a negotiated season starting price that encourages an orderly start to the season, and the efficient production and distribution of seafood products.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

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Rule Caption: Establishing a statewide control area for giant reed *Arundo donax*.

Date:	Time:	Location:
10-30-12	11 a.m.	Oregon Dept. of Agriculture Hearing Rm. 635 Capitol St. NE Salem, OR
10-31-12	4 p.m.	OSU, Agriculture & Research Extension Center 2121 S. First St. Hermiston, OR

Hearing Officer: Ron Pence

Stat. Auth.: ORS 570.405

Other Auth.: ORS 561.190

Stats. Implemented: ORS 570.405

Proposed Adoptions: 603-052-1206, 603-052-1209, 603-052-1211

Last Date for Comment: 11-9-12, 5 p.m.

Summary: This proposed rule would establish a statewide control area for giant reed, *Arundo donax*. Giant reed is an invasive noxious weed in some parts of the world. It is also a promising bio-energy crop because of its high biomass production and it is grown as an ornamental and for woodwind instrument reeds. These rules are designed to allow giant reed to be grown as a biofuel and an ornamental plant while protecting the environment and agricultural, horticultural, and forest industries of the state. PGE proposed to switch their Boardman Power Plant’s fuel source from coal to biofuel by 2020. Under this rule, biofuel crops of giant reed would be allowed under permit. A \$2.00/acre assessment for monitoring and a \$100/acre bond to cover eradication would be required. Wild-type giant reed would be phased out of the nursery industry by Dec. 31, 2013 and only variegated varieties would be allowed after that date. All ornamental uses of giant reed would terminate if the Department and the State Weed Board list giant reed as a noxious weed.

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: Adopts revised Retail Food Code to be used by the Oregon Department of Agriculture.

Date:	Time:	Location:
10-26-12	9 a.m.	Oregon Dept. of Agriculture 635 Capitol St. NE, 3rd Floor Conference Rm. Salem, OR 97301

Hearing Officer: Eric Edmunds

Stat. Auth.: ORS 561, 616 & 619

Stats. Implemented: ORS 616.700

Proposed Amendments: 603-025-0030

Last Date for Comment: 11-1-12, 5 p.m.

Summary: The Oregon Department of Agriculture is currently using a Food Code that was established in 2002. The proposal for the 2012 Oregon Department of Agriculture Retail Food Code is very similar to the 2002 code, but there have been several changes. Options for the retail food code that were discussed during Oregon Health Authority meetings in 2012, and the 2009 Model Food Code were considered along with suggestions from department employees and advisory committee meetings. The following are the significant changes that will be included in the 2012 Retail Food Code: Cut leafy greens and other produce will be considered a potentially hazardous food, persons in charge of facilities must demonstrate knowledge about major food allergens, certain illnesses will cause an employee to be excluded from a food establishment, employees may not contact exposed, ready-to-eat food with their bare hands, use of non-commercial mushrooms will require record retention and consumer notification, latex gloves will be prohibited, outdoor food service regulations will be relaxed, a 6-hour standard for cold foods may be used as long as the food does not exceed 70°F, more stringent employee training will apply when a food establishment acquires a variance from the rules, a consumer advisory will be used for raw or undercooked animal products, facilities will need a small diameter probe to measure temperature of thin foods, dogs will be allowed in the outside seating areas of establishments if the owner permits it, and certain restrictions are followed.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

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Department of Community Colleges and Workforce Development Chapter 589

Rule Caption: Adopt sub-sections to break out rule content for 589-002-0100: Community College Support Fund Distribution.

NOTICES OF PROPOSED RULEMAKING

Date: 10-22-12
Time: 1 p.m.
Location: Public Service Bldg.
255 Capitol St. NE, 3rd Flr.
Salem, OR 97310

Hearing Officer: Linda Hutchins

Stat. Auth.: ORS 326.051, 341.015, 341.022, 341.317, 341.440, 341.525, 341.528, 341.626 & 341.665

Stats. Implemented: ORS 341.626

Proposed Adoptions: 589-002-0110, 589-002-0120, 589-002-0130

Last Date for Comment: 10-22-12, Close of Business

Summary: Authority for distribution of the Community College Support Fund is granted by OAR 589-002-0100. Along with house-keeping to provide plain language, this proposed rule will adopt subsections in order to: break-out rule definitions (589-002-0110); outline the CCSF Distribution Methodology (589-002-0120); and, break-out rule language specific to the State Board Strategic Fund (589-002-0130).

Rules Coordinator: Linda Hutchins

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

Telephone: (503) 947-2456

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

Rule Caption: Establishes process for master trustee to calculate trust fund balance at least twice each year.

Stat. Auth.: ORS 97.943

Other Auth.: 2012 OL Ch. 7, §10 (Enrolled HB 4117)

Stats. Implemented: ORS 97.926, 97.935, & 2012 OL Ch. 7, §10

Proposed Adoptions: 441-930-0085

Proposed Amendments: 441-930-0010

Last Date for Comment: 10-29-12, 5 p.m.

Summary: In May 2012, the Department of Consumer and Business Services (DCBS) proposed a new rule, proposed OAR 441-930-0085, to implement section 10 of 2012 House Bill 4117. HB 4117 required DCBS to create a process, by rule, to allow a master trustee to calculate the balance of their trust fund deposits at least two times each year. At the conclusion of the review process, DCBS prepared a final rule ready for adoption that closely complied with the legislative policy contained in the act. However, because the final rule differed substantially from the rule proposed in May, DCBS is electing to provide another opportunity for interested parties to comment on the proposed rule before final adoption.

Rules Coordinator: Shelley Greiner

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

Telephone: (503) 947-7484

Department of Consumer and Business Services, Insurance Division Chapter 836

Rule Caption: Producer licensing and continuing education application requirements and establishing mechanical breakdown limited license class.

Date: 10-23-12
Time: 1:30 p.m.
Location: 350 Winter St. NE
Conference Rm. F
Salem, OR

Hearing Officer: Jeannette Holman

Stat. Auth.: ORS 181.534, 646A.590, 705.135, 731.244, 731.804, 744.001, 744.003, 744.007, 744.058, 744.062, 744.072, 744.119, 744.303, 744.535, 744.619, 744.621, 744.635, 744.704, 744.706, 744.712, 744.726, 744.852 & 744.858

Stats. Implemented: ORS 181.534, 646A.577, 705.141, 731.804, 744.001, 744.003, 744.007, 744.008, 744.058, 744.059, 744.062, 744.072, 744.119, 744.326, 744.535, 744.619, 744.621, 744.706, 744.712, 744.852, 744.856 & 744.858

Proposed Amendments: Rules in 836-071, 836-072-0010, 836-075-0000, 836-075-0030

Last Date for Comment: 11-1-12, 5 p.m.

Summary: This rulemaking amends rules of the Department of Consumer and Business Services (DCBS) related to licensing and continuing education requirements. These proposed rules require electronic submission of license applications and continuing education materials to the extent possible. All fingerprints are to be submitted electronically from the exam vendor testing facilities, continuing education providers will be required to report course completion information electronically via instructions from the division and non-resident applicants must supply background information electronically.

The proposed rules also establish mechanical breakdown insurance as a class of limited license separate from limited class credit insurance.

These rules are necessary to reflect changes in the licensing process that result from DCBS's change to an electronic-based system.

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: Permanent rules relating to regulating and licensing captive insurers in Oregon.

Date: 10-29-12
Time: 10 a.m.
Location: 350 Winter St. NE
Conference Rm. E
Salem, Oregon

Hearing Officer: Jeannette Holman

Stat. Auth.: ORS 731.244, 2012 OL Ch. 84 Sec. 4, (Enrolled SB 1547)

Other Auth.: 2012 OL Ch. 84 Sec. 2-22, (Enrolled SB 1547)

Stats. Implemented: 2012 OL Ch. 84 Sec. 2-22, (Enrolled SB 1547)

Proposed Adoptions: 836-029-0000, 836-029-0005, 836-029-0010, 836-029-0015, 836-029-0020, 836-029-0025, 836-029-0030, 836-029-0035, 836-029-0040, 836-029-0045, 836-029-0050, 836-029-0055, 836-029-0060, 836-029-0065, 836-029-0070, 836-029-0075, 836-029-0080, 836-029-0085, 836-029-0090, 836-029-0095, 836-029-0100, 836-029-0105, 836-029-0110, 836-029-0115, 836-029-0120

Proposed Amendments: 836-009-0007

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

Summary: Senate Bill 1547 (2012 Legislative Session) authorized the Department of Consumer and Business Services to admit and regulate captive insurers in Oregon. A captive insurer is an insurance company formed to provide certain classes of insurance coverage to its parent organization or its affiliates, not to the public as a whole. Many major U.S. and multinational corporations use captive insurers to finance portions of their insurance risks. A captive insurer can be organized under the laws of any jurisdiction with a captive insurer enabling statute. The jurisdiction under which the captive insurer is organized is called the "domicile," and the captive insurer is regulated by the laws of that domicile.

These rules implement the provisions of Senate Bill 1547, setting out the regulatory and procedural details to administer the new captive insurers program. The rules include provisions that establish and clarify application requirements, annual reporting and audit requirements, documentation and recordkeeping requirements, provisions to assure there is no conflict of interest by directors of captive insurers, procedures for suspending or revoking a captive insurer license, forms and fee requirements.

Rules Coordinator: Sue Munson

NOTICES OF PROPOSED RULEMAKING

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

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

Rule Caption: OAR Chapter 438 provisions for attorney fees.

Date:	Time:	Location:
11-2-12	10 a.m.	2601 25th St. SE, Suite 150 Salem OR 97302

Hearing Officer: Debra L. Young

Stat. Auth.: ORS 656.726(5)

Stats. Implemented: ORS 656.236(4), 656.262(11)(a), 656.289(4), 656.308(2), 656.382(2), 656.386(1) & (2), 656.388(1) & (3), 656.593(1)(a) & 656.726(5)

Proposed Amendments: 438-015-0005, 438-015-0015, 438-015-0019, 438-015-0025, 438-015-0029, 438-015-0035, 438-015-0038, 438-015-0050, 438-015-0055, 438-015-0095, 438-015-0110

Last Date for Comment: 11-2-12, 5 p.m.

Summary: The Board proposes to: (1) amend OAR 438-015-0005(7) to clarify the definition of "denied claim" to include claims under ORS 656.386(1)(b)(B), (C), or (D); (2) amend OAR 438-015-0015 by adding ORS 656.262(11)(a) and 656.308(2)(d) to the list of statutes that authorize attorney fees; (3) amend OAR 438-015-0019(5) to clarify when payment of costs are due; (4) amend OAR 438-015-0025 by adding reference to OAR 438-015-0055(2) and (3) to complete the list of out-of-compensation attorney fee rules; (5) amend OAR 438-015-0029(2)(a) and (3)(a) by changing the filing of requests and responses for assessed attorney fees on Board review to "no later than 14 days" from certain events; (6) amend OAR 438-015-0029(2)(c) and (3)(b) by providing that copies of requests and "responses" for assessed attorney fees on Board review are served on "attorneys"; (7) amend OAR 438-015-0035 to provide that this rule "applies to denials under OAR 438-015-0005(7)"; (8) amend OAR 438-015-0038, OAR 438-015-0055(5), and OAR 438-015-0110 to provide the manner of calculation and notification of the maximum fee awardable under ORS 656.308(2)(d) and ORS 656.262(11)(a); (9) amend OAR 439-015-0050(1) to delete typographical error ("Administrative Law Judge"); (10) amend OAR 438-015-0055(5) to refer to section (2) of ORS 656.308; and (11) amend OAR 438-015-0095 to include reference to entire range of third party law ("ORS 656.576 through 656.596").

Rules Coordinator: Karen Burton

Address: Department of Consumer and Business Services, Workers' Compensation Board, 2601 25th St. SE, Suite 150, Salem, OR 97302
Telephone: (503) 934-0123

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

Rule Caption: Workers' compensation rules governing rulemaking, hearings, and attorney fees.

Date:	Time:	Location:
10-22-12	9 a.m.	Labor & Industries Bldg. Room F (basement) 350 Winter Street NE Salem, OR

Hearing Officer: Fred Bruyns

Stat. Auth.: ORS 183, 656.385, 656.704, 656.726(4)

Stats. Implemented: ORS 183.310-183.410, 656, 656.385(1) & 656.704

Proposed Amendments: Rules in 436-001

Last Date for Comment: 10-26-12, Close of Business

Summary: The agency proposes to amend OAR chapter 436, division 001, "Procedural Rules, Rulemaking, Hearings, and Attorney Fees," to:

- Revise the definition of "mailed."

- Update the reference to the Model Rules for Rulemaking adopted by the Oregon Department of Justice.

- Provide that an administrative law judge may issue an interim order that is not subject to review by the director.

- Clarify that no new evidence, not just new "medical" evidence, may be admitted or considered at hearing in medical service, medical treatment, and managed care disputes.

- Provide that the director may extend the time frames to file exceptions to a proposed and final order, or to file a response or reply, either on the director's own motion or upon written request by a party that explains the need for the delay.

- Repeal the rule describing the director's process for alternative dispute resolution; the Workers' Compensation Board's mediation program is available to the parties.

- Revise the attorney fee matrix in OAR 436-001-0410 to show the maximum fee and fee ranges as percentages of the adjusted maximum fee under ORS 656.385(1).

- Delete the reference to the director's bulletin for publication of the percentage increase in the maximum attorney fees under ORS 656.262(11).

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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Rule Caption: Workers' compensation rules governing the disability rating standards.

Date:	Time:	Location:
10-22-12	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)

Stats. Implemented: ORS 656, 656.214, 656.268 & 656.726

Proposed Amendments: Rules in 436-035

Last Date for Comment: 10-26-12, Close of Business

Summary: The agency proposes to amend these rules to improve clarity and consistent application of the standards. More specifically:

The agency proposes to amend OAR chapter 436, division 035, "Disability Rating Standards," to:

- Include additional types of spinal fractures in the definition of irreversible findings.

- Provide that a physician may determine findings of impairment to be invalid based on the physician's medical expertise and sound medical principles.

- Clarify that supplemental disability benefits are not considered in the determination of the worker's average weekly wage when calculating work disability.

- Provide discretion regarding using contralateral comparisons in determining the normal range of motion or laxity of an injured joint.

- Specify where the public may find and review copies of the standards referenced in the rules.

- Explain that a job analysis or a job description that the parties agree to may be substituted for descriptions from "Dictionary of Occupational Titles."

- Clarify that the worker's lifting capacity is based on the whole person, not an individual body part.

- Provide that work restrictions, for the purpose of determining adaptability, include the inability to work regularly worked overtime hours.

- Provide that work restrictions, for the purpose of determining adaptability, include the inability to frequently perform activities involving the hand: fine manipulation, squeezing, or grasping.

- Clarify that, for injuries on or after 1/1/2005, the re-evaluation of the work disability may increase, decrease, or affirm the worker's permanent disability award.

NOTICES OF PROPOSED RULEMAKING

- Clarify that sensation loss is only rated for the palmar side of the hand.

- Clarify that no value is allowed for hypersensitivity on the dorsal side of the hand, fingers, or thumb, or for any portion of the forearm or arm.

- Provide values for joint instability of the wrist.

- Clarify that a rotational, lateral, dorsal, or palmar deformity of a digit receives a value for each type of deformity present.

- Provide that when a spinal nerve root or brachial plexus are not injured, valid loss of strength in the arm, forearm, hand, leg, or foot is valued as if the peripheral nerve innervating the muscle(s) demonstrating the decreased strength was impaired.

- Clarify that with motor loss, several additional impairment values are not allowed for the same extremity because these values are included in the motor loss values.

- Provide that toes may receive values for dermatological conditions.

- Remove the requirement that the worker must have a loss of use or function in the lower extremity to receive a value if the worker cannot be on his or her feet for more than two hours in an 8-hour period.

- Clarify that all visual loss is measured with best correction, using the lenses recommended by the worker's physician.

- Provide that enucleation of the eye is rated at 100%.

- Provide that a compression fracture followed by a corpectomy is given a surgical value and the maximum compression fracture value.

- Include in the list of fractures of one or more of the posterior elements of a vertebra that may receive a value: odontoid process.

- Provide that each inferior or superior ramus subject to displacement and deformity in a fractured pelvis is valued at 2%.

- Provide for the rating of disability for injuries to the brain or head, and that resulting loss of use or function in the upper or lower extremities are valued according to the affected body part(s).

- Provide that injuries to the brain or head do not have to be organically based.

- Provide that headaches that are not a direct result of a brain or head injury (e.g., cervicogenic, sensory input issues, etc.) are given a value of 10%.

- Provide that when a spinal cord "class" value is assigned, no additional value is allowed for reduced range of motion because this is already included in the values shown under the "classes."

Rules Coordinator: Fred Bruyns

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

Telephone: (503) 947-7717

Department of Corrections Chapter 291

Rule Caption: Operation and Use of Telephones by Inmates.

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

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

Proposed Amendments: 291-130-0006, 291-130-0011, 291-130-0016, 291-130-0020, 291-130-0080

Last Date for Comment: 11-13-12, 5 p.m.

Summary: The department has updated its inmate telephone system. These modifications are necessary to update the rules to current operations of the new telephone system.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

Rule Caption: Case Management of Offenders Under Supervision in the Community.

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

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

Proposed Adoptions: 291-078-0026, 291-078-0031

Proposed Amendments: 291-078-0005 – 291-078-0020

Last Date for Comment: 11-13-12, 5 p.m.

Summary: These rules are necessary in order for the department to implement the use of a new static risk assessment tool (Public Safety Checklist) to replace the current risk assessment tool. The Public Safety Checklist will be used as the statewide initial risk assessment tool for offenders. The Proxy will be used as an alternative tool for offenders that have no Oregon criminal history or an extensive out-of-state criminal history.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

Rule Caption: Emergency Preparedness.

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

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

Proposed Amendments: 291-053-0005 – 291-053-0135

Last Date for Comment: 11-13-12, 5 p.m.

Summary: Modifications to these rules are necessary to update the rules to current operational practices. These rules have not been revised since 1996. Correctional institutions are required to develop plans for emergency situations. These rules have been expanded to include staff offices.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

Rule Caption: DMV/DOC Program for Providing Offenders Driver License or Identification Card Before Release.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075 & 802.087

Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075 & 802.087

Proposed Adoptions: 291-207-0100

Last Date for Comment: 11-13-12, 5 p.m.

Summary: ORS 802.087 requires the Department of Transportation (DMV) and the Department of Corrections (DOC) to work together to assist offenders in obtaining a driver license or identification (ID) card prior to an offender's release from custody. The aim of this program is for an offender to have state-issued photo ID at the time of release to remove a significant barrier to successful reentry into local communities. DMV and DOC completed a feasibility study looking at various options for issuance. The study evaluated the costs of the options and security concerns both for DMV and DOC along with how many offenders might be issued a driver license or ID card under each option. It was determined that the most efficient and effective method is to issue a driver license (replacement or renewal) or an ID card using the offender's last photo on file with DMV. DMV has a similar program for issuing a driver license or ID card to a person who is out-of-state, out-of-country, or medically unable to go to a DMV field office.

Through interagency agreement and this rulemaking, DMV and DOC have established a program for issuing a driver license or ID card to an offender prior to his or her release from custody. DMV proposes to adopt OAR 735-001-0062 to authorize eligible offenders to obtain either a driver license or an ID card using a photo on file with DMV. Proposed OAR 735-001-0062 also outlines eligibility requirements, application requirements, and the requirements when an offender renews or replaces a driver license or ID card issued pursuant to this rule.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

NOTICES OF PROPOSED RULEMAKING

Department of Environmental Quality Chapter 340

Rule Caption: Onsite septic system program (Clean Streams).

Date:	Time:	Location:
10-16-12	3 p.m.	DEQ 221 Stewart, Suite 201 Medford, OR 97501
10-17-12	3 p.m.	DEQ, Willamette Conf. Rm. 165 East 7th Ave. Eugene, OR 97401
10-18-12	3 p.m.	DEQ, EQC A 10th Flr. 811 SW 6th Ave. Portland, OR 97204

Hearing Officer: DEQ Staff

Stat. Auth.: ORS 454.615, 454.625, 468.020 & 468.065(2)

Stats. Implemented: ORS 197.180, 454.605–454.745, 468.065 & 468B.050

Proposed Amendments: 340-018-0030, 340-071-0100, 340-071-0130, 340-071-0131, 340-071-0140, 340-071-0150, 340-071-0160, 340-071-0162, 340-071-0205, 340-071-0220, 340-071-0275, 340-071-0290, 340-071-0295, 340-071-0345, 340-071-0400, 340-071-0650

Proposed Repeals: 340-071-0270

Last Date for Comment: 10-19-12, 5 p.m.

Summary: The proposed rules would amend Onsite program rules to:

Require the submittal of septic system inspection reports at the time of property transfer. Upon receipt of a complete report, DEQ will issue a Certificate of Acceptance.

Implement 2011 legislatively-approved fees, such as land use sign-off fees.

Implement changes to alternative treatment technologies (ATT) product approval, based on recommendations by the 2009 onsite advisory committee. This includes establishing that the products meet performance standards in the field and better track system installations.

Newly permitted sand filters and pressurized distribution must have a service maintenance contract and ongoing maintenance similar to ATT systems.

Streamline rules to make it easier for the public to comply

Correct errors in the rules and update some sections to contemporary rule standards

Add expiration dates to site evaluation reports to ease the burden of local agents to honor old site evaluations that are difficult to locate due to mature landscaping, addition or subtraction of structures such as fences. Also remove site evaluation confirmation fees from the rules as the anticipated efficiencies were not realized and very few were submitted.

Remove ETA systems from the rules as they were targeted for use in Jackson County and were not as successful as sand filters, so they haven't been permitted in decades.

Rules Coordinator: Maggie Vandehy

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

Telephone: (503) 229-6878

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

Rule Caption: Adoption of Attorney General's Model Rules Effective January 1, 2012.

Stat. Auth.: ORS 183.341 & 409.050

Stats. Implemented: ORS 183.341 & 409.050

Proposed Amendments: 407-001-0000

Last Date for Comment: 10-22-12, 5 p.m.

Summary: The Department of Human Services is amending the model rules of procedure to adopt the Attorney General Model Rules applicable to rulemaking, effective on January 1, 2012.

Proposed rules are available on the DHS Website: <http://www.oregon.gov/DHS/admin/dwssrules/index.shtml>

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

Rules Coordinator: Jennifer Bittel

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

Telephone: (503) 947-5250

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Rule Caption: Amendment to Update Office Name in Definitions.

Stat. Auth.: ORS 409.050 & 430.041

Stats. Implemented: ORS 430.041

Proposed Amendments: 407-045-0610

Last Date for Comment: 10-22-12, 5 p.m.

Summary: The definition, "Office of Investigations and Training," is being amended to reflect the new office name "Office of Adult Abuse Prevention and Investigations" in the rules for notice and review of substantiated abuse or neglect in 24-hour residential care for children with developmental disabilities.

Proposed rules are available on the DHS Website: <http://www.oregon.gov/DHS/admin/dwssrules/index.shtml>.

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

Rules Coordinator: Jennifer Bittel

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

Telephone: (503) 947-5250

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Department of Public Safety Standards and Training Chapter 259

Rule Caption: Clarify discretionary disqualifier language; Remove comments.

Stat. Auth.: ORS 181.640, 181.661, 181.662, 181.664 & 183.341

Stats. Implemented: ORS 181.640, 181.661, 181.662 & 181.664

Proposed Amendments: 259-008-0070

Last Date for Comment: 10-22-12, Close of Business

Summary: A recent Administrative Law Judge decision interpreted the discretionary disqualifying language for criminal justice disciplines in a manner that is inconsistent with the statutory authority or intent of the Department policy committees and Board. The language has been changed to clearly indicate that it is the conduct engaged in by the public safety professional or instructor that is reviewed by the policy committees; not simply convictions.

In addition, questions have been raised about the intent of the rules "comment" language. Legal counsel has advised that these comments, which were adopted with a goal of adding clarity, be removed as they are only creating confusion.

Rules Coordinator: Linsay Hale

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

Telephone: (503) 378-2431

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Rule Caption: Add judicial security personnel, liquor enforcement inspectors and humane investigators to definitions; Update police officer.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Proposed Amendments: 259-008-0005

Last Date for Comment: 10-22-12, Close of Business

Summary: The 2012 legislative session saw a number of changes to the criminal justice definitions. This proposed rule update synchronizes the definitions found in administrative rule with the definitions found in statute. HB 4163 adds judicial security officer to the definition of "law enforcement unit" and "police officer." SB 1528 adds liquor enforcement inspectors to the definition of "law enforcement unit," "police officer" and "public safety personnel." HB 4021 adds humane investigation agencies to the definition of "law enforce-

NOTICES OF PROPOSED RULEMAKING

ment unit” and individuals commissioned as humane investigators to the definition of “police officer.” Finally, the definition of “police officer” is changed to reflect a legislative housekeeping change to clarify the changes made to the definition in the 2011 legislative session.

Rules Coordinator: Linsay Hale

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

Telephone: (503) 378-2431

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Department of State Lands Chapter 141

Rule Caption: Modification of Land Sale Appraisal Procedures for Properties with an Estimated Value Less than \$100,000.

Date:	Time:	Location:
10-18-12	10 a.m.	775 Summer St.NE Salem, OR 97301

Hearing Officer: John Russell

Stat. Auth.: ORS 183 re: administrative procedures & rules of state agencies; ORS 273 re: the creation & general powers of the L& Board; ORS 274 re: submerged & submersible l&.

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

Stats. Implemented: ORS 273 & 274

Proposed Amendments: 141-067-0310

Last Date for Comment: 10-31-12, 5 p.m.

Summary: The 2012 Real Estate Asset Management Plan identifies the strategy of disposing of lower performing property and reinvesting in higher performing property. The Department owns a number of low potential sale properties that are worth less than \$100,000. The average cost of preparing a non-timbered parcel for sale ranges from \$2,000 to \$2,500 and includes cultural survey, endangered species study and appraisal. Appraisals typically make up 75-80% of these costs. With low-valued parcels, the cost of the due diligence studies added to the market estimate of the property can raise the price of the property beyond its market appeal. The Land Board authorized staff to investigate this rules changes at its meeting of December 13, 2011.

The Department proposes to amend the rules to allow in-house summary appraisals that would not meet Uniform Standards of Professional Appraisal Practice (USPAP) standards, as is allowed under ORS 674.100. The appraisal would include a brief description of the property, highest and best use conclusion, sales comparison approach, based on area sales and value conclusion. The rules change would be consistent with DAS rules for disposal of parcels of less than or equal to \$100,000 (OAR 125-045-0215). The new rules allow a “desk appraisal” or a “letter opinion of value”, and provide descriptions of the content of a desk appraisal and a letter opinion of value. The rules affecting appraisals of properties valued greater than \$100,000 would not be impacted by this rules change.

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, Driver and Motor Vehicle Services Division Chapter 735

Rule Caption: DMV/DOC Program for Providing Offenders Driver License or Identification Card Before Release.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.087 & 807.110

Stats. Implemented: ORS 802.087

Proposed Adoptions: 735-001-0062

Last Date for Comment: 11-13-12, Close of Business

Summary: ORS 802.087 requires the Department of Transportation (DMV) and the Department of Corrections (DOC) to work together to assist offenders in obtaining a driver license or identification (ID) card prior to an offender’s release from custody. The aim of this program is for an offender to have state-issued photo ID at the time

of release to remove a significant barrier to successful reentry into local communities. DMV and DOC completed a feasibility study looking at various options for issuance. The study evaluated the costs of the options and security concerns both for DMV and DOC along with how many offenders might be issued a driver license or ID card under each option. It was determined that the most efficient and effective method is to issue a driver license (replacement or renewal) or an ID card using the offender’s last photo on file with DMV. DMV has a similar program for issuing a driver license or ID card to a person who is out-of-state, out-of-country, or medically unable to go to a DMV field office.

Through interagency agreement and this rulemaking, DMV and DOC have established a program for issuing a driver license or ID card to an offender prior to his or her release from custody. DMV proposes to adopt OAR 735-001-0062 to authorize eligible offenders to obtain either a driver license or an ID card using a photo on file with DMV. Proposed OAR 735-001-0062 also outlines eligibility requirements, application requirements, and the requirements when an offender renews or replaces a driver license or ID card issued pursuant to this rule.

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

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Rule Caption: Increases fee for the Vehicle Code Book; deletes reference to DMV Administrative Rules Handbook.

Stat. Auth.: ORS 184.616, 184.619, 192.440, 802.010 & 802.050

Stats. Implemented: ORS 802.050

Proposed Amendments: 735-012-0000

Last Date for Comment: 10-22-12, Close of Business

Summary: Pursuant to ORS 802.050, DMV publishes a biennial compilation of Oregon motor vehicle laws (Vehicle Code Book) for distribution to the public. The fee collected for the Vehicle Code Book is calculated to cover DMV’s costs to compile, publish and distribute the publication. Due to an increase in costs, DMV is increasing from \$5 to \$7, the fee collected for each book sold to cover DMV’s costs and to avoid a loss of revenues to the State Highway Fund. DMV must recoup its costs to avoid a violation of Article IX, section 3a of the Oregon Constitution. The fee charged for the Vehicle Code Book has not changed since 1991.

Due to lack of demand, DMV no longer produces the DMV Administrative Rules Handbook; consequently, reference to the handbook is deleted. Other non-substantive changes improve readability.

In July, 2012 DMV filed a temporary amendment of OAR 735-012-0000 because there was not enough time to complete the permanent rulemaking process to coincide with the July 19, 2012 distribution date for the new 2011-2012 Vehicle Code Book. DMV now proposes to permanently amend OAR 735-012-0000.

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

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Rule Caption: Possibility of Early Reinstatement When False Act Made Oneself Appear Old Enough to Buy Alcohol.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 2012 OL Ch. 14

Stats. Implemented: ORS 809.310, 809.320 & 2012 OL Ch. 14

Proposed Adoptions: 735-070-0006

Last Date for Comment: 10-22-12, Close of Business

Summary: ORS 809.415 authorizes DMV to suspend for one year the driving privileges of a person who has provided false information or committed false swearing when applying for driving privileges or an ID card. Chapter 14, Oregon Laws 2012 (HB 4043) allows DMV to end the suspension and reinstate a person’s driving privileges before the end of the one-year suspension period if DMV determines the person gave false information or committed false

NOTICES OF PROPOSED RULEMAKING

swearing to obtain false identification solely for the purpose of acquiring alcohol or entering licensed premises prohibited to minors when the person was under the age of 21. The person must also pay a reinstatement fee. These proposed rules establish the process for requesting an administrative review and adopt the criteria for DMV's determination.

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

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Department of Transportation, Highway Division Chapter 734

Rule Caption: Prequalification for Bidding Highway and Bridge Construction; Contractor Performance Evaluations.

Date:	Time:	Location:
10-17-12	2:30 p.m.	ODOT, Salem Materials Lab, Large Conference Rm. 800 Airport Rd. Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 184.616, 184.619, 279A.050, 279A.065 & 279C.430

Stats. Implemented: ORS 279C.430

Proposed Amendments: 734-010-0220, 734-010-0290, 734-010-0300, 734-010-0320, 734-010-0330, 734-010-0340, 734-010-0350, 734-010-0380

Proposed Repeals: 734-010-0310, 734-010-0370

Last Date for Comment: 10-22-12, Close of Business

Summary: The large majority of contractors doing business with ODOT provide quality service and good value to Oregonians. However, ODOT's current evaluation and scoring procedure does not sufficiently identify the small number of contractors with records of poor performance or provide sufficient incentives to improve contractor performance. Under the current evaluation process, ODOT has little ability to identify contractors with poor records of workmanship, regulatory compliance or project delivery and either work with them to improve their performance or ensure that only the highest-quality, most conscientious contractors are allowed to bid on ODOT's projects. For example in June 2009, while only two contractors had evaluation scores below 90% under the current evaluation and scoring scheme, ODOT had direct experience with poor contractor performance on certain projects. After protected and expensive disputes, some resulting in litigation, it was discovered that the evaluation process currently in use, concealed long-standing records of poor performance on other ODOT public improvement projects. If there had been a more sensitive, accurate tool for evaluating contractor performance, these problems and the expense and delay to the public, could have likely been avoided.

This proposal has been a joint effort between ODOT and industry for working side-by-side to improve project delivery, while moving Oregon forward to improve the state's business climate. It is also a demonstration of ODOT and industry working together to accept accountability while identifying solutions for addressing future problems.

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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Rule Caption: Reduces certain business license fees; adds new category for digital billboard applications.

Stat. Auth.: ORS 184.616, 184.619, 377.725 & 377.729

Stats. Implemented: ORS 377.730 & 377.831

Proposed Amendments: 734-059-0100

Last Date for Comment: 10-22-12, Close of Business

Summary: The Outdoor Advertising Program is addressing two different needs by amending its fee rule:

1. By reducing the annual Business License fee for those owning only one state sign permit small businesses benefit economically.

2. The 2011 passage of SB 639 allows digital billboards visible to state highways. This amendment establishes three different categories for digital application fees by the square footage of the display face. Currently the application fee is the same as static sign applications.

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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Landscape Architect Board Chapter 804

Rule Caption: Address Changes in the National Landscape Architect Registration Examination (LARE) & Associated Housekeeping Updates.

Date:	Time:	Location:
10-24-12	9 a.m.	Association Center Conference Rm. A 707 13th St. SE Salem, OR

Hearing Officer: Christine Valentine

Stat. Auth.: ORS 671.335, 671.415 for division 10 & 20 rules, 671.365, 671.415 for division 40 rule

Stats. Implemented: ORS 671.335 for division 10, 20 & 40 rules

Proposed Amendments: 804-010-0000, 804-020-0001, 804-020-0003, 804-020-0010, 804-020-0015, 804-020-0030, 804-020-0040, 804-020-0045, 804-020-0065, 804-040-0000

Last Date for Comment: 10-24-12, Close of Business

Summary: Amendments to rules 804-010-0000, 804-020-0001, 804-020-0003, 804-020-0010, 804-020-0015, 804-020-0030, 804-020-0040, 804-020-0045, 804-020-0065, 804-040-0000 are designed to update Board rules addressing qualifications and procedures related to the national Landscape Architect Registration Examination (LARE). The primary driver for the amendments is to ensure Board rules are updated to reflect changes in the national examination structure, registration processes, and administration as put in place by the Council of Landscape Architectural Registration Boards (CLARB) after the June 2012 examinations and which will be phased in starting with fall and winter 2012 examinations and fully in place for 2013 examinations. The Board is also taking this opportunity to make housekeeping changes to these rules to better clarify language or otherwise improve readability of the rules. The Board is not proposing changes in how candidates qualify to sit for examinations or the types of Board approvals required for candidates seeking to register for examination sections. The Board is not adding any additional examinations to licensure requirements. The Board is proposing to give candidates additional time to submit requests for Board approvals compared to status quo rules. The Board's fee rule (804-040-0000) is included for amendment but not to increase a fee or add a fee. The fee rule will be revised to clarify that examination candidates send payment for examinations directly to CLARB instead of to the Board. The Board previously collected examination fees and passed those to CLARB with examination orders. The Board will no longer be involved in the collection of examination fees or other aspects of examination administration.

Rules Coordinator: Christine Valentine

Address: Landscape Architect Board, 707 13th St. SE, Suite 114, Salem, OR 97301

Telephone: (503) 589-0093

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Oregon Business Development Department Chapter 123

Rule Caption: The temporary OBDF rules are being amended to include the BOOST program and become permanent.

NOTICES OF PROPOSED RULEMAKING

Stat. Auth.: ORS 285A.075

Other Auth.: ORS 285B.050–285B.098 & 408.225

Stats. Implemented: ORS 295B.050–295B.098 & 408.225

Proposed Amendments: 123-017-0080

Proposed Repeals: 123-017-0080(T)

Last Date for Comment: 10-21-12, Close of Business

Summary: In the 2011 Legislative Session, HB 2919 was passed to allow the Business Opportunity for Oregon Small Business Today Account (BOOST) to grant funds to businesses who employ veterans as new full time employees.

This filing will make the current temporary rule permanent.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

Oregon Department of Education Chapter 581

Rule Caption: Reduces fee charged to private career schools for criminal background checks.

Stat. Auth.: ORS 345.020

Stats. Implemented: ORS 345.030

Proposed Amendments: 581-045-0003

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

Summary: Changes fees charged by Department of Education for processing criminal background checks for private career schools. The overall fee is being reduced from \$62 to \$59 to reflect a change in the fee charged by the FBI to the Department.

Rules Coordinator: Cindy Hunt

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

Telephone: (503) 947-5651

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

Rule Caption: Medicaid Payment for Rehabilitative Mental Health Services.

Date:	Time:	Location:
10-23-12	2 p.m.	Human Services Bldg. 500 Summer St. NE, Rm. 137B Salem, OR 97301

Hearing Officer: Donna J Smith

Stat. Auth.: ORS 413.042 & 430.640

Other Auth.: Department of Health & Human Services Transmittal Number 10-012 may be accessed by contacting the Addictions & Mental Health Medicaid Unit at 503/945-9719.

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Proposed Adoptions: 309-016-0726, 309-016-0727, 309-016-0728, 309-016-0729, 309-016-0760, 309-016-0765, 309-016-0770, 309-016-0775, 309-016-0780, 309-016-0800, 309-016-0805, 309-016-0810, 309-016-0815, 309-016-0820

Proposed Amendments: 309-016-0600, 309-016-0605, 309-016-0630, 309-016-0680

Proposed Repeals: 309-016-0600(T), 309-016-0605(T), 309-016-0630(T), 309-016-0680(T), 309-016-0726(T), 309-016-0727(T), 309-016-0728(T), 309-016-0729(T), 309-016-0760(T), 309-016-0765(T), 309-016-0770(T), 309-016-0775(T), 309-016-0780(T), 309-016-0800(T), 309-016-0805(T), 309-016-0810(T), 309-016-0815(T), 309-016-0820(T)

Last Date for Comment: 10-29-12, Close of Business

Summary: These rules specify standards for authorized reimbursement of Medicaid or State Children's Health Plan funded addictions and mental health services and supports. This includes payments for community-based services as well as those payments made for acute

inpatient services, habilitation services and alcohol and drug residential treatment services.

Rules Coordinator: Nola Russell

Address: Oregon Health Authority, Addictions and Mental Health Division: Mental Health Services, 500 Summer St. NE, E86, Salem, OR 97301-1118

Telephone: (503) 945-7652

Oregon Health Authority, Division of Medical Assistance Programs Chapter 410

Rule Caption: Encounter Data Submission Requirements of Coordinated Care Organizations to Provide Care for Medical Assistance Recipients.

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

Hearing Officer: Cheryl Peters

Stat. Auth.: ORS 414.032, 414.615, 414.635 & 414.651

Stats. Implemented: ORS 414.610-685

Proposed Adoptions: 410-141-3430

Last Date for Comment: 10-18-12, 5 p.m.

Summary: This rule establishes encounter submission requirements and standards for Coordinated Care Organizations (CCO) to implement Oregon's Integrated and Coordinated Health Care Delivery System. CCOs will improve health, increase the quality, reliability, availability and continuity of care, as well as to reduce costs. CCOs will provide medical assistance recipients with health care services that are supported by alternative payment methodologies that focus on prevention and that use patient-centered primary care homes, evidence-based practices and health information technology to improve health and reduce health disparities. The Authority needs to adopt this rule to comply with federal standards and to align with the CCO contract language around performance standards. CCOs will begin operating on August 1, 2012, and this rule needs to be in effect before that operation date.

Rules Coordinator: Cheryl Peters

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

Telephone: (503) 945-6527

Rule Caption: Include use of CCOs where PHP is used as well as some readability revisions.

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

Hearing Officer: Cheryl Peters

Stat. Auth.: ORS 183.341, 413.042 & 414.065

Stats. Implemented: ORS 183.411–183.470, 414.019, 414.025, 414.033, 414.041, 414.047, 414.055, 414.065, 414.085, 414.095, 414.115, 414.125, 414.135, 414.145, 414.705, 414.706, 414.707, 414.708, 414.710, 414.727, 414.728, 414.740, 414.742, 414.743 & 409.010

Proposed Amendments: 410-120-0000, 410-120-0030, 410-120-0045, 410-120-1140, 410-120-1160, 410-120-1180, 410-120-1210, 410-120-1230, 410-120-1280, 410-120-1295, 410-120-1320, 410-120-1340, 410-120-1560, 410-120-1570, 410-120-1580, 410-120-1600, 410-120-1860, 410-120-1880

Proposed Repeals: 410-120-1340(T)

Last Date for Comment: 10-18-12, 5 p.m.

Summary: The General Rules administrative rules govern Division payments for services to clients. The Division implemented Coordinated Care Organizations and promulgated rules effective August 1, 2012. The revisions to the General rules are to incorporate CCO wherever PHP's are currently referenced in order to be consistent with chapter 410 division 141 rules. There are also some non-substantive readability revisions that do not change any of the intent of the current rule.

NOTICES OF PROPOSED RULEMAKING

Rules Coordinator: Cheryl Peters
Address: Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301
Telephone: (503) 945-6527

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

Date:	Time:	Location:
10-16-12	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: 10-18-12, 5 p.m.

Summary: The General Rules Program administrative rules govern the Division's payments for services provided to clients, and medical assistance eligibility determinations made by the Oregon Health Authority. In coordination with the Department of Human Services' (Department) temporary revision of medical eligibility rules in chapter 461, the Division is amending OAR 410-120-0006 to assure that the Division's medical eligibility rule aligns with and reflects information found in the Department's medical eligibility rules. In OAR 410-120-0006, the Division adopts in rule by reference Department eligibility rules and must update OAR 410-120-0006 in conjunction.

Rules Coordinator: Cheryl Peters

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

Telephone: (503) 945-6527

Rule Caption: Amendments to Definitions and General Administration in Health Insurers' Tax Rules.

Stat. Auth.: ORS 410.070, 411.060 & 413.042

Stats. Implemented: OL 2003, Ch. 736 §37 & 38 & 2009 HB 2116

Proposed Amendments: 410-050-0100, 410-050-0110

Proposed Repeals: 410-050-0100(T), 410-050-0110(T)

Last Date for Comment: 10-22-12, 5 p.m.

Summary: The "definitions" and "general administration" rules for the Health Insurers' tax rules are being amended to make house-keeping changes, update references to standard naming conventions, and include Coordinated Care Organizations (CCO) because they are subject to the health insurers' tax. Adoption of these rules will repeal temporary rules currently in effect through December 27, 2012.

Proposed rules are available on the DHS Website: <http://www.oregon.gov/DHS/admin/dwssrules/index.shtml>

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

Rules Coordinator: Cheryl Peters

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

Telephone: (503) 945-6527

Oregon Health Authority, Public Health Division Chapter 333

Rule Caption: Update definitions and references in the trauma rules and update exhibits 2 through 4.

Date:	Time:	Location:
10-25-12	1 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1D Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 431.611

Stats. Implemented: ORS 431.609, 431.611 & 431.627

Proposed Amendments: 333-200-0010, 333-200-0020, 333-200-0080, 333-200-0090

Last Date for Comment: 10-26-12, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division is proposing to permanently amend Exhibits 2, 3 and 4 of Oregon

Administrative Rules relating to the Emergency Medical Services and Trauma Systems Program. These exhibits have been updated to align with the 2006 guidelines of the American College of Surgeons (ACS), Committee on Trauma – Resources for the Optimal Care of the Injured Patient. Applicable references have been updated in the OARs as well as the definitions.

The Public Health Division is responsible for the development of a comprehensive statewide trauma system, which includes the development of state trauma objectives and standards, hospital designation and the criteria and procedures utilized in designating hospitals. The 2006 ACS guidelines seek to improve the care of injured patients and define the resources needed at designated hospitals to provide optimal care.

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: Amendment of State Public Health Laboratory test fees.

Stat. Auth.: ORS 431.310

Stats. Implemented: ORS 431.310

Proposed Amendments: 333-024-0240

Proposed Repeals: 333-024-0241

Last Date for Comment: 10-22-12, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division, Oregon State Public Health Laboratory is proposing to permanently amend and repeal administrative rules in chapter 333, division 24. The proposed amendment of OAR 333-024-0240 will amend State Public Health Laboratory test fees to align them with the July 2012 Division of Medical Assistance Programs (DMAP) Fee for Service Fee Schedule, with the proposed fee changes becoming effective November 1, 2012. OAR 333-024-0241 is being repealed as it pertains to effective dates of rules and is no longer necessary since that information is provided in the history line of each rule.

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 Liquor Control Commission Chapter 845

Rule Caption: Remove outdated language and clarify accepted payment processes at retail liquor stores.

Date:	Time:	Location:
10-24-12	10 a.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

Hearing Officer: Jennifer Huntsman

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

Stats. Implemented: ORS 471.740 & 471.750(1)

Proposed Amendments: 845-015-0170

Last Date for Comment: 11-7-12, 5 p.m.

Summary: This rule describes the accepted processes by which retail sales agents may receive payment for distilled spirits and related items. Staff recommends deletion of outdated language regarding the use of check guarantee cards in what will now be subsection (2)(d). With the shift to debit and credit cards as the prevalent form of payment by consumers, check guarantee cards are no longer in use. Also related to personal checks, staff recommends the deletion of section (6) and replacing it instead with additional language in section (5) to both make it clear that the option to not accept personal checks applies to non-licensees, and to clarify the Commission's current practice of collecting payment from retail sales agents for any uncollected checks from a non-licensee. While rulemaking is open on this matter, staff also recommends deletion of outdated language regarding the acceptance of Canadian currency in subsection (2)(c), as well as amending what will now be subsection (2)(e) to better reflect the Commission's existing policy on the acceptance of debit

NOTICES OF PROPOSED RULEMAKING

and credit cards from non-licensees – that it is only optional for non-exclusive retail sales agents.

Rules Coordinator: Jennifer Huntsman

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

Telephone: (503) 872-5004

Rule Caption: Make violations for permitting serious disorderly/unlawful activities such as shooting someone a Category I.

Date:	Time:	Location:
10-23-12	10 a.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

Hearing Officer: Jennifer Huntsman

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

Stats. Implemented: ORS 471.315 & 471.425(2)

Proposed Amendments: 845-006-0347

Last Date for Comment: 11-6-12, 5 p.m.

Summary: This rule contains prohibitions on a permittee or licensee permitting noisy, disorderly or unlawful activities on a licensed premises, defines those terms, and lists penalties for violating various sections of the rule. Currently, violations for disorderly or unlawful activity under this rule are all Category III violations. Staff recommends creating a new subset of Category I violations involving death, serious physical injury, use of deadly weapons, or Class A felony sex offenses. These new violation levels would be added to both section (2) covering disorderly activity and section (3) covering unlawful activity. The applicable definitions would also be added to section (1). The proposed definitions of “deadly weapon” and “serious physical injury” are taken from Oregon’s Criminal Code (Title 16).

Rules Coordinator: Jennifer Huntsman

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

Telephone: (503) 872-5004

Oregon Medical Board Chapter 847

Rule Caption: Require all Emergency Medical (First) Responders to have signed standing orders from a medical director.

Date:	Time:	Location:
11-16-12	8 a.m.	1500 SW 1st Ave., Suite 620 Portland, OR 97210

Hearing Officer: Nicole Krishnaswami

Stat. Auth.: ORS 682.245

Stats. Implemented: ORS 682.245

Proposed Amendments: 847-035-0030

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

Summary: Proposed rule amendment will require all Emergency Medical Responders (formerly First Responders) to have standing orders from an approved supervising physician (agency medical director). Therefore, the category of Emergency Medical Responders without standing orders will be eliminated by this proposed rule amendment; there will be no scope of practice that an Emergency Medical Responder can perform without standing orders. The former scope of practice for these Emergency Medical Responders will now be included within the scope of practice for Emergency Medical Responders with standing orders. Proposed rule amendment also makes changes to the EMT scope of practice by adding “intramuscular injection” of epinephrine and removing the subsection related to the release of chemical warfare agents from the Umatilla Army Depot.

Rules Coordinator: Nicole Krishnaswami

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

Telephone: (971) 673-2667

Oregon State Lottery Chapter 177

Rule Caption: Makes set prize funding source percentages for Powerball and Power Play consistent.

Date:	Time:	Location:
10-15-12	2 p.m.	Lottery Headquarters 500 Airport Rd. SE Salem, OR 97301

Hearing Officer: Larry Trott

Stat. Auth.: ORS Chapter 461

Other Auth.: Oregon Constitution, Article XV, Section 4(4)

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

Proposed Amendments: 177-085-0065

Last Date for Comment: 10-15-12, 2:30 p.m.

Summary: In the Powerball game, when the money available to fund set prizes is not sufficient and the prizes become pari-mutuel, the funding sources are divided among the winning plays in proportion to their respective prize percentages. The proposed rule-making, and the temporary rule, makes these percentages the same for Powerball and Power Play set prizes when they become pari-mutuel under these circumstances. These changes are necessary to implement changes to the Powerball game rules made by the national organization that administers the multi-state Powerball game, and are effective immediately.

Rules Coordinator: Mark W. Hohlt

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

Telephone: (503) 540-1417

Rule Caption: Adopts application waiting period; authorizes selection process; clarifies rules for placement of Video Lottery terminals.

Date:	Time:	Location:
10-18-12	2 p.m.	OR State Lottery Headquarters 500 Airport Rd. SE Salem, OR 97301

Hearing Officer: Larry Trott

Stat. Auth.: ORS 461

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

Stats. Implemented: ORS 461.300 & 461.200

Proposed Amendments: 177-040-0017, 177-045-0000, 177-045-0010, 177-045-0030

Last Date for Comment: 10-18-12, 3 p.m.

Summary: The Oregon State Lottery has initiated permanent rule making to clarify its rules concerning placement of Video Lottery game terminals by: Consolidating related rules into Division 45; more clearly defining terms used in the rules; and clarifying the requirements for placement of Video Lottery game terminals, including additionally specifying that Video Lottery game terminals will not be placed in a business or premises if this would create a concentration of Video Lottery retailers.

In addition, Lottery proposes to adopt a requirement that an applicant for a Video Lottery retailer contract establish the viability of the business by continuously operating for 90 days prior to applying for a Video Lottery retailer contract.

Lottery also proposes to authorize a selection process if more than one applicant applies for a Video Lottery retailer contract and this would create a concentration of Video Lottery retailers at that location.

Lottery also proposes to consolidate the current language of OAR 177-040-0017 into OAR 177-045-0030; to amend OAR 177-045-0000 to add definitions of terms used within the Division 45 rules; to amend OAR 177-045-0010 with minor edits; and to amend OAR 177-045-0030 to clarify current requirements and specify new requirements related to placement of Video Lottery game terminals.

Lottery is also proposing to amend OAR 177-045-0030 to specify when the amendments to this rule apply to applicants and to existing Lottery retailers.

NOTICES OF PROPOSED RULEMAKING

Rules Coordinator: Mark W. Hohlt
Address: Oregon State Lottery, 500 Airport Rd. SE, Salem, OR 97301
Telephone: (503) 540-1417

Racing Commission
Chapter 462

Rule Caption: Amends administrative rules to provide direction regarding the use of the drug Clenbuterol.

Date:	Time:	Location:
10-18-12	1 p.m.	800 NE Oregon St., Rm. 1A Portland, OR 97232

Hearing Officer: Staff

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270 & 462.415

Proposed Amendments: 462-160-0130

Last Date for Comment: 10-18-12, Close of Hearing

Summary: 462-160-0130 (Medications and Prohibited Substances):

Adds the following to the rule:

(11) Clenbuterol. The use of Clenbuterol shall be permitted under the following conditions:

(a) A test sample shall not exceed 2 picograms/milliliter (ml) of Clenbuterol in the blood or serum of all horses racing in Oregon.

Rules Coordinator: Nancy A. Artmann

Address: Oregon Racing Commission, 800 NE Oregon St., Suite 310, Portland, OR 97232

Telephone: (971) 673-0211

Secretary of State,
Audits Division
Chapter 162

Rule Caption: Factors for deciding whether to audit a school district or education service district.

Stat. Auth.: ORS 297

Stats. Implemented: ORS 297.210

Proposed Adoptions: 162-050-0020

Last Date for Comment: 10-22-12, Close of Business

Summary: Adopts rule 165-050-0020, which identifies factors to be used by the Secretary of State Audits Division when deciding whether to initiate a financial audit or a performance audit of a school district or education service district.

Rules Coordinator: Julie A. Sparks

Address: Secretary of State, Audits Division, 255 Capitol St. NE, Suite 500, Salem, OR 97310

Telephone: (503) 986-2262

Secretary of State,
Elections Division
Chapter 165

Rule Caption: Adjusting terms of office for Cammann Special Road District in Coos County.

Stat. Auth.: ORS 246.150, 255.325

Stats. Implemented: ORS 255.335

Proposed Adoptions: 165-020-0440

Last Date for Comment: 10-23-12, Close of Business

Summary: This proposed rule adjusts the terms of office of the district board of commissioners for the Cammann Special Road District, a special district formed in Coos County at the May 18, 2010, Primary Election. The terms must be adjusted to provide for future election in May of odd-numbered years, as provided in ORS 255.335

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

ADMINISTRATIVE RULES

Board of Examiners for Engineering and Land Surveying Chapter 820

Rule Caption: Amend rules related to registration and application for registration. Amend rule related to Hearing Requirements.

Adm. Order No.: BEELS 4-2012

Filed with Sec. of State: 9-14-2012

Certified to be Effective: 9-14-12

Notice Publication Date: 8-1-2012

Rules Amended: 820-001-0015, 820-010-0215, 820-010-0225, 820-010-0226, 820-010-0415, 820-010-0440, 820-010-0444, 820-010-0463, 820-010-0470, 820-020-0040

Subject: OAR 820-001-0015 — Revises the requirements related to a hearing request as a result of recent changes made to the Model Rules as they relate to the Administrative Procedures Act (APA).

OAR 820-010-0215 — Revises language to include that any evidence of further preparation for readmission to a subsequent examination as required by OAR 820-010-0465 must be included in the single application package.

OAR 820-010-0225 — Revises language to clarify that examination scores will only be released if the official transcript(s) that documents the degree and date awarded is received within 6 months of taking the examination.

OAR 820-010-0226 — Revises language to clarify that examination scores will only be released if the official transcript(s) that documents the degree and date awarded is received within 6 months of taking the examination. Also includes language to accept education obtained from programs related to engineering or land surveying for entrance to the FLS examination; sets the criteria.

OAR 820-010-0415 — Housekeeping; Removes language that refers to the Washington State Board of Registration for Professional Engineers and Land Surveyors and the obsolete Memorandum of Understanding (MOU).

OAR 820-010-0440 — Changes the available administration for the Industrial discipline from Fall to Spring; minor housekeeping.

OAR 820-010-0444 — Housekeeping; Deletes the Washington Structural III examination from the examinations proctored by the Board.

OAR 820-010-0463 — Housekeeping; Deletes reference to the cutoff score and MOU related to the Washington Structural III examination.

OAR 820-010-0470 — Housekeeping; Deletes the Washington Structural III examination.

OAR 820-020-0040 — Includes additional reasons that may invalidate the examination results of an examinee who engages in examination subversion.

Rules Coordinator: Mari Lopez—(503) 362-2666, ext. 26

820-001-0015

Hearing Request and Answers: Consequences of Failure to Answer

(1) A hearing request, and answer when required, shall be made in writing to the Board by the party or the party's attorney.

(2) An answer shall be made in writing to the Board with any request for a hearing on a matter related to the following categories of cases where the proposed violation(s) involves allegations of:

- (a) Examination subversion or irregularities;
- (b) Denials of enrollments, certificates or registrations due to lack of education or experience;
- (c) Right of entry violations under ORS 672.047;
- (d) Violations of rules and statutes relating to professional conduct;
- (e) Negligence, gross negligence or incompetence;
- (f) Stamping or signing work that was not performed under the Registrant's supervision and control; or
- (g) Unlicensed practice of engineering, land surveying or photogrammetry.

(3) The answer shall include the following:

- (a) An admission or denial of each factual matter alleged in the notice; and
 - (b) A short, concise statement of each relevant affirmative defense the party may have.
- (4) When an answer is required:

(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 the answer.

(5) When an answer is required, the party or party's attorney may amend the response and answer, but no later than 10 days before the scheduled contested case hearing.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 2-1983, f. 2-28-83, ef. 3-1-83; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 4-2012, f. & cert. ef. 9-14-12

820-010-0215

Form of Applications

(1) Applications for registration as professional engineers, professional land surveyors, professional photogrammetrists and for enrollment as an EI, an LSI, or an application for certification as a water right examiner will be made on printed forms issued by the Board in accordance with Board instructions.

(2) All applications must be accompanied by the appropriate fee.

(3) The following must be submitted to the Board in a single package by the application deadline in OAR 820-010-0442:

- (a) Application;
- (b) Experience Details form;
- (c) Reference Details forms;
- (d) Request for Reasonable Accommodations to Oregon Specific Examinations; and
- (e) Explanation of any work performed in conjunction with any educational program as defined in OAR 820-010-0010.

(f) If applicable, any evidence of further preparation for readmission to a subsequent examination as required by OAR 820-010-0465.

(4) Applications for registration as professional engineers, professional land surveyors, or professional photogrammetrists must be accompanied by a completed take-home examination on the laws and rules in Oregon.

(5) The following documents may be submitted by the issuer to the Board office and received no later than December 15 for the Spring examination administration or no later than June 15 for the Fall examination administration:

- (a) Official verification of examinations and/or substantially equivalent examinations successfully passed;
- (b) Official verification of current registration by another jurisdiction;
- (c) Official transcripts or course-by-course evaluations; or
- (d) NCEES Records.

(6) Applicants who do not comply with this rule will be considered failing to complete the application process, subject to OAR 820-010-0300, and not eligible to forward fees.

Stat. Auth.: ORS 670.310, 672.095, 672.157, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 20, f. & ef. 12-15-77; EE 1-1983, f. 2-28-83, ef. 3-1-83; EE 2-1986, f. 3-26-86, ef. 3-31-86; EE 4-1987, f. & ef. 12-1-87; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; Renumbered from 820-010-0220; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 4-2008, f. & cert. ef. 12-12-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 1-2010, f. & cert. ef. 5-12-10; BEELS 2-2010(Temp), f. & cert. ef. 12-28-10 thru 6-26-11; BEELS 1-2011, f. & cert. ef. 1-14-11; BEELS 2-2012, f. & cert. ef. 5-10-12; BEELS 4-2012, f. & cert. ef. 9-14-12

820-010-0225

Educational Qualifications to Take the Fundamentals of Engineering (FE) Examination for Enrollment as an Engineering Intern (EI)

Applicants for admission to examination for enrollment as an EI will be required to submit the following evidence to show eligibility to take the FE examination:

(1) Official transcripts that document the degree and date awarded, demonstrating completion of an engineering curriculum satisfactory to the Board, as described in (3) below.

(2) If taking the examination prior to graduation, a statement signed by an official from the school, university or college that all work necessary to obtain a degree in a curriculum satisfactory to the Board has been or will be completed within four months following the examination as provided in ORS 670.010. Official transcript(s) that document the degree and date awarded, verifying completion must be received within 6 months of taking the examination to release examination scores and to allow enrollment as an EI. Scores will only be released if the official transcript(s) that docu-

ADMINISTRATIVE RULES

ments the degree and date awarded is received within 6 months of taking the examination.

(3) For entrance to the FE examination, a curriculum satisfactory to the Board shall include:

(a) Graduation from an EAC of ABET accredited engineering program;

(b) Graduation from a TAC of ABET baccalaureate engineering program;

(c) Graduation from an ACCE accredited four-year baccalaureate construction engineering management program;

(d) Graduation from a graduate degree program in engineering at a college or university that has an EAC of ABET accredited undergraduate degree program in the same field as the graduate degree program, combined with completion of 21 semester/32 quarter hours of engineering related technical course work. The courses shall include at least six of the following nine subjects: Differential Equations, Physics, Statistics, Statics, Dynamics, Thermodynamics, Fluid Mechanics, Electrical Fundamentals and Strength of Materials.

(e) Graduation from TAC of ABET accredited two-year Engineering Technology program or graduation from a two-year Associate of Applied Science program in Engineering Technology that includes the following:

(A) A total of at least 64 semester/96 quarter hours;

(B) At least 32 semester/48 quarter hours in technical courses. (Skills and knowledge of appropriate methods, procedures and techniques; experience in carrying out established engineering procedures);

(C) At least 16 semester/24 quarter hours in math and science, including:

(i) 4 semester/6 quarter hours in basic science (physics, chemistry, earth and life sciences);

(ii) 8 semester/12 quarter hours in mathematics (not including courses below the level of college algebra or courses in computer programming);

(D) At least 9 semester/13 quarter hours in social science, humanities and communications; and

(E) In addition to the educational requirements set forth in paragraph (e) of subsection (3), graduates from two-year programs shall complete two or more years of engineering work before qualifying to take the FE examination for enrollment as an EI. In the alternative, graduates from two-year programs may complete additional course work consisting of 21 semester/32 quarter hours in Differential Equations, Physics, Statistics, Statics, Dynamics, Thermodynamics, Fluid Mechanics, Electrical Fundamentals and Strength of Materials.

(f) Completion of a curriculum that the Board finds has adequately prepared the application for enrollment as an EI.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 20, f. & ef. 12-15-77; EE 1-1986, f. 2-4-86, ef. 2-15-86; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; EE 2-1996, f. & cert. ef. 10-3-96; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-1999, f. 5-27-99, cert. ef. 7-1-99; BEELS 1-2001, f. & cert. ef. 5-22-01; BEELS 1-2004, f. & cert. ef. 1-26-04; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 4-2012, f. & cert. ef. 9-14-12

820-010-0226

Educational Qualifications to Take the Fundamentals of Land Surveying (FLS) Examination for Enrollment as a Land Surveying Intern (LSI)

Applicants for admission to examination for enrollment as an LSI will be required to submit the following evidence to show eligibility to take the FLS examination:

(1) Official transcripts that document the degree and date awarded, demonstrating completion of a land surveying curriculum satisfactory to the Board, as described in (3) below.

(2) If taking the examination prior to graduation, a statement signed by an official from the school, university or college that all work necessary to obtain a degree in a curriculum satisfactory to the Board has been or will be completed within four months following the examination as provided in ORS 670.010. Official transcript(s) that document the degree and date awarded, verifying completion must be received within 6 months of taking the examination to release examination scores and to allow enrollment as an LSI. Scores will only be released if the official transcript(s) that documents the degree and date awarded is received within 6 months of taking the examination.

(3) For entrance to the FLS Examination, a curriculum satisfactory to the Board shall include:

(a) Graduation from an EAC of ABET accredited four-year baccalaureate land surveying program;

(b) Graduation from an ASAC of ABET accredited four-year baccalaureate land surveying program;

(c) Graduation from a TAC of ABET accredited four-year baccalaureate land surveying program;

(d) Graduation from an EAC of ABET accredited four-year baccalaureate engineering program with 11 semester/16 quarter hours of surveying instruction and surveying law.

(e) Graduation from a TAC of ABET accredited four-year baccalaureate engineering program with 11 semester/16 quarter hours of surveying instruction and surveying law.

(f) Graduation from an ACCE accredited four-year baccalaureate engineering program with 11 semester/16 quarter hours of surveying instruction and surveying law.

(g) Graduation from a graduate degree program in land surveying at a college or university that has an ABET accredited undergraduate degree program in the same field, combined with completion of 11 semester/16 quarter hours of surveying instruction.

(h) Graduation from an ASAC of ABET accredited two-year Surveying Technology program, a TAC of ABET accredited two-year Surveying Technology program, or a two-year Association of Applied Science program in Surveying Technology or Engineering Technology that includes the following:

(A) A total of at least 64 semester/96 quarter hours;

(B) At least 32 semester/48 quarter hours in technical courses, of which a minimum of 11 semester/16 quarter hours shall be in surveying instruction;

(C) At least 16 semester/24 quarter hours in subjects such as math, science, basic electricity, hydraulics, road design, construction management and estimating engineering economics with college level algebra, trigonometry and statistics;

(D) At least 9 semester/13 quarter hours in social science, humanities and communications; and

(E) In addition to the educational requirements set forth in paragraph (h) of subsection (3), graduates from two-year education programs shall complete two or more years of active practice in land surveying work before qualifying to take the FLS examination for enrollment as an LSI.

(i) Graduation from a degree program related to engineering or land surveying that includes the following:

(A) 21 semester/32 quarter hours of coursework with a direct geomatics focus that requires the application of geomatics knowledge and skills. One of these courses must be surveying law related;

(B) 27 semester/40 quarter hours that requires the application of mathematics for problem solving. At least one of these courses must focus on the application of differential and integral calculus;

(C) 24 semester/35 quarter hours related to physical and natural science with laboratory applications; and

(D) 4 semester/6 quarter hours of capstone or integrating experience that develops student competencies in applying both technical and non-technical skills in solving problems.

(j) Completion of a curriculum that the Board finds adequately prepared the applicant for enrollment as an LSI.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 4-2012, f. & cert. ef. 9-14-12

820-010-0415

Nature of the Examination for Professional Engineer (PE)

(1) An applicant to qualify for registration must obtain a passing grade for:

(a) A written examination in engineering fundamentals for qualification as an EI as covered in OAR 820-010-0420, unless exempted from this examination under 820-010-0455. Such examination may be taken at any scheduled examination period but must be passed in order to be admitted to the branch examination as covered in subsection (1)(b) of this rule; and

(b) A written examination in a professional branch of engineering, other than structural engineering, covering practical engineering problems in branches listed in OAR 820-010-0450.

(2) The uniform, national examinations are written and scored by the NCEES and administered by NCEES Exam Administration Services. Acoustical and Forest examinations are written, scored and administered by the Board.

(3) Before receiving a certificate of registration to practice professional engineering in Oregon, each applicant must pass a take-home examination on the laws and rules in Oregon.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

ADMINISTRATIVE RULES

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 20, f. & ef. 12-15-77; EE 2, f. 12-4-85, ef. 12-16-85; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 1-2008, f. & cert. ef. 3-12-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 4-2012, f. & cert. ef. 9-14-12

820-010-0440

Schedule of Examinations

Examinations will be held at times and locations determined by the Board or the outside testing provider. A Spring examination is usually scheduled in April and a Fall examination is usually scheduled in October. Each applicant accepted for examination will be notified of the time and location of the scheduled test. Examinations are offered based upon the following schedule:

- (1) Spring examinations held in April are:
 - (a) NCEES Fundamentals of Engineering.
 - (b) NCEES Fundamentals of Land Surveying.
 - (c) NCEES Principles and Practice Examinations in the following

branches:

- (A) Chemical.
- (B) Civil.
- (C) Electrical and Computer.
- (D) Environmental.
- (E) Industrial.
- (F) Land Surveying.
- (G) Mechanical.
- (H) Naval Architecture/Marine.
- (I) Structural 16-hour.
- (d) Certified Water Right Examiner.
- (e) Oregon Specific Forest.
- (f) Oregon Specific Land Surveying.
- (g) Photogrammetry.

- (2) Fall examinations held in October are:

- (a) NCEES Fundamentals of Engineering.
- (b) NCEES Fundamentals of Land Surveying.
- (c) NCEES Principles and Practice Examinations in the following

branches:

- (A) Agricultural.
- (B) Chemical.
- (C) Civil.
- (D) Control Systems.
- (E) Electrical and Computer.
- (F) Environmental.
- (G) Fire Protection.
- (H) Land Surveying.
- (I) Mechanical.
- (J) Metallurgical.
- (K) Nuclear.
- (L) Structural 16-hour.
- (d) Oregon Specific Acoustical.
- (e) California Geotechnical.
- (f) Oregon Specific Land Surveying.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 20, f. & ef. 12-15-77; EE 1-1992, f. & cert. ef. 2-3-92; EE 2-1993(Temp), f. & cert. ef. 2-22-93; EE 3-1993, f. & cert. ef. 6-3-93; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; EE 3-1994(Temp), f. & cert. ef. 11-21-94; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 5-2000, f. & cert. ef. 10-19-00; BEELS 3-2001, f. & cert. ef. 11-26-01; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 1-2010, f. & cert. ef. 5-12-10; BEELS 4-2012, f. & cert. ef. 9-14-12

820-010-0444

Proctoring of Examinations

(1) The Board has determined an outside testing provider will administer the NCEES examinations on behalf of the Board.

(2) The acoustical, forest, California geotechnical, and four-hour Oregon Specific land surveying examinations are administered by the Board and will be held only at the time and place prescribed by the Board within the State of Oregon.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 4-2012, f. & cert. ef. 9-14-12

820-010-0463

Cutoff Scores for Examinations

(1) The cutoff scores for the FE, FLS, PE, PLS, and Structural 16-hour examinations are established by NCEES.

(2) The cutoff scores for the acoustical, forest, and four-hour Oregon specific land surveying examinations are 70 points out of 100 points.

(3) The cutoff score for the photogrammetric mapping examination is established by the Colonial States Board of Surveyor Registration (CSBSR).

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 1-2011, f. & cert. ef. 1-14-11; BEELS 4-2012, f. & cert. ef. 9-14-12

820-010-0470

Review of Examinations Administered by the Board

(1) With respect to the acoustical, forest, and four-hour Oregon Specific land surveying examinations administered by the board, an applicant may submit a written request to review the applicant's own examination results. The board will allow a two-hour examination review when the applicant failed the examination and the applicant achieved a score within five points of the cutoff score. With respect to such reviews:

(a) An applicant may examine the test booklet, solution pamphlet and answer key.

(b) An acoustical, forest, or four-hour Oregon Specific Land Surveying applicant may review the examination on only one occasion. The board will prescribe a time and place for the review. Applicants must notify the board at least five days before the scheduled date that they review their examinations. Applicants who fail to review their examination at the prescribed time and place will not be allowed to reschedule a review of the examination.

(c) All examination reviews will be conducted in the presence of a person designated by the board.

(d) Except as allowed by the board for persons requiring disability assistance, no person may accompany the applicant during the examination review.

(e) The applicant will not take any materials into nor remove any materials from the location where the examination review is conducted.

(f) The applicant may prepare and submit a written request for rescoring the applicant's examination, provided that the applicant's score otherwise satisfies the requirements of this section, while at the location where the examination review is conducted.

(2) The board may rescore an essay response for a qualified applicant if the applicant demonstrates, in writing, sufficient technical justification that their solution deserves reconsideration. The board's rescore determination is final and not subject to further review. An applicant requesting the board to rescore an examination must submit a complete written request within the two-hour timeframe.

(3) With respect to the certified water right examiner test, an applicant may submit a written request to review the applicant's own test results. The board will allow an examination review where the applicant failed the test and the applicant achieved a score within five points of the cutoff score. With respect to such reviews:

(a) An applicant may examine only the question, solution, and answer key for the failed problem.

(b) An applicant may review the test on only one occasion. The board will prescribe a time and place for the review.

(c) All test reviews will be conducted in the presence of a person designated by the board.

(d) Except as allowed by the board for persons requiring disability assistance, no person may accompany the applicant during the test review.

(4) Fee for rescore requests of examinations must accompany the written request. Acoustical, forest, certified water right test, or four-hour Oregon Specific Land Surveying examination — \$50/ per item to be rescored. Fee is payable to the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS).

(5) As the California Board does not facilitate examination reviews and appeals, California Geotechnical examination reviews are not permitted.

(6) Photogrammetry examination reviews are not permitted.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 3-1986, f. & ef. 7-21-86; EE 1-1989, f. & cert. ef. 1-3-89; EE 1-1992, f. & cert. ef. 2-3-92; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 3-2002, f. & cert. ef. 11-13-02; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 1-2010, f. & cert. ef. 5-12-10; BEELS 4-2012, f. & cert. ef. 9-14-12

820-020-0040

Examination Subversion: Grounds for Invalidation of Examination Results

(1) Examination subversion is the use of any means to alter the results of an examination to cause the results to inaccurately represent the competency of an examinee.

ADMINISTRATIVE RULES

(2) The Board may invalidate the examination results of an examinee who engages in examination subversion. Examination subversion includes, but is not limited to:

(a) Communication between examinees inside of the examination room.

(b) Giving or receiving any unauthorized assistance on the examination while an examination is in process.

(c) Having any unauthorized printed or written matter or other devices in the examinee's possession that might serve to aid the examinee on the examination.

(d) Obtaining, using, buying, selling, distributing, having possession of, or having unauthorized access to secured examination questions or other secured examination material prior to, during or after the administration of the examination.

(e) Copying another examinee's answers or looking at another examinee's materials while an examination is in progress.

(f) Permitting anyone to copy answers to the examination.

(g) Removing any secured examination materials from the examination facility.

(h) Allowing another person to take the examination in the examinee's place.

(i) Placing any identifying mark upon the examinee's examination papers other than the examinee's identification number or other identifiers as directed by the examination administrator.

(j) Use by an examinee of any written material, audio material, video material, digital material, or any other mechanism not specifically authorized during the examination for the purpose of assisting an examinee in the examination.

(k) Writing on anything other than designated examination material.

(l) Writing or erasing anything after time is called.

(m) Having a cell phone in the examinee's possession.

(n) Having a device with copying, recording, or communication capabilities in the examinee's possession. These include but are not limited to cameras, pagers, PDAs, radios, headsets, tape players, calculator watches, electronic dictionaries, electronic translators, transmitting devices, and digital media players.

(o) Having a calculator in the examinee's possession that is not on the NCEES approved list.

(p) Removing pages from an exam booklet.

(q) Leaving the exam room without authorization.

(r) Engaging in any other act of examination collusion not listed above.

(3) The Board may invalidate the examination results of an examinee who engages in any other conduct for which NCEES invalidates the examinee's examination results.

(4) In addition to subsections 2 and 3 of this rule, the Board may invalidate the examination results for any examinee who fails to comply with the conditions provided in the NCEES Candidate Agreement. Conditions include but are not limited to:

(a) Having loose papers, legal pads, writing tablets, or unbound notes in the examinee's possession.

(b) Using a non-NCEES writing instrument or eraser to complete any portion of the exam.

(c) Beginning the exam before the proctor instructs the examinee to do so.

(d) Failing to stop writing immediately when time is called.

(e) Writing on anything other than the exam booklet or answer sheet; writing in the *FE Supplied-Reference Handbook*.

(f) Violating any other terms stated in the NCEES Candidate Agreement that are cause for dismissal or exam invalidation.

(5) At the discretion of the Board or its designee, if there is evidence of examination subversion by an examinee prior to, during, or after the administration of the examination, one or more of the following may occur:

(a) The examinee may be denied the privilege of taking the examination if examination subversion is detected before the administration of the examination.

(b) If the examination subversion detected has not yet compromised the integrity of the examination, such steps as are necessary to prevent further examination subversion shall be taken, and the examinee may be permitted to continue with the examination.

(c) The examinee may be requested to leave the examination facility if examination subversion is detected during the examination. If the examinee does not leave the facility, the examinee will be deemed a trespasser.

(d) The examinee's examination results may be voided and the application fee forfeited.

(e) The examinee may not be allowed to sit for an examination for up to three years.

(6) If examination subversion is detected after the administration of the examination, the Board or its designee shall make appropriate inquiry to determine the facts concerning the examination subversion and the Board or its designee may take any of the actions described in section (1) through (3) herein.

(7) Notwithstanding OAR 820-010-0440, 820-010-0470, or any other rule, the Board or its designee may choose not to release or make available the examination results to examinee or any other person pending the outcome of an investigation into examination subversion.

(8) Removal of the examinee from or voiding the examinee's examination of any one part of a multiple part examination shall constitute removal from or voiding of all other parts of the multiple part examination.

(9) Applicants are required to sign statements regarding examination subversion in order to take an examination. Applicants who refuse to sign statements regarding examination subversion will be denied the privilege of taking the examination. The application fees for the examination paid to the Board are forfeited.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 1-2005, f. & cert. ef. 3-16-05; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 4-2012, f. & cert. ef. 9-14-12

Board of Licensed Professional Counselors and Therapists Chapter 833

Rule Caption: Miscellaneous changes.

Adm. Order No.: BLPCT 2-2012

Filed with Sec. of State: 9-5-2012

Certified to be Effective: 10-1-12

Notice Publication Date: 6-1-2012

Rules Adopted: 833-020-0401

Rules Amended: 833-020-0201, 833-050-0031, 833-060-0012, 833-080-0011, 833-100-0041

Subject: Adds licensee telephone number to professional disclosure statement requirement.

Adds a statement to professional disclosure statement about where to find more licensee and intern information.

Adds statement to professional disclosure statement that interns will abide by the Board's Code of Ethics.

Removes format requirement for professional disclosure statement.

Corrects misspelled word.

Removes CACREP accreditation requirement for online and low residency programs.

Removes requirement that graduate program students abide by the board's Code of Ethics.

Adds missing word in continuing education rules.

Adds supervisee relationship to Integrity section of Code of Ethics.

Adds requirement to retain client records for at least 7 years.

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;

(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

ADMINISTRATIVE RULES

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

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

- (a) Name;
- (b) Address;
- (c) Telephone number

(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:

(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

833-020-0401

Client Records Retention

A licensee must retain client records for at least seven years from the date of the last session with the client.

Stat. Auth.: ORS 675.705 - 675.835

Stats. Implemented: ORS 675.705 - 675.835

Hist.: BLPCT 2-2012, f. 9-5-12, cert. ef. 10-1-12

833-050-0031

Registered Intern Professional Disclosure Statement

(1) Registered interns must furnish clients with a copy of a Board-approved professional disclosure statement before providing counseling or therapy.

(2) A professional disclosure statement must include the following information about the intern:

(a) Name, business address and telephone number;

(b) Name of the intern's supervisor(s);

(c) Philosophy and approach to counseling or marriage and family therapy;

(d) Formal education and training, title of highest relevant degree, the school that granted the degree, and major coursework;

(e) Supervision requirements;

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

(g) Fee schedules;

(h) The bill of rights of clients listed in OAR 833-100-0021 the Code of Ethics;

(i) The name, address, telephone number, and email address of the Oregon Board of Licensed Professional Counselors and Therapists; and

(j) A statement indicating the following: "Additional information about this registered intern is available on the Board's website: www.oregon.gov/oblpcr."

(3) The Professional Disclosure statement must be accessible to people with disabilities.

(4) Registered interns will assist their clients to understand the information in the professional disclosure statement.

(5) Whenever an intern changes the professional disclosure statement, the new statement must be provided to the board for approval.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2012, f. 9-5-12, cert. ef. 10-1-12

833-060-0012

Comparable Full Standards

The Board shall determine which graduate degrees are comparable in content and quality to degrees from CACREP, COAMFTE, or CORE approved programs and consistent with the Board's Code of Ethics. Degrees must meet the following standards. The degree was from an institution that:

(1) Was a fully accredited member of one of the regional institutional accreditation bodies at the time the degree was granted; or

(2) Offered a minimum of a master's degree;

(3) Was at least two years' duration and at least:

(a) 48 semester credit hours or 72 quarter hours for graduate degrees granted before October 1, 2014; or

(b) 60 semester credit hours or 90 quarter credit hours for graduate degrees granted on or after October 1, 2014.

(4) Included all coursework requirements set forth in OAR 833-060-0042 or 833-060-0052.

(5) Included a required supervised clinical experience for all students of no less than:

(a) 600 total clock hours to include 240 direct client contact hours, for graduate degrees granted before October 1, 2014; or

(b) 700 total clock hours to include 280 direct client contact hours, for graduate degrees granted on or after October 1, 2014.

(6) Facilitated a practicum and/or internship experience that:

(a) Had supervisory staff with a minimum of a master's degree in the program emphasis and with pertinent professional experience;

(b) Made provision for faculty monitoring of operations;

(c) Kept records of student-client contact hours including summary of student progress by the supervisor;

(d) Had a written agreement with the program and student specifying learning objectives; and

(e) Had a mechanism for program evaluation.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 6-2010, f. 12-13-10, cert. ef. 1-1-11; BLPCT 2-2012, f. 9-5-12, cert. ef. 10-1-12

833-080-0011

Continuing Education

Licensees must complete approved continuing education and report the hours to the Board on even numbered years as a condition of license renewal.

(1) Licensees who receive their initial license less than 12 months before the continuing education reporting date will not be required to report continuing education.

(2) Licensees who receive their initial licenses between 12 and 23 months before the continuing education reporting date must report 20 hours of continuing education.

(3) Licensees who receive their initial licenses 24 or more months before the continuing education reporting date must report 40 hours of continuing education.

(4) A "clock hour" for continuing education means one hour spent in a program meeting the requirements for continuing education. Clock hours exclude refreshment breaks, receptions and other social gatherings, and meals that do not include an approved program.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2012, f. 9-5-12, cert. ef. 10-1-12

833-100-0041

Integrity

(1) A licensee acts in accordance with the highest standards of professional integrity and competence. A licensee is honest in dealing with clients, students, trainees, colleagues, related third parties, and the public.

(2) Licensees are aware of their influential positions with respect to their students, employees, supervisees, and clients; they avoid exploiting the trust and dependency of such persons. Licensees make every effort to avoid conditions and multiple relationships with clients, clients' relatives, and supervisees that could impair professional judgment or increase the risk of exploitation. Such relationships include, but are not limited to, business, personal, or sexual relationships with clients, clients' relatives, students, employees, or supervisees.

(3) A licensee does not enter into an employer, supervisor, or other relationship where there is potential for exercising undue influence on any client or supervisee. This includes the sale of services or goods that will exploit the client for financial gain or personal gratification of the licensee or a third party.

ADMINISTRATIVE RULES

(4) A licensee shall not engage in or solicit sexual acts or a sexual relationship with a client or supervisee.

(5) A licensee does not engage in or solicit sexual acts or a sexual relationship with a client or with individuals the licensee knows to be immediate relatives, guardians, supervisees, or significant others of current clients, or with a former client within three years since the rendering of professional services.

(6) A licensee does not engage in or solicit sexual acts or a sexual relationship with a former client or supervisee after three years from the termination of services if such act or solicitation could exploit the client or supervisee. Exploitation may be indicated by such factors as the time elapsed between the termination of the professional relationship and the beginning of the sexual relationship, nature and duration of therapy, circumstances of termination of professional relationship, client personal history, client's current mental status, likelihood of adverse impact on client, any statements or actions made by the licensee during the course of therapy suggesting or inviting the possibility of a post-termination sexual or romantic relationship, and whether the licensee attempted to protect the client by referral or consultation. Licensees do not accept as clients those with whom they have engaged in sexual intimacies.

(7) A licensee does not enter into an employment, business, supervisory, or personal relationship, or one that involves the exchange of goods and services, with a former client or supervisee if exploitation can be demonstrated by review of such factors as amount of time that has passed, nature and duration of therapy, circumstances of termination of professional relationship, client's personal history, client's current mental status, likelihood of adverse impact on client, and whether client encouraged a post-treatment relationship during the professional relationship.

(8) A licensee does not allow an individual or agency that is paying for the professional services of a client to exert undue influence over the licensee's evaluation or treatment of the client. Regardless of the source of payment, the licensee's first obligation is to the client.

(9) A licensee does not engage in sexual or other harassment of a client, former client, or supervisee. A licensee does not engage in any form of communication or physical behavior that is sexually suggestive, seductive, or demeaning to the client or former client.

(10) A licensee does not use the counseling relationship to further personal, religious, political, sexual, or financial interests.

(11) A licensee informs a client of a divergence of interests, values, attitudes, or biases between a client and the licensee that is sufficient to impair their professional relationship. Either the client or the licensee may terminate the relationship.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2012, f. 9-5-12, cert. ef. 10-1-12

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

Rule Caption: Amendment of radon gas mitigation standards in the 2010 OSSC.

Adm. Order No.: BCD 8-2012

Filed with Sec. of State: 8-31-2012

Certified to be Effective: 9-1-12

Notice Publication Date: 7-1-2012

Rules Amended: 918-460-0015

Subject: Senate Bill 1025 (2010) required the Building Codes Structures Board to adopt radon mitigation standards by January 1, 2011 for new public buildings in seven identified counties: Baker, Clackamas, Hood River, Multnomah, Polk, Washington, and Yamhill. The Board adopted commercial standards by the January 1, 2011 date mandated in the legislation, but acknowledged that the radon mitigation standards in the Oregon Structural Specialty Code (OSSC) for new public buildings still needed further work to provide the clarity and detail about the components of radon mitigation systems for new public buildings constructed to the OSSC. This rule amendment provides that needed clarity and specificity about the radon mitigation systems to be constructed for new public buildings. While the rule becomes effective September 1, 2012, it is only applicable to new public buildings for which initial building permits are issued on or after April 1, 2013.

Rules Coordinator: Stephanie Snyder—(503) 373-7438

918-460-0015

Amendments to the Oregon Structural Specialty Code

The **2010 Oregon Structural Specialty Code** is adopted and amended pursuant to OAR chapter 918, division 8. Amendments adopted for inclusion into the **2010 Oregon Structural Specialty Code** are placed in this rule, showing the section reference, a descriptive caption, and a short description of the amendment.

(1) Effective January 1, 2011 the **2010 Oregon Structural Specialty Code** is amended by adding Section 1811 Radon Control Methods for Public Buildings and Section 1812 Radon Control Methods for R-2 and R-3 Occupancies.

(a) Radon mitigation provisions in Section 1811 applicable to new public buildings are adopted January 1, 2011 but do not become enforceable until April 1, 2013 as authorized by Chapter 83, 2010 Laws (Senate Bill 1025).

(b) Radon mitigation provisions in Section 1812 applicable to residential buildings identified as Group R-2 or R-3 are adopted January 1, 2011 but do not become enforceable until April 1, 2011 as authorized by Chapter 83, 2010 Laws (Senate Bill 1025).

(2) Notwithstanding section (1) of this rule, effective September 1, 2012 the 2010 Oregon Structural Specialty Code is amended by revising Section 1811 Radon Control Methods for Public Buildings. These revisions are adopted September 1, 2012 but do not become enforceable until April 1, 2013.

(3) Effective April 1, 2011 the **2010 Oregon Structural Specialty Code** Section 908 "Emergency Alarm Systems" is amended by adding new subsection 908.7 requirements for Carbon Monoxide Alarms.

(4) Effective May 13, 2011, Section 2308.9.3.2 alternate braced wall panel adjacent to a door or window opening is amended for tie-down devices.

(5) On November 1, 2011, the **2010 Oregon Structural Specialty Code** is amended to include revisions to the federal regulations for Title II and Title III of the Americans with Disabilities Act, and Oregon-specific amendments. These amendments are not enforceable until March 1, 2012. The amendments include:

(a) Replace Chapter 11 with Chapter 11 from the 2009 edition of the International Building Code (IBC), as amended to include Oregon-specific amendments;

(b) Amend Chapter 9 by adding 2009 IBC Table 907.5.2.3.3, Visible Alarms;

(c) Amend Chapter 10 by adding 2009 IBC Section 1007, Accessible Means of Egress;

(d) Amend Chapter 34 by adding 2009 IBC Section 3411, Accessibility for Existing Buildings;

(e) Amend Chapter 11 by adding Section 1111, accessibility standards for clustered mailboxes;

(f) Add as referenced standards American National Standards Institute (ANSI) Standard 117.1, 2003 Edition, Sections 101-106, 201-203, 301-309, 401-406.11, 406.13, 406.14, 501-506, 601-611, 701-708, 801-807, 901-904, and 1001-1005.

(6) Effective January 1, 2012, the **2010 Oregon Structural Specialty Code** is amended as follows:

(a) Fire Sprinklers. The reference in Chapter 35 to NFPA 13-07, Installation of Sprinkler Systems, is deleted and replaced with NFPA 13-10, Installation of Sprinkler Systems.

(b) Fire Sprinklers. The reference in Chapter 35 to NFPA 13D-07, Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, is deleted and replaced with 13D-10, Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.

(c) Fire Sprinklers. The reference in Chapter 35 to NFPA 13R-07 Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height is deleted and replaced with 13R-10 Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height.

(d) Fire Alarms. The reference in Chapter 35 to NFPA 72-07, National Fire Alarm Code, is deleted and replaced with 72-10, National Fire Alarm and Signaling Code.

(7) Effective February 1, 2012 the **2010 Oregon Structural Specialty Code** is amended for adult foster homes. The requirement in Section 310.1 that adult foster care homes for five or less persons whose occupants may require assisted self-preservation are classified as a Group SR-3 occupancy is deleted.

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

Stat. Auth.: ORS 447.231, 447.247, 455.030, 455.110 & 455.112

Stats. Implemented: ORS 447.247, 455.110, 455.112 & 2011 OL Ch. 488, Sec. 5

ADMINISTRATIVE RULES

Hist.: BCA 18-1993, f. 8-24-93, cert. ef. 8-29-93; BCA 28-1993, f. 10-22-93, cert. ef. 1-1-94; BCD 6-1994, f. 2-25-94, cert. ef. 5-1-94; BCD 22-1994, f. 9-28-94, cert. ef. 1-1-95; BCD 31-1994(Temp), f. & cert. ef. 12-23-94; BCD 32-1994, f. & cert. ef. 12-30-94; BCD 2-1995, f. & cert. ef. 2-9-95; BCD 5-1995, f. & cert. ef. 3-15-95; BCD 2-1996, f. 2-2-96, cert. ef. 4-1-96; BCD 6-1996, f. 3-29-96, cert. ef. 4-1-96; BCD 12-1997, f. 9-10-97, cert. ef. 10-1-97; BCD 19-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 24-1998(Temp), f. & cert. ef. 12-1-98 thru 5-29-99; Temporary Rule repealed by BCD 3-1999, f. 3-12-99, cert. ef. 4-1-99; BCD 5-1999, f. 6-17-99, cert. ef. 10-1-99; BCD 12-1999(Temp), f. 9-23-99, cert. ef. 11-1-99 thru 4-28-00; BCD 2-2000 f. 1-14-00, cert. ef. 4-1-00; BCD 20-2000, f. 9-15-00, cert. ef. 10-1-00; BCD 8-2001, f. 7-17-01, cert. ef. 10-1-01; BCD 18-2001, f. 12-21-01, cert. ef. 1-1-02; BCD 14-2003, f. 8-13-03, cert. ef. 10-1-03; BCD 18-2003(Temp) f. & cert. ef. 11-14-03 thru 5-11-04; BCD 5-2004, f. & cert. ef. 4-1-04; BCD 16-2004, f. 9-24-04, cert. ef. 10-1-04; BCD 21-2004, f. & cert. ef. 10-1-04; BCD 9-2005(Temp), f. & cert. ef. 4-7-05 thru 9-30-05; BCD 14-2005, f. & cert. ef. 7-5-05; BCD 18-2005(Temp), f. & cert. ef. 7-12-05 thru 9-30-05; BCD 22-2005, f. 9-29-05, cert. ef. 10-1-05; BCD 23-2005, f. 9-29-05, cert. ef. 10-1-05; BCD 1-2006, f. & cert. ef. 2-1-06; BCD 9-2006, f. 6-30-2006, cert. ef. 7-1-06; BCD 1-2007, f. 2-15-07, cert. ef. 4-1-07; BCD 9-2008(Temp), f. & cert. ef. 6-25-08 thru 12-22-08; BCD 20-2008, f. 9-30-08, cert. ef. 10-1-08; BCD 4-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 19-2010, f. 12-30-10, cert. ef. 1-1-11; BCD 1-2011, f. & cert. ef. 2-15-11; BCD 14-2011(Temp), f. & cert. ef. 5-13-11 thru 11-9-11; BCD 28-2011, f. 9-30-11, cert. ef. 10-1-11; BCD 30-2011, f. & cert. ef. 11-1-11; BCD 32-2011, f. 12-30-11, cert. ef. 1-1-12; BCD 1-2012, f. 1-31-12, cert. ef. 2-1-12; BCD 8-2012, f. 8-31-12, cert. ef. 9-1-12

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Department of Consumer and Business Services, Insurance Division Chapter 836

Rule Caption: Notice Requirements for Carriers Regarding State Continuation of Health Insurance.

Adm. Order No.: ID 16-2012

Filed with Sec. of State: 8-24-2012

Certified to be Effective: 8-24-12

Notice Publication Date: 7-1-2012

Rules Adopted: 836-053-0863

Rules Repealed: 836-053-0862

Subject: This rulemaking repeals a rule adopted by the Department of Consumer and Business Services (DCBS) related to state continuation of health insurance. The repealed rule includes material required by federal law (American Recovery and Reinvestment Act) that is no longer applicable to state continuation. The new rule establishes the requirements for carriers as reflected in 2012 legislation, chapter 24, Oregon Laws 2012 (Enrolled Senate Bill 1504) that amended ORS 743.610 to eliminate the notice requirement for state continuation benefits specifically prescribed in statute and gave DCBS the authority to prescribe requirements by rule. Oregon's state continuation program is crucial in allowing many newly unemployed Oregonians to maintain their health insurance coverage at a time when they need it the most and it is important that notice of the availability of the program be provided in a timely and understandable manner. A standardized notice as proposed in these rules will facilitate this goal.

The notice proposed under this rule includes a provision that defines when the notice requirement is triggered and provision to allow an insurer to send a single notice to multiple persons who are eligible for state continuation as a result of a single qualifying event.

Rules Coordinator: Sue Munson—(503) 947-7272

836-053-0863

Notifications

(1) For purposes of the notice required by ORS 743.610(10), an insurer must use the notice set forth on the website for the Insurance Division of the Department of Consumer and Business Services at www.insurance.oregon.gov. An insurer:

(a) May incorporate the notice into another document provided that the notice remains prominent.

(b) May modify the font of the document but the font must be at least 12 point.

(c) May add headings, logos and other company identifiers.

(d) Must modify the notice to include the information as indicated in the brackets.

(2) An insurer may provide a single notice under ORS 743.610(10) to a covered person and a qualified beneficiary when:

(a) The notice is addressed to the covered person or qualified beneficiary at the last known address of the covered person or qualified beneficiary;

(b) The covered person and qualified beneficiary are eligible for state continuation coverage by virtue of the same qualifying event; and

(c) The covered person and qualified beneficiary have the same last known mailing address.

(3) The requirement to provide written notice under ORS 743.610(1) may be triggered either by the notification of a qualifying event received from the covered person or qualified beneficiary under ORS 743.610(5) or notice of the qualifying event submitted to the insurer by the group policyholder.

(4) An insurer that requires a covered person or qualified beneficiary to complete a form to request continuation of coverage must provide the form to the person. The form may be provided by electronic means including via a specific website address. However, if a covered person or qualified beneficiary asks an insurer to provide the forms via mail, the insurer must do so within two business days of the request. Notice pursuant to ORS 743.610(10) is deemed provided upon receipt of any required forms when the forms are mailed by the insurer.

(5) Notice under ORS 743.610(5) provided to a group policyholder pursuant to the instruction of an insurer constitutes notice to the insurer that meets the requirements of ORS 743.610(5).

Stat. Auth.: ORS 731.244 & 743.610

Stats. Implemented: ORS 743.610

Hist.: ID 6-2012(Temp), f. 3-27-12, cert. ef. 4-15-12 thru 10-10-12; ID 16-2012, f. & cert. ef. 8-24-12

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

Rule Caption: Adopt federal correction and technical amendment to Rigging Equipment for Material Handling in construction.

Adm. Order No.: OSHA 3-2012

Filed with Sec. of State: 8-20-2012

Certified to be Effective: 8-20-12

Notice Publication Date: 7-1-2012

Rules Amended: 437-003-0001

Subject: This rulemaking is to keep Oregon OSHA in harmony with recent changes to Federal OSHA's standards.

Federal OSHA corrected the sling standard for construction titled Rigging Equipment for Material Handling, by removing outdated rated capacity tables, redesignating the remaining two tables, and amending the rule text to reflect the correct table numbers. These changes were published in the April 18, 2012 Federal Register.

Oregon OSHA adopts these corrections and amendments to 1926.251 in Division 3/H.

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—(503) 947-7449

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.

ADMINISTRATIVE RULES

(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.

(k) 29 CFR 1926.60 Methyleneedianiline (MDA), published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590; amended with OR-OSHA Admin. Order 5-2011, f. 12/8/11, ef. 7/1/12; amended with OR-OSHA Admin. Order 1-2012, f. and ef. 4/10/12.

(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 6/8/11, Federal Register, no. 76, no. 110, p. 33590; amended with OR-OSHA Admin. Order 5-2011, f. 12/8/11, ef. 7/1/12; 12/27/11, FR vol. 76, no. 248, p. 80735; amended with OR-OSHA Admin. Order 1-2012, f. and ef. 4/10/12.

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.

(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 4/18/12, Federal Register, vol. 77, no. 75, p. 23117.

(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.

ADMINISTRATIVE RULES

- (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.
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- (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.
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- (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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- (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.
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- (f) 29 CFR 1926.705 Requirements for lift-slab construction operations, published 10/18/90, FR vol. 55, no. 202, p. 42326.
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- (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.

ADMINISTRATIVE RULES

- (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.
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- (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.
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- (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.
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- (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.
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- (19) Subdivision S — UNDERGROUND CONSTRUCTION, CAISONS, 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.
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- (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.
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- (f) 29 CFR 1926.855 Manual removal of floors, published 4/6/79, FR vol. 44, p. 20940.
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- (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.
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- (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.
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- (l) 29 CFR 1926.911 Misfires, published 4/6/79, FR vol. 44, p. 20940.
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- (n) 29 CFR 1926.913 Blasting in excavation work under compressed air, published 4/6/79, FR vol. 44, p. 20940.
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- (22) Subdivision V — POWER TRANSMISSION AND DISTRIBUTION.
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- (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.
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- (h) 29 CFR 1926.957 Construction in energized substations, published 4/6/79, FR vol. 44, p. 20940.
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- (a) 29 CFR 1926.1000 Rollover protective structures (ROPS) for material handling equipment, published 4/6/79, FR vol. 44, p. 20940.
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ADMINISTRATIVE RULES

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(25) Subdivision Z — TOXIC AND HAZARDOUS SUBSTANCES.

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(27) Subdivision BB — (Reserved).

(28) Subdivision CC — Cranes and Derricks in Construction

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(b) 29 CFR 1926.1401 Definitions, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

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(w) 29 CFR 1926.1422 Signals — hand signal chart, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

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(z) 29 CFR 1926.1425 Keeping clear of the load, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

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(ii) 29 CFR 1926.1434 Equipment modifications, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

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(29) Subdivision DD — Cranes and Derricks Used in Demolition and Underground Construction, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

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(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.

ADMINISTRATIVE RULES

& 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

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

Rule Caption: OAR Chapter 438 provisions for electronic filing, service, and notification of specified matters.

Adm. Order No.: WCB 1-2012

Filed with Sec. of State: 8-22-2012

Certified to be Effective: 11-1-12

Notice Publication Date: 6-1-2012

Rules Amended: 438-005-0046, 438-005-0050, 438-005-0055, 438-005-0070, 438-007-0015, 438-009-0015, 438-009-0022, 438-009-0025, 438-009-0028, 438-009-0030, 438-011-0005, 438-011-0020, 438-012-0016, 438-020-0010

Subject: After considering the report from the Technology Advisory Committee, the Board proposes to: (1) amend OAR 438-005-0046(1) and (2) to provide for e-mail and website portal filing/service of requests for hearing, Board review, extension of a briefing schedule under OAR 438-011-0020, or waiver of the Board's rules under OAR 438-011-0030, and add section (4) to provide for electronically transmitted signatures; (2) amend OAR 438-005-0050(2) and OAR 438-005-0055(1), (2) to add reference to the Ombudsman for Injured Workers and toll-free number in the notice provisions and to provide for physical delivery, FAX (and the Board's FAX number), and e-mail filing (and the Board's e-mail address) in the hearing rights notices to accompany a carrier's response to objection to a notice of claim acceptance, and notices of denials based on compensability and noncooperation, respectively; (3) amend the following rules to replace references to "mailing" with references to "service": OAR 438-005-0070 and OAR 438-011-0005(2); (4) amend the following rules to add "delivering"/"delivered" as a means of notification in addition to "mailing"/"mailed," respectively: OAR 438-007-0015(2), (3), and OAR 438-0012-0016; (5) amend OAR 438-009-0015(5) and OAR 438-009-0025(1) to remove the requirement of the original settlement document and claim disposition agreement, respectively; (6) amend OAR 438-009-0022(4)(h) to update the Ombudsman's title and phone number; (7) amend OAR 438-009-0028 and OAR 438-009-0030 concerning methods to notify parties and practitioners of the approval of claim disposition agreements; (8) amend OAR 438-011-0005(2) to provide that copies of a request for Board review of an ALJ's order shall be "served on" all parties "to the proceeding"; (9) amend OAR 438-011-0020(2) to replace references to "mailing" with references to "filing" and to provide that the briefing schedule begins from the date of the Board's Notice of Briefing; (10) amend OAR 438-011-0020(3) to provide that briefing extensions will be allowed only on written request filed "pursuant to OAR 438-005-0046(1)"; and (11) amend OAR 438-020-0010 to add the Board's website portal and website Online Services page as additional preferred methods of notification that an interpreter is needed.

Rules Coordinator: Karen Burton—(503) 934-0123

438-005-0046

Filing and Service of Documents; Correspondence

(1) Filing:

(a) Except as otherwise provided in these rules, "filing" means the physical delivery of a thing to any permanently staffed office of the Board, or the date of mailing;

(b) In addition to the procedures otherwise described in these rules, "filing" may also be accomplished in the manner prescribed in OAR 436,

division 009 or 010 for filing a request for administrative review with the Director provided that the request involves a dispute that requires a determination of either the compensability of the medical condition for which medical services are proposed or whether a sufficient causal relationship exists between medical services and an accepted claim to establish compensability;

(c) If filing of a request for hearing or Board review of either an Administrative Law Judge's order or a Director's order finding no bona fide medical services dispute is accomplished by mailing, it shall be presumed that the request was mailed on the date shown on a receipt for registered or certified mail bearing the stamp of the United States Postal Service showing the date of mailing. If the request is not mailed by registered or certified mail and the request is actually received by the Board after the date for filing, it shall be presumed that the mailing was untimely unless the filing party establishes that the mailing was timely;

(d) If a settlement stipulation, disputed claim settlement, or claim disposition agreement results from a mediation, "filing" also includes the physical delivery of the settlement stipulation, disputed claim settlement, or claim disposition agreement to the Administrative Law Judge who mediated the settlement or agreement, regardless of location.

(e) The following requests may be accomplished by electronic mail (e-mail) pursuant to subsection (f) of this section or by website portal pursuant to subsection (g) of this section:

(A) Request for hearing;

(B) Request for Board review of an Administrative Law Judge's order;

(C) Request for Board review of a Director's order finding no bona fide medical services dispute;

(D) Request for extension of the briefing schedule under OAR 438-011-0020; or

(E) Request for waiver of the Board's rules under OAR 438-011-0030.

(f) To electronically file the requests listed in subsection (e) of this section by e-mail, a party shall:

(A) Send an e-mail to: request.wcb@state.or.us; and

(B) Attach an electronic copy of a completed Workers' Compensation Board "Request for Hearing Form," or a completed request for Board review, or a completed request for extension of the briefing schedule, or a completed request for waiver of the Board's rules. These attachments must be in a format of Microsoft Word 2000® (.doc, .txt, .rtf), Adobe Reader® (.pdf), or formats that can be viewed in Internet Explorer® (.tif, .jpg).

(C) For purposes of this rule, the date of an electronic filing is determined by the date the Board receives the appropriate completed electronic form which must be in a format of Microsoft Word 2000® (.doc, .txt, .rtf), Adobe Reader® (.pdf), or formats that can be viewed in Internet Explorer® (.tif, .jpg). An electronic filing under subsections (e) and (f) of this section received by the Board by 11:59 p.m. of a non-holiday, weekday is filed on that date.

(g) To electronically file the requests listed in subsection (e) of this section by website portal, a party shall:

(A) Register as a "user" of the portal at: <https://portal.wcb.oregon.gov>; and

(B) Complete the electronic version of the Workers' Compensation Board "Request for Hearing Form," or complete a request for Board review, or complete a request for extension of a briefing schedule, or complete a request for waiver of the Board's rules.

(C) For the purposes of this rule, the date of a portal filing is determined by the date the Board receives the appropriate portal version of the form.

(D) A portal filing under subsections (e) and (g) of this section received by the Board by 11:59 p.m. of a non-holiday, weekday is filed as of that date.

(h) "Filing" includes the submission of any document (other than the exchange of exhibits and indexes under OAR 438-007-0018) to any permanently staffed office of the Board by means of a telephone facsimile communication device (FAX) provided that:

(A) The document transmitted indicates at the top that it has been delivered by FAX;

(B) The Board's facsimile transmission number is used; and

(C) The Board receives the complete FAX-transmitted document by 11:59 p.m. of a non-holiday, weekday.

(i) Except for the documents specified in subsection (c) or (e) of this section, filing of any other thing required to be filed within a prescribed time may be accomplished by mailing by first class mail, postage prepaid. An attorney's certificate that a thing was deposited in the mail on a stated

ADMINISTRATIVE RULES

date is proof of mailing on that date. If the thing is not received within the prescribed time and no certificate of mailing is furnished, it shall be presumed that the filing was untimely unless the filing party establishes that the filing was timely.

(2) Service:

(a) A true copy of any thing delivered for filing under these rules shall be simultaneously served personally, by means of a facsimile transmission, by means of e-mail or website portal regarding requests filed under OAR 438-005-0046(1)(e), (f), or (g), or by mailing by first-class mail, postage prepaid, through the United States Postal Service, to each other party, or to their attorneys. Service by mail is complete upon mailing, service by facsimile transmission is complete upon disconnection following an error-free transmission, and service by e-mail or website portal regarding requests under 438-005-0046(1)(e), (f), or (g) is complete upon successful transmission, provided that the copy is sent in a format readable by the recipient;

(b) Any thing delivered for filing under these rules shall include or have attached thereto either an acknowledgment of service by the person served or proof of service in the form of a certificate executed by the person who made service showing personal delivery, service by means of a facsimile transmission, service by means of e-mail or website portal regarding requests filed under OAR 438-005-0046(1)(e), (f), or (g), or deposit in the mails together with the names and addresses of the persons served.

(3) Correspondence. All correspondence to the Board shall be captioned with the name of the claimant, the WCB Case number and the insurer or self-insured employer claim number. Correspondence to the Hearings Division shall also be captioned with the date of the hearing and name of the assigned Administrative Law Judge, if any.

(4) Signatures.

(a) Any thing delivered for filing under these rules shall include the signature of the party or the party's attorney, which may be provided in writing, by facsimile transmission, by electronic scanning, by the website portal, or by other electronic means.

(b) The user name and password required to file a document with the Board by means of the website portal shall constitute the signature of the filer and for any other purpose for which a signature is required.

(c) Except for documents filed under subsection (b) of this section, any document filed by electronic means must include a signature block that includes the printed name of the filer, preceded by an electronic symbol intended to substitute for a signature (such as a scan of the filer's handwritten signature or "s/") in the space where the signature would otherwise appear.

(d) Any order, notice, or any other document issued by an Administrative Law Judge or a Board Member may include his/her signature in writing, by facsimile transmission, by electronic scanning, by the website portal, or by other electronic means permitted under the Board's rules.

(e) Any electronically transmitted signature shall have the same force and effect as an original signature, provided that the electronically transmitted signature is executed or adopted by a person with the intent to sign the document as prescribed in ORS Chapter 84 (Uniform Electronic Transactions Act).

Stat. Auth.: ORS 656.726(5)

Stats. Implemented: ORS 656.726(5)

Hist.: WCB 5-1987, f. 12-18-87, cert. ef. 1-1-88; WCB 7-1990(Temp), f. 6-14-90, cert. ef. 7-1-90; WCB 11-1990, f. 12-13-90, cert. ef. 12-31-90; WCB 3-1991(Temp), f. 5-24-91, cert. ef. 5-28-91; WCB 8-1991, f. 11-6-91, cert. ef. 11-7-91; WCB 1-1999, f. 8-24-99, cert. ef. 11-1-99; WCB 2-1999(Temp), f. 9-24-99, cert. ef. 10-23-99 thru 4-14-00; WCB 1-2000, f. 3-29-00, cert. ef. 4-3-00; WCB 1-2007, f. 1-19-07, cert. ef. 3-1-07; WCB 2-2007, f. 12-11-07, cert. ef. 1-1-08; WCB 1-2012, f. 8-22-12, cert. ef. 11-1-12

438-005-0050

Notice of Claim Acceptance and Hearing Rights under ORS 656.262(6)(d)

(1) Every notice of claim acceptance shall include all of the information prescribed by ORS 656.262(6)(b) and OAR 436.

(2) In the event that the insurer or self-insured employer disagrees with all or any portion of a worker's objections to a notice of claim acceptance under ORS 656.262(6)(d), the insurer's or self-insured employer's written response shall specify the reasons for the disagreement, and shall contain a notice, in prominent or bold-face type, as follows:

"IF YOU DISAGREE WITH THIS DECISION, YOU MAY FILE A REQUEST FOR HEARING BY ANY OF THE FOLLOWING MEANS: (1) MAIL A LETTER TO THE WORKERS' COMPENSATION BOARD, 2601 25TH STREET SE, SUITE 150, SALEM, OREGON 97302-1280; (2) SEND AN E-MAIL TO: request.wcb@state.or.us; (3) SEND A FAX TO: 503-373-1600; OR (4) PHYSICAL DELIVERY OF A LETTER TO A WORKERS' COMPENSATION BOARD OFFICE (IN SALEM, PORTLAND, EUGENE, OR MEDFORD). YOUR LETTER, E-MAIL, OR FAX SHOULD STATE THAT YOU WANT A HEARING, YOUR ADDRESS, THE DATE OF YOUR INJURY, AND YOUR CLAIM NUMBER. "IF YOU CLAIM QUALIFIES, YOU MAY RECEIVE AN

EXPEDITED HEARING WITHIN 30 DAYS. YOUR REQUEST CANNOT, BY LAW, AFFECT YOUR EMPLOYMENT. YOU MAY BE REPRESENTED BY AN ATTORNEY OF YOUR CHOICE AT NO COST TO YOU FOR ATTORNEY FEES. IF YOU HAVE QUESTIONS YOU MAY CALL THE WORKERS' COMPENSATION DIVISION TOLL FREE AT 1-800-452-0288 OR THE OMBUDSMAN FOR INJURED WORKERS TOLL FREE AT 1-800-927-1271."

Stat. Auth.: ORS 656.307, 656.388, 656.593 & 656.726(5)

Stats. Implemented: ORS 656.262(6)

Hist.: WCB 1-1984, f. 4-5-84, ef. 5-1-84; WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 2-1995, f. 11-13-95, cert. ef. 1-1-96; WCB 1-1999, f. 8-24-99, cert. ef. 11-1-99; WCB 1-2004, f. 6-23-04 cert. ef. 9-1-04; WCB 3-2005, f. 11-15-05, cert. ef. 1-1-06; WCB 2-2007, f. 12-11-07, cert. ef. 1-1-08; WCB 1-2012, f. 8-22-12, cert. ef. 11-1-12

438-005-0055

Notice of Claim Denial and Hearing Rights

(1) Except for a denial issued under ORS 656.262(15), in addition to the requirements of 656.262, the notice of denial shall specify the factual and legal reasons for denial; and shall contain a notice, in prominent or bold-face type, as follows:

"IF YOU THINK THIS DENIAL IS NOT RIGHT, WITHIN 60 DAYS AFTER THE MAILING OF THIS DENIAL YOU MUST FILE A REQUEST FOR HEARING BY ANY OF THE FOLLOWING MEANS: (1) MAIL A LETTER TO THE WORKERS' COMPENSATION BOARD, 2601 25TH STREET SE, SUITE 150, SALEM OREGON 97302-1280; (2) SEND AN E-MAIL TO: request.wcb@state.or.us; (3) SEND A FAX TO: 503-373-1600; OR (4) PHYSICAL DELIVERY OF A LETTER TO A WORKERS' COMPENSATION BOARD OFFICE (IN SALEM, PORTLAND, EUGENE, OR MEDFORD). YOUR LETTER, E-MAIL, OR FAX MUST STATE THAT YOU WANT A HEARING, YOUR ADDRESS AND THE DATE OF YOUR ACCIDENT IF YOU KNOW THE DATE. "IF YOUR CLAIM QUALIFIES, YOU MAY RECEIVE AN EXPEDITED HEARING WITHIN 30 DAYS. YOUR REQUEST CANNOT, BY LAW, AFFECT YOUR EMPLOYMENT. IF YOU DO NOT FILE A REQUEST WITHIN 60 DAYS, YOU WILL LOSE ANY RIGHT YOU MAY HAVE TO COMPENSATION UNLESS YOU CAN SHOW GOOD CAUSE FOR DELAY BEYOND 60 DAYS. AFTER 180 DAYS ALL YOUR RIGHTS WILL BE LOST. YOU MAY BE REPRESENTED BY AN ATTORNEY OF YOUR CHOICE AT NO COST TO YOU FOR ATTORNEY FEES. "IF YOU MAKE A TIMELY REQUEST FOR HEARING ON A DENIAL OF COMPENSABILITY OF YOUR CLAIM AS REQUIRED BY ORS 656.319(1)(a) THAT IS BASED ON ONE OR MORE REPORTS OF EXAMINATIONS CONDUCTED AT THE REQUEST OF THE INSURER OR SELF-INSURED EMPLOYER UNDER ORS 656.325(1)(a) AND YOUR ATTENDING PHYSICIAN DOES NOT CONCUR WITH THE REPORT OR REPORTS, YOU MAY REQUEST AN EXAMINATION TO BE CONDUCTED BY A PHYSICIAN SELECTED BY THE DIRECTOR. THE COST OF THE EXAMINATION AND THE EXAMINATION REPORT SHALL BE PAID BY THE INSURER OR SELF-INSURED EMPLOYER. "IF YOU HAVE QUESTIONS YOU MAY CALL THE WORKERS' COMPENSATION DIVISION TOLL FREE AT 1-800-452-0288 OR THE OMBUDSMAN FOR INJURED WORKERS TOLL FREE AT 1-800-927-1271."

"IF YOU MAKE A TIMELY REQUEST FOR HEARING ON A DENIAL OF COMPENSABILITY OF YOUR CLAIM AS REQUIRED BY ORS 656.319(1)(a) THAT IS BASED ON ONE OR MORE REPORTS OF EXAMINATIONS CONDUCTED AT THE REQUEST OF THE INSURER OR SELF-INSURED EMPLOYER UNDER ORS 656.325(1)(a) AND YOUR ATTENDING PHYSICIAN DOES NOT CONCUR WITH THE REPORT OR REPORTS, YOU MAY REQUEST AN EXAMINATION TO BE CONDUCTED BY A PHYSICIAN SELECTED BY THE DIRECTOR. THE COST OF THE EXAMINATION AND THE EXAMINATION REPORT SHALL BE PAID BY THE INSURER OR SELF-INSURED EMPLOYER. "IF YOU HAVE QUESTIONS YOU MAY CALL THE WORKERS' COMPENSATION DIVISION TOLL FREE AT 1-800-452-0288 OR THE OMBUDSMAN FOR INJURED WORKERS TOLL FREE AT 1-800-927-1271."

(2) If an insurer or self-insured employer intends to deny a claim under ORS 656.262(15) because of a worker's failure to cooperate in the investigation of the claim, in addition to the requirements of 656.262, the notice of denial shall specify the factual and legal reasons for denial, and shall contain a notice, in prominent or bold-face type, as follows:

"IF YOU THINK THIS DENIAL IS NOT RIGHT, WITHIN 60 DAYS AFTER THE MAILING OF THIS DENIAL YOU MUST FILE A REQUEST FOR HEARING BY ANY OF THE FOLLOWING MEANS: (1) MAIL A LETTER TO THE WORKERS' COMPENSATION BOARD, 2601 25TH STREET SE, SUITE 150, SALEM OREGON 97302-1280; (2) SEND AN E-MAIL TO: request.wcb@state.or.us; (3) SEND A FAX TO: 503-373-1600; OR (4) PHYSICAL DELIVERY OF A LETTER TO A WORKERS' COMPENSATION BOARD OFFICE (IN SALEM, PORTLAND, EUGENE, OR MEDFORD). YOUR LETTER, E-MAIL, OR FAX MUST STATE THAT YOU WANT AN EXPEDITED HEARING, YOUR ADDRESS AND THE DATE OF YOUR ACCIDENT IF YOU KNOW THE DATE. "YOU WILL RECEIVE AN EXPEDITED HEARING WITHIN 30 DAYS. YOUR REQUEST CANNOT, BY LAW, AFFECT YOUR EMPLOYMENT. IF YOU DO NOT FILE A REQUEST WITHIN 60 DAYS, YOU WILL LOSE ANY RIGHT YOU MAY HAVE TO COMPENSATION UNLESS YOU CAN SHOW GOOD CAUSE FOR DELAY BEYOND 60 DAYS. AFTER 180 DAYS ALL YOUR RIGHTS WILL BE LOST. YOU MAY BE REPRESENTED BY AN ATTORNEY OF YOUR CHOICE AT NO COST TO YOU FOR ATTORNEY FEES. IF YOU HAVE QUESTIONS YOU MAY CALL THE WORKERS' COMPENSATION DIVISION TOLL FREE AT 1-800-452-0288 OR THE OMBUDSMAN FOR INJURED WORKERS TOLL FREE AT 1-800-927-1271."

"YOU WILL RECEIVE AN EXPEDITED HEARING WITHIN 30 DAYS. YOUR REQUEST CANNOT, BY LAW, AFFECT YOUR EMPLOYMENT. IF YOU DO NOT FILE A REQUEST WITHIN 60 DAYS, YOU WILL LOSE ANY RIGHT YOU MAY HAVE TO COMPENSATION UNLESS YOU CAN SHOW GOOD CAUSE FOR DELAY BEYOND 60 DAYS. AFTER 180 DAYS ALL YOUR RIGHTS WILL BE LOST. YOU MAY BE REPRESENTED BY AN ATTORNEY OF YOUR CHOICE AT NO COST TO YOU FOR ATTORNEY FEES. IF YOU HAVE QUESTIONS YOU MAY CALL THE WORKERS' COMPENSATION DIVISION TOLL FREE AT 1-800-452-0288 OR THE OMBUDSMAN FOR INJURED WORKERS TOLL FREE AT 1-800-927-1271."

Stat. Auth.: ORS 656.726(5)

Stats. Implemented: ORS 656.262(6), 656.262(15)

Hist.: WCB 1-1984, f. 4-5-84, ef. 5-1-84; WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 11-1990, f. 12-13-90, cert. ef. 12-31-90; WCB 1-1994, f. 11-1-94, cert. ef. 1-1-95; WCB 2-1995, f. 11-13-95, cert. ef. 1-1-96; WCB 1-1999, f. 8-24-99, cert. ef. 11-1-99; WCB 2-2001, f. 11-14-01, cert. ef. 1-1-02; WCB 1-2004, f. 6-23-04 cert. ef. 9-1-04; WCB 3-2005, f. 11-15-05, cert. ef. 1-1-06; WCB 2-2007, f. 12-11-07, cert. ef. 1-1-08; WCB 1-2009, f. 10-7-09, cert. ef. 1-1-10; WCB 1-2012, f. 8-22-12, cert. ef. 11-1-12

438-005-0070

Request for Hearing

Proceedings before the Hearings Division are begun by filing a request for hearing meeting the requirements of ORS 656.283 and OAR 438-005-0046. The request for hearing should be on a form prescribed by the Board. A request by an insurer or self-insured employer should also recite whether payment of compensation has been or will be stayed under

ADMINISTRATIVE RULES

656.313. In addition to the information required by 656.283(2), the person requesting a hearing should include the person's full name, the name of the injured worker if different from that of the person requesting the hearing, the date of the injury or exposure, the name of the employer and its insurer, if any, and the claim number. A copy of the request should be served on the insurer, self-insured employer, claimant, or if represented, claimant's counsel.

Stat. Auth.: ORS 656.726(4) & 654.025(2)
Stats. Implemented: ORS 656.283(1)
Hist.: WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 1-1994, f. 11-1-94, cert. ef. 1-1-95; WCB 1-2012, f. 8-22-12, cert. ef. 11-1-12

438-007-0015

Entitlement to Claims Information — Disclosure Requirements

(1) With respect to a claim for workers' compensation benefits and as used in this section, references to the insurer and the claimant include persons acting on their behalf, and references to the insurer include the self-insured employer, claims processing agents and assigned claims processing agents for non-complying employers.

(2) Documents pertaining to claims are obtained by mailing or delivering a copy of the Request for Hearing, or a written demand accompanied by an attorney retention agreement or medical information release, to the insurer. Within 15 days of said mailing or delivering, the insurer shall furnish the claimant and other insurers, without cost, originals or legible copies of all medical and vocational reports and other documents pertaining to the claim(s) as specified below.

(3) Upon written demand by the insurer, the claimant shall within 15 days of the mailing or delivering of the demand, furnish to the insurer, without cost, originals or legible copies of all medical and vocational reports and other documents pertaining to the claim(s) as specified below, which the claimant did not receive from the insurer (or self-insured employer) making the demand. In cases involving multiple insurers, an insurer shall seek discovery in accordance with section (9) of this rule.

(4) Documents acquired after the initial exchanges shall be provided to the insurer(s) and the claimant within seven days after the disclosing party's receipt of the documents.

(5) For the purpose of this rule, "documents pertaining to the claim(s)" or any variation thereof means documents and recordings, whether written or electronic or in any other form, which consist of the following items applicable to the workers' compensation claim:

(a) Medical and vocational reports, including any correspondence to and from the medical and vocational experts who provide the reports or who agree to testify on behalf of the party sending correspondence;

(b) Official forms and notices required by ORS Chapter 656, the Workers' Compensation Division or the Workers' Compensation Board, as they relate to the claim(s);

(c) Investigative statements, including a party's statement, and investigative summaries;

(d) Correspondence to and from the Workers' Compensation Division and the Workers' Compensation Board; and

(e) Upon specific request, records of all compensation paid, payroll records, records or statements of wages earned by the claimant, and copies of bills from medical and vocational service providers rendering treatment or services to the claimant.

(6) After the disclosure required by this rule, either the claimant or the insurer may request further specific discovery of other factual documents relevant and material to an issue raised by the Request for Hearing or the Response thereto, or any other issue which thereafter arises and is subject to the jurisdiction of the Workers' Compensation Board.

(7) Notwithstanding any other provision of this section, the following documents pertaining to the claim(s) are not discoverable:

(a) Material protected under the attorney/client privilege as defined in Oregon Rules of Evidence ORS 40.225 Rule 503;

(b) Material which is the work product of any attorney, except that correspondence and any inclusions sent to a medical or vocational expert who writes a report that is otherwise subject to disclosure under these rules or who agrees to testify at the request of the corresponding party shall be discoverable under subsection (5)(a) of this rule;

(c) Material reflecting the mental impressions, case value or merit, plans or thought processes of the claimant or insurer;

(d) Material protected by ORS 656.260; and

(e) Material protected from disclosure under OAR 438-007-0017 (impeachment).

(8) It is the express policy of the Board to promote the full and complete discovery of all relevant facts and expert opinion bearing on a claim being litigated before the Hearings Division, consistent with the right of

each party to due process of law. Failure to comply with this rule, if found to be unreasonable or unjustified, may result in the imposition of penalties and attorney fees, exclusion of evidence, continuance of a hearing (subject to OAR 438-006-0091), and/or dismissal of a request for hearing.

(9) When a new party is joined into existing litigation, the disclosure of discoverable documents and the exhibit list shall be made available to the new party by the insurer with the lowest WCB case number. This disclosure shall be made as soon as reasonable but no later than 15 days from the insurer's receipt of notice of the joinder of the new party.

(10) Any dispute under this rule regarding whether something is discoverable, in whole or in part, will be resolved by the assigned Administrative Law Judge or the designee of the Presiding Administrative Law Judge.

Stat. Auth.: ORS 656.726(5)

Stats. Implemented: ORS 656.307 & 656.726(5)

Hist.: WCB 1-1984, f. 4-5-84, ef. 5-1-84; Suspended by WCB 3-1987(Temp), f. 8-27-87, ef. 9-15-87; WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 2-1989, f. 3-3-89, ef. 4-1-89; WCB 2-1995, f. 11-13-95, cert. ef. 1-1-96; WCB 2-1997, f. 12-12-97, cert. ef. 3-1-98; WCB 1-2003, f. 2-21-03, cert. ef. 5-1-03; WCB 1-2012, f. 8-22-12, cert. ef. 11-1-12

438-009-0015

Notice of Settlement; Submission of Documents

(1) The party that requested the hearing shall promptly notify the Presiding Administrative Law Judge, or his or her delegate, when a case is settled in whole or in part.

(2) The party that requested Board review shall promptly notify the Board's Closing and Appeals Division in writing when a case is settled in whole or in part.

(3) The Presiding Administrative Law Judge, or his or her delegate, may require written notice of settlement as a condition of cancellation of a scheduled hearing.

(4) With the consent of the assigned Administrative Law Judge, the parties may enter a settlement on the oral record at the time and place scheduled for the hearing. With the exception of a disputed claim settlement, the Administrative Law Judge may enter an order reciting and approving the settlement in such cases, without the submission of documents by the parties. With the consent of the parties, the official oral record, including the Administrative Law Judge's approval, which is subject to transcription if necessary, is sufficient authority for the payment of settlement amounts in advance of the formal written order.

(5) Notwithstanding OAR 438-005-0046(1)(d), in all cases settled by disputed claim settlement or written stipulation of the parties, the settlement document shall be mailed or delivered to the Administrative Law Judge or the Board for approval. If the disputed claim settlement or written stipulation pertains to the resolution of disputes pending before both the Hearings Division and the Board, the settlement document shall recite the issues resolved by the Opinion and Order that is pending before the Board. If the disputed claim settlement or written stipulation is mailed or delivered to the Hearings Division for approval and the agreement either formally or effectively modifies a dispute which is pending before the Board, the disputed claim settlement or stipulation shall be submitted in a format to provide for both Hearings Division and Board approval.

(6) Unless a party has filed prior written notice with the Hearings Division or the Board that the party wants an exhibit returned to them, all exhibits (with the exception of exhibit lists) may be discarded from the record following:

(a) Administrative Law Judge or Board approval of a settlement stipulation or disputed claim settlement;

(b) An Administrative Law Judge order dismissing a party's hearing request in response to that party's withdrawal of the request; or

(c) A Board order dismissing a party's request for Board review in response to that party's withdrawal of the request for Board review.

Stat. Auth.: ORS 656.726(5)

Stats. Implemented: ORS 656.236, 656.289(4) & 656.726(5)

Hist.: WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 1-1990, f. 1-24-90, cert. ef. 2-28-90; WCB 1-1994, f. 11-1-94, cert. ef. 1-1-95; WCB 1-1999, f. 8-24-99, cert. ef. 11-1-99; WCB 3-2001, f. 11-14-01, cert. ef. 1-1-02; WCB 1-2004, f. 6-23-04, cert. ef. 9-1-04; WCB 1-2012, f. 8-22-12, cert. ef. 11-1-12

438-009-0022

Required Information in a Claim Disposition Agreement

(1) If a claim disposition agreement involves more than one claim, the disposition shall contain all of the information required by this rule for each claim including a separate first page of the claim disposition agreement as set forth in section (3) of this rule.

(2) The insurer/self-insured employer shall provide the claimant information explaining claim dispositions in a separate enclosure accompanying the proposed claim disposition agreement. The Board shall prescribe

ADMINISTRATIVE RULES

by a bulletin the specific form and format for the enclosure. If the claimant does not read or comprehend English, or is otherwise unable to understand written language, the insurer/self-insured employer shall provide this information in a language or other manner which ensures the worker understands the meaning of the disposition.

(3) The first page of the claim disposition agreement shall include, but not be limited to, the following information:

- (a) The worker's name;
- (b) The case number assigned to the claim by the Board, if any;
- (c) The insurer's/self-insured employer's claim number;
- (d) The date of the compensable injury or disease;
- (e) The file number assigned to the claim by the Workers' Compensation Division, if known;

(f) The name of the insurer/self-insured employer;

(g) Specific identification of all benefits, rights and insurer/self-insured employer obligations under Workers' Compensation Law which are released by the agreement;

- (h) The total attorney fee, if any, to be paid to claimant's attorney;
- (i) The total amount (excluding attorney fee) to be paid to the claimant; and

(j) A statement indicating whether or not the parties are waiving the "30-day" approval period of ORS 656.236(1)(a)(C) as permitted by 656.236(1)(b).

(4) The claim disposition agreement shall also contain, but not be limited to, the following:

(a) Identification of the accepted conditions that are the subject of the disposition;

- (b) The date of the first claim closure, if any;
- (c) The amount of any permanent disability award(s), if any;
- (d) Whether the worker has ever been able to return to the work force following the industrial injury or occupational disease;

(e) The worker's age, highest education level, and the extent of vocational training (or in the event that the worker is deceased, the age, highest education level, and the extent of vocational training of the worker's beneficiaries);

(f) A list of occupations that the worker has performed (or in the event that the worker is deceased, a list of occupations that each of the deceased worker's beneficiaries has performed);

(g) That the worker has been provided the informational enclosure prescribed by bulletin pursuant to section (2) of this rule (attachment of the informational enclosure to the parties' claim disposition agreement is not required, unless the enclosure is expressly incorporated into the agreement); and

(h) The following notice in prominent or bold face type, which shall either be included in the claim disposition agreement or incorporated by reference into the agreement:

"NOTICE TO CLAIMANT: UNLESS YOU ARE REPRESENTED BY AN ATTORNEY AND YOUR CLAIM DISPOSITION AGREEMENT INCLUDES A PROVISION WHICH WAIVES THE 30-DAY "COOLING OFF" PERIOD, YOU WILL RECEIVE A NOTICE FROM THE WORKERS' COMPENSATION BOARD OR THE ADMINISTRATIVE LAW JUDGE WHO MEDIATED THE AGREEMENT TELLING YOU THE DATE THIS AGREEMENT WAS RECEIVED BY THEM FOR APPROVAL. YOU HAVE 30 DAYS FROM THE DATE THE BOARD OR THE ADMINISTRATIVE LAW JUDGE WHO MEDIATED THE AGREEMENT RECEIVES THE AGREEMENT TO REJECT THE AGREEMENT, BY TELLING THE BOARD OR THE ADMINISTRATIVE LAW JUDGE WHO MEDIATED THE AGREEMENT IN WRITING. DURING THE 30 DAYS ALL OTHER PROCEEDINGS AND PAYMENT OBLIGATIONS OF THE INSURER/SELF-INSURED EMPLOYER, EXCEPT FOR MEDICAL SERVICES, ARE STAYED ON YOUR CLAIM. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY DISCUSS THIS AGREEMENT WITH THE BOARD IN PERSON WITHOUT FEE OR CHARGE. TO CONTACT THE BOARD, WRITE OR CALL: WORKERS' COMPENSATION BOARD, 2601 25TH STREET SE, SUITE 150, SALEM, OREGON 97302-1280, TELEPHONE: (503) 378-3308, TOLL-FREE AT 1-877-311-8061, 8:00 TO 5:00, MONDAY THROUGH FRIDAY. "YOU MAY ALSO DISCUSS THIS AGREEMENT WITH THE OMBUDSMAN FOR INJURED WORKERS, WITHOUT FEE OR CHARGE. TO CONTACT THE OMBUDSMAN, WRITE OR CALL: OMBUDSMAN FOR INJURED WORKERS, LABOR & INDUSTRIES BUILDING, 350 WINTER STREET NE, SALEM, OR 97310, TELEPHONE: TOLL-FREE AT 1-800-927-1271, 8:00 TO 5:00, MONDAY THROUGH FRIDAY. "YOU MAY ALSO CALL THE WORKERS' COMPENSATION DIVISION'S INJURED WORKER HOTLINE, TOLL-FREE AT 1-800-452-0288."

Stat. Auth.: ORS 656.726(5)

Stats Implemented: ORS 656.236

Hist.: WCB 2-1995, f. 11-13-96, cert. ef. 1-1-96; WCB 1-1999, f. 8-24-99, cert. ef. 11-1-99; WCB 2-2007, f. 12-11-07, cert. ef. 1-1-08; WCB 1-2012, f. 8-22-12, cert. ef. 11-1-12

438-009-0025

Claim Disposition Agreements; Processing

(1) The parties shall file the claim disposition agreement with the Board for approval by the Administrative Law Judge who mediated the

agreement or the Board Members. Any claim disposition agreement may be filed in accordance with OAR 438-005-0046(1)(a) and (1)(d). The claim disposition agreement shall be retained in the Board's file and a copy will be provided for the Director's claim file.

(2) Any claim disposition agreement filed under section (1) of this rule, shall be deemed to have been submitted as of the date the agreement is received by the Administrative Law Judge who mediated the agreement or the Board. All times to be calculated shall be calculated from the date of receipt of the agreement by the Administrative Law Judge who mediated the agreement or the Board.

(3) A request by an unrepresented claimant to meet with the Board must be made to the Board not more than 30 days after the Board's receipt of a claim disposition agreement, but need not be in any particular form; verbal requests will be accepted.

Stat. Auth.: ORS 656.726(5)

Stats. Implemented: ORS 656.236

Hist.: WCB 7-1990(Temp), f. 6-14-90, cert. ef. 7-1-90; WCB 11-1990, f. 12-13-90, cert. ef. 12-31-90; WCB 2-1993, f. 9-9-93, cert. ef. 12-1-93; WDB 1-1994, f. 11-1-94, cert. ef. 1-1-95; WCB 1-1999, f. 8-24-99, cert. ef. 11-1-99; WCB 2-2007, f. 12-11-07, cert. ef. 1-1-08; WCB 1-2012, f. 8-22-12, cert. ef. 11-1-12

438-009-0028

Postcard Announcing CDA Approval Order

(1) Except as provided in section (2) of this rule, the announcement that a Claim Disposition Agreement has received approval by the Administrative Law Judge who mediated the agreement or the Board may be provided in the following manner:

(a) For registered users, notification will be provided through the Board's website portal (<https://www.portal.wcb.oregon.gov>);

(b) The announcement of the order approving a Claim Disposition Agreement will be posted on the Board's website, which shall constitute notice of the approval of the agreement to the party and the party's attorney; or

(c) By postcards as prescribed in sections (3) and (4) of this rule.

(2) For unrepresented claimants, the announcement that a Claim Disposition Agreement has received approval by the Administrative Law Judge who mediated the agreement or the Board shall be provided by postcards as prescribed in sections (3) and (4) of this rule.

(3) With the exception of a Claim Disposition Agreement described in section (2) of this rule, the parties may also file self-addressed "Announcement of CDA Approval Order" postcards which shall be mailed by the Administrative Law Judge who mediated the agreement or the Board to all parties and their attorneys if the claim disposition agreement is approved. The Administrative Law Judge who mediated the agreement may also physically deliver the postcards to all parties and their attorneys as provided in OAR 438-009-0030(6).

(4) The postcard, which shall be in a form prescribed by the Board, shall provide the following information:

- (a) The claimant's name;
- (b) The claim number; and

(c) Blank spaces for the Administrative Law Judge who mediated the agreement or the Board to insert:

(A) The CDA case number; and

(B) The date when the claim disposition agreement was approved.

(5) If an insufficient number of postcards is filed by the parties or if any postcard lacks the information set forth in section (4) of this rule, the Administrative Law Judge who mediated the agreement or the Board may follow the procedures described in OAR 438-009-0020(4).

Stat. Auth.: ORS 656.726(5)

Stats. Implemented: ORS 656.236

Hist.: WCB 2-1993, f. 9-9-93, cert. ef. 12-1-93; WCB 1-1994, f. 11-1-94, cert. ef. 1-1-95; WCB 2-1995, f. 11-13-96, cert. ef. 1-1-96; WCB 2-2007, f. 12-11-07, cert. ef. 1-1-08; WCB 1-2012, f. 8-22-12, cert. ef. 11-1-12

438-009-0030

Claim Disposition Agreements; Stay of Other Proceedings; Payment of Proceeds

(1) Notwithstanding OAR 438-006-0081, 438-006-0091, 438-011-0020 and 438-011-0025, the receipt of a claim disposition agreement by the Administrative Law Judge who mediated the agreement or the Board shall suspend all other proceedings before the Board and the Hearings Division until completion of action upon the agreement, except that the Board shall accept and file requests for hearing and Board review for purposes of establishing jurisdiction.

(2) In those cases where the claimant is unrepresented or the claim disposition agreement does not include a provision in which the parties waive their "30-day" rights to seek disapproval, the Administrative Law

ADMINISTRATIVE RULES

Judge who mediated the agreement or the Board shall notify the parties and the Director of the receipt of a claim disposition agreement.

(3) In all cases, the Administrative Law Judge who mediated the agreement or the Board shall notify the Director of the receipt of a claim disposition agreement.

(4) In cases in which a party has requested judicial review of an order of the Board and such judicial review is pending on the date the Board receives the claim disposition agreement, the Administrative Law Judge who mediated the agreement or the Board shall notify the State Court Administrator of the receipt of the agreement.

(5) In the event that the Administrative Law Judge who mediated the agreement or the Board Members issue a separate written decision, the Administrative Law Judge or the Board will provide a copy of the decision for the Director's claim file, and copies of that decision approving or disapproving a claim disposition agreement shall be mailed to parties and their attorneys.

(6) Except as otherwise provided in section (5) of this rule, the signature of the Administrative Law Judge who mediated the agreement or two Board Members on a claim disposition agreement shall constitute a final order approving the disposition under ORS 656.236(1). Notice of this approval shall be accomplished in the manner provided in OAR 438-009-0028.

(7) Payment of the disposition shall be made no later than the 14th day after notice of its approval has been mailed or delivered under Section (5) or (6) of this rule to the parties, unless otherwise stated in the agreement.

Stat. Auth.: ORS 656.726(5)
Stats. Implemented: ORS 656.236
Hist.: WCB 7-1990(Temp), f. 6-14-90, cert. ef. 7-1-90; WCB 11-1990, f. 12-13-90, cert. ef. 12-31-90; WCB 2-1993, f. 9-9-93, cert. ef. 12-1-93; WCB 2-1995, f. 11-13-96, cert. ef. 1-1-96; WCB 2-2007, f. 12-11-07, cert. ef. 1-1-08; WCB 1-2012, f. 8-22-12, cert. ef. 11-1-12

438-011-0005

Request for Board Review

(1) The time for and manner of filing a request for Board review of a Administrative Law Judge's order are set forth in ORS 656.289, 656.295, and OAR 438-005-0046.

(2) Copies of a request for Board review of an Administrative Law Judge's order shall be simultaneously served on all parties to the proceeding and to their attorneys, if represented by an attorney.

(3) The request should recite the name of the claimant, the WCB case number, the identity of the party requesting review and should contain a brief statement of the reason review is requested.

(4) The request should also recite whether payment of compensation will be stayed under ORS 656.313.

Stat. Auth.: ORS 656.726(4)
Stats. Implemented: ORS 656.289(3) & 656.295(1)(2)
Hist.: WCB 4-1986, f. 10-8-86, ef. 11-1-86; WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 2-1991(Temp), f. 3-28-91, cert. ef. 4-8-91; WCB 5-1991, f. 8-22-91, cert. ef. 9-2-91; WCB 1-2012, f. 8-22-12, cert. ef. 11-1-12

438-011-0020

Briefs and Other Documents

(1) Filing of briefs is not jurisdictional; however, the Board views briefs as a significant aid to the review process. Briefs submitted for consideration by the Board shall comply with this section.

(2) The party requesting Board review shall file its appellant's brief to the Board within 21 days after the date of the Board's "Notice of Briefing." Respondent(s) shall file its (their) brief(s) within 21 days after the date of filing of the appellant's brief. Any party who has filed a cross-request for review shall include its cross-appellant's opening brief as a part of its respondent's brief. An appellant may file a reply and/or cross-respondent's brief within 14 days after the date of filing of the respondent's and/or cross-appellant's brief. Any party who has not filed a request for review may file a cross-respondent's brief within 14 days after the date of filing of the cross-appellant's brief. A cross-appellant may file a cross-reply brief within 14 days of the filing date of a cross-respondent's brief. Unless otherwise authorized by the Board, no other briefs will be considered.

(3) Extensions of time for filing of briefs will be allowed only on written request filed pursuant to OAR 438-005-0046(1) no later than the date the brief is due. A statement whether opposing counsel (or a party if the party is not represented by counsel) objects to, concurs in or has no comment regarding the extension of time requested shall be furnished in all cases. Briefing extensions will not be allowed unless the Board finds that extraordinary circumstances beyond the control of the party requesting the extension justify the extension.

Stat. Auth.: ORS 656.726(5)
Stats. Implemented: ORS 656.295(5) & 656.726(4)
Hist.: WCB 4-1986, f. 10-8-86, ef. 11-1-86; WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 4-1990(Temp), f. 4-13-90, cert. ef. 4-30-90; WCB 10-1990(Temp), f. 10-25-90, cert. ef. 10-27-

90; WCB 11-1990, f. 12-13-90, cert. ef. 12-31-90; WCB 1-1993, f. 5-19-93, cert. ef. 6-1-93; WCB 2-2007, f. 12-11-07, cert. ef. 1-1-08; WCB 1-2012, f. 8-22-12, cert. ef. 11-1-12

438-012-0016

Communication with Board and Parties in Own Motion Cases

A copy of any document in an Own Motion proceeding, including correspondence, directed to the Board or to a party in the claim shall be simultaneously mailed or delivered to all other parties involved in the claim or, if a party is currently represented by an attorney, to the party's attorney.

Stat. Auth.: ORS 656.278(1) & 656.726(4)
Stats. Implemented: ORS 656.278(1) & 656.726(4)
Hist.: WCB 5-1987, f. 12-18-87, ef. 1-1-88, cert. ef. 1-1-95; WCB 2-1995, f. 11-13-95, cert. ef. 1-1-96; WCB 1-2012, f. 8-22-12, cert. ef. 11-1-12

438-020-0010

Notice of Need for and Appointment of Interpreter

(1) When a party or a party's attorney determines that an interpreter is needed, the attorney, or an unrepresented claimant, shall immediately notify the Hearings Division's ISC. Notification is preferred by means of the Board's website portal (<https://portal.wcb.oregon.gov>), website Online Services page (www.wcb.oregon.gov), mail, or FAX, although telephonic notification will be accepted. Notification shall contain:

- The claimant's name;
- The WCB case number;
- The insurer claim number;
- The date, time and location of the hearing;
- The assigned ALJ; and
- The specific interpretation needs, such as the language and dialect,

the need for multiple interpreters and the anticipated length of the proceeding if it is reasonably expected to last more than two hours;

(2) The ISC, another designee of the assigned ALJ, or the assigned ALJ will appoint a certified or qualified interpreter and promptly notify the parties, or their representatives, of the name of the appointed interpreter.

(3) If there is an objection to the appointed interpreter, the objecting party shall communicate the objection to the assigned ALJ within a reasonable time.

(4) If, after the appointment of an interpreter, a proceeding is postponed or continued for reasons other than, and not including, an objection to or dissatisfaction with an appointed interpreter, it shall be presumed that the parties have no objection to the use of an interpreter previously appointed for the case and to whom no objection was made within a reasonable time after such appointment.

Stat. Auth.: ORS 656.726(5) & 183.310 - 183.400
Stats. Implemented: ORS 656.726(5), 45.273, 45.275, 45.285 & 45.288
Hist.: WCB 1-2001, f. 4-12-01, cert. ef. 7-1-01; WCB 2-1995, f. 11-13-95, cert. ef. 1-1-96; WCB 1-2012, f. 8-22-12, cert. ef. 11-1-12

Department of Corrections Chapter 291

Rule Caption: Case management of offenders under supervision in the community.

Adm. Order No.: DOC 9-2012(Temp)

Filed with Sec. of State: 8-31-2012

Certified to be Effective: 9-1-12 thru 2-28-13

Notice Publication Date:

Rules Adopted: 291-078-0026, 291-078-0031

Rules Amended: 291-078-0005, 291-078-0010, 291-078-0015, 291-078-0020

Subject: These rules are necessary in order for the department to implement the use of a new static risk assessment tool (Public Safety Checklist) to replace the current risk assessment tool. The Public Safety Checklist will be used as the statewide initial risk assessment tool for offenders. The Proxy will be used as an alternative tool for offenders that have no Oregon criminal history or an extensive out-of-state criminal history.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-078-0005

Authority, Purpose, and Policy

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: The purpose of this rule is to:

ADMINISTRATIVE RULES

(a) Provide uniform business practices in accordance with evidence-based practices of case management for offender supervision in the community;

(b) Establish a level of statewide consistency for the classification of offenders;

(c) Classify offenders based upon the risk of recidivism;

(d) Operate on the principle of limited risk control and utilize an objective risk assessment tool for making classification decisions;

(e) Quantify workload, including both investigative and supervision services;

(f) Assign levels of supervision;

(g) Provide the data necessary for policy decisions, program planning, effective utilization of resources, research, and evaluation;

(h) Enhance corrections system credibility by providing a means of accountability through established auditing methods; and

(i) Provide workload data which may be used for resource allocation.

(3) Policy: It is the policy of the Department of Corrections to target resources to those offenders who are most likely to recidivate using evidence-based practices in a comprehensive case management approach.

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

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

Hist.: CD 15-1991, f. & cert. ef. 6-14-91; CD 12-1997, f. 7-23-97, cert. ef. 8-1-97; DOC 9-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13

291-078-0010

Definitions

(1) Agency: The Department of Corrections or county community corrections agencies.

(2) Case Management: A proactive and collaborative process which assesses, plans, implements, coordinates, monitors, and evaluates options and services to meet an offender's risks, needs, and responsivity factors. Case management is the process that links all the elements involved in an offender's management. The process of case management unifies procedures and personnel to balance resources and an offender's needs through their term of community supervision.

(3) Case Plan: A dynamic document created collaboratively with an offender that specifically identifies the offender's evidence-based assessed risk and needs, accompanied by risk reduction strategies and plans of action, with timelines.

(4) Evidence-Based Practices: The body of research and clinical knowledge that describes correctional assessment, programming, and supervision strategies that lead to improved correctional outcomes, such as risk reduction and increased public safety. Such principles not only meet the public's expectations for economical business strategies, efficiency, and effectiveness; but also reflect fairness and accountability.

(5) Intensive Supervision: An enhanced level of supervision exceeding a county's high risk level supervision standards. Intensive supervision may include, but not be limited to, electronic monitoring, house arrest, curfew, day reporting, supervised housing, multiple supervising officers, adjunct surveillance by law enforcement or other specialists, increased face-to-face offender contacts in the community, increased collateral contacts (such as with family, therapist and employer), community notification, geographic restrictions, offender mileage logs, medication monitoring (such as psychotropics, or antabuse), intensive outpatient or residential treatment programming, urinalysis, and polygraph.

(6) Level of Service/Case Management Inventory (LS/CMI): A validated assessment tool used to determine an offender's risk to recidivate and identify criminogenic risk factors.

(7) Offender: Any person under the supervision of local community corrections who is on probation, parole, or post-prison supervision status.

(8) Ontario Domestic Assault Risk Assessment (ODARA): Actuarial risk assessment tool to assess risk in cases where a man has assaulted his female partner.

(9) Public Safety Checklist (PSC): A statistical calculation developed by the Oregon Criminal Justice Commission in collaboration with the department's research unit to predict an offender's risk to recidivate within three years of release from custody or admission to probation.

(10) Proxy: A three question validated risk assessment tool created by the National Institute of Corrections.

(11) Risk of Violence: The identified potential of an offender to engage in or threaten to engage in behavior that constitutes physical force and/or the inflicting of injury on another person.

(12) Risk of Recidivism: The likelihood of an offender being convicted of a new felony within three years of release from prison or admission to probation.

(13) Sexually Violent Dangerous Offender (SVDO): A special designation by the Court and/or Board of Parole and Post-Prison Supervision as defined in ORS 144.635 subjecting the offender to intensive supervision for the full period of parole and/or post-prison supervision.

(14) Stable/Acute: Actuarial risk and needs scales for the assessment of sexual offenders and the probability of sexual and violent recidivism.

(15) Static-99: A ten item actuarial assessment instrument for use with adult sexual offenders who are at least 18 years of age at the time of admission to supervision.

(16) Supervision Intake Date: The date upon which the agency supervisor assigns a new case offender to a supervising/intake offender.

(17) Supervision Period: The period of time an offender is under the supervision of an agency or agencies. The period of supervision may involve multiple cases and is interrupted only by Department of Correction incarceration, transfer of the offender's supervision out of state, case closure due to absconding, or legal termination of the final chronological case.

(18) Supervision Termination Date: The date established by the releasing/sentencing authority when the offender is no longer legally subject to community supervision.

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

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

Hist.: CD 15-1991, f. & cert. ef. 6-14-91; CD 12-1997, f. 7-23-97, cert. ef. 8-1-97; DOC 9-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13

291-078-0015

Applicability

(1) All agencies are required to utilize Community Case Management in order to access designated Community Corrections Act funds.

(2) Community Case Management shall apply to all offenders being supervised or investigated due to a felony conviction and to offenders being formally investigated as part of the court process prior to actual conviction and/or sentencing. Community Case Management does apply to diversions and deferred sentences, but not to game violations.

(3) Community Case Management Manual: A manual, which includes all agreed upon community case management practices and standards, will be provided by the Department

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

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

Hist.: CD 15-1991, f. & cert. ef. 6-14-91; CD 12-1997, f. 7-23-97, cert. ef. 8-1-97; DOC 9-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13

291-078-0020

Risk Assessment

(1) Proper assessment ensures the classification of offenders according to risk and their assignment to specified levels of community supervision.

(2) New Case: Any offender received for community supervision who is not already under community supervision at the time of the admission to supervision shall be considered a new case. A risk assessment must be completed.

(a) The offender shall be considered a new case for a period of up to 30 days commencing with the supervision intake date. Authorization to extend the new case status an additional 30 days may be granted by the supervisor when extenuating circumstances warrant such extension. Approval for the extension may be documented in the case file.

(b) An absconder shall be considered a new case upon return to supervision if he/she has been absent from supervision for a period of six months or longer.

(c) An offender shall be considered a new case upon release from incarceration due to revocation or upon a new felony conviction.

(3) Risk Assessment:

(a) The assessment of risk will involve the use of the PSC, a validated risk assessment tool, which is an objective instrument that groups offenders according to their likelihood to recidivate.

(b) The assessment of risk will rely primarily on automated static risk factors to predict the likelihood to recidivate. The initial risk assessment score will be created as part of new case procedures.

(c) The computer generated score will place the offender in one of three risk levels: high, medium, or low.

(d) If an offender has no in-state arrest history or an extensive out-of-state criminal history, the PROXY risk tool will be used, which is a manual risk assessment tool and will serve as a proxy to the automated risk assessment tool and will determine the initial risk level.

(4) Risk, Needs, and Responsivity Assessment:

(a) The ongoing assessment of offenders risk, needs, and responsivity relies on a combination of both static and dynamic risk factors in order

ADMINISTRATIVE RULES

to predict recidivism and identify criminogenic needs and responsivity issues..

(b) The LS/CMI and a case plan, as described in OAR 291-078-0010 and 0025, will be completed on all offenders determined to be of high or medium risk either by the PSC, Proxy, or by an approved override. The LS/CMI is not required on sexual offenders who are subject to the Stable/Acute and Static-99.

(c) Offenders will be reassessed using the LS/CMI a minimum of every twelve months, or as circumstances warrant for high and medium level cases.

(d) The LS/CMI is not required on offenders that are assessed at the low level either by the PSC or by an approved override. Low level offenders may be reassessed using the PSC or LS/CMI as circumstances warrant.

(e) Nothing in this rule prevents an agency from completing an LS/CMI on a sexual offender or on a low level offender.

(5) Overrides:

(a) The override feature is intended to address risk factors that may not be included in the objective risk assessment instruments. These factors are based upon:

(A) Dynamic risk factors, which appear to impact the risk the offender poses to the community ; or

(B) Policy and/or value statements on the part of the agency regarding the delivery of correctional services.

(b) The override feature provides for either increases or decreases in the level of supervision from that determined through the initial risk assessment score.

(c) All overrides must be based upon static and/or dynamic risk factors identified by one of the following tools, special offender designation, or the offender's availability for supervision:

(A) LS/CMI;

(B) Stable/Acute

(C) ODARA;

(D) SVDO;

(E) Policy; or

(F) Unavailable status, which includes

(i) In custody;

(ii) Warrant/Abscond;

(iii) Residential Treatment;

(iv) CMPO, Compacted Out of State; or

(v) Medical (Hospice, State Hospital, etc.)

(d) The assessing officer must indicate the single most appropriate category on the override screen.

(e) Approval of override requests by the officer's supervisor is not required; however, an agency may require this level of approval.

(f) All overrides must include a comment or a reason for the override.

(g) Supervision level changes due to override shall remain in effect until:

(A) A change in circumstances warrants a reassessment and subsequent adjustment in the level of supervision;

(B) The removal of the override is warranted and consistent with public safety and the reformation of the offender.

(6) In order to ensure a baseline of statewide consistency in the supervision of offenders, three basic levels of supervision have been established: high, medium, and low. The risk instrument shall, in most cases, determine which supervision level is appropriate. The county community corrections manager will establish minimum contact standards for each of the three supervision levels for new cases.

(a) Standards will be in writing with the policies and procedures of the agency.

(b) The county will notify the Department of Corrections of the contact standards so that they can be coded into the Corrections Information System (CIS). The management reports generated by CIS will reflect the actual standards set in the county.

(7) An offender found to be a SVDO, as defined in ORS 144.635, shall be subject to intensive supervision for the full period of the offender's parole and post-prison supervision.

(8) Intensive supervision for the purposes of this rule means an enhanced level of supervision exceeding a county's high risk level supervision standards. Intensive supervision may include, but not be limited to, electronic monitoring, house arrest, curfew, day reporting, supervised housing, multiple supervising officers, adjunct surveillance by law enforcement or other specialists, increased face-to-face offender contacts in the community, increased collateral contacts (such as with family, therapist and employer), community notification, geographic restrictions, offender mileage logs, medication monitoring (such as depo provera, psychotropics,

antabuse), intensive outpatient or residential treatment programming, urinalysis, and polygraph.

Stat. Auth.: ORS 144.637, 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 144.637, 179.040, 423.020, 423.030 & 423.075

Hist.: CD 15-1991, f. & cert. ef. 6-14-91; CD 12-1997, f. 7-23-97, cert. ef. 8-1-97; DOC 4-2001, f. & cert. ef. 2-7-01; DOC 9-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13

291-078-0026

Community Case Management and Planning

(1) Community case management and planning is comprised of the following principles:

(a) When all community corrections staff and community stakeholders share appropriate information and assist in the case planning for offenders, both the quality of change and the safety of the community improve. Mutual respect, proper training, and on-going communication and cooperation provide the foundation for community case management;

(b) Case planning begins in the institution for those offenders releasing on parole or post-prison supervision. An effective community case management system will build upon the case planning that occurred in the institution;

(c) Each offender is treated as an individual rather than as a part of a group;

(d) Case management programs and interventions are structured around an individual's risk, need, and responsivity factors;

(e) Case plan programs and interventions contain clear and achievable goals where goal achievement is rewarded;

(f) Positive behaviors and personal accountability are expected in order to achieve goals;

(g) Each offender has the ability to provide input into their case plan;

(h) Quality pro-social interaction between all agency staff and offenders is the expectation and is an evidence-based practice that can be consistently offered throughout the correctional process;

(i) Offenders receive support in various ways, including education, employment, programs, and treatment services;

(j) The emphasis is on being proactive rather than waiting for problems to develop;

(k) Accurate record keeping for monitoring progress is a vital and on-going part of successful community case planning and case management;

(l) Feedback to the offender about case planning and progress is a vital and on-going part of successful community case management; and

(m) Quality assurance measures are utilized to ensure consistency and reliability of community case management techniques, as well as a consistent statewide case management approach.

(2) Individualized case plans shall be prepared on all high and medium risk offenders. Case plans may be prepared on all other offenders.

(a) The case plan will identify interventions, supervision strategies, programming, treatment, and educational/employment activities that are appropriate to the offender's strengths and needs;

(b) The case plan will promote positive change and assist in developing pro-social behaviors;

(c) The case plan process is intended to be collaborative in nature;

(d) The automated case plan in the Case Management Module shall be used when creating a case plan;

(e) Components of each case plan should contain or identify:

(A) Prioritized goals based upon assessments such as the LS/CMI, Stable/Acute and Static 99, ODARA, mental health status, or any other instruments assessing need or risk to recidivate;

(B) Desired outcomes for each goal;

(C) Action steps or tasks linking the offender to the appropriate services;

(i) Are time sensitive, measurable, achievable, and specific;

(ii) Are time specific and should not be identified as a range (e.g. 30-60 days) or as an unspecified period of time, (e.g. as needed);

(iii) Should identify who is responsible for accomplishing the action steps/tasks; and

(iv) Should prioritize completion dates.

(3) Officers should routinely review the case plan with the offender and modifications should be made as indicated by the offender's behavior, compliance with the plan, and responsivity to change.

(a) Progress should be outcome oriented, measurable, and recorded in case plan;

(b) When goals and action steps are completed, they should be replaced by the next prioritized risk/need areas identified.

(4) Reentry and release planning are part of the case planning process.

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

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

Hist.: DOC 9-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13

ADMINISTRATIVE RULES

291-078-0031

Validation/Evaluation

(1) The Department of Corrections will subject the PSC to periodic validation in order to ensure that the tool is predicting risk within acceptable ranges.

(2) Evaluation of the community case management system will occur through:

(a) The ongoing assessment of operations through the operational review system;

(b) The ongoing informal feedback of users and recommendations of the Oregon Association of Community Corrections Directors Risk Assessment Workgroup; and

(c) The formal written evaluation of the system to determine operational effectiveness and accomplishments of identified purposes.

(3) A formal evaluation will occur at no more than five-year intervals.

(4) Each agency is responsible for quality assurance measures within their county.

(a) Case plans should be reviewed a minimum of every six months for high and medium cases and as needed for all other cases;

(b) Internal quality assurance measures such as peer review and supervisor audits should be used to maximize consistency and reliability of case management tasks. These reviews should be conducted on a regular basis as determined by the agency.

(c) Internal quality assurance may include:

(A) Spot checks of assessments, which may include the LS/CMI and Stable/Acute and Static 99;

(B) Review of case plan development and maintenance;

(C) Observation, review, and feedback of LS/CMI interviews or motivational interviews;

(D) Proper use of supervision overrides;

(E) Accurate and appropriate case documentation; and/or

(F) Adherence to case plan policies and procedures.

(d) External quality assurance measures, including peer review and formal audits, may be used to ensure a statewide case management practice.

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

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

Hist.: DOC 9-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13

Rule Caption: Operation and Use of Telephones by Inmates.

Adm. Order No.: DOC 10-2012(Temp)

Filed with Sec. of State: 8-31-2012

Certified to be Effective: 9-1-12 thru 2-28-13

Notice Publication Date:

Rules Amended: 291-130-0006, 291-130-0011, 291-130-0016, 291-130-0020, 291-130-0080

Subject: The department has updated its inmate telephone system. There rules are necessary to update the rule to current operations of the new telephone system.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-130-0006

Definitions

(1) Debit Call: A telephone call placed by an inmate using funds from the inmate's telephone account.

(2) Functional Unit Manager: Any person within the Department of Corrections who reports to either the Director, Deputy Director, an assistant director, or an administrator and has responsibility for the delivery of program services or coordination of program operations. In these rules, the "functional unit manager" is the superintendent of an institution.

(3) Legal Telephone Call: Telephone calls between an inmate and his/her attorney or the attorney's documented representative(s), legal aid bureaus or other organizations as deemed appropriate by the department. The department will maintain a "legal call list" as specified in OAR 291-130-0021. Calls to numbers on the legal call list will not be subject to monitoring or recording by the department.

(4) Officer in Charge: That person designated by the functional unit manager to supervise the facility and make operational decisions in accordance with policy, rule or procedure during periods when the functional unit manager or officer of the day are not readily available.

(5) Personal Identification Number (PIN): An assigned number used by an inmate to access the inmate telephone system.

(6) Three-Way Call: Any call that uses an intermediary call to bridge communication to a third party. This includes any communication between the inmate or the original called party with a third party not in the same location.

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

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

Hist.: CD 8-1993, f. 3-10-93, cert. ef. 4-1-93; DOC 2-2006, f. 3-10-06, cert. ef. 3-13-06; DOC 10-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13

291-130-0011

Operation of Inmate Telephones

(1) Inmates are required to use their personal identification number (PIN) to access the inmate telephone system.

(a) Inmates are responsible to maintain security of their PIN.

(b) An inmate may not use another inmate's PIN.

(c) The department is not responsible for theft, loss or costs related to an inmate lending his/her PIN or failing to provide for its safekeeping.

(d) An inmate's PIN will be terminated if it has been lost, stolen, or if in the sole judgment of the functional unit manager/designee, the PIN has been used by the inmate or another person to engage in activity that violated department rule, state or federal law, or in other activity that poses a threat or is detrimental to the security, safety, health, good order or discipline within a Department of Corrections facility, inmate rehabilitation or that facilitates criminal activity.

(e) If an inmate's PIN is terminated, the department will issue the inmate a new PIN. The department may assess the inmate a PIN replacement fee.

(2) Debit Calls: The department will establish a telephone account for each inmate.

(a) Inmates may transfer funds from their trust account to their telephone account. Availability of funds in the inmate's trust account will be verified before any transfer of funds to the telephone account.

(b) An inmate shall address any issues regarding funds in his/her telephone account directly to the inmate telephone service provider.

(c) Debit calls will disconnect when funds in an inmate's telephone account have been depleted.

(d) Inmates may utilize their PIN to access their individual telephone account balance through the inmate telephone system.

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

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

Hist.: DOC 2-2006, f. 3-10-06, cert. ef. 3-13-06; DOC 10-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13

291-130-0016

General Provisions

(1) All calls must be placed as collect or debit. Only collect or debit calls can be made from telephones designated for inmate use.

(2) The functional unit manager or designee has the authority to restrict telephone calls by an inmate if the safety of the public would be involved or the security of the facility or safety and welfare of any person would be jeopardized.

(3) Inmates shall not participate in three way calls or any form of call forwarding. An inmate may be assessed a fine from the inmate telephone service provider if it is verified he/she has participated in a three-way call or any form of call forwarding.

(4) Inmates shall not place charges to third party numbers, motels, hotels, places of business, credit cards or to telephone company calling card numbers.

(5) If the telephone call cannot be completed because no one answers or the line is busy, the inmate shall hang up and attempt another call at another time.

(6) Inmates shall not loiter in the surrounding area where telephones are located.

(7) Only one inmate at a time shall be permitted access to a telephone. The inmate who initiates a call is the only person authorized to converse with the contact party during that call.

(8) Inmates may be required to sign up on the telephone log (CD 755) to reserve a time to use a telephone in a housing unit or activity area when there are a large number of inmates who want access to a telephone, but there are a limited number of telephones.

(9) A set of Oregon telephone directories for major cities shall be located in the facility library.

(10) Special Housing: Inmates in special housing may be allowed telephone services as established by the functional unit manager. Special housing includes administrative housing, disciplinary segregation, Intensive Management Unit, Death Row housing, mental health special housing, and facility infirmaries.

(a) Inmates in special housing may have restricted telephone services, and be allowed only emergency calls, legal calls as specified in OAR 291-130-0021, or other calls as authorized by the functional unit manager or designee.

ADMINISTRATIVE RULES

(b) Inmates in mental health special housing may have limited access to telephones if the access interferes with the inmate's treatment.

(11) The department may prohibit an inmate from calling a particular person or phone number when requested by the person, or in the case of a minor child, by the child's parent or legal guardian.

(12) Other inmate telephone services or restrictions, not specifically addressed in this rule, may be implemented for safety and security reasons or as authorized by the functional unit manager.

(13) Inmates shall report all inmate phone repair issues as directed by the department.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: CD 5-1988, f. & cert. ef. 3-21-88; CD 8-1993, f. 3-10-93, cert. ef. 4-1-93, Renumbered from 291-130-0010(5); DOC 7-2002, f. & cert. ef. 6-12-02; Renumbered from 291-130-0040, DOC 2-2006, f. 3-10-06, cert. ef. 3-13-06; DOC 10-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13

291-130-0020

Monitoring, Termination and Blocking of Calls

(1) All calls are subject to monitoring and recording except for legal telephone calls.

(2) Directly above each group of monitored telephones, a sign shall be posted stating in English and Spanish "Phone calls are subject to be monitored and recorded."

(3) An inmate's use of the telephone system to engage in activity that is a violation of department rules, state, or federal law may result in disciplinary action and possible restriction of telephone services.

(4) The department may block access to phone numbers used to commit a crime or violate department rules, including any attempt to place a three-way call or use any form of call forwarding. The owner of a telephone number that has been blocked for participation in a three-way call or call forwarding may request an administrative review by writing to the functional unit manager.

(5) An inmate's telephone services or individual telephone calls may be suspended by the functional unit manager/designee, in his/her sole discretion, when the functional unit manager/designee has reason to believe the inmate has used or may use inmate telephone services to:

(a) Engage in activity that violates department rule, state or federal law; or

(b) Engage in other activity that poses a threat or is detrimental to the security, safety, health, good order or discipline within a Department of Corrections facility, inmate rehabilitation, that facilitates criminal activity, or jeopardizes the safety and welfare of any person.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: CD 5-1988, f. & cert. ef. 3-21-88; CD 8-1993, f. 3-10-93, cert. ef. 4-1-93, Renumbered from 291-130-0010(3); DOC 2-2006, f. 3-10-06, cert. ef. 3-13-06; DOC 10-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13

291-130-0080

Remaining Telephone Fund Balances Upon Release

Remaining funds balances received from the inmate telephone service provider will be deposited to individual inmate trust accounts as per the department's rule on **Trust Accounts** (OAR 291-158-0045) less a processing fee imposed by the department. Funds deposited on behalf of inmates who are indebted to the department are subject to collection as per OAR 291-158-0065. Any remaining funds are disbursed to the inmate through the Oregon Trail card or by check.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 2-2006, f. 3-10-06, cert. ef. 3-13-06; DOC 10-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13

Department of Fish and Wildlife

Chapter 635

Rule Caption: Amend rule to extend the hunt for Bighorn Sheep Controlled Hunt 568B.

Adm. Order No.: DFW 108-2012(Temp)

Filed with Sec. of State: 8-16-2012

Certified to be Effective: 8-16-12 thru 11-1-12

Notice Publication Date:

Rules Amended: 635-067-0030

Subject: The current season for the Bighorn Sheep Controlled Hunt (568B) is from August 18 to August 31, 2012. This rule amendment would extend the season to October 31, 2012 and provide an option

for Department staff to authorize hunters who do not hunt during the extended season to exercise the tag in the 2013 season.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-067-0030

Controlled Bighorn Sheep Hunts

Notwithstanding the provisions of the 2012 Oregon Big Game Regulations: The season dates listed on page 39 for the E. Whitehorse (568B) Controlled Big Horn Sheep Hunt is extended to October 31, 2012. The Department may authorize hunters who drew a tag for this unit to hunt during this extended period in 2012, or to forego hunting under the tag in 2012 and exercise the tag in the 2013 season instead.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 32-1978, f. & ef. 6-30-78; FWC 12-1979, f. & ef. 3-28-79; FWC 29-1979, f. & ef. 8-2-79; FWC 14-1980, f. & ef. 4-8-80; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82, Renumbered from 635-060-0610; FWC 15-1983, f. & ef. 4-19-83; FWC 16-1984, f. 4-6-84, ef. 4-15-84; FWC 21-1985, f. & ef. 5-7-85; FWC 29-1986, f. & ef. 7-23-86; FWC 11-1987, f. & ef. 3-6-87; FWC 14-1988, f. & cert. ef. 3-10-88; FWC 16-1989, f. & cert. ef. 3-28-89; FWC 65-1989, f. & cert. ef. 8-15-89; FWC 25-1990, f. & cert. ef. 3-21-90; FWC 21-1991, f. & cert. ef. 3-12-91; FWC 45-1992, f. & cert. ef. 7-15-92; FWC 61-1992, f. & cert. ef. 7-30-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 99-2006(Temp), f. & cert. ef. 9-11-06 thru 9-30-06; Administrative correction 10-16-06; DFW 109-2009(Temp), f. & cert. ef. 9-9-09 thru 9-30-09; Administrative correction 10-22-09; DFW 81-2011, f. 6-29-11, cert. ef. 8-20-11; DFW 115-2011(Temp), f. & cert. ef. 8-16-11 thru 2-11-12; DFW 116-2011(Temp), f. & cert. ef. 8-19-11 thru 10-1-11; Administrative correction 10-27-11; DFW 159-2011, f. 12-14-11, cert. ef. 1-1-12; DFW 108-2012(Temp), f. & cert. ef. 8-16-12 thru 11-1-12

Rule Caption: 2012 Snake River Fall Chinook Sport Fishery Below Hells Canyon Dam Opens September 1.

Adm. Order No.: DFW 109-2012(Temp)

Filed with Sec. of State: 8-21-2012

Certified to be Effective: 9-1-12 thru 12-31-12

Notice Publication Date:

Rules Amended: 635-023-0134

Rules Suspended: 635-023-0134(T)

Subject: Amended rule implements a fall Chinook fishery on the Snake River from the Oregon-Washington border upstream to the deadline below Hells Canyon Dam beginning on September 1, 2012, to coincide with State of Idaho regulations for this concurrent fishery.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0134

Snake River Fishery

(1) The **2012 Oregon Sport Fishing Regulations** provide requirements for the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the **2012 Oregon Sport Fishing Regulations**.

(2) Notwithstanding, all other specifications and regulations as outlined in the **2012 Oregon Sport Fishing Regulations**, the following conditions apply:

(a) The Snake River from the Oregon-Washington border upstream to the deadline below Hell's Canyon Dam is open seven (7) days per week, effective Wednesday, September 1 through the close of fishing on Monday, October 31, 2012, or until further notice.

(b) Daily bag limit is six (6) adipose fin-clipped fall Chinook salmon per day. There are no daily, possession, or season limits for jack fall Chinook salmon.

(c) Barbless hooks are required.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162 & 506.129
Hist.: DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 47-2005(Temp), f. 5-19-05, cert. ef. 5-21-05 thru 6-20-05; Administrative correction 7-20-05; DFW 31-2006(Temp), f. 5-18-06, cert. ef. 5-20-06 thru 6-19-06; Administrative correction 7-21-06; DFW 31-2007(Temp), f. 5-9-07, cert. ef. 5-11-07 thru 6-18-07; DFW 43-2007(Temp), f. 6-14-07, cert. ef. 6-19-07 thru 7-2-07; Administrative correction 2-8-08; DFW 43-2008(Temp), f. 4-25-08, cert. ef. 4-26-08 thru 7-20-08; DFW 64-2008(Temp), f. 6-18-08, cert. ef. 6-21-08 thru 7-31-08; Administrative correction 8-21-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 58-2009(Temp), f. 5-27-09, cert. ef. 5-30-09 thru 7-12-09; DFW 80-2009(Temp), f. 6-30-09, cert. ef. 7-1-09 thru 7-17-09; Administrative correction 7-21-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 22-2010(Temp), f. 4-13-10, cert. ef. 4-24-10 thru 7-31-10; DFW 107-2010(Temp), f. 7-26-10, cert. ef. 7-31-10 thru 8-4-10; Administrative correction, 8-18-10; DFW 119-2010(Temp), f. 8-18-10, cert. ef. 9-1-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 29-2011(Temp), f. 4-12-11, cert. ef. 4-23-11 thru 10-19-11; DFW 118-2011(Temp), f. 8-23-11, cert. ef. 9-1-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 35-

ADMINISTRATIVE RULES

2012(Temp), f. 4-16-12, cert. ef. 4-22-12 thru 9-30-12; DFW 93-2012(Temp), f. 7-24-12, cert. ef. 8-5-12 thru 9-30-12; DFW 109-2012(Temp), f. 8-21-12, cert. ef. 9-1-12 thru 12-31-12

Rule Caption: Directed Commercial Sardine Fishery Second Allocation Period Closes August 23, 2012.

Adm. Order No.: DFW 110-2012(Temp)

Filed with Sec. of State: 8-21-2012

Certified to be Effective: 8-23-12 thru 9-14-12

Notice Publication Date:

Rules Amended: 635-004-0375

Subject: This amended rule closes the Second Allocation Period of the directed commercial sardine fishery effective August 23 through September 14, 2012. These modifications conform state regulations to federal rule changes posted for public inspection August 17, 2012 with intent to publish these changes in the Federal Register.

The federal publication referenced in the amended rule OAR 635-004-0375(1)(b) is also updated to correspond to current federal regulations.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0375

Scope, Inclusion, and Modification of Rules

(1) The commercial coastal pelagic species fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon and the federal government through the Pacific Fishery Management Council process. The Code of Federal Regulations provides federal requirements for this fishery, including but not limited to the time, place, and manner of taking coastal pelagic species. However, additional regulations may be promulgated subsequently by publication in the Federal Register, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations. Therefore, the following publications are incorporated into Oregon Administrative Rule by reference:

(a) Code of Federal Regulations, Part 660, Subpart I, (October 1, 2010 ed.); and

(b) Federal Register Vol. 77, No. 153, dated August 8, 2012 (77 FR 47318).

(c) Federal Notice of Pacific Sardine Directed Fishing Closure, dated August 17, 2012.

(2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable coastal pelagic species fishing requirements. Where federal regulations refer to the fishery management area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic Zone.

(3) The Commission may adopt additional or modified regulations that are more conservative than federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-0205 through 635-004-0235 and 635-004-0380 through 635-004-0545 for additions or modifications to federal coastal pelagic species regulations.

[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, 506.109 & 506.129
Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 110-2012(Temp), f. 8-21-12, cert. ef. 8-23-12 thru 9-14-12

Rule Caption: Cape Falcon to Humbug Mountain Summer All-Depth Season Closed To Retention of Pacific Halibut.

Adm. Order No.: DFW 111-2012(Temp)

Filed with Sec. of State: 8-23-2012

Certified to be Effective: 8-24-12 thru 12-31-12

Notice Publication Date:

Rules Amended: 635-039-0085

Rules Suspended: 635-039-0085(T)

Subject: This amended rule closes the all-depth spring sport fishery for Pacific halibut in the area between Cape Falcon and Humbug Mountain, Oregon at 11:59 p.m. on August 24, 2012 when the quota of 47,639 pounds is projected to have been taken. This rule is consistent with regulations that have been implemented by the federal government and the International Pacific Halibut Commission for the 2012 Oregon recreational fishery for Pacific halibut.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-039-0085

Halibut Seasons

(1) The Pacific halibut sport fishery in Oregon is regulated by the federal government and the International Pacific Halibut Commission (IPHC). OAR chapter 635, division 039 incorporates into Oregon Administrative Rules, by reference:

(a) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 2012 ed.), as amended; and

(b) Federal Register Vol. 77, No. 56, dated March 22, 2012 (77FR 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.

[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

Rule Caption: Additional Fall Commercial Drift Gill Net Seasons Set for the Mainstem Columbia River.

Adm. Order No.: DFW 112-2012(Temp)

Filed with Sec. of State: 8-24-2012

Certified to be Effective: 8-26-12 thru 10-31-12

Notice Publication Date:

Rules Amended: 635-042-0031

Rules Suspended: 635-042-0031(T)

Subject: Amended rule authorizes two 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 9:00 p.m. Sunday, August 26, 2012. Modifications are consistent with action taken August 24, 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 9:00 p.m. Sunday, August 26 to 6:00 a.m. Monday, August 27, 2012 (9 hours); and from 9:00 p.m. Tuesday, August 28 to 6:00 a.m. Wednesday, August 29, 2012 (9 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.

ADMINISTRATIVE RULES

(2) Gear is restricted to drift gill nets only with 9 inch minimum and 9.75-inch maximum mesh sizes. The multiple net rule is NOT in effect and nets not authorized for this fishery are prohibited to be onboard the vessel.

(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. 8-7-87; FWC 67-1988, f. & cert. 8-15-88; FWC 68-1988(Temp), f. & cert. 8-15-88; FWC 54-1989(Temp), f. & cert. 8-7-89; FWC 56-1989(Temp), f. & cert. 8-11-89; FWC 58-1989(Temp), f. & cert. 8-14-89; FWC 80-1989(Temp), f. & cert. 8-28-89, cert. 8-29-89; FWC 80-1990(Temp), f. & cert. 8-8-90; FWC 85-1991, f. & cert. 8-7-91, cert. 8-12-91; FWC 91-1991(Temp), f. & cert. 8-29-91; FWC 73-1992(Temp), f. & cert. 8-10-92; FWC 46-1996, f. & cert. 8-23-96; FWC 53-1996(Temp), f. & cert. 8-25-98 thru 8-26-98; FWC 59-1999(Temp), f. & cert. 8-23-99 thru 9-11-99; DFW 75-1999(Temp), f. & cert. 8-23-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. & cert. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. & cert. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. & cert. 8-7-01, cert. 8-8-01 thru 8-9-01; DFW 76-2001(Temp), f. & cert. 8-25-01 thru 10-31-01; DFW 79-2001(Temp), f. & cert. 8-22-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. 8-24-01 thru 12-31-01; DFW 86-2001(Temp), f. & cert. 8-4-01 thru 12-31-01; DFW 81-2002(Temp), f. & cert. 8-2-02, cert. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. & cert. 8-16-02, cert. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. & cert. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. & cert. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. & cert. 8-11-05, cert. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. & cert. 8-24-05, cert. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. & cert. 8-1-06, cert. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. & cert. 8-11-06, cert. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. & cert. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. & cert. 8-24-06, cert. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. & cert. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. & cert. 8-23-07 thru 8-31-07; Administrative correction 9-16-07; DFW 85-2008(Temp), f. & cert. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. 8-12-08 thru 12-31-08; DFW 95-2008(Temp), f. & cert. 8-14-08 thru 9-30-08; DFW 100-2008(Temp), f. & cert. 8-22-08, cert. 8-25-08 thru 9-30-08; DFW 102-2008(Temp), f. & cert. 8-26-08 thru 9-1-08; Administrative correction 9-29-08; Administrative correction 10-21-08; DFW 89-2009(Temp), f. & cert. 8-4-09 thru 12-31-09; DFW 90-2009(Temp), f. & cert. 8-8-09 thru 12-31-09; DFW 96-2009(Temp), f. & cert. 8-21-09 thru 8-31-09; DFW 97-2009(Temp), f. & cert. 8-25-09 thru 8-31-09; DFW 100-2009(Temp), f. & cert. 8-27-09 thru 8-31-09; Administrative correction 9-29-09; DFW 112-2010(Temp), f. & cert. 8-3-10 thru 8-31-10; DFW 121-2010(Temp), f. & cert. 8-18-10, cert. 8-19-10 thru 8-31-10; Administrative correction 9-22-10; DFW 132-2010(Temp), f. & cert. 9-22-10 thru 10-31-10; DFW 137-2010(Temp), f. & cert. 9-24-10 thru 10-31-10; Administrative correction 11-23-10; DFW 105-2011(Temp), f. & cert. 8-2-11, cert. 8-4-11 thru 8-31-11; DFW 120-2011(Temp), f. & cert. 8-26-11, cert. 8-28-11 thru 9-14-11; DFW 128-2011(Temp), f. & cert. 9-14-11, cert. 9-18-11 thru 9-30-11; DFW 134-2011(Temp), f. & cert. 9-21-11, cert. 9-22-11 thru 9-30-11; DFW 136-2011(Temp), f. & cert. 9-28-11 thru 10-5-11; DFW 140-2011(Temp), f. & cert. 10-4-11, cert. 10-5-11 thru 10-12-11; DFW 144-2011(Temp), f. & cert. 10-11-11, cert. 10-13-11 thru 10-31-11; DFW 147-2011(Temp), f. & cert. 10-17-11, cert. 10-18-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 98-2012(Temp), f. & cert. 7-31-12, cert. 8-5-12 thru 10-31-12; DFW 112-2012(Temp), f. & cert. 8-24-12, cert. 8-26-12 thru 10-31-12

Rule Caption: Zone 6 Treaty Indian Subsistence Fishing Area Modified.

Adm. Order No.: DFW 113-2012(Temp)

Filed with Sec. of State: 8-27-2012

Certified to be Effective: 8-27-12 thru 12-12-12

Notice Publication Date:

Rules Amended: 635-041-0020

Rules Suspended: 635-041-0020(T)

Subject: Rule amendments modify the subsistence sanctuary restriction around the mouth of 15-mile creek in Bonneville Reservoir to allow the taking of salmon and steelhead, during the period from June 16 through November 15, near the mouth of 15-mile creek.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0020

Areas Closed to Subsistence Fishing

It is *unlawful* to engage in subsistence fishing at any time in:

(1) Those waters of the main stem Columbia River near Bonneville Dam westerly and downstream of a line from Light “4” on the Oregon shore, located approximately 200 yards upstream of the mouth of Eagle Creek, thence northerly to Light “5” located on Boat Rock in midriver, thence perpendicular to the thread of the river to a marker on the Washington shore.

(2) Those waters of the main stem Columbia River near The Dalles Dam easterly and upstream from a line at marker on Covington Point on the Oregon shore, thence in a westerly direction to a marker on the Washington shore beneath the Interstate Bridge to a point 200 feet above The Dalles Dam. Subsistence fishing for salmon and steelhead is allowed within this closed area except:

(a) within 600 feet of fishway entrances,

(b) within 600 feet of the mouth of Fifteenmile Creek from November 16 through June 15, and

(c) within 200 feet above The Dalles Dam.

(3) Those waters of the main stem Columbia River within a radius of one-quarter mile of the mouths of the Hood River, Deschutes River, Wind River, Little White Salmon River, Spring Creek, and Klickitat River.

(4) Those waters of the main stem Columbia River near John Day Dam from a line at marker on the Oregon shore located 600 feet below the fishway entrance, thence westerly to Light “2” located on the navigation lock wing wall, thence to a marker on the Washington shore easterly and upstream to 200 feet above John Day Dam.

(5) Those waters of the mainstem Columbia River near McNary Dam easterly and upstream from a line at marker on the Oregon shore located 600 feet below the fishway entrance, thence westerly to the end of the navigation lock wing wall, thence to a marker on the Washington shore.

(6) All fishways in Oregon tributary streams of the Columbia River within 100 feet above and below such fishways. This closure does not apply to the taking of lamprey eel so long as such taking does not interfere with the migration of salmon or steelhead through such fishways.

(7) Those waters of Eagle Creek from its mouth to 100 feet above the Department intake Dam.

(8) Those waters of Herman Creek from its mouth to 100 feet above the Department holding ponds.

Stat. Auth.: ORS 183.325 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & cert. 1-28-77; FWC 133, f. & cert. 8-4-77; FWC 2-1978, f. & cert. 1-31-78; FWC 7-1978, f. & cert. 2-21-78; FWC 2-1979, f. & cert. 1-25-79, Renumbered from 635-035-0020; FWC 6-1980, f. & cert. 1-28-80; FWC 1-1991, f. & cert. 1-19-81; FWC 12-1981(Temp), f. & cert. 3-31-81; FWC 6-1982, f. & cert. 1-28-82; FWC 4-1984, f. & cert. 1-31-84; FWC 4-1986(Temp), f. & cert. 1-28-86; FWC 79-1986(Temp), f. & cert. 12-22-86; FWC 2-1987, f. & cert. 1-23-87; FWC 10-1988, f. & cert. 3-4-88; FWC 54-1989(Temp), f. & cert. 8-7-89; FWC 90-1989, f. & cert. 9-6-89; DFW 43-2010(Temp), f. & cert. 4-15-10 thru 10-11-10; Administrative correction 10-26-10; DFW 40-2011(Temp), f. & cert. 5-5-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 65-2012(Temp), f. & cert. 6-14-12, cert. 6-16-12 thru 11-15-12; DFW 113-2012(Temp), f. & cert. 8-27-12 thru 12-12-12

Rule Caption: Multiple Southeast Zone Streams Closed To All Angling Until Further Notice.

Adm. Order No.: DFW 114-2012(Temp)

Filed with Sec. of State: 8-30-2012

Certified to be Effective: 9-1-12 thru 2-27-13

Notice Publication Date:

Rules Amended: 635-021-0090

Rules Suspended: 635-021-0090(T)

Subject: This amended rule closes multiple streams within the SE Zone to all angling until further notice. Wildfires within the Willow-Whitehorse Basin, McDermit Creek subbasin, and Quinn Basin (Malheur County) have caused extensive damage to riparian vegetation and fish habitat. Direct fish mortality has occurred in several streams.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-021-0090

Inclusions and Modifications

(1) **2012 and 2013 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 and 2013 Oregon Sport Fishing Regulations**.

(2) 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:

(A) Cottonwood Creek;

(B) Doolittle Creek;

(C) Fifteenmile Creek;

(D) Little Whitehorse Creek;

(E) Whitehorse Creek;

(F) Willow Creek.

ADMINISTRATIVE RULES

- (b) McDermitt Creek Subbasin:
- (A) Cottonwood Creek (tributary of McDermitt Creek);
- (B) McDermitt Creek;
- (C) N. Fork McDermitt Creek.
- (c) Quinn Basin, Malheur County:
- (A) Indian Creek;
- (B) Sage Creek.

[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

Rule Caption: Amend Wildlife Integrity Rules to include “live or dead” Zebra/Quagga mussels.

Adm. Order No.: DFW 115-2012(Temp)

Filed with Sec. of State: 8-31-2012

Certified to be Effective: 8-31-12 thru 2-26-13

Notice Publication Date:

Rules Amended: 635-056-0050

Subject: The current rules for Zebra/Quagga mussels, Dreissenidea, only applies to live species which makes it difficult for law enforcement to have the ability to stop trailered watercraft for suspicion of carrying Zebra/Quagga mussels. By amending the current rule to include “live or dead”, this would give law enforcement the ability to stop trailered watercraft suspected of transporting invasive Quagga/Zebra mussels without having to prove that mussels were alive and therefore in violation of the current “prohibited species” rule.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-056-0050

Prohibited Species

(1) Except as otherwise provided in these rules or other rules of the commission, live wildlife listed below may not be imported, possessed, sold, purchased, exchanged or transported in the state:

(a) Prohibited Mammals: Common Name — Family — Genus/species:

(A) Order Artiodactyla:

(i) Sheep, Goats, Chamois, Tahr — Bovidae — Subfamily Caprinae;

All species and hybrids except:

(I) *Capra hircus*;

(II) *Ovis aries*;

(III) hybrids of *Ovis aries* with *O. a. orientalis*; hybrids of *O. aries* with *Ammotragus lervia*; and hybrids of *O. aries* with *Pseudois nayaur*;

(ii) Wildebeest — Bovidae — *Connochaetes* All species and hybrids;

(iii) Central Asian gazelles — Bovidae — *Procapra* All species and hybrids;

(iv) Wild boar — Suidae — *Sus scrofa* (except *Sus scrofa domestica*).

(B) Order Carnivora:

(i) Wild canids — Canidae — All native species. However, fox (*Vulpes vulpes* and *Urocyon cinereoargenteus*) are exempt from this prohibition if when part of a commercial fur farming operation or for wildlife rehabilitation purposes by a licensed wildlife rehabilitator;

(ii) Mongooses — Herpestidae — All species and hybrids;

(iii) Civets and Genets — Viverridae — All species and hybrids (except *Arctictis binturong*).

(C) Order Chiroptera: Bats — All families except Pteropodidae — All species and hybrids.

(D) Order Cingulata: Nine-banded armadillo — Dasypodidae — *Dasypus novemcinctus*.

(E) Order Dasyuromorphia:

(i) Broad-footed marsupial mice — Dasyuridae — *Antechinus* All species and hybrids;

(ii) Brush-tailed marsupial mice — Dasyuridae — *Phascogale* All species and hybrids;

(iii) Dunnart — Dasyuridae — *Sminthopsis* All species and hybrids.

(F) Order Didelphimorphia: Virginia opossum — Didelphidae — *Didelphis virginiana*.

(G) Order Diprotodontia:

(i) Common brushtail — Phalangeridae — *Trichosurus vulpecula*;

(ii) Common ringtail — Pseudocheiridae — *Pseudocheirus peregrinus*.

(H) Order Erinaceomorpha: Eurasian hedgehogs — Erinaceidae — *Erinaceus europaeus*, *E. concolor*, *E. amurensis*.

(I) Order Lagomorpha:

(i) Hares and Jackrabbits — Leporidae — *Lepus* All nonnative species and hybrids;

(ii) Cottontails — Leporidae — *Sylvilagus* All nonnative species and hybrids.

(J) Order Rodentia:

(i) Argentine Plains viscacha — Chinchillidae — *Lagostomus maximus*;

(ii) Chinese jumping mouse — Dipodidae — *Eozapus setchuanus*;

(iii) Desert jerboas — Dipodidae — *Jaculus* All species and hybrids;

(iv) Kangaroo rats — Heteromyidae — *Dipodomys* All nonnative species except *D. deserti* and *D. spectabilis*;

(v) Pale kangaroo mouse — Heteromyidae — *Microdipodops pallidus*;

(vi) Pocket mice — Heteromyidae — *Perognathus* All nonnative species and hybrids;

(vii) Capybara — Hydrochaeridae — *Hydrochaeris hydrochaeris*;

(viii) Old world porcupines — Hystricidae — *Hystrix africaeaus-tralis*, *H. cristata*, and *H. indica*;

(ix) Mouselike hamster — Muridae — *Calomyscus* All species and hybrids;

(x) Ratlike hamsters — Muridae — *Cricetulus* All species and hybrids;

(xi) Bushy-tailed jird — Muridae — *Sekeetamys calurus*;

(xii) Nutria (Coypu) — Myocastoridae — *Myocastor coypus*;

(xiii) Fat dormouse — Myoxidae — *Glis glis*;

(xiv) Hazel dormouse — Myoxidae — *Muscardinus avellanarius*;

(xv) Antelope ground squirrels — Sciuridae — *Ammospermophilus* All nonnative species and hybrids except *A. harrisi*;

(xvi) Tricolored squirrels — Sciuridae — *Callosciurus* All species and hybrids except *C. prevostii*;

(xvii) Prairie dogs — Sciuridae — *Cynomys* All species and hybrids;

(xviii) Southern flying squirrel — Sciuridae — *Glaucomys volans*;

(xix) Marmots — Sciuridae — *Marmota* All nonnative species and hybrids;

(xx) Giant flying squirrel — Sciuridae — *Petaurista* All species and hybrids;

(xxi) Eastern gray squirrel — Sciuridae — *Sciurus carolinensis*;

(xxii) Eastern fox squirrel — Sciuridae — *Sciurus niger*;

(xxiii) Eurasian red squirrel — Sciuridae — *Sciurus vulgaris*;

(xxiv) Ground squirrels — Sciuridae — *Spermophilus* All nonnative species and hybrids except *S. adocetus*, *S. annulatus*, *S. atricapillus*, *S. madrensis*, *S. mexicanus*, *S. mohavensis*, *S. perotensis*, and *S. tereticaudus*;

(xxv) Chipmunks — Sciuridae — *Tamias* All nonnative species and hybrids;

(xxvi) African ground squirrels — Sciuridae — *Xerus* All species and hybrids.

(b) Prohibited Birds: Common Name — Family — Genus/species:

(A) Order Anseriformes: Egyptian goose — Anatidae — *Aloochen aegyptiaca*.

ADMINISTRATIVE RULES

(B) Order Charadriiformes: Spotted thick-knee — Burhinidae — *Burhinus capensis*.

(C) Order Coraciiformes:

(i) Malachite kingfisher — Alcedinidae — *Alcedo cristata*;

(ii) Laughing kookaburra — Alcedinidae — *Dacelo novaeguineae*.

(D) Order Passeriformes:

(i) Yellowhammer — Emberizidae — *Emberiza citrinella*;

(ii) European greenfinch — Fringillidae — *Carduelis chloris*;

(iii) Chaffinch — Fringillidae — *Fringilla coelops*.

(c) Prohibited Amphibians: Common Name — Family —

Genus/species:

(A) Order Caudata:

(i) Tiger salamander — Ambystomatidae — *Ambystoma tigrinum* All nonnative sub-species;

(ii) Amphiumas — Amphiumidae — All species and hybrids;

(iii) Giant salamanders and Hellbenders — Cryptobranchidae — All species and hybrids;

(iv) American giant salamanders — Dicamptodontidae — All nonnative species and hybrids;

(v) Asian salamanders — Hynobiidae — *Ranodon* All species and hybrids;

(vi) Shovel-nosed salamander — Plethodontidae — *Leurognathus marmoratus*;

(vii) Waterdogs — Proteidae — *Necturus* All species and hybrids;

(viii) Firebelly newts — Salamandridae — *Cynops* All species and hybrids;

(ix) European Mountain or Brook salamanders — Salamandridae — *Euproctus* All species and hybrids;

(x) Caucasus or Spine-tailed salamanders — Salamandridae — *Mertensiella* All species and hybrids;

(xi) Red-spotted or Eastern newt — Salamandridae — *Notophthalmus viridescens*;

(xii) Chinese newts — Salamandridae — *Pachytriton* All species and hybrids;

(xiii) Warty newts — Salamandridae — *Paramesotriton* All species and hybrids;

(xiv) Ribbed newts — Salamandridae — *Pleurodeles* All species and hybrids;

(xv) Fire salamanders — Salamandridae — *Salamandra* All species and hybrids;

(xvi) Roughskin newts — Salamandridae — *Taricha rivularis* and *T. torosa*;

(xvii) Alpine newts — Salamandridae — *Triturus* All species and hybrids;

(xviii) Crocodile newts — Salamandridae — *Tylostrotion* All species and hybrids;

(xix) Sirens — Sirenidae — All species and hybrids.

(B) Order Anura:

(i) Fire-bellied toads — Bombinatoridae — *Bombina* All species and hybrids;

(ii) True toads — Bufonidae — *Bufo* All nonnative species and hybrids except *Bufo marinus*;

(iii) Midwife toads — Discoglossidae — *Alytes* All species and hybrids;

(iv) Painted frogs — Discoglossidae — *Discoglossus* All species and hybrids;

(v) Cricket frog — Hylidae — *Acris* All species and hybrids;

(vi) European tree frog — Hylidae — *Hyla arborea*;

(vii) Cope's gray tree frog — Hylidae — *Hyla chrysoscelis*;

(viii) Green tree frog — Hylidae — *Hyla cinerea*;

(ix) Mediterranean tree frog — Hylidae — *Hyla meridionalis*;

(x) Gray tree frog — Hylidae — *Hyla versicolor*;

(xi) Chorus frog — Hylidae — *Pseudacris* All nonnative species and hybrids;

(xii) Australian froglets — Myobatrachidae — *Crinia* All species and hybrids;

(xiii) Australian swamp frogs — Myobatrachidae — *Limnodynastes* All species and hybrids;

(xiv) Barred frogs — Myobatrachidae — *Mixophyes* All species and hybrids;

(xv) Spadefoot toads — Pelobatidae — All nonnative species and hybrids;

(xvi) African clawed frog — Pipidae — *Xenopus* All species and hybrids;

(xvii) African bull frog — Ranidae — *Ptychocheilus* All species and hybrids;

(xviii) Siberian frog — Ranidae — *Rana altaica*;

(xix) Khabarovsk frog — Ranidae — *Rana amurensis*;

(xx) Crawfish frog — Ranidae — *Rana areolata*;

(xxi) Swedish swamp frog — Ranidae — *Rana arvalis*;

(xxii) Asian frog — Ranidae — *Rana asiatica*;

(xxiii) Rio Grande leopard frog — Ranidae — *Rana berlandieri*;

(xxiv) Plains leopard frog — Ranidae — *Rana blairi*;

(xxv) Caucasus frog — Ranidae — *Rana camerani*;

(xxvi) Inkiapo frog — Ranidae — *Rana chensinensis*;

(xxvii) Toudaohe frog — Ranidae — *Rana chevronta*;

(xxviii) Green frog — Ranidae — *Rana clamitans*;

(xxix) Spring frog — Ranidae — *Rana dalmatina*;

(xxx) Dybowski's frog — Ranidae — *Rana dybowskii*;

(xxxi) Stream frog — Ranidae — *Rana graeca*;

(xxxii) Pig frog — Ranidae — *Rana grylio*;

(xxxiii) River frog — Ranidae — *Rana heckscheri*;

(xxxiv) Turkish frog — Ranidae — *Rana holtzi*;

(xxxv) Iberian frog — Ranidae — *Rana iberica*;

(xxxvi) Agile frog — Ranidae — *Rana japonica*;

(xxxvii) Italian agile frog — Ranidae — *Rana latastei*;

(xxxviii) Kokarit or Taipa frog — Ranidae — *Rana longicrus*;

(xxxix) Brusa frog — Ranidae — *Rana macrocnemis*;

(xl) Nikko frog — Ranidae — *Rana ornativentris*;

(xli) Pickeral frog — Ranidae — *Rana palustris*;

(xlii) Mink frog — Ranidae — *Rana septentrionalis*;

(xliii) Wood frog — Ranidae — *Rana sylvatica*;

(xliv) Tago frog — Ranidae — *Rana tagoe*;

(xlv) European common frog — Ranidae — *Rana temporaria*;

(xlvi) Tsushima frog — Ranidae — *Rana tsushimensis*;

(xlvii) Carpenter frog — Ranidae — *Rana virgatipes*.

(d) Prohibited Reptiles: Common Name — Family — Genus/species:

(A) Order Testudines:

(i) Snapping turtle — Chelydridae — All species and hybrids;

(ii) Chinese pond turtle — Emydidae — *Chinemys* All species and hybrids;

(iii) Pond turtle — Emydidae — *Clemmys* All nonnative species;

(iv) Painted turtle — Emydidae — *Chrysemys* All nonnative sub-species;

(v) European pond turtle — Emydidae — *Emys orbicularis*;

(vi) Blanding's turtle — Emydidae — *Emydoidea blandingii*;

(vii) Map turtle — Emydidae — *Graptemys* All species and hybrids;

(viii) Asian pond turtle — Emydidae — *Mauremys* All species and hybrids;

(ix) Pond slider — Emydidae — *Pseudemys* and *Trachemys* All species and hybrids;

(x) Common musk turtle — Kinosternidae — *Kinosternon odoratum*;

(xi) Common mud turtle — Kinosternidae — *Kinosternon sub-rubrum*;

(xii) North American soft shell — Trionychidae — *Apalone* All species and hybrids;

(xiii) African soft shell — Trionychidae — *Trionyx triunguis*.

(B) Order Squamata (Suborder Lacertilia):

(i) Slow worm — Anguillidae — *Anguis fragilis*;

(ii) Sand lizard — Lacertidae — *Lacerta agilis*;

(iii) Jewelled lizard — Lacertidae — *Lacerta lepida*;

(iv) Iberian Mountain lizard — Lacertidae — *Lacerta monticola*;

(v) Meadow lizard — Lacertidae — *Lacerta praticola*;

(vi) Iberian Emerald lizard — Lacertidae — *Lacerta schreiberi*;

(vii) Balkan Emerald lizard — Lacertidae — *Lacerta trilineata*;

(viii) Emerald lizard — Lacertidae — *Lacerta viridis*;

(ix) Viviparous lizard — Lacertidae — *Lacerta vivipara*;

(x) Erhard's Wall lizard — Lacertidae — *Podarcis erhardi*;

(xi) Iberian Wall lizard — Lacertidae — *Podarcis hispanica*;

(xii) Common Wall lizard — Lacertidae — *Podarcis muralis*;

(xiii) Crocodile lizard — Xenosauridae — *Shinisaurus crocodilurus*.

(C) Order Squamata (Suborder Serpentes):

(i) Brown tree snake — Colubridae — *Boiga irregularis*;

(ii) Black-necked spitting cobra — Elapidae — *Naja nigricollis*;

(iii) Cape cobra — Elapidae — *Naja nivea*;

(iv) Copperheads and cottonmouths — Viperidae — *Agkistrodon* All species and hybrids;

(v) Puff adders — Viperidae — *Bitis* All species and hybrids except *Bitis gabonica* and *B. nasicornis*;

ADMINISTRATIVE RULES

- (vi) Lanceheads — Viperidae — Bothrops All species and hybrids;
- (vii) Palm pit vipers — Viperidae — Bothriechis All species and hybrids;
- (viii) Rattlesnakes — Viperidae — All nonnative species and hybrids except *Crotalus aquilus*, *C. basiliscus*, *C. durissus*, *C. intermedius*, *C. polystrictus*, *C. pusillus*, *C. tortugensis*, *C. triseriatus*, *C. unicolor*, and *C. vegrandis*;
- (ix) Mid-east vipers — Viperidae — *Daboia* All species and hybrids;
- (x) Pygmy rattlesnake — Viperidae — *Sistrurus catenatus*;
- (xi) Asian pit vipers — Viperidae — *Trimeresurus* All species and hybrids;
- (xii) Wagler's palm viper — Viperidae — *Tropidolaemus wagleri*;
- (xiii) Sand vipers — Viperidae — *Vipera* All species and hybrids.
- (e) Prohibited Fish: Common Name — Family — Genus/species:
 - (A) Order Amiiiformes: Bowfin — Amiiidae — *Amia calva*.
 - (B) Order Cypriniformes:
 - (i) Piranha or Caribe — Characidae subfamily Serrasalminae commonly known as caribe or piranha — All species and hybrids except carnivorous species of *Pygocentrus*, *Serrasalmus* or *Pristobrycon* pursuant to ORS 498.242;
 - (ii) Walking catfish (ORS 498.242) — Clariidae — All species and hybrids;
 - (iii) Oriental weatherfish — Cobitidae — *Misgurnus anguillicaudatus*;
 - (iv) Ide — Cyprinidae — *Leuciscus idus*;
 - (v) Rudd — Cyprinidae — *Scardinius erythrophthalmus*.
 - (C) Order Lepisosteiformes: Gar — Lepisosteidae — All species and hybrids.
 - (D) Order Perciformes:
 - (i) Snakehead — Channidae — *Channa* All species and hybrids;
 - (ii) Round goby — Gobiidae — *Neogobius melanostomus*;
 - (iii) Ruffe — Percidae — *Gymnocephalus cernuus*;
 - (iv) Zander or Pike-perch — Percidae — *Sander lucioperca*.
 - (E) Order Salmoniformes: Pikes, Pickerel, Muskellunge — Esocidae — All species and hybrids.
 - (f) Prohibited Mollusks Common Name — Family — Genus/species:
 - (A) Order Bivalvia:
 - (i) Asian clam — Corbiculidae — All species;
 - (ii) Zebra mussel, Quagga mussel — Dreissenidae — All species (whether live or dead).
 - (B) Order Neogastropoda: Japanese oyster drill — Muricidae — *Ceratostoma inornatum*.
 - (C) Order Architaenioglossa:
 - (i) Chinese mystery snail — Viviparidae — *Cipangopaludina chinensis*
 - (ii) Japanese mystery snail — Viviparidae — *Cipangopaludina japonica*
 - (g) Prohibited Crustaceans Common Name — Family — Genus/species:
 - (A) Order Decapoda:
 - (i) Chinese mitten crab — Grapsidae — *Eriocheir* All species;
 - (ii) Blue crab — Portunidae — *Callinectes sapidus*;
 - (iii) Crayfish — Cambaridae — All species.
 - (2) The department may issue a permit for the importation, possession, sale, purchase, exchange or intrastate transportation of prohibited species and those species not yet classified if the department finds that the following standards have been met:
 - (a) The facility is constructed to minimize escape of prohibited species;
 - (b) There are adequate security and safety programs and procedures which minimize the possibility of escape;
 - (c) There is adequate record keeping to aid in tracking of confined animals or recovery of escaped animals;
 - (d) There are adequate procedures, equipment and trained staff to maximize capture of escaped animals;
 - (e) Adequate veterinary care is provided to identify and minimize the spread of diseases; and
 - (f) The applicant has a good reputation for care of animals and compliance with the wildlife laws.
 - (g) Using forms provided by the department, persons or entities may apply for a permit under subsection (2) as follows:
 - (A) Facilities accredited by the American Zoo and Aquarium Association (AZA). Because the department finds that the current AZA accreditation process holds these facilities to standards equivalent to those in subsection (2), AZA accreditation shall be evidence that the department's

standards for importation, possession, sale, purchase, exchange or intrastate transportation of prohibited species are met. To obtain a permit for these activities, AZA accredited facilities shall submit a completed application form and proof of accreditation.

(B) Universities and colleges. To obtain a permit, universities and colleges shall submit:

- (i) A completed application form;
- (ii) A written description of escape avoidance procedures and facilities; and
- (iii) Identification of the time period(s) during which prohibited species will be held.

(C) Others. To apply for a permit, persons and entities other than universities, colleges and AZA accredited facilities shall submit:

- (i) A completed application form; and
 - (ii) A completed Prohibited Species Questionnaire.
- (h) Satisfactory facilities inspections may be required prior to issuance of any permit.

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

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 16-1997(Temp), f. & cert. ef. 3-13-97; FWC 41-1997(Temp), f. & cert. ef. 7-23-97; FWC 59-1997, f. & cert. ef. 9-3-97; FWC 59-1997, f. & cert. ef. 9-3-97; FWC 72-1997, f. & cert. ef. 12-29-97; DFW 21-1998, f. & cert. ef. 3-13-98; DFW 63-1998, f. & cert. ef. 8-10-98; DFW 96-1998, f. & cert. ef. 11-25-98; DFW 99-1998, f. & cert. ef. 12-22-98; 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 114-2008, f. & cert. ef. 9-19-08; DFW 15-2011, f. & cert. ef. 2-15-11; DFW 69-2011, f. 6-15-11, cert. ef. 7-11-11; DFW 115-2012(Temp), f. & cert. ef. 8-31-12 thru 2-26-13

Rule Caption: Amend rules to expand the hunt area for Bighorn Sheep Controlled Hunt 558A.

Adm. Order No.: DFW 116-2012(Temp)

Filed with Sec. of State: 9-4-2012

Certified to be Effective: 9-4-12 thru 3-2-13

Notice Publication Date:

Rules Amended: 635-067-0030

Subject: Amend rule to expand the Chesnimnus 558A Controlled Big Horn Sheep Hunt to include the hunt area for the N. Snake River No. 1 (539A1) hunt.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-067-0030

Controlled Bighorn Sheep Hunts

Notwithstanding the provisions of the 2012 Oregon Big Game Regulations:

(1) The season dates listed on page 39 for the E. Whitehorse (568B) Controlled Big Horn Sheep Hunt is extended to October 31, 2012. The Department may authorize hunters who drew a tag for this unit to hunt during this extended period in 2012, or to forego hunting under the tag in 2012 and exercise the tag in the 2013 season instead.

(2) The hunt area listed on page 40 of the 2012 Oregon Big Game Regulations for the Chesnimnus 558A Controlled Big Horn Sheep Hunt is expanded to include the hunt area for the N. Snake River No. 1 (539A1). The Department authorizes the hunter who drew a tag for hunt 558A to also hunt in the area of hunt 539A1 from September 8 to September 23, 2012.

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

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

Hist.: FWC 32-1978, f. & ef. 6-30-78; FWC 12-1979, f. & ef. 3-28-79; FWC 29-1979, f. & ef. 8-2-79; FWC 14-1980, f. & ef. 4-8-80; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82; Renumbered from 635-060-0610; FWC 15-1983, f. & ef. 4-19-83; FWC 16-1984, f. 4-6-84, ef. 4-15-84; FWC 21-1985, f. & ef. 5-7-85; FWC 29-1986, f. & ef. 7-23-86; FWC 11-1987, f. & ef. 3-6-87; FWC 14-1988, f. & cert. ef. 3-10-88; FWC 16-1989, f. & cert. ef. 3-28-89; FWC 65-1989, f. & cert. ef. 8-15-89; FWC 25-1990, f. & cert. ef. 3-21-90; FWC 21-1991, f. & cert. ef. 3-12-91; FWC 45-1992, f. & cert. ef. 7-15-92; FWC 61-1992, f. & cert. ef. 7-30-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 99-2006(Temp), f. & cert. ef. 9-11-06 thru 9-30-06; Administrative correction 10-16-06; DFW 109-2009(Temp), f. & cert. ef. 9-9-09 thru 9-30-09; Administrative correction 10-22-09; DFW 81-2011, f. 6-29-11, cert. ef. 8-20-11; DFW 115-2011(Temp), f. & cert. ef. 8-16-11 thru 2-11-12; DFW 116-2011(Temp), f. & cert. ef. 8-19-11 thru 10-1-11; Administrative correction 10-27-11; DFW 159-2011, f. 12-14-11, cert. ef. 1-1-12; DFW 108-2012(Temp), f. & cert. ef. 8-16-12 thru 11-1-12; DFW 116-2012(Temp), f. & cert. ef. 9-4-12 thru 3-2-13

Rule Caption: Thief Valley Reservoir Sport Gamefish Harvest Opportunity.

Adm. Order No.: DFW 117-2012(Temp)

Filed with Sec. of State: 9-5-2012

ADMINISTRATIVE RULES

Certified to be Effective: 9-7-12 thru 2-27-13

Notice Publication Date:

Rules Amended: 635-021-0090

Subject: Amended rule authorizes increased catch limits and methods of take in Thief Valley Reservoir. Due to low water storage levels, the reservoir will be drained of storage water and fish will be trapped in isolated pools and stressed by warm and turbid water. Rule modifications provide the public opportunity to salvage fish that will otherwise die when Thief Valley Reservoir is drained for irrigation purposes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-021-0090

Inclusions and Modifications

(1) **2012 and 2013 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 and 2013 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:

- (A) Cottonwood Creek;
- (B) Doolittle Creek;
- (C) Fifteenmile Creek;
- (D) Little Whitehorse Creek;
- (E) Whitehorse Creek;
- (F) Willow Creek.

(b) McDermit Creek Subbasin:

- (A) Cottonwood Creek (tributary of McDermit Creek);
- (B) McDermit Creek;
- (C) N. Fork McDermit Creek.
- (c) Quinn Basin, Malheur County:
- (A) Indian Creek;
- (B) Sage Creek.

[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 2-7-13; DFW 117-2012(Temp), f. 9-5-12, cert. ef. 9-7-12 thru 2-27-13

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Rule Caption: Increased Cumulative Trip Limits for Two Different Species Groups in Periods 5 and 6.

Adm. Order No.: DFW 118-2012(Temp)

Filed with Sec. of State: 9-10-2012

Certified to be Effective: 9-11-12 thru 12-31-12

Notice Publication Date:

Rules Amended: 635-004-0355

Rules Suspended: 635-004-0355(T)

Subject: This amended rule increases the cumulative trip limits for two species groups in periods 5 and 6 of the Nearshore Fishery. Cumulative trip limits for black rockfish and blue rockfish combined are increased from 1,000 to 2,100 pounds in period 5 and from 800 to 2,100 pounds in period 6. Cumulative trip limits for greenling species are increased from 250 pounds to 400 pounds in both periods 5 and 6.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0355

Trip Limits

(1) The trip limits outlined in this rule are set at the beginning of each calendar year based on commercial harvest caps and projected fishing effort, and are subject to in-season adjustments and closures. Fishers should refer to Nearshore Commercial Fishery Industry Notices on the Marine Resources Program Commercial Fishing Rules and Regulations webpage for the most up-to-date information regarding trip limits and other regulations affecting the Nearshore Commercial Fishery.

(2) For black and blue rockfish combined, vessels with a Black Rockfish/Blue Rockfish/Nearshore Fishery Permit, with or without a Nearshore Endorsement, may land no more than the following cumulative trip limits:

- (a) 800 pounds in period 1;
- (b) 1,000 pounds in period 2;
- (c) 1,800 pounds in each of periods 3 and 4;
- (d) 2,100 pounds in period 5; and
- (e) 2,100 pounds in period 6.

(3) For all other nearshore species, vessels with a Black Rockfish/Blue Rockfish/Nearshore Fishery Permit with Nearshore Endorsement may land no more than the following cumulative trip limits in each period:

- (a) 700 pounds of other nearshore rockfish combined;
- (b) 1,500 pounds of cabezon; and
- (c) 250 pounds of greenling species in periods 1–4, and 400 pounds in periods 5–6.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 79-2012(Temp), f. 6-28-12, cert. ef. 7-1-12 thru 12-27-12; DFW 118-2012(Temp), f. 9-10-12, cert. ef. 9-11-12 thru 12-31-12

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Rule Caption: Treaty Indian Fall Commercial Gill Net Fishery Set In Columbia River.

Adm. Order No.: DFW 119-2012(Temp)

Filed with Sec. of State: 9-10-2012

Certified to be Effective: 9-11-12 thru 10-31-12

Notice Publication Date:

Rules Amended: 635-041-0045, 635-041-0075

Rules Suspended: 635-041-0045(T), 635-041-0075(T)

Subject: Amended rules set a Treaty tribal gill net fishery for all of Zone 6 in the Columbia River and allow commercial sales of fish caught during the fishery. The fall gill net fishery begins at 6:00 a.m. Tuesday, September 11 and runs through 6:00 p.m. Friday, September 14, 2012 (3.5 days). Modifications are consistent with action taken September 6, 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

635-041-0045

Closed Commercial Fishing Areas

Unless otherwise specified in this rule and OAR 635-041-0063, the following waters are closed to commercial fishing:

- (1) All Oregon tributaries of the Columbia River.
- (2) The Columbia River westerly and downstream of the Bridge of the Gods except:

(a) Fisheries conducted by the Yakama, Warm Springs, Nez Perce and Umatilla tribes downstream of Bonneville Dam (bank fishing only) under

ADMINISTRATIVE RULES

provisions of the agreements with the states of Oregon and Washington are open until further notice.

(A) Effective 6:00 a.m. July 27, 2012 until further notice, commercial sales of Chinook, steelhead, coho, walleye, shad, yellow perch, catfish, bass and carp are allowed. Sockeye salmon and sturgeon caught in the tribal fisheries below Bonneville Dam may not be retained or sold. Fish may not be sold on USACE property below Bonneville Dam, but may be caught and transported off USACE property for sale.

(B) Gear is restricted to subsistence fishing gear which includes hoop-nets, dipnets, spears, gaffs, clubs, fouling hooks and rod and reel with hook-and-line.

(C) Chinook and coho salmon, steelhead, walleye, shad, carp, bass, catfish and yellow perch landed during an open treaty commercial fishing period may be sold at any time.

(b) Platform and hook-and-line fisheries from the Bridge of the Gods downstream to the subsistence fishing deadline as described in OAR 635-041-0020(1) are open to commercial sales whenever sales are authorized for platform and hook-and-line fisheries in the remainder of Bonneville Pool.

(3) The Columbia River easterly and upstream of a line extending at a right angle across the thread of the river from a deadline marker one mile downstream of McNary Dam.

(4) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at the west end of 3-Mile Rapids located approximately 1.8 miles below The Dalles Dam, upstream to a line from a deadline marker on the Oregon shore located approximately 3/4 mile above The Dalles Dam east fishway exit, thence at a right angle to the thread of the river to a point in midriver, thence downstream to Light "1" on the Washington shore; except that dip nets, bag nets, and hoop nets are permitted during commercial salmon and shad fishing seasons at the Lone Pine Indian fishing site located immediately above The Dalles Interstate Bridge.

(5) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at Preachers Eddy light below the John Day Dam and a line approximately 4.3 miles upstream extending from a marker on the Oregon shore approximately one-half mile above the upper easterly bank of the mouth of the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, thence turning downstream to a marker located on the Washington shore approximately opposite the mouth of the John Day River.

(6) The Columbia River within areas at and adjacent to the mouths of the Deschutes River and the Umatilla River. The closed areas are along the Oregon side of the Columbia River and extend out to the midstream from a point one-half mile above the intersection of the upper bank of the tributary with the Columbia River to a point one mile downstream from the intersection of the lower bank of the tributary with the Columbia River. All such points are posted with deadline markers.

(7) The Columbia River within an area and adjacent to the mouth of the Big White Salmon River. The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

(8) The Columbia River within an area at and adjacent to the mouth of Drano Lake (Little White Salmon River). The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upriver of the outlet of Drano Lake.

(9) The Columbia River within an area and adjacent to the mouth of the Wind River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(10) The Columbia River within areas at and adjacent to the mouth of Hood River. The closed area is along the Oregon side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at end of the breakwall at the west end of the Port of Hood River and 1/2 mile upriver from the east bank.

(11) The Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway, except that during the period of August 25-September 20 inclusive the closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between a marker located 1-1/2 miles downriver of the Spring Creek Hatchery fishway up to the downstream marker of the Big

White Salmon sanctuary located approximately 1/2 mile upriver of the Spring Creek Hatchery fishway.

(12) Herman Creek upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(13) The Columbia River within an area and adjacent to the mouth of the Klickitat River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1-1/8 miles downstream from the west bank.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 133, f. & ef. 8-4-77; FWC 149(Temp), f. & ef. 9-21-77 thru 1-18-78; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0045; FWC 6-1980, f. & ef. 1-28-80; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 4-1984, f. & ef. 1-31-84; FWC 55-1985(Temp), f. & ef. 9-6-85; FWC 4-1986 (Temp), f. & ef. 1-28-86; FWC 25-1986(Temp), f. & ef. 6-25-86; FWC 42-1986, f. & ef. 8-15-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 54-1989 (Temp), f. & cert. ef. 8-7-89; FWC 90-1989, f. & cert. ef. 9-6-89; FWC 80-1990(Temp), f. & cert. ef. 8-7-90, cert. ef. 8-8-90; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 40-2011(Temp), f. & cert. ef. 5-5-11 thru 10-31-11; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 60-2011(Temp), f. & cert. ef. 6-6-11 thru 10-31-11; DFW 63-2011(Temp), f. & cert. ef. 6-8-11, cert. ef. 6-9-11 thru 10-31-11; DFW 66-2011(Temp), f. & cert. ef. 6-14-11, cert. ef. 6-16-11 thru 10-31-11; DFW 88-2011(Temp), f. & cert. ef. 7-8-11, cert. ef. 7-10-11 thru 10-31-11; DFW 119-2011(Temp), f. & cert. ef. 8-29-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 5-2012(Temp), f. & cert. ef. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. & cert. ef. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 46-2012(Temp), f. & cert. ef. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; DFW 74-2012(Temp), f. & cert. ef. 6-29-12, cert. ef. 7-1-12 thru 10-31-12; DFW 87-2012(Temp), f. & cert. ef. 7-11-12, cert. ef. 7-12-12 thru 8-31-12; DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; DFW 119-2012(Temp), f. & cert. ef. 9-11-12 thru 10-31-12

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) Commercial sales of gill net caught fish from Zone 6 of the mainstem Columbia River is allowed for fish caught from 6:00 a.m. Tuesday, September 11 through 6:00 p.m. Friday, September 14, 2012 (3.5 days).

(a) Salmon, steelhead, shad, yellow perch, bass, walleye, catfish and carp landed during any open gill net fishing period may be sold at any time or retained for subsistence purposes. 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 the Spring Creek sanctuary, are as set forth in OAR 635-041-0045 and remain in effect.

(3) Sales of fish caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; Drano Lake; 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-

ADMINISTRATIVE RULES

86; FWC 63-1987, f. & cert. ef. 8-7-87; FWC 74-1987(Temp), f. & cert. ef. 9-4-87; FWC 75-1987 (Temp), f. & cert. ef. 9-1-87; FWC 78-1987(Temp), f. & cert. ef. 9-15-87; FWC 80-1987(Temp), f. & cert. ef. 9-18-87; FWC 87-1987(Temp), f. & cert. ef. 10-9-87; FWC 89-1987(Temp), f. & cert. ef. 10-12-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 72-1988(Temp), f. & cert. ef. 8-19-88; FWC 77-1988(Temp), f. & cert. ef. 9-2-88; FWC 91-1988(Temp), f. & cert. ef. 9-16-88; FWC 95-1988 (Temp), f. & cert. ef. 9-27-88, cert. ef. 9-28-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 87-1989(Temp), f. & cert. ef. 9-1-89; FWC 95-1989(Temp), f. & cert. ef. 9-19-89; FWC 96-1989 (Temp), f. & cert. ef. 9-21-89; FWC 99-1989(Temp), f. & cert. ef. 9-27-89; FWC 100-1989(Temp), f. & cert. ef. 9-28-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. & cert. ef. 9-7-90, cert. ef. 9-10-90; FWC 98-1990(Temp), f. & cert. ef. 9-17-90; FWC 85-1991, f. & 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, 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. & cert. ef. 9-1-92, cert. ef. 9-2-92; FWC 87-1992(Temp), f. & cert. ef. 9-4-92, 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. 9-22-92, 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. & cert. ef. 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. 9-17-93, 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. & cert. ef. 9-7-94, cert. ef. 9-8-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. & cert. ef. 8-25-95, cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. & cert. ef. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. & cert. ef. 8-29-96, cert. ef. 9-2-96; FWC 51-1996(Temp), f. & cert. ef. 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. 8-29-97, cert. ef. 9-2-97, FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. & cert. ef. 9-16-97, cert. ef. 9-17-97; FWC 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; DFW 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; DFW 77-1998(Temp), f. & cert. ef. 9-15-98 thru 9-25-98; DFW 79-1998(Temp), f. & cert. ef. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; DFW 80-1998(Temp), f. & cert. ef. 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. & cert. ef. 9-2-99, cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. & cert. ef. 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. & cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. & cert. ef. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. & cert. ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. & cert. ef. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. & cert. ef. 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. & cert. ef. 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. & cert. ef. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. & cert. ef. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. & cert. ef. 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. & cert. ef. 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. & cert. ef. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. & cert. ef. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. & cert. ef. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. & cert. ef. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. & cert. ef. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. & cert. ef. 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. & cert. ef. 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. & 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. & cert. ef. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. & cert. ef. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. & cert. ef. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. & cert. ef. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 107-2006(Temp), f. & cert. ef. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. & cert. ef. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. & cert. ef. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. & cert. ef. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. & cert. ef. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. & cert. ef. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. & cert. ef. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. & cert. ef. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. & cert. ef. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. & cert. ef. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. & cert. ef. 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. & cert. ef. 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. & cert. ef. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; DFW 88-2009(Temp), f. & cert. ef. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 95-2009(Temp), f. & cert. ef. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; DFW 111-2009(Temp), f. & cert. ef. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; DFW 114-2009(Temp), f. & cert. ef. 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. & cert. ef. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; DFW 111-2010(Temp), f. & cert. ef. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; DFW 120-2010(Temp), f. & 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. & cert. ef. 9-24-10, cert. ef. 9-27-10 thru 10-31-10; DFW 142-2010(Temp), f. & cert. ef. 10-8-10, cert. ef. 10-9-10 thru 10-31-10; DFW 149-2010(Temp), f. & cert. ef. 10-18-10, cert. ef. 10-19-10 thru 10-31-10; Administrative correction 11-23-10; DFW 103-2011(Temp), f. & cert. ef. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; DFW 119-2011(Temp), f. & cert. ef. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; DFW 124-2011(Temp), f. & cert. ef. 9-8-11, cert. ef. 9-12-11 thru 10-31-11; DFW 130-2011(Temp), f. & cert. ef. 9-15-11, cert. ef. 9-19-11 thru 10-31-11; DFW 133-2011(Temp), f. & cert. ef. 9-21-11, cert. ef. 9-22-11 thru 10-31-11; DFW 138-2011(Temp), f. & cert. ef. 9-30-11, cert. ef. 10-3-11 thru 10-31-11; DFW 142-2011(Temp), f. & cert. ef. 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. & cert. ef. 8-15-12, cert. ef. 8-21-12 thru 10-31-12; DFW 119-2012(Temp), f. & cert. ef. 9-11-12 thru 10-31-12

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

Rule Caption: Changing OARs affecting Child Welfare programs.

Adm. Order No.: CWP 4-2012

Filed with Sec. of State: 8-31-2012

Certified to be Effective: 9-1-12

Notice Publication Date: 8-1-2012

Rules Amended: 413-120-0830

Subject: OAR 413-120-0830 about Department actions prior to the physical placement of a child in the home of the family selected to be the adoptive resource is being amended to revise the policy about when the Department may issue a foster care certificate for a selected adoptive family. This amendment allows the Department to issue a foster care certificate by accepting the paperwork submitted from the private adoption agency that completed the adoption approval certificate, and clarifies the authority of the Department to issue a foster care certificate when a home study has been completed for the family who applied to adopt. It also updates names used to identify the organization.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-120-0830

Department Actions Prior to Placement

(1) Prior to the physical placement of a *child* in the home of the family selected to be the *adoptive resource*, the caseworker must arrange *post-placement supervision* and medical coverage for the *child*.

(2) When the family selected to be the *adoptive resource* is outside the state of Oregon, but in the United States:

(a) The court and the receiving state must agree to the adoptive placement prior to the physical placement of a *child* who is not yet legally free for adoption;

(b) Approval as required by Child Welfare Policy I-B.3.4.2, "Interstate Compact on the Placement of Children", OAR 413-040-0200 to 413-040-0330 must be received; and

(c) When supervision is to be provided by a private agency, the Department must contract only with an agency willing to:

(A) Provide supportive services to the *child* and adoptive family;

(B) Provide progress reports as required by the Department;

(C) Provide a written recommendation regarding the finalization of the adoption; and

(D) Accept payment as authorized by the Department.

(3) Unless an exception is approved as described in OAR 413-120-0840, *adoption transition* of a *child* into the home of a family selected to be the *adoptive resource* may not begin until:

(a) The time period has expired for the written request for review of the *adoption placement selection* as described in Child Welfare Policy I-G.1.5, "Adoption Placement Selection", OAR 413-120-0060; or

(b) In the event the DHS Assistant Director of the Office of Child Welfare Programs or designee gives notice of the intent to review, until that review is complete.

(4) The Department may issue a child specific foster care certificate to an individual or individuals who have been selected as an *adoptive resource* when:

(a) Department staff have completed an assessment and home study under OAR 413-200-0274 for an adoptive applicant; or

(b) A child-caring agency licensed under OAR 413-215-0001 to 413-215-0131 and 413-215-0414 to 413-215-0481 as an adoption agency has submitted all of the following to the Department:

(A) Verification that the *adoptive resource* has completed the adoption agency orientation required under OAR 413-215-0446(2) and training required under 413-215-0456;

(B) The home study prepared subsequent to the assessment of the family described in OAR 413-215-0451;

(C) A copy of the checklist verifying the safety of the home and surrounding environment;

(D) Documentation verifying the approval of the criminal history and child abuse history checks required under OAR 413-215-0451(2)(s) and (t); and

(E) A copy of the Certificate of Approval as a potential *adoptive resource*.

ADMINISTRATIVE RULES

(5) The child specific foster care certificate issued under subsection (4)(a) of this rule has a begin date coinciding with the date of approval of the most recent home study or home study update, and an end date two years from that approval unless the criminal records check required under OAR 413-120-0460 requires an earlier end date.

(6) The child specific foster care certificate issued under subsection (4)(b) of this rule is a two-year certificate with a begin date coinciding with the approval of the home study or home study update.

(7) When a child specific foster care certificate is issued under section (4) of this rule, the home visits required by a certifier under OAR 413-200-0283(1) are not required. Caseworker contact requirements for monitoring child safety under 413-080-0059 are required.

Stat. Auth.: ORS 418.005 & 418.640

Stats. Implemented: ORS 418.005, 418.630 & 418.640

Hist.: SCF 6-1996, f. & cert. ef. 9-17-96; SOSCF 24-2001, f. 6-29-01 cert. ef. 7-1-01; CWP 32-2003, f. & cert. ef. 10-1-03; CWP 14-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; CWP 31-2010, f. & cert. ef. 12-29-10; CWP 4-2012, f. 8-31-12, cert. ef. 9-1-12

Rule Caption: Changing OARs affecting Child Welfare programs.
Adm. Order No.: CWP 5-2012

Filed with Sec. of State: 9-7-2012

Certified to be Effective: 9-7-12

Notice Publication Date: 8-1-2012

Rules Amended: 413-015-0470

Rules Repealed: 413-015-0470(T)

Subject: OAR 413-015-0470 about child protective services (CPS) assessments and notifications is being amended to modify the notification at the conclusion of a CPS assessment to be a verbal notification rather than a written notification. There will still be written notification to perpetrators of founded dispositions. This amendment further details the documentation requirements as they relate to the notification. These amendments also make permanent temporary rule changes adopted on March 12, 2012.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-015-0470

Notifications

(1) Requirements for Providing Notifications. The CPS worker must:

(a) Unless the Department determines that disclosure is not permitted under ORS 419B.035, notify the reporter, if the reporter provided the Department with contact information, whether contact was made, whether the Department determined that child abuse or neglect occurred, and whether services will be provided.

(b) Provide the child's parents, including a non-custodial legal parent, and caregivers verbal notification of all CPS assessment dispositions (unfounded, unable to determine, or founded) and whether the Department will provide services as a result of the CPS assessment. When the child's parent is the perpetrator, the notice under subsection (c) of this section also must be provided. If notification may make a child or adult unsafe, a CPS supervisor may authorize an exception to the requirement to provide notification based on documentation supporting that conclusion.

(c) Provide perpetrators written notification of founded dispositions. This written notification must include information about the founded disposition review process as outlined in Child Welfare Policy I-A.6.1, "Notice and Review of CPS Founded Dispositions", OAR 413-010-0700 to 413-010-0750. If the notification could make a child or adult unsafe, a CPS supervisor may authorize an exception to the requirement to provide notification based on documentation that supports this conclusion.

(2) Documentation of Notifications. The CPS worker must document the notifications as described in this rule in the Department's electronic information system in the same location where the CPS assessment disposition is currently documented and the documentation must include:

(a) Who made the notification.

(b) To whom the notification was made.

(c) The date the notification was made.

(d) That the notifications have been attempted or made within the following time lines:

(A) Prior to completing the CPS assessment for a notification provided under subsection (1)(a) of this rule.

(B) Within five business days of supervisory approval of the CPS assessment for a notification provided under subsection (1)(b) or (1)(c) of this rule.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

Hist.: CWP 3-2007, f. & cert. ef. 3-20-07; CWP 8-2009, f. 7-29-09, cert. ef. 8-3-09; CWP 1-2012(Temp), f. & cert. ef. 3-12-12 thru 9-8-12; CWP 5-2012, f. & cert. ef. 9-7-12

Rule Caption: Changing OARs affecting Child Welfare programs.

Adm. Order No.: CWP 6-2012

Filed with Sec. of State: 9-7-2012

Certified to be Effective: 9-7-12

Notice Publication Date: 8-1-2012

Rules Amended: 413-010-0500

Subject: OAR 413-010-0500 about contested case hearings is being amended to correct its cross-reference to the policy and rules about records check requirements for relative caregivers, foster parents, adoptive resources, and other persons in the household.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-010-0500

Purpose, Right to Request Hearing, Applicable Rules, and Computation of Time

(1) The purpose of these rules (OAR 413-010-0500 to 413-010-0535) is to:

(a) State the rights of individuals and entities to request a contested case hearing when the Department takes certain actions; and

(b) Set forth rules governing some aspects of the contested case hearings process.

(2) The individuals and entities described below have the right to request a contested case hearing under ORS Chapter 183. In order to exercise the right to a hearing, the individual or entity must submit and the Department must receive a hearing request which complies with OAR 413-010-0505 within the timeframes described in that rule.

(a) A *child* or *young adult* placed in substitute care by the Department may request a hearing in the manner set forth in OAR 413-010-0505 when the Department issues a notice and decision that includes a statement of hearing rights that:

(A) Reduces or terminates the *base rate payment*;

(B) Determines, denies, reduces or terminates a *level of care payment*;

(C) Determines, denies, reduces or terminates a *level of personal care payment*;

(D) Denies eligibility under Title IV-E of the Social Security Act when such denial impacts a benefit;

(E) Denies, reduces or terminates the *base rate payment* made on behalf of the child's or young adult's minor *child* when the minor *child*:

(i) Lives with the *child* or *young adult* in substitute care; and

(ii) Is not in the legal custody of the Department; or

(F) Denies eligibility for medical assistance under Child Welfare Policy I-E.6.2, "Title XIX and General Assistance Medical Eligibility," (OAR 413-100-0400 through 413-100-0610) when such denial impacts assistance.

(b) Unless an *adoption assistance* agreement automatically expires, a *pre-adoptive family* or an *adoptive family* applying for or receiving *adoption assistance* under Child Welfare Policy I-G.3.1, "Adoption Assistance," (OAR 413-130-0000 to 413-130-0130) may request a hearing in the manner set forth in 413-010-0505 when the Department issues a notice and decision that includes a statement of hearing rights and:

(A) Denies Title IV-E *adoption assistance* benefits;

(B) Denies *adoption assistance* from state funds;

(C) Reduces *adoption assistance* payments or terminates *adoption assistance* without the concurrence of the *adoptive family*;

(D) Reduces *adoption assistance* payments or terminates *adoption assistance* for a reason other than a *child* turning age 18 or a *young adult* turning age 21 when an extension has been granted; or

(E) Offers the family a specific amount or type of *adoption assistance* when the Department and the *adoptive family* or *pre-adoptive family* are unable to reach agreement through a negotiation or renegotiation under OAR 413-130-0070 or 413-130-0075.

(c) Unless a *guardianship assistance* agreement automatically expires, a *potential guardian* or a *guardian* applying for or receiving *guardianship assistance* payments under Child Welfare Policy I-E.3.6.2, "Guardianship Assistance," (OAR 413-070-0900 to 413-070-0982) in the manner set forth in 413-010-0505 when the Department issues a notice and decision that includes a statement of hearing rights and:

(A) Denies Title IV-E *guardianship assistance* benefits;

(B) Terminates, reduces, or otherwise changes guardianship assistance payments without the concurrence of the guardian;

(C) Terminates *guardianship assistance* for a reason other than a *child* turning age 18 or a *young adult* turning age 21 when an extension has been granted; or

ADMINISTRATIVE RULES

(D) Offers the family a specific amount or type of *guardianship assistance* when the Department and the *guardian* or *potential guardian* are unable to reach agreement through a negotiation or renegotiation under OAR 413-070-0917, 413-070-0939, or 413-070-0969.

(d) An applicant for a *Certificate of Approval* or a *certified family* may request a hearing in the manner set forth in OAR 413-010-0505 when the Department denies the application or revokes a certificate under Child Welfare Policy II-B.1, "Standards for Certification of Foster Parents, Relative Caregivers, and Approval of Potential Adoptive Resources," (OAR 413-200-0301 to 413-200-0396);

(e) An applicant for a license to operate a *private child-caring agency* or a *licensee* may request a hearing in the manner set forth in OAR 413-010-0505 when the Department denies, suspends, or revokes a license or imposes a civil penalty under Child Welfare Policy II-C.1, "Licensing Umbrella Rules," (OAR 413-215-0000 to 413-215-0131);

(f) An organization or school that operates a residential care program for children and is not also a *private child-caring agency* may request a hearing in the manner set forth in OAR 413-010-0505 when the Department orders the organization or school to alter the conditions under which a *child* lives or receives schooling or denies, suspends or revokes a license under Child Welfare Policy II-C.1, "Licensing Umbrella Rules," (413-215-0000 to 413-215-0131);

(g) An applicant to adopt or an applicant for a *Certificate of Approval* may request a hearing in the manner set forth in OAR 413-010-0505 when the Department determines that the applicant is unfit based on the criminal offender information or a false statement regarding criminal offender information of the applicant or of another individual in the household of the applicant under Child Welfare Policy I-G.1.4, "Criminal Records Check Requirements for Relative Caregivers, Foster Parents, Adoptive Resources, and Other Persons in the Household," (413-120-0400 to 413-120-0475).

(3) A person may request a hearing in the manner set forth in OAR 413-010-0505 when that person has the right to a contested case hearing under a statute concerning Child Welfare Programs or a rule in Chapter 413.

(4) These rules (OAR 413-010-0500 to 413-010-0535), apply to contested cases arising from the properly made hearings requests described in sections (2) and (3) of this rule. The following other rules do or do not apply as noted:

(a) OAR 137-003-0501 to 137-003-0700 apply to these contested cases, except to the extent that rules in Chapter 413 are permitted to and provide otherwise.

(b) Rules in Chapter 461 do not apply to these contested cases unless a rule in Chapter 413 expressly refers to them.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 183.411 - 183.685, 411.095, 418.005
Hist.: SOSCF 32-2001, f. 6-29-01 cert. ef. 7-1-01; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 10-2009(Temp), f. & cert. ef. 9-1-09 thru 12-28-09; CWP 20-2009, f. & cert. ef. 12-29-09; CWP 8-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 27-2011, f. 11-3-11, cert. ef. 11-4-11; CWP 6-2012, f. & cert. ef. 9-7-12

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**Department of Human Services,
Children, Adults and Families Division:
Self-Sufficiency Programs
Chapter 461**

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients.

Adm. Order No.: SSP 29-2012(Temp)

Filed with Sec. of State: 8-31-2012

Certified to be Effective: 9-1-12 thru 2-28-13

Notice Publication Date:

Rules Adopted: 461-135-0407

Rules Amended: 461-115-0016

Subject: OAR 461-115-0016 about the application process and reservation list for the Employment Related Day Care (ERDC) program is being amended to add 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 461-135-0407 about clients in the Employment Related Day Care (ERDC) program who receive Oregon Program of Quality contracted child care is being adopted to establish policies that apply when the Department starts to contract with Oregon Program of Quality designated child care providers beginning September 1, 2012. 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.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-115-0016

Application Process; Reservation List for ERDC

Notwithstanding any other rule in Chapter 461 of the Oregon Administrative Rules, in the ERDC program:

(1) Eligibility is subject to the availability of funds. The Department may implement a Child Care Reservation List whenever the Department determines that sufficient funding is not available to sustain benefits for all of the applicants requesting assistance.

(2) Except as provided in section (3) of this rule, the following applicants are subject to placement on the Child Care Reservation List when the Child Care Reservation List is in effect:

(a) New applicants for ERDC when no member of the ERDC *filing group* (see OAR 461-110-0350) meets the requirements of one or more of the following paragraphs:

(A) Received a partial or full month of REF, SFPSS, or TANF program cash benefits from the State of Oregon in at least one of the preceding three months; and no member of the ERDC program *filing group* may be concurrently receiving TANF program benefits except as allowed under OAR 461-165-0030.

(B) Is eligible for and being placed in a current opening in an Oregon Program of Quality contracted slot under OAR 461-135-0407 or Head Start program contracted slot under OAR 461-135-0405.

(b) Individuals who are reapplying for ERDC after a break in ERDC benefits of two consecutive, calendar months or more.

(3) Except as allowed under OAR 461-165-0030, no member of an ERDC program *filing group* may be concurrently receiving TANF program benefits. When concurrent benefits are not allowed, the Department sends a *decision notice* (see OAR 461-001-0000) of ineligibility for the ERDC program and the *filing group* is not placed on the Child Care Reservation List.

(4) When the Child Care Reservation List is in effect, the Department must place all applicants who are subject to the Child Care Reservation List under section (2) of this rule on the Child Care Reservation List for future selection. The Department sends these applicants a *decision notice* of ineligibility for the ERDC program.

(5) Each month, on the basis of an estimate of available funds, an appropriate number of individuals from the Child Care Reservation List are randomly selected and invited to apply for ERDC.

(6) After an individual is selected from the Child Care Reservation List, the individual must contact the Department to establish a *date of request* no later than 30 days after the date on the selection letter. The individual may request child care benefits from the Department:

(a) Without completing a new application, when the previous application is within 45 days of its *date of request* (see OAR 461-115-0030); or

(b) By submitting a new application for child care benefits to the Department.

(7) The processing time frame for the ERDC application is the same as that specified in OAR 461-115-0190, except that:

ADMINISTRATIVE RULES

(a) An individual who requests benefits after the 30 day deadline to apply (see section (6) of this rule) will be returned to the Child Care Reservation List.

(b) If the Department does not receive a request for benefits within the deadline to apply, the individual is dropped from the Child Care Reservation List.

Stat. Auth: ORS 409.050, 411.060, 411.116
Stats. Implemented: ORS 409.010, 409.610, 411.060, 411.116, 411.121, 411.122, 411.135
Hist.: SSP 23-2011(Temp), f. & cert. ef. 8-1-11 thru 1-27-12; SSP 35-2011, f. 12-27-11, cert. ef. 1-1-12; SSP 29-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13

461-135-0407

ERDC; Children in Oregon Program of Quality Contracted Child Care

The following provisions apply when a *child* (see OAR 461-001-0000) in the ERDC program receives *child* care under a contract between an Oregon Program of Quality (OPQ) provider and the Department:

(1) The payment made by the Department on behalf of the *child* is made only to the OPQ provider. The *child* is ineligible for *child* care payments for care not provided under the contract between the OPQ provider and the Department.

(2) Once the Department makes a child care payment for the *child* under the contract, the *child* is presumed to meet the ERDC program eligibility requirements until the next August 31, unless:

(a) The *caretaker* (see OAR 461-001-0000) of the *child* has been found ineligible for ERDC program benefits under OAR 461-135-0415 for failure to make a copayment;

(b) The *filing group* (see OAR 461-110-0350) was found eligible because of inaccurate information provided to the Department or because information was withheld from the Department when eligibility was determined;

(c) The filing group fails to meet the requirements of the agreement among the client and the OPQ provider; or

(d) The *caretaker* of the *child* is found ineligible for ERDC program benefits under OAR 461-160-0040(6) or OAR 461-135-0400.

(3) For any month in which the *child* is eligible to be served under a contract covered by this rule, the client's copayment is established under OAR 461-155-0150(12)(a).

Stat. Auth: ORS 409.050, 411.060, 411.116
Stats. Implemented: ORS 409.010, 409.610, 411.060, 411.116, 411.121, 411.122 & 411.135
Hist.: SSP 29-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13

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

Rule Caption: Residential Care and Assisted Living Facilities.

Adm. Order No.: SPD 11-2012

Filed with Sec. of State: 8-31-2012

Certified to be Effective: 9-1-12

Notice Publication Date: 7-1-2012

Rules Amended: 411-054-0005, 411-054-0010, 411-054-0012, 411-054-0013, 411-054-0016, 411-054-0019, 411-054-0025, 411-054-0027, 411-054-0034, 411-054-0085, 411-054-0093

Subject: The Department of Human Services is permanently amending the residential care and assisted living facility rules in OAR chapter 411, division 054 to:

- Update the application and license renewal requirements to comply with direction from the Center for Medicare and Medicaid Services regarding ownership;

- Comply with Senate Bill 557 regarding the sexual assault task force by requiring facilities to implement a policy for the referral of residents who may be victims of acute sexual assault to the nearest trained sexual assault examiner;

- Clarify the rules relating to remodeling, renovating, and resident displacement due to remodeling;

- Remove the requirement that providers submit an Emergency Preparedness Plan Summary to the Department annually and upon change in ownership to reduce the workload impact for providers and the Department which is prudent during these times of fiscal reductions;

- Comply with the Oregon Indoor Clean Air Act, ORS 443.835 to 433.875, by clarifying the evaluation of smoking addressed in service plans; and

- Clarify the rules relating to voluntary closures, ownership issues, required postings, use of resident funds, and the evaluation of alcohol and drug use addressed in service plans.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-054-0005

Definitions

For the purpose of these rules, the following definitions apply:

(1) "Abuse" means abuse as defined in OAR 411-020-0002 (Adult Protective Services).

(2) "Activities of Daily Living (ADL)" mean those personal functional activities required by an individual for continued well being, health, and safety. Activities consist of eating, dressing/grooming, bathing/personal hygiene, mobility (ambulation and transfer), elimination (toileting, bowel, and bladder management), and cognition/behavior.

(3) "Acute Sexual Assault" means any non-consensual or unwanted sexual contact that warrants medical treatment or forensic collection.

(4) "Administrator" means the individual who is designated by the licensee that is responsible for the daily operation and maintenance of the facility as described in OAR 411-054-0065.

(5) "Advance Directive" means a document that contains a health care instruction or a power of attorney for health care.

(6) "Applicant" means the individual, individuals, or entity, required to complete a facility application for license.

(a) Except as set forth in OAR 411-054-0013(1)(b), applicant includes a sole proprietor, each partner in a partnership, and each member with a 10 percent or more ownership interest in a limited liability company, corporation, or entity that:

(A) Owns the residential care or assisted living facility business; or

(B) Operates the residential care or assisted living facility on behalf of the facility business owner.

(b) Except as set forth in OAR 411-054-0013(1)(b), for those who serve the Medicaid population, applicant includes a sole proprietor, each partner in a partnership, and each member with a 5 percent or more ownership interest in a limited liability company, corporation, or entity that:

(A) Owns the residential care or assisted living facility business; or

(B) Operates the residential care or assisted living facility on behalf of the facility business owner.

(7) "Area Agency on Aging (AAA)" as defined in ORS 410.040 means the Department designated agency charged with the responsibility to provide a comprehensive and coordinated system of services to seniors or individuals with disabilities in a planning and service area. For the purpose of these rules, the term Area Agency on Aging is inclusive of both Type A and B Area Agencies on Aging that contract with the Department to perform specific activities in relation to residential care and assisted living facilities including:

(a) Conducting inspections and investigations regarding protective service, abuse, and neglect;

(b) Monitoring; and

(c) Making recommendations to the Department regarding facility license approval, denial, revocation, suspension, non-renewal, and civil penalties.

(8) "Assisted Living Facility (ALF)" means a building, complex, or distinct part thereof, consisting of fully, self-contained, individual living units where six or more seniors and adult individuals with disabilities may reside in homelike surroundings. The assisted living facility offers and coordinates a range of supportive services available on a 24-hour basis to meet the activities of daily living, health, and social needs of the residents as described in these rules. A program approach is used to promote resident self-direction and participation in decisions that emphasize choice, dignity, privacy, individuality, and independence.

(9) "Caregiver" means a facility employee who is trained in accordance with OAR 411-054-0070 to provide personal care services to residents. The employee may be either a direct care staff or universal worker as defined in this rule.

(10) "Change in Use" means altering the purpose of an existing room, within the facility, that requires structural changes.

(11) "Change of Condition – Short Term" means a change in the resident's health or functioning that is expected to resolve or be reversed with minimal intervention or is an established, predictable, cyclical pattern associated with a previously diagnosed condition.

(12) "Change of Condition – Significant" means a major deviation from the most recent evaluation that may affect multiple areas of functioning or health that is not expected to be short term and imposes significant

ADMINISTRATIVE RULES

risk to the resident. Examples of significant change of condition include but are not limited to:

- (a) Broken bones;
- (b) Stroke, heart attack, or other acute illness or condition onset;
- (c) Unmanaged high blood sugar levels;
- (d) Uncontrolled pain;
- (e) Fast decline in activities of daily living;
- (f) Significant unplanned weight loss;
- (g) Pattern of refusing to eat;
- (h) Level of consciousness change; and
- (i) Pressure ulcers (stage 2 or greater).

(13) "Choice" means a resident has viable options that enable the resident to exercise greater control over his or her life. Choice is supported by the provision of sufficient private and common space within the facility that allows residents to select where and how to spend time and receive personal assistance.

(14) "Condition" means a provision attached to a new or existing license that limits or restricts the scope of the license or imposes additional requirements on the licensee.

(15) "Department" means the Department of Human Services (DHS). The term "Department" is synonymous with "Division (SPD)".

(16) "Dignity" means providing support in such a way as to validate the self-worth of the individual. Creating an environment that allows personal assistance to be provided in privacy supports dignity as does delivering services in a manner that shows courtesy and respect.

(17) "Direct Care Staff" means a facility employee whose primary responsibility is to provide personal care services to residents. These personal care services may include:

- (a) Medication administration;
- (b) Resident-focused activities;
- (c) Assistance with activities of daily living;
- (d) Supervision and support of residents; and
- (e) Serving meals, but not meal preparation.

(18) "Directly Supervised" means a qualified staff member maintains visual contact with the supervised staff.

(19) "Director" means the Director of the Department's Licensing and Regulatory Oversight, or that individual's designee. The term "Director" is synonymous with "Assistant Director".

(20) "Disaster" means a sudden emergency occurrence beyond the control of the licensee, whether natural, technological, or manmade that renders the licensee unable to operate the facility or the facility is uninhabitable.

(21) "Disclosure" means the written information the facility is required to provide to consumers to enhance the understanding of facility costs, services, and operations.

(22) "Entity" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), a state, or a political subdivision or instrumentality, including a municipal corporation, of a state.

(23) "Exception" means a written variance granted by the Department from a regulation or provision of these rules.

(24) "Facility" means the residential care or assisted living facility licensee and the operations, policies, procedures, and employees of the residential care or assisted living facility.

(25) "FPS" means the Facilities Planning and Safety Program within the Public Health Division.

(26) "Homelike Environment" means a living environment that creates an atmosphere supportive of the resident's preferred lifestyle. Homelike environment is also supported by the use of residential building materials and furnishings.

(27) "Incident of Ownership" means an ownership interest, an indirect ownership interest, or a combination of direct and indirect ownership interest.

(28) "Independence" means supporting resident capabilities and facilitating the use of those abilities. Creating barrier free structures and careful use of assistive devices supports independence.

(29) "Indirect Ownership Interest" means an ownership interest in an entity that has an ownership interest in another entity. Indirect ownership interest includes an ownership interest in an entity that has an indirect ownership interest in another entity.

(30) "Individuality" means recognizing variability in residents' needs and preferences and having flexibility to organize services in response to different needs and preferences.

(31) "Licensed Nurse" means an Oregon licensed practical or registered nurse.

(32) "Licensee" means the entity that owns the residential care or assisted living facility business, and to whom an assisted living or residential care facility license has been issued.

(33) "Major Alteration":

(a) Means:

(A) Any structural change to the foundation, floor, roof, exterior or load bearing wall of a building;

(B) The addition of floor area to an existing building; or

(C) The modification of an existing building that results in a change in use where such modification affects resident services or safety.

(b) Does not include cosmetic upgrades to the interior or exterior of an existing building (for example: changes to wall finishes, floor coverings, or casework).

(34) "Managed Risk" means a process by which a resident's high-risk behavior or choices are reviewed with the resident. Alternatives to and consequences of the behavior or choices are explained to the resident and the resident's decision to modify behavior or accept the consequences is documented.

(35) "Management" or "Operator" means possessing the right to exercise operational or management control over, or directly or indirectly conduct the day-to-day operation of a facility.

(36) "Modified Special Diet" means a diet ordered by a physician or other licensed health care professional that may be required to treat a medical condition (for example: heart disease or diabetes).

(a) Modified special diets include but are not limited to:

(A) Small frequent meals;

(B) No added salt;

(C) Reduced or no added sugar; and

(D) Simple textural modifications.

(b) Medically complex diets are not included.

(37) "New Construction" means:

(a) A new building;

(b) An existing building or part of a building that is not currently licensed;

(c) A major alteration to an existing building; or

(d) Additions, conversions, renovations, or remodeling of existing buildings.

(38) "Nursing Care" means the practice of nursing as governed by ORS chapter 678 and OAR chapter 851.

(39) "Owner" means an individual with an ownership interest.

(40) "Ownership Interest" means the possession of equity in the capital, the stock, or the profits of an entity.

(41) "Personal Incidental Funds (PIF)" means the monthly amount allowed each Medicaid resident for personal incidental needs. For purposes of this definition, personal incidental funds include monthly payments, as allowed, and previously accumulated resident savings.

(42) "Privacy" means a specific area or time over which the resident maintains a large degree of control. Privacy is supported with services that are delivered with respect for the resident's civil rights.

(43) "P.R.N." means those medications and treatments that have been ordered by a qualified practitioner to be administered as needed.

(44) "Psychoactive Medications" mean medications used to alter mood, level of anxiety, behavior, or cognitive processes. Psychoactive medications include antidepressants, anti-psychotics, sedatives, hypnotics, and anti-anxiety medications.

(45) "Remodel" means a renovation or conversion of a building that requires a building permit and meets the criteria for review by the Facilities Planning and Safety Program as described in OAR 333-675-0000.

(46) "Renovate" means to restore to good condition or to repair.

(47) "Resident" means any individual who is receiving room, board, care, and services on a 24-hour basis in a residential care or assisted living facility for compensation.

(48) "Residential Care Facility (RCF)" means a building, complex, or distinct part thereof, consisting of shared or individual living units in a homelike surrounding where six or more seniors and adult individuals with disabilities may reside. The residential care facility offers and coordinates a range of supportive services available on a 24-hour basis to meet the activities of daily living, health, and social needs of the residents as described in these rules. A program approach is used to promote resident self-direction and participation in decisions that emphasize choice, dignity, individuality, and independence.

(49) "Restraint" means any physical device that the resident cannot manipulate that is used to restrict movement or normal access to the resident's body.

ADMINISTRATIVE RULES

(50) "Retaliation" means to threaten or intimidate, or take an action that is detrimental to an individual (for example: harassment, abuse, or coercion).

(51) "Service Plan" means a written, individualized plan for services developed by a service planning team and the resident, or the resident's legal representative, that reflects the resident's capabilities, choices, and if applicable, measurable goals, and managed risk issues. The service plan defines the division of responsibility in the implementation of the services.

(52) "Service Planning Team" means two or more individuals, as set forth in OAR 411-054-0036, that assist the resident in determining what services and care are needed, preferred, and may be provided to the resident.

(53) "Services" mean supervision or assistance provided in support of a resident's needs, preferences, and comfort, including health care and activities of daily living, that help develop, increase, maintain, or maximize the resident's level of independent, psychosocial, and physical functioning.

(54) "Subject Individual" means any individual 16 years of age or older on whom the Department may conduct a background check as defined in OAR 407-007-0210 and from whom the Department may require fingerprints for the purpose of conducting a national background check.

(A) For the purpose of these rules, subject individual includes:

(A) All applicants, licensees, and operators of a residential care or assisted living facility;

(B) All individuals employed or that are receiving training in an assisted living or residential care facility; and

(C) Volunteers, if allowed unsupervised access to residents.

(b) For the purpose of these rules, subject individual does not apply to:

(A) Residents and visitors of residents; or

(B) Individuals that provide services to residents who are employed by a private business that is not regulated by the Department.

(55) "Supportive Device" means a device that may have restraining qualities that supports and improves a resident's physical functioning.

(56) "These Rules" mean the rules in OAR chapter 411, division 054.

(57) "Underserved" means services are significantly unavailable within the service area in a comparable setting for:

(a) The general public; or

(b) A specific population, for example, residents with dementia or traumatic brain injury.

(58) "Unit" means an individual living space constructed as a completely private apartment, including living and sleeping space, kitchen area, bathroom, and adequate storage areas.

(59) "Universal Worker" means a facility employee whose assignments include other tasks (for example: housekeeping, laundry, or food service) in addition to providing direct resident services. Universal worker does not include administrators, clerical or administrative staff, building maintenance staff, or licensed nurses who provide services as specified in OAR 411-054-0034.

Stat. Auth.: ORS 410.070 & 443.450

Stats. Implemented: ORS 443.400 - 443.455 & 443.991

Hist.: SPD 14-2007, f. 8-31-07, cert. ef. 11-1-07; SPD 16-2008, f. 12-31-08, cert. ef. 1-1-09; SPD 13-2009, f. 9-30-09, cert. ef. 10-1-09; SPD 23-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 10-2010, f. 6-30-10, cert. ef. 7-1-10; SPD 24-2010(Temp), f. & cert. ef. 10-5-10 thru 4-2-11; SPD 7-2011, f. 3-31-11, cert. ef. 4-1-11; SPD 23-2011(Temp), f. & cert. ef. 11-10-11 thru 5-7-12; SPD 4-2012, f. 4-30-12, cert. ef. 5-1-12; SPD 11-2012, f. 8-31-12, cert. ef. 9-1-12

411-054-0010

Licensing Standard

(1) No individual, entity, or governmental unit acting individually or jointly with any other individual, entity, or governmental unit may establish, maintain, conduct, or operate a residential care or assisted living facility, use the term residential care or assisted living facility, or hold itself out as being a residential care or assisted living facility or as providing residential care or assisted living services, without being duly licensed as such.

(2) Each license to operate a residential care or assisted living facility shall expire two years following the date of issuance unless revoked, suspended, terminated earlier, or issued for a shorter specified period.

(3) Each residential care and assisted living facility must be licensed, maintained, and operated as a separate and distinct facility.

(4) A license may not be required for a building, complex, or distinct part thereof, where six or more individuals reside where activities of daily living assistance and health services are not offered or provided by the facility.

(a) Facility representatives and written materials may not purport that such care and services are offered or provided by the facility.

(b) Prospective and actual tenants must have no expectations that such care and services are offered or shall be provided by the facility.

(c) The Department's Director shall determine whether a residential care or assisted living facility license is required in cases where the definition of a facility's operations is in dispute.

(5) NOT TRANSFERABLE. No residential care or assisted living facility license is transferable or applicable to any location, facility, management agent, or ownership other than that indicated on the application and license.

(6) SEPARATE BUILDINGS. Separate licenses are not required for separate buildings of the same license type located contiguously and operated as an integrated unit by the same licensee. Distinct staffing plans are required for each building.

(7) IDENTIFICATION. Every facility must have distinct identification or name and must notify the Department of any intention to change such identification.

(8) DESCRIPTIVE TITLE. A residential care or assisted living facility licensed by the Department may neither assume a descriptive title nor be held under any descriptive title other than what is permitted within the scope of its license.

(9) RESIDENT DISPLACEMENT DUE TO REMODELING. The licensee must notify the Department 90 days prior to a remodel or renovation of part of a facility if there shall be a disruption to residents in the facility (for example: residents must be temporarily moved to another room overnight). During a non-emergent remodel, if any residents need to be moved from their rooms, the residents must continue to be housed in another area of the facility and may not be moved to another care setting.

(a) NON-EMERGENT REMODEL.

(A) For a non-emergent remodel, the licensee must submit a written proposal for remodeling or renovation to the Department. The proposal must include:

(i) A specific plan as to where residents shall be housed within the existing facility. For those providers who have several buildings on the same campus, a move to a different building of the same license type within the campus setting is allowed, as long as the resident agrees to the move;

(ii) A specific plan outlining the extended details of the renovation or remodeling; and

(iii) A timeline for completion of the project. If the project is expected to take longer than three months, the licensee must provide a monthly update to the Department. The maximum time allowed for a renovation or remodel is one year from the date of the Department's approval. The Department may approve renovations that exceed one year.

(B) The licensee must give the residents written notice 60 days prior to beginning any non-emergent remodel that shall displace the residents. The notice must include:

(i) Where the residents shall be moved;

(ii) The approximate length of time of the remodel; and

(iii) Assurance that the residents shall be able to return to their own rooms when the remodel is completed, if the residents choose to do so.

(C) The licensee must submit an outline of the work to be completed, construction documents, and any necessary drawings if required by the scope of work, to the Facilities Planning and Safety Program (FPS). FPS has 15 business days for review.

(D) The licensee must comply with the rules in OAR chapter 333, division 675 (Project Plans and Construction Review) and all other structural requirements when remodeling.

(E) Nothing in this rule is intended to preclude the Department from taking other regulatory action on a violation of the licensing requirements in these rules during the time of remodeling or renovation.

(b) EMERGENT REMODEL OR CLOSURE.

(A) When an emergency or disaster requires all residents of a facility or part of a facility to be immediately evacuated while remodeling occurs, the licensee must:

(i) Provide the Department written details regarding the transfer of residents within two working days of the emergency or disaster;

(ii) Submit a plan regarding the details for remodel or if necessary, a plan for permanent closure, to the Department within two weeks;

(iii) Contact FPS to determine if drawings need to be submitted based on the scope of the remodel; and

(iv) Assure that any residents who were transferred out of the facility shall be moved back to the facility when compliance with all building requirements of these rules is met.

(B) All residents who have been transferred out of the facility must be notified in writing, at the last address known to the facility, as to when the residents shall be able to return to the facility.

ADMINISTRATIVE RULES

(C) The facility must ensure the safe transfer of residents from and back to the facility and bear all costs of the moves.

(D) A refusal by a facility to allow a resident to return after the resident has been transferred out of the facility due to an emergent closure shall be regarded as an involuntary move out:

(i) For an involuntary move out, the facility must comply with the requirements of OAR 411-054-0080; and

(ii) The resident shall have all rights provided in OAR 411-054-0080.

(E) In the event of an emergent closure, the Department may renew the existing license for a period not to exceed two years from the renewal date.

(10) PERMANENT FACILITY CLOSURE. A facility is considered closed if the licensee is no longer providing services and the residents have moved out or must be moved from the facility.

(a) The licensee must submit a written proposal for approval to the Department 60 days prior to permanent closure. The proposal must specify the plan for safe transfer of all residents.

(b) The licensee must notify the residents at least 60 days prior to facility closure.

(c) If the facility is closed and no residents are in the facility, the facility is considered unlicensed.

(11) NOTICE OF BANKRUPTCY OR FORECLOSURE. The licensee must notify the Department in writing within 10 days after receipt of any notice of foreclosure or trustee notification of sale with respect to a real estate contract, trust deed, mortgage, or other security interest affecting the property of the licensee, as defined in OAR 411-054-0005. The written notice to the Department must include a copy of the notice provided to the licensee.

(a) The licensee must update the Department in writing not less often than every 90 days thereafter until the matter is resolved and the default has been resolved and no additional defaults have been declared or actions threatened. The update must include:

(A) The latest status on what action has been or is about to be taken by the licensee with respect to the notice received;

(B) What action is being demanded or threatened by the holder of the security interest; and

(C) Any other information reasonably requested by the Department related to maintaining resident health and safety.

(b) The licensee must update the Department upon final resolution of the matters leading up to or encompassed by the notice of foreclosure or trustee notification of sale.

(c) The licensee must notify the Department and all residents of the facility in writing immediately upon:

(A) The filing of any litigation regarding such security interest, including the filing of a bankruptcy petition by or against the licensee or an entity owning any property occupied or used by the licensee;

(B) The entry of any judgment with respect to such litigation; or

(C) The outcome of the judgment or settlement.

Stat. Auth.: ORS 410.070 & 443.450

Stats. Implemented: ORS 443.400 - 443.455, 443.991

Hist.: SPD 14-2007, f. 8-31-07, cert. ef. 11-1-07; SPD 13-2009, f. 9-30-09, cert. ef. 10-1-09; SPD 11-2012, f. 8-31-12, cert. ef. 9-1-12

411-054-0012

Requirements for New Construction or Initial Licensure

(1) An applicant requesting approval of a potential license for new construction or licensing of an existing building that is not operating as a licensed facility, must request a meeting with the Department before submitting a letter of intent as described in section (3) of this rule.

(2) Prior to beginning new construction of a building, or purchase of an existing building with intent to request a license, the applicant must provide the following information for consideration by the Department for a potential license:

(a) Demonstrate a past history, if any, of substantial compliance with all applicable state and local laws, rules, codes, ordinances, and permit requirements in Oregon, and the ability to deliver quality services to citizens of Oregon; and

(b) Provide a letter of intent as set forth in section (3) of this rule.

(3) LETTER OF INTENT. Prior to application for a building permit, a prospective applicant, with intent to build or operate a facility, must submit to the Department a letter of intent that includes the following:

(a) Identification of potential applicant;

(b) Identification of the city and street address of the intended facility;

(c) Intended facility type (for example: RCF, ALF, or memory care), the intended number of units, and maximum resident capacity;

(d) Statement of whether the applicant is willing to provide care and services for an underserved population and description of any underserved population the applicant is willing to serve;

(e) Indication of whether the applicant is willing to provide services through the state medical assistance program;

(f) Identification of operations within Oregon or within other states that provide a history of the applicant's ability to serve the intended population; and

(g) An independent market analysis completed by a third party professional that meets the requirements of section (4) of this rule.

(4) MARKET ANALYSIS. The applicant must submit a current market analysis to the Department for review and consideration prior to application for a building permit. A market analysis is not required for change of owner applicants of existing licensed buildings. The market analysis must show the need for the services offered by the license applicant and must include:

(a) Description of the intended population to be served, including underserved populations and those eligible to receive services through the state medical assistance program, as applicable;

(b) A current demographic overview of the area to be served;

(c) A description of the area and regional economy and the effect on the market for the project;

(d) Identification of the number of individuals in the area to be served who are potential residents;

(e) Description of available amenities (for example: transportation, hospital, shopping center, or traffic conditions);

(f) Description of the extent, types, and availability of existing and proposed facilities, as described in ORS 443.400 to 443.455, located in the area to be served; and

(g) The rate of occupancy, including waiting lists, for existing and recently completed developments competing for the same market segment.

(5) The Department shall issue a written decision of a potential license within 60 days of receiving all required information from the applicant.

(a) If the applicant is dissatisfied with the decision of the Department, the applicant may request a contested case hearing in writing within 14 calendar days from the date of the decision.

(b) The contested case hearing shall be in accordance with ORS chapter 183.

(6) Prior to issuing a license, the Department shall consider the applicant's stated intentions and compliance with the requirements of this rule and all structural and other licensing requirements as stated in these rules.

(7) BUILDING DRAWINGS. After the letter of intent has been submitted to the Department, one set of building drawings and specifications must be submitted to FPS and must comply with OAR chapter 333, division 675.

(a) Building drawings must be submitted to FPS:

(A) Prior to beginning construction of any new building;

(B) Prior to beginning construction of any addition to an existing building;

(C) Prior to beginning any remodeling, modification, or conversion of an existing building that requires a building permit; or

(D) Subsequent to application for an initial license of a facility not previously licensed under this rule.

(b) Drawings must comply with the Oregon Structural Specialty Code and Oregon Fire Code as required for the occupancy classification and construction type.

(c) Drawings must be drawn to a scale of one-fourth inch or one-eighth inch to the foot, and must specify the date when construction, modification, or conversion is expected to be completed.

(d) Construction containing 4,000 square feet or more must be prepared by, and bear the stamp of, an Oregon licensed architect or engineer.

(8) SIXTY-DAYS PRIOR. At least 60 days prior to anticipated licensure the applicant must submit to the Department:

(a) A completed application form with the required fee;

(b) A copy of the facility's written rental agreements;

(c) Disclosure information; and

(d) Facility policies and procedures, ensuring that the facility's administrative, personnel, and resident care operations are conducted in compliance with these rules.

(9) THIRTY-DAYS PRIOR. Thirty days prior to anticipated licensure the applicant must submit:

(a) To the Department, a completed and signed Administrator Reference Sheet that reflects the qualifications and training of the individ-

ADMINISTRATIVE RULES

ual designated as facility administrator and a background check request; and

(b) To FPS, a completed and signed Project Substantial Completion Notice that attests substantial completion of the building project and requests the scheduling of an onsite licensing inspection.

(10) TWO-DAYS PRIOR. At least two working days prior to the scheduled onsite licensing inspection of the facility, the applicant must submit to the Department and FPS a completed and signed Project Completion/Inspection Checklist that confirms the building project is complete and fully in compliance with these rules.

(a) The scheduled, onsite licensing inspection may not be conducted until the Project Completion/Inspection Checklist has been received by both FPS and the Department.

(b) The onsite licensing inspection may be rescheduled at the Department's convenience if the scheduled, onsite licensing inspection reveals that the building is not in compliance with these rules as attested to on the Project Completion/Inspection Checklist.

(11) CERTIFICATE OF OCCUPANCY. The applicant must submit to the Department and FPS, a copy of the Certificate of Occupancy issued by the Building Codes Division having jurisdiction that indicates the intended occupancy classification and construction type.

(12) CONFIRMATION OF LICENSURE. The applicant, prior to admitting any resident into the facility, must receive a written confirmation of licensure issued by the Department.

Stat. Auth.: ORS 410.070 & 443.450

Stats. Implemented: ORS 443.400 - 443.455 & 443.991

Hist.: SPD 14-2007, f. 8-31-07, cert. ef. 11-1-07; SPD 16-2008, f. 12-31-08, cert. ef. 1-1-09; SPD 24-2010(Temp), f. & cert. ef. 10-5-10 thru 4-2-11; SPD 7-2011, f. 3-31-11, cert. ef. 4-1-11; SPD 11-2012, f. 8-31-12, cert. ef. 9-1-12

411-054-0013

Application for Initial Licensure and License Renewal

(1) APPLICATION. Applicants for initial licensure and license renewal must complete an application on a form provided by the Department. A licensing fee, as described in ORS 443.415, is required and must be submitted according to Department policy.

(a) The application form must be signed by the applicant's legally authorized representative, dated, and contain all information requested by the Department.

(b) Applicants must provide all information and documentation as required by the Department including but not limited to identification of financial interest of any individual, including stockholders who have an incident of ownership in the applicant representing an interest of 10 percent or more. For purposes of rule, an individual with a 10 percent or more incident of ownership is presumed to have an effect on the operation of the facility with respect to factors affecting the care or training provided, unless the individual establishes the individual has no involvement in the operation of the facility. For those who serve the Medicaid population, the applicant must identify any individual with a 5 percent or more incident of ownership, regardless of the individual's effect on the operation of the facility.

(c) If the owner of the facility is a different entity from the operator or management company of the facility, both the operator and the owner must complete an application for licensure. Only one license fee is required.

(d) The application shall require the identification of any individual with a 10 percent or more incident of ownership that has ever been convicted of a crime associated with the operation of a long-term, community-based, or health care facility or agency under federal law or the laws of any state. For those who serve the Medicaid population, any individual with a 5 percent or more incident of ownership must be identified, regardless of the individual's effect on the operation of the facility.

(e) The application shall require the identification of all states where the applicant, or individual having a 10 percent or more incident of ownership in the applicant, currently or previously has been licensed as owner or operator of a long-term, community-based, or health care facility or agency under the laws of any state including any facility, currently or previously owned or operated, that had its license denied or revoked or received notice of the same under the laws of any state. For those who serve the Medicaid population, all states where the applicant or any individual having a 5 percent or more incident of ownership must be identified, regardless of the individual's effect on the operation of the facility.

(f) The Department may deny, revoke, or refuse to renew the license if the applicant fails to provide complete and accurate information on the application and the Department concludes that the missing or corrected information is needed to determine if a license shall be granted.

(g) Each application for a new license must include a completed background check request form for the applicant and for each individual with 10

percent or more incident of ownership in the applicant. For those who serve the Medicaid population, a background check request form is required for the applicant and for each individual with a 5 percent or more incident of ownership, regardless of the individual's effect on the operation of the facility.

(h) The Department may require financial information as stated in OAR 411-054-0016 (New Applicant Qualifications), when considering an applicant's request for renewal of a license.

(i) Applicants must provide other information and documentation as the Department may reasonably require for the proper administration of these rules, including but not limited to information about incident of ownership and involvement in the operation of the facility or other business enterprises, as relevant.

(j) For facilities that serve the Medicaid population and are managed by a Board of Directors, the Centers for Medicare and Medicaid Services (CMS) require a social security number and date of birth for each board member.

(2) LICENSE RENEWAL. Application for a license renewal must be made at least 45 days prior to the expiration date of the existing license. Filing of an application for renewal and submission of the required non-refundable fee before the date of expiration extends the effective date of expiration until the Department takes action upon such application.

(a) The Department shall refuse to renew a license if the facility is not substantially in compliance with all applicable laws and rules or if the State Fire Marshal or authorized representative has given notice of noncompliance.

(b) An applicant for license renewal must provide the Department with a completed background check request form for the applicant and for each individual with incident of ownership of 10 percent or more in the applicant when required by the Department. For those who serve the Medicaid population, a background check request form is required for the applicant and each individual with a 5 percent or more incident of ownership, regardless of the individual's effect on the operation of the facility.

(c) A building inspection may be requested at the Department's discretion. The Department may require physical improvements if the health or safety of residents is negatively impacted.

(3) DEMONSTRATED CAPABILITY.

(a) Prior to issuance of a license or a license renewal, the applicant must demonstrate to the satisfaction of the Department that the applicant is capable of providing services in a manner consistent with the requirements of these rules.

(b) The Department may consider the background and qualifications of any individual with a 10 percent or more incident of ownership in the applicant when determining whether an applicant may be licensed. For those who serve the Medicaid population, the background and qualifications of any individual with a 5 percent or more incident of ownership, regardless of the individual's effect on the operation of the facility, may be considered.

(c) The Department may consider the applicant's history of compliance with Department rules and orders including the history of compliance of any individual with a 10 percent or more incident of ownership in the applicant. For those who serve the Medicaid population, the history of compliance of the applicant and any individual with a 5 percent or more incident of ownership, regardless of the individual's effect on the operation of the facility, may be considered.

Stat. Auth.: ORS 410.070 & 443.450

Stats. Implemented: ORS 443.400 - 443.455 & 443.991

Hist.: SPD 14-2007, f. 8-31-07, cert. ef. 11-1-07; SPD 10-2010, f. 6-30-10, cert. ef. 7-1-10; SPD 23-2011(Temp), f. & cert. ef. 11-10-11 thru 5-7-12; SPD 4-2012, f. 4-30-12, cert. ef. 5-1-12; SPD 11-2012, f. 8-31-12, cert. ef. 9-1-12

411-054-0016

New Applicant Qualifications

For the purpose of this rule, "applicant" means each entity, as defined in OAR 411-054-0005, who holds 10 percent or more incident of ownership in the applicant as described in OAR 411-054-0013(1)(b). For those who serve the Medicaid population, "applicant" means each entity, as defined in OAR 411-054-0005, who holds 5 percent or more incident of ownership regardless of the individual's effect on the operation of the facility. Applicants for licensure (excluding license renewal but including all changes of ownership, management, or operator) must meet the following criteria:

(1) BACKGROUND CHECK. Each applicant may not have convictions of any of the crimes listed in OAR 407-007-0275 and must complete a background check conducted by the Department in accordance with OAR 407-007-0200 to 407-007-0370.

ADMINISTRATIVE RULES

(2) **PERFORMANCE HISTORY.** The Department shall consider an applicant's performance history, including repeat sanctions or rule violations, before issuing a license.

(a) Each applicant must be free of incident of ownership history in any facility in Oregon that provides or provided (at the time of ownership) care to children, elderly, ill, or individuals with disabilities that had its license or certification involuntarily suspended or voluntarily terminated during any state or federal sanction process during the past five years.

(b) Applicants must be free of incident of ownership history in any facility in any state that had its license or certification involuntarily suspended or voluntarily terminated during any state or federal sanction process during the past five years.

(c) Failure to provide accurate information or demonstrate required performance history may result in the Department's denial of a license.

(3) **FINANCIAL HISTORY.** Each applicant must:

(a) Be free of incident of ownership history in any facility or business that failed to reimburse any state for Medicaid overpayments or civil penalties during the past five years.

(b) Be free of incident of ownership history in any facility or business that failed to compensate employees or pay worker's compensation, food supplies, utilities, or other costs necessary for facility operation during the past five years.

(c) Submit proof of fiscal responsibility, including an auditor's certified financial statement, and other verifiable documentary evidence of fiscal solvency documenting that the prospective licensee has sufficient resources to operate the facility for 60 days. Proof of fiscal responsibility must include liquid assets sufficient to operate the facility for 45 days. Anticipated Medicaid income is not considered "liquid assets," but may be considered "financial resources." Liquid assets may be demonstrated by:

(A) An unencumbered line of credit;

(B) A performance bond; or

(C) Any other method satisfactory to the Department.

(d) Provide a pro forma (revenues, expenditures, and resident days) by month for the first 12 months of operation of the facility and demonstrate the ability to cover any cash flow problems identified by the pro forma.

(4) **EXPERIENCE.** If an applicant does not have experience in the management of nursing facilities, assisted living, or residential care, the applicant must employ the services of a consultant or management company with experience in the provision of assisted living or residential care for a period of at least six months. The consultant and the terms and length of employment are subject to the approval of the Department.

Stat. Auth.: ORS 410.070 & 443.450

Stats. Implemented: ORS 443.400 - 443.455 & 443.991

Hist.: SPD 14-2007, f. 8-31-07, cert. ef. 11-1-07; SPD 23-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 10-2010, f. 6-30-10, cert. ef. 7-1-10; SPD 23-2011(Temp), f. & cert. ef. 11-10-11 thru 5-7-12; SPD 4-2012, f. 4-30-12, cert. ef. 5-1-12; SPD 11-2012, f. 8-31-12, cert. ef. 9-1-12

411-054-0019

Change of Ownership or Management

(1) The licensee and the prospective licensee must each notify the Department in writing of a contemplated change in ownership or management entity. The written notification must be received at least 60 days prior to the proposed date of change.

(a) The prospective licensee or management entity must submit at least 60 days in advance of the proposed date change:

(A) A completed application form;

(B) A copy of policies, procedures, rental agreements, service plans, and required disclosure information; and

(C) A licensing fee, as described in ORS 443.415, submitted according to Department policy.

(b) The prospective licensee must notify the residents in writing 30 days in advance of a change in ownership or management entity. The notice to residents must include any changes to rates or policies.

(c) The prospective licensee or operator may not assume possession or control of the facility until the Department has notified the prospective licensee or operator that the license application has been approved.

(d) The licensee is responsible for the operation of the facility and resident services until a new license is issued to the new owner.

(2) A building inspection may be requested at the Department's discretion. The Department may require physical improvements if the health or safety of residents is negatively impacted.

(3) Resident records maintained by the licensee must be turned over to the new owner when the license application is approved and the new licensee assumes possession or control of the facility.

Stat. Auth.: ORS 410.070 & 443.450

Stats. Implemented: ORS 443.400 - 443.455, 443.991

Hist.: SPD 14-2007, f. 8-31-07, cert. ef. 11-1-07; SPD 11-2012, f. 8-31-12, cert. ef. 9-1-12

411-054-0025

Facility Administration

(1) **FACILITY OPERATION.**

(a) The licensee is responsible for the operation of the facility and the quality of services rendered in the facility.

(b) The licensee is responsible for the supervision, training, and overall conduct of staff when acting within the scope of their employment duties.

(c) The licensee is responsible for obtaining background checks on all subject individuals.

(A) Background checks must be submitted to the Department for a criminal fitness determination on all subject individuals in accordance with OAR chapter 407-007-0200 to 407-007-0370, including prior to a subject individual's change in position (for example, change from caregiver to med aide).

(B) **PORTABILITY OF BACKGROUND CHECK APPROVAL.** A subject individual may be approved to work in multiple facilities under the same operational entity. The Department's Background Check Request form must be completed by the subject individual to show intent to work at various facilities.

(d) The licensee is responsible for ensuring that the facility complies with the tuberculosis screening recommendations in OAR 333-019-0041.

(2) **BACKGROUND CHECK REQUIREMENTS.**

(a) On or after July 28, 2009, no individual may be a licensee, or employed in any capacity in a facility, who has been convicted of any of the disqualifying crimes listed in OAR 407-007-0275.

(b) Subject individuals who are employees and hired prior to July 28, 2009 are exempt from subsection (a) of this section provided that the employee remains in the same position working for the same employer after July 28, 2009. This exemption is not applicable to licensees.

(3) **EMPLOYMENT APPLICATION.** An application for employment in any capacity at a facility must include a question asking whether the applicant has been found to have committed abuse. The licensee must check all potential employees against the Oregon State Board of Nursing and inquire whether the individual is licensed or certified by the Board and whether there has been any disciplinary action by the Board against the individual or any substantiated abuse findings against a nursing assistant.

(4) Reasonable precautions must be exercised against any condition that may threaten the health, safety, or welfare of residents.

(5) **REQUIRED POSTINGS.** Required postings must be posted in a routinely accessible and conspicuous location to residents and visitors and must be available for inspection at all times. The licensee is responsible for posting the following:

(a) Facility license;

(b) The name of the administrator or designee in charge. The designee in charge must be posted by shift or whenever the administrator is out of the facility;

(c) The current facility staffing plan;

(d) A copy of the most recent re-licensure survey, including all revisions and plans of correction as applicable;

(e) The Ombudsman Notification Poster; and

(f) Other notices relevant to residents or visitors required by state or federal law.

(6) **NOTIFICATION.** The facility must notify the Department's Central Office immediately by telephone, fax, or email, (if telephone communication is used the facility must follow-up within 72 hours by written or electronic confirmation) of the following:

(a) Any change of the administrator of record;

(b) Severe interruption of physical plant services in which the health or safety of residents is endangered, such as the provision of heat, light, power, water, or food;

(c) Occurrence of epidemic disease in the facility. The facility must also notify the Local Public Health Authority as applicable;

(d) Facility fire or any catastrophic event that requires residents to be evacuated from the facility;

(e) Unusual resident death or suicide; or

(f) A resident who has eloped from the facility and has not been found within 24 hours.

(7) **POLICIES AND PROCEDURES.** The facility must develop and implement written policies and procedures that promote high quality services, health and safety for residents, and incorporate the community-based care principles of individuality, independence, dignity, privacy, choice, and a homelike environment. The facility must develop and implement:

ADMINISTRATIVE RULES

(a) A policy on the possession of firearms and ammunition within the facility. The policy must be disclosed in writing and by one other means of communication commonly used by the resident or potential resident in their daily living.

(b) A written policy that prohibits sexual relations between any facility employee and a resident who did not have a pre-existing relationship.

(c) Effective methods of responding to and resolving resident complaints.

(d) All additional requirements for written policies and procedures as established in OAR 411-054-0012 (Requirements for New Construction or Initial Licensure), OAR 411-054-0040 (Change of Condition and Monitoring), OAR 411-054-0045 (Resident Health Services), and OAR 411-054-0085 (Refunds and Financial Management).

(e) A policy on smoking.

(A) The smoking policy must be in accordance with:

(i) The Oregon Indoor Clean Air Act, ORS 433.835 to 433.875;

(ii) The rules in OAR chapter 333, division 015; and

(iii) Any other applicable state and local laws.

(B) The facility may designate itself as non-smoking.

(f) A policy for the referral of residents who may be victims of acute sexual assault to the nearest trained sexual assault examiner. The policy must include information regarding the collection of medical and forensic evidence that must be obtained within 86 hours of the incident.

(g) A policy on facility employees not receiving gifts or money from residents.

(8) RECORDS. The facility must ensure the preparation, completeness, accuracy, and preservation of resident records.

(a) The facility must develop and implement a written policy that prohibits the falsification of records.

(b) Resident records must be kept for a minimum of three years after the resident is no longer in the facility.

(c) Upon closure of a facility, the licensee must provide the Department with written notification of the location of all records.

(9) QUALITY IMPROVEMENT PROGRAM. The facility must develop and conduct an ongoing quality improvement program that evaluates services, resident outcomes, and resident satisfaction.

(10) DISCLOSURE - RESIDENCY AGREEMENT. The facility must provide a Department designated Uniform Disclosure Statement (form SDS 9098A) to each individual who requests information about the facility. The residency agreement and the disclosure information described in subsection (a) of this section must be provided to all potential residents prior to move-in. All disclosure information and residency agreements must be written in compliance with these rules.

(a) The residency agreement and the following disclosure information must be reviewed by the Department prior to distribution and must include the following:

(A) Terms of occupancy, including policy on the possession of firearms and ammunition;

(B) Payment provisions including the basic rental rate and what it includes, cost of additional services, billing method, payment system and due dates, deposits, and non-refundable fees, if applicable;

(C) The method for evaluating a resident's service needs and assessing the costs for the services provided;

(D) Policy for increases, additions, or changes to the rate structure. The disclosure must address the minimum requirement of 30 days prior written notice of any facility-wide increases or changes and the requirement for immediate written notice for individual resident rate changes that occur as a result of changes in the service plan;

(E) Refund and proration conditions;

(F) A description of the scope of resident services available according to OAR 411-054-0030;

(G) A description of the service planning process;

(H) Additional available services;

(I) The philosophy of how health care and ADL services are provided to the resident;

(J) Resident rights and responsibilities;

(K) The facility's system for packaging medications including the option for residents to choose a pharmacy that meets the requirements of ORS 443.437;

(L) Criteria, actions, circumstances, or conditions that may result in a move-out notification or intra-facility move;

(M) Resident rights pertaining to notification of involuntary move-out;

(N) Notice that the Department has the authority to examine resident records as part of the evaluation of the facility; and

(O) The facility's staffing plan.

(b) The facility may not include any provision in the residency agreement or disclosure information that is in conflict with these rules and may not ask or require a resident to waive any of the resident's rights or the facility's liability for negligence.

(c) The facility must retain a copy of the original and any subsequent signed and dated residency agreements and must provide copies to the resident or to the resident's designated representative.

(d) The facility must give residents 30 days prior written notice of any additions or changes to the residency agreement. Changes to the residency agreement must be faxed or mailed to the Department before distribution.

Stat. Auth.: ORS 181.534, 410.070, 443.004 & 443.450

Stats. Implemented: ORS 181.534, 443.004, 443.400 - 443.455 & 443.991

Hist.: SPD 14-2007, f. 8-31-07, cert. ef. 11-1-07; SPD 13-2009, f. 9-30-09, cert. ef. 10-1-09;

SPD 23-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 1-2010(Temp), f. &

cert. ef. 3-11-10 thru 6-30-10; SPD 10-2010, f. 6-30-10, cert. ef. 7-1-10; SPD 11-2012, f. 8-

31-12, cert. ef. 9-1-12

411-054-0027

Resident Rights and Protections

(1) The facility must implement a residents' Bill of Rights. Each resident or the resident's designated representative must be given a copy of the resident's rights and responsibilities prior to moving into the facility. The Bill of Rights must state that residents have the right:

(a) To be treated with dignity and respect;

(b) To be given informed choice and opportunity to select or refuse service and to accept responsibility for the consequences;

(c) To participate in the development of their initial service plan and any revisions or updates at the time those changes are made;

(d) To receive information about the method for evaluating their service needs and assessing costs for the services provided;

(e) To exercise individual rights that do not infringe upon the rights or safety of others;

(f) To be free from neglect, financial exploitation, verbal, mental, physical, or sexual abuse;

(g) To receive services in a manner that protects privacy and dignity;

(h) To have prompt access to review all of their records and to purchase photocopies. Photocopied records must be promptly provided, but in no case require more than two business days (excluding Saturday, Sunday, and holidays);

(i) To have medical and other records kept confidential except as otherwise provided by law;

(j) To associate and communicate privately with any individual of choice, to send and receive personal mail unopened, and to have reasonable access to the private use of a telephone;

(k) To be free from physical restraints and inappropriate use of psychoactive medications;

(l) To manage personal financial affairs unless legally restricted;

(m) To have access to and participate in social activities;

(n) To be encouraged and assisted to exercise rights as a citizen;

(o) To be free of any written contract or agreement language with the facility that purports to waive their rights or the facility's liability for negligence;

(p) To voice grievances and suggest changes in policies and services to either staff or outside representatives without fear of retaliation;

(q) To be free of retaliation after they have exercised their rights provided by law or rule;

(r) To have a safe and homelike environment;

(s) To be free of discrimination in regard to race, color, national origin, gender, sexual orientation, or religion; and

(t) To receive proper notification if requested to move out of the facility, and to be required to move out only for reasons stated in OAR 411-054-0080 (Involuntary Move-out Criteria) and have the opportunity for an administrative hearing, if applicable.

(2) Licensees and facility personnel may not act as a resident's guardian, conservator, trustee, or attorney in fact unless related by birth, marriage, or adoption to the resident as follows: parent, child, brother, sister, grandparent, grandchild, aunt or uncle, or niece or nephew. An owner, administrator, or employee may act as a representative payee for the resident or serve in other roles as provided by law.

(3) Licensees and facility personnel may not spend resident funds without the resident's consent.

(a) If the resident is not capable of consenting, the resident's representative must give consent.

(b) If the resident has no representative and is not capable of consenting, licensees and facility personnel must follow the requirements

ADMINISTRATIVE RULES

described in OAR 411-054-0085 and may not spend resident funds for items or services that are not for the exclusive benefit of the resident.

Stat. Auth.: ORS 410.070 & 443.450

Stats. Implemented: ORS 443.400 - 443.455, 443.991

Hist.: SPD 14-2007, f. 8-31-07, cert. ef. 11-1-07; SPD 11-2012, f. 8-31-12, cert. ef. 9-1-12

411-054-0034

Resident Move-In and Evaluation

(1) INITIAL SCREENING AND MOVE-IN.

(a) The facility must determine whether a potential resident meets the facility's admission requirements.

(b) Prior to the resident moving in, the facility must conduct an initial screening to determine the prospective resident's service needs and preferences. The screening must determine the ability of the facility to meet the potential resident's needs and preferences while considering the needs of the other residents and the facility's overall service capability.

(c) Prior to move-in and updated as needed, each resident record must include the following information:

(A) Prior living arrangements;

(B) Emergency contacts;

(C) Service plan involvement – resident, family, and social supports;

(D) Financial and other legal relationships if applicable, including but

not limited to:

(i) Advance directives;

(ii) Guardianship;

(iii) Conservatorship; and

(iv) Power of attorney.

(E) Primary language;

(F) Community connections; and

(G) Health and social service providers.

(2) RESIDENT EVALUATION – GENERAL. The resident evaluation is the foundation that a facility uses to develop the service plan and reflects the resident's current health and mental status. The evaluation information may be collected using tools and protocols established by the facility, but must contain the elements stated in this rule.

(a) Resident evaluations must be performed:

(A) Before the resident moves into the facility, with updates and changes as appropriate within the first 30 days; and

(B) At least quarterly, to correspond with the quarterly service plan updates.

(b) Resident evaluations must be reviewed and updates documented each time a resident has a significant change in condition.

(c) The resident evaluation must be done in person and the facility must gather data that is relevant to the needs and current condition of the resident.

(d) Resident evaluations must be documented, dated, and indicate who was involved in the evaluation process.

(e) Twenty-four months of past evaluations must be kept in the resident's files in an accessible, on-site location.

(f) The facility administrator is responsible for assuring that only trained and experienced staff perform resident evaluations.

(3) EVALUATION REQUIREMENTS AT MOVE-IN.

(a) The resident evaluation must be completed before the resident moves into the facility. This evaluation provides baseline information of the resident's physical and mental condition at move-in.

(b) If there is an urgent need and the evaluation is not completed prior to move-in, the facility must document the reasons and complete the evaluation within eight hours of move-in.

(c) The initial evaluation must contain the elements specified in section (5) of this rule, and address sufficient information to develop an initial service plan to meet the resident's needs.

(d) The initial evaluation must be updated and modified as needed during the 30 days following the resident's move into the facility.

(e) After the initial 30 day move-in period, the initial evaluation must be retained in the resident's file for 24 months. Future evaluations must be separate and distinct from the initial evaluation.

(4) QUARTERLY EVALUATION REQUIREMENTS.

(a) Resident evaluations must be performed quarterly after the resident moves into the facility.

(b) The quarterly evaluation is the basis of the resident's quarterly service plan.

(c) The most recent quarterly evaluation, with documented change of condition updates, must be in the resident's current record and available to staff.

(d) If the evaluation is revised and updated at the quarterly review, changes must be dated and initialed and prior historical information must be maintained.

(5) The resident evaluation must address the following elements:

(a) Resident routines and preferences including:

(A) Customary routines – sleep, dietary, social, and leisure; and

(B) Spiritual, cultural preferences.

(b) Physical health status including:

(A) List of current diagnoses;

(B) List of medications and PRN use;

(C) Visits to health practitioners, emergency room, hospital, or nursing facility in the past year; and

(D) Vital signs if indicated by diagnoses, health problems, or medications.

(c) Mental health issues including:

(A) Presence of depression, thought disorders, or behavioral or mood problems;

(B) History of treatment; and

(C) Effective non drug interventions.

(d) Cognition, including:

(A) Memory;

(B) Orientation;

(C) Confusion; and

(D) Decision making abilities.

(e) Communication and sensory including:

(A) Hearing;

(B) Vision;

(C) Speech;

(D) Assistive devices; and

(E) Ability to understand and be understood.

(f) Activities of daily living including:

(A) Toileting, bowel, and bladder management;

(B) Dressing, grooming, bathing, and personal hygiene;

(C) Mobility – ambulation, transfers, and assistive devices; and

(D) Eating, dental status, and assistive devices.

(g) Independent activities of daily living including:

(A) Ability to manage medications;

(B) Ability to use call system;

(C) Housework and laundry; and

(D) Transportation.

(h) Pain – pharmaceutical and non-pharmaceutical interventions.

(i) Skin condition.

(j) Nutrition habits, fluid preferences, and weight if indicated.

(k) List of treatments – type, frequency, and level of assistance needed.

(l) Indicators of nursing needs, including potential for delegated nursing tasks.

(m) Review of risk indicators including:

(A) Fall risk or history;

(B) Emergency evacuation ability;

(C) Complex medication regimen;

(D) History of dehydration or unexplained weight loss or gain;

(E) Recent losses;

(F) Unsuccessful prior placements;

(G) Elopement risk or history;

(H) Smoking. The resident's ability to smoke without causing burns or injury to themselves or others or damage to property must be evaluated and addressed in the resident's service plan; and

(I) Alcohol and drug use. The resident's use of alcohol or the use of drugs not prescribed by a physician must be evaluated and addressed in the resident's service plan,

(6) If the information has not changed from the previous evaluation period, the information does not need to be repeated. A dated and initialed notation of no changes is sufficient. The prior evaluation must then be kept in the current resident record for reference.

Stat. Auth.: ORS 410.070 & 443.450

Stats. Implemented: ORS 443.400 - 443.455, 443.991

Hist.: SPD 14-2007, f. 8-31-07, cert. ef. 11-1-07; SPD 13-2009, f. 9-30-09, cert. ef. 10-1-09; SPD 11-2012, f. 8-31-12, cert. ef. 9-1-12

411-054-0085

Refunds and Financial Management

(1) RESIDENT DEATH. If a resident dies, the licensee may not require payment for more than 15 days, or the time specified in the admission agreement, whichever is less, after the date of the resident's death.

ADMINISTRATIVE RULES

(2) **RESIDENT UNABLE TO RETURN.** If a resident must leave the facility for medical reasons and the resident or the resident's representative indicates the intent not to return, the facility may not charge the resident for more than 15 days after the date notification is received from the resident or the resident's representative, or the time specified in the admission agreement, whichever is less.

(a) If the resident's personal belongings are not removed from the facility within the 15-day timeframe, the facility may charge the resident as specified in the admission agreement. However, the facility may not charge for more than 30 days after receiving notification that the resident is unable to return.

(b) A reasonable storage fee may be charged for storage of the resident's belongings beyond 30 days if the admission agreement includes fees for storage.

(3) **SUBSTANTIATED ABUSE.** If a resident dies or leaves a facility due to substantiated neglect, substantiated abuse, or due to conditions of imminent danger of life, health, or safety, as substantiated by the Department, the facility may not charge the resident beyond the resident's last day in the facility.

(4) **INVOLUNTARY MOVE-OUT.** If the facility gives written notice for the resident to leave, the facility waives the right to charge for services or room and board beyond the date of the resident's departure. If applicable, the facility may pursue past due charges that the resident incurred prior to move-out.

(5) **REFUNDS.** The provider must refund any advance payments within 30 days after the resident leaves the facility.

(6) **RATE INCREASES.** The facility must provide 30 days written notice prior to any facility-wide increases, additions, or changes.

(7) **SERVICE RATE INCREASES.** The facility must provide immediate written notice to the resident at the time the facility determines the resident's service rates shall increase due to increased service provision, as negotiated in the resident's service plan.

(8) **MEDICAID PERSONAL INCIDENTAL FUNDS.** The facility must have written policies, procedures, and accounting records for handling residents' personal incidental funds that are managed in the resident's own best interest.

(a) The resident may manage their personal financial resources, or may authorize another individual or the facility to manage their personal incidental funds.

(b) The facility must hold, manage, and account for the personal incidental funds of the resident when requested in writing by the resident.

(c) Records must include the Resident Account Record (SDS 713) or other comparable expenditure form if the facility manages or handles a resident's personal incidental funds.

(A) The resident account record must show in detail, with supporting documentation, all monies received on behalf of the resident and the disposition of all funds received.

(B) Individuals shopping for residents must provide a list showing description and price of items purchased, along with payment receipts for these items.

(C) The facility must provide a copy of the individual Resident Account Record to the resident on a quarterly basis.

(d) Resident personal incidental fund accounts may not be co-mingled with facility funds.

(e) Residents must have reasonable access to their personal incidental funds. At minimum, requests to access personal incidental funds must be acted upon by the facility within one day of the request, excluding weekends and holidays.

(f) Upon the death of a Medicaid resident with no known surviving spouse, personal incidental funds held by the facility for the resident must be forwarded within 10 business days of the death of the resident to the Department of Human Services, Estate Administration Unit, P.O. Box 14021, Salem OR 97309.

(g) The facility must maintain documentation of the action taken and the amount of personal incidental funds conveyed.

Stat. Auth.: ORS 410.070 & 443.450

Stats. Implemented: ORS 443.400 - 443.455, 443.991

Hist.: SPD 14-2007, f. 8-31-07, cert. ef. 11-1-07; SPD 11-2012, f. 8-31-12, cert. ef. 9-1-12

411-054-0093

Emergency and Disaster Planning

An emergency preparedness plan is a written procedure that identifies a facility's response to an emergency or disaster for the purpose of minimizing loss of life, mitigating trauma, and to the extent possible, maintaining services for residents, and preventing or reducing property loss.

(1) The facility must prepare and maintain a written emergency preparedness plan in accordance with the Oregon Fire Code (OFC) in OAR chapter 837, division 040.

(2) The emergency preparedness plan must:

(a) Include analysis and response to potential emergency hazards including but not limited to:

(A) Evacuation of a facility;

(B) Fire, smoke, bomb threat, and explosion;

(C) Prolonged power failure, water, and sewer loss;

(D) Structural damage;

(E) Hurricane, tornado, tsunami, volcanic eruption, flood, and earthquake;

(F) Chemical spill or leak; and

(G) Pandemic.

(b) Address the medical needs of the residents including:

(A) Access to medical records necessary to provide services and treatment; and

(B) Access to pharmaceuticals, medical supplies, and equipment during and after an evacuation.

(c) Include provisions and supplies sufficient to shelter in place for a minimum of three days without electricity, running water, or replacement staff.

(3) The facility must notify the Department, or the local AAA office or designee, of the facility's status in the event of an emergency that requires evacuation and during any emergent situation when requested.

(4) The facility must conduct a drill of the emergency preparedness plan at least twice a year in accordance with the OFC in OAR chapter 837, division 040 and other applicable state and local codes as required. One of the practice drills may consist of a walk-through of the duties or a discussion exercise with a hypothetical event, commonly known as a tabletop exercise. These simulated drills may not take the place of the required fire drills.

(5) The facility must annually review or update the emergency preparedness plan as required by the OFC in OAR chapter 837, division 040 and the emergency preparedness plan must be available on-site for review upon request.

Stat. Auth.: ORS 410.070 & 443.450

Stats. Implemented: ORS 443.400 to 443.455, 443.991, OL 2007 ch. 205

Hist.: SPD 14-2007, f. 8-31-07, cert. ef. 11-1-07; SPD 13-2009, f. 9-30-09, cert. ef. 10-1-09;

SPD 11-2012, f. 8-31-12, cert. ef. 9-1-12

Rule Caption: Medicaid Nursing Facilities.

Adm. Order No.: SPD 12-2012(Temp)

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Certified to be Effective: 9-1-12 thru 2-28-13

Notice Publication Date:

Rules Amended: 411-070-0005, 411-070-0091

Subject: The Department of Human Services (Department) is temporarily amending the Medicaid nursing facility rules in OAR chapter 411, division 070 to establish a non-payment policy for Provider Preventable Conditions (PPCs) as directed by the Centers for Medicare and Medicaid Services (CMS).

Effective July 1, 2012, CMS prohibited federal payment for any amounts expended to provide medical assistance for health care acquired conditions. To implement non-payment policies for PPCs including health care-acquired conditions and other provider-preventable conditions, CMS identified a minimum set of conditions for non-payment, including infections and events. This temporary rule-making implements those PPCs for Medicaid nursing facilities effective September 1, 2012.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-070-0005

Definitions

As used in OAR chapter 411, division 070, the definitions in OAR 411-085-0005 and the following definitions apply:

(1) "Accrual Method of Accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Active Treatment" means the implementation of an individualized care plan developed under and supervised by a physician and other qualified mental health professionals that prescribes specific therapies and activities.

ADMINISTRATIVE RULES

(3) "Activities of Daily Living" means activities usually performed in the course of a normal day in an individual's life such as eating, dressing/grooming, bathing/personal hygiene, mobility (ambulation and transfer), elimination (toileting, bowel, and bladder management), and cognition/behavior.

(4) "Addictions and Mental Health (AMH) Division" means the Division, within the Oregon Health Authority, responsible for addictions and mental health services.

(5) "Alternative Services" mean individuals or organizations offering services to persons living in a community other than a nursing facility or hospital.

(6) "Area Agency on Aging (AAA)" means the Department of Human Services designated agency charged with the responsibility to provide a comprehensive and coordinated system of services to seniors and individuals with disabilities in a planning and service area. For the purpose of these rules, the term Area Agency on Aging is inclusive of both Type A and Type B Area Agencies on Aging as defined in ORS 410.040 and described in ORS 410.210 to 410.300.

(7) "Basic Flat Rate Payment" and "Basic Rate" means the statewide standard payment rate for all long term services provided to a Medicaid resident of a nursing facility except for services reimbursed through another Medicaid payment source. The "Basic Rate" is the bundled payment rate unless the resident qualifies for the complex medical add-on rate (in addition to the basic rate) or the bundled pediatric rate (instead of the basic rate).

(8) "Capacity" means licensed nursing beds multiplied by number of days in operation.

(9) "Case Manager" means a Department of Human Services or Area Agency on Aging employee 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.

(10) "Cash Method of Accounting" means a method of accounting in which revenues are recognized only when cash is received, and expenditures for expense and asset items are not recorded until cash is disbursed for them.

(11) "Categorical Determinations" mean the provisions in the Code of Federal Regulations {42 CFR 483.130} for creating categories that describe certain diagnoses, severity of illness, or the need for a particular service that clearly indicates that admission to a nursing facility is normally needed or that the provision of specialized services is not normally needed.

(a) Membership in a category may be made by the evaluator only if existing data on the individual is current, accurate, and of sufficient scope.

(b) An individual with mental illness or developmental disabilities may enter a nursing facility without PASRR Level II evaluation if criteria of a categorical determination are met as described in OAR 411-070-0043(2)(a)-(2)(c).

(12) "Certification" and "Certification for the Categorical Determination of Exempted Hospital Discharge" means that the attending physician has written orders for the individual to receive skilled services at the nursing facility.

(13) "Certified Program" means a hospital, private agency, or an Area Agency on Aging certified by the Department of Human Services to conduct private admission assessments in accordance with ORS 410.505 through 410.530.

(14) "Change of Ownership" means a change in the individual or legal organization that is responsible for the operation of a nursing facility. Change of ownership does not include changes that are merely changes in personnel, e.g., a change of administrators. Events that change ownership include but are not limited to the following:

(a) The form of legal organization of the owner is changed (e.g., a sole proprietor forms a partnership or corporation);

(b) The title to the nursing facility enterprise is transferred to another party;

(c) The nursing facility enterprise is leased or an existing lease is terminated;

(d) Where the owner is a partnership, any event occurs which dissolves the partnership;

(e) Where the owner is a corporation, it is dissolved, merges with another corporation that is the survivor, or consolidates with one or more other corporations to form a new corporation; or

(f) The facility changes management via a management contract.

(15) "Compensation" means the total of all benefits and remuneration, exclusive of payroll taxes and regardless of the form, provided to or

claimed by an owner, administrator, or other employee. Compensation includes but is not necessarily limited to:

(a) Salaries paid or accrued;

(b) Supplies and services provided for personal use;

(c) Compensation paid by the facility to employees for the sole benefit of the owner;

(d) Fees for consultants, directors, or any other fees paid regardless of the label;

(e) Key man life insurance;

(f) Living expenses, including those paid for related persons; or

(g) Gifts for employees in excess of federal Internal Revenue Service reporting guidelines.

(16) "Complex Medical Add-On Payment" and "Medical Add-On" means the statewide standard supplemental payment rate for a Medicaid resident of a nursing facility whose service is reimbursed at the basic rate if the resident needs one or more of the medication procedures, treatment procedures, or rehabilitation services listed in OAR 411-070-0091, for the additional licensed nursing services needed to meet the resident's increased needs.

(17) "Continuous" means more than once per day, seven days per week. Exception: If only skilled rehabilitative services and no skilled nursing services are required, "continuous" means at least once per day, five days per week.

(18) "Costs Not Related to Resident Services" means costs that are not appropriate or necessary and proper in developing and maintaining the operation of a nursing facility. Such costs are not allowable in computing reimbursable costs. Costs not related to resident services include, for example, cost of meals sold to visitors, cost of drugs sold to individuals who are not residents, cost of operation of a gift shop, and similar items.

(19) "Costs Related to Resident Services" mean all necessary costs incurred in furnishing nursing facility services, subject to the specific provisions and limitations set out in these rules. Examples of costs related to resident services include nursing costs, administrative costs, costs of employee pension plans, and interest expenses.

(20) "CPI" means the consumer price index for all items and all urban consumers.

(21) "Day of Admission" means an individual being admitted, determined as of 12:01 a.m. of each day, for all days in the calendar period for which an assessment is being reported and paid. If an individual is admitted and discharged on the same day, the individual is deemed present on 12:01 a.m. of that day.

(22) "Department" or "DHS" means the Department of Human Services.

(23) "Developmental Disability" means a disability that originates in the developmental years, that is likely to continue, and significantly impacts adaptive behavior as diagnosed and measured by a qualified professional. Developmental disabilities include mental retardation, autism, cerebral palsy, epilepsy, or other neurological disabling conditions that require training or support similar to that required by individuals with mental retardation, and the disability:

(a) Originates before the individual reaches the age of 22 years, except that in the case of mental retardation, the condition must be manifested before the age of 18;

(b) Originates and directly affects the brain and has continued, or must be expected to continue, indefinitely;

(c) Constitutes a significant impairment in adaptive behavior; and

(d) Is not primarily attributed to a mental or emotional disorder, sensory impairment, substance abuse, personality disorder, learning disability, or Attention Deficit Hyperactivity Disorder (ADHD).

(24) "Direct Costs" mean costs incurred to provide services required to directly meet all the resident nursing and activity of daily living service needs. Direct costs are further defined in OAR 411-070-0359 and OAR 411-070-0465. Examples: The person who feeds food to the resident is directly meeting the resident's needs, but the person who cooks the food is not. The person who is trained to meet the resident's needs incurs direct costs whereas the person providing the training is not. Costs for items that are capitalized or depreciated are excluded from this definition.

(25) "Division of Medical Assistance Programs (DMAP)" means a Division, within the Oregon Health Authority, responsible for coordinating the medical assistance programs within the State of Oregon including the Oregon Health Plan Medicaid demonstration, the State Children's Health Insurance Program, and several other programs.

(26) "DRI Index" means the "HCFA or CMS Nursing Home Without Capital Market Basket" index, which is published quarterly by

ADMINISTRATIVE RULES

DRI/McGraw - Hill in the publication, "Global Insight Health Care Cost Review".

(27) "Exempted Hospital Discharge" for PASRR means an individual seeking temporary admission to a nursing facility from a hospital as described in OAR 411-070-0043(2)(a).

(28) "Facility" or "Nursing Facility" means an establishment that is licensed and certified by the Department of Human Services as a nursing facility. A nursing facility also means a Medicaid certified nursing facility only if identified as such.

(29) "Fair Market Value" means the price for which an asset would have been purchased on the date of acquisition in an arms-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell.

(30) "Generally Accepted Accounting Principles" mean the accounting principles approved by the American Institute of Certified Public Accountants.

(31) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired, or the excess of the price paid for an asset over its fair market value.

(32) "Historical Cost" means the actual cost incurred in acquiring and preparing a fixed asset for use. Historical cost includes such planning costs as feasibility studies, architects' fees, and engineering studies. Historical cost does not include "start-up costs" as defined in this rule.

(33) "Hospital-Based Facility" means a nursing facility that is physically connected and operated by a licensed general hospital.

(34) "Indirect Costs" mean the costs associated with property, administration, and other operating support (real property taxes, insurance, utilities, maintenance, dietary (excluding food), laundry, and housekeeping). Indirect costs are further described in OAR 411-070-0359 and OAR 411-070-0465.

(35) "Individual" means a person who receives or expected to receive nursing facility services.

(36) "Interrupted-Service Facility" means an established facility recertified by the Department of Human Services following decertification.

(37) "Level I" means a component of the federal PASRR requirement. Level I refers to the identification of individuals who are potential nursing facility admissions who have indicators of mental illness or developmental disabilities {42 CFR 483.128(a)}.

(38) "Level II" means a component of the federal PASRR requirement. Level II refers to the evaluation and determination of whether nursing facility services and specialized services are needed for individuals with mental illness or developmental disability who are potential nursing facility admissions, regardless of the source of payment for the nursing facility service {42 CFR 483.128(a)}. Level II evaluations include assessment of the individual's physical, mental, and functional status {42 CFR 483.132}.

(39) "Level of Care Determination" means an evaluation of the intensity of a person's health service needs. The level of care determination may not be used to require that the person receive services in a nursing facility.

(40) "Medicaid Occupancy Percentage" means the total Medicaid bed days divided by total resident days.

(41) "Medical Add-On" or "Complex Medical Add-On Payment" has the meaning provided in section (16) of this rule.

(42) "Mental Illness" means a major mental disorder as defined in the Diagnostic and Statistical Manual of Mental Disorders, 4th Edition (DSM IV-TR) limited to schizophrenic, paranoid and schizoaffective disorders, bipolar (manic-depressive), and atypical psychosis. "Mental Illness" for pre-admission screening means having both a primary diagnosis of a major mental disorder (schizophrenic, paranoid, major affective and schizoaffective disorders, or atypical psychosis) and treatment related to the diagnosis in the past two years. Diagnoses of dementia or Alzheimers are excluded.

(43) "Mental Retardation" means significantly sub-average general intellectual functioning defined as IQ's under 70 as measured by a qualified professional and existing concurrently with significant impairment in adaptive behavior that are manifested during the developmental period, prior to 18 years of age. Individuals of borderline intelligence, IQ's 70-75, may be considered to have mental retardation if there is also significant impairment of adaptive behavior as diagnosed and measured by a qualified professional. The adaptive behavior must be directly related to the issues of mental retardation. Definitions and classifications must be consistent with the "Manual of Terminology and Classification in Mental Retardation" by the American Association on Mental Deficiency, 1977 Revision.

(a) Mild mental retardation is used to describe the degree of retardation when intelligence test scores are 50 to 69. Individuals with IQ's in the 70 to 75 range may be considered as having mental retardation if there is

significant impairment in adaptive behavior as defined in OAR 411-320-0020.

(b) Moderate mental retardation is used to describe the degree of retardation when intelligence test scores are 35 to 49.

(c) Severe mental retardation is used to describe the degree of retardation when intelligence test scores are 20 to 34.

(d) Profound mental retardation is used to describe the degree of retardation when intelligence test scores are below 20.

(44) "Necessary Costs" mean costs that are appropriate and helpful in developing and maintaining the operation of resident facilities and activities. Necessary costs are usually costs that are common and accepted occurrences in the field of long term nursing services.

(45) "New Admission" for PASRR purposes means an individual admitted to any nursing facility for the first time. It does not include individuals moving within a nursing facility, transferring to a different nursing facility, or individuals who have returned to a hospital for treatment and are being admitted back to the nursing facility. New admissions are subject to the PASRR process {42 CFR 483.106(b)(1), (3), (4)}.

(46) "New Facility" means a nursing facility commencing to provide services to individuals.

(47) "Nursing Aide Training and Competency Evaluation Program (NATCEP)" means a nursing assistant training and competency evaluation program approved by the Oregon State Board of Nursing pursuant to ORS chapter 678 and the rules adopted pursuant thereto.

(48) "Nursing Facility Financial Statement (NFFS)" means Form SPD 35, or Form SPD 35A (for hospital-based facilities), and includes an account number listing of all costs to be used by all nursing facility providers in reporting to the Department of Human Services for reimbursement.

(49) "Occupancy Rate" means total resident days divided by capacity.

(50) "Ordinary Costs" mean costs incurred that are customary for the normal operation.

(51) "Oregon Medical Professional Review Organization (OMPRO)" means the organization that determines level of services, need for services, and quality of services.

(52) "Pediatric Rate" means the statewide standard payment rate for all long term services provided to a Medicaid resident under the age of 21 who is served in a pediatric nursing facility or a self-contained pediatric unit.

(53) "Perquisites" mean privileges incidental to regular wages.

(54) "Personal Incidental Funds" mean resident funds held or managed by the licensee or other person designated by the resident on behalf of a resident.

(55) "Placement" means the location of a specific place where health services can be adequately provided to meet the service needs.

(56) "Pre-Admission Screening (PAS)" means the assessment and determination of a potential Medicaid-eligible individual's need for nursing facility services, including the identification of individuals who can transition to community-based service settings and the provision of information about community-based alternatives. This assessment and determination is required when potentially Medicaid-eligible individuals are at risk for admission to nursing facility services. PAS may include the completion of the federal PASRR Level I requirement {42 CFR, Part 483, (C)-(E)}, to identify individuals with mental illness or mental retardation or developmental disabilities.

(57) "Pre-Admission Screening and Resident Review (PASRR)" means the federal requirement, {42 CFR, Part 483, (C)-(E)}, to identify individuals who have mental illness or developmental disabilities and determine if nursing facility service is required and if specialized services are required. PASRR includes Level I and Level II functions.

(58) "Prior Authorization" means the local Seniors and People with Disabilities Division/Area Agency on Aging office participates in the development of proposed nursing facility care plans to assure that the facility is the most suitable service setting for the individual. Nursing facility reimbursement is contingent upon prior-authorization.

(59) "Private Admission Assessment (PAA)" means the assessment that is conducted for non-Medicaid residents as established by ORS 410.505 to 410.545 and OAR chapter 411, division 071, who are potential admissions to a Medicaid-certified nursing facility. Service needs are evaluated and information is provided about long-term service choices. A component of private admission assessment is the federal PASRR Level I requirement, {42 CFR, Part 483.128(a)}, to identify individuals with mental illness or developmental disabilities.

ADMINISTRATIVE RULES

(60) "Provider" means an entity, licensed by the Seniors and People with Disabilities Division, responsible for the direct delivery of nursing facility services.

(61) "Provider Preventable Condition (PPC)" means a condition caused by the provider following one of the events listed below:

- (a) Foreign object retained after treatment;
- (b) Stage III and IV pressure ulcers;
- (c) Falls and trauma;
- (d) Manifestations of poor glycemic control;
- (e) Catheter-associated urinary tract infection;
- (f) Medication error; or
- (g) Surgical site or wound site infection.

(62) "Reasonable Consideration" means an inducement that is equivalent to the amount that would ordinarily be paid for comparable goods and services in an arms-length transaction.

(63) "Related Organization" means an entity that is under common ownership or control with, or has control of, or is controlled by the contractor. An entity is deemed to be related if it has 5 percent or more ownership interest in the other. An entity is deemed to be related if it has capacity derived from any financial or other relationship, whether or not exercised, to influence directly or indirectly the activities of the other.

(64) "Resident" means a person who receives nursing facility services.

(65) "Resident Days" mean the number of occupied bed days.

(66) "Resident Review" means a review conducted by the Addictions and Mental Health Division for individuals with mental illness or by the Seniors and People with Disabilities Division for individuals with developmental disabilities who are residents of nursing facilities. The findings of the resident review may result in referral to PASRR Level II {42 CFR 483.114}.

(67) "Restricted Fund" means a fund in which the use of the principal or principal and income is restricted by agreement with or direction by the donor to a specific purpose. Restricted fund does not include a fund over which the owner has complete control. The owner is deemed to have complete control over a fund that is to be used for general operating or building purposes.

(68) "Seniors and People with Disabilities (SPD) Division" means the Division, within the Department of Human Services, responsible for the administration of community-based care and nursing facility services to eligible individuals.

(69) "Specialized Services for Mental Illness" means mental health services delivered by an interdisciplinary team in an inpatient psychiatric hospital for treatment of acute mental illness.

(70) "Specialized Services for Mental Retardation or Developmental Disabilities" means:

- (a) For individuals with mental retardation or developmental disabilities under age 21, specialized services are equal to school services; and
- (b) For individuals with mental retardation or developmental disabilities over age 21, specialized services mean:

(A) A consistent and ongoing program that includes participation by the individual in continuous, aggressive training and support to prevent loss of current optimal function;

(B) Promotes the acquisition of function, skills, and behaviors necessary to increase independence and productivity; and

(C) Is delivered in community-based or vocational settings at a minimum of 25 hours a week.

(71) "Start-Up Costs" mean one-time costs incurred prior to the first resident being admitted. Start-up costs include administrative and nursing salaries, utility costs, taxes, insurance, mortgage and other interest, repairs and maintenance, training costs, etc. Start-up costs do not include such costs as feasibility studies, engineering studies, architect's fees, or other fees that are part of the historical cost of the facility.

(72) "Supervision" means initial direction and periodic monitoring of performance. Supervision does not mean that the supervisor is physically present when the work is performed.

(73) "These Rules" mean the rules in OAR chapter 411, division 070.

(74) "Title XVIII" and "Medicare" means Title XVIII of the Social Security Act.

(75) "Title XIX," "Medicaid," and "Medical Assistance" means Title XIX of the Social Security Act.

(76) "Uniform Chart of Accounts (Form SPD 35)" means a list of account titles identified by code numbers established by the Department of Human Services for providers to use in reporting their costs.

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

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

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070 & 414.065

Hist.: PWC 847(Temp), f. & ef. 7-1-77; PWC 859, f. 10-31-77, ef. 11-1-77; PWC 866(Temp), f. 12-30-77, ef. 1-1-78; AFS 19-1978, f. & ef. 5-1-78; AFS 58-1981, f. & ef. 9-1-81; Renumbered from 461-017-0010, AFS 69-1981, f. 9-30-81, ef. 10-1-81; SSD 6-1985, f. 5-31-85, ef. 6-1-85; SSD 20-1990, f. & cert. ef. 10-4-90; SSD 6-1993, f. 6-30-93, cert. ef. 7-1-93; SSD 8-1994, f. & cert. ef. 12-1-94; SSD 1-1997, f. 6-30-97, cert. ef. 7-1-97; SPD 9-2006, f. 1-26-06, cert. ef. 2-1-06; SPD 12-2007, f. 8-30-07, cert. ef. 9-1-07; SPD 15-2007(Temp), f. & cert. ef. 9-10-07 thru 3-8-08; SPD 2-2008, f. 2-29-08, cert. ef. 3-1-08; SPD 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; SPD 15-2009, f. 11-30-09, cert. ef. 12-1-09; SPD 12-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13

411-070-0091

Complex Medical Add-On Services

(1) LICENSED NURSING SERVICES. If a Medicaid resident qualifies for payment at the basic rate and if the resident's condition or service needs are determined to meet one or more of the procedures, routines or services listed in this rule, and the nursing facility maintains documentation per OAR 411-070-0027, SPD may pay a complex medical add-on payment (in addition to the basic rate) for the additional licensed nursing services needed to meet the resident's increased needs.

(a) Medication Procedures.

(A) M-1 — Administration of medication(s) at least daily requiring skilled observation and judgment for necessity, dosage and effect, for example new anticoagulants, etc. (This category does not include routine medications, any oral medications or the infrequent adjustments of current medications). The facility must maintain a daily nursing note.

(B) M-2 — Intravenous injections or infusions, heparin locks used daily or continuously for hydration or medication. The facility must maintain a daily nursing note. For total parenteral nutrition (TPN) the facility must maintain daily documentation on a flow sheet and must maintain a weekly nursing note.

(C) M-4 — Intramuscular medications for unstable condition used at least daily. The facility must maintain a daily nursing note.

(D) M-5 — External infusion pumps used at least daily. This does not include external infusion pumps when the resident is able to self bolus. The facility must maintain a daily nursing note.

(E) M-6 — Hypodermoclysis - daily or continuous use. The facility must maintain a daily nursing note.

(F) M-7 — Peritoneal dialysis, daily. This does not include residents who can do their own exchanges. The facility must maintain a daily nursing note.

(b) Treatment Procedures.

(A) T-1 — Nasogastric, Gastrostomy or Jejunostomy tubes used daily for feedings. The facility must maintain daily information on a flow sheet and must maintain a weekly nursing note.

(B) T-2 — Nasopharyngeal suctioning, twice a day or more. Tracheal suctioning, as required, for a resident who is dependent on nursing staff to maintain airway. The facility must maintain a daily nursing note.

(C) T-3 — Percussion, postural drainage, and aerosol treatment when all three are performed twice per day or more. The facility must maintain a daily nursing note.

(D) T-4 — Ventilator dependence. Services for a resident who is dependent on nursing staff for initiation, monitoring and maintenance. The facility must maintain a daily nursing note.

(c) Skin/Wound.

(A) S-1 — Is limited to Stage III or IV pressure ulcers that require aggressive treatment and are expected to resolve. The facility must maintain a weekly wound assessment and a weekly nursing note. The pressure ulcer is eligible for add-on until the last day the ulcer is visibly a Stage III pressure ulcer. For complex medical add-on, facilities must stage the ulcer as it is visualized in appearance in accordance to the below definitions for determining if a resident's needs meet or continue to meet complex medical add-on criteria.

(i) Pressure ulcer means any skin ulcer caused by pressure resulting in damage of underlying tissues. Other terms used to indicate this condition include decubitus ulcers.

(ii) Stage II means a partial thickness loss of skin layers that presents clinically as an abrasion, blister or shallow crater.

(iii) Stage III means a full thickness of skin is lost, exposing the subcutaneous tissues. Presents as a deep crater with or without undermining adjacent tissue.

(iv) Stage IV means a full thickness of skin and subcutaneous tissue is lost, exposing muscle or bone.

(v) A healing Stage III or IV pressure ulcer that has the visual appearance of a Stage II pressure ulcer cannot be considered eligible for purposes of complex medical criteria.

(B) S-2 — Open wound(s) as defined by dehisced surgical wounds or surgical wounds not closed primarily that require aggressive treatment and

ADMINISTRATIVE RULES

are expected to resolve. The facility must maintain a weekly wound assessment and a weekly nursing note.

(C) S-3 — Deep or infected stasis ulcers with tissue destruction equivalent to at least a Stage III. The facility must maintain a weekly wound assessment and a weekly nursing note. The stasis ulcer is eligible for add-on until the last day the ulcer is visually equivalent to a Stage III, or if the stasis ulcer is an infected, chronic Stage III or IV, it is eligible for add-on until it is no longer infected and returns to previous chronic Stage III or IV state. For complex medical add-on, facilities must stage the ulcer as it is visualized in appearance in accordance to the below definitions for determining if a resident's needs meet or continue to meet complex medical add-on criteria.

(i) Stasis ulcer means a skin ulcer, usually in the lower extremities, caused by altered blood flow from chronic vascular insufficiency, also referred to as venous insufficiency, lymphedema, arterial insufficiency or peripheral vascular disease.

(ii) Stage II means a partial thickness loss of skin layers that presents clinically as an abrasion, blister or shallow crater.

(iii) Stage III means a full thickness of skin is lost, exposing the subcutaneous tissues. Presents as a deep crater with or without undermining adjacent tissue.

(iv) Stage IV means a full thickness of skin and subcutaneous tissue is lost, exposing muscle or bone.

(v) A healing Stage III or IV stasis ulcer that has the visual appearance of a Stage II stasis ulcer cannot be considered eligible for purposes of complex medical criteria.

(vi) A chronic Stage III or IV stasis ulcer that is no longer infected and has returned to previous chronic Stage III or IV status cannot be considered eligible for purposes of complex medical criteria.

(d) O-4 – Insulin Dependent Diabetes Mellitus (IDDM).

(A) Unstable IDDM in a resident who requires sliding scale insulin; and

(i) Exhibits signs or symptoms of hypoglycemia and/or hyperglycemia; and

(ii) Requires nursing or medical interventions such as extra feeding, glucagon or additional insulin, transfer to emergency room; and

(iii) Is having insulin dosage adjustments.

(B) The facility must maintain a daily nursing note. A Medication Administration Record is required when sliding scale insulin or other medication related to the IDDM has been administered. While all three criteria do not need to be present on a daily basis, the resident must be considered unstable. A resident with erratic blood sugars, without a need for further interventions does not meet this criteria.

(e) Other.

(A) O-1 — Professional Teaching. Short term, daily teaching pursuant to discharge or self-care plan. The facility must maintain a teaching plan and a weekly nursing note.

(B) O-2 — Emergent medical or surgical problems, requiring short term licensed nursing observation and assessment. This criteria requires pre-authorization from SPD's Complex Medical Add-On Coordinator (Refer to OAR 411-070-0035). Eligibility for the add-on will be until the resident no longer requires additional licensed nursing observation and assessment for this medical or surgical problem. The facility must maintain a nursing note every shift.

(C) O-3 — Emergent Behavior Problems — Emergent behavior is a sudden, generally unexpected change or escalation in behavior of a resident that poses a serious threat to the safety of self or others and requires immediate intervention, consultation and a care plan. This criteria requires pre-authorization from SPD's Complex Medical Add-On Coordinator (Refer to OAR 411-070-0035). Eligibility for the add-on will be until the resident no longer requires additional licensed nursing observation and assessment for this medical problem. The facility must maintain a nursing note every shift.

(f) Effective September 1, 2012, the Department shall no longer cover conditions identified by the National Coverage Determinations (NCD) for Other Provider Preventable Conditions (PPC).

(A) Nursing facilities may not receive complex medical add-on if the need for the complex medical add-on was caused by a PPC and did not exist prior to treatment or intervention.

(B) No reduction in payment for a PPC shall be imposed on a provider when the condition defined as a PPC for a particular individual occurred outside of the nursing facility or prior to admission.

(C) Regardless of payment requests, a nursing facility must report each event through the Department.

(2) R-1 — REHABILITATION SERVICES.

(a) Physical Therapy — At least five days every week. The facility must maintain the therapist's notes and a weekly nursing progress note related to the rehabilitation service(s) being provided.

(b) Speech Therapy — At least five days every week. The facility must maintain the therapist's notes and a weekly nursing progress note related to the rehabilitation service(s) being provided.

(c) Occupational Therapy — At least five days every week. The facility must maintain the therapist's notes and a weekly nursing progress note related to the rehabilitation service(s) being provided.

(d) Any combination of physical therapy, occupational therapy and speech therapy at least five days every week qualifies. The facility must maintain the therapist's notes and a weekly nursing progress note related to the rehabilitation service(s) being provided.

(e) Respiratory Therapy — At least five days every week by respiratory therapist. These services must be authorized by Medicare, Medicaid Oregon Health Plan or a third party payor. The facility must maintain the therapist's notes and a weekly nursing progress note.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070 & 414.065

Hist.: SSD 1-1997, f. 6-30-97, cert. ef. 7-1-97; SDSD 5-1998, f. 6-25-98, cert. ef. 7-1-98; SPD 9-2006, f. 1-26-06, cert. ef. 2-1-06; SPD 15-2007(Temp), f. & cert. ef. 9-10-07 thru 3-8-08; SPD 2-2008, f. 2-29-08, cert. ef. 3-1-08; SPD 12-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13

Department of Justice Chapter 137

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

Adm. Order No.: DOJ 14-2012(Temp)

Filed with Sec. of State: 8-21-2012

Certified to be Effective: 8-21-12 thru 2-8-13

Notice Publication Date:

Rules Adopted: 137-004-0900

Subject: 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 rules would satisfy the Attorney General's obligation under the law to adopt administrative rules.

If the Department of Justice (the Department) adopts the proposed, temporary rules, the Department plans to initiate a separate and subsequent process to adopt permanent administrative rules that would implement all of House Bill 4045, including but not limited to the "compelling public interest" exception from the prohibition against disclosure. The Department would plan to adopt permanent rules with an effective date of January 2, 2013. The Department anticipates that it would convene a rulemaking advisory committee to make recommendations to the Department, which would consist of interested stakeholders from many different viewpoints, in order to obtain a broad range of perspectives.

Rules Coordinator: Carol Riches—(503) 947-4700

137-004-0900

Public Records Requests for Concealed Handgun License Records or Information

(1) Except as otherwise provided by Oregon Laws 2012, chapter 93, a public body may not disclose records or information that identifies a person as a current or former holder of, or applicant for, a concealed handgun license, unless the public body determines that a compelling public interest

ADMINISTRATIVE RULES

requires disclosure in the particular instance and the disclosure is limited to the name, age and county of residence of the holder or applicant.

(2) Requests seeking records or information on the basis of a compelling public interest pursuant to section (1) shall:

- (a) Be made in writing and signed by the requestor;
- (b) Include a mailing address for the requestor;
- (c) Be addressed to the custodian of public records of the public body that possesses the records or information;
- (d) Identify the records or information being sought;
- (e) State with specificity the reasons why the requestor contends that a compelling public interest requires disclosure of the requested records or information; and

(f) Include any records containing information supporting the requestor's contention that a compelling public interest requires disclosure.

(3) As used in this rule:

- (a) "Custodian" has the meaning given that term in ORS 192.410(1); and
- (b) "Public body" has the meaning given that term in ORS 192.410(3).

Stat. Auth.: 2012 OL Ch. 93, §2(4)

Stats. Implemented: 2012 OL Ch. 93, §2(4)

Hist.: DOJ 14-2012(Temp), f. & cert. ef. 8-21-12 thru 2-8-13

Department of Oregon State Police Chapter 257

Rule Caption: Modify OAR 257-080-0000 to be in compliance with the repeal ORS 181.290 July 2011.

Adm. Order No.: OSP 4-2012

Filed with Sec. of State: 9-5-2012

Certified to be Effective: 9-5-12

Notice Publication Date: 7-1-2012

Rules Adopted: 257-080-0050, 257-080-0055

Rules Amended: 257-080-0000, 257-080-0005, 257-080-0010, 257-080-0015, 257-080-0020, 257-080-0025, 257-080-0030, 257-080-0035, 257-080-0040, 257-080-0045

Subject: Legislative changes in July 2011 require that we clarify rules outlining the process afforded sworn, unrepresented members of the department during consideration of their removal from state service.

Rules Coordinator: Shannon Peterson—(503) 934-0183

257-080-0000

Purpose of Rules

These rules outline the process afforded sworn, unrepresented members of the Department during consideration of their removal from State service, with the following objectives:

- (1) To permit the member to address the review board prior to a final decision on removal.
- (2) To establish procedures for the member and the review board to follow.
- (3) To recognize that sworn, unrepresented members of the department hold their respective positions in an "at-will" status.
- (4) To provide the procedure for the decision of the Board to be communicated to the member and to the individual who made the initial recommendation on removal.
- (5) To establish the internal mechanism for the member to make a request that the Review Board decision be considered and examined by the Office of the Superintendent.

Stat. Auth.: ORS 181.280 & 181.310

Stats. Implemented: ORS 181.290 - 181.340

Hist.: OSP 1-1997, f. & cert. ef. 1-22-97; Suspended by OSP 1-2012(Temp), f. & cert. ef. 5-9-12 thru 11-1-12; OSP 3-2012(Temp), f. & cert. ef. 7-12-12 thru 11-1-12; OSP 4-2012, f. & cert. ef. 9-5-12

257-080-0005

Statutory Authority for Rules

These rules are adopted under the authority provided by ORS 181.280 Stat. Auth.: ORS 181.280 & 181.310

Stats. Implemented: ORS 181.290 - 181.340

Hist.: OSP 1-1997, f. & cert. ef. 1-22-97; Suspended by OSP 1-2012(Temp), f. & cert. ef. 5-9-12 thru 11-1-12; OSP 3-2012(Temp), f. & cert. ef. 7-12-12 thru 11-1-12; OSP 4-2012, f. & cert. ef. 9-5-12

257-080-0010

Definitions

- (1) Department — refers to the Oregon Department of State Police.

(2) Member — refers to the sworn, unrepresented member with sustained allegations who is afforded an informal meeting under these rules.

(3) Review Board members — Department members appointed by the Superintendent or designee.

(4) Recommending staff — the Department staff making the initial recommendation for removal of the member.

(5) Personnel Report — the record of information that was gathered during a personnel investigation and fact-finding process which is used to decide whether there are grounds to consider the removal of the member from the Department.

Stat. Auth.: ORS 181.280 & 181.310

Stats. Implemented: ORS 181.290 - 181.340

Hist.: OSP 1-1997, f. & cert. ef. 1-22-97; Suspended by OSP 1-2012(Temp), f. & cert. ef. 5-9-12 thru 11-1-12; OSP 3-2012(Temp), f. & cert. ef. 7-12-12 thru 11-1-12; OSP 4-2012, f. & cert. ef. 9-5-12

257-080-0015

Grounds for Removal

Because members subject to these rules hold their position as "at-will" employees, the member's employment is not subject to any cause standard and the Department legally retains discretion in making a decision on removal.

Stat. Auth.: ORS 181.280 & 181.310

Stats. Implemented: ORS 181.290 - 181.340

Hist.: OSP 1-1997, f. & cert. ef. 1-22-97; Suspended by OSP 1-2012(Temp), f. & cert. ef. 5-9-12 thru 11-1-12; OSP 3-2012(Temp), f. & cert. ef. 7-12-12 thru 11-1-12; OSP 4-2012, f. & cert. ef. 9-5-12

257-080-0020

Investigation and Fact Finding Processes

(1) The investigation process will be the fact-gathering process the Department follows in conducting personnel investigations as found in the most current form of the Department Manual titled "Personnel Complaint Procedures and Guidelines for investigations and Corrective Action."

(2) The fact-finding process will follow those provisions in the most current form of the same Department Manual under the "Making Findings of Fact" section.

(3) If the results of this process result in "sustained" Findings of Fact the process under these rules will continue.

Stat. Auth.: ORS 181.280 & 181.310

Stats. Implemented: ORS 181.290 - 181.340

Hist.: OSP 1-1997, f. & cert. ef. 1-22-97; Administrative Reforming 12-1-97; Suspended by OSP 1-2012(Temp), f. & cert. ef. 5-9-12 thru 11-1-12; OSP 3-2012(Temp), f. & cert. ef. 7-12-12 thru 11-1-12; OSP 4-2012, f. & cert. ef. 9-5-12

257-080-0025

Procedure to notify member of Findings, Recommendation, and Request to convene a Review Board

(1) The sustained Findings of Fact and Recommendation will be prepared and signed by the recommending staff, or the Office of Professional Standards, and shall include:

- (a) The name and duty station of the member.
- (b) A listing of sustained allegation(s) with a finding for each.
- (c) A statement that removal of the member is being recommended along with a request to convene a Review Board.

(2) The document may include:

- (a) A description of information concerning the member's tenure with the department such as performance reviews and any letters in the file which may be relevant to an understanding of the allegations;
- (b) Particular training or education provided;
- (c) Prior corrective action(s);
- (d) Informal discussions or other communications with the member by other managers or supervisors;
- (e) The availability of written standards or expectations - whether formal or informal; and
- (f) Any other matters which may provide a context in which to review the specific conduct at issue.

(3) A suggested format for the document is:

- (a) Member's name;
- (b) Member's duty station;
- (c) As a sworn member of the department, subject to ORS 181.280 and OAR 257, Division 80, this is written notice of allegation(s) from which a recommendation for your removal as a member of the department has been made along with a request to convene a Review Board.
- (d) Relevant background information as appropriate.
- (e) The facts that have been sustained, setting them out in a logical and chronological format, using headings and subheadings if necessary, to assist the reader in understanding the particulars that form the basis of the recommendation.

ADMINISTRATIVE RULES

(4) The completed document with the sustained allegations, recommendation and request shall be delivered to the Office of Professional Standards, where they will be filed and logged.

Stat. Auth.: ORS 181.280 & 181.310
Stats. Implemented: ORS 181.290 - 181.340
Hist.: OSP 1-1997, f. & cert. ef. 1-22-97; Suspended by OSP 1-2012(Temp), f. & cert. ef. 5-9-12 thru 11-1-12; OSP 3-2012(Temp), f. & cert. ef. 7-12-12 thru 11-1-12; OSP 4-2012, f. & cert. ef. 9-5-12

257-080-0030 Initiating a Review Board

(1) Upon notice from the Office of Professional Standards that the completed document with the sustained allegations, recommendation and request has been filed and logged, the Superintendent or designee, shall appoint a three person Board of Review.

(2) The Board shall consist of three members who are of superior rank to the involved member, if that is possible, and the three members shall be of equal rank, also to the extent that is possible.

(3) The Board shall convene, select a Presiding Officer, and determine the time and place of the meeting to be scheduled with no less than ten days notice to the member.

(4) The member shall be notified, in writing, of the following:

(a) The individuals composing the Review Board and the member's right to demand, in writing and one time only, that any or all of the persons appointed to the board be replaced without stating reason or cause. On receipt of such a demand, the Superintendent or designee shall appoint new representatives to replace those removed;

(b) The location, date and time of the member to meet with the Board;

(c) The member's right to be accompanied by legal counsel, at their own expense, or another employee of their choosing to assist them in presenting information or suggesting further inquiry before a decision is made by the Board ;

(5) If an extension of time is necessary for the member to prepare a presentation, the board shall grant a reasonable period of time upon request.

Stat. Auth.: ORS 181.280 & 181.310
Stats. Implemented: ORS 181.290 - 181.340
Hist.: OSP 1-1997, f. & cert. ef. 1-22-97; Suspended by OSP 1-2012(Temp), f. & cert. ef. 5-9-12 thru 11-1-12; OSP 3-2012(Temp), f. & cert. ef. 7-12-12 thru 11-1-12; OSP 4-2012, f. & cert. ef. 9-5-12

257-080-0035 Review Board — Generally

(1) An audio recording of the meeting will be made, which shall constitute the only record.

(2) The Board may have legal counsel from the Oregon Department of Justice to advise them on any matters and attend the meeting and deliberative process as it deems necessary.

(3) Failure to comply with one or more of the terms of these rules concerning the Review Board process shall not invalidate any sustained allegations or negate any proceeding before the board.

(4) All attendees shall conduct themselves in a respectful manner. Failure to comply with the Board's effort to retain order will result in expulsion from the meeting.

Stat. Auth.: ORS 181.280 & 181.310
Stats. Implemented: ORS 181.290 - 181.340
Hist.: OSP 1-1997, f. & cert. ef. 1-22-97; Suspended by OSP 1-2012(Temp), f. & cert. ef. 5-9-12 thru 11-1-12; OSP 3-2012(Temp), f. & cert. ef. 7-12-12 thru 11-1-12; OSP 4-2012, f. & cert. ef. 9-5-12

257-080-0040 Review Board Pre-meeting Matters

(1) The Department shall forward to the member, within a reasonable time after the hearing is set, all investigative reports and other documents prepared according to the requirements of the department's personnel review manual.

(2) The member's official personnel file shall be available for inspection by the parties or their respective representatives upon advance request to the Office of Professional Standards Section at General Headquarters.

Stat. Auth.: ORS 181.280 & 181.310
Stats. Implemented: ORS 181.290 - 181.340
Hist.: OSP 1-1997, f. & cert. ef. 1-22-97; Suspended by OSP 1-2012(Temp), f. & cert. ef. 5-9-12 thru 11-1-12; OSP 3-2012(Temp), f. & cert. ef. 7-12-12 thru 11-1-12; OSP 4-2012, f. & cert. ef. 9-5-12

257-080-0045 Board Meeting

(1) The Board designated Presiding Officer shall open the meeting on the record, by introducing the parties and identifying the purpose of the meeting.

(2) The record made available to the Board shall be identified by the Presiding officer.

(3) The member, or designee, may make opening remarks.

(4) The member may offer physical evidence and written statements.

(5) Review Board members may ask questions of the member.

(6) The member or designee may make concluding remarks.

(7) The meeting will be private unless the member makes written request that it be public.

Stat. Auth.: ORS 181.280 & 181.310
Stats. Implemented: ORS 181.290 - 181.340
Hist.: OSP 1-1997, f. & cert. ef. 1-22-97; Suspended by OSP 1-2012(Temp), f. & cert. ef. 5-9-12 thru 11-1-12; OSP 3-2012(Temp), f. & cert. ef. 7-12-12 thru 11-1-12; OSP 4-2012, f. & cert. ef. 9-5-12

257-080-0050 The Board's Decision

(1) The Board shall adjourn the meeting and meet in private to reach a decision regarding corrective action, which decision shall then be reduced to written form.

(2) The Board decision shall state specifically whether removal or other corrective action is appropriate with a brief explanation of its rationale.

(3) In assessing an appropriate action the board may consider:

(a) The rank and corresponding duties and expectations for the position held by the member;

(b) The number and relative severity of sustained allegations; and

(c) Any information presented by the member at the meeting regarding the sustained allegations.

(4) The Board is not authorized to apply the concept of "progressive discipline" as a matter of right.

(5) The Board is not authorized to nor shall it require proof of "cause" as it makes a decision.

(6) The decision of the Board shall be delivered to the member and the Office of Professional Standards by hand-delivery or certified mail, return receipt requested, as is most expeditious.

Stat. Auth.: ORS 181.280 & 181.310
Stats. Implemented: ORS 181.290 - 181.340
Hist.: OSP 3-2012(Temp), f. & cert. ef. 7-12-12 thru 11-1-12; OSP 4-2012, f. & cert. ef. 9-5-12

257-080-0055 Office of Superintendent's consideration of Review Board Decision

(1) Following receipt of the Board's decision the member may request the Office of the Superintendent to consider the Board's decision by an examination of all materials, including the tape of the Review Board meeting.

(2) The request must be in writing and received by the Office of Professional Standards not later than fifteen (15) days after the date of the Board's decision.

(3) The request may include a meeting by the member with the Superintendent or a designee in addition to the examination of the associated documentation.

(4) If no request is made, the Superintendent will send a notice to the member with a Final decision.

(6) The Superintendent retains the ultimate legal authority on whether to remove the member.

(7) The Superintendent shall inform the member in writing of the final decision, with a brief explanation that the Superintendent has exercised the legal discretion afforded the Department in arriving at a decision.

(8) There is no right of appeal of the decision on removal.

Stat. Auth.: ORS 181.280 & 181.310
Stats. Implemented: ORS 181.290 - 181.340
Hist.: OSP 3-2012(Temp), f. & cert. ef. 7-12-12 thru 11-1-12; OSP 4-2012, f. & cert. ef. 9-5-12

Department of Public Safety Standards and Training Chapter 259

Rule Caption: Update DOC BCC program/hours to correspond with DPSST course; Clarify documentation requirements.

Adm. Order No.: DPSST 17-2012

Filed with Sec. of State: 8-24-2012

Certified to be Effective: 8-24-12

Notice Publication Date: 8-1-2012

Rules Amended: 259-008-0025

Rules Repealed: 259-008-0025(T)

Subject: In January 2012 Department of Public Safety Standards and Training (DPSST) began delivering the new six-week basic correc-

ADMINISTRATIVE RULES

tions program, which is now the state standard for basic corrections training. The new program represents a substantial restructuring of basic corrections training, both with areas of additional instruction and with a significant increase in participatory learning activities. Specifically, 51 hours of reality based scenarios and eight hours of problem-based learning exercises were added to the program.

This rule update increases the overall minimum course hours for the Department of Correction's Basic Corrections Course to correspond with the new DPSST course and outlines the required program restructuring to reflect those updates. The update also clarifies the documentation required for purposes of determining equivalency of the overall program structure and of training delivery.

Rules Coordinator: Linsay Hale—(503) 378-2431

259-008-0025

Minimum Standards for Training

(1) Basic Course:

(a) Except as provided in OAR 259-008-0035, all law enforcement officers, telecommunicators, and emergency medical dispatchers must satisfactorily complete the prescribed Basic Course, including the field training portion. The Basic Course and field training portion must be completed within twelve months from the date of employment by corrections officers and within 18 months by police officers, parole and probation officers, telecommunicators, and emergency medical dispatchers.

(b) The field training program shall be conducted under the supervision of the employing department. When the field training manual is properly completed, the sign-off pages of the field training manual must be forwarded to the Department. Upon the approval of the Department, the employee shall receive credit toward basic certification.

(c) Effective July 1, 2007, all police officers must satisfactorily complete the Department's physical fitness standard. The Department's physical standard is:

(A) Successful completion of the OR-PAT at 5:30 (five minutes and thirty seconds) when tested upon entry at the Basic Police Course; or

(B) Successful completion of the OR-PAT at 5:30 (five minutes and thirty seconds) when tested prior to graduation from the Basic Police Course.

(d) Law enforcement officers who have previously completed the Basic Course, but have not been employed as a law enforcement officer as defined in ORS 181.610 and OAR 259-008-0005 during the last five (5) years or more, must satisfactorily complete the full required Basic Course to qualify for certification. This requirement may be waived by the Department upon a finding that the applicant has current knowledge and skills to perform as an officer.

(e) Telecommunicators and emergency medical dispatchers who have previously completed the Basic Course, but have not been employed as a telecommunicator or EMD, as described in ORS 181.610 and OAR 259-008-0005 for two and one-half (2-1/2) years or more, must satisfactorily complete the full required Basic Course to qualify for certification. This requirement may be waived by the Department upon finding that a Telecommunicator has current knowledge and skills to perform as a Telecommunicator. There is no waiver available for an emergency medical dispatcher.

(f) Previously employed telecommunicators may challenge the Basic Telecommunications Course based on the following criteria:

(A) The department head of the applicant's employing agency shall submit the "challenge request" within the time limits set forth in the Oregon Revised Statutes and Oregon Administrative Rules.

(B) The applicant must provide proof of successful completion of prior equivalent training.

(C) The applicant must provide documentation of the course content with hour and subject breakdown.

(D) The applicant must obtain a minimum passing score on all written examinations for the course.

(E) The applicant must demonstrate performance at the minimum acceptable level for the course.

(F) Failure of written examination or demonstrated performance shall require attendance of the course challenged.

(G) The applicant will only be given one opportunity to challenge a course.

(g) Previously employed police officers, corrections officers and parole and probation officers who are required to attend the Basic Course may not challenge the Basic Course.

(h) All law enforcement officers who have previously completed the Basic Course, but have not been employed as a law enforcement officer as described in ORS 181.610 and OAR 259-008-0005 over two and one-half (2-1/2) years but less than five (5) years must complete a Career Officer Development Course if returning to the same discipline. This requirement may be waived after a staff determination that the applicant has demonstrated the knowledge and skills required for satisfactory completion of a Career Officer Development Course.

(i) Corrections and police officers who have not completed the Basic Course must begin training within 90 days of their initial date of employment.

(A) A police officer must begin training at an academy operated by the Department.

(B) A corrections officer who is employed by Oregon Department of Corrections (DOC) during the period July 1, 2009 through January 1, 2014 must begin DOC Basic Corrections Course (DOC BCC) training provided by DOC as described in section (6) of this rule.

(C) A corrections officer who is not employed by DOC must begin training at an academy operated by the Department.

(D) A 30-day extension of this time period shall be granted by the Board or its designee upon receipt of a written statement of the reasons for the delay from the officer's employer. Any delays caused by the inability of the Department to provide basic training for any reason, shall not be counted as part of the periods set forth above (refer to ORS 181.665 and 181.652).

(j) Law enforcement officers who have previously completed a basic training course out of state while employed by a law enforcement unit, or public or private safety agency, may, upon proper documentation of such training and with approval of the Department, satisfy the requirements of this section by successfully completing a prescribed Career Officer Development Course or other appropriate course of instruction.

(k) The basic course for police officers must include:

(A) Training on the law, theory, policies and practices related to vehicle pursuit driving;

(B) Vehicle pursuit training exercises, subject to the availability of funding; and

(C) A minimum of 24 hours of training in the recognition of mental illnesses utilizing a crisis intervention training model. A minimum of one hour of this training must be on the appropriate use of the medical health database maintained by the Department of State Police within the Law Enforcement Data System.

(2) Career Officer Development Course:

(a) All law enforcement officers who have not been employed as such for between two and one half (2-1/2) years and five (5) years, must satisfactorily complete a Career Officer Development Course approved by the Department.

(b) A law enforcement officer assigned to a Career Officer Development Course must also complete the Board's field training program under the supervision of the employing department and submit to the Department a properly completed Field Training Manual. The Department may waive the Field Training Manual requirement upon demonstration by the employing agency that it is not necessary [refer to OAR 259-008-0025(1)(b)].

(A) A law enforcement officer who fails to achieve a minimum passing test score after completing a Career Officer Development Course will be given one opportunity to remediate through self-study and re-test within 60 days of the initial date of failure.

(B) A law enforcement officer who fails to achieve a minimum passing test score after re-testing will have been determined to have failed academically and will be required to attend the next available Basic Course.

(C) A law enforcement officer who is scheduled to complete a distance learning COD Course must achieve a minimum passing test score within the timeframe set by the Department. Failure to successfully complete a distance COD Course within the timeframe set by the Department will require an officer to attend the next available COD Course.

(c) The Department may also require successful completion of additional specified courses or remedial training.

(3) Supervision Course. All law enforcement officers, telecommunicators, and emergency medical dispatchers promoted, appointed, or transferred to a first-level supervisory position must satisfactorily complete Supervision training that complies with the requirements outlined in DPSST Form F-21. The required training must be completed within 12 months after initial promotion, appointment, or transfer to such position. This section applies whether the individual is promoted or transferred to a supervisory position within a department, or is appointed from an outside

ADMINISTRATIVE RULES

department, without having completed the required Supervision training within the preceding five (5) years.

(4) Middle Management Course. All law enforcement officers, telecommunicators, and emergency medical dispatchers promoted, appointed, or transferred to a middle management position must satisfactorily complete Middle Management training that complies with the requirements outlined in DPSST Form F-22. The required training must be completed within 12 months after initial promotion, appointment, or transfer to such position. This section applies whether the individual is promoted or transferred to a middle management position within a department, or is appointed to the position from an outside department without having completed the required Middle Management training within the preceding five (5) years.

(5) Specialized Courses.

(a) Specialized courses are optional and may be presented at the Academy or regionally. The curriculum is generally selected because of relevancy to current trends and needs in police, corrections, parole and probation, telecommunications, and emergency medical dispatch fields, at the local or statewide level.

(b) Specialized courses may be developed and presented by individual departments of the criminal justice system, local training districts, a college, the Department, or other interested persons. Department staff may be available to provide assistance when resources are not available in the local region.

(c) Police officers, including certified reserve officers, must be trained on how to investigate and report cases of missing children and adults.

(A) The above mandated training is subject to the availability of funds.

(B) Federal training programs must be offered to police officers, including certified reserve officers, when they are made available at no cost to the state.

(6) The DOC Basic Corrections Course.

Course Requirements

(a) Except as provided in OAR 259-008-0035, all corrections officers hired by the Oregon Department of Corrections (DOC) on or after July 1, 2009, but prior to January 1, 2014, must satisfactorily complete the DOC Basic Corrections Course (DOC BCC), including the field training portion. All corrections officers must complete the DOC BCC and field training portion must be completed within twelve months from the date of employment.

(b) Prior to attending a DOC BCC, a corrections officer hired by DOC on or after July 1, 2009, but prior to January 1, 2014, must:

(A) Meet the minimum standards for employment as a law enforcement officer contained in OAR 259-008-0010;

(B) Meet the background investigation requirements for a law enforcement officer contained in OAR 259-008-0015; and

(C) Meet the minimum standards for training contained in this section.

(c) The DOC BCC must conform to the content and standard approved by the Board. The DOC BCC must include, but is not limited to:

(A) Minimum training standards for the basic certification of corrections officer employed by DOC. The minimum training developed by DOC must be adopted by the Board and must meet or exceed the minimum training standards for the basic certification of corrections officers employed by a law enforcement unit other than DOC.

(B) Minimum Course Hours. The minimum course hours are 240. DOC BCC Course hours refer to hours of training related to DPSST Instructional Goals and may include classroom, scenarios, skills sheets or other related training methodology

(i) The DOC BCC must include hours addressing all Instructional Goals within each of the following sections:

(I) Section A — 20 hours in Legal Considerations;

(II) Section B — 37 hours in Security Procedures;

(III) Section C — 43 hours in Inmate Supervision;

(IV) Section D — 16 hours in Inmate Health Care;

(V) Section E — 16 hours in Professional Skills;

(VI) Section F — 27 hours in Personal Fitness;

(VII) Section G — 41 hours in Defensive Tactics; and

(VIII) Section H — 26 hours in Skills — Firearms.

(ii) Administrative time is not included within the hours identified in subsection (i). Administrative time may be up to 6% of the overall course hours, or a maximum of 14 hours.

(iii) A minimum of 80% of the classes in the DOC BCC must include:

(I) Participatory learning activities which include, but are not limited to, scenario training, hands-on training and problem-based learning; and

(II) Sufficient hours to address the Instructional Goals in subsection (i).

(C) Attendance Standards. Attendance rosters must be kept and copies of these rosters must be submitted to the Department at the conclusion of a student's training, or when requested by the Department. To successfully complete the DOC BCC, a student may not miss more than 10% of the DOC BCC.

(D) Notwithstanding (C) above, successful completion of the DOC BCC requires 100% attendance during classes in which the following Instructional Goals are covered:

(i) B1.2 Instruction and practice applying safe and efficient tactics for inmate monitoring, inmate counts and facility perimeter checks;

(ii) B2.2 Instruction and practice conducting appropriate, safe and systematic searches of inmates and correctional facilities;

(iii) B5.2 Instruction and practice restraining individuals in an appropriate, safe and systematic manner;

(iv) B8 Reality based scenarios that enhance a new corrections professional's understanding and application of security procedures in a correctional facility;

(v) C3.2 Instruction and practice using interpersonal skills to effectively communicate with inmates and other persons in a correctional setting;

(vi) C10 Reality-based scenarios that enhance a new corrections professional's understanding and application of inmate supervision strategies within a correctional facility;

(vii) D3.2 Instruction and practice applying appropriate intervention strategies for dealing with inmates with major mental illnesses;

(viii) G1 Decision-making skills related to the use of reasonable force to effectively overcome and control resistive and/or hostile behavior;

(ix) G2 Instruction and practice using reasonable force tactics to effectively overcome and control resistive and/or hostile behavior;

(x) G3 Reality-based scenarios that enhance a new corrections professional's understanding and application of reasonable force decision-making and tactics within a correctional facility;

(xi) H1 Basic gun-handling skills; and

(xii) H2 Basic understanding of the use, limitations and techniques of a service handgun, and proficiency in safety, proper gun-handling, marksmanship and firearms tactics.

(E) Conduct. An individual attending a DOC BCC is expected to uphold the minimum moral fitness standards for Oregon public safety officers during their training. DOC will document the date, type, and disposition of any student misconduct relating to the minimum standards for correctional officers. These include, but are not limited to, the following Zero Tolerance Offenses:

(i) Any unlawful act;

(ii) Dishonesty, lying or attempting to conceal violations;

(iii) Cheating;

(iv) Harassment; or

(v) Alcohol possession or use at the training venue.

(F) Course Curriculum.

(i) The DOC BCC will be based on the critical and essential job tasks identified in the most current Job Task Analysis for corrections officers provided to DOC by the Department.

(ii) The DOC BCC will incorporate the most current Instructional Goals provided to DOC by the Department.

(iii) The DOC BCC will incorporate curriculum updates provided to DOC by the Department, when those updates address the critical and essential job tasks or Instructional Goals referenced above.

Testing Requirements

(G) Academic Testing. Academic testing will consist of written test questions that are valid, create reasonable academic rigor, and require students to demonstrate knowledge and application of the essential tasks identified within the DOC BCC curriculum. DOC must administer examinations and maintain a file of examinations conducted.

(i) Academic Testing Passing Score. Except as provided below, to successfully complete the DOC BCC, students must achieve a minimum score of 75% on each academic test. If a student does not attain a 75% score, and DOC retains the student as an employee in a certifiable position, DOC must remediate the student. After remediation, a student will be allowed one opportunity to re-test and achieve a minimum score of 75%.

(ii) Students must attain a score of 100% on all academic test questions on Use of Force topics. If a student fails to attain a 100% score on Use of Force topics, and DOC retains the student as an employee in a certifiable position, DOC must remediate the student. Remediation must include the

ADMINISTRATIVE RULES

student completing the DPSST Use of Force Remediation form to demonstrate understanding of each topic missed.

(H) Skills Testing. Skills testing will consist of evaluations documented by use of Skills Sheets during which students must demonstrate competence and achieve a “pass” score in each skill tested.

(I) Test Security and Integrity.

(i) DOC must develop and strictly enforce measures to ensure the security of test questions and integrity of all testing processes.

(ii) DOC must randomize the order of test questions and must develop a sufficient bank of test questions to ensure that students who fail to achieve a passing score and are remediated are given a randomized test that includes some questions that are different than those in the test the student originally failed.

Instructor Requirements

(J) Instructor Qualifications.

(i) All instructors for the DOC BCC must meet or exceed the Instructor Certification standards for instructors at DPSST Basic courses and must be currently certified by the Department in the categories instructed.

(ii) DOC must verify that an instructor providing instruction within a category has the requisite subject matter knowledge, skills and abilities.

(K) The equivalency of the DOC BCC is subject to approval by the Board and verified by ongoing audits.

(L) DOC BCC documentation must include, but is not limited to:

(i) Training schedules, to include all training related to DOC BCC hours, such as classroom, skills sheets, online training and scenarios;

(ii) Classes with associated Instructional Goals and related hours;

(iii) Participatory learning activities within each class;

(iv) Testing Measures for each class; and

(v) Attendance rosters.

(M) DOC BCC Class Training Schedule documentation for each DOC BCC must include, but is not limited to:

(i) Notification of all anticipated DOC BCC training dates to include DOC BCC remediation training;

(ii) Times of DOC BCC training;

(iii) Locations of DOC BCC training; and

(iv) Instructors scheduled to provide training.

(N) Ongoing DOC BCC student documentation during each DOC BCC must include, but is not limited to:

(i) A list of students scheduled to attend training;

(ii) Student names, DPSST numbers, dates of employment and employing institutions;

(iii) Identification of any class or skill failure requiring remediation to including, but not limited to, the date and location of failure, date and location of remediation, the instructor who had oversight over remediation, and the result of remediation.

Certification Requirements

(O) Officer Certification. The applicant must meet the minimum standards for certification as a corrections officer contained in OAR 259-008-0060. DOC must submit the following documents at the time Basic certification is requested:

(i) F-7 (Application for Certification);

(ii) F-6 (Course Roster) for DOC BCC including the number of hours and the final cumulative score;

(iii) F-6 (Course Roster) for DOC Advanced Corrections Course with attached itemized list of classes attended;

(iv) Proof of current First Aid/CPR;

(v) F-11 (Criminal Justice Code of Ethics); and

(vi) FTO Manual Completion Report.

(P) Course Certification. Each DOC BCC class must be certified before officers who complete that BCC may be certified. The following Class Notebook requirements are needed prior to course certification:

(i) F-6 DPSST Class Roster, listing all students who began the course, passed or failed the course, and those who did not complete the course.

(ii) Curriculum for all components of the BCC, to include classroom, skills, online, and scenario training. The curriculum components must include lesson outlines, PowerPoint, handouts and other related documents to support each class.

(iii) Schedule of classes within the course, to include roster for each class, weekly schedule outlining the dates of training, the location of training, the phases of training, the number of hours for each class, the name of the class, the instructors who provided instruction.

(iv) Documentation of all training failures and remediation, to include class, date and location of training failure, the type of failure, the date, loca-

tion and instructor who had oversight over the remediation of the failure and the result of the remediation.

(v) Testing measures, to include test questions and answers, individual student tests, student scores by student name, DPSST number and date of examination, and the overall class percentage.

(vi) Individual student records, to include evaluation forms, PQC qualification card, training records, and absence reports.

(vii) All skill sheets for every student completing some or all of the required skill sheets.

(7) Waiver. A person requesting a waiver of any course requirements is required to submit to the Department any supporting documents or pertinent expert testimony and evaluation requested. Any expense associated with providing such documentation, testimony or evaluation shall be borne by the person requesting the waiver or the requesting agency.

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

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1982, f. & ef. 7-2-82; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0030, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 5-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 11-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 13-2001(Temp), f. & cert. ef. 10-26-01 thru 4-10-02; BPSST 2-2002, f. & cert. ef. 2-6-02; BPSST 8-2002, f. & cert. ef. 4-3-02; BPSST 15-2002, f. & cert. ef. 7-5-02; DPSST 14-2003, f. & cert. ef. 12-22-03; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 3-2007, f. & cert. ef. 1-12-06; DPSST 3-2007, f. & cert. ef. 1-12-07; DPSST 9-2008, f. & cert. ef. 7-15-08; DPSST 14-2008, f. & cert. ef. 10-15-08; DPSST 3-2009, f. & cert. ef. 4-8-09; DPSST 8-2009(Temp), f. & cert. ef. 9-15-09 thru 3-1-10; DPSST 15-2009, f. & cert. ef. 12-15-09; DPSST 3-2010, f. 4-12-10, cert. ef. 5-1-10; DPSST 2-2011, f. 3-23-11, cert. ef. 5-1-11; DPSST 13-2012(Temp), f. & cert. ef. 5-8-12 thru 10-1-12; DPSST 17-2012, f. & cert. ef. 8-24-12

Rule Caption: Remove references to retired police officer certification.

Adm. Order No.: DPSST 18-2012

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Rules Amended: 259-008-0010, 259-013-0220, 259-013-0230

Subject: OAR 259-008-0068 (Retired Certified Police Officer) was repealed May 1, 2012. This update removes all references to the obsolete program. Housekeeping changes are made for clarity.

Rules Coordinator: Linsay Hale—(503) 378-2431

259-008-0010

Minimum Standards for Employment as a Law Enforcement Officer

(1) Citizenship.

(a) A person may not be employed as a corrections officer for more than one year unless the person is a citizen of the United States.

(b) A person may not be employed as a police or parole and probation officer for more than 18 months unless the person is a citizen of the United States.

(2) Age. No law enforcement unit in this state may employ any person under the age of 21 years as a police officer, corrections officer or parole and probation officer.

(3) Fingerprints. On or within 90 days prior to the date of employment, each police, corrections, or parole and probation officer must be fingerprinted on standard applicant fingerprint cards. The hiring agency is responsible for fingerprinting and must forward two (2) cards to the Oregon State Police Identification Services Section for processing and assignment of identification number.

(a) Applicant's fingerprints will be retained and kept on file with the Oregon State Police Identification Services Section.

(b) The Oregon State Police Identification Services Section will notify the Department and the employing agency of any criminal record disclosed through processing the applicant's fingerprint card.

(c) If any procedural change is made by either the Federal Bureau of Investigation or the Oregon State Police Identification Services Section the Department must comply with the most current requirements.

(d) If the fingerprint clearance has not been obtained prior to submission of the application for certification, a criminal history affidavit provided by the Department must be completed and returned to the Department by the applicant pending fingerprint clearance.

(4) Criminal Records. No police, corrections, or parole and probation officer may have been convicted:

(a) In this state or any other jurisdiction, of a crime designated under the law where the conviction occurred as being punishable as a felony or as

ADMINISTRATIVE RULES

a crime for which a maximum term of imprisonment of more than one (1) year may be imposed;

(b) Of violating any law involving the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug;

(c) In this state of violating any law subject to denial or revocation as identified in OAR 259-008-0070 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction.

(5) Notification of Conviction:

(a) A law enforcement officer or instructor who is convicted of a crime, as identified in OAR 259-008-0070, while employed by a public or private safety agency must notify the agency head within 72 hours of the conviction.

(b) When an agency receives notification of a conviction from its employee, or another source, they must notify the Department within five (5) business days. The notification to the Department must be in writing and include the specific charges of the conviction, the county and state where the conviction occurred, the investigating agency and the date of the conviction.

(6) Moral Fitness (Professional Fitness). All law enforcement officers must be of good moral fitness. For purposes of this standard, lack of good moral fitness includes, but is not limited to:

(a) Mandatory disqualifying misconduct as described in OAR 259-008-0070(3); or

(b) Discretionary disqualifying misconduct as described in OAR 259-008-0070(4).

(7) Education:

(a) Applicants for the position of a law enforcement officer will be required to furnish documentary evidence of one of the following:

(A) High School diploma;

(B) Successful completion of the General Educational Development (GED) Test; or

(C) A four-year, post-secondary degree issued by an accredited, degree-granting college or university recognized by the Oregon Office of Degree Authorization under the provisions of ORS 348.604.

(i) For the purpose of determining high school graduation level as required by these rules, the applicant must have achieved a score no less than that required by the Oregon Board of Education before issuing an Oregon GED certificate.

(ii) Applicants holding a GED from another state may be required to obtain an Oregon certificate at the discretion of the Department.

(b) Evidence of the above must consist of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted, at the discretion of the Department.

(c) Reading and Writing Standard. Before beginning basic police training, challenging basic police training, or beginning the police career officer development course, each applicant must provide evidence to DPSST that the applicant has attained a minimum of a 12th grade reading and writing level in the English language.

(A) The hiring agency is responsible for ensuring a Department-approved reading and writing test has been administered. The hiring agency must forward the results of the test to the Department on a Form F-5 (Application for Training) prior to the applicant being admitted to basic police training.

(B) Individuals submitting transcripts verifying that they possess at least a four-year academic degree from an institution recognized by the Department under the provisions of OAR 259-008-0045 are exempt from completing the 12th grade reading/writing test prior to attending a course identified in this section.

(8) Physical Examination. All law enforcement officers and applicants must be examined by a licensed physician or surgeon.

(a) The medical examination must be completed not more than 180 days prior to initial offer of employment, nor more than 90 days after initial offer of employment, and must conform to applicable standards of the Americans with Disabilities Act (ADA), Title 42 USC 12101.

(b) Individuals who have had a successfully completed physical examination (while at the same employer) and are selected for a certifiable position in a discipline in which the individual is not yet certified must complete and pass a new physical examination.

(c) Except as provided in (e) below, the Department will not require a new physical examination when a law enforcement officer obtains employment, or re-employment, in the same discipline if the officer:

(A) Has had a successfully completed a physical examination, and

(B) Is currently certified; or

(C) Is an officer currently employed full-time in another jurisdiction who has successfully completed a comparable physical examination in that jurisdiction.

(d) Notwithstanding subsection (c), a medical examination may be required by a hiring agency at its discretion.

(e) Notwithstanding subsection (c), any law enforcement officer who is separated from employment for a reason related to a physical inability to perform an essential task of a law enforcement officer must successfully complete a physical examination prior to obtaining re-employment in a certifiable position.

(f) Police, Corrections, and Parole and Probation applicants must meet the following criteria:

(A) Visual Acuity. Corrected vision must be at least 20/30 (Snellen) in each eye. Due to the demonstrated likelihood of dislodgment or breakage, candidates who are able to wear only glasses with frames must meet an uncorrected standard not worse than 20/100 (Snellen) in each eye. Those candidates who use soft contact lenses (SCLs) must have vision correctable to at least 20/30 in each eye, with no uncorrected standard, provided the employing agency will monitor compliance. Replacement glasses or lenses (as appropriate) must be on the person or readily available at all times during each work shift.

(B) Color Vision. Red or green deficiencies may be acceptable, providing the applicant can read at least nine (9) of the first thirteen (13) plates of the Ishihara Test (24 Plate Edition). Applicants who fail the Ishihara test can meet the color vision standard by demonstrating that they can correctly discriminate colors via a field test conducted by the employer and approved by DPSST.

(C) Depth Perception. Depth Perception must be sufficient to demonstrate stereopsis adequate to perform the essential tasks of the job. The recommended test is the Random Stereo Test with 60 seconds of arc.

(D) Peripheral Vision. Visual Field Performance must be 140 degrees in the horizontal meridian combined.

(E) Night Blindness. A history of night blindness should be evaluated to determine applicant's capacity to perform essential tasks at night or in dark or low light settings.

(g) Applicants for the position of police or corrections officer must have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others. The applicant must have no average loss greater than 25 decibels (db) at the 500, 1,000, 2,000 and 3,000-Hertz levels in either ear with no single loss in excess of 40 db.

(h) Applicants for the position of parole and probation officer must have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others. The applicant must have no average loss greater than 35 decibels (db) at the 500, 1000, 2000, and 3000 Hertz levels in either ear with no single loss in excess of 45 db.

(i) If amplification device(s) is (are) necessary to meet the criteria in (g) or (h) above, or if applicant cannot meet the above criteria and wishes to pursue application, applicant must:

(A) Obtain a hearing evaluation by a licensed audiologist or otorhinolaryngologist (ear, nose, throat) to determine current hearing aid requirement; and

(B) Achieve a Speech Reception Threshold (SRT) of no greater than 25 db for each ear;

(C) Police, corrections and parole and probation officers must achieve a Speech Discrimination test score of no less than 90% utilizing a standard 50-word presentation at 60 db Hearing Threshold Level (HTL). The Department may require an applicant to have another examination by a licensed audiologist or otorhinolaryngologist (ear, nose, and throat) designated by the Department to verify that the applicant's hearing meets the Board's minimum hearing standard. The verification examination will be at the expense of the applicant or the applicant's employing agency. The equipment utilized for all of these evaluations must be calibrated annually using current ANSI standards.

(D) Hearing amplification devices used to meet the hearing standard must be the type that protects the applicant from further hearing degradation due to amplification of loud sounds.

(j) Applicants for the position of police, corrections, or parole and probation officer must be able to use vocal chords and have significant speaking ability to perform speaking-related essential tasks. For police and corrections officers abnormalities of the nose, throat or mouth must not interfere with the applicant's breathing or proper fitting of gas mask or similar device.

(k) Applicants for the position of police, corrections, or parole and probation officer who have a history of organic cardio-vascular disease or

ADMINISTRATIVE RULES

a finding during the medical examination of organic cardio-vascular disease will necessitate further medical evaluation.

(A) Resting blood pressure must be less than or equal to 140 mmHg systolic and 90 mmHg diastolic on three successive readings.

(B) Applicants must not have a functional and therapeutic cardiac classification greater than the Heart Association's Class A.

(C) Failure to meet guidelines (k), (A) and (B) will require further medical evaluation.

(D) If the applicant has controlled hypertension not exceeding the above standards and is on medication with side effect profiles, which do not interfere with performance of duty, then the condition may not be excludable.

(E) Functional Capacity I patients with cardiac disease may not be excludable, if they have no limitations of physical activity and ordinary physical activity does not cause discomfort and they do not have symptoms of cardiac insufficiency, nor experience angina pain.

(F) Therapeutic Classification A patients with cardiac disease, whose physical activity is restricted, should be evaluated thoroughly.

(G) If further medical examination is required under (K), it will be at the expense of the applicant or hiring authority.

(I) All law enforcement applicants must submit a current-version DPSST Medical Examination Report (DPSST Form F2), or a medical report completed by a licensed physician containing at a minimum the information on Form F2 and a signed statement by the examining physician that the applicant does not have any condition, physical, mental, or emotional, which, in his/her opinion, suggests further examination. This Report will be furnished to the examining physician by the hiring agency. The physician must indicate that the applicant is or is not physically able to perform the duties of a law enforcement officer as prescribed by DPSST.

(m) A copy of the Medical Examination Report must be sent to the Department prior to acceptance into a basic course, or any course where such report is required by the Department.

(n) The Department may require an applicant offered conditional employment to take a subsequent examination by a licensed physician of the Department's choice at the expense of the applicant or the hiring authority.

(o) The Board may waive any physical requirement where, in its judgment, the waiver would not be detrimental to the performance of an officer's duties, including the protection of the public and the safety of co-workers. The applicant may be required to demonstrate the ability to perform the essential functions of the job.

(p) A person or department head requesting a waiver of any physical requirement set forth in section (8) of this rule shall submit the request to the Department in writing, accompanied by supporting documents or pertinent testimony which would justify the action requested. The supporting documents must include information pertinent to the waiver request. The Board or Department may require additional documentation or testimony by the person or department head requesting the waiver if clarification is needed. Any expense associated with providing documentation or testimony will be borne by the person requesting the waiver or the requesting agency. If the person requesting the waiver does not obtain employment within one (1) year from the date a waiver is granted, the waiver will be considered void.

(A) If the Board grants a waiver, it will be recorded on the certification and any subsequent certification unless removed by the Board upon proof that the condition prompting the waiver no longer exists.

(B) If the Board denies a request for a waiver of any physical requirement set forth in section (8) of this rule, the Department will issue Notice and proceed as provided in section (9) of this rule.

(9) Contested Case Hearing Process for denial of waiver.

(a) Initiation of Proceedings: Upon determination that the reason for denial of a waiver is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared.

(b) Contested Case Notice: The "Contested Case Notice" will be prepared in accordance with the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015. The Department will have a copy of the notice served on the public safety professional or individual.

(c) Response Time: A party who has been served with a "Contested Case Notice" has 60 days from the date of mailing or personal service of the notice in which to file with the Department a written request for a hearing.

(d) Default Order: If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying the requested waiver.

(e) Hearing Request: When a request for a hearing is received in a timely manner, the Department will refer the matter to the Office of Administrative Hearings.

(f) Proposed Order: The assigned Administrative Law Judge will prepare Findings of Fact, Conclusions of Law and Proposed Final Order and serve a copy on the Department and on each party.

(g) Exceptions and Arguments: A party must file specific written exceptions and arguments with the Department no later than 14 days from date of service of the Findings of Fact, Conclusions of Law, and Proposed Final Order.

(A) The Department may extend the time within which the exceptions and arguments must be filed upon a showing of good cause.

(B) When the exceptions and arguments are filed, the party making the exceptions and arguments must serve a copy on all parties of record in the case and provide the Department with proof of service. A failure to serve copies and provide proof of service will invalidate the filing of exceptions and arguments as being untimely, and the Department may disregard the filing in making a final determination of the case.

(h) Final Order: The Department will issue a final order if a public safety professional or individual fails to file exceptions and arguments in a timely manner.

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

Stat. Auth.: ORS 181.640, 181.644, 183.341

Stats. Implemented: ORS 181.640, 181.644, 183.341

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; PS 1-1987, f. & ef. 10-26-87; Renumbered from 259-010-0015, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1996, f. 5-15-96, cert. ef. 5-20-96; PS 4-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 1-1999, f. & cert. ef. 3-9-99; BPSST 9-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 3-2001, f. & cert. ef. 8-22-01; BPSST 12-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; BPSST 5-2002(Temp), f. 4-3-02, cert. ef. 4-6-02 thru 8-1-02; BPSST 16-2002, f. & cert. ef. 7-5-2002; BPSST 20-2002, f. & cert. ef. 11-21-02; DPSST 3-2003, f. & cert. ef. 1-22-03; DPSST 6-2003, f. & cert. ef. 4-11-03; DPSST 8-2003, f. & cert. ef. 4-18-03; DPSST 14-2003, f. & cert. ef. 12-22-03; DPSST 3-2006, f. & cert. ef. 2-28-06; DPSST 12-2006, f. & cert. ef. 10-13-06; DPSST 10-2007, f. & cert. ef. 10-15-07; DPSST 13-2007(Temp), f. & cert. ef. 11-1-07 thru 4-18-08; DPSST 1-2008(Temp), f. & cert. ef. 1-15-08 thru 4-18-08; DPSST 4-2008, f. & cert. ef. 4-15-08; DPSST 21-2008, f. 12-15-08, cert. ef. 1-1-09; DPSST 10-2009, f. & cert. ef. 9-21-09; DPSST 9-2011, f. & cert. ef. 6-28-11; DPSST 14-2011, f. 9-26-11, cert. ef. 10-1-11; DPSST 18-2012, f. & cert. ef. 8-27-12

259-013-0220

Individuals Subject to Criminal Records Checks

The Department may require the fingerprints of:

- (1) A fire service professional;
- (2) A public safety professional or instructor;
- (3) A private security professional;
- (4) A private investigator;
- (5) A polygraph intern or general license applicant;
- (6) A candidate for election to the office of Sheriff.

Stat. Auth.: ORS 181.534, 181.612 & 206.015

Stats. Implemented: ORS 181.612

Hist.: DPSST 17-2008, f. & cert. ef. 10-15-08; DPSST 18-2012, f. & cert. ef. 8-27-12

259-013-0230

Criminal Records Check Required

(1) Who Conducts Check.

(a) The Department may request that the Department of State Police conduct a criminal records check on an individual. If a nationwide criminal records check of an individual is necessary, the Department may request that the Department of State Police conduct the check, including fingerprint identification, through the Federal Bureau of Investigation.

(b) The Department may conduct criminal records checks on individuals through the Law Enforcement Data System maintained by the Department of State Police in accordance with the adopted rules, and established procedures, of the Department of State Police.

(2) When Check is Required (New Checks and Re-checks). An individual is required to have a check in the following circumstances:

(a) When a public safety professional applies for, or is employed by, a law enforcement agency, the public safety professional or applicant must submit to a criminal records check as required by OAR 259-008-0010.

(b) When a person applies for a license to conduct polygraphs, the polygrapher, or applicant, must submit to a criminal records check as required by the provisions of OAR 259-0020-0010 or 259-0020-0015.

(c) When a person is elected or appointed to the Office of Sheriff, the applicant must submit to a criminal records check as required by the provisions of OAR 259-008-0075.

(d) When a person applies for a private security certificate or license, the applicant must submit to a criminal records check as required by the provisions of OAR 259-060-0120.

ADMINISTRATIVE RULES

(e) When a person applies for a private investigator license, the applicant must submit to a criminal records check as required by the provisions of OAR 259-061-0070.

(f) When a person is an instructor for the Department who is not certified as a public safety professional.

(g) When a check is required by federal or state laws or regulations, other rules adopted by the Department, or by contract or written agreement with the Department.

Stat. Auth.: ORS 181.534 & 181.612

Stats. Implemented: ORS 181.612

Hist.: DPSST 17-2008, f. & cert. ef. 10-15-08; DPSST 18-2012, f. & cert. ef. 8-27-12

Rule Caption: Update contested case proceedings; Remove ORS 167.54 from mandatory disqualifying list of crimes.

Adm. Order No.: DPSST 19-2012

Filed with Sec. of State: 8-31-2012

Certified to be Effective: 8-31-12

Notice Publication Date: 6-1-2012

Rules Amended: 259-008-0010, 259-008-0011, 259-008-0070, 259-009-0070

Subject: The Attorney General's Model Rules of Procedure were updated effective January 1, 2012. All Department of Public Safety Standards and Training rules containing references to the contested case proceedings are updated to reflect these changes. Also, specific rule number citations are replaced with a general reference to "the applicable provisions of the Administrative Procedures Act," per Department of Justice advice.

HB 3323, passed during the 2011 legislative session, repeals the crime of Furnishing Sexually Explicit Material to a Minor (ORS 167.54). The crime is removed from the mandatory disqualifying list of crimes found in OAR 259-008-0070.

Rules Coordinator: Lindsay Hale—(503) 378-2431

259-008-0010

Minimum Standards for Employment as a Law Enforcement Officer

(1) Citizenship.

(a) A person may not be employed as a corrections officer for more than one year unless the person is a citizen of the United States.

(b) A person may not be employed as a police or parole and probation officer for more than 18 months unless the person is a citizen of the United States.

(2) Age. No law enforcement unit in this state may employ any person under the age of 21 years as a police officer, corrections officer or parole and probation officer.

(3) Fingerprints. On or within 90 days prior to the date of employment, each police, corrections, or parole and probation officer must be fingerprinted on standard applicant fingerprint cards. The hiring agency is responsible for fingerprinting and must forward two (2) cards to the Oregon State Police Identification Services Section for processing and assignment of identification number.

(a) Applicant's fingerprints will be retained and kept on file with the Oregon State Police Identification Services Section.

(b) The Oregon State Police Identification Services Section will notify the Department and the employing agency of any criminal record disclosed through processing the applicant's fingerprint card.

(c) If any procedural change is made by either the Federal Bureau of Investigation or the Oregon State Police Identification Services Section the Department must comply with the most current requirements.

(d) If the fingerprint clearance has not been obtained prior to submission of the application for certification, a criminal history affidavit provided by the Department must be completed and returned to the Department by the applicant pending fingerprint clearance.

(4) Criminal Records. No police, corrections, or parole and probation officer may have been convicted:

(a) In this state or any other jurisdiction, of a crime designated under the law where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one (1) year may be imposed;

(b) Of violating any law involving the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug;

(c) In this state of violating any law subject to denial or revocation as identified in OAR 259-008-0070 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction.

(5) Notification of Conviction:

(a) A law enforcement officer or instructor who is convicted of a crime, as identified in OAR 259-008-0070, while employed by a public or private safety agency must notify the agency head within 72 hours of the conviction.

(b) When an agency receives notification of a conviction from its employee, or another source, they must notify the Department within five (5) business days. The notification to the Department must be in writing and include the specific charges of the conviction, the county and state where the conviction occurred, the investigating agency and the date of the conviction.

(6) Moral Fitness (Professional Fitness). All law enforcement officers must be of good moral fitness. For purposes of this standard, lack of good moral fitness includes, but is not limited to:

(a) Mandatory disqualifying misconduct as described in OAR 259-008-0070(3); or

(b) Discretionary disqualifying misconduct as described in OAR 259-008-0070(4).

(7) Education:

(a) Applicants for the position of a law enforcement officer will be required to furnish documentary evidence of one of the following:

(A) High School diploma;

(B) Successful completion of the General Educational Development (GED) Test; or

(C) A four-year, post-secondary degree issued by an accredited, degree-granting college or university recognized by the Oregon Office of Degree Authorization under the provisions of ORS 348.604.

(i) For the purpose of determining high school graduation level as required by these rules, the applicant must have achieved a score no less than that required by the Oregon Board of Education before issuing an Oregon GED certificate.

(ii) Applicants holding a GED from another state may be required to obtain an Oregon certificate at the discretion of the Department.

(b) Evidence of the above must consist of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted, at the discretion of the Department.

(c) Reading and Writing Standard. Before beginning basic police training, challenging basic police training, or beginning the police career officer development course, each applicant must provide evidence to DPSST that the applicant has attained a minimum of a 12th grade reading and writing level in the English language.

(A) The hiring agency is responsible for ensuring a Department-approved reading and writing test has been administered. The hiring agency must forward the results of the test to the Department on a Form F-5 (Application for Training) prior to the applicant being admitted to basic police training.

(B) Individuals submitting transcripts verifying that they possess at least a four-year academic degree from an institution recognized by the Department under the provisions of OAR 259-008-0045 are exempt from completing the 12th grade reading/writing test prior to attending a course identified in this section.

(8) Physical Examination. All law enforcement officers and applicants must be examined by a licensed physician or surgeon.

(a) The medical examination must be completed not more than 180 days prior to initial offer of employment, nor more than 90 days after initial offer of employment, and must conform to applicable standards of the Americans with Disabilities Act (ADA). Title 42 USC 12101.

(b) Individuals who have had a successfully completed physical examination (while at the same employer) and are selected for a certifiable position in a discipline in which the individual is not yet certified must complete and pass a new physical examination.

(c) Except as provided in (e) below, the Department will not require a new physical examination when a law enforcement officer obtains employment, or re-employment, in the same discipline if the officer:

(A) Has had a successfully completed a physical examination, and

(B) Is currently certified; or

(C) Is an officer currently employed full-time in another jurisdiction who has successfully completed a comparable physical examination in that jurisdiction.

(d) Notwithstanding subsection (c), a medical examination may be required by a hiring agency at its discretion.

(e) Notwithstanding subsection (c), any law enforcement officer who is separated from employment for a reason related to a physical inability to perform an essential task of a law enforcement officer must successfully

ADMINISTRATIVE RULES

complete a physical examination prior to obtaining re-employment in a certifiable position.

(f) Police, Corrections, and Parole and Probation applicants must meet the following criteria:

(A) Visual Acuity. Corrected vision must be at least 20/30 (Snellen) in each eye. Due to the demonstrated likelihood of dislodgment or breakage, candidates who are able to wear only glasses with frames must meet an uncorrected standard not worse than 20/100 (Snellen) in each eye. Those candidates who use soft contact lenses (SCLs) must have vision correctable to at least 20/30 in each eye, with no uncorrected standard, provided the employing agency will monitor compliance. Replacement glasses or lenses (as appropriate) must be on the person or readily available at all times during each work shift.

(B) Color Vision. Red or green deficiencies may be acceptable, providing the applicant can read at least nine (9) of the first thirteen (13) plates of the Ishihara Test (24 Plate Edition). Applicants who fail the Ishihara test can meet the color vision standard by demonstrating that they can correctly discriminate colors via a field test conducted by the employer and approved by DPSST.

(C) Depth Perception. Depth Perception must be sufficient to demonstrate stereopsis adequate to perform the essential tasks of the job. The recommended test is the Random Stereo Test with 60 seconds of arc.

(D) Peripheral Vision. Visual Field Performance must be 140 degrees in the horizontal meridian combined.

(E) Night Blindness. A history of night blindness should be evaluated to determine applicant's capacity to perform essential tasks at night or in dark or low light settings.

(g) Applicants for the position of police or corrections officer must have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others. The applicant must have no average loss greater than 25 decibels (db) at the 500, 1,000, 2,000 and 3,000-Hertz levels in either ear with no single loss in excess of 40 db.

(h) Applicants for the position of parole and probation officer must have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others. The applicant must have no average loss greater than 35 decibels (db) at the 500, 1000, 2000, and 3000 Hertz levels in either ear with no single loss in excess of 45 db.

(i) If amplification device(s) is (are) necessary to meet the criteria in (g) or (h) above, or if applicant cannot meet the above criteria and wishes to pursue application, applicant must:

(A) Obtain a hearing evaluation by a licensed audiologist or otorhinolaryngologist (ear, nose, throat) to determine current hearing aid requirement; and

(B) Achieve a Speech Reception Threshold (SRT) of no greater than 25 db for each ear;

(C) Police, corrections and parole and probation officers must achieve a Speech Discrimination test score of no less than 90% utilizing a standard 50-word presentation at 60 db Hearing Threshold Level (HTL). The Department may require an applicant to have another examination by a licensed audiologist or otorhinolaryngologist (ear, nose, and throat) designated by the Department to verify that the applicant's hearing meets the Board's minimum hearing standard. The verification examination will be at the expense of the applicant or the applicant's employing agency. The equipment utilized for all of these evaluations must be calibrated annually using current ANSI standards.

(D) Hearing amplification devices used to meet the hearing standard must be the type that protects the applicant from further hearing degradation due to amplification of loud sounds.

(j) Applicants for the position of police, corrections, or parole and probation officer must be able to use vocal chords and have significant speaking ability to perform speaking-related essential tasks. For police and corrections officers abnormalities of the nose, throat or mouth must not interfere with the applicant's breathing or proper fitting of gas mask or similar device.

(k) Applicants for the position of police, corrections, or parole and probation officer who have a history of organic cardio-vascular disease or a finding during the medical examination of organic cardio-vascular disease will necessitate further medical evaluation.

(A) Resting blood pressure must be less than or equal to 140 mmHg systolic and 90 mmHg diastolic on three successive readings.

(B) Applicants must not have a functional and therapeutic cardiac classification greater than the Heart Association's Class A.

(C) Failure to meet guidelines (k), (A) and (B) will require further medical evaluation.

(D) If the applicant has controlled hypertension not exceeding the above standards and is on medication with side effect profiles, which do not interfere with performance of duty, then the condition may not be excludable.

(E) Functional Capacity I patients with cardiac disease may not be excludable, if they have no limitations of physical activity and ordinary physical activity does not cause discomfort and they do not have symptoms of cardiac insufficiency, nor experience angina pain.

(F) Therapeutic Classification A patients with cardiac disease, whose physical activity is restricted, should be evaluated thoroughly.

(G) If further medical examination is required under (k), it will be at the expense of the applicant or hiring authority.

(I) All law enforcement applicants must submit a current-version DPSST Medical Examination Report (DPSST Form F2), or a medical report completed by a licensed physician containing at a minimum the information on Form F2 and a signed statement by the examining physician that the applicant does not have any condition, physical, mental, or emotional, which, in his/her opinion, suggests further examination. This Report will be furnished to the examining physician by the hiring agency. The physician must indicate that the applicant is or is not physically able to perform the duties of a law enforcement officer as prescribed by DPSST.

(m) A copy of the Medical Examination Report must be sent to the Department prior to acceptance into a basic course, or any course where such report is required by the Department.

(n) The Department may require an applicant offered conditional employment to take a subsequent examination by a licensed physician of the Department's choice at the expense of the applicant or the hiring authority.

(o) The Board may waive any physical requirement where, in its judgment, the waiver would not be detrimental to the performance of an officer's duties, including the protection of the public and the safety of co-workers. The applicant may be required to demonstrate the ability to perform the essential functions of the job.

(p) A person or department head requesting a waiver of any physical requirement set forth in section (8) of this rule shall submit the request to the Department in writing, accompanied by supporting documents or pertinent testimony which would justify the action requested. The supporting documents must include information pertinent to the waiver request. The Board or Department may require additional documentation or testimony by the person or department head requesting the waiver if clarification is needed. Any expense associated with providing documentation or testimony will be borne by the person requesting the waiver or the requesting agency. If the person requesting the waiver does not obtain employment within one (1) year from the date a waiver is granted, the waiver will be considered void.

(A) If the Board grants a waiver, it will be recorded on the certification and any subsequent certification unless removed by the Board upon proof that the condition prompting the waiver no longer exists.

(B) If the Board denies a request for a waiver of any physical requirement set forth in section (8) of this rule, the Department will issue Notice and proceed as provided in section (9) of this rule.

(9) Contested Case Hearing Process for Denial of Waiver.

(a) Initiation of Proceedings: Upon determination that the reason for denial of a waiver is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared.

(b) Contested Case Notice: All contested case notice will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

(c) Response Time: A party who has been served with a "Contested Case Notice of Intent to Deny a Waiver" has 60 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(d) Default Order: If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying the requested waiver pursuant to OAR 137-003-00672.

(e) Hearing Request: If a timely request for a hearing is received, the Department will refer the matter to the Office of Administrative Hearings in accordance with OAR 137-003-0515.

(f) Proposed and Final Orders: In cases in which a hearing was requested, proposed orders, exceptions, and final orders will be issued pursuant to the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

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

Stat. Auth.: ORS 181.640, 181.644 & 183.341

Stats. Implemented: ORS 181.640, 181.644 & 183.341

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; PS 1-1987, f. & ef. 10-26-87; Renumbered from 259-

ADMINISTRATIVE RULES

010-0015, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1996, f. 5-15-96, cert. ef. 5-20-96; PS 4-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 1-1999, f. & cert. ef. 3-9-99; BPSST 9-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 3-2001, f. & cert. ef. 8-22-01; BPSST 12-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; BPSST 5-2002(Temp), f. 4-3-02, cert. ef. 4-6-02 thru 8-1-02; BPSST 16-2002, f. & cert. ef. 7-5-2002; BPSST 20-2002, f. & cert. ef. 11-21-02; DPSST 3-2003, f. & cert. ef. 1-22-03; DPSST 6-2003, f. & cert. ef. 4-11-03; DPSST 8-2003, f. & cert. ef. 4-18-03; DPSST 14-2003, f. & cert. ef. 12-22-03; DPSST 3-2006, f. & cert. ef. 2-28-06; DPSST 12-2006, f. & cert. ef. 10-13-06; DPSST 10-2007, f. & cert. ef. 10-15-07; DPSST 13-2007(Temp), f. & cert. ef. 11-1-07 thru 4-18-08; DPSST 1-2008(Temp), f. & cert. ef. 1-15-08 thru 4-18-08; DPSST 4-2008, f. & cert. ef. 4-15-08; DPSST 21-2008, f. 12-15-08, cert. ef. 1-1-09; DPSST 10-2009, f. & cert. ef. 9-21-09; DPSST 9-2011, f. & cert. ef. 6-28-11; DPSST 14-2011, f. 9-26-11, cert. ef. 10-1-11; DPSST 18-2012, f. & cert. ef. 8-27-12; DPSST 19-2012, f. & cert. ef. 8-31-12

259-008-0011

Minimum Standards for Employment as a Telecommunicator and Emergency Medical Dispatcher

(1) Fingerprints. On or before the date of employment, each telecommunicator and emergency medical dispatcher must be fingerprinted on standard applicant fingerprint cards.

(a) The hiring agency, if a public agency, is responsible for fingerprinting and will forward two (2) cards to the Oregon State Police Identification Services Section for processing and assignment of identification number.

(b) If the hiring agency is a private agency it is responsible for fingerprinting and will forward two (2) cards to the Department along with the appropriate fee.

(A) Applicant's fingerprints will be retained and kept on file with the Oregon State Police Identification Services Section.

(B) The Oregon State Police Identification Services Section will notify the Department and the employing agency of any criminal record disclosed through processing the applicant's fingerprint card.

(C) If any procedural change is made by either the Federal Bureau of Investigation or the Oregon State Police Identification Services Section, the Department will comply with the most current requirements.

(D) If the fingerprint clearance has not been obtained prior to submission of the application for certification, a criminal history affidavit provided by the Department will be completed and returned to the Department by the applicant pending fingerprint clearance.

(2) Criminal Records. No telecommunicator or emergency medical dispatcher will have been convicted:

(a) In this state or any other jurisdiction, of a crime designated under the law where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one (1) year may be imposed;

(b) Of violating any law involving the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug;

(c) In this state of violating any law subject to denial or revocation as identified in OAR 259-008-0070 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction.

(3) Notification of Conviction:

(a) A telecommunicator or emergency medical dispatcher who is convicted of a crime as identified in OAR 259-008-0070 while employed by a public or private public safety agency must notify the agency head within 72 hours of conviction.

(b) When an agency receives notification of a conviction from its employee or another source, they must notify the Department within five (5) business days. The notification to the Department must be in writing and include the specific charges of the conviction, the county and state where the conviction occurred, the investigating agency and the date of conviction.

(4) Moral Fitness (Professional Fitness). All telecommunicators and emergency medical dispatchers must be of good moral fitness. For purposes of this standard, lack of good moral fitness includes, but is not limited to:

(a) Mandatory disqualifying misconduct as described in OAR 259-008-0070(3); or

(b) Discretionary disqualifying misconduct as described in OAR 259-008-0070(4).

(5) Education:

(a) Applicants for the position of a telecommunicator or emergency medical dispatcher will be required to furnish documentary evidence of one of the following:

(A) High School diploma;

(B) Successful completion of the General Educational Development (GED) Test; or

(C) A four-year, post-secondary degree issued by a degree-granting college or university accredited by a recognized national or regional accrediting body, or recognized by the Oregon Office of Degree Authorization under the provisions of ORS 348.604.

(i) For the purpose of determining high school graduation level as required by these rules, the applicant must have achieved a score no less than that required by the Oregon Board of Education before issuing an Oregon GED certificate.

(ii) Applicants holding a GED from another state may be required to obtain an Oregon certificate at the discretion of the Department.

(b) Evidence of the above must consist of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted, at the discretion of the Department.

(6) Reading Standard. Before beginning basic telecommunicator or Emergency Medical Dispatcher (EMD) training or challenging basic telecommunicator training, each applicant must provide evidence to DPSST that the applicant has attained a minimum of a 12th grade reading level in the English language.

(a) The hiring agency is responsible for ensuring a Department-approved reading test has been administered. The hiring agency must forward the results of the test to the Department on a Form F-5 (Application for Training) prior to the applicant being admitted to basic telecommunicator or EMD training.

(b) Individuals submitting transcripts verifying that they possess at least a four-year academic degree from an institution recognized by DPSST under the provisions of OAR 259-008-0045 are exempt from completing the 12th grade reading test prior to attending a course identified in this section.

(7) Physical Examination. All Telecommunicators and Emergency Medical Dispatcher applicants must be examined by a licensed health professional.

(a) The medical examination must be completed not more than 180 days prior to initial offer of employment, and not more than 90 days after the initial offer of employment.

(b) The examination must conform to applicable standards of the Americans with Disabilities Act (ADA), Title 42 USC 12101.

(c) Individuals who have successfully completed a physical examination (while at the same employer) and are selected for a certifiable position in a discipline in which the individual is not yet certified must complete and pass a new physical examination.

(d) The Department will not require a new physical examination when a Telecommunicator or Emergency Medical Dispatcher obtains employment or re-employment in the same discipline if the Telecommunicator or Emergency Medical Dispatcher:

(A) Has had a successfully completed a physical examination, and

(B) Is currently certified; or

(C) Is currently employed full-time in another jurisdiction and has successfully completed a comparable physical examination in that jurisdiction.

(e) Notwithstanding subsection (d), a medical examination may be required by a hiring agency at its discretion.

(f) Telecommunicator and Emergency Medical Dispatcher applicants must meet the following criteria:

(A) Visual Acuity. Corrected vision must be at least 20/30 (Snellen) when tested using both eyes together.

(B) Color Vision. Red or green deficiencies may be acceptable, providing the applicant can read at least nine (9) of the first thirteen (13) plates of the Ishihara Test (24 Plate Edition). Applicants who fail the Ishihara test can meet the color vision standard by demonstrating that they can correctly discriminate colors via a field test conducted by the employer and approved by DPSST. The results of the field test and the methods for testing must be maintained by the employing agency.

(i) Any employing agency that conducts a field test to meet the color vision standard must also complete a Department approved affidavit attesting that the applicant can either correctly discriminate colors or is able to successfully perform the required tasks of a Telecommunicator or Emergency Medical Dispatcher, notwithstanding the applicant's inability to correctly discriminate colors.

(ii) Any affidavit required by (i), that the Department receives and accepts, is non-transferable to any subsequent employer and may not be used by any other entity for certification purposes.

(iii) Notwithstanding subsection (d) of this rule, each employer must complete an agency-specific field test and a Department approved affidavit as described in subsection (i) of this section for any Telecommunicator or

ADMINISTRATIVE RULES

Emergency Medical Dispatcher who previously met the color vision standard by completing a field test.

(C) Peripheral Vision. Visual Field Performance must be 120 degrees in the horizontal meridian combined.

(g) Applicants for the position of Telecommunicator or Emergency Medical Dispatcher must have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others.

(A) The applicant must meet National Emergency Number Association (NENA) hearing standard 54-002 (June 10, 2006).

(B) If the applicant cannot meet the identified hearing standard without correction, the applicant may utilize hearing amplification devices to meet the hearing standard. The Department may require an applicant to have another examination by a licensed audiologist or otorhinolaryngologist (ear, nose, throat) designated by the Department to verify that the applicant's corrected hearing meets the Board's minimum hearing standard.

(h) Applicants for the position of Telecommunicator or Emergency Medical Dispatcher must be able to use vocal cords and exhibit normal speech patterns, sufficient to perform speaking-related essential tasks.

(8) If further medical examination is required, it will be at the expense of the applicant or the hiring authority.

(9) All Telecommunicator and Emergency Medical Dispatcher applicants must submit a current-version Medical Examination Report for Telecommunicators and Emergency Medical Dispatchers (DPSST Form F-2T) or a signed medical report completed by a licensed health professional identified by the Department containing, at a minimum, the information on Form F-2T prior to the acceptance into a basic course or any course where such a report is required by the Department. The Form F-2T will be furnished to the examining health professional by the hiring agency.

(10) The Department may require an applicant offered conditional employment to take a subsequent examination by a licensed physician of the Department's choice at the expense of the applicant or the hiring authority.

(11) The Board may waive any physical requirement where, in its judgment, the waiver would not be detrimental to the performance of a Telecommunicator or Emergency Medical Dispatcher's duties. The applicant may be required to demonstrate the ability to perform the essential functions of the job.

(12) A person or department head requesting a waiver of any physical requirement set forth in section (11) of this rule must submit the request to the Department in writing, accompanied by supporting documents or pertinent testimony which would justify the action requested. The supporting documents must include information pertinent to the waiver request.

(a) The Board or Department may require additional documentation or testimony by the person or department head requesting the waiver if clarification is needed.

(b) Any expense associated with providing documentation or testimony will be borne by the person requesting the waiver or the requesting agency.

(c) If the person requesting the waiver does not obtain employment within one (1) year from the date a waiver is granted, the waiver will be considered void.

(d) If the Board grants a waiver, it will be recorded on the certification and any subsequent certification unless removed by the Board upon proof that the condition prompting the waiver no longer exists.

(e) If the Board denies a request for a waiver of any physical requirement set forth in section (7) of this rule, the Department will issue Notice and proceed as provided in section (13) of this rule.

(13) Contested Case Hearing Process for Denial of Waiver.

(a) Initiation of Proceedings: Upon determination that the reason for denial of a waiver is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared.

(b) Contested Case Notice: All contested case notice will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

(c) Response Time: A party who has been served with a "Contested Case Notice of Intent to Deny a Waiver" has 60 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(d) Default Order: If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying the requested waiver pursuant to OAR 137-003-0672.

(e) Hearing Request: If a timely request for a hearing is received, the Department will refer the matter to the Office of Administrative Hearings in accordance with OAR 137-003-0515.

(f) Proposed and Final Orders: In cases in which a hearing was requested, proposed orders, exceptions, and final orders will be issued pursuant to the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

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

Stat. Auth.: ORS 181.640, 181.644 & 183.341

Stats. Implemented: ORS 181.640, 181.644 & 183.341

Hist.: BPSST 1-2002, f. & cert. ef. 2-6-02; DPSST 1-2004, f. 1-16-04, cert. ef. 1-20-04; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 3-2007, f. & cert. ef. 1-12-07; DPSST 10-2007, f. & cert. ef. 10-15-07; DPSST 5-2008, f. & cert. ef. 4-15-08; DPSST 21-2008, f. 12-15-08, cert. ef. 1-1-09; DPSST 6-2009, f. & cert. ef. 7-13-09; DPSST 9-2010(Temp), f. & cert. ef. 10-15-10 thru 4-12-11; DPSST 13-2010, f. & cert. ef. 12-23-10; DPSST 9-2011, f. & cert. ef. 6-28-11; DPSST 14-2011, f. 9-26-11, cert. ef. 10-1-11; DPSST 5-2012, f. & cert. ef. 3-26-12; DPSST 19-2012, f. & cert. ef. 8-31-12

259-008-0070

Denial/Revocation

(1) It is the responsibility of the Board to set the standards, and of the Department to uphold them, to insure the highest levels of professionalism and discipline. These standards shall be upheld at all times unless the Board determines that neither the safety of the public or respect of the profession is compromised.

Definitions

(2) For purposes of this rule, the following definitions apply:

(a) "Denial" or "Deny" means the refusal to grant a certification for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in (9) of this rule.

(b) "Discretionary Disqualifying Misconduct" means misconduct identified in OAR 259-008-0070(4).

(c) "Revocation" or "Revoke" means to withdraw the certification of a public safety professional or instructor for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in section (9) of this rule.

Grounds for Mandatory Denial or Revocation of Certification

(3) Mandatory Grounds for Denying or Revoking Certification of a Public Safety Professional or Instructor:

(a) The Department must deny or revoke the certification of any public safety professional or instructor after written notice and hearing, based upon a finding that:

(A) The public safety professional or instructor has been discharged for cause from employment as a public safety professional or instructor. For purposes of this rule, "discharged for cause," means an employer-initiated termination of employment for any of the following reasons after a final determination has been made. If, after service by the Department of a Notice of Intent to Deny or Revoke Certifications (NOI), the public safety professional or instructor provides notice to the Department within the time stated in the NOI that the discharge has not become final, then the Department may stay further action pending a final determination.

(i) Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification; (Comment: Conduct underlying the mandatory disqualifying misdemeanors involving these elements in Subsection (D) and the Category I offenses in section (4), is illustrative of the types of conduct falling within this definition. However, misconduct need not have resulted in a criminal conviction.)

(ii) Disregard for the Rights of Others: Includes violating the constitutional or civil rights of others, conduct demonstrating a disregard for the principles of fairness, respect for the rights of others, protecting vulnerable persons, and the fundamental duty to protect and serve the public. (Comment: Conduct underlying the Category II offenses identified in section (4) is illustrative of the types of conduct falling within this definition. However, misconduct need not have resulted in a criminal conviction.)

(iii) Gross Misconduct: means an act or failure to act that creates a danger or risk to persons, property, or to the efficient operation of the agency, recognizable as a gross deviation from the standard of care that a reasonable public safety professional or instructor would observe in a similar circumstance; (Comment: Conduct underlying the Category IV offenses identified in section (4) is illustrative of the types of conduct falling within this definition. However, misconduct need not have resulted in a criminal conviction.)

(iv) Incompetence: means a demonstrated lack of ability to perform the essential tasks of a public safety professional or instructor that remedial measures have been unable to correct.

(v) Misuse of Authority: Includes abuse of public trust, abuse of authority to obtain a benefit, avoid a detriment, or harm another, and abuse under the color of office. (Comment: Conduct underlying the Category III offenses identified in section (4) is illustrative of the types of conduct falling within this definition. However, misconduct need not have resulted in a criminal conviction.)

ADMINISTRATIVE RULES

(B) The public safety professional or instructor has been convicted in this state or any other jurisdiction of a crime designated under the law where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one year may be imposed;

(C) The public safety professional or instructor has been convicted of violating any law of this state or any other jurisdiction involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug except the Department may deny certification for a conviction of possession of less than one ounce of marijuana, which occurred prior to certification; or

(D) The public safety professional or instructor has been convicted in this state of any of the following offenses, or of their statutory counterpart(s) in any other jurisdiction, designated under the law where the conviction occurred as being punishable as a crime:

162.075 (False swearing);
162.085 (Unsworn falsification);
162.145 (Escape in the third degree);
162.175 (Unauthorized departure);
162.195 (Failure to appear in the second degree);
162.235 (Obstructing governmental or judicial administration);
162.247 (Interfering with a peace officer);
162.257 (Interfering with a firefighter or emergency medical technician);
162.295 (Tampering with physical evidence);
162.305 (Tampering with public records);
162.315 (Resisting arrest);
162.335 (Compounding);
162.365 (Criminal impersonation);
162.369 (Possession of false law enforcement identification);
162.375 (Initiating a false report);
162.385 (Giving false information to a peace officer for a citation or arrest warrant);
162.415 (Official misconduct in the first degree);
163.200 (Criminal mistreatment in the second degree);
163.454 (Custodial sexual misconduct in the second degree);
163.687 (Encouraging child sexual abuse in the third degree);
163.732 (Stalking);
164.045 (Theft in the second degree);
164.085 (Theft by deception);
164.095 (Theft by receiving);
164.125 (Theft of services);
164.235 (Possession of a burglary tool or theft device);
164.877 (Unlawful tree spiking; unlawful possession of substance that can damage certain wood processing equipment);
165.007 (Forgery in the second degree);
165.017 (Criminal possession of a forged instrument in the second degree);
165.037 (Criminal simulation);
165.042 (Fraudulently obtaining a signature);
165.047 (Unlawfully using slugs);
165.055 (Fraudulent use of a credit card);
165.065 (Negotiating a bad check);
165.080 (Falsifying business records);
165.095 (Misapplication of entrusted property);
165.100 (Issuing a false financial statement);
165.102 (Obtain execution of documents by deception);
165.825 (Sale of drugged horse);
166.065(1)(b) (Harassment);
166.155 (Intimidation in the second degree);
166.270 (Possession of weapons by certain felons);
166.350 (Unlawful possession of armor-piercing ammunition);
166.416 (Providing false information in connection with a transfer of a firearm);
166.418 (Improperly transferring a firearm);
166.470 (Limitations and conditions for sales of firearms);
167.007 (Prostitution);
167.075 (Exhibiting an obscene performance to a minor);
167.080 (Displaying obscene materials to minors);
167.132 (Possession of gambling records in the second degree);
167.147 (Possession of a gambling device);
167.222 (Frequenting a place where controlled substances are used);
167.262 (Adult using minor in commission of controlled substance offense);
167.320 (Animal abuse in the first degree);
167.330 (Animal neglect in the first degree);
167.332 (Prohibition against possession of domestic animal);
167.333 (Sexual assault of animal);
167.337 (Interfering with law enforcement animal);
167.355 (Involvement in animal fighting);
167.370 (Participation in dogfighting);
167.431 (Participation in cockfighting);
167.820 (Concealing the birth of an infant);
475.525 (Sale of drug paraphernalia);
475.840 (Manufacture or deliver a controlled substance);
475.860 (Unlawful delivery of marijuana);
475.864 (Unlawful possession of marijuana);
475.906 (Distribution of controlled substance to minors);
475.910 (Application of controlled substance to the body of another person);
475.912 (Unlawful delivery of imitation controlled substance);
475.914 (Unlawful acts, registrant delivering or dispensing controlled substance);
475.916 (Prohibited acts involving records and fraud);
475.918 (Falsifying drug test results);
475.920 (Providing drug test falsification equipment);
475.950 (Failure to report precursor substances transaction);
475.955 (Failure to report missing precursor substances);
475.960 (Illegally selling drug equipment);
475.965 (Providing false information on precursor substances report or record);

475.969 (Unlawful possession of phosphorus);
475.971 (Unlawful possession of anhydrous ammonia);
475.973 (Unlawful possession of ephedrine, pseudoephedrine or phenylpropanolamine; unlawful distribution);
475.975 (Unlawful possession of iodine in its elemental form);
475.976 (Unlawful possession of iodine matrix);
807.520 (False swearing to receive license);
807.620 (Giving false information to police officer);

Any offense involving any acts of domestic violence as defined in ORS 135.230.

(b) The Department must take action on a mandatory disqualifying conviction, regardless of when it occurred, unless the Department, or the Board, has previously reviewed the conviction and approved the public safety professional or instructor for certification under a prior set of standards.

Discretionary Disqualifying Misconduct as Grounds for Denying or Revoking Certification

(4) Discretionary disqualifying misconduct as Grounds for Denying or Revoking Certification(s) of a Public Safety Professional or Instructor:

(a) The Department may deny or revoke the certification of any public safety professional or instructor, after written notice, and a hearing, if requested, based upon a finding that:

(A) The public safety professional or instructor falsified any information submitted on the application for certification or on any documents submitted to the Board or Department;

(B) The public safety professional or instructor fails to meet the applicable minimum standards, minimum training or the terms and conditions established under ORS 181.640;

(C) The public safety professional or instructor has been convicted of an offense, punishable as a crime, other than a mandatory disqualifying crime listed in section (3) of this rule, in this state or any other jurisdiction. Presumptive categories have been identified for the crimes listed in subsection (4), based solely on the elements of the crime. Other categories may apply based on the conduct leading to the conviction; or

(D) A public safety professional failed to attend at least one session with a mental health professional within six months after the public safety professional was involved in using deadly physical force, as required by ORS 181.789.

(b) For purposes of this rule, discretionary disqualifying misconduct includes misconduct falling within the following categories:

(A) Category I: Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification; (Comment: Conduct underlying the mandatory disqualifying misdemeanors involving these elements in Subsection (D) and the Category I offenses in section (4), is illustrative of the types of conduct falling within this definition. However, misconduct need not have resulted in a criminal conviction.)

(B) Category II: Disregard for the Rights of Others: Includes violating the constitutional or civil rights of others, and conduct demonstrating a disregard for the principles of fairness, respect for the rights of others, protecting vulnerable persons, and the fundamental duty to protect and serve the public. (Comment: Conduct underlying the Category II offenses identified in section (4) is illustrative of the types of conduct falling within this definition. However, misconduct need not have resulted in criminal conviction.)

(C) Category III: Misuse of Authority: Includes abuse of public trust, obtaining a benefit, avoidance of detriment, or harming another, and abuses under the color of office. (Comment: Conduct underlying the Category III offenses identified in section (4) is illustrative of the types of conduct falling within this definition. However, misconduct need not have resulted in a criminal conviction.)

(D) Category IV: Gross Misconduct: Means an act or failure to act that creates a danger or risk to persons, property, or to the efficient operation of the agency, recognizable as a gross deviation from the standard of care that a reasonable public safety professional or instructor would observe in a similar circumstance; (Comment: Conduct underlying the Category IV offenses identified in section (4) is illustrative of the types of conduct falling within this definition. However, misconduct need not have resulted in a criminal conviction.)

(E) Category V: Misconduct: Misconduct includes conduct that violates the law, practices or standards generally followed in the Oregon public safety profession. NOTE: It is the intent of this rule that "Contempt of Court" meets the definition of Misconduct within this category; (Comment: Conduct underlying the Category V offenses identified in section (4) is illustrative of the types of conduct falling within this definition. However, misconduct need not have resulted in a criminal conviction.) or

ADMINISTRATIVE RULES

(F) Category VI: Insubordination: Includes a refusal by a public safety professional or instructor to comply with a rule or order, where the order was reasonably related to the orderly, efficient, or safe operation of the agency, and where the public safety professional's or instructor's refusal to comply with the rule or order constitutes a substantial breach of that person's duties. (Note: There are no category VI crimes.)

(c) For discretionary disqualifying misconduct, the applicable category will be determined based on the facts of each case. Discretionary disqualifying misconduct under (a)(C) includes, but is not limited to, the following list, which identifies the applicable category for each listed discretionary offense, based on the elements of the crime:

97.931 (Registration of Salesperson for Endowment Care Cemeteries, Pre-construction Sales and Prerangement Sales) — Category V;
97.933 (Certification of Provider of Prerangement or Preconstruction) — Category V;
97.937 (Deposit of Trust Funds made by Endowment Care Cemeteries) — Category V;
97.941 (Prerangement or Preconstruction Trust Fund Deposits) — Category V;
97.990(4) (Maintaining a Nuisance) — Category V;
162.405 (Official Misconduct in the Second Degree) — Category III;
162.425 (Misuse of Confidential Information) — Category III;
162.455 (Interfering with Legislative Operations) — Category V;
162.465 (Unlawful Legislative Lobbying) — Category I;
163.160 (Assault in the Fourth Degree) — Category II;
163.187 (Strangulation) — Category II;
163.190 (Menacing) — Category II;
163.195 (Recklessly Endangering Another Person) — Category IV;
163.212 (Unlawful Use of Stun Gun, Tear Gas or Mace in the Second Degree) — Category IV;
163.415 (Sexual Abuse in the Third Degree) — Category II;
163.435 (Contributing to the Sexual Delinquency of a Minor) — Category II;
163.445 (Sexual Misconduct) — Category II;
163.465 (Public Indecency) — Category II;
163.467 (Private Indecency) — Category II;
163.545 (Child Neglect in the Second Degree) — Category IV;
163.693 (Failure to Report Child Pornography) — Category IV;
163.575 (Endangering the Welfare of a Minor) — Category III;
163.700 (Invasion of Personal Privacy) — Category II;
163.709 (Unlawful Directing of Light from a Laser Pointer) — Category IV;
164.043 (Theft in the Third Degree) — Category V;
164.132 (Unlawful Distribution of Cable Equipment) — Category V;
164.140 (Criminal Possession of Rented or Leased Personal Property) — Category V;
164.162 (Mail Theft or Receipt of Stolen Mail) — Category I;
164.243 (Criminal Trespass in the Second Degree by a Guest) — Category V;
164.245 (Criminal Trespass in the Second Degree) — Category V;
164.255 (Criminal Trespass in the First Degree) — Category V;
164.265 (Criminal Trespass While in Possession of a Firearm) — Category IV;
164.272 (Unlawful Entry into a Motor Vehicle) — Category V;
164.278 (Criminal Trespass at Sports Event) — Category V;
164.335 (Reckless Burning) — Category IV;
164.345 (Criminal Mischief in the Third Degree) — Category V;
164.354 (Criminal Mischief in the Second Degree) — Category V;
164.373 (Tampering with Cable Television Equipment) — Category V;
164.377 (Computer Crime) — Category V;
164.775 (Deposit of Trash Within 100 Yards of Water) — Category V;
164.785 (Placing Offensive Substances in waters/on highways or property) — Category V;
164.805 (Offensive Littering) — Category V;
164.813 (Unlawful Cutting and Transporting of Special Forest Products) — Category V;
164.815 (Unlawful Transport of Hay) — Category V;
164.825 (Cutting and Transport of Coniferous Trees without Permit/Bill of Sale) — Category V;
164.845 (FTA on Summons for ORS 164.813 or 164.825) — Category V;
164.863 (Unlawful Transport of Meat Animal Carcasses) — Category V;
164.865 (Unlawful Sound Recording) — Category V;
164.875 (Unlawful Video Tape Recording) — Category V;
164.887 (Interference with Agricultural Operations) — Category II;
165.107 (Failing to Maintain a Metal Purchase Record) — Category V;
165.109 (Failing to Maintain a Cedar Purchase Record) — Category V;
165.540 (Obtaining Contents of Communications) — Category V;
165.555 (Unlawful Telephone Solicitation) — Category V;
165.570 (Improper Use of Emergency Reporting System) — Category IV;
165.572 (Interference with Making a Report) — Category II;
165.577 (Cellular Counterfeiting in the Third Degree) — Category I;
165.805 (Misrepresentation of Age by a Minor) — Category I;
166.025 (Disorderly Conduct in the Second Degree) — Category IV;
166.027 (Disorderly Conduct in the First Degree) — Category IV;
166.075 (Abuse of Venerated Objects) — Category II;
166.076 (Abuse of a Memorial to the Dead) — Category II;
166.090 (Telephonic Harassment) — Category II;
166.095 (Misconduct with Emergency Telephone Calls) — Category IV;
166.155 (Intimidation in the Second Degree) — Category II;
166.180 (Negligently Wounding Another) — Category IV;
166.190 (Pointing a Firearm at Another) — Category IV;
166.240 (Carrying a Concealed Weapon) — Category V;
166.250 (Unlawful Possession of a Firearm) — Category V;
166.320 (Setting of a Springgun or Setgun) — Category IV;
166.385 (Possession of Hoax Destructive Device) — Category IV;
166.425 (Unlawful Purchase of Firearm) — Category I;
166.427 (Register of Transfers of Used Firearms) — Category V;
166.480 (Sale or Gift of Explosives to Children) — Category IV;
166.635 (Discharging Weapon or Throwing Object at Trains) — Category IV;
166.638 (Discharging Weapon Across Airport Operational Surfaces) — Category IV;

166.645 (Hunting in Cemeteries) — Category V;
166.649 (Throwing Object off Overpass in the Second Degree) — Category IV;
167.122 (Unlawful Gambling in the Second Degree) — Category V;
167.312 (Research and Animal Interference) — Category II;
167.315 (Animal Abuse in the Second Degree) — Category IV;
167.325 (Animal Neglect in the Second Degree) — Category IV;
167.340 (Animal Abandonment) — Category IV;
167.351 (Trading in Nonambulatory Livestock) — Category V;
167.352 (Interfering with Assistance, Search and Rescue or Therapy Animal) — Category IV;
167.385 (Unauthorized Use of Livestock Animal) — Category II;
167.388 (Interference with Livestock Production) — Category II;
167.390 (Commerce in Fur of Domestic Cats and Dogs) — Category V;
167.502 (Sale of Certain Items at Unused Property Market) — Category V;
167.506 (Record Keeping Requirements) — Category V;
167.808 (Unlawful Possession of Inhalants) — Category IV;
167.810 (Creating a Hazard) — Category IV;
167.822 (Improper Repair Vehicle Inflatable Restraint System) — Category IV;
411.320 (Disclosure and Use of Public Assistance Records) — Category II;
468.922 (Unlawful disposal, storage or treatment of hazardous waste in the second degree) — Category V;
468.929 (Unlawful transport of hazardous waste in the second degree) — Category V;
468.936 (Unlawful Air Pollution in the Second Degree) — Category V;
468.943 (Unlawful Water Pollution in the Second Degree) — Category V;
468.956 (Refusal to Produce Material Subpoenaed by the Commission) — Category V;
471.410 (Providing Liquor to Person under 21 or to Intoxicated Person) — Category IV;
Chapter 496 – 498 (When treated as a misdemeanor crime) — Category based on the elements of the specific crime;
609.341 (Permit Requirement for Keeping of Exotic Animals; Breeding of Animals) — Category V;
609.405 (Requirement for Destroying Dog or Cat) — Category V;
609.505 (Unlawfully Obtaining Dog or Cat) — Category V;
609.520(c) (Animal Dealer Failing to Turn Over Dog or Cat) — Category V;
609.805 (Misrepresentation of Pedigree; Mutilation of Certificate or Proof of Pedigree) — Category I;
609.990(3)(a) (Violation of ORS 609.098 — Maintaining a Dangerous Dog) — Category IV;
717.200 to 717.320 (Any violation) — Category V;
803.225 (Failure to Designate Replica Vehicle in Title or Registration Application) — Category I;
807.430 (Misuse of Identification Card) — Category I;
807.510 (Transfer of documents for the purpose of misrepresentation) — Category I;
807.530 (False Application for License) — Category I;
807.570 (Failure to Carry or Present License) — Category V;
807.580 (Using Invalid License) — Category I;
807.590 (Permitting Misuse of License) — Category I;
807.600 (Using Another's License) — Category I;
811.060 (Vehicular Assault of Bicyclist or Pedestrian) — Category V;
811.140 (Reckless Driving) — Category IV;
811.172 (Improperly Disposing of Human Waste) — Category V;
811.182 (Criminal Driving While Suspended or Revoked) — Category V;
811.231 (Reckless Endangerment of Highway Workers) — Category IV;
811.540 (Fleeing or Attempt to Elude a Police Officer) — Category IV;
811.700 (Failure to Perform Duties of Driver when Property is Damaged) — Category V;
811.740 (False Accident Report) — Category I; and
813.010 (Driving Under the Influence of Intoxicants) — Category IV.
830.035(2) (Fleeing; Attempts to Elude) — Category IV;
830.053 (False or Fraudulent Report of Theft of Boat) — Category I;
830.315(1) (Reckless Operation) — Category IV;
830.325 (Operation a Boat while Under the Influence of Intoxicating Liquor or Controlled Substance) — Category IV;
830.383 (Person Required to Remedy Especially Hazardous Condition) — Category V;
830.460(2) (Prohibited Activities — Operating a Vessel that Fails to Comply with Equipment Requirements) — Category V;
830.460(3) (Prohibited Activities — Operating a Vessel without Liability Protection) — Category V;
830.475(1) (Failure to Perform the Duties of an Operator at Accident) — Category V;
830.730 (False Information) — Category I;
830.909 (Abandoning Boat, Floating Home, or Boathouse) — Category V;
830.955(1) (Prohibition of Installation of Submersible Polystyrene Device) — Category V;
830.992 (Purchase of a Boat or Equipment from which Hull or Component Identification Number Removed) — Category V;
830.994 (Operates a Boat in Violation of a Court Order) — Category;

Initial Periods of Ineligibility

(d) Upon determination to proceed with the denial or revocation of a public safety professional's or instructor's certification based on discretionary disqualifying misconduct identified in subsection (a), an initial minimum period of ineligibility to apply for certification will be determined based upon the category of misconduct (i.e., Dishonesty, Disregard for Rights of Others, Misuse of Authority, Gross Misconduct, Misconduct or Insubordination).

(e) Following review and recommendation by a Policy Committee, the Board will determine the initial minimum period of ineligibility for discretionary disqualifying misconduct identified in subsection (a) from the time frame identified below for each category of discretionary disqualifying misconduct:

(A) Category I: Dishonesty (5 years to Lifetime).

ADMINISTRATIVE RULES

- (B) Category II: Disregard for Rights of Others (5 years to 15 years).
- (C) Category III: Misuse of Authority (5 years to 10 years).
- (D) Category IV: Gross Misconduct (5 years to 10 years).
- (E) Category V: Misconduct (3 years to 7 years).
- (F) Category VI: Insubordination (3 years to 7 years).

Eligibility to Reapply; Ineligibility Periods

(5) A person is not eligible to reapply for training or certification if the person had training or certification denied or revoked for:

- (a) Mandatory grounds identified in section (3) of this rule; or
- (b) Discretionary Disqualifying Misconduct identified in section (4) of this rule that is determined to be a Category I lifetime disqualifier.

(6) Eligibility to reapply for certification:

(a) In determining the initial minimum period of ineligibility within any category for discretionary disqualifying misconduct listed in section (4) of this rule, the Board will take into consideration any mitigating or aggravating factors, subject to the provisions of section (9) of this rule.

(b) The initial minimum period of ineligibility will be included in any Final Order of the Department.

(c) Any subsequent eligibility to apply for certification will be determined by the Board, after Policy Committee review, subject to the provisions of section (11) of this rule.

Guidelines for Denial or Revocation Based on Discretionary Disqualifying Misconduct

(7) In determining whether to take action on a conviction, the Department must use the following guidelines:

(a) In making a decision on a discretionary denial or revocation, the Department will consider the implementation dates relating to new mandatory conviction notification requirements adopted in 2003 and statutory changes dealing with lifetime disqualifier convictions for public safety officers adopted in 2001.

(b) The Department will not take action on a conviction constituting discretionary disqualifying misconduct that occurred prior to January 1, 2001. However, the Department may consider such conviction as evidence that a public safety professional or instructor does not meet the established moral fitness guidelines.

(c) The Department may take action on any conviction constituting discretionary disqualifying misconduct that occurred after January 1, 2001.

(d) The Board may reconsider any mandatory conviction which subsequently becomes a conviction constituting discretionary disqualifying misconduct, upon the request of the public safety professional or instructor.

(e) The length of ineligibility for training or certification based on a conviction begins on the date of conviction.

(f) The Department will not take action against a public safety professional, instructor, or agency for failing to report, prior to January 1, 2003, a conviction that constitutes discretionary disqualifying misconduct.

(g) The Department may take action against a public safety professional, instructor, or agency for failing to report, after January 1, 2003, any conviction that constitutes discretionary disqualifying misconduct.

Procedure for Denial or Revocation of a Certificate

(8) Scope of Revocation. Whenever the Department revokes the certification of any public safety professional or instructor under the provisions of OAR 259-008-0070, the revocation will encompass all public safety certificates, except fire certification(s), the Department has issued to that person.

(9) Denial and Revocation Procedure.

(a) Agency Initiated Review: When the entity utilizing a public safety professional or instructor requests that a public safety professional's or instructor's certification be denied or revoked, it must submit in writing to the Department the reason for the requested denial or revocation and all factual information supporting the request.

(b) Department Initiated Review: Upon receipt of factual information from any source, and pursuant to ORS 181.662, the Department may request that the public safety professional's or instructor's certification be denied or revoked.

(c) Department Staff Review: When the Department receives information, from any source, that a public safety professional or instructor may not meet the established standards for Oregon public safety professionals or instructors, the Department will review the request and the supporting factual information to determine if the request for denial or revocation meets statutory and administrative rule requirements.

(A) If the reason for the request does not meet the statutory and administrative rule requirements for denial or revocation the Department will notify the requestor.

(B) If the reason for the request does meet statutory and administrative rule requirements but is not supported by adequate factual information,

the Department will request further information from the employer or conduct its own investigation of the matter.

(C) If the Department determines that a public safety professional or instructor may have engaged in discretionary disqualifying misconduct listed in subsection (4), the case may be presented to the Board, through a Policy Committee.

(D) The Department will seek input from the affected public safety professional or instructor, allowing him or her to provide, in writing, information for the Policy Committee and Board's review.

(E) In misconduct cases in which there has been an arbitrator's opinion related to the public safety professional's or instructor's employment, the Department will proceed as follows:

(i) If the arbitrator's opinion finds that underlying facts supported the allegations of misconduct, the department will proceed as identified in paragraphs (A) through (D) of this subsection.

(ii) If the arbitrator has ordered employment reinstatement after a discharge for cause without a finding related to whether the misconduct occurred, the Department will proceed as identified in paragraphs (A) through (D) of this subsection.

(iii) If the arbitrator's opinion finds that underlying facts did not support the allegation(s) of misconduct, the Department will proceed as identified in paragraph (A) of this subsection and administratively close the matter.

(d) Policy Committee and Board Review: In making a decision to authorize initiation of proceedings under subsection (e) of this rule, based on discretionary disqualifying misconduct, the Policy Committees and Board will consider mitigating and aggravating circumstances, including, but not limited to, the following:

(A) When the misconduct occurred in relation to the public safety professional's or instructor's employment in public safety (i.e., before, during after);

(B) If the misconduct resulted in a conviction:

(i) Whether it was a misdemeanor or violation;

(ii) The date of the conviction(s);

(iii) Whether the public safety professional or instructor was a minor at the time and tried as an adult;

(iv) Whether the public safety professional or instructor served time in prison/jail and, if so, the length of incarceration;

(v) Whether restitution was ordered, and whether the public safety professional or instructor met all obligations;

(vi) Whether the public safety professional or instructor has ever been on parole or probation. If so, the date on which the parole/probation period expired or is set to expire; and

(vii) Whether the public safety professional or instructor has more than one conviction and if so, over what period of time;

(C) Whether the public safety professional or instructor has engaged in the same misconduct more than once, and if so, over what period of time;

(D) Whether the actions of the public safety professional or instructor reflect adversely on the profession, or would cause a reasonable person to have substantial doubts about the public safety professional's or instructor's honesty, fairness, respect for the rights of others, or for the laws of the state or the nation;

(E) Whether the misconduct involved domestic violence;

(F) Whether the public safety professional or instructor self-reported the misconduct;

(G) Whether the conduct adversely reflects on the fitness of the public safety professional or instructor to perform as a public safety professional or instructor;

(H) Whether the conduct renders the public safety professional or instructor otherwise unfit to perform their duties because the agency or public has lost confidence in the public safety professional or instructor; and

(I) What the public safety professional's or instructor's physical or emotional condition was at the time of the conduct.

(e) Initiation of Proceedings: Upon determination that the reason for denial or revocation is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared and served on the public safety professional or instructor.

(f) Contested Case Notice:

(A) All contested case notices will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules or Procedures adopted under OAR 259-005-0015.

(B) In discretionary cases heard by a policy committee, the contested case notice will be served on the public safety professional or instructor

ADMINISTRATIVE RULES

prior to Board review. If the Board disapproves the policy committee's recommendation, the Department will withdraw the Contested Case Notice.

(g) Response Time:

(A) A party who has been served with a "Contested Case Notice of Intent to Deny Certification" has 60 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(B) A party who has been served with the "Contested Case Notice of Intent to Revoke Certification" has 20 days from the date of mailing or personal service of the notice in which to file a written request for hearing with the Department.

(h) Default Order: If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672.

(i) Hearing Request: If a timely request for a hearing is received, the Department will refer the matter to the Office of Administrative Hearings in accordance with OAR 137-003-0515.

(j) Proposed and Final Orders:

(A) In cases in which a hearing is requested, proposed orders, exceptions, and final orders will be issued pursuant to the applicable provisions of the Attorney General's Model Rules of Procedures adopted under OAR 259-005-0015.

(B) Department-proposed amendments to a proposed order issued by an Administrative Law Judge in a case that was originally heard by a policy committee must be considered and approved by the policy committee that originally reviewed the case before a final order can be issued.

(k) Stipulated Order Revoking Certification: The Department may enter a stipulated order revoking the certification of a public safety professional or instructor upon the person's voluntary agreement to terminate an administrative proceeding to revoke a certification, or to relinquish a certification, under the terms and conditions outlined in the stipulated order.

Appeals, Reapplication, and Eligibility Determinations

(10) Appeal Procedure. A public safety professional or instructor, aggrieved by the findings and Order of the Department may, as provided in ORS 183.480, file an appeal with the Court of Appeals from the final Order of the Department.

(11) Reapplication Process.

(a) Any public safety professional or instructor whose certification has been denied or revoked pursuant to section (4) of this rule, may reapply for certification within the applicable timeframes described in sections (4) through (6) of this rule. The initial minimum ineligibility period will begin on the date an Order of the Department denying or revoking certification becomes final. The initial minimum ineligibility period will cease when the applicable timeframe stated in the Order has been satisfied.

(b) Any public safety professional or instructor whose certification has been denied or revoked based on discretionary disqualifying misconduct may not reapply for certification until:

(A) The initial minimum period of ineligibility stated in an Order of the Department denying or revoking certification has been satisfied;

(i) If the initial period of ineligibility for the individual was for a period of less than the maximum period identified in section (4) of this rule, and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not reapply for certification under the provisions of this rule until after the maximum initial period of ineligibility identified in (4) of this rule has been satisfied.

(ii) If the individual has satisfied the maximum initial period of ineligibility and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not submit any further requests for an eligibility determination, and the original denial or revocation remains permanent.

(B) A written request for an eligibility determination has been submitted to the Department and a Policy Committee has recommended that a public safety professional's or instructor's eligibility to apply for public safety or instructor certification be restored and the Board has upheld the recommendation;

(i) A request for an eligibility determination should include documentation or information that supports the public safety professional's or instructor's request for eligibility to apply for certification.

(ii) In considering a request for an eligibility determination, the Policy Committee and the Board may consider mitigating and aggravating circumstances identified in Section 9(d) of this rule.

(iii) After reviewing a written request for an eligibility determination, the Board, through a Policy Committee, may determine that the individual's eligibility to apply for certification be restored if the criteria for certification have been met; or determine that the factors that originally resulted in

denial or revocation have not been satisfactorily mitigated and the individual must remain ineligible to apply for certification.

(C) The public safety professional or instructor is employed or utilized by a public safety agency; and

(D) All requirements for certification have been met.

Stat. Auth.: ORS 181.640, 181.661, 181.662, 181.664 & 183.341

Stats. Implemented: ORS 181.640, 181.661, 181.662 & 181.664

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1980(Temp), f. & ef. 6-26-80; PS 2-1980, f. & ef. 12-8-80; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0055, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1996, f. 5-15-96, cert. ef. 5-20-96; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 6-2000, f. & cert. ef. 9-29-00; BPSST 14-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; BPSST 5-2002(Temp) f. 4-3-02, cert. ef. 4-6-02 thru 8-1-02; BPSST 16-2002, f. & cert. ef. 7-5-02; BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 7-2003, f. & cert. ef. 4-11-03; DPSST 7-2004, f. & cert. ef. 4-23-04; DPSST 10-2006, f. & cert. ef. 7-6-06; DPSST 16-2008, f. & cert. ef. 10-15-08; DPSST 21-2008, f. 12-15-08, cert. ef. 1-1-09; DPSST 11-2011, f. & cert. ef. 7-1-11; DPSST 11-2012, f. & cert. ef. 4-24-12; DPSST 19-2012, f. & cert. ef. 8-31-12

259-009-0070

Denial/Revocation

(1) It is the responsibility of the Board to set the standards, and of the Department to uphold them, to insure the highest levels of professionalism and discipline. These standards shall be upheld at all times unless the Board determines that neither the safety of the public or respect of the profession is compromised.

Definitions

(2) For purposes of this rule, the following definitions will apply:

(a) "Denial" or "Deny" means the refusal to grant a fire service certification for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in (9) of this rule.

(b) "Discretionary Conviction" means a conviction identified in OAR 259-009-0070(6).

(c) "Discretionary Disqualifying Misconduct" means misconduct identified in OAR 259-009-0070(4).

(d) "Revocation" or "Revoke" means to withdraw the certification of a fire service professional or instructor for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in subsection (9) of this rule.

Grounds for Mandatory Denial or Revocation of Certification

(3) Mandatory Grounds for Denying or Revoking Certification of a Fire Service Professional or Instructor:

(a) The Department must deny or revoke the certification of any fire service professional or instructor, after written notice, and a hearing if requested, based upon a finding that:

(A) The fire service professional or instructor has been convicted in this state of a crime listed in ORS 137.700 or in any other jurisdiction of a crime that, if committed in this state would constitute a crime listed in 137.700. Those crimes are:

163.095 Attempted Aggravated Murder;
163.115 Attempted Murder;
163.115 Murder;
163.118 Manslaughter in the First Degree;
163.125 Manslaughter in the Second Degree;
163.149 Aggravated Vehicular Homicide;
163.175 Assault in the Second Degree;
163.185 Assault in the First Degree;
163.225 Kidnapping in the Second Degree;
163.235 Kidnapping in the First Degree;
163.365 Rape in the Second Degree;
163.375 Rape in the First Degree;
163.395 Sodomy in the Second Degree;
163.405 Sodomy in the First Degree;
163.408 Sexual Penetration in the Second Degree;
163.411 Sexual Penetration in the First Degree;
163.427 Sexual Abuse in the First Degree;
163.670 Using a Child in a Display of Sexually Explicit Conduct;
164.325 Arson in the First Degree (See exception under OAR 259-009-0070(4));
164.405 Robbery in the Second Degree;
164.415 Robbery in the First Degree;
167.017 Compelling Prostitution.

(B) The fire service professional or instructor has been discharged for cause from employment as a fire service professional or instructor.

(b) For purposes of this rule, "discharged for cause", means an employer initiated termination of employment for any of the following reasons after a final determination has been made. If, after service by the Department of a Notice of Intent to Deny or Revoke Certifications (NOI), the fire service professional or instructor provides notice to the Department within the time stated in the NOI that the discharge has not become final, then the Department may stay further action pending a final determination.

ADMINISTRATIVE RULES

(A) Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification;

(B) Disregard for the Rights of Others: Includes violating the constitutional or civil rights of others, conduct demonstrating a disregard for the principles of fairness, respect for the rights of others, protecting vulnerable persons, and the fundamental duty to protect and serve the public.

(C) Gross Misconduct means an act or failure to act that creates a danger or risk to persons, property, or to the efficient operation of the agency, recognizable as a gross deviation from the standard of care that a reasonable fire service professional or instructor would observe in a similar circumstance;

(D) Incompetence: means a demonstrated lack of ability to perform the essential tasks of a fire service professional or instructor that remedial measures have been unable to correct.

(E) Misuse of Authority: Includes abuse of public trust, abuse of authority to obtain a benefit, avoid a detriment, or harm another, and abuse under the color of office.

Discretionary Disqualifying Misconduct as Grounds for Denying or Revoking Certification

(4) Discretionary disqualifying misconduct as Grounds for Denying or Revoking Certification(s) of a Fire Service Professional or Instructor:

(a) The Department may deny or revoke the certification of any fire service professional or instructor, after written notice, and a hearing, if requested, based upon a finding that:

(A) The fire service professional or instructor falsified any information submitted on the application for certification or on any documents submitted to the Board or Department;

(B) The fire service professional or instructor has been convicted of an offense listed in subsection (4)(c), punishable as a crime, other than a mandatory disqualifying crime listed in section (3) of this rule, in this state or any other jurisdiction.

(b) For purposes of this rule, the Department, through the Fire Policy Committee and Board, has defined core values that are integral to the fire service profession. These values are:

(A) Category I: Honesty. Honesty includes straightforwardness of conduct; integrity, adherence to the facts; freedom from subterfuge or duplicity; truthfulness and sincerity.

(B) Category II: Professionalism. Professionalism includes the conduct, aims, or qualities that characterize or mark a profession or a professional person; extreme competence in an occupation or pursuit.

(C) Category III: Justice. Justice includes just treatment, the quality or characteristics of being just, impartial, or fair.

(c) Pursuant to ORS 181.662(3)(b), the Department has determined that, in the absence of a determination to the contrary by the Fire Policy Committee and Board, a Fire Service Professional or Instructor who has been convicted of the following crimes has violated the core values of the fire service profession and may not be fit to receive or hold certification:

162.015 (Bribe Giving) — Category III;
162.025 (Bribe Receiving) — Category III;
162.065 (Perjury) — Category I;
162.117 (Public Investment Fraud) — Category I;
162.155 (Escape in the Second Degree) — Category II;
162.165 (Escape in the First Degree) — Category II;
162.185 (Supplying Contraband) — Category II;
162.205 (Failure to Appear in the First Degree) — Category II;
162.265 (Bribing a Witness) — Category III;
162.275 (Bribe Receiving by a Witness) — Category III;
162.285 (Tampering with a Witness) — Category III;
162.305 (Tampering with Public Records) — Category III;
162.325 (Hindering Prosecution) — Category III;
162.355 (Simulating Legal Process) — Category III;
162.365 (Criminal Impersonation) — Category I;
162.367 (Criminal Impersonation of a Peace Officer) — Category I;
162.415 (Official Misconduct in the First Degree) — Category II;
163.145 (Criminally Negligent Homicide) — Category III;
163.160 (Assault in the Fourth Degree) — Category III;
163.165 (Assault in the Third Degree) — Category III;
163.205 (Criminal Mistreatment in the First Degree) — Category III;
163.207 (Female Genital Mutilation) — Category III;
163.208 (Assaulting a Public Safety Officer) — Category III;
163.213 (Unlawful Use of an Electrical Stun Gun, Tear Gas or Mace in the First Degree) — Category II;
163.245 (Custodial Interference in the Second Degree) — Category III;
163.257 (Custodial Interference in the First Degree) — Category III;
163.275 (Coercion) — Category III;
163.355 (Rape in the Third Degree) — Category III;
163.425 (Sexual Abuse in the Second Degree) — Category III;
163.465 (Public Indecency) — Category III;
163.515 (Bigamy) — Category III;
163.525 (Incest) — Category III;
163.535 (Abandonment of a Child) — Category III;
163.537 (Buying or Selling a Person Under 18 years of age) — Category III;
163.547 (Child Neglect in the First Degree) — Category III;
163.555 (Criminal Non-Support) — Category III;

163.684 (Encouraging Child Sexual Abuse in the First Degree) — Category III;
163.686 (Encouraging Child Sexual Abuse in the Second Degree) — Category III;
163.688 (Possession of Materials Depicting Sexually Explicit Conduct of a Child in the Second Degree) — Category III;
163.689 (Possession of Materials Depicting Sexually Explicit Conduct of a Child in the Second Degree) — Category III;
163.732 (Stalking) — Category III;
163.750 (Violating Court's Stalking Protective Order) — Category III;
164.045 (Theft in the Second Degree) — Category I;
164.055 (Theft in the First Degree) — Category I;
164.057 (Aggravated Theft in the First Degree) — Category I;
164.075 (Theft by Extortion) — Category I;
164.125 (Theft of Services; by Deception) — Category I;
164.135 (Unauthorized Use of a Vehicle) — Category I;
164.140 (Criminal Possession of Rented or Leased Personal Property: felony only) — Category I;
164.170 (Laundering a Monetary Instrument) — Category I;
164.172 (Engaging in a Financial Transaction in Property Derived from Unlawful Activity) — Category I;
164.215 (Burglary in the Second Degree) — Category III;
164.225 (Burglary in the First Degree) — Category III;
164.235 (Possession of a Burglary Tool or Theft Device) — Category III;
164.315 (Arson in the Second Degree) — Category II;
164.325 (Arson in the First Degree — If not a conviction under ORS 137.700) — Category II;
164.365 (Criminal Mischief in the First Degree) — Category III;
164.377 (Computer Crime) — Category III;
164.395 (Robbery in the Third Degree) — Category III;
164.868 (Unlawful Labeling of a Sound Recording) — Category III;
164.869 (Unlawful Recording of a Live Performance) — Category III;
164.872 (Unlawful Labeling of a Videotape Recording) — Category III;
164.885 (Endangering Aircraft) — Category II;
164.889 (Interference with Agricultural Research) — Category III;
165.013 (Forgery in the First Degree) — Category I;
165.022 (Criminal Possession of a Forged Instrument in the First Degree) — Category I;
165.032 (Criminal Possession of a Forgery Device) — Category I;
165.055 (Fraudulent Use of a Credit Card: Felony Only) — Category I;
165.065 (Negotiating a Bad Check) — Category I;
165.070 (Possessing Fraudulent Communications Device) — Category I;
165.074 (Unlawful Factoring of Payment Card Transaction) — Category I;
165.085 (Sports Bribery) — Category III;
165.090 (Sports Bribe Receiving) — Category III;
165.579 (Cellular Counterfeiting in the Second Degree) — Category III;
165.581 (Cellular Counterfeiting in the First Degree) — Category III;
165.692 (Making False Claim for Health Care Payment) — Category I;
165.800 (Identity Theft) — Category I;
165.810 (Unlawful Possession of a Personal Identification Device) — Category I;
165.813 (Unlawful Possession of Fictitious Identification) — Category I;
166.005 (Treason) — Category II;
166.015 (Riot) — Category II;
166.085 (Abuse of Corpse in the Second Degree) — Category II;
166.087 (Abuse of Corpse in the First Degree) — Category II;
166.155 (Intimidation in the Second Degree) — Category III;
166.165 (Intimidation in the First Degree) — Category III;
166.220 (Unlawful Use of Weapon) — Category I;
166.270 (Possession of Weapons by Certain Felons: Felony only) — Category II;
166.275 (Possession of Weapons by Inmates of Institutions) — Category II;
166.370 (Possession of Firearm or Dangerous Weapon in Public Building or Court Facility; Exceptions; Discharging Firearm at School) — Category II;
166.382 (Possession of Destructive Device Prohibited) — Category II;
166.384 (Unlawful Manufacture of Destructive Device) — Category II;
166.429 (Firearms Used in Felony) — Category II;
166.438 (Transfer of Firearms at Gun Shows: Felony Only) — Category II;
166.450 (Obliteration or Change of Identification Number on Firearms) — Category II;
166.642 (Felony in Possession of Body Armor) — Category II;
166.643 (Unlawful Possession of Body Armor) — Category II;
166.649 (Throwing an Object Off an Overpass in the Second Degree) — Category III;
166.651 (Throwing an Object Off an Overpass in the First Degree) — Category III;
166.660 (Unlawful Paramilitary Activity) — Category III;
166.720 (Racketeering Activity Unlawful) — Category II;
167.012 (Promoting Prostitution) — Category III;
167.062 (Sadomasochistic Abuse or Sexual Conduct in Live Show: Felony Only) — Category III;
167.164 (Possession of Gray Machine) — Category I;
167.212 (Tampering with Drug Records) — Category I;
167.262 (Adult Using Minor in Commission of Controlled Substance Offense: Felony Only) — Category III;
167.322 (Aggravated Animal Abuse in the First Degree) — Category III;
167.339 (Assaulting Law Enforcement Animal) — Category III;
475.840 (Prohibited Acts Generally: Manufacture or Deliver a Controlled Substance) — Category II;
475.846 (Unlawful Manufacture of Heroin) — Category II;
475.848 (Unlawful Manufacture of Heroin Within 1,000 Feet of School) — Category III;
475.850 (Unlawful Delivery of Heroin) — Category II;
475.852 (Unlawful Delivery of Heroin Within 1,000 Feet of School) — Category III;
475.854 (Unlawful Possession of Heroin) — Category II;
475.856 (Unlawful Manufacture of Marijuana) — Category II;
475.858 (Unlawful Manufacture of Marijuana Within 1,000 Feet of School) — Category III;
475.860 (Unlawful Delivery of Marijuana: Felony only) — Category II;
475.862 (Unlawful Delivery of Marijuana Within 1,000 Feet of School) — Category III;
475.864 (Unlawful Possession of Marijuana: Felony only) — Category II;

ADMINISTRATIVE RULES

475.866 (Unlawful Manufacture of 3,4-Methylenedioxyamphetamine (Ecstasy)) — Category II;
475.868 (Unlawful Manufacture of 3,4-Methylenedioxyamphetamine (Ecstasy) Within 1,000 Feet of School) — Category III;
475.870 (Unlawful Delivery of 3,4-Methylenedioxyamphetamine (Ecstasy)) — Category II;
475.872 (Unlawful Delivery of 3,4-Methylenedioxyamphetamine (Ecstasy) Within 1,000 Feet of School) — Category II;
475.874 (Unlawful Possession of 3,4-Methylenedioxyamphetamine (Ecstasy)) — Category II;
475.876 (Unlawful Manufacture of Cocaine) — Category II;
475.878 (Unlawful Manufacture of Cocaine Within 1,000 Feet of School) — Category III;
475.880 (Unlawful Delivery of Cocaine) — Category II;
475.882 (Unlawful Delivery of Cocaine Within 1,000 Feet of School) — Category III;
475.884 (Unlawful Possession of Cocaine) — Category II;
475.886 (Unlawful Manufacture of Methamphetamine) — Category II;
475.888 (Unlawful Manufacture of Methamphetamine Within 1,000 Feet of School) — Category III;
475.890 (Unlawful Delivery of Methamphetamine) — Category II;
475.892 (Unlawful Delivery of Methamphetamine Within 1,000 Feet of School) — Category III;
475.894 (Unlawful Possession of Methamphetamine) — Category II;
475.904 (Unlawful Manufacture or Delivery of Controlled Substance Within 1,000 Feet of School) — Category III;
475.908 (Causing Another Person to Ingest a Controlled Substance) — Category III;
475.910 (Application of Controlled Substance to the Body of Another Person) — Category III;
475.914 (Prohibited Acts for Registrants: Deliver or Dispense Controlled Substance) — Category II;
475.962 (Distribution of Equipment, Solvent, Reagent or Precursor Substance with Intent to Facilitate Manufacture of Controlled Substances) — Category II;
475.967 (Possession of Precursor Substance With Intent to Manufacture Controlled Substance) — Category II;
475.977 (Possessing or Disposing of Methamphetamine Manufacturing Waste) — Category II;
811.182 (Criminal Driving While Suspended or Revoked) — Category II;
811.540 (Fleeing or Attempting to Elude Police Officer: Felony Only) — Category II;
811.705 (Failure to Perform Duties of a Driver to Person Injured) — Category II;
813.010 (DUI: Felony Only) — Category II.

Any crime that requires the fire service professional or instructor to register as a sex offender, "Attempt," "Solicitation," or "Conspiracy" to commit a crime listed in ORS 137.700 or in any other jurisdiction that, if committed in this state would constitute an attempt, solicitation, or conspiracy to commit a crime listed in 137.700 (and identified in OAR 259-009-0070(3)). Conviction of felony or Class A misdemeanor "Attempt," "Solicitation" or "Conspiracy" to commit a crime identified in this rule as a discretionary disqualifier.

(d) If a fire service professional or instructor held certification on or before January 15, 2008 and applies for a new certification, the Department will proceed as follows:

(A) No action will be taken on a discretionary conviction that occurred prior to January 15, 2003.

(B) The Department will not initiate revocation proceedings based on a discretionary disqualifying conviction that occurred between January 15, 2003 and January 15, 2008.

(C) The Department may initiate denial of a new certification based on a discretionary disqualifying conviction that occurred between January 15, 2003 and January 15, 2008.

(e) If a fire service professional or instructor held certification on January 15, 2008 and applies for or obtains certification after that date, the Department may initiate denial or revocation of all certifications held based on a discretionary disqualifying conviction that occurred prior to January 15, 2008.

(f) If a fire service professional or instructor is convicted of a discretionary disqualifying crime on or after January 15, 2008, the Department may initiate a denial or revocation of all certification(s) upon learning of the conviction.

Initial Minimum Periods of Ineligibility

(5) Upon determination to proceed with the denial or revocation of a fire service professional's or instructor's certification based on discretionary disqualifying misconduct identified in section (4), the Fire Policy Committee and Board will determine an initial minimum period of ineligibility to apply for certification. The initial minimum period of ineligibility will range from 30 days to 7 (seven) years.

(a) In determining the initial minimum period of ineligibility for discretionary disqualifying misconduct listed in section (4) of this rule, the Fire Policy Committee and the Board will take into consideration any aggravating or mitigating factors subject to the provisions of section (7) of this rule.

(b) A person is not eligible to reapply for training or certification if the person had training or certification denied or revoked for mandatory grounds identified in section (3) of this rule.

(c) The initial minimum period of ineligibility will be included in any Final Order of the Department.

(d) Any subsequent eligibility to apply for certification will be determined by the Board, after a review by the Fire Policy Committee, subject to the provisions of section (9) of this rule.

Procedure for Denial or Revocation of a Certificate

(6) Scope of Revocation. Except as provided in (4) above, when the Department denies or revokes the certification of any fire service professional or instructor under the provisions of OAR 259-009-0070, the revocation will encompass all fire service certificates the Department has issued to that person.

(7) Denial and Revocation Procedure.

(a) Agency Initiated Review: When the entity utilizing a fire service professional or instructor requests that a fire service professional's or instructor's certification be revoked or denied, it must submit in writing to the Department the reason for the requested revocation or denial and all factual information supporting the request.

(b) Department Initiated Review: Upon receipt of factual information from any source, and pursuant to ORS 181.662, the Department may request that the fire service professional's or instructor's certification be revoked or denied.

(c) Department Staff Review: When the Department receives information, from any source, that a fire service professional or instructor may not meet the established standards for Oregon fire service professionals or instructors, the Department will review the request and the supporting factual information to determine if the request for denial or revocation meets statutory and administrative rule requirements.

(A) If the reason for the request does not meet the statutory and administrative rule requirements for denial or revocation the Department will notify the requestor.

(B) If the reason for the request does meet statutory and administrative rule requirements but is not supported by adequate factual information, the Department will request further information from the employer or conduct its own investigation of the matter.

(C) If the Department determines that a fire service professional or instructor may have engaged in discretionary disqualifying misconduct listed in subsection (4), the case may be presented to the Board, through the Fire Policy Committee.

(D) The Department will seek input from the affected fire service professional or instructor, allowing him or her to provide, in writing, information for the Fire Policy Committee and Board's review.

(E) In misconduct cases in which there has been an arbitrator's opinion related to the fire service professional's or instructor's employment, the Department will proceed as follows:

(i) If the arbitrator's opinion finds that underlying facts supported the allegations of misconduct, the department will proceed as identified in paragraphs (A) through (D) of this subsection.

(ii) If the arbitrator has ordered employment reinstatement after a discharge for cause without a finding related to whether the misconduct occurred, the Department will proceed as identified in paragraphs (A) through (D) of this subsection.

(iii) If the arbitrator's opinion finds that underlying facts did not support the allegation(s) of misconduct, the Department will proceed as identified in paragraph (A) of this subsection and administratively close the matter.

(d) Policy Committee and Board Review: In making a decision to authorize initiation of proceedings under subsection (e) of this rule, based on discretionary disqualifying misconduct, the Fire Policy Committee and Board will consider mitigating and aggravating circumstances including, but not limited to the following:

(A) When the misconduct occurred in relation to the fire service professional's or instructor's service as a fire service professional or instructor (i.e., before, during, after);

(B) Whether the fire service professional or instructor served time in prison/jail; and if so, the length of incarceration;

(C) Whether restitution was ordered, and if so, whether the fire service professional or instructor met all obligations;

(D) Whether the fire service professional or instructor has ever been on parole or probation. If so, the date on which the parole or probation period expired or is set to expire;

(E) Whether the fire service professional or instructor has more than one conviction and if so, over what period of time;

(F) Whether the misconduct involved domestic violence;

(G) Whether the fire service professional or instructor self-reported the misconduct;

(H) Whether the conduct involved dishonesty, fraud, deceit, or misrepresentation;

ADMINISTRATIVE RULES

(I) Whether the conduct was prejudicial to the administration of justice;

(J) Whether the conduct adversely reflects on the fitness of the fire service professional or instructor to perform as a fire service professional or instructor;

(K) Whether the conduct makes the fire service professional or instructor otherwise unfit to render effective service because of the agency's or public's loss of confidence that the fire service professional or instructor possesses the core values integral to the fire service profession; and

(L) What the fire service professional's or instructor's physical or emotional condition was at the time of the conduct.

(e) Initiation of Proceedings: Upon determination by the policy committee that the reason for denial or revocation is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared and served on the fire service professional or instructor.

(f) Contested Case Notice:

(A) All contested case notices will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedures adopted under OAR 259-005-0015.

(B) In discretionary cases heard by a policy committee, the contested case notice will be served on the fire service professional or instructor prior to Board review. If the Board disapproves the policy committee's recommendation, the Department will withdraw the Contested Case Notice.

(g) Response Time:

(A) A party who has been served with a "Contested Case Notice of Intent to Deny Certification" has 60 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(B) A party who has been served with a "Contested Case Notice of Intent to Revoke Certification" has 20 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(h) Default Order: If a timely request for a hearing is not received, the Contested Case Notice will become a final order revoking or denying certification pursuant to OAR 137-003-0672.

(i) Hearing Request: If a timely request for a hearing is received, the Department will refer the matter to the Office of Administrative Hearings in accordance with OAR 137-003-0515.

(j) Proposed and Final Orders:

(A) In cases in which a hearing is requested, proposed orders, exceptions, and final orders will be issued pursuant to the applicable provision of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

(B) Department-proposed amendments to a proposed order issued by an Administrative Law Judge in a case that was originally heard by a policy committee must be considered and approved by the policy committee that originally reviewed the case before a final order can be issued.

(k) Stipulated Order Revoking Certification: The Department may enter a stipulated order revoking the certification of a fire service professional or instructor upon the person's voluntary agreement to terminate an administrative proceeding to revoke a certification, or to relinquish a certification under the terms and conditions outlined in the stipulated order.

Appeals, Reapplication, and Eligibility Determinations

(8) Appeal Procedure. A fire service professional or instructor, aggrieved by the findings and Order of the Department may, as provided in ORS 183.480, file an appeal with the Court of Appeals from the final Order of the Department.

(9) Reapplication Process.

(a) Any fire service professional or instructor whose certification has been denied or revoked under section (4) of this rule for discretionary disqualifying misconduct may reapply for certification within the applicable timeframes described in (4) and (5) of this rule.

(b) Any fire service professional or instructor whose certification has been denied or revoked based on discretionary disqualifying misconduct may not reapply for certification until:

(A) The initial minimum period of ineligibility stated in an Order of the Department denying or revoking certification has been satisfied;

(i) If the initial period of ineligibility for the individual was for a period of less than the maximum period identified in section (4) of this rule, and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not reapply for certification under the provisions of this rule until the maximum initial period of ineligibility identified in (5) of this rule has been satisfied.

(ii) If the individual has satisfied the maximum initial period of ineligibility and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not submit any further requests for an eligibility determination, and the original denial or revocation remains permanent.

(B) A written request for an eligibility determination has been submitted to the Department and the Fire Policy Committee has recommended that a fire service professional's or instructor's eligibility to apply for fire service or instructor certification be restored and the Board has upheld the recommendation;

(i) A request for an eligibility determination should include documentation or information that supports the fire service professional's or instructor's request for eligibility to apply for certification.

(ii) In considering a request for an eligibility determination, the Fire Policy Committee and the Board may consider mitigating and aggravating circumstances identified in Section (7)(d) of this rule.

(iii) After reviewing a written request for an eligibility determination, the Board, through the Fire Policy Committee, may determine that the individual's eligibility to apply for certification be restored if the criteria for certification have been met; or determine that the factors that originally resulted in denial or revocation have not been satisfactorily mitigated and the individual must remain ineligible to apply for certification.

(C) The fire service professional or instructor is employed or utilized by a fire service agency; and

(D) All requirements for certification have been met.

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

Stat. Auth.: ORS 181.640, 181.661, 181.662, 181.664 & 183.341

Stats. Implemented: ORS 181.640, 181.661, 181.662 & 181.664

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 3-2008, f. & cert. ef. 1-15-08; DPSST 7-2009, f. & cert. ef. 7-13-09; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10; DPSST 1-2011, f. 2-24-11, cert. ef. 4-1-11; DPSST 11-2011, f. & cert. ef. 7-1-11; DPSST 19-2012, f. & cert. ef. 8-31-12

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

Rule Caption: Registration Card; Information Required by the Department.

Adm. Order No.: DMV 11-2012

Filed with Sec. of State: 8-16-2012

Certified to be Effective: 8-17-12

Notice Publication Date: 8-1-2012

Rules Adopted: 735-030-0105

Subject: ORS 803.500 specifies the information required to be shown on an Oregon registration card. That information includes the name of the registered owner, vehicle make, year model, vehicle identification number, vehicle mileage, and the word "totaled" if the vehicle has been reported totaled to the department. In addition, DMV is granted authority to specify any other information required to be shown on the registration card.

As authorized under ORS 803.500(7), DMV has adopted OAR 735-030-0105 to specify information required by DMV to be shown on an Oregon vehicle registration card and authorizes the registered owner to black out or otherwise obscure the residence address, business address, vehicle address, and mailing address once the registration card has been received.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-030-0105

Registration Card; Contents

This rule is adopted under the authority of ORS 803.500(7). The purpose of the rule is to specify the information required by DMV to be shown on an Oregon registration card.

(1) In addition to the information specified under ORS 803.500(1) to (6), the following information is required to be shown on an Oregon vehicle registration card:

(a) Vehicle registration plate number;

(b) Vehicle title number;

(c) Registration card process date;

(d) Registration expiration date;

(e) Vehicle fuel type (i.e., gas, diesel, electric, hybrid, etc.);

(f) Equipment number, if applicable;

(g) Vehicle style (i.e., pickup, 4-door, 2-door, etc.);

(h) Vehicle weight and length, if applicable;

ADMINISTRATIVE RULES

- (i) Title brand(s), if issued pursuant to OAR 735-024-0025;
- (j) Odometer message, if required under OAR 735-028-0040;
- (k) Oregon county of residence;
- (L) Oregon county of use, if applicable;
- (m) If the registered owner is an individual, the person's current residence address, and mailing address if different from the residence address;
- (n) If the registered owner is a business, the business address as defined in OAR 735-010-0008, and mailing address if different from the business address; and
- (o) If the registered owner is an individual or business and the vehicle is primarily housed or dispatched from a location other than the actual residence or business address of the owner, the vehicle address as defined in OAR 735-010-0008.

(2) Notwithstanding subsections (1)(m), (1)(n) and (1)(o) of this rule, upon receipt of the registration card from DMV, the registered owner may black out or otherwise obscure the residence address, business address, mailing address and vehicle address shown on the registration card. No other information on the registration card may be blacked out or otherwise obscured.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 803.500
Stats. Implemented: ORS 803.500
Hist.: DMV 11-2012, f. 8-16-12, cert. ef. 8-17-12

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

Rule Caption: Motor carrier accounts.

Adm. Order No.: MCTD 7-2012

Filed with Sec. of State: 8-17-2012

Certified to be Effective: 8-17-12

Notice Publication Date: 8-1-2012

Rules Adopted: 740-035-0005, 740-035-0015, 740-055-0025

Rules Amended: 740-040-0070

Subject: These rules describe the application process for certificates, permits, and licenses for a motor carrier to obtain authority to operate in Oregon and describe the records, reports, fees and taxes that relate to a motor carrier's account and the applicable bond and insurance requirements. The new rules define the meaning of a temporary motor carrier account, an established motor carrier account and a motor carrier's legal entity. A temporary motor carrier account is necessary to temporarily grant authority to operate a commercial motor vehicle in Oregon. Because fees, registration and taxes are paid at the time a temporary pass is purchased, a motor carrier operating on a temporary account is not required to complete an Application for Motor Carrier Account Form 9075 which is necessary to determine the motor carrier's legal entity. The new rules limit the number of temporary passes a motor carrier can purchase in a twelve month period before being required to provide the Department with sufficient information to identify the motor carrier's legal entity. These rules will ensure a motor carrier that operates on a regular basis in Oregon establishes an account, provides the Department with their legal entity, and provides deposits to secure payment of fees. The amended rule establishes cash deposit and security bond requirements for motor carriers that operate on temporary accounts. A temporary pass fee is \$9 and is charged every time a pass is issued.

Rules Coordinator: Lauri Kunze—(503) 986-3171

740-035-0005

Definitions

For purposes of OAR chapter 740, the following definitions apply:

(1) An "Established Account" results when the department has received and approved an application for a motor carrier account or farm certification containing sufficient information to identify the legal entity of the motor carrier.

(2) "Legal Entity" means an association, corporation, partnership, proprietorship, trust, individual or other entity that has a separate existence for tax or other purposes of accountability under law. A legal entity has standing to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its actions.

(3) A "Temporary Account" results when the department has issued an account number for the purpose of issuing temporary passes but has not

received or approved an application for a motor carrier account or a farm certification.

Stat. Auth.: ORS 184.616, 184.619 & 823.011
Stats. Implemented: ORS 823.027
Hist.: MCTD 7-2012, f. & cert. ef. 8-17-12

740-035-0015

Application for Motor Carrier Account

(1) A motor carrier operating under a temporary account will be required to apply and be approved for an established account, if any one vehicle in the fleet exceeds 5 temporary passes or if the entire account exceeds 35 temporary passes within one twelve month period.

(2) Applications for motor carrier accounts or other supporting documents must provide the department with sufficient information to identify the legal entity of the motor carrier and must be made on forms furnished by the Department. A motor carrier may have only one account per legal entity.

Stat. Auth.: ORS 184.616, 184.619 & 823.011
Stats. Implemented: ORS 823.027, 823.029 & 825.470
Hist.: MCTD 7-2012, f. & cert. ef. 8-17-12

740-040-0070

Deposits to Secure Payment of Fees, Taxes, Charges, Penalties and Interest

(1) The Department requires each motor carrier that does not qualify for a deposit waiver under section (4) of this rule to deposit with the Department an amount of money necessary to insure the collection of fees, taxes, charges, penalties and interest.

(2) For purposes of this rule:

(a) "New carrier" means any motor carrier that has not:

(A) Previously received a permit or certificate of authority from the Department; or

(B) Operated in Oregon for 12 months or more in the most recent 36 month period after receiving a permit or certificate of authority from the Department.

(b) "Established carrier" means any motor carrier that has operated in Oregon for 12 months or more in the most recent 36-month period;

(c) If an applicant, carrier, or employee of the applicant or carrier has had substantial interest or control, directly or indirectly, in or over the operations conducted in Oregon under any carrier's authority, the Department may treat the applicant or carrier as an established carrier.

(3) The security deposit schedule is as follows:

(a) Except as described in subsections (c) and (d) of this section, for new carriers:

(A) One vehicle — \$2,000;

(B) Plus \$375 for each additional vehicle from 2-5 vehicles;

(C) Plus \$250 for each additional vehicle from 6-10 vehicles;

(D) Plus \$125 for each additional vehicle above 10 vehicles;

(E) Maximum deposit required — \$10,000.

(b) Except as described in subsections (c) and (d) of this section, for established carriers required to have a deposit, the deposit amount will be an amount determined by a review of Department records or as specified in paragraph (A) to (E) of this subsection, whichever is greater:

(A) One vehicle — \$2,000;

(B) Plus \$750 for each additional vehicle from 2-5 vehicles;

(C) Plus \$500 for each additional vehicle from 6-10 vehicles;

(D) Plus \$250 for each additional vehicle from 10 vehicles;

(E) Maximum deposit required — \$20,000.

(c) For private carriers, carriers that conduct operations under ORS 825.020 or farmers issued permits under 825.024 who operate motor vehicles weighing under 55,000 pounds that use gasoline on which gasoline tax provided by law has been paid to the State of Oregon:

(A) One vehicle — \$500;

(B) Plus \$150 for each additional vehicle;

(C) Maximum deposit required — \$10,000.

(d) For private carriers, carriers that conduct operations under ORS 825.020 or farmers issued permits under 825.024 who operate motor vehicles weighing under 55,000 pounds that use any fuel other than gasoline or use gasoline on which gasoline tax provided by law has not been paid to the State of Oregon:

(A) One vehicle — \$750;

(B) Plus \$225 for each additional vehicle;

(C) Maximum deposit required — \$15,000.

(4) The Department may waive the deposit required of:

(a) A new carrier with a Dun & Bradstreet rating of 3A2 or higher;

(b) An established carrier if the Department finds that in the previous 12 months the motor carrier has been required to file weight-mile tax

ADMINISTRATIVE RULES

reports for each of the reporting periods (monthly, quarterly, or annually) and has had no:

- (A) Suspensions with the Department;
 - (B) Revocation of IFTA tax license;
 - (C) Weight-mile tax reports filed late;
 - (D) Fees not timely paid;
 - (E) More than two estimated weight-mile tax reports filed;
 - (F) More than one estimated weight-mile tax report filed without an actual report filed within a 30-day period;
 - (G) Non-sufficient fund check(s) or returned Automated Clearing House (ACH) transaction(s); and
 - (H) Outstanding billings for over-dimensional variance permits.
- (5) Notwithstanding subsection (4) of this rule, a carrier may not qualify for a waiver of the deposit if within the previous 36 months the carrier has had:

(a) A weight-mile tax audit resulting in an assessment that exceeds by more than 15% the amount of the weight-mile taxes and fees reported and paid during the audit period; or

(b) An outstanding balance with the Department's Collection Unit for fees owed to the Department under ORS chapter 825 and/or ORS 818.225.

(6) The deposit required of a motor carrier may be increased, or a previously waived deposit may be required of a motor carrier, in accordance with subsection (3)(b) of this rule, if Department records indicate that:

(a) In the previous 12 months the motor carrier has had:

- (A) Any suspensions with the Department;
- (B) Revocation of IFTA tax license;
- (C) More than one weight-mile tax report filed late;
- (D) Fees not timely paid;
- (E) More than two estimated weight-mile tax reports filed;
- (F) More than one estimated weight-mile tax report filed without an actual report filed within 30 days;

(G) Any non-sufficient fund check(s) or returned ACH transaction(s) with the Department; or

(H) Delinquent billings for over-dimensional variance permits, including associated road use assessment fees;

(I) Delinquent reports required for operations subject to ORS 818.225; or

(b) In the previous 36 months, the carrier has had a weight-mile tax audit resulting in an assessment that exceeds by more than 15% the amount of the weight-mile taxes and fees reported and paid during the audit period; or

(c) The carrier has had an outstanding balance with the Department's Collection Unit for fees owed to the Department under ORS 818.225 and/or ORS chapter 825.

(7) The Department may delay granting a waiver of the security deposit if the carrier is being audited.

(8) If a carrier's cash deposit is applied to an outstanding balance or a claim is filed against a carrier's highway use tax bond filed pursuant to ORS 825.506, the authority under the certificate or permit shall be suspended until the cash deposit has been replaced or the full bond requirements have again been met.

(9) Acceptable forms of deposit. Any motor carrier may deposit:

- (a) Cash;
- (b) A bond in the form prescribed and furnished by the Department of Transportation;

(c) Bonds, negotiable by delivery, of the State of Oregon, school districts therein, or obligations of the United States, or obligations for which the faith of the United States is pledged for the payment of both principal and interest, equal in value to the amount of the requested deposit; or

(d) Bank or savings and loan savings certificates.

(10) The Department may require a cash deposit if a motor carrier operates on temporary passes. A portion of the total required deposit may be collected incrementally on each successive temporary pass purchased. The required deposit will be in the amount of \$100 or twice the amount of weight-mile tax charged on the temporary pass rounded up to the next ten dollars, whichever is greater. A motor carrier may opt to provide a bond in lieu of serial incremental cash deposits.

(11) The Department reserves the right to modify or waive a deposit required by this rule if Department records indicate such modification, or waiver, is in the public interest.

Stat. Auth.: ORS 823.011 & 825.506
Stats. Implemented: ORS 825.506

Hist.: PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 3-30, Part 1, f. & ef. 6-30-80 (Order No. 79-805); Renumbered from 860-033-0020; PUC 6-1984(Temp), f. & ef. 3-19-84 (Order No. 84-197); PUC 11-1984, f. & ef. 5-25-84 (Order No. 84-418); PUC 8-1985, f. & ef. 6-10-85 (Order No.

85-499); PUC 12-1990, f. & cert. ef. 7-6-90 (Order No. 90-950); PUC 2-1992, f. & cert. ef. 1-24-92 (Order No. 92-028); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-063-0020; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 3-1998, f. & cert. ef. 10-16-98; MCTB 1-2002, f. 6-21-02, cert. ef. 7-1-02; MCTB 4-2002, f. & cert. ef. 8-23-02; MCTD 4-2010, f. & cert. ef. 10-25-10; MCTD 7-2012, f. & cert. ef. 8-17-12

740-055-0025

Temporary Pass Fees

The department may issue a temporary pass as described in ORS 825.470 for a single trip or short-time operation not exceeding 10 days. A pass fee of \$9 will be collected for each pass issued.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.470

Stats. Implemented: ORS 825.470

Hist.: MCTD 7-2012, f. & cert. ef. 8-17-12

Rule Caption: Registration refunds and transfer of fees.

Adm. Order No.: MCTD 8-2012

Filed with Sec. of State: 8-17-2012

Certified to be Effective: 8-17-12

Notice Publication Date: 8-1-2012

Rules Amended: 740-200-0030

Subject: This rule describes registration and the methods the Department uses to reimburse unused apportioned and non-apportioned registration fees. The rule amendments provide definitions that explain when the Department will allow unused registration fees to be refunded or transferred to a like vehicle in the registrant's fleet. In addition, the rule amendments specify the conditions for granting credit or not. The rule clarifies the scope and intent of Division 200 rules regarding unused registration fee disbursement and reflects current practices.

Rules Coordinator: Lauri Kunze—(503) 986-3171

740-200-0030

Transfer of Registration Fees and Refunds

(1) For purposes of this rule the following definitions apply:

(a) The term "transfer of registration fees" refers to the application of an existing credit on the motor carrier's account in a manner consistent with this rule.

(b) A refund means the return of money originally paid by the registrant to the Department.

(c) Registration periods are based on a calendar year. When a registrant elects to pay Oregon registration fees for calendar quarters, the registration starts on the first day of the calendar quarter and runs through the last day of the last calendar quarter in the registration period.

(2) The Department may grant unexpired Oregon registration fee refunds if requested in writing when:

(a) It has issued to a registrant duplicate registration for a vehicle which was for the registrant within the same fleet during the registration period;

(b) A registrant has, during the registration period, changed a vehicle from registration solely in Oregon to registration under the International Registration Plan;

(c) A registrant has registered a vehicle at a weight above the legal capacity of the vehicle without operating over the legal capacity and has, during the registration period, reduced the weight to the vehicle's legal capacity;

(d) The Department has conducted an audit which shows that a registrant overpaid registration fees;

(e) A registrant has registered a non-apportioned vehicle in error, has returned the registration credentials, and the Department has received the registration credentials before the effective date of the registration;

(f) The Department has determined that it has, through a computation error, overcharged a registrant for registration fees;

(g) A registrant has shown that it is entitled to a refund of unused registration fees for a non-apportioned vehicle that has been accidentally destroyed so as to be incapable of further operation, as described in ORS 803.590(2). Destroyed does not mean mechanical failure or defect; or

(h) A registrant has gone out of business during the registration period and meets the conditions specified in ORS 826.039 for non-apportioned vehicles subject to weight-mile tax that are fully registered in Oregon.

(3) The Department will not grant registration refunds when:

(a) A registrant has, during the registration period, changed from registration under the International Registration Plan to registration solely in Oregon;

ADMINISTRATIVE RULES

- (b) A registrant not entitled to a refund under subsection (1)(g) of this rule has, during the registration period, removed a vehicle from service;
- (c) A registrant has, during the registration period, gone out of business and does not meet the conditions specified in ORS 826.039;
- (d) A registrant has, during the registration period, reduced weight for a vehicle;
- (e) A registrant operating in Oregon and in one or more other states has, during the registration period, changed its base state;
- (f) The Department has, for any reason, canceled the registration;
- (g) A registrant has elected calendar quarters and has operated at any time within any of the designated quarters;
- (h) A motor carrier operating a vehicle after the effective date of a vehicle's registration period will not be granted a refund; or
- (i) Registration dollars have been collected and transferred to another jurisdiction. In this circumstance, the motor carrier requesting a refund must request the refund directly from the jurisdiction to which the funds have been transferred.

(4) If a vehicle is permanently withdrawn from a fleet that is proportionally registered under ORS 826.009 or 826.011 as a result of being destroyed, sold or otherwise removed from the service of the registrant, the Department may issue a transfer of fees for the unused, unexpired portion of the registration in accordance with the terms of interstate agreements. The transfer of fees must be used to register a similar vehicle in the same fleet and within the same registration year. The fees will not be subject to refund.

Stat. Auth.: ORS 183.335 & 823.011
Stats. Implemented: ORS 826.039
Hist.: PUC 9-1993, f. & cert. ef. 5-12-93 (Order No. 93-652); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-081-0020; MCTD 8-2012, f. & cert. ef. 8-17-12

Landscaper Architect Board Chapter 804

Rule Caption: Address Changes in the National Landscape Architect Registration Examination (LARE) & Associated Housekeeping Updates.

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

Filed with Sec. of State: 9-5-2012

Certified to be Effective: 9-5-12 thru 3-4-13

Notice Publication Date:

Rules Amended: 804-010-0000, 804-020-0001, 804-020-0003, 804-020-0010, 804-020-0015, 804-020-0030, 804-020-0040, 804-020-0045, 804-020-0065, 804-040-0000

Subject: Amendments are designed to update Board rules addressing qualifications and procedures related to the national Landscape Architect Registration Examination (LARE). The primary driver for the amendments is to ensure Board rules are updated to reflect changes in the national examination structure, registration processes, and administration as put in place by the Council of Landscape Architectural Registration Boards (CLARB) after the June 2012 examinations and which will be phased in starting with fall and winter 2012 examinations and fully in place for 2013 examinations. The Board is also taking this opportunity to make housekeeping changes to these rules to better clarify language or otherwise improve readability of the rules. The Board is not proposing changes in how candidates qualify to sit for examinations or the types of Board approvals required for candidates seeking to register for examination sections. The Board is not adding any additional examinations to licensure requirements. The Board is proposing to give candidates additional time to submit requests for Board approvals compared to status quo rules. The Board's fee rule (804-040-0000) is included for amendment but not to increase a fee or add a fee. The fee rule will be revised to clarify that examination candidates send payment for examinations directly to CLARB instead of to the Board. The Board previously collected examination fees and passed those to CLARB with examination orders. The Board will no longer be involved in the collection of examination fees or other aspects of examination administration.

Rules Coordinator: Christine Valentine—(503) 589-0093

804-010-0000

Examination Qualifications

(1) To qualify to sit for the Board required examination, an examination candidate must have a degree from a program accredited and accepted by the Landscape Architecture Accreditation Board (LAAB) or the equivalent as specified in 804-010-0010 or 804-010-0020.

(2) For a LAAB degree program, it must be listed in LAAB's Accreditation Report current at the time of the candidate's graduation.

(3) Candidates applying to sit for either Section 3 or 4 of the examination must also meet work experience requirements as specified in 804-020-0003.

Stat. Auth.: ORS 183 & 671
Stats. Implemented: ORS 671.335
Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 1-2001 (Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; Administrative correction 12-2-02; LAB 1-2005, f. & cert. ef. 2-14-05; LAB 1-2007, f. & cert. ef. 4-27-07; LAB 3-2012(Temp), f. & cert. ef. 9-5-12 thru 3-4-13

804-020-0001

Landscape Architect Registration Examination (LARE)

(1) The Landscape Architect Registration Examination (LARE) is prepared by the Council of Landscape Architect Registration Boards (CLARB) and tests candidates' knowledge, skills, and abilities considered to be the minimum competency needed for protecting the health, safety and welfare of the public.

(2) All sections of the LARE are administered by CLARB.

(3) Exam candidates must obtain Board approval before registering for any section(s) of the LARE as addressed in OAR 804-020-0003 and 804-020-0010.

(4) Depending on the date examination sections were taken, examination candidates or licensure applicants must upon request of the Board or Board staff request of CLARB that verification be provided to the Board of passing scores for completed sections of the LARE.

Stat. Auth.: ORS 671
Stats. Implemented: ORS 671.335
Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89; LAB 1-1992, f. 3-23-92, cert. ef. 4-1-92; LAB 2-1998, f. & cert. ef. 4-22-98; Renumbered from 804-020-0020. LAB 1-2007, f. & cert. ef. 4-27-07; LAB 4-2008, f. & cert. ef. 11-7-08; LAB 3-2012(Temp), f. & cert. ef. 9-5-12 thru 3-4-13

804-020-0003

Application and Prior Approval

(1) Exam candidates must obtain Board approval before registering for any sections of the Landscape Architect Registration Examination (LARE). Candidates for Section 1 or 2 must obtain prior approval, as addressed in (2) of this rule. Candidates for Section 3 or 4 must submit an application to the Board, as addressed in (3) of this rule. A candidate can simultaneously submit documentation for the requisite approvals under (2) and (3) if requesting to register for multiple sections of the LARE.

(2) A candidate registering for either Sections 1 or 2 of the LARE must have prior approval from the Board.

(a) Prior approval to take either Section 1 or 2 does not authorize an exam candidate to register for Section 3 or 4 of the LARE.

(b) This prior approval may be granted by the Board Administrator after verification of receipt and review of the following information submitted to the Board office:

(A) A cover letter identifying candidate name and the exam section(s) for which registration would be made.

(B) The letter must include home address, work address, daytime phone number, and current email address and identify which address should be used as the mailing address.

(C) An official university sealed transcript(s) demonstrating the exam candidate meets the educational requirements to sit for the exam.

(c) No fee is required for this prior approval.

(d) For a candidate with a non-Landscape Architecture Accreditation Board (LAAB) accredited degree, work experience verification must also be provided as specified in 804-010-0010 or 804-010-0020, whichever is applicable.

(3) A candidate's application for either Section 3 or 4 of the LARE must be on forms provided by the Board. The completed application must be accompanied by the following:

(a) Official university sealed transcript(s) demonstrating the exam candidate meets the educational requirements to sit for the exam;

(b) Verification of qualifying work experience as follows:

(A) For a candidate with an LAAB accredited degree, one year of qualifying work experience under the direct supervision of a Registered Landscape Architect; or

ADMINISTRATIVE RULES

(B) For a candidate with a non-LAAB accredited degree, the qualifying work experience as specified in 804-010-0010 or 804-010-0020, whichever is applicable, plus one additional year of qualifying work experience under the direct supervision of a Registered Landscape Architect; and

(c) Application fee for each examination section.

Stat. Auth.: ORS 671.325, 671.335, 671.415

Stats. Implemented: ORS 671.325, 671.335

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89; LAB 1-2001(Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; Administrative correction 12-2-02; Renumbered from 804-020-0000, LAB 1-2007, f. & cert. ef. 4-27-07; LAB 2-2009, f. & cert. ef. 12-11-09; LAB 3-2012(Temp), f. & cert. ef. 9-5-12 thru 3-4-13

804-020-0010

Date of Application and Prior Approval Request Receipt

(1) Requests for prior approval to register for either Section 1 or 2 of the Landscape Architect Registration Examination (LARE) must be received in the Board's office no less than 30 days prior to the close of the examination registration period as set by the Council of Landscape Architectural Boards (CLARB).

(2) Applications to register for either Section 3 or 4 of the LARE must be received in the Board's offices no less than 45 days prior to the close of the examination registration period as set by CLARB.

(3) The Board Administrator may waive the deadlines in (1) or (2) on a case-by-case basis to accept a candidate's prior approval request or application closer to CLARB registration deadlines but only upon receipt of a written request from the candidate or CLARB and upon determination by the Board Administrator of extenuating circumstances outside the control of a candidate. Failure of a candidate to be knowledgeable about the need for Board approval or to begin the registration process in a timely manner considering the Board deadlines is an example of a situation that would not constitute extenuating circumstances.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.415

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 1-1987, f. & ef. 1-5-87; LAB 1-1992, f. 3-23-92, cert. ef. 4-1-92; LAB 1-1993, f. & cert. ef. 7-1-93; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 3-2012(Temp), f. & cert. ef. 9-5-12 thru 3-4-13

804-020-0015

Refunds

Examination application fees are non-refundable.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.365

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 3-2012(Temp), f. & cert. ef. 9-5-12 thru 3-4-13

804-020-0030

Date of Exams

The LARE shall be administered on the dates and times established by the Council of Landscape Architectural Registration Boards (CLARB) at test centers designated by CLARB.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.335

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 1-1992, f. 3-23-92, cert. ef. 4-1-92; LAB 1-1993, f. & cert. ef. 7-1-93; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 1-2007, f. & cert. ef. 4-27-07; LAB 3-2012(Temp), f. & cert. ef. 9-5-12 thru 3-4-13

804-020-0040

Examination Grading

The Board shall accept the recommended grading procedures and minimum passing scores for all sections of the Landscape Architect Registration Examination (LARE) as established by the Council of Landscape Architectural Registration Boards (CLARB).

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.335

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 1-1992, f. 3-23-92, cert. ef. 4-1-92; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 3-2012(Temp), f. & cert. ef. 9-5-12 thru 3-4-13

804-020-0045

Notice of Score

Examination candidates will receive notification of examination scores directly from the Council of Landscape Architectural Boards (CLARB).

Stat. Auth.: ORS 671

Stats. Implemented:

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1984, f. & ef. 1-5-84; LAB 1-2007, f. & cert. ef. 4-27-07; LAB 3-2012(Temp), f. & cert. ef. 9-5-12 thru 3-4-13

804-020-0065

Revoked Registration

Individuals whose registrations have been revoked must reapply and pass an appropriate examination, as determined by the Board, and establish to the Board's satisfaction having met all requirements of ORS 671.425 to be re-registered.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.425

Hist.: LAB 1-1984, f. & ef. 1-5-84; LAB 1-1992, f. 3-23-92, cert. ef. 4-1-92; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 3-2012(Temp), f. & cert. ef. 9-5-12 thru 3-4-13

804-040-0000

Fees

The following are fees established by the board:

(1) Examination Fees

(a) Application fee for examination Section 3 or 4: \$50.00.

(b) Landscape Architect Registration Examination (LARE): the cost for each section of the LARE is set by the Council of Landscape Architectural Boards (CLARB) and must be paid directly to CLARB.

(2) Registration Fees

(a) Initial Landscape Architect in Training registration: \$50.00.

(b) Annual renewal for Landscape Architect in Training: \$50.00.

(c) Application fee for initial Landscape Architect registration: \$100.00.

(d) Application fee for Landscape Architect registration by reciprocity: \$100.00.

(e) Initial Landscape Architect registration: \$250.00.

(f) Annual renewal for Landscape Architect: \$250.00.

(g) Emeritus Annual fee: \$25.00.

(3) Business Fees:

(a) Application fee for business registration: \$100.00.

(b) Initial certification as an Authorized Business Entity in Landscape Architecture: \$112.50.

(c) Annual renewal fee for an Authorized Business Entity in Landscape Architecture: \$112.50.

(4) Miscellaneous Fees

(a) Late fee: \$100.00 for each delinquent year.

(b) Duplicate certificate: \$50.00.

(c) Fee for registrant list: \$50.00.

Stat. Auth.: ORS 671.415

Stats. Implemented: ORS 671.365

Hist.: LAB 2-1982, f. & ef. 6-24-82; LAB 1-1983, f. & ef. 2-1-83; LAB 3-1983(Temp), f. 10-14-83, ef. 11-1-83; LAB 1-1984, f. & ef. 1-5-84; LAB 2-1986, f. & ef. 3-5-86; LAB 1-1987, f. & ef. 1-5-87; LAB 1-1989, f. 4-4-89, cert. ef. 4-7-89; LAB 1-1992, f. 3-23-92, cert. ef. 4-1-92; LAB 1-1993, f. & cert. ef. 7-1-93; LAB 1-1998, f. & cert. ef. 2-5-98; LAB 2-1998, f. & cert. ef. 4-22-98; LAB 1-1999, f. & cert. ef. 10-22-99; LAB 1-2001 (Temp), f. 12-24-01 cert. ef. 1-1-02 thru 5-1-02; Administrative correction 12-2-02; LAB 1-2005, f. & cert. ef. 2-14-05; LAB 2-2005, f. & cert. ef. 5-18-05; LAB 1-2006, f. & cert. ef. 3-17-06; LAB 2-2008, f. & cert. ef. 3-20-08; LAB 2-2009, f. & cert. ef. 12-11-09; LAB 1-2010, f. & cert. ef. 2-17-10; LAB 3-2012(Temp), f. & cert. ef. 9-5-12 thru 3-4-13

Oregon Department of Education Chapter 581

Rule Caption: Clarifies that references to Superintendent in rules, policies and motions also refer to Deputy.

Adm. Order No.: ODE 24-2012(Temp)

Filed with Sec. of State: 9-13-2012

Certified to be Effective: 9-17-12 thru 3-15-13

Notice Publication Date:

Rules Adopted: 581-001-0016

Subject: Senate Bill 552 (2011) amended state law to make the Governor the Superintendent of Public Instruction at the end of Superintendent Castillo's term of office or when there is a vacancy in the office. Superintendent Castillo resigned from office effective June 30, 2012. Therefore, the Governor became Superintendent on July 1, 2012. SB 552 also directed the Governor, acting as superintendent, to appoint a Deputy Superintendent of Public Instruction. The deputy "shall perform any act or duty of the office of Superintendent of Public Instruction that is designated by the Governor, and the Governor is responsible for any acts of the deputy superintendent."

The Governor appointed Rob Saxton as Acting Deputy Superintendent of Public Instruction effective July 31, 2012 pending confirmation by the Senate in September. The Governor has designated Mr. Saxton, as Deputy, to perform the duties of the Superintendent

ADMINISTRATIVE RULES

of Public Instruction including acting as administrative officer of the state board and executive head of the Department of Education.

The stat board, by rule, policy and motion, has directed the superintendent to perform acts and duties as the executive head of the department. The rule clarifies that the state board's intent is that these directions by rule also include the deputy.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-001-0016

Deputy Superintendent of Public Instruction

Except as otherwise designated or limited by the Governor pursuant to ORS 326.300:

(1) References to the "Superintendent of Public Instruction" in rules, policies or in motions adopted by the State Board of Education shall be considered references to the Superintendent of Public Instruction and the Deputy Superintendent of Public Instruction.

(2) The Deputy Superintendent shall perform any act or duty which the State Board of Education has designated by rule, policy or vote to the Superintendent of Public Instruction.

Stat. Auth.: ORS 326.051

Stats Implemented: ORS 326.300 & 326.310

Hist.: ODE 24-2012(Temp), f. 9-13-12, cert. ef. 9-17-12 thru 3-15-13

Rule Caption: Changes fees charged by Department of Education for fingerprinting of public school employees.

Adm. Order No.: ODE 25-2012(Temp)

Filed with Sec. of State: 9-13-2012

Certified to be Effective: 9-17-12 thru 3-15-13

Notice Publication Date:

Rules Amended: 581-021-0500

Subject: Changes the fees charged by ODE for processing fingerprinting applications for public school employees based on FBI reduction of fees. We would like to reduce the rate we charge school districts to reflect this change from \$62.00 to \$59.00.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-021-0500

Fingerprinting of Subject Individuals in Positions Not Requiring Licensure as Teachers, Administrators, Personnel Specialists, School Nurses

(1) Definitions of terms shall be as follows:

(a) "Subject individual" means:

(A) Any person newly hired by a school district and not requiring licensure under ORS 342.223;

(B) Any person newly hired as or by a contractor into a position having direct, unsupervised contact with students and not requiring licensure under ORS 342.223;

(C) Any person included above unless the current employer has on file evidence from a previous employer documenting a successfully completed Oregon and FBI criminal records check. The Oregon Department of Education or the Teacher Standards and Practices Commission verification of a previous check shall be acceptable only in the event the employer can demonstrate records are not otherwise available. Additional evidence that the employee has not resided outside the state between the two periods of time working in the district shall be maintained;

(D) A person who is a community college faculty member providing instruction at a kindergarten through grade 12 school site during the regular school day; and

(E) A person who is an employee of a public charter school.

(b) "Direct, unsupervised contact with students" means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision;

(c) "Fee" means the total charges assessed the local school district's State School Fund by the Department of Education for processing each fingerprint card submitted. The fee amount and distribution shall be as follows:

(A) Oregon State Police (OSP) — \$28;

(B) Federal Bureau of Investigation (FBI) — \$16.50;

(C) Oregon Department of Education — \$14.50;

(D) TOTAL — \$59.

(d) "Information to be required" means all information requested by the Oregon Department of Education for processing the fingerprint application, including the following:

(A) One properly completed FBI fingerprint cards #USGPO 1990-262-201-2000; and

(B) A properly completed Department of Education form #581-2283-M.

(e) For purposes of criminal background checks pursuant to ORS 326.603 and 326.607, conducted in relation to individuals subject to such criminal background verification, the following definitions of "conviction" of a crime applies:

(A) Any adjudication in any criminal court of law, in this state or in any other jurisdiction, finding the individual committed a crime. A crime is an offense for which a sentence of imprisonment is authorized.

(B) Any adjudication in a juvenile proceeding, in this state or in any other jurisdiction, determining that the individual committed an offense, which if done by an adult, would constitute a crime listed in ORS 342.143.

(C) Any conduct which resulted in mandatory registration reporting as a sex offender in this state or any other jurisdiction. A later court order or other action relieving the individual of the sex offender registration/reporting requirement does not affect the status of the conduct as a conviction for purposes of this rule.

(D) Any plea of guilty, no contest or nolo contendere in connection with a crime, in this state or in any other jurisdiction.

(E) A conviction exists for purposes of this rule, regardless of whether a dismissal was later entered into the record in connection with a diversion or on any sort of deferred adjudication or delayed entry of judgment.

(F) A conviction exists for purposes of this rule even if a crime was expunged or removed from the record of the individual under the laws of another jurisdiction if the crime would be ineligible under ORS 137.225 for expunction or removal from the record if the conviction had occurred in Oregon. A conviction does not exist where an Oregon court has expunged or otherwise removed a conviction from the record of an individual.

(G) A conviction does not exist, except as noted above, only where there was a judicial adjudication that the individual did not commit the offense in question, or when a conviction, adjudication or plea is overturned by an appellate court of record and no later conviction, adjudication or plea indicating the individual committed the offense in question is on the record.

(f) "Knowingly made a false statement" means that a subject individual has failed to disclose a crime on the Department of Education form #581-2283-M as part of the criminal background check process.

(g) "Applicant" means a subject individual for whom fingerprint cards and other required information have been submitted to the Oregon Department of Education for a criminal history check and review;

(h) "Newly hired" means the employment of a person after application or request for a position without regard to that person's current or previous employer; and

(i) "School district" means:

(A) A taxing district providing public elementary or secondary education, or any combination thereof, within the state;

(B) An education service district;

(C) The Oregon School for the Deaf;

(D) An educational program under the Youth Corrections Education Program; and

(E) A public charter school.

(2) School districts shall adopt and implement local board policy related to fingerprint collection and processing which shall:

(a) Specify that subject individuals as defined by this rule are subject to fingerprinting and criminal record checks required by law;

(b) Specify which contractors will be considered to have unsupervised access to children and are subject to fingerprinting and criminal records checks required by law;

(c) Specify the format used to notify subject individuals that fingerprinting and criminal record checks are required by law and that any action resulting from those checks may be appealed as a contested case;

(d) Provide a clear statement that the district will terminate the employee, if it receives notification by the Superintendent of Public Instruction that the person has been convicted, of the crimes prohibiting employment that are listed in section (9) of this rule;

(e) Provide a clear statement that the district may terminate the employee, if it receives notification by the Superintendent of Public Instruction that the person has knowingly made a false statement as to the conviction of any crime;

(f) Specify that subject individuals may begin to carry out terms of a contract or employment on a probationary basis pending the return of criminal record checks by the FBI;

ADMINISTRATIVE RULES

(g) Identify that employment shall be offered prior to collecting fingerprint cards for submission to the Department of Education and that fees may be collected from the applicant. The applicant may request that the amount of the fee be withheld from the amount otherwise due the individual, and the school district shall withhold the amount only upon the request of the subject individual; and

(h) Identify a procedure that ensures the integrity of fingerprint collection and will prevent any possible compromise of the process.

(3) Fingerprints may be collected by one of the following:

- (a) Employing school district staff;
- (b) Contracted agent of employing school district;
- (c) Local or state law enforcement agency.

(4) School districts shall send to the Department of Education for purposes of a criminal records check any information, including fingerprints for each subject individual defined in this rule immediately following offer and acceptance of employment or contract.

(5) The Department of Education shall request criminal information from the Department of State Police in the manner prescribed by law and may charge the school district a fee not to exceed the actual cost of acquiring and furnishing the information.

(6) The Oregon Department of Education shall review the criminal records of subject individual upon the district's submission of the required FBI and state forms and the State Superintendent of Public Instruction or designee shall issue a statement of criminal history status and related impact on employment or contract qualification. The Superintendent of Public Instruction or designee shall also notify the school district if the subject individual has knowingly made a false statement as to conviction of a crime.

(7) The Oregon Department of Education shall not provide copies of criminal records to anyone except as provided by law. The subject individual may inspect his or her personal criminal records under the supervision of properly certified LEDS (Law Enforcement Data Systems) personnel at the Department of Education.

(8) Subject individuals who refuse to consent to the criminal records check or refuse to be fingerprinted shall be terminated from employment or contract status by the district.

(9) Subject individuals who have been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, shall be refused continued employment or have employment terminated upon notification from the Superintendent of Public Instruction. The crimes listed in ORS 342.143 are:

- (a) ORS 163.095 — Aggravated Murder;
- (b) ORS 163.115 — Murder;
- (c) ORS 163.185 — Assault in the First Degree;
- (d) ORS 163.235 — Kidnapping in the First Degree;
- (e) ORS 163.355 — Rape in the Third Degree;
- (f) ORS 163.365 — Rape in the Second Degree;
- (g) ORS 163.375 — Rape in the First Degree;
- (h) ORS 163.385 — Sodomy in the Third Degree;
- (i) ORS 163.395 — Sodomy in the Second Degree;
- (j) ORS 163.405 — Sodomy in the First Degree;
- (k) ORS 163.408 — Unlawful Sexual Penetration in the Second Degree;
- (l) ORS 163.411 — Unlawful Sexual Penetration in the First Degree;
- (m) ORS 163.415 — Sexual Abuse in the Third Degree;
- (n) ORS 163.425 — Sexual Abuse in the Second Degree;
- (o) ORS 163.427 — Sexual Abuse in the First Degree;
- (p) ORS 163.432 — Online sexual corruption of a child in the second degree;
- (q) ORS 163.433 — Online sexual corruption of a child in the first degree;
- (r) ORS 163.435 — Contributing to the Sexual Delinquency of a Minor;
- (s) ORS 163.445 — Sexual Misconduct;
- (t) ORS 163.465 — Public Indecency;
- (u) ORS 163.515 — Bigamy;
- (v) ORS 163.525 — Incest;
- (w) ORS 163.547 — Child Neglect in the First Degree;
- (x) ORS 163.575 — Endangering the Welfare of a Minor;
- (y) ORS 163.670 — Using Child in Display of Sexually Explicit Conduct;
- (z) ORS 163.675 (1985 Replacement Part) — Sale of Exhibition of Visual Reproduction of Sexual Conduct by Child;

(aa) ORS 163.680 (1993 Edition) — Paying for Viewing Sexual Conduct Involving a Child;

(bb) ORS 163.684 — Encouraging Child Sex Abuse in the First Degree;

(cc) ORS 163.686 — Encouraging Child Sex Abuse in the Second Degree;

(dd) ORS 163.687 — Encouraging Child Sex Abuse in the Third Degree;

(ee) ORS 163.688 — Possession of Materials Depicting Sexually Explicit Conduct of a Child in the First Degree;

(ff) ORS 163.689 — Possession of Materials Depicting Sexually Explicit Conduct of a Child in the Second Degree;

(gg) ORS 164.325 — Arson in the First Degree;

(hh) ORS 164.415 — Robbery in the First Degree;

(ii) ORS 166.005 — Treason;

(jj) ORS 166.087 — Abuse of Corpse in the First Degree;

(kk) ORS 167.007 — Prostitution;

(ll) ORS 167.008 — Patronizing a Prostitute;

(mm) ORS 167.012 — Promoting Prostitution;

(nn) ORS 167.017 — Compelling Prostitution;

(oo) ORS 167.057 — Luring a minor;

(pp) ORS 167.062 — Sodomasochistic Abuse or Sexual Conduct in Live Show;

(qq) ORS 167.075 — Exhibiting an Obscene Performance to a Minor;

(rr) ORS 167.080 — Displaying Obscene Materials to Minors;

(ss) ORS 167.090 — Publicly Displaying Nudity or Sex for Advertising Purposes;

(tt) ORS 475.808 — Unlawful manufacture of hydrocodone within 1,000 feet of school;

(uu) ORS 475.810 — Unlawful delivery of hydrocodone;

(vv) ORS 475.812 — Unlawful delivery of hydrocodone within 1,000 feet of school;

(ww) ORS 457.818 — Unlawful manufacture of methadone within 1,000 feet of school;

(xx) ORS 475.820 — Unlawful delivery of methadone; and

(yy) ORS 475.822 — Unlawful delivery of methadone within 1,000 feet of school.

(zz) ORS 475.828 — Unlawful manufacture of oxycodone within 1,000 feet of school;

(aaa) ORS 475.830 — Unlawful delivery of oxycodone;

(bbb) ORS 475.832 — Unlawful delivery of oxycodone within 1,000 feet of school;

(ccc) ORS 475.848 — Unlawful manufacture of heroin within 1,000 feet of school;

(ddd) ORS 475.852 — Unlawful delivery of heroin within 1,000 feet of school;

(eee) ORS 475.858 — Unlawful manufacture of marijuana within 1,000 feet of school;

(fff) ORS 475.860 — Unlawful delivery of marijuana;

(ggg) ORS 475.862 — Unlawful delivery of marijuana within 1,000 feet of school;

(hhh) ORS 475.864(4) — Unlawful possession of marijuana within 1,000 feet of school;

(iii) ORS 475.868 — Unlawful manufacture of 3,4-methylenedioxymethamphetamine within 1,000 feet of school;

(jjj) ORS 475.872 — Unlawful delivery of 3,4-methylenedioxymethamphetamine within 1,000 feet of school;

(kkk) ORS 475.878 — Unlawful manufacture of cocaine within 1,000 feet of school;

(lll) ORS 475.880 — Unlawful delivery of cocaine;

(mmm) ORS 475.882 — Unlawful delivery of cocaine within 1,000 feet of school;

(nnn) ORS 475.888 — Unlawful manufacture of methamphetamine within 1,000 feet of school;

(ooo) ORS 475.890 — Unlawful delivery of methamphetamine;

(ppp) ORS 475.892 — Unlawful delivery of methamphetamine within 1,000 feet of school;

(qqq) ORS 475.904 — Unlawful manufacture or delivery of controlled substance within 1,000 feet of school;

(rrr) ORS 475.906 — Penalties for distribution to minors.

(10) Subject individuals who have been convicted of any of the crimes listed in ORS 161.405 or an attempt to commit any of the crimes listed in section (9) of this rule shall be refused continued employment or have employment terminated upon notification from the Superintendent of Public Instruction.

ADMINISTRATIVE RULES

(11) A school district may terminate the employment of any subject individuals who knowingly makes a false statement as to the conviction of a crime upon notification of the false statement by the Superintendent of Public Instruction.

(12) Evaluations of crimes shall be based on Oregon laws in effect at the time of conviction, regardless of the jurisdiction in which the conviction occurred.

(13) Prior to making a determination that results in a notice and opportunity for hearing, the Superintendent of Public Instruction may cause an investigation to be undertaken. Subject individuals and districts shall cooperate with the investigation and may be required to furnish oral or written statements by affidavit or under oath. If the Superintendent of Public Instruction determines through investigation that a violation of this rule has not occurred, a written decision explaining the basis for the decision will be provided to the subject individual.

(14) Applicants may appeal a determination that prevents their employment or eligibility to contract with a school district as a contested case under ORS 183.413 to 183.470 to the Oregon Superintendent of Public Instruction.

(15) Only cards and forms approved by the Department of Education will be accepted. The Department of Education will return any incomplete or incorrectly completed fingerprint cards and associated forms without taking any other action.

(16) The Department of Education shall maintain a record of all properly submitted fingerprint cards. The record shall include at least the following:

- (a) Card sequence number;
- (b) District submitting the cards;
- (c) Date cards and Department form received;
- (d) Date completed card sent to Oregon State Police;
- (e) Date denial or probationary approval sent to district;
- (f) Date FBI card returned to Department; and
- (g) Date denial or final approval sent to district.

Stat. Auth.: ORS 326.603

Stats. Implemented: ORS 326.603

Hist.: ODE 25-2008, f. & cert. ef. 9-26-08; ODE 12-2009, f. & cert. ef. 12-10-09; ODE 18-2009, f. & cert. ef. 12-10-09; ODE 2-2012, f. 2-1-12, cert. ef. 2-3-12; ODE 25-2012(Temp), f. 9-13-12, cert. ef. 9-17-12 thru 3-15-13

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Rule Caption: Identifies factors for when Department will initiate audit of school district or education service district.

Adm. Order No.: ODE 26-2012

Filed with Sec. of State: 9-13-2012

Certified to be Effective: 9-17-12

Notice Publication Date: 8-1-2012

Rules Adopted: 581-023-0036

Subject: HB 2280 (2011) directed the State Board of Education to identify factors for when to initiate an audit. The proposed rule identifies factors to be used by the Department of Education when deciding to initiate a financial audit or a performance audit of a school district or education service district.

HB 2280 also allows the Secretary of State to initiate a financial audit or performance audit of a district based on factors identified by the Secretary by rule. Additionally, the Department may contract with the Secretary of State to conduct an audit. Due to this, the Department worked with the Secretary of State to identify the factors identified in the rule so that there was consistency between the two agencies.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-023-0036

Factors for when audit initiated by Department

(1) Pursuant to ORS 327.141, the Department of Education shall use the following factors to determine whether to initiate a financial audit or a performance audit of a school district or an education service district:

- (a) Total annual expenditures of district.
- (b) Total full time equivalent employees of district.
- (c) The district's annual financial audit, including any findings it contains.

(d) Any other audits, reviews or reports indicating inappropriate, inefficient or ineffective operations or business practices at one or more school districts or education service districts.

- (e) A request from the Governor.
- (f) A request from a member or committee of the Oregon Legislature.

(g) A request from a school district or education service district.

(h) A request from a member of the public.

(2) The Department shall weigh these factors when determining whether to initiate an audit.

(3) The Department shall forward a copy of any audit conducted as provided in ORS 327.141 to:

(a) The school district or education service district that is the subject of the audit;

(b) The requestor of the audit; and

(c) Any other entity that either the Department determines would benefit from review of the audit or that has requested a copy of the audit.

Stat. Auth.: ORS 327.141

Stats. Implemented: ORS 327.141

Hist.: ODE 26-2012, f. 9-13-12, cert. ef. 9-17-12

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Rule Caption: Modifies definitions that apply to private career schools.

Adm. Order No.: ODE 27-2012

Filed with Sec. of State: 9-13-2012

Certified to be Effective: 9-17-12

Notice Publication Date: 5-1-2012

Rules Amended: 581-045-0001

Subject: In response to changes at the federal level in the administration of federal student aid, and because of issues that have surfaced through student complaints received by this agency, these amendments update definitions applied to administrative rules that govern private career schools, and add new definitions to accommodate policies that address emergent issues in regulation of career school operations.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-045-0001

Definitions

The following definitions apply to OAR 581-045-0001 through 581-045-0210, unless otherwise indicated by the context:

(1) "Ability to benefit" is a term used in reference to federal Title IV federal student aid regulations and the methods of determining whether a student has the requisite academic skills necessary to successfully complete a program of study, to be used only for the purposes of establishing eligibility for Title IV funding.

(2) "Addendum" used in reference to a school's catalog means a separate document that contains revisions of policies or other information appearing in the school catalog. Information listed in an addendum to a catalog should be incorporated into the catalog at the next printing of the catalog. An addendum does not include errata, but errata can appear on the same page as addendum information, if properly labeled.

(3) "Advertising" means any form of public notice used in recruiting and promoting activities, however disseminated, including but not limited to print media, catalogs, and other school publications, signs, mailing pieces, radio or television ads, audiovisual material, and the internet on behalf of a licensed school.

(4) "Agent" has the meaning given in ORS 345.010(1).

(5) "Application for admission" or "admission application" means a form, separate from the enrollment agreement, which is submitted by an applicant prior to the signing of the enrollment agreement and evaluated by the school for admission purposes. Schools may charge a non-refundable application fee; however, the fee must be clearly identified on the application.

(6) "Application fee," when used in reference to a school's admissions process, or "admission fee" means the initial fee charged by a school to cover those expenses incurred by the school in establishing an admissions file for a prospective student. The application or admission fee is not inclusive of and does not preclude other fees necessary to assess the suitability of a student for the intended program, or that student's appropriate level of placement in the program based on prior training, education, or experience. At the school's option, the application fee may be non-refundable. The school shall not charge an application fee of more than \$50.00.

(7) "Approved" means accepted by the State Board of Education or by the Superintendent in matters relating to school licensing requirements.

(8) "Assessment" or "Performance Assessment" when used in reference to the instructional program, as outlined in OAR 581-045-0009, means a performance-based evaluation of an applicant's progress towards mastery of the stated competencies of the instructional program.

ADMINISTRATIVE RULES

(9) "At-risk" means the school demonstrates a pattern or history of one or more of the following conditions that the Superintendent determines, may cause potential serious problems for the continued successful and profitable operation of the organization:

(a) Failure to meet the standards of financial responsibility or reporting;

(b) Misrepresentation;

(c) Frequent substantiated complaints filed with the Department;

(d) A decrease in enrollment from the previous reporting period of 50 percent or more or 25 students, whichever is greater;

(e) Staff turnover from the previous reporting period of 50 percent or more or three staff, whichever is greater; and

(f) If conditions listed in paragraphs (d) and (e) of this subsection can be shown to be caused by unusual circumstance or reason the school may request an exemption from an "at risk" designation. Exemption request will be evaluated by the Superintendent.

(10) "Auxiliary facility" means a facility that does not use or list its address as a school location and:

(a) Absorbs a temporary overload that the principal facility cannot accommodate; or

(b) Provides a specialized training facility away from the principal school location; or

(c) Provides training under contract that is not open to general enrollment; or

(d) Is a site approved by the Department of Education for teaching a short-term course that is taught by registered teachers from the principal facility.

(11) "Barbering" has the meaning given in ORS 690.005.

(12) "Board" means the State Board of Education.

(13) "Bona fide organization or group" means any body or entity that is nationally chartered or recognized by a national or state educational/occupational policy board that has operated or functioned in good faith without fraud or deceit for at least 25 years.

(14) "Capacity to complete" means that a student has the cognitive or physical capacity to complete a program of study, with or without reasonable accommodations, and become employment eligible in the specific field of training for which they are enrolling. A school has an obligation to determine whether applicants have capacity to complete during the admissions process, and to assess this capacity when information is obtained or received by the school through any means which suggests the student may not have capacity to complete the program. Any information obtained shall be treated as confidential and kept in a secure manner. Capacity to complete must be assessed before enrollment is completed; however, if information is received by the school after instruction has commenced that cognitive or physical circumstances exist that may impede a student's satisfactory progress through their program of study, capacity to complete must be assessed immediately after receipt of such information, and appropriate adjustments, accommodations, or tuition refunds made.

(15) "Chairperson" means the person who is responsible for overseeing the business of the advisory committee.

(16) "Class" means a scheduled meeting of persons for instructional purposes.

(17) "Clinic lab" or "clinic floor" means a place where students perform assigned instructional tasks identified in the approved curriculum on models or the general public.

(18) "Completion" means the student has satisfactorily finished all the requirements of the program in which he or she is enrolled, has fulfilled the terms of the enrollment agreement, and has been awarded an appropriate certificate, diploma, or completion document.

(19) "Continuing education" means the enrollment in and completion of ongoing, Department-approved instruction, outside the normal teaching schedule, which upgrades a teacher's skills and knowledge with the intent of making the teacher more proficient and current in subject matter taught, instructional methodology, or other skills and knowledge relevant to the teaching of adult learners.

(20) "Course" means an aggregation of classes to achieve a completed set of competencies.

(21) "Department" means the Oregon Department of Education.

(22) "Discount" means a specified amount of money to be deducted at the time of enrollment from the costs associated with an instructional program, according to a specified set of criteria. The criteria and details of any discounts offered by a school will be given to all persons eligible to receive the discount, and documented and maintained as part of a school's approved advertising. A discount that is granted must be listed as a discount on the enrollment agreement, and is not revocable.

(23) "Discrimination" means any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on age, disability, national origin, race, color, marital status, religion, sex or sexual orientation, or any other protected class.

(24) "Distance learning instruction" means education provided by written correspondence or any electronic medium for students enrolled in a private career school in pursuit of an identified occupational objective, but not attending classes at an approved school site or training establishment.

(25) "Enrollment" means a student has agreed to the purchase of a course or program of instruction offered by a school and has signed an enrollment agreement, however named, that commits both the student and the school to a legal and binding obligation. Instruction in a program or course may not begin without a signed enrollment agreement in place.

(26) "Enrollment fee" means the fee a school charges that covers those expenses incurred by a school in processing the student enrollment agreement and establishing a student records system. The enrollment fee is limited to 15% of the total tuition cost, or \$150, whichever is less, and is identified as an enrollment fee on the student enrollment agreement.

(27) "Errata" in reference to a school's catalog means a listing of errors appearing in a school's published catalog and the corrections of those errors. Errors do not include revisions to policies or other information in the catalog. Errata may be published only via electronic means, at the discretion of the school, in which case a reference in the school catalog must be included that specifies the URL or website where errata may be found. Errors included on the errata list should be corrected in the next printing of the school's catalog.

(28) "Esthetics" has the meaning given in ORS 690.005.

(29) "Evaluation fee" means any fee, however named, covering those expenses incurred by a school in evaluating a prospective student's prior training, education, experience, or other indicators of beginning level of mastery in technical program competencies before enrolling in a program of instruction at the school, or for other Department approved uses of an assessment for competency evaluation (e.g., licensing reciprocity). The evaluation fee shall not exceed the reasonable costs incurred by the school in administering and scoring the assessment, preparing official documentation, providing appropriate feedback to the applicant, and designing a program of study based on the assessment results (if applicable).

(30) "Fiscal reporting period" means the period of time for which the school provides financial information required by the department. The fiscal reporting period is identified by the school owner in the initial license application and must remain consistent unless a written request for a change is approved by the Superintendent. The fiscal reporting period may be the calendar year or another 12-month time period.

(31) "Fund" means the private career school Tuition Protection Fund (TPF).

(32) "Grant," as used in reference to tuition assistance, means actual funds made available through any source to prospective or enrolled students through an application process whereby applicants must meet predetermined criteria and may or may not be required to maintain a certain status or performance criteria in order to retain the award. For in-house grants, funds in the amount of the full amount of the award for grants awarded on an annual basis will be deposited by the school in an account separate from the school's operating funds at the time of the award, or at the beginning of each new year of an on-going award, and drawn out by the school as the tuition is earned. For third party grants, all monies received by the school on behalf of the student will be deposited into an account separate from the school's operating funds and drawn out as the tuition is earned. In-house grants are revocable only in the amount that has not been earned by the student, according to the terms of the grant award, which are to be articulated to the recipient of the award and agreed upon by signature through an official award letter. The signed award letter will be kept in the student's file, and a copy given to the student. Any grant awarded a student from any source will be documented on the enrollment agreement as a grant at the time of the award. If the award is made after the initial enrollment agreement has been signed, a rider to that agreement must be executed and attached.

(33) "Gross tuition income" means all direct tuition charges from programs for which the school is licensed under OAR 581-045-0001 through 581-045-0210, including any laboratory fee. Total gross tuition income does not include:

(a) Tuition refund;

(b) Enrollment and application fees; or

(c) Costs for books, supplies, tools, and equipment purchased by students.

ADMINISTRATIVE RULES

(34) "Hair design" has the meaning given in ORS 690.005.

(35) "In default" is defined in ORS 345.115(5) as "when a course or program is discontinued or canceled or the school closes prior to completion of contracted services."

(36) "Incentive," as used in reference to tuition assistance, means a monetary reward or inducement offered by a school for the purpose of encouraging or motivating a student to perform a specific action, such as completing or course or instructional program within a certain period of time. Any terms or conditions that apply to an incentive must be published by the school, and maintained as part of the school's approved advertising. Students who are working towards an incentive award will have in their file a copy of the terms and conditions of the incentive along with a record of the date each condition is satisfied. Once all conditions have been satisfied the incentive is considered earned and cannot be cancelled or revoked. A rider to the enrollment agreement must be prepared at the time of award detailing the application of the incentive to the student's outstanding financial obligation.

(37) "License" means a license to operate a private career school.

(38) "Nail technology" has the meaning given in ORS 690.005.

(39) "On-site review" means a visit to the school by authorized Department staff who may review the facilities, classrooms, and school records; talk with students, staff, and administrators; and determine whether the school is in compliance with Oregon law.

(40) "Operating" or "operation" means any form of marketing, advertising, instruction, recruitment, or any other activity regulated under ORS Chapter 345 and OAR 581-045-0001 through 581-045-0210.

(41) "Placement" means the student has been employed in the occupation for which trained.

(42) "Post-secondary" for the purposes of recognizing private career schools in Oregon as institutions of post-secondary study means any school licensed under ORS Chapter 345 that:

(a) Admits as regular students, or maintains as a majority of its enrollment, those students who have earned a recognized high school diploma, the equivalent of a recognized high school diploma, or a GED certificate, or who are beyond the age of compulsory education in the State of Oregon, and

(b) Is authorized by the Department to offer one or more educational programs beyond secondary education.

(43) "Probation" means that a school has been officially notified by the Superintendent that it has deficiencies that must be corrected within a specified time.

(44) "Program" means an aggregation of courses to meet an identified occupational objective.

(45) "Program advisory committee" means a representative group appointed by the school, which advises the school ownership and administration.

(46) "Program improvement plan" or "school improvement plan" means a written plan that describes how the school will resolve or comply with violations of state rule or regulation assessed by the Superintendent or correct any deficiencies identified by the Superintendent, and usually includes interim outcome measures to track progress towards the overall improvement goals.

(47) "Pro rata" means in accordance with a fixed proportion.

(48) "Published Class Schedule" (for the purpose of calculating tuition charges) means the period of time between the commencement of classes and the student's last date of attendance as offered by the school and scheduled by the student.

(49) "Recruiting" means personally soliciting or attracting a person or persons by a school or its agent(s) with the intention of actively pursuing enrollment in the school. Recruiting does not include leaving materials at or near an office or other site for a person to pick up of his or her own accord or handing a brochure or other materials to a person.

(50) "Registration" means the process by which directors, agents, or teachers either request registration by the Superintendent to teach at the school or notify the Superintendent of their appointment of an agent to represent the school.

(51) "Reporting period" means the period of time that corresponds with the school's fiscal year on which the school bases all individual program student completion and placement reporting that must be submitted to the Department. The school's fiscal year may be the calendar year or another 12-month time period.

(52) "Resident instruction" means education provided at an approved school site or training establishment for students enrolled in and attending classes at the school facility in pursuit of an identified occupational objective.

(53) "Revocation" as referenced in OAR 581-045-0012 means that the Superintendent has notified an employee of a licensed private career school that because of violations of OAR 581-045-0012(9)(a)-(c) the Department's approval of the employee's registration is permanently withdrawn. When notice of revocation is issued, the employee shall be notified and upon written request, shall be granted a contested case hearing under ORS 183.310(2).

(54) "Revoke" means the Superintendent terminates the school license. When the license is revoked, the school is not authorized to continue operating. Probation or suspension may, but is not required to, precede revocation.

(55) "Rider" means an attachment, schedule, amendment, or other writing that is added to the enrollment agreement that alters the terms, conditions, or financial obligation of the original instrument without altering the instrument in its entirety. The contents of a rider to the enrollment agreement are understood to be incorporated into the enrollment agreement.

(56) "Scholarship" means actual funds, from any source, made available to prospective or enrolled students through an application process whereby applicants must meet predetermined criteria and may or may not be required to maintain a certain status in order to retain the award. For in-house scholarships, funds in the amount of the full amount of the award for scholarships awarded on an annual basis will be deposited by the school in an account separate from the school's operating funds at the time of the award, or at the beginning of each new year of an on-going award, and drawn out by the school as the tuition is earned. For third party scholarships, all monies received by the school on behalf of the student will be deposited into an account separate from the school's operating funds and drawn out as the tuition is earned. In-house scholarships are revocable according to the terms of the scholarship award, which are to be articulated to the recipient of the award and agreed upon by signature through an official award letter. The signed award letter will be kept in the student's file, and a copy given to the student. Any scholarship awarded a student from any source will be documented on the enrollment agreement as a scholarship at the time of the award. If the award is made after the initial enrollment agreement has been signed, a rider to that agreement must be executed and attached.

(57) "Self-directed instruction" means a course of instruction or an instructional program in which the instructional materials and curriculum are sufficient in design and scope to prepare a student for the program's occupational objectives without the provision of direct instruction. These objectives can be achieved without regular or scheduled interaction either by mail, telephone, or in person between the student and faculty employed by the school and do not require the school to measure attendance or lesson completion for satisfactory progress.

(58) "School" or "career school" or "private career school" has the meaning given in ORS 345.010(4).

(59) "Short term course" means a course no longer than 16 clock hours in duration.

(60) "State advisory committee" means a representative, statutory advisory committee appointed by the Superintendent of Public Instruction, consisting of members who shall serve for terms of three years ending June 30.

(61) "Structured work experience" or "externship" means a worksite educational activity that correlates the value of classroom training and on-site job performance, is an integral part of the student's training plan, and is supervised/evaluated by appropriate school personnel.

(62) "Superintendent" means the State Superintendent of Public Instruction or qualified designee.

(63) "Supplement" in reference to a school's catalog means a document that is separate from the catalog and which contains new information not appearing in the catalog, or information that is related, but in addition, to information already appearing in the catalog. Information contained in a catalog supplement may or may not need to be incorporated into the catalog at the next regular revision and printing of the catalog.

(64) "Suspension" as referenced in OAR 581-045-0012 means that the Superintendent has notified an employee of a licensed private career school that because of violations of 581-045-0012(9)(a)-(c) the Department's approval of the employee's registration is temporarily withdrawn. When notice of suspension is issued, the employee shall be notified and upon written request, shall be granted a contested case hearing under ORS 183.310(2).

(65) "Suspend" means the Superintendent has notified a school that because of deficiencies, it may not advertise, recruit, enroll students, or begin instruction of new students, but may remain open to complete train-

ADMINISTRATIVE RULES

ing of currently enrolled students. Probation may, but is not required to pre-
cede suspension.

(66) "Teachout" means a defaulting school or the Department makes provisions for students enrolled at the time of the default to complete a comparable program at no additional cost beyond the original enrollment agreement with the defaulting school. Teachout arrangements, if made by the defaulting school, shall be approved in advance by the Superintendent and, if ongoing, approved annually by the Superintendent.

(67) "Transcript" means a written record that shall include, but is not limited to, name and address of student, first and last date of attendance, all programs or courses undertaken, grades achieved, whether the courses or programs were successfully completed, and signature of a school official.

(68) "Tuition" means money or other compensation paid or credited to a school by a student or on behalf of a student that is applied to the costs of instruction and training actually received or to be received by the student.

(69) "Tuition aid" or "Tuition assistance" means any award of monetary value, including, but not limited to, scholarships, grants, discounts, or incentives offered by a career school or by a third party, that is received by a student who will enroll in, or is enrolled in, a specific program of instruction, and is:

(a) Provided directly to the student for the purposes of covering, in full or in part, the costs of tuition or other allowed educational expenses incurred by the student, or

(b) Paid or credited to a career school on behalf of the student by the school or a third party for the purpose of covering, in full or in part, the costs of tuition or other allowed educational expenses incurred by the student.

(70) "Withdrawal fee" means any fee, however named, covering those expenses incurred by a school in processing student paperwork relating to program changes (i.e., course additions/drops or transfers) or withdrawal from school and so identified on the student enrollment agreement.

Stat. Auth.: ORS 345.020

Stats. Implemented: ORS 345.030 & 345.325

Hist.: 1 EB 31-1986, f. & ef. 7-23-86; EB 11-1990, f. & cert. ef. 2-1-90; EB 13-1996, f. & cert. ef. 7-26-96; ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 21-2002, f. 9-26-02 cert. ef. 10-1-02; ODE 17-2003, f. 12-30-03, cert. ef. 1-1-04; ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; ODE 13-2008, f. & cert. ef. 5-23-08; ODE 13-2008, f. & cert. ef. 5-23-08; ODE 3-2010, f. & cert. ef. 2-8-10; ODE 27-2012, f. 9-13-12, cert. ef. 9-17-12

Rule Caption: Changes fees charged by Department of Education for fingerprinting of private school employees.

Adm. Order No.: ODE 28-2012(Temp)

Filed with Sec. of State: 9-13-2012

Certified to be Effective: 9-17-12 thru 3-15-13

Notice Publication Date:

Rules Amended: 581-045-0586

Subject: Changes the fees charged by ODE for processing fingerprinting applications for private school employees based on FBI reduction of fees. We would like to reduce the rate we charge private schools to reflect this change from \$62.00 to \$59.00.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-045-0586

Fingerprinting of Subject Individuals Employed by Private Schools in Positions Not Requiring Licensure as Teachers, Administrators, Personnel Specialists, School Nurses

(1) Definitions of terms shall be as follows:

(a) "Subject individual" means:

(A) A person employed by a Private School in a position not requiring licensure under ORS 342.223; and

(B) Any person newly hired as or by a contractor into a position having direct, unsupervised contact with students and not requiring licensure under ORS 342.223.

(b) "Direct, unsupervised contact with students" means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision;

(c) "Fee" means the total charges assessed. Fees shall be paid to the Oregon Department of Education with submission of fingerprint cards and associated form. The fee amount and distribution shall be as follows:

(A) Oregon State Police (OSP) — \$28;

(B) Federal Bureau of Investigation (FBI) — \$16.50;

(C) Oregon Department of Education — \$14.50;

(D) TOTAL — \$59.

(d) "Information to be required" means all information requested by the Oregon Department of Education for processing the fingerprint application, including the following:

(A) One properly completed FBI fingerprint cards #USGPO 1990-262-201-2000; and

(B) A properly completed Department of Education form #581-2283-M.

(e) "Convictions of crimes prohibiting employment, contract or assignment by a contractor" means, notwithstanding any other statutes or Oregon administrative rule, conviction of a crime listed in ORS 342.143, or making a false statement as to the conviction of a crime;

(f) "Applicant" means a subject individual for whom fingerprint cards and other required information have been submitted to the Oregon Department of Education for a criminal history check and review;

(g) "Knowingly made a false statement" means that a subject individual has failed to disclose a crime on the Department of Education form #581-2283-M as part of the criminal background check process.

(h) "Private School" means a school that:

(A) Offers education in prekindergarten, kindergarten or grades 1 through 12, or any combination of those grade levels; and

(B) Provides instructional programs that are not limited solely to dancing, drama, music, religious or athletic instruction.

(2) A private school may request that Department of Education conduct a criminal records check of a subject individual. Upon receipt of the information, the Department shall request criminal information from the Department of State Police in the manner prescribed by law and may charge the private school a fee not to exceed the actual cost of acquiring and furnishing the information.

(3) The Oregon Department of Education shall review the criminal records of subject individual upon the private school's submission of the required FBI and state forms and the State Superintendent of Public Instruction or designee shall issue a statement of criminal history status. The Superintendent of Public Instruction or designee shall notify the private school if the subject individual has knowingly made a false statement as to conviction of a crime. A private school may choose to employ or contract with a person who has knowingly made a false statement as to conviction of a crime.

(4) The Oregon Department of Education shall not provide copies of criminal records to anyone except as provided by law. The subject individual may inspect his or her personal criminal records under the supervision of properly certified LEDS (Law Enforcement Data Systems) personnel at the Department of Education.

(5) The Superintendent of Public Instruction or designee shall notify the private school if the subject individual has been convicted of a crime listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number. A private school may choose to employ or contract with a person who has been convicted of a crime listed in ORS 342.143 or the substantial equivalent. The crimes listed in ORS 342.143 are:

(a) ORS 163.095 — Aggravated Murder;

(b) ORS 163.115 — Murder;

(c) ORS 163.185 — Assault in the First Degree;

(d) ORS 163.235 — Kidnapping in the First Degree;

(e) ORS 163.355 — Rape in the Third Degree;

(f) ORS 163.365 — Rape in the Second Degree;

(g) ORS 163.375 — Rape in the First Degree;

(h) ORS 163.385 — Sodomy in the Third Degree;

(i) ORS 163.395 — Sodomy in the Second Degree;

(j) ORS 163.405 — Sodomy in the First Degree;

(k) ORS 163.408 — Unlawful Sexual Penetration in the Second Degree;

(l) ORS 163.411 — Unlawful Sexual Penetration in the First Degree;

(m) ORS 163.415 — Sexual Abuse in the Third Degree;

(n) ORS 163.425 — Sexual Abuse in the Second Degree;

(o) ORS 163.427 — Sexual Abuse in the First Degree;

(p) ORS 163.432 — Online sexual corruption of a child in the second degree;

(q) ORS 163.433 — Online sexual corruption of a child in the first degree;

(r) ORS 163.435 — Contributing to the Sexual Delinquency of a Minor;

(s) ORS 163.445 — Sexual Misconduct;

(t) ORS 163.465 — Public Indecency;

(u) ORS 163.515 — Bigamy;

ADMINISTRATIVE RULES

- (v) ORS 163.525 — Incest;
- (w) ORS 163.547 — Child Neglect in the First Degree;
- (x) ORS 163.575 — Endangering the Welfare of a Minor;
- (y) ORS 163.670 — Using Child in Display of Sexually Explicit Conduct;
- (z) ORS 163.675 (1985 Replacement Part) — Sale of Exhibition of Visual Reproduction of Sexual Conduct by Child;
- (aa) ORS 163.680 (1993 Edition) — Paying for Viewing Sexual Conduct Involving a Child;
- (bb) ORS 163.684 — Encouraging Child Sex Abuse in the First Degree;
- (cc) ORS 163.686 — Encouraging Child Sex Abuse in the Second Degree;
- (dd) ORS 163.687 — Encouraging Child Sex Abuse in the Third Degree;
- (ee) ORS 163.688 — Possession of Materials Depicting Sexually Explicit Conduct of a Child in the First Degree;
- (ff) ORS 163.689 — Possession of Materials Depicting Sexually Explicit Conduct of a child in the Second Degree;
- (gg) ORS 164.325 — Arson in the First Degree;
- (hh) ORS 164.415 — Robbery in the First Degree;
- (ii) ORS 166.005 — Treason;
- (jj) ORS 166.087 — Abuse of Corpse in the first Degree;
- (kk) ORS 167.007 — Prostitution;
- (ll) ORS 167.008 — Patronizing a Prostitute;
- (mm) ORS 167.012 — Promoting Prostitution;
- (nn) ORS 167.017 — Compelling Prostitution;
- (oo) ORS 167.057 — Luring a minor;
- (pp) ORS 167.062 — Sadosomochistic Abuse or Sexual Conduct in Live Show;
- (qq) ORS 167.075 — Exhibiting an Obscene Performance to a Minor;
- (rr) ORS 167.080 — Displaying Obscene Materials to Minors;
- (ss) ORS 167.090 — Publicly Displaying Nudity or Sex for Advertising Purposes;
- (tt) ORS 475.808 — Unlawful manufacture of hydrocodone within 1,000 feet of school;
- (uu) ORS 475.810 — Unlawful delivery of hydrocodone;
- (vv) ORS 475.812 — Unlawful delivery of hydrocodone within 1,000 feet of school;
- (ww) ORS 475.818 — Unlawful manufacture of methadone within 1,000 feet of school;
- (xx) ORS 475.820 — Unlawful delivery of methadone; and
- (yy) ORS 475.822 — Unlawful delivery of methadone within 1,000 feet of school.
- (zz) ORS 475.828 — Unlawful manufacture of oxycodone within 1,000 feet of school;
- (aaa) ORS 475.830 — Unlawful delivery of oxycodone;
- (bbb) ORS 475.832 — Unlawful delivery of oxycodone within 1,000 feet of school;
- (ccc) ORS 475.848 — Unlawful manufacture of heroin within 1,000 feet of school;
- (ddd) ORS 475.852 — Unlawful delivery of heroin within 1,000 feet of school;
- (eee) ORS 475.858 — Unlawful manufacture of marijuana within 1,000 feet of school;
- (fff) ORS 475.860 — Unlawful delivery of marijuana;
- (ggg) ORS 475.862 — Unlawful delivery of marijuana within 1,000 feet of school;
- (hhh) ORS 475.864 — Unlawful possession of marijuana;
- (iii) ORS 475.868 — Unlawful manufacture of 3,4-methylenedioxymethamphetamine within 1,000 feet of school;
- (jjj) ORS 475.872 — Unlawful delivery of 3,4-methylenedioxymethamphetamine within 1,000 feet of school;
- (kkk) ORS 475.878 — Unlawful manufacture of cocaine within 1,000 feet of school;
- (lll) ORS 475.880 — Unlawful delivery of cocaine;
- (mmm) ORS 475.888 — Unlawful manufacture of methamphetamine within 1,000 feet of school;
- (nnn) ORS 475.890 — Unlawful delivery of methamphetamine;
- (ooo) ORS 475.892 — Unlawful delivery of methamphetamine within 1,000 feet of school;
- (ppp) ORS 475.904 — Unlawful manufacture or delivery of controlled substance within 1,000 feet of school;
- (qqq) ORS 475.906 — Penalties for distribution to minors.

(6) Only cards and forms approved by the Department of Education will be accepted. The Department of Education will return any incomplete or incorrectly completed fingerprint cards and associated forms without taking any other action. The Department of Education will return fingerprint cards and associated forms without appropriate fees without taking any other action.

(7) The Department of Education shall maintain a record of all properly submitted fingerprint cards. The record shall include at least the following:

- (a) Card sequence number;
- (b) Name of Private School submitting the cards;
- (c) Date cards and Department form received;
- (d) Date incomplete card returned to the school (only if applicable);
- (e) Date completed card sent to Oregon State Police;
- (f) Date private school was notified of state police record or lack of record;

- (g) Date FBI card returned to Department;
- (h) Date private school was notified of FBI record or lack of record.

Stat. Auth.: ORS 326.603

Stats. Implemented: ORS 326.603

Hist.: EB 16-1997, f. & cert. ef. 12-29-97; ODE 29-1999, f. 12-13-99, cert. ef. 12-14-99; ODE 13-2003(Temp), f. & cert. ef. 7-1-03 thru 12-15-03; Administrative correction 8-2-04; ODE 9-2006, f. & cert. ef. 2-21-06; Renumbered from 581-022-1732, ODE 25-2008, f. & cert. ef. 9-26-08; ODE 27-2009, f. & cert. ef. 12-10-09; ODE 7-2012, f. 2-1-12, cert. ef. 2-3-12; ODE 28-2012(Temp), f. 9-13-12, cert. ef. 9-17-12 thru 3-15-13

Oregon Health Authority, Division of Medical Assistance Programs Chapter 410

Rule Caption: Amending Preferred Drug List and Prior Authorization Guide — May 31, 2012 DUR/P&T Action.

Adm. Order No.: DMAP 40-2012(Temp)

Filed with Sec. of State: 8-20-2012

Certified to be Effective: 8-20-12 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: 410-121-0030: Remove Aerobid and Pulmicort from the Pulmonary Asthma Controllers class.

Add clobazam to the Neurologic Oral Anticonvulsant class.

Add Other Lipid Lowering Agents drug class, making cholestyramine, gemfibrozil tabs, fenofibrate tabs, fenofibric acid tabs, Niaspan and Niacor preferred.

410-121-0040: Asthma Controller — update criteria.

Clobazam — new criteria.

LABA/ICS Inhalers — update criteria.

Leukotriene Inhibitors — update criteria.

Synagis — new criteria.

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:

ADMINISTRATIVE RULES

(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:

(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

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 August 20, 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 409.110, 413.042, 414.065 & 414.334

Stats. Implemented: ORS 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

ADMINISTRATIVE RULES

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

Rule Caption: 2% rate reduction for OB, Anesthesia and non primary care services.

Adm. Order No.: DMAP 41-2012(Temp)

Filed with Sec. of State: 8-22-2012

Certified to be Effective: 9-1-12 thru 2-28-13

Notice Publication Date:

Rules Amended: 410-120-1340

Subject: The Division of Medical Assistance Programs' General Rules, administrative rules govern payments for services provided to certain eligible clients. The Division temporarily amended OAR 410-120-1340 to implement rate changes to specified fee-for-service providers to comply with budget limitations. Implementation of these amendments is subject to approval by the Centers for Medicare and Medicaid Services (CMS). The Division amended 410-120-1340- Relative Value Units (RVU) for OB, non primary care services and anesthesia conversion factor.

Rules Coordinator: Cheryl Peters — (503) 945-6527

410-120-1340

Payment

(1) The Division of Medical Assistance Programs (Division) shall make payment only to the enrolled provider (see OAR 410-120-1260) who actually performs the service or to the provider's enrolled billing provider for covered services rendered to eligible clients. Any contracted billing agent or billing service submitting claims on behalf of a provider but not receiving payment in the name of or on behalf of the provider does not meet the requirements for billing provider enrollment. If billing agents and billing services intend to submit electronic transactions they must register and comply with the Oregon Health Authority (Authority) Electronic Data Interchange (EDI) rules, OAR 407-120-0100 through 407-120-0200. Division reimbursement for services may be subject to review prior to reimbursement.

(2) The Division (Division of Medical Assistance Programs or another Division within the Authority) that is administering the program under which the billed services or items are provided sets fee-for-service (FFS) payment rates.

(3) The Division uses FFS payment rates in effect on the date of service that are the lesser of:

- (a) The amount billed;
- (b) The Division maximum allowable amount or;
- (c) Reimbursement specified in the individual program provider rules:

(4) Amount billed may not exceed the provider's "usual charge" (see definitions);

(5) The Division's maximum allowable rate setting process uses the following methodology. The rates are updated periodically and posted on the Authority web site at http://www.oregon.gov/OHA/healthplan/data_pubs/feeschedule/main.shtml:

(a) Relative Value Unit (RVU) weight-based rates: For all CPT/HCPCS codes assigned an RVU weight, the Division shall use the 2010 Transitional Total RVU weights published in the Federal Register, Vol. 74, November 25, 2009 with technical corrections published Dec. 10, 2009, to be effective for dates of services on or after January 1, 2011.

(A) For professional services not typically performed in a facility, the Non-Facility Total RVU weight shall be adopted;

(B) For professional services typically performed in a facility the Transitional Facility Total RVU weight shall be adopted;

- (b) The Division applies the following conversion factors:
 - (A) \$40.79 for labor and delivery codes (59400-59622);
 - (B) \$27.82 for primary care providers and services. A current list of primary care CPT, HCPCS and provider specialty codes is available at

http://www.oregon.gov/OHA/healthplan/data_pubs/feeschedule/main.shtml

- (C) \$25.48 for all remaining RVU weight based CPT/HCPCS codes;
- (D) \$26.81 for vision codes (92340-92342 and 92352-92353) regardless of the RVU.

(6) Other non RVU based rates:

- (a) Surgical assist reimburses at 20% of the surgical rate;
- (b) \$20.78 is the base rate for anesthesia service codes 00100-01996.

The rate is based on per unit of service;

(c) Clinical lab codes are priced at 70% of the Medicare clinical lab fee schedule;

(d) All approved Ambulatory Surgical Center (ASC) procedures are reimbursed at 80% of the Medicare fee schedule;

(e) Physician administered drugs, billed under a HCPCS code, are based on Medicare's Average Sale Price (ASP). When no ASP rate is listed the rate shall be based upon the Wholesale Acquisition Price (WAC) plus 6.25%. If no WAC is available, then the rate shall be reimbursed at Acquisition Cost. Pricing information for WAC is provided by First Data Bank. These rates may change periodically based on drug costs;

(f) All procedures used for vision materials and supplies are based on contracted rates that include acquisition cost plus shipping and handling.

(g) Individual provider rules may specify reimbursement rates for particular services or items.

(7) The Division reimburses inpatient hospital service under the DRG methodology, unless specified otherwise in the Division's Hospital Services Program administrative rules (chapter 410, division 125). Reimbursement for services, including claims paid at DRG rates, shall not exceed any upper limits established by federal regulation.

(8) The Division reimburses all out-of-state hospital services at Oregon DRG or FFS rates as published in the Hospital Services Program rules (OAR chapter 410, division 125) unless the hospital has a contract or service agreement with the Division to provide highly specialized services.

(9) Payment rates for in-home services provided through Department of Human Services (Department) Aged and Physically Disabled Division (APD) will not be greater than the current Division rate for nursing facility payment.

(10) The Division sets payment rates for out-of-state institutions and similar facilities, such as skilled nursing care facilities, psychiatric and rehabilitative care facilities at a rate that is:

(a) Consistent with similar services provided in the State of Oregon; and

(b) The lesser of the rate paid to the most similar facility licensed in the State of Oregon or the rate paid by the Medical Assistance Programs in that state for that service; or

(c) The rate established by APD for out-of-state nursing facilities.

(11) The Division shall not make payment on claims that have been assigned, sold, or otherwise transferred or when the billing provider, billing agent or billing service receives a percentage of the amount billed or collected or payment authorized. This includes, but is not limited to, transfer to a collection agency or individual who advances money to a provider for accounts receivable.

(12) The Division shall not make a separate payment or copayment to a nursing facility or other provider for services included in the nursing facility's all-inclusive rate. The following services are not included in the all-inclusive rate (OAR 411-070-0085) and may be separately reimbursed:

(a) Legend drugs, biologicals and hyperalimentation drugs and supplies, and enteral nutritional formula as addressed in the Pharmaceutical Services Program administrative rules (chapter 410, division 121) and Home Enteral/Parenteral Nutrition and IV Services Program administrative rules, (chapter 410, division 148);

(b) Physical therapy, speech therapy, and occupational therapy provided by a non-employee of the nursing facility within the appropriate program administrative rules, (chapter 410, division 129 and 131);

(c) Continuous oxygen which exceeds 1,000 liters per day by lease of a concentrator or concentrators as addressed in the Durable Medical Equipment, Prosthetics, Orthotics and Supplies Program administrative rules, (chapter 410, division 122);

(d) Influenza immunization serum as described in the Pharmaceutical Services Program administrative rules, (chapter 410, division 121);

(e) Podiatry services provided under the rules in the Medical-Surgical Services Program administrative rules, (chapter 410, division 130);

(f) Medical services provided by a physician or other provider of medical services, such as radiology and laboratory, as outlined in the Medical-Surgical Services Program rules, (chapter 410, division 130);

ADMINISTRATIVE RULES

(g) Certain custom fitted or specialized equipment as specified in the Durable Medical Equipment, Prosthetics, Orthotics and Supplies Program administrative rules, (chapter 410, division 122).

(13) The Division reimburses hospice services based on CMS Core-Based Statistical Areas (CBSA's). A separate payment will not be made for services included in the core package of services as outlined in OAR chapter 410, division 142.

(14) Payment for Division clients with Medicare and full Medicaid:

(a) The Division limits payment to the Medicaid allowed amount, less the Medicare payment, up to the Medicare co-insurance and deductible, whichever is less. The Division's payment cannot exceed the co-insurance and deductible amounts due;

(b) The Division pays the Division allowable rate for Division covered services that are not covered by Medicare.

(15) For clients with third-party resources (TPR), the Division pays the Division allowed rate less the TPR payment but not to exceed the billed amount.

(16) The Division payments, including contracted PHP or CCO payments, unless in error, constitute payment in full, except in limited instances involving allowable spend-down or copayments. For the Division, such payment in full includes:

(a) Zero payments for claims where a third party or other resource has paid an amount equivalent to or exceeding Division allowable payment; and

(b) Denials of payment for failure to submit a claim in a timely manner, failure to obtain payment authorization in a timely and appropriate manner, or failure to follow other required procedures identified in the individual provider rules.

(17) Payment by the Division does not restrict or limit the Authority or any state or federal oversight entity's right to review or audit a claim before or after the payment. Claim payment may be denied or subject to recovery if medical review, audit or other post-payment review determines the service was not provided in accordance with applicable rules or does not meet the criteria for quality of care, or medical appropriateness of the care or payment.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025, 414.033, 414.065, 414.095, 414.705, 414.727, 414.728, 414.742 & 414.743

Hist.: PWC 683, f. 7-19-74, ef. 8-11-78; PWC 803(Temp), f. & ef. 7-1-76; PWC 812, f. & ef. 10-1-76; Renumbered from 461-013-0061; PWC 833, f. 3-18-77, ef. 4-1-77; Renumbered from 461-013-0061; AFS 5-1981, f. 1-23-81, ef. 3-1-81; Renumbered from 461-013-0060, AFS 47-1982, f. 4-30-82 & AFS 52-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 117-1982, f. 12-30-82, ef. 1-1-83; AFS 24-1985, f. 4-24-85, ef. 6-1-85; AFS 50-1985, f. 8-16-85, ef. 9-1-85; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0081, 461-013-0085, 461-013-0175 & 461-013-0180; HR 41-1991, f. & cert. ef. 10-1-91; HR 32-1993, f. & cert. ef. 11-1-93, Renumbered from 410-120-0040, 410-120-0220, 410-120-0200, 410-120-0240 & 410-120-0320; HR 2-1994, f. & cert. ef. 2-1-94; HR 5-1997, f. 1-31-97, cert. ef. 2-1-97; OMAP 10-1999, f. & cert. ef. 4-1-99; OMAP 3-2003, f. 1-31-03, cert. ef. 2-1-03; OMAP 62-2003, f. 9-8-03, cert. ef. 10-1-03; OMAP 10-2004, f. 3-11-04, cert. ef. 4-1-04; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; OMAP 15-2006, f. 6-12-06, cert. ef. 7-1-06; OMAP 45-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 24-2007, f. 12-11-07 cert. ef. 1-1-08; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 35-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 38-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 39-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 22-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 1-25-12; DMAP 36-2011, f. 12-13-11, cert. ef. 1-1-12; DMAP 28-2012, f. 6-21-12, cert. ef. 7-1-12; DMAP 41-2012(Temp), f. 8-22-12, cert. ef. 9-1-12 thru 2-28-13

Rule Caption: Legislatively mandated implementation of Drug Use Review/Pharmacy & Therapeutics Committee.

Adm. Order No.: DMAP 42-2012(Temp)

Filed with Sec. of State: 9-12-2012

Certified to be Effective: 9-12-12 thru 3-10-13

Notice Publication Date:

Rules Adopted: 410-121-0111

Rules Amended: 410-121-0033, 410-121-0100

Rules Suspended: 410-121-0033(T), 410-121-0100(T)

Subject: 410-121-0033: Change Pharmacy & Therapeutics (P&T) Committee to Drug Use Review (DUR) / Pharmacy & Therapeutics (P&T) Committee.

410-121-0100: Remove information relating to the abolished DUR Board and replace with information about the new DUR/P&T Committee.

410-121-0110: Rule adopted to transfer and define duties from the abolished DUR Board to the DUR/P&T Committee.

Rules Coordinator: Cheryl Peters—(503) 945-6527

410-121-0033

Polypharmacy Profiling

(1) The Division may impose prescription drug payment limitations on clients with more than 15 unique fee-for-service drugs in a six-month period.

(2) The Division will review the client's drug therapy in coordination with the client's prescribing practitioner to evaluate for appropriate drug therapy.

(3) Appropriate drug therapy criteria will include, but is not limited to, the following:

- (a) Overuse of selected drug classes;
- (b) Under-use of generic drugs;
- (c) Therapeutic drug duplication;
- (d) Drug to disease interactions;
- (e) Drug to drug interactions;
- (f) Inappropriate drug dosage;
- (g) Drug selection for age;
- (h) Duration of treatment;
- (i) Clinical abuse or misuse.

(4) The Division Medical Director in conjunction with the Drug Use Review/Pharmacy & Therapeutics Committee will make final determinations on imposed drug prescription payment limitations relating to this policy.

Stat. Auth.: ORS 409.120, 413.042 & 414.380

Stats. Implemented: ORS 414.065

Hist.: OMAP 1-2004, f. 1-23-04, cert. ef. 2-1-04; DMAP 27-2011(Temp), f. & cert. ef. 9-30-11 thru 3-15-12; DMAP 12-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 42-2012(Temp), f. & cert. ef. 9-12-12 thru 3-10-13

410-121-0100

Drug Use Review

(1) Drug Use Review (DUR) in Division of Medical Assistance Programs (Division) is a program designed to measure and assess the proper utilization, quality, therapy, medical appropriateness, appropriate selection and cost of prescribed medication through evaluation of claims data. This is done on both a retrospective and prospective basis. This program shall include, but is not limited to, education in relation to over-utilization, under-utilization, therapeutic duplication, drug-to-disease and drug-to-drug interactions, incorrect drug dosage, duration of treatment and clinical abuse or misuse:

(a) Information collected in a DUR program that identifies an individual is confidential;

(b) Staff of the Drug Use Review (DUR)/Pharmacy & Therapeutics (P&T) Committee and contractors may have access to identifying information to carry out intervention activities approved by the Division. The Division, DUR/P&T Committee or contractors shall adhere to all requirements of the Health Insurance Portability and Accountability Act (HIPAA) and all Division policies relating to confidential client information.

(2) Prospective DUR is the screening for potential drug therapy problems before each prescription is dispensed. It is performed at the point of sale by the dispensing pharmacist:

(a) Dispensing pharmacists must offer to counsel each Division client receiving benefits who presents a new prescription, unless the client refuses such counsel. Pharmacists must document these refusals;

(A) Dispensing pharmacists may offer to counsel the client's caregiver rather than the client presenting the new prescription if the dispensing pharmacist determines that it is appropriate in the particular instance;

(B) Counseling must be done in person whenever practicable;

(C) If it is not practicable to counsel in person, providers whose primary patient population does not have access to a local measured telephone service must provide access to toll-free services (for example, some mail order pharmacy services) and must provide access to toll-free service for long-distance client calls in relation to prescription counseling;

(b) Prospective DUR is not required for drugs dispensed by Fully Capitated Health Plans (FCHPs);

(c) Oregon Board of Pharmacy rules defining specific requirements relating to patient counseling, record keeping and screening must be followed.

(3) Retrospective DUR is the screening for potential drug therapy problems based on paid claims data. The Division provides a professional drug therapy review for Medicaid clients through this program:

(a) The criteria used in retrospective DUR are compatible with those used in prospective DUR. Retrospective DUR criteria may include Pharmacy Management (Lock-In), Polypharmacy, and Psychotropic Use in Children. Drug therapy review is carried out by pharmacists with the Oregon State University College of Pharmacy, Drug Use Research and Management Program.

ADMINISTRATIVE RULES

(b) If therapy problems are identified, an educational letter is sent to the prescribing provider, the dispensing provider, or both. Other forms of education are carried out under this program with Division approval.

(4) The DUR/P&T Committee is designed to develop policy recommendations in the following areas in relation to Drug Use Review:

(a) Appropriateness of criteria and standards for prospective DUR and needs for modification of these areas. DUR criteria are predetermined elements of health care based upon professional expertise, prior experience, and the professional literature with which the quality, medical appropriateness, and appropriateness of health care service may be compared.

(b) The use of different types of education and interventions to be carried out or delegated by the DUR/P&T Committee and the evaluation of the results of this portion of the program; and

(c) The preparation of an annual report on Oregon Medicaid DUR Program which describes:

(A) DUR/P&T Committee Activities;

(i) A description of how pharmacies comply with prospective DUR;

(ii) Detailed information on new criteria and standards in use; and

(iii) Changes in state policy in relation to DUR requirements for residents in nursing homes;

(B) A summary of the education/intervention strategies developed; and

(C) An estimate of the cost savings in the pharmacy budget and indirect savings due to changes in levels of medical visits and hospitalizations.

Stat. Auth.: ORS 413.042, 414.355, 414.360, 414.365, 414.370 & 414.380

Stats. Implemented: ORS 414.065

Hist.: HR 29-1990, f. 8-31-90, cert. ef. 9-1-90; HR 38-1992, f. 12-31-92, cert. ef. 1-1-93; HR 20-1994, f. 4-29-94, cert. ef. 5-1-94; OMAP 1-1999, f. & cert. ef. 2-1-99; OMAP 29-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 18-2004, f. 3-15-04 cert. ef. 4-1-04; OMAP 16-2006, f. 6-12-06, cert. ef. 7-1-06; 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 27-2011(Temp), f. & cert. ef. 9-30-11 thru 3-15-12; DMAP 12-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 42-2012(Temp), f. & cert. ef. 9-12-12 thru 3-10-13

410-121-0111

Drug Use Review/Pharmacy and Therapeutics Committee

(1) Pursuant to Oregon Laws 2011, chapter 720 (HB 2100), the Drug Use Review Board (DUR Board) is abolished and the tenure of office for the members of the DUR Board expires. The legislature transferred the duties, functions and powers previously vested in the DUR Board to the Drug Use Review (DUR)/Pharmacy and Therapeutics (P&T) Committee. This rule is retroactively effective on September 5, 2011, the date the DUR/P&T Committee was created and the DUR Board was abolished by HB 2100, and expires on March 10, 2013 or whenever the Oregon Health Authority (Authority) suspends the rule, whichever comes first.

(2) Unless otherwise inconsistent with these administrative rules or other laws, any administrative rule or agency policy with reference to the DUR Board or a DUR Board volunteer, staff or contractor shall be considered to be a reference to the DUR/P&T Committee or a DUR/P&T Committee volunteer, staff or contractor. The current preferred drug list (PDL), prior authorization process and utilization review process developed by the DUR Board remains in effect until such time as the Authority, after recommendations and advice from the DUR/P&T Committee, modifies them through the adoption of new administrative rules or policies and procedures.

(3) The DUR/P&T Committee shall advise the Oregon Health Authority (Authority) on the:

(a) Implementation of the medical assistance program retrospective and prospective programs, including the type of software programs to be used by the pharmacist for prospective drug use review and the provisions of the contractual agreement between the state and any entity involved in the retrospective program;

(b) Implementation of the Practitioner Managed Prescription Drug Plan (PMPDP);

(c) Adoption of administrative rules pertaining to the DUR/P&T Committee;

(d) Development of and application of the criteria and standards to be used in retrospective and prospective drug use review programs in a manner that ensures that such criteria and standards are based on compendia, relevant guidelines obtained from professional groups through consensus-driven processes, the experience of practitioners with expertise in drug therapy, data and experience obtained from drug utilization review program operations. The DUR/P&T Committee must have an open professional consensus process, establish an explicit ongoing process for soliciting and considering input from interested parties, and make timely revisions to the criteria and standards based on this input and scheduled reviews;

(e) Development, selection and application of and assessment for interventions being educational and not punitive in nature for medical assistance program prescribers, dispensers and patients.

(4) The DUR/P&T Committee shall make recommendations to the Authority, subject to approval by the Director or the Director's designee, for drugs to be included on any PDL adopted by the Authority and on the PMPDP. The DUR/P&T Committee shall also recommend all utilization controls, prior authorization requirements or other conditions for the inclusion of a drug on the PDL.

(5) The DUR/P&T Committee shall, with the approval of the Director or designee, do the following:

(a) Publish an annual report;

(b) Publish and disseminate educational information to prescribers and pharmacists regarding the DUR/P&T Committee and the drug use review programs, including information on the following:

(A) Identifying and reducing the frequency of patterns of fraud, abuse or inappropriate or medically unnecessary care among prescribers, pharmacists and recipients;

(B) Potential or actual severe or adverse reactions to drugs;

(C) Therapeutic appropriateness;

(D) Overutilization or underutilization;

(E) Appropriate use of generic products;

(F) Therapeutic duplication;

(G) Drug-disease contraindications;

(H) Drug-drug interactions;

(I) Drug allergy interactions;

(J) Clinical abuse and misuse.

(6) Adopt and implement procedures designed to ensure the confidentiality of any information that identifies individual prescribers, pharmacists or recipients and that is collected, stored, retrieved, assessed or analyzed by the DUR/P&T Committee, staff of the DUR/P&T Committee, contractors to the DUR/P&T Committee or the Authority.

Stat. Auth.: ORS 413.042, 414.065, 414.355, 414.360, 414.365, 414.370, 414.380, Or Law 2011, chap. 720 (HB 2100)

Stats. Implemented: ORS 414.065, Or Law 2011, chap. 720 (HB 2100)

Hist.: DMAP 42-2012(Temp), f. & cert. ef. 9-12-12 thru 3-10-13

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

Rule Caption: Adopts the 2009 Food and Drug Administration Food Code by reference with additions and amendments.

Adm. Order No.: PH 12-2012

Filed with Sec. of State: 8-30-2012

Certified to be Effective: 9-4-12

Notice Publication Date: 5-1-2012

Rules Amended: 333-012-0050, 333-012-0053, 333-012-0055, 333-012-0057, 333-012-0060, 333-012-0061, 333-012-0063, 333-012-0065, 333-012-0067, 333-012-0070, 333-150-0000, 333-157-0000, 333-157-0010, 333-157-0020, 333-157-0030, 333-157-0040, 333-157-0045, 333-157-0070, 333-157-0077, 333-157-0080, 333-158-0000, 333-162-0020, 333-162-0880, 333-162-0890, 333-162-0910, 333-162-0920, 333-162-0950, 333-162-1005, 333-170-0010, 333-170-0110, 333-170-0130, 333-175-0051, 333-175-0091

Subject: The Oregon Health Authority, Public Health Division is permanently adopting the 2009 US Public Health Service FDA Food Code by reference with additions and amendments. The Food Sanitation Rules are currently based upon the 1999 FDA Food Code and the food safety standards are being updated to the most current version. The 2009 FDA Food Code is the most current, science-based national standards for food safety. These permanent rule amendments also change the restaurant scoring system. Scores will be based on violations that have a direct connection to foodborne illness rather than all violations, such as those that relate to general facility cleanliness and sanitation.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-012-0050

General Rules Applicable to All Programs

(1) The purpose of these rules is to establish standards under which local public health authorities shall provide environmental health services to establishments and facilities licensed under ORS chapters 446, 448 and 624.

ADMINISTRATIVE RULES

(2) Definitions:

(a) "Administrative Costs" means those costs that are over the direct costs of providing delegated program services. These include actual departmental, agency or central government charges such as, but not limited to, accounting, purchasing, human resources, data management, legal council and central mail functions;

(b) "Administrator" means the assistant director for the Public Health Division of the Authority or an authorized representative;

(c) "Authority" means the Oregon Health Authority.

(d) "Complete Inspection" means the evaluation of a licensed establishment or facility conducted at the election of the local public health authority for compliance with all applicable regulations;

(e) "Consultation Services Remittance" means the biennial assessment of the Authority for consultation services and maintenance of the Foodborne Illness Prevention, Public Swimming Pool and Tourist Facility Programs;

(f) "Direct Costs" mean those costs for salaries and benefits of field and support staff and their associated costs including, but not limited to, rent, vehicles and travel, equipment, data management, training, phone, office supplies and the pro-rated portion of direct costs relating to supervision;

(g) "Fiscal Audit" means a comprehensive audit using standard audit procedures of the financial records of the local public health authority related to licenses and fees;

(h) "Local Public Health Authority" means county governments or health districts established under ORS 431.414 that are responsible for management of local public health services;

(i) "Recheck Inspection" means an inspection to determine whether specified corrections have been made or alternative procedures maintained for violations identified in previous inspections. In food service establishments, a recheck inspection also means an inspection to determine whether specific corrections have been maintained for violations creating a significantly increased risk for foodborne illness. Recheck inspections may be conducted either on pre-announced dates or unannounced.

Stat. Auth.: ORS 446.425, 448.100 & 624.510

Stats. Implemented: ORS 446.425, 448.100 & 624.510

Hist.: HD 105, f. & ef. 2-5-76; HD 1-1979, f. & ef. 1-18-79; HD 9-1994, f. & cert. ef. 4-1-94; HD 16-1995, f. 12-28-95, cert. ef. 1-1-96; HD 4-1996, f. & cert. ef. 9-17-96; PH 13-2004, f. & cert. ef. 4-9-04; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-012-0053

Licensing and Fees

(1) License applications and licenses issued must be on forms provided or approved by the Authority.

(2) The Local Public Health Authority must establish a single license fee per establishment or facility type. There may not be added fees based on local determination of unique features of an establishment or facility.

(3) Licensing categories must be based upon those specified in ORS 446.310, 448.035 and 624.490. The Local Public Health Authority may not create additional licensing categories.

(4)(a) Annual work hours available for a dedicated full time equivalent (FTE) for field staff in the food service program based on a 40-hour week is 1640 hours, of which 25 percent is allocated for office and administrative duties and consultation, and 75 percent is for field inspection activities;

(b) Standards for complete inspection functions, on average, including travel time, relative to facility size are as follows:

(A) 0–15 seats, 1-1/2 hours;

(B) 16–50 seats, 1-3/4 hours;

(C) 51–150 seats, 2 hours;

(D) Over 150 seats, 2-1/2 hours.

(c) An average recheck inspection rate of 40 percent with an average priority or priority foundation item recheck inspection taking 45 minutes including travel.

(5) The following standards are established to reflect the levels of effort and resources needed to carry out the delegated functions and provisions of ORS chapter 624:

(a) Workload indicators established in section (4) of this rule must be used to determine staffing levels budgeted for field inspection activities;

(b) Administrative costs must be limited to 15 percent of direct costs;

(c) A ratio of up to 0.35 FTE for clerical support and up to 0.25 FTE for supervision to field staff FTE respectively, must be observed;

(d) Charges for services and supplies may not exceed a ratio of 0.25 of personnel salary for direct program costs;

(e) In lieu of the administrative standards outlined in this rule, the Local Public Health Authority may determine staffing standards and actual

costs of providing program services. The Local Public Health Authority must document and report to the Authority actual time spent and expenses incurred and may be subject to a fiscal audit as specified in OAR 333-012-0070(3).

(6) The Local Public Health Authority may:

(a) Adopt a fee schedule for facilities that require more than two recheck inspections per year;

(b) Adopt a fee schedule for seasonal temporary restaurants and intermittent temporary restaurants that require a recheck inspection;

(c) Set a fee for costs associated with conducting an operational review in accordance with guidelines established by the Authority.

(d) Set a fee for costs associated with plan review conducted under guidelines established by the Authority;

(e) Set a reinstatement fee for late license reinstatement;

(f) Recover the cost of the extra inspections required under OAR 333-157-0027, Increased Inspection Schedule, by charging a fee of up to one-half of the annual licensing fee otherwise assessable to the restaurant for each additional inspection; and

(g) Pro-rate fees for partial year operation as follows:

(A) From January 1 through September 30, a full license fee is required;

(B) From October through December 31, one-half the annual fee must be assessed.

(7) A license may be issued only after the Local Public Health Authority has received the fee and determined that the facility meets the requirements of the statutes and rules.

(8) If license fees assessed by the Local Public Health Authority are more than 20 percent above or below the fees established in ORS 624.490, the Local Public Health Authority must document and report to the Authority actual time spent and expenses incurred on program services and may be subject to a fiscal audit as specified in OAR 333-012-0070(3).

(9) All license fees collected by the Local Public Health Authority pursuant to ORS 446.425, 448.100 and 624.510 must be paid into the county treasury and placed in a special revenue fund or the general fund of the county treasury and placed to the credit of the Local Public Health Authority. Such monies must be used only for program services pursuant to ORS 446.425, 448.100 and 624.510. The Local Public Health Authority must assure on an annual basis that all fees collected are used solely for the purposes of administering the programs as described in this section.

(10) If the Local Public Health Authority requests a fiscal audit required in OAR 333-012-0070(3) be conducted by a private auditing agency, the Local Public Health Authority must pay the costs and a copy of audit report must be provided to the Authority.

Stat. Auth.: ORS 446.425, 448.100 & 624.510

Stats. Implemented: ORS 446.425, 448.100 & 624.510

Hist.: PH 13-2004, f. & cert. ef. 4-9-04; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 3-2012, f. 2-29-12, cert. ef. 3-1-12; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-012-0055

Inspection Standards

(1) All licensed establishments and facilities, except bed and breakfast facilities, travelers' accommodations, hostels and temporary restaurants, must receive a minimum of one complete inspection for every six months of operation or fraction thereof by the Local Public Health Authority. For vending machines, the Local Public Health Authority shall evaluate at least 10 percent of each licensee's machines during each inspection:

(a) Bed and breakfast facilities must be inspected once per year;

(b) Travelers' accommodations and hostels must be inspected on a schedule in accordance with local public health priorities and with consideration of the following criteria:

(A) Complaints received from a guest at a particular facility;

(B) A history of rule violations;

(C) A request for inspection or consultation from a licensee;

(D) Reports of illness or accidents associated with the facility;

(E) Change of owner or operator;

(F) The facility's method of sewage disposal, source of water and availability of local fire protection services;

(G) Length of time since the last inspection of the facility;

(H) A minimum of one inspection every two years is recommended.

(c)(A) Single-event, seasonal and intermittent temporary restaurants must receive a minimum of one inspection during operation for each license issued;

(B) Notwithstanding paragraph (1)(c)(A) of this rule benevolent single-event temporary restaurants may receive an inspection or a consultation in lieu of an inspection, as determined by the Local Public Health Authority.

ADMINISTRATIVE RULES

(2) The Local Public Health Authority may substitute an alternative inspection procedure or intervention once per year in place of an inspection using alternative criteria approved by the Authority.

(3) The Local Public Health Authority must:

(a) Implement an increased inspection schedule for restaurants as described in OAR 333-157-0027. Up to two of the quarterly inspections may be based upon a menu review consultation, an announced inspection, a risk control plan or other method approved by the Authority;

(b) Conduct a pre-operational or construction inspection after plan review and prior to operation of a new, remodeled, converted, renovated or altered establishment or facility. The pre-operational inspection is in addition to the requirement for a complete inspection in section (1) of this rule;

(c) Conduct a complete inspection to assign a public notice of sanitation within 45 days after opening for a restaurant or bed and breakfast facility. This inspection counts toward one of the inspections required in section (1) of this rule;

(d) Completely fill out inspection reports and include at least the following information:

(A) Specific problem and correction statements for all violations, including Oregon Administrative Rule references;

(B) Except in the food service programs, specify time limits for all corrections stated;

(C) Food Service — Document inspections as specified in OAR chapter 333, division 157, Inspection and Licensing Procedures. In addition, the Local Public Health Authority must indicate on the inspection report how a priority and priority foundation item violation has been corrected during complete and recheck inspections; and

(D) Public Swimming Pools — Document pH, free residual chlorine, total chlorine, total alkalinity, total hardness, cyanuric acid (if used), water clarity (recorded as acceptable or unacceptable), water temperature, pressure and vacuum gauge readings and flow rate as measured by flow meter.

(e) Conduct recheck inspections of establishments and facilities to determine if timely corrective action has been taken on noted priority or priority foundation item violations or public health hazards;

(f) At a minimum, furnish each environmental health specialist with the following equipment or materials to conduct inspections:

(A) Temperature measuring devices, flashlight, inspection forms and computer inspection equipment, identification and business cards, rules, stickers and forms;

(B) Food Service — Sanitizing swabs, test strips for chlorine and quaternary ammonium;

(C) Public Swimming Pools — Current state-approved pool test kit and a 25-foot tape measure or equivalent device with the ability to accurately measure distance and depth; and

(D) Food and waterborne illness investigation materials, specified in guidelines provided by the Authority, and a light meter for staff to share.

(g) Maintain and update the Food Program Policy Manual as well as other information required by the Authority; and

(h) Upon request, provide technical information and consultation to the public and those holding permits and licenses.

Stat. Auth.: ORS 446.425, 448.100 & 624.510

Stats. Implemented: ORS 446.425, 448.100 & 624.510

Hist.: HD 105, f. & ef. 2-5-76; HD 1-1979, f. & ef. 1-18-79; HD 9-1994, f. & cert. ef. 4-1-94; HD 14-1995, f. 12-28-95, cert. ef. 1-1-96; PH 13-2004, f. & cert. ef. 4-9-04; PH 3-2012, f. 2-29-12, cert. ef. 3-1-12; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-012-0057

Consultation Services Remittance

(1) Food Service — On behalf of the Authority, the Local Public Health Authority must collect fees from food service establishments and remit to the Authority the monies necessary to maintain the Foodborne Illness Prevention Program. The Local Public Health Authority must keep the remainder to cover administration and enforcement costs.

(a) The Authority must consult with representatives of local health officials in determining the amount to be remitted by each Local Public Health Authority to support the state Foodborne Illness Prevention Program;

(b) The consultation must occur no later than April of each legislative year in order to determine the amount required to be remitted to the Authority in the following biennium;

(c) The consultation must consider program expenditures, the program workplan and other activities, and current food service establishment inventories to determine the amount of the remittance;

(d) For the purposes of this rule, food service establishments are considered to be full and limited service restaurants, bed and breakfast facilities, mobile food units, commissaries and warehouses;

(e) The remittance amount must be determined by first projecting statewide food service license revenue for the biennium using state marker fees. Then, the biennial budget of the Foodborne Illness Prevention Program is divided by the revenue projection to yield a percentage factor. Each Local Public Health Authority's revenue projection for food service facilities, using state marker fees, is then multiplied by that factor to yield the remittance amount;

(f) The Foodborne Illness Prevention Program budget must be developed after consultation with groups representing local health officials pursuant to ORS 624.510. The cost to the Local Public Health Authority of the Foodborne Illness Prevention Program shall be represented in the annual Intergovernmental Agreement.

(g) The Local Public Health Authority must provide to the Authority a quarterly remittance based on the total biennial assessment. Fifty percent of the assessment is payable each year unless otherwise negotiated with the Authority. The annual amount remitted by the Local Public Health Authority in the first year of the biennium may not be less than 35 percent of the total biennial amount. Each Local Public Health Authority must provide a statement identifying the proposed timetable and schedule for remittance;

(h) In April of even-numbered years, the Authority must recalculate the assigned assessment for the second year of the biennium, based on updated facility counts and program expenditures and provide the Local Public Health Authority with a revised assessment for the second year of the biennium;

(i) All assessments may not be represented as a surcharge or added charge.

(2) Public Swimming Pools — The Authority must consult with representatives of local health officials and industry in determining the amount to be remitted by each Local Public Health Authority that has accepted delegation for the Public Swimming, Spa and Wading Pool Programs for the purposes of supporting the statewide consultation and program services costs:

(a) The consultation must occur no later than April of each legislative year in order to determine the amount required to be remitted to the Authority in the following biennium;

(b) The consultation must consider program expenditures and current public swimming pool, public spa pool and public wading pool facility inventories while determining the amount of the remittance;

(c) The county shall remit, on a quarterly basis, a portion of the fee for each license issued in that quarter;

(d) All assessments may not be represented as a surcharge or added charge.

(3) Tourist Facilities — Each quarter, the Local Public Health Authority must remit 15 percent of the state licensing fee or 15 percent of the Local Public Health Authority license fee, whichever is less, to the Authority for consultation services and maintenance of the statewide program for facilities licensed under ORS 446.425. All assessments may not be represented as a surcharge or added charge.

Stat. Auth.: ORS 446.425, 448.100 & 624.510

Stats. Implemented: ORS 446.425, 448.100 & 624.510

Hist.: HD 12-1995, f. 12-28-95, cert. ef. 1-1-96; PH 13-2004, f. & cert. ef. 4-9-04; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-012-0060

Staffing and Training

(1) The Local Public Health Authority must provide the staff, facilities, materials and equipment necessary to comply with these rules.

(2) Inspections must be conducted by staff that are registered as required by ORS chapter 700.

(3) Each Local Public Health Authority must:

(a) Require at least one environmental health specialist engaged in the food, tourist facility and public swimming pool programs to attend annual Authority sponsored or approved training in all three program areas;

(b) Within one year of hiring, send all environmental health specialists to an orientation provided by the Authority. This requirement does not apply to staff that have previously attended the training while employed in another jurisdiction;

(c) Maintain at least one environmental health specialist on staff or through contract that has a current certification from the Authority as a food service standardization officer.

(A) New employees must be certified within 18 months of employment or within 18 months after becoming registered as an environmental health specialist as required in section (2) of this rule;

(B) Notwithstanding the time limits specified in paragraph (3)(c)(A) of this rule, the Local Public Health Authority may develop a training plan

ADMINISTRATIVE RULES

approved by the Authority that allows for a longer time limit to comply with the certification requirement in subsection (c) of this section.

(d) Maintain at least one environmental health specialist on staff or through contract that has successfully completed a NSPF Certified Pool Operator course or equivalent approved by the Authority within 24 months of employment. The Authority may waive this requirement upon request.

Stat. Auth.: ORS 446.425, 448.100 & 624.510
Stats. Implemented: ORS 446.425, 448.100 & 624.510
Hist.: HD 105, f. & ef. 2-5-76; HD 1-1979, f. & ef. 1-18-79; HD 15-1980(Temp), f. & ef. 12-29-80; HD 5-1985, f. & ef. 4-25-85; HD 9-1994, f. & cert. ef. 4-1-94; PH 13-2004, f. & cert. ef. 4-9-04; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-012-0061

Food Handler Training

The Local Public Health Authority must ensure the provision of a food handler training program using minimum criteria developed by the Authority. The Local Public Health Authority must secure Authority approval before deviating from the criteria of the training program for food handlers, and must document in a manner satisfactory to the Authority the training methods used for food handler training.

Stat. Auth.: ORS 446.425, 448.100 & 624.510
Stats. Implemented: ORS 446.425, 448.100 & 624.510
Hist.: PH 13-2004, f. & cert. ef. 4-9-04; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-012-0063

Record Keeping and Reporting

The Local Public Health Authority must:

(1) Maintain records of all administrative matters delegated under ORS 446.425, 448.100 or 624.510, including a record of the hearing, the time, date, place and copies of the complaint, all intended actions, orders, and final disposition of the proceedings and retained for at least three years.

(2) At a minimum, maintain records according to the Secretary of State, Archives Division rules, OAR chapter 166, of the following:

- (a) Inspection reports;
- (b) Complaints and their disposition;
- (c) Communicable disease or suspected foodborne illness investigations;
- (d) Public swimming pool accidents;
- (e) License applications and licenses issued;
- (f) Food service inspection scores;
- (g) Changes in public notice placards;
- (h) Food handler training materials;
- (i) Plan review records;
- (j) Records of all license denials, revocations, suspensions or other temporary closures; and
- (k) Failed to Comply notices posted or any other enforcement actions taken.

(3) Provide to the Authority program information such as inspections conducted, workload indicators, fee schedules and violation summaries on request.

(4) Respond to surveys conducted by the Authority. Program information and surveys must be submitted on forms or in a format as required by the Authority.

Stat. Auth.: ORS 446.425, 448.100 & 624.510
Stats. Implemented: ORS 446.425, 448.100 & 624.510
Hist.: PH 13-2004, f. & cert. ef. 4-9-04; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-012-0065

Epidemiology and Accident Investigation and Reporting

The Local Public Health Authority must:

(1) Investigate all suspected illnesses connected with food service facilities, public swimming pools and tourist facilities;

(2) Submit reports of all investigations of confirmed illnesses to the Authority as required by OAR chapter 333, division 018;

(3) Notify the Authority of investigations expected to result in confirmed foodborne illness; and

(4) Investigate all reportable accidents and report the results of investigations in writing, including copies of accident reports, to the Authority.

Stat. Auth.: ORS 446.425, 448.100 & 624.510
Stats. Implemented: ORS 446.425, 448.100 & 624.510
Hist.: HD 105, f. & ef. 2-5-76; HD 1-1979, f. & ef. 1-18-79; HD 9-1994, f. & cert. ef. 4-1-94; PH 13-2004, f. & cert. ef. 4-9-04; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-012-0067

Enforcement Procedures

The Local Public Health Authority must:

(1) Adopt and comply with rules for conducting administrative hearings for permit and license denial, suspension or revocation in accordance with the requirements of ORS chapter 183.

(2) Utilize all administrative and legal means necessary to enforce the applicable statutes and rules and implement policies relating to the programs and to eliminate conditions endangering public health or safety.

Stat. Auth.: ORS 446.425, 448.100 & 624.510
Stats. Implemented: ORS 446.425, 448.100 & 624.510
Hist.: PH 13-2004, f. & cert. ef. 4-9-04; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-012-0070

Minimum Standards, Program Review and Penalties

(1)(a) The Local Public Health Authority may request approval from the Authority to implement alternative inspection or enforcement procedures by submitting a plan that includes expected performance measures and outcomes. If approved, the alternative inspection or enforcement procedures must be included in the annual Intergovernmental Agreement.

(b) The Local Public Health Authority may adopt ordinances on applicable matters provided they are not less stringent than the Oregon Administrative Rules adopted pursuant to ORS chapters 183, 446, 448 and 624. Any ordinance proposed for adoption on matters applicable to food service operators more stringent than those set forth in ORS chapter 624 and rules adopted thereunder must be approved by the Authority and the cost of implementing any ordinance so adopted may not be charged to license fees adopted pursuant to ORS 624.510(2). Notwithstanding the provisions of this subsection, when an emergency exists and delay may result in an immediate danger to public health, Local Public Health Authorities may adopt ordinances without prior Authority approval. This subsection does not affect ordinances that are required to be adopted as specified in these rules.

(2) The Local Public Health Authority is subject to a performance review by the Authority of both office and field activities to determine compliance with these rules. A review of each Local Public Health Authority shall be conducted at least once every three years by the Authority. The Authority shall submit the results of the review to the Local Public Health Authority. The field review may be conducted using an inspection protocol approved by the Authority. The Authority may waive the requirement for a field review.

(3) The Authority shall conduct a triennial fiscal audit of the Local Public Health Authority and the Authority may conduct additional fiscal audits of the Local Public Health Authority if deemed necessary.

(4) The Local Public Health Authority shall be surveyed by the Authority at least annually to determine accomplishments and needs. The survey results shall guide the Authority in providing assistance, guidance, training, consultation and support as needed.

(5) If a performance review reveals that the Local Public Health Authority is not complying with the provisions of these rules or the Intergovernmental Agreement, the Local Public Health Authority shall be notified by the Authority of the areas of non-compliance. The Local Public Health Authority must correct the deficiencies within the time frames required and report the corrections to the Authority.

(a) If the Authority determines that the deficiencies result in a serious human health hazard, compliance shall be required immediately. If the Authority determines that the deficiencies do not result in a serious human health hazard, a longer period of time may be allowed for compliance. However, the maximum time allowed for compliance, after notice is issued by the Authority, is as follows:

(A) Up to 90 days to correct administrative deficiencies such as, but not limited to, accounting reports and records;

(B) Up to 180 days to correct program deficiencies such as, but not limited to, inadequate frequency of inspections, scoring, staffing and lack of enforcement action.

(b) Notwithstanding subsection (5)(a) of this rule, the Authority may allow a longer time frame for compliance if deemed necessary;

(c) If the Authority determines that the Local Public Health Authority did not use the proper cost elements in determining the fee or that the amount of the fee is not justified, the Authority may order the Local Public Health Authority to adjust any fee, as soon as is possible, to a level supported by the Authority's analysis of the fee.

(6) When a Local Public Health Authority has been notified of an emergency health hazard and is either unwilling or unable to administer or enforce delegated standards, the Authority may, pursuant to ORS 431.170, immediately take responsibility of the functions and collect the monies necessary to protect public health. When the health hazard has been resolved or is no longer an emergency, the Authority may return authority to the

ADMINISTRATIVE RULES

Local Public Health Authority and may initiate a review to determine if delegation is to be continued.

(7) The Authority may deny or revoke the delegation of a program if the Local Public Health Authority:

(a) Does not have sufficient qualified personnel to conduct the program;

(b) Has failed to perform its delegated duties satisfactorily;

(c) Has engaged in deceit or fraud in the conduct of the program or maintenance of its associated records.

(8) Suspension or rescission of a delegation must be in accordance with ORS chapter 183 relating to contested cases.

(9) The Authority shall immediately respond to a request by the Local Public Health Authority for personnel or equipment during an emergency. If the Authority is unable to assist as requested, the Authority shall immediately notify the Local Public Health Authority and provide any possible assistance.

Stat. Auth.: ORS 446.425, 448.100 & 624.510

Stats. Implemented: ORS 446.425, 448.100 & 624.510

Hist.: HD 105, f. & ef. 2-5-76; HD 1-1979, f. & ef. 1-18-79; HD 9-1994, f. & cert. ef. 4-1-94; PH 13-2004, f. & cert. ef. 4-9-04; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-150-0000

Food Sanitation Rule

(1) Authority and Purpose. This rule establishes definitions, sets standards for management and personnel, food protection, and equipment and facilities, water supply, sewage disposal, provides for food establishment plan review, and employee restriction to safeguard public health and provide consumers food that is safe, unadulterated, and honestly presented.

(2) Incorporation by Reference. The requirements in the U.S. Public Health Service, Food and Drug Administration (FDA), Food Code 2009, Chapters 1 through 8 are adopted and incorporated by reference.

(3) Deletions. The following sections, paragraphs or subparagraphs of the 2009 FDA Food Code are deleted in their entirety: 2-102.11(C)(8)(b), 2-102.20, 2-103.11(K), 3-202.18(A)(1)(a)-(e), 4-301.12(C)(5), (D) and (E), 4-501.115, 4-603.16(B) and (C), 4-603.17(B)(1), 8-302.11, 8-302.14(E), 8-401.10(B), 8-401.20, 8-402.20(A)(3), 8-402.40, 8-406.11, 8-501.40 and Annex 1 through 8.

(4) Definitions. Adopt paragraph 1-201.10(B) with the following amendments and additions to read:

(a) "Accredited program":

(A) Means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals or approved by the Oregon Health Authority (Authority) or Oregon Department of Agriculture.

(B) Refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; and test development and administration.

(C) Does not refer to training functions or educational programs.

(b) "Assembly" means the act of putting together foods that do not require further preparation. This includes but is not limited to placing a hot dog on a bun, or placing beans, lettuce, and cheese on a tortilla.

(c) "Authority" means the Oregon Health Authority.

(d) "Base of Operation" means the licensed restaurant, commissary or warehouse that services a mobile unit or vending operation.

(e) "Benevolent Meal Site" means:

(A) A periodic food service operation run by a benevolent organization that provides food to the needy or indigent without charge; and

(B) The meal service does not operate from a permanent kitchen facility.

(f) "Catering" means the preparation of food in an approved food establishment and the transportation of the food for service and consumption at some other site.

(g) "Close" means to summarily stop the operation of a food establishment pursuant to ORS 624.073 and ORS 624.370.

(h) "Code" shall have the same meaning as administrative rule.

(i) "Combination Food Service Establishment" means any food establishment located within a single structure or at a single site, and which is engaged in activities subject to licensing or inspecting requirements of both the Authority and the Oregon Department of Agriculture, and the regulated activities are common to the same operator.

(j) "Commercial warewashing machine" means a machine designed and manufactured specifically for use in a food service establishment such as a restaurant and not for domestic or light-commercial purposes.

(k) "Commissary" means a commissary catering establishment, restaurant, or any other place in which, food, beverage, ingredients, containers, or supplies are kept, handled, packaged, prepared or stored, and from which vending machines or mobile units are serviced. A licensed commissary may only be used for catering if licensed mobile food units or vending machines are serviced by the establishment as specified in ORS 624.310.

(L) "Complete Inspection" means any inspection conducted at the election of the licensing agency evaluating all items on the inspection form.

(m) "Cut leafy greens" means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term "leafy greens" includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard. The term "leafy greens" does not include herbs such as cilantro or parsley. The term "cut" does not mean removing and discarding exterior leaves.

(n) "Director" means the Director of the Oregon Health Authority or Oregon Department of Agriculture or authorized representative.

(o) "Disclosure" means a written statement that clearly identifies the animal-derived foods which are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens, or items that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens.

(p) "Food establishment" means:

(A) An operation that prepares, assembles, packages, serves, stores, vends, or otherwise provides food for human consumption; or

(B) Any room, building, structure or place, used or intended for use, or operated for storing, preparing, compounding, manufacturing, processing, freezing, packaging, distributing, handling, salvaging or displaying food; or

(C) The ground upon which such place or business is operated or used and so much ground adjacent thereto as is also used in carrying on the business of the establishment. The Authority or Department of Agriculture may prescribe additional areas or places which, although they may not be contiguous or adjacent to the above area or establishment, may be included therein; or

(D) Vehicles, machinery, equipment, utensils, tools, fixtures, implements, and all other articles or items, used in operating or carrying on the business of a food establishment.

(q) "Food establishment" regulated by the Oregon Health Authority includes but is not limited to:

(A) Bars, bed and breakfast facilities, cafeterias if open to the public, catered feeding locations, caterers, coffee shops, commissaries, conveyance used to transport people, hospitals if open to the public, hotels, microbreweries, motels, private clubs if open to the public, restaurants, satellite sites, senior citizen centers, snack bars, taverns, vending locations, warehouses (associated with a mobile food unit), or similar food facilities.

(B) An operation that is conducted in a mobile food unit, temporary food establishments, or permanent facility or location; where consumption is on or off premises; and regardless of whether there is a charge for the food.

(C) The premises of a fraternal, social, or religious organization where food is prepared for the public.

(D) School food service that is provided by a private person, business, or organization; and that serve persons other than enrolled students, invited guests or staff.

(E) That relinquishes possession of food to a consumer directly through a restaurant takeout order.

(r) "Food establishment" regulated by the Oregon Department of Agriculture includes but is not limited to:

(A) Markets, food banks, warehouses (distribution), wineries, microbreweries, grocery stores or other food facilities;

(B) An establishment that predominantly sells foods that are not for immediate consumption, such as take and bake pizza, whole pies and cakes, loaves of bread, and pre-made dinners that must be cooked or reheated;

(C) An establishment that offers only prepackaged or bulk foods that are not potentially hazardous;

(D) A produce stand that offers fresh fruits and vegetables;

(E) A food processing plant;

(F) Mobile food units that are operated by an Oregon Department of Agriculture licensed establishment and located on the property of the Oregon Department of Agriculture licensed establishment;

(G) Outdoor cooking and beverage dispensing area operated by a market that is located on the property of the market and is under the jurisdiction of the Oregon Department of Agriculture; or

ADMINISTRATIVE RULES

(H) Food prepared in a private home that is licensed as a domestic processor.

(s) "Food establishment" does not include:

(A) A private home where food is prepared or served for family and guests, and where the public is not invited.

(B) A private home that receives catered or home-delivered food.

(C) An establishment or organization that prepares or sells the following food items for immediate consumption only:

(i) Candy, candied apples and non-potentially hazardous confections;

(ii) Commercially prepackaged ice cream and frozen desserts sold in individual servings;

(iii) Commercially pickled products, commercially processed jerky, nuts, nutmeats, popcorn, and prepackaged foods such as potato chips, pretzels, and crackers;

(iv) Unopened commercially bottled and canned non-potentially hazardous beverages to include alcoholic beverages;

(v) Coffee and tea, with non-potentially hazardous ingredients;

(vi) Non-potentially hazardous hot or cold beverages prepared from individually packaged powdered mixes and commercially bottled water, not to include fresh squeezed juice;

(vii) Non-potentially hazardous foods or beverages provided by a non-food service business or organization as a courtesy for no charge to customers; and

(viii) Other food items as determined by the Authority or the Oregon Department of Agriculture.

(D) An establishment or organization that prepares or sells the following food items for immediate consumption at an event that are obtained from a licensed food service or processing establishment or prepared onsite:

(i) Non-potentially hazardous baked goods;

(ii) A benevolent organization that serves privately donated breads, rolls, pies, cakes, doughnuts or other pastries not having potentially hazardous (TCS) fillings;

(iii) An establishment or organization exempt under this subparagraph must post a notice in public view that states: "NOTICE: Food served at this location may not have been inspected by the regulatory authority."

(E) Private vehicles used for home deliveries.

(F) Personal chef who prepares food for an individual or private party.

(G) Continental breakfast served by a traveler's accommodation licensed under ORS chapter 446 and that is limited to the following: individual or bulk dispensed containers of commercially prepared juices; commercially prepared non-potentially hazardous pastries; whole uncut fresh fruit with peel, and coffee and tea with non-potentially hazardous ingredients.

(H) Food service that is provided by a state, county, or other governmental entity.

(I) School food service that is provided by a state, county, or other governmental entity; or is providing food to students, teachers, other school staff, and invited guests.

(J) Any person holding a "one-day, special retail beer or special retail wine license" for a private residence; or anyone who possesses a "temporary" license from the Oregon Liquor Control Commission who serves alcoholic beverages to the public, but serves only foods exempted under 1-201.10(B) of the 2009 FDA Food Code and uses single-service articles.

(K) A bed and breakfast facility with two or less rooms for rent on a daily basis.

(L) Home delivery of grocery orders.

(M) Institutions that do not serve the public.

(N) Produce stands located on a farmer's own property wherein only produce grown by the farmer is sold and no food processing is done as specified in OAR 603-025-0030(2).

(O) Farm Direct Marketers as defined in OAR 603-025-0225(6).

(P) A domestic processor licensed by the Oregon Department of Agriculture that sells only prepackaged and labeled food at a farmer's market.

(t) "Food processing plant" means a commercial operation or a domestic kitchen licensed by the Oregon Department of Agriculture that manufactures, packages, labels, or stores food for human consumption.

(u) "Integral" means that all equipment associated with a mobile unit must be rigidly and physically attached to the unit without restricting the mobility of the unit while in transit. This does not preclude the use of a barbecue unit in conjunction with a Class IV mobile food unit.

(v) "License" means the same as permit for the purposes of this rule.

(w) "License holder" means the same as permit holder for the purposes of this rule.

(x) "Maximum Contaminant Level (MCL)" means the maximum allowable level of a contaminant in water for consumption delivered to the users of a system, except in the case of turbidity where the maximum allowable level is measured at the point of entry to the distribution system.

(y) "Meat" means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, except fish, poultry, and wild game animals as specified under subparagraphs 3-201.17(A)(3), (4), and (5) of the 2009 FDA Food Code.

(z) "Mobile Food Unit" means any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.

(aa) "Outdoor Beverage Dispensing Operation" means an outdoor area on the premises of a food establishment where beverages are dispensed to consumers.

(bb) "Outdoor Cooking Operation" means an outdoor area on the premises of a food establishment where food is cooked for service to consumers.

(cc) "Personal Chef" means an individual that provides cooking services to private individuals or private groups. A personal chef may purchase food from an approved source, but may not store or prepare food in advance. A personal chef may use their own equipment, utensils and spices.

(dd) "Preparation" means the process whereby food is transformed into a consumable form. This includes, but is not limited to, slicing or dicing vegetables, grating cheese, portioning foods, slicing sandwiches, blending foods, or cooking or reheating foods.

(ee) "Priority item" means a provision in this code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard.

(A) "Priority item" includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, and handwashing.

(B) "Priority item" is an item that is denoted in this code with a superscript P-P; and

(C) "Priority item" is an item that carries a weight of five points on the Food Service Inspection Report or Inspectional Guide and is considered a critical violation as referenced in ORS chapter 624.

(ff) "Priority foundation item" means a provision in this code whose application supports, facilitates or enables one or more priority items.

(A) "Priority foundation item" includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling.

(B) "Priority foundation item" is an item that is denoted in this code with a superscript Pf-Pf; and

(C) "Priority foundation item" is an item that carries a weight of three points on the Food Service Inspection Report or Inspectional Guide and is considered a critical violation as referenced in ORS chapter 624.

(gg) "Quarterly Sampling" means a sample is taken and submitted according to the following schedule: 1st Quarter is January 1 through March 31, 2nd Quarter is April 1 through June 30, 3rd Quarter is July 1 through September 30 and the 4th Quarter is October 1 through December 31.

(hh) "Raw-to-Finish" means cooking foods that are potentially hazardous when in a raw state to a finished, edible state. This practice includes, but is not limited to, cooking raw hamburgers or barbecuing raw meats.

(ii) "Recheck Inspection" means:

(A) An inspection to determine whether specified corrections have been made or alternative procedures maintained for violations identified in previous inspections; or

(B) An inspection to determine whether specific corrections have been maintained for critical violations creating a significantly increased risk for foodborne illness. Recheck inspections may also be referred to as reinspections or follow-up inspections.

(jj) "Repeat violation" means a violation of a rule which is the same specific problem or process as indicated on the Food Service Inspection Report occurring in two consecutive semi-annual inspections.

(kk) "Sample" means a three ounce or less portion of a food or beverage.

(ll) "Semi-annual inspection" means an unannounced complete inspection conducted twice during the calendar year; one in each half of the year, but not less than 90 days or more than 270 days apart.

ADMINISTRATIVE RULES

(mm) "Temporary food establishment" means the same as ORS 624.010(4), (10) and (11).

(nn) "Transport Vehicle" means a vehicle used to transport foods or utensils from the base of operation to a mobile food unit.

(oo) "Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; temperature sensing probes of food temperature measuring devices; trays used with highchairs; and probe-type price or identification tags used in contact with food.

(pp) "Vehicle" means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway, and includes vehicles that are propelled or powered by any means. This definition includes watercraft.

(qq) "Violation" means any condition which fails to meet a requirement of ORS chapter 624 or this rule.

(rr) "Violations creating an imminent danger to public health" means those priority item violations in which at least one of the following conditions exists:

(A) Food and drink is spoiled, unwholesome, or contaminated with pathogenic or fecal organisms, toxic chemicals, insect or rodent parts or excreta, or other harmful substances or articles;

(B) Potentially hazardous foods have been kept at temperatures above 41 degrees Fahrenheit and below 135 degrees Fahrenheit for four hours or more;

(C) A food employee has a reportable disease or medical condition under subpart 2-201 of the 2009 FDA Food Code.

(ss) "Violations creating a potential danger to public health" means all priority and priority foundation item violations other than those that create an imminent danger to public health.

(tt) "Violations creating a significantly increased risk for foodborne illness" include:

(A) Potentially hazardous foods at improper temperatures;

(B) Cross contamination of raw to ready-to-eat foods; and

(C) Poor personal hygiene and handwashing.

(uu) "Warehouse" means any place where food, utensils, single-service articles, cleaning or servicing supplies for vending machines, mobile units, or commissaries are stored.

(vv) "Wild Fresh Mushroom" means a mushroom that has not been processed, dried or cultivated.

(5) Amendments to Federal Regulation. The following amendments or additions are made to the 2009 FDA Food Code, as adopted and incorporated by reference. All references to part, subpart, sections, paragraphs and subparagraphs relate to the 2009 FDA Food Code:

(a) Amend section 2-102.11(B) to read: Being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program or a training program approved by the Oregon Health Authority or Oregon Department of Agriculture;

(b) Adopt paragraphs 2-102.11(A) and (C) without changes.

(c) Amend section 2-201.11 to read: Responsibility of Person in Charge.

(A) The permit holder shall require food employees to report to the person in charge information about their health and activities as they relate to diseases that are transmissible through food. A food employee or conditional employee shall report the date of onset of symptoms, diagnosis of an illness, or of a diagnosis without symptoms that are listed under 2-201.12.P

(B) The person in charge shall notify the regulatory authority that a food employee is:

(i) Jaundice; or

(ii) Diagnosed with an illness listed in 2-201.12.

(C) A food employee shall:

(i) Report to the person in charge if they have been diagnosed with an illness or are experiencing symptoms specified under 2-201.12.P

(ii) Report to the person in charge if they have been living in the same household or working in a setting where there is a confirmed disease outbreak with an illness specified under 2-201.12.P and

(iii) Comply with exclusions and restrictions specified under section 2-201.12.P

(d) Amend section 2-201.12 to read: Exclusions and Restrictions.

(A) The person in charge shall exclude or restrict a food employee from a food establishment in accordance with the following:

(i) Except when the symptom is from a noninfectious condition, exclude a food employee that has any of the following signs or symptoms

caused by illness, infection, or other source that is associated with an acute illness:

(I) Vomiting;P

(II) Diarrhea;P

(III) Sore throat with fever;P or

(IV) Jaundice.P

(B) Exclude or restrict a food employee that has a lesion containing pus such as a boil or infected wound that is open or draining and is:

(i) On the hands or wrists, unless an impermeable cover such as a finger cot protects the lesion and a single use glove is worn over the impermeable cover;P

(ii) On exposed portions of the arms, unless the lesion is protected by an impermeable cover;P or

(iii) On other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage.P

(C) Exclude a food employee from a food establishment if the food employee is diagnosed by a health practitioner or presumptive with:

(i) Norovirus;P

(ii) Hepatitis A virus;P

(iii) Shigella spp.;P

(iv) Enterohemorrhagic or Shiga Toxin-Producing Escherichia coli;P

or

(v) Salmonella Typhi.P

(e) Amend section 2-201.13 to read: Removal of Exclusions and Restrictions. The person in charge shall adhere to the following conditions when removing, adjusting, or retaining the exclusion or restriction of a food employee:

(A) Restrictions or exclusions on persons diagnosed or presumptive with Hepatitis A, shigellosis or Shiga-toxicogenic Escherichia coli (STEC) or Salmonella typhi infection shall not be lifted until a licensed laboratory has determined that the employee is free of pathogens in accordance with OAR 333-019-0014(4) and 333-019-0046. Such restrictions may be waived or modified at the discretion of the local public health authority.P

(B) Except as specified in (A) of section 2-201.13, the person in charge may remove a restriction or exclusion specified under 2-201.12 if the restricted person:

(i) Is free of the symptoms specified under 2-201.12(A)(1)-(3) for 24 hours;P or

(ii) Provides to the person in charge written medical documentation from a health practitioner that states the symptom is from a noninfectious condition;P or

(iii) The person in charge obtains approval from the local public health authority.P

(C) Reinstate a food employee who was diagnosed or presumptive with an infection from Norovirus if the person in charge obtains approval from the local public health authority and one of the following conditions is met:

(i) The food employee provides to the person in charge written medical documentation from a health practitioner stating the food employee is free of a Norovirus infection;P or

(ii) The food employee's symptoms of vomiting or diarrhea have resolved and more than 48 hours have passed since the food employee became asymptomatic;P or

(iii) The food employee did not develop symptoms and more than 48 hours have passed since the food employee was diagnosed.P

(f) Amend section 2-301.13 to read: Double Handwashing.

(A) After defecating, contacting body fluids and discharges, or handling waste containing fecal matter, body fluids, or body discharges, and before beginning or returning to work, food employees shall wash their hands twice using the cleaning procedure specified in section 2-301.12.P

(B) Except when one handwashing lavatory is allowed under paragraph 5-203.11(A), after using the toilet facility food employees shall wash their hands twice, first at a handwashing lavatory in the toilet facility and again at a handwashing lavatory in the food preparation area.P

(g) Amend paragraph 2-301.14(H) to read: Before donning gloves for working with food unless a glove change is not the result of glove contamination.P

(h) Amend section 2-301.16 to read:

(A) A hand antiseptic and a chemical hand antiseptic solution used as a hand dip shall be used according to labeled directions, be approved for use with food, and be applied to hands that are cleaned as specified under section 2-301.12.

(B) A chemical hand antiseptic solution used as a hand dip shall be maintained clean and at a strength equivalent to at least 100 mg/L chlorine.

ADMINISTRATIVE RULES

(i) Amend paragraph 2-401.11(A) to read: Eating, Drinking, or Using Tobacco. Except as specified in paragraph (B) of section 2-401.11, an employee may not eat, drink, or use any form of tobacco except in designated areas where the contamination of exposed food; clean equipment, utensils, and linens; unwrapped single-service and single-use articles; or other items needing protection can not result.

(j) Amend section 2-401.12 to read: Discharges from the Eyes, Nose, and Mouth. Food employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed food; clean equipment, utensils, and linens; or unwrapped single-service or single-use articles.

(k) Amend paragraph 2-402.11(A) to read: Employees shall use effective hair restraints to prevent the contamination of food or food-contact surfaces.

(L) Amend paragraph 2-403.11(A) to read: Except as specified in paragraph (B) of section 2-403.11, food employees may not care for or handle animals that may be present such as patrol dogs, service animals, or pets that are allowed as specified in 6-501.115(B)(2)-(5) and (E).

(m) Amend paragraph 3-201.11(B) to read: Except as specified in paragraphs (J), (K) and (L) of section 3-201.11, food prepared in a private home may not be used or offered for human consumption in a food establishment.P

(n) Add paragraph 3-201.11(H) to read: Game meat which has been donated to a charitable organization and has been inspected and processed as provided in ORS 619.095 may be served for human consumption by that charitable organization.P

(o) Add paragraph 3-201.11(I) to read: Except as required in 3-201.11(A) through (H) of the 2009 FDA Food Code and in accordance with ORS 624.116, any person, business or volunteer group may donate food to a benevolent organization that meets the requirements in ORS 624.101. The Internal Revenue Service (IRS) may issue a "letter of determination" that should be used as the basis for assessing compliance with benevolent status of ORS 624.101. The person, business or volunteer group making the donation shall inspect the food to ensure its fitness for human consumption and discard all food that is unwholesome. The following donated food items are approved for use by benevolent organizations:

(A) Commercially prepared foods, canned goods, and milk products, marine and freshwater fishery products or meat animals; i.e., cattle, sheep, goats, equine, swine, poultry or rabbits obtained from facilities licensed by the Oregon Department of Agriculture or the Oregon Health Authority according to ORS chapters 603, 616, 621, 622, 624, 625 and 635;P

(B) Home baked bread, rolls, pies, cakes, doughnuts or pastries not having perishable fillings, icings, toppings or glazes;P

(C) Fresh fruit and produce from private gardens or commercial growers;P

(D) Salvageable food which has lost the label or which has been subjected to possible damage due to accident, fire, flood, adverse weather or similar cause. Reconditioning of salvageable food shall be conducted according to the Model Food Salvage Code recommended by the Association of Food and Drug Officials and U.S. Department of Health and Human Services;P

(E) Other food as may be approved by the Oregon Health Authority upon prior notification by the donator or benevolent organization;

(F) Unless alternative language has been approved by the regulatory authority, a notice shall be posted in public view that says: "NOTICE: Food served at this location may not have been inspected by the regulatory authority."

(p) Add paragraph 3-201.11(J) to read: Privately donated breads, rolls, pies, cakes, doughnuts or other pastries not having perishable fillings, icings, toppings or glazes may be used in temporary food establishments operated by benevolent organizations for fund-raising events, provided they meet the requirements under 3-201.11(I)(iv).P

(q) Add paragraph 3-201.11(K) to read: Food prepared in a private home that is licensed as a home processor by the Oregon Department of Agriculture.P

(r) Add paragraph 3-201.11(L) to read: A Benevolent Meal Site may serve food prepared by volunteers in an unlicensed kitchen under the following conditions:

(A) Volunteers must obtain a food handler certificate as required in OAR chapter 333, division 175. If the food is prepared by a group of people at the same location, only the person supervising the food preparation shall be required to obtain a certificate. The person supervising the food preparation shall be at the preparation site at all times;

(B) Volunteers that provide only non-potentially hazardous baked goods as allowed under paragraph (J) of section 3-201.11 or whole, uncut

fresh fruits and vegetables are exempt from the food handler certification requirement.

(C) The organization sponsoring the Benevolent Meal Site must obtain a signed statement from the volunteers that they have reviewed and will follow the requirements of section 3-201.11. The signed statement must include the volunteer's name, contact information and the kinds of food donated;

(D) The signed statement shall be maintained at the Benevolent Meal Site and be available for review.

(E) Food Preparation and Service:

(i) The following foods may not be provided: home-canned or home processed foods, wild mushrooms, wild game, shellfish, sport-caught fish, raw milk, raw animal foods, eggs from non-commercial sources, unpasteurized juices, and water and ice from unapproved water systems;P

(ii) Except whole, uncut fresh fruit and vegetables and non-potentially hazardous baked goods as described under paragraph (J) of section 3-201.11, leftover food prepared by volunteers must be returned to the volunteer or discarded.P

(iii) Food obtained from licensed establishments may be donated to other facilities if the food is held under proper temperature control and protected from contamination during serving;

(iv) At least one portable handwashing facility as described in paragraph 5-203.11(C) shall be provided at the service location;

(v) Self-service of food is limited to prepackaged items and condiments dispensed in a sanitary manner;

(vi) A statement must be posted at the meal site in public view that states: "Notice: Food served at this location may not have been inspected by the regulatory authority."

(vii) Food must be stored, prepared, handled, transported and served in a manner that is consistent with the food safety requirements in these rules.

(s) Amend section 3-201.16 to read:

(A) Except as specified in (B), identification of mushroom species picked in the wild shall have a written buyer specification which is to remain on file in the food establishment for a minimum of 90 days from the date of sale or service. This written specification shall include:

(i) Identification by the scientific name and the common name of the mushroom species;

(ii) Identification in the fresh state;

(iii) The name and contact information of the person who identified the mushroom and the mushroom seller; and

(iv) A statement as to the qualifications and training of the identifier, specifically related to mushroom identification.

(B) Paragraph (A) of 3-201.16 does not apply to cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the food regulatory agency that has jurisdiction over the operation.

(C) The food establishment that sells, uses or serves mushrooms picked in the wild shall ensure the mushrooms are conspicuously identified by a label, placard, or menu notation that states:

(i) The common and usual name of the mushroom; and

(ii) The statement "Wild mushrooms: not an inspected product".

(t) Add subparagraph 3-201.17(A)(5) to read: Except as specified in (A)(1) through (4) of section 3-201.17:

(A) Game meat donated to a charitable organization and inspected by employees of the Oregon Department of Agriculture, Oregon Department of Fish and Wildlife, or State Police as provided for in ORS 619.095 may be served for human consumption by that charitable organization.P

(B) As used in subparagraph (A) of section 3-201.17:

(i) Charitable organization means the Department of Human Services, Oregon Health Authority, Oregon Youth Authority, Department of Corrections institutions, low-income nutritional centers, public school nutritional centers, senior nutritional centers, state hospitals and other charitable organizations or public institutions approved by the Oregon Department of Fish and Wildlife.

(ii) Game meat includes antelope, bighorn sheep, deer, elk, moose and mountain goat.

(u) Add section 3-201.18 to read: Outdoor Cooking and Beverage Dispensing Operations.

(A) Outdoor cooking and beverage dispensing by a food establishment shall be allowed as a part of the operation when conducted on the premises of the food establishment.

(B) Enclosure of an outdoor cooking and beverage dispensing operation is not required unless necessary to protect food from contamination. The outdoor cooking and beverage dispensing operation must be designed

ADMINISTRATIVE RULES

to protect food, equipment, utensils, single-use articles and other items from contamination when not in operation.

(C) Outdoor cooking and beverage dispensing operations must be equipped with or located adjacent to a plumbed handwashing sink. Outdoor cooking and beverage dispensing operations that are not permanently constructed may provide a handwashing system that meets the requirements of 5-203.11(C) if approved by the regulatory authority.

(D) Outdoor cooking shall be limited to the use of a barbeque, hearth oven, tandoori oven, barbeque pit or other similar cooking equipment. The use of equipment such as flat top grills or griddles, woks, steamtables or other cooking, storage or holding devices designed or intended to be used inside of a food service establishment is not allowed.

(E) Other than cooking food, no preparation, assembly, storage or service of food may be done at the outdoor cooking operation. Non-potentially hazardous (non-TCS) condiments may be dispensed at the outdoor cooking operation.

(F) Employees or consumers may be served directly from the outdoor cooking operation if the food is portioned for immediate service. Consumers may not serve themselves from an outdoor cooking operation.

(G) Outdoor beverage dispensing may include alcoholic and other beverages. Consumers may serve themselves from beverage dispensing equipment that meets the requirements of 4-204.13.

(H) Outdoor cooking and beverage dispensing operations must be monitored by food service employees.

(I) Section 3-201.18 does not preclude the service of foods prepared inside the establishment to consumers at outdoor seating areas.

(v) Add paragraph (E) to 3-202.14 to read: Raw milk from goats and sheep that is in compliance with the labeling requirements in OAR 603-024-0543 and the standards defined in OAR 603-024-0041 may be sold in licensed Oregon Department of Agriculture establishments.P

(w) Add subparagraph (C)(3) to 3-203.11 to read: If the establishment serves raw or undercooked shucked molluscan shellfish for immediate consumption, container label information must be maintained in the establishment for 90 days.

(x) Amend section 3-301.11 to read:

(A) Food employees shall wash their hands as specified under sections 2-301.12 and 2-301.13.

(B) Food employees shall minimize bare hand contact with food and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.P/

(y) Amend paragraph 3-304.12(F) to read: In a container of water if the container is cleaned at a frequency specified under subparagraph 4-602.11(D)(7); and

(A) The water is maintained at a temperature of 135 degrees Fahrenheit or above; or

(B) At 41 degrees Fahrenheit or less.

(z) Add paragraph 3-304.15(E) to read: The use of latex gloves in food service establishments is prohibited.

(aa) Amend section 3-304.17 to read:

(A) Except as specified in paragraph (C) of section 3-304.17, a take-home food container returned to a food establishment may not be refilled at a food establishment with a potentially hazardous food (time/temperature control for safety food).

(B) Except as specified in paragraph (C) of section 3-304.17, a take-home food container refilled with non-potentially hazardous (non-TCS) food shall be cleaned as specified under paragraph 4-603.17(B).

(C) Notwithstanding paragraphs (A) and (B) of section 3-304.17, personal take-out beverage containers, such as thermally insulated bottles, non-spill coffee cups, and promotional beverage glasses, may be refilled by employees or the consumer with a beverage that is a potentially hazardous food (time/temperature control for safety food) if refilling is a contamination-free process as specified under paragraphs 4-204.13(A), (B), and (D).

(bb) Amend section 3-306.11 to read: Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, food on display shall be protected from contamination by the use of packaging; counter, service line, or salad bar food guards; display cases; or other effective means.

(cc) Amend section 3-306.12 to read: Condiments, Protection.

(A) Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected food displays provided with the proper utensils, original containers designed for dispensing, or individual packages or portions.

(B) Condiments at a vending machine location shall be in individual packages or provided in dispensers that are filled at an approved location, such as the food establishment that provides food to the vending machine

location, a food processing plant that is regulated by the agency that has jurisdiction over the operation, or a properly equipped facility that is located on the site of the vending machine location.

(dd) Add section 3-307.12 to read: Protection from Contamination, Use of Private Vehicles for Food Deliveries.

(A) Private vehicles may be used for food deliveries if the food is packaged so that it is protected from contamination under Part 3-3 of the 2009 FDA Food Code, and adequate means are provided for maintaining proper food temperatures under section 3-501.16.

(B) Private vehicles shall not be used in any activity that is incompatible with safe and sanitary transportation of food.

(ee) Amend paragraph 3-401.12(C) to read: Heated to a temperature of at least 74 degrees Celsius (165 degrees Fahrenheit) in all parts of the food.P

(ff) Amend paragraph 3-401.14(D) to read: Prior to sale or service, cooked using a process that heats all parts of the food to a temperature and for a time that complies with one of the methods based upon the food being cooked as specified in 3-401.11.P

(gg) Amend subparagraph 3-401.14(F)(5) to read: Describe how foods, after initial heating but prior to cooking as specified in paragraph (D) of section 3-401.14, are to be separated from ready-to-eat foods as specified under 3-302.11(A).

(hh) Amend paragraph 3-402.11 to read:

(A) Except as specified in paragraph (B) of this section, before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish shall be:

(i) Frozen and stored at a temperature of -20 degrees Celsius (-4 degrees Fahrenheit) or below for a minimum of 168 hours (seven days) in a freezer; or

(ii) Frozen at -35 degrees Celsius (-31 degrees Fahrenheit) or below until solid and stored at -35 degrees Celsius (-31 degrees Fahrenheit) or below for a minimum of 15 hours;P

(iii) Frozen at -35 degrees Celsius (-31 degrees Fahrenheit) or below until solid and stored at -20 degrees Celsius (-4 degrees Fahrenheit) or below for a minimum of 24 hours.

(B) Paragraph (A) of this section does not apply to:

(i) Molluscan Shellfish;

(ii) Tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus* (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern), or fish species that are listed in the FDA Fish and Fisheries Products Hazards and Control Guidance, Potential Species-Related & Process Related Hazards and parasites are not a hazard; or

(iii) Aquacultured fish, such as salmon, that:

(I) If raised in open water, are raised in net-pens; or

(II) Are raised in land-based operations such as ponds or tanks; and

(III) Are fed formulated feed, such as pellets, that contains no live parasites infective to the aquacultured fish.

(iv) Fish eggs that have been removed from skein and rinsed.

(ii) Amend section 3-402.12 (B) to read: If the fish are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time specified under section 3-402.11 may substitute for the records specified under paragraph (A) of section 3-402.12.

(A) Each invoice received from the supplier shall state the specific fish by species that have been frozen to meet the requirements for parasite destruction specified under section 3-402.11.

(B) The written agreement or statement from the supplier must be updated at least once per year.

(jj) Amend paragraph 3-501.15(B) to read: When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be:

(A) Arranged in the equipment to provide maximum heat transfer through the container walls; and

(B) Loosely covered, or uncovered if protected from overhead contamination as specified under subparagraph 3-305.11(A)(2), during the cooling period to facilitate heat transfer from the surface of the food.

(kk) Amend subparagraph 3-501.17(A) to read: Except when packaging food using a reduced oxygen packaging method as specified under section 3-502.12, and except as specified in paragraphs (D) and (E) of section 3-501.17, refrigerated, ready-to-eat food (time/temperature control for safety food) prepared and held in a food establishment for more than 24 hours shall be clearly marked to indicate the date or day by which the food shall be consumed on premises, sold, or discarded when held at a temperature of

ADMINISTRATIVE RULES

5 degrees Celsius (41 degrees Fahrenheit) or less for a maximum of seven days. The day of preparation shall count as Day 1.

(ll) Amend paragraph 3-501.19(B) to read: If time without temperature control is used as the public health control up to a maximum of four hours.

(mm) Adopt subparagraphs 3-501.19(B)(1)-(4) as written.

(nn) Add subparagraph 3-603.11(B)(3) to read: Food service establishments that serve predominantly raw foods may disclose those items that are not served raw or do not require cooking before consumption.

(oo) Add paragraph 3-701.11(E) to read: Potentially hazardous foods (TCS) that have been kept at temperatures above 41 degrees Fahrenheit or below 135 degrees Fahrenheit for more than four hours shall be discarded.

(pp) Amend paragraph 4-101.17(A) to read: Except as specified in paragraphs (B), (C), (D) and (E) of section 4-101.17, wood and wood wicker may not be used as a food-contact surface.

(qq) Add paragraph 4-101.17(E) to read: Untreated wood planks, such as cedar, may be used as a cooking surface for grilling or baking.

(rr) Amend section 4-204.14 to read: Vending Machine, Vending Stage Closure. The dispensing compartment of a vending machine including a machine that is designed to vend prepackaged snack food that is not potentially hazardous (time/temperature control for safety food) shall be equipped with a self-closing door or cover if the machine is:

(A) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or

(B) Available for self-service during hours when it is not under the full-time supervision of a food employee.

(ss) Amend paragraph 4-301.12(A) to read: Except as specified in paragraphs (C) and (F) of section 4-301.12, a sink with at least three compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils.

(tt) Amend subparagraph 4-301.12(C)(5) to read: In establishments licensed by the Oregon Department of Agriculture, two-compartment sinks as specified in paragraphs (D) and (E) of section 4-301.12.

(uu) Add paragraphs 4-301.12(F), (G) and (H) to read: (F) A commercial warewashing machine is allowed in lieu of a manual warewashing sink as required in section 4-301.12.

(A) For mobile food units:

(i) Class I, II and III mobile food units are not required to provide warewashing facilities on the unit, if adequate facilities exist at the commissary.

(ii) Multiple or disposable utensils may be used for food handling on the unit. There shall be at the beginning of each day's business a sufficient supply of clean utensils necessary to properly prepare, assemble, or dispense the food. For mobile food units that do not have a warewashing sink on the unit, this supply shall consist of at least one of each type of utensil for every two hours of operation. If the unit operates less than four hours in a day, the unit shall provide a minimum of two sets of each type of utensil. Utensils shall not be used if they become contaminated.

(iii) Class IV mobile food units must provide a sink with at least three compartments.

(B) For temporary food establishments:

(i) Temporary food establishments are not required to provide warewashing facilities on the premises if multiple utensils are provided as specified in subparagraph (G)(2) of section 4-301.12 and the operator uses a licensed restaurant or commissary as a base of operation.

(vv) Amend subparagraph 4-602.11(D)(7) to read: In-use utensils are intermittently stored in a container of water in which the water is maintained at 57 degrees Celsius (135 degrees Fahrenheit) or more or 5 degrees Celsius (41 degrees Fahrenheit) or less and the utensils and container are cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.

(ww) Amend section 4-603.16 to read: Washed utensils and equipment shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water by using one of the following procedures.

(xx) Adopt paragraphs 4-603.16(A), (D) and (E) as written.

(yy) Amend section 4-603.17 to read:

(A) Except as specified in paragraphs (B) and (C) of this section, returned empty containers intended for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing plant.

(B) A food-specific container for beverages may be refilled at a food establishment if:

(i) The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the food establishment;

(ii) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;

(iii) The consumer-owned container returned to the food establishment for refilling is refilled for sale or service only to the same consumer; and

(iv) The container is refilled by:

(I) An employee of the food establishment, or

(II) The owner of the container if the beverage system includes a contamination-free transfer process that can not be bypassed by the container owner.

(C) Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

(zz) Amend section 5-102.11 to read: Except as specified under section 5-102.12(A), water from a public water system shall meet 40 CFR 141 – National Primary Drinking Water Regulations and OAR chapter 333, division 061.P The following drinking water standards apply to licensed food establishments that are not regulated under OAR chapter 333, division 061:

(A) General Sampling Requirements:

(i) All samples required by this rule must be analyzed and collected as prescribed by OAR 333-061-0036(1)(a) and (b).P

(ii) All samples required by this rule must be analyzed by a laboratory accredited by the Oregon Environmental Laboratory Accreditation Program (ORELAP) and must be handled and documented in accordance with ORELAP standards.P

(iii) Samples submitted to laboratories for analysis shall be clearly identified with the name of the water system, facility license number, sampling date, time, sample location identifying the sample tap, the name of the person collecting the sample and whether it is a routine or a repeat sample.P

(I) Routine: These are samples collected from established sampling locations within a water system at specified frequencies to satisfy monitoring requirements as prescribed in this rule.P

(II) Repeat: These are samples collected as a follow-up to a routine sample that is positive for coliform bacteria or that exceeds the maximum contaminant level for nitrate as specified in OAR 333-061-0030(1);P

(iv) Reporting: All sample results must be submitted to the regulatory authority by the 10th of the month following the end of the applicable sampling period.P

(v) The regulatory authority may collect additional samples to determine compliance with applicable requirements of these rules.P

(B) Sampling for coliform bacteria:

(i) For seasonal establishments, one sample must be collected prior to the operational period of the facility and each subsequent calendar quarter while open to the public. A minimum of two samples shall be required for coliform, regardless of length of operation.P

(ii) For year round facilities, facilities utilizing surface water sources must collect one sample every month. Facilities utilizing groundwater sources must collect one sample every calendar quarter.P

(iii) Domestic kitchens licensed by the Oregon Department of Agriculture must test annually for coliform bacteria. If water is a major ingredient of the product, then additional water testing may be required by the regulatory authority, not to exceed the standards listed in this rule.

(C) Sampling for chemicals:

(i) Every facility must collect one arsenic sample before beginning operation for the first time. This requirement does not apply to facilities that were previously regulated under OAR chapter 333, division 061 and that have sampling results from samples collected prior to January 1, 2003.P

(ii) Every facility must collect one nitrate sample every year while open to the public.P

(D) Additional sampling may be required for coliform bacteria, arsenic, or nitrate at the discretion of the regulatory authority. It is the responsibility of the operator to correct any problems or deficiencies and to assure that water provided to the public does not present a risk to public health.P

(E) MCL Violations: An item is not considered a violation until confirmed by a second sample collected within 24 hours. For coliform bacteria, four repeat samples must be collected within 24 hours of the original positive sample.P

(i) Total coliform: Facilities must report samples positive for total coliform to the regulatory authority within 24 hours of being notified of the sample results.P

ADMINISTRATIVE RULES

(ii) Fecal coliform: Facilities must report samples positive for E. coli to the regulatory authority within 24 hours of being notified of the sample results.P

(I) Facilities must publish public notification for this potential acute health risk as prescribed by OAR 333-061-0042.P

(II) An alternative procedure approved by the regulatory authority must be in place before serving the public.P

(iii) Facilities must report samples that exceed the MCL for nitrate as specified in OAR 333-061-0030(1) to the regulatory authority within at least 24 hours.P

(I) Public notification is required.P

(II) Bottled water must be provided to the public upon request.P

(F) Public Notice: All public notification must be posted conspicuously on site and must include:

(i) A description of the violation or situation of concern;P

(ii) Corrective actions taken to improve water quality;P

(iii) Any potential adverse health effects;P

(iv) The population at risk;P

(v) The alternative measures in place to provide safe drinking water.P

(G) Surface Water Sources: New facilities with surface water sources not regulated under OAR chapter 333, division 061 shall not be licensable after January 1, 2005. Facilities existing prior to January 1, 2005 in compliance with OAR 333-061-0032 may continue to operate.P

(H) Plan Review: All new facilities that are not regulated by OAR chapter 333, division 061 must submit plans to the regulatory authority for review prior to operation. Existing facilities must submit plans to the regulatory authority for review prior to construction or major modification of the system. Systems regulated prior to January 1, 2003 by OAR chapter 333, division 061 are not required to re-submit plans. Plan review must be conducted in accordance with the procedures specified in OAR 333-061-0060.P

(aaa) Add paragraph 5-103.11(C) to read: Hot and cold or tempered water must be provided at all handwashing sinks in the establishment.

(bbb) Amend section 5-104.12 to read:

(A) Water meeting the requirements specified under subparts 5-101, 5-102, and 5-103 of the 2009 FDA Food Code shall be made available for a mobile facility, for a temporary food establishment without a permanent water supply, and for a food establishment with a temporary interruption of its water supply through:

(i) A supply of containers of commercially bottled drinking water;

(ii) One or more closed portable water containers;

(iii) An enclosed vehicular water tank;

(vi) An on-premises water storage tank; or

(v) Piping, tubing, or hoses connected to an adjacent approved source.

(B) If approved by the local public health authority, water for single-event temporary food establishments without a permanent water supply may be obtained from a well that has been tested for coliform bacteria within 60 days prior to the event. The local public health authority may require additional testing or an evaluation of the well and premises as part of the approval process. Sampling, reporting and correction of MCL violations shall be in accordance with the applicable provisions of 5-102.11.

(C) The regulatory authority may grant a temporary variance from requirements of subparts 5-101, 5-102, and 5-103 of the 2009 FDA Food Code by continuing or re-issuing previously issued permits where:

(i) Failure to comply with the code requirements is due to a failure of a community, municipal or public utility water supply system to meet the regulatory authority's requirements;

(ii) The regulatory authority is satisfied that necessary remedial action is ongoing or reasonably imminent in connection with such water supply system; and

(iii) Continuance or re-issuance of the permit is conditional upon the carrying out of such remedial action and the provision of such other measures by the certificate or license holder which will in the judgment of the regulatory authority afford reasonable interim protection to the public health including, but not limited to, adequate warnings to public and personnel as to the safety of the water delivered to the premises from the distribution system and notice of measures to avoid use or consumption of such water or to render it safe for consumption; adequate warnings as to the need for supervision of children and others needing supervision against use of such water; provision of alternative potable water and adequate notification as to its availability; and measures to avoid the use and the availability of water on the premises.

(ccc) Amend paragraph 5-203.11(A) to read: Except as specified in (B),(C), (D) and (E) of section 5-203.11, at least one handwashing sink or the number of handwashing sinks necessary for their convenient use by

employees in areas specified under section 5-204.11 shall be provided. Food establishments opened prior to July 1, 1965 are exempt from this requirement provided that employees can meet the requirements under sections 2-301.12 and 2-301.13.

(ddd) Amend paragraph 5-203.11(C) to read: An adequate number of handwashing stations shall be provided for each temporary food establishment to include:

(A) A minimum of one enclosed container that has a minimum water capacity of five gallons;

(B) A spigot that can be opened to provide a constant flow of water;

(C) Soap;

(D) Water;

(E) Paper towels; and

(F) A collection container for wastewater with a minimum capacity of five gallons.

(eee) Add paragraph 5-203.11(D) and (E) to read: (D) For mobile food units:

(A) Class II, III and IV mobile food units must provide a handwashing sink;

(B) Notwithstanding paragraph 5-203.11(D)(i), Class II and III mobile food units licensed prior to September 4, 2012 may provide a handwashing system as described in paragraph (C) of section 5-203.11 if by January 1, 2018 the unit is upgraded to meet the requirements in paragraph 5-203.11(D)(i). There must be a minimum initial volume of five gallons of water available for handwashing at the beginning of the workday.

(C) Outdoor cooking and beverage dispensing operations must be equipped with or located adjacent to a plumbed handwashing sink. Outdoor cooking and beverage dispensing operations that are not permanently constructed may provide a handwashing system that meets the requirements of paragraph 5-203.11(C) if approved by the regulatory authority.

(fff) Amend section 5-203.12 to read:

(A) Except as specified in paragraph (B) of section 5-203.12, toilet facilities shall be installed according to ORS 455.010 through 455.895 (2010 Oregon Structure Specialty Code) for the number of toilets.

(B) Food establishments with occupancy of 15 or less to include both employees and patrons may have only one toilet fixture and adjacent lavatory on the premises.

(C) Mobile food units shall provide toilet facilities as provided for in section 6-402.11.

(ggg) Add section 5-203.13 (C) to read: For mobile food units, if wet mopping is used as a method for cleaning the floor, then a separate sink must be provided in the unit for cleaning mops and cleaning tools and for the disposal of mop water or similar liquid wastes.

(hhh) Amend paragraph 5-203.15(A) to read: If not provided with an air gap as specified under 5-202.13, a dual check valve with an intermediate vent preceded by a screen of not less than 100 mesh to 25.4 mm (100 mesh to 1 inch) shall be installed upstream from a carbonating device and downstream from any copper in the water supply line.P

(iii) Amend section 5-302.16 to read: A food grade hose shall be used for conveying drinking water from a water tank and shall be:

(jjj) Adopt paragraphs 5-302.16(A) through (E) as written.

(kkk) Add section 5-305.11 to read: Water System Requirements.

(A) A Class IV mobile food unit must have a potable water system under pressure. The system must be of sufficient capacity to furnish enough hot and cold water for food preparation, warewashing, and handwashing, and the requirements of these rules. This supply must consist of a minimum of five gallons of water for handwashing, and 30 gallons or twice the volume of the three-compartment sink, whichever is greater, of water for warewashing.P

(B) Class II and III mobile food units must have a water supply that provides sufficient water for food preparation, handwashing, warewashing or any other requirements as set forth in these rules. If warewashing is conducted on the unit, a minimum of 30 gallons or twice the volume of the three-compartment sink, whichever is greater, of water must be dedicated for this purpose. A minimum of five gallons of water must be provided for handwashing.P

(C) Except relating to handwashing as provided for in subparagraph 5-203.11(D)(2), all mobile food units must be designed with integral potable and waste water tanks on board the unit. A mobile unit may connect to water and sewer if it is available at the operating location, however, the tanks must remain on the unit at all times.

(III) Add paragraph 5-401.11(C) to read: For a mobile food unit selling only beverages, such as coffee, espresso, or soda, and where most of the potable water supply is used in the product, the waste water retention tank

ADMINISTRATIVE RULES

may be at least one half the volume of the potable water storage tank. This determination must be made by the regulatory authority.

(mmm) Amend section 5-402.14 to read: Sewage and other liquid wastes shall be removed from a mobile food establishment at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created.

(A) Mobile food units that generate only gray water liquid wastes may hand-carry those wastes to a specific disposal location approved by the regulatory authority.

(B) The waste transport container must be designed and intended to hold and transport gray water without leaks or spills and have a capacity no greater than 20 gallons.

(nnn) Amend subparagraph 6-101.11(B)(2) to read: Walls and ceilings may be constructed of a material that protects the interior from the weather and windblown dust and debris. Benevolent meal sites, as defined in paragraph 1-201.10(B), are exempt from the requirement to provide ceilings or overhead protection.

(ooo) Amend paragraph 6-202.15(E) to read: Paragraph (D) of section 6-202.15 does not apply:

(A) If flying insects or other pests are absent due to the location of the establishment, the weather, or other limiting condition; and

(B) The establishment develops a pest management plan to control the presence of flying insects or other pests. The pest management plan must be approved by the regulatory authority prior to implementation.

(ppp) Amend section 6-202.19 to read: Exterior walking and driving surfaces shall be graded to drain if required by law.

(qqq) Amend section 6-202.110 to read: Outdoor Refuse Areas, Drainage. Outdoor refuse areas shall be constructed in accordance with law and shall be designed and maintained to prevent the accumulation of liquid waste that results from the refuse and from cleaning the area and waste receptacles.

(rrr) Amend section 6-202.111 to read: Except under a domestic kitchen license issued by the Oregon Department of Agriculture, a private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting food establishment operations.P

(sss) Amend section 6-402.11 to read:

(A) Except for paragraphs (B) through (F) of section 6-402.11, toilet rooms shall be conveniently located and accessible to employees during all hours of operation and shall be an integral part of the building.

(B) A food service establishment may be approved without an integral toilet room under the following conditions:

(i) An integral toilet room is not required by law; and

(ii) A toilet room is located within 500 feet of the food establishment; and

(iii) A written agreement is in place that allows the use of the toilet room; or

(iv) The food service establishment is located in an outdoor mall or shopping center.

(C) Toilet facilities for the customer are required only in establishments constructed or extensively remodeled after May 11, 1974,

(D) Food establishments limited to drive-in or handout service are not required to provide toilet rooms facilities for the customer.

(E) For mobile food units:

(i) On board toilet facilities are not applicable to most mobile food units. If the unit is not so equipped, then the mobile food unit must operate within one-quarter mile or a five-minute walk of an accessible restroom facility. Mobile food units that operate on a designated route, and which do not stop at a fixed location for more than two hours during the workday, shall be exempt from this rule.

(ii) Mobile food units that do not provide on board restroom facilities must have restroom facilities that shall be accessible to employees during all hours of operation. The restroom facilities must have a handwashing system that meets the requirements of sections 5-202.12, 6-301.11, 6-301.12, 6-301.20 and 6-302.11. Employees may use a restroom located in a private home or a portable toilet to satisfy this requirement.

(F) Food service establishments that are constructed in or adjacent to a single family residence are not required to provide a separate restroom for employees, if a restroom in the residence is available during all hours of operation. The restroom facility must meet the requirements of sections 5-202.12, 6-301.11, 6-301.12, 6-301.20 and 6-302.11.

(ttt) Amend section 6-501.111 to read: Controlling Pests.

(A) The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to minimize their presence on the premises by:

(i) Routinely inspecting incoming shipments of food and supplies;

(ii) Routinely inspecting the premises for evidence of pests;

(iii) Using methods, if pests are found, such as trapping devices or other means of pest control as specified under sections 7-202.12, 7-206.12, and 7-206.13; and

(iv) Eliminating harborage conditions.

(uuu) Amend section 6-501.115 to read: Prohibiting Animals.

(A) Except as specified in paragraph (B), (C), (D) and (E) of section 6-501.115, live animals may not be allowed on the premises of a food establishment.

(B) A food establishment shall permit the use of a service animal by an individual with a disability on its premises unless the service animal poses a direct threat to the health and safety of others.

(i) For purposes of section 6-501.115 the term "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by modification of policies, practices, or procedures or by provision of auxiliary aids or services.

(ii) In determining whether a service animal poses a direct threat to the health or safety of others, a food establishment must make an individualized assessment, based on reasonable judgment that relies on the best available objective evidence, to ascertain: The nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

(iii) A food establishment may ask an individual with a disability to remove a service animal from the premises if:

(I) The animal is out of control and the animal's handler does not take effective action to control it; or

(II) The animal is not housebroken.

(C) Live animals may be allowed in the following situations if the contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles can not result:

(i) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacean in display tank systems;

(ii) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;

(iii) Pets in the common dining areas of group residences at times other than during meals if:

(I) Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas;

(II) Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and

(III) Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service.

(iv) In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly restricted, such as in a variety store that sells pets or a tourist park that displays animals.

(D) Live or dead fish bait may be stored if contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles can not result.

(E) Pet dogs may be allowed in outside seating areas of a food establishment under the following conditions:

(i) The food establishment prepares written procedures that include:

(I) A diagram of the outdoor area to be designated as available to consumers with pet dogs;

(II) The establishment's procedure for ensuring that employees do not touch, pet or otherwise handle pet dogs and for immediately cleaning accidents involving dog waste. The procedure must also describe the location of materials and equipment necessary to clean up accidents involving dog waste; and

(III) The establishment's procedure for notifying employees and consumers of the requirements of this paragraph.

(ii) Pet dogs may not come into contact with serving dishes, utensils and tableware. Pet dogs are also not allowed on chairs, tables and other furnishings.

(iii) Employees and consumers may not provide food to pet dogs.

(iv) Pet dogs must be on a leash and under control of the consumer at all times.

(v) At no time may pet dogs be permitted to travel through the indoor or non-designated outdoor portions of the food establishment.

(vvv) Amend subparagraph 7-202.12(A)(4) to read: Additional conditions that may be established by the regulatory authority;P and

ADMINISTRATIVE RULES

(www) Add paragraph 8-101.10(C) to read: Plans submitted shall be reviewed and commented on by an environmental health specialist registered in accordance with ORS chapter 700.

(xxx) Amend section 8-103.10 to read:

(A) The Authority may grant a variance from requirements of this code as follows:

(i) Where it is demonstrated to the satisfaction of the Authority that strict compliance with the rule would be highly burdensome or impractical due to special condition or cause;

(ii) Where the public or private interest in the granting of the variance is found by the Authority to clearly outweigh the interest of the application of uniform rules; and

(iii) Where such alternative measures are provided which in the opinion of the Authority will provide adequate public health and safety protection.

(B) Such variance authority is not conferred upon any Local Public Health Authority notwithstanding contractual authority in administration and enforcement of the food service statutes and rules;

(C) The applicant must include all necessary information to support the variance request, which may include, but is not limited to, required testing, challenge data and research results;

(D) If a variance is granted, the regulatory authority shall retain the information specified under section 8-103.11 in its records for the food establishment;

(E) The Authority shall review variances at least triennially;

(F) Revocation or denial of the variance request shall be subject to the appeal process provided under ORS chapter 183.

(yyy) Add paragraph 8-103.11(D) to read: If required by the regulatory authority, provide documentation that a recognized process authority has reviewed the variance request and approved the process. Any necessary or required training or documentation must be successfully completed prior to variance approval.

(zzz) Add paragraph 8-201.11(D) to read: Notwithstanding paragraphs (A) through (C) of section 8-201.11, vending machines having the sanitary approval of the National Automatic Merchandizing Association shall be exempt from the requirement to submit plans for review and approval.

(aaaa) Amend paragraph 8-302.14(A) to read: The name, mailing address, telephone, number, and signature of the person applying for the permit and the name, mailing address, and location of the food establishment;

(bbbb) Amend paragraph 8-303.30(C) to read: Advisement of the applicant's right of appeal and the process and time frames for appeal that are provided under ORS chapter 183.

(cccc) Amend paragraph 8-304.10(A) to read: (A) At the time a permit is first issued, the regulatory authority shall provide to the permit holder information on how to obtain a copy of this code so that the permit holder is notified of the compliance requirements and the conditions of retention, as specified under section 8-304.11, that are applicable to the permit.

(dddd) Amend subparagraph 8-304.11(G)(2) to read: The regulatory authority directs the replacement to meet current code requirements after the food establishment has been closed for a minimum of six consecutive months, or

(eeee) Amend paragraph 8-304.11(I) to read: Accept notices issued and served by the regulatory authority as may be authorized under ORS chapter 183 and chapter 624; and

(ffff) Amend paragraph 8-304.11(J) to read: Be subject to the administrative, civil, injunctive, and criminal remedies as may be authorized under ORS chapter 183 and chapter 624.

(gggg) Amend paragraph 8-401.10(C) to read: For temporary food establishments:

(A) Except for subparagraph (C)(2) of section 8-401.10, the regulatory authority shall inspect at least once during the operation of a temporary food establishment.

(B) For benevolent single-event temporary food establishments, the regulatory authority shall either:

(i) Inspect; or

(ii) Provide a consultation.

(hhhh) Amend paragraph 8-403.10(A) and (B) to read:

(A) Administrative information about the food establishment's legal identity, street and mailing addresses, type of establishment and operation as specified under 8-302.14(C), inspection date, and employee food handler certificates; and

(B) Specific factual observations of violative conditions or other deviations from this code that require correction by the permit holder including:

(i) Failure of the person in charge to demonstrate the knowledge of foodborne illness prevention, application of HACCP principles, and the requirements of this code as specified under section 2-102.11;

(ii) Failure of food employees, conditional employees, and the person in charge to report a disease or medical condition as specified under section 2-201.11;

(iii) Nonconformance with priority items or priority foundation items of this code;

(iv) Failure of the appropriate food employees to demonstrate their knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the regulatory authority as specified under section 8-103.12;

(v) Failure of the person in charge to provide records required by the regulatory authority for determining conformance with a HACCP plan as specified under subparagraph 8-201.14(D)(6); and;

(vi) Nonconformance with critical limits of a HACCP plan.

(iii) Amend section 8-403.20 to read: The regulatory authority shall specify on the inspection report form the time frame for correction of the violations as specified under sections 8-404.11, and 8-405.11.

(jjjj) Amend paragraph 8-405.11(B) to read: Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the regulatory authority may agree to or specify a longer time frame, not to exceed 14 calendar days after the inspection, for the permit holder to correct violations of a priority item or priority foundation item or HACCP plan deviations.

(kkkk) Amend paragraph 8-501.20(C) to read: (C) Closing the food establishment by summarily suspending a permit to operate as may be provided under ORS chapter 624.

(llll) Amend paragraph 8-501.30(C) to read: (C) States that the suspected food employee or the permit holder may request an appeal hearing by submitting a timely request as provided under ORS chapter 183.

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

Stat. Auth.: ORS 624.100, 624.390

Stats. Implemented: ORS 624.100, 624.390

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 6-1989, f. 9-6-89, cert. ef. 9-7-89; HD 10-1992, f. 10-2-92, cert. ef. 10-5-92; HD 19-1994, f. & cert. ef. 7-1-94; HD 16-1995, f. 12-28-95, cert. ef. 1-1-96; OHD 24-2001, f. 10-31-01, cert. ef. 1-1-02; OHD 11-2002, f. & cert. ef. 8-7-02; PH 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04; PH 1-2005, f. & cert. ef. 1-14-05; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 3-2008, f. & cert. ef. 3-5-08; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-157-0000

Inspection Form Procedures

(1) The Local Public Health Authority shall document violations observed during any sanitation inspection by including the following information on the form approved by the Authority:

(a) The number of the related item on the inspection form;

(b) The point value associated with the item including penalty additions;

(c) Oregon Administrative Rule or Oregon Revised Statute number violated; and

(d) A brief statement of the specific problem and required corrections.

(2) Calculation of Points:

(a) Three point priority foundation items shall be given an additional three point weight when a repeat violation is observed.

(b) Five point priority items shall be given an additional five point weight when a repeat violation is observed.

(c) Additional points shall accumulate and be added to the value of uncorrected items that are repeat violations.

(d) Each three point priority foundation item can accumulate to six points.

(e) Each five point priority item can accumulate to 10 points.

(3) Violations creating a potential danger to public health shall be recorded as in section (1) of this rule and shall specify:

(a) Any alternative procedure as may be approved, the time limit for its use, and that the alternative procedure must be implemented immediately; and

(b) The corrections to be made and the time limit by which the corrections shall be made. In the case where an alternative procedure has not been approved, the time limit by which the correction must be made shall be within but not to exceed 14 days.

(4) Violations creating an imminent or present danger to public health shall be recorded as required in sections (1) and (3) of this rule except when no alternative procedure is approved, the correction shall be required immediately.

(5) If a restaurant obtains a sanitation score of less than 70 upon an unannounced complete inspection, the operator or person in charge shall be notified by a statement on the inspection form that the restaurant shall be

ADMINISTRATIVE RULES

closed, if the score of another complete inspection conducted within 30 days is not 70 or above.

(6) Violations creating a significantly increased risk for food borne illness shall require a recheck inspection if found on consecutive complete inspections, and for the purposes of enforcement shall be considered uncorrected.

(7) If a restaurant is ordered closed, the closure order as designated by the Authority shall be attached to the inspection form and delivered to the operator or person in charge.

Stat. Auth.: ORS 624.100

Stats. Implemented: ORS 624.100 – 624.130

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 19-1994, f. & cert. ef. 7-1-94; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-157-0010

Approved Alternative Procedures

(1) An alternative procedure may be approved on a temporary basis for a designated time period, if in the judgment of the environmental health specialist the procedure provides interim health and safety protection equal to that provided by the rule. The environmental health specialist may extend the designated time period if justified by unforeseen circumstances. Such an alternative procedure shall not authorize or condone any priority item or priority foundation item violation.

(2) All alternative procedures that have been approved shall be implemented immediately.

Stat. Auth.: ORS 624.100

Stats. Implemented: ORS 624.100 – 624.130

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-157-0020

Public Notice of Restaurant Sanitation

(1) The notice of restaurant sanitation shall be based upon the sanitation score calculated on the inspection form at the end of each unannounced complete inspection and shall be posted at a customary entrance to the establishment. If, upon recheck inspection, any priority item or priority foundation item violation listed on the inspection form is not corrected within the designated time limit, the notice of restaurant sanitation posted at the end of the unannounced complete inspection shall be removed, the notice of closure posted, and closure action taken.

(2) A notice of restaurant sanitation that states that the establishment "Complied with the Acceptable Sanitation Standards" shall be assigned to a restaurant that obtains a sanitation score of 70 or more in an unannounced complete inspection provided all priority item and priority foundation item violations have been corrected or remedied by approved alternative procedures. Upon recheck inspection, any uncorrected priority item or priority foundation item violations shall cause the notice of restaurant sanitation to be removed, the notice of closure to be posted, and closure action taken.

(3) A notice of restaurant sanitation that states that the establishment "Failed to Comply with the Acceptable Sanitation Standards" shall be assigned to a restaurant that obtains a sanitation score of less than 70 in an unannounced complete inspection provided all priority item and priority foundation item violations have been corrected or remedied by approved alternative procedures. Such a notice of restaurant sanitation shall remain until the facility is closed or until a sanitation score of 70 or more is obtained upon another inspection conducted within 30 days.

Stat. Auth.: ORS 624.073

Stats. Implemented: ORS 624.085

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 19-1988, f. 7-27-88, cert. ef. 10-1-88; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-157-0030

Closure of Restaurants

(1) If the administrator closes a restaurant, a statement by the Authority ordering closure and specifying the reasons therefore, and signed by the administrator, shall be attached to the inspection form and delivered to the operator or person in charge:

(a) When a restaurant is closed, the administrator shall post the notice of closure at a customary entrance;

(b) No person except the administrator shall remove or alter this notice;

(c) No person shall operate a restaurant that has been closed.

(2) If a violation which creates an imminent or present danger to public health is not corrected immediately or an approved alternative procedure is not initiated immediately by the operator, the restaurant shall be closed.

(3) If a violation which creates a potential danger to public health has not been corrected within the designated time limit, the restaurant shall be closed.

(4) When a restaurant has been closed because a priority item or priority foundation item violation(s) has not been corrected, it may be reopened after 24 hours if:

(a) A recheck inspection by the administrator confirms that all priority item and priority foundation item violations have been corrected; and

(b) A closure dismissal order designated by the Authority is delivered to the operator or person in charge; and

(c) The closed sign previously posted is removed by the administrator;

(d) A restaurant may be reopened earlier than 24 hours following a voluntary meeting attended by the restaurant operator or person in charge, the administrator, and the inspecting environmental health specialist, at which the provisions of subsections (4)(a) through (c) of this rule are demonstrated to be met;

(e) A restaurant closed and reopened as described in this subsection shall be assigned a notice of restaurant sanitation based on the sanitation score of the unannounced complete inspection that identified the priority item and priority foundation item violations causing the closure.

(5) If a restaurant has obtained a sanitation score of less than 70 on two consecutive complete inspections conducted within 30 days as described in OAR 333-157-0000(5), it shall be closed.

(6) When a restaurant has been closed for failure to obtain a minimum acceptable sanitation score of 70 or more, it may be reopened after 24 hours if:

(a) The operator submits a written plan of correction, specifying the corrections to be made and time limits for their completion, which would achieve a sanitation score of 80 points by the next semi-annual inspection; and

(b) The plan of correction is approved by the administrator; and

(c) A complete inspection after the restaurant has been closed produces a sanitation score of 70 or more.

(d) A closure dismissal order designated by the Authority is delivered to the operator or person in charge; and

(e) The closed sign previously posted is removed by the administrator;

(f) A restaurant may be reopened earlier than 24 hours following a voluntary meeting attended by the restaurant operator or person in charge, the administrator, and the inspecting environmental health specialist, at which the provision of subsections (6)(a) through (e) of this rule are demonstrated to be met;

(g) A restaurant closed and reopened as described in this subsection shall be assigned a notice of restaurant sanitation based on the sanitation score of the complete inspection performed while the restaurant was closed.

(7) Appeals of closures are contested cases pursuant to ORS chapter 183.

(8) Operators whose facilities have been closed for failure to obtain a minimum acceptable sanitation score of 70 or more, or for failure to correct repeat priority item or priority foundation item violations must agree in writing, as part of reopening the restaurant, to:

(a) Enroll in and successfully complete an approved food manager training course; or

(b) In the event that an extraordinary situation exists whereby an approved food manager training course is not available to the operator, the administrator shall make provision for an alternative type of food manager training using criteria approved by the Authority.

Stat. Auth.: ORS 624.100

Stats. Implemented: ORS 624.100 – 624.130

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; HD 19-1994, f. & cert. ef. 7-1-94; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-157-0040

Display of Public Notice of Restaurant Sanitation

It shall be unlawful for any restaurant to display a Public Notice of Restaurant Sanitation other than the one awarded by the administrator. It shall be unlawful for anyone except the administrator to post, change, remove, or deface a Public Notice of Restaurant Sanitation.

Stat. Auth.: ORS 624.060 & 624.073

Stats. Implemented: ORS 624.060 & 624.073

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-157-0045

Civil Penalties

(1) The Authority or a Local Public Health Authority may impose civil penalties on any person for the following willful violations:

(a) Operation of a restaurant, bed and breakfast facility or vending machine without a current license to do so from the Authority or the Local Public Health Authority;

ADMINISTRATIVE RULES

(b) Failure to cease operation of a restaurant, bed and breakfast facility or vending machine that has been closed due to uncorrected priority item violations. This authority shall be limited to those priority item violations identified as creating an imminent or present danger to public health and defined in OAR 333-150-0000 Section 1-201.10.

(2) For the purposes of section (1) of this rule, the term 'willful' means intentional or deliberate.

(3) The maximum civil penalty for each of the violations listed in section (1) of this rule is \$500 per day of violation.

(4) Civil penalties shall be imposed in the manner provided by ORS chapter 183 or the equivalent.

Stat. Auth.: ORS 624.100

Stats. Implemented: ORS 624.100 – 624.130

Hist.: HD 15-1995, f. 12-28-95, cert. ef. 1-1-96; OHD 18-2002, f. 12-4-02, cert. ef. 1-1-03; PH 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-157-0070

Licensing

Any license issued by the Authority pursuant to ORS chapter 624 shall expire and may be reinstated on December 31 of each year; except for temporary restaurant licenses issued pursuant to ORS 624.082, 624.084 and 624.086.

Stat. Auth.: ORS 624.100

Stats. Implemented: ORS 624.100 – 624.130

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-157-0077

Temporary Restaurant Licensing and Inspection

(1) A person may not operate a single-event, intermittent or seasonal temporary restaurant without first procuring a license to do so from the Local Public Health Authority.

(2)(a) Application for an intermittent or seasonal temporary restaurant license shall be in writing in the form prescribed by the Authority and shall contain the name and address of the applicant, the specific location of the intermittent or seasonal temporary restaurant, a description of the public gatherings, entertainment events, food product promotions or other events to be served by the intermittent or seasonal temporary restaurant, an operational review and any other information the Authority may require. In addition to the application the applicant for an intermittent or seasonal temporary restaurant license shall pay to the Local Public Health Authority the appropriate license fee under ORS 624.490.

(b) The Local Public Health Authority shall issue a license to a benevolent organization to operate a single-event temporary restaurant if the benevolent organization has notified the Local Public Health Authority orally or in writing that the benevolent organization intends to operate a single-event temporary restaurant. A Local Public Health Authority may not charge a benevolent organization a license fee or inspection fee for a single-event temporary restaurant.

(3)(a) Intermittent and seasonal temporary restaurants must complete and submit an operational plan for review by the Local Public Health Authority prior to obtaining a license and operation of the establishment.

(b) Intermittent and seasonal temporary restaurants that do not complete an operational plan prior to operation may operate under one or more single-event temporary licenses until the operational plan can be completed and approved.

(c) After the operational plan has been completed by the Local Public Health Authority, another operational plan is not required for subsequent licenses, unless deemed necessary by the Local Public Health Authority.

(4) The single-event, intermittent or seasonal temporary restaurant license shall be posted in a conspicuous place on the premises of the licensee.

(5) An intermittent temporary restaurant license shall expire 30 days after issuance.

(6) A seasonal temporary restaurant license shall expire 90 days after issuance.

(7) A single-event temporary restaurant license shall terminate 30 days after issuance unless within 30 days the single-event temporary restaurant is discontinued or moved from the specific location for which the license was issued.

(8) An intermittent or seasonal temporary license shall terminate immediately if:

(a) The intermittent or seasonal temporary restaurant prepares or serves food for consumption by the public that is not in connection with a public gathering, entertainment event, food product promotion or other event held by an oversight organization;

(b) The location of the intermittent or seasonal temporary restaurant changes; or

(c) The menu is substantially altered as defined by OAR 333-157-0073(6).

(d) If a licensed operation undergoes a substantial menu alteration, then a new license and completed operational plan is required.

(9) If the license of an intermittent or seasonal temporary restaurant is terminated under section (8) of this rule, the intermittent or seasonal temporary restaurant may reapply for a license in accordance with section (2) of this rule.

(10) The Local Public Health Authority may suspend, deny or revoke a single-event, intermittent or seasonal temporary restaurant license if it appears, after a reasonable time has been given for correction of a sanitation violation, that the applicant does not meet applicable minimum sanitation standards as described in ORS 624.010 through 624.121 or in OAR 333-150-0000. Any suspension, denial or revocation action shall be taken in accordance with ORS chapter 183.

(11) The Local Public Health Authority may conduct a reinspection of a seasonal or intermittent temporary restaurant if a priority item or priority foundation item violation is uncorrected and a separate follow-up visit is necessary to determine compliance.

(12) A seasonal or intermittent temporary restaurant that has uncorrected priority item and priority foundation item violations and for which an alternative procedure has not been approved shall be closed in accordance with ORS 624.096.

(13) The renewal of a single-event, intermittent or seasonal temporary restaurant license shall be in accordance with section (2) of this rule.

Stat. Auth.: ORS 624.041

Stats. Implemented: ORS 624.041 & 2011 OL Ch. 664

Hist.: PH 3-2012, f. 2-29-12, cert. ef. 3-1-12; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-157-0080

Fees

(1) Fees for eating and drinking establishments and other food service activities subject to ORS chapter 624 shall be as specified in ORS chapter 624.

(2) Any restaurant providing food or beverage solely to children, elderly persons, indigent or other needy populations shall not be required to pay a restaurant license fee to the Authority if such restaurant is:

(a) Operated by a benevolent organization as defined in ORS 624.101; and

(b) The patrons or recipients are not required to pay the full cost of the food or beverage.

(3) A restaurant that meets the criteria in section (2) of this rule must still obtain a restaurant license and must comply with OAR 333-150-0000.

Stat. Auth.: ORS 624.100

Stats. Implemented: ORS 624.100 – 624.130

Hist.: HD 20-1986, f. 12-22-87, ef. 2-2-87; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-158-0000

Licensing and Inspections

The licensing of combination facilities shall be the responsibility of either the Authority or the Oregon Department of Agriculture in accordance with the following criteria:

(1) The establishments subject to these rules are those combination facilities as defined in OAR 333-150-0000 1-201.10(B).

(2) A determination shall be made for each firm covered in OAR 333-150-0000 1-201.10(B) as to which agency shall inspect and license. The determination shall be based upon which agency has statutory responsibility and authority for the predominant activities of the firm.

(3) In those instances where it is determined that either a full or limited service restaurant or other activity for which the Authority has authority, is predominant, the Authority shall perform the inspectional and licensing responsibilities to the exclusion of the Oregon Department of Agriculture.

(4) In those instances where it is determined that the bakery, retail grocery, food processing or other activities for which the Oregon Department of Agriculture has authority, is predominant, the Oregon Department of Agriculture shall perform the inspectional and licensing responsibilities to the exclusion of the Authority.

(5) The determination of the predominant activity at any combination facility subject to this agreement shall be made first by the field environmental health specialists. If agreement is not reached, then it shall be referred to program supervisors of the Local Public Health Authority and the Oregon Department of Agriculture for a determination of predominant

ADMINISTRATIVE RULES

activity. If an agreement is not reached among the Local Public Health Authority and the Oregon Department of Agriculture, or if a licensed facility disagrees with the determination, the matter may be appealed to an arbitration panel composed of the administrator of the Food and Dairy Division (or appointee), the administrator of the Center for Health Protection (or appointee), and one representative each from the Conference of Local Health Officials, an association representing the restaurant industry and an association representing the retail grocery industry. The decision of this panel shall be final except as provided in section (6) of this rule.

(6) Any licensee wishing to contest the determination of predominance by agencies may produce records of gross annual sales to support the protest and be heard by the Local Public Health Authority in accordance with ORS chapter 183.

(7) Notwithstanding sections (2) through (6) of this rule, if the Local Public Health Authority and the Oregon Department of Agriculture agree that the complexity rather than the predominance of food processing activities should determine the regulating agency, inspectional and licensing responsibilities may be transferred to the Oregon Department of Agriculture to the exclusion of the Local Public Health Authority.

Stat. Auth.: ORS 624.530

Stats. Implemented: ORS 624.530

Hist.: HD 20-1986, f. 12-22-86, ef. 2-2-87; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-162-0020

Mobile Food Units, General Requirements

(1) Mobile food units shall comply with the applicable requirements in OAR 333-150-0000 and these rules. The Authority may impose additional requirements to protect against health hazards related to the conduct of the mobile food unit operation and may prohibit the sale of potentially hazardous food.

(2) There are four types of mobile food units:

(a) Class I. These mobile food units can serve only intact, packaged foods and non-potentially hazardous drinks. No preparation or assembly of foods or beverages may take place on the unit. Non-potentially hazardous beverages must be provided from covered urns or dispenser heads only. No dispensed ice is allowed;

(b) Class II. These mobile food units may serve foods allowed under Class I and provide hot and cold holding display areas from which unpackaged foods are displayed. Self-service by customers of unpackaged foods is not allowed. Preparation, assembly or cooking of foods is not allowed on the unit;

(c) Class III. These mobile food units may serve any food item allowed under Class I and II mobile food units, and may cook, prepare and assemble food items on the unit. However, cooking of raw animal foods on the unit is not allowed;

(d) Class IV. These mobile food units may serve a full menu.

(3) All operations and equipment shall be an integral part of the mobile food unit. This does not preclude the use of a barbecue unit used in conjunction with a Class IV mobile food unit. The barbecue, however, may only be used under the following conditions:

(a) It must be used in close proximity to the mobile food unit;

(b) Food shall only be cooked on the barbecue. Processing, portioning, preparation, or assembly of food must be conducted from inside the mobile food unit; and

(c) A handwashing system shall be provided adjacent to the barbecue as specified in OAR 333-150-0000 section 5-203.11(C).

(4) Mobile food unit operators may provide seating for customers if a readily accessible restroom is provided. The restroom must have a handwashing facility that provides hot and cold running water and meets the requirements of OAR 333-150-0000 sections 6-301.11, 6-301.12, 6-301.20 and 6-302.11.

(5) Auxiliary storage may be provided if it is limited to impervious, nonabsorbent, covered containers stored in such a manner as to preclude contamination or infestation. Auxiliary storage shall be limited to items necessary for that day's operation. No self-service, assembly or preparation activities may occur from auxiliary storage containers.

Stat. Auth.: ORS 624.390

Stats. Implemented: ORS 624.390

HD 7-1994, f. & cert. ef. 2-24-94; HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-162-0880

Licensing Procedure

(1) All procedures shall be in accordance with ORS chapter 624 in the licensure of mobile food units, commissaries and warehouses. Any license

issued by the Authority pursuant to ORS 624.320 shall expire and may be reinstated on December 31 of each year.

(2) A permanent license number shall be assigned each operator of mobile food units by the regulatory authority.

(3) Each mobile food unit shall be clearly marked with the licensee's name or a distinctive identifying symbol. The lettering shall be at least two inches in height and of a color contrasting with the background color. If a symbol is used, it shall be at least 12 inches in diameter or of an equivalent size. An accurate scale drawing or photograph of the symbol shall be filed with the regulatory authority.

(4) Each mobile food unit shall be clearly marked with a number for purposes of identifying each unit on inspection reports and other communications.

(5) Stored units are not subject to licensure.

(6) All vehicles used as mobile food units shall be kept in good repair and in a sanitary condition while in use.

Stat. Auth.: ORS 624.390

Stats. Implemented: ORS 624.390

Hist.: HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-162-0890

Inspection Form Procedures

(1) Violations that are observed during any sanitation inspection by the Local Public Health Authority shall be described in the space provided on a form approved by the Authority by citing the Oregon Revised Statute or Oregon Administrative Rule number violated, and by giving a brief statement of the specific problem and required corrections.

(2) Priority item or priority foundation item violations shall result in closure of a mobile food unit, commissary or warehouse if the administrator determines that an imminent danger to public health exists, and that the violation cannot be corrected immediately or an approved alternative procedure has not been implemented. For priority item or priority foundation item violations not resulting in closure, the time limit by which the correction must be made shall be within but not to exceed 14 days.

(3) Violations other than those specified in section (2) of this rule shall be corrected by the next semi-annual inspection.

(4) If a mobile food unit, commissary or warehouse is ordered closed, the reason for closure shall be stated on the inspection form and signed by the administrator.

Stat. Auth.: ORS 624.390

Stats. Implemented: ORS 624.390

Hist.: HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-162-0910

Closure of Mobile Food Units, Commissaries or Warehouses

(1) If the administrator closes a mobile food unit, commissary or warehouse, a statement by the Authority shall be made on the inspection form specifying the reasons for closure. The inspection form must be signed and delivered to the operator or person in charge within 24 hours.

(2) When a mobile food unit is closed, the administrator shall post the inspection report on the unit. When a commissary or warehouse is closed, the administrator shall post the inspection report inside the facility. No person except the administrator shall remove or alter this inspection report, or operate a mobile food unit that has been closed.

(3) If a priority item or priority foundation item violation presenting an imminent danger to public health is not corrected immediately or an approved alternative procedure has not been implemented, the mobile food unit, commissary or warehouse shall be closed.

(4) If a priority item or priority foundation item violation that does not result in immediate closure at the time of the semi-annual inspection has not been corrected within the designated time limit, the mobile food unit, commissary or warehouse shall be closed.

(5) When a mobile food unit, commissary or warehouse has been closed because a priority item or priority foundation item violation has not been corrected, it may be reopened if a recheck inspection by the administrator confirms that all priority item or priority foundation item violations have been corrected.

(6) The administrator shall, if requested, hold a hearing in accordance with ORS chapter 183.

Stat. Auth.: ORS 624.390

Stats. Implemented: ORS 624.390

Hist.: HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

ADMINISTRATIVE RULES

333-162-0920

Plan Review

(1) Newly constructed or extensively remodeled mobile food units, commissaries and warehouses must undergo plan review and a pre-operational inspection. Mobile food units having the sanitary approval of a recognized qualified, independent testing laboratory, or approved by the Authority may be accepted without the submission of plans.

(2) Approval from the administrator to operate after the plan review process does not preclude obtaining required permits or approvals from other agencies or jurisdictions of concern.

(3) Mobile food unit operators must obtain approval from the administrator to add to or change menu items served from the mobile food unit;P

(4) Mobile food units that operate on a fixed route must provide an itinerary to the regulatory authority prior to licensure and at the beginning of each licensing period. Mobile food units operating at a specific or multiple locations shall provide a list of all locations to the regulatory authority.

Stat. Auth.: ORS 624.390

Stats. Implemented: ORS 624.390

Hist.: HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-162-0950

Memorandum of Commissary or Warehouse Usage/Verification

A Memorandum of Commissary or Warehouse Usage/Verification shall be on file with the administrator for mobile units using a licensed food service facility as a commissary or warehouse. This memorandum shall be on a form approved by the Authority, and be updated at least once per year.

Stat. Auth.: ORS 624.390

Stats. Implemented: ORS 624.390

Hist.: HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-162-1005

Civil Penalties

(1) The Authority or a Local Public Health Authority may impose civil penalties on any person for the following willful violations:

(a) Operation of a mobile food unit, commissary, or warehouse without a current license to do so from the Authority or Local Public Health Authority;

(b) Failure to cease operation of a mobile food unit, commissary, or warehouse that has been closed due to uncorrected priority item violations. This authority shall be limited to those priority item violations identified as creating an imminent or present danger to public health and defined in OAR 333-150-0000 section 1-201.10(B).

(2) For the purposes of section (1) of this rule, the term 'willful' means intentional or deliberate.

(3) The maximum civil penalty for each of the violations listed in section (1) of this rule is \$500 per day of violation.

(4) Civil penalties shall be imposed in the manner provided by ORS chapter 183 or the equivalent.

Stat. Auth.: ORS 624.992

Stats. Implemented: ORS 624.992

Hist.: HD 10-1997, f. & cert. ef. 7-8-97; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-170-0010

Application of Rules

(1) Except as otherwise set forth in ORS 624.041 and these rules, bed and breakfast facilities shall meet the applicable requirements in OAR 333-150-0000 of the Oregon Food Sanitation Rules.

(2) If more than nine bedrooms or accommodations for 19 or more persons are available on a daily basis, commercial grade dishwashing and separate refrigeration equipment must be provided.

Stat. Auth.: ORS 624.100

Stats. Implemented: ORS 624.100

Hist.: HD 6-1988, f. & cert. ef. 4-4-88; HD 2-1992, f. 3-24-92, cert. ef. 3-30-92; OHD 11-2002, f. & cert. ef. 8-7-02; PH 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-170-0110

Food Source

All food intended for consumption by guests shall meet the Oregon Department of Agriculture requirements as being obtained from an approved source. The use of home canned foods and meat and dairy products from unapproved sources is prohibited, and the storage of such food items shall not be allowed in any area where food is prepared or served to guests.

Stat. Auth.: ORS 624.041

Stats. Implemented: ORS 624.041

Hist.: HD 6-1988, f. & cert. ef. 4-4-88; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-170-0130

Toilet and Handwashing Facilities

Toilet and handwashing facilities in bed and breakfast facilities shall comply with OAR 333-150-0000 of the Oregon Food Sanitation Rules except as follows:

(1) Bed and breakfast facilities are exempt from OAR 333-150-0000 sections 5-203.12 and 6-402.11 provided an employee restroom can be designated during meal preparation and service, and guests' restrooms are available. New toilet facilities shall be installed according to the Oregon State Plumbing Specialty Code.

(2) Notwithstanding OAR 333-150-0000 section 4-501.16, handwashing facilities may be designated at a sink compartment used for dishwashing provided this sink is not being used to store or wash soiled dishes or prepare food during food preparation and service. Handwashing facilities, in the kitchen, shall be available at all times during food preparation and service. If facility operation results in handwashing facilities being unavailable, then a separate handwashing lavatory in the food preparation area shall be required.

(3) Handwashing signs are required to be properly posted at all sinks designated for employee handwashing.

(4) Guests' restrooms not designated for food service worker use do not need to comply with Oregon Food Sanitation Rules.

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

Stat. Auth.: ORS 624.041

Stats. Implemented: ORS 624.041

Hist.: HD 6-1988, f. & cert. ef. 4-4-88; OHD 11-2002, f. & cert. ef. 8-7-02; 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-175-0051

Content of Food Handler Training Programs

The concept of foodborne illness shall be introduced. The training shall address personal hygiene, contamination, and temperature control to reinforce the notion that the food handler's behaviors can prevent foodborne illness. The following learning objectives must be included in the food handler training program:

(1) Foodborne Illness.

(a) The food handler shall be able to describe foodborne illness as an illness resulting from eating contaminated food.

(b) The food handler shall know food contaminated with organisms (known to cause illness) does not look, smell or taste different from food not contaminated.

(c) The food handler shall know that symptoms vary and may include diarrhea, vomiting, fever, cramping and nausea.

(d) The food handler shall know that depending on the cause, symptoms may develop in a few minutes to several days. Symptoms may last several days and can result in death.

(e) The food handler shall know that foodborne illness is caused by organisms known to cause illness, or is caused by chemicals.

(2) The Role of the Food Handler in Foodborne Illness.

(a) The food handler shall be able to describe the five major mistakes that cause foodborne illness. The five major mistakes are:

(A) Inadequate handwashing;

(B) Employees working while ill;

(C) Cross contamination;

(D) Inadequate final cooking temperatures; and

(E) Inadequate temperature control (allowing foods to be in the danger zone).

(b) The food handler shall be able to describe the activities performed by food handlers that prevent foodborne illness from happening. The activities that prevent foodborne illness are:

(A) Proper handwashing every time hands may have become contaminated;

(B) Food handlers working only when healthy;

(C) Storing and handling of foods in a manner to prevent contamination;

(D) Cook each animal product to its required final cooking temperature; and

(E) Maintaining hot and cold temperatures (keeping foods out of the danger zone).

(3) The Role of Management.

(a) The food handler shall know that the manager sets the tone of what food safety activities occur or don't occur within the facility.

ADMINISTRATIVE RULES

(b) The food handler shall know that the food service management is responsible for training and ensuring that food handlers practice the activities that prevent foodborne illness.

(4) Handwashing.

(a) The food handler shall be able to identify the following as the correct technique for handwashing:

- (A) Use warm water and soap;
 - (B) Scrub hands thoroughly (approximately 15-20 seconds); and
 - (C) Dry hands with single-use towel, cloth towel roll or air dryer.
- (b) The food handler shall be able to identify the following situations for when food handlers must wash their hands:

- (A) After handling raw food;
- (B) After smoking, eating, or drinking;
- (C) After handling dirty dishes or garbage;
- (D) After cleaning or using other toxic materials; and
- (E) Before putting on gloves.

(c) The food handler shall be able to identify the following situations for when food handlers must wash their hands twice:

(A) After using the toilet and again when entering the work area (double handwash);

(B) After blowing nose, sneezing, coughing, or touching eyes, nose or mouth (double handwash);

(C) Before starting work (double handwash); and

(D) Anytime hands come into contact with bodily fluids including cuts and burns (double handwash).

(d) The food handler shall know that food service gloves are capable of spreading germs and do not substitute for proper handwashing.

(e) The food handler shall know that smoking, eating, and chewing tobacco is prohibited in food preparation and food and utensil storage areas.

(5) Employee Illness.

(a) The food handler shall know to call the person in charge at the food service facility when ill with diarrhea, vomiting, fever, jaundice or sore throat with fever.

(b) The food handler shall know to not work in the food service facility while ill with these symptoms.

(c) The food handler shall know after experiencing vomiting or diarrhea that he or she must not work in food service for 24 hours after symptoms have gone.

(d) The food handler shall know to not handle food with an infected cut or infected burn on the hands and wrists, unless an impermeable cover protects the lesion and a single-use glove is worn over the impermeable cover.

(6) Contamination and Cross Contamination.

(a) The food handler shall be able to define and identify physical contamination as foreign objects accidentally introduced into food. Food items may arrive already contaminated with dirt, and pebbles.

(b) The food handler shall be able to define and identify cross contamination as happening when microorganisms are transferred from one food or surface to another food.

(c) The food handler shall be able to identify methods to prevent cross contamination such as wash, rinse, and sanitize utensils, work surfaces and equipment between uses.

(d) The food handler shall be able to identify the following storage conditions that shall minimize the potential for cross contamination:

(A) Store raw meats below and completely separate from ready-to-eat food in refrigeration units;

(B) Store chemicals, cleansers and pesticides completely separate from food, utensils, and single service items; and

(C) Properly label all chemicals, cleansers and pesticides.

(7) Final Cooking Temperature. The food handler shall be able to identify that cooking to the recommended temperature will kill disease-causing germs.

(8) Temperature Control.

(a) The food handler shall be able to identify that potentially hazardous food will support bacterial growth when held at temperatures between 41 degrees Fahrenheit and 135 degrees Fahrenheit. The danger zone is any temperature between 41 degrees Fahrenheit and 135 degrees Fahrenheit.

(b) The food handler shall be able to identify that food being cooled or heated must move through the danger zone as rapidly as possible.

(c) The food handler shall be able to identify 135 degrees Fahrenheit as the proper temperature for hot holding potentially hazardous food.

(d) The food handler shall be able to identify 41 degrees Fahrenheit as the proper temperature for cold holding.

(e) The food handler shall know that you cannot make food safe to eat when food has been in the danger zone for four hours or more.

Stat. Auth.: ORS 624.570

Stats. Implemented: ORS 624.570

Hist.: PH 21-2004, f. & cert. ef. 6-18-04; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

333-175-0091

Reciprocity and Equivalency

(1) A food handler certificate of program completion is valid statewide.

(2) Any person who has a current certification from an Authority-approved food manager training program or is registered as an Environmental Health Specialist or Environmental Health Specialist Trainee as required in ORS chapter 700 need not obtain a food handler certificate of program completion.

(3) To be accepted in lieu of a food handler certificate of program completion, a food manager certification must be renewed every five years.

Stat. Auth.: ORS 624.570

Stats. Implemented: ORS 624.570

Hist.: PH 21-2004, f. & cert. ef. 6-18-04; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06; PH 12-2012, f. 8-30-12, cert. ef. 9-4-12

Rule Caption: Primacy to enforce federal regulations regarding public drinking water systems.

Adm. Order No.: PH 13-2012

Filed with Sec. of State: 9-10-2012

Certified to be Effective: 9-10-12

Notice Publication Date: 8-1-2012

Rules Amended: 333-061-0020, 333-061-0032, 333-061-0036

Subject: The Oregon Health Authority, Public Health Division is permanently amending Oregon Administrative Rules 333-061-0020, 333-061-0032, and 333-061-0036 related to public water systems to ensure that these rules are no less stringent than corresponding federal regulations as required by the U.S. Environmental Protection Agency (EPA) to grant to Oregon primary enforcement responsibility ("Primacy") for federal safe drinking water regulations. The rule amendments required by EPA are detailed in a May 17, 2011 letter to the Authority, available upon request.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-061-0020

Definitions

As used in these rules, unless the context indicates otherwise:

(1) "Act" means the Oregon Drinking Water Quality Act of 1981 (ORS 448.115-448.990 as amended).

(2) "Action Level" means the concentration of lead or copper in water which determines, in some cases, the treatment requirements that a water system is required to complete.

(3) "Administrator" means the Director of the Oregon Health Authority or his/her designee.

(4) "Analytical Run" means the process during which a set of analytical drinking water samples along with an appropriate number of blanks, matrix spikes, or quality control samples are analyzed according to National Environmental Laboratory Accreditation Conference (NELAC) requirements to determine the presence, absence, or concentration of a specific target analyte or analytes. An analytical run is complete when the instrument performing the sample analysis generates a report of the sample analysis.

(5) "Approval" or "Approved" means approved in writing.

(6) "Approved Air Gap (AG)" means a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressurized receiving vessel. An "Approved Air Gap" shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel and in no case less than 1 inch (2.54 cm), and in accord with Oregon Plumbing Specialty Code.

(7) "Approved Backflow Prevention Assembly" means a Reduced Pressure Principle Backflow Prevention Assembly, Reduced Pressure Principle-Detector Backflow Prevention Assembly, Double Check Valve Backflow Prevention Assembly, Double Check-Detector Backflow Prevention Assembly, Pressure Vacuum Breaker Backsiphonage Prevention Assembly, or Spill-Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly, of a make, model, orientation, and size approved by the Authority. Assemblies listed in the currently approved backflow prevention assemblies list developed by the University of Southern California,

ADMINISTRATIVE RULES

Foundation for Cross-Connection Control and Hydraulic Research, or other testing laboratories using equivalent testing methods, are considered approved by the Authority.

(8) "Aquifer" means a water saturated and permeable geological formation, group of formations, or part of a formation that is capable of transmitting water in sufficient quantity to supply wells or springs.

(9) "Aquifer Parameter" means a characteristic of an aquifer, such as thickness, porosity or hydraulic conductivity.

(10) "Aquifer Test" means pumping a well in a manner that will provide information regarding the hydraulic characteristics of the aquifer.

(11) "Area of public health concern" means an area of the state with a confirmed presence of groundwater contaminants likely to cause adverse human health effects.

(12) "Atmospheric Vacuum Breaker (AVB)" means a non-testable device consisting of an air inlet valve or float check, a check seat and an air inlet port(s). This device is designed to protect against a non-health hazard or a health hazard under a backsiphonage condition only. Product and material approval is under the Oregon Plumbing Specialty Code.

(13) "Authority" means the Oregon Health Authority.

(14) "Auxiliary Water Supply" means any supply of water used to augment the supply obtained from the public water system, which serves the premise in question.

(15) "Average Groundwater Velocity" means the average velocity at which groundwater moves through the aquifer as a function of hydraulic gradient, hydraulic conductivity and porosity.

(16) "AWWA" means the American Water Works Association.

(17) "Backflow" means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any sources other than its intended source, and is caused by backsiphonage or backpressure.

(18) "Backflow Preventer" means a device, assembly or method to prevent backflow into the potable water system.

(19) "Backflow Prevention Assembly" means a backflow prevention assembly such as a Pressure Vacuum Breaker Backsiphonage Prevention Assembly, Spill-Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly, Double Check Valve Backflow Prevention Assembly, Double Check-Detector Backflow Prevention Assembly, Reduced Pressure Principle Backflow Prevention Assembly, or Reduced Pressure Principle-Detector Backflow Prevention Assembly and the attached shutoff valves on the inlet and outlet ends of the assembly, assembled as a complete unit.

(20) "Backpressure" means an elevation of pressure downstream of the distribution system that would cause, or tend to cause, water to flow opposite of its intended direction.

(21) "Backsiphonage" means a drop in distribution system pressure below atmospheric pressure (partial vacuum), that would cause, or tend to cause, water to flow opposite of its intended direction.

(22) "Bag filter" means a pressure-driven separation device that removes particulate matter larger than one micrometer using an engineered porous filtration media. It is typically constructed of a non-rigid, fabric filtration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to the outside.

(23) "Bank Filtration" means a water treatment process that uses a horizontal or vertical well to recover surface water that has naturally infiltrated into groundwater through a river bed or bank(s). Infiltration is typically enhanced by the hydraulic gradient imposed by a nearby pumping water supply.

(24) "Best Available Technology" or "BAT" means the best technology, treatment techniques, or other means which the EPA finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available (taking cost into consideration).

(25) "Bore-Sighted Drain to Daylight" means an unrestricted straight-line opening in an enclosure that vents to grade, and is sized and constructed to adequately drain the full flow discharge from a reduced pressure principle backflow prevention assembly thus preventing any potential for submersion of the assembly.

(26) "Bottled Water" means potable water from a source approved by the Authority for domestic use which is placed in small, easily transportable containers.

(27) "Calculated Fixed Radius" means a technique to delineate a wellhead protection area, based on the determination of the volume of the aquifer needed to supply groundwater to a well over a given length of time.

(28) "Cartridge filter" means a pressure-driven separation device that removes particulate matter larger than one micrometer using an engineered porous filtration media. It is typically constructed of rigid or semi-rigid,

self-supporting filter elements housed in a pressure vessel in which flow is from the outside of the cartridge to the inside.

(29) "Certificate," for the purposes of OAR 333-061-0210 through 0290, means a certificate of competency issued by the Authority stating that the operator meets the requirements for a specific operator classification and level.

(30) "CFR" means the Code of Federal Regulations. Specifically, it refers to those sections of the code which deal with the National Primary and Secondary Drinking Water Regulations.

(31) "Check Valve" means a valve, which allows flow in only one direction.

(32) "Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into floc.

(33) "Coliform-Positive" means the presence of coliform bacteria in a water sample.

(34) "Combined distribution system" means the interconnected distribution system consisting of the distribution systems of wholesale water systems and of the purchasing water systems that receive finished water.

(35) "Community Water System" means a public water system that has 15 or more service connections used by year-round residents, or that regularly serves 25 or more year-round residents.

(36) "Compliance Cycle" means the nine-year calendar year cycle during which public water systems must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar year cycle begins January 1, 1993 and ends December 31, 2001.

(37) "Compliance Period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993 to December 31, 1995; the second from January 1, 1996 to December 31, 1998; and the third from January 1, 1999 to December 31, 2001.

(38) "Comprehensive performance evaluation (CPE)" means a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. The CPE must consist of at least the following components: Assessment of plant performance; evaluations of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report.

(39) "Conceptual Model" means a three-dimensional representation of the groundwater system, including the location and extent of the hydrogeologic units, areas of recharge and discharge, hydrogeologic boundaries and hydraulic gradient.

(40) "Confined Well" means a well completed in a confined aquifer. More specifically, it is a well which produces water from a formation that is overlain by an impermeable material of extensive area. This well shall be constructed according to OAR chapter 690, division 200 "Well Construction and Maintenance" standards.

(41) "Confluent Growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion thereof, in which bacterial colonies are not discrete.

(42) "Constructed Conveyance" means any human-made conduit such as ditches, culverts, waterways, flumes, mine drains, canals or any human-altered natural water bodies or waterways as determined by the Authority.

(43) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water that creates a health hazard.

(44) "Contingency Plan" means a document setting out an organized, planned and coordinated course of action to be followed in the event of a loss of capacity to supply water to the distribution system or in case of a fire, explosion or release of hazardous waste which could threaten human health or the environment.

(45) "Continuing Education Unit (CEU)" means a nationally recognized unit of measurement for assigning credits for education or training that provides the participant with advanced or post high school learning. One CEU is awarded for every 10 classroom hours of lecture or the equivalent of participation in an organized education experience, conducted under responsible sponsorship, capable direction and qualified instruction as determined by the Authority or its designee.

(46) "Conventional Filtration Treatment Plant" means a water treatment plant using conventional or direct filtration to treat surface water or groundwater under the direct influence of surface water.

ADMINISTRATIVE RULES

(47) "Corrosion Inhibitor" means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

(48) "Cross Connection" means any actual or potential unprotected connection or structural arrangement between the public or user's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substances other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel, or change-over devices, and other temporary or permanent devices through which, or because of which, backflow can occur are considered to be cross connections.

(49) "CT" means the product of the residual disinfectant concentration "C" (measured in mg/l) and disinfectant contact time(s), "T" (measured in minutes).

(50) "Degree of Hazard" means either pollution (non-health hazard) or contamination (health hazard) and is determined by an evaluation of hazardous conditions within a system.

(51) "Delineation" means the determination of the extent, orientation and boundaries of a wellhead protection area using factors such as geology, aquifer characteristics, well pumping rates and time of travel.

(52) "Demonstration Study" means a series of tests performed to prove an overall effective removal and/or inactivation rate of a pathogenic organism through a treatment or disinfection process.

(53) "Direct Responsible Charge (DRC)" means an individual designated by the owner or authorized agent to make decisions regarding the daily operational activities of a public water system, water treatment facility and/or distribution system, that will directly impact the quality or quantity of drinking water.

(54) "Discharge" means the volume rate of loss of groundwater from the aquifer through wells, springs or to surface water.

(55) "Disinfectant Contact Time" means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of disinfection residual measurement to a point before or at the point where residual disinfectant concentration is measured.

(56) "Disinfectant Residual Maintenance" means a process where public water systems add chlorine (or other chemical oxidant) for the purpose of maintaining a disinfectant residual in the distribution system, when the source(s) is not at risk of microbial contamination.

(57) "Disinfection" means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

(58) "Disinfection profile" means a summary of *Giardia lamblia* inactivation through the treatment plant.

(59) "Distribution System" means the network of pipes and other facilities, which are used to distribute water from the source, treatment, transmission, or storage facilities to the water user.

(60) "Domestic" means provided for human consumption.

(61) "Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a public water system with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

(62) "Dose Equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

(63) "Double Check-Detector Backflow Prevention Assembly (DCDA)" means a specially designed assembly composed of a line size approved double check valve assembly assembled with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for only very low rates of flow up to three gallons per minute and shall show a registration for all rates of flow. This assembly is designed to protect against a non-health hazard.

(64) "Double Check Valve Backflow Prevention Assembly (DC)" means an assembly of two independently acting approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. This assembly is designed to protect against a non-health hazard.

(65) "Drawdown" means the difference, measured vertically, between the static water level in the well and the water level during pumping.

(66) "Drinking Water Protection" means implementing strategies within a drinking water protection area to minimize the potential impact of contaminant sources on the quality of water being used as a drinking water source by a Public Water System.

(67) "Drinking Water Protection Area (DWPA)" means the source area supplying drinking water to a Public Water System. For a surface water-supplied drinking water source the DWPA is all or a specifically determined part of a lake's, reservoir's or stream's watershed that has been certified by the Department of Environmental Quality. For a groundwater-supplied drinking water source the DWPA is the area on the surface that directly overlies that part of the aquifer that supplies groundwater to a well, well field or spring that has been certified by the Authority.

(68) "Drinking Water Protection Plan" means a plan, certified by the Department of Environmental Quality according to OAR 340-040-0160 to 340-040-0180, which identifies the actions to be taken at the local level to protect a specifically defined and certified drinking water protection area. The plan is developed by the local Responsible Management Authority and/or team and includes a written description of each element, public participation efforts, and an implementation schedule.

(69) "Dual sample set" means a set of two samples collected at the same time and same location, with one sample analyzed for TTHM and the other for HAA5. Dual sample sets are collected for the purposes of conducting an Initial Distribution System Evaluation (IDSE) as prescribed in 333-061-0036(4)(b) of these rules, and for determining compliance with the maximum contaminant levels for TTHM and HAA5 listed in OAR 333-061-0030(2)(b).

(70) "Effective Corrosion Inhibitor Residual" means a concentration sufficient to form a passivating film on the interior walls of a pipe.

(71) "Effective Porosity" means the ratio of the volume of interconnected voids (openings) in a geological formation to the overall volume of the material.

(72) "Element" means one of seven objectives considered by the U.S. EPA as the minimum required components in any state wellhead protection program: specification of duties, delineation of the wellhead protection area, inventory of potential contaminant sources, specification of management approaches, development of contingency plans, addressing new (future) wells, and ensuring public participation.

(73) "Emergency" means a condition resulting from an unusual calamity such as a flood, storm, earthquake, drought, civil disorder, volcanic eruption, an accidental spill of hazardous material, or other occurrence which disrupts water service at a public water system or endangers the quality of water produced by a public water system.

(74) "Emergency Response Plan" means a written document establishing contacts, operating procedures, and actions taken for a public water system to minimize the impact or potential impact of a natural disaster, accident, or intentional act which disrupts or damages, or potentially disrupts or potentially damages the public water system or drinking water supply, and returns the public water system to normal operating condition.

(75) "Enhanced coagulation" means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.

(76) "Enhanced softening" means the improved removal of disinfection byproduct precursors by precipitative softening.

(77) "EPA" means the United States Environmental Protection Agency.

(78) "Filter profile" means a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from start-up to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

(79) "Filtration" means a process for removing particulate matter from water through porous media.

(a) "Conventional Filtration Treatment" means a series of processes including coagulation (requiring the use of a primary coagulant and rapid mix), flocculation, sedimentation, and filtration resulting in substantial particulate removal.

(b) "Direct Filtration Treatment" means a series of processes including coagulation (requiring the use of a primary coagulant and rapid mix) and filtration but excluding sedimentation resulting in substantial particulate removal.

(c) "Slow Sand Filtration" means a treatment process involving passage of raw water through a bed of sand at low velocity (generally less than 235 gallons per square foot per day) resulting in substantial particulate removal by physical and biological mechanisms.

(d) "Diatomaceous Earth Filtration" means a process resulting in substantial particulate removal in which:

(A) A precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum); and

ADMINISTRATIVE RULES

(B) While the water is filtered by passing through the cake on the septum, additional filter media, known as body feed, is continuously added to the feed water, in order to maintain the permeability of the filter cake.

(80) "Filtration Endorsement" means a special provision added to a Water Treatment Operator's certification that includes experience and knowledge of the operational decision making at a Conventional or Direct Filtration Treatment Plant.

(81) "Finished water" means water that is introduced into the distribution system of a public water system and intended for distribution and consumption without further treatment, except as necessary to maintain water quality in the distribution system such as booster disinfection or the addition of corrosion control chemicals.

(82) "First Customer" means the initial service connection or tap on a public water supply after any treatment processes.

(83) "First Draw Sample" means a one-liter sample of tap water that has been standing in plumbing pipes at least 6 hours and is collected without flushing the tap.

(84) "Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

(85) "Flowing stream" means a course of running water flowing in a definite channel.

(86) "Future Groundwater Sources" means wells and/or springs that may be required by the public water system in the future to meet the needs of the system.

(87) "GAC 10" means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days, except that the reactivation frequency for GAC10 used as a best available technology for compliance with OAR 333-061-0030(2)(b) shall be 120 days.

(88) "GAC 20" means granular activated carbon filter beds with an empty-bed contact time of 20 minutes based on average daily flow and a carbon reactivation frequency of every 240 days.

(89) "Gross Alpha Particle Activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

(90) "Gross Beta Particle Activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

(91) "Groundwater" means any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir or other body of surface water within the boundaries of this state, whatever may be the geologic formation or structure in which such water stands, flows, percolates or otherwise moves.

(92) "Groundwater System" means any public water system that uses groundwater, including purchasing water systems that receive finished groundwater, but excluding public water systems that combine all of their groundwater with surface water or groundwater under the direct influence of surface water prior to treatment.

(93) "Groundwater under the direct influence of surface water (GWUDI)" means any water beneath the surface of the ground with significant occurrence of insects or other macro-organisms, algae or large-diameter pathogens such as *Giardia lamblia* or *Cryptosporidium*, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

(94) "Haloacetic acids (five) (HAA5)" mean the sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid and dibromoacetic acid), rounded to two significant figures after addition.

(95) "Hauled Water" means water for human consumption transported from a Public Water System in a manner approved by the Authority.

(96) "Health Hazard (Contamination)" means an impairment of the quality of the water that could create an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, or other substances.

(97) "Human Consumption" means water used for drinking, personal hygiene bathing, showering, cooking, dishwashing, and maintaining oral hygiene.

(98) "Hydraulic Conductivity" means the capacity of the medium, e.g., soil, aquifer, or any hydrogeological unit of interest, to transmit water.

(99) "Hydraulic Connection" refers to a well, spring or other groundwater collection system in which it has been determined that part of the water supplied by the collection system is derived, either naturally or induced, from a surface water source.

(100) "Hydraulic Gradient" means the slope of the water table or potentiometric surface, calculated by dividing the change in hydraulic head between two points by the horizontal distance between the points in the direction of groundwater flow.

(101) "Hydraulic Head" means the energy possessed by the water mass at a given point, related to the height above the datum plane that water resides in a well drilled to that point. In a groundwater system, the hydraulic head is composed of elevation head and pressure head.

(102) "Hydrogeologic Boundary" means physical features that bound and control direction of groundwater flow in a groundwater system. Boundaries may be in the form of a constant head, e.g. streams, or represent barriers to flow, e.g. groundwater divides and impermeable geologic barriers.

(103) "Hydrogeologic Mapping" means characterizing hydrogeologic features (e.g. hydrogeologic units, hydrogeologic boundaries, etc.) within an area and determining their location, areal extent and relationship to one another.

(104) "Hydrogeologic Unit" means a geologic formation, group of formations, or part of a formation that has consistent and definable hydraulic properties.

(105) "Impermeable Material" means a material that limits the passage of water.

(106) "Impounding Reservoir" means an uncovered body of water formed behind a dam across a river or stream, and in which water is stored.

(107) "Infiltration Gallery" means a system of perforated pipes laid along the banks or under the bed of a stream or lake installed for the purpose of collecting water from the formation beneath the stream or lake.

(108) "Initial Compliance Period" means the 1993-95 three-year compliance period for systems with 150 or more service connections and the 1996-98 three-year compliance period for systems having fewer than 150 service connections for the contaminants prescribed in OAR 333-061-0036(2)(a), 333-061-0036(3)(a) and (3)(b).

(109) "Interfering Wells" means wells that, because of their proximity and pumping characteristics, and as a result of the aquifer's hydraulic properties, produce drawdown cones that overlap during simultaneous pumping. The result is a lowering of the pumping level in each well below what it would be if that well were pumping by itself.

(110) "Inventory of Potential Contaminant Sources" means the reconnaissance level location of land use activities within the Drinking Water Protection Area that as a category have been associated with groundwater or surface water contamination in Oregon and elsewhere in the United States.

(111) "Lake/reservoir" means a natural or man-made basin or hollow on the Earth's surface in which water collects or is stored that may or may not have a current or single direction of flow.

(112) "Lead Free" when used with respect to solders and flux shall mean solders and flux containing not more than 0.2 percent lead, and when used with respect to pipes and fittings shall mean pipes and fittings containing not more than 8.0 percent lead. When used with respect to plumbing fittings and fixtures intended for dispensing water for human consumption shall mean in compliance with standards established in accordance with 42 U.S.C. 300g-6(e) and ANSI/NSF standard 61, section 9.

(113) "Lead Service Line" means a service line made of lead, which connects the water main to the building inlet and any pigtail, gooseneck or other fitting, which is connected to such lead line.

(114) "Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

(115) "Local Administrative Authority" means the individual official, board, department or agency established and authorized by a state, county or city to administer and enforce the provisions of the Oregon State Plumbing Specialty Code adopted under OAR 918-750-0110.

(116) "Locational running annual average (LRAA)" means the arithmetic average of analytical results for samples taken at a specific monitoring location during the previous four calendar quarters.

(117) "Major Additions or Modifications" means changes of considerable extent or complexity including, but not limited to, projects involving water sources, treatment facilities, facilities for continuous disinfection, finished water storage, pumping facilities, transmission mains, and distribution mains, except main replacements of the same length and diameter.

(118) "Man-made Beta Particle and Photon Emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, NBS Handbook 69, except the daughter products of Thorium-232, Uranium-235 and Uranium-238.

ADMINISTRATIVE RULES

(119) "Master Plan" means an overall plan, which shows the projected development of a distribution system and alternatives for source development.

(120) "Maximum Contaminant Level (MCL)" means the maximum allowable level of a contaminant in water delivered to the user's of a public water system, except in the case of turbidity where the maximum allowable level is measured at the point of entry to the distribution system.

(121) "Maximum Residual Disinfectant Level (MRDL)" means a level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects.

(122) "Membrane filtration" means a pressure or vacuum driven separation process in which particulate matter larger than one micrometer is rejected by an engineered barrier, primarily through a size-exclusion mechanism, and which has a measurable removal efficiency of a target organism that can be verified through the application of a direct integrity test. This definition includes the common membrane technologies of microfiltration, ultrafiltration, nanofiltration, and reverse osmosis.

(123) "Multi-purpose Piping System" means a piping system within residential dwellings intended to serve both domestic and fire protection needs. This type of system is considered part of a potable water system.

(124) "New Groundwater Sources" means additional or modified wells and/or springs owned by the Public Water System.

(125) "Non-Health Hazard (Pollution)" means an impairment of the quality of the water to a degree that does not create a hazard to the public health, but does adversely affect the aesthetic qualities of such water for potable use.

(126) "Non-Transient Non-Community Water System (NTNC)" means a public water system that is not a Community Water System and that regularly serves at least 25 of the same persons over 6 months per year.

(127) "Open Interval" means in a cased well, the sum of the length(s) of the screened or perforated zone(s) and in an uncased (open-hole) well, the sum of the thickness(es) of the water-bearing zones or, if undeterminable, 10 percent of the length of the open hole.

(128) "Operating Experience" means the routine performance of duties, tasks, and responsibilities at a drinking water system or in a related field as allowed under OAR 333-061-0245(6)(b).

(129) "Operational Decision Making" means having responsibility for making decisions among the alternatives in the performance of the water treatment plant or the water distribution system regarding water quality or quantity which affect public health.

(130) "Operator," for the purposes of OAR 333-061-0210 through 0290, means an individual with responsibilities that directly impact the quality of drinking water including individuals making process control or system integrity decisions about water quality or quantity that affect public health. This term does not include officials, managers, engineers, directors of public works, or equivalent whose duties do not include the actual "hands-on" operation or supervision on-site of water system facilities or operators.

(131) "Optimal Corrosion Control Treatment" means the corrosion control treatment that minimizes the lead and copper concentrations at users' taps while insuring that the treatment does not cause the water system to violate any national primary drinking water regulations.

(132) "Pathogenic" means a specific agent (bacterium, virus or parasite) causing or capable of causing disease.

(133) "Peak Daily Demand" means the maximum rate of water use, expressed in gallons per day, over the 24-hour period of heaviest consumption.

(134) "Permit" means official permission granted by the Authority for a public water system which exceeds maximum contaminant levels to delay, because of economic or other compelling factors, the installation of water treatment facilities which are necessary to produce water which does not exceed maximum contaminant levels.

(135) "Person" means any individual, corporation, association, firm, partnership, municipal, state or federal agency, or joint stock company and includes any receiver, special master, trustee, assignee, or other similar representative thereof.

(136) "Picocurie (pCi)" means that quantity of radioactive material producing 2.22 nuclear transformations per minute.

(137) "Pilot Study" means the construction and operation of a scaled down treatment system during a given period of time to determine the feasibility a full-scale treatment facility.

(138) "Plant intake" means the works or structures at the head of a conduit through which water is diverted from a source, such as a river or lake, into a treatment plant.

(139) "Plug Flow" means movement of water in a pipe such that particles pass through the pipe and are discharged in the same sequence in which they entered.

(140) "Point of Delivery (POD)" means the point of connection between a public water system and the user's water system. Beyond the point of delivery, the Oregon Plumbing Specialty Code applies. See "Service Connection."

(141) "Point of Disinfectant Application" is the point where the disinfectant is applied and water downstream of that point is not subject to recontamination by surface water runoff.

(142) "Point-of-Entry Treatment Device" is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

(143) "Point-of-Use Treatment Device" is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

(144) "Pollutant" means a substance that creates an impairment of the quality of the water to a degree which does not create a hazard to the public health, but which does adversely affect the aesthetic qualities of the water.

(145) "Porous Media Assumption" means the assumption that groundwater moves in the aquifer as if the aquifer were granular in character, i.e. moves directly down-gradient, and the velocity of the groundwater can be described by Darcy's Law.

(146) "Post High School Education" means that education acquired through programs such as short schools, bona fide correspondence courses, trade schools, colleges, universities, formalized workshops or seminars that are acceptable to the Authority and for which college or continuing education credit is issued by the training sponsor.

(147) "Potable Water" See Safe Drinking Water.

(148) "Potential Contaminant Source Inventory" means the determination of the location within the wellhead protection area of activities known to use or produce materials that can contaminate groundwater.

(149) "Potential Cross Connection" means a cross connection that would most likely occur, but may not be taking place at the time of an inspection.

(150) "Potentiometric Surface" means a surface that denotes the variation of hydraulic head in the given aquifer across an area.

(151) "Premise" means real estate and the structures on it.

(152) "Premise Isolation" means the practice of protecting the public water supply from contamination or pollution by installing backflow prevention assemblies at, or near, the point of delivery where the water supply enters the premise. Premise isolation does not guarantee protection to persons on the premise.

(153) "Presedimentation" means a preliminary treatment process used to remove gravel, sand and other particulate material from the source water through settling before the water enters the primary clarification and filtration processes in a treatment plant.

(154) "Pressure Vacuum Breaker Backsiphonage Prevention Assembly (PVB)" means an assembly consisting of an independently operating, internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with properly located resilient seated test cocks and tightly closing resilient seated shutoff valves attached at each end of the assembly. This assembly is designed to protect against a non-health hazard or a health hazard under backsiphonage conditions only.

(155) "Provisional Delineation" means approximating the wellhead protection area for a well by using the wellhead protection area from another well in the same hydrogeologic setting or by using generalized values for the aquifer characteristics to generate an approximate wellhead protection area for the well. Used only for the purpose of evaluating potential siting of new or future groundwater sources. Not an acceptable way to formally delineate a wellhead protection area.

(156) "Public Health Hazard" means a condition, device or practice which is conducive to the introduction of waterborne disease organisms, or harmful chemical, physical, or radioactive substances into a public water system, and which presents an unreasonable risk to health.

(157) "Public Water System" means a system for the provision to the public of piped water for human consumption, if such system has more than three service connections, or supplies water to a public or commercial establishment that operates a total of at least 60 days per year, and that is used by 10 or more individuals per day. Public water system also means a system for the provision to the public of water through constructed conveyances other than pipes to at least 15 service connections or regularly

ADMINISTRATIVE RULES

serves at least 25 individuals daily at least 60 days of the year. A public water system is either a "Community Water System," a "Transient Non-Community Water System," a "Non-Transient Non-Community Water System" or a "State Regulated Water System."

(158) "Purchasing Water System" means a public water system which obtains its water in whole or in part from one or more public water systems. Delivery may be through a direct connection or through the distribution system of one or more purchasing water systems.

(159) "Recharge" means the process by which water is added to a zone of saturation, usually by downward infiltration from the surface.

(160) "Recharge Area" means a land area in which water percolates to the zone of saturation through infiltration from the surface.

(161) "Recovery" means the rise in water level in a well from the pumping level towards the original static water level after pumping has been discontinued.

(162) "Reduced Pressure Principle Backflow Prevention Assembly (RP)" means an assembly containing two independently acting approved check valves, together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a non-health hazard or a health hazard.

(163) "Reduced Pressure Principle-Detector Backflow Prevention Assembly (RPDA)" means a specifically designed assembly composed of a line size approved reduced pressure principle backflow prevention assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for only very low rates of flow up to three gallons per minute and shall show a registration for all rates of flow. This assembly is designed to protect against a non-health hazard or a health hazard.

(164) "Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.

(165) "Repeat Compliance Period" means any subsequent compliance period after the initial compliance period.

(166) "Residual disinfectant concentration" means the concentration of disinfectant measured in mg/l in a representative sample of water.

(167) "Responsible Management Authority" means the Public Water System whose water supply is being protected and any government entity having management, rule or ordinance-making authority to implement wellhead protection management strategies within the wellhead protection area. The Responsible Management Authority is responsible for implementation of the Wellhead Protection Plan and includes cities, counties, special districts, Indian tribes, state/federal entities as well as public water systems.

(168) "Safe Drinking Water" means water which has sufficiently low concentrations of microbiological, inorganic chemical, organic chemical, radiological or physical substances so that individuals drinking such water at normal levels of consumption, will not be exposed to disease organisms or other substances which may produce harmful physiological effects.

(169) "Sanitary Survey (Water System Survey)" means an on-site review of the water source(s), facilities, equipment, operation, maintenance and monitoring compliance of a public water system to evaluate the adequacy of the water system, its sources and operations in the distribution of safe drinking water. The sanitary survey also identifies sources of contamination by using the results of source water assessments where available.

(170) "Secondary Contaminant" means those contaminants, which, at the levels generally found in drinking water, do not present an unreasonable risk to health, but do:

- (a) Have adverse effects on the taste, odor and color of water;
- (b) Produce undesirable staining of plumbing fixtures; or
- (c) Interfere with treatment processes applied by water suppliers.

(171) "Secondary Maximum Contaminant Level (SMCL)" means the level of a secondary contaminant which when exceeded may adversely affect the aesthetic quality of the drinking water which thereby may deter public acceptance of drinking water provided by public water systems or may interfere with water treatment methods.

(172) "Sedimentation" means a process for removal of solids before filtration by gravity or separation.

(173) "Seller's Designee" means the person assigned by the seller to complete the necessary paperwork and submit the lab results to the Authority and can be the seller's attorney, real estate agent or broker, the person conducting the tests or a private party.

(174) "Sensitivity" means the intrinsic characteristics of a drinking water source such as depth to the aquifer for groundwater or highly erodi-

ble soils in a watershed that increase the potential for contamination to take place if a contaminant source is present.

(175) "Service Connection" means the piping connection by means of which water is conveyed from a distribution main of a public water system to a user's premise. For a community water system, the portion of the service connection that conveys water from the distribution main to the user's property line, or to the service meter, where provided, is under the jurisdiction of the water supplier.

(176) "Significant Deficiency" means a defect in design, operation, or maintenance, or a malfunction of the source(s), treatment, storage, or distribution system that has been determined to cause or have the potential for causing the introduction of contamination into the water delivered to consumers.

(177) "Single Connection System" means a public water system serving only one installation, such as a restaurant, campground or place of employment.

(178) "Single Family Structure" means a building constructed as a single-family residence that is currently used as either a residence or a place of business.

(179) "Small Water System," for the purposes of OAR 333-061-0210 through 0295, means a community or non-transient non-community water system serving fewer than 150 connections and either uses groundwater as its only source or purchases its water from another public water system without adding any additional treatment.

(180) "Source Water Assessment" means the information compiled by the Authority and the Department of Environmental Quality (DEQ), consisting of the delineation, inventory and susceptibility analyses of the drinking water source, which enable public water systems to develop and implement drinking water protection plans.

(181) "Specific Ultraviolet Absorption (SUVA) at 254 nanometers" means an indicator of the humic content of water as a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nanometers (UV254) by its concentration of dissolved organic carbon (DOC) (in milligrams per liter).

(182) "Spill Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly (SVB)" means an assembly containing an independently operating, internally loaded check valve and independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with a properly located resilient seated test cock, a properly located bleed/vent valve, and tightly closing resilient seated shutoff valves attached at each end of the assembly. This assembly is designed to protect against a non-health hazard or a health hazard under a backsiphonage condition only.

(183) "Spring" means a naturally occurring discharge of flowing water at the ground surface, or into surface water where the flow of water is the result of gravity or artesian pressure. Springs can be derived from groundwater or they can be surface water influenced.

(184) "Stand-alone Fire Suppression System" means a piping system within a premise intended to only serve as a fire protection system separated from the potable water system.

(185) "State Regulated Water System" means a public water system, which serves 4 to 14 service connections or serves 10 to 24 people. Monitoring requirements for these systems are the same as those for Transient Non-Community water systems.

(186) "Static Water Level" means the vertical distance from ground surface to the water level in the well when the well is at rest, i.e., the well has not been pumped recently and the water level is stable. This is the natural level of water in the well.

(187) "Submeter" means a water meter by which a property owner (or association of property owners) meters individual water use after the water passes through a master meter. For the purposes of OAR 333-061-0010, submetering does not constitute applying a direct charge for water or directly selling water to a person.

(188) "Surface Water" means all water, which is open to the atmosphere and subject to surface runoff.

(189) "Susceptibility" means the potential, as a result of the combination of land use activities and source water sensitivity that contamination of the drinking water source may occur.

(190) "Team" means the local Wellhead Protection team, which includes representatives from the Responsible Management Authorities and various interests and stakeholders potentially affected by the Wellhead Protection Plan.

(191) "Thermal Expansion" means the pressure increase due to a rise in water temperature that occurs in water piping systems when such systems become "closed" by the installation of a backflow prevention assem-

ADMINISTRATIVE RULES

bly or other means, and will not allow for expansion beyond that point of installation.

(192) "These Rules" means the Oregon Administrative Rules encompassed by OAR 333-061-0005 through 333-061-0335.

(193) "Time-of-Travel (TOT)" means the amount of time it takes groundwater to flow to a given well. The criterion that effectively determines the radius in the calculated fixed radius method and the up-gradient distance to be used for the analytical and numerical models during delineation of the wellhead protection area.

(194) "Too Numerous To Count (TNTC)" means that the total number of bacterial colonies exceeds 200 on a 47 mm diameter membrane filter used for coliform bacteria detection.

(195) "Total Organic Carbon (TOC)" means total organic carbon in milligrams per liter measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

(196) "Total Trihalomethanes (TTHM)" means the sum of the concentrations in milligrams per liter of the trihalomethane compounds bromodichloromethane, dibromochloromethane, tribromomethane (bromofrom) and trichloromethane (chlorofrom), rounded to two significant figures after addition.

(197) "Transient Non-Community Water System (TNC)" means a public water system that serves a transient population of 25 or more persons.

(198) "Turbidity" means a measure of the cloudiness of water caused by suspended particles. The units of measure for turbidity are nephelometric turbidity units (NTU).

(199) "Two-stage lime softening" means a process in which a chemical addition and hardness precipitation occur in each of two distinct unit clarification processes in series prior to filtration.

(200) "Unconfined Well" means a well completed in an unconfined aquifer. More specifically, a well which produces water from a formation that is not overlying by impermeable material. This well shall be constructed according to OAR chapter 690, division 200 "Well Construction and Maintenance" standards.

(201) "Uncovered finished water storage facility" means a tank, reservoir, or other facility used to store water that will undergo no further treatment to reduce microbial pathogens except residual disinfection and is directly open to the atmosphere.

(202) "University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research (USC FCCCHR)" is an agency that conducts laboratory and field tests to evaluate and grant "Certificates of Approval" to backflow prevention assemblies meeting approved standards.

(203) "Vadose Zone" means the zone between the ground surface and the water table where the available open spaces between soil and sediment particles, in rock fractures, etc., are most filled with air.

(204) "Variance" means official permission granted by the Authority for public water systems to exceed maximum contaminant levels because the quality of the raw water is such that the best available treatment techniques are not capable of treating the water so that it complies with maximum contaminant levels, and there is no unreasonable risk to health.

(205) "Vault" means an approved enclosure above or below ground to house a backflow prevention assembly that complies with the local administrative authority having jurisdiction.

(206) "Virus" means a virus of fecal origin, which is infectious to humans by waterborne transmission.

(207) "Waiver" means official permission from the Authority for a public water system to deviate from the construction standards set forth in these rules.

(208) "Water-bearing Zone" means that part or parts of the aquifer encountered during drilling that yield(s) water to a well.

(209) "Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system which is deficient in treatment, as determined by the Authority.

(210) "Water Source" means any lake, stream, spring, groundwater supply, impoundment or other source of water from which water is obtained for a public water system. In some cases, a public water system can be the source of supply for one or more other public water systems.

(211) "Water Supplier" means a person, group of persons, municipality, district, corporation or other entity, which owns or operates a public potable water system.

(212) "Water System" means a system for the provision of piped water for human consumption.

(213) "Water System Operations Manual" means a written document describing the actions and procedures necessary to operate and maintain the entire water system.

(214) "Water Table" means the upper surface of an unconfined aquifer, the surface of which is at atmospheric pressure and fluctuates seasonally. It is defined by the levels at which water stands in wells that penetrate the aquifer.

(215) "Water Treatment" means a process of altering water quality by physical or chemical means and may include domestic, industrial or commercial applications.

(216) "Well" means an artificial opening or artificially altered natural opening, however made, by which ground water is sought or through which ground water flows under natural pressure or is artificially withdrawn or injected, provided that this definition shall not include a natural spring, or wells drilled for the purpose of exploration or production of oil or gas.

(217) "Wellfield" means two or more drinking water wells, belonging to the same water system that are within 2,500 feet, or as determined by the Authority, and produce from the same and no other aquifer.

(218) "Wellhead Protection." See Drinking Water Protection.

(219) "Wellhead Protection Area (WHPA)." See Drinking Water Protection Area.

(220) "Wellhead Protection Plan." See Drinking Water Protection Plan.

(221) "Wholesale system" means a public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water system. Delivery may be through a direct connection or through the distribution system of one or more purchasing water systems.

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

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 431.110, 431.150, 448.131, 448.150, 448.273, 448.279

Hist.: HD 106, f. & ef. 2-6-76; HD 4-1980, f. & ef. 3-21-80; HD 10-1981, f. & ef. 6-30-81; HD 17-1981(Temp), f. & ef. 8-28-81; HD 4-1982, f. & ef. 2-26-82; Renumbered from 333-042-0205, HD 2-1983, f. & ef. 2-23-83; HD 21-1983, f. 10-20-83, ef. 11-1-83; HD 11-1985, f. & ef. 7-2-85; HD 30-1985, f. & ef. 12-4-85; HD 3-1987, f. & ef. 2-17-87; HD 3-1988(Temp), f. & cert. ef. 2-12-88; HD 17-1988, f. & cert. ef. 7-27-88; HD 9-1989, f. & cert. ef. 11-13-89; HD 26-1990, f. 12-26-90, cert. ef. 12-29-90; HD 7-1992, f. & cert. ef. 6-9-92; HD 12-1992, f. & cert. ef. 12-7-92; HD 3-1994, f. & cert. ef. 1-14-94; HD 1-1996, f. 1-2-96, cert. ef. 1-5-96; HD 14-1997, f. & cert. ef. 10-31-97; OHD 4-1999, f. 7-14-99, cert. ef. 7-15-99; OHD 3-2000, f. 3-8-00, cert. ef. 3-15-00; OHD 7-2000, f. 7-11-00, cert. ef. 7-15-00; OHD 23-2001, f. & cert. ef. 10-31-01; OHD 17-2002, f. & cert. ef. 10-25-02; PH 16-2004(Temp), f. & cert. ef. 4-9-04 thru 10-5-04; PH 20-2004, f. & cert. ef. 6-18-04; PH 33-2004, f. & cert. ef. 10-21-04; PH 34-2004, f. & cert. ef. 11-2-04; PH 2-2006, f. & cert. ef. 1-31-06; PH 4-2009, f. & cert. ef. 5-18-09; PH 7-2010, f. & cert. ef. 4-19-10; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11; PH 13-2012, f. & cert. ef. 9-10-12

333-061-0032

Treatment Requirements and Performance Standards for Surface Water, Groundwater Under Direct Influence of Surface Water, and Groundwater

(1) General requirements for all public water systems supplied by a surface water source or a groundwater source under the direct influence of surface water.

(a) These regulations establish criteria under which filtration is required and treatment technique requirements in lieu of maximum contaminant levels for the following contaminants: *Giardia lamblia*, viruses, heterotrophic plate count bacteria, *Legionella*, *Cryptosporidium*, and turbidity. Each public water system with a surface water source or a groundwater source under the direct influence of surface water must provide treatment of that source water that complies with these treatment technique requirements. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:

(A) At least 99.9 percent (3-log) removal and/or inactivation of *Giardia lamblia* cysts between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer, and

(B) At least 99.99 percent (4-log) removal and/or inactivation of viruses between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer.

(C) At least 99 percent (2-log) removal of *Cryptosporidium* between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer for filtered systems, or *Cryptosporidium* control under the watershed control plan for unfiltered systems; and

(D) Compliance with any applicable disinfection profiling and benchmark requirements as specified in OAR 333-061-0036(4)(g) and 333-061-0060(1)(e).

(E) Sampling and Bin Classification for *Cryptosporidium*:

ADMINISTRATIVE RULES

(i) All systems must conduct an initial and second round of source water monitoring, as prescribed in subsection 333-061-0036(5)(e) of these rules, for each plant that treats a surface water or GWUDI source to determine what level, if any, of additional Cryptosporidium treatment they must provide.

(ii) Filtered systems must determine their Cryptosporidium treatment bin classification as prescribed in subsection (4)(f) of this rule and provide additional treatment for Cryptosporidium, if required, as prescribed in subsection (4)(g) of this rule. All unfiltered systems must provide treatment for Cryptosporidium as prescribed in subsections (3)(e) through (g) of this rule. Filtered and unfiltered systems must implement Cryptosporidium treatment according to the schedule in paragraph (1)(a)(F) of this rule.

(iii) Systems required to provide additional treatment for Cryptosporidium must implement microbial toolbox options that are designed and operated as prescribed in sections (13) through (17) of this rule and in OAR 333-061-0036(5)(c), 333-061-0050(4) and 333-061-0050(5)(k).

(F) Schedule for compliance with Cryptosporidium treatment requirements.

(i) Following initial bin classification as prescribed in subsection (4)(f) of this rule, filtered water systems must provide the level of treatment for Cryptosporidium required under subsection (4)(g) of this rule according to the schedule in subparagraph (1)(a)(F)(iii) of this rule.

(ii) Following initial determination of the mean Cryptosporidium level as prescribed by subsection (2)(d) of this rule, unfiltered water systems must provide the level of treatment for Cryptosporidium required under subsection (3)(e) of this rule according to the schedule in subparagraph (1)(a)(F)(iii) of this rule.

(iii) Cryptosporidium treatment compliance dates. The Authority may allow up to an additional two years from the date specified below for water systems making capital improvements.

(I) Water systems that serve at least 100,000 people must comply with Cryptosporidium treatment by April 1, 2012.

(II) Water systems that serve from 50,000 to 99,999 people must comply with Cryptosporidium treatment by October 1, 2012.

(III) Water systems that serve from 10,000 to 49,999 people must comply with Cryptosporidium treatment by October 1, 2013.

(IV) Water systems that serve fewer than 10,000 people must comply with Cryptosporidium treatment by October 1, 2014.

(V) State-Regulated public water systems must comply with Cryptosporidium treatment by October 1, 2015.

(iv) If the bin classification for a filtered water system changes following the second round of source water monitoring as prescribed in subsection (4)(f) of this rule, the water system must provide the level of treatment for Cryptosporidium required by subsection (4)(g) of this rule on a schedule approved by the Authority.

(v) If the mean Cryptosporidium level for an unfiltered water system changes following the second round of monitoring as prescribed by paragraph (2)(d)(A) of this rule, the water system must provide the level of Cryptosporidium treatment required by subsection (3)(e) of this rule, due to the change, following a schedule approved by the Authority.

(b) A public water system using a surface water source or a ground water source under the direct influence of surface water is considered to be in compliance with the requirements of this rule if:

(A) The system meets the requirements for avoiding filtration in section (2) of this rule and the disinfection requirements in section (3) of this rule, and the disinfection benchmarking requirements of OAR 333-061-0060(1)(e); or

(B) The system meets the filtration requirements in section (4) of this rule and the disinfection requirements in section (5) of this rule and the disinfection benchmarking requirements of OAR 333-061-0060(1)(e).

(c) Water systems that utilize sources that have been determined to be under the direct influence of surface water according to section (7) of this rule have 18 months to meet the requirements of sections (2) and (3) of this rule, or the requirements of sections (4) and (5) of this rule. During that time, the system must meet the following Interim Standards:

(A) The turbidity of water entering the distribution system must never exceed 5 NTU. Turbidity measurements must be taken a minimum of once per day. If continuous turbidimeters are in place, measurements should be taken every four hours; and

(B) Disinfection must be sufficient to reliably achieve at least 1.0 log inactivation of *Giardia lamblia* cysts prior to the first user. Daily disinfection "CT" values must be calculated and recorded daily, including pH and temperature measurements, and disinfection residuals at the first customer.

(C) Reports must be submitted to the Authority monthly as prescribed in OAR 333-061-0040.

(D) If these interim standards are not met, the owner or operator of the water system must notify customers of the failure as required in OAR 333-061-0042(2)(b)(A).

(2) Requirements for systems utilizing surface water or GWUDI sources without filtration:

(a) A public water system that uses a surface water source or a groundwater source under the direct influence of surface water must meet all of the conditions of this section.

(b) Source water quality conditions.

(A) The fecal coliform concentration must be equal to or less than 20/100 ml, or the total coliform concentration must be equal to or less than 100/100 ml in representative samples of the source water immediately prior to the first or only point of disinfectant application in at least 90 percent of the measurements made for the 6 previous months that the system served water to the public on an ongoing basis. If a system measures both fecal and total coliform, the fecal coliform criterion, but not the total coliform criterion, in this paragraph must be met. All samples must be collected as prescribed in OAR 333-061-0036(5)(a)(A).

(B) The turbidity level cannot exceed the maximum contaminant level prescribed in OAR 333-061-0030(3)(a)(A).

(c) Site-specific conditions. The public water supply must:

(A) Meet the disinfection requirements as prescribed in section (3) of this rule at least 11 of the 12 previous months that the system served water to the public, on an ongoing basis, unless the system fails to meet the requirements during 2 of the 12 previous months that the system served water to the public, and the Authority determines that at least one of these failures was caused by circumstances that were unusual and unpredictable.

(B) Maintain a comprehensive watershed control program which minimizes the potential for contamination by *Giardia lamblia* cysts, *Cryptosporidium* oocysts, and viruses in the source water. For groundwater systems under the direct influence of surface water, and at the discretion of the Authority, a certified drinking water protection plan (OAR 340-040-0160 to 340-040-0180) that addresses both the groundwater- and surface water components of the drinking water supply may be substituted for a watershed control program. Groundwater systems relying on a drinking water protection plan would still be subject to the requirements of subsection (c) of this rule. The watershed control program shall be developed according to guidelines in OAR 333-061-0075. The public water system must demonstrate through ownership and/or written agreements with landowners within the watershed that it can control all human activities which may have an adverse impact on the microbiological quality of the source water. The system must submit an annual report to the Authority identifying any special concerns about the watershed, the procedures used to resolve the concern, current activities affecting water quality, and projections of future adverse impacts or activities and the means to address them. At a minimum, the watershed control program must:

(i) Characterize the watershed hydrology and land ownership;

(ii) Identify watershed characteristics and activities which have or may have an adverse effect on source water quality; and

(iii) Monitor the occurrence of activities which may have an adverse effect on source water quality.

(C) Be subject to an annual on-site inspection of the watershed control program and the disinfection treatment process by the Authority. The on-site inspection must indicate to the Authority's satisfaction that the watershed control program and disinfection treatment process are adequately designed and maintained including the adequacy limiting the potential contamination by *Cryptosporidium* oocysts. The inspection must include:

(i) A review of the effectiveness of the watershed control program;

(ii) A review of the physical condition of the source intake and how well it is protected;

(iii) A review of the system's equipment maintenance program to ensure there is low probability for failure of the disinfection process;

(iv) An inspection of the disinfection equipment for physical deterioration;

(v) A review of operating procedures;

(vi) A review of data records to ensure that all required tests are being conducted and recorded and disinfection is effectively practiced; and

(vii) Identification of any improvements which are needed in the equipment, system maintenance and operation, or data collection.

(D) Shall not have been identified by the Authority as a source of waterborne disease outbreak under the system's current configuration. If such an outbreak occurs, the system must sufficiently modify the treatment

ADMINISTRATIVE RULES

process, as determined by the Authority, to prevent any future such occurrence.

(E) Comply with the maximum contaminant level (MCL) for total coliform bacteria in OAR 333-061-0030(4) at least 11 months of the 12 previous months that the system served water to the public on an ongoing basis, unless the Authority determines that failure to meet this requirement was not caused by a deficiency in treatment of the source water.

(F) Comply with the requirements for total trihalomethanes, haloacetic acids (five), bromate, chlorite, chlorine, chloramines, and chlorine dioxide as specified in OAR 333-061-0036(4).

(d) Determination of mean Cryptosporidium level.

(A) Unfiltered water systems must calculate the arithmetic average of all Cryptosporidium sample concentrations following completion of the initial and second round of source water monitoring conducted in accordance with OAR 333-061-0036(5)(e). Systems must report this value to the Authority for approval no later than 6 months after the date the system was required to complete the required monitoring.

(B) If the frequency of monthly Cryptosporidium sampling varies, water systems must calculate a monthly average for each month of sampling. Systems must then use these monthly average concentrations, rather than individual sample concentrations, in the calculation of the mean Cryptosporidium level prescribed in paragraph (2)(d)(A) of this rule.

(C) The report to the Authority of the mean Cryptosporidium levels calculated in accordance with paragraph (2)(d)(A) of this rule must include a summary of the source water monitoring data used for the calculation.

(D) Failure to comply with the conditions of subsection (2)(d) of this rule is a violation of the treatment technique requirement.

(e) A public water system which fails to meet any of the criteria in section (2) of this rule is in violation of a treatment technique requirement. The Authority can require filtration to be installed where it determines necessary.

(3) Disinfection requirements for systems utilizing surface water or GWUDI sources without filtration. Each public water system that does not provide filtration treatment must provide disinfection treatment as follows:

(a) The disinfection treatment must be sufficient to ensure at least 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts and 99.99 percent (4-log) inactivation of viruses, every day the system serves water to the public, except any one day each month. Each day a system serves water to the public, the public water system must calculate the CT value(s) from the system's treatment parameters, using the procedure specified in OAR 333-061-0036(5)(a)(C) and determine whether this value(s) is sufficient to achieve the specified inactivation rates for *Giardia lamblia* cysts and viruses. If a system uses a disinfectant other than chlorine, the system must demonstrate to the Authority through the use of an approved protocol for on-site disinfection demonstration studies or other information satisfactory to the Authority that the system is achieving the required inactivation rates on a daily basis instead of meeting the "CT" values in this rule.

(b) Systems for chemical disinfection must have either:

(A) Redundant components, including an auxiliary power supply with automatic start-up and alarm to ensure that disinfectant application is maintained continuously while water is being delivered to the distribution system; or

(B) Automatic shut-off of delivery of water to the distribution system whenever there is less than 0.2 mg/l of residual disinfectant concentration in the water, or if the ultraviolet light system fails. If the Authority determines that automatic shut-off would cause unreasonable risk to health or interfere with fire protection, the system must comply with paragraph (3)(b)(A) of this rule.

(c) The residual disinfectant concentration in the water entering the distribution system, measured as specified in OAR 333-061-0036(5)(a)(E), cannot be less than 0.2 mg/l for more than four hours.

(d) Disinfectant residuals in the distribution system. The residual disinfectant concentration in the distribution system, measured as total chlorine, combined chlorine, or chlorine dioxide, as specified in OAR 333-061-0036(5)(a)(F), cannot be undetectable in more than 5 percent of the samples each month, for any two consecutive months that the system serves water to the public.

(e) Unfiltered water systems must provide the level of Cryptosporidium inactivation specified in this subsection, based on their mean Cryptosporidium levels, and determined in accordance with subsection (2)(d) of this rule and according to the schedule in subsection (1)(a) of this rule.

(A) Unfiltered systems with a mean Cryptosporidium level of 0.01 oocysts/L or less must provide at least 2-log Cryptosporidium inactivation.

(B) Unfiltered systems with a mean Cryptosporidium level of greater than 0.01 oocysts/L must provide at least 3-log Cryptosporidium inactivation.

(f) Inactivation treatment technology requirements. Unfiltered systems must use chlorine dioxide, ozone, or UV as prescribed by 333-061-0036(5)(c) of these rules to meet the Cryptosporidium inactivation requirements of this section.

(A) Systems that use chlorine dioxide or ozone and fail to achieve the Cryptosporidium inactivation required in subsection (3)(e) of this rule on more than one day in the calendar month are in violation of the treatment technique requirement.

(B) Systems that use UV light and fail to achieve the Cryptosporidium inactivation required in subsection (3)(e) of this rule because they do not meet the criteria specified in subsection (17)(c) of this rule are in violation of the treatment technique requirement.

(g) Use of two disinfectants. Unfiltered water systems must meet the combined Cryptosporidium inactivation requirements of subsection (3)(e) of this rule, and the *Giardia lamblia* and virus inactivation requirements of subsection (3)(a) of this rule using a minimum of two disinfectants. Each of the two disinfectants must achieve by itself, the total inactivation required for at least one of the following pathogens: Cryptosporidium, *Giardia lamblia*, or viruses.

(4) Requirements for systems utilizing surface water or GWUDI sources that provide filtration:

(a) A public water system that uses a surface water source or a groundwater source under the direct influence of surface water, and does not meet all of the criteria in sections (1), (2), and (3) of this rule for avoiding filtration, violates a treatment technique and must provide treatment consisting of both disinfection, as specified in section (5) of this rule, and filtration treatment which complies with the requirements of either subsection (4)(b), (c), (d), or (e) of this rule by June 29, 1993 or within 18 months of the failure to meet the criteria in section (2) of this rule for avoiding filtration, whichever is later. Failure to install a required treatment by the prescribed dates is a violation of the treatment technique requirements.

(b) Conventional filtration treatment or direct filtration. Systems using conventional filtration treatment or direct filtration treatment shall meet the turbidity requirements as specified in OAR 333-0061-0030(3)(b)(A)(i) and (ii).

(c) Slow sand filtration. Systems using slow sand filtration treatment shall meet the turbidity requirements prescribed in OAR 333-061-0030(3)(b)(B).

(d) Diatomaceous earth filtration. Systems using diatomaceous earth filtration treatment shall meet the turbidity requirements prescribed in OAR 333-061-0030(3)(b)(C).

(e) Other filtration technologies. Systems using other filtration technologies shall meet the turbidity requirements prescribed in OAR 333-061-0030(3)(b)(D).

(A) GWUDI systems using bank filtration as an alternate filtration technology must meet the requirements listed in section (9) of this rule.

(B) Systems using membrane filtration must conduct continuous indirect integrity testing and daily direct integrity testing in accordance with paragraphs 333-061-0036(5)(d)(B) and (C) of these rules.

(f) Cryptosporidium Bin classification for filtered water systems. Following completion of the initial round of source water monitoring required by OAR 333-061-0036(5)(e), filtered water systems must calculate an initial Cryptosporidium bin concentration for each plant for which monitoring was required. Calculation of the bin concentration must be based upon the Cryptosporidium results reported in accordance with OAR 333-061-0036(5)(e), and must comply with paragraphs (4)(f)(A) through (F) of this rule.

(A) For water systems that collect 48 or more samples, the bin concentration is equal to the arithmetic average of all sample concentrations.

(B) For water systems that collect at least 24 samples, but not more than 47 samples, the bin concentration is equal to the highest arithmetic average of all sample concentrations in any 12 consecutive months during which Cryptosporidium samples were collected.

(C) For water systems that serve fewer than 10,000 people and only collect Cryptosporidium samples for 12 months, i.e., collect 24 samples in 12 months, the bin concentration is equal to the arithmetic average of all sample concentrations.

(D) For water systems with plants operating only part of the year, and that monitor fewer than 12 months per year as prescribed by OAR 333-061-0036(5)(e)(E), the bin concentration is equal to the highest arithmetic average of all sample concentrations during any year of Cryptosporidium monitoring.

ADMINISTRATIVE RULES

(E) If the monthly Cryptosporidium sampling frequency varies, water systems must first calculate a monthly average for each month of monitoring. Water systems must then use these monthly average concentrations, rather than individual sample concentrations, in the applicable calculation for bin classification of this subsection.

(F) Bin classification table.

(i) Filtered water systems must determine their initial bin classification from Table 9 as follows and using the Cryptosporidium bin concentration calculated under subsection (4)(f) of this rule: [Table not included. See ED. NOTE.]

(ii) Following completion of the second round of source water monitoring required as prescribed by OAR 333-061-0036(5)(e)(B), filtered water systems must recalculate their Cryptosporidium bin concentration based upon the sample results reported in accordance with OAR 333-061-0036(5)(e)(B) and following the procedures specified in paragraphs (4)(f)(A) through (D) of this rule. Water systems must then re-determine their bin classification using Table 9 in paragraph (4)(f)(F) of this rule.

(G) Filtered water systems must report their bin classification as prescribed by paragraph (4)(f)(F) of this rule to the Authority for approval no later than 6 months after the system is required to complete the initial and second round of source water monitoring based on the schedule in OAR 333-061-0036(5)(e)(C).

(H) The bin classification report to the Authority must include a summary of source water monitoring data and the calculation procedure used to determine bin classification. Failure to comply with the conditions of this paragraph is a violation of treatment technique requirements.

(g) Additional Cryptosporidium treatment requirements.

(A) Filtered water systems must provide the level of additional treatment for Cryptosporidium specified in Table 10 based on their bin classification as determined under subsection (4)(f) of this rule, and according to the schedule in paragraph (1)(a)(F) of this rule. [Table not included. See ED. NOTE.]

(B) Filtered water systems must use one or more of the treatment and management options listed in section (13) of this rule, termed the microbial toolbox, to comply with the additional Cryptosporidium treatment required by paragraph (4)(g)(A) of this rule.

(C) Systems classified in Bin 3 or Bin 4 must achieve at least 1-log of the additional Cryptosporidium treatment, as required by paragraph (4)(g)(A) of this rule, using either one or a combination of the following: bag filters, bank filtration, cartridge filters, chlorine dioxide, membranes, ozone, or UV, as described in sections (14) through (18) of this rule and in OAR 333-061-0036(5)(c).

(i) Failure by a water system, in any month, to achieve the treatment credit required by sections (14) through (18) of this rule and OAR 333-061-0036(5)(c) that is at least equal to the level of treatment required by paragraph (4)(g)(A) of this rule, is a violation of treatment technique requirements.

(ii) If the Authority determines during a sanitary survey or equivalent source water assessment, that after a system completed the monitoring conducted as required by OAR 333-061-0036(5)(e)(A) or (B), significant changes occurred in the system's watershed that could lead to increased contamination of the source water by Cryptosporidium, the system must take action as specified by the Authority to address the contamination. These actions may include additional source water monitoring and/or implementing microbial toolbox options specified in section (13) of this rule.

(5) Disinfection requirements for systems utilizing surface water or GWUDI sources with filtration:

(a) The disinfection treatment must be sufficient to ensure that the total treatment processes of that system achieve at least 99.9 percent (3-log) inactivation and/or removal of *Giardia lamblia* cysts and at least 99.99 percent (4-log) inactivation and/or removal of viruses as determined by the Authority.

(b) The residual disinfectant concentration in the water entering the distribution system, measured as specified in OAR 333-061-0036(5)(b)(B), cannot be less than 0.2 mg/l for more than 4 hours.

(c) The residual disinfectant concentration in the distribution system, measured as total chlorine, combined chlorine, or chlorine dioxide, as specified is OAR 333-061-0036(5)(b)(E) cannot be undetectable in more than 5 percent of the samples each month, for any two consecutive months that the system serves water to the public.

(6) Requirements for groundwater systems with significant deficiencies or source water fecal or total coliform contamination. The requirements of subsections (6)(a) through (6)(i) of this rule take effect on December 1, 2009.

(a) Groundwater systems must comply with the treatment technique requirements of this section when a significant deficiency is identified.

(b) Groundwater systems must comply with the treatment technique requirements of this section when a groundwater source sample collected in accordance with OAR 333-061-0036(6)(r) through (t) or (w) is E. coli -positive.

(c) When a significant deficiency is identified at a public water system that uses both groundwater and surface water or groundwater under the direct influence of surface water, the system must comply with provisions of this section except in cases where the Authority determines that the significant deficiency is in a portion of the distribution system that is served solely by surface water or groundwater under the direct influence of surface water.

(d) Groundwater systems must consult with the Authority regarding the appropriate corrective action within 30 days of receiving written notice from the Authority of a significant deficiency, written notice from a laboratory that a groundwater source sample collected in accordance with OAR 333-061-0036(6)(s) was found to be E. coli -positive, or direction from the Authority that an E. coli -positive collected in accordance with OAR 333-061-0036(6)(r), (u)(A), or (w) requires corrective action.

(e) Within 120 days (or earlier if directed by the Authority) of receiving written notification from the Authority of a significant deficiency, written notice from a laboratory that a groundwater source sample collected in accordance with OAR 333-061-0036(6)(s) was found to be E. coli -positive, or direction from the Authority that an E. coli -positive sample collected in accordance with OAR 333-061-036(6)(r), (t), or (w) requires corrective action, the groundwater system must either:

(A) Have completed corrective action in accordance with applicable Authority plan review processes or other Authority guidance, including any Authority-specified interim measures; or

(B) Be in compliance with a Authority-approved corrective action plan and schedule subject to the following conditions:

(i) Any subsequent modifications to an approved corrective action plan and schedule must be approved by the Authority; and

(ii) If the Authority specifies interim measures for protection of the public health pending Authority approval of the corrective action plan and schedule, or pending completion of the corrective action plan, the system must comply with these interim measures as well as with any schedule specified by the Authority.

(f) Groundwater systems that meet the conditions of subsections (6)(a) or (6)(b) of this rule must implement one or more of the following corrective action alternatives:

(A) Correct all significant deficiencies;

(B) Provide an alternate source of water;

(C) Eliminate the source of contamination; or

(D) Provide treatment that reliably achieves at least 4-log inactivation, removal, or a combination of inactivation and removal of viruses before or at the first customer, for the groundwater source.

(g) A groundwater system with a significant deficiency is in violation of treatment technique requirements if, within 120 days (or earlier if directed by the Authority) of receiving written notice from the Authority of the significant deficiency, the water system:

(A) Does not complete corrective action in accordance with applicable Authority plan review processes or other Authority guidance, including Authority-specified interim actions and measures; or

(B) Is not in compliance with a Authority-approved corrective action plan and schedule.

(h) A groundwater system receiving notification of an E. coli -positive groundwater source sample (unless the Authority invalidates the sample in accordance with OAR 333-061-0036(6)(x)) is in violation of treatment technique requirements if, within 120 days (or earlier if directed by the Authority), the system:

(A) Does not complete corrective action in accordance with any applicable Authority plan review processes or other Authority guidance, including Authority-specified interim actions and measures; or

(B) Is not in compliance with a Authority-approved corrective action plan and schedule.

(i) A groundwater system, subject to the requirements of subsection (7)(b) of this rule, that fails to maintain at least 4-log treatment of viruses (using inactivation, removal, or a Authority-approved combination of 4-log virus inactivation and removal) before or at the first customer for a groundwater source is in violation of treatment technique requirements if the failure is not corrected within four hours of determining the system is not maintaining at least 4-log treatment of viruses before or at the first customer.

ADMINISTRATIVE RULES

(j) Systems using ground water sources shall provide continuous disinfection as prescribed in OAR 333-061-0050(5) under the following conditions:

(A) When there are consistent violations of the total coliform rule attributed to source water quality;

(B) When a potential health hazard exists as determined by the Authority.

(7) Compliance monitoring requirements for groundwater systems that provide at least 4-log treatment of viruses. Water systems must comply with the requirements of (7)(a) through (7)(c) of this rule beginning on December 1, 2009.

(a) A groundwater system that is not required to meet the source water monitoring requirements of 333-061-0036(6)(r) through 333-061-0036(6)(u) of these rules, because it provides at least 4-log treatment of viruses (using inactivation, removal, or an Authority-approved combination of 4-log virus inactivation and removal) before or at the first customer for any groundwater source, must comply with the requirements of this subsection by December 1, 2009 or within 30 days of placing the groundwater source in service, whichever is later.

(A) The water system must notify the Authority in writing, that it provides at least 4-log treatment of viruses (using inactivation, removal, or an Authority-approved combination of 4-log virus inactivation and removal) before or at the first customer for the groundwater source. Notification to the Authority must include engineering, operational, or other information that the Authority requests to evaluate the submission.

(B) The system must conduct compliance monitoring as required by subsection (7)(b) of this rule.

(C) The system must conduct groundwater source monitoring under OAR 333-061-0036(6) if the system subsequently discontinues 4-log treatment of viruses (using inactivation, removal, or an Authority-approved combination of 4-log virus inactivation and removal) before or at the first customer for the groundwater source.

(b) Monitoring requirements. A groundwater system subject to the requirements of section (6) or subsection (7)(a) of this rule must monitor the effectiveness and reliability of treatment for that groundwater source before or at the first customer as follows:

(A) Chemical Disinfection:

(i) Groundwater systems serving greater than 3,300 people must continuously monitor the residual disinfectant concentration using analytical methods as specified in OAR 333-061-0036(1), at a location approved by the Authority, and must record the lowest residual disinfectant concentration each day that water from the groundwater source is served to the public. The groundwater system must maintain the Authority-determined residual disinfectant concentration every day the groundwater system serves water from the groundwater source to the public. If there is a failure in the continuous monitoring equipment, the groundwater system must conduct grab sampling every four hours until the continuous monitoring equipment is returned to service. The system must resume continuous residual disinfectant monitoring within 14 days.

(ii) Groundwater systems serving 3,300 or fewer people must monitor the residual disinfectant concentration using analytical methods as specified in OAR 333-061-0036(1), at a location approved by the Authority, and record the residual disinfection concentration each day that water from the groundwater source is served to the public. The groundwater system must maintain the Authority-determined residual disinfectant concentration every day the groundwater system serves water from the groundwater source to the public. The groundwater system must take a daily grab sample during the hour of peak flow or at another time specified by the Authority. If any daily grab sample measurement falls below the Authority-determined residual disinfectant concentration, the groundwater system must take follow-up samples every four hours until the residual disinfectant concentration is restored to the Authority-determined level. Alternately, a groundwater system that serves 3,300 or fewer people may monitor continuously and meet the requirements of subparagraph (7)(b)(A)(i) of this rule.

(B) Membrane filtration. A groundwater system that uses membrane filtration to achieve at least 4-log removal of viruses must monitor and operate the membrane filtration process in accordance with all Authority-specified monitoring and compliance requirements. A groundwater system that uses membrane filtration is in compliance with the requirement to achieve at least 4-log removal of viruses when:

(i) The membrane has an absolute molecular weight cut-off (MWCO), or an alternate parameter describing the exclusion characteristics of the membrane, that can reliably achieve at least 4-log removal of viruses;

(ii) The membrane process is operated in accordance with Authority-specified compliance requirements; and

(iii) The integrity of the membrane is intact as verified per OAR 333-061-0050(4)(c)(J).

(C) Alternative treatment. A groundwater system that uses an Authority-approved alternative treatment to provide at least 4-log treatment of viruses (using inactivation, removal, or an Authority-approved combination of 4-log virus inactivation and removal) before or at the first customer must:

(i) Monitor the alternative treatment in accordance with all Authority-specified monitoring requirements; and

(ii) Operate the alternative treatment in accordance with all compliance requirements that the Authority determines to be necessary to achieve at least 4-log treatment of viruses.

(c) Discontinuing treatment. A groundwater system may discontinue 4-log treatment of viruses (using inactivation, removal, or an Authority-approved combination of 4-log virus inactivation and removal) before or at the first customer for a groundwater source if the Authority determines, and documents in writing, that 4-log treatment of viruses is no longer necessary for that groundwater source. A system that discontinues 4-log treatment of viruses is subject to the source water monitoring requirements of OAR 333-061-0036(6).

(8) Determination of groundwater under the direct influence of surface water (GWUDI).

(a) Except as listed in (8)(b) of this rule, all Public Water Systems using groundwater as a source of drinking water must evaluate their source(s) for the potential of direct influence of surface water if the source(s) is:

(A) In proximity to perennial or intermittent surface water, the source meets one of the distance-hydrogeologic setting criteria outlined below as specified by the Source Water Assessment or other Authority-approved hydrogeologic study:

(i) 500 feet within a fractured bedrock or layered volcanic aquifer;

(ii) 200 feet within a coarse sand, gravel and boulder aquifer;

(iii) 100 feet within a sand and gravel aquifer;

(iv) 75 feet within a sand aquifer;

(v) Greater distances if geologic conditions or historical monitoring data indicate additional risk at the source, and

(B) Has a confirmed or suspected history of coliform bacteria in the source; or

(C) Through the Source Water Assessment the source has been determined by the Authority to be highly sensitive as a result of aquifer characteristics, vadose zone characteristics, monitoring history or well construction.

(b) Notwithstanding the requirement given in subsection (8)(a) of this rule, systems that derive their water from wells using a hand pump only are not subject to this rule.

(c) Groundwater sources that meet one of the criteria in paragraph (8)(a)(A) of this rule and meet either the criteria in paragraphs (8)(a)(B) or (C) in this rule, must begin raw water (before treatment) coliform sampling of their drinking water source.

(d) Raw water samples must be collected monthly for a period not to exceed 12 months.

(e) Samples shall be marked as "special" and cannot be used in lieu of sampling required for routine coliform monitoring within the distribution system (after treatment). Nor can samples collected to satisfy routine coliform monitoring requirements be used to satisfy the requirements of this rule.

(f) If a raw water sample is reported as fecal or E. coli -positive, then the system must collect five additional raw water special samples within 24 hours of receiving notification from the laboratory.

(g) If any of the five additional special samples are fecal or E. coli -positive then the original fecal or E. coli -positive is considered confirmed and the system must have the raw water analyzed for surface water indicators using the microscopic particulate analysis (MPA) method described in subsection (8)(o) of this rule. Systems whose raw water samples are consistently total coliform positive may be required to conduct microscopic particulate analyses at the discretion of the Authority.

(h) A confirmed fecal or E. coli -positive sample from the raw water in an otherwise treated water system is not considered a violation of the coliform MCL and is not subject to the public notice or direct laboratory reporting requirements.

(i) If a water system experiences a confirmed fecal or E. coli positive test result of their raw water, no further monthly raw water testing is required.

ADMINISTRATIVE RULES

(j) Sources may be re-evaluated if geologic conditions or water quality trends change over time, as determined by the Authority.

(k) Sources that have been determined by the Source Water Assessment as not susceptible to being under the direct surface water influence are considered groundwater and do not need further evaluation.

(l) Public water systems that are required to evaluate their source(s) for direct influence of surface water may submit results of a hydrogeological assessment to demonstrate that the source is not potentially under the direct influence of surface water. The assessment must be consistent with the Oregon State Board of Geologist Examiners "Hydrology Report Guidelines," shall be completed within a time frame specified by the Authority and shall include the following:

(A) Well characteristics: well depth, screened or perforated interval, casing seal placement;

(B) Aquifer characteristics: thickness of the vadose zone, hydraulic conductivity of the vadose zone and the aquifer, presence of low permeability zones in the vadose zone, degree of connection between the aquifer and surface water;

(C) Hydraulic gradient: gradient between the aquifer and surface water source during pumping conditions, variation of static water level and surface water level with time;

(D) Groundwater flow: flow of water from the surface water source to the groundwater source during pumping conditions, estimated time-of-travel for groundwater from the surface water source to the well(s), spring(s), etc.; and

(E) The hydrogeologic assessment must be completed by an Oregon registered geologist or other licensed professional with demonstrated experience and competence in hydrogeology in accordance with ORS 672.505 through 672.705.

(m) Emergency groundwater sources that meet the criteria of subsection (a) of this section can either be evaluated as prescribed in subsection (8)(c) of this rule, or the evaluation can be waived if a Tier 2 public notice prescribed in OAR 333-061-0042 is issued each time the source is used. The notice must explain that the source has been identified as potentially under the direct influence of surface water, but has not been fully evaluated, and therefore may not be treated sufficiently to inactivate pathogens such as *Giardia lamblia* or *Cryptosporidium*.

(n) Water systems that derive their water from a confined aquifer and have been determined to be potentially under the direct influence of surface water solely as a result of inadequate well construction under paragraph (8)(a)(B) of this rule may choose to reconstruct their source according to construction standards as prescribed in OAR 333-061-0050.

(o) Water system sources that have been determined to be potentially under the direct influence of surface water must conduct a minimum of two Microscopic Particulate Analyses (MPAs) according to the "Consensus Method for Determining Groundwaters under the Direct Influence of Surface Water Using Microscopic Particulate Analysis (MPA)". Both Samples are to be taken during a period of high runoff or streamflow, separated by a period of at least four weeks, or at other times as determined by the Authority.

(p) Scoring of MPAs shall be partially modified from the "Consensus Method" according to Table 11. Scoring for *Giardia*, coccidia, rotifers, and plant debris remains unchanged. [Table not included. See ED. NOTE.]

(q) Determinations of water system source classification based on MPAs are made as follows:

(A) If all MPAs have a risk score of less than 10, the water system source is classified as groundwater;

(B) If any MPA risk score is greater than 19, or two or more are greater than 14, the water system source is classified as under the direct influence of surface water;

(C) If at least one MPA risk score is between 10 and 19 or both are between 10 and 15, an additional set of two MPAs must be taken. Determinations are made as follows:

(i) If four or all MPA risk scores are less than 15, the water system source is classified as groundwater; and

(ii) If two or more MPA risk scores are greater than 14, or one or more is greater than 19, the water system source is classified as under the direct influence of surface water;

(iii) Two additional MPAs must be taken if only one of four MPA risk scores is greater than 14. Scores will be evaluated according to subsection (8)(o) and (p) of this rule, or by further evaluation by the Authority.

(r) If an infiltration gallery, Ranney well, or dug well has been determined to be classified as groundwater under this rule, the turbidity of the source must be monitored and recorded daily and kept by the water system operator. If the turbidity exceeds 5 NTU or if the surface water body

changes course such that risk to the groundwater source is increased, an MPA must be taken at that time. Re-evaluation may be required by the Authority.

(s) The Authority can determine a groundwater source to be under the direct influence of surface water if the criteria in subsection (8)(a) of this rule are true and there are significant or relatively rapid shifts in groundwater characteristics, such as turbidity, which closely correlate to changes in weather or surface water conditions.

(t) If geologic conditions, water quality trends, or other indicators change, the Authority can require re-evaluation, as detailed in this section, of a source despite any data previously collected or any determination previously made.

(u) The Authority may determine that a source is not under direct influence of surface water based on criteria other than MPAs including the Source Water Assessment, source water protection, and other water quality parameters. The determinations shall be based on the criteria indicating that the water source has a very low susceptibility to contamination by parasites, including *Giardia* and *Cryptosporidium*. The Authority may impose additional monitoring or disinfection treatment requirements to ensure that the risk remains low.

(9) Requirements for groundwater sources under the direct influence of surface water seeking alternative filtration credit through bank filtration:

(a) Water systems with all MPA risk scores less than 30 may choose the option to evaluate for bank filtration credit. The water system must conduct a demonstration of performance study that includes an assessment of the ability of the local hydrogeologic setting to provide a minimum of 2-log reduction in the number of particles and microorganisms in the *Giardia* and *Cryptosporidium* size range between surface water and the groundwater source. The bank filtration study must include the following elements or other Authority approved methods:

(A) The bank filtration study must involve the collection of data on removal of biological surrogates and particles in the *Cryptosporidium* size range of 2–5 microns or other surrogates approved by the Authority, and related hydrogeologic and water quality parameters during the full range of operating conditions. The demonstration study methods shall be reviewed and approved by the Authority prior to implementation. Final assessment of removal credit granted to the well shall be made by the Authority based on the study results.

(b) If a GWUDI system using bank filtration as an alternative filtration technology violates the MCL for turbidity specified in OAR 333-061-0030(3)(b)(D), the water system must investigate the cause of the high turbidity within 24 hours of the exceedance. Pending the results of the investigation by the water system, the Authority may require a new bank filtration study.

(10) Disinfection Byproduct Control Requirements:

(a) This rule establishes criteria under which community water systems and Non-transient, Non-community water systems which add a chemical disinfectant to the water in any part of the drinking water treatment process must modify their practices to meet MCLs and MRDLs in OAR 333-061-0030 and 0031, respectively. This rule also establishes the treatment technique requirements for disinfection byproduct precursors. This rule establishes criteria under which transient non-community water systems that use chlorine dioxide as a disinfectant or oxidant must modify their practices to meet the MRDL for chlorine dioxide as specified in OAR 333-061-0031.

(b) Compliance dates.

(A) Community and Non-transient Non-community water systems serving at least 10,000 people using surface water or groundwater under the direct influence of surface water must comply with the treatment technique requirements of this rule as well as monitoring and maximum contaminants requirements for disinfection byproduct control as specified in OAR 333-061-0030 and 0036, respectively beginning January 1, 2002. Those systems serving fewer than 10,000 people using surface water or groundwater under the direct influence of surface water and those systems using only groundwater not under the direct influence of surface water must comply with the rules identified in this paragraph beginning January 1, 2004.

(B) Transient non-community water systems serving at least 10,000 people using surface water or groundwater under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the requirements for chlorine dioxide in this rule and OAR 333-061-0030 and 0036 beginning January 1, 2002. Those systems serving fewer than 10,000 persons using surface water or groundwater under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant and systems using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or

ADMINISTRATIVE RULES

oxidant must comply with the requirements for chlorine dioxide in this rule and OAR 333-061-0030 and 0036 beginning January 1, 2004.

(c) Water systems may increase residual disinfectant levels in the distribution system of chlorine or chloramines (but not chlorine dioxide) to a level and for a time necessary to protect public health, to address specific microbiological contamination problems caused by circumstances such as, but not limited to, distribution line breaks, storm run-off events, source water contamination events, or cross connection events.

(d) Treatment technique for control of disinfection by-product precursors. Community and Non-transient Non-community water systems using conventional filtration treatment must operate with enhanced coagulation or enhanced softening to achieve the total organic carbon (TOC) percent removal levels specified in subsection (10)(e) of this rule unless the system meets at least one of the alternative compliance criteria listed in paragraph (10)(d)(A) or (10)(d)(B) of this rule.

(A) Alternative compliance criteria for enhanced coagulation and enhanced softening systems. Water systems may use the alternative compliance criteria in subparagraphs (10)(d)(A)(i) through (vi) of this rule in lieu of complying with the performance criteria specified in subsection (e) of this section. Systems must still comply with monitoring requirements specified in OAR 333-061-0036(4)(n).

(i) The system's source water TOC level is less than 2.0 mg/L, calculated quarterly as a running annual average.

(ii) The system's treated water TOC level is less than 2.0 mg/L, calculated quarterly as a running annual average.

(iii) The system's source water TOC is less than 4.0 mg/L, calculated quarterly as a running annual average; the source water alkalinity is greater than 60 mg/L (as CaCO₃ calculated quarterly as a running annual average; and either the TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively; or prior to the effective date for compliance, the system has made a clear and irrevocable financial commitment not later than the effective date for compliance in this rule to use of technologies that will limit the levels of TTHMs and HAA5 to no more than 0.040 mg/L and 0.030 mg/L, respectively. Systems must submit evidence of a clear and irrevocable financial commitment, in addition to a schedule containing milestones and periodic progress reports for installation and operation of appropriate technologies, to the Authority for approval not later than the effective date for compliance in this rule. These technologies must be installed and operating not later than June 30, 2005. Failure to install and operate these technologies by the date in the approved schedule will constitute a violation of National Primary Drinking Water Regulations.

(iv) The TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively, and the system uses only chlorine for primary disinfection and maintenance of a residual in the distribution system.

(v) The system's source water SUVA, prior to any treatment and measured monthly is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average.

(vi) The system's finished water SUVA, measured monthly is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average.

(B) Additional alternative compliance criteria for softening systems. Systems practicing enhanced softening that cannot achieve the TOC removals required by paragraph (10)(e)(B) of this rule may use the alternative compliance criteria in subparagraphs (10)(d)(B)(i) and (ii) of this rule in lieu of complying with subsection (10)(e) of this rule. Systems must still comply with monitoring requirements in specified in OAR 333-061-0036(4)(n).

(i) Softening that results in lowering the treated water alkalinity to less than 60 mg/L (as CaCO₃), measured monthly and calculated quarterly as a running annual average.

(ii) Softening that results in removing at least 10 mg/L of magnesium hardness (as CaCO₃), measured monthly and calculated quarterly as a running annual average.

(e) Enhanced coagulation and enhanced softening performance requirements.

(A) Systems must achieve the percent reduction of TOC specified in paragraph (10)(e)(B) in this rule between the source water and the combined filter effluent, unless the Authority approves a system's request for alternate minimum TOC removal (Step 2) requirements under paragraph (10)(e)(C) of this rule.

(B) Required Step 1 TOC reductions, specified in Table 12, are based upon specified source water parameters. Systems practicing softening are required to meet the Step 1 TOC reductions in the far-right column (Source

water alkalinity >120 mg/L) for the specified source water TOC: [Table not included. See ED. NOTE.]

(C) Water systems that cannot achieve the Step 1 TOC removals required by paragraph (10)(e)(B) of this rule due to water quality parameters or operational constraints must apply to the Authority, within three months of failure to achieve the TOC removals required by paragraph (10)(e)(B) of this rule, for approval of alternative minimum TOC (Step 2) removal requirements submitted by the water system. If the Authority approves the alternative minimum TOC removal (Step 2) requirements, the Authority may make those requirements retroactive for the purposes of determining compliance. Until the Authority approves the alternate minimum TOC removal (Step 2) requirements, the water system must meet the Step 1 TOC removals contained in paragraph (10)(e)(B) of this rule.

(D) Alternate minimum TOC removal (Step 2) requirements. Applications made to the Authority by enhanced coagulation systems for approval of alternative minimum TOC removal (Step 2) requirements under paragraph (10)(e)(C) of this rule must include, as a minimum, results of bench-scale or pilot-scale testing conducted under subparagraph (10)(e)(D)(i) of this rule. The submitted bench-scale or pilot scale testing must be used to determine the alternate enhanced coagulation level.

(i) Alternate enhanced coagulation level is defined as coagulation at a coagulant dose and pH as determined by the method described in subparagraphs (10)(e)(D)(i) through (v) of this rule such that an incremental addition of 10 mg/L of alum (or equivalent amount of ferric salt) results in a TOC removal of less than or equal to 0.3 mg/L. The percent removal of TOC at this point on the "TOC removal versus coagulant dose" curve is then defined as the minimum TOC removal required for the system. Once approved by the Authority, this minimum requirement supersedes the minimum TOC removal required by the Table 12 in paragraph (10)(e)(B) of this rule. This requirement will be effective until such time as the Authority approves a new value based on the results of a new bench-scale and pilot-scale test. Failure to achieve Authority-set alternative minimum TOC removal levels is a violation.

(ii) Bench-scale or pilot-scale testing of enhanced coagulation must be conducted by using representative water samples and adding 10 mg/L increments of alum (or equivalent amounts of ferric salt) until the pH is reduced to a level less than or equal to the enhanced coagulation Step 2 target pH as specified in Table 13: [Table not included. See ED. NOTE.]

(iii) For waters with alkalinities of less than 60 mg/L for which addition of small amounts of alum or equivalent addition of iron coagulant drives the pH below 5.5 before significant TOC removal occurs, the system must add necessary chemicals to maintain the pH between 5.3 and 5.7 in samples until the TOC removal of 0.3 mg/L per 10 mg/L alum added (or equivalent addition of iron coagulant) is reached.

(iv) The system may operate at any coagulant dose or pH necessary, consistent with these rules to achieve the minimum TOC percent removal approved under paragraph (10)(e)(C) of this rule.

(v) If the TOC removal is consistently less than 0.3 mg/L of TOC per 10 mg/L of incremental alum dose at all dosages of alum (or equivalent addition of iron coagulant), the water is deemed to contain TOC not amenable to enhanced coagulation. The water system may then apply to the Authority for a waiver of enhanced coagulation requirements.

(f) Compliance calculations.

(A) Water systems other than those identified in paragraphs (10)(d)(A) or (d)(B) of this rule must comply with requirements contained in paragraph (10)(e)(B) or (C) of this rule. Systems must calculate compliance quarterly, beginning after the system has collected 12 months of data, by determining an annual average using the following method:

(i) Determine actual monthly TOC percent removal, equal to: $\{1 - (\text{treated water TOC} / \text{source water TOC})\} \times 100$

(ii) Determine the required monthly TOC percent removal (from either Table 9 in paragraph (10)(e)(B) of this rule or from paragraph (10)(e)(C) of this rule).

(iii) Divide the value in subparagraph (10)(f)(A)(i) of this rule by the value in subparagraph (10)(f)(A)(ii) of this rule.

(iv) Add together the results of subparagraph (10)(f)(A)(iii) of this rule for the last 12 months and divide by 12.

(v) If the value calculated in subparagraph (10)(f)(A)(iv) of this rule is less than 1.00, the water system is not in compliance with the TOC percent removal requirements.

(B) Water systems may use the provisions in subparagraphs (10)(f)(B)(i) through (v) of this rule in lieu of the calculations in subparagraph (10)(f)(A)(i) through (v) of this rule to determine compliance with TOC percent removal requirements.

ADMINISTRATIVE RULES

(i) In any month that the water system's treated or source water TOC level is less than 2.0 mg/L, the water system may assign a monthly value of 1.0 (in lieu of the value calculated in subparagraph (10)(f)(A)(iii) of this rule) when calculating compliance under the provisions of paragraph (10)(f)(A) of this rule.

(ii) In any month that a system practicing softening removes at least 10 mg/L of magnesium hardness (as CaCO₃), the water system may assign a monthly value of 1.0 (in lieu of the value calculated in subparagraph (10)(f)(A)(iii) of this rule) when calculating compliance under the provisions of paragraph (10)(f)(A) of this rule.

(iii) In any month that the water system's source water SUVA, prior to any treatment is less than or equal to 2.0 L/mg-m, the water system may assign a monthly value of 1.0 (in lieu of the value calculated in subparagraph (10)(f)(A)(iii) of this rule) when calculating compliance under the provisions of paragraph (10)(f)(A) of this rule.

(iv) In any month that the water system's finished water SUVA is less than or equal to 2.0 L/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in subparagraph (10)(f)(A)(iii) of this rule) when calculating compliance under the provisions of paragraph (10)(f)(A) of this rule.

(v) In any month that a system practicing enhanced softening lowers alkalinity below 60 mg/L (as CaCO₃), the water system may assign a monthly value of 1.0 (in lieu of the value calculated in subparagraph (10)(f)(A)(iii) of this rule) when calculating compliance under the provisions of paragraph (10)(f)(A) of this rule.

(C) Water systems using conventional treatment may also comply with the requirements of this section by meeting the criteria in paragraph (10)(d)(A) or (B) of this rule.

(g) Treatment technique requirements for DBP precursors. Treatment techniques to control the level of disinfection byproduct precursors in drinking water treatment and distribution systems are recognized by the Authority for water systems using surface water or groundwater under the direct influence of surface water using conventional treatment as enhanced coagulation or enhanced softening.

(11) Requirements for Water Treatment Plant Recycled Water

(a) Any water system using surface water or groundwater under the direct influence of surface water that uses conventional filtration treatment or direct filtration treatment and that recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes must meet the requirements of subsections (10)(b) and (c) of this rule and OAR 333-061-0040(2)(i).

(b) A water system must notify the Authority in writing by December 8, 2003 if that water system recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes. This notification must include, at a minimum, the information specified in paragraphs (10)(b)(A) and (B) of this rule.

(A) A water treatment plant schematic showing the origin of all flows which are recycled (including, but not limited to, spent filter backwash water, thickener supernatant, and liquids from dewatering processes), the hydraulic conveyance used to transport them, and the location where they are re-introduced back into the water treatment plant.

(B) Typical recycle flow in gallons per minute (gpm), the highest observed water treatment plant flow experienced in the previous year (gpm), the design flow for the water treatment plant (gpm), and the operating capacity of the water treatment plant (gpm) that has been determined by the Authority where the Authority has made such determinations.

(c) Any water system that recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes must return these flows through the processes of a system's existing conventional filtration treatment plant or direct filtration treatment plant as defined by these rules or at an alternate location approved by the Authority by June 8, 2004. If capital improvements are required to modify the recycle location to meet this requirement, all capital improvements must be completed no later than June 8, 2006.

(12) Water systems using uncovered finished water storage facilities must comply with the conditions of either subsections (12)(a) or (b) of this rule for each uncovered finished water storage facility, or be in compliance with a Authority-approved schedule to meet these conditions no later than April 1, 2009.

(a) Water systems must cover any uncovered finished water storage facility; or

(b) Treat the discharge from the uncovered finished water storage facility into the distribution system to achieve at least 4-log virus, 3-log *Giardia lamblia*, and 2-log *Cryptosporidium* inactivation and/or removal using a protocol approved by the Authority.

(c) Failure to comply with the requirements of this section is a violation of the treatment technique requirement.

(13) Summary and General Requirements of Microbial toolbox options for meeting *Cryptosporidium* treatment requirements. Filtered water systems are eligible for the treatment credits listed in Table 14 of this section by meeting the conditions for microbial toolbox options described in sections (14) through (18) of this rule and in OAR 333-061-0036(5)(c). Unfiltered water systems are eligible only for the treatment credits specified as inactivation toolbox options in Table 14. Water systems apply these treatment credits to meet the requirements of subsections (3)(e) or (4)(g) of this rule, as applicable. [Table not included. See ED. NOTE.]

(14) Source toolbox components for meeting *Cryptosporidium* treatment requirements.

(a) Watershed control program. Water systems receive 0.5-log *Cryptosporidium* treatment credit for implementing a watershed control program that meets the requirements of this subsection.

(A) Water systems must notify the Authority of the intent to apply for the watershed control program credit no later than two years prior to the treatment compliance date applicable to the system in subsection (1)(a) of this rule.

(B) Water systems must submit a proposed watershed control plan to the Authority no later than one year before the applicable treatment compliance date in subsection (1)(a) of this rule. The Authority must approve the watershed control plan for the water system to receive the applicable treatment credit. The watershed control plan must include the following elements:

(i) Identification of an area of influence, outside of which the likelihood of *Cryptosporidium* or fecal contamination affecting the treatment plant intake is not significant. This is the area to be evaluated in future watershed surveys under subparagraph (14)(a)(E)(ii) of this rule;

(ii) Identification of both potential and actual sources of *Cryptosporidium* contamination, and an assessment of the relative impact of these contamination sources on the water system's source water quality;

(iii) An analysis of the effectiveness and feasibility of control measures that could reduce *Cryptosporidium* loading from sources of contamination to the system's source water; and

(iv) A statement of goals and specific actions the system will undertake to reduce source water *Cryptosporidium* levels. The plan must explain how the actions are expected to contribute to specific goals, identify watershed partners and their roles, identify resource requirements and commitments, and include a schedule for plan implementation with deadlines for completing specific actions identified in the plan.

(C) Water Systems with existing watershed control programs are eligible to seek this credit, but must meet the requirements prescribed in paragraph (14)(a)(B) of this rule, and must specify ongoing and future actions that will reduce source water *Cryptosporidium* levels.

(D) If the Authority does not respond to a water system regarding approval of a watershed control plan submitted in accordance with this section, and the system meets the other requirements of this section, the watershed control program will be considered approved and a 0.5 log *Cryptosporidium* treatment credit will be awarded unless the Authority subsequently withdraws such approval.

(E) Water systems must complete the actions specified in this paragraph to maintain the 0.5-log credit.

(i) Water systems must submit an annual watershed control program status report to the Authority. The status report must describe the water system's implementation of the approved plan, and assess the adequacy of the plan to meet its goals. It must explain how the water system is addressing any deficiencies in plan implementation, including those previously identified by the Authority, or as the result of the watershed survey conducted in accordance with subparagraph (14)(a)(E)(ii) of this rule. The watershed control program status report must also describe any significant changes that have occurred in the watershed since the last watershed sanitary survey.

(ii) Water systems must undergo a watershed sanitary survey every three years for community water systems and every five years for non-community water systems and submit the survey report to the Authority. The survey must be conducted according to Authority guidelines and by persons the Authority approves.

(I) The watershed sanitary survey must meet the following criteria: encompass the region identified in the Authority approved watershed control plan as the area of influence; assess the implementation of actions to reduce source water *Cryptosporidium* levels; and identify any significant new sources of *Cryptosporidium*.

ADMINISTRATIVE RULES

(II) If the Authority determines that significant changes may have occurred in the watershed since the previous watershed sanitary survey, water systems must undergo another watershed sanitary survey by a date determined by the Authority regardless of the regular date specified in subparagraph (14)(a)(E)(ii) of this rule.

(iii) The water system must make the watershed control plan, annual status reports, and watershed sanitary survey reports available to the public upon request. These documents must be in a plain language style and include criteria by which to evaluate the success of the program in achieving plan goals. The Authority may approve withholding portions of the annual status report, watershed control plan, and watershed sanitary survey from the public based on water supply security considerations.

(F) If the Authority determines that a water system is not implementing the approved watershed control plan, the Authority may withdraw the watershed control program treatment credit.

(G) If a water system determines, during implementation, that making a significant change to its approved watershed control program is necessary, the system must notify the Authority prior to making any such changes. If any change is likely to reduce the level of source water protection, the system must notify the Authority of the actions the water system will take to mitigate this effect.

(b) Alternative source. A water system may conduct source water monitoring that reflects a different intake location (either in the same source or from an alternate source), or a different procedure for the timing or level of withdrawal from the source. If the Authority approves, a system may determine its bin classification under subsection (4)(f) of this rule based on the alternative source monitoring results.

(A) If a water system conducts alternative source monitoring as prescribed by this subsection, the water system must also monitor their current plant intake concurrently as prescribed by OAR 333-061-0036(5)(e).

(B) Alternative source monitoring as prescribed by this subsection must meet the requirements for source monitoring to determine bin classification, as described in OAR 333-061-0036(1), OAR 333-061-0036(5)(e) through (g), and OAR 333-061-0040(1)(m). Water systems must report the alternative source monitoring results to the Authority, including supporting information that documents the operating conditions under which the samples were collected.

(C) If a system determines its bin classification according to subsection (4)(f) of this rule using alternative source monitoring results that reflect a different intake location or a different procedure for managing the timing or level of withdrawal from the source, the system must relocate the intake or permanently adopt the withdrawal procedure, as applicable, no later than the applicable treatment compliance date in subsection (1)(a) of this rule.

(15) Pre-filtration treatment toolbox components for meeting Cryptosporidium treatment requirements.

(a) Presedimentation. Systems receive 0.5-log Cryptosporidium treatment credit for a presedimentation basin during any month the process meets the criteria specified in this paragraph:

(A) The presedimentation basin must be in continuous operation, and must treat the entire plant flow taken from a surface water or GWUDI source;

(B) The water system must continuously add a coagulant to the presedimentation basin; and

(C) The presedimentation basin must achieve the performance criteria specified in this paragraph.

(i) The basin must demonstrate at least 0.5-log mean reduction of influent turbidity. This reduction must be determined using daily turbidity measurements of the presedimentation process influent and effluent, and must be calculated as follows: $\log_{10}(\text{monthly mean of daily influent turbidity}) - \log_{10}(\text{monthly mean of daily effluent turbidity})$.

(ii) The basin must also comply with Authority-approved performance criteria that demonstrates at least 0.5-log mean removal of micron-sized particulate material through the presedimentation process.

(b) Two-stage lime softening. Systems receive an additional 0.5-log Cryptosporidium treatment credit for a two-stage lime softening plant if chemical addition and hardness precipitation occur in two separate and sequential softening stages prior to filtration. Both softening stages must treat the entire plant flow taken from a surface water or GWUDI source.

(c) Bank filtration. Water systems receive Cryptosporidium treatment credit for bank filtration that serves as pretreatment to a filtration plant by meeting the criteria specified in this section. Water systems using bank filtration when they begin source water monitoring according to OAR 333-061-0036(5)(e) must collect samples as prescribed by OAR 333-061-0036(5)(g) and are not eligible for this credit.

(A) Wells with a groundwater flow path of at least 25 feet receive 0.5-log treatment credit. Wells with a groundwater flow path of at least 50 feet receive 1.0-log treatment credit. The groundwater flow path must be determined as specified in paragraph (D) of this subsection.

(B) Only wells in granular aquifers are eligible for treatment credit. Granular aquifers are those comprised of sand, clay, silt, rock fragments, pebbles or larger particles, and minor cement. A water system must characterize the aquifer at the well site to determine aquifer properties.

(i) Water systems must extract a core from the aquifer and demonstrate that in at least 90 percent of the core length, grains less than 1.0 mm in diameter constitute at least 10 percent of the core material.

(C) Only horizontal and vertical wells are eligible for treatment credit.

(D) For vertical wells, the groundwater flow path is the measured distance from the edge of the surface water body under high flow conditions (as determined by the 100 year floodplain elevation boundary or by the floodway, as defined in Federal Emergency Management Agency flood hazard maps) to the well screen. For horizontal wells, the groundwater flow path is the measured distance from the bed of the river under normal flow conditions to the closest horizontal well lateral screen.

(E) Water systems must monitor each wellhead for turbidity at least once every four hours while the bank filtration process is in operation. If monthly average turbidity levels, based on daily maximum values in the well, exceed 1 NTU, the system must report this result to the Authority and conduct an assessment within 30 days to determine the cause of the high turbidity levels in the well. If the Authority determines that microbial removal has been compromised, the Authority may revoke treatment credit until the water system implements Authority-approved corrective actions to remediate the problem.

(F) Springs and infiltration galleries are not eligible for treatment credit under this section, but are eligible for a treatment credit in accordance with subsection (16)(c) of this rule.

(G) Bank filtration demonstration of performance. The Authority may approve Cryptosporidium treatment credit for bank filtration based on a demonstration of performance study that meets the criteria in this paragraph. This treatment credit may be greater than 1.0-log and may be awarded to bank filtration that does not meet the criteria in (15)(c)(A) through (E) of this rule.

(i) The study must follow a Authority-approved protocol, and must include the collection of data on the removal of Cryptosporidium or a surrogate for Cryptosporidium and related hydrogeologic and water quality parameters during the full range of operating conditions.

(ii) The study must include sampling from both the production well(s) and monitoring wells that are screened and located along the shortest flow path between the surface water source and the production well(s).

(16) Treatment performance toolbox components for meeting Cryptosporidium treatment requirements.

(a) Combined filter performance. Water systems using conventional filtration treatment or direct filtration treatment receive an additional 0.5-log Cryptosporidium treatment credit during any month that the water system meets the criteria in this subsection. Combined filter effluent (CFE) turbidity must be less than or equal to 0.15 NTU in at least 95 percent of the measurements. Turbidity must be measured as described in OAR 333-061-0036(5)(a)(B).

(b) Individual filter performance. Water systems using conventional filtration treatment or direct filtration treatment receive 0.5-log Cryptosporidium treatment credit, which can be in addition to the 0.5-log credit under subsection (16)(a) of this rule, during any month the system meets the criteria in this subsection. Compliance with this criteria must be based on individual filter turbidity monitoring as described in OAR 333-061-0036(5)(d).

(A) The filtered water turbidity for each individual filter must be less than or equal to 0.15 NTU in at least 95 percent of the measurements recorded each month.

(B) No individual filter may have a measured turbidity greater than 0.3 NTU in two consecutive measurements taken 15 minutes apart.

(C) Any system that has received treatment credit for individual filter performance and fails to meet the requirements of paragraphs (16)(b)(A) or (B) of this rule, during any month, is in violation of treatment technique requirements as prescribed by subsection (4)(g) of this rule unless the Authority determines the following:

(i) The failure was due to unusual and short-term circumstances that could not reasonably be prevented through optimizing treatment plant design, operation, or maintenance; and

ADMINISTRATIVE RULES

(ii) The system has experienced no more than two such failures in any calendar year.

(c) Demonstration of performance. The Authority may approve Cryptosporidium treatment credit for water treatment processes based on a demonstration of performance study that meets the criteria in this subsection. This treatment credit may be greater than or less than the prescribed treatment credits in subsection (4)(g) or sections (15) through (18) of this rule and may be awarded to treatment processes that do not meet the criteria for the prescribed credits.

(A) Water systems cannot receive the prescribed treatment credit for any toolbox option in sections (15) through (18) of this rule, if that toolbox option is included in a demonstration of performance study for which treatment credit is awarded under this subsection.

(B) The demonstration of performance study must follow a Authority-approved protocol, and must demonstrate the level of Cryptosporidium reduction achieved by the treatment process under the full range of expected operating conditions for the water system.

(C) Approval by the Authority must be in writing, and may include monitoring and treatment performance criteria that the system must demonstrate and report on an ongoing basis to remain eligible for the treatment credit. The Authority may require such criteria where necessary to verify that the conditions under which the demonstration of performance credit was approved are maintained during routine operation.

(17) Additional filtration toolbox components for meeting Cryptosporidium treatment requirements.

(a) Bag and cartridge filters. Systems receive Cryptosporidium treatment credit of up to 2.0-log for individual bag or cartridge filters and up to 2.5-log for bag or cartridge filters operated in series by meeting the requirements in OAR 333-061-0050(4)(c)(J). To be eligible for this credit, water systems must report to the Authority, the results of challenge testing conducted in accordance with 333-061-0050(4)(c)(J). The filters must treat the entire plant flow.

(b) Membrane filtration. Systems receive Cryptosporidium treatment credit for membrane filtration that meets the requirements of this paragraph. Membrane cartridge filters that meet the definition of membrane filtration in OAR 333-061-0020(122) are eligible for this credit. The level of treatment credit a system receives is equal to the lower of the values determined under 333-061-0050(4)(c)(H)(i) and (ii).

(c) Second stage filtration. Water systems receive 0.5-log Cryptosporidium treatment credit for a separate second stage of Authority-approved filtration that consists of sand, dual media, GAC, or other fine grain media following granular media filtration. To be eligible for this credit, the first stage of filtration must be preceded by a coagulation step and, both filtration stages must treat the entire plant flow taken from a surface water or GWUDI source. The Authority must assign the treatment credit based on an assessment of the design characteristics of the filtration process. A cap (added layer of filter media), such as GAC, on a single stage of filtration is not eligible for this credit.

(d) Slow sand filtration (as secondary filter). Water systems are eligible to receive 2.5-log Cryptosporidium treatment credit for a slow sand filtration process that follows a separate stage of filtration if both filtration stages treat the entire plant flow taken from a surface water or GWUDI source, and no disinfectant residual is present in the influent water to the slow sand filtration process. The Authority must assign the treatment credit based on an assessment of the design characteristics of the filtration process. This subsection does not apply to treatment credit awarded to slow sand filtration used as a primary filtration process.

(18) Inactivation toolbox components for meeting Cryptosporidium treatment requirements.

(a) If Chlorine Dioxide is used, CT values in Table 35 must be met. [Table not included. See ED. NOTE.]

(b) If Ozone is used, CT values in Table 36 must be met. [Table not included. See ED. NOTE.]

(c) To receive treatment credit for UV light, water systems must treat at least 95 percent of the water delivered to the public during each month by UV reactors operating within validated conditions for the required UV dose, as prescribed by OAR 333-061-0036(5)(c)(D) and OAR 333-061-0050(5)(k)(I). Systems must demonstrate compliance with this condition by the monitoring required in OAR 333-061-0036(5)(c)(D)(ii).

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

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 431.110, 431.150, 448.175 & 448.273

Hist.: HD 26-1990, f. 12-26-90, cert. ef. 12-29-90; HD 7-1992, f. & cert. ef. 6-9-92; HD 12-1992, f. & cert. ef. 12-7-92; HD 14-1997, f. & cert. ef. 10-31-97; OHD 4-1999, f. 7-14-99, cert. ef. 7-15-99; OHD 7-2000, f. 7-1-00, cert. ef. 7-15-00; OHD 23-2001, f. & cert. ef. 10-31-01; OHD 17-2002, f. & cert. ef. 10-25-02; PH 12-2003, f. & cert. ef. 8-15-03; PH 33-2004, f. & cert. ef. 10-21-04; PH 2-2006, f. & cert. ef. 1-31-06; PH 2-2008, f. & cert. ef. 2-

15-08; PH 4-2009, f. & cert. ef. 5-18-09; PH 7-2010, f. & cert. ef. 4-19-10; PH 13-2012, f. & cert. ef. 9-10-12

333-061-0036

Sampling and Analytical Requirements

(1) General:

(a) Analyses must be conducted by EPA approved methods in accordance with the analytical requirements set forth in 40 CFR 141. Samples analyzed for the purposes of this rule shall be collected after the water has been allowed to flow from the sample tap for a sufficient length of time to assure that the collected sample is representative of water in the distribution system or from the water source as applicable, except for samples collected to determine corrosion by-products. Analysis and handling of Cryptosporidium and E. coli samples collected in accordance with subsections (5)(e) through (5)(h) of this rule must be conducted using EPA approved methods and must meet the requirements set forth in 40 CFR 141.704.

(b) Alternate Analytical Methods:

(A) With the written permission of the Authority, and concurred in by the Administrator of the U.S. EPA, an alternate analytical method may be employed on the condition that it is substantially equivalent to the prescribed test in both precision and accuracy as it relates to the determination of compliance with any MCL; and

(B) The use of the alternate analytical method shall not decrease the frequency of sampling required by these rules.

(c) Accredited laboratories:

(A) For the purpose of determining compliance with the maximum contaminant levels and the sampling requirements of these rules, the Authority will only accept results from samples that have been handled and documented in accordance with Oregon Environmental Laboratory Accreditation Program (ORELAP) standards, and analyzed by a laboratory accredited by ORELAP, except as prescribed by paragraph (1)(c)(D) of this rule. Accredited laboratories will be considered a primary or subcontracted laboratory as specified by subparagraphs (1)(c)(A)(i) and (ii) of this rule.

(i) A primary laboratory is the first accredited laboratory that receives a compliance sample for analysis, and is responsible for chain of custody documentation (if applicable), performing the analytical method on a compliance sample (if applicable), final report review, and submission of results to the water system and the Authority as specified in OAR 333-061-0040(1)(b)(B). Primary laboratories must hold primary or secondary ORELAP accreditation.

(ii) A subcontracted laboratory is an accredited laboratory that performs the analytical method on a compliance sample, and is responsible for sample analysis and result reporting to the primary laboratory as specified in OAR 333-061-0040(1)(b)(B). Subcontracted laboratories must hold ORELAP primary or secondary accreditation for the appropriate method(s).

(B) Measurements for turbidity, disinfectant residual, temperature, alkalinity, calcium, conductivity, chloride, bromide, TOC, SUVA, dissolved organic carbon (DOC), UV254, orthophosphate, silica and pH may be performed on site using approved methods by individuals trained in sampling and testing techniques. Daily chlorite samples measured at the entrance to the distribution system must be performed by a party approved by the Authority.

(C) Nothing in these rules shall be construed to preclude the Authority or any of its duly authorized representatives from taking samples and from using the results of such samples to determine compliance with applicable requirements of these rules.

(D) All analysis for Cryptosporidium must be conducted by a laboratory that is approved by EPA's Laboratory Quality Assurance Evaluation Program for Analysis of Cryptosporidium in Water or a laboratory certified for Cryptosporidium analysis by the Authority.

(d) Monitoring of purchasing water systems:

(A) When a public water system obtains its water, in whole or in part, from one or more public water systems, the monitoring requirements imposed by these rules on the purchasing water system may be modified by the Authority to the extent that the system supplying the water is in compliance with its source monitoring requirements. When a public water system supplies water to one or more other public water systems, the Authority may modify monitoring requirements imposed by this rule to the extent that the interconnection of the systems justifies treating them as a single system for monitoring purposes.

(B) Any modified monitoring shall be conducted pursuant to a schedule specified by the Authority and concurred in by the Administrator of the US Environmental Protection Agency.

(e) Water suppliers shall monitor each water source individually for contaminants listed in OAR 333-061-0030 (Maximum Contaminant

ADMINISTRATIVE RULES

Levels), except for coliform bacteria, TTHMs and corrosion by-products, at the entry point to the distribution system except as described below. Any such modified monitoring shall be conducted pursuant to a schedule prescribed by the Authority.

(A) If the system draws water from more than one source and sources are combined before distribution, the system may be allowed to sample at an entry point to the distribution system during normal operating conditions, where justified, taking into account operational considerations, geologic and hydrologic conditions, and other factors.

(B) If a system draws water from multiple ground water sources which are not combined before distribution, the system may be allowed to sample at a representative source or sources, where justified, taking into account geologic and hydrogeologic conditions, land uses, well construction, and other factors.

(f) Compliance with MCLs shall be based on each sampling point as described in this section. If any point is determined to be out of compliance, the system shall be deemed out of compliance. If an entirely separated portion of a water system is out of compliance, then only that portion of the system shall be deemed out of compliance.

(g) The Authority may require additional sampling and analysis for the contaminants included in OAR 333-061-0030 (Maximum Contaminant Levels) when necessary to determine whether an unreasonable risk to health exists. The Authority may also require sampling and analysis for additional contaminants not included in OAR 333-061-0030 (Maximum Contaminant Levels) when necessary for public health protection.

(h) Water suppliers and their appointed representatives shall collect water samples from representative locations in the water system as prescribed in this rule and shall employ proper sampling procedures and techniques. Samples submitted to laboratories for analysis shall be clearly identified and shall include the name of the water system, public water system identification number, sampling date, and time, sample location identifying the sample tap, the name of the person collecting the sample and be labeled as follows:

(A) Routine: These are samples collected from established sampling locations within a water system at specified frequencies to satisfy monitoring requirements as prescribed in this rule. These samples are used to calculate compliance with maximum contaminant levels prescribed in OAR 333-061-0030(4);

(B) Repeat: These are samples collected as a follow-up to a routine sample that has exceeded a maximum contaminant level as prescribed in OAR 333-061-0030. Repeat samples are also used to calculate compliance with maximum contaminant levels prescribed in OAR 333-061-0030(4);

(C) Special: These are samples collected to supplement routine monitoring samples and are not required to be reported to the Authority. Samples of this type are not considered representative of the water system and are outside the scope of normal quality assurance and control procedures and/or the established compliance monitoring program. Special samples include, but are not limited to, samples taken for special studies, user complaints, post construction/repair disinfection, sources not in service and raw water prior to treatment, except as required by this rule.

(2) Inorganic chemicals:

(a) Antimony, Arsenic, Barium, Beryllium, Cadmium, Chromium, Cyanide, Fluoride, Mercury, Nickel, Selenium and Thallium.

(A) Sampling of water systems for regulated Inorganic Chemicals shall be conducted as follows:

(i) Community and Non-Transient Non-Community Water systems using surface water sources or groundwater sources under the direct influence of surface water solely or a combination of surface and ground water sources shall sample at each point in the distribution system representative of each source after treatment or at entry points to the distribution system after any application of treatment. Surface water systems shall collect samples annually at each sampling point beginning in the initial compliance period according to the schedule in subsection (2)(j) of this rule. The water system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(ii) Community and Non-Transient Non-Community Water systems using ground water sources shall sample at each point in the distribution system representative of each source after treatment or at entry points to the distribution system representative of each source after any application of treatment. Ground water systems shall collect samples once every three years at each sampling point beginning in the initial compliance period according to the schedule in subsection (2)(j) of this rule. The water system shall take each sample at the same sampling point unless conditions make

another sampling point more representative of each source or treatment plant.

(iii) All new Transient Non-Community and State Regulated water systems or existing Transient Non-Community, and State Regulated water systems with new sources shall sample once for arsenic. Samples are to be collected at the entry points to the distribution system representative of each source after any application of treatment.

(iv) If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions when water is representative of all the sources being used.

(B) The Authority may allow compositing of samples from a maximum of 5 sampling points, provided that the detection limit of the method used for analysis is less than one-fifth of the MCL. Compositing of samples is to be done in the laboratory. Composite samples must be analyzed within 14 days of collection. If the concentration in the composite sample is equal to or greater than one-fifth of the MCL of any inorganic chemical listed in section (2) of this rule, then a follow-up sample must be taken for the contaminants which exceeded one-fifth of the MCL within 14 days at each sampling point included in the composite. If duplicates of the original sample taken from each sampling point used in the composite are available, the system may use these instead of resampling. The duplicates must be analyzed and the results reported to the Authority within 14 days of collection. If the population served by the water system is >3,300 persons, then compositing can only be allowed within the system. In systems serving ≤3,300 persons, compositing is allowed among multiple systems provided the 5 sample limit is maintained.

(C) Water systems may apply to the Authority for a waiver from the monitoring frequencies specified in paragraph (2)(a)(A) of this rule on the condition that the system shall take a minimum of one sample while the waiver is effective and the effective period for the waiver shall not exceed one nine-year compliance cycle.

(i) The Authority may grant a waiver provided surface water systems have monitored annually for at least three years and groundwater systems have conducted a minimum of three rounds of monitoring (at least one sample shall have been taken since January 1, 1990), and all analytical results are less than the maximum contaminant levels prescribed in OAR 333-061-0030 for inorganic chemicals. Systems that use a new water source are not eligible for a waiver until three rounds of monitoring from the new source have been completed.

(ii) Waivers granted by the Authority shall be in writing and shall set forth the basis for the determination. The Authority shall review and revise, where appropriate, its determination of the appropriate monitoring frequency when the system submits new monitoring data or where other data relevant to the system's appropriate monitoring frequency become available. In determining the appropriate reduced monitoring frequency, the Authority shall consider the reported concentrations from all previous monitoring; the degree of variation in reported concentrations; and other factors which may affect concentrations such as changes in groundwater pumping rates, changes in the system's configuration, changes in the system's operating procedures, or changes in stream flows or characteristics.

(D) Systems which exceed the maximum contaminant levels as calculated in subsection (2)(i) of this rule shall monitor quarterly beginning in the next quarter after the violation occurred. The Authority may decrease the quarterly monitoring requirement to the frequencies prescribed in paragraph (2)(a)(A) of this rule when it is determined that the system is reliably and consistently below the maximum contaminant level. Before such a decrease is permitted a groundwater system must collect at least two quarterly samples and a surface water system must collect a minimum of four quarterly samples.

(E) All new systems or systems that use a new source of water must demonstrate compliance with the MCL within a period of time specified by the Authority. The system must also comply with the initial sampling frequencies specified by the Authority to ensure a system can demonstrate compliance with the MCL. Routine and increased monitoring frequencies shall be conducted in accordance with the requirements in this section.

(b) Asbestos:

(A) Community and Non-Transient Non-Community water systems regardless of source, shall sample for Asbestos at least once during the initial three-year compliance period of each nine-year compliance cycle starting January 1, 1993 according to the schedule under subsection (2)(j) of this rule unless a water system applies for a waiver and the waiver is granted by the Authority.

(B) As reviewed by the Authority, if the water system is determined not to be vulnerable to either asbestos contamination in its source water or

ADMINISTRATIVE RULES

due to corrosion of asbestos-cement pipe, or both, a waiver may be granted. If granted, the water system will not be required to monitor while the waiver remains in effect. A waiver remains in effect until the completion of the three year compliance period.

(C) A system vulnerable to asbestos contamination due solely to corrosion of asbestos-cement pipe shall take one sample at a tap served by the asbestos-cement pipe under conditions where asbestos contamination is most likely to occur.

(D) A system vulnerable to asbestos contamination due solely to source water shall monitor for asbestos once every nine years.

(E) A system vulnerable to asbestos contamination due both to its source water supply and corrosion of asbestos-cement pipe shall take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.

(F) A System which exceeds the maximum contaminant levels for asbestos as prescribed in subsection (2)(i) of this rule shall monitor quarterly beginning in the next quarter after the violation occurred. If the Authority determines that the system is reliably and consistently below the maximum contaminant level based on a minimum of two quarterly samples for groundwater systems or a minimum of four quarterly samples for surface water systems or combined surface water/groundwater systems, the system may return to the sampling frequency prescribed in paragraph (2)(b)(A) of this rule.

(G) If monitoring data collected after January 1, 1990 are generally consistent with subsection (2)(b) of this rule, then the Authority may allow the system to use these data to satisfy monitoring requirements for the three-year compliance period beginning January 1, 1993.

(c) Lead and Copper:

(A) Community and Non-Transient, Non-Community water systems shall monitor for lead and copper in tap water as follows: Sample site location:

(i) Each water system shall complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this paragraph, and which is sufficiently large to ensure that the water system can collect the number of lead and copper tap samples required in paragraph (2)(c)(C) of this rule. All sites from which first draw samples are collected shall be selected from this pool of targeted sampling sites. Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants.

(ii) In addition to any information that may have been gathered under the special corrosivity monitoring requirements, the water system shall review the sources of information listed below in order to identify a sufficient number of sampling sites:

(I) All plumbing codes, permits, and records in the files of the building department(s) which indicate the plumbing materials that are installed within publicly and privately owned structures connected to the distribution system; and

(II) All existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations.

(iii) The sampling sites selected for a Community water system's sampling pool ("tier 1 sampling sites") shall consist of single family structures that contain copper pipes with lead solder installed from January 1, 1983 through June 30, 1985 or contain lead pipes. When multiple-family residences comprise at least 20 percent of the structures served by a water system, the system may include these types of structures in its sampling pool.

(iv) Any Community water system with insufficient tier 1 sampling sites shall complete its sampling pool with "tier 2 sampling sites", consisting of buildings, including multiple-family residences that contain copper pipes with lead solder installed from January 1, 1983 through June 30, 1985 or contain lead pipes.

(v) Any Community water system with insufficient tier 1 and tier 2 sampling sites shall complete its sampling pool with "tier 3 sampling sites", consisting of single family structures that contain copper pipes with lead solder installed before 1983. A community water system with insufficient tier 1, tier 2 and tier 3 sampling sites shall complete its sampling pool with representative sites throughout the distribution system. A representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the system.

(vi) The sampling sites selected for a Non-Transient Non-Community water system ("tier 1 sampling sites") shall consist of buildings that contain

copper pipes with lead solder installed from January 1, 1983 through June 30, 1985 or contain lead pipes.

(vii) A Non-Transient Non-Community water system with insufficient tier 1 sites that meet the targeting criteria in subparagraph (2)(c)(A)(vi) of this rule shall complete its sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983. If additional sites are needed, the system shall use representative sites throughout the distribution system. A representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

(viii) Any water system whose sampling pool does not consist exclusively of tier 1 sites shall demonstrate in a letter submitted to the Authority under OAR 333-061-0040(1)(h)(A)(i) why a review of the information listed in subparagraph (2)(c)(A)(ii) of this rule was inadequate to locate a sufficient number of tier 1 sites. Any Community water system which includes tier 3 sampling sites in its sampling pool shall demonstrate in such a letter why it was unable to locate a sufficient number of tier 1 and tier 2 sampling sites.

(B) Monitoring requirements for lead and copper in tap water. Sample collection methods:

(i) All tap samples for lead and copper collected in accordance with this paragraph shall be first draw samples.

(ii) Each first-draw tap sample for lead and copper shall be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours. First-draw samples from residential housing shall be collected from the cold-water kitchen tap or bathroom sink tap. First-draw samples from a non-residential building shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. First-draw samples may be collected by the system or the system may allow residents to collect first-draw samples after instructing the residents of the sampling procedures specified in this paragraph. To avoid problems of residents handling nitric acid, acid fixation of first draw samples may be done up to 14 days after the sample is collected. If a system allows residents to perform sampling, the system may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.

(iii) A water system shall collect each first-draw tap sample from the same sampling site from which it collected a previous sample. If, for any reason, the water system cannot gain entry to a sampling site in order to collect a follow-up tap sample, the system may collect the follow-up tap sample from another sampling site in its sampling pool as long as the new site meets the same targeting criteria, and is within reasonable proximity of the original site.

(C) Monitoring requirements for lead and copper in tap water. Number of samples: Water systems shall collect at least one sample during each monitoring period specified in paragraph (2)(c)(D) of this rule from the number of sites listed in the first column below ("standard monitoring"). A system conducting reduced monitoring under subparagraph (2)(c)(D)(iv) of this rule shall collect at least one sample from the number of sites specified in the second column below during each monitoring period specified in subparagraph (2)(c)(D)(iv) of this rule. Such reduced monitoring sites shall be representative of the sites required for standard monitoring. A system that has fewer than five drinking water taps, that can be used for human consumption meeting the sample site criteria of (2)(c)(A) of this rule to reach the required number of sample sites, must collect at least one sample from each tap and then must collect additional samples from those taps on different days during the monitoring period to meet the required number of sites. Alternatively the Authority may allow these public water systems to collect a number of samples less than the number of sites specified below provided that 100 percent of all taps that can be used for human consumption are sampled. The Authority must approve this reduction of the minimum number of samples in writing based on a request from the system or onsite verification by the Authority. The Authority may specify sampling locations when a system is conducting reduced monitoring. System Size — # of sites — # of sites (# People Served) — (Standard Monitoring) — (Reduced Monitoring) >100,000 — 100 — 50 10,001 to 100,000 — 60 — 30 3,301 to 10,000 — 40 — 20 501 to 3,300 — 20 — 10 101 to 500 — 10 — 5 <100 — 5 — 5

(D) Monitoring requirements for lead and copper in tap water. Timing of monitoring:

(i) Initial tap monitoring requirements:

(I) All large systems shall monitor during two consecutive six-month periods.

(II) All small and medium-size systems shall monitor during each six-month monitoring period until the system exceeds the lead or copper action

ADMINISTRATIVE RULES

level and is therefore required to implement the corrosion control treatment requirements specified in OAR 333-061-0034(2), in which case the system shall continue monitoring in accordance with subparagraph (2)(c)(D)(ii) of this rule, or the system meets the lead and copper action levels during two consecutive six-month monitoring periods, in which case the system may reduce monitoring in accordance with subparagraph (2)(c)(D)(iv) of this rule.

(ii) Monitoring after installation of corrosion control and source water treatment.

(I) Any large (serving more than 50,000 persons) system which installs optimal corrosion control treatment pursuant to OAR 333-061-0034(2)(a)(D) shall monitor during two consecutive six-month monitoring periods by the date specified in 333-061-0034(2)(a)(E).

(II) Any small (serving 3,300 people or less) or medium-size (serving 3,301 to 50,000 persons) system which installs optimal corrosion control treatment pursuant to OAR 333-061-0034(2)(b)(E) shall monitor during two consecutive six-month monitoring periods by the date specified in 333-061-0034(2)(b)(F).

(III) Any system which installs source water treatment pursuant to OAR 333-061-0034(4)(a)(C) shall monitor during two consecutive six-month monitoring periods by the date specified in 333-061-0034(4)(a)(D).

(iii) Monitoring after the Authority specifies water quality parameter values for optimal corrosion control. After the Authority specifies the values for water quality control parameters under OAR 333-061-0034(3)(I), the system shall monitor during each subsequent six-month monitoring period, with the first monitoring period to begin on the date the Authority specifies the optimal values.

(iv) Reduced monitoring

(I) A small or medium-size water system that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with paragraph (2)(c)(C) of this rule, and reduce the frequency of sampling to once per year. A small or medium water system collecting fewer than five samples as specified in (2)(c)(C) of this rule that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the frequency of sampling to once per year. In no case can the system reduce the number of samples required below the minimum of one sample per available tap. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.

(II) Any water system that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Authority during each of two consecutive six-month monitoring periods may reduce the frequency of monitoring to once per year and reduce the number of lead and copper samples in accordance with paragraph (2)(c)(C) of this rule if it receives written approval from the Authority. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period. The Authority shall review monitoring, treatment, and other relevant information submitted by the water system, and shall notify the system in writing when it determines the system is eligible to commence reduced monitoring. The Authority shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

(III) A small or medium-size water system that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years. Any water system that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Authority during three consecutive years of monitoring may reduce the frequency of monitoring from annually to once every three years if it receives written approval from the Authority. Samples collected once every three years shall be collected no later than every third calendar year. The Authority shall review monitoring, treatment, and other relevant information submitted by the water system and shall notify the system in writing when it determines the system is eligible to reduce the frequency of monitoring to once every three years. The Authority shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

(IV) A water system that reduces the number and frequency of sampling shall collect these samples from representative sites included in the pool of targeted sampling sites identified in paragraph (2)(c)(A) of this rule.

Systems sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August or September. The Authority may approve a different period for conducting the lead and copper tap sampling for systems collecting a reduced number of samples. Such a period shall be no longer than four consecutive months and must represent a time of normal operation where the highest levels of lead are most likely to occur. For a Non-transient Non-community water system that does not operate during the months of June through September, and for which the period of normal operation where the highest levels of lead are most likely to occur is not known, the Authority shall designate a period that represents a time of normal operation for the system. This sampling shall begin during the period approved or designated by the Authority in the calendar year immediately following the end of the second consecutive six-month monitoring period for systems initiating annual monitoring and during the three-year period following the end of the third consecutive calendar year of annual monitoring for systems initiating triennial monitoring. Community and Non-transient Non-community water systems monitoring annually or triennially that have been collecting samples during the months of June through December and that receive Authority approval to alter their sample collection period must collect their next round of samples during a time period that ends no later than 21 months or 45 months, respectively, after the previous round of sampling. Subsequent rounds of sampling must be collected annually or triennially as required in this subsection.

(V) A small or medium-size water system subject to reduced monitoring that exceeds the lead or copper action level shall resume sampling in accordance with subparagraph (2)(c)(D)(iii) of this rule and collect the number of samples specified for standard lead and copper monitoring in paragraph (2)(c)(C) of this rule and shall also conduct water quality parameter monitoring in accordance with subparagraphs (2)(c)(F)(iii), (iv) or (v) of this rule, as appropriate, during the period in which the lead or copper action level was exceeded. Any such system may resume annual monitoring for lead and copper at the tap at the reduced number of sites after it has completed two subsequent consecutive six-month rounds of monitoring that meet the requirement of subparagraph (2)(c)(D)(iv)(I) of this rule. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period. Any such system may resume triennial monitoring for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria prescribed in subparagraphs (2)(c)(D)(iv)(III) or (VI) of this rule. Any water system subject to reduced monitoring frequency that fails to meet the lead action level during any four-month monitoring period or that fails to operate at or above the minimum value or within the range of values for the water quality control parameters specified by the Authority for more than nine days in any six-month period specified in subparagraph (2)(c)(F)(v) of this rule shall conduct tap water sampling for lead and copper at the frequency specified in subparagraph (2)(c)(D)(iii) of this rule, collect the number of samples specified for standard monitoring, and shall resume monitoring for water quality parameters within the distribution system in accordance with subparagraph (2)(c)(F)(v) of this rule. This standard tap water sampling shall begin no later than the six-month monitoring period beginning January 1 of the calendar year following the lead action level exceedance or water quality parameter excursion. Such a system may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions. Such a system may, with written Authority approval, resume reduced annual monitoring for lead and copper at the tap after it has completed two subsequent six-month rounds of tap lead and copper monitoring that meet the criteria specified in subparagraph (2)(c)(D)(iv)(II) of this rule. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period. Such a system, with written Authority approval, may resume reduced triennial monitoring for lead and copper at the tap if it meets the criteria specified in subparagraphs (2)(c)(D)(iv)(III) and (VI) of this rule. Such a system may reduce the number and frequency of water quality parameter distribution tap samples required in accordance with subparagraph (2)(c)(F)(vi)(I) and (II) of this rule. Such a system may not resume triennial monitoring for water quality parameters distribution tap samples until it demonstrates that it has re-qualified for triennial monitoring.

(VI) Any water system that demonstrates for two consecutive 6-month monitoring periods that the 90th percentile lead level is less than or equal to 0.005 mg/l and the 90th percentile copper level is less than or equal to 0.65 mg/l may reduce the number of samples in accordance with paragraph (2)(c)(C) of this rule and reduce the frequency of sampling to once every three calendar years.

ADMINISTRATIVE RULES

(VII) Any water system subject to a reduced monitoring frequency under (2)(c)(D)(iv) of this rule shall notify the Authority in writing of any upcoming long-term change in treatment or addition of a new source. The Authority must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. The Authority may require the system to resume standard monitoring or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations.

(E) Monitoring requirements for lead and copper in tap water. Additional monitoring by systems: The results of any monitoring conducted in addition to the minimum requirements of subsection (c) of this rule shall be considered by the system and the Authority in making any determinations (i.e., calculating the 90th percentile lead or copper level). The Authority may invalidate lead and copper tap water samples as follows:

(i) The Authority may invalidate a lead or copper tap sample if at least one of the following conditions is met. The decision and the rationale for the decision must be documented in writing by the Authority. A sample invalidated by the Authority does not count toward determining lead or copper 90th percentile levels or toward meeting the minimum monitoring requirements:

(I) The laboratory establishes that improper sample analysis caused erroneous results; or

(II) A site that did not meet the site selection criteria; or

(III) The sample container was damaged in transit; or

(IV) There is substantial reason to believe that the sample was subject to tampering.

(ii) The system must report the results of all samples to the Authority and all supporting documentation for samples the system believes should be invalidated.

(iii) The Authority may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.

(iv) The water system must collect replacement samples for any samples invalidated if, after the invalidation of one or more samples, the system has too few samples to meet the minimum requirements. Any such replacement samples must be taken as soon as possible, but no later than 20 days after the date the Authority invalidates the sample. The replacement samples shall be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

(F) Monitoring requirements for water quality parameters. All large water systems and all medium and small water systems that exceed the lead or copper action levels shall monitor water quality parameters in addition to lead and copper as follows:

(i) General Requirements. Sample collection methods:

(I) Tap samples shall be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the system, and seasonal variability. Water quality parameter sampling is not required to be conducted at taps targeted for lead and copper sampling, however, established coliform sampling sites may be used to satisfy these requirements.

(II) Samples collected at the entry point(s) to the distribution system shall be from locations representative of each source after treatment. If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions when water is representative of all sources being used.

(ii) General requirements. Number of samples:

(I) Systems shall collect two tap samples for applicable water quality parameters during each monitoring period specified under subparagraphs (2)(c)(F)(iii) through (vi) of this rule from the following number of sites.

System Size # People served — # of Sites For Water Quality Parameters
>100,000 — 25
10,001-100,000 — 10
3,301 to 10,000 — 3
501 to 3,300 — 2
101 to 500 — 1
<100 — 1

(II) Except as provided in subparagraph (2)(c)(F)(iv)(III) of this rule, systems shall collect two samples for each applicable water quality parameter at each entry point to the distribution system during each monitoring period specified in subparagraph (2)(c)(F)(iii) of this rule. During each monitoring period specified in subparagraphs (2)(c)(F)(iv) through (vi) of this rule, systems shall collect one sample for each applicable water quality parameter at each entry point to the distribution system.

(iii) Initial Sampling. All large water systems shall measure the applicable water quality parameters as specified below at taps and at each entry point to the distribution system during each six-month monitoring period specified in subparagraph (2)(c)(D)(i) of this rule. All small and medium-size systems shall measure the applicable water quality parameters at the locations specified below during each six-month monitoring period specified in subparagraph (2)(c)(D)(i) of this rule during which the system exceeds the lead or copper action level:

(I) At taps: pH, alkalinity, orthophosphate (when an inhibitor containing a phosphate compound is used), silica (when an inhibitor containing a silicate compound is used), calcium, conductivity, and water temperature.

(II) At each entry point to the distribution system: all of the applicable parameters listed in subparagraph (2)(c)(F)(iii)(I) of this rule.

(iv) Monitoring after installation of corrosion control. Any large system which installs optimal corrosion control treatment pursuant to OAR 333-061-0034(2)(a)(D) shall measure the water quality parameters at the locations and frequencies specified below during each six-month monitoring period specified in subparagraph (2)(c)(D)(ii)(I) of this rule. Any small or medium-size system which installs optimal corrosion control treatment shall conduct such monitoring during each six-month monitoring period specified in subparagraph (2)(c)(D)(ii)(II) of this rule in which the system exceeds the lead or copper action level.

(I) At taps, two samples for: pH, alkalinity, orthophosphate (when an inhibitor containing a phosphate compound is used), silica (when an inhibitor containing a silicate compound is used), calcium (when calcium carbonate stabilization is used as part of corrosion control).

(II) Except as provided in subparagraph (2)(c)(D)(iv)(III) of this rule, at each entry point to the distribution system, at least one sample, no less frequently than every two weeks (bi-weekly) for: pH; when alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and when a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).

(III) Any ground water system can limit entry point sampling to those entry points that are representative of water quality and treatment conditions throughout the system. If water from untreated ground water sources mixes with water from treated ground water sources, the system must monitor for water quality parameters both at representative entry points receiving treatment and no treatment. Prior to the start of any monitoring, the system shall provide to the Authority written information identifying the selected entry points and documentation, including information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

(v) Monitoring after Authority specifies water quality parameter values for optimal corrosion control. After the Authority specifies the values for applicable water quality control parameters reflecting optimal corrosion control treatment under OAR 333-061-0034(3)(l), all large systems shall measure the applicable water quality parameters in accordance with subparagraph (2)(c)(F)(iv) of this rule and determine compliance every six months with the first six-month period to begin on either January 1 or July 1, whichever comes first, after the Authority specifies optimal water quality parameter values. Any small or medium-size system shall conduct such monitoring during each monitoring period specified in this paragraph in which the system exceeds the lead or copper action level. For any such small and medium-size system that is subject to a reduced monitoring frequency pursuant to subparagraph (2)(c)(D)(iv) of this rule at the time of the action level exceedance, the start of the applicable six-month monitoring period shall coincide with the start of the applicable monitoring period under (2)(c)(D) of this rule. Compliance with Authority-designated optimal water quality parameter values shall be determined as specified under 333-061-0034(3)(m).

(vi) Reduced monitoring:

(I) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under paragraph (2)(c)(D) of this rule shall continue monitoring at the entry point(s) to the distribution system as specified in subparagraph (2)(c)(F)(iv)(II) of this rule. Such system may collect two tap samples for applicable water quality parameters from the following reduced number of sites during each six-month monitoring period.

System Size# People served — Reduced # of Sites for Water Quality Parameters
>100,000 — 10
10,001-100,000 — 7
3,301 to 10,000 — 3
501 to 3,300 — 2
101 to 500 — 1

ADMINISTRATIVE RULES

<100 — 1

(II) Any water system that maintains the minimum values or maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Authority under OAR 333-061-0034(3)(I) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subparagraph (2)(c)(F)(vi)(I) of this rule from every six months to annually. This sampling begins during the calendar year immediately following the end of the monitoring period in which the third consecutive year of six-month monitoring occurs. Any water system that maintains the minimum values or maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Authority under 333-061-0034(3)(I) during three consecutive years of annual monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters from annually to every three years. This sampling begins no later than the third calendar year following the end of the monitoring period in which the third consecutive year of monitoring occurs.

(III) A water system may reduce the frequency with which it collects tap samples for applicable water quality parameters to every three years if it demonstrates during two consecutive monitoring periods that its tap water lead level at the 90th percentile is less than or equal to 0.005 mg/l, that its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/l, and that it also has maintained the range of values for water quality parameters reflecting optimal corrosion control treatment specified by the Authority. Monitoring conducted every three years shall be done no later than every third calendar year.

(IV) A water system that conducts sampling annually shall collect these samples evenly throughout the year so as to reflect seasonal variability.

(V) Any water system subject to reduced monitoring frequency that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the Authority under OAR 333-061-0034(3)(I) for more than nine days in any six-month period shall resume distribution system tap water sampling in accordance with the number and frequency requirements in subparagraph (2)(c)(F)(v) of this rule. Such a system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria specified in subparagraph (2)(c)(F)(v) of this rule and/or may resume triennial monitoring at the reduced number of sites after it demonstrates through subsequent annual rounds that it meets the criteria of subparagraphs (2)(c)(F)(vi)(I) and (II) of this rule.

(vi) Additional monitoring by systems. The results of any monitoring conducted in addition to the minimum requirements of subsection (2)(c) of this rule shall be considered by the system and the Authority in making any determinations.

(G) Monitoring requirements for lead and copper in source water. Sample location, collection methods, and number of samples:

(i) A water system that fails to meet the lead or copper action level on the basis of tap samples collected in accordance with paragraphs (2)(c)(A) through (E) of this rule shall collect lead and copper source water samples in accordance with the following requirements regarding sample location, number of samples, and collection methods:

(I) Ground water systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment. The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant;

(II) Surface water systems shall take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point which is representative of each source, after treatment. The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant; Surface water systems include systems with a combination of surface and ground sources; and

(III) If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods when water is representative of all sources being used.

(ii) Where the results of sampling indicate an exceedance of maximum permissible source water levels established under OAR 333-061-0034(4)(b)(D) the Authority may require that one additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point. If a Authority-required confirmation sample is taken for lead or copper, then the results of the initial

and confirmation sample shall be averaged in determining compliance with the Authority-specified maximum permissible levels. Any sample value below the detection limit shall be considered to be zero. For lead any value above the detection limit but below the Practical Quantitation Level (PQL) (0.005 mg/l) shall either be considered as the measured value or be considered one-half the PQL (0.0025 mg/l). For copper any value above the detection limit but below the PQL (0.050 mg/l) shall either be considered as the measured value or be considered one-half the PQL (0.025 mg/l).

(H) Monitoring requirements for lead and copper in source water. Monitoring frequency after system exceeds tap water action level. Any system which exceeds the lead or copper action level at the tap, shall collect one source water sample from each entry point to the distribution system no later than six months after the end of the monitoring period during which the lead or copper action level was exceeded. For monitoring periods that are annual or less frequent, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or if the Authority has established an alternate monitoring period, the last day of that period.

(i) Monitoring frequency after installation of source water treatment. Any system which installs source water treatment pursuant to OAR 333-061-0034(4)(a)(C) shall collect an additional source water sample from each entry point to the distribution system during two consecutive six-month monitoring periods by the deadline specified in 333-061-0034(4)(a)(D).

(ii) Monitoring frequency after Authority specifies maximum permissible source water levels or determines that source water treatment is not needed.

(I) A system shall monitor at the frequency specified below in cases where the Authority specifies maximum permissible source water levels under OAR 333-061-0034(4)(b)(D) or determines that the system is not required to install source water treatment under 333-061-0034(4)(b)(B). A water system using only groundwater shall collect samples once during the three-year compliance period in effect when the applicable Authority determination is made. Such systems shall collect samples once during each subsequent compliance period. Triennial samples shall be collected every third calendar year. A water system using surface water (or a combination of surface and groundwater) shall collect samples once during each calendar year, the first annual monitoring period to begin during the year in which the applicable Authority determination is made.

(II) A system is not required to conduct source water sampling for lead and/or copper if the system meets the action level for the specific contaminant in tap water samples during the entire source water sampling period applicable to the system under subparagraph (2)(c)(H)(ii)(I) of this rule.

(iii) Reduced monitoring frequency:

(I) A water system using only groundwater may reduce the monitoring frequency for lead and copper in source water to once during each nine-year compliance cycle provided that the samples are collected no later than every ninth calendar year and it demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Authority in OAR 333-061-0034(4)(b)(D) during at least three consecutive compliance periods under subparagraph (2)(c)(H)(ii)(I) of this rule or the Authority has determined that source water treatment is not needed and the system demonstrates during at least three consecutive compliance periods under subparagraph (2)(c)(H)(ii)(I) of this rule that the concentration of lead in source water was less than or equal to 0.005 mg/l and the concentration of copper in source water was less than or equal to 0.65 mg/l.

(II) A water system using surface water (or a combination of surface and ground waters) may reduce the monitoring frequency for lead and copper in source water to once during each nine-year compliance cycle provided that the samples are collected no later than every ninth calendar year and it demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Authority in OAR 333-061-0034(4)(b)(D) for at least three consecutive years or the Authority has determined that source water treatment is not needed and the system demonstrates that during at least three consecutive years the concentration of lead in source water was less than or equal to 0.005 mg/l and the concentration of copper in source water was less than or equal to 0.65 mg/l.

(III) A water system that uses a new source of water is not eligible for reduced monitoring for lead and/or copper until concentrations in samples collected from the new source during three consecutive monitoring periods are below the maximum permissible lead and copper concentrations specified by the Authority in OAR 333-061-0034(4)(a)(E).

(d) Nitrate:

ADMINISTRATIVE RULES

(A) Community and Non-Transient Non-Community water systems using surface water sources or groundwater sources under the direct influence of surface water shall monitor for Nitrate on a quarterly basis, at each point in the distribution system representative of each source after treatment or at entry points to the distribution system after any application of treatment, beginning January 1, 1993. The Authority may allow a surface water system to reduce the sampling frequency to annually provided that all analytical results from four consecutive quarters are less than 50% of the MCL. A surface water system shall return to quarterly monitoring if any one sample is 50% of the MCL.

(B) Community and Non-Transient Non-Community water systems using groundwater sources shall monitor for Nitrate annually, at each point in the distribution system representative of each source after treatment or at entry points to the distribution system after any application of treatment, beginning January 1, 1993. The Authority shall require quarterly monitoring for a least one year following any one sample in which the concentration is 50 percent of the MCL. The system may return to annual monitoring after four consecutive quarterly samples are found to be reliably and consistently below the MCL.

(C) Transient Non-Community and State Regulated water systems shall monitor for Nitrate annually, at each point in the distribution system representative of each source after treatment or at entry points to the distribution system after any application of treatment, beginning January 1, 1993. Transient Non-Community water systems must monitor quarterly for at least one year following any one sample in which the concentration is 50 percent of the MCL. The system may return to annual monitoring after four consecutive quarterly samples are found to be reliably and consistently below the MCL.

(D) After the initial round of quarterly sampling is completed, each Community and Non-Transient Non-Community water system which is monitoring annually shall take subsequent samples during the quarter(s) which previously resulted in the highest analytical result.

(e) Nitrite:

(A) Community, Non-Transient Non-Community, and Transient Non-Community water systems shall collect one sample for Nitrite at each point in the distribution system representative of each source after treatment or at entry points to the distribution system after any application of treatment during the compliance period beginning January 1, 1993.

(B) After the initial sample, all systems where analytical results for Nitrite are <50 percent of the MCL, shall monitor once during each subsequent compliance period.

(C) Water systems must conduct quarterly monitoring for at least one year following any one sample in which the concentration is \geq 50 percent of the MCL. A water system may change to annual monitoring after four consecutive quarterly samples are found to be reliably and consistently below 50 percent of the MCL.

(D) A water system with an analytical result \geq 50 percent of the MCL may never monitor less frequently than annually. Systems which are monitoring annually must collect each subsequent sample during the quarter(s) which previously resulted in the highest analytical result.

(E) The Authority may grant a waiver from the monitoring frequency specified in paragraph (2)(e)(B) of this rule provided that water systems have conducted a minimum of three rounds of monitoring (at least one sample shall have been collected since January 1, 1993), and all analytical results are less than 50 percent of the MCL prescribed in OAR 333-061-0030. Water systems that have been granted a waiver must monitor once during each nine-year compliance cycle. Waivers must be granted as prescribed by subparagraph (2)(a)(C)(ii) of this rule.

(f) Sodium

(A) Samples of water which is delivered to users shall be analyzed for Sodium as follows:

(i) Community and Non-Transient Non-Community water systems, surface water sources, once per year for each source;

(ii) Community and Non-Transient Non-Community water systems, ground water sources, once every three years for each source.

(B) The water supplier shall report to the Authority the results of the analyses for Sodium as prescribed in rule 333-061-0040. The Authority shall notify local health officials of the test results.

(g) Confirmation Samples:

(A) Where the results of sampling for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium or thallium exceed the MCL prescribed in OAR 333-061-0030 for inorganic chemicals, the Authority may require one additional sample to be taken as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point.

(B) Where the results of sampling for nitrate or nitrite exceed the MCL prescribed in OAR 333-061-0030 for inorganic chemicals, the system is required to collect one additional sample within 24 hours of notification of the results of the initial sample at the same sampling point. Systems unable to comply with the 24-hr sampling requirement must initiate consultation with the Authority as soon as practical, but no later than 24 hours after the system learns of the violation and must immediately notify their users as prescribed in 333-061-0042(2)(a)(B), and collect one additional sample within two weeks of notification of the results of the initial sample.

(C) If a confirmation sample required by the Authority is taken for any contaminant then the results of the initial and confirmation sample shall be averaged. The resultant average shall be used to determine the system's compliance as prescribed in subsection (2)(i) of this rule.

(h) The Authority may require more frequent monitoring than specified in subsections (2)(a) through (f) of this rule or may require confirmation samples for positive and negative results. Systems may apply to the Authority to conduct more frequent monitoring than is required in this section.

(i) Compliance with the inorganic MCLs as listed in 333-061-0030(1) (Table 1) shall be determined based on the analytical result(s) obtained at each sampling point as follows:

(A) For systems which are conducting monitoring at a frequency greater than annual, compliance with the MCLs for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium or thallium is determined by a running annual average at any sampling point. If the average at any sampling point rounded to the same number of significant figures as the MCL for the substance in question is greater than the MCL, then the system is out of compliance. If any one sample would cause the annual average to be exceeded, then the system is out of compliance immediately. Any sample with results below the detection limit specified for the approved EPA analytical method shall be calculated at zero for the purpose of determining the annual average. If a system fails to collect the required number of samples, compliance (average concentration) will be based on the total number of samples collected.

(B) Systems monitoring annually or less frequently for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium or thallium must begin quarterly sampling if the level of a contaminant at any sampling point is greater than the MCL listed in OAR 333-061-0030(1). The water system will then determine compliance with the MCL by running annual average at the sampling point. The water system will not be considered in violation of the MCL until it has completed one year of quarterly monitoring. If any sample result will cause the running annual average to exceed the MCL at any sampling point, the system is out of compliance with the MCL immediately. If a system fails to collect the required number of samples, compliance (average concentration) will be based on the total number of samples collected.

(C) Compliance with MCLs for nitrate and nitrite is determined based on one sample if the levels of these contaminants are below the MCLs. If the levels of nitrate and/or nitrite exceed the MCLs in the initial sample, a confirmation sample is required in accordance with paragraph (2)(g)(B) of this rule and compliance shall be determined based on the average of the initial and confirmation samples.

(D) If the results of an analysis as prescribed in this rule indicate the level of any contaminant exceeds the maximum contaminant level, the water supplier shall report the analysis results to the Authority within 48 hours as prescribed in OAR 333-061-0040 and initiate the public notice procedures as prescribed by OAR 333-061-0042.

(E) A water system's running annual average (RAA) is calculated by averaging the analytical results for the current monitoring period and the previous monitoring periods within a one-year time frame. The first sample result that exceeds the MCL is considered to be in the initial monitoring period for determination of the RAA. Multiple sample results within any monitoring period will be averaged and then rounded to the same number of significant figures as the MCL of the contaminant in question. For the purposes of calculating a RAA, a monitoring period may be a calendar month or calendar quarter. Special samples, as described by paragraph (1)(h)(C) of this rule, will not be included in the calculation of a system's running annual average.

(j) All Community and Non-Transient Non-Community water systems shall monitor according to the following schedule:

Population — Begin Initial Monitoring — Complete Initial Monitoring By
300 or More — January 1, 1993 — December 31, 1993
100-299 — January 1, 1994 — December 31, 1994
Less than 100 — January 1, 1995 — December 31, 1995

(3) Organic chemicals:

ADMINISTRATIVE RULES

(a) Synthetic Organic Chemicals: Alachlor, Atrazine, Benzo(a)pyrene, Carbofuran, Chlordane, Dalapon, Dibromochloropropane, Dinoseb, Dioxin(2,3,7,8-TCDD), Diquat, Di(2-ethylhexyl)adipate, Di(2-ethylhexyl)phthalate, Endothal, Endrin, Ethylene dibromide, Glyphosate, Heptachlor, Heptachlor epoxide, Hexachlorobenzene, Hexachlorocyclopentadiene, Lindane(BHC-g), Methoxychlor, Oxamyl(Vydate), Picloram, Polychlorinated biphenyls, Pentachlorophenol, Simazine, Toxaphene, 2,4-D and 2,4,5-TP Silvex.

(A) Samples of water which is delivered to users shall be analyzed for regulated synthetic organic chemicals (SOC) as follows:

(i) Community and Non-Transient Non-Community water systems using surface water, ground water under the direct influence of surface water, or groundwater shall sample at each point in the distribution system representative of each source after treatment or at entry points to the distribution system after any application of treatment beginning with the initial compliance period starting January 1, 1993. Community and Non-Transient Non-Community water systems shall collect four consecutive quarterly samples at each sampling point. The water systems must collect each sample from the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(ii) Beginning on January 1, 2010, new community and non-transient non-community water systems using groundwater sources, or existing systems using a new source, shall sample at each point to the distribution system representative of each source after treatment or at entry points to the distribution system after any application of treatment. Samples must be collected annually for three consecutive years at each sampling point. The water systems must collect each sample from the same sampling point unless conditions make another sampling point more representative of each source or treatment plant. New wells in an existing wellfield, within an existing drinking water protection area, or within an area well characterized by area-wide source water assessments and/or past monitoring results as determined by the Authority, may be eligible for a reduction in initial monitoring from three consecutive annual samples to one sample if no detections occur and if, based on the system's source assessment, the Authority determines that the new well is producing from the same and only the same aquifer or does not significantly modify the existing drinking water protection area.

(iii) If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions when water is representative of all the sources being used.

(iv) If the initial analyses as specified in subparagraphs (3)(a)(A)(i) or (ii) of this rule does not detect any contaminant listed in subsection (3)(a) of this rule, then monitoring at each sampling point may be reduced to:

(I) Two consecutive quarterly samples in one year during each repeat 3-year compliance period for systems serving more than 3,300 population; or

(II) One sample in each repeat 3-year compliance period for systems serving less than or equal to 3,300 population.

(v) If a water system has two or more wells that have been determined by the Authority to constitute a "wellfield" as specified in OAR 333-061-0058, the system must sample at the entry point(s) designated by the Authority.

(B) Each Community and Non-Transient Non-Community water system may apply to the Authority for a waiver from the requirements of paragraph (3)(a)(A) of this rule. A waiver must be in place prior to the year in which the monitoring is to be accomplished. Every water system must reapply for a waiver for each compliance period. A water system can receive specific guidance in obtaining a waiver from the Use and Susceptibility Waiver Guidance Document developed by the Authority.

(i) The water system shall use the drinking water protection area as delineated during the Source Water Assessment according to procedures described in the Use and Susceptibility Waiver Guidance Document.

(ii) The Use Waiver criteria as described in the Use and Susceptibility Waiver Guidance Document shall take into consideration but is not limited to the use, storage, distribution, transport and disposal of the contaminant within the delineated recharge or watershed area.

(iii) The Susceptibility Waiver criteria as described in the Use and Susceptibility Waiver Guidance Document shall address only those contaminants that remain after the use waiver process has been completed. The Susceptibility Waiver criteria shall take into consideration but is not limited to the history of bacteria and/or nitrate contamination, well construction, agricultural management practices, infiltration potential, and contaminant mobility and persistence.

(iv) Water systems which qualify for use and susceptibility waivers shall follow the monitoring requirements as directed in the Use and Susceptibility Waiver Guidance Document.

(v) The Use and Susceptibility Waiver Guidance Document is made a part of this rule and shall take into consideration the Wellhead Protection Program and shall be updated with new methods and procedures as they become available.

(vi) The Authority may establish area-wide waivers based on historical monitoring data, land use activity, and the results of "Source Water Assessments" and/or "Use and Susceptibility Waiver Documents".

(vii) Monitoring may be reduced to once every six years for all SOCs, if the system has a state certified Drinking Water Protection Plan or for those SOCs determined to be "used" and for which that portion of the aquifer identified by the drinking water protection area delineation has been determined to be of "moderate" susceptibility according to the Authority's Use and Susceptibility Protocol. Information from the system's Source Water Assessment can be used in this determination; or

(viii) Monitoring may be reduced to once every nine years for those SOCs in an analytical method group determined to be "not used" in the delineated drinking water protection area, or for those SOCs determined to be "used" if that portion of the aquifer identified by the drinking water protection area delineation has been determined to be of "low susceptibility" according to the Authority's Use and Susceptibility Waiver Document. Information from the system's Source Water Assessment can be used in this determination.

(C) If a water system detects in any sample a contaminant listed in subsection (3)(a) of this rule equal to or greater than the minimum detection limit listed in Table 15, then the water system shall monitor quarterly at each sampling point where a detection occurred. [Table not included. See ED. NOTE.]

(i) Based on a minimum of two quarterly samples for ground water sources and four quarterly samples for surface water sources, the Authority may reduce the monitoring frequency required in paragraph (3)(a)(C) of this rule to annually provided the system is reliably and consistently below the MCL. Systems which monitor annually must monitor during the quarter that previously yielded the highest analytical result.

(ii) Systems which have three consecutive annual samples with no detection of a contaminant may apply to the Authority for a waiver as specified in paragraph (3)(a)(B) of this rule.

(iii) If any monitoring required in paragraph (3)(a)(A) of this rule results in the detection of either Heptachlor or Heptachlor epoxide, then subsequent monitoring shall analyze for both contaminants.

(D) If the results of an analysis prescribed in paragraph (3)(a)(A) of this rule indicate that the level of any contaminant exceeds a maximum contaminant level, then the system must monitor quarterly. After a minimum of four quarterly samples show the system to be reliably and consistently below the MCL and in compliance with paragraph (3)(a)(G) of this rule, then the system may monitor annually.

(E) The Authority may require confirmation samples for positive or negative results. If a confirmation sample is required by the Authority, the result must be averaged with the original sample result (unless the previous sample has been invalidated by the Authority) and the average used to determine compliance.

(F) The Authority may allow compositing of samples to reduce the number of samples to be analyzed by the system. Composite samples from a maximum of five sampling points are allowed, provided that the detection limit of the method used for analysis is less than one-fifth of the MCL. Compositing of samples must be done in the laboratory and analyzed within 14 days of sample collections. If the concentration in the composite sample detects one or more contaminants listed in subsection (3)(a) of this rule, then a follow-up sample must be taken and analyzed within 14 days at each sampling point included in the composite, and be analyzed for that contaminant. Duplicates taken on the original composite samples may be used instead of resampling provided the duplicates are analyzed and the results reported to the Authority within 14 days of collection. For systems with a population greater than 3,300, the Authority may allow compositing at sampling points only within a single system. For systems with a population of 3,300 or less, the Authority may allow compositing among different systems, provided the 5-sample limit is maintained.

(G) Compliance with contaminants listed in OAR 333-061-0030(2)(a) shall be determined based on the analytical results obtained at each sampling point. If one sampling point is in violation of an MCL, the system is in violation of the MCL. For systems which monitor more than once per year, compliance with the MCL is determined by a running annual average at each sampling point. Systems which monitor annually or less

ADMINISTRATIVE RULES

whose sample result exceeds the regulatory detection limit prescribed in paragraph (3)(a)(C) of this rule (Table 15) must begin quarterly sampling. The system will not be considered in violation of the MCL until it has completed one year of quarterly monitoring. If any sample result will cause the running annual average to exceed the MCL at any sampling point, the system is out of compliance with the MCL immediately. If a system fails to collect the required number of samples, compliance will be based on the total number of samples collected. If a sample result is less than the detection limit, zero will be used to calculate the annual average. If the system is out of compliance, the system shall follow the reporting and public notification procedures as prescribed in OAR 333-061-0040 and 333-061-0042(2)(b)(A).

(H) A water system's running annual average (RAA) is calculated by averaging the analytical results for the current monitoring period and the previous monitoring periods within a one-year time frame. The first sample result that exceeds the MCL is considered to be in the initial monitoring period for determination of the RAA. Multiple sample results within any monitoring period will be averaged and then rounded to the same number of significant figures as the MCL of the contaminant in question. For the purposes of calculating a RAA, a monitoring period may be a calendar month or calendar quarter. Special samples, as described by paragraph (1)(h)(C) of this rule, will not be included in the calculation of a system's running annual average.

(I) If monitoring data collected after January 1, 1990 are consistent with the requirements of subsection (3)(a) of this rule, the Authority may allow systems to use that data to satisfy the monitoring requirements for the initial compliance periods beginning January 1, 1993 and January 1, 1996.

(J) All Community and Non-Transient Non-Community water systems shall monitor according to the following schedule:

Population — Begin Initial Monitoring — Complete Initial Monitoring By
300 or More — January 1, 1993 — December 31, 1993
100-299 — January 1, 1994 — December 31, 1994
Less than 100 — January 1, 1995 — December 31, 1995

(K) All new systems or systems that use a new source of water must demonstrate compliance with the MCL within a period of time specified by the Authority. The system must also comply with the initial sampling frequencies specified by the Authority to ensure a system can demonstrate compliance with the MCL.

(b) Volatile Organic Chemicals: Benzene, Carbon tetrachloride, cis-1,2-Dichloroethylene, Dichloromethane, Ethylbenzene, Monochlorobenzene, o-Dichlorobenzene, p-Dichlorobenzene, Styrene, Tetrachloroethylene(PCE), Toluene, trans-1,2-Dichloroethylene, Trichloroethylene(TCE), Vinyl chloride, Xylenes(total), 1,1-Dichloroethylene, 1,1,1-Trichloroethane, 1,1,2-Trichloroethane, 1,2-Dichloroethane, 1,2-Dichloropropane, and 1,2,4-Trichlorobenzene.

(A) Samples of water which is delivered to users shall be analyzed for regulated volatile organic chemicals (VOC) as follows:

(i) Community and Non-Transient Non-Community water systems using surface water, ground water under the direct influence of surface water, or groundwater sources shall sample at each point in the distribution system representative of each source after treatment or at entry points to the distribution system after any application of treatment beginning in the initial compliance period starting January 1, 1993. Community and Non-Transient Non-Community water systems shall collect four consecutive quarterly samples from each sampling point during each compliance period. The water system shall collect each sample from the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(ii) Beginning on January 1, 2010, new community and non-transient non-community water systems using groundwater sources, or existing systems using a new source, shall sample at each point in the distribution system representative of each source after treatment or at entry points to the distribution system after any application of treatment. Samples must be collected annually for three consecutive years at each sampling point. The water systems must take each sample from the same sampling point unless conditions make another sampling point more representative of each source or treatment plant. New wells in an existing wellfield, within an existing drinking water protection area, or within an area well characterized by area-wide source water assessments and/or past monitoring results as determined by the Authority, may be eligible for a reduction in initial monitoring from three consecutive annual samples to one sample if no detections occur and if, based on the system's Source Water Assessment, the Authority determines that the new well is producing from the same and only the same aquifer or does not significantly modify the existing drinking water protection area.

(iii) If warranted, the Authority may designate additional sampling points within the distribution system or at the consumer's tap which more accurately determines consumer exposure.

(iv) If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions when water is representative of all sources being used.

(v) If a water system has two or more wells that have been determined by the Authority to constitute a "wellfield" as specified in OAR 333-061-0058, the system must sample at the entry point(s) designated by the Authority.

(B) For the purpose of subsection (3)(b) of this rule, a detectable level for VOCs is 0.0005 mg/l.

(C) If the initial analyses do not detect any contaminant listed in subsection (3)(b) of this rule, then monitoring for all of the VOCs may be reduced to:

(i) Annual per entry point for surface water systems; or

(ii) Annual per entry point for groundwater systems for at least three years. Thereafter, sampling may be reduced to once every three years per entry point for ground water systems after a minimum of three years of annual monitoring and no history of detections.

(D) Each Community and Non-Transient Non-Community water system which does not detect any contaminant listed in subsection (3)(b) of this rule after the initial monitoring period may apply to the Authority for a waiver from the requirements prescribed in paragraph (3)(b)(C) of this rule according to procedures described in subparagraphs (3)(a)(B)(i) through (vi) of this rule and the Use and Susceptibility Waiver Guidance Document developed by the Authority.

(i) Monitoring under a waiver can be reduced to once every six years if the water system has a state certified Drinking Water Protection Plan or if that portion of the aquifer identified by the drinking water protection area delineation has been determined to be of "moderate" susceptibility to the VOCs according to the Authority's Use and Susceptibility Protocol. Information from the system's Source Water Assessment can be used in this determination.

(ii) Waivers granted to groundwater systems shall be effective for no more than six years.

(I) A waiver must be in place prior to the year in which the monitoring is to be accomplished, and the groundwater system must reapply for a waiver from volatile organic chemicals monitoring every two compliance periods (six years).

(II) As a condition of a waiver, groundwater systems must collect one sample at each sampling point during the time the waiver is in effect and update its vulnerability assessment addressing those factors listed in subparagraphs (3)(a)(B)(ii) and (iii) of this rule. The Authority must confirm that a system is not vulnerable within three years of the original determination, and every time the vulnerability assessment is updated, or the waiver is invalidated and the system is required to sample annually as specified in paragraph (3)(b)(C) of this rule.

(iii) Surface water systems that have been determined to be not vulnerable to VOC contamination by the Authority shall monitor at the discretion of the Authority. The Authority shall reevaluate the vulnerability of such systems during each compliance period.

(iv) The Authority may establish area-wide waivers based on historical monitoring data, land use activity, and the results of "Source Water Assessments" and "Use and Susceptibility Waiver Documents".

(E) If a water system detects any contaminant listed in subsection (3)(b) of this rule (except vinyl chloride) in any sample greater than the minimum detection limit of 0.0005 mg/l, then the water system shall monitor quarterly at each sampling point where a detection occurred.

(i) Based on a minimum of two quarterly samples for ground water sources and four quarterly samples for surface water sources, the Authority may reduce the monitoring frequency required in paragraph (3)(b)(E) of this rule to annually provided the system is reliably and consistently below the MCL. Systems which monitor annually must monitor during the quarter that previously yielded the highest analytical result.

(ii) Systems which have three consecutive annual samples with no detection of a contaminant may apply to the Authority for a waiver as specified in paragraph (3)(b)(D) of this rule.

(iii) Groundwater systems which have detected one or more of the following two-carbon organic compounds: trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene or 1,1-dichloroethylene shall monitor quarterly for vinyl chloride. A vinyl chloride sample shall be taken at each sampling point at which one or more of the two-carbon organic compounds was

ADMINISTRATIVE RULES

detected. If the results of the first analysis do not detect vinyl chloride, the Authority may reduce the quarterly monitoring frequency of vinyl chloride monitoring to one sample during each compliance period. Surface water systems are required to monitor for vinyl chloride at the discretion of the Authority.

(F) If the results of an analysis prescribed in paragraph (3)(b)(A) of this rule indicate that the level of any contaminant exceeds a maximum contaminant level, then the system shall monitor quarterly. After a minimum of four consecutive quarterly samples show the system to be reliably and consistently below the MCL and in compliance with paragraph (3)(b)(I) of this rule, then the system may monitor annually during the quarter which previously yielded the highest analytical result.

(G) The Authority may require confirmation samples for positive or negative results. If a confirmation sample is required by the Authority, the result must be averaged with the original sample result and the average used to determine compliance.

(H) The Authority may allow compositing of samples to reduce the number of samples to be analyzed by the system. Composite samples from a maximum of five sampling points are allowed, provided that the detection limit of the method used for analysis is less than one-fifth of the MCL. Compositing of samples must be done in the laboratory and analyzed within 14 days of sample collections. If the concentration in the composite sample is 0.0005 mg/l for any contaminant listed in subsection (3)(b) of this rule, then a follow-up sample must be taken and analyzed within 14 days at each sampling point included in the composite, and be analyzed for that contaminant. Duplicates taken on the original composite samples may be used instead of resampling provided the duplicates have not been held for longer than 14 days. For systems with a population greater than 3,300, the Authority may allow compositing at sampling points only within a single system. For systems with a population of 3,300 or less, the Authority may allow compositing among different systems provided the 5-sample limit is maintained.

(I) Compliance with contaminants listed in OAR 333-061-0030(2)(c) shall be determined based on the analytical results obtained at each sampling point. If one sampling point is in violation of an MCL, the system is in violation of the MCL. For systems which monitor more than once per year, compliance with the MCL is determined by a running annual average at each sampling point. Systems which monitor annually or less whose sample result exceeds the MCL must begin quarterly sampling. The system will not be considered in violation of the MCL until it has completed one year of quarterly sampling. If any sample result will cause the running annual average to exceed the MCL at any sampling point, the system is out of compliance with the MCL immediately. If a system fails to collect the required number of samples, compliance will be based on the total number of samples collected. If a sample result is less than the detection limit, zero will be used to calculate the annual average. If the water system is out of compliance, the system shall follow the reporting and public notification procedures as prescribed in 333-061-0040 and 333-061-0042(2)(b)(A).

(J) A water system's running annual average (RAA) is calculated by averaging the analytical results for the current monitoring period and the previous monitoring periods within a one-year time frame. The first sample result that exceeds the MCL is considered to be in the initial monitoring period for determination of the RAA. Multiple sample results within any monitoring period will be averaged and then rounded to the same number of significant figures as the MCL of the contaminant in question. For the purposes of calculating a RAA, a monitoring period may be a calendar month or calendar quarter. Special samples, as described by paragraph (1)(h)(C) of this rule, will not be included in the calculation of a system's running annual average.

(K) If monitoring data collected after January 1, 1988 are consistent with the requirements of subsection (3)(b) of this rule, the Authority may allow systems to use that data (i.e. a single sample rather than four quarterly samples) to satisfy the monitoring requirements prescribed in paragraph (3)(b)(A) of this rule for the initial compliance period. Systems which use grandparented samples and did not detect any contaminant listed in subsection (3)(b) of this rule shall begin monitoring annually in accordance with paragraph (3)(b)(C) of this rule beginning with the initial compliance period.

(L) All Community and Non-Transient Non-Community water systems shall monitor according to the following schedule:

Population — Begin initial monitoring — Complete initial monitoring by
300 or More — January 1, 1993 — December 31, 1993
100-299 — January 1, 1994 — December 31, 1994
Less than 100 — January 1, 1995 — December 31, 1995

(M) All new systems or systems that use a new source of water must demonstrate compliance with the MCL within a period of time specified by

the Authority. The system must also comply with the initial sampling frequencies specified by the Authority to ensure a system can demonstrate compliance with the MCL.

(4) Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors:

(a) General sampling and analytical requirements. The requirements of this section apply to all Community and Non-transient Non-community water systems that add a disinfectant (oxidant) to the water supply at any point in the treatment process or deliver water in which a disinfectant (oxidant) has been added to the water supply.

(A) Water systems must take all samples during normal operating conditions.

(B) Water systems may consider multiple wells where a disinfectant is added, drawing water from a single aquifer, as one treatment plant for determining the minimum number of total trihalomethanes (TTHM) and haloacetic acids(five)(HAA5) samples required, with approval from the Authority.

(C) Failure to monitor in accordance with the monitoring plan as specified in paragraphs (4)(c)(C) or (4)(d)(D) of this rule is a monitoring violation.

(D) Failure to monitor will be treated as a violation for the entire period covered by the annual average where compliance is based on a running annual average (RAA) of monthly or quarterly samples or averages and the system's failure to monitor makes it impossible to determine compliance with MCLs or MRDLs.

(E) Systems must use only data collected under the provisions of this rule to qualify for reduced monitoring.

(b) Initial Distribution System Evaluation (IDSE) Requirements. This subsection establishes monitoring and other requirements for identifying monitoring locations which, in conjunction with the requirements of subsections (4)(d) and (4)(f) of this rule, determine compliance with the MCLs for TTHM and HAA5 as specified in OAR 333-061-0030. Non-transient non-community water systems serving less than 10,000 people are exempt from the requirements of this subsection.

(A) IDSE Submittal Schedule: Water systems must comply with the requirements specified in Table 16 of this paragraph. Water systems that begin adding a disinfectant to the water supply after the dates specified in Table 16 must consult with the Authority to identify compliance monitoring locations and any IDSE compliance requirements. Water systems that were granted a waiver by the EPA exempting them from completing an IDSE, must begin monitoring in accordance with subsection (4)(d) of this rule no later than the date set forth in Table 21. [Table not included. See ED. NOTE.]

(i) The Authority may determine, in regards to the dates specified in Table 16, that a combined distribution system does not include certain wholesale or purchasing water systems based on factors such as delivering or receiving water only on an emergency basis, or delivering or receiving only a small percentage and volume of water. [Table not included. See ED. NOTE.]

(ii) IDSE results will not be used for the purpose of determining compliance with MCLs as prescribed by OAR 333-061-0030(2)(b).

(B) Standard monitoring plans. Standard monitoring plans must comply with the requirements of subparagraphs (4)(b)(B)(i) through (iv) of this rule.

(i) The standard monitoring plan must include a schematic of the distribution system (including distribution system water sources, entry points, and storage facilities), with notes indicating the locations and dates of all projected standard monitoring and projected monitoring as prescribed by subsections (4)(c) and (4)(e) of this rule.

(ii) The standard monitoring plan must include an explanation of standard monitoring location selection, and a summary of data relied on to justify the selection.

(iii) The standard monitoring plan must identify the population served and source water classification for the water system.

(iv) Standard monitoring. Water systems must monitor as indicated in Table 17 below. Water systems must collect dual sample sets at each monitoring location, and at least one round of monitoring must be during the peak historical month for TTHM or HAA5 levels, or during the month of warmest water temperature. Water systems must review available compliance, study, or operational data to determine the peak historical month for TTHM or HAA5 levels or the month of warmest water temperature. [Table not included. See ED. NOTE.]

(v) Samples must be collected at locations other than those specified by the monitoring plan as prescribed by subsection (4)(c) of this rule. Sampling locations must be spread throughout the distribution system.

ADMINISTRATIVE RULES

(vi) If the number of entry points to the distribution system is fewer than the number of entry point monitoring locations specified in Table 17, excess entry point samples must be replaced equally by samples collected at locations where you would expect to find high TTHM and HAA5 concentration. If there is an odd number of excess sampling locations, the additional sample must be collected at a location where you would expect to find high TTHM concentration. If the number of entry points to the distribution system is greater than the number of entry point monitoring locations specified in Table 17, the samples must be collected at entry points having the highest annual water flows. [Table not included. See ED. NOTE.]

(vii) Monitoring in accordance with Table 17 may not be reduced according to the provisions of subsection (1)(d) of this rule. [Table not included. See ED. NOTE.]

(viii) IDSE report. The IDSE report must include the following elements:

(I) The IDSE report must include all TTHM and HAA5 analytical results collected in accordance with subsection (4)(c) or (4)(e) of this rule, and all standard monitoring conducted during the period of the IDSE as individual analytical results and a locational running annual average (LRAA) presented in a format acceptable to the Authority. If changed from the standard monitoring plan prescribed by paragraph (4)(b)(B) of this rule, the report must also include a schematic of the distribution system, the population served, and the source water type.

(II) The IDSE report must include an explanation of any deviations from the approved standard monitoring plan.

(III) Water systems must recommend timing and locations for compliance monitoring prescribed in subsections (4)(d) and (4)(f) of this rule, based on the protocol prescribed by subparagraph (4)(b)(D)(iii) of this rule, including an explanation for why the locations were selected.

(C) System Specific Study. A system specific study must be based on either existing monitoring results as prescribed by subparagraph (4)(b)(C)(i) of this rule, or modeling as prescribed by subparagraph (4)(b)(C)(ii) of this rule.

(i) Existing Monitoring Results. Water systems may submit monitoring results from previously collected samples if they meet the following criteria:

(I) TTHM and HAA5 samples must have been collected no earlier than seven years prior to the system specific study plan completion date listed in Table 16. Sample collection and analysis must be conducted in accordance with subsections (1)(a) and (1)(c) of this rule; [Table not included. See ED. NOTE.]

(II) The monitoring locations and monitoring frequency must meet the conditions specified in Table 18. Each sampling location must be sampled once during the peak historical month for TTHM or HAA5 levels or the month of warmest water temperature, for every 12 months of data submitted for that sampling location. Monitoring results must include all monitoring results collected in accordance with subsection (4)(c) or (4)(e) of this rule, and any additional monitoring results necessary to meet the minimum sample requirements; [Table not included. See ED. NOTE.]

(III) The water system must report previously collected monitoring results, and certify that the reported monitoring results include all results generated during the time period beginning with the first reported result and ending with the most recent monitoring result collected in accordance with subsection (4)(c) or (4)(e) of this rule;

(IV) The water system must certify that the samples are representative of the entire distribution system, and that neither treatment nor the distribution system has changed significantly since the samples were collected;

(V) The study plan must include a schematic of the distribution system (including distribution system water sources, entry points, and storage facilities), with notes indicating the locations and dates of all completed or planned system specific study monitoring;

(VI) The system specific study plan must include the population served and source water classification; and

(VII) If a water system submits previously collected monitoring results that meets the number of samples required by Table 18, and the Authority rejects some of the monitoring results, the water system must either conduct additional monitoring to replace the rejected results on an Authority-approved schedule or conduct standard monitoring as prescribed by paragraph (4)(b)(B) of this rule. [Table not included. See ED. NOTE.]

(ii) Modeling. Water systems may conduct analysis of an extended period simulation hydraulic model. The hydraulic model and analysis must meet the following criteria:

(I) The model must simulate a 24-hour variation in demand and show a consistently repeating 24-hour pattern of residence time;

(II) The model must represent the following criteria: (1) 75 percent of pipe volume; (2) 50 percent of pipe length; (3) all pressure zones; (4) all 12-inch diameter and larger pipes; (5) all 8-inch and larger pipes that connect pressure zones, influence zones from different sources, storage facilities, major demand areas, pumps, and control valves, or are known or expected to be significant conveyors of water; (6) all 6-inch and larger pipes that connect remote areas of a distribution system to the main portion of the system; (7) all storage facilities with standard operations represented in the model; and (8) all active pump stations with controls represented in the model; and (9) all active control valves; and

(III) The model must be calibrated, or have calibration plans for the current configuration of the distribution system during the period of highest TTHM formation potential. All storage facilities must be evaluated as part of the calibration process. Calibration must be completed no later than 12-months after submission of the system specific study plan.

(IV) Reporting modeling. The system specific study plan must include (1) tabular or spreadsheet data demonstrating that the model meets requirements in subparagraph (C)(ii)(II) of this section; (2) a description of all calibration activities undertaken, and if calibration is complete, a graph of predicted tank levels versus measured tank levels for the storage facility with the highest residence time in each pressure zone, and a time series graph of the residence time at the longest residence time storage facility in the distribution system showing the predictions for the entire simulation period (i.e., from time zero until the time it takes to for the model to reach a consistently repeating pattern of residence time); (3) model output showing preliminary 24 hour average residence time predictions throughout the distribution system; (4) timing and number of samples representative of the distribution system planned for at least one monitoring period of TTHM and HAA5 dual sample monitoring at a number of locations no less than would be required for the system under standard monitoring in paragraph (4)(b)(B) of this rule during the historical month of high TTHM. These samples must be taken at locations other than existing compliance monitoring locations determined in accordance with subsection (4)(c) of this rule (5) description of how all requirements will be completed no later than 12 months after system submits the system specific study plan; (6) schematic of the distribution system (including distribution system entry points and their sources, and storage facilities), with notes indicating the locations and dates of all completed system specific study monitoring (if calibration is complete) and all compliance monitoring conducted in accordance with subsection (4)(c) of this rule; and (7) population served and system type (surface water, groundwater under the direct influence of surface water, or groundwater).

(V) If a model is submitted that does not meet the requirements of subparagraph (4)(b)(C)(ii) of this rule, the system must correct the deficiencies and respond to Authority inquiries concerning the model. Failure to correct deficiencies or respond to inquiries by the Authority will result in the system having to conduct standard monitoring as prescribed by paragraph (4)(b)(B) of this rule.

(iii) IDSE report. Water systems must submit the IDSE report according to the schedule prescribed in Table 16, and the report must include the following elements: [Table not included. See ED. NOTE.]

(I) The IDSE report must include all TTHM and HAA5 monitoring results collected in accordance with subsections (4)(c) and (4)(e) of this rule, and all system specific study monitoring results collected during the period of the system specific study submitted in a tabular or spreadsheet format acceptable to the Authority. If changed from the system specific study plan submitted under paragraph (4)(b)(C) of this rule, the IDSE report must also include a schematic of the distribution system, the population served, and source water classification;

(II) If using the modeling provision prescribed by subparagraph (4)(b)(C)(ii) of this rule, the system must include final information for the elements described in subparagraphs (4)(b)(C)(ii)(IV) and (V) of this rule, and a 24-hour time series graph of residence time for each location selected for monitoring in accordance with subsections (4)(d) and (4)(f) of this rule;

(III) The water system must recommend monitoring locations selected for monitoring in accordance with subsections (4)(d) and (4)(f) of this rule based on the protocol in paragraph (4)(b)(D) of this rule. It must also recommend and justify the timing of the monitoring to be conducted at these monitoring locations.

(IV) The IDSE report must include an explanation of any deviations from the approved system specific study plan.

(V) The IDSE report must include the analytical and modeling results, and the justification for recommending the monitoring locations selected for monitoring in accordance with subsections (4)(d) and (4)(f) of this rule.

ADMINISTRATIVE RULES

(VI) Water systems may submit the IDSE report in lieu of the system specific study plan two years prior to the dates listed in Table 16 for completion of the system specific study if the water system believes it has the necessary information by the time that the system specific study plan is due. If water systems choose this approach, the IDSE report must also include all information required under paragraph (4)(b)(C) of this rule. [Table not included. See ED. NOTE.]

(D) Monitoring location recommendations.

(i) The IDSE report must include recommendations and explanation for where and during what month(s) TTHM and HAA5 monitoring in accordance with subsections (4)(d) and (4)(f) of this rule should be conducted. Recommendations must be based on the criteria in subparagraphs (4)(b)(D)(ii) through (v) of this rule.

(ii) Water systems must collect samples as prescribed by Table 19 below. The number of samples and recommended locations must be used for monitoring in accordance with subsections (4)(d) and (4)(f) of this rule, unless the Authority requires different or additional locations. Monitoring locations should be dispersed throughout the distribution system to the maximum extent possible. [Table not included. See ED. NOTE.]

(iii) Water systems must recommend locations for monitoring in accordance with subsections (4)(d) and (4)(f) of this rule based on standard monitoring results, system specific study results, or monitoring results collected in accordance with subsections (4)(c) and (4)(e) of this rule. Water systems must comply with the protocol specified in subparagraphs (4)(b)(D)(iii)(I) through (VIII) of this rule. If a water system is required to monitor at more than eight locations, the protocol must be repeated as necessary. If a water system does not have sufficient monitoring results collected in accordance with subsections (4)(c) and (4)(e) of this rule, the system must repeat the protocol, ignoring the provisions of subparagraphs (4)(b)(D)(iii)(III) and (VII) as necessary, until the required total number of monitoring locations have been identified. Water systems must select the:

(I) Location with the highest TTHM LRAA not previously selected through this protocol;

(II) Location with the highest HAA5 LRAA not previously selected through this protocol;

(III) Location with the highest HAA5 LRAA based on sampling in accordance with subsections (4)(c) and (4)(e) of this rule, and with average residence time (or maximum residence time for groundwater systems) not previously selected through this protocol;

(IV) Location with the highest TTHM LRAA not previously selected through this protocol;

(V) Location with the highest TTHM LRAA not previously selected through this protocol;

(VI) Location with the highest HAA5 LRAA not previously selected through this protocol;

(VII) Location with the highest TTHM LRAA based on sampling in accordance with subsections (4)(c) and (4)(e) of this rule, and with average residence time (or maximum residence time for groundwater systems) not previously selected through this protocol; and

(VIII) Location with the highest HAA5 LRAA not previously selected through this protocol.

(iv) A water system may recommend locations other than those determined through subparagraph (4)(b)(D)(iii) of this rule, if the system includes a rationale for selecting other locations. If the Authority approves the alternate locations, the water system must monitor at these locations to determine compliance with subsections (4)(d) and (4)(f) of this rule.

(v) The water system's recommended monitoring schedule must include the month of historically highest TTHM and HAA5 concentration, unless the Authority approves another month. Once the highest historical month has been identified, and if quarterly or more frequent routine monitoring is required, water systems must schedule monitoring at a regular frequency of at least every 90 days.

(c) Routine monitoring requirements for TTHMs and HAA5.

(A) Water systems required to conduct monitoring for TTHM and HAA5 must monitor at the frequency specified in Table 20 until the date set forth in Table 21, after which water systems must comply with the requirements of subsections (4)(d) or (4)(f) of this rule. [Table not included. See ED. NOTE.]

(B) Systems on increased monitoring may return to routine monitoring if, after at least one year of monitoring, the TTHM annual average is less than or equal to 0.060 mg/L and the HAA5 annual average is less than or equal to 0.045 mg/L.

(C) Monitoring plans. Each water system required to monitor under subsection (4)(c) of this rule must develop and implement a monitoring plan. The system must maintain the plan and make it available for inspection

by the Authority and the general public no later than 30 days following the applicable compliance dates as specified in OAR 333-061-0032(10)(b). All water systems using surface water or groundwater under the direct influence of surface water serving more than 3,300 people must submit a copy of the monitoring plan to the Authority no later than the date of the first report required by OAR 333-061-0040(k). The Authority may also require the plan to be submitted by any other system. After review, the Authority may require changes in any plan elements. The plan must include at least the following elements:

(i) Specific locations and schedules for collecting samples for any parameters included in subsection (4)(c) and (4)(e) of this rule;

(ii) How the water system will calculate compliance with MCLs, MRDLs, and treatment techniques; and

(iii) If approved for monitoring as a purchasing water system, or if providing water to a purchasing water system, the sampling plan must reflect the entire distribution system.

(d) Revised monitoring requirements for TTHM and HAA5. This subsection establishes monitoring and other requirements for achieving compliance with the MCL based on a LRAA for TTHM and HAA5.

(A) Water systems must meet the requirements of this subsection beginning on the date specified by the schedule in Table 21: [Table not included. See ED. NOTE.]

(i) Water systems required to conduct quarterly monitoring must begin monitoring in the calendar quarter that includes the compliance date specified in Table 21. [Table not included. See ED. NOTE.]

(ii) Water systems required to conduct monitoring at a frequency less than quarterly must begin monitoring in the month recommended in the IDSE report prepared as prescribed in paragraphs (4)(b)(B) or (4)(b)(C) of this rule, or the month identified in the monitoring plan developed as prescribed in paragraph (4)(d)(D) of this rule, within 12 months of the date specified in Table 21. [Table not included. See ED. NOTE.]

(B) Compliance calculations and determinations. Water systems required to conduct quarterly monitoring must make compliance calculations at the end of the fourth quarter following the compliance date specified in Table 21, and at the end of each subsequent quarter. The LRAA must be calculated prior to the fourth quarter if fewer than four quarters of data would cause the MCL to be exceeded, regardless of the monitoring results in subsequent quarters. Water systems required to conduct monitoring at a frequency less than quarterly must make compliance calculations beginning with the first sample collected after the date specified in Table 21. [Table not included. See ED. NOTE.]

(i) Water systems required to monitor quarterly. Water systems must calculate the LRAA for TTHM and HAA5 using monitoring results collected under this subsection to determine that each LRAA does not exceed the MCL listed in OAR 333-061-0030(2)(b). Water systems that fail to complete four consecutive quarters of monitoring must calculate the LRAA based on the available data from the most recent four quarters. Water systems that take more than one sample per quarter at a specific monitoring location must average all samples taken in the quarter for that location to determine a quarterly average to be used in the LRAA calculation.

(ii) Water systems required to monitor yearly or less frequently. Water systems must determine that each sample collected is less than the MCL listed in OAR 333-061-0030(2)(b). If any sample exceeds the MCL, the water system must comply with the requirements of subsection (4)(h) of this rule. If no sample exceeds the MCL, the sample result for each monitoring location is considered the LRAA for that monitoring location.

(iii) A water system required to monitor quarterly is in violation of the monitoring requirements for each quarter that a monitoring result would be used in calculating an LRAA if the system fails to monitor.

(C) Routine Monitoring Frequency. Water systems that submitted an IDSE report must begin monitoring at the locations and during the months recommended in the IDSE report as prescribed by paragraph (4)(b)(D) of this rule, following the schedule as prescribed by Table 21, unless the Authority requires other or additional locations after its review. Non-transient Non-community water systems serving less than 10,000 people, and water systems that were granted a waiver by the EPA exempting them from completing an IDSE must begin monitoring at the location(s) and dates identified in the monitoring plan developed as prescribed in paragraph (4)(c)(C) of this rule, and updated as required by paragraph (4)(d)(D) of this rule. [Table not included. See ED. NOTE.]

(i) Systems must monitor at no fewer than the number of locations identified in Table 22: [Table not included. See ED. NOTE.]

(ii) Water systems that begin adding a disinfectant to the water supply after the dates specified in Table 16 must consult the Authority to identify compliance monitoring locations. Systems must then develop a monitoring

ADMINISTRATIVE RULES

plan as prescribed in paragraph (4)(d)(D) of this rule that includes those monitoring locations.

(D) Monitoring Plan. Water systems must develop and implement a monitoring plan. The monitoring plan must be completed no later than the date the system begins monitoring in accordance with subsections (4)(d) and (4)(f) of this rule, and must be maintained and made available for inspection by the Authority and the general public.

(i) The monitoring plan must include the following elements:

- (I) Monitoring locations;
- (II) Monitoring dates; and
- (III) Compliance calculation procedures.

(ii) Water systems not required to submit an IDSE report as prescribed in paragraphs (4)(b)(B) or (4)(b)(C) of this rule, and that have either insufficient or too many monitoring locations from monitoring in accordance with subsections (4)(c) and (4)(e) of this rule, must identify the required number of monitoring locations for monitoring in accordance with subsections (4)(d) and (4)(f) of this rule. Water systems must identify the locations by alternating the selection of locations representing high TTHM levels and high HAA5 levels until the required number of monitoring locations have been identified. Water systems must also provide a rationale for identifying the locations as having high levels of TTHM or HAA5.

(iii) Surface water or GWUDI systems serving more than 3,300 people must submit a copy of their monitoring plan to the Authority prior to the date the system conducts initial monitoring under subsection (4)(d) of this rule, unless the IDSE report submitted as prescribed in subsection (4)(b) of this rule contains all the information required in paragraph (4)(b)(D) of this rule.

(iv) Revisions to monitoring plans. Systems may revise monitoring plans to reflect changes in treatment, distribution system operations, layout (including new service areas), or other factors that may affect TTHM or HAA5 formation, including Authority-approved reasons, after consultation with the Authority regarding the need and justification for the revision. If monitoring locations are changed, then water systems must replace existing monitoring locations with the lowest LRAA with new locations that reflect current distribution system locations expected to have high TTHM or HAA5 levels. The Authority may require modifications in monitoring plans. Surface water or groundwater under the direct influence of surface water systems serving > 3,300 people must submit a copy of their modified monitoring plan to the Authority prior to the date required to comply with the revised monitoring plan.

(e) Reduced monitoring. Until the date set forth in Table 21, water systems may reduce monitoring as specified in Table 23, except as otherwise provided. [Table not included. See ED. NOTE.]

(A) Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for systems which must monitor quarterly) or the result of the sample (for systems which must monitor no more frequently than annually) is no more than 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively. Systems that do not meet these levels must resume monitoring at the frequency identified in paragraph (4)(c)(A) of this rule (minimum monitoring frequency column) in the quarter immediately following the monitoring period in which the system exceeds 0.060 mg/L or 0.045 mg/L for TTHMs and HAA5, respectively. For systems using only groundwater not under the direct influence of surface water and serving less than 10,000 persons, if either the TTHM annual average is greater than 0.080 mg/L or the HAA5 annual average is greater than 0.060 mg/L, the water system must go to increased monitoring as specified in paragraph (4)(c)(A) of this rule (sample location column) in the quarter immediately following the monitoring period in which the system exceeds 0.080 mg/L or 0.060 mg/L for TTHMs or HAA5, respectively.

(B) Systems may remain on reduced monitoring after the dates identified in Table 21 of paragraph (4)(d)(A) of this rule for compliance with this rule only if the water system was granted a waiver by the EPA exempting them from completing an IDSE, and the system meets the reduced monitoring criteria specified in subsection (4)(f) and paragraph (4)(f)(A) of this rule, and does not change or add monitoring locations from those used for compliance monitoring in accordance with subsection (4)(c) of this rule. If monitoring locations under subsection (4)(d) of this rule differ from monitoring locations under subsection (4)(c) of this rule, then systems may not remain on reduced monitoring after the dates identified in paragraph (4)(d)(A) of this rule, for compliance with this rule. [Table not included. See ED. NOTE.]

(C) Monitoring requirements for source water TOC. Surface water or GWUDI systems must collect TOC samples every 30 days at a location prior to any treatment in order to qualify for reduced TTHM and HAA5

monitoring as prescribed by this subsection, unless the water system is monitoring as prescribed by subsection (4)(n) of this rule. To remain on reduced monitoring, and in addition to meeting other criteria for reduced monitoring, the source water TOC running annual average must be ≤ 4.0 mg/L based on the most recent four quarters of monitoring, on a continuing basis at a location prior to any treatment. Once qualified for reduced monitoring as prescribed by this subsection, a water system may reduce source water TOC monitoring to quarterly TOC samples collected every 90 days at a location prior to any treatment.

(D) The Authority may return a system to routine monitoring at its discretion.

(f) Revised reduced monitoring. Beginning on the dates set forth in Table 21, systems may reduce monitoring to the level specified in Table 24 any time the LRAA is ≤ 0.040 mg/L for TTHM and ≤ 0.030 mg/L for HAA5 at all monitoring locations. [Table not included. See ED. NOTE.]

(A) Systems may only use data collected under the provisions of subsections (4)(c) through (4)(f) of this rule to qualify for reduced monitoring. In addition, the annual source water average TOC level, before any treatment, must be less than or equal to 4.0 mg/L at each plant treating surface water or groundwater under the direct influence of surface water, based on monitoring conducted as prescribed in paragraph (4)(f)(D) and subsection (4)(n) of this rule.

(B) Water Systems may remain on reduced monitoring so long as:

(i) The LRAA for water systems conducting quarterly monitoring is less than or equal to 0.040 mg/L for TTHM and less than or equal to 0.030 mg/L for HAA5 at each monitoring location; or

(ii) Samples collected by water systems conducting annual or less frequent monitoring are less than or equal to 0.060 mg/L for TTHM and less than or equal to 0.045 mg/L for HAA5.

(C) Water systems must resume routine monitoring as prescribed in subsection (4)(d) of this rule, or begin increased monitoring as prescribed in subsection (4)(h) of this rule if:

(i) The LRAA based on quarterly monitoring exceeds 0.040 mg/L for TTHM or 0.030 mg/L for HAA5 at any monitoring location; or

(ii) A sample collected at any location exceeds either 0.060 mg/L for TTHM or 0.045 mg/L for HAA5 when the monitoring frequency is annual or less frequent; or

(iii) The average annual source water TOC level, before any treatment, is greater than 4.0 mg/L at any treatment plant treating surface water or groundwater under the direct influence of surface water.

(D) Monitoring requirements for source water TOC. Surface water or GWUDI systems must collect monthly TOC samples every 30 days at a location prior to any treatment in order to qualify for reduced TTHM and HAA5 monitoring as prescribed by this subsection, unless the water system is monitoring as prescribed by subsection (4)(n) of this rule. To remain on reduced monitoring, and in addition to meeting other criteria for reduced monitoring, the source water TOC running annual average must be ≤ 4.0 mg/L, based on the most recent four quarters of monitoring, on a continuing basis at a location prior to any treatment. Once qualified for reduced monitoring as prescribed by this subsection, a water system may reduce source water TOC monitoring to quarterly TOC samples collected every 90 days at a location prior to any treatment.

(E) A water system may be returned to routine monitoring at the Authority's discretion.

(g) Disinfection Profiling and Disinfection Benchmarking. Any community, non-transient non-community, or transient non-community water system utilizing surface water or groundwater under direct influence of surface water that desires to make a significant change to its disinfection treatment process as defined by OAR 333-061-0060(1)(e)(A) through (1)(e)(D) must conduct disinfection profiling and benchmarking for *Giardia lamblia* and viruses. Any community or non-transient non-community water system utilizing surface water or groundwater under direct influence of surface water and having a running annual average greater than or equal to 0.064 mg/l for TTHM or 0.048 mg/l for HAA5, must conduct disinfection profiling for *Giardia lamblia*.

(A) Water systems serving at least 10,000 people must conduct the disinfection profiling in accordance with the USEPA Disinfection Profiling and Benchmarking Guidance Manual. The profile must be based on daily inactivation rate calculations over a period of 12 consecutive months. If the water system uses chloramines, ozone, or chlorine dioxide as a primary disinfectant, the log inactivation for viruses must be calculated and an additional disinfection profile must be developed using a method approved by the Authority.

(B) Water systems serving less than 10,000 people must conduct the disinfection profiling in accordance with or the USEPA LT1-ESWTR

ADMINISTRATIVE RULES

Disinfection Profiling and Benchmarking Technical Guidance Manual. The profile must be based on weekly inactivation rate calculations collected on the same calendar day over a period of 12 consecutive months. If the water system uses chloramines, ozone, or chlorine dioxide as a primary disinfectant, the log inactivation for viruses must be calculated and an additional disinfection profile must be developed using a method approved by the Authority.

(C) Water systems using either a single or multiple points of disinfection must monitor the following parameters to determine total log inactivation for each disinfection segment:

(i) The temperature of the disinfected water at each residual disinfectant concentration sampling point during peak hourly flow;

(ii) The pH of the disinfected water at each residual disinfectant concentration sampling point during peak hourly flow for systems using chlorine;

(iii) The disinfectant contact time(s) ("T") during peak hourly flow; and

(iv) The residual disinfectant concentration(s) ("C") of the water before or at the first customer and prior to each additional point of disinfection during peak hourly flow.

(D) Water systems required to develop disinfection profiles as prescribed by OAR 333-061-0060(1)(e) must meet the requirements of subparagraphs (4)(g)(D)(i) through (iii) of this rule:

(i) Water systems must monitor at least weekly for a period of 12 consecutive months to determine the total log inactivation for *Giardia lamblia* and viruses. If water systems monitor more frequently, the monitoring frequency must be evenly spaced. Water systems that operate for fewer than 12 months per year must monitor weekly during the period of operation;

(ii) Water systems must determine log inactivation for *Giardia lamblia* through the entire plant, based on CT99.9 values in Tables 26 through 33 in OAR 333-061-0036(5) as applicable; and [Table not included. See ED. NOTE.]

(iii) Water systems must determine log inactivation for viruses through the entire treatment plant based on a protocol approved by the Authority.

(E) Water systems must calculate the total inactivation ratio for *Giardia lamblia* as specified in this paragraph.

(i) Water systems using only one point of disinfectant application must determine the total inactivation ratio for the disinfection segment based on the methods specified in this paragraph.

(I) Water systems must determine one inactivation ratio (CTcalc/CT99.9) before or at the first customer during peak hourly flow; or

(II) Must determine successive (CTcalc/CT99.9) values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Water systems must calculate the total inactivation ratio by determining (CTcalc/CT99.9) for each sequence and then adding the (CTcalc/CT99.9) values together to determine Σ (CTcalc/CT99.9).

(ii) Water systems using more than one point of disinfectant application before the first customer must determine the (CTcalc/CT99.9) value of each disinfection segment immediately prior to the next point of disinfectant application, or for the final segment, before or at the first customer, during peak hourly flow. The (CTcalc/CT99.9) value of each segment and Σ (CTcalc/CT99.9) must be calculated using the method in subparagraph (4)(g)(E)(i)(II) of this rule.

(iii) The system must determine the total log of inactivation by multiplying the value calculated in subparagraphs (4)(g)(E)(i) or (ii) of this rule by 3.0.

(F) In lieu of conducting new monitoring as prescribed by paragraph (4)(g)(C) of this rule, water systems may elect to meet the requirements of subparagraphs (4)(g)(F)(i) or (ii) of this rule as follows:

(i) Water systems that have at least one year of existing data that are substantially equivalent to data collected in accordance with the provisions of this subsection may use these data to develop disinfection profiles as specified in this section if the system has not made a significant change to its treatment practice nor changed sources since the data were collected. Water systems may develop disinfection profiles using up to three years of existing data.

(ii) Water systems may use disinfection profile(s) developed as prescribed by this subsection in lieu of developing a new profile if the system has neither made a significant change to its treatment practice nor changed sources since the profile was developed. Water systems that have not developed a virus profile as prescribed by paragraph (4)(g)(G) of this rule must develop a virus profile using the same monitoring data on which the *Giardia lamblia* profile is based.

(G) Water systems must calculate the log of inactivation for viruses using a similar protocol as described in paragraph (4)(g)(D) of this rule, using a CT99.99 and a multiplication factor of 4.0.

(H) A water system subject to OAR 333-061-0060(1)(e) must calculate a disinfection benchmark using the procedures specified in subparagraphs (4)(g)(H)(i) and (ii) of this rule to calculate a disinfection benchmark.

(i) For each year of profiling data collected and calculated as prescribed by paragraphs (4)(g)(A) through (G) of this rule, systems must determine the lowest mean monthly level of both *Giardia lamblia* and virus inactivation. Water systems must determine the mean *Giardia lamblia* and virus inactivation for each calendar month for each year of profiling data by dividing the sum of daily or weekly *Giardia lamblia* and virus log inactivation by the number of values calculated for that month.

(ii) The disinfection benchmark is the lowest monthly mean value (for water systems with one year of profiling data) or the mean of the lowest monthly mean values (for water systems with more than one year of profiling data) of *Giardia lamblia* and virus log inactivation in each year of profiling data.

(I) Water systems must retain the disinfection profile data in graphic form, such as a spreadsheet, which must be available for review by the Authority as part of a sanitary survey or other field visit contact.

(h) Conditions requiring increased monitoring.

(A) Water systems required to monitor annually or less frequently as prescribed by subsections (4)(d) or (4)(f) of this rule must increase monitoring to dual sample sets collected every 90 days at all locations, if a TTHM or HAA5 sample exceeds the MCL at any location.

(B) Water systems conducting increased monitoring in accordance with paragraph (4)(h)(A) of this rule must collect samples at the monitoring locations specified in the monitoring plan developed in accordance with paragraph (4)(d)(D) of this rule.

(C) Water systems may return to routine monitoring if at least four consecutive quarters of increased monitoring has been conducted, and the LRAA for every monitoring location is less than or equal to 0.060 mg/L for TTHM and 0.045 mg/L for HAA5.

(D) Water systems conducting increased monitoring in accordance with subsection (4)(c) of this rule must continue increased monitoring at the locations specified in the monitoring plan as described in paragraph (4)(d)(D) of this rule beginning on the date identified in Table 21, and continue increased monitoring at the specified locations until qualifying for a return to routine monitoring as prescribed by subsection (4)(d) and paragraph (4)(h)(C) of this rule. [Table not included. See ED. NOTE.]

(i) Operational evaluation levels

(A) Water systems have exceeded the operational evaluation level for TTHM or HAA5 at a monitoring location when the sum of the two previous quarters' sample results plus twice the current quarter's sample result, divided by 4, exceeds the MCL.

(B) Operational evaluation and report.

(i) Systems that exceed the operational evaluation level for either TTHM or HAA5 must conduct an operational evaluation and submit a written report of the evaluation to the Authority no later than 90 days after being notified of the analytical result that causes the system to exceed the operational evaluation level. The written report must be made available to the public upon request.

(ii) Operational evaluations must include an examination of the water system's treatment and distribution practices, including but not limited to: storage tank operations, excess storage capacity, distribution system flushing, changes in sources or source water quality, and treatment changes or problems that may contribute to TTHM and HAA5 formation. The examination must also include what steps could be considered to minimize future exceedances.

(I) The Authority may allow water systems to limit the scope of the evaluation if the water system is able to identify the cause of the operational evaluation level exceedance.

(II) The request to limit the scope of the evaluation does not extend the schedule specified in subparagraph (4)(i)(B)(i) of this rule for submitting the written report. The Authority must approve this limited scope of evaluation in writing, and the water system must keep that approval with the completed report.

(j) Additional requirements for purchasing water systems. Purchasing water systems that do not add a disinfectant, but deliver water where a disinfectant (oxidant) has been added to the water supply at any point in the treatment process must comply with analytical and monitoring requirements for chlorine and chloramines as prescribed in paragraph (4)(m)(A) of this rule and in subsection (4)(s) of this rule.

ADMINISTRATIVE RULES

(k) Chlorite. Community and Non-transient Non-community water systems using chlorine dioxide, for disinfection or oxidation, must conduct monitoring for chlorite.

(A) Routine monitoring.

(i) Daily monitoring. Water systems must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite MCL, the system must take additional samples in the distribution system the following day at the locations required by paragraph (4)(k)(B) of this rule, in addition to the sample required at the entrance to the distribution system.

(ii) Monthly monitoring. Systems must take a three sample set each month in the distribution system. The system must take one sample at each of the following locations: near the first customer, at a location representative of average residence time, and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three sample sets, at the specified locations). The system may use the results of additional monitoring conducted under paragraph (4)(k)(B) of this rule to meet the requirement for monitoring in this paragraph.

(B) Additional monitoring. On each day following a routine sample monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, the system is required to take three chlorite distribution system samples at the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

(C) Reduced monitoring.

(i) Chlorite monitoring at the entrance to the distribution system required by subparagraph (4)(k)(A)(i) of this rule may not be reduced.

(ii) Chlorite monitoring in the distribution system required by subparagraph (4)(k)(A)(ii) of this rule may be reduced to one three sample set per quarter after one year of monitoring where no individual chlorite sample taken in the distribution system under subparagraph (4)(k)(A)(ii) of this rule has exceeded the chlorite MCL and the system has not been required to conduct monitoring under paragraph (4)(k)(B) of this rule. The system may remain on the reduced monitoring schedule until either any of the three individual chlorite samples taken quarterly in the distribution system under subparagraph (4)(k)(A)(ii) of this rule exceeds the chlorite MCL or the system is required to conduct monitoring under paragraph (4)(k)(B) of this rule, at which time the system must revert to routine monitoring.

(l) Bromate

(A) Routine monitoring. Community and Non-transient Non-community water systems using ozone, for disinfection or oxidation, must take one sample per month for each treatment plant in the system using ozone. Water systems must take samples monthly at the entrance to the distribution system while the ozonation system is operating under normal conditions.

(B) Reduced monitoring. Water systems required to analyze for bromate may reduce monitoring from monthly to quarterly, if the system's running annual average bromate concentration is less than or equal to 0.0025 mg/L based on monthly bromate measurements for the most recent four quarters. Water systems may remain on reduced monitoring as long as the running annual average of quarterly bromate samples is less than or equal to 0.0025 mg/L. If the running annual average bromate concentration is >0.0025 mg/L, the system must resume routine monitoring as required by paragraph (4)(l)(A) of this rule.

(m) Monitoring requirements for disinfectant residuals.

(A) Chlorine and chloramines

(i) Routine monitoring. Community and Non-transient Non-community water systems that use chlorine or chloramines must measure the residual disinfectant level at the same points in the distribution system and at the same time when total coliforms are sampled, as specified in OAR 333-061-0036(6). Water systems using surface water or groundwater under the direct influence of surface water may use the results of residual disinfectant concentration sampling conducted as required by OAR 333-061-0036(5)(a)(F) for unfiltered systems or 333-061-0036(5)(b)(E) for systems which filter, in lieu of taking separate samples. Compliance with this rule is achieved when the running annual average of monthly averages of samples taken in the distribution system, computed quarterly, is less than or equal to the MRDL. Operators may increase residual disinfectant levels of chlorine or chloramine (but not chlorine dioxide) in the distribution system to a level and for a time necessary to protect public health in order to address specific microbiological contaminant problems resulting from events in the source water or in the distribution system.

(ii) Reduced monitoring from subparagraph (4)(m)(A)(i) of this rule is not allowed.

(B) Chlorine dioxide

(i) Routine monitoring. Community, Non-transient Non-community, and Transient Non-community water systems that use chlorine dioxide for disinfection or oxidation must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the MRDL, the water system must take samples in the distribution system the following day at the locations required by subparagraph (4)(m)(B)(ii) of this rule, in addition to the sample required at the entrance to the distribution system. Compliance with this rule is achieved when daily samples are taken at the entrance to the distribution system and no two consecutive daily samples exceed the MRDL.

(ii) Additional monitoring. On each day following a routine sample monitoring result that exceeds the MRDL, the system is required to take three chlorine dioxide distribution system samples. If chlorine dioxide or chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in the distribution system and there are no disinfection addition points after the entrance to the distribution system (i.e., no booster chlorination), the system must take three samples as close to the first customer as possible, at intervals of at least six hours. If chlorine is used to maintain a disinfectant residual in the distribution system and there are one or more disinfection addition points after the entrance to the distribution system (i.e., booster chlorination), the system must take one sample at each of the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

(iii) Chlorine dioxide monitoring may not be reduced from subparagraph (4)(m)(B)(ii) of this rule.

(n) Monitoring requirements for disinfection byproduct precursors (DBPP)

(A) Routine monitoring. Water systems using surface water or groundwater under the direct influence of surface water which use conventional filtration treatment must monitor each treatment plant for TOC no later than the point of combined filter effluent turbidity monitoring and representative of the treated water. All systems required to monitor as prescribed by subsection (4)(n) of this rule must also monitor for TOC in the source water prior to any treatment at the same time as monitoring for TOC in the treated water. These samples (source water and treated water) are referred to as paired samples. At the same time as the source water sample is taken, all systems must monitor for alkalinity in the source water prior to any treatment. Systems must take one paired sample and one source water alkalinity sample per month per plant at a time representative of normal operating conditions and influent water quality.

(B) Reduced monitoring. Water systems using surface water or groundwater under the direct influence of surface water with an average treated water TOC of less than 2.0 mg/L for two consecutive years, or less than 1.0 mg/L for one year, may reduce monitoring for both TOC and alkalinity to one paired sample and one source water alkalinity sample per plant per quarter. The water system must revert to routine monitoring in the month following the quarter when the annual average treated water TOC is greater than or equal to 2.0 mg/L.

(o) General compliance requirements.

(A) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the system fails to monitor for TTHM, HAA5, or bromate, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average. Where compliance is based on a running annual average of monthly or quarterly samples or averages and the system's failure to monitor makes it impossible to determine compliance with MRDLs for chlorine and chloramines, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average.

(B) All samples taken and analyzed under the provisions of section (4) of this rule must be included in determining compliance, even if that number is greater than the minimum required.

(C) If, during the first year of monitoring as required by section (4) of this rule, any individual quarter's average will cause the running annual average of that system to exceed the MCL for TTHM, HAA5, or bromate, or the MRDL for chlorine or chloramine, the system is out of compliance at the end of that quarter.

(p) Compliance requirements for TTHMs and HAA5.

(A) For systems monitoring quarterly, and in accordance with subsections (4)(c) or (4)(e) of this rule, compliance with MCLs as required by OAR 333-061-0030(2)(b) must be based on a running annual arithmetic

ADMINISTRATIVE RULES

average, computed quarterly, of quarterly arithmetic averages of all samples collected by the system as required by subsection (4)(c) of this rule.

(B) For water systems monitoring less frequently than quarterly, and in accordance with subsections (4)(c) or (4)(e) of this rule, compliance must be based on an average of samples taken that year as required by paragraph (4)(c)(A) of this rule. If the average of these samples exceeds the MCL, the water system must increase monitoring to once per quarter per treatment plant and the system is not considered in violation of the MCL until it has completed one year of quarterly monitoring, unless the result of fewer than four quarters of monitoring will cause the running annual average to exceed the MCL, in which case the system is in violation at the end of that quarter. Water systems required to increase monitoring frequency to quarterly monitoring must calculate compliance by including the sample which triggered the increased monitoring plus the following three quarters of monitoring.

(C) If the running annual arithmetic average of quarterly averages covering any consecutive four quarter period exceeds the MCL, the system is in violation of the MCL and must notify the public as required by OAR 333-061-0042(2)(b)(A), in addition to reporting to the Authority as required by OAR 333-061-0040.

(D) If a water system fails to complete four consecutive quarters' monitoring, compliance with the MCL for the last four quarter compliance period must be based on an average of the available data.

(E) A water system monitoring for TTHM or HAA5 in accordance with subsections (4)(d), (4)(f) or (4)(h) of this rule is in violation of the MCL specified in OAR 333-061-0030(2)(b) when the LRAA calculation exceeds the MCL based on four consecutive quarters of monitoring (or fewer than four quarters of monitoring if the MCL would be exceeded regardless of monitoring results in subsequent quarters). A water system is in violation of the monitoring requirements every quarter that a monitoring result would be used in calculating an LRAA if the system fails to monitor.

(q) Compliance requirements for Bromate. Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the system takes more than one sample, the average of all samples taken during the month) collected by the system as required by subsection (4)(l) of this rule. If the average of samples covering any consecutive four quarter period exceeds the MCL, the water system is in violation of the MCL and must notify the public as required by OAR 333-061-0042(2)(b)(A), in addition to reporting to the Authority as required by OAR 333-061-0040. If a water system fails to complete 12 consecutive months monitoring, compliance with the MCL for the last four quarter compliance period must be based on an average of the available data.

(r) Compliance requirements for Chlorite. Compliance must be based on an arithmetic average of each three sample set taken in the distribution system as required by subparagraph (4)(k)(A)(ii) of this rule and paragraph (4)(k)(B) of this rule. If the arithmetic average of any three sample set exceeds the MCL, the water system is in violation of the MCL and must notify the public as required by OAR 333-061-0042(2)(b)(A), in addition to reporting to the Authority as required by OAR 333-061-0040.

(s) Compliance requirements for chlorine and chloramines.

(A) Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the system as required by paragraph (4)(m)(A) of this rule. If the average covering any consecutive four quarter period exceeds the MRDL, the system is in violation of the MRDL and must notify the public as required by OAR 333-061-0042(2)(b)(A), in addition to reporting to the Authority as required by OAR 333-061-0040.

(B) In cases where water systems switch between the use of chlorine and chloramines for residual disinfection during the year, compliance must be determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted as required by OAR 333-061-0040(1) must clearly indicate which residual disinfectant was analyzed for each sample.

(t) Compliance requirements for Chlorine dioxide.

(A) Acute violations. Compliance must be based on consecutive daily samples collected by the water system as required by paragraph (4)(m)(B) of this rule. If any daily sample taken at the entrance to the distribution system exceeds the MRDL, and on the following day one (or more) of the three samples taken in the distribution system exceed the MRDL, the water system is in violation of the MRDL and must take immediate corrective action to lower the level of chlorine dioxide below the MRDL and must notify the public pursuant to the procedures for acute health risks as required by OAR 333-061-0042(2)(a)(C) in addition to reporting to the Authority as required by OAR 333-061-0040. Failure to take samples in the distribution system the day following an exceedance of the chlorine diox-

ide MRDL at the entrance to the distribution system will also be considered an MRDL violation and the water system must notify the public of the violation in accordance with the provisions for acute violations as required by OAR 333-061-0042(2)(a)(C) in addition to reporting to the Authority as required by OAR 333-061-0040.

(B) Non-acute violations. Compliance must be based on consecutive daily samples collected by the system as required by paragraph (4)(m)(B) of this rule. If any two consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples taken are below the MRDL, the water system is in violation of the MRDL and must take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and will notify the public pursuant to the procedures for non-acute health risks specified by OAR 333-061-0042(2)(b)(A), in addition to reporting to the Authority as required by OAR 333-061-0040. Failure to monitor at the entrance to the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the water system must notify the public of the violation in accordance with the provisions for non-acute violations specified by OAR 333-061-0042(2)(b)(A) in addition to reporting to the Authority as required by OAR 333-061-0040.

(u) Compliance requirements for disinfection byproduct precursors (DBPP). Compliance must be determined as specified by OAR 333-061-0032(10)(f). Water systems may begin monitoring to determine whether Step 1 TOC removals can be met 12 months prior to the compliance date for the system. This monitoring is not required and failure to monitor during this period is not a violation. However, any water system that does not monitor during this period, and then determines in the first 12 months after the compliance date that it is not able to meet the Step 1 requirements as specified in OAR 333-061-0032(10)(e)(B) and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements as allowed by OAR 333-061-0032(10)(e)(C) and is in violation. Water systems may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date. For systems required to meet step 1 TOC removals, if the value calculated under OAR 333-061-0032(10)(f)(A)(iv) is less than 1.00, the system is in violation of the treatment technique requirements and must notify the public pursuant to OAR 333-061-0042(2)(b)(A), in addition to reporting to the Authority pursuant to OAR 333-061-0040.

(5) Surface Water Treatment.

(a) A public water system that uses a surface water source or a groundwater source under the direct influence of surface water that does not provide filtration treatment must monitor water quality as specified in this subsection beginning January 1, 1991 for systems using a surface water source and January 1, 1991 or 6 months after the Authority has identified a source as being under the direct influence of surface water for groundwater sources, whichever is later.

(A) Fecal coliform or total coliform density measurements as required by OAR 333-061-0032(2)(b)(A) must be performed on representative source water samples immediately prior to the first or only point of disinfectant application. The system must sample for fecal or total coliforms at the minimum frequency shown in Table 25 each week the system serves water to the public. These samples must be collected on separate days. Also one fecal or total coliform density measurement must be made every day the system serves water to the public when the turbidity of the source water exceeds 1 NTU (these samples count towards the weekly coliform sampling requirement) unless the Authority determines that the system, for logistical reasons outside of its control, cannot have the sample analyzed within 30 hours of collection. [Table not included. See ED. NOTE.]

(B) Turbidity measurements as required by OAR 333-061-0030(3)(a) must be performed on representative grab samples of source water immediately prior to the first or only point of disinfectant application every four hours (or more frequently) that the system serves water to the public. A public water system may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by the Authority. Systems using continuous turbidity monitoring must report the turbidity data to the Authority in the same manner that grab sample results are reported. The Authority will furnish report forms upon request.

(C) The total inactivation ratio for each day that the system is in operation must be determined based on the CT99.9 values in Tables 26 through 33. The parameters necessary to determine the total inactivation ratio must be monitored as follows: [Table not included. See ED. NOTE.]

ADMINISTRATIVE RULES

(i) The temperature of the disinfected water must be measured at least once per day at each residual disinfectant concentration sampling point.

(ii) If the system uses chlorine, the pH of the disinfected water must be measured at least once per day at each chlorine residual disinfectant concentration sampling point.

(iii) The disinfectant contact time(s) ("T") in minutes must be determined for each day during peak hourly flow.

(iv) The residual disinfectant concentration(s) ("C") in mg/l before or at the first customer must be measured each day during peak hourly flow.

(v) If a system uses a disinfectant other than chlorine or UV, the system may demonstrate to the Authority, through the use of protocol approved by the Authority for on-site disinfection challenge studies or other information satisfactory to the Authority, that CT99.9 values other than those specified in the Tables 32 and 33 or other operational parameters are adequate to demonstrate that the system is achieving the minimum inactivation rates required by OAR 333-061-0032(3)(a). [Table not included. See ED. NOTE.]

(D) The total inactivation ratio must be calculated as follows:

(i) If the system uses only one point of disinfectant application, the system may determine the total inactivation ratio based on either of the following two methods:

(I) One inactivation ratio (CT_{calc}/CT_{required}) is determined before or at the first customer during peak hourly flow and if the CT_{calc}/CT_{required} is greater than or equal to 1.0, the Giardia lamblia inactivation requirement has been achieved; or

(II) Successive CT_{calc}/CT_{required} values representing sequential inactivation ratios, are determined between the point of disinfection application and a point before or at the first customer during peak hourly flow. Under this alternative, the following method must be used to calculate the total inactivation ratio: Step 1: Determine CT_{calc}/CT_{required} for each sequence Step 2: Add the CT_{calc}/CT_{required} values together Step 3: If (CT_{calc}/CT_{required}) is greater than or equal to 1.0, the Giardia lamblia inactivation requirement has been achieved.

(ii) If the system uses more than one point of disinfectant application before or at the first customer, the system must determine the CT value of each disinfection sequence immediately prior to the next point of disinfectant application during peak hourly flow. The CT_{calc}/CT_{required} value of each sequence and CT_{calc}/CT_{required} must be calculated using the methods in subparagraph (5)(a)(D)(i)(II) of this rule to determine if the system is in compliance with OAR 333-061-0032(3)(a) or (5)(a).

(E) The residual disinfectant concentration of the water entering the distribution system must be monitored continuously, and the lowest value must be recorded each day. If there is a failure in the continuous monitoring equipment, grab sampling every 4 hours may be conducted in lieu of continuous monitoring, but for no more than 5 working days following the failure of the equipment, and systems serving 3,300 or fewer persons may take grab samples in lieu of providing continuous monitoring on an ongoing basis at the frequencies prescribed in Table 34. The day's samples cannot be taken at the same time. The sampling intervals are subject to Authority review and approval. If at any time the residual disinfectant concentration falls below 0.2 mg/l in a system using grab sampling in lieu of continuous monitoring, the system must take a grab sample every 4 hours until the residual disinfectant concentration is ≥ 0.2 mg/l. [Table not included. See ED. NOTE.]

(F) The residual disinfectant concentration must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in section (5) of this rule, except that the Authority may allow a public water system which uses both a surface water source or a groundwater source under the direct influence of surface water, and a groundwater source, to take disinfectant residual samples at points other than the total coliform sampling points if the Authority determines that such points are more representative of treated (disinfected) water quality within the distribution system.

(b) A public water system that uses a surface water source or a groundwater source under the direct influence of surface water that does provide filtration treatment must monitor water quality as specified in this subsection when filtration treatment is installed.

(A) Turbidity measurements as required by section OAR 333-061-0032(4) must be performed on representative samples of the system's filtered water, measured prior to any storage, every four hours (or more frequently) that the system serves water to the public. A public water system may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by the Authority. Calibration of all turbidimeters must be performed according to manufacturer's specifications, but no less

frequently than quarterly. For any systems using slow sand filtration or filtration treatment other than conventional treatment, direct filtration, or diatomaceous earth filtration, the Authority may reduce the sampling frequency to once per day if it determines that less frequent monitoring is sufficient to indicate effective filtration performance. Systems using lime softening may acidify representative samples prior to analysis using a method approved by the Authority.

(B) The actual CT value achieved must be calculated each day the treatment plant is in operation. The parameters necessary to determine the actual CT value must be monitored as follows:

(i) The temperature of the disinfected water must be measured at least once per day at each residual disinfectant concentration sampling point as prescribed in subparagraph (5)(b)(B)(iv) of this rule.

(ii) If the system uses chlorine, the pH of the disinfected water must be measured at least once per day at each chlorine residual disinfectant concentration sampling point.

(iii) The disinfectant contact time(s) ("T") in minutes must be determined for each day during peak hourly flow, based on results of a tracer study conducted according to OAR 333-061-0050(6)(a)(R), or other method approved by the Authority.

(iv) The residual disinfectant concentration(s) ("C") in mg/l before or at the first customer must be measured each day during peak hourly flow.

(v) If a system uses a disinfectant other than chlorine, the system may demonstrate to the Authority, through the use of protocol approved by the Authority for on-site disinfection challenge studies or other information satisfactory to the Authority, or other operational parameters are adequate to demonstrate that the system is achieving the minimum inactivation rates required by OAR 333-061-0032(5)(a).

(C) The inactivation ratio calculations as prescribed in paragraph (5)(a)(D) of this rule.

(D) Monitoring for the residual disinfectant concentration entering the distribution system shall be performed as prescribed in paragraph (5)(a)(E) of this rule.

(E) Monitoring for the residual disinfectant concentration in the distribution system shall be performed as prescribed in paragraph (5)(a)(F) of this rule.

(F) Water systems using membrane filtration must perform direct integrity testing on each filter canister at least daily, per OAR 333-061-0036(5)(d)(B).

(c) Inactivation credit for water systems using a disinfectant other than chlorine for pathogen inactivation.

(A) Calculation of CT values.

(i) CT is the product of the disinfectant concentration (C, in milligrams per liter) and actual disinfectant contact time (T, in minutes). Systems with treatment credit for chlorine dioxide or ozone as prescribed by paragraphs (5)(c)(B) or (C) of this rule must calculate CT at least once per day, with both C and T measured during peak hourly flow as specified in paragraph (5)(b)(B) of this rule.

(ii) Systems with several disinfection segments in sequence must calculate CT for each segment where treatment credit is sought, where a disinfection segment is defined as a treatment unit process with a measurable disinfectant residual level and a liquid volume. If using this approach, water systems must add the Cryptosporidium CT values in each segment to determine the total CT for the treatment plant.

(B) CT values for chlorine dioxide and ozone.

(i) Systems receive the Cryptosporidium treatment credit listed in Table 35 by meeting the corresponding chlorine dioxide CT value for the applicable water temperature, as described in paragraph (5)(c)(A) of this rule. [Table not included. See ED. NOTE.]

(ii) Systems receive the Cryptosporidium treatment credit listed in Table 36 by meeting the corresponding ozone CT values for the applicable water temperature, as described in paragraph (5)(c)(A) of this rule. [Table not included. See ED. NOTE.]

(C) Site-specific study. The Authority may approve alternative chlorine dioxide or ozone CT values to those listed in Table 35 or Table 36 on a site-specific basis. The Authority must base this approval on a site-specific study conducted by a water system that follows a Authority-approved protocol. [Table not included. See ED. NOTE.]

(D) Ultraviolet light. Systems receive Cryptosporidium, Giardia lamblia, and virus treatment credits for ultraviolet light (UV) reactors by achieving the corresponding UV dose values shown in subparagraph (5)(c)(D)(i) of this rule. Systems must validate and monitor UV reactors as described in OAR 333-061-0050(5)(k) and subparagraphs (5)(c)(D)(ii) and (iii) of this rule to demonstrate that they are achieving a particular UV dose value for treatment credit.

ADMINISTRATIVE RULES

(i) UV dose table. The treatment credits listed in this table are for UV light at a wavelength of 254 nm as produced by a low pressure mercury vapor lamp. To receive treatment credit for other lamp types, systems must demonstrate an equivalent germicidal dose through reactor validation testing as specified in OAR 333-061-0050(5)(k). The UV dose values in Table 37 are applicable to post-filter applications of UV in filtered water systems, unfiltered water systems, and groundwater systems required to disinfect as prescribed by OAR 333-061-0032(6)(j). [Table not included. See ED. NOTE.]

(ii) Reactor monitoring. Systems must monitor their UV reactors to determine if the reactors are operating within validated conditions, as prescribed by OAR 333-061-0050(5)(k). This monitoring must include UV intensity as measured by a UV sensor, flow rate, lamp status, and other parameters the Authority designates based on UV reactor operation. Water systems must verify the calibration of UV sensors at least monthly, and must recalibrate sensors in accordance with the EPA UV Disinfection Guidance Manual as necessary.

(iii) Water systems must monitor the percentage of water delivered to the public that was treated within validated conditions for the required UV dose. If less than 95 percent of water delivered was within validated conditions, Tier 2 public notice must be issued as prescribed by OAR 333-061-0042(3)(b).

(d) Requirements for individual filter effluent turbidity monitoring

(A) In addition to subsection (5)(b) of this rule, water systems using surface water or groundwater under the direct influence of surface water where treatment includes conventional filtration treatment or direct filtration treatment must conduct continuous turbidity monitoring for each individual filter and must calibrate turbidimeters using the procedure specified by the manufacturer. Individual filter monitoring results must be recorded every 15 minutes. If there is a failure in the continuous turbidity monitoring equipment, the water system must conduct grab sampling every four hours in lieu of continuous monitoring until the turbidimeter is repaired and back on-line. The water system serving at least 10,000 people has a maximum of five working days after failure to repair the equipment or the water system is in violation. The water system serving less than 10,000 people has a maximum of 14 days to resume continuous monitoring before a violation is incurred. If the water system's conventional or direct filtration treatment plant consists of two or fewer filters, continuous monitoring of the combined filter effluent turbidity may be substituted for continuous monitoring of individual filter effluent turbidity. For systems serving less than 10,000 people, the recording and calibration requirements that apply to individual filters also apply when continuous monitoring of the combined filter effluent turbidity is substituted for the continuous monitoring of individual filter effluent turbidity;

(B) Direct integrity testing for membrane filtration. Water systems must conduct direct integrity testing in a manner that demonstrates a removal efficiency equal to or greater than the removal credit awarded to the membrane filtration process, and that meets the requirements described in this paragraph. A direct integrity test is defined as a physical test applied to a membrane unit in order to identify and isolate integrity breaches (i.e., one or more leaks that could result in contamination of the filtrate).

(i) The direct integrity test must be independently applied to each membrane unit in service. A membrane unit is defined as a group of membrane modules that share common valving that allows the unit to be isolated from the rest of the water system for the purpose of integrity testing or other maintenance.

(ii) The direct integrity method must have a resolution of three micrometers or less, where resolution is defined as the size of the smallest integrity breach that contributes to a response from the direct integrity test.

(iii) The direct integrity test must have a sensitivity sufficient to verify the log treatment credit awarded to the membrane filtration process by the Authority, where sensitivity is defined as the maximum log removal value that can be reliably verified by a direct integrity test. Sensitivity must be determined using the approach in either subparagraphs (5)(d)(B)(iii)(I) or (II) of this rule as applicable to the type of direct integrity test the system uses.

(I) For direct integrity tests that use an applied pressure or vacuum, the direct integrity test sensitivity must be calculated according to the following equation:

$$\text{LRVDIT} = \text{LOG}_{10} \left(\frac{Q_p}{\text{VCF} \times Q_{\text{breach}}} \right)$$

Where:

LRVDIT = the sensitivity of the direct integrity test;

Q_p = total design filtrate flow from the membrane unit;

Q_{breach} = flow of water from an integrity breach associated with the smallest integrity test response that can be reliably measured; and

VCF = volumetric concentration factor. The volumetric concentration factor is the ratio of the suspended solids concentration on the high pressure side of the membrane relative to that in the feed water.

(II) For direct integrity tests that use a particulate or molecular marker, the direct integrity test sensitivity must be calculated according to the following equation:

$$\text{LRVDIT} = \text{LOG}_{10}(\text{Cf}) - \text{LOG}_{10}(\text{Cp})$$

Where:

LRVDIT = the sensitivity of the direct integrity test;

Cf = the typical feed concentration of the marker used in the test; and

Cp = the filtrate concentration of the marker from an integral membrane unit.

(iv) Water systems must establish a control limit within the sensitivity limits of the direct integrity test that is indicative of an integral membrane unit capable of meeting the removal credit awarded by the Authority.

(v) If the result of a direct integrity test exceeds the control limit established under subparagraph (5)(d)(B)(iv) of this rule, the water system must remove the membrane unit from service. Water systems must conduct a direct integrity test to verify any repairs, and may return the membrane unit to service only if the direct integrity test is within the established control limit.

(vi) Water systems must conduct direct integrity testing on each membrane unit at a frequency of not less than once each day that the membrane unit is in operation. The Authority may approve less frequent testing, based on demonstrated process reliability, the use of multiple barriers effective for Cryptosporidium, or reliable process safeguards.

(C) Indirect integrity monitoring for membrane filtration. Water systems must conduct continuous indirect integrity monitoring on each membrane unit according to the criteria specified in this paragraph. Indirect integrity monitoring is defined as monitoring some aspect of filtrate water quality that is indicative of the removal of particulate matter. A water system that implements continuous direct integrity testing of membrane units in accordance with the criteria specified in subparagraphs (5)(d)(B)(i) through (v) of this rule is not subject to the requirements for continuous indirect integrity monitoring. Water systems must submit a monthly report to the Authority summarizing all continuous indirect integrity monitoring results triggering direct integrity testing and the corrective action that was taken in each case.

(i) Unless the Authority approves an alternative parameter, continuous indirect integrity monitoring must include continuous filtrate turbidity monitoring.

(ii) Continuous monitoring must be conducted at a frequency of no less than once every 15 minutes.

(iii) Continuous monitoring must be separately conducted on each membrane unit.

(iv) If indirect integrity monitoring includes turbidity and the filtrate turbidity readings are above 0.15 NTU for a period greater than 15 minutes (i.e., two consecutive 15-minute readings above 0.15 NTU), direct integrity testing in accordance with subparagraphs (5)(d)(B)(i) through (v) of this rule must immediately be performed on the associated membrane unit.

(v) If indirect integrity monitoring includes a Authority-approved alternative parameter and if the alternative parameter exceeds a Authority-approved control limit for a period greater than 15 minutes, direct integrity testing in accordance with subparagraphs (5)(d)(B)(i) through (v) of this rule must immediately be performed on the associated membrane unit.

(e) Source water monitoring. Wholesale water systems, as defined in OAR 333-061-0020(221), must comply with the requirements of this rule based on the population of the largest water system in the combined distribution system. Water systems required to provide filtration treatment must comply with the requirements of this rule whether or not the water system is currently operating filtration treatment. The requirements of this rule for unfiltered water systems only apply to those water systems that met and continue to meet the requirements of OAR 333-061-0032(2) and (3).

(A) Initial round. Water systems must conduct monitoring as prescribed by this paragraph, and following the schedule specified in paragraph (5)(e)(C) of this rule, unless the system meets the monitoring exemption criteria specified in paragraph (5)(e)(D) of this rule.

(i) Filtered water systems serving at least 10,000 people must sample their source water for Cryptosporidium, E. coli, and turbidity at least monthly for 24 months.

(ii) Unfiltered water systems serving at least 10,000 people must sample their source water for Cryptosporidium at least monthly for 24 months.

(iii) Filtered water systems serving less than 10,000 people must sample their source water for E. coli at least once every two weeks for 12 months.

(I) Filtered water systems serving fewer than 10,000 people may avoid E. coli monitoring if the system monitors for Cryptosporidium as prescribed in subparagraph (5)(e)(A)(iv) of this rule. The water system must notify the Authority no later than three months prior to the date the system is otherwise required to start E. coli monitoring under paragraph (5)(e)(C) of this rule.

ADMINISTRATIVE RULES

(iv) Filtered water systems serving fewer than 10,000 people must sample their source water for *Cryptosporidium* at least twice per month for 12 months or at least monthly for 24 months if they meet one of the following, based on monitoring conducted in accordance with subparagraph (5)(e)(A)(iii) of this rule:

(I) The annual mean *E. coli* concentration, in the surface water source, is greater than 100 *E. coli*/100 mL;

(II) The water system does not conduct *E. coli* monitoring as described in subparagraph (5)(e)(A)(iii) of this rule; or

(III) Water systems using groundwater under the direct influence of surface water must comply with the requirements of this paragraph based on the *E. coli* level specified in subparagraph (5)(e)(A)(iv)(I) of this rule.

(v) Unfiltered water systems serving fewer than 10,000 people must sample their source water for *Cryptosporidium* at least twice per month for 12 months or at least monthly for 24 months.

(vi) Water systems may sample more frequently than required under this section if the sampling frequency is evenly spaced throughout the monitoring period.

(vii) The Authority may approve monitoring for an indicator other than *E. coli* to comply with the monitoring prescribed by subparagraph (5)(e)(A)(iii) of this rule for filtered water systems serving fewer than 10,000 people. The Authority may approve an alternative to the *E. coli* concentrations that trigger *Cryptosporidium* monitoring as specified in subparagraphs (5)(e)(A)(iv)(I) and (III) of this rule. The Authority's approval to the system will be in writing and will include the basis for the Authority's determination that the alternative indicator or trigger level will provide a more accurate identification of whether a water system will exceed the Bin 1 *Cryptosporidium* level specified in Table 9 in OAR 333-061-0032(4)(f)(F). [Table not included. See ED. NOTE.]

(B) Water systems must conduct a second round of source water monitoring that meets the requirements for monitoring parameters, frequency, and duration described in paragraph (5)(e)(A) of this rule, and according to the schedule in paragraph (5)(e)(C) of this rule, unless they meet the monitoring exemption criteria specified in paragraph (5)(e)(D) of this rule.

(C) Monitoring schedule. Systems must begin monitoring as required in paragraphs (5)(e)(A) and (B) of this rule no later than the month beginning with the date listed in Table 38. [Table not included. See ED. NOTE.]

(D) Monitoring avoidance.

(i) Filtered water systems are not required to conduct source water monitoring as prescribed by this subsection if the system will provide a total of at least 5.5-log of treatment for *Cryptosporidium*, equivalent to meeting the treatment requirements of Bin 4 in OAR 333-061-0032(4)(g) and 333-061-0032(13) through (18).

(ii) Unfiltered water systems are not required to conduct source water monitoring as prescribed by this subsection if the system will provide a total of at least 3-log *Cryptosporidium* inactivation, equivalent to meeting the treatment requirements for unfiltered systems with a mean *Cryptosporidium* concentration of greater than 0.01 oocysts/L in OAR 333-061-0032(3)(e).

(iii) If a water system chooses to provide the level of treatment specified in subparagraph (5)(e)(D)(i) or (ii) of this rule, rather than conducting source water monitoring, the water system must notify the Authority in writing no later than the date the system is otherwise required to submit a sampling schedule for monitoring as prescribed by OAR 333-061-0036(5)(f)(A). A water system may choose to cease source water monitoring at any point after it has initiated monitoring if it notifies the Authority in writing that it will provide this level of treatment. Water systems must install and operate technologies to provide this level of treatment by the applicable treatment compliance date in OAR 333-061-0032(1)(a)(F).

(E) Seasonal plants. Systems with surface water or GWUDI treatment plants that operate for only part of the year must conduct source water monitoring in accordance with this subsection, but with the following modifications:

(i) Water systems must sample their source water only during the months that the plant is in use unless the Authority specifies another monitoring period based on plant operating practices.

(ii) Water systems with treatment plants that operate less than six months per year, and that monitor for *Cryptosporidium*, must collect at least six *Cryptosporidium* samples per year for two years of monitoring. Samples must be evenly spaced throughout the period the plant operates.

(F) New sources. A water system that begins using a new source of surface water or GWUDI after the system is required to begin monitoring as prescribed in paragraph (5)(e)(C) of this rule must monitor the new source on a schedule the Authority approves. Source water monitoring must meet the requirements of this subsection, and the water system must also

meet the bin classification and *Cryptosporidium* treatment requirements of OAR 333-061-0032 for the new source on a schedule the Authority approves.

(i) This applies to water systems using surface water or GWUDI sources that begin operation after the monitoring start date applicable to the system's size specified in Table 38. [Table not included. See ED. NOTE.]

(ii) The water system must begin a second round of source water monitoring no later than six years following determination of the mean *Cryptosporidium* level or initial bin classification as prescribed by OAR 333-061-0032(2) or (4) respectively, as applicable.

(G) Failure to collect any source water sample in accordance with the sampling requirements, schedule, sampling location, analytical method, approved laboratory, and reporting requirements of this section is a monitoring violation.

(H) Grandfathering monitoring data. Systems may use monitoring data collected prior to the applicable monitoring start date in paragraph (5)(e)(C) of this rule to meet the initial source water monitoring requirements in paragraph (5)(e)(A) of this rule. Grandfathered data may substitute for an equivalent number of months at the end of the monitoring period. All data submitted under this paragraph must meet the requirements in subsection (5)(h) of this rule.

(f) Source water sampling schedules.

(A) Water systems required to conduct source water monitoring as prescribed in subsection (5)(e) of this rule must submit a sampling schedule that specifies the calendar dates when the system will collect each required sample.

(i) Water systems must submit sampling schedules to the Authority, no later than three months prior to the applicable date listed in paragraph (5)(e)(C) of this rule, for each round of required monitoring.

(ii) If the Authority does not respond to a water system regarding its sampling schedule, the system must sample at the reported schedule.

(B) Water systems must collect samples within a five-day period, starting two days before the scheduled sampling date and ending two days after. The five-day period applies to each of the dates indicated in the sampling schedule unless one of the following conditions applies:

(i) An extreme condition or situation exists that may pose danger to the sample collector or that cannot be avoided, and that prevents the water system from sampling in the scheduled five-day period. In this case, the water system must sample as close to the scheduled date as possible unless the Authority approves an alternative sampling date. The water system must submit an explanation for the delayed sampling date to the Authority concurrent with the submittal of the sample to the laboratory; or

(ii) A water system is unable to report a valid analytical result for the scheduled sampling date due to equipment failure, loss of or damage to the sample, failure to comply with the analytical method requirements (including the quality control requirements), or the failure of an approved laboratory to analyze the sample.

(I) In this case the water system must collect a replacement sample as prescribed in subparagraph (5)(f)(B)(ii)(II) of this rule.

(II) The system must collect the replacement sample not later than 21 days after receiving information that an analytical result cannot be reported for the scheduled date unless the water system demonstrates that collecting a replacement sample within this time frame is not feasible or the Authority approves an alternative re-sampling date. The system must submit an explanation for the delayed sampling date to the Authority concurrent with the submittal of the sample to the laboratory.

(iii) Water systems that fail to meet the criteria of paragraph (5)(f)(B) of this rule for any required source water sample must revise their sampling schedules to add dates for collecting all missed samples. Water systems must submit the revised sampling schedule to the Authority for approval prior to beginning collecting the missed samples.

(g) Source water sampling locations.

(A) Water systems required to conduct source water monitoring as prescribed in subsection (5)(e) of this rule must collect samples for each plant that treats a surface water or GWUDI source. Where multiple plants draw water from the same influent, such as the same pipe or intake, the Authority may approve one set of monitoring results to be used to satisfy the requirements for all treatment plants.

(B) Water systems must collect source water samples prior to chemical treatment, such as coagulants, oxidants and disinfectants, unless the system meets the following condition:

(i) The Authority may approve a water system to collect a source water sample after chemical treatment if the Authority determines that collecting a sample prior to chemical treatment is not feasible for the system

ADMINISTRATIVE RULES

and that the chemical treatment is unlikely to have a significant adverse effect on the analysis of the sample.

(C) Water systems that recycle filter backwash water must collect source water samples prior to the point of filter backwash water addition.

(D) Bank filtration.

(i) Water systems that receive Cryptosporidium treatment credit for bank filtration as an alternate filtration technology as specified by OAR 333-061-0032(9) must collect source water samples in the surface water source prior to bank filtration.

(ii) Water systems that use bank filtration as pretreatment to a filtration plant must collect source water samples from the well, after bank filtration. Use of bank filtration during monitoring must be consistent with routine operational practice. Water systems collecting samples after a bank filtration process may not receive treatment credit for the bank filtration prescribed by OAR 333-061-0032(9).

(E) Multiple sources. Water systems with treatment plants that use multiple water sources, including multiple surface water sources and blended surface water and groundwater sources, must collect samples as specified in subparagraph (5)(g)(E)(i) or (ii) of this rule. The use of multiple sources during monitoring must be consistent with routine operational practice.

(i) If a sampling tap is available where the sources are combined prior to treatment, water systems must collect samples from this tap.

(ii) If a sampling tap where the sources are combined prior to treatment is not available, systems must collect samples at each source near the intake on the same day and must comply with either subparagraph (5)(g)(E)(ii)(I) or (II) below for sample analysis.

(I) Water systems may composite samples from each source into one sample prior to analysis. The volume of sample from each source must be weighted according to the proportion of the source in the total plant flow at the time the sample is collected.

(II) Water systems may analyze samples from each source separately and calculate a weighted average of the analysis results for each sampling date. The weighted average must be calculated by multiplying the analysis result for each source by the fraction the source contributed to total plant flow at the time the sample was collected and then adding these values.

(F) Additional requirements. Water systems must submit a description of their sampling location(s) to the Authority at the same time as the sampling schedule required under subsection (5)(f) of this rule. This description must address the position of the sampling location in relation to the system's water source(s) and treatment processes, including pretreatment, points of chemical treatment, and filter backwash recycle. If the Authority does not respond to a water system regarding sampling location(s), the system must sample at the reported location(s).

(h) Grandfathering previously collected data.

(A) Water systems may comply with the initial source water monitoring requirements of paragraph (5)(e)(A) of this rule by grandfathering sample results collected before the system is required to begin monitoring. To be grandfathered, the sample results and analysis must meet the criteria in this section and the Authority must approve the previously sampled data.

(i) A filtered water system may grandfather Cryptosporidium samples to meet the monitoring requirements of paragraph (5)(e)(A) of this rule when the system does not have corresponding *E. coli* and turbidity samples.

(ii) A water system that grandfathers Cryptosporidium samples is not required to collect the *E. coli* and turbidity samples when the system completes the requirements for Cryptosporidium monitoring under paragraph (5)(e)(A) of this rule.

(B) The analysis of grandfathered *E. coli* and Cryptosporidium samples must meet the analytical method and approved laboratory requirements of subsections (1)(a) and (1)(c) of this rule.

(C) The sampling location of grandfathered samples must meet the conditions specified in subsection (5)(g) of this rule.

(D) Grandfathered Cryptosporidium samples must have been collected no less frequently than each calendar month on a regular schedule, and no earlier than January 1999. Sample collection intervals may vary for the conditions specified in subparagraph (5)(f)(B)(i) through (ii) of this rule if the system provides documentation of the condition when reporting monitoring results.

(i) The Authority may approve grandfathering of previously collected data where there are time gaps in the sampling frequency if the water system conducts additional monitoring as specified by the Authority to ensure that the data used to comply with the initial source water monitoring requirements of paragraph (5)(e)(A) of this rule are seasonally representative and unbiased.

(ii) Water systems may grandfather previously collected data where the sampling frequency within each month varied. If the Cryptosporidium sampling frequency varied, water systems must follow the monthly averaging procedure in OAR 333-061-0032(2)(d)(B) or (4)(f)(E) as applicable, when calculating the bin classification for filtered water systems or the mean Cryptosporidium concentration for unfiltered water systems.

(E) Reporting monitoring results for grandfathering. Water systems that request to grandfather previously collected monitoring results must report the following information by the applicable dates listed in this paragraph.

(i) Water systems must report that they intend to submit previously collected monitoring. This report must specify the number of previously collected results the system will submit, the dates of the first and last sample, and whether a system will conduct additional source water monitoring to meet the requirements of paragraph (5)(e)(A) of this rule. Water systems must report this information no later than the date the sampling schedule is required as prescribed by subsection (5)(f) of this rule.

(ii) Water systems must report previously collected monitoring results for grandfathering, along with the associated documentation listed in subparagraphs (5)(h)(E)(ii)(I) through (IV) of this rule, no later than two months after the applicable date listed in paragraph (5)(e)(C) of this rule.

(I) For each sample result, water systems must report the applicable data elements specified by OAR 333-061-0040(1)(m).

(II) Water systems must certify that the reported monitoring results include all results the system generated during the time period beginning with the first reported result and ending with the final reported result. This applies to samples that were collected from the sampling location specified for source water monitoring under this paragraph and analyzed in accordance with subsection (1)(a) of this rule.

(III) Water systems must certify that the samples were representative of a plant's source water(s) and that the source water(s) have not changed. Water systems must report a description of the sampling location(s), which must address the position of the sampling location in relation to the system's water source(s) and treatment processes, including points of chemical addition and filter backwash recycle.

(IV) For Cryptosporidium samples, the laboratory or laboratories that analyzed the samples must provide a letter certifying that the quality control criteria in accordance with subsection (1)(a) of this rule were met for each sample batch associated with the reported results. Alternatively, the laboratory may provide bench sheets and sample examination report forms for each field, matrix spike, IPR, OPR, and method blank sample associated with the reported results.

(F) If the Authority determines that a previously collected data set submitted for grandfathering was generated during source water conditions that were not normal for the system, such as a drought, the Authority may disapprove the data. Alternatively, the Authority may approve the previously collected data if the water system reports additional source water monitoring data, as determined by the Authority, to ensure that the data set used under OAR 333-061-0032(4)(f) or 0032(2)(d) represents average source water conditions for the system.

(G) If a water system submits previously collected data that fully meets the number of samples required for initial source water monitoring required by paragraph (5)(e)(A) of this rule, and some of the data is rejected due to not meeting the requirements of this subsection, systems must conduct additional monitoring to replace rejected data on a schedule the Authority approves. Water systems are not required to begin this additional monitoring until two months after notification that data has been rejected and that additional monitoring is necessary.

(6) Microbiological contaminants:

(a) Routine sampling for pathogens is not required but may be required by the Authority when specific evidence indicates the possible presence of such organisms.

(b) Samples shall be collected and analyzed for the purpose of determining compliance with the maximum contaminant levels for coliform bacteria as follows:

(A) Samples shall be collected from points which are representative of conditions, including impacts of multiple sources, within the distribution system at regular time intervals throughout the reporting period.

(B) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 ml.

(C) Community water systems utilizing surface water, groundwater under the direct influence of surface water, or ground water sources must monitor at a frequency no less than set forth in Table 39. [Table not included. See ED. NOTE.]

ADMINISTRATIVE RULES

(D) Non-Transient Non-Community, Transient Non-Community, and State Regulated water systems using surface water, or groundwater under the direct influence of surface water must monitor at a frequency no less than set forth in Table 39. Monitoring must begin at this frequency immediately for systems using surface water sources, or no later than 6 months after the Authority has determined that the groundwater source is under the direct influence of surface water when applicable. [Table not included. See ED. NOTE.]

(E) Non-Transient Non-Community and Transient Non-Community water systems utilizing groundwater sources, and serving more than 1000 persons per day, must monitor at a frequency no less than set forth in Table 39. [Table not included. See ED. NOTE.]

(F) For Non-Transient Non-Community and Transient Non-Community water systems utilizing ground water sources and serving 1000 persons or fewer per day, and State Regulated water systems using groundwater sources, the analyses shall be made in each calendar quarter during which water is provided to the public.

(G) Public water systems must collect total coliform samples at sites which are representative of water throughout the distribution system according to a written sampling site plan. The plan must include, at a minimum, a brief narrative of the water system components, a map of the distribution system showing the representative routine and repeat sampling sites, and sampling protocols. These plans must be approved by the Authority.

(H) Any public water system that uses surface water or groundwater under the direct influence of surface water and does not provide filtration treatment as defined by these rules must collect at least one sample at the first customer for each day the turbidity level of the source water measured as prescribed in OAR 333-061-0036(5)(a)(B) exceeds 1 NTU. This sample must be analyzed for the presence of total coliforms. When one or more turbidity measurements in any day exceed 1 NTU, the system must collect this coliform sample within 24 hours of the first exceedance or as early as possible the next business day, unless the Authority determines that the system cannot have the sample analyzed within 30 hour of collection due to logistical reasons outside the system's control. Sample results from this coliform monitoring must be included in determining compliance with the microbiological MCL prescribed in OAR 333-061-0030(4).

(c) When a routine sample is total coliform-positive, a set of repeat samples must be collected within 24 hours of being notified of the positive results by the certified laboratory.

(A) Systems which collect more than one routine sample/month must collect at least three repeat samples for each total coliform-positive routine sample found.

(B) Systems which collect one routine sample/month or less must collect at least four repeat samples for each total coliform-positive sample found.

(d) The system must collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken, and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five service connections downstream of the original sampling site. If the original sampling site is at or near the end of the distribution system, the Authority may waive the requirement to collect at least one repeat sample upstream or downstream of the original sampling site. All repeat samples must be collected on the same day.

(e) Systems with a single service connection may be allowed by the Authority to collect the required set of repeat samples over a four-day period.

(f) The Authority may extend the 24-hour limit in subsection (6)(c) of this rule on a case-by-case basis if the system has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control.

(g) Results of all routine and repeat samples not invalidated by the Authority must be included in determining compliance with the MCL for total coliforms required in OAR 333-061-0030(4).

(h) If one or more repeat samples in the set is total-coliform positive, the public water system must collect an additional set of repeat samples in the manner specified in subsections (6)(c), through (e) of this rule. The additional samples must be collected within 24 hours of being notified of the positive result, unless the Authority extends the limit as provided in subsection (6)(f) of this rule. The system must repeat this process until either total coliforms are not detected in one complete set of repeat samples or The Authority determines that the MCL for total coliforms in OAR 333-061-0030(4) has been exceeded. After a system collects a routine sample and before it learns the results of the analysis of that sample, if it collects another routine sample(s) from within five adjacent service connections of

the initial sample, and the initial sample, after analysis, is found to contain total coliforms, then the system may count the subsequent sample(s) as a repeat sample instead of a routine sample.

(i) If a system collecting fewer than five routine samples/month has one or more total coliform-positive samples and the Authority does not invalidate the sample(s) under subsection (6)(k) of this rule, the system must collect at least five routine samples during the next month the system provides water to the public. The Authority may waive this requirement if:

(A) The Authority performs a site visit before the end of the next month the system provides water to the public and determines that additional monitoring and/or corrective action is not needed; or

(B) The Authority determines why the sample was total coliform-positive and establishes that the system has corrected the problem before the end of the next month the system serves water to the public. The Authority must document in writing this decision, have it approved and signed by the supervisor of the official who recommends such a decision, and make this document available to the public. The written documentation must describe the specific cause of the total coliform-positive sample and what action the system has taken and/or will take to correct this problem. The Authority cannot waive this requirement solely on the grounds that all repeat samples are total-coliform negative. Under this paragraph, a system must still take at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with the MCL for total coliforms required in OAR 333-061-0030(4) unless the Authority determines that the system has corrected the contamination problem before the system took the set of repeat samples required in subsections (6)(c) through (e) of this rule, and all repeat samples were total coliform negative.

(j) When the maximum microbiological contaminant level for total coliform is exceeded or when the maximum contaminant level for fecal coliform or fecal and total coliform is exceeded the water supplier shall report to the Authority as prescribed in OAR 333-061-0040 and notify the public as prescribed in OAR 333-061-0042(2)(b)(A) for total coliform and 333-061-0042(2)(a)(A) for fecal coliform/E. Coli. If the water system has failed to comply with a coliform monitoring requirement, including the sanitary survey requirement, the system must report to the Authority as prescribed in OAR 333-061-0040 and notify the public as prescribed in OAR 333-061-0042;

(k) The Authority may invalidate a total coliform-positive sample if:

(A) The laboratory establishes that improper sample analysis caused the total coliform-positive result; or

(B) The Authority determines that the total coliform-positive sample resulted from a domestic or other non-distribution system plumbing problem on the basis of the results of repeat samples collected as required by subsections (6)(c), through (e) of this rule. The Authority cannot invalidate a sample on the basis of repeat sample results unless all repeat sample(s) collected at the same tap as the original total coliform-positive sample are also total coliform-positive, and all repeat samples collected within five service connections of the original tap are total coliform-negative. (The Authority cannot invalidate a total coliform-positive sample on the basis of repeat samples if all the repeat samples are total coliform-negative, or if the public water system has only one service connection); or

(C) The Authority has substantial grounds to believe that a total coliform-positive result is due to a circumstance or condition which does not reflect water quality in the distribution system. In this case, the system must still collect all repeat samples required by subsections (6)(c) through (h) of this rule and use them to determine compliance with the microbiological MCL prescribed in OAR 333-061-0030(4). To invalidate a total coliform-positive sample under this paragraph, the decision with its rationale must be documented in writing, approved and signed by the supervisor of the Authority official who recommended the decision. The Authority must make this document available to the public. The written documentation must state the specific cause of the total coliform-positive sample and what action the system has taken, or will take, to correct this problem. The Authority may not invalidate a total coliform-positive sample solely on the grounds that all repeat samples are total coliform-negative.

(l) A certified laboratory must invalidate a total coliform sample (unless total coliforms are detected) if the sample produced a turbid culture in the absence of gas production using an analytical method where gas formation is examined (e.g., the Multiple-Tube Fermentation Technique), produces a turbid culture in the absence of an acid reaction in the Presence-Absence (P-A) Coliform Test, or exhibits confluent growth or produces colonies too numerous to count with an analytical method using a membrane filter (e.g., Membrane Filter Technique). If a certified laboratory invalidates a sample because of such interference, the system must collect another sample from the same location as the original sample within 24

ADMINISTRATIVE RULES

hours of being notified of the interference problem, and have it analyzed for the presence of total coliforms. The system must continue to resample within 24 hours and have the samples analyzed until it obtains a valid result. The Authority may waive the 24-hour time limit on a case-by-case basis.

(m) Any total coliform-positive sample invalidated under subsections (6)(k) or (l) of this rule shall not count towards meeting the minimum monitoring requirements as prescribed in subsections (6)(a) through (e) of this rule.

(n) If any routine or repeat sample is total coliform-positive, the system must analyze that total coliform-positive culture medium to determine if fecal coliforms are present. The system may test for *E. coli* in lieu of fecal coliforms. If fecal coliforms or *E. coli* are present, the system must notify the Authority by the end of the day when the system is notified of the test result or, if the Authority office is closed, by the end of the next business day.

(o) The Authority may allow a water system to forgo testing for fecal coliform or *E. coli* on total coliform-positive samples as prescribed in subsection (6)(n) of this rule if the system assumes that the total coliform-positive sample is fecal coliform-positive or *E. coli* positive. The system must notify the Authority as specified in subsection (6)(n) of this rule and the provisions of OAR 333-061-0030(4) apply.

(p) Public water systems which do not collect five or more routine samples per month must undergo an initial sanitary survey by June 29, 1994 for Community water systems and June 29, 1999 for Non-Transient and Transient Non-Community water systems. Thereafter, systems must undergo another sanitary survey every five years, except that Non-Transient and Transient Non-Community water systems using only protected and disinfected groundwater as defined by the Authority, must undergo subsequent sanitary surveys at least every ten years after the initial survey. The Authority must review the results of each survey to determine whether the existing monitoring frequency is adequate and what additional measures, if any, the system needs to undertake to improve drinking water quality.

(q) Beginning on December 1, 2009, groundwater systems must conduct triggered source water monitoring if the conditions identified in paragraphs (6)(q)(A) and (6)(q)(B) of this rule exist.

(A) The groundwater system does not provide at least 4-log treatment of viruses before or at the first customer for each groundwater source; and

(B) The groundwater system is notified that a sample collected as prescribed in subsection (6)(b) of this rule is total coliform-positive and the sample is not invalidated as prescribed in subsection (6)(k) of this rule.

(r) If a groundwater system is notified, after November 30, 2009, that a sample collected in accordance with subsection (6)(b) of this rule is total coliform-positive, the water system must collect at least one source water sample, within 24 hours of the notification, from each groundwater source in use at the time the total coliform-positive sample was collected, except as provided in paragraph (6)(r)(B) of this rule.

(A) The Authority may extend the 24-hour time limit on a case-by-case basis if the water system cannot collect the groundwater source water sample within 24 hours due to circumstances beyond its control. In the case of an extension, the Authority must specify how much time the water system has to collect the sample.

(B) If approved by the Authority, water systems with more than one groundwater source may meet the requirements of subsection (6)(r) of this rule by sampling a representative groundwater source(s). If directed by the Authority, water systems must submit for the Authority's approval a triggered source water monitoring plan that identifies one or more groundwater sources that the system intends to use for representative sampling as prescribed by this subsection, and that are representative of each monitoring site in the water system's coliform sampling plan as prescribed by paragraph (6)(b)(G) of this rule.

(C) A groundwater system serving 1,000 people or less may use a repeat sample collected from a groundwater source to meet the requirements of subsections (6)(c) and (6)(r) of this rule for that groundwater source. If the repeat sample collected from the groundwater source is *E. coli* -positive, the system must comply with subsection (6)(s) of this rule.

(D) Any groundwater source sample required by this subsection must be collected at a location prior to any treatment of the groundwater source, unless the Authority approves an alternative sampling location. If the water system's configuration does not allow for sampling at the groundwater source, the water system must collect a sample at a Authority-approved location representative of source water quality.

(s) Beginning on December 1, 2009, if the Authority does not require corrective action as prescribed by OAR 333-061-0032(6)(b) for an *E. coli* -positive source water sample collected in accordance with subsection (6)(r) of this rule and not invalidated as prescribed by subsection (6)(x) of

this rule, the water system must collect five additional source water samples from the same groundwater source within 24 hours of being notified of the *E. coli*-positive sample.

(t) In addition to the other requirements of this rule, and beginning on December 1, 2009, a purchasing water system that has a total coliform-positive sample collected in accordance with subsection (6)(b) of this rule must notify the wholesale groundwater system(s) within 24 hours of being notified of the total coliform-positive sample.

(u) In addition to the other requirements of this rule, and beginning on December 1, 2009, a wholesale groundwater system must comply with this subsection.

(A) If a wholesale groundwater system receives notice from a purchasing water system it serves that a sample collected in accordance with subsection (6)(b) of this rule is total coliform-positive, it must collect a sample from its groundwater source(s) as prescribed in subsection (6)(r) of this rule and analyze it for the *E. coli* within 24 hours of being notified.

(B) If a sample collected in accordance with paragraph (A) of this subsection is *E. coli*-positive, the wholesale groundwater system must notify all purchasing water systems served by that groundwater source of the *E. coli*-positive source water sample within 24 hours of being notified of the positive sample result, and must also meet the requirements of subsection (6)(s) of this rule.

(v) A groundwater system is not required to comply with the source water monitoring requirements of subsections (6)(r) through (6)(u) of this rule if either of the following conditions exists:

(A) The Authority determines, and documents in writing, that the total coliform-positive sample collected in accordance with subsection (6)(b) of this rule is caused by a distribution system deficiency; or

(B) The total coliform-positive sample is collected at a location that meets Authority criteria for distribution system conditions that will cause total coliform-positive samples.

(w) Beginning on December 1, 2009, groundwater systems that use chlorine, ultraviolet light, or another oxidant for disinfection, but do not achieve 4-log inactivation of viruses, must conduct assessment monitoring of the groundwater source to determine the potential for viral contamination.

(A) Water systems monitoring in accordance with this subsection must:

(i) Collect at least one annual groundwater source sample; and

(ii) Collect samples from each groundwater source unless the water system obtains written approval from the Authority to conduct monitoring at one or more representative groundwater sources within the system that draw water from the same hydrogeologic setting.

(B) A groundwater system conducting source water assessment monitoring may use a sample collected in accordance with subsection (6)(r) of this rule or a sample collected for determination of Groundwater Under the Direct Influence of Surface Water in accordance with OAR 333-061-0032(8), to meet the requirements of this subsection.

(C) Additional Source Water Assessment Monitoring:

(i) Water Systems must conduct additional source water assessment monitoring if at least one of the following conditions occur. These conditions include, but are not limited to:

(I) At least one total coliform-positive sample in the groundwater source water;

(II) A groundwater source having been determined by the Authority to be susceptible to fecal contamination through a Source Water Assessment (or equivalent hydrogeologic assessment wherein susceptibility is defined as a result of a highly sensitive source due to aquifer characteristics, vadose zone characteristics, monitoring history, or well construction) and the presence of a fecal contaminant source within the two-year time-of-travel zone, outreach area, and/or zone one area;

(III) A source that draws water from an aquifer that the Authority has identified as being fecally contaminated; or

(IV) A determination by the source water assessment or equivalent hydrogeologic analysis that the groundwater source is highly sensitive, and that the source is located within an area that has a high density of Underground Injection Control Wells.

(ii) Additional source water assessment monitoring must comply with the following:

(I) Collection of 12 consecutive monthly groundwater source samples for water systems that operate year-round, or monthly samples that represent each month the water system provides groundwater to the public for water systems that operate seasonally;

(II) Collection of a standard sample volume of at least 100 mL for *E. coli* analysis regardless of the analytical method used;

ADMINISTRATIVE RULES

(III) Analysis of all groundwater source samples, for the presence of *E. coli*, using an analytical method as prescribed by section (1) of this rule;

(IV) Collection of groundwater source samples at a location prior to any treatment unless the Authority approves a sampling location after treatment; and

(V) Collection of samples at the groundwater source, unless the water system's configuration does not allow for raw water sampling and the Authority approves an alternate sampling location that is representative of the water quality of that groundwater source.

(D) The Authority may require a groundwater source to be re-evaluated as prescribed by this subsection if geologic conditions, source pumping conditions, or fecal contaminant source conditions change over time.

(x) A groundwater system may obtain Authority invalidation of a *E. coli*-positive groundwater source sample collected in accordance with subsection (6)(r) of this rule only under the following conditions:

(A) The water system provides the Authority with written notice from the laboratory that improper sample analysis occurred; or

(B) The Authority determines and documents in writing that there is substantial evidence that an *E. coli*-positive groundwater source sample is not related to source water quality.

(y) If the Authority invalidates an *E. coli*-positive groundwater source sample, the groundwater system must collect another source water sample as prescribed by subsection (6)(r) of this rule within 24 hours of being notified of the invalidation. The Authority may extend the 24-hour time limit on a case-by-case basis if the system cannot collect the source water sample within 24 hours due to circumstances beyond its control. In the case of an extension, the Authority must specify how much time the system has to collect the sample.

(z) The Authority may direct any groundwater system placing a new groundwater source into service after November 30, 2009 to conduct source water assessment monitoring as prescribed by subsection (6)(w) of this rule. Source water assessment monitoring, as prescribed by this subsection, must begin before the groundwater source is used to provide water to the public.

(aa) The Authority may require a groundwater system to provide any existing information that will enable the Authority to perform an assessment to determine whether the groundwater system obtains water from a hydrogeologically sensitive aquifer.

(7) Radionuclides:

(a) Gross alpha particle activity, Radium 226, Radium 228, and Uranium:

(A) Initial Monitoring. Community Water Systems without acceptable historical data, as defined below, must conduct initial monitoring to determine compliance with OAR 333-061-0030(5) by December 31, 2007.

(i) Samples must be collected from each entry point to the distribution system during 4 consecutive quarters before December 31, 2007 according to the following schedule:

Population — Begin initial monitoring - Complete initial monitoring by
300 or More — First quarter 2005 — Fourth quarter 2005
100-299 — First quarter 2006 — Fourth quarter 2006
Less than 100 — First quarter 2007 — Fourth quarter 2007

(ii) New systems or systems using a new source must conduct initial monitoring beginning the first quarter of operation, followed by three consecutive quarterly samples.

(iii) The Authority may waive the final two quarters of the initial monitoring at an entry point if the results of the samples from the first two quarters are below the method detection limit.

(iv) Grandparenting of historical data. A system may use monitoring data from each source or entry point collected between June 2000 and December 8, 2003 to satisfy the initial monitoring requirements.

(v) If the average of the initial monitoring results for a sampling point is above the MCL, the system must collect and analyze quarterly samples at the entry point until the system has results from four consecutive quarters that are at or below the MCL, unless the system enters into another schedule as part of a formal compliance agreement with the Authority.

(B) Reduced Monitoring. Radionuclide monitoring may be reduced to once every three years, once every six years, or once every nine years based on the following criteria:

(i) If the average of the initial monitoring result for each contaminant (gross alpha particle activity, radium-226, radium-228, and uranium) at a given entry point is below the detection limit, sampling for that contaminant may be reduced to once every nine years.

(ii) For gross alpha particle activity, combined radium 226 and radium 228, and uranium, if the average of the initial monitoring results is at or above the detection limit but at or below one-half the MCL, sampling for that contaminant may be reduced to once every six years.

(iii) For gross alpha particle activity, combined radium 226 and radium 228, and uranium, if the average of the initial monitoring results is above one-half the MCL but at or below the MCL, the system must collect one sample at that sampling point at least once every three years.

(iv) Systems must use the samples collected during the reduced monitoring period to determine the monitoring frequency for subsequent monitoring periods.

(v) If a system has a monitoring result that exceeds the MCL while on reduced monitoring, the system must collect and analyze quarterly samples at that entry point until the system has results from four consecutive quarters that are below the MCL, unless the system enters into another schedule as part of a formal compliance agreement with the Authority.

(C) Compositing of samples. A system may composite up to four consecutive quarterly samples from a single entry point if the analysis is done within a year of the first sample. If the analytical result from the composited sample is greater than one-half the MCL, the Authority may direct the system to take additional quarterly samples before allowing the system to sample under a reduced monitoring schedule.

(D) Substitution of results.

(i) A gross alpha particle activity measurement may be substituted for the required radium-226 measurement if the gross alpha particle activity does not exceed 5 pCi/L.

(ii) A gross alpha particle activity measurement may be substituted for the required uranium measurement if the gross alpha particle activity does not exceed 15 pCi/L.

(iii) The gross alpha measurement shall have a confidence interval of 95 percent (1.65 where one-half is the standard deviation of the net counting rate of the sample) for radium-226 and uranium.

(iv) When a system uses a gross alpha particle activity measurement in lieu of a radium-226 and/or uranium measurement, the gross alpha particle activity analytical result will be used to determine the future monitoring frequency for radium-226 and/or uranium. If the gross alpha particle activity result is less than detection, the method detection limit will be used to determine compliance and the future monitoring frequency.

(b) Beta particle and photon radioactivity:

(A) Community water systems designated by the Authority as "vulnerable" must sample for beta particle and photon radioactivity as follows. No waivers shall be granted:

(i) Initial samples must be collected by December 31, 2007.

(ii) Quarterly samples for beta emitters and annual samples for tritium and strontium-90 must be taken at each entry point to the distribution system. Systems already designated by the state must continue to sample until the state removes the designation.

(iii) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sample point has a running annual average less than or equal to 50 pCi/l, sampling for contaminants prescribed in subparagraph (7)(b)(A)(i) of this rule may be reduced to once every three years.

(B) Community water systems designated by the Authority as "contaminated" by effluents from nuclear facilities and must sample for beta particle and photon radioactivity as follows. No waivers shall be granted.

(i) Systems must collect quarterly samples for beta emitters as detailed below and iodine-131 and annual samples for tritium and strontium-90 at each entry point to the distribution system. Sampling must continue until the Authority removes the designation.

(ii) Quarterly monitoring for gross beta particle activity is based on the analysis of monthly samples or the analysis of a composite of three monthly samples.

(iii) For iodine-131, a composite of five consecutive daily samples shall be analyzed once each quarter. More frequent monitoring may be required if iodine-131 is detected.

(iv) Annual monitoring for strontium-90 and tritium shall be conducted by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.

(v) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at an entry point has a running annual average less than or equal to 15 pCi/l, the Authority may reduce the frequency of monitoring for contaminants prescribed in subparagraph (7)(b)(B)(i) of this rule at that entry point to every three years.

(C) For systems in the vicinity of a nuclear facility, the Authority may allow the substitution of appropriate environmental surveillance data taken in conjunction with operation of a nuclear facility for direct monitoring of man-made radioactivity by the water supplier where such data is applicable to a particular Community water system. In the event of a release, monitoring must be done at the water system's entry points.

ADMINISTRATIVE RULES

(D) Systems may analyze for naturally occurring potassium-40 beta particle activity from the same or equivalent sample used for the gross beta particle activity analysis. Systems are allowed to subtract the potassium-40 beta particle activity value from the total gross beta particle activity value to determine if the screening level is exceeded. The potassium-40 beta particle activity must be calculated by multiplying elemental potassium concentrations (in mg/l) by a factor of 0.82.

(E) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity exceeds the screening level, an analysis of the sample must be performed to identify the major radioactive constituents present in the sample and the appropriate doses must be calculated and summed to determine compliance with OAR 333-061-0030(5). Doses must also be calculated and combined for measured levels of tritium and strontium to determine compliance.

(F) Systems must monitor monthly at the entry point(s) which exceed the MCL listed in OAR 333-061-0030(5) beginning the month after the exceedance occurs. Systems must continue monthly monitoring until the system has established, by a rolling average of three monthly samples, that the MCL is being met. Systems who establish that the MCL is being met must return to quarterly monitoring until they meet the requirements set forth in subparagraph (7)(b)(A)(ii) or (7)(b)(B)(v) of this rule.

(c) General monitoring and compliance requirements for radionuclides.

(A) The Authority may require more frequent monitoring than specified in subsections (7)(a) and (b) of this rule, or may require confirmation samples at its discretion. The results of the initial and confirmation samples will be averaged for use in compliance determinations.

(B) Each system shall monitor at the time designated by the Authority during each compliance period. To determine compliance with 333-061-0030(5), averages of data shall be used and shall be rounded to the same number of significant figures as the MCL of the contaminant in question.

(C) Compliance.

(i) For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average at each sampling point. If the average of any sampling point is greater than the MCL, then the system is out of compliance with the MCL.

(ii) For systems monitoring more than once per year, if any sample result will cause the running average to exceed the MCL at any entry point, the system is out of compliance with the MCL immediately.

(iii) Systems must include all samples taken and analyzed under the provisions of this section in determining compliance, even if that number is greater than the minimum required.

(iv) If a system does not collect all required samples when compliance is based on a running annual average of quarterly samples, compliance will be based on the running average of the samples collected.

(v) If a sample is less than the detection limit, zero will be used to calculate the annual average, unless a gross alpha particle activity is being used in lieu of radium-226 and/or uranium. In that case, if the gross alpha particle activity result is less than detection, one-half the detection limit will be used to calculate the annual average.

(D) The Authority has the discretion to delete results of obvious sampling or analytical errors.

(E) When the average annual maximum contaminant level for radionuclides as specified in Table 6 is exceeded, the water supplier shall, within 48 hours, report the analysis results to the Authority as prescribed in OAR 333-061-0040 and initiate the public notification procedures prescribed in 333-061-0042(2)(b)(A). [Table not included. See ED. NOTE.]

(8) Secondary contaminants:

(a) The levels listed in Table 7 of OAR 333-061-0030 represent reasonable goals for drinking water quality, but routine sampling for these secondary contaminants is not required. [Table not included. See ED. NOTE.]

(b) The Authority may however, require sampling and analysis under the following circumstances:

(A) User complaints of taste, odor or staining of plumbing fixtures.

(B) Where treatment of the water is proposed and the levels of secondary contaminants are needed to determine the method and degree of treatment.

(C) Where levels of secondary contaminants are determined by the Authority to present an unreasonable risk to health.

(c) If the results of the analyses do not exceed levels for secondary contaminants, listed in Table 7 of OAR 333-061-0030, subsequent sampling and analysis shall be at the discretion of the Authority. [Table not included. See ED. NOTE.]

(d) If the results of the analyses indicate that the levels for secondary contaminants, listed in Table 7 of OAR 333-061-0030 are exceeded, the Authority shall determine whether the contaminant levels pose an unreasonable risk to health or interfere with the ability of a water treatment facil-

ity to produce a quality of water complying with the Maximum Contaminant Levels of these rules and specify follow-up actions to be taken. [Table not included. See ED. NOTE.]

(e) During the period while any measures called for in subsection (7)(d) of this rule are being implemented, the water supplier shall follow the procedures relating to variances and permits which are prescribed in OAR 333-061-0045.

(9) Monitoring of disinfectant residuals in the distribution system

(a) Public water systems that practice continuous disinfection or disinfectant residual maintenance, as well as purchasing water systems that receive water from a public water system that practices continuous disinfection or disinfectant residual maintenance must maintain a detectable disinfectant residual throughout the distribution system and shall measure and record the residual:

(A) At one or more representative points; and

(B) At a frequency that is sufficient to detect variations in chlorine demand and changes in water flow, but in no case less often than twice per week.

(b) Public water systems that add chlorine for other purposes, such as oxidation of metals or taste and odor control, when the source(s) is known to be free of contamination must ensure that the chlorine residual entering the distribution system after treatment is less than 4.0 mg/l.

(c) Where chlorine is used as the disinfectant, the measurement of residual chlorine shall be by the DPD or other EPA-approved method in accordance with Standard Methods for the Examination of Water and Waste-water, and shall measure the free chlorine residual or total chlorine residual as applicable;

(d) The water supplier shall maintain a summary report of the residual disinfectant measurements and shall retain this summary report at a convenient location within or near the area served by the water system.

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

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

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 431.110, 431.150, 448.131, 448.150 & 448.273

Hist.: HD 9-1989, f. & cert. ef. 11-13-89; HD 26-1990, f. 23-26-90, cert. ef. 12-29-90; HD 7-1992, f. & cert. ef. 6-9-92; HD 12-1992, f. & cert. ef. 12-7-92; HD 3-1994, f. & cert. ef. 1-14-94; HD 11-1994, f. & cert. ef. 4-11-94; HD 1-1996, f. 1-2-96, cert. ef. 1-5-96; HD 14-1997, f. & cert. ef. 10-31-97; OHD 4-1999, f. 7-14-99, cert. ef. 7-15-99; OHD 4-1999, f. 7-14-99, cert. ef. 7-15-99; OHD 7-2000, f. 7-11-00, cert. ef. 7-15-00; OHD 23-2001, f. & cert. ef. 10-31-01; OHD 17-2002, f. & cert. ef. 10-25-02; PH 12-2003, f. & cert. ef. 8-15-03; PH 33-2004, f. & cert. ef. 10-21-04; PH 2-2006, f. & cert. ef. 1-31-06; PH 2-2008, f. & cert. ef. 2-15-08; PH 4-2009, f. & cert. ef. 5-18-09; PH 7-2010, f. & cert. ef. 4-19-10; PH 13-2012, f. & cert. ef. 9-10-12

Oregon Health Insurance Exchange Chapter 945

Rule Caption: Certification of Plans as Qualified Health Plans.

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

Filed with Sec. of State: 9-13-2012

Certified to be Effective: 10-1-12 thru 3-13-13

Notice Publication Date:

Rules Adopted: 945-020-0010, 945-020-0020

Subject: In order to participate in the Exchange, the Oregon Health Insurance Exchange is adopting Temporary Rules (and subsequently Permanent Rules) to certify health plans in Oregon as Qualified Health Plans. In developing these rules, the corporation consulted state agency partners, carriers, individual consumers and small businesses. These rules are being filed in accordance with the provisions outlined in the federal Affordable Care Act and SB 99 (2011).

Rules Coordinator: Claudia Grimm—(503) 373-9404

945-020-0010

Statutory Authority; Purpose; Applicability

(1) OAR chapter 945, division 20 is adopted pursuant to the general rulemaking authority of the Exchange in ORS 741.002.

(2) The purpose of OAR chapter 945, division 20 is to establish the process for certification of health plans as qualified health plans.

(3) OAR chapter 945, division 20 applies to all qualified health plans offered through the Exchange, except the following:

(a) Multistate plans, as defined in section 1334 of the Affordable Care Act.

(b) Consumer Operated and Oriented Plans (CO-OPs), as defined in section 1322 of the Affordable Care Act.

Stat. Auth.: ORS 741.002

Stats. Implemented: ORS 741.310

Hist.: OHIE 3-2012(Temp), f. 9-13-12, cert. ef. 10-1-12 thru 3-13-13

ADMINISTRATIVE RULES

945-020-0020

Certification of Qualified Health Plans

(1) Each health benefit plan offered through the Oregon Health Insurance Exchange (Exchange) must have in effect a certification issued by the Exchange. This certification demonstrates that the health benefit plan is a qualified health plan (QHP).

(2) The Exchange will issue a request for applications (RFA). To be considered for participation and plan certification, a health insurance issuer must submit a completed application to the Exchange in the form and manner, and within the timeframes specified by the Exchange.

(3) Conditional approval to participate in the Exchange will be granted to applicants who

(a) Are licensed and in good standing to offer health insurance in Oregon;

(b) Agree to offer at least one standardized QHP at the bronze, silver, and gold levels of coverage;

(c) Meet any other performance standards that may be adopted by the Exchange; and

(d) Agree to contract with the Exchange to offer QHPs. Contracts will require issuers to comply with Exchange standards and requirements, including but not limited to the following:

(A) Transparency in coverage standards;

(B) Accreditation requirements;

(C) Network adequacy standards;

(D) Exchange administrative fees and assessments;

(E) Quality improvement strategies, quality reporting, and enrollee satisfaction surveys;

(F) Exchange agent management program requirements;

(G) Tribal requirements;

(H) Premium tax credit and cost sharing reductions; and

(I) Exchange processes and procedures, including those related to enrollment, enrollment periods, premium payment, terminations of coverage, customer service, and QHP recertification and decertification.

(4) Issuer approval is conditioned upon certification of their health benefit plans. Issuers will be approved for a two-year period. No new issuers will be approved to participate during those two years unless there is a loss of statewide coverage.

(5) Any health benefit plan an approved issuer wants to offer through the Exchange must be filed with the Oregon Insurance Division and determined to meet applicable benefit design standards and all other insurance regulations as required under state and federal law.

(6) Benefit design standards means coverage that includes, but is not limited to, the following:

(a) The essential health benefits as described in section 1302(b) of the Affordable Care Act;

(b) Cost sharing limits as described in section 1302(c) of the Affordable Care Act; and

(c) A bronze, silver, gold, or platinum level of coverage as described in section 1302(d) of the Affordable Care Act, or is a catastrophic plan as described in section 1302(e) of the Affordable Care Act

(7) Subject to any limitation on the number of plans that may be offered through the Exchange, the Exchange will certify health benefit plans that are submitted by approved carriers and determined by the Oregon Insurance Division to meet all applicable standards.

Stat. Auth.: ORS 741.002

Stats. Implemented: ORS 741.310

Hist.: OHIE 3-2012(Temp), f. 9-13-12, cert. ef. 10-1-12 thru 3-13-13

Oregon Health Licensing Agency Chapter 331

Rule Caption: Standardize Board of Athletic Trainer rules with other OHLA regulated professions.

Adm. Order No.: HLA 12-2012

Filed with Sec. of State: 8-16-2012

Certified to be Effective: 8-17-12

Notice Publication Date: 5-1-2012

Rules Adopted: 331-120-0001, 331-130-0001, 331-130-0005, 331-130-0011, 331-130-0015, 331-150-0000, 331-150-0005, 331-150-0010, 331-160-0005, 331-160-0010, 331-160-0015

Rules Repealed: 331-105-0020, 331-110-0005, 331-110-0010, 331-110-0055, 331-115-0000, 331-115-0010, 331-115-0020, 331-115-0030, 331-115-0060, 331-120-0000, 331-120-0010, 331-120-0020, 331-120-0030, 331-125-0000, 331-125-0010, 331-125-0020, 331-135-0000

Subject: The Oregon Health Licensing Agency (OHLA) and the Board of Athletic Trainers (AT) are proposing to adopt the Athletic Trainers administrative rules Chapter 331 Divisions 120 through 160. New rules are required to standardize and streamline requirements and procedures to be consistent with other professions that are regulated by OHLA. In addition new rules will align with current industry, agency and statewide rulemaking standards and principles.

Rules Coordinator: Samantha Patnode—(503) 373-1917

331-120-0001

Definitions

The following definitions apply to OAR 331-120-0001 through 331-160-0015.

(1) "Agency" means the Oregon Health Licensing Agency.

(2) "Board of Certification, Inc." (BOC) means the national organization that is accredited by the National Commission for Certifying Agencies that provides a certification program for the entry-level athletic trainer and establishes requirements for maintaining status as a certified athletic trainer (ATC).

(3) "Registration" means the document issued by the agency authorizing the holder to practice athletic training under ORS 688.730 and use the title "Athletic Trainer, Registered," and the abbreviation: "ATR."

Stat. Auth.: ORS 676.615, 688.709, 688.715,

Stats. Implemented: ORS 688.715, 688.718, 688.720

Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

331-130-0001

Application Requirements

An individual applying for registration to practice athletic training must:

(1) Meet the requirements of OAR 331 Division 30.

(2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application and registration fees.

(3) In addition to requirements listed in subsections (1) and (2) of this rule, an applicant must provide documentation of one of the following pathways:

(a) Licensure Pathway 1 — Qualification through examination. An applicant must submit:

(A) Official transcripts demonstrating that the individual holds a bachelor's degree from a regionally accredited four year college or university and has completed an athletic training education program accredited by the Commission on Accreditation of Athletic Training Education, or has been approved or recognized by the Board;

(B) Evidence of prescribed educational and clinical experience as required by ORS 688.720, and OAR 331-130-0001;

(C) Official documentation of a passing score of the BOC examination or documentation of successful completion of an equivalent examination approved or recognized by the Board;

(D) Evidence that the applicant is 18 years old or older; and

(E) Evidence demonstrating current certification in cardiopulmonary resuscitation (CPR) including:

(i) Adult & Pediatric CPR;

(ii) Automated external defibrillator AED;

(iii) 2nd Rescuer CPR;

(iv) Airway Obstruction; and

(v) Barrier Devices (e.g., pocket mask, bag valve mask).

(b) Licensure Pathway 2 — Licensure through reciprocity: An applicant must submit:

(A) An Affidavit of Registration demonstrating proof of current registration, which is active with no current or pending disciplinary action. The registration must have been issued by another state or territory of the United States and the requirements be equivalent to those in ORS 688.720;

(B) Evidence that the applicant is 18 years old or older; and

(C) Evidence demonstrating current certification in cardiopulmonary resuscitation (CPR) for including:

(i) Adult & Pediatric CPR;

(ii) Automated external defibrillator AED;

(iii) 2nd Rescuer CPR;

(iv) Airway Obstruction; and

(v) Barrier Devices (e.g., pocket mask, bag valve mask).

(4) An applicant with a current athletic training licensing credential issued from another state or territory of the United States must arrange for a completed Affidavit of Registration, issued by the credentialing state, to be mailed directly to the Agency. The Affidavit must attest to the applicant's

ADMINISTRATIVE RULES

registration record and indicate successful completion of the BOC examination or another examination approved by the Board.

Stat. Auth.: ORS 676.615, 688.709, 688.715,
Stats. Implemented: ORS 688.715, 688.718, 688.720
Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

331-130-0005

Registration Required; Exception

To practice athletic training in the state of Oregon, individuals must be registered in accordance with ORS 688.718.

Stat. Auth.: ORS 676.615, 688.709, 688.715,
Stats. Implemented: ORS 688.715, 688.718, 688.720
Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

331-130-0011

Registration Issuance and Renewal

(1) **REGISTRATION:** A registrant is subject to the provisions of OAR Chapter 331, division 30 regarding the issuance and renewal of a registration, and to provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate registration.

(2) **LICENSE RENEWAL:** Registration renewal must be made prior to the registration entering inactive status. The registrant must submit the following:

- (a) Renewal application form;
- (b) Payment of required renewal fee;
- (c) Attestation of having obtained required continuing education; and
- (d) In addition to any other required continuing education, the registrant must submit evidence of current certification in cardiopulmonary resuscitation pursuant to OAR 331-130-0001.

(3) **INACTIVE REGISTRATION RENEWAL:** Registration renewal made after the registration enters inactive status. A registration may be inactive for up to three years. To renew inactive registration, the registrant must submit the following:

- (a) Renewal application form;
- (b) Payment of delinquency and renewal fees pursuant to OAR 331-140-0000;
- (c) Attestation of having obtained required continuing education; and
- (d) In addition to any other required continuing education, the registrant must submit evidence of current certification in cardiopulmonary resuscitation pursuant to OAR 331-130-0001.

(4) **EXPIRED REGISTRATION:** A registration that has been inactive for more than three years is expired and must meet the requirements listed in OAR 331-130-0001.

(5) A registrant failing to meet continuing education requirements listed under OAR 331-150-0005 must reapply and meet requirements pursuant to OAR 331-130-0001.

(6) A registrant may not practice with an inactive or expired registration.

Stat. Auth.: ORS 676.615, 688.709, 688.715,
Stats. Implemented: ORS 688.715, 688.718, 688.720
Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

331-130-0015

Registration Display and Posting Requirements

(1) Registrants must show proof of valid registration upon request or post the registration document in public view at the athletic trainer's primary workplace.

(2) A registrant may temporarily conceal the address printed on the registration document with a covering that is removable. A registrant must carry the registration identification card (pocket card), or post the official registration in plain view any time services are being provided.

Stat. Auth.: ORS 676.615, 688.709, 688.715,
Stats. Implemented: ORS 688.715, 688.718, 688.720
Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

331-150-0000

Continued Competency

(1) To ensure continuing efforts on the part of Oregon registered athletic trainers to remain current with new developments in athletic training and to encourage diversified training and qualifications in the profession, continuing education is required as a condition of registration.

(2) Continuing education experiences are programs beyond the basic education required to obtain registration and that are designed to promote and enrich knowledge, improve skills, and develop attitudes for the enhancement of the practices of registered athletic trainers, thus improving athletic training care to the public.

(3) Continuing education requirements apply whether the applicant renewing registration is living or working within Oregon or outside of the state, so long as Oregon registration is maintained.

Stat. Auth.: ORS 676.615, 688.709, 688.715,
Stats. Implemented: ORS 688.715, 688.718, 688.720
Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

331-150-0005

Continuing Education Requirements

(1) To maintain registration, athletic trainers must complete a minimum of 10 hours of approved continuing education each year. Credit hours obtained in excess of those required for the one-year reporting period may not be carried forward. A registrant's continuing education requirements remain in effect during the time registration is inactive.

(2) Each registrant shall document compliance with the continuing education requirement through attestation on the registration renewal application. Registrants are subject to provisions of OAR 331-150-0010 pertaining to periodic audit of continuing education.

(3) Approved continuing education must be obtained by participation in or attendance at a course provided by an accredited college or university, a course or program approved by the BOC or an agency pre-approved course or program.

(4) Continuing education must address subject matter related to athletic training in accordance with ORS 688.701 through 688.734.

(5) CE credit will be awarded based on the following criteria:

(a) Completion and passing of academic courses related to athletic training taken from an accredited college or university are awarded 15 hours for each semester-based credit earned, 14 hours for each trimester-based credit earned or 10 hours for each quarter-based credit earned; and

(b) Courses that do not meet standards as set forth in paragraph (a) of this subsection, such as workshops, symposiums, seminars, laboratory exercises, professional courses, or any applied experience with or without formal classroom work must be pre-approved by the agency or by BOC and may be assigned credit at the rate of one hour for each hour of attendance.

(6) Registrants must complete two hours of continuing education specifically on Concussion and Traumatic Brain Injury once every three years.

(7) Documentation supporting compliance with continuing education requirements must be maintained for a period of three years following renewal, and must be available to the agency upon request.

Stat. Auth.: ORS 676.615, 688.709, 688.715,
Stats. Implemented: ORS 688.715, 688.718, 688.720
Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

331-150-0010

Continuing Education: Audit, Required Documentation and Sanctions

(1) The Oregon Health Licensing Agency will audit a percentage of registrants, as determined by the Board, to verify compliance with continuing education requirements of this rule.

(2) Registrants notified of selection for audit of continuing education attestation shall submit to the agency, within 30 calendar days from the date of issuance of the notification, satisfactory evidence of participation in required continuing education in accordance with OAR 331-150-0005.

(3) If selected for audit, the registrant must provide documentation of the required continuing education, which must include:

(a) For courses provided by an accredited college or university — A course syllabus and an official transcript from the accredited college or university;

(b) For BOC approved programs or courses — A certificate of completion that includes the BOC approval number; or

(c) For agency pre-approved programs or courses — A certificate of completion or other agency approved documentation that includes the agency pre-approval number.

(4) If documentation of continuing education is incomplete, the registrant has an additional 30 calendar days from the date of notice of incompleteness to submit further documentation to substantiate having completed the required continuing education.

(5) Failure to meet continuing education requirements shall constitute grounds for disciplinary action, which may include, but is not limited to, assessment of a civil penalty and suspension or revocation of registration.

Stat. Auth.: ORS 676.615, 688.709, 688.715,
Stats. Implemented: ORS 688.715, 688.718, 688.720
Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

331-160-0005

Scope of Practice

The scope of practice of athletic training by a registered athletic trainer shall consist of the following:

(1) The education, instruction, application and monitoring of facts and circumstances required to protect the athlete from athletic injury, including but not limited to:

ADMINISTRATIVE RULES

(a) The identification, through physical examinations or screening processes, of conditions that may pose a risk of injury, illness or disease to an athlete.

(b) The supervision and maintenance of athletic equipment to assure safety.

(2) The recognition, evaluation and care of injuries and illness occurring during athletic events or in the practice for athletic events including but not limited to the following:

(a) Performance of strength testing using mechanical devices or other standard techniques;

(b) Application of tape, braces and protective devices to prevent or treat injury;

(c) Administration of standard techniques of first aid;

(d) Use of emergency care equipment to aid the injured athlete by facilitating safe transportation to an appropriate medical facility;

(e) Determination of the level of functional capacity of an injured athlete in order to establish the extent of an injury; and

(f) Determination of the level of functional capacity of an injured or ill athlete to participate.

(3) The gathering and accurate recording of all information required in the assessment of athletic injuries.

(4) The development and implementation of an appropriate course of rehabilitation or reconditioning by the use of therapeutic modalities, including but not limited to: water, cold, heat, electrical, mechanical and acoustical devices, massage, manual techniques, gait training exercise, and physical capacity functional programs which are determined to be needed to facilitate recovery, restore athletic function or performance;

(5) Dispensation of non-prescription medication and application of topical non-prescription medication;

(6) The determination and implementation of a plan for appropriate health care administration.

(7) Referral of an athlete to appropriate health care provider as needed.

(8) Organization of a medical care service delivery system for athletes when needed.

(9) Establishment of plans to manage an athlete's medical emergencies;

(10) The education or providing of athletic training guidance to athletes for the purpose of facilitating recovery, function and performance of the athlete.

Stat. Auth.: ORS 676.615, 688.709, 688.715,
Stats. Implemented: ORS 688.715, 688.718, 688.720
Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

331-160-0010

Standards of Practice

Athletic trainers shall adhere to the following standards of professional conduct:

(1) Physician Collaboration: Athletic trainers are required to collaborate with a physician in the treatment of an athletic injury as provided in OAR 331-160-0015.

(2) Registered Athletic Trainers shall be responsible for the conduct and performance of student assistants under their supervision.

(3) Documentation: All services are documented in writing by the Athletic Trainer and are part of the Athletic Trainer's record for the athlete. The Athletic Trainer accepts responsibility for chronologically recording details of the patient's health status and treatment, signing and dating each entry.

(4) The patient's record shall include, but not be limited to:

(a) Athlete's name and any other identifying information;

(b) Referral source, as applicable;

(c) Initial and subsequent assessments;

(d) Treatment plan, including methods used, results and plan revisions;

(e) Documentation of discontinuation of treatment and final summary.

(5) Records must be maintained for no less than seven years after discharge. All records are subject to review by the agency.

(6) All records must be legibly written or typed, dated and signed.

(7) Confidentiality: Athletic trainers are required to maintain confidentiality in accordance with all applicable laws.

(8) Initial Assessment: Prior to treatment, athletic trainers are required to assess the athlete's status, history, and level of functioning.

(9) Treatment Program Planning: The treatment program objectives must include goals, expectations and measures to determine the effectiveness of the program.

(10) Athletic trainers are required to observe the Occupational Safety and Health Act Blood Borne Pathogens Standards under 29 CFR 1910:1030 when providing services.

(11) Practicing athletic training or offering to perform services beyond the scope of practice permitted by law and defined in ORS 688.701, is prohibited.

(12) Performing services that have not been authorized by the athlete or the athlete's legal representative is prohibited.

Stat. Auth.: ORS 676.615, 688.709, 688.715,
Stats. Implemented: ORS 688.715, 688.718, 688.720
Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

331-160-0015

Collaboration of Athletic Trainers and Physicians

(1) "Collaboration" as used in this section means consultation, correspondence, or referral between an athletic trainer and a physician. Collaboration may be initiated by the athletic trainer or physician, and consists of oral or written communication between the parties or an appropriate representative of the physician. "Collaboration" as used in OAR 331-160-0010 and this section, does not mean providing care on behalf of, jointly, or in concert with one another.

(2) "Consultation" as used in this section means discussing or sharing information with another health care provider that is consistent with the requirements of state and federal law regarding confidentiality for the purposes of obtaining information or recommendations for the provision of care to the athlete.

(3) "Referral" as used in this section means directing the athlete to other resources for purposes of care, treatment, assessment or intervention.

(4) An athletic trainer must collaborate with a physician when the athletic injury is beyond the athletic trainer's scope of practice or expertise, or in those instances where the injury is not responding to treatment.

(5) The athletic trainer must appropriately record collaboration with a physician regarding an athlete or athletic injury in an acceptable manner, such as notation on injury reports, medical records, or progress reports.

(6) Nothing in this section or these rules shall be construed to prevent a physician from employing, directing, supervising, establishing protocols for, or otherwise assisting a registered athletic trainer in the practice of athletic training consistent with the scope of practice and professional standards of each practitioner.

Stat. Auth.: ORS 676.615, 688.709, 688.715,
Stats. Implemented: ORS 688.715, 688.718, 688.720
Hist.: HLA 12-2012, f. 8-16-12, cert. ef. 8-17-12

Rule Caption: Standardize hearing aid board rules to follow model for other OHLA regulated boards.

Adm. Order No.: HLA 13-2012

Filed with Sec. of State: 8-16-2012

Certified to be Effective: 8-17-12

Notice Publication Date: 4-1-2012

Rules Adopted: 331-620-0005, 331-630-0001, 331-630-0005, 331-630-0011, 331-630-0015, 331-630-0020, 331-630-0025, 331-630-0030, 331-630-0035, 331-630-0040, 331-630-0050, 331-630-0060, 331-630-0070, 331-650-0005, 331-650-0015, 331-660-0000, 331-660-0010, 331-660-0020, 331-660-0030, 331-660-0040, 331-660-0050, 331-660-0060, 331-660-0070, 331-660-0080

Rules Repealed: 331-601-0000, 331-610-0000, 331-610-0010, 331-610-0020, 331-610-0030, 331-610-0040, 331-610-0050, 331-620-0000, 331-620-0010, 331-620-0020, 331-630-0000, 331-630-0010, 331-640-0000, 331-640-0010, 331-640-0020, 331-640-0030, 331-640-0040, 331-640-0050, 331-640-0055, 331-640-0060, 331-650-0000

Subject: The Oregon Health Licensing Agency (Agency) and the Advisory Council on Hearing Aids (ACHA) are proposing to adopt the ACHA administrative rules Chapter 331 Divisions 620 - 660. Rule changes are necessary to standardize and streamline rules for consistency with other professions regulated by OHLA and to allow for the adoption of rules that will align with current industry, agency and statewide rulemaking standards and principles.

Adopt 331-620-0005 Definitions: in order to meet rulemaking protocols and define relevant terms where utilized within the rule for efficiency.

ADMINISTRATIVE RULES

Adopt 331-630-0001 Application Requirements: to establish standardized pathways for licensure and to streamline the application process. The pathways include:

- Qualification through the Trainee registration and examination.
- Qualification through equivalency.
- Qualification through degree equivalency.
- Qualification through other state licensure equivalency.

Adopt 331-630-0005 Examination requirements.

Adopt 331-630-0011 Temporary licenses application and issuance.

Adopt 331-630-0015 Temporary licensee supervisor.

Adopt 331-630-0020 Supervision of temporary hearing aid specialists.

Adopt 331-630-0025 Application for registration as a trainee.

Adopt 331-630-0030 Trainee registration.

Adopt 331-630-0035 Application for registration as a trainee supervisor.

Adopt 331-630-0040 Trainee program.

Adopt 331-630-0050 General examination information.

Adopt 331-630-0060 Examination retake.

Adopt 331-630-0070 License issuance and renewal.

Adopt 331-650-0005 Continuing education requirements.

Adopt 331-650-0015 Continuing education: audit, required documentation and sanctions.

Adopt 331-660-0000 Standards of practice.

Adopt 331-660-0010 Standards of professional conduct.

Adopt 331-660-0020 Safety and infection control requirements.

Adopt 331-660-0030 Audiometric testing equipment.

Adopt 331-660-0040 Statement to prospective purchaser.

Adopt 331-660-0050 Additional conditions for referral.

Adopt 331-660-0060 Standards of conduct.

Adopt 331-660-0070 Uniform measurement standards.

Adopt 331-660-0080 Client record requirements.

Rules Coordinator: Samantha Patnode—(503) 373-1917

331-620-0005

Definitions

(1) "Agency" means the Oregon Health Licensing Agency.

(2) "Assistive listening device" Assistive listening devices which are exempt from the provisions of ORS Chapter 694 are defined as products designed to solve one or more specific listening problems created by a hearing loss, and include personal or group listening devices, telephone listening devices, or alert/alarm systems. The primary difference between listening devices and hearing aids is that an assistive listening device is designed to assist in only one, or a few, listening environments, and is for temporary use only. A hearing aid is designed for use in a wide range of listening environments and is primarily for full time use. The following criteria shall be considered in categorizing an assistive listening device:

(a) Personal Assistive Listening Device:

- (A) Is used for the assistance of only one person;
- (B) May be used either hardwired or wireless type;
- (C) May be adaptable to particular environments;
- (D) May not be fitted to an individual hearing loss;
- (E) May not be sold as a standard hearing aid;
- (F) May be an external option that will work with a hearing aid either through the telecoil or by direct audio input coupler built into a hearing aid.

(b) Group Assistive Listening Device:

- (A) Includes infrared and FM systems and induction loop systems;
- (B) Includes auditory trainers that are classified as such by the FDA exemption for group auditory trainers (21 CFR 801.421(e));
- (C) May include telecaption decoders.

(c) Telephone Devices for the Hearing Impaired:

- (A) Amplified handsets;
- (B) In-line amplifiers for modular telephones;
- (C) Receiver add-ons;
- (D) An external option that will work with a hearing aid.

(d) Telecommunications Devices for the Deaf (TDD):

- (A) Typically visually based;
- (B) TDD and Teletypewriter for the deaf (TTY) systems.

(e) Alert/Alarm Systems:

(A) Systems that use a form of visual or vibratory stimuli to alert an individual;

- (B) May be hardwired or use an acoustic pickup.

(3) "Audiologist" means a person licensed under ORS 681 and who practices audiology as defined by that statute.

(4) "CEU" means a continuing education unit and the numerical value determined by the board to be earned by a renewal applicant by attending a specified training course. The terms "continuing education credit" and "continuing education unit" are synonymous and may be used interchangeably.

(5) "Consummation of sale" means when the purchaser takes delivery or possession of the hearing aid after agreeing to purchase the hearing aid.

(6) "Continuing Education" means post-licensure education related specifically to hearing or hearing aid technology undertaken to maintain professional competency to practice as a hearing aid specialist, in the interest of safety, health and welfare of the people served.

(7) "Demonstration instrument" means a hearing aid that has been worn by a prospective user as part of a bona fide hearing aid evaluation conducted in the presence of the hearing aid specialist.

(8) "Delivery" means, as used in ORS 694.042, acceptance and possession of the hearing aids by the consumer, which starts the 30 calendar day rescission right period. Hearing aids that have been out of the consumer's possession for a period of 72 hours or more for any alternation or adjustment during the 30 calendar day rescission right period may restarts the 30 calendar day rescission right period if both parties agree to the extension in writing. Delivery includes:

(a) The initial fitting and delivery of the hearing aid(s), which must be performed in person by a licensed hearing aid specialist, audiologist or physician pursuant to ORS 694.025(2) including the acceptance and possession of the hearing aid(s); and

(b) The return of a hearing aid by the consumer to the specialist, which may be hand carried or mailed by certified mail to the official place of business of the hearing aid specialist.

(9) "Direct supervision" means a registered supervisor is present in the facility for the purpose of supervising and is in view the procedures performed by a registered trainee, pursuant to OAR 331-630-0030.

(10) "Facility" means physical place of business where services defined in ORS 694.015(4) are conducted, including but not limited to all areas used by hearing aid specialist and client, i.e. testing location, waiting/reception area.

(11) "Hearing aid" as defined in ORS 694.015(3) does not include assistive listening devices as defined in OAR 331-620-0005 (2).

(12) "Hearing aid specialist" means a person licensed pursuant to ORS 694.015 through 694.185.

(13) "Purchase price" means:

(a) The total amount paid or agreed to be paid by or on behalf of the consumer for the cost of the hearing aid(s); and

(b) Professional fees charged for the actual fitting and sale of the hearing aid(s) including:

(A) The evaluation or measurement of the powers or range of human hearing as they relate to hearing aid fitting;

- (B) Hearing aid evaluation;
- (C) Hearing aid consultation;
- (D) Hearing aid recommendation;
- (E) Hearing aid selection;
- (F) Hearing aid fitting and dispensing;
- (G) Adaptation of a hearing aid, if related to the original purchase;
- (H) Counseling, if related to the original purchase and done by the person dealing in hearing aids and/or company, firm or facility involved in dispensing of the original hearing aid, and any other fees for service which are charged in regards to a hearing aid being fitted as a therapeutic device; and

(I) Ear impression and ear molds.

(c) Professional fees charged for diagnostic testing for medical use when done by a physician or on a physician's order shall be excluded from this definition of purchase price.

(14) "Temporary licensee supervisor" means a person who has met the requirements of OAR 331-630-0015 and who supervises a temporary licensee who is working under the supervisor's indirect supervision.

(15) "Trainee" means a person who has met the requirements of ORS 694.065, has registered with the agency and is working under the direct supervision of a licensed hearing aid specialist to obtain the training and experience required for hearing aid specialist licensure.

(16) "Trainee supervisor" means a person who has met the requirements of OAR 331-630-0035 and who directly supervises a trainee working under the supervisor to obtain the training and experience required for hearing aid specialist licensure.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

ADMINISTRATIVE RULES

Stats. Implemented: ORS 694.025, 694.125, 694.185
Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185
Stats. Implemented: ORS 694.025, 694.125, 694.185
Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0001

Application Requirements

An individual applying for a 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 331-030-0001 and be accompanied by payment of the required application fees.

(3) In addition to requirements listed in subsections (1) and (2) of this rule, an applicant must provide documentation of one of the following pathways:

(a) Licensure Pathway 1 — Qualification through Trainee registration and examination. An applicant must submit:

(A) A copy of the applicant's high school diploma or General Educational Development (GED) certificate;

(B) Evidence that the applicant is 18 years old or older;

(C) Examination fees pursuant to OAR 331-640-0005;

(D) Evidence that the applicant, pursuant to OAR 331-630-0005, has qualified to take and has obtained a passing score on the Advisory Council on Hearing Aids (Council) Examination, the Council's Oregon Laws Examination and the Council's Oregon Practical Examination;

(E) Upon passage of all required examinations and before issuance of a license, applicant must pay all license fees.

(b) Licensure Pathway 2 — Qualification through equivalency — American Speech-Language-Hearing Association Certification. Applicant must submit:

(A) A copy of the applicant's high school diploma or General Educational Development (GED) certificate;

(B) Evidence that the applicant is 18 years old or older;

(C) Official documentation of certification by the American Speech-Language-Hearing Association or evidence that the applicant has met the requirements of ORS 694.085;

(D) A passing score on the Council's Oregon Laws Examination;

(E) Upon passage of all required examinations and before issuance of a license, applicant must pay all license fees.

(c) Licensure Pathway 3 — Qualification through equivalency — Degree equivalent to requirements for certification by National Board for Certification in Hearing Instrument Sciences. Applicant must submit:

(A) A copy of the applicant's high school diploma or General Educational Development (GED) certificate;

(B) Evidence that the applicant is 18 years old or older;

(C) Official transcript from a regionally accredited college or university demonstrating attainment of a degree sufficient to obtain certification by National Board for Certification in Hearing Instrument Sciences;

(D) A passing score on the Council's Oregon Laws Examination;

(E) Upon passage of all required examinations and before issuance of license, applicant must pay all license fees.

(d) Licensure Pathway 4 — Qualification through equivalency — other state certification. Applicant must submit:

(A) A copy of the applicant's high school diploma or General Educational Development (GED) certificate;

(B) Evidence that the applicant is 18 years old or older;

(C) Official documentation of certification (Affidavit of Licensure) by another state regulatory authority showing that the license was issued by another state or territory of the United States and the licensing requirements are at least equivalent to those in ORS 694.065 and 694.085;

(D) A passing score on the Council's Oregon Laws Examination;

(E) Upon passage of all required examinations and before issuance of license, applicant must pay all license fees.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0005

Advisory Council on Hearing Aids Licensure Examination Requirements

Before an individual seeking Council licensure can take the qualifying examination that individual must either:

(1) Meet training and experience requirements pursuant to OAR 331-630-0040;

(2) Meet training requirements for licensure as an audiologist;

(3) Meet training requirements for certification of a licensed physician by the American Board of Otolaryngology; or

(4) Meet the requirements for certification by the National Board for Certification in Hearing Instrument Sciences.

331-630-0011

Temporary Licenses — Application and Issuance

(1) A temporary license may be issued to an applicant who meets the application requirements of ORS 694.065(2) and OAR 331-630-0001(1), (2) and (3)(a)(A), (B) and (C) following agency receipt of a completed application and evidence of training and the required fee(s).

(2) The temporary license will be issued for a one-year period, expiring on the last day of the month one year from the date of issuance.

(3) A temporary license holder must work under the indirect supervision of a supervisor as defined in OAR 331-620-0005(14). Indirect supervision means that the supervisor is not required to be on the premises with the person holding a temporary license under this rule while the temporary license holder performs procedures.

(4) Attainment of permanent licensure status by satisfactorily passing the examination supersedes the temporary hearing aid specialist license.

(5) A temporary license holder may change their designated supervisor if a new Declaration of Responsibility form is signed by the new supervisor and submitted with the application fee to the agency within five days of separation from the former designated supervisor.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0015

Application for Registration as a Temporary Licensee Supervisor

An individual applying for Temporary Licensee Supervisor registration must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.

(3) In addition to requirements listed in subsection (1) and (2) of this rule, a Temporary Licensee Supervisor must:

(a) Hold a current Oregon hearing aid specialist license with no current or pending disciplinary action, and with no fines, fees, or civil penalties owing to the Agency; and

(b) Have been licensed for at least three years.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0020

Supervision of Temporary Hearing Aid Specialists

(1) An individual acting as a designated supervisor for a temporary licensee must sign and file with the agency a Declaration of Responsibility form prescribed by the agency, before supervising any temporary hearing aid specialist. The form must indicate the name of the supervising hearing aid specialist, place of business, telephone number, current license number, and the name, address, and license number of the temporary hearing aid specialist.

(2) The testing, fitting, or selling of a hearing aid by a temporary hearing aid specialist shall be performed under the authority, control, and indirect supervision of the licensed hearing aid specialist designated as the supervisor.

(3) The designated supervisor must review and approve the temporary hearing aid specialist's work before ordering the recommended hearing aid(s).

(4) A designated supervisor shall exercise management, guidance, and control over the activities of the temporary hearing aid specialist; and shall exercise professional judgment and be responsible for all matters relative to the fitting and selling of a hearing aid.

(5) Approval of a temporary hearing aid specialist's work must be documented by the handwritten signature of the designated supervisor, license number, and date of review placed adjacent to the temporary hearing aid specialist's signature on any audiogram, order form, and office copy of a statement to a prospective hearing aid purchaser as required in ORS 694.036 and 694.042.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0025

Application for Registration as a Trainee

An individual applying for Trainee registration must:

(1) Meet the requirements of OAR 331 division 30;

ADMINISTRATIVE RULES

(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.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185
Stats. Implemented: ORS 694.025, 694.125, 694.185
Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0030

Trainee Registration

(1) A trainee, registered under ORS 694.065(1) may deal in hearing aids under the direct supervision of a designated supervisor except that a trainee may not fit or sell hearing aids.

(2) The agency will authorize an Oregon licensed hearing aid specialist to act as designated supervisor of a trainee provided the licensee holds a valid license, has been actively practicing for at least three years, and has not had any disciplinary action or civil penalty imposed by the agency.

(3) A licensed hearing aid specialist must not supervise more than four trainees at any one time.

(4) A designated supervisor will not provide training as outlined in OAR 331-630-0040 until a trainee registration agreement and Declaration of Responsibility has been submitted to the agency.

(5) A designated supervisor must notify the agency in writing within five calendar days if the trainee is no longer being supervised and trained, and must provide a Certification of Training form to the agency showing the number of hours of training completed.

(6) A designated supervisor's authorization may be withdrawn for providing incomplete or inadequate training, falsifying documentation, or allowing the trainee to fit or sell hearing aids.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185
Stats. Implemented: ORS 694.025, 694.125, 694.185
Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0035

Application for Registration as a Trainee Supervisor

An individual applying for a Trainee Supervisor registration must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.

(3) In addition to requirements listed in subsection (1) and (2) of this rule, a Trainee Supervisor must:

(a) Hold a current Oregon hearing aid specialist license with no current or pending disciplinary action, and with no fines, fees, or civil penalties owing to the Agency;

(b) Demonstrate completion of the IHS Distance Learning Program for Professionals in Hearing Health Sciences, or demonstrate three or more years National Board Certification; and

(c) Have been a licensed hearing aid specialist for at least four years.
Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185
Stats. Implemented: ORS 694.025, 694.125, 694.185
Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0040

Trainee Program

(1) The Trainee program consists of both practical and theory training.

(2) Practical training consists of 520 hours of training under the direct supervision of a Trainee Supervisor registered pursuant to OAR 331-630-0035 and must include:

- (a) 60 hours in audiometric testing;
- (b) 60 hours in counseling regarding hearing examination;
- (c) 60 hours in hearing aid selection;
- (d) 60 hours in ear-mold impressions;
- (e) 180 hours in hearing aid fitting and follow-up care;
- (f) 60 hours in business practices, including ethics and regulations and sanitation and infection control; and

(g) 40 hours in electives in any of the categories listed in subsections a. through e. above.

(3) Theory training consists of successful completion of the International Hearing Society's Distance Learning Program for Professionals in Hearing Health Sciences.

(4) Training program materials can be reviewed at www.oregon.gov/OHLA/

(5) Trainees who register and are approved to commence their training program before the effective date of this rule may complete their training under the provisions of the rule that was in place at that time. The trainee must complete the training program within 180 days following the effective date of this rule. A trainee failing to complete the program within

180 days must reapply and, if accepted, must begin the program pursuant to provisions of this rule.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185
Stats. Implemented: ORS 694.025, 694.125, 694.185
Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0050

General Examination Information

(1) The board approved examinations for a license include a written examination containing both a national section and a state-specific section, and a practical examination.

(2) To take the examinations, an applicant must meet identification requirements listed under OAR 331-030-0000.

(3) The examination is administered in English only, unless an agency approved testing contractor or vendor provides the examination in languages other than English.

(4) Examination candidates may be electronically monitored during the course of testing.

(5) The Board will establish a maximum time allowance for each section of the examination.

(6) Notes, textbooks, notebooks, electronic equipment or communication devices, such as personal computers, pagers and cellular telephones or any other devices deemed inappropriate by the agency, are prohibited in the examination area.

(7) A candidate may be immediately disqualified before, during, or after the examination for conduct that interferes with the examination or otherwise violates this rule. At the time of disqualification, the examination may be invalidated and examination fees may be forfeited. Disqualifying conduct includes but is not limited to:

(a) Directly or indirectly giving, receiving, soliciting, and attempting to give, receive or solicit aid during the examination process;

(b) Violations of subsection (6) of this rule;

(c) Removing or attempting to remove any examination-related information, notes or materials from the examination site;

(d) Failing to follow directions relative to the conduct of the examination; and

(e) Exhibiting behavior that impedes the normal progress of the examination.

(8) The applicant may be required to reapply, submit additional examination fees, and request in writing to schedule another examination if applicant is disqualified from taking the examination.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185
Stats. Implemented: ORS 694.025, 694.125, 694.185
Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0060

Examination Retake

(1) All examination retakes are subject to examination fees and an approved examination schedule set by the agency

(2) If after four attempts, an applicant has not passed the state administered practical examination, the applicant must request permission from the Council to retake the examination again. If the applicant does not pass the examination upon the fifth attempt, the applicant may be required to retake training required under this division.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185
Stats. Implemented: ORS 694.025, 694.125, 694.185
Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-630-0070

License Issuance and Renewal

(1) AUTHORIZATION AND RENEWAL: A licensee is subject to the provisions of OAR Chapter 331, division 30 regarding the issuance and renewal of a license, provisions regarding authorization to practice, identification requirements, and requirements for issuance of a duplicate license.

(2) AUTHORIZATION RENEWAL: To avoid delinquency penalties, license renewal must be made prior to the license entering inactive status. The licensee must submit the following:

(a) Renewal application form;

(b) Payment of required renewal fee pursuant to 331-640-0005; and

(c) Documentation of having obtained required annual continuing education under OAR 331-650-0005, on a form prescribed by the agency.

(3) INACTIVE AUTHORIZATION: A license may be inactive for up to three years. When renewing after entering inactive status, the licensee must submit the following:

(a) Renewal application form;

(b) Payment of delinquency and renewal fees pursuant to OAR 331-640-0005;

ADMINISTRATIVE RULES

(c) Documentation of having obtained required annual continuing education under OAR 331-650-0005, on a form prescribed by the agency, whether license has been current or inactive;

(4) EXPIRED AUTHORIZATION: A licensee that has been inactive for more than three years is expired and the licensee must reapply and meet the requirements listed in OAR 331-630-0001.

(5) A licensee failing to meet continuing education requirements listed under OAR 331-650-0005 must reapply and meet requirements pursuant to OAR 331-630-0001.

(6) A licensee may not practice with an inactive or expired license.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-650-0005

Continuing Education Requirements

(1) To maintain licensure, hearing aid specialists must complete a minimum of 12 hours of approved continuing education each year. Credit hours obtained in excess of those required for the one-year reporting period may not be carried forward. A licensee's continuing education requirements remain in effect during the time a license is inactive.

(2) Each licensee shall document compliance with the continuing education requirement through attestation on the license renewal application. Licensees are subject to provisions of OAR 331-650-0015 pertaining to periodic audit of continuing education.

(3) Approved continuing education must be obtained by participation in or attendance at a course provided by an accredited college or university, a course or program approved by the International Hearing Society or an agency pre-approved course or program.

(4) Continuing education must address subject matter related to dispensing hearing aids in accordance with ORS 694.015 through 694.185.

(5) CE credit will be awarded based on the following criteria:

(a) Completion and passing of academic courses taken from an accredited college or university are awarded 15 hours for each semester-based credit earned, 14 hours for each trimester-based credit earned or 10 hours for each quarter-based credit earned;

(b) Completion of professional courses which meet academic course requirements in content, instruction and evaluation will be assigned 15 hours for each semester-based credit earned, 14 hours for each trimester-based credit earned or 10 hours for each quarter-based credit earned; and

(c) Courses that do not meet standards as set forth in paragraphs (a) and (b) of this subsection, such as workshops, symposiums, seminars, laboratory exercises, or any applied experience with or without formal classroom work may be assigned credit at the rate of one hour for each hour of attendance.

(6) No more than three hours may be earned in one year for courses in cardiopulmonary resuscitation;

(7) Licensees must complete a two hour course in Safety and Infection Control once every two years.

(8) Documentation supporting compliance with continuing education requirements must be maintained for a period of two years following renewal, and must be available to the agency upon request.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-650-0015

Continuing Education: Audit, Required Documentation and Sanctions

(1) The Oregon Health Licensing Agency will audit a percentage of licensees, as determined by the Board, to verify compliance with continuing education requirements of this rule.

(2) Licensees notified of selection for audit of continuing education attestation shall submit to the agency, within 30 calendar days from the date of issuance of the notification, satisfactory evidence of participation in required continuing education in accordance with OAR 331-650-0005.

(3) If selected for audit, the licensee must provide documentation of the required continuing education, which must include:

(a) For courses provided by an accredited college or university — An official transcript from the accredited college or university;

(b) For International Hearing Society (IHS) approved programs or courses — A certificate of completion that includes the IHS approval number; or

(c) For agency pre-approved programs or courses — A certificate of completion or other agency approved documentation that includes the agency pre-approval number.

(4) If documentation of continuing education is incomplete, the licensee has 30 calendar days from the date of notice to submit further doc-

umentation to substantiate having completed the required continuing education.

(5) Failure to meet continuing education requirements shall constitute grounds for disciplinary action, which may include but is not limited to assessment of a civil penalty and suspension or revocation of the license.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-660-0000

Standards of Practice

In addition to the standards prescribed under ORS 694.142, the Council adopts the following standards of practice to establish and maintain a high standard of integrity and dignity in the profession of hearing aid specialists. A licensee must:

(1) Maintain a clean and safe environment to ensure the health, safety, and welfare of clients and staff in the licensee's facility;

(2) Ensure consistent and high quality services and devices that meets the needs of the hearing aid clients;

(3) Participate, as appropriate, with the ownership, management, or governing body to plan, implement, and evaluate written policies and procedures to allow that provision of hearing aid services are in compliance with all local, state, and federal laws and regulations;

(4) Communicate and problem solve regularly with the staff, co-workers and governing body to allocate resources properly. The hearing aid specialist must foster effective communication and problem solving between staff, co-workers, governing body and clients; and

(5) Plan, implement, and evaluate an integrated financial program to ensure compliance with all local, state, and federal laws and regulations; quality devices and services; and appropriate and accurate billing for devices and services.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-660-0010

Standards of Professional Conduct

The Council adopts the following standards of professional conduct to protect the public against unprofessional conduct on the part of hearing aid specialists. A licensee must:

(1) Comply with all local, state, and federal laws and regulations concerning the provision of hearing aids. The licensed hearing aid specialist shall cooperate with any investigation of the regulatory bodies;

(2) Exercise appropriate supervision and responsibility over the activities of staff;

(3) Protect client's rights as required by state and federal laws;

(4) Take appropriate steps to avoid discrimination against residents on basis of race, color, sex, religion, age, national origin, disability, marital status, ancestry, sexual orientation or any other factor that may be discriminatory or not related to bona fide requirements of quality service; and

(5) Possess and maintain the competencies necessary to effectively perform the responsibilities as a hearing aid specialist, including but not limited to:

(a) Exercising ethical and professional decision-making and judgment;

(b) Exemplifying a philosophy focused on the provision of accurate and high-quality services and devices, as well as on generally accepted standards;

(c) Abiding by and keeping confidential client information; and

(d) Keeping current with standards of practice.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185

Stats. Implemented: ORS 694.025, 694.125, 694.185

Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-660-0020

Safety and Infection Control Requirements

(1) Each licensee shall keep areas of their facility for otoscopic examination, earmold impression taking, and audiometric examination clean and sanitary.

(2) Impression tools, otoscopic examination equipment and other devices that come in direct contact with the client must be disinfected prior to use. Licensees shall use an EPA registered high-level disinfectant, following the manufacturer's directions, to disinfect nondisposable equipment and tools.

(3) Disposable or disinfected otoscopic specula must be used when examining each ear.

(4) Licensees must wash or sanitize hands prior to taking an earmold impression.

ADMINISTRATIVE RULES

(5) Licensees must observe the Universal Precautions as defined in Oregon Administrative Rule 437-002-0360(26), and 29 CFR 1910.1030 bloodborne pathogen standards, when providing services to consumers. Precautions to reduce the likelihood of exposure include hand washing, gloving, using personal protective equipment, preventing injury, ensuring proper handling and disposal of needles and other sharp instruments and of products or equipment contaminated with blood and body fluids.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185
Stats. Implemented: ORS 694.025, 694.125, 694.185
Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-660-0030

Audiometric Testing Equipment

Licensed hearing aid specialists shall maintain audiometric testing equipment, currently used in the practice of administering evaluations, in proper working order at all times and shall be prepared to provide their record of at least annual calibration to a representative of the agency when so requested, upon inspection, or during an investigation conducted by the agency.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185
Stats. Implemented: ORS 694.025, 694.125, 694.185
Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-660-0040

Statement to Prospective Purchaser

(1) The term "purchaser" as used in ORS chapter 694 and OAR chapter 331, division 660, means any person who purchases or proposes to purchase hearing aid(s) and any person on whose behalf hearing aid(s) are purchased or proposed to be purchased. In the case of a client who is a minor child or other person without legal capacity to contract, the person's parent, legal guardian, or legal representative is the "purchaser."

(2) To assist prospective purchasers in making an informed decision regarding the sale of hearing aid(s), licensees must provide prospective purchasers with complete and accurate disclosure of facts regarding licensee services, the hearing aid(s) purchase price, delivery and consummation of sale defined in OAR 331-620-0005, and information about the purchaser's right to rescind or cancel a sale and the procedures for rescinding the sale and returning the hearing aid(s) according to the provisions of ORS 694.042.

(3) The Statement to Prospective Purchaser (Statement) is a contract prepared and signed by the licensee and agreed to by the purchaser. This Statement contains required information listed in ORS 694.036 regarding licensee and purchaser information, medical observation criteria and referral to physician if medical conditions are present, specifications and conditions of the hearing aid(s), terms of any warranty or expressed guarantee, and how to file a complaint with the agency.

(4) Licensees are required to provide all information and facts specified in this rule before the consummation of the sale, which is the delivery of the hearing aid(s) to the purchaser and the date that starts the 30-day rescission period.

(5) Statement Content. In addition to the information prescribed by ORS 694.036, the Statement must include the following information and facts about the purchase of hearing aid(s):

- (a) Date of sale;
- (b) Purchaser name, address and signature;
- (c) Licensee name, address, telephone number, license number and signature;

(d) The purchase price, which includes the cost of the hearing aid(s) and all related fees;

(e) An accurate description of the hearing aid as new, demonstration instrument, reconditioned, or used;

- (f) Delivery date of hearing aid(s);
- (g) Date the 30-day rescission period ends;

(h) The portion of the total purchase price that will be retained by the licensee, not to exceed 10% of the contract purchase amount or \$250 per hearing aid, whichever amount is less, if the purchaser rescinds the sale under provisions of ORS 694.042 within the 30-day rescission period;

(i) Date and place of post-delivery follow-up session agreed upon by the licensee and hearing aid user as stated in subsection (9) of this rule;

(j) A printed or reproduced copy of ORS 694.042 Right to Rescind A Hearing Aid Purchase in its entirety, which includes the procedures for returning the hearing aid(s) to the licensee;

(k) The following statement, initialed by the purchaser: "Copies of my audiogram and the results of tests or verification procedures were offered to me by the licensee, and I hereby acknowledge receipt of the records or that I declined the offer.";

(l) The following statement about filing complaints: "Complaints regarding the sale, lease, or attempted sale or lease of hearing aids should be directed in writing to: Oregon Health Licensing Agency, 700 Summer Street NE, Suite 320, Salem, OR 97301-1287. Complaint forms may be obtained by calling 503-378-8667 or at the Agency's Web site: http://www.oregon.gov/OHLA/Consumer_help_complaint.shtml"; and

(m) A statement acknowledging that the purchaser has read and understands the information contained in the Statement, signed by the purchaser and dated;

(6) Statement Format. The Statement must be printed on forms measuring no less than 8 ½ inches wide by 11 inches long, with a minimum 10-point typeset, and be legibly written.

(7) Licensees must provide the purchaser a new Statement for each hearing aid or set of hearing aids, unless the hearing aid(s) is an exact replacement of the device listed in a previous Statement provided to the purchaser.

(8) Refund. Any monies paid by or on behalf of the purchaser toward the hearing aid must be refunded to the payer if the delivery of the hearing aid to the purchaser is cancelled. The purchaser shall incur no additional liability for the cancellation.

(9) Post Delivery Follow-Up. Licensees will conduct and document a minimum of one post-delivery follow-up session with the hearing aid user before the expiration of the 30-day rescission period. The follow-up session will take place at the original place of the sale or at a predetermined location agreed upon at the time of initial delivery, or at a time and place agreed to within the 30-day rescission period.

(b) The licensee must document in the hearing aid user's record any change to the agreed-upon location or date of the post-delivery follow-up session, and, if the licensee is unable to contact the hearing aid user or to provide the follow-up session, the reason(s) why.

(10) In Home Sales. Sales of hearing aids made at the purchaser's residence and not at the licensee's place of business, require disclosure of federal guidelines related to "in home sales" and the purchaser's right to cancel the transaction and receive a full refund of monies paid to the licensee. The following federal disclosure statement must be completed and affixed to the Statement to Prospective Purchaser when a licensee sells a hearing aid(s) at the purchaser's home.

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

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185
Stats. Implemented: ORS 694.025, 694.125, 694.185
Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-660-0050

Additional Conditions for Referral

(1) In addition to the conditions listed in ORS 694.142 a hearing aid specialist shall not fit or dispense a hearing aid for use without first determining if the following conditions exist and, if so, referring the prospective purchaser to a physician:

(a) Evidence of significant cerumen accumulation in the auditory canal preventing visual inspection of the external auditory canal or external auditory meatus and tympanic membrane or foreign body in the ear canal; or

(b) Pain or discomfort in the ear.

(2) A Waiver of Medical Opinion form as required by ORS 694.142(6) must include the hearing aid specialist's name and license number, the purchaser's name, address and signature with date as well as the following statement: "I do not desire to have a medical evaluation before purchasing a hearing aid."

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185
Stats. Implemented: ORS 694.025, 694.125, 694.185
Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-660-0060

Standards of Conduct

(1) Licensees must comply with the requirements of ORS 694.142, and all other applicable statutes and rules.

(2) Licensees must conform to state or federal laws regulating retail contracts or to any affirmation of fact or promise made in writing by the licensee which relates to the hearing aid or fitting and dispensing services and which becomes a part of the basis of the transaction when the purchaser relies on it or is, in part, induced into making purchase by it.

(3) Licensees must not make inaccurate or misleading representations or statements as to the efficacy of a hearing aid(s) for improving hearing.

(4) Licensees may not use a title or abbreviation that is misleading or may convey that the licensee holds a credential that is not related to hearing instrument sciences, without designating the professional field for

ADMINISTRATIVE RULES

which the credential was issued. Hearing instrument sciences includes, but is not limited to, core competencies identified in ORS 694.075.

(5) The Council recognizes and adopts the revised International Hearing Society's Code of Ethics, as adopted October 1983 and revised March 2009, as its professional standards model. A copy of the document is on file at the agency for review, and may be accessed at the following Web site: http://insinfo.org/lhsV2/Resources/020_Code_Of_Ethics.cfm

(6) During the hearing test or evaluation for fitting a client with a hearing aid(s), the following items must be completed. If the case history and tests were completed within the previous six months and there has been no substantial change in the client's hearing, the following tests may be performed at the discretion of the licensee:

- (a) Confidential client case history;
- (b) Puretone Air Conduction Threshold testing (should include at a minimum, the following frequencies - 250, 500, 1000, 2000, 3000, 4000, and 6000 or 8000 Hz);
- (c) Puretone Bone Conduction Threshold testing (should include at a minimum, the following frequencies - 500, 1000, 2000, and 4000 Hz);
- (d) Speech Recognition Threshold testing (SRT);
- (e) Word Recognition Score (WRS) also known as speech discrimination testing;

- (f) Most Comfortable Listening Level (MCL); and
- (g) Uncomfortable Listening Level (UCL).

(7) For children who are unable to perform the tests listed in subsection (6) of this rule, an objective measure that meets prevailing professional standards can be used to assess auditory function. The test must be completed by a licensed audiologist or physician.

(8) Licensees must perform one or more of the following verification procedures, within the 30-day rescission period.

- (a) Soundfield testing for speech discrimination;
- (b) Soundfield testing for puretone thresholds;
- (c) Real-ear probe microphone measurements;
- (d) Speech mapping; and
- (e) Other industry accepted objective measures.

(9) Licensees must post the following statement in public view on the business premises or provide the purchaser with a written notice stating: "Individuals are entitled to a copy of the audiogram used to conduct hearing evaluations and any test results." If copies of the audiogram specified in OAR 331-660-0070, or results of tests or verification procedures conducted under subsections (6) and (8) of this rule are requested, they must be provided to the purchaser.

(10) Licensees who are unable to complete testing for reasons such as a client's medical condition or inability to perform tests or verification procedures are excused from compliance with the relevant parts of subsections (6) and (8) but must document the reasons in the client's record.

(11) Tests listed in subsection (8) of this rule will be used to determine the fitted hearing aid(s) ability to meet current industry standards in reference to ORS 694.042(1)(c), during investigation of complaints filed with the agency.

(12) Licensees must maintain a record of the technical specifications issued by a manufacturer for the hearing aid(s) that have been delivered to or purchased by their clients. The specifications must be available for inspection by the agency's representatives upon request.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185
Stats. Implemented: ORS 694.025, 694.125, 694.185
Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-660-0070

Uniform Measurement Standards

(1) The Council recognizes and adopts the following uniform set of hearing loss measurement standards required for use when interpreting audiograms using 0 — 110 for degrees of decibel hearing loss (dB HL) and 125 — 8000 Hz for frequency. This set of uniform measurement standards must be used for advising consumers on peripheral or cochlear hearing loss: [Table not included. See ED. NOTE.]

(2) Hearing loss may have a greater effect on children than adults. The degree of hearing loss does not necessarily reflect the degree of impairment.

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185
Stats. Implemented: ORS 694.025, 694.125, 694.185
Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

331-660-0080

Client Record Requirements

(1) For the purpose of clarifying record keeping requirements, the term "client" as used in this rule, means the individual who is a consumer, purchaser, potential purchaser or hearing-aid wearer.

(2) Required Records. Licensees must record, update and maintain documentation for each client relevant to health history, clinical examinations and treatment, and financial data. Documentation shall be written or computerized. Records must include the following information:

(a) Basic client information, including name, address, telephone number and dates of service;

(b) Health history relevant to hearing evaluation or fitting of a hearing aid(s), including referral to a physician or a Waiver of Medical Opinion form required by ORS 694.142(6);

(c) Identification of any conditions that would require referral to a physician licensed under ORS chapter 677, as required in ORS 694.142(1) and OAR 331-660-0050, and a notation that the client was referred;

(d) Audiograms as specified in OAR 331-660-0070 and results of tests or verification procedures as specified in OAR 331-660-0060;

(e) A copy of the Statement to Prospective Purchaser required by ORS 694.036 and OAR 331-660-0040, including client's signature and date acknowledging that the client has read and understands the information contained in the purchase agreement;

(f) A copy of the Right to Rescind a Hearing Aid Purchase giving notice of rights under ORS 694.042; and

(g) Date and description of services rendered in the form of "chart notes", including any complications. Chart notes must include the recorder's initials, license number and professional title if multiple practitioners provide service to the client.

(3) Record Format. Records and documentation must be accurate, complete, and legible, typed or recorded using ink. Legible hand-written or electronic records are acceptable.

(4) Record Identifiers. Client records listed in subsection (1) of the rule, must include the licensee's name, license number, professional title or abbreviation, and signature or initials somewhere on the documentation as a means of identifying the person who is providing service to the client. This information may be affixed to the record(s) in the form of a professional stamp or handwritten entry.

(5) Record Retention. All client records and documentation, written or archived electronically by computer, must be stored and maintained for a minimum of seven years after the licensee has last seen the client or past the age of minority, so that the records are safeguarded, readily retrievable, and available for inspection by the Oregon Health Licensing Agency's representative.

Stat. Auth.: ORS 376.615, 694.115, 694.170, 694.185
Stats. Implemented: ORS 694.025, 694.125, 694.185
Hist.: HLA 13-2012, f. 8-16-12, cert. ef. 8-17-12

Rule Caption: Adopt qualifications and requirements for polysomnographic technologist licensure including pathways to licensure and supervision.

Adm. Order No.: HLA 14-2012

Filed with Sec. of State: 9-12-2012

Certified to be Effective: 9-14-12

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Rules Adopted: 331-710-0060, 331-710-0070, 331-710-0080, 331-710-0090, 331-710-0100, 331-710-0110

Rules Amended: 331-710-0010, 331-710-0040, 331-710-0050, 331-712-0010

Subject: Repeal requirement that an individual applying for licensure must provide proof of high school diploma or General Education Degree (GED) and align with statutory requirement of a high school diploma or equivalent pursuant to ORS 688.815.

Align timeline for passing the Board approved examination with other Agency programs to two-years.

Amend documentation of 18 months experience to "work experience" pursuant to OAR 331-710-0110 and require passage of Oregon Laws and Rules Examination for Polysomnography.

Adopt application requirements for polysomnographic technologist's licensure. Pathways to licensure include the following: Pathway 1 academic degree pursuant to ORS 688.819(1); Pathway 2 completion of the polysomnographic technologist temporary licensure training requirements; Pathway 3 reciprocity and Pathway 4

ADMINISTRATIVE RULES

endorsement with proof of current license as a physician or respiratory therapist or credential from the National Board of Respiratory Care as a Certified Respiratory Therapist or Registered Respiratory Therapist with the Sleep Disorder Specialty.

Adopt rule which defines the a Polysomnographic Technologist under direct and indirect supervision including timeline, supervision requirements and notification of changes.

Adopt application requirements for a Polysomnographic Technologist-Direct Supervision licensee including minimum education requirements and completion of the American Academy of Sleep Medicine (AASM) Accredited Sleep Technology Education Program (A-STEP) Self Study modules.

Adopt application requirements for a Polysomnographic Technologist-Indirect Supervision including minimum number of sleep studies performed and passage of the Oregon Laws and Rules Examination.

Adopt rule which specifies requirements for being an approved supervisor for temporary polysomnographic technologist including current licensure as a polysomnographic technologist with no current or pending disciplinary action, three years experience in polysomnography, ratio of patients to supervisors, notification requirements and documentation of work experience.

All provisions related to temporary polysomnography licensure, supervision for polysomnographic technologist or work experience begins October 15, 2012.

Rules Coordinator: Samantha Patnode—(503) 373-1917

331-710-0010

Application Requirements for a Respiratory Therapist License

An individual applying for licensure to practice respiratory care must:

- (1) Meet the requirements of OAR 331 division 30.
- (2) Submit a completed application form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application and license fees.
- (3) Submit fingerprint-based national criminal background check pursuant to OAR 331-030-0004;
- (4) Be at least 18 years of age and provide official documentation confirming date of birth, such as a copy of the birth certificate, driver's license, passport or military/government identification;
- (5) Submit proof of having a high school diploma or equivalent; and
- (6) Submit current certification in cardiopulmonary resuscitation from an Agency approved provider; and
- (7) Submit documentation of qualification for licensure through one of the following pathways:

(a)(A) License Pathway One — National Credentialing: An applicant for licensure through national credentialing must submit:

(B) An official documentation demonstrating that the applicant has successfully passed the Board approved examination listed under OAR 331-712-0000, within two years before the date of application. The documentation of a passing score must be mailed by the organization to the Agency. Copies of examination results or other documentation provided by the applicant are not acceptable.

NOTE: The applicant is responsible for payment of fees assessed by the organization when obtaining required official documentation.

(b) License Pathway Two — Reciprocity

An applicant for licensure through reciprocity must submit:

(A) Submit an affidavit of licensure pursuant to OAR 331-030-0040, from every state where the applicant has been licensed as a respiratory therapist, including an affidavit of licensure demonstrating proof of a current respiratory therapist license from another state, obtained through qualifications substantially equivalent to Oregon's requirements. At least one of the applicant's out-of-state licenses must be active and all of the applicant's out-of-state licenses must not be subject to current or pending disciplinary action, and must be free from disciplinary history for three years before the date of application for Oregon respiratory therapist licensure;

(B) Official documentation demonstrating that the applicant has successfully passed the Board approved examination listed under OAR 331-712-0000. The documentation of a passing score must be mailed by the organization to the Agency. Copies of examination results or other documentation provided by the applicant are not acceptable.

NOTE: The applicant is responsible for payment of any service fee the originating jurisdiction may assess for producing the Affidavit of Licensure.

Stat. Auth.: ORS 676.605, 676.615, 688.815 & 688.830

Stats. Implemented: ORS 676.605, 676.615, 688.815 & 688.830

Hist.: HDLP 1-1997(Temp), f. 12-19-97, cert. ef. 12-22-97 thru 6-19-98; HDLP 2-1998, f. & cert. ef. 6-15-98; HLO 4-2004, f. 6-29-04, cert. ef. 7-1-04; HLO 10-2004(Temp), f. & cert. ef. 11-8-04 thru 3-31-05; HLO 1-2005, f. 2-28-05 cert. ef. 3-1-05; HLA 7-2010, f. & cert. ef. 11-1-10; HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12

331-710-0040

Polysomnographic Technologists Grandfathering Requirements

(1) Pursuant to Oregon Laws 2011, Chapter 715, Sections 7 and 9, polysomnographic technologists must be licensed by January 1, 2013. A polysomnographic technologist license is valid for one year and becomes inactive on the last day of the month one year from the date of issuance.

(2) An individual applying for licensure who does not meet the requirements listed in Oregon Laws 2011, Chapter 715, Section 8, may be grandfathered into licensure by meeting the requirements of this rule on or before January 1, 2013. An applicant applying for licensure to practice polysomnography through the grandfathering process must:

- (a) Meet the requirements of OAR chapter 331 division 30;
- (b) 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;
- (c) Submit fingerprint-based national criminal background check pursuant to OAR 331-030-0004;
- (d) Be at least 18 years of age and provide official documentation confirming date of birth, such as a copy of the applicant's birth certificate, driver's license, or passport;
- (e) Submit proof of having a high school diploma or equivalent; and
- (f) Submit current certification in cardiopulmonary resuscitation by an Agency approved provider;
- (g) Submit proof of having obtained national credential as an RPSGT from the BRPT. Proof of national credentialing must be mailed to the Agency directly from the BRPT; copies of national credentialing mailed by the applicant are not acceptable;
- (h) Submit official documentation verifying current registration with the BRPT at the time of application for Oregon licensure;
- (i) Submit documentation of having work experience listed under OAR 331-710-0110 in polysomnography for at least 18 months of the last five years, on an Agency prescribed form.
- (j) Submit examination fees;
- (k) Submit satisfactory evidence of having passed the Board approved examination listed under OAR 331-712-0010(3) within two years before the date of application; and

(l) Submit appropriate licensing fees.

Stat. Auth.: ORS 676.605, 676.615, 688.815 & 688.830

Stats. Implemented: ORS 676.605, 676.615, 688.815 & 688.830

Hist.: HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12

331-710-0050

Application Requirements for Polysomnographic Technologist License

(1) Provisions of this rule become effective October 15, 2012. Pursuant to Oregon Laws 2011, Chapter 715, Sections 7 and 9, polysomnographic technologists must be licensed by January 1, 2013.

(2) An individual applying for licensure to practice polysomnography who does not meet the grandfathering requirements or who applies for licensure after January 1, 2013 must:

- (a) Meet the requirements of OAR chapter 331 division 30;
 - (b) Submit a completed application form prescribed by the Agency, containing the information listed in OAR 331-030-0000 and accompanied by payment of the required application fees;
 - (c) Submit fingerprint-based national criminal background check pursuant to OAR 331-030-0004;
 - (d) Be at least 18 years of age, and must provide documentation, confirming date of birth, such as a copy of the birth certificate, driver's license or passport;
 - (e) Submit proof of having a high school diploma or equivalent;
 - (f) Submit current certification in cardiopulmonary resuscitation by an Agency approved provider; and
- (3) Submit documentation of qualification through one of the following pathways:

(a) **License Pathway One — Academic Degree:** An applicant under pathway one must:

(A) Submit official transcripts defined under OAR 331-705-0050 showing successful completion of an Associate's degree in polysomnography, polysomnographic technology, or sleep technology from an accredited community college, college or university, or successful completion of a polysomnography course of study from a CAAHEP accredited institution;

ADMINISTRATIVE RULES

(B) Submit satisfactory evidence of passage a Board approved examination listed under OAR 331-712-0010(1) within two years before the date of application. Examination results must be submitted to the Agency directly from the examination provider; examination results or other documentation provided directly by the applicant are not acceptable;

(C) Submit examination fees;

(D) Submit satisfactory evidence of having passed the Board approved examination listed under OAR 331-712-0010(3) within two years before the date of application; and

(E) Submit licensing fees.

(b) **License Pathway Two — Polysomnographic Technologist Temporary Licensee:** applying for permanent licensure must:

(A) Submit documentation showing completion of 18 months of work experience pursuant to OAR 331-710-0110, obtained under polysomnographic technologist temporary-DS licensure (See 331-710-0060) and temporary-IS licensure (See 331-710-0080), including verification by an approved supervisor pursuant to 331-710-0100, and certification of successful completion and satisfactory performance of such experience by a qualified medical director for polysomnography, all on forms provided by the Agency;

(B) Submit satisfactory evidence of passage of a Board approved examination listed under OAR 331-712-0010(1) or (2) within two years before the date of application. Examination results must be submitted to the Agency directly from the examination provider; examination results or other documentation provided directly by the applicant are not acceptable;

(C) Submit examination fees;

(D) Submit satisfactory evidence of having passed the Board approved examination listed under OAR 331-712-0010(3) within two years before the date of application; and

(E) Submit licensing fees.

(c) **License Pathway Three — Reciprocity:** An applicant for licensure by reciprocity must:

(A) Submit an affidavit of licensure pursuant to OAR 331-030-0040, from every state where the applicant has been licensed as a polysomnographic technologist, including an affidavit of licensure demonstrating proof of a current polysomnographic technologist license from another state, obtained through qualifications substantially equivalent to Oregon's requirements. At least one of the applicant's out-of-state licenses must be active and all of the applicant's out-of-state licenses must not be subject to current or pending disciplinary action, and must be free from disciplinary history for three years before the date of application for Oregon polysomnographic licensure;

(B) Submit satisfactory evidence of having passed the Board approved examination listed under OAR 331-712-0010(3) within two years before the date of application; and

(C) Submit licensing fees.

(d) **License Pathway Four — Endorsement: An applicant may qualify for licensure by endorsement if the applicant holds a qualifying professional credential in another field.** An applicant for licensure by endorsement must:

(A) Submit an affidavit of licensure pursuant to OAR 331-030-0040 demonstrating proof of a current license, which is active with no current or pending disciplinary action, and no disciplinary history for the three years before the date of application for Oregon polysomnographic licensure, as a:

(B) Physician (Doctor of Medicine or Doctor of Osteopathy) licensed under ORS Chapter 677;

(C) Respiratory therapist licensed under ORS chapter 688 with the RPSGT credential from the BRPT; or

(D) CRT or RRT who holds a Sleep Disorder Specialty credential through NBRC;

(E) Submit examination fees;

(F) Submit satisfactory evidence of having passed the Board approved examination listed under OAR 331-712-0010(3) within two years before the date of application; and

(G) Submit licensing fees.

Stat. Auth.: ORS 676.605, 676.615, 688.815 & 688.830

Stats. Implemented: ORS 676.605, 676.615, 688.815 & 688.830

Hist.: HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12

331-710-0060

Polysomnographic Technologist Temporary-DS (Direct Supervision) Licensure

(1) Provisions of this rule become effective October 15, 2012. A polysomnographic technologist Temporary-DS license authorizes the holder to temporarily practice polysomnography under direct supervision by an approved supervisor.

(2) Direct supervision is supervision of the Temporary-DS licensee by an approved supervisor who is *immediately physically present* with the Temporary-DS licensee while the Temporary-DS licensee is working, and who exercises direction and control over the Temporary-DS licensee's work.

(3) A polysomnographic technologist Temporary-DS license holder must notify the Agency within 10 calendar days of changes in employment status and changes in supervisor.

(4) A polysomnographic technologist Temporary-DS license is valid for six months and may not be renewed.

Stat. Auth.: ORS 676.615, 676.607, 688.819 & 688.830

Stats. Implemented: ORS 676.607, 676.615, 688.800, 688.815, 688.819 & 688.830

Hist.: HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12

331-710-0070

Application Requirements for Polysomnographic Technologist Temporary-DS License

Provisions of this rule become effective October 15, 2012. An applicant for a polysomnographic technologist Temporary-DS license must:

(1) Meet the requirements of OAR chapter 331 division 30;

(2) Submit a completed application form prescribed by the agency, containing the information listed in OAR 331-030-0000 and accompanied by payment of the required application fees;

(3) Submit fingerprint-based national criminal background check pursuant to OAR 331-030-0004;

(4) Be at least 18 years of age, and must provide documentation confirming date of birth, such as a copy of the birth certificate, driver's license, or passport;

(5) Submit current certification in cardiopulmonary resuscitation from an Agency approved provider;

(6) Submit proof of having a high school diploma or equivalent; and

(7) Submit official transcripts defined under OAR 331-705-0050 or documentation approved by the Agency which shows a minimum of proof of successful completion of an Emergency Medical Technician Basic Program, Certified Nursing Assistant Level One Program or A-STEP Introductory Course; OR

(8) Submit official transcripts defined under OAR 331-705-0050 or documentation approved by the Agency which shows proof of successful completion of 80 clock hours of professional or post-secondary coursework, provided by an in-person or real-time remote instructor, in two or more of the following: Human Anatomy and Physiology, Medical Law and Ethics, Basic Electrocardiogram, Introduction to Health Services, Chemistry for Health Occupations, Health Care Systems, Medifecta Healthcare Training Course, Polysomnographic Technologist Online Audiovisual Content, Basic Allied Health Classes and other courses approved by the agency; AND must

(9) Submit a certificate of completion for the AASM A-STEP Self Study Modules;

(10) Submit information identifying the applicant's approved supervisor pursuant to OAR 331-710-0100, on a form prescribed by the Agency;

(11) Submit appropriate licensing fees.

Stat. Auth.: ORS 676.615, 676.607, 688.819 & 688.830

Stats. Implemented: ORS 676.607, 676.615, 688.800, 688.815, 688.819 & 688.830

Hist.: HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12

331-710-0080

Polysomnographic Technologist Temporary-IS (Indirect Supervision) Licensure

(1) Provisions of this rule become effective October 15, 2012. A polysomnographic technologist Temporary-IS license authorizes the holder to temporarily practice polysomnography under indirect supervision by an approved supervisor, after successfully completing Temporary-DS licensure.

(2) Indirect supervision is supervision of the Temporary-IS licensee by an approved supervisor who is physically present and onsite, but may not be immediately accessible at the sleep facility when the Temporary-IS licensee is working, who reasonably oversees the work of the Temporary-IS licensee, and who is available for questions and assistance when needed.

(3) A polysomnographic technologist Temporary-IS license holder must notify the agency within 10 calendar days of changes in employment status and changes in supervisor.

(4) A polysomnographic technologist Temporary-IS license is valid for one year and may be renewed once.

(5) A Temporary-IS licensee is prohibited from performing services on persons 12 and under.

Stat. Auth.: ORS 676.615, 676.607, 688.819 & 688.830

Stats. Implemented: ORS 676.607, 676.615, 688.800, 688.815, 688.819 & 688.830

Hist.: HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12

ADMINISTRATIVE RULES

331-710-0090

Application Requirements for Polysomnographic Temporary-IS Licensure

Provisions of this rule become effective October 15, 2012. An applicant for a polysomnographic technologist Temporary-IS license must:

- (1) Meet the requirements of OAR chapter 331 division 30;
- (2) Submit fingerprint-based national criminal background check pursuant to OAR 331-030-0004;
- (3) Submit a completed application form prescribed by the Agency, containing the information listed in OAR 331-030-0000 and accompanied by payment of required fees;
- (4) Submit documentation of qualification through one of the following pathways:

(a) **Temporary License-IS Pathway One: Temporary Licensee-DS:** applying for Temporary-IS licensure must:

(A) Submit documentation of successful completion of 30 sleep tests as a polysomnographic technologist Temporary-DS licensee, which includes the signatures of an approved supervisor and certification by a qualified medical director for polysomnography of successful completion of 30 sleep studies and satisfactory performance;

(B) Submit examination fees;

(C) Complete and pass the Oregon Laws and Rules examination for polysomnography within two years before the date of registration application;

(D) Submit information identifying the applicant's approved supervisor on a form prescribed by the Agency; and

(E) Submit appropriate licensing fees.

(b) **Temporary License-IS Pathway Two: An individual with qualified experience received prior to January 1, 2013,** applying for Temporary-IS licensure must:

(A) Submit form prescribed by the Agency documenting completion of 30 sleep studies within the last six months which were prior to January 1, 2013. The form must be signed by a qualified medical director for polysomnography. The agency may accept up to six months of work experience if received prior to January 1, 2013.

(B) Submit examination fees;

(C) Complete and pass the Oregon Laws and Rules examination for polysomnography within two years before the date of registration application;

(D) Submit information identifying the applicant's approved supervisor on a form prescribed by the Agency; and

(E) Submit appropriate licensing fees.

Stat. Auth.: ORS 676.615, 676.607, 688.819 & 688.830

Stats. Implemented: ORS 676.607, 676.615, 688.800, 688.815, 688.819 & 688.830

Hist.: HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12

331-710-0100

Supervision of a Temporary Polysomnographic Technologist

(1) Provisions of this rule become effective October 15, 2012. To be approved as a supervisor of a polysomnographic temporary licensee, an individual must:

(a) Hold a valid polysomnographic technologist license under ORS chapter 688 or provide proof of being a "qualified medical director for polysomnography" as defined in ORS 688.800(3);

(b) Have no current or pending disciplinary action imposed by the Agency or other regulatory body; and

(c) Submit proof of having been actively practicing polysomnography for at least three years prior to requesting approval as a supervisor; and

(d) Submit a completed request for approval on a form prescribed by the Agency;

(2) A polysomnography supervisor shall not supervise a temporary licensee until all Agency required documentation has been completed and submitted to the Agency and the supervisor has received Agency approval.

(3) A supervisor may supervise up to four patients per shift; whether they are the supervisor's own patients or patients of temporary DS or IS licensees.

(4) An approved supervisor of a Temporary-DS licensee must be *immediately physically present* with the Temporary-DS licensee while the Temporary-DS licensee is working, and must exercise direction and control over the Temporary-DS licensee's work.

(5) An approved supervisor of a Temporary-IS licensee must be *physically present and onsite, but may not be immediately accessible* at the sleep facility when the Temporary-IS licensee is working, and must reasonably oversee the work of the Temporary-IS licensee, and be available for questions and assistance when needed.

(6) An approved supervisor must notify the Agency in writing within 10 calendar days if a temporary polysomnographic technologist licensee is no longer being supervised, and must provide the number of hours of training completed on a form prescribed by the Agency.

(7) A designated supervisor must exercise management, guidance, and control over the activities of the temporary polysomnographic technologist and must exercise professional judgment and be responsible for all matters related to the polysomnography.

(8) Approval of a temporary polysomnographic technologist's work experience under OAR 331-710-0110 must be documented by the handwritten signature of the approved supervisor, the supervisor's license number, and date of supervisor's review, placed beside the temporary polysomnographic technologist's signature, on a form prescribed by the agency.

(9) An approved supervisor's Agency approval may be withdrawn if the supervisor provides incomplete or inadequate training during supervision or falsifies documentation.

NOTE: This rule is not intended for or required of purely administrative supervisors.

Stat. Auth.: ORS 676.615, 676.607, 688.819 & 688.830

Stats. Implemented: ORS 676.607, 676.615, 688.800, 688.815, 688.819 & 688.830

Hist.: HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12

331-710-0110

Work Experience Requirements for Polysomnography

(1) Provisions of this rule become effective October 15, 2012. Work experience for polysomnography applicants must involve all of the following:

- (a) Patient interaction & professional behavior;
 - (b) Patient assessment;
 - (c) Polysomnography theory;
 - (d) Performing polysomnography preparation and setup;
 - (e) Performing polysomnography recording and monitoring;
 - (f) Scoring sleep studies;
 - (g) Artifacts, and arrhythmias;
 - (h) Sleep related breathing disorders;
 - (i) Positive airway pressure and oxygen;
 - (j) Evaluation of sleepiness;
 - (k) Movement disorders: disorders involving arousal and seizures;
 - (l) Scoring waveforms;
 - (m) Scoring sleep stages;
 - (n) Scoring respiratory events;
 - (o) Scoring arousals, electroencephalography abnormalities, movements and cardiac events;
 - (p) Sleep deprivation;
 - (q) Insomnia;
 - (r) Medications and sleep;
 - (s) Circadian sleep and shift work
 - (t) Arrhythmia recognition;
 - (u) Emergency procedures and care;
 - (v) Patient education and mask fitting;
 - (w) Pediatric sleep; and
- (2) For the purpose of this rule "Artifact" means an extraneous electrical signal in a recording channel on a polysomnograph, which originates from the patient, equipment, or external sources, and which may mask or interfere with the desired signal (E.g., snores that appear on the EEG channel, pulses of hypertensive patients that appear on the chin EMG channel, etc.).

NOTE: A Temporary-IS licensee is prohibited from performing services on persons 12 and under. See OAR 331-710-0080.

Stat. Auth.: ORS 676.615, 676.607, 688.819 & 688.830

Stats. Implemented: ORS 676.607, 676.615, 688.800, 688.815, 688.819 & 688.830

Hist.: HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12

331-712-0010

Polysomnography Approved Examinations

The Board has approved the following examinations for qualification as a licensed polysomnographic technologist:

(1) The RPSGT "registration examination" administered by the BRPT;

(2) The SDS examination administered by the NBRC; and

(3) The Oregon Laws and Rules examination for polysomnography administered by the Agency.

NOTE: An applicant is responsible for direct payment to the organization of all application, examination, national certification or other fees associated with any examination.

Stat. Auth.: ORS 676.607, 676.615, 688.830 & 2011 OL Ch. 715

Stats. Implemented: ORS 676.606, ORS 676.607, ORS 676.612, 676.615, 676.625, 688.815 & 688.830, 688.834, 688.836 & 2011 OL Ch. 715

Hist.: HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 14-2012, f. 9-12-12, cert. ef. 9-14-12

ADMINISTRATIVE RULES

Oregon Health Licensing Agency, Board of Cosmetology Chapter 817

Rule Caption: Amend civil penalties, repeal communicable disease rules and general maintenance aligning with Agency protocols.

Adm. Order No.: BOC 2-2012

Filed with Sec. of State: 8-31-2012

Certified to be Effective: 9-1-12

Notice Publication Date: 4-1-2012

Rules Adopted: 817-020-0001, 817-020-0007, 817-020-0009, 817-030-0003, 817-035-0048, 817-035-0052, 817-035-0068

Rules Amended: 817-020-0006, 817-035-0010, 817-035-0050, 817-035-0070, 817-035-0090, 817-090-0025, 817-090-0035, 817-090-0045, 817-090-0105, 817-120-0005

Rules Repealed: 817-020-0015, 817-090-0025(T), 817-090-0035(T), 817-090-0045(T), 817-090-0105(T), 817-120-0005(T)

Subject: Adopt, amend and repeal rules to align with Oregon Health Licensing Agency (Agency) standards and principles. Administrative rules have been streamlined to be consistent with statutory authority and Agency protocol.

Align facility license application requirements for cosmetology. Align with Agency protocols including requiring a "natural person" be the owner of a facility effective the day administrative rules become permanent.

Repeal requiring a facility located within a residence have a separate entrance.

Align independent contractor registration and freelance authorization application requirements for cosmetology with the current Agency standard.

Upon renewal of any facility license issued before January 1, 2013, must meet renewal requirements to renew a cosmetology facility license, including having a natural person be holder (owner) of the license. Corporations, LLC's and others may have to designate a natural person as the facility license holder who will be responsible for matters within the facility.

It is necessary to amend OAR 817-090-0025, 817-090-0035, and 817-090-0045 because the Agency and the Board of Cosmetology do not have statutory authority to assess civil penalties for violations of ORS chapter 676 or OAR chapter 331 under OAR chapter 817.

It is necessary to amend OAR 817-090-0105 and 817-120-0005 because it is unlawful under the American with Disabilities Act (ADA) for a state to prevent an individual from practicing cosmetology based on that individual's HIV/AIDS (communicable disease) status.

Rules Coordinator: Samantha Patnode—(503) 373-1917

817-020-0001

Facility License

(1) Pursuant to ORS 690.055 a facility license must be obtained when operating a business establishment, providing services in one or more fields of practice defined in ORS 690.005.

(2) A facility license is valid for one year and becomes inactive on the last day of the month one year from the date of issuance.

(3) The holder of a facility license must be a natural person.

NOTE: A natural person is a living individual human being. The facility license holder may be a facility owner, facility manager, or any other natural person.

(4) A facility license is not transferable; the license is not transferable from person-to-person or from location to location. If an existing facility moves or relocates to a new physical address, the facility license holder must submit a new application and meet requirements of OAR 817-020-0006. A natural person may hold more than one facility license, but must submit a separate application, pay required fees and qualify for a facility license for each location.

(5) A facility license holder must meet all requirements listed under OAR Chapter 817, division 10, 817-020-0007 and if applicable 817-020-0009.

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167, 690.205

Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085, 690.123

Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

817-020-0006

Application Requirements for Facility Licensure

To obtain a facility license the applicant must meet the requirements of OAR 331 division 30 and submit the following:

(1) 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 fees;

(2) Proof of being 18 years of age. Documentation may include identification listed under OAR 331-030-0000;

(3) A map or directions to the facility if it is located in a rural or isolated area; and

(4) A list of licensees providing services in the facility;

Stat. Auth.: ORS 676.605, 690.055 & 690.165, 690.205, 690.225

Stats. Implemented: ORS 676.605, 690.055 & 690.165, 690.205, 690.225

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; Renumbered from 817-020-0005, 817-020-0011, 817-020-0012, BOC 1-2009, f. & cert. ef. 6-1-09; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

817-020-0007

Facility Standards

(1) A facility license holder must:

(a) Comply with the notification requirements of OAR 331-010-0040;

(b) Allow the agency's representative to inspect the facility or conduct an investigation. Obstructing or hindering the normal progress of an investigation or the inspection, threatening or exerting physical harm, or enabling another individual or employee to impede an investigation or inspection may result in disciplinary action pursuant to ORS 676.608 or 690.225.

(c) Contact the agency in writing to make arrangements for an inspection if the agency has been unable to perform an inspection after one year because the facility was closed.

(d) Comply with all applicable administrative rules and regulations of the Board and other state agencies regarding health, safety, and infection control standards.

(e) Require each practitioner working within the facility premises providing services in a field of practice be licensed with the Agency.

(2) The cleanliness and sanitary condition of any shared or common area used by or provided for separately licensed facilities or independent contractors located at one premises is the responsibility of each license or registration holder at that premises.

(3) All facility license holders and independent contractor registration holders located at one premises will be cited for violations of rules or regulations found in the shared or common area of a facility, unless a contractual agreement exists that indicates specific responsibility for the cleanliness of a shared or common area within the premises.

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167, 690.205

Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085, 690.123

Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

817-020-0009

Standards for Facilities Located in Residence

A facility located in a residence must comply with all standards listed in OAR chapter 817, division 010 in addition to the following criteria, unless otherwise specified by rule:

(1) Have an identifying house number and a sign with facility name on file with the agency, which is easily visible from the street and indicates the location of the facility;

(2) Be equipped with the structures, accommodations, and equipment which the Agency requires for all facilities; and

(3) The living area of the home must be separated from the facility by solid walls extending from floor to ceiling, with any connecting doors kept closed while the facility is in actual operation.

NOTE: A separate entrance is no longer required for facilities located in a residence.

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167, 690.205

Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085, 690.123

Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

817-030-0003

Practitioner Certificate in a Field of Practice

(1) A practitioner in a field of practice, licensed under ORS 690.046, may perform services in a field of practice which they have been certified to perform by the Agency and the Board of Cosmetology.

ADMINISTRATIVE RULES

(2) A practitioner certificate is good for two years and becomes inactive on the last day of the month two years from the date of issuance.

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167, 690.205
Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085, 690.123
Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

817-035-0010

Issuance and Renewal of Certificates, Licenses, Registrations, or Freelance Authorizations

(1) An individual holding an authorization as defined in OAR 331-010-0000 is subject to the provisions of OAR chapter 331, division 30 regarding the issuance and renewal of an authorization and provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate authorization.

(2) An individual holding an authorization as defined in OAR 331-010-0000 is subject to the provisions of ORS 690.046, 690.055, 690.057, 690.085, 690.105 and 690.123 for issuance and renewal of an authorization.

(3) **AUTHORIZATION RENEWAL:** Authorization renewal, other than independent contractor registration or freelance authorization, must be made prior to the authorization entering inactive status. The authorization holder must submit the following:

- (a) Renewal application form;
- (b) Payment of required renewal fee pursuant to OAR 817-040-0003;
- (4) **INACTIVE AUTHORIZATION RENEWAL:** An authorization, other than independent contractor registration or freelance authorization, may be inactive for up to three years. The authorization holder must submit the following:

- (a) Renewal application form; and
- (b) Payment of delinquency and authorization fees pursuant to OAR 817-040-0003.

(5) **EXPIRED AUTHORIZATION:** An authorization, other than independent contractor registration or freelance authorization, that has been inactive for more than three years, is expired and the authorization holder must meet the requirements listed in OAR 817-020-0006.

(6) **LICENSE RENEWAL — FACILITY LICENSE ISSUED PRIOR TO JANUARY 1, 2013.** Facilities licensed before January 1, 2013 must renew on a form prescribed by the agency. Upon renewal the facility license holder must be a natural person.

(7) Independent contractor registrations and freelance authorizations that are not renewed become dormant, but do not become inactive and do not expire;

(8) To reactivate a dormant independent contractor registration or freelance authorization, the holder must contact the agency and pay the required renewal fee.

(9) For freelance authorization renewal or reactivation, the freelance authorization holder must also submit proof of having passed the board approved Oregon laws and rules examination or completion of the agency's Safety and Infection Control Training, if available:

- (a) Every two years for renewal; or
- (b) Within two years before the date of reactivation.

(10) Independent contractor registration and freelance authorizations that are in dormant status are not valid for practice.

Stat. Auth.: ORS 676.605, 676.615, 690.085 & 690.165
Stats. Implemented: ORS 676.605, 676.615, 690.085 & 690.165
Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 2-1994(Temp), f. 2-15-94, cert. ef. 3-1-94 thru 8-28-94; Renumbered from 817-040-0008, BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-040-0015, BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2005, f. 6-17-05, cert. ef. 7-1-05; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2008, f. 9-15-08 cert. ef. 10-1-08; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

817-035-0048

Freelance Authorization

(1) Pursuant to ORS 690.123, a practitioner who provides services outside of a licensed facility must hold a freelance authorization.

(2) A freelance authorization is good for one year and becomes inactive on the last day of the month one year from the date of issuance. Note: a freelance authorization becomes dormant if the freelance authorization is not renewed before becoming inactive.

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167, 690.205
Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085, 690.123
Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

817-035-0050

Application Requirements for Freelance Authorization

To obtain a freelance authorization an individual must meet the requirements of OAR 331 division 30 and submit the following:

(1) 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 fees;

(2) A passing score on the Oregon Laws and Rules examination. Completion of the examination is not required if the applicant passed the Oregon Laws & Rules examination within two years before the date of application for a freelance authorization; and

(3) Submit proof of a current registration as required by Secretary of State, Corporations Division pursuant to ORS 648.007 if applicant is applying as a business and not as an individual; and

(4) A current copy of the Assumed Business Name (ABN) filing if applicant is operating under an assumed business name prior to applying for a freelance authorization;

NOTE: ABN is not required if business includes the real and true name of each owner. Refer to Secretary of State, Corporations Division under ORS 648.005

Stat. Auth.: ORS 676.615, 690.048, 690.123 & 690.165
Stats. Implemented: ORS 676.615, 690.048, 690.123 & 690.165
Hist.: BH 4-1984, f. & cert. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, f. & cert. ef. 7-1-94; Renumbered from 817-020-0040; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 2-2008, f. 9-15-08 cert. ef. 10-1-08; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 3-2010(Temp), f. 11-10-10, cert. ef. 11-15-10 thru 5-10-11; BOC 1-2011(Temp), f. & cert. ef. 3-1-11 thru 8-10-11; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

817-035-0052

Freelance Authorization Standards

(1) A holder of freelance authorization must:

(a) Provide each client with the agency's name, address and telephone number, for comment on any of the services received or on any of the sanitary procedures followed while performing services;

(b) Display the practitioner's certificate number and freelance authorization number on all advertising when soliciting business;

(c) Comply with the Board's health, safety, and infection control rules and regulations listed in division 10 of these rules; and

(d) Be subject to random audit to verify compliance with safety, infection control and licensing requirements pursuant to ORS 690.123.

(2) Allow the agency's representative to conduct an investigation pursuant to ORS 676.608. Obstructing or hindering the normal progress of an investigation, threatening or exerting physical harm, or enabling another individual to impede an investigation may result in disciplinary action pursuant to ORS 676.612 or 676.992 and 331-020-0070.

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167, 690.205
Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085, 690.123
Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

817-035-0068

Independent Contractor

(1) Pursuant to ORS 690.015(d), a practitioner who provides services within a licensed facility who is not an employee must hold an independent contractor registration.

(2) An independent contractor must meet the criteria for independent contractor status in accordance with ORS 690.035, 690.057, 670.600, and 657.040;

(3) An independent contractor registration is good for one year and becomes inactive on the last day of the month one year from the date of issuance.

NOTE: An independent contractor registration becomes dormant if the registration is not renewed before becoming inactive.

(4) An independent contractor must comply with all applicable rules and regulations of the Board and other state agencies.

(5) An independent contractor registration will be evidence of the practitioner's qualification to work independent of a facility license holder. The registration is transferable between work locations, provided the agency is given notification as stated in OAR 331-010-0040(3).

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167, 690.205
Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085, 690.123
Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

817-035-0070

Application Requirements for Independent Contractor Registration

To obtain an independent contractor registration an individual must meet the requirements of OAR 331 division 30 and submit the following:

ADMINISTRATIVE RULES

(1) 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 fees;

(2) Proof of being 18 years of age. Documentation may include identification listed under OAR 331-030-0000;

(3) Proof of holding a current, valid practitioner's certificate in one or more fields of practice which is active with no current or pending disciplinary action;

(4) A current registration as required by Secretary of State, Corporations Division pursuant to ORS 648.007 if applicant is applying as a business and not as an individual; and

(5) A copy of the Assumed Business Name (ABN) filing if applicant is operating under an assumed business name prior to applying for an independent contractor registration.

NOTE: ABN is not required if business includes the real and true name of each owner. Refer to Secretary of State, Corporations Division under ORS 648.005 through 648.990.

Stat. Auth.: ORS 676.615, 690.055, 690.057 & 690.165

Stats. Implemented: ORS 676.615, 690.055, 690.057 & 690.165

Hist.: BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

817-035-0090

Independent Contractor Standards

(1) An independent contractor must

(a) Allow the agency's representative to inspect or conduct an investigation pursuant to ORS 676.608 or 690.225. Obstructing or hindering the normal progress of an investigation or the inspection, threatening or exerting physical harm, or enabling another individual or employee to impede an investigation or inspection may result in disciplinary action pursuant to ORS 676.612 or 676.992 and OAR 331-020-0070.

(b) Contact the agency in writing to make arrangements for an inspection if the agency has been unable to perform an inspection after one year because the facility was closed.

(2) Any location where services are performed solely by independent contractors, who are registered by the agency, must be licensed as a facility.

(3) The cleanliness and sanitary condition of any shared or common area used by, or provided for, separately licensed facilities or independent contractors located at one premises is the responsibility of each license or registration holder at that premises.

(4) All facility license holders and independent contractor registration holders located at one premises will be cited for violations of rules or regulations found in a shared or common area of a facility, unless a contractual agreement exists that indicates specific responsibility for the cleanliness of a shared or common area within the premises.

Stat. Auth.: ORS 676.615, 690.055, 690.057, 690.085, 690.095, 690.165, 690.225

Stats. Implemented: ORS 676.615, 690.055, 690.057, 690.085, 690.095, 690.165 & 690.225
Hist.: BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

817-090-0025

Schedule of Penalties for Facility and Independent Contractor Registration Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of facility license and independent contractor registration laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of OAR 331-020-0060 apply.

(1) Operating or purporting to operate a facility without a valid facility license is a violation of ORS 690.015(2)(b) or 690.015(2)(e):

(a) Never licensed:

(A) 1st offense: \$500;

(B) 2nd offense: \$1000;

(C) 3rd offense: \$2500

(b) Inactive or expired license:

(A) 1st offense: \$200;

(B) 2nd offense: \$500;

(C) 3rd offense: \$1,000

(c) Certificate, Authorization, or Registration Suspended or Revoked:

(A) 1st offense: \$2,500;

(B) 2nd offense: \$5,000;

(C) 3rd offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(2) Operating or purporting to operate as an independent contractor without an independent contractor registration or with a dormant independent contractor registration is a violation of ORS 690.015(2)(a), 690.015(2)(d) or 690.015(2)(e):

(a) 1st offense: \$200

(b) 2nd offense: \$500

(c) 3rd offense: \$1,000

(3) Allowing an uncertified employee or uncertified individual under a person's supervision and control to practice in a field of practice is a violation of ORS 690.015(2)(g) and OAR 817-020-0007 (1)(f).

(a) Employee or individual who has never been certified:

(A) 1st offense: \$500;

(B) 2nd offense: \$1,000;

(C) 3rd offense: \$2,500

(b) Employee or individual with inactive, suspended, revoked, or expired certification:

(a) 1st offense: \$200

(b) 2nd offense: \$500

(c) 3rd offense: \$1000

(4) Failing to meet the specifications and standards required under OAR 817-010-0007 in a facility is a violation of OAR 817-020-0006 (1)(e) and may result in an emergency suspension of the facility license until the violation is corrected.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165 & 690.167

Stats. Implemented: ORS 676.992, 690.015, 690.165 & 690.167

Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0020; BH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12; BOC 1-2012(Temp), f. 3-1-12, cert. ef. 3-12-12 thru 9-1-12; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

817-090-0035

Schedule of Penalties for Practitioner Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of practitioner licensing laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of OAR 331-020-0060 apply.

(1) Performing, attempting to perform, or purporting to perform services in a field of practice without proper certification, authorization, registration or permit is a violation of ORS 690.015(2)(a) or 690.015(2)(e).

(a) Certificate, authorization, registration, permit never held:

(A) 1st offense: \$1,000;

(B) 2nd offense: \$2,500;

(C) 3rd offense \$5,000.

(b) Certificate, authorization, registration, or permit inactive or expired:

(A) 1st offense: \$200;

(B) 2nd offense: \$500;

(C) 3rd offense: \$1000.

(c) Certificate, authorization, or registration suspended or revoked:

(A) 1st offense: \$2,500;

(B) 2nd offense: \$5,000;

(C) 3rd offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(2) Performing, attempting to perform, or purporting to perform services in a field of practice in an unlicensed facility is a violation of ORS 690.015(2)(c):

(a) 1st offense: \$200;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1,000

(3) Performing in a field of practice by a student when not on the premises of an educational institution, or while not pursuing the prescribed curriculum in which he or she is enrolled as provided in OAR 817-100-0005, is a violation of ORS 690.015(a):

(a) 1st offense: \$500;

(b) 2nd offense: \$1,000;

(c) 3rd offense: \$2,500.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165 & 690.167

Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165 & 690.167

Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0020; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 4-2011(Temp), f. & cert. ef.

ADMINISTRATIVE RULES

9-13-11 thru 3-11-12; BOC 1-2012(Temp), f. 3-1-12, cert. ef. 3-12-12 thru 9-1-12; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

817-090-0045

Schedule of Penalties for Certificate/License/Registration/ Permit Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of certificate/license/registration/permit laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of OAR 331-020-0060 apply.

(1) Altering with fraudulent intent or fraudulent use, attempted use, obtainment, or counterfeiting of a license, certificate, registration, permit or authorization issued by the agency is a violation of ORS 690.015(2)(j) or ORS 690.015(2)(k):

- (a) 1st offense: \$1,500;
- (b) 2nd offense: \$3,500;
- (c) 3rd offense: \$5,000.

(2) Failing to post a valid license, registration, certificate, permit or authorization issued by the agency in public view is a violation of ORS 690.095 and OAR 817-035-0110:

- (a) 1st offense: \$200
- (b) 2nd offense: \$500
- (c) 3rd offense: \$500

(3) Failing to post the most recent inspection certificate in public view within the facility is a violation of OAR 817-035-0110:

- (a) 1st offense: \$200;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165 & 690.167

Stats. Implemented: ORS 676.615, 676.992, 690.015, 690.165 & 690.167

Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0020; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12; BOC 1-2012(Temp), f. 3-1-12, cert. ef. 3-12-12 thru 9-1-12; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

817-090-0105

Schedule of Penalties for Client Health and Safety Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of OAR 331-020-0060 apply.

(1) Failing to use a neck strip or a towel to prevent contact between the skin of a client's neck and a hair cloth or cape is a violation of OAR 817-010-0040(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(2) Failing to use a disposable cover on the head of a client who is trying on a hairpiece or to clean and label used hair goods as "used" prior to resale is a violation of OAR 817-010-0085:

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(3) Failing to wear single-use disposable protective gloves while having scabbed skin lesions during any performance of service on a client is a violation of OAR 817-015-0030(2):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(4) Performing services without washing one's hands immediately before and after serving each client is a violation of OAR 817-015-0030(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(5) Failing to maintain client records for each client receiving esthetics, nail technology, or hair reduction services, on the premises of the facility or allow an enforcement officer access to review client records upon request is a violation of OAR 817-015-0065 or OAR 817-015-0070:

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(6) Failing to maintain required documentation of any FDA manual or mechanical device or equipment, or to provide required documentation upon request is a violation of OAR 817-010-0065(11) or (14):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167, 690.205

Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205

Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 4-2001(Temp), f. & cert. ef. 11-1-01 thru 4-29-02; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12; BOC 1-2012(Temp), f. 3-1-12, cert. ef. 3-12-12 thru 9-1-12; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

817-120-0005

Practice Standards

(1) Practitioners must be guided by the highest standards of professional conduct.

(2) Practitioners shall act and practice in a manner which safeguards the public's health, safety, and welfare.

(3) All practitioners shall be appropriately clothed while providing services and shall be subject to public decency laws.

Stat. Auth.: ORS 676.605, 676.615 & 690.165

Stats. Implemented: ORS 676.605, 676.615 & 690.165

Hist.: BH 1-1988, f. & cert. ef. 7-1-88; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-120-0010, BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12; BOC 1-2012(Temp), f. 3-1-12, cert. ef. 3-12-12 thru 9-1-12; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12

Oregon Health Licensing Agency, Board of Direct Entry Midwifery Chapter 332

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Rules Amended: 332-025-0120

Rules Repealed: 332-025-0120(T)

Subject: Amend OAR 338-025-0120 to remove subsection (5) related to providing risk information to clients for special circumstance births. The Oregon Health Licensing Agency was unable to gain consensus from interested parties regarding the type of information which should be disseminated within the risk information.

Rules Coordinator: Samantha Patnode—(503) 373-1917

332-025-0120

Informed Consent Practice Standards

(1) Informed consent means the consent obtained following a thorough and easily understood explanation of the information to the mother or mother's guardian.

(2) The explanation must be both verbal and written.

(3) An LDM must document the verbal explanation and the written informed consent process in the client's record. Informed consent information must include the following:

(a) Definition of procedure or process;

(b) Benefits of procedure or process;

(c) Risk(s) of procedure or process;

(d) Description of adverse outcomes;

(e) Risk of adverse outcomes; and

(f) Alternative procedures or processes and any risk(s) associated with them if the alternative procedures or processes are within the practice of midwifery.

(4) An LDM must obtain mother's dated signature acknowledging she has received, reviewed, and understands the information, and has made an informed choice.

Stat. Auth.: ORS 487.485 & 676.615

Stats. Implemented: ORS 687.425, 687.480, 687.485, 676.606 & 676.607

Hist.: DEM 6-2010, f. 12-30-10, cert. ef. 1-1-11; DEM 2-2011(Temp), f. & cert. ef. 5-19-11 thru 11-15-11; Renumbered from 332-025-0080 by DEM 5-2011, f. & cert. ef. 9-26-11; DEM 6-2011(Temp), f. 10-14-11, cert. ef. 10-15-11 thru 4-11-12; DEM 1-2012(Temp), f. 3-1-12, cert. ef. 4-12-12 thru 9-30-12; DEM 3-2012(Temp), f. & cert. ef. 5-10-12 thru 9-30-12; DEM 5-2012, f. 8-31-12, cert. ef. 9-7-12

ADMINISTRATIVE RULES

Oregon Health Licensing Agency, Board of Licensed Dietitians Chapter 834

Rule Caption: Standardize Board of Licensed Dietitians rules with other OHLA regulated professions.

Adm. Order No.: BELD 2-2012

Filed with Sec. of State: 8-16-2012

Certified to be Effective: 8-17-12

Notice Publication Date: 5-1-2012

Rules Adopted: 834-020-0000, 834-030-0000, 834-030-0010, 834-050-0000, 834-050-0010, 834-060-0000, 834-060-0010

Rules Repealed: 834-001-0000, 834-001-0005, 834-010-0005, 834-010-0010, 834-010-0015, 834-010-0019, 834-010-0025, 834-010-0030, 834-010-0035, 834-010-0040, 834-010-0045, 834-010-0050, 834-010-0055, 834-010-0065

Subject: Senate Bill 939, which passed during the 2011 Legislative Session brought the Board of Licensed Dietitians under the administration of the Oregon Health Licensing Agency (Agency).

The rules were rewritten and placed into new divisions to specifically address definitions, application requirements, license issuance and renewal, standards of practice and professional conduct, continuing education requirements, and fees.

Proposed changes are required to standardize and streamline rules for consistency with other professions regulated by OHLA and to align with current industry, agency and statewide rulemaking standards and principles.

Rules Coordinator: Samantha Patnode—(503) 373-1917

834-020-0000

Definitions

- (1) "Agency" means the Oregon Health Licensing Agency.
- (2) "CDR" means the Commission on Dietetic Registration.
- (3) "CEU" means a continuing education unit and the numerical value determined by the board to be earned by a renewal applicant by attending a specified training course. The terms "continuing education credit" and "continuing education unit" are synonymous and may be used interchangeably.
- (4) "Continuing Education (CE)" means post-licensure education in maintaining and improving knowledge and skills in dietetics practice as defined in ORS 691.405(1).
- (5) "Nutrition Care Process (NCP)" means a systematic problem-solving method that dietitians use to critically think and make decisions when providing medical nutrition therapy or to address nutrition related problems and provide safe, effective, high quality nutrition care.
- (6) "Medical Nutrition Therapy (MNT)" means an evidence-based application of the Nutrition Care Process focused on prevention, delay or management of diseases and conditions, and involves an in-depth assessment, periodic re-assessment and intervention.
- (7) "Official Transcript" means an original document certified by an accredited college or university indicating hours and types of course work, examinations and scores that the student has completed, which has been submitted by a regionally accredited United States college or university by mail or courier to the agency in a sealed envelope on behalf of the applicant.

(8) "OHPR" means the office for Oregon Health Policy and Research.
Stat. Auth.: ORS 691.475, 691.485
Stats. Implemented: ORS 691.435, 691.445, 691.475, 691.477, 691.479
Hist.: BELD 2-2012, f. 8-16-12, cert. ef. 8-17-12

834-030-0000

Licensed Dietitian Application Requirements

An individual applying for licensure as a licensed dietitian must:

- (1) Meet the requirements of OAR 331 division 30.
- (2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.
- (3) In addition to requirements listed in subsections (1) and (2) of this rule, an applicant must provide documentation of one of the following pathways:
 - (a) Licensure Pathway 1 — Qualification through examination. An applicant must:
 - (A) Provide official transcripts demonstrating that the individual holds a baccalaureate or post-baccalaureate degree from a regionally

accredited college or university in the U.S. in human nutrition, dietetics, foods and nutrition or food systems management, pursuant to ORS 691.435;

(B) Submit evidence of a passing score on the CDR examination, which may have been taken no more than three years preceding the date of the application;

(C) Submit evidence of having completed 900 hours of a board approved program of dietetic experience under the supervision of a licensed dietitian;

(D) Pay all license fees;

(E) Attest to having provided information to the OHPR pursuant to ORS 676.410; and

(F) Pay fee established by OHPR pursuant to ORS 676.410.

(b) Licensure Pathway 2 — Qualification through reciprocity pursuant to ORS 691.445(3)(b). Notwithstanding OAR 834-030-0000 (3)(a)(A), (B) and (C), an applicant who is currently licensed under the laws of any other state or territory in the United States must:

(A) Fulfill all requirements of subsections (1), (2), (3)(a)(D), (3)(a)(E), and (3)(a)(F) of this rule; and

(B) Demonstrate to the Agency's satisfaction that the requirements to obtain the applicant's license from another state or territory were not less than those of ORS 691.435.

(c) Licensure Pathway 3 — Qualification through equivalency pursuant to ORS 691.445(3)(a). Notwithstanding OAR 834-030-0000 (3)(a)(A), (B) and (C), an applicant who is currently registered with CDR must:

(A) Fulfill all requirements of subsections (1), (2), (3)(a)(D), (3)(a)(E), and (3)(a)(F) of this rule; and

(B) Submit proof of current, valid CDR registration.

Stat. Auth.: ORS 691.475, 691.485

Stats. Implemented: ORS 691.435, 691.445, 691.475, 691.477, 691.479

Hist.: BELD 2-2012, f. 8-16-12, cert. ef. 8-17-12

834-030-0010

Licensed Dietitian Issuance and Renewal

(1) LICENSURE AND RENEWAL: A license is subject to the provisions of OAR Chapter 331, division 30 regarding the issuance and renewal of a license, provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate license.

(2) LICENSE RENEWAL: To avoid delinquency penalties, a license must be renewed before the license becomes inactive as described in section (3) of this rule. The licensee must:

(a) Submit a renewal application form;

(b) Pay the renewal fee pursuant to 834-040-0000;

(c) Attest to having obtained the required annual CE pursuant to OAR 834-050-0000;

(d) Attest to having provided the required information to OHPR pursuant to ORS 676.410; and

(e) Pay fee established by OHPR pursuant to ORS 676.410.

(3) INACTIVE LICENSE RENEWAL: A license becomes inactive if it is not renewed before its "active through" date. A license may be inactive for up to three years, but an inactive license does not authorize its holder to practice dietetics under the title, "Licensed Dietitian" or the letters "L.D." To renew an inactive license, the licensee must:

(a) Submit a renewal application form;

(b) Pay the delinquency and renewal fees pursuant to OAR 834-040-0000;

(c) Submit documentation of having obtained the required annual CE pursuant to OAR 834-050-0000 on a form prescribed by the agency, whether the license was current or inactive;

(d) Attest to having provided the required information to OHPR pursuant to ORS 676.410; and

(e) Pay fee established by OHPR pursuant to ORS 676.410.

(4) EXPIRED LICENSE: A licensee holding an expired license must reapply and meet the requirements of OAR 834-030-0000. An expired license does not authorize its holder to practice dietetics under the title, "Licensed Dietitian" or the letters "L.D." A license is expired if:

(a) The license has been inactive for more than three years; or

(b) The licensee has failed to meet CE requirements pursuant to OAR 834-050-0000 and the license is revoked.

Stat. Auth.: ORS 691.475, 691.485

Stats. Implemented: ORS 691.435, 691.445, 691.475, 691.477, 691.479

Hist.: BELD 2-2012, f. 8-16-12, cert. ef. 8-17-12

ADMINISTRATIVE RULES

834-050-0000

Continuing Education Requirements

(1) To maintain licensure, dietitians must complete a minimum of 15 CE credits every year.

(2) CE credits obtained in excess of those required for the current one-year reporting period may be carried forward for up to four years. However, no more than 60 annual excess CE credits may be carried forward.

(3) Excess CE credits may not be used to reinstate an expired license.

(4) Each licensee shall document compliance with the CE requirement through attestation on the license renewal application. Licensees are subject to provisions of OAR 834-050-0010 pertaining to periodic audit of CE.

(5) Upon CE credit audit, the licensee must provide documentation supporting all credits claimed and all excess credits carried forward.

(6) CE must address subject matter related to dietetics practice in accordance with ORS 691.405(1) and OAR 834-020-0000(4).

(7) CE credits will be awarded based on the following criteria:

(a) Completion and passing of academic courses taken from an accredited college or university are awarded 15 CE credits for each semester-based credit earned, 14 CE credits for each trimester-based credit earned or 10 CE credits for each quarter-based credit earned;

(b) Completion of professional courses which meet academic course requirements in content, instruction and evaluation will be assigned 15 CE credits for each semester-based credit earned, 14 CE credits for each trimester-based credit earned or 10 CE credits for each quarter-based credit earned;

(c) Courses that do not meet standards as set forth in paragraphs (a) and (b) of this subsection, such as workshops, symposiums, seminars, laboratory exercises, or any applied experience with or without formal classroom work may be assigned credit at the rate of 1.0 CE credit for each hour of attendance.

(8) Documentation supporting compliance with CE requirements must be maintained for a period of two years following renewal and be available to the agency upon request.

Stat. Auth.: ORS 691.475, 691.485

Stats. Implemented: ORS 691.435, 691.445, 691.475, 691.477, 691.479

Hist.: BELD 2-2012, f. 8-16-12, cert. ef. 8-17-12

834-050-0010

Continuing Education: Audit, Required Documentation and Sanctions

(1) The Oregon Health Licensing Agency will audit a percentage of licensees, as determined by the board, to verify compliance with CE requirements of OAR 834-050-0000.

(2) Licensees notified of selection for audit of CE attestation must submit to the agency, within 30 calendar days from the date of issuance of the notification, satisfactory evidence of participation in required CE in accordance with OAR 834-050-0000.

(3) If selected for audit, the licensee must provide documentation of the required CE, which must include:

(a) For agency pre-approved programs or courses — A certificate of completion or other agency approved documentation that includes the agency pre-approval number;

(b) For courses provided by an accredited college or university — An official transcript from the accredited college or university; or

(c) For CDR approved programs or courses — A completed CDR portfolio or state licensure verification worksheet, which is available from CDR, the agency, and at www.oregon.gov/OHLA/LD.

(4) If documentation of CE is incomplete, the registrant has 30 calendar days from the date of notice to submit further documentation to substantiate having completed the required CE.

(5) Failure to meet CE requirements will constitute grounds for disciplinary action, which may include, but is not limited to, assessment of a civil penalty, suspension or revocation of license.

Stat. Auth.: ORS 691.475, 691.485

Stats. Implemented: ORS 691.435, 691.445, 691.475, 691.477, 691.479

Hist.: BELD 2-2012, f. 8-16-12, cert. ef. 8-17-12

834-060-0000

Standards of Practice

The board adopts the following standards of practice to establish and maintain a high standard of integrity and dignity in the profession of dietetic practice pursuant to ORS 691.405(1). A licensee must:

(1) Use systematically reviewed scientific evidence in making food and nutrition practice decisions by integrating best available evidence with professional expertise and client values to improve outcomes;

(2) Use accurate and relevant data and information to perform nutrition assessment and identify nutrition-related problems;

(3) Determine a nutrition diagnosis to identify and label specific nutrition problem(s) for which the dietitian provides medical nutrition therapy;

(4) Utilize nutrition intervention to identify and implement appropriate actions designed with the intent of changing a nutrition-related behavior, risk factor, environmental condition or aspect of health status for an individual, target group, or the community at large;

(5) Monitor and evaluate indicators and outcomes data directly related to the nutrition diagnosis, goals and intervention strategies to determine the progress made in achieving desired outcomes of nutrition care and whether planned interventions should be continued or revised;

(6) Document and communicate the Nutrition Care Process in a timely manner;

(7) Apply appropriate standards of quality and safety in food and nutrition services; and

(8) Consider the health, safety, and welfare of the clients and public at all times.

Stat. Auth.: ORS 691.475, 691.485

Stats. Implemented: ORS 691.435, 691.445, 691.475, 691.477, 691.479

Hist.: BELD 2-2012, f. 8-16-12, cert. ef. 8-17-12

834-060-0010

Standards of Professional Conduct

The board adopts the following standards of professional conduct from the Academy of Nutrition and Dietetics Code of Ethics for the Profession of Dietetics, to protect the public from unprofessional conduct on the part of dietitians. A licensee must:

(1) Conduct herself or himself with honesty, integrity and fairness;

(2) Comply with all local, state, and federal laws and regulations concerning the practice of dietetics;

(3) Provide professional services with objectivity and with respect for the unique needs and values of individuals, avoiding discrimination and providing sufficient information to enable clients to make informed decisions;

(4) Not engage in false or misleading practices or communications and must remain free of conflict of interest; and

(5) Abide by the mandatory reporting obligations pursuant to ORS 676.150.

Stat. Auth.: ORS 691.475, 691.485

Stats. Implemented: ORS 691.435, 691.445, 691.475, 691.477, 691.479

Hist.: BELD 2-2012, f. 8-16-12, cert. ef. 8-17-12

Oregon Liquor Control Commission Chapter 845

Rule Caption: Amend rule to implement statutory changes allowing additional Special Events Distillery license privileges.

Adm. Order No.: OLCC 7-2012

Filed with Sec. of State: 9-14-2012

Certified to be Effective: 10-1-12

Notice Publication Date: 7-1-2012

Rules Amended: 845-005-0413

Subject: This rule describes the Special Events license that is available to current Distillery licensees and also describes the application process. House Bill (HB) 4092 amends ORS 471.230 to provide the additional license privileges of selling distilled spirits manufactured by the distillery licensee both by the drink and by the bottle at these special events. We are amending section (5) of the rule by adding a new (5)(h) which requires compliance with applicable food standards if the licensee chooses to offer distilled spirits by the drink. We are also replacing the current sections (14) and (15) regarding tastings with a new section (14) outlining the three privileges now allowed: tastings, drinks, and factory-sealed containers (bottles). This new language includes any purchase or sale pricing requirements as specified in statute. Because the statute specifies that they must be appointed as a retail outlet agent to sell by the bottle, subsection (14)(c) also includes a cross reference to their agent agreement and manual. Also included is the deletion of section (18), since the same rules governing service permit and server age requirements that apply to all other licensees will now apply to this special event license. And finally, minor housekeeping amendments have been made such as deleting the duplicative language of section (19) regarding violation level.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

ADMINISTRATIVE RULES

845-005-0413

Special Events Distillery License

ORS 471.230 authorizes the Commission to issue a Special Events Distillery (SED) license to an Oregon Distillery licensee. This rule sets the qualifications and requirements for a Special Events Distillery license.

(1) Definitions. For this rule:

(a) "Bar" means a counter at which the preparation, pouring, serving, sale, or consumption of alcoholic beverages is the primary activity;

(b) "Food counter" means a counter in an area in which minors are allowed and at which the primary activity at all times is the preparation, serving, sale, or consumption of food;

(c) "License day" means from 7:00 am until 2:30 am on the succeeding calendar day. The license fee is \$10.00 per license day or any part of a license day.

(d) "Manufactured by the distillery licensee" means the licensee distills, rectifies, blends, or otherwise produces the distilled liquor product on the distillery licensed premises in Oregon.

(e) "Serious violation history" means:

(A) Two or more category III or IIIa administrative violations of any type, or category IV violations involving minors. However, if the circumstances of a violation include aggravation, one violation may be sufficient; or

(B) One category I, II, or IIa administrative violation; or

(C) Two or more crimes or offenses involving liquor laws.

(f) "Social game" means a game other than a lottery, if authorized by a local county or city ordinance pursuant to ORS 167.121, between players in a private business, private club, or place of public accommodation where no house player, house bank, or house odds exist and there is no house income from the operation of the social game.

(g) "Trade visitor" means a person whose job includes the purchase, or recommended purchase, of distilled spirits by a licensee of the Commission or distributors and others in the commercial distribution chain; or a person representing an agency of mass communication, such as television, radio, newspaper, magazine, and internet.

(h) "Video lottery game" means a video lottery game terminal authorized by the Oregon State Lottery. Examples include but are not limited to video poker and video slots. Keno monitors are not considered a video lottery game.

(2) Only the holder of a Distillery license issued under ORS 471.230 may qualify for a Special Events Distillery license.

(a) The SED license is only for a location other than that designated as the Distillery licensee's annually licensed premises.

(b) A distillery licensee providing tastings of distilled liquor for retailers at an educational seminar that is not open to the public is not required to obtain a SED and is subject to OAR 845-013-0060.

(c) A distillery licensee providing tastings of distilled liquor at a retail liquor store must follow OAR 845-015-0155. A distillery licensee is not eligible for a SED at a retail liquor store.

(3) The Commission will not approve more than five license days on a single application. The Commission may limit approval of any application to a single license day or to any number of license days fewer than five days.

(4) Applicants must apply in writing for a Special Events Distillery license, using the application form provided by the Commission. The Commission may require additional forms, documents, or information as part of the application. The Commission may refuse to process any application not complete, not accompanied by the documents or disclosures required by the form or the Commission, or that does not allow the Commission sufficient time to investigate it. Sufficient time is typically one to three weeks prior to the event date. The Commission may give applicants the opportunity to be heard if the Commission refuses to process an application. A hearing under this subsection is not subject to the requirements for contested case proceeding under ORS 183.310 to 183.550.

(5) The application for a SED license under this rule shall include:

(a) A written, dated, and signed plan. An application is not complete if this plan is not approved by the Commission. To approve a plan, the Commission must determine that the plan adequately manages:

(A) The event to prevent problems and violations;

(B) Patronage by minors as set out in subsection (6) of this rule; and

(C) Alcohol consumption by adults.

(b) Identification of the individuals to be employed by the licensee to manage events on the SED licensed premises;

(c) Identification of the premises or area proposed to be licensed;

(d) Statement of the type of event to be licensed, type and extent of entertainment to be offered, expected patronage overall and by minors, and proposed hours of operation;

(e) A description of how the licensee will distinguish trade visitors from members of the general public, such as by providing tastings for trade visitors in separate areas or at separate times from tastings for the general public, by using distinctive glassware for trade visitors, or by the use of badges or name tags;

(f) The recommendation in writing of the local governing body where the licensed premises will be located; and

(g) License fees as established by ORS 471.311.

(h) If the licensee will provide distilled liquor by the drink, a written proposal showing compliance with the food service standards of OAR 845-006-0465.

(6) A plan for managing patronage by minors under subsection (5)(a) of this rule must meet the following requirements:

(a) If the SED license will be on any part of a premises, room, or area with an annual license issued by the Commission, the Commission must be convinced that the plan will follow the minor posting and control plan, including any temporary relaxation of the minor posting, assigned to that premises, room, or area under the annual license. The Commission must also be convinced that the plan will prevent minors from gaining access to alcoholic beverages and any portion of the licensed premises prohibited to minors.

(b) If the SED license will not be on any part of a premises, room, or area with an annual license issued by the Commission, the Commission must be convinced that the plan will prevent minors from gaining access to alcoholic beverages and any portion of the licensed premises the Commission prohibits to minors.

(7) Minors are prohibited from the SED licensed premises or portions of the licensed premises as follows:

(a) Minors may not sit or stand at a bar; however, minors may sit or stand at a food counter;

(b) Minors may not be in an area where there are video lottery games, social games, or nude entertainment or where such activities are visible;

(c) Minors may not be in an area where the licensee's approved written plan designates that minors will be excluded.

(8) The Commission may deny, cancel or restrict a SED license for any reason for which the Commission may deny, cancel or restrict a regular license.

(9) The Commission may deny or restrict a SED license if the applicant has a serious violation history at events previously licensed with a special license within the past 36 months.

(10) The Commission shall limit the issuance of a SED license to the same applicant at the same location to no more than 31 license days from January 1 to December 31 of each year.

(11) The Commission may refund the SED license fee if the application is withdrawn by the applicant or denied by the Commission, or if the event does not take place because of circumstances beyond the licensee's control, or if the Commission determines the applicant does not need a license for the event proposed in the application.

(12) When the Commission approves a written plan under subsection (5)(a) of this rule, the licensee must follow that written plan. Failure to follow that written plan is a Category III violation.

(13) If the licensee fails to prevent minors from gaining access to alcoholic beverages or fails to prevent minors from gaining access to any portion of the licensed premises prohibited to minors, the Commission may immediately prohibit minors from the licensed premises or portion(s) of the premises.

(14) A distillery licensee with a SED may:

(a) Permit tastings of distilled liquor manufactured by the licensee. The distillery licensee must purchase the distilled liquor that the licensee uses for conducting tastings at the event from the Commission at the price set by the Commission for distilled liquor removed from bond for tastings.

(b) Permit sales by the drink of distilled liquor manufactured by the licensee. The distillery licensee must purchase the distilled liquor that the licensee uses for sales by the drink at the event at the retail price set by the Commission for the month in which the distilled liquor is sold by the drink.

(c) If the distillery licensee has been appointed as a distillery retail outlet agent, sell factory-sealed containers of distilled liquor manufactured by the licensee for consumption off the licensed premises of the event. The distillery licensee must purchase and sell the factory-sealed containers in accordance with the terms of the Distillery Retail Outlet Agent Agreement and the Commission's Distillery Retail Outlet Manual.

(15) Tastings provided to the general public.

ADMINISTRATIVE RULES

(a) A tasting provided to the general public shall be no more than one-half fluid ounce of distilled liquor in a single container. The container may also contain nonalcoholic beverages; however, the total amount of liquid in the container may be no more than two ounces. A licensee may charge a member of the general public a fee for tastings.

(b) A distillery licensee shall not provide more than two and one-half fluid ounces of distilled liquor per person per license day.

(16) Tastings provided to a trade visitor.

(a) A tasting provided to a trade visitor shall be no more than one fluid ounce of distilled liquor in a single container. The container may also contain nonalcoholic beverages; however, the total amount of liquid in the container may be no more than three ounces. A licensee may not charge a trade visitor a fee for tastings.

(b) There is no daily limit on distilled liquor tastings provided to a trade visitor.

(c) Trade visitors must be distinguished from members of the general public per subsection (5)(e) of this rule.

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

Stats. Implemented: ORS 471.230

Hist.: OLCC 1-2010, f. 2-22-10, cert. ef. 3-1-10; OLCC 2-2012(Temp), f. & cert. ef. 4-5-12 thru 10-1-12; OLCC 7-2012, f. 9-14-12, cert. ef. 10-1-12

Oregon Public Employees Retirement System Chapter 459

Rule Caption: Update disability application requirements.

Adm. Order No.: PERS 11-2012

Filed with Sec. of State: 8-31-2012

Certified to be Effective: 8-31-12

Notice Publication Date: 4-1-2012

Rules Amended: 459-015-0020, 459-076-0020

Subject: OAR 459-015-0020(7) and 459-076-0020(5) were previously noticed as housekeeping edits to change “date of termination” to “date of separation from service”. Further modifications are warranted to clarify the timely filing of applications for disability benefits when a member has not terminated employment or become an active member and returns to work before filing the application.

Rules Coordinator: Daniel Rivas—(503) 598-3532

459-015-0020

Application Required

(1) Application must be made on forms provided by PERS. PERS may require the member to provide any information that PERS considers necessary to determine the applicant’s eligibility for a disability retirement allowance.

(2) No disability retirement allowance will be paid unless the member files a timely and complete application.

(3) Application must be made by a member or the member’s authorized representative. A representative must submit to PERS written proof of the representative’s authority; such as, a power of attorney, guardianship or conservatorship appointment.

(4) Upon the filing of an application for a disability retirement allowance, PERS will notify the applicant’s current or most recent employer of the filing. Additionally, PERS may request of an employer information pertaining to current or previous employment.

(5) When an employee member is disabled due to injury or disease, the member may make application immediately after the last day worked even though the member may be on a paid leave or on an official leave of absence without pay. No application will be accepted that predates the last day the member was actually on the job.

(6) An application will be considered filed in a timely manner when received by PERS as follows:

(a) For a member who is totally disabled due to injury or disease before terminating employment from all PERS qualifying positions and has not withdrawn the amount credited to the account of the member in the system, the member must file an application for a disability retirement allowance within five calendar years of the date of termination. Total disability must be continuous from the date of separation from service to the date the application is filed.

(b) For a member who is totally disabled due to injury or disease after terminating employment from all PERS qualifying positions and has not withdrawn the amount credited to the account of the member in the system, the member must file an application for a disability retirement allowance within six months (180 days) after the date of separation from service. Total

disability must be continuous from the date of disability to the date the application is filed.

(c)(A) For a member who is totally disabled due to injury or disease but does not terminate employment, an application for disability retirement must be filed no later than 90 calendar days from:

(i) The date the member is medically released for work; or

(ii) The date the member returns to work, whichever is earlier.

(B) Total disability must be continuous from the date of disability to the earlier of paragraph (A)(i) or (ii) of this subsection.

(d) A member cannot apply for disability retirement before their date of disability.

(7) In determining the effective date of a disability retirement allowance, PERS may allow up to 60 months of benefits retroactive from the date the application is filed with PERS, but in no case earlier than the first day of the month following the date of separation.

(8) When making application for a PERS disability retirement allowance, PERS will request the applicant authorize any physician, health practitioner, hospital, clinic, pharmacy, employer, employment agency, or government agency to release and disclose to PERS, or independent physicians and vocational consultants retained by PERS, any information within their records or knowledge, including that information otherwise protected under federal or state law, regarding the applicant’s health and employment which PERS determines relates to the applicant’s claim of disability and inability to perform any work for which qualified.

(9) When filing an application for disability retirement allowance, if the applicant wishes to authorize release and disclosure of protected health information, as defined in OAR 459-015-0001, the applicant must complete and sign a consent form which specifically authorizes the release and disclosure of such information.

(a) This authorization is voluntary. Because PERS is not a covered entity as defined in 45 C.F.R., Parts 160 and 164, the protected health information is not subject to federal and state health information privacy laws, but may be protected under Oregon State Public Record disclosure laws.

(b) This authorization may be revoked in writing at any time, except to the extent the entities named on the authorization form(s) have taken action in reliance of the authorization.

(c) If the applicant refuses to give or revokes authorization to disclose to PERS medical information that PERS determines it needs to evaluate the application, eligibility for a disability retirement allowance may be affected.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.320 - 238.345

Hist.: PERS 2-1992, f. & cert. ef. 1-14-92; PERS 15-2005, f. & cert. ef. 10-3-05; PERS 8-2011, f. & cert. ef. 10-5-11; PERS 11-2012, f. & cert. ef. 8-31-12

459-076-0020

Application Required

(1) Application must be made on forms provided by PERS. PERS may require the member to provide any information that PERS considers necessary to determine the member’s eligibility for a disability benefit.

(2) No disability benefit will be paid unless the member files a timely and complete application with PERS.

(3) Application must be made by a member or the member’s authorized representative. A representative must submit to PERS written proof of the representative’s authority; such as, a power of attorney, guardianship or conservatorship appointment.

(4) A member must file a timely application for disability benefits:

(a) An active member may file the application immediately after the last day worked even though the member may be on a paid leave or on an official leave of absence without pay. No application will be accepted that predates the last day the member was actually on the job, and:

(A) The application must be filed no later than 90 calendar days from:

(i) The date the member is medically released for work; or

(ii) The date the member returns to work, whichever is earlier.

(B) Total disability must be continuous from the date of disability to the earlier of paragraph (A)(i) or (ii) of this subsection.

(b) An inactive member who was totally disabled due to injury or disease while the applicant was an active member and has not terminated membership, must file an application for a disability benefit within five calendar years of the date of separation from service. Total disability must have arisen while the applicant was an active member and be continuous from the date the member last worked to the date the application is filed.

(c) A member cannot apply for disability benefits before their date of disability.

(5) In determining the effective date of a disability benefit PERS may allow up to 60 months of benefits retroactive from the date the application

ADMINISTRATIVE RULES

is filed with PERS, but in no case earlier than the first day of the month following the date of separation from service.

(6) Upon the filing of an application for a disability benefit, PERS will notify the applicant's current or most recent employer of the filing. Additionally, PERS may request of an employer information pertaining to current or previous employment.

(7) When making application for a PERS disability benefit, PERS will request the applicant authorize any physician, health practitioner, hospital, clinic, pharmacy, employer, employment agency, or government agency to release and disclose to PERS, or independent physicians and vocational consultants retained by PERS, any information within their records or knowledge, including that information otherwise protected under federal or state law, regarding the applicant's health and employment which PERS determines relates to the applicant's claim of disability and inability to perform any work for which qualified.

(8) When filing an application for disability benefit, if the applicant wishes to authorize release and disclosure of protected health information, as defined in OAR 459-076-0001, the applicant must complete and sign a consent form which specifically authorizes the release and disclosure of such information.

(a) This authorization is voluntary. Because PERS is not a covered entity as defined in 45 CFR Parts 160 and 164, the protected health information is not subject to federal and state health information privacy laws, but may be protected under Oregon State Public Record disclosure laws.

(b) This authorization may be revoked in writing at any time, except to the extent the entities named on the authorization form(s) have taken action in reliance of the authorization.

(c) If the applicant refuses to give or revokes authorization to disclose to PERS medical information that PERS determines it needs to evaluate the application, eligibility for a disability benefit may be affected.

Stat. Auth.: ORS 238A.450

Stats. Implemented: ORS 238A.235

Hist.: PERS 16-2005, f. & cert. ef. 10-3-05; PERS 7-2007, f. & cert. ef. 4-4-07; PERS 8-2011, f. & cert. ef. 10-5-11; PERS 11-2012, f. & cert. ef. 8-31-12

Oregon State Lottery Chapter 177

Rule Caption: Makes set prize funding source percentages for Powerball® and Power Play® consistent.

Adm. Order No.: LOTT 5-2012(Temp)

Filed with Sec. of State: 8-16-2012

Certified to be Effective: 8-16-12 thru 1-31-13

Notice Publication Date:

Rules Amended: 177-085-0065

Subject: The Oregon Lottery® has filed a Notice of Permanent Rulemaking Hearing, and has filed a temporary rule, to amend the above referenced administrative rule for the Powerball® game.

In the Powerball® game, when the money available to fund set prizes is not sufficient and the prizes become pari-mutuel, the funding sources are divided among the winning plays in proportion to their respective prize percentages. The proposed rulemaking, and the temporary rule, makes these percentages the same for Powerball® and Power Play® set prizes when they become pari-mutuel under these circumstances.

These changes are to implement changes to the Powerball® game rules made by the national organization that administers the multi-state Powerball® game, and are effective immediately.

Rules Coordinator: Mark W. Hohlt—(503) 540-1417

177-085-0065

Power Play®

(1) **General:** Power Play® is an optional, limited extension of the Powerball® Game described in OAR division 85. The Lottery Director, in the Lottery Director's sole discretion and based on agreements with MUSL, is authorized to initiate and terminate the Power Play® option.

(2) **Set Prizes Only:** Power Play® increases the amount of any of the cash Set Prizes (the cash prizes normally paying \$4 to \$1,000,000) won in a drawing. The Grand Prize Jackpot is not a Set Prize and will not be increased.

(3) **Power Play® Purchase:** A qualifying Power Play® option play is any single Powerball® Play for which the player selects the Power Play® option on either the game slip or by selecting the Power Play® option through a clerk-activated or player-activated terminal, pays one extra

dollar for the Power Play® option play, and which is recorded at the Party Lottery's central computer as a qualifying play.

(4) **Qualifying Play:** Except as otherwise provided in these rules, a qualifying play which wins one of the eight lump sum Set Prizes (excluding the Grand Prize Jackpot) shall be paid as follows: [Table not included. See ED. NOTE.]

(5) **Power Play® Prize Pool:** The prize pool for all prize categories shall consist of up to 49.96 percent of each drawing period's sales, including any specific statutorily mandated tax on a Party Lottery to be included in the price of a lottery ticket, after the Powerball® prize reserve accounts are funded to the amounts set by the Product Group. Any amount remaining in the prize pool at the end of the Powerball® game shall be carried forward to a replacement game or expended in a manner as directed by the Product Group in accordance with state law.

(6) **Power Play® Prize Reserve Accounts:** An additional 0.04 percent of sales, including any specific statutorily mandated tax on a Party Lottery to be included in the price of a lottery ticket, may be collected and placed in the rollover account or in trust in one or more prize reserve accounts until the prize reserve accounts reach the amounts designated by the Product Group.

(7) **Power Play® Payout:** Except as otherwise provided in these rules, all prizes awarded shall be paid as lump sum set prizes. Instead of the Powerball® set prize amounts, qualifying Power Play® option plays will pay the Power Play® prize amounts shown in section (4) of this rule. In certain rare instances, and as determined under OAR 177-085-0025(3)(c) and section (9) of this rule, the Powerball® set prize amount may be less than the amount shown in section (4) of this rule. In such case, the eight Power Play® prize amounts will be changed to an amount announced after the draw.

(8) **Prize Pool Carried Forward:** The prize pool percentage allocated to the Power Play® set prizes shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the set prizes awarded in the current draw.

(9) **Pari-Mutuel Prizes – All Prize Amounts:** If the total of the original Powerball® set prizes and the Power Play® prizes awarded in a drawing exceeds the percentage of the prize pools allocated to the set prizes, then the amount needed to fund the set prizes (including the Power Play® prize amounts) awarded shall be drawn from the following sources, in the following order:

(a) The amount allocated to the set prizes and carried forward from previous draws, if any;

(b) An amount from the Powerball® Set-Prize Reserve Account, if available in the account, not to exceed \$40,000,000 per drawing; and

(c) If, after these sources are depleted, there are not sufficient funds to pay the set prizes awarded (including Power Play® prize amounts), then the highest set prize (including the Power Play® prize amounts) shall become a pari-mutuel prize. If the amount of the highest set prize, when paid on a pari-mutuel basis, drops to or below the next highest set prize and there are still not sufficient funds to pay the remaining set prizes awarded, then the next highest set prize, including the Power Play® prize amount, shall become a pari-mutuel prize. This procedure shall continue down through all set prize levels, if necessary, until all set prize levels become pari-mutuel prize levels. In that instance, the money available from the funding sources listed in this rule shall be divided among the winning plays in proportion to their respective prize percentages. Powerball® and Power Play® prizes will be reduced by the same percentage.

(10) **Prize Payment:** All Power Play® prizes shall be paid in one lump sum. The Lottery may begin paying Power Play® prizes after receiving authorization to pay from the MUSL central office.

(11) **Prizes Rounded:** Prizes, which under these rules may become pari-mutuel prizes, may be rounded down so that prizes can be paid in whole dollars. Breakage resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing.

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

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461

Hist.: LOTT 3-2001(Temp), f. 3-1-01, cert. ef. 3-2-01 thru 8-29-01; LOTT 10-2001, f. 5-25-01, cert. ef. 5-29-01; LOTT 9-2002(Temp), f. 9-4-02, cert. ef. 10-6-02 thru 3-31-03; LOTT 1-2003, f. & cert. ef. 2-3-03; LOTT 7-2005(Temp), f. 8-8-05, cert. ef. 8-28-05 thru 2-23-06; LOTT 23-2005, f. 12-21-05, cert. ef. 12-31-05; LOTT 11-2008, f. 11-21-08, cert. ef. 1-4-09; LOTT 10-2010, f. 11-19-10, cert. ef. 12-12-10; LOTT 9-2011, f. 12-20-11, cert. ef. 1-15-12; LOTT 10-2011(Temp), f. 12-22-11, cert. ef. 1-15-12 thru 7-7-12; LOTT 2-2012, f. 4-30-12, cert. ef. 5-1-12; LOTT 5-2012(Temp), f. & cert. ef. 8-16-12 thru 1-31-13

ADMINISTRATIVE RULES

Oregon State Marine Board Chapter 250

Rule Caption: Portion of North Umpqua River closed to boat use due to bridge construction.

Adm. Order No.: OSMB 10-2012(Temp)

Filed with Sec. of State: 8-16-2012

Certified to be Effective: 8-19-12 thru 8-25-12

Notice Publication Date:

Rules Amended: 250-020-0102

Subject: This rule will temporarily close a portion of the North Umpqua River to boating due to construction activities at the Tioga Bridge site from August 19-25, 2012. The closure affects a 4-mile section of river.

Rules Coordinator: June LeTarte—(503) 378-2617

250-020-0102

Boat Operations in Douglas County

(1) No person shall operate a motorboat at a speed in excess of 10 MPH in the following areas:

- (a) On Carter Lake;
- (b) On Plat I Reservoir.
- (c) Diamond Lake.

(2) No person shall operate a motorboat at a speed in excess of 5 MPH in the following areas:

- (a) Within the Harbor limits of Salmon Harbor on Winchester Bay;
- (b) On the Umpqua River in the vicinity of River Forks Park from a point 30 yards downstream (North) from the launching ramp to a point upstream 100 yards on each the North Fork and South Fork of the Umpqua River;

(c) On the Umpqua River within 300 feet of the boat launching ramp and designated swimming area at Scottsburg Park.

- (3) Lemolo Lake:

(a) No person shall operate a motorboat in excess of a "Slow-No Wake" maximum 5 MPH speed within 150 feet of the shore or pier line in a zone extending from the launch ramp at Lemolo Lake Resort south to Pool Creek Inlet, and from a point 200 feet south of Pool Creek Inlet south to the small unnamed island, and thence south from the south tip of the island across to the nearest peninsula;

(b) Boats shall not exceed a "Slow-No Wake" maximum 5 MPH speed in the area from where U.S. Forest Service Road Number 2666 crosses the North Umpqua River, to a point 2,000 feet westward thereof;

(c) Boats shall not exceed a maximum speed of 40 MPH on all other waters of Lemolo Lake.

(4) No person shall operate a motorboat for any purpose on the following bodies of water:

- (a) Amos and Andy Lakes;
- (b) June Lake;
- (c) Indigo Lake;
- (d) Maidu Lake;
- (e) Wolf Lake;
- (f) Skookum Lake;
- (g) Fish Lake;
- (h) Buckeye Lake;
- (i) Cliff Lake;
- (j) Calamut Lake;
- (k) Lucile Lake;
- (l) Faller Lake;
- (m) Lower Twin Lake;
- (n) Upper Twin Lake;
- (o) Lake in the Woods.

(5) Cooper Creek Reservoir: No person shall operate a motorboat in excess of:

- (a) 40 MPH on the main body of the Reservoir;

(b) 5 MPH within the buoyed area of Rachele Inlet; Pierce Canyon Inlet; Sutherland Inlet and Douglas Inlet;

(c) 5 MPH within 200 feet of a boat launching ramp or designates swimming area.

(6) Ben Irving Reservoir: No person shall operate a motorboat in excess of:

(a) 35 MPH from the markers (identified by the letter "A") located where the reservoir narrows, downstream for approximately 1.2 miles to the dam;

- (b) 5 MPH:

(A) From the markers (identified by the letter "A") located where the reservoir narrows, upstream for approximately one mile to the second set of markers (identified by the letter "B");

(B) Within 100 feet of the boat ramp as marked.

(c) No person shall operate a motorboat upstream from the second markers (identified by the letter "B") except that electric motors may be used;

(d) No boats shall be permitted within the log boomed area in the vicinity of the dam spillway.

(7) Galesville Reservoir: No person shall operate a motorboat in excess of:

(a) 40 MPH on the main body of the lake;

(b) 5 MPH along the north shore between the launch ramp and log boom, in the buoyed areas;

(c) 5 MPH between the buoy line at the upper end of the lake to the powerboat deadline as marked;

(d) Above the 5 MPH zone, as marked, no person shall operate a motorboat, except those propelled by electric motors;

(e) Persons operating a motorboat in excess of 5 MPH in the otherwise unrestricted portions of the lake shall proceed about the lake in a counter clockwise direction.

(8) No person shall operate a motorboat on the North Umpqua River between the boat ramp at Lone Rock Camp (approximate RM 32) upstream to Lemolo Lake.

(9) Loon Lake:

(a) Except for safe take-offs and landings, no person shall operate a motorboat in excess of a 5 MPH "Slow-No Wake" speed within 200 feet of the designated swimming area and boat mooring area at the BLM day use area, as marked. Boats towing skiers may exceed 5 MPH to extent necessary to maintain the skier in a skiing position, within 200 feet from the designated swimming area and boat mooring area only under safe conditions as outlined in this section. A safe take-off or landing will not be considered "safe" unless it can be accomplished without risk to any swimmer or craft within 200 feet from designated swimming area and boat mooring area. If a safe landing as thus defined is not possible, skiers must be picked up by the boat before coming within 200 feet from the designated swimming area and boat mooring area and brought to shore under usual speed restrictions (5 MPH within 200 feet of the designated swimming area and boat mooring area). Take-offs and landings are required to be made following the mandatory counter-clockwise pattern.

(b) Persons operating a motorboat in excess of 10 MPH shall proceed in a counter-clockwise direction in the otherwise unrestricted portions of the lake.

(c) No person shall operate a motorboat in excess of a 5 MPH "Slow-No Wake" speed within the buoyed area extending from the north shore of the cove at Fish Haven Resort in a southwest direction across the lake to the end of the prominent point of land on the south shore of the lake, as marked.

(10) Hemlock Lake: No person shall operate a motorboat, except those propelled by electric motors.

(11) No person shall operate a boat of any type on the North Umpqua River from the Susan Creek Day Use Area to Baker Wayside County Park from 11:59 pm, August 19, 2012, to 11:59 pm, August 25, 2012.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110, 830.175 & 830.185

Hist.: MB 20, f. 3-20-63; MB 29, f. 6-17-66; MB 32, f. 9-14-66; MB 34, f. & ef. 6-2-67; MB 41, f. 9-18-68; MB 47, f. 7-14-70, ef. 8-11-70; MB 74(Temp), f. 5-18-76, ef. 6-1-76 thru 9-28-76; MB 82, f. & ef. 4-19-77; Renumbered from 250-020-0083; MB 4-1981(Temp), f. & ef. 4-17-81; MB 7-1981, f. & ef. 11-16-81; MB 4-1987, f. 4-20-87, ef. 5-1-87; MB 21-1987, f. 12-31-87, ef. 1-1-88; MB 5-1995, f. & cert. ef. 7-14-95; OSMB 8-2000, f. & cert. ef. 12-1-00; OSMB 7-2002, f. & cert. ef. 10-15-02; OSMB 1-2006, f. & cert. ef. 3-28-06; OSMB 7-2006(Temp), f. 8-15-06, cert. ef. 9-5-06 thru 9-30-06; Administrative correction 10-16-06; OSMB 7-2007, f. & cert. ef. 7-2-07; OSMB 3-2008, f. 4-11-08, cert. ef. 4-26-08; OSMB 10-2012(Temp), f. 8-16-12, cert. ef. 8-19-12 thru 8-25-12

Rule Caption: Portion of North Umpqua River closed to boat use due to bridge construction.

Adm. Order No.: OSMB 11-2012(Temp)

Filed with Sec. of State: 8-24-2012

Certified to be Effective: 8-26-12 thru 8-31-12

Notice Publication Date:

Rules Amended: 250-020-0102

Subject: This rule will temporarily close a portion of the North Umpqua River to boating due to construction activities at the Tioga Bridge site from August 26-31, 2012. The closure affects a 4-mile section of river.

Rules Coordinator: June LeTarte—(503) 378-2617

ADMINISTRATIVE RULES

250-020-0102

Boat Operations in Douglas County

(1) No person shall operate a motorboat at a speed in excess of 10 MPH in the following areas:

- (a) On Carter Lake;
- (b) On Plat 1 Reservoir.
- (c) Diamond Lake.

(2) No person shall operate a motorboat at a speed in excess of 5 MPH in the following areas:

(a) Within the Harbor limits of Salmon Harbor on Winchester Bay;

(b) On the Umpqua River in the vicinity of River Forks Park from a point 30 yards downstream (North) from the launching ramp to a point upstream 100 yards on each the North Fork and South Fork of the Umpqua River;

(c) On the Umpqua River within 300 feet of the boat launching ramp and designated swimming area at Scottsburg Park.

(3) Lemolo Lake:

(a) No person shall operate a motorboat in excess of a "Slow-No Wake" maximum 5 MPH speed within 150 feet of the shore or pier line in a zone extending from the launch ramp at Lemolo Lake Resort south to Pool Creek Inlet, and from a point 200 feet south of Pool Creek Inlet south to the small unnamed island, and thence south from the south tip of the island across to the nearest peninsula;

(b) Boats shall not exceed a "Slow-No Wake" maximum 5 MPH speed in the area from where U.S. Forest Service Road Number 2666 crosses the North Umpqua River, to a point 2,000 feet westward thereof;

(c) Boats shall not exceed a maximum speed of 40 MPH on all other waters of Lemolo Lake.

(4) No person shall operate a motorboat for any purpose on the following bodies of water:

- (a) Amos and Andy Lakes;
- (b) June Lake;
- (c) Indigo Lake;
- (d) Maidu Lake;
- (e) Wolf Lake;
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- (g) Fish Lake;
- (h) Buckeye Lake;
- (i) Cliff Lake;
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- (a) 40 MPH on the main body of the Reservoir;
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- (c) 5 MPH within 200 feet of a boat launching ramp or designates swimming area.

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(a) 35 MPH from the markers (identified by the letter "A") located where the reservoir narrows, downstream for approximately 1.2 miles to the dam;

(b) 5 MPH:

(A) From the markers (identified by the letter "A") located where the reservoir narrows, upstream for approximately one mile to the second set of markers (identified by the letter "B");

(B) Within 100 feet of the boat ramp as marked.

(c) No person shall operate a motorboat upstream from the second markers (identified by the letter "B") except that electric motors may be used;

(d) No boats shall be permitted within the log boomed area in the vicinity of the dam spillway.

(7) Galesville Reservoir: No person shall operate a motorboat in excess of:

(a) 40 MPH on the main body of the lake;

(b) 5 MPH along the north shore between the launch ramp and log boom, in the buoyed areas;

(c) 5 MPH between the buoy line at the upper end of the lake to the powerboat deadline as marked;

(d) Above the 5 MPH zone, as marked, no person shall operate a motorboat, except those propelled by electric motors;

(e) Persons operating a motorboat in excess of 5 MPH in the otherwise unrestricted portions of the lake shall proceed about the lake in a counter clockwise direction.

(8) No person shall operate a motorboat on the North Umpqua River between the boat ramp at Lone Rock Camp (approximate RM 32) upstream to Lemolo Lake.

(9) Loon Lake:

(a) Except for safe take-offs and landings, no person shall operate a motorboat in excess of a 5 MPH "Slow-No Wake" speed within 200 feet of the designated swimming area and boat mooring area at the BLM day use area, as marked. Boats towing skiers may exceed 5 MPH to extent necessary to maintain the skier in a skiing position, within 200 feet from the designated swimming area and boat mooring area only under safe conditions as outlined in this section. A safe take-off or landing will not be considered "safe" unless it can be accomplished without risk to any swimmer or craft within 200 feet from designated swimming area and boat mooring area. If a safe landing as thus defined is not possible, skiers must be picked up by the boat before coming within 200 feet from the designated swimming area and boat mooring area and brought to shore under usual speed restrictions (5 MPH within 200 feet of the designated swimming area and boat mooring area). Take-offs and landings are required to be made following the mandatory counter-clockwise pattern.

(b) Persons operating a motorboat in excess of 10 MPH shall proceed in a counter-clockwise direction in the otherwise unrestricted portions of the lake.

(c) No person shall operate a motorboat in excess of a 5 MPH "Slow-No Wake" speed within the buoyed area extending from the north shore of the cove at Fish Haven Resort in a southwest direction across the lake to the end of the prominent point of land on the south shore of the lake, as marked.

(10) Hemlock Lake: No person shall operate a motorboat, except those propelled by electric motors.

(11) No person shall operate a boat of any type on the North Umpqua River from the Susan Creek Day Use Area to Baker Wayside County Park from 11:59 pm, August 26, 2012, to 11:59 pm, August 31, 2012.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110, 830.175 & 830.185

Hist.: MB 20, f. 3-20-63; MB 29, f. 6-17-66; MB 32, f. 9-14-66; MB 34, f. & ef. 6-2-67; MB 41, f. 9-18-68; MB 47, f. 7-14-70, ef. 8-11-70; MB 74(Temp), f. 5-18-76, ef. 6-1-76 thru 9-28-76; MB 82, f. & ef. 4-19-77; Renumbered from 250-020-0083; MB 4-1981(Temp), f. & ef. 4-17-81; MB 7-1981, f. & ef. 11-16-81; MB 4-1987, f. 4-20-87, ef. 5-1-87; MB 21-1987, f. 12-31-87, ef. 1-1-88; MB 5-1995, f. & cert. ef. 7-14-95; OSMB 8-2000, f. & cert. ef. 12-1-00; OSMB 7-2002, f. & cert. ef. 10-15-02; OSMB 1-2006, f. & cert. ef. 3-28-06; OSMB 7-2006(Temp), f. 8-15-06, cert. ef. 9-5-06 thru 9-30-06; Administrative correction 10-16-06; OSMB 7-2007, f. & cert. ef. 7-2-07; OSMB 3-2008, f. 4-11-08, cert. ef. 4-26-08; OSMB 10-2012(Temp), f. 8-16-12, cert. ef. 8-19-12 thru 8-25-12; OSMB 11-2012(Temp), f. 8-24-12, cert. ef. 8-26-12 thru 8-31-12

Oregon University System Chapter 580

Rule Caption: Compliance with COA ruling on the use of concealed weapons on OUS property

Adm. Order No.: OUS 13-2012

Filed with Sec. of State: 8-30-2012

Certified to be Effective: 8-30-12

Notice Publication Date: 8-1-2012

Rules Amended: 580-022-0045

Subject: On September 28, 2011, the Oregon Court of Appeals invalidated the Board's above-stated rule on firearms, holding that it was preempted by the Oregon Legislature as a "regulation". While the Court of Appeals observed that this Board possessed broad authority to control its property, it held that an administrative rule—which carries the 'force of law'—attempted to "regulate" firearms in a way that the Legislature intended to preempt.

This action revises the language of the administrative rule in question to comply with the Oregon Court of Appeals decision by removing reference to firearms. See correlating Board policy at http://ous.edu/sites/default/files/state_board/polipro/OUS-Policy-on-Firearms.pdf

Rules Coordinator: Marcia M. Stuart—(541) 346-5749

ADMINISTRATIVE RULES

580-022-0045

Proscribed Conduct

Procedures to impose applicable sanctions may be instituted against any person engaging in any of the following proscribed conduct:

- (1) Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other institutional activities, including the institution's public service functions or other authorized activities on institutionally owned or controlled property;
- (2) Obstruction or disruption interfering with freedom of movement, either pedestrian or vehicular, on institutionally owned or controlled property;
- (3) Possession or use of explosives, dangerous chemicals, or other dangerous weapons or instrumentalities on institutionally owned or controlled property, unless authorized by law, Board, or institutional rules or policies;
- (4) Detention or physical abuse of any person or conduct intended to threaten imminent bodily harm or endanger the health of any person on any institutionally owned or controlled property;
- (5) Malicious damage, misuse or theft of institutional property, or the property of any other person where such property is located on institutionally owned or controlled property, or, regardless of location, is in the care, custody or control of an institution;
- (6) Refusal by any person while on institutional property to comply with an order of the president or appropriate authorized official to leave such premises because of conduct proscribed by this rule when such conduct constitutes a danger to personal safety, property, educational, or other appropriate institutional activities on such premises;
- (7) Unauthorized entry to or use of institutional facilities, including buildings and grounds;
- (8) Illegal use, possession, or distribution of drugs on institutionally owned or controlled property;
- (9) Inciting others to engage in any of the conduct or to perform any of the acts prohibited herein. Inciting means that advocacy of proscribed conduct that calls on 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 institution, including the safety of persons, and the protection of its property;
- (10) Violating the Board's Policy for Intercollegiate Athletics as described in Section 8 of the Internal Management Directives, specifically including the subsection thereof entitled Code of Ethics.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: HEB 3-1978, f. & ef. 6-5-78; HEB 3-1983, f. & ef. 3-17-83; HEB 1-1991, f. & cert. ef. 2-14-91; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1996, f. & cert. ef. 12-18-96; OUS 3-2012(Temp), f. & cert. ef. 3-16-12 thru 8-31-12; OUS 13-2012, f. & cert. ef. 8-30-12

Rule Caption: Amendment is housekeeping to define what constitutes a "major traffic offense."

Adm. Order No.: OUS 14-2012

Filed with Sec. of State: 8-30-2012

Certified to be Effective: 8-30-2012

Notice Publication Date: 8-1-2012

Rules Amended: 580-040-0030

Subject: Oregon Administrative Rule 580-040-0030 governs vehicle safety, including standards by which vehicles may be used for officially-sanctioned activities of the Board and OUS and its institutions. The administrative rule contains a reference to an Oregon Revised Statute that has been repealed. This proposed amendment is a housekeeping amendment in order to define what constitutes a "major traffic offense" for purposes of the rule without a cross-reference to a repealed statute.

Rules Coordinator: Marcia M. Stuart—(541) 346-5749

580-040-0030

Vehicle Safety Rule

- (1) The Board of Higher Education, concerned about travel safety, adopts these rules to require institution action to promote safe travel.
- (2) For purposes of this rule:
 - (a) "Vehicle" means cars, vans, trucks, and buses;
 - (b) "State-Owned Vehicle" means a vehicle owned by or registered in the name of the State of Oregon, the Board, or any institution;
 - (c) "Hired Vehicle" means a vehicle that is leased, hired, or rented by the state, the Board, or any institution. This definition excludes borrowed vehicles;

(d) "Borrowed Vehicle" means a vehicle that is not a "state-owned vehicle" or a "hired vehicle" but that is used on state business. "Borrowed Vehicle" includes vehicles owned by employees, students and others participating in institution activities and used on state business;

(e) "State Business" means any activity for which all or part of the expenses may be reimbursed by any unit, department, or program of the Department of Higher Education.

(f) "Officially Sanctioned Program" means any program undertaken to further the instructional, research, or service missions of the institution or designed to promote the cultural and physical development of students. Such programs include but are not limited to:

(A) Academic department programs;

(B) Cocurricular programs;

(C) Intramural, recreational sports, club sports and intercollegiate athletic programs;

(D) Any student programs or activities identified by the institution president or designee. Examples of such activities include, but are not limited to, student government, student housing activities and activities sponsored by student organizations that are consistent with the institution's mission.

(g) "Major traffic offense" includes reckless driving, driving under the influence of intoxicants, failing to perform the duties of a driver, criminal driving while suspended or revoked, fleeing or attempting to elude a police officer,

(3) No motor vehicle owned, leased or controlled by the state shall be used to transport students to an event or activity not directly related to an officially sanctioned program. Institutions shall develop policies and procedures to implement this rule, including a means to identify officially sanctioned programs.

(4) The Board of Higher Education delegates to the institution presidents the authority and responsibility to establish specific rules governing travel safety, subject to the following general guidelines:

(a) Institution rules shall provide procedures for certifying that persons who operate state-owned or hired vehicles on state business possess a valid driver's license and have not been convicted of a major traffic offense as defined by this rule within three years of the proposed operation;

(b) Institution rules shall require that vehicles (not including buses) used on state business have operable seat belts for all occupants. Institution rules shall also indicate the circumstances under which additional safety equipment such as a flashlight, ice scraper, first aid kit, emergency instructions, tire chains, etc., will be required;

(c) Institution rules shall indicate the circumstances under which relief drivers and the filing of itineraries will be required;

(d) Institution rules shall apply to state-owned vehicles and to hired vehicles. Institution rules also may apply to borrowed vehicles at the discretion of the institution, giving consideration to enforceability, the nature of the travel and other relevant factors.

(5) Each institution shall file a report with the Office of Finance and Administration by August 31 of each year commenting on the adequacy of the travel safety rules and summarizing the vehicle accidents and injuries that have occurred during travel on state business in the preceding 12 months.

(6) Institution travel safety rules and amendments thereto will be effective only upon approval of the Vice Chancellor for Finance and Administration or a designee.

Stat. Auth.: ORS 283.210 & 351.277

Stats. Implemented: ORS 351.070

Hist.: HEB 3-1978, f. & ef. 6-5-78; HEB 9-1984, f. & ef. 8-21-84; HEB 6-1986, f. & ef. 1-23-86; HEB 13-1986, f. & ef. 9-20-86; HEB 10-1990, f. & cert. ef. 7-26-90; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1994, f. & cert. ef. 4-28-94; HEB 5-1996, f. & cert. ef. 12-18-96; OUS 4-2012(Temp), f. & cert. ef. 3-16-12 thru 8-31-12; OUS 14-2012, f. & cert. ef. 8-30-12

Oregon University System, Oregon Institute of Technology Chapter 578

Rule Caption: To amend the Schedule of Special Institutional Fees and Charges.

Adm. Order No.: OIT 2-2012

Filed with Sec. of State: 9-14-2012

Certified to be Effective: 9-14-12

Notice Publication Date: 5-1-2012

Rules Amended: 578-041-0030, 578-072-0030

Subject: 578-041-0030 Amends the Schedule of Special Institution Fees and Charges. Amendments allow for increases, revisions, additions, or deletions of special course fees, and general service fees for

ADMINISTRATIVE RULES

fiscal year 2012-2013. The schedule of subject fees may be obtained from the Oregon Institute of Technology Business Affairs Office.

578-072-0030 Amends the Parking Permit and Fees. Amendments allow for increases, revisions, additions, or deletions of parking permit fees for fiscal year 2012-2013. The schedule of subject fees may be obtained from the Oregon Institute of Technology Business Affairs Office.

Rules Coordinator: Leticia Hill—(541) 885-1133

578-041-0030

Special Institution Fees and Charges

(1) The Schedule of special Institution Fees and Charges establishes charges for selected courses and general services for Oregon Institute of Technology for the academic year 2012-2013 and are hereby adopted by reference.

(2) Copies of this fee schedule may be obtained from the Oregon Institute of Technology Business Affairs Office.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070(2)

Hist.: OIT 1-1985, f. 1-10-85, ef. 2-1-85; OIT 1-1986, f. & ef. 9-4-86; OIT 4-1991, f. & cert. ef. 7-22-91; OIT 5-1992, f. & cert. ef. 9-24-92; OIT 1-1993, f. & cert. ef. 9-24-93; OIT 1-1995, f. & cert. ef. 7-7-95; OIT 1-1996, f. & cert. ef. 9-11-96; OIT 2-1996, f. & cert. ef. 12-19-96; OIT 1-1997, f. & cert. ef. 12-31-97; OIT 2-1998, f. & cert. ef. 11-12-98; OIT 1-1999, f. & cert. ef. 8-26-99; OIT 1-2000, f. & cert. ef. 7-7-00; OIT 1-2001, f. & cert. ef. 7-19-01; OIT 1-2002, f. & cert. ef. 7-15-02; OIT 1-2003, f. & cert. ef. 6-11-03; OIT 1-2004, f. & cert. ef. 6-9-04; OIT 1-2005, f. & cert. ef. 6-10-05; OIT 1-2006, f. & cert. ef. 6-2-06; OIT 1-2007, f. & cert. ef. 6-7-07; OIT 1-2008, f. & cert. ef. 6-10-08; OIT 1-2009, f. & cert. ef. 9-2-09; OIT 1-2010(Temp), f. & cert. ef. 6-28-10 thru 12-23-10; OIT 2-2010, f. & cert. ef. 8-30-10; OIT 1-2011, f. & cert. ef. 6-20-11; OIT 4-2011, f. & cert. ef. 8-16-11; OIT 1-2012, f. & cert. ef. 7-11-12; OIT 2-2012, f. & cert. ef. 9-14-12

578-072-0030

Parking Permit and Fees

(1) Faculty and Staff permits (adhesive or hanging) will be issued for a fee of \$130.00 per year or \$65.00 per term. Vehicles with these permits must park in the parking areas.

(2) Student permits (adhesive or hanging) will be issued for a fee of \$80.00 per year or \$40.00 per terms. Vehicles with these permits must park in the parking areas.

(3) Faculty, Staff, and Student permits for Wilsonville Campus will be issued for a fee of \$35.00 per year.

(4) Bicycles must be licensed by the City of Klamath Falls. A parking permit is not required.

(5) Special permits may be issued at the Cashier's office under the following circumstances:

(a) Application for a Disabled Parking permit must be submitted to the Student Health Service. After approval by Student Health Service, a Disabled Parking permit may be purchased at the Cashier's office.

(b) Persons displaying either permanent or temporary disabled permits are authorized open parking on the campus in addition to parking in the areas designated as disabled parking.

(c) Temporary permits are issued at no charge by Campus Safety at the Information Booth on Campus Drive. Vehicles displaying temporary permits must park in the area designated by that permit. Students, faculty, and staff members are able to obtain up to 10 days per term of temporary parking permits. Temporary permits are official documents and may not be modified or altered in any way.

(d) Visitor permits are issued at no charge at the Information Booth on Campus Drive and must be displayed as indicated on the permit. A visitor is any person who is an OIT guest but is not officially affiliated with OIT.

(e) Special guest permits: Guest permits will be issued by Campus Safety.

(6) Service Vendor permits are issued by Facilities or Campus Safety for contractors, media personnel, and vendors performing work on campus.

(7) Up to three vehicles registered on a single hanging permit-additional charge \$10.00.

(8) Replacement Permits: A replacement permit may be purchased for a substitute vehicle when the original vehicle is sold, damaged beyond repair, or when the permit is lost or damaged. In the event a permit is stolen, a stolen permit report must be filed with Campus Safety before a replacement permit may be issued. A replacement permit may be obtained for a fee of \$10.00 upon submission to the cashier of permit number evidence from the original permit.

(9) Possession of a lost or stolen permit may be grounds for criminal charges, and/or University disciplinary action, including revocation of parking privileges.

(10) Parking permits are issued by the academic year or for a term. Refunds will be made only if a parking permit is removed from the vehicle

and returned to the Cashier within ten (10) days of the purchase date. No other refunds will be given.

(11) Parking permits are considered University records, and as such, may not be falsified, misused, forged, modified or altered in any way. Vehicles bearing forged or altered permits are subject to a fine, criminal proceeding, and/or discipline by the University.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OIT 2, f. & ef. 9-7-76; OIT 10, f. & ef. 6-6-77; OIT 1-1978, f. & ef. 6-5-78; OIT 1-1979, f. & ef. 6-8-79; OIT 6-1980, f. & ef. 6-9-80; OIT 3-1985, f. 8-5-85, ef. 9-1-85; OIT 1-1988(Temp), f. 6-20-88, cert. ef. 7-1-88; OIT 3-1991, f. & cert. ef. 7-8-91; OIT 2-1992, f. & cert. ef. 7-21-92; OIT 1-1993, f. & cert. ef. 9-24-93; OIT 1-1994, f. & cert. ef. 8-25-94; OIT 1-1996, f. & cert. ef. 9-11-96; OIT 1-1997, f. & cert. ef. 12-31-97; OIT 2-1998, f. & cert. ef. 11-12-98; OIT 1-1999, f. & cert. ef. 8-26-99; OIT 1-2000, f. & cert. ef. 7-7-00; OIT 1-2001, f. & cert. ef. 7-19-01; OIT 1-2002, f. & cert. ef. 7-15-02; OIT 2-2005, f. & cert. ef. 6-10-05; OIT 2-2006, f. & cert. ef. 6-2-06; OIT 2-2007, f. & cert. ef. 6-7-07; OIT 3-2008, f. & cert. ef. 6-10-08; OIT 2-2011, f. & cert. ef. 7-25-11; OIT 3-2011, f. & cert. ef. 7-29-11; OIT 5-2011, f. & cert. ef. 8-16-11; OIT 1-2012, f. & cert. ef. 7-11-12; OIT 2-2012, f. & cert. ef. 9-14-12

Oregon University System, Portland State University Chapter 577

Rule Caption: Repeal Obsolete Harassment/discrimination rules to comply with the new University Policy addressing these issues.

Adm. Order No.: PSU 4-2012

Filed with Sec. of State: 9-7-2012

Certified to be Effective: 9-7-12

Notice Publication Date: 8-1-2012

Rules Repealed: 577-001-0125, 577-032-0010, 577-032-0020, 577-032-0030, 577-032-0040, 577-032-0050, 577-032-0060, 577-032-0070, 577-032-0080

Subject: PSU has adopted a new, comprehensive Prohibited Discrimination and Harassment Policy, available at www.pdx.edu/ogc/policy-library. The repeal of these obsolete rules is necessary to conform with the new University Policy.

Rules Coordinator: Lorraine D. Baker—(503) 725-8050

Oregon University System, University of Oregon Chapter 571

Rule Caption: Amend OAR 571-004-0020 et. seq. to include student-athlete random drug testing and safe-reporting program.

Adm. Order No.: UO 6-2012(Temp)

Filed with Sec. of State: 9-4-2012

Certified to be Effective: 9-4-12 thru 2-28-13

Notice Publication Date:

Rules Adopted: 571-004-0038

Rules Amended: 571-004-0020, 571-004-0025, 571-004-0030, 571-004-0050, 571-004-0055

Subject: The proposed rule amendments and new rule provide that the use by University of Oregon student-athletes of illicit substances and performance enhancing drugs is prohibited, provide for random testing, provide for sanctions for positive drug tests, provide for drug testing methods, and provide for self-reporting of and treatment for drug use.

Rules Coordinator: Amanda Hatch—(541) 346-3082

571-004-0020

Introduction and Purpose

(1) The University of Oregon has a compelling interest in prohibiting and deterring drug use by student-athletes. The University educates its student-athletes about the detrimental effects of drug use on health, safety, academic work, and careers. The University must abide by National Collegiate Athletic Association (NCAA) rules. Because student-athletes are viewed as University representatives, the University has an interest in promoting drug-free and healthful lifestyles to the community through its athletic program. The University must minimize the risk of injury caused by student-athlete drug use in intercollegiate athletics. The University must be able to identify present or potential substance use and provide treatment and rehabilitation for its student-athletes. The University seeks to maintain a fair and drug-free sport, in which no student-athlete uses or feels pressured to use performance enhancing drugs or any other illegal substance.

ADMINISTRATIVE RULES

(2) The University and its Department of Intercollegiate Athletics (Department) condemn and prohibit illegal drug and illegal alcohol use; the abuse of alcohol, drugs and other substances; and the use of performance-enhancing drugs by student-athletes.

(3) The program set forth in these rules includes random testing and testing based on reasonable suspicion, educational programs, substance abuse evaluation, treatment and disciplinary measures.

(4) Illicit Substances and Performance Enhancing Drugs are prohibited under these rules.

(a) An Illicit Substance is one that is illegal for the individual student-athlete to ingest, including but not limited to narcotic pain medications that have not been prescribed and street drugs like heroin, methamphetamines, cocaine, marijuana, T.H.C., or "ecstasy."

(b) A Performance Enhancing Drug is one that gives a student-athlete an unfair advantage. The use of a Performance Enhancing Drug is a form of cheating. The use of such a drug also poses significant health and safety risks for the student-athlete and those in competition with the student-athlete. A current list of Performance Enhancing Drugs will be provided to each student-athlete before the start of the playing season or when the name of the student-athlete is first entered upon the team roster, whichever is later. The term "related compounds" means substances that are included in the class by their pharmacological action or chemical structure. No substance belonging to the prohibited class may be used, regardless of whether it is specifically listed.

(5) The Department has instituted a program of administrative drug testing by urinalysis or the analysis of a saliva sample for student-athletes engaged in intercollegiate athletics. The testing process may be initiated on the basis of individualized reasonable suspicion, pursuant to the random administrative testing protocols outlined in these rules, or on the basis of failing a laboratory-generated specimen-integrity test in the course of a previous test under these rules. A coach or administrator should communicate to the director of athletic medicine circumstances that give rise to an individualized reasonable suspicion. The circumstances giving rise to reasonable suspicion and the source thereof shall be recorded in writing by the director of athletic medicine who shall be the only person to authorize and initiate the drug testing process. This record shall be deemed a confidential record to the extent permitted by law and shall be kept in a secure place separate from and not a part of the student-athlete's educational or medical records.

(6) "Reasonable suspicion" shall not mean a mere "hunch" or "intuition." It shall instead be based upon a specific event or occurrence which has led to the belief that a student-athlete has used any drugs which are specified in OAR 571-004-0020(4) and which could have or could have had an effect during a period of organized practice, conditioning, or competition or during a period of counseling for substance abuse or, in the case of steroids, during any period of pre-season conditioning or weight training.

(a) Such belief may be engendered by, among other things, direct observation by coaches, trainers, the director of athletic medicine, or other appropriate personnel of physical or mental deficiency, medically indicated symptomatology of tested-for drug use, aberrant or otherwise patently suspicious conduct, or of unexplained absenteeism.

(b) Such belief may also be engendered by, among other things, information supplied by reliable third parties, including but not limited to law enforcement officials, if the information is corroborated by objective facts, including but not limited to equivocal, contradictory, or unlikely and unsubstantiated explanation by the individual about whom the report is made or information which under the circumstances is credible based on specific articulable facts. Should information be proffered by law enforcement, prosecutorial or probation department officials, the University will use and act upon such information only if it obtains a written agreement that results of a potential test will not be used to prosecute or revoke parole for the use or ingestion of the drug disclosed by the test.

(c) Such belief may also be engendered by reasonable conclusions about observed or reliably described human behavior upon which practical people ordinarily rely.

(d) Such belief may also be engendered by a previous positive test under these procedures within the preceding twelve months.

(7) Random drug testing. Each student-athlete is subject to unannounced random drug testing throughout the entire calendar year. A student-athlete will be selected for testing using a random number system. Little or no notice may be given for a forthcoming test.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351 & 352

Hist.: UOO 7-1988(Temp), f. & cert. ef. 8-12-88; UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89; UO 1-2011, f. 2-3-11, cert. ef. 2-7-11; UO 6-2012(Temp), f. & cert. ef. 9-4-12 thru 2-28-13

571-004-0025

Testing Method

(1) The standard method adopted by the Department for testing for drug use shall be through independent laboratory analysis of urine or saliva samples provided by the student-athlete. Urine specimens shall be collected in the proximity of a trained monitor of the same sex who is assigned for that purpose by the Department. Each sample will be collected as a split specimen, such that each tested student will have a sample A bottle and a sample B bottle of the specimen for testing.

(2) Results of the test shall be available only to the student-athlete, the head coach in the athlete's sport, the athletic director, the director of athletic medicine and to others who have a legitimate educational, health or medical reason. This record shall be deemed a confidential record to the extent permitted by law and shall be kept in a secure place separate from and not a part of the student-athlete's educational or medical records. Should any challenge to the test results, consequences of the test, or the test procedures be raised in relation to a particular student-athlete, other appropriate University officials may have access to the information in order to carry out their responsibilities in relation to the challenge. A record indicating that a student-athlete was tested and the basis for the decision to conduct the test shall be retained in the student-athlete's medical file.

(3) Each student-athlete shall be provided with a copy of the rules describing the Athletic Department Substance Use and Drug Testing program before the start of the playing season or when the name of the student-athlete is first entered upon the team roster, whichever is later.

(4) The substances for which the student-athlete will be tested are any Illicit Substances or Performance Enhancing Drugs and their related compounds and derivative compounds.

(5) The student-athlete need not be given prior notice that a urine or saliva sample will be collected. A student-athlete who refuses to provide, including by failure to appear for a test, or impermissibly alters a sample during the testing process shall be deemed to be in violation of these administrative rules and shall be subject to sanction under these rules as if the test was positive. If a legitimate medical condition prevents the production of a urine sample, a saliva sample may be taken with a urine test performed the following day.

(6) Sample B Testing

(a) Any student-athlete whose sample A results in a positive test may request testing of sample B.

(b) The student-athlete must request the sample B testing within 72 hours of being notified that sample A test was positive. The request must be submitted in writing by the student-athlete to the director of athletic medicine. If requested, the director of athletic medicine will authorize the provision of the sample B bottle to an approved laboratory for testing. The Department may initiate temporary sanctions and corrective measures while awaiting results of the sample B test.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351 & 352

Hist.: UOO 7-1988(Temp), f. & cert. ef. 8-12-88; UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89; UO 1-2011, f. 2-3-11, cert. ef. 2-7-11; UO 6-2012(Temp), f. & cert. ef. 9-4-12 thru 2-28-13

571-004-0030

Testing Protocol

The Department shall follow protocols required by the testing laboratory and the National Collegiate Athletic Association for testing student-athletes that respect the student-athlete's reasonable expectation of privacy, minimize the chances of accidental error or cheating, and preserve the appropriate chain of custody and integrity of urine or saliva samples. A copy of the protocol shall be provided to each student-athlete along with a copy of the rules describing the Athletic Department Substance Use and Drug Testing program.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351 & 352

Hist.: UOO 7-1988(Temp), f. & cert. ef. 8-12-88; UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89; UO 1-2011, f. 2-3-11, cert. ef. 2-7-11; UO 6-2012(Temp), f. & cert. ef. 9-4-12 thru 2-28-13

571-004-0038

Safe Harbor for Self-Reporting

(1) Any student-athlete may seek evaluation or counseling by contacting a coach, athletic trainer, director of athletic medicine or psychologist for the Department. The University will share this information only with persons who have a need to know, except to the extent that further disclosure is required by law. No Department sanctions will be imposed upon a student-athlete who has sought evaluation or counseling under this section. The student-athlete will receive counseling and education about substance abuse and undergo a mandatory assessment by a clinical psychologist to discern the severity of the student-athlete's substance use and other

ADMINISTRATIVE RULES

factors that may influence the student-athlete's recovery as required by OAR 571-004-0050(3)(a). The student-athlete may be required to attend additional sessions of counseling.

(2) A student-athlete who has sought evaluation or counseling under this section and completes the program required by OAR 571-004-0050(3)(a) shall be deemed to have completed the sanction for a first positive test under OAR 571-004-0050(3)(a) or OAR 571-004-0050(4)(a), at the election of the Department. Accordingly, if the student-athlete tests positive for an Illicit Substance or Performance Enhancing Drug after taking advantage of the remedies in this safe harbor provision, the student-athlete will start at the sanction level outlined in OAR 571-004-0050(3)(b) or OAR 571-004-0050(4)(b), at the election of the Department.

(3) This rule may not be invoked after a student-athlete is notified of an impending drug test.

(4) A student-athlete invoking this rule may be temporarily medically ineligible during any period that he or she is deemed by the team physician unfit to continue participation safely.

(5) This rule does not prevent the NCAA from testing a student-athlete. A student-athlete remains subject to sanctions imposed by the NCAA in the event of a positive drug test.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351 & 352

Hist.: UO 6-2012(Temp), f. & cert. ef. 9-4-12 thru 2-28-13

571-004-0050

Positive Test Results Sanctions

(1) The director of athletic medicine, the athletic director, the head coach, and other appropriate personnel shall review a positive test result and shall, bearing in mind the type of drugs identified, the recency of use, and the medical, safety and performance-enhancing effects of the use, formulate an appropriate program for the student-athlete. Such program shall include abstinence from further use and periodic retesting and may include counseling, reduced playing time, and withdrawal from drills, scrimmages, or competitions. The program shall also describe potential sanctions for repeated use or abuse of substances for which tests are conducted. However, a student-athlete may be dismissed from the team and lose all athletic financial aid, beginning with the next academic term after a single positive test result.

(2) Repeated positive tests, admissions, or other information that disclose continued use of Illicit Substances or Performance Enhancing Drugs may cause a student-athlete to be dismissed from the team and lose all athletic financial aid beginning with the next academic term. A student-athlete who refuses to provide a urine or saliva sample as part of the testing process, by failing to appear for a test or otherwise, shall be deemed to have provided information that discloses use of Illicit Substances or Performance Enhancing Drugs.

(3) Illicit Substances. If the student-athlete tests positive for the use of an

Illicit Substance, the sanctions will be consistent with the sanctions listed in this subsection. These sanctions define the least severe sanctions that may be taken after each positive test. Notwithstanding the sanctions outlined in this subsection, if concluded to be appropriate, a student-athlete may be dismissed from the team and lose all athletic financial aid after a single positive test.

(a) First positive test. The student-athlete will receive counseling and education about substance abuse. The student-athlete will undergo a mandatory assessment by a clinical psychologist to discern the severity of the student-athlete's substance use and other factors that may influence the student-athlete's recovery. If concluded to be necessary, the student-athlete may be referred for additional sessions of counseling.

(b) Second positive test for the same or a different Illicit Substance. A formal behavior modification contract will be produced by the director of athletic medicine. The athletic director shall have discretion to approve the behavior modification contract or require that terms be added. Upon approval by the athletic director, the behavior modification contract shall be reviewed and signed by the head coach and the student-athlete. A copy of the behavior modification contract will be kept on file with the director of athletic medicine. The behavior modification contract will define the behaviors expected from the student-athlete and the consequences for non-compliance.

(c) Third positive test for the same or a different Illicit Substance. The student-athlete will be immediately ineligible for competition. The student-athlete will remain ineligible until he or she has missed the equivalent of 50% of a season.

(d) Forth positive test for the same or a different Illicit Substance. The student-athlete will be dismissed from the team and lose all athletic finan-

cial aid, beginning with the next academic term, to the extent permitted under NCAA rules.

(4) Performance Enhancing Drugs. If a student-athlete tests positive for the use of a Performance Enhancing Drug, the sanctions will be consistent with the sanctions listed in this subsection. These sanctions define the least severe sanctions that may be taken after each positive test. Notwithstanding the sanctions outlined in this subsection, if concluded to be appropriate, a student-athlete may be dismissed from the team and lose all athletic financial aid after a single positive test.

(a) First positive test. A student-athlete who tests positive for the use of a Performance Enhancing Drug is ineligible to represent the University in intercollegiate competition during the time period starting with the date of the positive drug test and ending one calendar year later. In addition, the director of athletic medicine will determine a management plan for the student-athlete which will include education or counseling. A first positive test result for a Performance Enhancing Drug is also deemed to be a first positive test for an Illicit Substance.

(b) Second positive test for the same or a different Performance Enhancing Drug. A student-athlete who tests positive for the use of the same or a different Performance Enhancing Drug shall be declared permanently ineligible for intercollegiate competition. The student shall be immediately and permanently dismissed from the team and all athletic financial aid shall be terminated beginning with the next academic term, to the extent permitted under NCAA rules.

(5) Failure of a student-athlete to comply with a treatment plan, management plan or behavior modification contract mandated under these rules may result in immediate suspension from all practices, games and Department functions until the director of athletic medicine determines sustained compliance with the treatment plan, management plan or behavior modification contract. If the director of athletic medicine determines that the student-athlete is not in compliance after one competitive season for the sport, the student-athlete will be immediately dismissed from the team and all athletic financial aid shall be terminated beginning with the next academic term, to the extent permitted under NCAA rules.

(6) Selling or Providing Illegal Drugs. Any student-athlete convicted of or otherwise found responsible for selling or providing an illegal drug to another person is subject to immediate and permanent dismissal from any team on which the student-athlete participates and, to the extent permitted under NCAA rules, the termination of any athletic financial aid.

(7) A student-athlete who loses athletic financial aid under these rules may appeal that decision under the established procedures regarding non-renewal of financial aid.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351 & 352

Hist.: UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89; UO 1-2011, f. 2-3-11, cert. ef. 2-7-11; UO 6-2012(Temp), f. & cert. ef. 9-4-12 thru 2-28-13

571-004-0055

Records Security

(1) The purpose of the administrative testing program established by these rules does not include enforcement of the criminal laws or the Student Conduct Code.

(2) The University in conducting the testing program is not acting in aid of, or as an agent for, law enforcement officials, nor are those administering the tests acting as, for, or on behalf of the Division of Student Affairs. The Student Conduct Code applies to drug or substance use by a student-athlete only under the same circumstances as other students.

(3) Test results are part of a student's educational and medical records protected from disclosure under state and federal law. However, records may be subject to disclosure pursuant to a lawfully issued subpoena or court order. In such an instance, the University will take reasonable steps to notify the record-subject in advance of compliance with any such subpoena or order. The University or the record-subject may move the court or agency to quash any portion of the subpoena which pertains to drug testing records or to withdraw or narrow any such court order.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351 & 352

Hist.: UOO 7-1988(Temp), f. & cert. ef. 8-12-88 UOO 1-1989, f. 2-6-89, cert. ef. 2-9-89; UO 1-2011, f. 2-3-11, cert. ef. 2-7-11; UO 6-2012(Temp), f. & cert. ef. 9-4-12 thru 2-28-13

Oregon Youth Authority Chapter 416

Rule Caption: Adopting the January 2012 Attorney General's Uniform and Model Rules of Procedure by reference.

Adm. Order No.: OYA 7-2012

Filed with Sec. of State: 9-11-2012

ADMINISTRATIVE RULES

Certified to be Effective: 9-11-12

Notice Publication Date:

Rules Amended: 416-001-0005

Subject: OYA is updating its agency Model Rules of Procedure by adopting the current version of the Attorney General's Uniform and Model Rules of Procedure published in January 2012.

Rules Coordinator: Winifred Skinner—(503) 373-7570

416-001-0005

Model Rules of Procedure

Under the provisions of ORS 183.341, the OYA adopts the January 2012 Attorney General's Uniform and Model Rules of Procedure.

[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 Youth Authority.]
Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 183.335 & 183.341

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 6-2000, f. & cert. ef. 8-2-00; OYA 2-2003, f. & cert. ef. 8-20-03; OYA 7-2004, f. & cert. ef. 7-8-04; OYA 1-2008, f. & cert. ef. 6-9-08; OYA 7-2012, f. & cert. ef. 9-11-12

Parks and Recreation Department Chapter 736

Rule Caption: Amendment to OAR 736-018-0045 for adoption of the Cottonwood Canyon State Park Comprehensive Plan.

Adm. Order No.: PRD 6-2012

Filed with Sec. of State: 9-13-2012

Certified to be Effective: 9-14-12

Notice Publication Date: 1-1-2012

Rules Amended: 736-018-0045

Subject: ORS 390.180 (1) authorizes the Director of the Oregon Parks and Recreation Department to adopt administrative rules that establish a master plan for each state park. Accordingly, OPRD is adopting a new master plan for Cottonwood Canyon State Park, titled Cottonwood Canyon State Park Comprehensive Plan. Master plans for state parks are adopted as administrative rules under OAR 736-018-0045. The purpose of amending OAR 736-018-0045 is to adopt the Plan as an Oregon Administrative Rule.

The Cottonwood Canyon State Park Comprehensive Plan responds to the most current information on park resource conditions and public recreation needs as they pertain to this park. The Plan was formulated through OPRD's mandated planning process which included meetings and written comment opportunities involving the general public, a planning advisory committee, local residents, tribes that are affiliated with the area, and affected state and federal agencies and local governments. The Department held a rule-making hearing and accepted testimony on the proposed rule amendment for adoption of the Plan.

The Cottonwood Canyon State Park Comprehensive Plan has no effect on small businesses. However, businesses have had the same opportunities to be involved, through public meetings and written comment opportunities, as other members of the public.

Rules Coordinator: Vanessa DeMoe—(503) 986-0719

736-018-0045

Adopted State Park Master Plan Documents

(1) The following state park master plan documents have been adopted and incorporated by reference into this division:

(a) Fort Stevens State Park Master Plan, as amended in 2001;

(b) Cape Lookout State Park;

(c) Cape Kiwanda State Park, renamed as Cape Kiwanda State Natural Area;

(d) Nestucca Spit State Park, renamed as Robert Straub State Park;

(e) Jessie M. Honeyman Memorial State Park as amended in 2009;

(f) Columbia Gorge Management Unit Master Plan, including: Rocky Butte State Scenic Corridor, Lewis and Clark State Recreation Site, Dabney State Recreation Area, Portland Womens' Forum State Scenic Viewpoint, Crown Point State Scenic Corridor, Guy W. Talbot State Park, George W. Joseph State Natural Area, Rooster Rock State Park, Shepperd's Dell State Natural Area, Bridal Veil Falls State Scenic Viewpoint, Dalton Point State Recreation Site, Benson State Recreation Area, Ainsworth State Park, McLoughlin State Natural Area, John B. Yeon State Scenic Corridor, Bonneville State Scenic Corridor, Sheridan State Scenic Corridor, Lang Forest State Scenic Corridor, Lindsey Creek State Scenic Corridor,

Starvation Creek State Park, Viento State Park, Wygant State Natural Area, Vinzenz Lausman Memorial State Natural Area, Seneca Fouts Memorial State Natural Area, Koberg Beach State Recreation Site, Memaloose State Park, and Mayer State Park;

(g) Molalla River State Park;

(h) Champoeg State Park;

(i) Willamette Mission State Park;

(j) Cascadia State Park;

(k) Willamette River Middle Fork State Parks Master Plan, 2006, including: Elijah Bristow State Park; Jasper State Recreation Site; Pengra Access; Dexter State Recreation Site; Lowell State Recreation Site; and the parks that comprise the Fall Creek State Recreation Area, including Winberry Park, North Shore Park, Sky Camp, Cascara Campground, Fisherman's Point Group Camp, Free Meadow, Lakeside 1 and Lakeside 2;

(l) Cove Palisades State Park Master Plan, as amended in 2002;

(m) Silver Falls State Park Master Plan, as amended in 2009;

(n) Curry County State Parks Master Plan, including: Floras Lake State Park, renamed as Floras Lake State Natural Area; Cape Blanco State Park; Paradise Point Ocean Wayside, renamed as Paradise Point State Recreation Site; Port Orford Heads Wayside, renamed as Port Orford Heads State Park; Humbug Mountain State Park; Otter Point Wayside, renamed as Otter Point State Recreation Site; Cape Sebastian State Park, renamed as Cape Sebastian State Scenic Corridor; Otter Point Wayside; Port Orford Cedar Forest Wayside, renamed as Port Orford Cedar Forest State Scenic Corridor; and Buena Vista Ocean Wayside; Pistol River State Scenic Viewpoint; Samuel H. Boardman State Scenic Corridor; Harris Beach State Recreation Area; McVay State Recreation Site; Winchuck State Recreation Site; Crissey Field State Recreation Site; Alfred A. Loeb State Park;

(o) Hat Rock State Park Master Plan, renamed as Hat Rock State Recreation Area;

(p) Deschutes County State Parks, including: La Pine and Tumalo State Parks; Cline Falls, renamed as Cline Falls State Scenic Viewpoint; and Pilot Butte, renamed as Pilot Butte State Scenic Viewpoint;

(q) Sunset Bay District Parks, including: Umpqua Lighthouse State Park (this chapter was replaced by the Umpqua Lighthouse State Park Master Plan, 2004); William M. Tugman State Park; Yoakam Point State Park, renamed as Yoakam Point State Natural Site; Sunset Bay State Park; Shore Acres State Park; and Cape Arago State Park;

(r) Bullards Beach District Parks, including: Seven Devils State Wayside, renamed as Seven Devils State Recreation Site; Bullards Beach State Park; Bandon Ocean Wayside, renamed as Face Rock State Scenic Viewpoint; and Bandon State Park, renamed as Bandon State Natural Area;

(s) Tillamook County Coastal State Parks, including: Oswald West State Park; Nehalem Bay State Park (this chapter was replaced by the Nehalem Bay State Park Master Plan, 2009); Cape Meares State Park, renamed as Cape Meares State Scenic Viewpoint; Neahkanie-Manzanita State Wayside, renamed as Neahkanie-Manzanita State Recreation Site; Manhattan Beach State Wayside, renamed as Manhattan Beach State Recreation Site; Rockaway Beach State Wayside, renamed as Rockaway Beach State Recreation Site; Twin Rocks State Wayside, renamed as Twin Rocks State Natural Site; Oceanside Beach State Wayside, renamed as Oceanside Beach State Recreation Site; and Neskowin Beach State Wayside, renamed as Neskowin Beach State Recreation Site;

(t) Beverly Beach District Parks South, including: Boiler Bay State Park, renamed as Boiler Bay State Scenic Viewpoint; Rocky Creek State Wayside, renamed as Rocky Creek State Scenic Viewpoint; Otter Crest State Wayside, renamed as Otter Crest State Scenic Viewpoint; Devil's Punchbowl State Park, renamed as Devil's Punchbowl State Natural Area; Beverly Beach State Park; Agate Beach State Wayside, renamed as Agate Beach State Recreation Site; and Ellmaker State Park, renamed as Ellmaker State Wayside;

(u) Smith Rock State Park;

(v) Collier District Parks, including: Booth State Wayside, renamed as Booth State Scenic Corridor; Chandler State Wayside; Collier Memorial State Park; Goose Lake State Recreation Area; Jackson F. Kimball State Park, renamed as Jackson F. Kimball State Recreation Site; and Klamath Falls-Lakeview Forest Wayside, renamed as Klamath Falls-Lakeview Forest State Scenic Corridor;

(w) Banks-Vernonia State Park, renamed as Banks-Vernonia State Trail;

(x) Sumpter Valley Dredge State Park, renamed as Sumpter Valley Dredge State Heritage Area;

(y) Illinois River Forks State Park;

(z) Wallowa County State Parks Master Plan, 2000;

(aa) L.L. "Stub" Stewart Memorial State Park Master Plan, 2005;

ADMINISTRATIVE RULES

- (bb) Master Plan for Clay Myers State Natural Area at Whalen Island, 2003;
- (cc) South Beach State Park Master Plan, 2003;
- (dd) Prineville Reservoir Resource Management Plan/Master Plan, 2003;
- (ee) Detroit Lake State Park Master Plan, 2002;
- (ff) Umpqua Lighthouse State Park Master Plan, 2004;
- (gg) Fort Yamhill State Heritage Area Master Plan, 2004;
- (hh) Thompson's Mills State Heritage Site Master Plan, 2006;
- (ii) Luckiamute State Natural Area Master Plan, 2009;
- (jj) Iwetemlaykin State Heritage Site Master Plan, 2009;
- (kk) Kam Wah Chung State Heritage Site Master Plan, 2009;
- (ll) Nehalem Bay State Park Master Plan, 2009;
- (mm) Bates State Park Master Plan, 2010.;
- (nn) Cottonwood Canyon State Park Comprehensive Plan, 2012.

(2) The master plan documents which have been incorporated by reference into this division are available from the State Parks and Recreation Department, 725 Summer Street NE, Suite C, Salem OR 97301.

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

Stat. Auth.: ORS 390.180(1)(c)

Stats. Implemented: ORS 390.180(1)(c)

Hist.: PRD 9-1998, f. 7-29-98, cert. ef. 7-31-98; PRD 4-1999, f. & cert. ef. 5-14-99; PRD 9-2000, f. 6-14-00, cert. ef. 7-1-00; PRD 1-2001, f. & cert. ef. 2-1-01; PRD 5-2001, f. & cert. ef. 6-29-01; PRD 6-2001, f. & cert. ef. 9-6-01; PRD 3-2002, f. & cert. ef. 3-22-02; PRD 2-2003, f. & cert. ef. 2-27-03; PRD 3-2003, f. & cert. ef. 2-27-03; PRD 5-2003, f. & cert. ef. 7-8-03; PRD 9-2003, f. & cert. ef. 10-13-03; PRD 11-2003, f. & cert. ef. 11-7-03; PRD 7-2004, f. & cert. ef. 5-14-04; PRD 9-2004, f. & cert. ef. 6-14-04; PRD 1-2005, f. & cert. ef. 2-4-05; PRD 3-2005, f. & cert. ef. 5-4-05; PRD 4-2006, f. 7-14-06, cert. ef. 7-14-06; PRD 5-2006, f. 9-15-06, cert. ef. 10-1-06; PRD 1-2009, f. 1-15-09, cert. ef. 2-1-09; PRD 3-2009, f. 3-12-09, cert. ef. 4-1-09; PRD 4-2009, f. 4-15-09, cert. ef. 5-1-09; PRD 5-2009, f. 4-15-09, cert. ef. 5-1-09; PRD 6-2009, f. 5-14-09, cert. ef. 6-1-09; PRD 12-2009, f. & cert. ef. 9-3-09; PRD 13-2009, f. 9-15-09 cert. ef. 10-1-09; PRD 9-2010, f. 9-15-10, cert. ef. 10-1-10; PRD 6-2012, f. 9-13-12, cert. ef. 9-14-12

Public Utility Commission Chapter 860

Rule Caption: In the Matter of Rulemaking for Recovery of Certain Facility Relocation Costs.

Adm. Order No.: PUC 5-2012

Filed with Sec. of State: 8-23-2012

Certified to be Effective: 8-23-12

Notice Publication Date: 6-1-2012

Rules Adopted: 860-022-0047

Subject: This new rule implements the requirements of Senate Bill 269 from the 2009 legislative session. SB 269 is codified as ORS 758.025. The rule provides a subject telecommunications utility the information that it needs to petition the PUC for recovery of certain costs incurred to relocate its facilities when such relocation is required by a public body; and the rule provides guidance on the contents of the telecommunications utility's petition and proposed allocation of costs.

Rules Coordinator: Diane Davis—(503) 378-4372

860-022-0047

Recovery of certain facility relocation costs

(1) This rule provides a means for a utility to recover from its customers the unreimbursed costs of facility relocation activities required by a public body, as provided in ORS 758.025.

(2) As used in this rule:

(a) "Facility" or "facilities" refers to a utility's tangible plant which ordinarily has a service life of more than one year that provides utility service, and is included in the utility's books of account as Telecommunications Plant in Service (account 2001.47 C.F.R. 32).

(b) "Facility costs" represent the cost of materials installed because of a facility relocation required by a public body.

(c) "Nonfacility costs" are those non-material costs (e.g. labor) incurred to place or move utility facilities and which are authorized for recovery by the utility under this rule.

(d) "Public body" has the meaning given that term in ORS 174.109.

(e) "Recoverable relocation costs" has the meaning given in ORS 758.025(5)(a).

(f) "Undepreciated value of facilities replaced" represents the net book value (original cost minus accumulated depreciation) of the facilities removed or retired.

(g) "Utility" means a telecommunications utility or competitive telecommunications provider, as those terms are defined in ORS 759.005.

(3) A telecommunications utility that is not subject to rate-of-return regulation, including a utility regulated under ORS 759.255 may, after participating in the process described in 758.025(3), petition the Commission for approval to recover from its customers prudent costs incurred for the relocation of facilities required by a public body that are not otherwise paid or reimbursed from another source.

(4) The utility's petition must follow the requirements of filing and service for contested cases found in OAR Chapter 860, Division 001 and include:

(a) The name of the utility as it appears on its certificate of authority.

(b) The name, telephone number, electronic mail address, and mailing address of the person to be contacted for additional information about the petition.

(c) The name, telephone number, electronic mail address, and mailing address of the person to be contacted for regulatory information, if different from the person specified in subsection (b) of this section.

(d) A general description of the relocation project or projects including a statement as to why the relocation was necessary and unavoidable, and a description of the locations and public bodies involved.

(e) A statement that, for each project identified in subsection (d) above, the utility participated in the planning and design process described in ORS 758.025(3).

(f) Evidence from each public body that the public body required the utility to relocate its facilities within the public body's jurisdiction.

(g) A general statement of the overall impact on the utility of the relocation project or projects.

(h) One or more schedules of costs for which the utility seeks recovery. The utility must:

(A) Include in its petition only those costs directly related to a relocation required by a public body.

(B) Exclude any costs subject to reimbursement from other sources, such as state or federal highway funds.

(C) Identify capital and expense costs separately.

(D) Identify facility and nonfacility costs separately.

(E) Exclude all costs related to improvements and upgrades, except that costs related to mandatory conversions ordered by a public body may be included.

(F) Ensure that all schedules, plant records, and job costs meet FCC accounting requirements (47 C.F.R. 32).

(G) Limit recoverable facility costs to the undepreciated value of the facilities replaced.

(i) The utility's proposed allocation of costs between services, customers, jurisdictions, or other groups as appropriate.

(j) The utility's proposed method of cost recovery.

(A) Approved relocation costs may be recovered by one or more line items on customer bills.

(B) The utility may propose alternative forms of cost recovery subject to Commission review and approval.

(C) Line items must not be described on the customer's bill as a tax or other mandatory government fee.

(k) The utility's proposed time period for cost recovery. A utility may recover its cost over no less than twelve months, subject to an annual true up.

(l) A copy of the customer notice required by section (8) of this rule.

(m) An affidavit of notice required by section (10) of this rule.

(5) The petition may include any other relevant information the utility wishes the Commission to consider.

(6) If the utility designates any portion of the petition to be confidential, it must provide an affidavit stating the legal basis for the claim of confidentiality and comply with the requirements of OAR 860-001-0070 or 860-001-0080.

(7) The petition must be filed at least 90 days before the proposed effective date of the cost recovery.

(8) The customer notice (notice) must include:

(a) The name of the utility as it normally appears on a customer bill.

(b) A statement that the utility has petitioned the Commission for recovery of certain mandatory facility relocation costs.

(c) The proposed impact on the customer's bill and the proposed duration of any cost recovery billing.

(d) The proposed effective date of cost recovery billing.

(e) A statement that customers may submit objections or comments regarding the petition to the Commission within 45 days of receipt of the notice.

(f) The name, telephone number, electronic mail address, and mailing address of the utility's contact person for more information.

ADMINISTRATIVE RULES

(9) The utility must provide the notice:

(a) To all customers whose bills will be affected if the requested cost recovery is approved by the Commission.

(b) To affected customers on or before the date the utility submits its petition for cost recovery to the Commission.

(c) To persons who are not customers of the utility if the utility seeks cost recovery from those persons. The utility must explain in its petition why those persons should contribute to the utility's cost recovery. The utility must provide notice to those persons at the same time as the utility provides notice to its customers.

(10) The affidavit of notice must include:

(a) A certificate of service stating when and by what means (for example, direct mail, bill message, bill insert, or electronic mail) the notice was provided to the persons identified in section (9) above.

(b) A statement of efforts taken by the utility to provide notice in those instances when service was not completed.

(11) The utility must identify in its petition its recoverable costs that are substantial and beyond the normal course of business, subject to Commission review and approval.

(12) In its review of the petition under ORS 758.025(5), the Commission will:

(a) Verify the utility's participation in the design and planning process described in ORS 758.025(3).

(b) Verify the relocation costs for which the utility requests recovery.

(c) Determine the allocation of costs between interstate and intrastate services, geographic areas, customers and services.

(d) Prescribe the method of cost recovery.

(13) The Commission may audit any relocation costs or other information submitted by the utility.

(14) The Commission may administratively approve an unopposed petition without a hearing. For good cause, the Commission may suspend the effective date of a petition (whether opposed or unopposed) without a hearing for a period not to exceed six months.

(15) If opposition to the petition is filed with the Commission within 45 days of service of the notice, the Commission will schedule a conference to determine the schedule and proceedings necessary to complete its review of the petition. Contested cases will follow the procedures in OAR Chapter 860, Division 001.

(16) The utility must file the approved surcharge (or other approved cost recovery mechanism) in its tariff and price list before it can bill the surcharge to its customers.

(17) With respect to relocation of utility facilities required by a public body, this rule does not supersede any franchise agreement, ordinance, or applicable state law.

(18) This rule applies to relocations for which construction began on or after January 1, 2010.

Stat. Auth.: ORS Ch. 183, 756, 758 & 759

Stats. Implemented: ORS 758.025

Hist.: PUC 5-2012, f. & cert. ef. 8-23-12

Rule Caption: In the Matter of Data Transfer of Customer Information for Public Purposes.

Adm. Order No.: PUC 6-2012

Filed with Sec. of State: 8-24-2012

Certified to be Effective: 8-24-12

Notice Publication Date: 5-1-2012

Rules Adopted: 860-086-0000, 860-086-0010, 860-086-0020, 860-086-0030, 860-086-0040

Rules Amended: 860-038-0580

Rules Repealed: 860-038-0540

Subject: These new rules and rule changes facilitate the sharing of customer information between energy utilities and the public purpose fund administrator designated under ORS 757.612(3)—currently the Energy Trust of Oregon. The rules are designed to allow the Energy Trust to more efficiently and comprehensively acquire energy efficiency and promote renewable energy development. First, the rules supersede existing information sharing provisions found in Division 038 (Direct Access) that apply only to electric utilities and create a new Division 086 (Customer Information) that also covers natural gas utilities. Second, the rules significantly increase the amount of confidential customer specific data the Energy Trust receives from electric and natural gas utilities. Third, the rules expressly permit the Energy Trust to use the information to conduct direct marketing using

the utilities' customer contact and usage data. Fourth, the rules require the Energy Trust to provide more information to the utilities about their customers' participation in Energy Trust programs.

Rules Coordinator: Diane Davis—(503) 378-4372

860-038-0580

Prevention of Cross-subsidization Between Competitive Operations and Regulated Operations

(1) Other than information that is routinely made public by an electric company, or for which a tariff has been approved subject to OAR 860-086-0020, an electric company must not provide electric company operational or marketing information to its competitive operations unless it makes such information available to ESSs and other entities that provide electricity services or directly related products on identical terms and conditions.

(2) The electric company must identify and separately account for revenues and costs of its competitive operations.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040 & 757.600 - 757.667

Hist.: PUC 2-2001, f. & cert. ef. 1-5-01; PUC 25-2003, f. & cert. ef. 12-11-03; PUC 6-2006, f. & cert. ef. 5-11-06; PUC 6-2012, f. & cert. ef. 8-24-12

860-086-0000

Scope and Applicability of Customer Information Rules

(1) OAR 860-086-0020 through 860-086-0040 govern the transfer and use of utility customer information between investor-owned electric or natural gas companies that pay public purposes charges and a nongovernmental entity, referred to in these rules as the "Administrator," designated by the Commission under ORS 757.612(3)(d).

(2) Upon request or its own motion, the Commission may waive any of the Division 086 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040 & 757.600 - 757.667

Hist.: PUC 6-2012, f. & cert. ef. 8-24-12

860-086-0010

Definitions

For the purposes of OAR 860-086-0000 through 860-086-0040,

(1) "Administrator" means the nongovernmental entity the Commission has designated under ORS 757.612(3)(d).

(2) "Affiliate" means a corporation or person who has an affiliated interest, as defined in ORS 757.015, with a public utility.

(3) "Aggregator" means an entity that combines retail electricity customers into a buying group for the purchase of electricity and related services.

(4) "Electric company" means an entity that is subject to ORS 757.612 and is engaged in the business of distributing electricity to retail electricity consumers in this state. Electric company does not include a consumer-owned utility.

(5) "Electricity service supplier" or "ESS" means a person or entity that offers to sell electricity services available pursuant to direct access to more than one retail electricity consumer. "Electricity service supplier" does not include an electric utility selling electricity to retail electricity consumers in its own service territory. An ESS can also be an aggregator.

(6) "Proprietary customer information" means any information acquired, compiled, or created by an electric or natural gas utility regarding a customer in the normal course of providing electric or natural gas services that makes possible the identification of any individual customer by matching the information with the customer's name, address, account number, type or classification of service, current or historical electricity or natural gas usage, expected patterns of use, types of facilities used in providing service, individual contract terms and conditions, price, current charges, billing records, installed appliances or equipment if any, or any other information that the customer has expressly requested not be disclosed. Information that is redacted or organized in such a way as to make it impossible to identify the customer to whom the information relates does not constitute proprietary customer information.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040 & 757.600 - 757.667

Hist.: PUC 6-2012, f. & cert. ef. 8-24-12

860-086-0020

Electric Company Customer Information

An electric company must file and maintain a tariff with the Commission that specifies the types of proprietary customer information, along with the prices, terms, conditions, and consent procedures associated with the transfer of such information to its competitive operations, electricity service suppliers, affiliates and aggregators. The provisions of this rule

ADMINISTRATIVE RULES

do not apply to information transferred under OAR 860-086-0030 or OAR 860-086-0040.

Stat. Auth.: ORS 183, 756 & 757
Stats. Implemented: ORS 756.040 & 757.600 - 757.667
Hist.: PUC 6-2012, f. & cert. ef. 8-24-12

860-086-0030

Electric Company Transfer of Data

(1) This rule applies only to customers with usage less than one average megawatt (aMW) and those customers who elect to opt-in as described in Section (11).

(2) An electric company must transfer to the Administrator the following proprietary customer information for electric company customers, if available.

- (a) Customer name;
- (b) Service address (including apartment/unit/suite number);
- (c) Mailing address;
- (d) In-service or activation date;
- (e) Building type (for example, multifamily);
- (f) Business type (identified using a Standard Industrial Classification (SIC) code) or U.S. Census Bureau NAICS code);
- (g) Initially, 18 months of the most recent historical usage data on a per-billing month basis (total billed kilowatt hours and kW);
- (h) Meter number and other point-of-delivery identification numbers;
- (i) Rate schedule identifier for each customer account;
- (j) Whether the customer is applying self-direct credits against its energy efficiency and renewable public purpose charge during each billing period;
- (k) Information about any energy efficiency program participation and type of space heat used by the customer;

(l) Updates for all of the usage data and revisions to the underlying database information on a periodic basis under subsection (6)(d) of this rule.

(m) For unmetered accounts (for example, street lights, cellular towers, telephone booths, and electric utility service buildings), electric companies must transfer contracted kilowatt-hour consumption rather than actual billed consumption.

(3) An electric company may not transfer to the Administrator:

- (a) Social security numbers,
- (b) Billing and payment history,
- (c) Credit information,
- (d) Tax identification numbers,
- (e) Driver license numbers,
- (f) Life support information,
- (g) Any medical information,
- (h) Proprietary customer information protected by the password provision required under OAR 860-021-0009(6), or

(i) Proprietary customer information for customers who have requested that their information not be shared with third parties.

(4) The Administrator must transfer to the electric company information, if available, regarding electric company customer participation in electric efficiency programs where electric company funding has been applied. At a minimum, the Administrator must provide:

- (a) Service address (including apartment, unit, or suite number);
- (b) Meter number and other point-of-delivery identification numbers;
- (c) Information about electric efficiency program participation, such as measures installed since the inception of the Administrator's delivery of the efficiency programs; and

(d) Whether a customer has agreed to the electric company's transfer of its proprietary customer information to the Administrator as a result of its participation in an electric efficiency program, and the term during which the Administrator has the right to see such information.

(5) The information provided by the Administrator to the electric company may be used by the electric company solely for utility business, may not be shared with third parties (except for those providing utility services for the electric company under contracts requiring that the information be treated confidentially and used only for providing such services for the electric company), and if used for direct marketing, such use will be made only after notice to and coordination with the Administrator.

(6) The manner by which the required information is transferred will be governed by an Information Transfer Agreement, which is executed and maintained by an electric company and the Administrator. An Information Transfer Agreement must acknowledge the Administrator's obligations to protect proprietary customer information per this rule and the Administrator's policy or policies adopted under section 15 of this rule and must specify:

(a) The database format to be used for the transfer of information;

(b) The billing period, payment arrangements, and estimates of incremental costs incurred by an electric company or, for information in section 4, by the Administrator, for the transfer of the information;

(c) Timelines for information transfer;

(d) Timelines for updates for all of the data and revisions to the underlying database information;

(e) That proprietary customer information may be used by the Administrator to implement, administer, and evaluate energy efficiency and renewable energy programs and may not be used for telemarketing; and if the Administrator intends to use the information for other direct marketing activities, the Administrator must notify the electric company whose customers are likely to be affected and coordinate such activities with the electric company;

(f) That the release of proprietary customer information by the Administrator for any other purpose or to any party (other than the electric company) who has not signed an agreement to treat such information confidentially under subsection 15(b) of this rule may not be made without consent of the customer; and

(g) Provisions for modification of the Information Transfer Agreement.

(7) If the Administrator and an electric company cannot agree on the terms and conditions of an Information Transfer Agreement, the Commission may set the terms and conditions based upon input from the Administrator and electric company.

(8) If the Administrator or an electric company notifies the other that the information supplied by the other is insufficient, incomplete, or not usable, the Administrator and electric company will attempt to resolve the issue and if necessary, modify the Information Transfer Agreement. If the Administrator and electric company cannot resolve the issue, the electric company or the Administrator may promptly seek Commission resolution of the dispute.

(9) An electric company must notify in writing customers whose usage is 1 aMW or greater (over 1 aMW customer) of the opportunity to opt in to the information transfer.

(a) Customers are considered an over 1 aMW customer under criteria established by an electric company through its billing process.

(b) For customers without a usage history, usage may be estimated by an electric company for the purpose of this rule and those customers projected to meet the 1aMW or greater threshold must be included.

(c) An electric company may choose to treat customers having multiple accounts over 1 aMW as a group for the purpose of this rule and may include or exclude those accounts through one notification process.

(10) The notice required in section (9) of this rule must, at a minimum:

(a) Identify and explain the role of the Administrator,

(b) Identify the type of proprietary customer information to be transferred by an electric company; and

(c) Describe the nature and use of the proprietary customer information by the Administrator.

(11) An electric company must also provide periodic opt-in notification for the over 1 aMW customers either as a part of a standard customer contact discussion or in writing under the timelines in the Information Transfer Agreement and set forth in section (6) of this rule.

(a) If the over 1 aMW customer does not opt in to the information transfer, all accounts over 1 aMW must be excluded from the information sharing process, and the electric company must transfer to the Administrator only the name, service address, and whether customer is applying self-direct credits against its energy efficiency and renewable public purpose charge during each billing period, if known.

(b) The over 1 aMW customer may at any time authorize transfer by the electric company to the Administrator of other proprietary customer information described in section (2), in which case the electric company must promptly transfer to the Administrator the specified information and provide updates.

(c) If a customer opts in, it may subsequently opt out by providing written notice to the electric company, except that such notice is not effective as to information the customer previously agreed may be transferred by the electric company to the Administrator under the terms of an agreement under which the Administrator has provided an incentive to the customer.

(d) The transfer of proprietary customer information must be in accordance with the Information Transfer Agreement.

(12) Each electric company must send a notice to its customers prior to the Administrator's receipt of their proprietary customer information:

(a) Informing them of the requirements of these new rules;

ADMINISTRATIVE RULES

(b) Explaining that the purpose of transferring customer data to the Administrator is to help ensure that the Administrator is better prepared to assist a customer who is interested in participating in customer-funded efficiency and renewable energy programs;

(c) Asking customers if they wish to be on a “do not contact” list, in which case they will receive no unsolicited contact from the Administrator, or its contractors; and

(d) For the over 1 aMW customer, explaining that absent the customer’s consent, only the limited customer information listed in subsection (11)(a) of this rule will be transferred to the Administrator.

(13) If an electric company receives an unsolicited request from a customer to not provide their proprietary customer information to the Administrator, or if the customer has previously opted out of transfer of their proprietary information prior to the implementation of this rule, and the customer has not agreed otherwise with the Administrator, the electric company must honor that request unless the electric company subsequently receives written customer consent to transfer the proprietary customer information to the Administrator. A customer’s request to opt out in response to a notice from the electric company explaining the customer’s rights is also considered an unsolicited request for the purpose of this section.

(14) When an electric company has provided proprietary customer information to the Administrator under this rule, an electric company may not be charged with at-fault complaints filed with the Commission’s Consumer Services Division with respect to the provision of proprietary customer information if the Commission finds that the electric company did not violate its tariff, Oregon Administrative Rules, Oregon Revised Statutes, or a Commission Order.

(15) Before an electric company provides the Administrator with proprietary customer information under this rule, the Administrator must:

(a) Develop and adopt in an open process a policy or policies ensuring that the confidentiality of the proprietary customer information it receives from an electric company is protected in a manner that meets the requirements of all federal, state, and local laws regarding protection for this type of information;

(b) Agree to require its employees and contractors to commit to specific non-disclosure requirements in order to gain access to proprietary customer information which, at a minimum, require that the proprietary customer information:

(A) Be used only for the purposes of a particular project or contract;

(B) Be shared with a subcontractor only under similar conditions and requirements and only upon approval of the Administrator; and

(C) Be returned to the Administrator or destroyed at the completion of the project or termination of the contract;

(c) Agree to honor any do-not-contact-customer requests; and

(d) Establish a process by which customers may require the Administrator not to use the proprietary customer information to make unsolicited contact with the customer, including, but not limited to, responding to the electric company notice in section (12) of this rule.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040 & 757.600 - 757.667

Hist.: PUC 6-2012, f. & cert. ef. 8-24-12

860-086-0040

Gas Utility Customer Information and Transfer of Data

(1) A gas utility that offers energy conservation programs through the Administrator must transfer to the Administrator proprietary customer information for gas utility company customers as follows:

(a) If such information is available for its residential and commercial customers in the gas utility’s records:

(A) Customer name;

(B) Service address (including apartment, unit, or suite number);

(C) Mailing address;

(D) Building type (for example, multifamily);

(E) Business type (identified using a Standard Industrial Classification (SIC) code or a U.S. Census Bureau NAICS code);

(F) Initially, 18 months of the most recent historical usage data;

(G) Meter and other point-of-delivery identification number;

(H) Rate schedules for each customer;

(I) Information about energy efficiency program participation,

(J) Type of space heat used by the customer; and

(K) Updates for all of the usage data and revisions to the underlying database information on a periodic basis under subsection (4)(d) of this rule; and

(b) If such information is available for its industrial sales customers or other customers not included in section (1)(a) and not subject under the applicable utility tariff to pay a public purpose charge:

(A) Customer name;

(B) Service address;

(C) Rate schedules; and

(D) Account numbers.

(2) A gas utility may not transfer to the Administrator the following customer information:

(a) Social security numbers;

(b) Billing and payment history;

(c) Credit information;

(d) Tax identification numbers;

(e) Driver license numbers;

(f) Life support information;

(g) Medical information;

(h) Proprietary customer information protected by the password provision required per OAR 860-021-0009(6);

(i) Proprietary customer information for customers who have requested that their information not be shared with third parties; or

(j) Proprietary customer information including usage data for the gas utility’s transportation customers.

(3) The Administrator must transfer to the gas utility information available in the Administrator’s records regarding gas utility customer participation in gas conservation programs where gas utility funding has been applied. At a minimum, the Administrator must provide:

(a) Customer name,

(b) Service address (including apartment, unit, or suite number),

(c) Meter number; and

(d) Information about gas efficiency program participation, such as gas measures installed since the inception of the Administrator’s delivery of the gas efficiency programs.

(4) The manner by which such information is transferred and used will be governed by an Information Transfer Agreement, which is executed and maintained by a gas utility and the Administrator. An Information Transfer Agreement must:

(a) Specify the necessary database format for information that will be transferred between the gas utility and the Administrator;

(b) Specify the billing period, payment arrangements, and estimates of incremental costs incurred by either the gas utility or the Administrator for the transfer of the information;

(c) Identify timelines for the transfer of information;

(d) Identify timelines for providing updates for data and revisions to the underlying database information;

(e) Acknowledge the Administrator’s obligations to protect proprietary customer information per this rule and the Administrator’s policy or policies adopted under section 10 of this rule;

(f) Acknowledge that the proprietary customer information will be used by the Administrator to implement, administer and evaluate gas efficiency programs, and the Administrator must regularly notify the gas utility of these activities;

(g) Acknowledge that the proprietary customer information provided to the Administrator will not be used for telemarketing to gas utility customers;

(h) Acknowledge that the Administrator may use proprietary customer information for the purpose of direct marketing of the Administrator’s gas efficiency programs, provided:

(A) The Administrator has given prior notification to the gas utility whose customers are likely to be affected;

(B) The Administrator has coordinated the direct marketing activities with the utility; and

(C) Disputes regarding the direct marketing activities may be addressed under section (6) of this rule.

(i) Acknowledge that the release of proprietary customer information by the Administrator for any other purpose or to any other third party who has not signed an agreement to treat such information confidentially under subsection 10(b) of this rule may not be made without consent of the customer; and

(j) Acknowledge that the information provided by the Administrator to the gas utility may be used by the gas utility solely for utility business, may not be shared with other parties, and if used for direct marketing, such use will be made only after notice to and in coordination with the Administrator.

(k) Provide for modification of the Information Transfer Agreement.

ADMINISTRATIVE RULES

(5) If the Administrator and a gas utility company cannot agree on the terms and conditions of an Information Transfer Agreement, the Commission may set the terms and conditions based upon input from the Administrator and the gas utility company.

(6) If the Administrator or the gas utility notifies the other that the proprietary customer information supplied by the other is insufficient, incomplete, not usable, or is not being used in compliance with this rule, the Administrator and gas utility company will attempt to resolve the issue and, if necessary, modify the Information Transfer Agreement. If the Administrator and gas utility company cannot resolve the issue, either party may seek Commission resolution of the dispute.

(7) Each gas utility must send a notice to its customers prior to the Administrator's receipt of their proprietary customer information:

(a) Informing them of the requirements of this rule;

(b) Explaining that the purpose of transferring customer data to the Administrator is to ensure that the Administrator is better prepared to assist a customer who is interested in participating in customer-funded energy efficiency and renewable energy programs; and

(c) Asking customers if they wish to be on a "do not contact" list, in which case they will receive no unsolicited contact from the Administrator, or its contractors.

(8) If a gas utility company receives an unsolicited request from a customer to not provide their proprietary customer information to the Administrator, and the customer has not agreed otherwise with the Administrator, the gas utility must honor that request unless the gas utility subsequently receives written consent from its customer to transfer their proprietary customer information to the Administrator. An unsolicited request includes a customer's response to a notice from the gas utility explaining the customer's rights.

(9) When a gas utility has provided proprietary customer information to the Administrator under this rule, the gas utility may not be charged with at-fault complaints filed with Commission's Consumer Services Division for the Administrator's or the Administrator's sub-contractors' access to, use or mishandling of proprietary customer information.

(10) The Administrator must:

(a) Develop and adopt in an open process a policy or policies ensuring that the confidentiality of the proprietary customer information it receives from gas utilities is protected in a manner that meets the requirements of all federal, state and local laws regarding protection for this type of information;

(b) Agree to require its employees and contractors to commit to specific non-disclosure requirements in order to gain access to proprietary customer information which, at a minimum, require that the proprietary customer information:

(A) Be used only for the purposes of particular programs, projects or contracts;

(B) Be shared with a subcontractor only under similar conditions and requirements and only upon approval of the Administrator; and

(C) Be returned to the Administrator or destroyed at the completion of the project or termination of the contract; and

(c) Establish a process by which customers may require the Administrator not to use the proprietary customer information to make unsolicited contact with the customer.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040

Hist.: PUC 6-2012, f. & cert. ef. 8-24-12

Secretary of State, Archives Division Chapter 166

Rule Caption: Amending rules that set forth the manner and form for filing and publishing administrative rules

Adm. Order No.: OSA 2-2012

Filed with Sec. of State: 9-12-2012

Certified to be Effective: 9-12-12

Notice Publication Date: 6-1-2012

Rules Amended: 166-500-0000, 166-500-0005, 166-500-0010, 166-500-0015, 166-500-0020, 166-500-0030, 166-500-0040, 166-500-0050, 166-500-0055

Subject: These rule amendments change administrative rule filing language to describe an electronic filing system rather than a paper-based system with hand delivery of hard copies. They set forth the manner and form for filing administrative rules using an on-line filing system. These rule amendments also increase the fee for the

Oregon Administrative Rules Compilation bound set, to reflect the agency's cost to publish this compilation.

Rules Coordinator: Julie Yamaka—(503) 378-5199

166-500-0000

Notice of Proposed Rulemaking

Before adopting, amending, or repealing any permanent rules, the Administrative Rules Unit shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Oregon Bulletin, referred to in ORS 183.360, at least 21 days prior to the effective date.

(2) By mailing a copy of the Notice to persons on the Administrative Rules Unit's mailing list established pursuant to ORS 183.335(8) at least 28 days prior to the effective date.

(3) By mailing a copy of the Notice to the following persons and organizations:

(a) Associated Press;

(b) Capitol Press Room;

(c) Department of Justice.

(4) By mailing a copy of the Notice to legislators specified in ORS 183.335(15) at least 49 days prior to the effective date.

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 183.335 & 183.360

Hist.: PRD 1-1988, f. & cert. ef. 2-5-88; Former paragraphs (3)(b)(A)-(K) & (c)(A)-(M) renumbered to 160-001-0000; OSA 4-1993, f. & cert. ef. 11-10-93, Renumbered from 164-001-0000; OSA 8-1997, f. & cert. ef. 10-6-97; OSA 3-2003, f. & cert. ef. 11-20-03; OSA 2-2007, f. & cert. ef. 7-31-07; OSA 2-2012, f. & cert. ef. 9-12-12

166-500-0005

Model Rules of Procedure

The Attorney General's Model Rules of Procedure under the Administrative Procedures Act, dated January 1, 2012, are adopted as the rules of procedure for the Administrative Rules Unit.

[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 Archives Division.]

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 183.335

Hist.: PRD 2-1988, f. & cert. ef. 2-5-88; PRD 6-1988, f. & cert. ef. 8-10-88; SOS-AD 1-1990, f. & cert. ef. 5-9-90; SOS-AD 2-1991, f. & cert. ef. 12-3-91; OSA 4-1993, f. & cert. ef. 11-10-93, Renumbered from 164-001-0005; OSA 8-1997, f. & cert. ef. 10-6-97; OSA 5-2001, f. & cert. ef. 7-5-01; OSA 5-2004, f. & cert. ef. 11-1-04; OSA 4-2006, f. & cert. ef. 10-12-06; OSA 9-2009, f. & cert. ef. 10-15-09; OSA 2-2012, f. & cert. ef. 9-12-12

166-500-0010

Definitions

The following definitions apply to 166-500-0000 through 166-500-0055.

(1) The "Administrative Rules Unit" of the Archives Division of the Secretary of State's Office is the unit responsible for filing and publishing the Oregon Administrative Rules and Rulemaking Notices.

(2) An "Adopted Administrative Rule" is a completely new rule added to an agency's existing body of rules. New rule numbers must be approved by the Administrative Rules Unit prior to filing.

(3) An "Amended Administrative Rule" is an existing rule that is modified by additions or deletions to the rule text under an existing rule number.

(4) "Appointment of Rules Coordinator": State agencies that adopt administrative rules must appoint a rules coordinator. The Appointment of Agency Rules Coordinator form must be filed with the Secretary of State, Administrative Rules Unit. See ORS 183.330. These forms are available from the Administrative Rules Unit or downloadable from the Administrative Rules Unit website at <<http://arcweb.sos.state.or.us/pages/rules/index.html>>.

(5) The "Certificate and Order for filing Permanent or Temporary Rules" (Certificate) is the form that an agency is required to file with the Secretary of State, Administrative Rules Unit of an adopted, amended or repealed rule See ORS 183.355(1)(a). The Certificate is incorporated in the on-line filing system. Additionally, forms are available from the Administrative Rules Unit or downloadable from the Administrative Rules Unit website at <<http://arcweb.sos.state.or.us/pages/rules/index.html>>.

(6) "Delegation of Rulemaking Authority," ORS 183.325 requires delegations of rulemaking authority to be filed with the Administrative Rules Unit. The form is available from the Administrative Rules Unit or can be downloaded from the Administrative Rules Unit website at <<http://arcweb.sos.state.or.us/pages/rules/index.html>>.

(7) The "Effective Date" for a Permanent or Temporary Administrative Rule must be its date of filing with the Administrative Rules Unit or a later date specified by the agency. Additionally, the effective date

ADMINISTRATIVE RULES

for a Permanent Administrative Rule must be at least 21 days following publication of the Notice in the Oregon Bulletin.

(8) The "Filing Date" for administrative rulemaking paperwork is the day it is received by the Secretary of State, Administrative Rules Unit by on-line or hand delivery, mail or fax.

(9) The "Model Rules of Procedure," for rulemaking (OAR 137-001-0005 through 137-001-0085) have been established by the Attorney General's office to implement the statutory requirements (ORS 183.341(2)) of the Oregon Administrative Procedures Act.

(10) The "Notice of Proposed Rulemaking" is a formal process for informing the public of intended rulemaking action that includes an agency mailing to specific individuals and organizations, and publication of a Notice in the Oregon Bulletin.

(11) The "Notice of Proposed Rulemaking Hearing" is a formal process for informing the public of a hearing related to intended rulemaking action, which includes an agency mailing to specific individuals and organizations, and publication of a Notice in the Oregon Bulletin.

(12) The "Oregon Administrative Rules Compilation" is a publication that contains the complete text of the Oregon Administrative Rules. The Oregon Administrative Rules Compilation is available in electronic and printed formats. Electronic versions are accessible on the Administrative Rules Unit website at <<http://arcweb.sos.state.or.us/pages/rules/index.html>>. Printed copies are at the State Archives and in the collections of Oregon's Public Documents Depository Libraries, listed in OAR 543-070-0000, and are available for purchase from the Administrative Rules Unit.

(13) The "Oregon Bulletin" is a monthly publication that documents all rulemaking actions promulgated between printings of the Oregon Administrative Rules Compilation. In addition to providing Notice of intended rulemaking action and adopted or amended rule text, it includes Executive Orders of the Governor, Opinions of the Attorney General, orders issued by the Director of the Department of Revenue and certain other notices. The Oregon Bulletin is available electronically, and is on the Administrative Rules Unit website at <<http://arcweb.sos.state.or.us/pages/rules/index.html>>. Printed copies are at the State Archives and in the collections of Oregon's Public Documents Depository Libraries, listed in OAR 543-070-0000, and are available for purchase from the Administrative Rules Unit.

(14) A "Permanent Administrative Rule" is the adoption of new rules or the amendment of existing rules, and remains in effect until other rulemaking action is made on the specific rule.

(15) A "Renumbered Administrative Rule" is an existing rule that is moved from an existing rule number to a new rule number.

(16) A "Repealed Administrative Rule" is an existing rule that is completely removed from the Oregon Administrative Rule Compilation.

(17) A "Rule Caption" is a statement of not more than 15 words identifying the subject matter of the rulemaking action. See ORS 183.335(2)(a)(A).

(18) A "Rule Summary" is an objective statement summarizing the subject matter and purpose of the intended action. See ORS 183.335(2)(a)(B).

(19) A "Rules Coordinator" is the person appointed by an agency to coordinate the writing and filing of Administrative Rules. An Appointment of Agency Rules Coordinator form must be filed with the Administrative Rules Unit. See section (4) "Appointment of Rules Coordinator".

(20) A "Signature" is the original, scanned or electronic signature of the agency's authorized signer who has legal authority to approve rulemaking filings, appoint agency rules coordinators or delegate rulemaking authority.

(21) A "Statement of Need and Fiscal Impact" explains the need for the proposed rulemaking action and its fiscal impact. The Statement of Need and Fiscal Impact form accompanies the Notice of Proposed Rulemaking Hearing or the Notice of Proposed Rulemaking. The Statement of Need and Fiscal Impact form is incorporated in the on-line filing system or can be downloaded from the Administrative Rules Unit website at <<http://arcweb.sos.state.or.us/pages/rules/index.html>>.

(22) A "Statement of Need and Justification" explains the need for a temporary rulemaking action and the justification for submitting the changes as a temporary rule rather than using the permanent rule process. The Statement of Need and Justification form accompanies the Certificate and Order for Filing Temporary Rules and is incorporated in the on-line filing system or can be downloaded from the Administrative Rules Unit website at <<http://arcweb.sos.state.or.us/pages/rules/index.html>>.

(23) "Statutory Authority" (Stat. Auth.) is an agency's authority to make rules granted by Oregon Revised Statutes.

(24) "Statutes (Stats.) Implemented" is the statute(s), bill(s) or federal legislation that an agency implements through the rulemaking process.

(25) A "Suspended Administrative Rule" is an existing rule that is rendered ineffective for a specified time not to exceed 180 days. See ORS 183.335(6).

(26) A "Temporary Rule" is a newly adopted, amended or suspended rule that remains in effect for a specified period not to exceed 180 days.

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

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183

Hist.: OSA 9-1997(Temp), f. & cert. ef. 10-6-97; OSA 13-1997, f. & cert. ef. 11-3-97; OSA 5-1999(Temp), f. & cert. ef. 12-9-99 thru 5-10-00; OSA 13-1997 f. & cert. ef. 12-3-97; OSA 2-2000, f. & cert. ef. 3-9-00; OSA 2-2007, f. & cert. ef. 7-31-07; OSA 2-2012, f. & cert. ef. 9-12-12

166-500-0015

Fees

Fees charged by the Administrative Rules Unit are set forth in the Archives Division Fees rule OAR 166-010-0016. Fees for goods and services unique to the Administrative Rules Unit are as follows:

(1) Certifying administrative rule records — \$5 per certification plus any copying, labor or research fees incurred in filling the request;

(2) CD Rom or other media — \$20. per file copied, plus any associated costs;

(3) Oregon Administrative Rules Compilation bound set — \$650;

(4) Individual volumes of the OAR Compilation — \$45;

(5) Oregon Bulletin: Per hard copy issue — \$20. each;

(6) Walk-in customers or customers with large requests will be assisted as workloads permit.

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 177.130, 183.370, 192 & 357.885

Hist.: SOS-AD 1-1992, f. & cert. ef. 2-11-92; OSA 4-1993, f. & cert. ef. 11-10-93, Renumbered from 164-001-0015; OSA 7-1994(Temp), f. & cert. ef. 10-14-94; OSA 11-1994, f. & cert. ef. 11-21-94; OSA 8-1997, f. & cert. ef. 10-6-97; OSA 6-2001(Temp), f. & cert. ef. 10-23-01 thru 4-15-02; OSA 1-2002, f. & cert. ef. 1-25-02; OSA 4-2002, f. & cert. ef. 7-3-02; OSA 3-2003, f. & cert. ef. 11-20-03; OSA 2-2007, f. & cert. ef. 7-31-07; OSA 3-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; OSA 4-2007, f. & cert. ef. 11-29-07; OSA 8-2009, f. & cert. ef. 10-5-09; OSA 2-2012, f. & cert. ef. 9-12-12

166-500-0020

Administrative Rule Filing Requirements

(1) The Administrative Rules Unit shall compile, index and publish all rules adopted by each agency.

(2) Agencies must use the on-line Filing System, available on the Unit's website: <http://arcweb.sos.state.or.us/pages/rules/resources/fileonline.html> to submit Administrative Rule filings (ORS 183.355) and Notices of Proposed Rulemaking and Rulemaking Hearing (ORS 183.335(1) & (2)) to the Administrative Rules Unit of the State Archives, Oregon Secretary of State. For publication in the following month's on-line Oregon Bulletin and Administrative Rules Compilation, filings must be submitted to the Administrative Rules Unit by the 15th day of the current month unless this deadline falls on a Saturday, Sunday or legal holiday when filings must be filed by the preceding workday. The on-line filing system generates date-stamped receipt copies that are e-mailed to the rules coordinator. Rules coordinators should phone the Administrative Rules Unit at 503-373-0701 option 1 if they do not receive these receipt copies. Filings must contain the date stamp from the deadline day or earlier to be published and posted the following month.

(3) In cases when the on-line system is unavailable, contact the Administrative Rules Unit. Administrative Rule Filings and Notices may be mailed or delivered (Temporary Rule Filings and Notices can be faxed) to the Administrative Rules Unit, with prior approval by the Administrative Rules Unit, using forms available for download on the Oregon State Archives website at <<http://arcweb.sos.state.or.us/pages/rules/index.html>>. In addition to the filing deadlines described in (2) above, mailed or delivered Filings and Notices must be received by the Administrative Rules Unit office by 5:00p.m. on the deadline day.

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 183.335 & 183.360

Hist.: OSA 9-1997(Temp), f. & cert. ef. 10-6-97; [OSA 4-1995, f. 8-15-95, cert. ef. 9-1-95; Suspended by OSA 9-1997(Temp), f. & cert. ef. 10-6-97]; OSA 13-1997, f. & cert. ef. 11-3-97, Renumbered from 166-510-0001; OSA 5-1999(Temp), f. & cert. ef. 12-9-99 thru 5-10-00; OSA 2-2000, f. & cert. ef. 3-9-00; OSA 2-2007, f. & cert. ef. 7-31-07; OSA 2-2012, f. & cert. ef. 9-12-12

166-500-0030

Components of a Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking Filing

(1) A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking filing consists of two items filed through the on-line filing system. These are:

ADMINISTRATIVE RULES

(a) The Notice of Proposed Rulemaking Hearing or Notice of Proposed Rulemaking;

(b) The Statement of Need and Fiscal Impact.

(2) In cases when the on-line system is unavailable, Notices may be filed using one of the methods described in OAR 166-500-0020(3). Forms are available from the Administrative Rules Unit or downloadable from the Administrative Rules Unit website at <<http://arcweb.sos.state.or.us/pages/rules/index.html>>.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 183.335 & 183.360

Hist.: OSA 9-1997(Temp), f. & cert. ef. 10-6-97; OSA 13-1997, f. & cert. ef. 11-3-97; OSA 2-2000, f. & cert. ef. 3-9-00; OSA 2-2007, f. & cert. ef. 7-31-07; OSA 1-2012(Temp), f. & cert. ef. 5-1-12 thru 10-26-12; OSA 2-2012, f. & cert. ef. 9-12-12

166-500-0040

Components of a Permanent Administrative Rule Filing

(1) Permanent Administrative Rule filings have these three components:

(a) The Certificate and Order for Filing Permanent Administrative Rules (Certificate) filed on-line, including the Authorization page, signed by authorized signer, and attached as a PDF within the on-line filing system.

(b) One Microsoft Word® document containing the text of only those rules listed on the Certificate, with complete and final rule text for each rule listed, except rules being repealed, formatted as described in 166-500-0055 and attached within the on-line filing system. Pages shall be numbered consecutively, and any special instructions noted.

(c) PDFs of any tables, appendices or other specially formatted material appearing in the rule text. One PDF per rule, named with the entire rule number. The Administrative Rules Unit will include these items in the on-line Administrative Rules Compilation whenever possible, but may omit these items from print publications.

(2) Agencies adopting or amending rules incorporating published standards by reference may omit copies of the publications if applicable, pursuant to ORS 183.355(1).

(3) Each Certificate and Order for Filing Permanent Administrative Rules filed shall include only administrative rules for which prior notice was published in the Oregon Bulletin. This provision does not apply in the case of rules being renumbered only.

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 183.325, 183.330, 183.335, 183.355 & 183.360

Hist.: OSA 9-1997(Temp), f. & cert. ef. 10-6-97; [OSA 4-1995, f. 8-15-95, cert. ef. 9-1-95; Suspended by OSA 9-1997(Temp), f. & cert. ef. 10-6-97]; OSA 13-1997, f. & cert. ef. 11-3-97, Renumbered from 166-510-0011; OSA 3-2003, f. & cert. ef. 11-20-03; OSA 2-2007, f. & cert. ef. 7-31-07; OSA 5-2009, f. & cert. ef. 7-1-09; OSA 1-2011(Temp), f. & cert. ef. 6-10-11 thru 12-7-11; OSA 2-2011(Temp), f. & cert. ef. 7-1-11 thru 12-7-11; OSA 4-2011, f. & cert. ef. 10-14-11; OSA 2-2012, f. & cert. ef. 9-12-12

166-500-0050

Components of a Temporary Administrative Rule Filing

(1) Temporary Administrative Rule filings have these components:

(a) The Certificate and Order for Filing Temporary Administrative Rules (Certificate) filed on-line, including the Statement of Need and Justification, and the Authorization page signed by authorized signer, and attached as a PDF within the on-line filing system.

(b) One Microsoft Word® document containing the text of only those rules listed on the Certificate, with complete and final rule text for each rule listed, except rules being suspended, formatted as described in 166-500-0055 and attached within the on-line filing system. Pages shall be numbered consecutively, and any special instructions noted.

(c) PDFs of any tables, appendices or other specially formatted material appearing in the rule text. One PDF per rule, named with the entire rule number. The Administrative Rules Unit will include these items in the on-line Administrative Rules Compilation whenever possible, but may omit these items from print publications.

(2) Agencies adopting or amending rules incorporating published works by reference may omit copies of the publications if applicable, pursuant to ORS 183.355(1)(b).

(3) If the on-line system is unavailable, the Administrative Rules Unit will accept Temporary Rules filings by prior approval and alternative methods as described in OAR 166-500-0020(3). If faxed, a complete Temporary Administrative Rule Filing, as described in section (1) of this rule, must be delivered to the Administrative Rules Unit within three working days.

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 183.325, 183.330, 183.335, 183.355 & 183.360

Hist.: OSA 9-1997(Temp), f. & cert. ef. 10-6-97; [OSA 4-1995, f. 8-15-95, cert. ef. 9-1-95; Suspended by OSA 9-1997(Temp), f. & cert. ef. 10-6-97]; OSA 13-1997, f. & cert. ef. 11-3-97, Renumbered from 166-510-0031; OSA 3-2003, f. & cert. ef. 11-20-03; OSA 2-2007, f. & cert. ef. 7-31-07; OSA 5-2009, f. & cert. ef. 7-1-09; OSA 2-2012, f. & cert. ef. 9-12-12

166-500-0055

Rule Text to Be Filed as Part of Administrative Rule Filing

Rule text shall be included with each Permanent and Temporary Administrative Rule filing, containing Rule text in a single Microsoft Word® document attachment for each Permanent or Temporary rule filing, with formatting as follows:

(1) Microsoft Word® documents shall contain complete and final rule text for each rule listed on the Certificate, and shall be clean and free from tabs, strike-throughs, underlines, and other formats showing tracked changes. The documents shall contain only the rules that are listed on the Certificate. No rule text shall be submitted for rules being repealed or suspended;

(2) Rule text shall be 12 point, or similarly readable size;

(3) Text lines shall be from margin to margin, with no tabs and not in column form;

(4) Single spaces shall be used throughout the text, with no double spaces between sentences, no double spaces between lines, and no tabs.

(5) Division titles shall be centered, boldface and use all uppercase letters;

(6) Division subtitles shall be centered, boldface and use initial capitalization only;

(7) Rule numbers shall be in the XXX-XXX-XXXX format and shall be flush left (left justified) and boldface;

(8) Rule titles shall be flush left (left justified), boldface and use initial capitalization;

(9) Rule text shall be flush left (left justified) and use initial capitalization;

(10) Within rules the internal numbering shall be (1), (a), (A), (i), (I). There shall not be a (1) without a (2), (a) without a (b), etc.;

(11) The text of each rule shall be followed by:

(a) The specific statutory authority ("Stat. Auth.") for that rule; and

(b) The specific statute(s) being implemented ("Stats. Implemented") by that rule.

(12) One extra line space (hard return) shall be inserted only in the following locations in the text:

(a) Before and after centered division titles and subtitles;

(b) After the "Stats. Implemented" of each rule.

(13) Text shall appear in consecutive order by rule number;

(14) Special formatting that is acceptable in rule text:

(a) Special font usage (e.g. bold, italics, underline etc.);

(b) Special characters (e.g. degree symbol);

(c) Quoted text;

(d) Centered text or titles; and

(e) Adoptions by reference.

(15) File names for each text document shall clearly indicate the OAR chapter and division numbers for the rule text being filed.

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 183.355 & 183.360

Hist.: OSA 9-1997(Temp), f. & cert. ef. 10-6-97; OSA 13-1997, f. & cert. ef. 11-3-97; OSA 3-2003, f. & cert. ef. 11-20-03; OSA 2-2007, f. & cert. ef. 7-31-07; OSA 5-2009, f. & cert. ef. 7-1-09; OSA 2-2012, f. & cert. ef. 9-12-12

Secretary of State, Elections Division Chapter 165

Rule Caption: Adopting the Restrictions on Political Campaigning by Public Employees ORS 260.432 Manual.

Adm. Order No.: ELECT 12-2012

Filed with Sec. of State: 9-13-2012

Certified to be Effective: 9-13-12

Notice Publication Date: 5-1-2012

Rules Adopted: 165-013-0030

Subject: This rule adopts the manual, Restrictions on Political Campaigning by Public Employees ORS 260.432. This manual provides guidance on ORS 260.432 and informs the public of permissible and impermissible activities by public employees.

Rules Coordinator: Brenda Bayes—(503) 986-1518

165-013-0030

Designating Restrictions on Political Campaigning by Public Employees

In addition to, and not in lieu of, any other election processes contained in ORS Chapters 246 through 260 and OAR Chapter 165, the Secretary of State adopts the manual Restrictions on Political Campaigning by Public Employees, ORS 260.432. This manual provides guidance on

ADMINISTRATIVE RULES

ORS 260.432 and informs the public of permissible and impermissible activities by public employees.

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS 260.432

Hist.: ELECT 12-2012, f. & cert. ef. 9-13-12

Teacher Standards and Practices Commission Chapter 584

Rule Caption: Amends and repeals rules related to licensure, program approval and discipline.

Adm. Order No.: TSPC 9-2012

Filed with Sec. of State: 9-14-2012

Certified to be Effective: 9-14-12

Notice Publication Date: 6-1-2012

Rules Amended: 584-010-0001, 584-010-0006, 584-036-0055, 584-036-0062, 584-036-0080, 584-050-0012, 584-060-0220, 584-065-0035

Rules Repealed: 584-036-0081

Subject: 584-010-0001 — *Purpose of Program Approval:* State purpose of newly-adopted program accreditation standards.

584-010-0006 — *Definitions:* Updates and add definitions for: conceptual framework; institutional report; off campus programs, etc.

584-036-0055 — *Fees:* Reduces fingerprint fees by \$3 due to reduction in FBI fees.

584-036-0062 — *Criminal Records and Professional Conduct Background Check [Requirements]:* Clarifies when fingerprints are required and describes further background checks.

584-036-0080 — *Licensure Tests:* Adds Commission-adopted new essential skills test; eliminates mixing and matching tests.

584-050-0012 — *[Criteria for Denial of Licensure Based on Conviction for Crimes] Fingerprinting and Criminal Background Checks:* Clarifies fingerprint requirements and defines substantially equivalent crime pursuant to ORS 342.143.

584-060-0220 — *International Visiting Teaching License:* Clarifies that only international candidates working on a J-1 visa are eligible for this license.

584-065-0035 — *Knowledge, Skills and Abilities for Special Education Endorsement:* Housekeeping change to add clarifying language around meeting the definition of “highly qualified” and changing the administrative rules that refer to work samples (Evidence of Effectiveness).

Repeal: 584-036-0081 — *Conditional Assignment Permits:* The License for Conditional Assignment becomes effective July 1, 2012. The repeal of this rule should be effective June 30, 2012.

Rules Coordinator: Victoria Chamberlain—(503) 378-6813

584-010-0001

Purpose of Program Approval

(1) The Oregon Legislative Assembly has delegated to the Teacher Standards and Practices Commission the authority to establish standards for approval of educator preparation programs through Oregon Revised Statutes 342.147 and 342.165.

(2) In 1987, the Teacher Standards and Practices Commission established the first standards for approval of college and university preparation programs based on competence of prospective educators rather than prescribed courses.

(3) In 1997, the Commission revised standards to reflect changes in education and to focus preparation on the competence of candidates.

(4) The Commission’s standards emphasize qualitative rather than quantitative aspects of units and programs.

(5) In 2012, the Commission adopted revised standards for programs and units to reflect changes in the national standards for teacher preparation, to focus preparation on the competence of candidates and to emphasize a continuous improvement process based on assessment and data.

(6) The standards for program approval are contained in Divisions 17, 18, 65, and 66 of these administrative rules.

(7) Units must meet all standards to receive unconditional approval for a program pursuant to OAR 584-010-0025 Recommendations Following On-Site Review.

(8) The Commission has adopted handbooks and manuals that govern the procedures for unit review and program review and contain the rubrics

for accreditation standards evaluation. Once adopted, these handbooks and manuals may only be amended upon official action by the Commission.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.533

Hist.: TSPC 2-1998, f. 2-4-98, cert. ef. 1-15-99; TSPC 6-2002, f. & cert. ef. 10-23-02; Renumbered from 584-017-0001, TSPC 2-2008, f. & cert. ef. 4-15-08; TSPC 3-2012, f. & cert. ef. 3-9-12; TSPC 9-2012, f. & cert. ef. 9-14-12

584-010-0006

Definitions

(1) “Approved Institution:” A U.S. regionally accredited or internationally accredited institution of higher education approved to prepare licensed personnel by the governmental jurisdiction in which the institution is located.

(2) “Approved Program:” A program of educator preparation approved by the Commission and offered by a regionally accredited institution. As it applies to out-of-state or international programs, a program approved by the licensure body of the governmental jurisdiction authorized to approve educator preparation programs.

(3) “Area for Improvement (AFI):” A statement cited by the Commission or the on-site program or unit review team indicating that a unit or program has not met expected levels of achievement in one or more elements of a standard. The Commission and the unit or program review team may cite one or more areas for improvement and still recommend or find that the standard is “met.”

(4) “At Risk Unit:” A unit that the Commission determines is “at risk” of becoming “low-performing.” The “at risk” designation would follow an onsite review by the Commission and findings of multiple areas for improvement. Such a unit is required to respond to Commission-imposed conditions and stipulations and must provide evidence within the time indicated by the Commission that the Commission’s concerns have been addressed. Units receiving an “at risk” designation will be subject to an on-site review team follow-up visit that focuses on the areas for improvement noted by the accreditation team during the original visit.

(5) “Candidate:” Candidate includes but is not limited to persons preparing to teach, teachers who are continuing their professional development enrolled in an approved program and persons preparing for other professional roles in schools such as administrators, school counselors, school psychologists, and school social workers in a program approved by the Commission.

(6) “Commission:” Teacher Standards and Practices Commission (TSPC).

(7) “Conceptual Framework:” An underlying structure in a professional education unit that gives conceptual meaning to the unit’s operations through an articulated rationale and provides direction for programs, courses, teaching, candidate performance, faculty scholarship and service, and unit accountability.

(8) “Consortium:” An advisory body to the unit that reviews, evaluates, and makes recommendations in accordance with OAR 584-017-1025 Consortium.

(9) “Director of Teacher Education:” The Commission staff member responsible for coordinating program approval within the agency.

(10) “Educator Preparation Programs:” Programs preparing licensed teachers, personnel service specialists, or administrators. Oregon Revised Statutes use the term “teacher education” to refer to all programs preparing licensed educational personnel for public elementary and secondary schools, and is not exclusive to programs for preparation of classroom teachers.

(11) “Executive Director:” The Executive Director of the Commission.

(12) “Field or Clinical Experiences:” All supervised clinical field experiences including student teaching, internships, observation experiences and experience necessary to complete an education preparation licensure program.

(13) “Institutional Report:” A report that provides the institutional and unit contexts, a description of the unit’s conceptual framework, and evidence that the unit is meeting the Commission-adopted unit standards. The report serves as primary documentation for on-site review teams conducting on-site visits.

(14) “Liaison Officer:” The person designated by the unit to submit all program modifications for Commission approval, issue all recommendations for licensure under the approved program, authorize all waivers of professional courses for students enrolled in the program, and handle all correspondence between Commission staff and the unit.

(15) “Low Performing Unit:” A unit is determined to be “low performing” by the Commission if following on on-site review team visit, the imposition of conditions or stipulations and a subsequent follow-up on-site

ADMINISTRATIVE RULES

visit, the institution failed to meet the Commission's standards of quality and effectiveness. Units found to be "low performing" are denied TSPC approval and accreditation to offer educator licensure programs. A unit denied accreditation is prohibited from offering educator preparation programs in Oregon and denied from recommending educators for licensure for a minimum of two years. At the end of such time, the unit may apply for program approval (accreditation) and is required to submit a formal application and demonstrate that the problems identified in the original unit review have been addressed and that the program meets all current requirements for program approval and educator licensure in effect at the time of application for approval.

(16) "Major Modifications:" Changes of program philosophy, curricula, practica, resources, personnel, or performance standards

(17) "Off Campus Programs:" Include but are not limited to:

(a) Off-campus programs in the same state; or

(b) Off-campus programs offered at sites outside of the state or in another country.

(c) Branch campuses must be included in the unit's review if the:

(A) Programs are limited in number and size;

(B) Programs are located in close proximity to the parent campus; or

(C) Program completers are eligible for licensure in Oregon.

(18) "On-Site Review Team:" Team appointed by the Commission to conduct an on-site review for purposes of approval of educator licensure preparation programs.

(19) "Program:" Program includes but is not limited to an academic program designed for one of the following outcomes: Add an endorsement, grade level authorization or result in a new licensure area such as an Initial or Continuing License in teaching, administration or personnel service.

(20) "Regional Accrediting Associations:" Colleges and universities approved for teacher education must be accredited by the appropriate regional association at the time the degree or program is completed. The regional associations are: New England Association of Schools and Colleges; Commission on Institutions of Higher Education; North Central Association of Colleges and Schools; The Higher Learning Commission; Northwest Commission on Colleges and Universities; Middle States Association of Colleges and Schools; Commission on Higher Education; Southern Association of Colleges and Schools; Commission on Colleges; or Western Association of Schools and Colleges; Accrediting Commission for Senior Colleges and Universities.

(21) "Specialized Professional Associations or SPAs:" The national organizations that represent teachers, professional education faculty, and other school professionals who teach a specific subject matter (e.g., mathematics or social studies), teach students at a specific developmental level (i.e., early childhood, elementary, middle level, or secondary), teach students with specific needs (e.g., bilingual education or special education), administer schools (e.g., principals or superintendents), or provide services to students (e.g., school counselors or school psychologists). Many of these associations are member organizations of NCATE and have standards for both students in schools and candidates preparing to work in schools.

(22) "Unit:" Also known as the "professional education unit." The college, school, or department or other administrative bodies in colleges, universities, or other organizations recognized by the Commission as having the responsibility for managing or coordinating all programs offered for the initial and advanced preparation of teachers and other school professionals regardless of where these programs are housed in an institution. The professional education unit must include in its accreditation review all programs offered by the institution for the purpose of preparing teachers and other school personnel to work in pre-k through twelfth grade settings.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430; 342.455 - 342.495; 342.533

Hist.: TSPC 2-2008, f. & cert. ef. 4-15-08; TSPC 9-2012, f. & cert. ef. 9-14-12

584-036-0055

Fees

(1) All fees are assessed for evaluation of the application and are not refundable.

(2) If the applicant is eligible for the license, registration, or certificate for which application is made and the license, registration or certificate is issued within 90 days of original application, the commission shall issue the license, without additional charge with the following exceptions:

(a) If the commission determines the application is incomplete and fails to notify the applicant in less than one calendar week, the commission will extend the 90 days by an amount equal to the number of days the commission delayed notifying the applicant of incomplete items.

(b) For renewable licenses with a 120 day grace period, the original application fee remains good throughout the 120 days.

(c) If the commission fails to issue the license within 90 days due to commission backlog, the fee shall remain good until the license is issued or 120 days, whichever is less.

(3) The fee for evaluating an initial application:

(a) Initial I License (3 years): \$100;

(b) Initial I Teaching License (18 months): \$50;

(c) Initial II Teaching License (3 years): \$100;

(d) Basic License (3 years): \$100;

(e) Continuing License (5 years): \$100;

(f) Standard License (5 years): \$100;

(g) Restricted Transitional License (1 year or 3 years): \$100;

(h) Limited License (3 years): \$100;

(i) American Indian Language License (3 years): \$100;

(j) Substitute License (3 years): \$100;

(k) Restricted Substitute License (3 years, 60 days per year): \$100;

(l) Exceptional Administrator License (3 years): \$100;

(m) Career and Technical Education I Teaching License (1 year): \$100;

(n) Career and Technical Education II Teaching License (3 years): \$100;

(o) Five-Year Career and Technical Education License (5 years): \$100;

(p) Emergency License (term at discretion of Executive Director): \$100;

(q) School Nurse Certification (3 years): \$100;

(r) International Visiting Teaching License (1 year): \$100;

(s) License for Conditional Assignment (1 to 3 years) \$25;

(t) Initial Administrator License (3 years): \$100;

(u) Initial School Psychologist License (3 years): \$100; and

(v) Initial School Social Worker License (3 years): \$100.

(4) The fee for evaluating all applications for a first Oregon license based on completion of an out-of-state educator preparation program or an out of state license is \$120 regardless of the license issued.

(5) The fee for registration of a charter school teacher or administrator is \$75 which includes the fee for required criminal records and fingerprinting costs.

(6) The fee for evaluating an application for renewal of any license or certification is \$100 except as follows:

(a) Renewal of a one-year Restricted Transitional Teaching License is \$25;

(b) Renewal of a charter school registration is \$25;

(c) Renewal of an International Visiting Teacher License is \$25;

(d) Renewal of Career and Technical Education I Teaching License is \$25; and

(e) Renewal of License for Conditional Assignment is \$25.

(7) The fee for each of the following circumstances is \$20:

(a) A duplicate license, registration, or certificate for any reason;

(b) An approved extension to a provisional license; and

(c) Adding a district to an existing restricted license requiring a co-applicant school district.

(8) The fee for evaluating an application to add one or more endorsements or authorization levels to a currently valid license is \$100. No additional fee is required to add an endorsement or authorization in conjunction with an application for renewal or reinstatement of a license.

(9) The fee to evaluate an application for reinstatement of an expired license or certificate is \$100 plus a late application fee of \$25 for each month or portion of a month that the license or certificate has been expired to a maximum of \$200 total.

(a) The reinstatement fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired license, registration or school nurse certification.

(b) Late fees may only be imposed one time following the expiration of a license or school nurse certificate. If the applicant does not initially qualify for the license or certificate the applicant is seeking to reinstate, no additional late fees will be imposed upon application for subsequent licenses so long as the applicant has a current active license, registration or certification in effect at the time of application.

(c) In certain cases involving extenuating circumstances related to OAR 584-036-0057 Late Fee Waivers, the Executive Director may choose to waive this late fee.

(10) The fee for evaluating an application for reinstatement of a suspended license or certificate is \$100 in addition to the \$100 application fee for a total of \$200. The fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired license or certificate.

ADMINISTRATIVE RULES

(11) The fee for evaluating an application for reinstatement of a suspended charter school registration is \$50 and does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired registration.

(12) In addition to the application fees required by this rule, the Commission shall collect a late application fee not to exceed \$25 per month up to a maximum of \$125 from an applicant who fails to make timely application for renewal of the license, certificate or registration.

(13) The fee for evaluating an application for reinstatement of a revoked license or certificate is \$150 in addition to the \$100 application fee for a total of \$250. The reinstatement fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired license, or school nurse certificate.

(14) The fee for evaluating an application for reinstatement of a revoked charter school registration is \$150 in addition to the \$25 application fee for a total of \$175. The reinstatement fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired charter school registration.

(15) Forfeiture for a check which the applicant's bank will not honor is \$25, unrelated to any evaluation fees. The total amount due shall be paid in cash, credit, or Money Order at the Commission's office.

(16) The fee for evaluating licensure applications submitted on behalf of teachers participating in exchange programs or on Congressional appointment from foreign countries is \$100.

(17) The fee for alternative assessment in lieu of the test for licensure endorsement is \$100.

(18) The fee for expedited service for an emergency or other license, registration or certificate is \$99 plus the fee for the license registration or certificate application as defined in this administrative rule.

(19) The fee to evaluate an application for reinstatement of an expired charter school registration is \$25 plus a late application fee of \$25 for each month or portion of a month that the registration has been expired to a maximum of \$125 total. The reinstatement fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired charter school registration.

(20) The fee for a criminal records check including fingerprinting is \$59.

(21) The fee for a "highly qualified teacher" evaluation is \$50.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 – 342.430; 342.455–342.495; 342.533

Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 2-1979, f. 8-21-79, ef. 1-1-80; TS 1-1982, f. & ef. 1-5-82; TS 3-1983, f. & ef. 5-16-83; TS 4-1983, f. 5-17-83, ef. 7-1-83; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 4-1985, f. 10-4-85, ef. 1-1-86; TS 7-1986, f. 10-15-86, ef. 1-15-87; TS 5-1988, f. 10-6-88, cert. ef. 1-15-89; TS 7-1989, f. & cert. ef. 12-13-89; TS 1-1992, f. & cert. ef. 1-15-92; TS 4-1994, f. 7-19-94, cert. ef. 10-15-94; TS 5-1994, f. 9-29-95, cert. ef. 10-15-94; TS 4-1997, f. 9-25-97, cert. ef. 10-4-97; TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 2-2000, f. & cert. ef. 5-15-00; TSPC 1-2003, f. & cert. ef. 1-13-03; TSPC 6-2004, f. & cert. ef. 8-25-04; TSPC 6-2005(Temp), f. & cert. ef. 8-16-05 thru 1-30-06; TSPC 9-2005, f. & cert. ef. 11-15-05; TSPC 11-2005(Temp), f. 11-18-05, cert. ef. 1-1-06 thru 6-29-06; TSPC 5-2006, f. & cert. ef. 2-10-06; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 5-2008, f. & cert. ef. 6-13-08; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 1-2009(Temp), f. & cert. ef. 2-27-09 thru 8-25-09; Administrative correction 9-29-09; TSPC 4-2009, f. & cert. ef. 9-22-09; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 4-2010, f. & cert. ef. 7-15-10; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10; TSPC 9-2010, f. 12-15-10, cert. ef. 1-1-11; TSPC 5-2011, f. & cert. ef. 6-15-11; TSPC 2-2012, f. & cert. ef. 2-15-12; TSPC 6-2012, f. & cert. ef. 5-18-12; TSPC 9-2012, f. & cert. ef. 9-14-12

584-036-0062

Criminal Records and Professional Conduct Background Check

(1) An applicant must submit one fingerprint card for checking Oregon and Federal Bureau of Investigation criminal history records under the following conditions:

(a) First placement in a field experience once admitted to an Oregon approved educator-preparation program;

(b) First placement in a field experience in any Oregon public school if completing an educator preparation program by an out-of-state provider;

(c) First time Oregon licensure; or

(d) Reinstatement of a license that has been expired more than three years prior to the date the application form and full fee have been submitted for reinstatement.

(2) An applicant may only be fingerprinted through the process described in subsection (1) of this rule. A criminal background check conducted through fingerprints by any former employer, licensing board or by the Oregon Department of Education does not satisfy the requirements of this rule.

(3) Out of state applicants, or previously licensed Oregon educators returning from living outside of the state may also be subject to internet searches or previous employment checks.

Stat. Auth.: ORS 181 & 342

Stats. Implemented: ORS 181.525, 342.120 – 342.430, 342.455 – 342.495 & 342.533

Hist.: TS 6-1993, f. & cert. ef. 12-7-93; TS 2-1994, f. & cert. ef. 7-19-94; TS 2-1995(Temp), f. 8-16-95, cert. ef. 9-11-95; TS 4-1995, f. & cert. ef. 11-9-95; TSPC 5-2003(Temp), f. & cert. ef. 9-17-03 thru 1-15-04; TSPC 3-2004, f. & cert. ef. 5-14-04; TSPC 10-2005(Temp), f. & cert. ef. 11-15-05 thru 4-30-06; TSPC 5-2006, f. & cert. ef. 2-10-06; TSPC 9-2012, f. & cert. ef. 9-14-12

584-036-0080

Licensure Tests

(1) Licensure tests are required to demonstrate subject-matter competency in most endorsement areas established by the commission.

(2) Out-of-State Applicants: Out-of-state applicants may present proof of passage of another state's subject-matter competency test for full subject-matter endorsement on an Oregon license under the following conditions:

(a) The area in which the test was passed is comparable to the subject-matter endorsement area adopted by the commission and is not a basic skills test;

(b) The test was administered by either the former or current testing companies representing Evaluation Systems group of Pearson (ESP) or Education Testing Service (ETS);

(c)(A) A passing score on an out-of-state licensure test for subject-matter endorsement on the license results in waiver of a comparable Oregon adopted beginning-teacher licensure test if the subject-matter area covered by the out-of-state test is more similar than not to the Oregon test.

(B) The burden is on the applicant to provide alternate proof the test was taken and the score was a passing score in another state if the applicant is unable to produce an original score report. TSPC reserves the right to reject the alternate verification if the source of the score verification is not a higher education institution or another public educator licensure agency; and

(d) Any subject-matter test, except the basic skills tests, may be waived if the applicant demonstrates special academic preparation satisfactory to the commission together with five years of half-time or more experience teaching the specific subject matter on a license valid for the assignment in a public school or regionally accredited private school in a U.S. jurisdiction before holding any Oregon license. The five years of half-time or more experience must be acquired entirely outside of the State of Oregon and must be obtained while holding an unrestricted out-of-state license valid for the assignment. Teaching experience without a valid license does not count toward test waiver.

(3) An electronic score report submitted by the testing company administering the test at the applicant's request will be treated as an "original" score report. In all other cases, only the original score report, or an authentic facsimile will be accepted as validation of passing the required test. TSPC reserves the right to require the applicant to produce authentic evidence of passage of the test the applicant wishes to submit for consideration for test waiver.

(4) Other evidence documenting passage of a required test for licensure may be accepted at the executive director's discretion when exigent circumstances prohibit the educator from presenting an original score report. The executive director may submit the evidence and the decision to the commission at the next meeting at the director's discretion in cases the director believes may need commission review.

(5) Basic Skills Tests: To satisfy the basic skills testing requirements, the commission will accept passing scores on the following tests:

(a) NES Essential Skills Test — Evaluation Systems group of Pearson (ESP)

(b) California Basic Educator Skills Test (CBEST) — Evaluation Systems group of Pearson (ESP);

(c) Washington Educator Skills Test — Basic (WEST-B) — Evaluation Systems group of Pearson (ESP);

(d) Praxis I: Pre-Professional Skills Assessment (PPST) — Education Testing Service (ETS);

(e) A regionally-accredited or foreign equivalent master's degree or higher held at the time of admission into an educator preparation program, waives the basic skills tests;

(f) An out-of-state applicant may waive the basic skills test with evidence of full out-of-state licensure and a master's degree from an accredited institution or foreign equivalent;

(g) Applicants submitting proof of a non-provisional California Teaching License will be deemed to have passed the California Basic Educator Skills Test (CBEST);

(6) Applicants may be eligible for Alternative Assessment in lieu of the subject-matter tests. Alternative Assessment is only allowed for waiver of subject-matter tests required for specific licenses or endorsements. (See OAR 584-052-0030 to 584-052-0033 regarding Alternative Assessment.)

ADMINISTRATIVE RULES

(7) Applicants seeking endorsement in areas where the commission has not adopted an approved test must complete coursework requirements in Division 38 to add the endorsement to a Basic, Standard, Initial or Continuing Teaching License. In the alternative, applicants may submit evidence of a passing score from another state's licensure test and evidence they held the endorsement on an out-of-state license in lieu of satisfying the Division 38 required coursework.

(8) For situations not covered by these rules, the commission grants the executive director the discretion to determine whether test scores or licenses submitted pursuant to this section meet the commission's intent with regard to preventing unnecessary redundancy in completing licensure requirements.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455-342.495 & 342.553
Hist.: TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 2-2009, f. & cert. ef. 3-12-09; TSPC 6-2010, f. & cert. ef. 8-31-10; TSPC 9-2012, f. & cert. ef. 9-14-12

584-050-0012

Fingerprinting and Criminal Background Checks

(1) An applicant for, student teaching, practicum or internship, initial Oregon licensure or reinstatement of an Oregon license that has been lapsed for three years or more must submit fingerprints for a criminal background check in accordance with ORS 342.223.

(2)(a) An applicant will be denied licensure pursuant to OAR 584-050-0009 if the applicant has been convicted of:

(A) Any of the crimes listed in ORS 342.143;

(B) An attempt of any of the crimes listed in ORS 342.143 in accordance with ORS 161.405; or

(C) Any substantially equivalent crime in another jurisdiction.

(b) A crime is deemed to be substantially equivalent when the Commission determines the underlying conduct is substantially similar to conduct that would have resulted in conviction of any crime listed in ORS 342.143.

(3) An applicant may be denied licensure if the applicant has been convicted of any crime involving the illegal use, sale or possession of controlled substances as defined in ORS 475.005(6).

(4) The Commission may take action against an applicant as a result of the criminal background check disclosing criminal conduct not listed in ORS 342.143 in accordance with ORS 342.175.

(5) If the applicant fails to provide fingerprints following application for licensure where fingerprints are required, the application will be found to be incomplete.

(6) Only original fingerprints submitted to TSPC will be accepted for clearance for any Oregon teaching license, registration or certification. Previously cleared fingerprints by the Oregon Department of Education or any employer are not acceptable to satisfy TSPC's criminal background checks.

(7)(a) A candidate admitted to an Oregon educator licensure program may not be placed in any practicum, student teaching or internship placement where the candidate may be in unsupervised contact with any K-12 student until the fingerprint and criminal background check has been submitted to TSPC, completed and cleared by the TSPC Executive Director.

(b) Failure to comply with this provision may result in Commission sanction.

Stat. Auth.: ORS 181 & 342
Stats. Implemented: ORS 181.534 & 342.223
Hist.: TS 2-1994, f. & cert. ef. 7-19-94; TS 5-1996, f. & cert. ef. 9-24-96; TS 4-1997, f. 9-25-97, cert. ef. 10-4-97; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 9-2012, f. & cert. ef. 9-14-12

584-060-0220

International Visiting Teacher License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified and eligible applicant may be granted an International Visiting Teacher License. The intent of this license is to provide up to a three-year cultural exchange of teachers and teaching strategies between Oregon and a participating country other than the United States.

(2) This license is issued for one year and is renewable up to two times.

(3) This license is valid for substitute teaching only at the grade authorization levels and subject-matter endorsement areas listed on the license.

(4) The International Visiting Teacher License is restricted to use within the district that has applied for it jointly with the teacher and is valid for teaching with the requesting employer only at the designated grade authorization levels and subject-matter endorsement areas requested by the employer and listed on the license. If the license is endorsed in a core aca-

demie area, the licensee may be considered to be "highly qualified" pursuant to federal law.

(5) To be eligible for the International Visiting Teacher License, the applicant must have not previously held any TSPC license and must co-apply with the requesting district and submit the following materials as part of the application packet:

(a) Evidence that the teacher is not a resident of the United States and is working here under a J-1 Visa;

(b) A letter from the co-applying district specifying the grade levels and subject-matter endorsement areas in which the district would like the applicant to teach and a brief description of the plan for supervision and mentoring the district has in place including the name of the mentor assigned to the applicant once licensed;

(c) Transcript evaluation or some other convincing evidence that the applicant holds the equivalent of a U.S. baccalaureate or higher degree and proof that the applicant has completed a professional teacher preparation program in their country. The transcript and other evidence submitted will be evaluated for subject-matter competency in the subject-area in which the license is being requested;

(d) A copy of all professional teaching credentials from a country other than the United States held by the applicant;

(e)(A) Evidence that the applicant has completed the equivalent of three full years, (not less than 27 months) of teaching experience in the applicant's native country; or

(B) Proof of participation in the Cultural Exchange Program in a J-1 Visa status monitored by the Oregon Department of Education. Proof of participation must include verification from the Oregon Department of Education; and

(f) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.)

(6) To be eligible for a one-year renewal of the International Visiting Teaching License, an applicant must:

(a) Submit an application packet for renewal;

(b) A PEER form verifying the applicant's assignment;

(c) A passing score on a commission-adopted test of knowledge of U.S. and Oregon civil rights laws and professional ethics; and

(d) Submit a letter from the co-applying school district attesting to the following:

(A) That the teacher's assignment will remain within the scope of grades and subjects on the license;

(B) The plan for supervision and mentoring remains in place and update the name of the mentor if appropriate.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.533
Hist.: TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10; TSPC 8-2010(Temp), f. & cert. ef. 10-4-10 thru 12-31-10; TSPC 10-2010, f. 12-30-10, cert. ef. 1-1-11; TSPC 3-2011, f. & cert. ef. 3-15-11; TSPC 9-2012, f. & cert. ef. 9-14-12

584-065-0035

Knowledge, Skills and Abilities for Special Education Endorsement

(1) **Definitions:**

(a) "Individual with exceptional learning needs" means individuals with disabilities and individuals with exceptional gifts and talents.

(b) "Exceptional Condition" means both single and co-existing conditions. These may be two or more disabling conditions or exceptional gifts or talents coexisting with one or more disabling condition.

(c) "Special Curricula" denotes curricular areas not routinely emphasized or addressed in general curricula, e.g., social, communication, motor, independence, self-advocacy.

(2) **Authorizations:** Candidates for endorsements special education shall qualify for two levels of authorization by:

(a) Completing preparation in developmental psychology and methods appropriate for early childhood and elementary education, OR elementary and middle level, OR middle level and high school authorizations;

(b) Documenting knowledge of the endorsement by passing the commission-approved test for special education;

(A) The Commission-adopted elementary multiple subjects examination is not required to obtain the license;

(B) However, passage of the Commission-adopted elementary multiple subjects examination is required in order for special educators licensed to teach general education content in grades preK through 8 (elementary teachers) and to be meet the federal definition of "highly qualified" teacher under the Education/Secondary Education Act (ESEA);

ADMINISTRATIVE RULES

(c) Candidates completing a practica experience at either the early childhood or elementary authorization levels and at either the middle or high school authorization levels shall qualify for grade authorization for pre-kindergarten through grade twelve.

(3) Field Experience:

(a) Candidates progress through a series of developmentally sequenced field experiences for the full range of ages, types and levels of abilities (mild, moderate and severe), and collaborative opportunities that are appropriate to the license or roles for which they are preparing.

(b) These field and clinical experiences are supervised by qualified professionals who are either licensed as special educators or eligible for licensure as special educators.

(4) Candidates for special education endorsements must complete an approved academic program for special education and will demonstrate competency through OAR 584-017-1030 in the following standards:

(a) **Standard 1: Foundations:** Candidates understand the field as an evolving and changing discipline based on philosophies, evidence-based principles and theories, relevant laws and policies, diverse and historical points of view, and human issues that have historically influenced and continue to influence the field of special education and the education and treatment of individuals with exceptional needs both in school and society. Candidates:

(A) Understand how these influence professional practice, including assessment, instructional planning, implementation, and program evaluation;

(B) Understand how issues of human diversity can impact families, cultures, and schools, and how these complex human issues can interact with issues in the delivery of special education services;

(C) Understand the relationships of organizations of special education to the organizations and functions of schools, school systems, and other agencies; and

(D) Use this knowledge as a ground upon which to construct their own personal understandings and philosophies of special education.

(b) **Standard 2: Development and Characteristics of Learners.** Candidates know and demonstrate respect for their students first as unique human beings. Candidates:

(A) Understand the similarities and differences in human development and the characteristics between and among individuals with and without exceptional learning needs;

(B) Understand how exceptional conditions can interact with the domains of human development and they use this knowledge to respond to the varying abilities and behaviors of individual's with exceptional learning needs; and

(C) Understand how the experiences of individuals with exceptional learning needs can impact families, as well as the individual's ability to learn, interact socially, and live as fulfilled contributing members of the community.

(c) **Standard 3: Individual Learning Differences.** Candidates understand the effects that an exceptional condition can have on an individual's learning in school and throughout life. Candidates:

(A) Understand that the beliefs, traditions, and values across and within cultures can affect relationships among and between students, their families, and the school community;

(B) Are active and resourceful in seeking to understand how primary language, culture, and familial backgrounds interact with the individual's exceptional condition to impact the individual's academic and social abilities, attitudes, values, interests, and career options; and

(C) Demonstrate that the understanding of these learning differences and their possible interactions provide the foundation upon which special educators individualize instruction to provide meaningful and challenging learning for individuals with exceptional learning needs.

(d) **Standard 4: Instructional Strategies.** Candidates possess a repertoire of evidence-based instructional strategies to individualize instruction for individuals with exceptional learning needs. Candidates:

(A) Select, adapt, and use these instructional strategies to promote challenging learning results in general and special curricula and to appropriately modify learning environments for individuals with exceptional learning needs;

(B) Enhance the learning of critical thinking, problem solving, and performance skills of individuals with exceptional learning needs, and increase students' self-awareness, self-management, self-control, self-reliance, and self-esteem; and

(C) Emphasize the development, maintenance, and generalization of knowledge and skills across environments, settings, and the lifespan.

(e) **Standard 5: Learning Environments and Social Interactions.** Candidates actively create learning environments for individuals with exceptional learning needs that foster cultural understanding, safety and emotional well being, positive social interactions, and active engagement of individuals with exceptional learning needs. Candidates:

(A) Foster environments in which diversity is valued and individuals are taught to live harmoniously and productively in a culturally diverse world;

(B) Shape environments to encourage the independence, self-motivation, self-direction, personal empowerment, and self-advocacy of individuals with exceptional learning needs;

(C) Help their general education colleagues integrate individuals with exceptional learning needs in regular environments and engage them in meaningful learning activities and interactions;

(D) Use direct motivational and instructional interventions with individuals with exceptional learning needs to teach them to respond effectively to current expectations;

(E) Demonstrate the ability to safely intervene with individuals with exceptional learning needs in crisis; and

(F) Demonstrate the ability to coordinate all these efforts and provide guidance and direction to para-professionals and others, such as classroom volunteers and tutors.

(f) **Standard 6: Language.** Candidates understand typical and atypical language development and the ways in which exceptional conditions can interact with an individual's experience with and use of language. Candidates:

(A) Use individualized strategies to enhance language development and teach communication skills to individuals with exceptional learning needs;

(B) Are familiar with augmentative, alternative, and assistive technologies to support and enhance communication of individuals with exceptional need;

(C) Match their communication methods to an individual's language proficiency and cultural and linguistic differences; and

(D) Provide effective language models, and they use communication strategies and resources to facilitate understanding of subject matter for individuals with exceptional learning needs whose primary language is not the dominant language.

(g) **Standard 7: Instructional Planning.** Individualized decision-making and instruction is at the center of special education practice. Candidates:

(A) Develop long-range individualized instructional plans anchored in both general and special curricula;

(B) Systematically translate these individualized plans into carefully selected shorter-range goals and objectives taking into consideration an individual's abilities and needs, the learning environment, and a myriad of cultural and linguistic factors;

(C) Understand that individualized instructional plans emphasize explicit modeling and efficient guided practice to assure acquisition and fluency through maintenance and generalization;

(D) Demonstrate that understanding these factors as well as the implications of an individual's exceptional condition, guides the special educator's selection, adaptation, and creation of materials, and the use of powerful instructional variables;

(E) Demonstrate the ability to modify instructional plans based on ongoing analysis of the individual's learning progress;

(F) Facilitate this instructional planning in a collaborative context including the individuals with exceptionalities, families, professional colleagues, and personnel from other agencies as appropriate;

(G) Develop a variety of individualized transition plans, such as transitions from preschool to elementary school and from secondary settings to a variety of postsecondary work and learning contexts; and

(H) Are comfortable using appropriate technologies to support instructional planning and individualized instruction.

(h) **Standard 8: Assessment.** Assessment is integral to the decision-making and teaching of special educators and candidates use multiple types of assessment information for a variety of educational decisions. Candidates:

(A) Use the results of assessments to help identify exceptional learning needs and to develop and implement individualized instructional programs, as well as to adjust instruction in response to ongoing learning progress;

(B) Understand the legal policies and ethical principles of measurement and assessment related to referral, eligibility, program planning,

ADMINISTRATIVE RULES

instruction, and placement for individuals with exceptional learning needs, including those from culturally and linguistically diverse backgrounds;

(C) Understand measurement theory and practices for addressing issues of validity, reliability, norms, bias, and interpretation of assessment results;

(D) Understand the appropriate use and limitations of various types of assessments;

(E) Collaborate with families and other colleagues to assure non-biased, meaningful assessments and decision-making;

(F) Conduct formal and informal assessments of behavior, learning, achievement, and environments to design learning experiences that support the growth and development of individuals with exceptional learning needs;

(G) Use assessment information to identify supports and adaptations required for individuals with exceptional learning needs to access the general curriculum and to participate in school, system, and statewide assessment programs;

(H) Regularly monitor the progress of individuals with exceptional learning needs in general and special curricula; and

(I) Use appropriate technologies to support their assessments.

(i) **Standard 9: Professional and Ethical Practice.** Candidates are guided by the profession's ethical and professional practice standards. Candidates:

(A) Practice in multiple roles and complex situations across wide age and developmental ranges;

(B) Understand that their practice requires ongoing attention to legal matters along with serious professional and ethical considerations;

(C) Engage in professional activities and participate in learning communities that benefit individuals with exceptional learning needs, their families, colleagues, and their own professional growth;

(D) View themselves as lifelong learners and regularly reflect on and adjust their practice;

(E) Are aware of how their own and others attitudes, behaviors, and ways of communicating can influence their practice;

(F) Understand that culture and language can interact with exceptionalities, and are sensitive to the many aspects of diversity of individuals with exceptional learning needs and their families;

(G) Actively plan and engage in activities that foster their professional growth and keep them current with evidence-based best practices; and

(H) Know their own limits of practice and practice within them.

(j) **Standard 10: Collaboration.** Candidates routinely and effectively collaborate with families, other educators, related service providers, and personnel from community agencies in culturally responsive ways. This collaboration assures that the needs of individuals with exceptional learning needs are addressed throughout schooling. Candidates:

(A) Embrace their special role as advocate for individuals with exceptional learning needs;

(B) Promote and advocate the learning and well being of individuals with exceptional learning needs across a wide range of settings and a range of different learning experiences;

(C) Are viewed as specialists by a myriad of people who actively seek their collaboration to effectively include and teach individuals with exceptional learning needs;

(D) Are a resource to their colleagues in understanding the laws and policies relevant to Individuals with exceptional learning needs; and

(E) Use collaboration to facilitate the successful transitions of individuals with exceptional learning needs across settings and services.

(5) **Valid to Teach:** This endorsement is valid to teach: Any assignment requiring a special education teacher for students with the full range of disabilities from mild to severe within the grade authorizations held on the educator's license.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.533

Hist.: TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 9-2012, f. & cert. ef. 9-14-12

Veterinary Medical Examining Board Chapter 875

Rule Caption: Reestablishes Board's authority to license and regulate Certified Euthanasia Technicians (CETs).

Adm. Order No.: VMEB 3-2012

Filed with Sec. of State: 8-28-2012

Certified to be Effective: 8-28-12

Notice Publication Date: 4-1-2012

Rules Amended: 875-005-0005

Subject: Restores definitions inadvertently deleted with original Certificate and Order, filed June 21, 2012.

Rules Coordinator: Lori V. Makinen—(971) 673-0224

875-005-0005

Definitions

(1) "Agency": Any animal control department, humane society, or facility which contracts with a public agency or arranges to provide animal sheltering services and is registered by the Oregon State Board of Pharmacy.

(2) "Board": The Oregon State Veterinary Medical Examining Board.

(3) "Board of Pharmacy": The Oregon State Board of Pharmacy.

(4) "Certified Euthanasia Technician or "CET". A person who is employed by or a volunteer at a humane society or animal control agency and is certified by the Board pursuant to ORS 475.190(4). Any person who was trained prior to October 15, 1983 in euthanasia methods, in the course provided by Multnomah County Animal Control and the Oregon Humane Society, and who has been subsequently certified by the Board.

(5) "Client": An entity, person, group or corporation that has entered into an agreement with a veterinarian for the purpose of obtaining veterinary medical services.

(6) "Comprehensive": Pertaining to all animal species.

(7) "Conviction of Cruelty to Animals": for purposes of ORS 686.130(11) is defined to include but not limited to animal abuse in the first or second degree, aggravated animal abuse in the first degree, and animal neglect in the first degree.

(8) "Designated Agent": A CET who is responsible for the withdrawal and return of sodium pentobarbital from the drug storage cabinet.

(9) "Good Standing and Repute": As used in ORS 686.045(1), means:

(a) A university accredited by the American Veterinary Medical Association (AVMA); or

(b) A foreign school listed by the AVMA whose graduates are eligible to apply for a certificate through the Educational Commission for Foreign Veterinary Graduates (ECFVG) committee of the AVMA, or other programs approved by the Board.

(10) "Herd or Flock Animal": Animals managed as a group only for economic gain including but not limited to breeding, sale, show, food production, or racing.

(11) "Lethal Drug": Sodium pentobarbital or any other drug approved by the Task Force, the Board and the Board of Pharmacy, and used for the purpose of humanely euthanizing injured, sick, homeless or unwanted domestic pets and other animals.

(12) "Mobile Clinic": A vehicle, including but not limited to a camper, motor home, trailer, or mobile home, used as a veterinary medical facility. A mobile clinic is not required for house calls or farm calls.

(13) Surgery Procedure:

(a) "Aseptic Surgery": Aseptic surgical technique exists when everything that comes in contact with the surgical field is sterile and precautions are taken to ensure sterility during the procedure.

(b) "Antiseptic Surgery": Antiseptic surgical technique exists when care is taken to avoid bacterial contamination.

(c) Any injection or implant of a small permanent identification device is considered surgery.

(14) "Supervision" means that each act shall be performed by any employee or volunteer in the practice only after receiving specific directions from a licensed veterinarian.

(a) "Direct" supervision under this provision means both the certified veterinary technician and the licensed veterinarian are on the premises at the same time;

(b) "Immediate" supervision under this provision means that the supervising veterinarian is in the immediate vicinity of where the work is being performed and is actively engaged in supervising this work throughout the entire period it is being performed;

(15) "Task Force": The Euthanasia Task Force appointed by the Board pursuant to ORS 686.510 consisting of no fewer than five members, and who are either certified euthanasia technicians or licensed veterinarians.

(16) "Veterinary Client Patient Relationship (VCPR)": Except where the patient is a wild or feral animal or its owner is unknown; a VCPR shall exist when the following conditions exist: The veterinarian must have sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has seen the animal within the last year and is personally acquainted with the care of the animal by virtue of a physical examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept.

ADMINISTRATIVE RULES

(17) “Veterinary Medical Facility”: Any premise, unit, structure or vehicle where any animal is received and/or confined and veterinary medicine is practiced, except when used for the practice of veterinary medicine pursuant to an exemption under ORS 686.040.

(18) “Veterinary Technician”: a person licensed by the Board as a Certified Veterinary Technician.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 475.190, 609.405, 686.130, 686.255 & 686.510

Hist.: VMEB 1-2006, f. & cert. ef. 2-8-06; VMEB 2-2006, f. & cert. ef. 5-11-06; VMEB 1-2008, f. & cert. ef. 2-11-08; VMEB 6-2008, f. & cert. ef. 5-21-08; VMEB 7-2008, f. & cert. ef. 7-22-08; VMEB 5-2011(Temp), f. & cert. ef. 12-12-11 thru 6-9-12; Administrative correction, 6-27-12; VMEB 1-2012, f. & cert. ef. 6-25-12; VMEB 3-2012, f. & cert. ef. 8-28-12

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	111-065-0035	4-20-2012	Adopt(T)	6-1-2012
111-005-0040	4-18-2012	Amend	6-1-2012	111-065-0040	4-20-2012	Adopt(T)	6-1-2012
111-005-0040(T)	4-18-2012	Repeal	6-1-2012	111-080-0005	12-14-2011	Amend	1-1-2012
111-005-0042	1-13-2012	Amend(T)	2-1-2012	111-080-0005(T)	12-14-2011	Repeal	1-1-2012
111-005-0042	4-18-2012	Amend	6-1-2012	111-080-0030	4-20-2012	Amend(T)	6-1-2012
111-005-0042(T)	4-18-2012	Repeal	6-1-2012	115-010-0012	12-29-2011	Amend	2-1-2012
111-010-0015	12-14-2011	Amend	1-1-2012	115-035-0000	12-29-2011	Amend	2-1-2012
111-010-0015(T)	12-14-2011	Repeal	1-1-2012	115-035-0035	12-29-2011	Amend	2-1-2012
111-030-0005	4-20-2012	Amend(T)	6-1-2012	115-035-0045	12-29-2011	Amend	2-1-2012
111-030-0010	4-20-2012	Amend(T)	6-1-2012	115-040-0005	12-29-2011	Amend	2-1-2012
111-030-0047	4-20-2012	Adopt(T)	6-1-2012	115-070-0000	12-29-2011	Amend	2-1-2012
111-040-0001	12-14-2011	Amend	1-1-2012	115-070-0035	12-29-2011	Amend	2-1-2012
111-040-0001	4-20-2012	Amend(T)	6-1-2012	115-070-0050	12-29-2011	Amend	2-1-2012
111-040-0001(T)	12-14-2011	Repeal	1-1-2012	115-080-0010	12-29-2011	Amend	2-1-2012
111-040-0005	12-14-2011	Amend	1-1-2012	122-070-0000	2-1-2012	Repeal	3-1-2012
111-040-0005	4-20-2012	Amend(T)	6-1-2012	122-070-0010	2-1-2012	Repeal	3-1-2012
111-040-0005(T)	12-14-2011	Repeal	1-1-2012	122-070-0020	2-1-2012	Repeal	3-1-2012
111-040-0010	4-20-2012	Amend(T)	6-1-2012	122-070-0030	2-1-2012	Repeal	3-1-2012
111-040-0015	12-14-2011	Amend	1-1-2012	122-070-0040	2-1-2012	Repeal	3-1-2012
111-040-0015	4-20-2012	Amend(T)	6-1-2012	122-070-0050	2-1-2012	Repeal	3-1-2012
111-040-0015(T)	12-14-2011	Repeal	1-1-2012	122-070-0060	2-1-2012	Repeal	3-1-2012
111-040-0020	4-20-2012	Amend(T)	6-1-2012	122-070-0065	2-1-2012	Repeal	3-1-2012
111-040-0025	12-14-2011	Amend	1-1-2012	122-070-0070	2-1-2012	Repeal	3-1-2012
111-040-0025	4-20-2012	Amend(T)	6-1-2012	122-070-0080	2-1-2012	Repeal	3-1-2012
111-040-0025(T)	12-14-2011	Repeal	1-1-2012	122-070-0100	2-1-2012	Adopt	3-1-2012
111-040-0030	4-20-2012	Amend(T)	6-1-2012	122-070-0110	2-1-2012	Adopt	3-1-2012
111-040-0040	12-14-2011	Amend	1-1-2012	122-070-0120	2-1-2012	Adopt	3-1-2012
111-040-0040	4-20-2012	Amend(T)	6-1-2012	122-070-0130	2-1-2012	Adopt	3-1-2012
111-040-0040(T)	12-14-2011	Repeal	1-1-2012	122-070-0140	2-1-2012	Adopt	3-1-2012
111-040-0050	4-20-2012	Amend(T)	6-1-2012	122-070-0150	2-1-2012	Adopt	3-1-2012
111-050-0010	4-20-2012	Amend(T)	6-1-2012	122-070-0160	2-1-2012	Adopt	3-1-2012
111-050-0015	12-14-2011	Amend	1-1-2012	122-075-0100	2-1-2012	Adopt	3-1-2012
111-050-0015	4-20-2012	Amend(T)	6-1-2012	122-075-0110	2-1-2012	Adopt	3-1-2012
111-050-0015(T)	12-14-2011	Repeal	1-1-2012	122-075-0120	2-1-2012	Adopt	3-1-2012
111-050-0016	4-20-2012	Amend(T)	6-1-2012	122-075-0150	2-1-2012	Adopt	3-1-2012
111-050-0020	4-20-2012	Amend(T)	6-1-2012	122-075-0160	2-1-2012	Adopt	3-1-2012
111-050-0025	12-14-2011	Amend	1-1-2012	123-006-0035	4-2-2012	Amend	5-1-2012
111-050-0025	4-20-2012	Amend(T)	6-1-2012	123-011-0021	6-1-2012	Amend	7-1-2012
111-050-0025(T)	12-14-2011	Repeal	1-1-2012	123-011-0025	6-1-2012	Amend	7-1-2012
111-050-0030	12-14-2011	Amend	1-1-2012	123-011-0027	6-1-2012	Amend	7-1-2012
111-050-0030	4-20-2012	Amend(T)	6-1-2012	123-011-0030	6-1-2012	Amend	7-1-2012
111-050-0030(T)	12-14-2011	Repeal	1-1-2012	123-011-0035	12-8-2011	Amend(T)	1-1-2012
111-050-0035	4-20-2012	Amend(T)	6-1-2012	123-011-0035	6-1-2012	Amend	7-1-2012
111-050-0045	12-14-2011	Amend	1-1-2012	123-011-0035(T)	6-1-2012	Repeal	7-1-2012
111-050-0045	4-20-2012	Amend(T)	6-1-2012	123-011-0037	6-1-2012	Amend	7-1-2012
111-050-0045(T)	12-14-2011	Repeal	1-1-2012	123-011-0040	6-1-2012	Amend	7-1-2012
111-050-0050	12-14-2011	Amend	1-1-2012	123-011-0045	12-8-2011	Amend(T)	1-1-2012
111-050-0050	4-20-2012	Amend(T)	6-1-2012	123-011-0045	6-1-2012	Amend	7-1-2012
111-050-0050(T)	12-14-2011	Repeal	1-1-2012	123-011-0045(T)	6-1-2012	Repeal	7-1-2012
111-065-0001	4-20-2012	Adopt(T)	6-1-2012	123-011-0050	6-1-2012	Amend	7-1-2012
111-065-0005	4-20-2012	Adopt(T)	6-1-2012	123-017-0080	2-23-2012	Amend(T)	4-1-2012
111-065-0010	4-20-2012	Adopt(T)	6-1-2012	123-018-0010	12-19-2011	Amend(T)	2-1-2012
111-065-0015	4-20-2012	Adopt(T)	6-1-2012	123-018-0010	6-1-2012	Amend	7-1-2012
111-065-0020	4-20-2012	Adopt(T)	6-1-2012	123-018-0010(T)	6-1-2012	Repeal	7-1-2012
111-065-0025	4-20-2012	Adopt(T)	6-1-2012	123-018-0065	12-19-2011	Amend(T)	2-1-2012
111-065-0030	4-20-2012	Adopt(T)	6-1-2012	123-018-0065	6-1-2012	Amend	7-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
123-018-0065(T)	6-1-2012	Repeal	7-1-2012	123-600-0150	6-1-2012	Adopt	7-1-2012
123-018-0140	12-19-2011	Amend(T)	2-1-2012	123-600-0250	6-1-2012	Adopt	7-1-2012
123-018-0140	6-1-2012	Amend	7-1-2012	123-623-1200	8-15-2012	Repeal	9-1-2012
123-018-0140(T)	6-1-2012	Repeal	7-1-2012	123-623-1950	8-15-2012	Amend	9-1-2012
123-021-0000	12-8-2011	Amend(T)	1-1-2012	123-630-0000	6-1-2012	Adopt	7-1-2012
123-021-0000	6-1-2012	Amend	7-1-2012	123-630-0010	6-1-2012	Adopt	7-1-2012
123-021-0000(T)	6-1-2012	Repeal	7-1-2012	123-630-0020	6-1-2012	Adopt	7-1-2012
123-021-0010	12-8-2011	Amend(T)	1-1-2012	123-630-0030	6-1-2012	Adopt	7-1-2012
123-021-0010	6-1-2012	Amend	7-1-2012	123-630-0040	6-1-2012	Adopt	7-1-2012
123-021-0010(T)	6-1-2012	Repeal	7-1-2012	123-630-0050	6-1-2012	Adopt	7-1-2012
123-021-0015	12-8-2011	Amend(T)	1-1-2012	123-630-0060	6-1-2012	Adopt	7-1-2012
123-021-0015	6-1-2012	Amend	7-1-2012	123-630-0070	6-1-2012	Adopt	7-1-2012
123-021-0015(T)	6-1-2012	Repeal	7-1-2012	123-630-0080	6-1-2012	Adopt	7-1-2012
123-021-0020	12-8-2011	Amend(T)	1-1-2012	123-630-0090	6-1-2012	Adopt	7-1-2012
123-021-0020	6-1-2012	Amend	7-1-2012	123-630-0100	6-1-2012	Adopt	7-1-2012
123-021-0020(T)	6-1-2012	Repeal	7-1-2012	123-635-0100	8-15-2012	Amend	9-1-2012
123-021-0040	12-8-2011	Amend(T)	1-1-2012	123-635-0150	8-15-2012	Amend	9-1-2012
123-021-0040	6-1-2012	Amend	7-1-2012	123-635-0300	8-15-2012	Amend	9-1-2012
123-021-0040(T)	6-1-2012	Repeal	7-1-2012	123-635-0350	8-15-2012	Amend	9-1-2012
123-021-0080	12-8-2011	Amend(T)	1-1-2012	123-650-0059	8-15-2012	Repeal	9-1-2012
123-021-0080	6-1-2012	Amend	7-1-2012	123-650-0075	8-15-2012	Adopt	9-1-2012
123-021-0080(T)	6-1-2012	Repeal	7-1-2012	123-650-0100	8-15-2012	Amend	9-1-2012
123-021-0090	12-8-2011	Amend(T)	1-1-2012	123-650-0700	8-15-2012	Amend	9-1-2012
123-021-0090	6-1-2012	Amend	7-1-2012	123-650-1000	8-15-2012	Amend	9-1-2012
123-021-0090(T)	6-1-2012	Repeal	7-1-2012	123-650-1100	8-15-2012	Amend	9-1-2012
123-021-0110	12-8-2011	Amend(T)	1-1-2012	123-650-2100	8-15-2012	Amend	9-1-2012
123-021-0110	6-1-2012	Amend	7-1-2012	123-650-2200	8-15-2012	Amend	9-1-2012
123-021-0110(T)	6-1-2012	Repeal	7-1-2012	123-650-7300	8-15-2012	Amend	9-1-2012
123-021-0130	12-8-2011	Amend(T)	1-1-2012	123-650-9100	8-15-2012	Amend	9-1-2012
123-021-0130	6-1-2012	Amend	7-1-2012	123-662-1200	8-15-2012	Amend	9-1-2012
123-021-0130(T)	6-1-2012	Repeal	7-1-2012	123-674-0200	8-15-2012	Amend	9-1-2012
123-042-0026	1-1-2012	Amend	2-1-2012	123-674-1500	8-15-2012	Amend	9-1-2012
123-042-0045	1-1-2012	Amend	2-1-2012	123-674-1700	8-15-2012	Amend	9-1-2012
123-043-0010	4-2-2012	Amend	5-1-2012	123-674-2100	8-15-2012	Amend	9-1-2012
123-043-0010(T)	4-2-2012	Repeal	5-1-2012	123-674-4100	8-15-2012	Amend	9-1-2012
123-043-0025	4-2-2012	Amend	5-1-2012	123-674-4200	8-15-2012	Amend	9-1-2012
123-043-0025(T)	4-2-2012	Repeal	5-1-2012	123-674-5300	8-15-2012	Amend	9-1-2012
123-043-0115	4-2-2012	Amend	5-1-2012	123-674-7200	8-15-2012	Amend	9-1-2012
123-043-0115(T)	4-2-2012	Repeal	5-1-2012	123-674-7210	8-15-2012	Amend	9-1-2012
123-091-0001	4-2-2012	Adopt	5-1-2012	123-674-7220	8-15-2012	Amend	9-1-2012
123-091-0010	4-2-2012	Adopt	5-1-2012	123-674-7230	8-15-2012	Amend	9-1-2012
123-091-0015	4-2-2012	Adopt	5-1-2012	123-674-7240	8-15-2012	Amend	9-1-2012
123-091-0020	4-2-2012	Adopt	5-1-2012	123-674-7250	8-15-2012	Amend	9-1-2012
123-091-0025	4-2-2012	Adopt	5-1-2012	123-674-8100	8-15-2012	Amend	9-1-2012
123-091-0030	4-2-2012	Adopt	5-1-2012	123-680-1600	8-15-2012	Amend	9-1-2012
123-475-0012	1-1-2012	Amend	2-1-2012	125-156-0000	8-1-2012	Adopt	9-1-2012
123-475-0015	7-1-2012	Amend	8-1-2012	125-246-0100	1-1-2012	Amend	2-1-2012
123-475-0025	1-1-2012	Amend	2-1-2012	125-246-0300	1-1-2012	Amend	2-1-2012
123-475-0030	1-1-2012	Amend	2-1-2012	125-246-0570	1-1-2012	Amend	2-1-2012
123-600-0100	6-1-2012	Adopt	7-1-2012	125-247-0100	1-1-2012	Amend	2-1-2012
123-600-0105	6-1-2012	Adopt	7-1-2012	125-247-0310	1-1-2012	Amend	2-1-2012
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
137-003-0640	1-31-2012	Amend	2-1-2012	137-049-0380	1-1-2012	Amend	1-1-2012
137-003-0645	1-31-2012	Amend	2-1-2012	137-049-0650	1-1-2012	Amend	1-1-2012
137-003-0655	1-31-2012	Amend	2-1-2012	137-049-0860	1-1-2012	Amend	1-1-2012
137-003-0665	1-31-2012	Amend	2-1-2012	137-050-0745	7-2-2012	Amend	8-1-2012
137-003-0670	1-31-2012	Amend	2-1-2012	137-050-0750	1-3-2012	Amend	2-1-2012
137-003-0672	1-31-2012	Amend	2-1-2012	137-055-1100	1-3-2012	Amend	2-1-2012
137-003-0690	1-31-2012	Amend	2-1-2012	137-055-1140	12-5-2011	Amend(T)	1-1-2012
137-004-0900	8-21-2012	Adopt(T)	10-1-2012	137-055-1140	1-3-2012	Amend	2-1-2012
137-008-0010	7-1-2012	Amend	8-1-2012	137-055-1145	12-5-2011	Suspend	1-1-2012
137-020-0800	1-27-2012	Adopt(T)	3-1-2012	137-055-1145	1-3-2012	Repeal	2-1-2012
137-020-0800	7-24-2012	Adopt	9-1-2012	137-055-1160	1-3-2012	Amend	2-1-2012
137-020-0800(T)	2-15-2012	Suspend	3-1-2012	137-055-1800	1-3-2012	Amend	2-1-2012
137-020-0800(T)	7-24-2012	Repeal	9-1-2012	137-055-2100	1-3-2012	Adopt	2-1-2012
137-020-0805	2-15-2012	Adopt(T)	3-1-2012	137-055-2160	1-3-2012	Amend	2-1-2012
137-020-0805	7-24-2012	Adopt	9-1-2012	137-055-3220	1-3-2012	Amend	2-1-2012
137-020-0805(T)	7-24-2012	Repeal	9-1-2012	137-055-3300	5-24-2012	Amend(T)	7-1-2012
137-045-0030	1-1-2012	Amend	1-1-2012	137-055-3430	1-3-2012	Amend	2-1-2012
137-045-0090	1-1-2012	Amend	1-1-2012	137-055-3430	5-24-2012	Amend(T)	7-1-2012
137-046-0110	1-1-2012	Amend	1-1-2012	137-055-3640	1-3-2012	Amend	2-1-2012
137-046-0252	8-1-2012	Adopt	8-1-2012	137-055-4130	1-3-2012	Amend	2-1-2012
137-046-0300	1-1-2012	Amend	1-1-2012	137-055-4440	1-3-2012	Amend	2-1-2012
137-046-0300	8-1-2012	Amend	8-1-2012	137-055-4520	1-3-2012	Amend	2-1-2012
137-046-0330	8-1-2012	Adopt	8-1-2012	137-055-5400	1-3-2012	Amend	2-1-2012
137-047-0257	1-1-2012	Amend	1-1-2012	137-055-5420	1-3-2012	Amend	2-1-2012
137-047-0260	1-1-2012	Amend	1-1-2012	137-055-6021	1-3-2012	Amend	2-1-2012
137-047-0261	1-1-2012	Amend	1-1-2012	137-055-6100	1-3-2012	Repeal	2-1-2012
137-047-0262	1-1-2012	Repeal	1-1-2012	137-055-6200	1-3-2012	Amend	2-1-2012
137-047-0263	1-1-2012	Repeal	1-1-2012	137-055-6220	1-3-2012	Amend	2-1-2012
137-047-0270	2-27-2012	Amend	4-1-2012	137-055-6240	1-3-2012	Amend	2-1-2012
137-047-0310	1-1-2012	Amend	1-1-2012	137-055-6260	1-3-2012	Amend	2-1-2012
137-047-0430	1-1-2012	Amend	1-1-2012	137-060-0130	2-2-2012	Amend	3-1-2012
137-047-0460	1-1-2012	Amend	1-1-2012	137-060-0150	2-2-2012	Amend	3-1-2012
137-047-0560	8-1-2012	Adopt	8-1-2012	137-060-0160	2-2-2012	Amend	3-1-2012
137-047-0600	1-1-2012	Amend	1-1-2012	137-060-0230	2-2-2012	Amend	3-1-2012
137-047-0620	1-1-2012	Amend	1-1-2012	137-060-0250	2-2-2012	Amend	3-1-2012
137-047-0640	8-1-2012	Amend	8-1-2012	137-060-0330	2-2-2012	Amend	3-1-2012
137-047-0670	8-1-2012	Amend	8-1-2012	137-060-0350	2-2-2012	Amend	3-1-2012
137-047-0800	1-1-2012	Amend	1-1-2012	137-060-0360	2-2-2012	Amend	3-1-2012
137-047-0800	8-1-2012	Amend	8-1-2012	137-060-0430	2-2-2012	Amend	3-1-2012
137-048-0100	1-1-2012	Amend	1-1-2012	137-060-0450	2-2-2012	Amend	3-1-2012
137-048-0110	1-1-2012	Amend	1-1-2012	137-087-0000	8-1-2012	Amend	9-1-2012
137-048-0120	1-1-2012	Amend	1-1-2012	137-087-0005	8-1-2012	Amend	9-1-2012
137-048-0130	1-1-2012	Amend	1-1-2012	137-087-0015	8-1-2012	Amend	9-1-2012
137-048-0130	8-1-2012	Amend	8-1-2012	137-087-0020	8-1-2012	Amend	9-1-2012
137-048-0200	1-1-2012	Amend	1-1-2012	137-087-0025	8-1-2012	Amend	9-1-2012
137-048-0210	1-1-2012	Amend	1-1-2012	137-087-0030	8-1-2012	Amend	9-1-2012
137-048-0220	1-1-2012	Amend	1-1-2012	137-087-0050	8-1-2012	Amend	9-1-2012
137-048-0220	8-1-2012	Amend	8-1-2012	137-087-0060	8-1-2012	Amend	9-1-2012
137-048-0230	1-1-2012	Amend	1-1-2012	137-087-0065	8-1-2012	Amend	9-1-2012
137-048-0240	1-1-2012	Amend	1-1-2012	137-087-0070	8-1-2012	Amend	9-1-2012
137-048-0250	1-1-2012	Amend	1-1-2012	137-087-0080	8-1-2012	Amend	9-1-2012
137-048-0260	1-1-2012	Amend	1-1-2012	137-087-0085	8-1-2012	Amend	9-1-2012
137-048-0270	1-1-2012	Adopt	1-1-2012	137-087-0090	8-1-2012	Amend	9-1-2012
137-048-0300	1-1-2012	Amend	1-1-2012	137-087-0095	8-1-2012	Amend	9-1-2012
137-048-0310	1-1-2012	Amend	1-1-2012	137-110-0001	7-11-2012	Adopt(T)	8-1-2012
137-048-0320	1-1-2012	Amend	1-1-2012	137-110-0005	7-11-2012	Adopt(T)	8-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
137-110-0010	7-11-2012	Adopt(T)	8-1-2012	150-118.260(1)-(B)	8-1-2012	Repeal	9-1-2012
137-110-0020	7-11-2012	Adopt(T)	8-1-2012	150-118.260(4)	8-1-2012	Repeal	9-1-2012
137-110-0110	7-11-2012	Adopt(T)	8-1-2012	150-118.260(6)	8-1-2012	Amend	9-1-2012
137-110-0200	7-11-2012	Adopt(T)	8-1-2012	150-118.265	8-1-2012	Adopt	9-1-2012
137-110-0210	7-11-2012	Adopt(T)	8-1-2012	150-118.300	8-1-2012	Amend	9-1-2012
137-110-0410	7-11-2012	Adopt(T)	8-1-2012	150-137.300(3)	8-1-2012	Am. & Ren.	9-1-2012
137-110-0420	7-11-2012	Adopt(T)	8-1-2012	150-137.302(7)	8-1-2012	Repeal	9-1-2012
137-110-0430	7-11-2012	Adopt(T)	8-1-2012	150-18.385	1-1-2012	Amend	2-1-2012
137-110-0500	7-11-2012	Adopt(T)	8-1-2012	150-18.385(A)	1-1-2012	Amend	2-1-2012
137-110-0510	7-11-2012	Adopt(T)	8-1-2012	150-267.380(2)	1-1-2012	Amend	2-1-2012
137-110-0520	7-11-2012	Adopt(T)	8-1-2012	150-294.326(3)	7-26-2012	Am. & Ren.	9-1-2012
137-110-0600	7-11-2012	Adopt(T)	8-1-2012	150-294.336	7-26-2012	Renumber	9-1-2012
137-110-0610	7-11-2012	Adopt(T)	8-1-2012	150-294.352	7-26-2012	Am. & Ren.	9-1-2012
137-110-0620	7-11-2012	Adopt(T)	8-1-2012	150-294.352(1)-(A)	7-26-2012	Am. & Ren.	9-1-2012
137-110-0630	7-11-2012	Adopt(T)	8-1-2012	150-294.352(8)	7-26-2012	Am. & Ren.	9-1-2012
137-110-0640	7-11-2012	Adopt(T)	8-1-2012	150-294.371	7-26-2012	Am. & Ren.	9-1-2012
137-110-0650	7-11-2012	Adopt(T)	8-1-2012	150-294.376	7-26-2012	Renumber	9-1-2012
137-110-0660	7-11-2012	Adopt(T)	8-1-2012	150-294.381(2)	7-26-2012	Am. & Ren.	9-1-2012
137-110-0670	7-11-2012	Adopt(T)	8-1-2012	150-294.401(7)	7-26-2012	Renumber	9-1-2012
137-120-0010	7-11-2012	Adopt(T)	8-1-2012	150-294.416	7-26-2012	Am. & Ren.	9-1-2012
137-120-0020	7-11-2012	Adopt(T)	8-1-2012	150-294.430(1)	7-26-2012	Renumber	9-1-2012
141-093-0107	4-1-2012	Amend	4-1-2012	150-294.435(1)-(A)	1-1-2012	Amend	2-1-2012
141-093-0115	4-1-2012	Amend	4-1-2012	150-294.435(1)-(A)	7-26-2012	Am. & Ren.	9-1-2012
141-093-0135	4-1-2012	Amend	4-1-2012	150-294.435(1)-(C)	1-1-2012	Amend	2-1-2012
141-093-0180	4-1-2012	Adopt	4-1-2012	150-294.435(1)-(C)	7-26-2012	Am. & Ren.	9-1-2012
141-093-0185	4-1-2012	Adopt	4-1-2012	150-294.435(3)	7-26-2012	Am. & Ren.	9-1-2012
141-093-0187	4-1-2012	Adopt	4-1-2012	150-294.450(3)	7-26-2012	Renumber	9-1-2012
141-093-0190	4-1-2012	Adopt	4-1-2012	150-294.480	1-1-2012	Amend	2-1-2012
141-093-0195	4-1-2012	Adopt	4-1-2012	150-294.480	7-26-2012	Am. & Ren.	9-1-2012
141-093-0200	4-1-2012	Adopt	4-1-2012	150-294.525	7-26-2012	Am. & Ren.	9-1-2012
141-093-0205	4-1-2012	Adopt	4-1-2012	150-294.525-(A)	1-1-2012	Amend	2-1-2012
141-093-0215	4-1-2012	Adopt	4-1-2012	150-294.525-(A)	7-26-2012	Am. & Ren.	9-1-2012
141-093-0220	4-2-2012	Adopt(T)	5-1-2012	150-294.555(2)-(A)	7-26-2012	Am. & Ren.	9-1-2012
141-093-0225	4-2-2012	Adopt(T)	5-1-2012	150-294.555(2)-(B)	7-26-2012	Renumber	9-1-2012
141-093-0230	4-2-2012	Adopt(T)	5-1-2012	150-305.265(12)	8-1-2012	Repeal	9-1-2012
141-093-0235	4-2-2012	Adopt(T)	5-1-2012	150-305.810	2-1-2012	Amend(T)	3-1-2012
141-093-0240	4-2-2012	Adopt(T)	5-1-2012	150-305.810	8-1-2012	Amend	9-1-2012
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
150-118.010(1)	8-1-2012	Amend	9-1-2012	150-310.060(7)	7-26-2012	Am. & Ren.	9-1-2012
150-118.010(2)	8-1-2012	Amend	9-1-2012	150-311.216	1-1-2012	Amend	2-1-2012
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
150-118.010(7)	8-1-2012	Amend	9-1-2012	150-314.385(4)	8-1-2012	Amend	9-1-2012
150-118.010(8)	8-1-2012	Adopt	9-1-2012	150-314.415(7)	8-1-2012	Amend	9-1-2012
150-118.100(1)	8-1-2012	Amend	9-1-2012	150-314.HB2071(A)	1-1-2012	Adopt	2-1-2012
150-118.100(6)	8-1-2012	Adopt	9-1-2012	150-314.HB2071(A)	8-1-2012	Renumber	9-1-2012
150-118.140	8-1-2012	Amend	9-1-2012	150-314.HB2071(B)	1-1-2012	Adopt	2-1-2012
150-118.160	8-1-2012	Adopt	9-1-2012	150-314.HB2071(B)	8-1-2012	Renumber	9-1-2012
150-118.160-(B)	8-1-2012	Amend	9-1-2012	150-315.134	8-1-2012	Repeal	9-1-2012
150-118.171	8-1-2012	Amend	9-1-2012	150-315.311(1)	8-1-2012	Repeal	9-1-2012
150-118.225	8-1-2012	Amend	9-1-2012	150-315.311(2)	8-1-2012	Repeal	9-1-2012
150-118.250(1)	8-1-2012	Am. & Ren.	9-1-2012	150-315.311(6)	8-1-2012	Repeal	9-1-2012
150-118.260	8-1-2012	Adopt	9-1-2012	150-315.324(7)	8-1-2012	Repeal	9-1-2012
150-118.260(1)-(A)	8-1-2012	Repeal	9-1-2012	150-315.326	1-1-2012	Adopt	2-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
161-020-0025	8-3-2012	Amend(T)	9-1-2012	161-570-0015	7-3-2012	Adopt	8-1-2012
161-020-0045	11-17-2011	Amend	1-1-2012	161-570-0020	7-3-2012	Adopt	8-1-2012
161-020-0055	11-17-2011	Amend	1-1-2012	161-570-0030	7-3-2012	Adopt	8-1-2012
161-020-0110	8-3-2012	Amend(T)	9-1-2012	161-570-0045	7-3-2012	Adopt	8-1-2012
161-020-0140	11-17-2011	Amend	1-1-2012	161-570-0050	7-3-2012	Adopt	8-1-2012
161-020-0150	11-17-2011	Amend	1-1-2012	162-040-0001	4-1-2012	Amend	3-1-2012
161-025-0030	8-3-2012	Amend(T)	9-1-2012	162-040-0002	4-1-2012	Amend	3-1-2012
161-025-0060	11-17-2011	Amend	1-1-2012	162-040-0005	4-1-2012	Amend	3-1-2012
161-025-0060	1-1-2012	Amend(T)	2-1-2012	162-040-0010	4-1-2012	Amend	3-1-2012
161-025-0060	7-3-2012	Amend	8-1-2012	162-040-0015	4-1-2012	Repeal	3-1-2012
161-030-0000	1-1-2012	Amend	1-1-2012	162-040-0020	4-1-2012	Amend	3-1-2012
161-050-0000	8-3-2012	Amend(T)	9-1-2012	162-040-0050	4-1-2012	Amend	3-1-2012
161-050-0050	8-3-2012	Amend(T)	9-1-2012	162-040-0054	4-1-2012	Amend	3-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
165-020-0005	1-3-2012	Repeal	2-1-2012	213-003-0001(T)	1-1-2012	Suspend	2-1-2012
166-500-0000	9-12-2012	Amend	10-1-2012	213-003-0001(T)	4-27-2012	Repeal	6-1-2012
166-500-0005	9-12-2012	Amend	10-1-2012	213-004-0001	4-27-2012	Amend	6-1-2012
166-500-0010	9-12-2012	Amend	10-1-2012	213-005-0001	4-27-2012	Amend	6-1-2012
166-500-0015	9-12-2012	Amend	10-1-2012	213-005-0011	4-27-2012	Amend	6-1-2012
166-500-0020	9-12-2012	Amend	10-1-2012	213-005-0013	4-27-2012	Amend	6-1-2012
166-500-0030	5-1-2012	Amend(T)	6-1-2012	213-017-0006	1-1-2012	Amend(T)	2-1-2012
166-500-0030	9-12-2012	Amend	10-1-2012	213-017-0006	4-27-2012	Amend	6-1-2012
166-500-0040	9-12-2012	Amend	10-1-2012	213-017-0006(T)	1-1-2012	Suspend	2-1-2012
166-500-0050	9-12-2012	Amend	10-1-2012	213-017-0006(T)	4-27-2012	Repeal	6-1-2012
166-500-0055	9-12-2012	Amend	10-1-2012	213-017-0007	1-27-2012	Amend(T)	3-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
213-017-0007	4-27-2012	Amend	6-1-2012	257-080-0015	5-9-2012	Suspend	6-1-2012
213-017-0007(T)	4-27-2012	Repeal	6-1-2012	257-080-0015	7-12-2012	Amend(T)	8-1-2012
213-017-0008	4-27-2012	Amend	6-1-2012	257-080-0015	9-5-2012	Amend	10-1-2012
213-017-0008(T)	4-27-2012	Repeal	6-1-2012	257-080-0015(T)	7-12-2012	Suspend	8-1-2012
213-018-0037	4-27-2012	Adopt	6-1-2012	257-080-0020	5-9-2012	Suspend	6-1-2012
230-020-0300	7-12-2012	Amend(T)	8-1-2012	257-080-0020	7-12-2012	Amend(T)	8-1-2012
250-010-0150	4-20-2012	Amend	6-1-2012	257-080-0020	9-5-2012	Amend	10-1-2012
250-010-0440	12-22-2011	Amend(T)	2-1-2012	257-080-0020(T)	7-12-2012	Suspend	8-1-2012
250-010-0440	4-20-2012	Amend	6-1-2012	257-080-0025	5-9-2012	Suspend	6-1-2012
250-010-0440(T)	4-20-2012	Repeal	6-1-2012	257-080-0025	7-12-2012	Amend(T)	8-1-2012
250-010-0650	2-1-2012	Amend	2-1-2012	257-080-0025	9-5-2012	Amend	10-1-2012
250-010-0650	3-14-2012	Amend	4-1-2012	257-080-0025(T)	7-12-2012	Suspend	8-1-2012
250-010-0650(T)	2-1-2012	Repeal	2-1-2012	257-080-0030	5-9-2012	Suspend	6-1-2012
250-010-0660	2-1-2012	Adopt	2-1-2012	257-080-0030	7-12-2012	Amend(T)	8-1-2012
250-010-0660(T)	2-1-2012	Repeal	2-1-2012	257-080-0030	9-5-2012	Amend	10-1-2012
250-014-0001	5-1-2012	Amend	6-1-2012	257-080-0030(T)	7-12-2012	Suspend	8-1-2012
250-014-0004	5-1-2012	Amend	6-1-2012	257-080-0035	5-9-2012	Suspend	6-1-2012
250-017-0000	2-1-2012	Amend	2-1-2012	257-080-0035	7-12-2012	Amend(T)	8-1-2012
250-017-0010	2-1-2012	Amend	2-1-2012	257-080-0035	9-5-2012	Amend	10-1-2012
250-017-0020	2-1-2012	Amend	2-1-2012	257-080-0035(T)	7-12-2012	Suspend	8-1-2012
250-017-0030	2-1-2012	Amend	2-1-2012	257-080-0040	5-9-2012	Suspend	6-1-2012
250-017-0040	2-1-2012	Amend	2-1-2012	257-080-0040	7-12-2012	Amend(T)	8-1-2012
250-020-0102	8-19-2012	Amend(T)	10-1-2012	257-080-0040	9-5-2012	Amend	10-1-2012
250-020-0102	8-26-2012	Amend(T)	10-1-2012	257-080-0040(T)	7-12-2012	Suspend	8-1-2012
250-020-0221	4-2-2012	Amend(T)	5-1-2012	257-080-0045	5-9-2012	Suspend	6-1-2012
250-020-0221	5-1-2012	Amend	6-1-2012	257-080-0045	7-12-2012	Amend(T)	8-1-2012
250-020-0280	12-1-2011	Amend(T)	1-1-2012	257-080-0045	9-5-2012	Amend	10-1-2012
250-020-0280	1-1-2012	Amend(T)	2-1-2012	257-080-0045(T)	7-12-2012	Suspend	8-1-2012
250-020-0280	4-20-2012	Amend	6-1-2012	257-080-0050	7-12-2012	Adopt(T)	8-1-2012
250-020-0280(T)	1-1-2012	Suspend	2-1-2012	257-080-0050	9-5-2012	Adopt	10-1-2012
250-020-0280(T)	4-20-2012	Repeal	6-1-2012	257-080-0055	7-12-2012	Adopt(T)	8-1-2012
250-025-0010	8-1-2012	Repeal	9-1-2012	257-080-0055	9-5-2012	Adopt	10-1-2012
250-025-0020	8-1-2012	Repeal	9-1-2012	259-001-0015	3-7-2012	Amend	4-1-2012
250-030-0030	5-1-2012	Amend	6-1-2012	259-003-0015	3-7-2012	Amend	4-1-2012
255-030-0013	6-28-2012	Amend(T)	8-1-2012	259-005-0015	3-7-2012	Amend	4-1-2012
255-032-0005	3-13-2012	Amend	4-1-2012	259-008-0005	3-27-2012	Amend	5-1-2012
255-032-0011	3-13-2012	Repeal	4-1-2012	259-008-0010	8-27-2012	Amend	10-1-2012
255-032-0022	6-28-2012	Amend(T)	8-1-2012	259-008-0010	8-31-2012	Amend	10-1-2012
255-032-0035	11-30-2011	Amend	1-1-2012	259-008-0011	3-26-2012	Amend	5-1-2012
255-032-0037	11-30-2011	Adopt	1-1-2012	259-008-0011	8-31-2012	Amend	10-1-2012
255-032-0037	3-13-2012	Amend	4-1-2012	259-008-0025	5-8-2012	Amend(T)	6-1-2012
255-075-0025	6-28-2012	Amend(T)	8-1-2012	259-008-0025	8-24-2012	Amend	10-1-2012
257-010-0060	12-15-2011	Adopt(T)	1-1-2012	259-008-0025(T)	8-24-2012	Repeal	10-1-2012
257-010-0060	5-22-2012	Adopt	7-1-2012	259-008-0060	12-23-2011	Amend	2-1-2012
257-080-0000	5-9-2012	Suspend	6-1-2012	259-008-0066	3-29-2012	Amend	5-1-2012
257-080-0000	7-12-2012	Amend(T)	8-1-2012	259-008-0068	5-1-2012	Repeal	6-1-2012
257-080-0000	9-5-2012	Amend	10-1-2012	259-008-0069	11-28-2011	Amend(T)	1-1-2012
257-080-0000(T)	7-12-2012	Suspend	8-1-2012	259-008-0069	2-29-2012	Adopt	4-1-2012
257-080-0005	5-9-2012	Suspend	6-1-2012	259-008-0069(T)	2-29-2012	Repeal	4-1-2012
257-080-0005	7-12-2012	Amend(T)	8-1-2012	259-008-0070	4-24-2012	Amend	6-1-2012
257-080-0005	9-5-2012	Amend	10-1-2012	259-008-0070	8-31-2012	Amend	10-1-2012
257-080-0005(T)	7-12-2012	Suspend	8-1-2012	259-008-0100	4-9-2012	Amend	5-1-2012
257-080-0010	5-9-2012	Suspend	6-1-2012	259-009-0062	3-28-2012	Amend	5-1-2012
257-080-0010	7-12-2012	Amend(T)	8-1-2012	259-009-0070	8-31-2012	Amend	10-1-2012
257-080-0010	9-5-2012	Amend	10-1-2012	259-013-0220	8-27-2012	Amend	10-1-2012
257-080-0010(T)	7-12-2012	Suspend	8-1-2012	259-013-0230	8-27-2012	Amend	10-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
259-020-0005	6-28-2012	Amend	8-1-2012	291-180-0125	12-7-2011	Repeal	1-1-2012
259-020-0010	6-28-2012	Amend	8-1-2012	291-180-0135	12-7-2011	Repeal	1-1-2012
259-020-0015	12-30-2011	Amend	2-1-2012	291-180-0145	12-7-2011	Repeal	1-1-2012
259-020-0015	2-24-2012	Amend(T)	4-1-2012	291-180-0155	12-7-2011	Repeal	1-1-2012
259-020-0015	6-28-2012	Amend	8-1-2012	291-180-0165	12-7-2011	Repeal	1-1-2012
259-060-0015	4-2-2012	Amend	5-1-2012	291-180-0175	12-7-2011	Repeal	1-1-2012
259-061-0018	2-6-2012	Adopt(T)	3-1-2012	291-180-0185	12-7-2011	Repeal	1-1-2012
259-061-0018	7-2-2012	Amend	8-1-2012	291-180-0195	12-7-2011	Repeal	1-1-2012
259-061-0018(T)	7-2-2012	Repeal	8-1-2012	291-180-0205	12-7-2011	Repeal	1-1-2012
259-070-0010	12-28-2011	Amend	2-1-2012	291-180-0215	12-7-2011	Repeal	1-1-2012
259-070-0020	7-1-2012	Amend	8-1-2012	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
291-078-0005	9-1-2012	Amend(T)	10-1-2012	291-180-0365	12-7-2011	Repeal	1-1-2012
291-078-0010	9-1-2012	Amend(T)	10-1-2012	291-180-0375	12-7-2011	Repeal	1-1-2012
291-078-0015	9-1-2012	Amend(T)	10-1-2012	291-180-0385	12-7-2011	Repeal	1-1-2012
291-078-0020	9-1-2012	Amend(T)	10-1-2012	291-180-0395	12-7-2011	Repeal	1-1-2012
291-078-0026	9-1-2012	Adopt(T)	10-1-2012	291-180-0405	12-7-2011	Repeal	1-1-2012
291-078-0031	9-1-2012	Adopt(T)	10-1-2012	291-180-0415	12-7-2011	Repeal	1-1-2012
291-082-0105	3-1-2012	Amend	4-1-2012	291-180-0425	12-7-2011	Repeal	1-1-2012
291-082-0110	3-1-2012	Amend	4-1-2012	291-180-0435	12-7-2011	Repeal	1-1-2012
291-105-0005	12-7-2011	Amend	1-1-2012	291-180-0445	12-7-2011	Repeal	1-1-2012
291-105-0010	12-7-2011	Amend	1-1-2012	291-180-0455	12-7-2011	Repeal	1-1-2012
291-105-0013	12-7-2011	Amend	1-1-2012	291-180-0465	12-7-2011	Repeal	1-1-2012
291-105-0015	12-7-2011	Amend	1-1-2012	291-180-0475	12-7-2011	Repeal	1-1-2012
291-105-0021	12-7-2011	Amend	1-1-2012	291-180-0485	12-7-2011	Repeal	1-1-2012
291-105-0026	12-7-2011	Amend	1-1-2012	291-180-0495	12-7-2011	Repeal	1-1-2012
291-105-0028	12-7-2011	Amend	1-1-2012	291-180-0505	12-7-2011	Repeal	1-1-2012
291-105-0031	12-7-2011	Amend	1-1-2012	291-180-0515	12-7-2011	Repeal	1-1-2012
291-105-0036	12-7-2011	Amend	1-1-2012	291-180-0525	12-7-2011	Repeal	1-1-2012
291-105-0041	12-7-2011	Amend	1-1-2012	291-180-0535	12-7-2011	Repeal	1-1-2012
291-105-0046	12-7-2011	Amend	1-1-2012	291-180-0545	12-7-2011	Repeal	1-1-2012
291-105-0066	12-7-2011	Amend	1-1-2012	291-180-0555	12-7-2011	Repeal	1-1-2012
291-105-0069	12-7-2011	Amend	1-1-2012	291-180-0565	12-7-2011	Repeal	1-1-2012
291-105-0081	12-7-2011	Amend	1-1-2012	291-180-0575	12-7-2011	Repeal	1-1-2012
291-105-0100	12-7-2011	Amend	1-1-2012	291-180-0585	12-7-2011	Repeal	1-1-2012
291-127-0320	6-19-2012	Amend	8-1-2012	291-180-0595	12-7-2011	Repeal	1-1-2012
291-130-0006	9-1-2012	Amend(T)	10-1-2012	291-180-0605	12-7-2011	Repeal	1-1-2012
291-130-0011	9-1-2012	Amend(T)	10-1-2012	291-180-0615	12-7-2011	Repeal	1-1-2012
291-130-0016	9-1-2012	Amend(T)	10-1-2012	291-180-0625	12-7-2011	Repeal	1-1-2012
291-130-0020	9-1-2012	Amend(T)	10-1-2012	291-180-0635	12-7-2011	Repeal	1-1-2012
291-130-0080	9-1-2012	Amend(T)	10-1-2012	291-180-0645	12-7-2011	Repeal	1-1-2012
291-180-0115	12-7-2011	Repeal	1-1-2012	291-180-0655	12-7-2011	Repeal	1-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
309-016-0610(t)	6-19-2012	Repeal	8-1-2012	309-032-0301	2-9-2012	Adopt	3-1-2012
309-016-0630	1-1-2012	Amend(T)	2-1-2012	309-032-0301(T)	2-9-2012	Repeal	3-1-2012
309-016-0630	5-17-2012	Amend(T)	7-1-2012	309-032-0311	11-22-2011	Adopt(T)	1-1-2012
309-016-0630	6-19-2012	Amend	8-1-2012	309-032-0311	2-9-2012	Adopt	3-1-2012
309-016-0630(t)	6-19-2012	Repeal	8-1-2012	309-032-0311(T)	2-9-2012	Repeal	3-1-2012
309-016-0675	1-1-2012	Amend(T)	2-1-2012	309-032-0321	11-22-2011	Adopt(T)	1-1-2012
309-016-0675	5-17-2012	Amend(T)	7-1-2012	309-032-0321	2-9-2012	Adopt	3-1-2012
309-016-0675	6-19-2012	Amend	8-1-2012	309-032-0321(T)	2-9-2012	Repeal	3-1-2012
309-016-0675(t)	6-19-2012	Repeal	8-1-2012	309-032-0331	11-22-2011	Adopt(T)	1-1-2012
309-016-0680	5-17-2012	Amend(T)	7-1-2012	309-032-0331	2-9-2012	Adopt	3-1-2012
309-016-0685	1-1-2012	Amend(T)	2-1-2012	309-032-0331(T)	2-9-2012	Repeal	3-1-2012
309-016-0685	6-19-2012	Amend	8-1-2012	309-032-0341	11-22-2011	Adopt(T)	1-1-2012
309-016-0685(t)	6-19-2012	Repeal	8-1-2012	309-032-0341	2-9-2012	Adopt	3-1-2012
309-016-0726	5-17-2012	Adopt(T)	7-1-2012	309-032-0341(T)	2-9-2012	Repeal	3-1-2012
309-016-0727	5-17-2012	Adopt(T)	7-1-2012	309-032-0351	11-22-2011	Adopt(T)	1-1-2012
309-016-0728	5-17-2012	Adopt(T)	7-1-2012	309-032-0351	2-9-2012	Adopt	3-1-2012
309-016-0729	5-17-2012	Adopt(T)	7-1-2012	309-032-0351(T)	2-9-2012	Repeal	3-1-2012
309-016-0745	1-1-2012	Amend(T)	2-1-2012	309-032-1500	1-1-2012	Amend(T)	2-1-2012
309-016-0745	6-19-2012	Amend	8-1-2012	309-032-1500	6-15-2012	Amend	7-1-2012
309-016-0745(t)	6-19-2012	Repeal	8-1-2012	309-032-1500(T)	6-15-2012	Repeal	7-1-2012
309-016-0750	1-1-2012	Amend(T)	2-1-2012	309-032-1505	1-1-2012	Amend(T)	2-1-2012
309-016-0750	6-19-2012	Amend	8-1-2012	309-032-1505	6-15-2012	Amend	7-1-2012
309-016-0750(t).	6-19-2012	Repeal	8-1-2012	309-032-1505(T)	6-15-2012	Repeal	7-1-2012
309-016-0760	7-1-2012	Adopt(T)	8-1-2012	309-032-1510	1-1-2012	Amend(T)	2-1-2012
309-016-0765	7-1-2012	Adopt(T)	8-1-2012	309-032-1510	6-15-2012	Amend	7-1-2012
309-016-0770	7-1-2012	Adopt(T)	8-1-2012	309-032-1510(T)	6-15-2012	Repeal	7-1-2012
309-016-0775	7-1-2012	Adopt(T)	8-1-2012	309-032-1515	1-1-2012	Amend(T)	2-1-2012
309-016-0780	7-1-2012	Adopt(T)	8-1-2012	309-032-1515	6-15-2012	Amend	7-1-2012
309-016-0800	7-1-2012	Adopt(T)	8-1-2012	309-032-1515(T)	6-15-2012	Repeal	7-1-2012
309-016-0805	7-1-2012	Adopt(T)	8-1-2012	309-032-1520	1-1-2012	Amend(T)	2-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
309-032-1565	1-1-2012	Amend(T)	2-1-2012	309-091-0010	5-4-2012	Adopt	6-1-2012
309-032-1565	6-15-2012	Amend	7-1-2012	309-091-0010(T)	5-4-2012	Repeal	6-1-2012
309-032-1565(T)	6-15-2012	Repeal	7-1-2012	309-091-0015	1-1-2012	Adopt(T)	2-1-2012
309-035-0100	12-5-2011	Amend(T)	1-1-2012	309-091-0015	5-4-2012	Adopt	6-1-2012
309-035-0100	5-4-2012	Amend	6-1-2012	309-091-0015(T)	5-4-2012	Repeal	6-1-2012
309-035-0100(T)	5-4-2012	Repeal	6-1-2012	309-091-0020	1-1-2012	Adopt(T)	2-1-2012
309-035-0105	12-5-2011	Amend(T)	1-1-2012	309-091-0020	5-4-2012	Adopt	6-1-2012
309-035-0105	5-4-2012	Amend	6-1-2012	309-091-0020(T)	5-4-2012	Repeal	6-1-2012
309-035-0105(T)	5-4-2012	Repeal	6-1-2012	309-091-0025	1-1-2012	Adopt(T)	2-1-2012
309-035-0250	12-5-2011	Amend(T)	1-1-2012	309-091-0025	5-4-2012	Adopt	6-1-2012
309-035-0250	5-4-2012	Amend	6-1-2012	309-091-0025(T)	5-4-2012	Repeal	6-1-2012
309-035-0250(T)	5-4-2012	Repeal	6-1-2012	309-091-0030	1-1-2012	Adopt(T)	2-1-2012
309-035-0260	12-5-2011	Amend(T)	1-1-2012	309-091-0030	5-4-2012	Adopt	6-1-2012
309-035-0260	5-4-2012	Amend	6-1-2012	309-091-0030(T)	5-4-2012	Repeal	6-1-2012
309-035-0260(T)	5-4-2012	Repeal	6-1-2012	309-091-0035	1-1-2012	Adopt(T)	2-1-2012
309-040-0300	12-5-2011	Amend(T)	1-1-2012	309-091-0035	5-4-2012	Adopt	6-1-2012
309-040-0300	5-4-2012	Amend	6-1-2012	309-091-0035(T)	5-4-2012	Repeal	6-1-2012
309-040-0300(T)	5-4-2012	Repeal	6-1-2012	309-091-0040	1-1-2012	Adopt(T)	2-1-2012
309-040-0305	12-5-2011	Amend(T)	1-1-2012	309-091-0040	5-4-2012	Adopt	6-1-2012
309-040-0305	5-4-2012	Amend	6-1-2012	309-091-0040(T)	5-4-2012	Repeal	6-1-2012
309-040-0305(T)	5-4-2012	Repeal	6-1-2012	309-091-0045	1-1-2012	Adopt(T)	2-1-2012
309-090-0000	1-1-2012	Adopt(T)	2-1-2012	309-091-0045	5-4-2012	Adopt	6-1-2012
309-090-0000	6-25-2012	Adopt	8-1-2012	309-091-0045(T)	5-4-2012	Repeal	6-1-2012
309-090-0000(T)	6-25-2012	Repeal	8-1-2012	309-091-0050	1-1-2012	Adopt(T)	2-1-2012
309-090-0005	1-1-2012	Adopt(T)	2-1-2012	309-091-0050	5-4-2012	Adopt	6-1-2012
309-090-0005	6-25-2012	Adopt	8-1-2012	309-091-0050(T)	5-4-2012	Repeal	6-1-2012
309-090-0005(T)	6-25-2012	Repeal	8-1-2012	309-092-0000	1-1-2012	Adopt(T)	2-1-2012
309-090-0010	1-1-2012	Adopt(T)	2-1-2012	309-092-0000	6-19-2012	Adopt	8-1-2012
309-090-0010	6-25-2012	Adopt	8-1-2012	309-092-0000(t)	6-19-2012	Repeal	8-1-2012
309-090-0010(T)	6-25-2012	Repeal	8-1-2012	309-092-0005	1-1-2012	Adopt(T)	2-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
309-092-0235	1-1-2012	Adopt(T)	2-1-2012	330-180-0010	11-22-2011	Adopt	1-1-2012
309-092-0235	6-19-2012	Adopt	8-1-2012	330-180-0020	11-22-2011	Adopt	1-1-2012
309-092-0235(t)	6-19-2012	Repeal	8-1-2012	330-180-0030	11-22-2011	Adopt	1-1-2012
309-092-0240	1-1-2012	Adopt(T)	2-1-2012	330-180-0040	11-22-2011	Adopt	1-1-2012
309-092-0240	6-19-2012	Adopt	8-1-2012	330-180-0050	11-22-2011	Adopt	1-1-2012
309-092-0240(t)	6-19-2012	Repeal	8-1-2012	330-180-0060	11-22-2011	Adopt	1-1-2012
309-102-0100	2-9-2012	Adopt	3-1-2012	330-180-0070	11-22-2011	Adopt	1-1-2012
309-102-0100(T)	2-9-2012	Repeal	3-1-2012	330-200-0000	2-22-2012	Adopt(T)	4-1-2012
309-102-0110	2-9-2012	Adopt	3-1-2012	330-200-0000	8-15-2012	Adopt	9-1-2012
309-102-0110(T)	2-9-2012	Repeal	3-1-2012	330-200-0000(T)	8-15-2012	Repeal	9-1-2012
309-102-0120	2-9-2012	Adopt	3-1-2012	330-200-0010	2-22-2012	Adopt(T)	4-1-2012
309-102-0120(T)	2-9-2012	Repeal	3-1-2012	330-200-0010	8-15-2012	Adopt	9-1-2012
309-102-0130	2-9-2012	Adopt	3-1-2012	330-200-0010(T)	8-15-2012	Repeal	9-1-2012
309-102-0130(T)	2-9-2012	Repeal	3-1-2012	330-200-0020	2-22-2012	Adopt(T)	4-1-2012
309-102-0140	2-9-2012	Adopt	3-1-2012	330-200-0020	8-15-2012	Adopt	9-1-2012
309-102-0140(T)	2-9-2012	Repeal	3-1-2012	330-200-0020(T)	8-15-2012	Repeal	9-1-2012
309-102-0150	2-9-2012	Adopt	3-1-2012	330-200-0030	2-22-2012	Adopt(T)	4-1-2012
309-102-0150(T)	2-9-2012	Repeal	3-1-2012	330-200-0030	8-15-2012	Adopt	9-1-2012
325-005-0015	4-1-2012	Amend	5-1-2012	330-200-0030(T)	8-15-2012	Repeal	9-1-2012
330-070-0013	1-1-2012	Amend	2-1-2012	330-200-0040	2-22-2012	Adopt(T)	4-1-2012
330-070-0014	1-1-2012	Amend	2-1-2012	330-200-0040	8-15-2012	Adopt	9-1-2012
330-070-0019	1-1-2012	Amend	2-1-2012	330-200-0040(T)	8-15-2012	Repeal	9-1-2012
330-070-0020	1-1-2012	Amend	2-1-2012	330-200-0050	2-22-2012	Adopt(T)	4-1-2012
330-070-0021	1-1-2012	Amend	2-1-2012	330-200-0050	8-15-2012	Adopt	9-1-2012
330-070-0022	1-1-2012	Amend	2-1-2012	330-200-0050(T)	8-15-2012	Repeal	9-1-2012
330-070-0024	1-1-2012	Amend	2-1-2012	330-200-0060	2-22-2012	Adopt(T)	4-1-2012
330-070-0025	1-1-2012	Amend	2-1-2012	330-200-0060	8-15-2012	Adopt	9-1-2012
330-070-0026	1-1-2012	Amend	2-1-2012	330-200-0060(T)	8-15-2012	Repeal	9-1-2012
330-070-0027	1-1-2012	Amend	2-1-2012	330-200-0070	2-22-2012	Adopt(T)	4-1-2012
330-070-0029	1-1-2012	Adopt	2-1-2012	330-200-0070	8-15-2012	Adopt	9-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
330-210-0045	6-19-2012	Adopt	8-1-2012	330-225-0000	6-11-2012	Adopt	7-1-2012
330-210-0045(T)	6-19-2012	Repeal	8-1-2012	330-225-0010	6-11-2012	Adopt	7-1-2012
330-210-0050	12-23-2011	Adopt(T)	2-1-2012	330-225-0020	6-11-2012	Adopt	7-1-2012
330-210-0050	6-19-2012	Adopt	8-1-2012	330-225-0030	6-11-2012	Adopt	7-1-2012
330-210-0050(T)	6-19-2012	Repeal	8-1-2012	330-225-0040	6-11-2012	Adopt	7-1-2012
330-210-0060	12-23-2011	Adopt(T)	2-1-2012	330-225-0050	6-11-2012	Adopt	7-1-2012
330-210-0060	6-19-2012	Adopt	8-1-2012	330-225-0070	6-11-2012	Adopt	7-1-2012
330-210-0060(T)	6-19-2012	Repeal	8-1-2012	330-225-0080	6-11-2012	Adopt	7-1-2012
330-210-0070	12-23-2011	Adopt(T)	2-1-2012	330-225-0090	6-11-2012	Adopt	7-1-2012
330-210-0070	6-19-2012	Adopt	8-1-2012	330-225-0100	6-11-2012	Adopt	7-1-2012
330-210-0070(T)	6-19-2012	Repeal	8-1-2012	330-225-0150	6-11-2012	Adopt	7-1-2012
330-210-0080	12-23-2011	Adopt(T)	2-1-2012	330-230-0000	12-23-2011	Adopt(T)	2-1-2012
330-210-0080	6-19-2012	Adopt	8-1-2012	330-230-0000	6-19-2012	Adopt	8-1-2012
330-210-0080(T)	6-19-2012	Repeal	8-1-2012	330-230-0000(T)	6-19-2012	Repeal	8-1-2012
330-210-0090	12-23-2011	Adopt(T)	2-1-2012	330-230-0010	12-23-2011	Adopt(T)	2-1-2012
330-210-0090	6-19-2012	Adopt	8-1-2012	330-230-0010	6-19-2012	Adopt	8-1-2012
330-210-0090(T)	6-19-2012	Repeal	8-1-2012	330-230-0010(T)	6-19-2012	Repeal	8-1-2012
330-210-0100	12-23-2011	Adopt(T)	2-1-2012	330-230-0020	12-23-2011	Adopt(T)	2-1-2012
330-210-0100	6-19-2012	Adopt	8-1-2012	330-230-0020	6-19-2012	Adopt	8-1-2012
330-210-0100(T)	6-19-2012	Repeal	8-1-2012	330-230-0020(T)	6-19-2012	Repeal	8-1-2012
330-210-0150	12-23-2011	Adopt(T)	2-1-2012	330-230-0030	12-23-2011	Adopt(T)	2-1-2012
330-210-0150	6-19-2012	Adopt	8-1-2012	330-230-0030	6-19-2012	Adopt	8-1-2012
330-210-0150(T)	6-19-2012	Repeal	8-1-2012	330-230-0030(T)	6-19-2012	Repeal	8-1-2012
330-220-0000	2-7-2012	Adopt(T)	3-1-2012	330-230-0040	12-23-2011	Adopt(T)	2-1-2012
330-220-0000	8-1-2012	Adopt	9-1-2012	330-230-0040	6-19-2012	Adopt	8-1-2012
330-220-0000(T)	8-1-2012	Repeal	9-1-2012	330-230-0040(T)	6-19-2012	Repeal	8-1-2012
330-220-0010	2-7-2012	Adopt(T)	3-1-2012	330-230-0050	12-23-2011	Adopt(T)	2-1-2012
330-220-0010	8-1-2012	Adopt	9-1-2012	330-230-0050	6-19-2012	Adopt	8-1-2012
330-220-0010(T)	8-1-2012	Repeal	9-1-2012	330-230-0050(T)	6-19-2012	Repeal	8-1-2012
330-220-0020	2-7-2012	Adopt(T)	3-1-2012	330-230-0060	12-23-2011	Adopt(T)	2-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
331-115-0030	8-17-2012	Repeal	10-1-2012	331-505-0000	1-1-2012	Repeal	2-1-2012
331-115-0060	8-17-2012	Repeal	10-1-2012	331-505-0010	1-1-2012	Repeal	2-1-2012
331-120-0000	8-17-2012	Repeal	10-1-2012	331-510-0000	1-1-2012	Repeal	2-1-2012
331-120-0001	8-17-2012	Adopt	10-1-2012	331-515-0000	1-1-2012	Repeal	2-1-2012
331-120-0010	8-17-2012	Repeal	10-1-2012	331-515-0010	1-1-2012	Repeal	2-1-2012
331-120-0020	8-17-2012	Repeal	10-1-2012	331-515-0020	1-1-2012	Repeal	2-1-2012
331-120-0030	8-17-2012	Repeal	10-1-2012	331-515-0030	1-1-2012	Repeal	2-1-2012
331-125-0000	8-17-2012	Repeal	10-1-2012	331-520-0000	1-1-2012	Repeal	2-1-2012
331-125-0010	8-17-2012	Repeal	10-1-2012	331-520-0010	1-1-2012	Repeal	2-1-2012
331-125-0020	8-17-2012	Repeal	10-1-2012	331-520-0030	1-1-2012	Repeal	2-1-2012
331-130-0001	8-17-2012	Adopt	10-1-2012	331-520-0040	1-1-2012	Repeal	2-1-2012
331-130-0005	8-17-2012	Adopt	10-1-2012	331-520-0070	1-1-2012	Repeal	2-1-2012
331-130-0011	8-17-2012	Adopt	10-1-2012	331-525-0000	1-1-2012	Repeal	2-1-2012
331-130-0015	8-17-2012	Adopt	10-1-2012	331-525-0020	1-1-2012	Repeal	2-1-2012
331-135-0000	8-17-2012	Repeal	10-1-2012	331-525-0035	1-1-2012	Repeal	2-1-2012
331-150-0000	8-17-2012	Adopt	10-1-2012	331-525-0038	1-1-2012	Repeal	2-1-2012
331-150-0005	8-17-2012	Adopt	10-1-2012	331-525-0040	1-1-2012	Repeal	2-1-2012
331-150-0010	8-17-2012	Adopt	10-1-2012	331-525-0055	1-1-2012	Repeal	2-1-2012
331-160-0005	8-17-2012	Adopt	10-1-2012	331-525-0060	1-1-2012	Repeal	2-1-2012
331-160-0010	8-17-2012	Adopt	10-1-2012	331-525-0065	1-1-2012	Repeal	2-1-2012
331-160-0015	8-17-2012	Adopt	10-1-2012	331-530-0000	1-1-2012	Repeal	2-1-2012
331-205-0020	1-1-2012	Repeal	2-1-2012	331-530-0020	1-1-2012	Repeal	2-1-2012
331-205-0030	1-1-2012	Repeal	2-1-2012	331-535-0000	1-1-2012	Repeal	2-1-2012
331-210-0000	1-1-2012	Repeal	2-1-2012	331-535-0010	1-1-2012	Repeal	2-1-2012
331-210-0010	1-1-2012	Repeal	2-1-2012	331-535-0020	1-1-2012	Repeal	2-1-2012
331-210-0020	1-1-2012	Repeal	2-1-2012	331-535-0030	1-1-2012	Repeal	2-1-2012
331-210-0021	1-1-2012	Repeal	2-1-2012	331-535-0040	1-1-2012	Repeal	2-1-2012
331-215-0000	1-1-2012	Repeal	2-1-2012	331-535-0050	1-1-2012	Repeal	2-1-2012
331-215-0010	1-1-2012	Repeal	2-1-2012	331-535-0060	1-1-2012	Repeal	2-1-2012
331-215-0020	1-1-2012	Repeal	2-1-2012	331-535-0070	1-1-2012	Repeal	2-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
331-535-0080	1-1-2012	Repeal	2-1-2012	331-620-0010	8-17-2012	Repeal	10-1-2012
331-540-0000	1-1-2012	Repeal	2-1-2012	331-620-0020	8-17-2012	Repeal	10-1-2012
331-540-0010	1-1-2012	Repeal	2-1-2012	331-630-0000	8-17-2012	Repeal	10-1-2012
331-540-0020	1-1-2012	Repeal	2-1-2012	331-630-0001	8-17-2012	Adopt	10-1-2012
331-540-0030	1-1-2012	Repeal	2-1-2012	331-630-0005	8-17-2012	Adopt	10-1-2012
331-545-0000	1-1-2012	Repeal	2-1-2012	331-630-0010	8-17-2012	Repeal	10-1-2012
331-545-0020	1-1-2012	Repeal	2-1-2012	331-630-0011	8-17-2012	Adopt	10-1-2012
331-550-0000	1-1-2012	Repeal	2-1-2012	331-630-0015	8-17-2012	Adopt	10-1-2012
331-555-0010	1-1-2012	Repeal	2-1-2012	331-630-0020	8-17-2012	Adopt	10-1-2012
331-555-0030	1-1-2012	Repeal	2-1-2012	331-630-0025	8-17-2012	Adopt	10-1-2012
331-555-0040	1-1-2012	Repeal	2-1-2012	331-630-0030	8-17-2012	Adopt	10-1-2012
331-560-0000	1-1-2012	Repeal	2-1-2012	331-630-0035	8-17-2012	Adopt	10-1-2012
331-560-0010	1-1-2012	Repeal	2-1-2012	331-630-0040	8-17-2012	Adopt	10-1-2012
331-560-0020	1-1-2012	Repeal	2-1-2012	331-630-0050	8-17-2012	Adopt	10-1-2012
331-560-0030	1-1-2012	Repeal	2-1-2012	331-630-0060	8-17-2012	Adopt	10-1-2012
331-560-0040	1-1-2012	Repeal	2-1-2012	331-630-0070	8-17-2012	Adopt	10-1-2012
331-560-0060	1-1-2012	Repeal	2-1-2012	331-640-0000	8-17-2012	Repeal	10-1-2012
331-565-0000	1-1-2012	Repeal	2-1-2012	331-640-0010	8-17-2012	Repeal	10-1-2012
331-565-0020	1-1-2012	Repeal	2-1-2012	331-640-0020	8-17-2012	Repeal	10-1-2012
331-565-0025	1-1-2012	Repeal	2-1-2012	331-640-0030	8-17-2012	Repeal	10-1-2012
331-565-0030	1-1-2012	Repeal	2-1-2012	331-640-0040	8-17-2012	Repeal	10-1-2012
331-565-0040	1-1-2012	Repeal	2-1-2012	331-640-0050	8-17-2012	Repeal	10-1-2012
331-565-0050	1-1-2012	Repeal	2-1-2012	331-640-0055	8-17-2012	Repeal	10-1-2012
331-565-0060	1-1-2012	Repeal	2-1-2012	331-640-0060	8-17-2012	Repeal	10-1-2012
331-565-0080	1-1-2012	Repeal	2-1-2012	331-650-0000	8-17-2012	Repeal	10-1-2012
331-565-0085	1-1-2012	Repeal	2-1-2012	331-650-0005	8-17-2012	Adopt	10-1-2012
331-565-0090	1-1-2012	Repeal	2-1-2012	331-650-0015	8-17-2012	Adopt	10-1-2012
331-565-0095	1-1-2012	Repeal	2-1-2012	331-660-0000	8-17-2012	Adopt	10-1-2012
331-570-0000	1-1-2012	Repeal	2-1-2012	331-660-0010	8-17-2012	Adopt	10-1-2012
331-570-0020	1-1-2012	Repeal	2-1-2012	331-660-0020	8-17-2012	Adopt	10-1-2012
331-575-0000	1-1-2012	Repeal	2-1-2012	331-660-0030	8-17-2012	Adopt	10-1-2012
331-575-0010	1-1-2012	Repeal	2-1-2012	331-660-0040	8-17-2012	Adopt	10-1-2012
331-575-0020	1-1-2012	Repeal	2-1-2012	331-660-0050	8-17-2012	Adopt	10-1-2012
331-575-0030	1-1-2012	Repeal	2-1-2012	331-660-0060	8-17-2012	Adopt	10-1-2012
331-575-0040	1-1-2012	Repeal	2-1-2012	331-660-0070	8-17-2012	Adopt	10-1-2012
331-575-0050	1-1-2012	Repeal	2-1-2012	331-660-0080	8-17-2012	Adopt	10-1-2012
331-580-0000	1-1-2012	Repeal	2-1-2012	331-705-0050	1-1-2012	Amend	2-1-2012
331-580-0010	1-1-2012	Repeal	2-1-2012	331-705-0060	1-1-2012	Repeal	2-1-2012
331-580-0020	1-1-2012	Repeal	2-1-2012	331-705-0072	11-22-2011	Adopt(T)	1-1-2012
331-580-0030	1-1-2012	Repeal	2-1-2012	331-705-0072	1-1-2012	Adopt	2-1-2012
331-585-0000	1-1-2012	Repeal	2-1-2012	331-705-0072(T)	1-1-2012	Repeal	2-1-2012
331-585-0010	1-1-2012	Repeal	2-1-2012	331-705-0080	1-1-2012	Adopt	2-1-2012
331-585-0020	1-1-2012	Repeal	2-1-2012	331-710-0005	1-1-2012	Adopt	2-1-2012
331-585-0030	1-1-2012	Repeal	2-1-2012	331-710-0010	1-1-2012	Amend	2-1-2012
331-585-0040	1-1-2012	Repeal	2-1-2012	331-710-0010	9/14/2012	Amend	10-1-2012
331-590-0000	1-1-2012	Repeal	2-1-2012	331-710-0015	1-1-2012	Adopt	2-1-2012
331-590-0020	1-1-2012	Repeal	2-1-2012	331-710-0020	1-1-2012	Amend	2-1-2012
331-601-0000	8-17-2012	Repeal	10-1-2012	331-710-0030	1-1-2012	Repeal	2-1-2012
331-610-0000	8-17-2012	Repeal	10-1-2012	331-710-0040	1-1-2012	Adopt	2-1-2012
331-610-0010	8-17-2012	Repeal	10-1-2012	331-710-0040	9/14/2012	Amend	10-1-2012
331-610-0020	8-17-2012	Repeal	10-1-2012	331-710-0045	1-1-2012	Adopt	2-1-2012
331-610-0030	8-17-2012	Repeal	10-1-2012	331-710-0050	1-1-2012	Adopt	2-1-2012
331-610-0040	8-17-2012	Repeal	10-1-2012	331-710-0050	9/14/2012	Amend	10-1-2012
331-610-0050	8-17-2012	Repeal	10-1-2012	331-710-0060	9/14/2012	Adopt	10-1-2012
331-620-0000	8-17-2012	Repeal	10-1-2012	331-710-0070	9/14/2012	Adopt	10-1-2012
331-620-0005	8-17-2012	Adopt	10-1-2012	331-710-0080	9/14/2012	Adopt	10-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
331-710-0090	9/14/2012	Adopt	10-1-2012	331-900-0070	6-25-2012	Amend	8-1-2012
331-710-0100	9/14/2012	Adopt	10-1-2012	331-900-0070(T)	6-25-2012	Repeal	8-1-2012
331-710-0110	9/14/2012	Adopt	10-1-2012	331-900-0075	1-1-2012	Adopt	2-1-2012
331-712-0000	1-1-2012	Adopt	2-1-2012	331-900-0080	1-1-2012	Adopt	2-1-2012
331-712-0010	1-1-2012	Adopt	2-1-2012	331-900-0085	1-1-2012	Adopt	2-1-2012
331-712-0010	9/14/2012	Amend	10-1-2012	331-900-0085	3-1-2012	Amend(T)	4-1-2012
331-712-0020	1-1-2012	Adopt	2-1-2012	331-900-0085	6-25-2012	Amend	8-1-2012
331-715-0010	1-1-2012	Amend	2-1-2012	331-900-0085(T)	6-25-2012	Repeal	8-1-2012
331-715-0030	1-1-2012	Repeal	2-1-2012	331-900-0090	1-1-2012	Adopt	2-1-2012
331-715-0045	1-1-2012	Repeal	2-1-2012	331-900-0090	3-1-2012	Amend(T)	4-1-2012
331-718-0000	1-1-2012	Adopt	2-1-2012	331-900-0090	6-25-2012	Amend	8-1-2012
331-718-0010	1-1-2012	Adopt	2-1-2012	331-900-0090(T)	6-25-2012	Repeal	8-1-2012
331-718-0020	1-1-2012	Adopt	2-1-2012	331-900-0095	1-1-2012	Adopt	2-1-2012
331-720-0010	1-1-2012	Amend	2-1-2012	331-900-0095	3-1-2012	Amend(T)	4-1-2012
331-720-0015	1-1-2012	Adopt	2-1-2012	331-900-0095	6-25-2012	Amend	8-1-2012
331-725-0020	1-1-2012	Repeal	2-1-2012	331-900-0095(T)	6-25-2012	Repeal	8-1-2012
331-740-0000	1-1-2012	Adopt	2-1-2012	331-900-0097	6-25-2012	Adopt	8-1-2012
331-900-0000	1-1-2012	Adopt	2-1-2012	331-900-0098	6-25-2012	Adopt	8-1-2012
331-900-0000	3-1-2012	Amend(T)	4-1-2012	331-900-0099	6-25-2012	Adopt	8-1-2012
331-900-0000	6-25-2012	Amend	8-1-2012	331-900-0100	1-1-2012	Adopt	2-1-2012
331-900-0005	1-1-2012	Adopt	2-1-2012	331-900-0100	3-1-2012	Amend(T)	4-1-2012
331-900-0005	3-1-2012	Amend(T)	4-1-2012	331-900-0100	6-25-2012	Amend	8-1-2012
331-900-0005	6-25-2012	Amend	8-1-2012	331-900-0100(T)	6-25-2012	Repeal	8-1-2012
331-900-0005(T)	6-25-2012	Repeal	8-1-2012	331-900-0105	1-1-2012	Adopt	2-1-2012
331-900-0010	1-1-2012	Adopt	2-1-2012	331-900-0110	1-1-2012	Adopt	2-1-2012
331-900-0010	3-1-2012	Amend(T)	4-1-2012	331-900-0110	6-25-2012	Amend	8-1-2012
331-900-0010	6-25-2012	Amend	8-1-2012	331-900-0115	6-25-2012	Adopt	8-1-2012
331-900-0010(T)	6-25-2012	Repeal	8-1-2012	331-900-0120	6-25-2012	Adopt	8-1-2012
331-900-0015	1-1-2012	Adopt	2-1-2012	331-900-0125	6-25-2012	Adopt	8-1-2012
331-900-0015	3-1-2012	Amend(T)	4-1-2012	331-900-0130	6-25-2012	Adopt	8-1-2012
331-900-0015	6-25-2012	Amend	8-1-2012	331-905-0000	1-1-2012	Adopt(T)	2-1-2012
331-900-0015(T)	6-25-2012	Repeal	8-1-2012	331-905-0000	3-1-2012	Adopt(T)	4-1-2012
331-900-0020	1-1-2012	Adopt	2-1-2012	331-905-0000	6-25-2012	Adopt	8-1-2012
331-900-0020	3-1-2012	Amend(T)	4-1-2012	331-905-0000(T)	3-1-2012	Suspend	4-1-2012
331-900-0020	6-25-2012	Amend	8-1-2012	331-905-0000(T)	6-25-2012	Repeal	8-1-2012
331-900-0020(T)	6-25-2012	Repeal	8-1-2012	331-905-0003	3-1-2012	Adopt(T)	4-1-2012
331-900-0025	1-1-2012	Adopt	2-1-2012	331-905-0003(T)	6-25-2012	Repeal	8-1-2012
331-900-0025	6-25-2012	Amend	8-1-2012	331-905-0005	1-1-2012	Adopt(T)	2-1-2012
331-900-0030	1-1-2012	Adopt	2-1-2012	331-905-0005	3-1-2012	Adopt(T)	4-1-2012
331-900-0030	3-1-2012	Amend(T)	4-1-2012	331-905-0005	6-25-2012	Adopt	8-1-2012
331-900-0030	6-25-2012	Amend	8-1-2012	331-905-0005(T)	3-1-2012	Suspend	4-1-2012
331-900-0030(T)	6-25-2012	Repeal	8-1-2012	331-905-0005(T)	6-25-2012	Repeal	8-1-2012
331-900-0035	1-1-2012	Adopt	2-1-2012	331-905-0010	1-1-2012	Adopt(T)	2-1-2012
331-900-0035	6-25-2012	Amend	8-1-2012	331-905-0010	3-1-2012	Adopt(T)	4-1-2012
331-900-0040	1-1-2012	Adopt	2-1-2012	331-905-0010	6-25-2012	Adopt	8-1-2012
331-900-0040	3-1-2012	Amend(T)	4-1-2012	331-905-0010(T)	3-1-2012	Suspend	4-1-2012
331-900-0040	6-25-2012	Amend	8-1-2012	331-905-0010(T)	6-25-2012	Repeal	8-1-2012
331-900-0040(T)	6-25-2012	Repeal	8-1-2012	331-905-0011	6-25-2012	Adopt	8-1-2012
331-900-0045	1-1-2012	Adopt	2-1-2012	331-905-0012	3-1-2012	Adopt(T)	4-1-2012
331-900-0045	6-25-2012	Amend	8-1-2012	331-905-0012	6-25-2012	Adopt	8-1-2012
331-900-0050	1-1-2012	Adopt	2-1-2012	331-905-0012(T)	6-25-2012	Repeal	8-1-2012
331-900-0055	1-1-2012	Adopt	2-1-2012	331-905-0013	6-25-2012	Adopt	8-1-2012
331-900-0060	1-1-2012	Adopt	2-1-2012	331-905-0014	3-1-2012	Adopt(T)	4-1-2012
331-900-0065	1-1-2012	Adopt	2-1-2012	331-905-0014	6-25-2012	Adopt	8-1-2012
331-900-0070	1-1-2012	Adopt	2-1-2012	331-905-0014(T)	6-25-2012	Repeal	8-1-2012
331-900-0070	3-1-2012	Amend(T)	4-1-2012	331-905-0015	1-1-2012	Adopt(T)	2-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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	331-905-0100	6-25-2012	Adopt	8-1-2012
331-905-0025	6-25-2012	Adopt	8-1-2012	331-905-0105	6-25-2012	Adopt	8-1-2012
331-905-0025(T)	3-1-2012	Suspend	4-1-2012	331-905-0110	6-25-2012	Adopt	8-1-2012
331-905-0025(T)	6-25-2012	Repeal	8-1-2012	331-905-0115	6-25-2012	Adopt	8-1-2012
331-905-0030	1-1-2012	Adopt(T)	2-1-2012	331-905-0120	6-25-2012	Adopt	8-1-2012
331-905-0030	3-1-2012	Adopt(T)	4-1-2012	331-910-0000	1-1-2012	Adopt	2-1-2012
331-905-0030	6-25-2012	Adopt	8-1-2012	331-910-0000	6-25-2012	Amend	8-1-2012
331-905-0030(T)	3-1-2012	Suspend	4-1-2012	331-910-0005	1-1-2012	Adopt	2-1-2012
331-905-0030(T)	6-25-2012	Repeal	8-1-2012	331-910-0010	1-1-2012	Adopt	2-1-2012
331-905-0032	3-1-2012	Adopt(T)	4-1-2012	331-910-0010	3-1-2012	Amend(T)	4-1-2012
331-905-0032(T)	6-25-2012	Repeal	8-1-2012	331-910-0010	6-25-2012	Amend	8-1-2012
331-905-0034	3-1-2012	Adopt(T)	4-1-2012	331-910-0010(T)	6-25-2012	Repeal	8-1-2012
331-905-0034(T)	6-25-2012	Repeal	8-1-2012	331-910-0015	1-1-2012	Adopt	2-1-2012
331-905-0035	1-1-2012	Adopt(T)	2-1-2012	331-910-0015	3-1-2012	Amend(T)	4-1-2012
331-905-0035	3-1-2012	Adopt(T)	4-1-2012	331-910-0015	6-25-2012	Amend	8-1-2012
331-905-0035	6-25-2012	Adopt	8-1-2012	331-910-0015(T)	6-25-2012	Repeal	8-1-2012
331-905-0035(T)	3-1-2012	Suspend	4-1-2012	331-910-0020	1-1-2012	Adopt	2-1-2012
331-905-0035(T)	6-25-2012	Repeal	8-1-2012	331-910-0020	3-1-2012	Amend(T)	4-1-2012
331-905-0040	1-1-2012	Adopt(T)	2-1-2012	331-910-0020	6-25-2012	Amend	8-1-2012
331-905-0040	3-1-2012	Adopt(T)	4-1-2012	331-910-0020(T)	6-25-2012	Repeal	8-1-2012
331-905-0040	6-25-2012	Adopt	8-1-2012	331-910-0025	1-1-2012	Adopt	2-1-2012
331-905-0040(T)	3-1-2012	Suspend	4-1-2012	331-910-0025	3-1-2012	Amend(T)	4-1-2012
331-905-0040(T)	6-25-2012	Repeal	8-1-2012	331-910-0025	6-25-2012	Amend	8-1-2012
331-905-0045	1-1-2012	Adopt(T)	2-1-2012	331-910-0025(T)	6-25-2012	Repeal	8-1-2012
331-905-0045	3-1-2012	Adopt(T)	4-1-2012	331-910-0030	1-1-2012	Adopt	2-1-2012
331-905-0045	6-25-2012	Adopt	8-1-2012	331-910-0035	1-1-2012	Adopt	2-1-2012
331-905-0045(T)	3-1-2012	Suspend	4-1-2012	331-910-0040	1-1-2012	Adopt	2-1-2012
331-905-0045(T)	6-25-2012	Repeal	8-1-2012	331-910-0040	3-1-2012	Amend(T)	4-1-2012
331-905-0050	1-1-2012	Adopt(T)	2-1-2012	331-910-0040	6-25-2012	Amend	8-1-2012
331-905-0050	3-1-2012	Adopt(T)	4-1-2012	331-910-0040(T)	6-25-2012	Repeal	8-1-2012
331-905-0050	6-25-2012	Adopt	8-1-2012	331-910-0045	1-1-2012	Adopt	2-1-2012
331-905-0050(T)	3-1-2012	Suspend	4-1-2012	331-910-0045	3-1-2012	Amend(T)	4-1-2012
331-905-0050(T)	6-25-2012	Repeal	8-1-2012	331-910-0045	6-25-2012	Amend	8-1-2012
331-905-0052	6-25-2012	Adopt	8-1-2012	331-910-0045(T)	6-25-2012	Repeal	8-1-2012
331-905-0053	3-1-2012	Adopt(T)	4-1-2012	331-910-0050	1-1-2012	Adopt	2-1-2012
331-905-0053(T)	6-25-2012	Repeal	8-1-2012	331-910-0055	1-1-2012	Adopt	2-1-2012
331-905-0055	1-1-2012	Adopt(T)	2-1-2012	331-910-0055	3-1-2012	Amend(T)	4-1-2012
331-905-0055	3-1-2012	Adopt(T)	4-1-2012	331-910-0055	6-25-2012	Amend	8-1-2012
331-905-0055	6-25-2012	Adopt	8-1-2012	331-910-0055(T)	6-25-2012	Repeal	8-1-2012
331-905-0055(T)	3-1-2012	Suspend	4-1-2012	331-910-0060	1-1-2012	Adopt	2-1-2012
331-905-0055(T)	6-25-2012	Repeal	8-1-2012	331-910-0065	1-1-2012	Adopt	2-1-2012
331-905-0058	6-25-2012	Adopt	8-1-2012	331-910-0065	3-1-2012	Amend(T)	4-1-2012
331-905-0060	1-1-2012	Adopt(T)	2-1-2012	331-910-0065	6-25-2012	Amend	8-1-2012
331-905-0060	3-1-2012	Adopt(T)	4-1-2012	331-910-0065(T)	6-25-2012	Repeal	8-1-2012
331-905-0060	6-25-2012	Adopt	8-1-2012	331-910-0070	3-1-2012	Adopt(T)	4-1-2012
331-905-0060(T)	3-1-2012	Suspend	4-1-2012	331-910-0070	6-25-2012	Adopt	8-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
331-910-0070(T)	6-25-2012	Repeal	8-1-2012	331-920-0005	1-1-2012	Adopt	2-1-2012
331-910-0075	3-1-2012	Adopt(T)	4-1-2012	331-925-0000	1-1-2012	Adopt	2-1-2012
331-910-0075	6-25-2012	Adopt	8-1-2012	331-925-0000	3-1-2012	Amend(T)	4-1-2012
331-910-0075(T)	6-25-2012	Repeal	8-1-2012	331-925-0000	6-25-2012	Amend	8-1-2012
331-910-0080	3-1-2012	Adopt(T)	4-1-2012	331-925-0000(T)	6-25-2012	Repeal	8-1-2012
331-910-0080	6-25-2012	Adopt	8-1-2012	331-925-0005	1-1-2012	Adopt	2-1-2012
331-910-0080(T)	6-25-2012	Repeal	8-1-2012	331-925-0005	3-1-2012	Amend(T)	4-1-2012
331-910-0085	3-1-2012	Adopt(T)	4-1-2012	331-925-0005	6-25-2012	Amend	8-1-2012
331-910-0085	6-25-2012	Adopt	8-1-2012	331-925-0005(T)	6-25-2012	Repeal	8-1-2012
331-910-0085(T)	6-25-2012	Repeal	8-1-2012	331-925-0010	1-1-2012	Adopt	2-1-2012
331-915-0000	1-1-2012	Adopt	2-1-2012	331-925-0010	3-1-2012	Amend(T)	4-1-2012
331-915-0000	6-25-2012	Amend	8-1-2012	331-925-0010	6-25-2012	Amend	8-1-2012
331-915-0005	1-1-2012	Adopt	2-1-2012	331-925-0010(T)	6-25-2012	Repeal	8-1-2012
331-915-0010	1-1-2012	Adopt	2-1-2012	331-925-0015	1-1-2012	Adopt	2-1-2012
331-915-0010	3-1-2012	Amend(T)	4-1-2012	331-925-0015	3-1-2012	Amend(T)	4-1-2012
331-915-0010	6-25-2012	Amend	8-1-2012	331-925-0015	6-25-2012	Amend	8-1-2012
331-915-0010(T)	6-25-2012	Repeal	8-1-2012	331-925-0015(T)	6-25-2012	Repeal	8-1-2012
331-915-0015	1-1-2012	Adopt	2-1-2012	331-925-0020	1-1-2012	Adopt	2-1-2012
331-915-0015	3-1-2012	Amend(T)	4-1-2012	331-925-0020	3-1-2012	Amend(T)	4-1-2012
331-915-0015	6-25-2012	Amend	8-1-2012	331-925-0020	6-25-2012	Amend	8-1-2012
331-915-0015(T)	6-25-2012	Repeal	8-1-2012	331-925-0020(T)	6-25-2012	Repeal	8-1-2012
331-915-0020	1-1-2012	Adopt	2-1-2012	331-925-0025	1-1-2012	Adopt	2-1-2012
331-915-0020	3-1-2012	Amend(T)	4-1-2012	331-925-0025	3-1-2012	Amend(T)	4-1-2012
331-915-0020	6-25-2012	Amend	8-1-2012	331-925-0025	6-25-2012	Amend	8-1-2012
331-915-0020(T)	6-25-2012	Repeal	8-1-2012	331-925-0025(T)	6-25-2012	Repeal	8-1-2012
331-915-0025	1-1-2012	Adopt	2-1-2012	331-925-0030	1-1-2012	Adopt	2-1-2012
331-915-0025	4-20-2012	Amend(T)	6-1-2012	331-925-0030	3-1-2012	Amend(T)	4-1-2012
331-915-0025	5-3-2012	Amend(T)	6-1-2012	331-925-0030	6-25-2012	Amend	8-1-2012
331-915-0025	6-25-2012	Amend	8-1-2012	331-925-0030(T)	6-25-2012	Repeal	8-1-2012
331-915-0025(T)	6-25-2012	Repeal	8-1-2012	331-925-0035	1-1-2012	Adopt	2-1-2012
331-915-0027	3-21-2012	Adopt(T)	5-1-2012	331-925-0035	3-1-2012	Amend(T)	4-1-2012
331-915-0027	3-30-2012	Suspend	5-1-2012	331-925-0035	6-25-2012	Amend	8-1-2012
331-915-0027(T)	6-25-2012	Repeal	8-1-2012	331-925-0035(T)	6-25-2012	Repeal	8-1-2012
331-915-0029	3-21-2012	Adopt(T)	5-1-2012	331-925-0040	1-1-2012	Adopt	2-1-2012
331-915-0029	3-30-2012	Suspend	5-1-2012	331-925-0040	3-1-2012	Amend(T)	4-1-2012
331-915-0029(T)	6-25-2012	Repeal	8-1-2012	331-925-0040	6-25-2012	Amend	8-1-2012
331-915-0030	1-1-2012	Adopt	2-1-2012	331-925-0040(T)	6-25-2012	Repeal	8-1-2012
331-915-0035	1-1-2012	Adopt	2-1-2012	331-925-0045	1-1-2012	Adopt	2-1-2012
331-915-0040	1-1-2012	Adopt	2-1-2012	331-925-0045	6-25-2012	Amend	8-1-2012
331-915-0040	3-1-2012	Amend(T)	4-1-2012	331-925-0050	3-1-2012	Adopt(T)	4-1-2012
331-915-0040	6-25-2012	Amend	8-1-2012	331-925-0050	6-25-2012	Adopt	8-1-2012
331-915-0040(T)	6-25-2012	Repeal	8-1-2012	331-925-0050(T)	6-25-2012	Repeal	8-1-2012
331-915-0045	1-1-2012	Adopt	2-1-2012	331-925-0055	3-1-2012	Adopt(T)	4-1-2012
331-915-0045	3-1-2012	Amend(T)	4-1-2012	331-925-0055	6-25-2012	Adopt	8-1-2012
331-915-0045	6-25-2012	Amend	8-1-2012	331-925-0055(T)	6-25-2012	Repeal	8-1-2012
331-915-0045(T)	6-25-2012	Repeal	8-1-2012	331-930-0000	1-1-2012	Adopt	2-1-2012
331-915-0050	1-1-2012	Adopt	2-1-2012	331-930-0000	3-1-2012	Amend(T)	4-1-2012
331-915-0055	1-1-2012	Adopt	2-1-2012	331-930-0000	6-25-2012	Repeal	8-1-2012
331-915-0060	1-1-2012	Adopt	2-1-2012	331-930-0000(T)	6-25-2012	Repeal	8-1-2012
331-915-0065	1-1-2012	Adopt	2-1-2012	331-930-0005	1-1-2012	Adopt	2-1-2012
331-915-0065	6-25-2012	Amend	8-1-2012	331-930-0005	3-1-2012	Suspend	4-1-2012
331-915-0070	6-25-2012	Adopt	8-1-2012	331-930-0005	6-25-2012	Repeal	8-1-2012
331-915-0075	6-25-2012	Adopt	8-1-2012	331-930-0005(T)	6-25-2012	Repeal	8-1-2012
331-915-0080	6-25-2012	Adopt	8-1-2012	331-930-0010	1-1-2012	Adopt	2-1-2012
331-915-0085	6-25-2012	Adopt	8-1-2012	331-930-0010	3-1-2012	Suspend	4-1-2012
331-920-0000	1-1-2012	Adopt	2-1-2012	331-930-0010	6-25-2012	Repeal	8-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
331-930-0025	1-1-2012	Adopt	2-1-2012	333-010-0110	1-17-2012	Amend	3-1-2012
331-930-0025	3-1-2012	Amend(T)	4-1-2012	333-010-0115	1-17-2012	Amend	3-1-2012
331-930-0025	6-25-2012	Repeal	8-1-2012	333-010-0130	1-17-2012	Amend	3-1-2012
331-930-0025(T)	6-25-2012	Repeal	8-1-2012	333-010-0197	1-17-2012	Adopt	3-1-2012
331-930-0030	1-1-2012	Adopt	2-1-2012	333-010-0340	6-11-2012	Repeal	7-1-2012
331-930-0030	3-1-2012	Amend(T)	4-1-2012	333-011-0006	1-1-2012	Amend	2-1-2012
331-930-0030	6-25-2012	Repeal	8-1-2012	333-011-0016	1-1-2012	Amend	2-1-2012
331-930-0030(T)	6-25-2012	Repeal	8-1-2012	333-011-0061	1-1-2012	Amend	2-1-2012
331-940-0000	1-1-2012	Adopt	2-1-2012	333-011-0101	1-1-2012	Amend	2-1-2012
331-940-0000	3-5-2012	Amend(T)	4-1-2012	333-012-0002	6-11-2012	Repeal	7-1-2012
331-940-0000	7-25-2012	Amend	9-1-2012	333-012-0003	6-11-2012	Repeal	7-1-2012
331-950-0010	1-1-2012	Adopt	2-1-2012	333-012-0004	6-11-2012	Repeal	7-1-2012
331-950-0010	6-25-2012	Amend	8-1-2012	333-012-0010	6-11-2012	Repeal	7-1-2012
331-950-0020	1-1-2012	Adopt	2-1-2012	333-012-0035	6-11-2012	Repeal	7-1-2012
331-950-0020	6-25-2012	Amend	8-1-2012	333-012-0040	6-11-2012	Repeal	7-1-2012
331-950-0030	1-1-2012	Adopt	2-1-2012	333-012-0041	6-11-2012	Repeal	7-1-2012
331-950-0030	6-25-2012	Amend	8-1-2012	333-012-0043	6-11-2012	Repeal	7-1-2012
331-950-0040	1-1-2012	Adopt	2-1-2012	333-012-0045	6-11-2012	Repeal	7-1-2012
331-950-0040	6-25-2012	Amend	8-1-2012	333-012-0050	9-4-2012	Amend	10-1-2012
331-950-0050	1-1-2012	Adopt	2-1-2012	333-012-0053	3-1-2012	Amend	4-1-2012
331-950-0050	6-25-2012	Amend	8-1-2012	333-012-0053	9-4-2012	Amend	10-1-2012
331-950-0060	1-1-2012	Adopt	2-1-2012	333-012-0055	3-1-2012	Amend	4-1-2012
331-950-0060	6-25-2012	Amend	8-1-2012	333-012-0055	9-4-2012	Amend	10-1-2012
331-950-0070	1-1-2012	Adopt	2-1-2012	333-012-0057	9-4-2012	Amend	10-1-2012
331-950-0070	6-25-2012	Amend	8-1-2012	333-012-0060	9-4-2012	Amend	10-1-2012
332-025-0120	4-12-2012	Amend(T)	4-1-2012	333-012-0061	9-4-2012	Amend	10-1-2012
332-025-0120	5-10-2012	Amend(T)	6-1-2012	333-012-0063	9-4-2012	Amend	10-1-2012
332-025-0120	9-7-2012	Amend	10-1-2012	333-012-0065	9-4-2012	Amend	10-1-2012
332-025-0120(T)	5-10-2012	Suspend	6-1-2012	333-012-0067	9-4-2012	Amend	10-1-2012
332-025-0120(T)	9-7-2012	Repeal	10-1-2012	333-012-0070	9-4-2012	Amend	10-1-2012
332-040-0000	1-1-2012	Amend(T)	2-1-2012	333-013-0001	6-11-2012	Repeal	7-1-2012
332-040-0000	3-9-2012	Amend(T)	4-1-2012	333-013-0004	6-11-2012	Amend	7-1-2012
332-040-0000	7-25-2012	Amend	9-1-2012	333-013-0100	6-11-2012	Repeal	7-1-2012
333-003-0105	4-1-2012	Amend	5-1-2012	333-015-0025	2-1-2012	Amend	3-1-2012
333-003-0110	4-1-2012	Amend	5-1-2012	333-015-0030	2-1-2012	Amend	3-1-2012
333-003-0115	4-1-2012	Amend	5-1-2012	333-015-0035	2-1-2012	Amend	3-1-2012
333-003-0117	4-1-2012	Adopt	5-1-2012	333-015-0040	2-1-2012	Amend	3-1-2012
333-003-0118	4-1-2012	Amend	5-1-2012	333-015-0045	2-1-2012	Amend	3-1-2012
333-003-0119	4-1-2012	Adopt	5-1-2012	333-015-0064	2-1-2012	Amend	3-1-2012
333-003-0125	4-1-2012	Amend	5-1-2012	333-015-0066	2-1-2012	Amend	3-1-2012
333-003-0140	4-1-2012	Amend	5-1-2012	333-015-0068	2-1-2012	Amend	3-1-2012
333-003-0210	4-1-2012	Amend	5-1-2012	333-015-0069	2-1-2012	Amend	3-1-2012
333-010-0000	1-1-2012	Amend	2-1-2012	333-015-0070	2-1-2012	Amend	3-1-2012
333-010-0010	1-1-2012	Amend	2-1-2012	333-015-0075	2-1-2012	Amend	3-1-2012
333-010-0020	1-1-2012	Amend	2-1-2012	333-015-0080	2-1-2012	Amend	3-1-2012
333-010-0030	1-1-2012	Amend	2-1-2012	333-015-0082	2-1-2012	Amend	3-1-2012
333-010-0032	1-1-2012	Adopt	2-1-2012	333-015-0085	2-1-2012	Amend	3-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-015-0090	2-1-2012	Repeal	3-1-2012	333-076-0001	4-1-2012	Adopt	5-1-2012
333-019-0041	12-14-2011	Amend	1-1-2012	333-076-0185	4-1-2012	Amend	5-1-2012
333-019-0042	12-14-2011	Adopt	1-1-2012	333-150-0000	9-4-2012	Amend	10-1-2012
333-021-0150	6-11-2012	Repeal	7-1-2012	333-157-0000	9-4-2012	Amend	10-1-2012
333-021-0500	6-11-2012	Repeal	7-1-2012	333-157-0010	9-4-2012	Amend	10-1-2012
333-021-0600	6-11-2012	Repeal	7-1-2012	333-157-0020	9-4-2012	Amend	10-1-2012
333-027-0000	4-1-2012	Amend	5-1-2012	333-157-0030	9-4-2012	Amend	10-1-2012
333-027-0005	4-1-2012	Amend	5-1-2012	333-157-0040	9-4-2012	Amend	10-1-2012
333-027-0010	4-1-2012	Amend	5-1-2012	333-157-0045	9-4-2012	Amend	10-1-2012
333-027-0015	4-1-2012	Amend	5-1-2012	333-157-0070	9-4-2012	Amend	10-1-2012
333-027-0017	4-1-2012	Adopt	5-1-2012	333-157-0073	3-1-2012	Adopt	4-1-2012
333-027-0018	4-1-2012	Adopt	5-1-2012	333-157-0077	3-1-2012	Adopt	4-1-2012
333-027-0020	4-1-2012	Amend	5-1-2012	333-157-0077	9-4-2012	Amend	10-1-2012
333-027-0025	4-1-2012	Amend	5-1-2012	333-157-0080	9-4-2012	Amend	10-1-2012
333-027-0029	4-1-2012	Adopt	5-1-2012	333-158-0000	9-4-2012	Amend	10-1-2012
333-027-0030	4-1-2012	Repeal	5-1-2012	333-162-0020	9-4-2012	Amend	10-1-2012
333-027-0033	4-1-2012	Adopt	5-1-2012	333-162-0880	9-4-2012	Amend	10-1-2012
333-027-0035	4-1-2012	Repeal	5-1-2012	333-162-0890	9-4-2012	Amend	10-1-2012
333-027-0036	4-1-2012	Adopt	5-1-2012	333-162-0910	9-4-2012	Amend	10-1-2012
333-027-0037	4-1-2012	Adopt	5-1-2012	333-162-0920	9-4-2012	Amend	10-1-2012
333-027-0038	4-1-2012	Adopt	5-1-2012	333-162-0950	9-4-2012	Amend	10-1-2012
333-027-0040	4-1-2012	Amend	5-1-2012	333-162-1005	9-4-2012	Amend	10-1-2012
333-027-0050	4-1-2012	Amend	5-1-2012	333-170-0010	9-4-2012	Amend	10-1-2012
333-027-0060	4-1-2012	Amend	5-1-2012	333-170-0110	9-4-2012	Amend	10-1-2012
333-027-0064	4-1-2012	Adopt	5-1-2012	333-170-0130	9-4-2012	Amend	10-1-2012
333-027-0080	4-1-2012	Amend	5-1-2012	333-175-0051	9-4-2012	Amend	10-1-2012
333-027-0090	4-1-2012	Amend	5-1-2012	333-175-0091	9-4-2012	Amend	10-1-2012
333-027-0100	4-1-2012	Amend	5-1-2012	333-250-0051	7-1-2012	Adopt(T)	8-1-2012
333-027-0110	4-1-2012	Amend	5-1-2012	333-265-0000	1-1-2012	Amend	2-1-2012
333-027-0120	4-1-2012	Amend	5-1-2012	333-265-0010	1-1-2012	Amend	2-1-2012
333-027-0130	4-1-2012	Amend	5-1-2012	333-265-0012	1-1-2012	Amend	2-1-2012
333-027-0140	4-1-2012	Amend	5-1-2012	333-265-0014	1-1-2012	Amend	2-1-2012
333-027-0150	4-1-2012	Amend	5-1-2012	333-265-0015	1-1-2012	Amend	2-1-2012
333-027-0170	4-1-2012	Amend	5-1-2012	333-265-0016	1-1-2012	Amend	2-1-2012
333-027-0175	4-1-2012	Adopt	5-1-2012	333-265-0018	1-1-2012	Amend	2-1-2012
333-027-0180	4-1-2012	Adopt	5-1-2012	333-265-0020	1-1-2012	Amend	2-1-2012
333-027-0185	4-1-2012	Adopt	5-1-2012	333-265-0022	1-1-2012	Amend	2-1-2012
333-027-0190	4-1-2012	Adopt	5-1-2012	333-265-0023	1-1-2012	Amend	2-1-2012
333-047-0010	1-1-2012	Adopt	2-1-2012	333-265-0025	1-1-2012	Amend	2-1-2012
333-047-0030	1-1-2012	Adopt	2-1-2012	333-265-0030	1-1-2012	Amend	2-1-2012
333-047-0040	1-1-2012	Adopt	2-1-2012	333-265-0040	1-1-2012	Amend	2-1-2012
333-047-0050	1-1-2012	Adopt	2-1-2012	333-265-0050	1-1-2012	Amend	2-1-2012
333-049-0010	1-1-2012	Amend	2-1-2012	333-265-0060	1-1-2012	Amend	2-1-2012
333-049-0040	1-1-2012	Amend	2-1-2012	333-265-0070	1-1-2012	Amend	2-1-2012
333-049-0050	1-1-2012	Amend	2-1-2012	333-265-0080	1-1-2012	Amend	2-1-2012
333-049-0065	1-1-2012	Amend	2-1-2012	333-265-0083	1-1-2012	Amend	2-1-2012
333-049-0070	1-1-2012	Amend	2-1-2012	333-265-0085	1-1-2012	Amend	2-1-2012
333-049-0090	1-1-2012	Amend	2-1-2012	333-265-0087	1-1-2012	Amend	2-1-2012
333-052-0030	6-11-2012	Amend(T)	7-1-2012	333-265-0090	1-1-2012	Amend	2-1-2012
333-052-0040	6-11-2012	Amend(T)	7-1-2012	333-265-0100	1-1-2012	Amend	2-1-2012
333-052-0041	6-11-2012	Adopt(T)	7-1-2012	333-265-0105	1-1-2012	Amend	2-1-2012
333-052-0042	6-11-2012	Adopt(T)	7-1-2012	333-265-0110	1-1-2012	Amend	2-1-2012
333-052-0100	6-11-2012	Amend(T)	7-1-2012	333-265-0140	1-1-2012	Amend	2-1-2012
333-061-0020	9-10-2012	Amend	10-1-2012	333-265-0150	1-1-2012	Amend	2-1-2012
333-061-0032	9-10-2012	Amend	10-1-2012	333-265-0160	1-1-2012	Amend	2-1-2012
333-061-0036	9-10-2012	Amend	10-1-2012	333-265-0170	1-1-2012	Amend	2-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-536-0000	7-1-2012	Amend	8-1-2012	333-700-0063	4-1-2012	Adopt	5-1-2012
333-536-0005	7-1-2012	Amend	8-1-2012	333-700-0064	4-1-2012	Adopt	5-1-2012
333-536-0007	7-1-2012	Adopt	8-1-2012	333-700-0065	4-1-2012	Amend	5-1-2012
333-536-0010	7-1-2012	Amend	8-1-2012	333-700-0070	4-1-2012	Repeal	5-1-2012
333-536-0015	7-1-2012	Amend	8-1-2012	333-700-0072	4-1-2012	Adopt	5-1-2012
333-536-0020	7-1-2012	Repeal	8-1-2012	333-700-0073	4-1-2012	Adopt	5-1-2012
333-536-0021	7-1-2012	Adopt	8-1-2012	333-700-0075	4-1-2012	Amend	5-1-2012
333-536-0023	7-1-2012	Adopt	8-1-2012	333-700-0080	4-1-2012	Amend	5-1-2012
333-536-0025	7-1-2012	Amend	8-1-2012	333-700-0085	4-1-2012	Amend	5-1-2012
333-536-0030	7-1-2012	Repeal	8-1-2012	333-700-0090	4-1-2012	Amend	5-1-2012
333-536-0031	7-1-2012	Adopt	8-1-2012	333-700-0095	4-1-2012	Amend	5-1-2012
333-536-0033	7-1-2012	Adopt	8-1-2012	333-700-0100	4-1-2012	Amend	5-1-2012
333-536-0035	7-1-2012	Amend	8-1-2012	333-700-0105	4-1-2012	Amend	5-1-2012
333-536-0040	7-1-2012	Repeal	8-1-2012	333-700-0110	4-1-2012	Amend	5-1-2012
333-536-0041	7-1-2012	Adopt	8-1-2012	333-700-0115	4-1-2012	Amend	5-1-2012
333-536-0042	7-1-2012	Adopt	8-1-2012	333-700-0120	4-1-2012	Amend	5-1-2012
333-536-0043	7-1-2012	Adopt	8-1-2012	333-700-0125	4-1-2012	Amend	5-1-2012
333-536-0045	7-1-2012	Amend	8-1-2012	333-700-0130	4-1-2012	Amend	5-1-2012
333-536-0050	7-1-2012	Amend	8-1-2012	334-001-0000	1-1-2012	Amend	1-1-2012
333-536-0055	7-1-2012	Amend	8-1-2012	334-001-0005	1-1-2012	Amend	1-1-2012
333-536-0060	7-1-2012	Amend	8-1-2012	334-001-0020	1-1-2012	Amend	1-1-2012
333-536-0065	7-1-2012	Amend	8-1-2012	334-001-0025	1-1-2012	Adopt	1-1-2012
333-536-0070	7-1-2012	Amend	8-1-2012	334-001-0028	1-1-2012	Adopt	1-1-2012
333-536-0075	7-1-2012	Amend	8-1-2012	334-001-0032	1-1-2012	Adopt	1-1-2012
333-536-0080	7-1-2012	Amend	8-1-2012	334-001-0035	1-1-2012	Repeal	1-1-2012
333-536-0085	7-1-2012	Amend	8-1-2012	334-001-0036	1-1-2012	Adopt	1-1-2012
333-536-0090	7-1-2012	Amend	8-1-2012	334-001-0060	1-1-2012	Amend	1-1-2012
333-536-0093	7-1-2012	Adopt	8-1-2012	334-010-0005	1-1-2012	Amend	1-1-2012
333-536-0095	7-1-2012	Amend	8-1-2012	334-010-0008	1-1-2012	Amend	1-1-2012
333-536-0105	7-1-2012	Amend	8-1-2012	334-010-0009	1-1-2012	Adopt	1-1-2012
333-536-0110	7-1-2012	Adopt	8-1-2012	334-010-0009	7-1-2012	Amend	8-1-2012
333-536-0115	7-1-2012	Repeal	8-1-2012	334-010-0010	1-1-2012	Amend	1-1-2012
333-536-0117	7-1-2012	Adopt	8-1-2012	334-010-0012	1-1-2012	Amend	1-1-2012
333-536-0120	7-1-2012	Adopt	8-1-2012	334-010-0015	1-1-2012	Amend	1-1-2012
333-536-0125	7-1-2012	Adopt	8-1-2012	334-010-0015	7-1-2012	Amend	8-1-2012
333-700-0000	4-1-2012	Amend	5-1-2012	334-010-0017	1-1-2012	Amend	1-1-2012
333-700-0004	4-1-2012	Adopt	5-1-2012	334-010-0018	1-1-2012	Adopt	1-1-2012
333-700-0005	4-1-2012	Amend	5-1-2012	334-010-0018	7-1-2012	Amend	8-1-2012
333-700-0010	4-1-2012	Amend	5-1-2012	334-010-0025	1-1-2012	Amend	1-1-2012
333-700-0015	4-1-2012	Amend	5-1-2012	334-010-0027	1-1-2012	Adopt	1-1-2012
333-700-0017	4-1-2012	Adopt	5-1-2012	334-010-0028	7-1-2012	Adopt	8-1-2012
333-700-0018	4-1-2012	Adopt	5-1-2012	334-010-0029	7-1-2012	Adopt	8-1-2012
333-700-0019	4-1-2012	Adopt	5-1-2012	334-010-0033	1-1-2012	Amend	1-1-2012
333-700-0020	4-1-2012	Amend	5-1-2012	334-010-0033	7-1-2012	Amend	8-1-2012
333-700-0025	4-1-2012	Amend	5-1-2012	334-010-0046	1-1-2012	Amend	1-1-2012
333-700-0030	4-1-2012	Amend	5-1-2012	334-010-0050	1-1-2012	Amend	1-1-2012
333-700-0035	4-1-2012	Amend	5-1-2012	334-020-0015	1-1-2012	Amend	1-1-2012
333-700-0040	4-1-2012	Amend	5-1-2012	334-030-0001	1-1-2012	Amend	1-1-2012
333-700-0045	4-1-2012	Amend	5-1-2012	334-030-0005	1-1-2012	Amend	1-1-2012
333-700-0050	4-1-2012	Amend	5-1-2012	334-040-0001	1-1-2012	Amend	1-1-2012
333-700-0053	4-1-2012	Adopt	5-1-2012	334-040-0010	1-1-2012	Amend	1-1-2012
333-700-0055	4-1-2012	Repeal	5-1-2012	335-060-0006	2-23-2012	Amend	4-1-2012
333-700-0057	4-1-2012	Adopt	5-1-2012	335-060-0007	2-23-2012	Amend	4-1-2012
333-700-0060	4-1-2012	Amend	5-1-2012	335-060-0010	2-23-2012	Amend	4-1-2012
333-700-0061	4-1-2012	Adopt	5-1-2012	337-010-0030	1-12-2012	Amend	2-1-2012
333-700-0062	4-1-2012	Adopt	5-1-2012	337-010-0045	5-1-2012	Amend	6-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
340-041-0185	5-21-2012	Amend	7-1-2012	345-023-0040	5-15-2012	Amend	6-1-2012
340-041-0310	5-21-2012	Amend	7-1-2012	345-024-0015	5-15-2012	Amend	6-1-2012
340-041-0315	5-21-2012	Amend	7-1-2012	345-024-0050	5-15-2012	Amend	6-1-2012
340-045-0100	11-18-2011	Amend	1-1-2012	345-024-0060	5-15-2012	Amend	6-1-2012
340-098-0000	6-26-2012	Adopt	8-1-2012	345-024-0070	5-15-2012	Amend	6-1-2012
340-098-0010	6-26-2012	Adopt	8-1-2012	345-024-0090	5-15-2012	Amend	6-1-2012
340-098-0100	6-26-2012	Adopt	8-1-2012	345-024-0600	5-15-2012	Amend	6-1-2012
340-098-0150	6-26-2012	Adopt	8-1-2012	345-024-0610	5-15-2012	Amend	6-1-2012
340-098-0200	6-26-2012	Adopt	8-1-2012	345-024-0620	5-15-2012	Amend	6-1-2012
340-200-0020	5-17-2012	Amend	7-1-2012	345-024-0630	5-15-2012	Amend	6-1-2012
340-200-0040	12-21-2011	Amend	2-1-2012	345-024-0640	5-15-2012	Amend	6-1-2012
340-200-0040	5-17-2012	Amend	7-1-2012	345-024-0680	5-15-2012	Amend	6-1-2012
340-204-0010	12-21-2011	Amend	2-1-2012	345-024-0710	5-15-2012	Amend	6-1-2012
340-204-0030	12-21-2011	Amend	2-1-2012	345-024-0720	5-15-2012	Amend	6-1-2012
340-204-0040	12-21-2011	Amend	2-1-2012	345-026-0080	5-15-2012	Amend	6-1-2012
340-210-0100	5-17-2012	Amend	7-1-2012	345-026-0170	5-15-2012	Amend	6-1-2012
340-210-0110	5-17-2012	Amend	7-1-2012	345-027-0020	5-15-2012	Amend	6-1-2012
340-210-0120	5-17-2012	Amend	7-1-2012	345-027-0023	5-15-2012	Amend	6-1-2012
340-210-0250	5-17-2012	Amend	7-1-2012	345-027-0028	5-15-2012	Amend	6-1-2012
340-215-0060	7-2-2012	Amend	8-1-2012	345-027-0030	5-15-2012	Amend	6-1-2012
340-220-0030	7-2-2012	Amend	8-1-2012	345-027-0050	5-15-2012	Amend	6-1-2012
340-220-0040	7-2-2012	Amend	8-1-2012	345-027-0060	5-15-2012	Amend	6-1-2012
340-220-0050	7-2-2012	Amend	8-1-2012	345-027-0070	5-15-2012	Amend	6-1-2012
340-228-0020	5-17-2012	Amend	7-1-2012	345-027-0080	5-15-2012	Amend	6-1-2012
340-228-0200	5-17-2012	Amend	7-1-2012	345-027-0090	5-15-2012	Amend	6-1-2012
340-228-0210	5-17-2012	Amend	7-1-2012	345-027-0100	5-15-2012	Amend	6-1-2012
340-262-0450	5-17-2012	Amend	7-1-2012	345-027-0110	5-15-2012	Amend	6-1-2012
340-262-0600	5-17-2012	Amend	7-1-2012	345-027-0210	5-15-2012	Amend	6-1-2012
345-001-0005	5-15-2012	Amend	6-1-2012	345-027-0220	5-15-2012	Amend	6-1-2012
345-001-0010	5-15-2012	Amend	6-1-2012	345-027-0230	5-15-2012	Amend	6-1-2012
345-001-0050	5-15-2012	Amend	6-1-2012	350-081-0020	6-1-2012	Amend	6-1-2012
345-011-0020	5-15-2012	Amend	6-1-2012	350-081-0036	6-1-2012	Amend	6-1-2012
345-011-0050	5-15-2012	Amend	6-1-2012	350-081-0038	6-1-2012	Amend	6-1-2012
345-015-0014	5-15-2012	Amend	6-1-2012	350-081-0042	6-1-2012	Amend	6-1-2012
345-015-0085	5-15-2012	Amend	6-1-2012	350-081-0054	6-1-2012	Amend	6-1-2012
345-015-0110	5-15-2012	Amend	6-1-2012	350-081-0082	6-1-2012	Amend	6-1-2012
345-015-0120	5-15-2012	Amend	6-1-2012	350-081-0190	6-1-2012	Amend	6-1-2012
345-015-0160	5-15-2012	Amend	6-1-2012	350-081-0370	6-1-2012	Amend	6-1-2012
345-015-0180	5-15-2012	Amend	6-1-2012	350-081-0550	6-1-2012	Amend	6-1-2012
345-015-0190	5-15-2012	Amend	6-1-2012	350-081-0600	6-1-2012	Amend	6-1-2012
345-015-0220	5-15-2012	Amend	6-1-2012	350-081-0620	6-1-2012	Amend	6-1-2012
345-015-0230	5-15-2012	Amend	6-1-2012	407-007-0200	2-27-2012	Amend(T)	4-1-2012
345-015-0240	5-15-2012	Amend	6-1-2012	407-007-0200	8-1-2012	Amend	9-1-2012
345-015-0300	5-15-2012	Amend	6-1-2012	407-007-0200(T)	8-1-2012	Repeal	9-1-2012
345-015-0310	5-15-2012	Amend	6-1-2012	407-007-0210	2-27-2012	Amend(T)	4-1-2012
345-020-0011	5-15-2012	Amend	6-1-2012	407-007-0210	8-1-2012	Amend	9-1-2012
345-020-0016	5-15-2012	Amend	6-1-2012	407-007-0210(T)	8-1-2012	Repeal	9-1-2012
345-020-0040	5-15-2012	Amend	6-1-2012	407-007-0215	2-27-2012	Adopt(T)	4-1-2012
345-021-0000	5-15-2012	Amend	6-1-2012	407-007-0215(T)	8-1-2012	Repeal	9-1-2012
345-021-0010	5-15-2012	Amend	6-1-2012	407-007-0220	2-27-2012	Amend(T)	4-1-2012
345-021-0050	5-15-2012	Amend	6-1-2012	407-007-0220	4-13-2012	Amend(T)	5-1-2012
345-021-0055	5-15-2012	Amend	6-1-2012	407-007-0220	8-1-2012	Amend	9-1-2012
345-021-0090	5-15-2012	Amend	6-1-2012	407-007-0220(T)	4-13-2012	Suspend	5-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
407-007-0220(T)	8-1-2012	Repeal	9-1-2012	407-014-0020(T)	12-16-2011	Repeal	2-1-2012
407-007-0230	2-27-2012	Amend(T)	4-1-2012	407-014-0030	12-16-2011	Amend	2-1-2012
407-007-0230	8-1-2012	Amend	9-1-2012	407-014-0030(T)	12-16-2011	Repeal	2-1-2012
407-007-0230(T)	8-1-2012	Repeal	9-1-2012	407-014-0040	12-16-2011	Amend	2-1-2012
407-007-0240	2-27-2012	Amend(T)	4-1-2012	407-014-0040(T)	12-16-2011	Repeal	2-1-2012
407-007-0240	8-1-2012	Amend	9-1-2012	407-014-0050	12-16-2011	Amend	2-1-2012
407-007-0240(T)	8-1-2012	Repeal	9-1-2012	407-014-0050(T)	12-16-2011	Repeal	2-1-2012
407-007-0250	2-27-2012	Amend(T)	4-1-2012	407-014-0060	12-16-2011	Amend	2-1-2012
407-007-0250	8-1-2012	Amend	9-1-2012	407-014-0060(T)	12-16-2011	Repeal	2-1-2012
407-007-0250(T)	8-1-2012	Repeal	9-1-2012	407-014-0070	12-16-2011	Amend	2-1-2012
407-007-0275	2-27-2012	Amend(T)	4-1-2012	407-014-0070(T)	12-16-2011	Repeal	2-1-2012
407-007-0275	4-13-2012	Amend(T)	5-1-2012	407-014-0300	2-1-2012	Amend	3-1-2012
407-007-0275	8-1-2012	Amend	9-1-2012	407-014-0300(T)	2-1-2012	Repeal	3-1-2012
407-007-0275(T)	4-13-2012	Suspend	5-1-2012	407-014-0305	2-1-2012	Amend	3-1-2012
407-007-0275(T)	8-1-2012	Repeal	9-1-2012	407-014-0305(T)	2-1-2012	Repeal	3-1-2012
407-007-0277	4-13-2012	Adopt(T)	5-1-2012	407-014-0310	2-1-2012	Amend	3-1-2012
407-007-0277	8-1-2012	Adopt	9-1-2012	407-014-0310(T)	2-1-2012	Repeal	3-1-2012
407-007-0277(T)	8-1-2012	Repeal	9-1-2012	407-014-0315	2-1-2012	Amend	3-1-2012
407-007-0280	2-27-2012	Amend(T)	4-1-2012	407-014-0315(T)	2-1-2012	Repeal	3-1-2012
407-007-0280	8-1-2012	Amend	9-1-2012	407-014-0320	2-1-2012	Amend	3-1-2012
407-007-0280(T)	8-1-2012	Repeal	9-1-2012	407-014-0320(T)	2-1-2012	Repeal	3-1-2012
407-007-0290	2-27-2012	Amend(T)	4-1-2012	407-043-0020	12-27-2011	Adopt	2-1-2012
407-007-0290	8-1-2012	Amend	9-1-2012	407-043-0020(T)	12-27-2011	Repeal	2-1-2012
407-007-0290(T)	8-1-2012	Repeal	9-1-2012	407-045-0250	12-5-2011	Amend	1-1-2012
407-007-0300	2-27-2012	Amend(T)	4-1-2012	407-045-0260	12-5-2011	Amend	1-1-2012
407-007-0300	8-1-2012	Amend	9-1-2012	407-045-0280	12-5-2011	Amend	1-1-2012
407-007-0300(T)	8-1-2012	Repeal	9-1-2012	407-045-0290	12-5-2011	Amend	1-1-2012
407-007-0315	2-27-2012	Amend(T)	4-1-2012	407-045-0320	12-5-2011	Amend	1-1-2012
407-007-0315	8-1-2012	Amend	9-1-2012	407-045-0400	12-1-2011	Amend	1-1-2012
407-007-0315(T)	8-1-2012	Repeal	9-1-2012	407-045-0400(T)	12-1-2011	Repeal	1-1-2012
407-007-0320	2-27-2012	Amend(T)	4-1-2012	407-045-0410	12-1-2011	Repeal	1-1-2012
407-007-0320	8-1-2012	Amend	9-1-2012	407-045-0420	12-1-2011	Repeal	1-1-2012
407-007-0320(T)	8-1-2012	Repeal	9-1-2012	407-045-0430	12-1-2011	Repeal	1-1-2012
407-007-0325	2-27-2012	Amend(T)	4-1-2012	407-045-0440	12-1-2011	Repeal	1-1-2012
407-007-0325	8-1-2012	Amend	9-1-2012	407-045-0450	12-1-2011	Repeal	1-1-2012
407-007-0325(T)	8-1-2012	Repeal	9-1-2012	407-045-0460	12-1-2011	Repeal	1-1-2012
407-007-0330	2-27-2012	Amend(T)	4-1-2012	407-045-0470	12-1-2011	Repeal	1-1-2012
407-007-0330	8-1-2012	Amend	9-1-2012	407-045-0480	12-1-2011	Repeal	1-1-2012
407-007-0330(T)	8-1-2012	Repeal	9-1-2012	407-045-0490	12-1-2011	Repeal	1-1-2012
407-007-0335	2-27-2012	Amend(T)	4-1-2012	407-045-0500	12-1-2011	Repeal	1-1-2012
407-007-0335	8-1-2012	Amend	9-1-2012	407-045-0510	12-1-2011	Repeal	1-1-2012
407-007-0335(T)	8-1-2012	Repeal	9-1-2012	407-045-0520	12-1-2011	Repeal	1-1-2012
407-007-0340	2-27-2012	Amend(T)	4-1-2012	407-120-0100	12-27-2011	Amend	2-1-2012
407-007-0340	8-1-2012	Amend	9-1-2012	407-120-0100(T)	12-27-2011	Repeal	2-1-2012
407-007-0340(T)	8-1-2012	Repeal	9-1-2012	407-120-0112	12-27-2011	Amend	2-1-2012
407-007-0350	2-27-2012	Amend(T)	4-1-2012	407-120-0112(T)	12-27-2011	Repeal	2-1-2012
407-007-0350	8-1-2012	Amend	9-1-2012	407-120-0114	12-27-2011	Amend	2-1-2012
407-007-0350(T)	8-1-2012	Repeal	9-1-2012	407-120-0114(T)	12-27-2011	Repeal	2-1-2012
407-007-0370	2-27-2012	Amend(T)	4-1-2012	407-120-0150	12-27-2011	Amend	2-1-2012
407-007-0370	8-1-2012	Amend	9-1-2012	407-120-0150(T)	12-27-2011	Repeal	2-1-2012
407-007-0370(T)	8-1-2012	Repeal	9-1-2012	407-120-0200	12-27-2011	Amend	2-1-2012
407-014-0000	12-16-2011	Amend	2-1-2012	407-120-0200(T)	12-27-2011	Repeal	2-1-2012
407-014-0000(T)	12-16-2011	Repeal	2-1-2012	409-025-0100	6-1-2012	Amend	7-1-2012
407-014-0015	12-16-2011	Adopt	2-1-2012	409-025-0100	6-1-2012	Amend(T)	7-1-2012
407-014-0015(T)	12-16-2011	Repeal	2-1-2012	409-025-0100	7-9-2012	Amend	8-1-2012
407-014-0020	12-16-2011	Amend	2-1-2012	409-025-0100(T)	7-9-2012	Repeal	8-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
409-025-0110	6-1-2012	Amend	7-1-2012	410-120-0006(T)	4-1-2012	Suspend	5-1-2012
409-025-0110	6-1-2012	Amend(T)	7-1-2012	410-120-0006(T)	5-1-2012	Suspend	6-1-2012
409-025-0110	7-9-2012	Amend	8-1-2012	410-120-0025	7-1-2012	Amend	8-1-2012
409-025-0110(T)	7-9-2012	Repeal	8-1-2012	410-120-0027	7-1-2012	Repeal	8-1-2012
409-025-0120	6-1-2012	Amend	7-1-2012	410-120-0030	4-1-2012	Amend	5-1-2012
409-025-0130	6-1-2012	Amend	7-1-2012	410-120-0250	7-1-2012	Amend	8-1-2012
409-025-0160	6-1-2012	Amend	7-1-2012	410-120-1160	1-1-2012	Amend	1-1-2012
409-045-0000	1-11-2012	Adopt(T)	2-1-2012	410-120-1200	1-1-2012	Amend	1-1-2012
409-045-0000	5-1-2012	Amend	6-1-2012	410-120-1210	1-1-2012	Amend	1-1-2012
409-045-0000(T)	5-1-2012	Repeal	6-1-2012	410-120-1260	7-1-2012	Amend	8-1-2012
409-050-0110	12-1-2011	Amend	1-1-2012	410-120-1295	3-22-2012	Amend	5-1-2012
409-050-0110(T)	12-1-2011	Repeal	1-1-2012	410-120-1295(T)	3-22-2012	Repeal	5-1-2012
409-050-0120	12-1-2011	Amend	1-1-2012	410-120-1340	1-1-2012	Amend	1-1-2012
409-050-0120(T)	12-1-2011	Repeal	1-1-2012	410-120-1340	7-1-2012	Amend	8-1-2012
409-050-0130	12-22-2011	Amend	2-1-2012	410-120-1340	9-1-2012	Amend(T)	10-1-2012
409-050-0130(T)	12-22-2011	Repeal	2-1-2012	410-120-1340(T)	1-1-2012	Repeal	1-1-2012
409-055-0000	3-1-2012	Amend	4-1-2012	410-120-1395	7-1-2012	Amend	8-1-2012
409-055-0000(T)	3-1-2012	Repeal	4-1-2012	410-120-1510	1-1-2012	Amend	1-1-2012
409-055-0010	3-1-2012	Amend	4-1-2012	410-120-1860	2-1-2012	Amend(T)	3-1-2012
409-055-0010(T)	3-1-2012	Repeal	4-1-2012	410-120-1860	7-1-2012	Amend	8-1-2012
409-055-0020	3-1-2012	Amend	4-1-2012	410-120-1860(T)	7-1-2012	Repeal	8-1-2012
409-055-0020(T)	3-1-2012	Repeal	4-1-2012	410-120-1920	1-1-2012	Amend	1-1-2012
409-055-0030	3-1-2012	Amend	4-1-2012	410-120-1960	1-1-2012	Amend	1-1-2012
409-055-0030(T)	3-1-2012	Repeal	4-1-2012	410-121-0000	1-1-2012	Amend	2-1-2012
409-055-0040	3-1-2012	Amend	4-1-2012	410-121-0030	1-1-2012	Amend	2-1-2012
409-055-0040(T)	3-1-2012	Repeal	4-1-2012	410-121-0030	3-16-2012	Amend(T)	5-1-2012
409-055-0050	3-1-2012	Amend	4-1-2012	410-121-0030	4-9-2012	Amend	5-1-2012
409-055-0050(T)	3-1-2012	Repeal	4-1-2012	410-121-0030	5-14-2012	Amend	6-1-2012
409-055-0060	3-1-2012	Amend	4-1-2012	410-121-0030	6-21-2012	Amend	8-1-2012
409-055-0060(T)	3-1-2012	Repeal	4-1-2012	410-121-0030	7-23-2012	Amend(T)	9-1-2012
409-055-0070	3-1-2012	Amend	4-1-2012	410-121-0030	8-20-2012	Amend(T)	10-1-2012
409-055-0070(T)	3-1-2012	Repeal	4-1-2012	410-121-0030(T)	4-9-2012	Repeal	5-1-2012
409-055-0080	3-1-2012	Amend	4-1-2012	410-121-0030(T)	8-20-2012	Suspend	10-1-2012
409-055-0080(T)	3-1-2012	Repeal	4-1-2012	410-121-0032	1-1-2012	Amend	2-1-2012
409-055-0090	3-1-2012	Adopt	4-1-2012	410-121-0033	3-16-2012	Amend(T)	5-1-2012
410-050-0100	7-1-2012	Amend(T)	8-1-2012	410-121-0033	9-12-2012	Amend(T)	10-1-2012
410-050-0110	7-1-2012	Amend(T)	8-1-2012	410-121-0033(T)	9-12-2012	Suspend	10-1-2012
410-050-0861	1-1-2012	Amend(T)	2-1-2012	410-121-0040	1-1-2012	Amend	2-1-2012
410-050-0861	3-1-2012	Amend	4-1-2012	410-121-0040	3-16-2012	Amend(T)	5-1-2012
410-050-0861(T)	3-1-2012	Repeal	4-1-2012	410-121-0040	4-9-2012	Amend	5-1-2012
410-120-0000	1-1-2012	Amend	1-1-2012	410-121-0040	4-20-2012	Amend(T)	6-1-2012
410-120-0000	3-16-2012	Amend(T)	5-1-2012	410-121-0040	5-14-2012	Amend(T)	6-1-2012
410-120-0000	7-1-2012	Amend	8-1-2012	410-121-0040	6-21-2012	Amend	8-1-2012
410-120-0000(T)	7-1-2012	Repeal	8-1-2012	410-121-0040	7-23-2012	Amend(T)	9-1-2012
410-120-0006	1-1-2012	Amend	1-1-2012	410-121-0040	8-20-2012	Amend(T)	10-1-2012
410-120-0006	1-13-2012	Amend(T)	2-1-2012	410-121-0040(T)	4-9-2012	Repeal	5-1-2012
410-120-0006	1-26-2012	Amend(T)	3-1-2012	410-121-0040(T)	5-14-2012	Suspend	6-1-2012
410-120-0006	1-31-2012	Amend(T)	3-1-2012	410-121-0040(T)	6-21-2012	Repeal	8-1-2012
410-120-0006	2-1-2012	Amend(T)	3-1-2012	410-121-0040(T)	8-20-2012	Suspend	10-1-2012
410-120-0006	3-1-2012	Amend(T)	4-1-2012	410-121-0061	1-1-2012	Amend	2-1-2012
410-120-0006	4-1-2012	Amend(T)	5-1-2012	410-121-0100	3-16-2012	Amend(T)	5-1-2012
410-120-0006	5-1-2012	Amend(T)	6-1-2012	410-121-0100	9-12-2012	Amend(T)	10-1-2012
410-120-0006	7-20-2012	Amend(T)	9-1-2012	410-121-0100(T)	9-12-2012	Suspend	10-1-2012
410-120-0006(T)	1-1-2012	Repeal	1-1-2012	410-121-0111	3-16-2012	Adopt(T)	5-1-2012
410-120-0006(T)	1-26-2012	Suspend	3-1-2012	410-121-0111	9-12-2012	Adopt(T)	10-1-2012
410-120-0006(T)	3-1-2012	Suspend	4-1-2012	410-121-0146	1-1-2012	Amend	2-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-121-0147	1-1-2012	Amend	2-1-2012	410-131-0040	1-1-2012	Amend	1-1-2012
410-121-0160	1-1-2012	Amend	2-1-2012	410-131-0060	1-1-2012	Repeal	1-1-2012
410-121-0160(T)	1-1-2012	Repeal	2-1-2012	410-131-0080	1-1-2012	Amend	1-1-2012
410-121-0185	1-1-2012	Amend	2-1-2012	410-131-0100	1-1-2012	Amend	1-1-2012
410-121-0190	1-1-2012	Amend	2-1-2012	410-131-0120	1-1-2012	Amend	1-1-2012
410-121-2000	3-13-2012	Amend	4-1-2012	410-131-0140	1-1-2012	Repeal	1-1-2012
410-121-2005	3-13-2012	Amend	4-1-2012	410-131-0160	1-1-2012	Amend	1-1-2012
410-121-2010	3-13-2012	Amend	4-1-2012	410-131-0180	1-1-2012	Repeal	1-1-2012
410-121-2020	3-13-2012	Amend	4-1-2012	410-131-0200	1-1-2012	Repeal	1-1-2012
410-121-2030	3-13-2012	Amend	4-1-2012	410-131-0270	1-1-2012	Repeal	1-1-2012
410-121-2050	3-13-2012	Amend	4-1-2012	410-131-0275	1-1-2012	Repeal	1-1-2012
410-121-2065	3-13-2012	Amend	4-1-2012	410-131-0280	1-1-2012	Repeal	1-1-2012
410-122-0186	1-1-2012	Amend	2-1-2012	410-140-0080	12-6-2011	Amend	1-1-2012
410-122-0186	7-1-2012	Amend(T)	8-1-2012	410-140-0260	12-6-2011	Amend	1-1-2012
410-122-0186(T)	1-1-2012	Repeal	2-1-2012	410-140-0400	12-6-2011	Amend	1-1-2012
410-122-0188	1-1-2012	Adopt	2-1-2012	410-141-0000	3-16-2012	Amend(T)	5-1-2012
410-122-0325	7-1-2012	Amend(T)	8-1-2012	410-141-0000	8-1-2012	Amend	9-1-2012
410-122-0340	4-1-2012	Amend	5-1-2012	410-141-0070	11-21-2011	Amend(T)	1-1-2012
410-122-0520	1-1-2012	Amend	2-1-2012	410-141-0070	5-1-2012	Amend	6-1-2012
410-122-0540	4-1-2012	Amend	5-1-2012	410-141-0070(T)	5-1-2012	Repeal	6-1-2012
410-122-0630	1-1-2012	Amend	2-1-2012	410-141-0080	1-1-2012	Amend(T)	1-1-2012
410-122-0630	4-1-2012	Amend	5-1-2012	410-141-0080	5-1-2012	Amend	6-1-2012
410-122-0630(T)	1-1-2012	Repeal	2-1-2012	410-141-0080(T)	5-1-2012	Repeal	6-1-2012
410-122-0660	4-1-2012	Amend	5-1-2012	410-141-0264	2-7-2012	Amend(T)	3-1-2012
410-123-1000	1-1-2012	Amend	2-1-2012	410-141-0264	8-4-2012	Amend	9-1-2012
410-123-1060	1-1-2012	Amend	2-1-2012	410-141-0420	1-1-2012	Amend(T)	2-1-2012
410-123-1060	1-1-2012	Amend	2-1-2012	410-141-0520	12-23-2011	Amend	2-1-2012
410-123-1220	1-1-2012	Amend	2-1-2012	410-141-0520	1-1-2012	Amend(T)	2-1-2012
410-123-1220	1-1-2012	Amend	2-1-2012	410-141-0520	4-1-2012	Amend(T)	5-1-2012
410-123-1260	1-1-2012	Amend	2-1-2012	410-141-0520(T)	12-23-2011	Repeal	2-1-2012
410-123-1260	1-1-2012	Amend	2-1-2012	410-141-0520(T)	4-1-2012	Suspend	5-1-2012
410-123-1490	1-1-2012	Amend	2-1-2012	410-141-0860	3-22-2012	Amend	5-1-2012
410-123-1490	1-1-2012	Amend	2-1-2012	410-141-0860(T)	3-22-2012	Repeal	5-1-2012
410-125-0045	1-1-2012	Amend	1-1-2012	410-141-3000	3-16-2012	Adopt(T)	5-1-2012
410-125-0047	1-1-2012	Amend	1-1-2012	410-141-3000	8-1-2012	Adopt	9-1-2012
410-125-0080	1-1-2012	Amend	1-1-2012	410-141-3010	3-16-2012	Adopt(T)	5-1-2012
410-125-0085	1-1-2012	Amend	1-1-2012	410-141-3010	8-1-2012	Adopt	9-1-2012
410-125-0120	7-1-2012	Amend	8-1-2012	410-141-3015	3-26-2012	Adopt(T)	5-1-2012
410-125-0140	1-1-2012	Amend	1-1-2012	410-141-3015	8-1-2012	Adopt	9-1-2012
410-125-0145	7-1-2012	Repeal	8-1-2012	410-141-3020	3-26-2012	Adopt(T)	5-1-2012
410-125-0150	7-1-2012	Amend	8-1-2012	410-141-3020	8-1-2012	Adopt	9-1-2012
410-125-0155	7-1-2012	Amend	8-1-2012	410-141-3030	3-26-2012	Adopt(T)	5-1-2012
410-125-0195	1-1-2012	Amend(T)	2-1-2012	410-141-3030	8-1-2012	Adopt	9-1-2012
410-125-0195	7-1-2012	Amend	8-1-2012	410-141-3050	3-26-2012	Adopt(T)	5-1-2012
410-125-0220	1-1-2012	Amend	1-1-2012	410-141-3050	8-1-2012	Adopt	9-1-2012
410-125-0410	7-1-2012	Amend	8-1-2012	410-141-3060	3-26-2012	Adopt(T)	5-1-2012
410-125-0450	1-1-2012	Amend(T)	2-1-2012	410-141-3060	8-1-2012	Adopt	9-1-2012
410-125-0450	7-1-2012	Amend	8-1-2012	410-141-3070	3-26-2012	Adopt(T)	5-1-2012
410-127-0060	1-1-2012	Amend	1-1-2012	410-141-3070	8-1-2012	Adopt	9-1-2012
410-130-0000	1-1-2012	Amend	2-1-2012	410-141-3080	3-26-2012	Adopt(T)	5-1-2012
410-130-0200	1-1-2012	Amend	2-1-2012	410-141-3080	8-1-2012	Adopt	9-1-2012
410-130-0220	1-1-2012	Amend	2-1-2012	410-141-3120	3-30-2012	Adopt(T)	5-1-2012
410-130-0255	1-1-2012	Amend	2-1-2012	410-141-3120	8-1-2012	Adopt	9-1-2012
410-130-0368	1-1-2012	Amend	2-1-2012	410-141-3140	3-26-2012	Adopt(T)	5-1-2012
410-130-0595	1-1-2012	Amend	2-1-2012	410-141-3140	8-1-2012	Adopt	9-1-2012
410-130-0595(T)	1-1-2012	Repeal	2-1-2012	410-141-3145	3-26-2012	Adopt(T)	5-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-141-3145	8-1-2012	Adopt	9-1-2012	410-141-3390	8-1-2012	Adopt	9-1-2012
410-141-3160	3-26-2012	Adopt(T)	5-1-2012	410-141-3395	3-20-2012	Adopt(T)	5-1-2012
410-141-3160	8-1-2012	Adopt	9-1-2012	410-141-3395	8-1-2012	Adopt	9-1-2012
410-141-3170	3-26-2012	Adopt(T)	5-1-2012	410-141-3420	3-26-2012	Adopt(T)	5-1-2012
410-141-3170	8-1-2012	Adopt	9-1-2012	410-141-3420	8-1-2012	Adopt	9-1-2012
410-141-3180	3-26-2012	Adopt(T)	5-1-2012	410-141-3430	8-9-2012	Adopt(T)	9-1-2012
410-141-3180	8-1-2012	Adopt	9-1-2012	410-142-0020	1-1-2012	Amend	1-1-2012
410-141-3200	3-26-2012	Adopt(T)	5-1-2012	410-142-0040	1-1-2012	Amend	1-1-2012
410-141-3200	8-1-2012	Adopt	9-1-2012	410-142-0290	7-20-2012	Adopt	9-1-2012
410-141-3220	3-26-2012	Adopt(T)	5-1-2012	410-146-0020	3-22-2012	Amend	5-1-2012
410-141-3220	8-1-2012	Adopt	9-1-2012	410-146-0020(T)	3-22-2012	Repeal	5-1-2012
410-141-3260	3-26-2012	Adopt(T)	5-1-2012	410-147-0362	3-22-2012	Amend	5-1-2012
410-141-3260	8-1-2012	Adopt	9-1-2012	410-147-0362(T)	3-22-2012	Repeal	5-1-2012
410-141-3261	3-26-2012	Adopt(T)	5-1-2012	410-148-0060	1-1-2012	Amend	1-1-2012
410-141-3261	8-1-2012	Adopt	9-1-2012	410-500-0000	1-31-2012	Adopt(T)	3-1-2012
410-141-3262	3-26-2012	Adopt(T)	5-1-2012	410-500-0000	7-28-2012	Adopt	9-1-2012
410-141-3262	8-1-2012	Adopt	9-1-2012	410-500-0010	1-31-2012	Adopt(T)	3-1-2012
410-141-3263	3-26-2012	Adopt(T)	5-1-2012	410-500-0010	7-28-2012	Adopt	9-1-2012
410-141-3263	8-1-2012	Adopt	9-1-2012	410-500-0020	1-31-2012	Adopt(T)	3-1-2012
410-141-3264	3-26-2012	Adopt(T)	5-1-2012	410-500-0020	7-28-2012	Adopt	9-1-2012
410-141-3264	8-1-2012	Adopt	9-1-2012	410-500-0030	1-31-2012	Adopt(T)	3-1-2012
410-141-3265	3-26-2012	Adopt(T)	5-1-2012	410-500-0030	7-28-2012	Adopt	9-1-2012
410-141-3265	8-1-2012	Repeal	9-1-2012	410-500-0040	1-31-2012	Adopt(T)	3-1-2012
410-141-3266	3-26-2012	Adopt(T)	5-1-2012	410-500-0040	7-28-2012	Adopt	9-1-2012
410-141-3266	8-1-2012	Repeal	9-1-2012	410-500-0050	1-31-2012	Adopt(T)	3-1-2012
410-141-3268	3-26-2012	Adopt(T)	5-1-2012	410-500-0050	7-28-2012	Adopt	9-1-2012
410-141-3268	8-1-2012	Adopt	9-1-2012	410-500-0060	1-31-2012	Adopt(T)	3-1-2012
410-141-3270	3-26-2012	Adopt(T)	5-1-2012	410-500-0060	7-28-2012	Adopt	9-1-2012
410-141-3270	8-1-2012	Adopt	9-1-2012	411-020-0002	6-1-2012	Amend(T)	7-1-2012
410-141-3280	3-26-2012	Adopt(T)	5-1-2012	411-020-0030	6-1-2012	Amend(T)	7-1-2012
410-141-3280	8-1-2012	Adopt	9-1-2012	411-020-0085	6-1-2012	Amend(T)	7-1-2012
410-141-3300	3-26-2012	Adopt(T)	5-1-2012	411-020-0123	6-1-2012	Adopt(T)	7-1-2012
410-141-3300	8-1-2012	Adopt	9-1-2012	411-020-0126	6-1-2012	Adopt(T)	7-1-2012
410-141-3320	3-26-2012	Adopt(T)	5-1-2012	411-030-0070	6-1-2012	Amend	7-1-2012
410-141-3320	8-1-2012	Adopt	9-1-2012	411-030-0070(T)	6-1-2012	Repeal	7-1-2012
410-141-3340	3-20-2012	Adopt(T)	5-1-2012	411-040-0000	12-20-2011	Amend(T)	2-1-2012
410-141-3340	8-1-2012	Adopt	9-1-2012	411-054-0005	5-1-2012	Amend	6-1-2012
410-141-3345	3-20-2012	Adopt(T)	5-1-2012	411-054-0005	9-1-2012	Amend	10-1-2012
410-141-3345	8-1-2012	Adopt	9-1-2012	411-054-0005(T)	5-1-2012	Repeal	6-1-2012
410-141-3350	3-20-2012	Adopt(T)	5-1-2012	411-054-0010	9-1-2012	Amend	10-1-2012
410-141-3350	8-1-2012	Adopt	9-1-2012	411-054-0012	9-1-2012	Amend	10-1-2012
410-141-3355	3-20-2012	Adopt(T)	5-1-2012	411-054-0013	5-1-2012	Amend	6-1-2012
410-141-3355	8-1-2012	Adopt	9-1-2012	411-054-0013	9-1-2012	Amend	10-1-2012
410-141-3360	3-20-2012	Adopt(T)	5-1-2012	411-054-0013(T)	5-1-2012	Repeal	6-1-2012
410-141-3360	8-1-2012	Adopt	9-1-2012	411-054-0016	5-1-2012	Amend	6-1-2012
410-141-3365	3-20-2012	Adopt(T)	5-1-2012	411-054-0016	9-1-2012	Amend	10-1-2012
410-141-3365	8-1-2012	Adopt	9-1-2012	411-054-0016(T)	5-1-2012	Repeal	6-1-2012
410-141-3370	3-20-2012	Adopt(T)	5-1-2012	411-054-0019	9-1-2012	Amend	10-1-2012
410-141-3370	8-1-2012	Adopt	9-1-2012	411-054-0025	9-1-2012	Amend	10-1-2012
410-141-3375	3-20-2012	Adopt(T)	5-1-2012	411-054-0027	9-1-2012	Amend	10-1-2012
410-141-3375	8-1-2012	Adopt	9-1-2012	411-054-0034	9-1-2012	Amend	10-1-2012
410-141-3380	3-20-2012	Adopt(T)	5-1-2012	411-054-0085	9-1-2012	Amend	10-1-2012
410-141-3380	8-1-2012	Adopt	9-1-2012	411-054-0093	9-1-2012	Amend	10-1-2012
410-141-3385	3-20-2012	Adopt(T)	5-1-2012	411-070-0005	9-1-2012	Amend(T)	10-1-2012
410-141-3385	8-1-2012	Adopt	9-1-2012	411-070-0091	9-1-2012	Amend(T)	10-1-2012
410-141-3390	3-20-2012	Adopt(T)	5-1-2012	411-070-0442	8-1-2012	Amend	9-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
411-070-0452	8-1-2012	Amend	9-1-2012	411-328-0620	1-6-2012	Amend	2-1-2012
411-085-0010	4-10-2012	Amend	5-1-2012	411-328-0630	1-6-2012	Amend	2-1-2012
411-085-0015	4-10-2012	Amend	5-1-2012	411-328-0630(T)	1-6-2012	Repeal	2-1-2012
411-320-0020	1-1-2012	Amend	2-1-2012	411-328-0670	1-6-2012	Repeal	2-1-2012
411-320-0080	1-1-2012	Amend	2-1-2012	411-328-0730	1-6-2012	Repeal	2-1-2012
411-320-0090	12-28-2011	Amend	2-1-2012	411-328-0740	1-6-2012	Amend	2-1-2012
411-320-0090(T)	12-28-2011	Repeal	2-1-2012	411-328-0740(T)	1-6-2012	Repeal	2-1-2012
411-320-0110	12-28-2011	Amend	2-1-2012	411-328-0805	1-6-2012	Repeal	2-1-2012
411-320-0110(T)	12-28-2011	Repeal	2-1-2012	411-328-0810	1-6-2012	Repeal	2-1-2012
411-320-0175	1-1-2012	Amend(T)	2-1-2012	411-328-0820	1-6-2012	Repeal	2-1-2012
411-320-0175	6-30-2012	Amend	8-1-2012	411-328-0830	1-6-2012	Repeal	2-1-2012
411-320-0175(T)	6-30-2012	Repeal	8-1-2012	411-330-0020	7-10-2012	Amend(T)	8-1-2012
411-320-0190	1-1-2012	Amend	2-1-2012	411-330-0065	7-10-2012	Adopt(T)	8-1-2012
411-323-0010	1-6-2012	Amend	2-1-2012	411-335-0010	1-6-2012	Amend	2-1-2012
411-323-0010(T)	1-6-2012	Repeal	2-1-2012	411-335-0010(T)	1-6-2012	Repeal	2-1-2012
411-323-0020	1-6-2012	Amend	2-1-2012	411-335-0020	1-6-2012	Amend	2-1-2012
411-323-0020(T)	1-6-2012	Repeal	2-1-2012	411-335-0020(T)	1-6-2012	Repeal	2-1-2012
411-323-0030	1-6-2012	Amend	2-1-2012	411-335-0030	1-6-2012	Amend	2-1-2012
411-323-0030(T)	1-6-2012	Repeal	2-1-2012	411-335-0030(T)	1-6-2012	Repeal	2-1-2012
411-323-0035	1-6-2012	Adopt	2-1-2012	411-335-0050	1-6-2012	Repeal	2-1-2012
411-323-0035(T)	1-6-2012	Repeal	2-1-2012	411-335-0060	1-6-2012	Amend	2-1-2012
411-323-0040	1-6-2012	Amend	2-1-2012	411-335-0060(T)	1-6-2012	Repeal	2-1-2012
411-323-0040(T)	1-6-2012	Repeal	2-1-2012	411-335-0070	1-6-2012	Repeal	2-1-2012
411-323-0050	1-6-2012	Amend	2-1-2012	411-335-0080	1-6-2012	Repeal	2-1-2012
411-323-0050(T)	1-6-2012	Repeal	2-1-2012	411-335-0090	1-6-2012	Repeal	2-1-2012
411-323-0060	1-6-2012	Amend	2-1-2012	411-335-0100	1-6-2012	Repeal	2-1-2012
411-323-0060(T)	1-6-2012	Repeal	2-1-2012	411-335-0110	1-6-2012	Repeal	2-1-2012
411-323-0070	1-6-2012	Amend	2-1-2012	411-335-0120	1-6-2012	Amend	2-1-2012
411-323-0070(T)	1-6-2012	Repeal	2-1-2012	411-335-0140	1-6-2012	Repeal	2-1-2012
411-325-0020	1-6-2012	Amend	2-1-2012	411-335-0230	1-6-2012	Amend	2-1-2012
411-325-0020(T)	1-6-2012	Repeal	2-1-2012	411-335-0300	1-6-2012	Repeal	2-1-2012
411-325-0025	1-6-2012	Adopt	2-1-2012	411-335-0310	1-6-2012	Amend	2-1-2012
411-325-0025(T)	1-6-2012	Repeal	2-1-2012	411-335-0310(T)	1-6-2012	Repeal	2-1-2012
411-325-0060	1-6-2012	Amend	2-1-2012	411-335-0370	1-6-2012	Repeal	2-1-2012
411-325-0060(T)	1-6-2012	Repeal	2-1-2012	411-335-0380	1-6-2012	Repeal	2-1-2012
411-325-0080	1-6-2012	Repeal	2-1-2012	411-335-0390	1-6-2012	Repeal	2-1-2012
411-325-0100	1-6-2012	Repeal	2-1-2012	411-340-0020	12-28-2011	Amend	2-1-2012
411-325-0110	1-6-2012	Amend	2-1-2012	411-340-0100	12-28-2011	Amend	2-1-2012
411-325-0150	1-6-2012	Amend	2-1-2012	411-340-0100(T)	12-28-2011	Repeal	2-1-2012
411-325-0160	1-6-2012	Repeal	2-1-2012	411-340-0110	12-28-2011	Amend	2-1-2012
411-325-0210	1-6-2012	Repeal	2-1-2012	411-340-0110(T)	12-28-2011	Repeal	2-1-2012
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
411-345-0100	1-6-2012	Amend	2-1-2012	413-010-0748	4-4-2012	Amend	5-1-2012
411-345-0100(T)	1-6-2012	Repeal	2-1-2012	413-010-0750	4-4-2012	Amend	5-1-2012
411-345-0110	1-6-2012	Amend	2-1-2012	413-015-0470	3-12-2012	Amend(T)	4-1-2012
411-345-0110(T)	1-6-2012	Repeal	2-1-2012	413-015-0470	9-7-2012	Amend	10-1-2012
411-345-0130	1-6-2012	Amend	2-1-2012	413-015-0470(T)	9-7-2012	Repeal	10-1-2012
411-345-0130(T)	1-6-2012	Repeal	2-1-2012	413-020-0200	12-28-2011	Amend	2-1-2012
411-345-0190	1-6-2012	Amend	2-1-2012	413-020-0210	12-28-2011	Amend	2-1-2012
411-345-0190(T)	1-6-2012	Repeal	2-1-2012	413-020-0230	12-28-2011	Amend	2-1-2012
411-360-0130	12-1-2011	Amend(T)	1-1-2012	413-020-0233	12-28-2011	Amend	2-1-2012
411-360-0130	5-29-2012	Amend	7-1-2012	413-020-0236	12-28-2011	Amend	2-1-2012
411-360-0130(T)	5-29-2012	Repeal	7-1-2012	413-020-0240	12-28-2011	Amend	2-1-2012
411-360-0170	12-1-2011	Amend(T)	1-1-2012	413-020-0245	12-28-2011	Amend	2-1-2012
411-360-0170	12-30-2011	Amend(T)	2-1-2012	413-020-0255	12-28-2011	Amend	2-1-2012
411-360-0170	5-29-2012	Amend	7-1-2012	413-070-0063	12-28-2011	Amend	2-1-2012
411-360-0170(T)	12-30-2011	Suspend	2-1-2012	413-070-0900	12-28-2011	Amend	2-1-2012
411-360-0170(T)	5-29-2012	Repeal	7-1-2012	413-070-0905	12-28-2011	Amend	2-1-2012
411-360-0180	5-29-2012	Amend	7-1-2012	413-070-0909	12-28-2011	Amend	2-1-2012
411-360-0190	12-1-2011	Amend(T)	1-1-2012	413-070-0917	12-28-2011	Amend	2-1-2012
411-360-0190	12-30-2011	Amend(T)	2-1-2012	413-070-0919	12-28-2011	Amend	2-1-2012
411-360-0190	5-29-2012	Amend	7-1-2012	413-070-0925	12-28-2011	Amend	2-1-2012
411-360-0190(T)	12-30-2011	Suspend	2-1-2012	413-070-0929	12-28-2011	Repeal	2-1-2012
411-360-0190(T)	5-29-2012	Repeal	7-1-2012	413-070-0934	12-28-2011	Amend	2-1-2012
411-360-0260	5-29-2012	Amend	7-1-2012	413-070-0939	12-28-2011	Amend	2-1-2012
411-365-0100	3-1-2012	Amend	4-1-2012	413-070-0944	12-28-2011	Amend	2-1-2012
411-365-0120	3-1-2012	Amend	4-1-2012	413-070-0949	12-28-2011	Amend	2-1-2012
411-365-0140	3-1-2012	Amend	4-1-2012	413-070-0959	12-28-2011	Amend	2-1-2012
411-365-0160	3-1-2012	Amend	4-1-2012	413-070-0964	12-28-2011	Amend	2-1-2012
411-365-0180	3-1-2012	Amend	4-1-2012	413-070-0969	12-28-2011	Amend	2-1-2012
411-365-0200	3-1-2012	Amend	4-1-2012	413-070-0970	12-28-2011	Amend	2-1-2012
411-365-0220	3-1-2012	Amend	4-1-2012	413-070-0974	12-28-2011	Amend	2-1-2012
411-365-0240	3-1-2012	Amend	4-1-2012	413-070-0979	12-28-2011	Repeal	2-1-2012
411-365-0260	3-1-2012	Amend	4-1-2012	413-100-0135	12-28-2011	Amend	2-1-2012
411-365-0280	3-1-2012	Amend	4-1-2012	413-100-0150	12-28-2011	Amend	2-1-2012
411-365-0300	3-1-2012	Amend	4-1-2012	413-100-0900	12-28-2011	Amend	2-1-2012
411-365-0320	3-1-2012	Amend	4-1-2012	413-100-0905	12-28-2011	Amend	2-1-2012
413-010-0500	9-7-2012	Amend	10-1-2012	413-100-0910	12-28-2011	Amend	2-1-2012
413-010-0700	4-4-2012	Amend	5-1-2012	413-100-0915	12-28-2011	Amend	2-1-2012
413-010-0705	4-4-2012	Amend	5-1-2012	413-100-0920	12-28-2011	Amend	2-1-2012
413-010-0710	4-4-2012	Amend	5-1-2012	413-100-0925	12-28-2011	Amend	2-1-2012
413-010-0712	4-4-2012	Repeal	5-1-2012	413-100-0930	12-28-2011	Amend	2-1-2012
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
413-130-0015	12-28-2011	Adopt	2-1-2012	413-200-0414	1-3-2012	Amend	2-1-2012
413-130-0020	12-28-2011	Amend	2-1-2012	413-200-0414(T)	1-3-2012	Repeal	2-1-2012
413-130-0030	12-28-2011	Am. & Ren.	2-1-2012	413-200-0419	1-3-2012	Amend	2-1-2012
413-130-0040	12-28-2011	Amend	2-1-2012	413-200-0419(T)	1-3-2012	Repeal	2-1-2012
413-130-0045	12-28-2011	Repeal	2-1-2012	413-200-0424	1-3-2012	Amend	2-1-2012
413-130-0050	12-28-2011	Amend	2-1-2012	413-200-0424(T)	1-3-2012	Repeal	2-1-2012
413-130-0055	12-28-2011	Adopt	2-1-2012	414-205-0100	6-12-2012	Amend(T)	7-1-2012
413-130-0060	12-28-2011	Repeal	2-1-2012	414-300-0230	6-12-2012	Amend(T)	7-1-2012
413-130-0070	12-28-2011	Amend	2-1-2012	414-350-0180	6-12-2012	Amend(T)	7-1-2012
413-130-0075	12-28-2011	Amend	2-1-2012	415-056-0000	2-9-2012	Repeal	3-1-2012
413-130-0080	12-28-2011	Amend	2-1-2012	415-056-0005	2-9-2012	Repeal	3-1-2012
413-130-0090	12-28-2011	Amend	2-1-2012	415-056-0010	2-9-2012	Repeal	3-1-2012
413-130-0100	12-28-2011	Amend	2-1-2012	415-056-0015	2-9-2012	Repeal	3-1-2012
413-130-0110	12-28-2011	Amend	2-1-2012	415-056-0020	2-9-2012	Repeal	3-1-2012
413-130-0115	12-28-2011	Repeal	2-1-2012	415-056-0025	2-9-2012	Repeal	3-1-2012
413-130-0125	12-28-2011	Amend	2-1-2012	415-056-0030	2-9-2012	Adopt	3-1-2012
413-130-0130	12-28-2011	Amend	2-1-2012	415-056-0035	2-9-2012	Adopt	3-1-2012
413-200-0270	12-28-2011	Amend	2-1-2012	415-056-0040	2-9-2012	Adopt	3-1-2012
413-200-0272	12-28-2011	Amend	2-1-2012	415-056-0045	2-9-2012	Adopt	3-1-2012
413-200-0274	12-28-2011	Amend	2-1-2012	415-056-0050	2-9-2012	Adopt	3-1-2012
413-200-0276	12-28-2011	Amend	2-1-2012	415-065-0010	2-9-2012	Amend	3-1-2012
413-200-0278	12-28-2011	Amend	2-1-2012	415-065-0010	7-1-2012	Amend	8-1-2012
413-200-0281	12-28-2011	Amend	2-1-2012	415-065-0015	2-9-2012	Amend	3-1-2012
413-200-0283	12-28-2011	Amend	2-1-2012	415-065-0020	7-1-2012	Amend	8-1-2012
413-200-0285	12-28-2011	Amend	2-1-2012	415-065-0025	2-9-2012	Amend	3-1-2012
413-200-0287	12-28-2011	Amend	2-1-2012	415-065-0030	2-9-2012	Amend	3-1-2012
413-200-0289	12-28-2011	Amend	2-1-2012	415-065-0030	7-1-2012	Amend	8-1-2012
413-200-0292	12-28-2011	Amend	2-1-2012	415-065-0035	2-9-2012	Amend	3-1-2012
413-200-0294	12-28-2011	Amend	2-1-2012	415-065-0035	7-1-2012	Amend	8-1-2012
413-200-0296	12-28-2011	Amend	2-1-2012	415-065-0040	2-9-2012	Amend	3-1-2012
413-200-0301	12-28-2011	Amend	2-1-2012	415-065-0040	7-1-2012	Amend	8-1-2012
413-200-0305	12-28-2011	Amend	2-1-2012	415-065-0045	2-9-2012	Amend	3-1-2012
413-200-0306	12-28-2011	Amend	2-1-2012	415-065-0050	2-9-2012	Amend	3-1-2012
413-200-0308	12-28-2011	Amend	2-1-2012	415-065-0050	7-1-2012	Amend	8-1-2012
413-200-0314	12-28-2011	Amend	2-1-2012	415-065-0055	2-9-2012	Amend	3-1-2012
413-200-0335	12-28-2011	Amend	2-1-2012	415-065-0055	7-1-2012	Amend	8-1-2012
413-200-0348	12-28-2011	Amend	2-1-2012	415-065-0060	2-9-2012	Amend	3-1-2012
413-200-0352	12-28-2011	Amend	2-1-2012	415-065-0060	7-1-2012	Amend	8-1-2012
413-200-0354	12-28-2011	Amend	2-1-2012	415-065-0065	2-9-2012	Amend	3-1-2012
413-200-0358	12-28-2011	Amend	2-1-2012	415-065-0070	7-1-2012	Repeal	8-1-2012
413-200-0362	12-28-2011	Amend	2-1-2012	416-001-0005	9-11-2012	Amend	10-1-2012
413-200-0371	12-28-2011	Amend	2-1-2012	416-100-0000	4-3-2012	Amend	5-1-2012
413-200-0377	12-28-2011	Amend	2-1-2012	416-100-0005	4-3-2012	Amend	5-1-2012
413-200-0379	12-28-2011	Amend	2-1-2012	416-100-0010	4-3-2012	Amend	5-1-2012
413-200-0383	12-28-2011	Amend	2-1-2012	416-100-0020	4-3-2012	Amend	5-1-2012
413-200-0386	12-28-2011	Amend	2-1-2012	416-100-0030	4-3-2012	Amend	5-1-2012
413-200-0388	12-28-2011	Amend	2-1-2012	416-100-0040	4-3-2012	Amend	5-1-2012
413-200-0390	12-28-2011	Amend	2-1-2012	416-100-0050	4-3-2012	Amend	5-1-2012
413-200-0393	12-28-2011	Amend	2-1-2012	416-100-0060	4-3-2012	Amend	5-1-2012
413-200-0394	12-28-2011	Amend	2-1-2012	416-100-0070	4-3-2012	Repeal	5-1-2012
413-200-0395	12-28-2011	Amend	2-1-2012	416-115-0000	12-14-2011	Repeal	1-1-2012
413-200-0396	12-28-2011	Amend	2-1-2012	416-115-0010	12-14-2011	Amend	1-1-2012
413-200-0404	1-3-2012	Amend	2-1-2012	416-115-0010	6-25-2012	Amend	8-1-2012
413-200-0404(T)	1-3-2012	Repeal	2-1-2012	416-115-0020	12-14-2011	Amend	1-1-2012
413-200-0409	1-3-2012	Amend	2-1-2012	416-115-0025	12-14-2011	Adopt	1-1-2012
413-200-0409(T)	1-3-2012	Repeal	2-1-2012	416-115-0025	6-25-2012	Amend	8-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
416-115-0030	12-14-2011	Amend	1-1-2012	436-009-0080	4-1-2012	Amend	4-1-2012
416-115-0030	6-25-2012	Amend	8-1-2012	436-009-0080	4-23-2012	Amend(T)	5-1-2012
416-115-0040	12-14-2011	Repeal	1-1-2012	436-009-0090	4-1-2012	Amend	4-1-2012
416-115-0050	12-14-2011	Repeal	1-1-2012	436-009-0110	4-1-2012	Amend	4-1-2012
416-115-0060	12-14-2011	Repeal	1-1-2012	436-009-0115	4-1-2012	Amend	4-1-2012
416-115-0070	12-14-2011	Repeal	1-1-2012	436-009-0120	4-1-2012	Amend	4-1-2012
416-115-0080	12-14-2011	Repeal	1-1-2012	436-009-0125	4-1-2012	Amend	4-1-2012
416-115-0090	12-14-2011	Repeal	1-1-2012	436-009-0130	4-1-2012	Amend	4-1-2012
416-115-0100	12-14-2011	Repeal	1-1-2012	436-009-0135	4-1-2012	Amend	4-1-2012
416-115-0110	12-14-2011	Repeal	1-1-2012	436-009-0140	4-1-2012	Amend	4-1-2012
416-115-0120	12-14-2011	Repeal	1-1-2012	436-009-0145	4-1-2012	Amend	4-1-2012
416-115-0130	12-14-2011	Repeal	1-1-2012	436-009-0150	4-1-2012	Repeal	4-1-2012
416-115-0140	12-14-2011	Repeal	1-1-2012	436-009-0155	4-1-2012	Amend	4-1-2012
416-115-0150	12-14-2011	Repeal	1-1-2012	436-009-0160	4-1-2012	Amend	4-1-2012
416-115-0160	12-14-2011	Repeal	1-1-2012	436-009-0165	4-1-2012	Amend	4-1-2012
416-115-0170	12-14-2011	Repeal	1-1-2012	436-009-0170	4-1-2012	Amend	4-1-2012
416-115-0180	12-14-2011	Repeal	1-1-2012	436-009-0175	4-1-2012	Amend	4-1-2012
416-115-0190	12-14-2011	Repeal	1-1-2012	436-009-0177	4-1-2012	Adopt	4-1-2012
416-115-0200	12-14-2011	Repeal	1-1-2012	436-009-0180	4-1-2012	Amend	4-1-2012
416-115-0210	12-14-2011	Repeal	1-1-2012	436-009-0185	4-1-2012	Amend	4-1-2012
416-115-0220	12-14-2011	Repeal	1-1-2012	436-009-0200	4-1-2012	Amend	4-1-2012
416-115-0230	12-14-2011	Repeal	1-1-2012	436-009-0205	4-1-2012	Amend	4-1-2012
416-115-0240	12-14-2011	Repeal	1-1-2012	436-009-0206	4-1-2012	Amend	4-1-2012
416-115-0250	12-14-2011	Repeal	1-1-2012	436-009-0207	4-1-2012	Amend	4-1-2012
416-115-0260	12-14-2011	Repeal	1-1-2012	436-009-0210	4-1-2012	Amend	4-1-2012
416-115-0270	12-14-2011	Repeal	1-1-2012	436-009-0215	4-1-2012	Amend	4-1-2012
416-115-0280	12-14-2011	Repeal	1-1-2012	436-009-0220	4-1-2012	Amend	4-1-2012
416-170-0000	2-3-2012	Amend	3-1-2012	436-009-0225	4-1-2012	Amend	4-1-2012
416-170-0005	2-3-2012	Amend	3-1-2012	436-009-0230	4-1-2012	Amend	4-1-2012
416-170-0010	2-3-2012	Amend	3-1-2012	436-009-0235	4-1-2012	Amend	4-1-2012
416-170-0020	2-3-2012	Amend	3-1-2012	436-009-0240	4-1-2012	Amend	4-1-2012
416-170-0030	2-3-2012	Amend	3-1-2012	436-009-0245	4-1-2012	Amend	4-1-2012
416-410-0010	4-3-2012	Amend	5-1-2012	436-009-0250	4-1-2012	Repeal	4-1-2012
416-450-0000	4-3-2012	Amend	5-1-2012	436-009-0255	4-1-2012	Amend	4-1-2012
416-450-0010	4-3-2012	Amend	5-1-2012	436-009-0260	4-1-2012	Amend	4-1-2012
416-450-0020	4-3-2012	Amend	5-1-2012	436-009-0260	4-23-2012	Amend(T)	5-1-2012
416-450-0030	4-3-2012	Amend	5-1-2012	436-009-0265	4-1-2012	Amend	4-1-2012
416-450-0040	4-3-2012	Amend	5-1-2012	436-009-0270	4-1-2012	Amend	4-1-2012
416-450-0050	4-3-2012	Amend	5-1-2012	436-009-0275	4-1-2012	Amend	4-1-2012
416-450-0060	4-3-2012	Amend	5-1-2012	436-009-0280	4-1-2012	Repeal	4-1-2012
416-450-0070	4-3-2012	Amend	5-1-2012	436-009-0285	4-1-2012	Amend	4-1-2012
416-500-0050	6-25-2012	Amend	8-1-2012	436-009-0290	4-1-2012	Amend	4-1-2012
423-010-0023	6-1-2012	Amend	7-1-2012	436-010-0210	1-1-2012	Amend	1-1-2012
423-010-0026	6-1-2012	Amend	7-1-2012	436-010-0230	1-1-2012	Amend	1-1-2012
436-001-0003	7-1-2012	Amend(T)	7-1-2012	436-010-0280	1-1-2012	Amend	1-1-2012
436-001-0410	7-1-2012	Amend(T)	7-1-2012	436-010-0330	4-1-2012	Amend	4-1-2012
436-009-0003	4-1-2012	Amend	4-1-2012	436-015-0003	4-1-2012	Amend	4-1-2012
436-009-0004	4-1-2012	Amend	4-1-2012	436-015-0005	4-1-2012	Amend	4-1-2012
436-009-0010	4-1-2012	Amend	4-1-2012	436-015-0007	4-1-2012	Amend	4-1-2012
436-009-0022	4-1-2012	Repeal	4-1-2012	436-015-0008	1-1-2012	Amend	1-1-2012
436-009-0030	4-1-2012	Amend	4-1-2012	436-015-0009	4-1-2012	Amend	4-1-2012
436-009-0040	4-1-2012	Amend	4-1-2012	436-015-0010	4-1-2012	Amend	4-1-2012
436-009-0050	4-1-2012	Amend	4-1-2012	436-015-0020	4-1-2012	Repeal	4-1-2012
436-009-0060	4-1-2012	Amend	4-1-2012	436-015-0030	4-1-2012	Amend	4-1-2012
436-009-0070	4-1-2012	Amend	4-1-2012	436-015-0050	4-1-2012	Amend	4-1-2012
436-009-0080	1-1-2012	Amend	1-1-2012	436-015-0075	4-1-2012	Adopt	4-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
436-015-0080	4-1-2012	Amend	4-1-2012	437-002-1017	7-1-2012	Adopt	1-1-2012
436-015-0110	4-1-2012	Amend	4-1-2012	437-002-1018	7-1-2012	Adopt	1-1-2012
436-030-0003	1-1-2012	Amend	1-1-2012	437-002-1025	7-1-2012	Adopt	1-1-2012
436-030-0036	1-1-2012	Amend	1-1-2012	437-002-1027	7-1-2012	Adopt	1-1-2012
436-030-0145	1-1-2012	Amend	1-1-2012	437-002-1028	7-1-2012	Adopt	1-1-2012
436-030-0165	1-1-2012	Amend	1-1-2012	437-002-1029	7-1-2012	Adopt	1-1-2012
437-001-0015	7-1-2012	Amend	6-1-2012	437-002-1043	7-1-2012	Adopt	1-1-2012
437-001-0075	7-1-2012	Amend	6-1-2012	437-002-1044	7-1-2012	Adopt	1-1-2012
437-001-0145	7-1-2012	Amend	6-1-2012	437-002-1045	7-1-2012	Adopt	1-1-2012
437-001-0160	7-1-2012	Amend	6-1-2012	437-002-1047	7-1-2012	Adopt	1-1-2012
437-001-0165	7-1-2012	Amend	6-1-2012	437-002-1048	7-1-2012	Adopt	1-1-2012
437-001-0175	7-1-2012	Amend	6-1-2012	437-002-1050	7-1-2012	Adopt	1-1-2012
437-001-0230	7-1-2012	Amend	6-1-2012	437-002-1051	7-1-2012	Adopt	1-1-2012
437-001-0255	7-1-2012	Amend	6-1-2012	437-002-1052	7-1-2012	Adopt	1-1-2012
437-001-0260	7-1-2012	Repeal	6-1-2012	437-003-0001	12-8-2011	Amend	1-1-2012
437-001-0400	7-1-2012	Amend	6-1-2012	437-003-0001	4-10-2012	Amend	5-1-2012
437-001-0405	7-1-2012	Amend	6-1-2012	437-003-0001	7-1-2012	Amend	1-1-2012
437-001-0410	7-1-2012	Amend	6-1-2012	437-003-0001	8-20-2012	Amend	10-1-2012
437-001-0411	7-1-2012	Amend	6-1-2012	437-003-0015	12-8-2011	Amend	1-1-2012
437-001-0415	7-1-2012	Amend	6-1-2012	437-003-0062	7-1-2012	Adopt	1-1-2012
437-001-0420	7-1-2012	Amend	6-1-2012	437-003-0096	12-8-2011	Amend	1-1-2012
437-001-0430	7-1-2012	Amend	6-1-2012	437-003-0875	4-10-2012	Amend	5-1-2012
437-001-0435	7-1-2012	Amend	6-1-2012	437-003-1101	7-1-2012	Adopt	1-1-2012
437-001-0760	7-1-2012	Amend	6-1-2012	437-003-1127	7-1-2012	Adopt	1-1-2012
437-002-0005	12-8-2011	Amend	1-1-2012	437-003-3060	7-1-2012	Adopt	1-1-2012
437-002-0080	4-10-2012	Amend	5-1-2012	437-004-1110	12-8-2011	Amend	1-1-2012
437-002-0100	4-10-2012	Amend	5-1-2012	437-005-0001	12-8-2011	Amend	1-1-2012
437-002-0120	12-8-2011	Amend	1-1-2012	437-005-0001	4-10-2012	Amend	5-1-2012
437-002-0120	4-10-2012	Amend	5-1-2012	437-005-0002	12-8-2011	Amend	1-1-2012
437-002-0123	12-8-2011	Repeal	1-1-2012	437-005-0003	12-8-2011	Amend	1-1-2012
437-002-0125	12-8-2011	Repeal	1-1-2012	438-005-0046	11-1-2012	Amend	10-1-2012
437-002-0127	12-8-2011	Repeal	1-1-2012	438-005-0050	11-1-2012	Amend	10-1-2012
437-002-0128	12-8-2011	Repeal	1-1-2012	438-005-0055	11-1-2012	Amend	10-1-2012
437-002-0130	12-8-2011	Repeal	1-1-2012	438-005-0070	11-1-2012	Amend	10-1-2012
437-002-0134	12-8-2011	Adopt	1-1-2012	438-007-0015	11-1-2012	Amend	10-1-2012
437-002-0135	12-8-2011	Repeal	1-1-2012	438-009-0015	11-1-2012	Amend	10-1-2012
437-002-0136	12-8-2011	Repeal	1-1-2012	438-009-0022	11-1-2012	Amend	10-1-2012
437-002-0137	12-8-2011	Repeal	1-1-2012	438-009-0025	11-1-2012	Amend	10-1-2012
437-002-0140	12-8-2011	Amend	1-1-2012	438-009-0028	11-1-2012	Amend	10-1-2012
437-002-0161	4-10-2012	Amend	5-1-2012	438-009-0030	11-1-2012	Amend	10-1-2012
437-002-0180	4-10-2012	Amend	5-1-2012	438-011-0005	11-1-2012	Amend	10-1-2012
437-002-0182	4-10-2012	Amend	5-1-2012	438-011-0020	11-1-2012	Amend	10-1-2012
437-002-0220	12-8-2011	Amend	1-1-2012	438-012-0016	11-1-2012	Amend	10-1-2012
437-002-0220	4-10-2012	Amend	5-1-2012	438-020-0010	11-1-2012	Amend	10-1-2012
437-002-0240	4-10-2012	Amend	5-1-2012	441-025-0050	7-9-2012	Amend	8-1-2012
437-002-0280	4-10-2012	Amend	5-1-2012	441-175-0002	7-9-2012	Amend	8-1-2012
437-002-0300	4-10-2012	Amend	5-1-2012	441-175-0010	7-9-2012	Amend	8-1-2012
437-002-0312	4-10-2012	Amend	5-1-2012	441-175-0060	7-9-2012	Amend	8-1-2012
437-002-0340	12-8-2011	Amend	1-1-2012	441-175-0070	7-9-2012	Amend	8-1-2012
437-002-0340	4-10-2012	Amend	5-1-2012	441-175-0080	7-9-2012	Amend	8-1-2012
437-002-0360	12-8-2011	Amend	1-1-2012	441-175-0100	7-9-2012	Amend	8-1-2012
437-002-0360	4-10-2012	Amend	5-1-2012	441-175-0105	7-9-2012	Amend	8-1-2012
437-002-0360	7-1-2012	Amend	1-1-2012	441-175-0120	7-9-2012	Amend	8-1-2012
437-002-0364	12-8-2011	Amend	1-1-2012	441-175-0130	7-9-2012	Amend	8-1-2012
437-002-0373	4-10-2012	Amend	5-1-2012	441-175-0150	7-9-2012	Amend	8-1-2012
437-002-1001	7-1-2012	Adopt	1-1-2012	441-175-0160	7-9-2012	Amend	8-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
441-175-0165	7-9-2012	Amend	8-1-2012	441-755-0160	7-23-2012	Amend	9-1-2012
441-195-0020	7-9-2012	Amend	8-1-2012	441-755-0170	7-23-2012	Amend	9-1-2012
441-505-3046	12-15-2011	Amend(T)	1-1-2012	441-755-0210	7-23-2012	Amend	9-1-2012
441-505-3090	8-8-2012	Adopt(T)	9-1-2012	441-755-0300	7-23-2012	Amend	9-1-2012
441-674-0005	1-1-2012	Repeal	2-1-2012	441-755-0310	7-23-2012	Amend	9-1-2012
441-674-0100	1-1-2012	Repeal	2-1-2012	441-830-0010	11-23-2011	Repeal	1-1-2012
441-674-0120	1-1-2012	Repeal	2-1-2012	441-830-0015	11-23-2011	Repeal	1-1-2012
441-674-0130	1-1-2012	Repeal	2-1-2012	441-830-0020	11-23-2011	Repeal	1-1-2012
441-674-0140	1-1-2012	Repeal	2-1-2012	441-830-0030	11-23-2011	Repeal	1-1-2012
441-674-0210	1-1-2012	Repeal	2-1-2012	441-830-0040	11-23-2011	Repeal	1-1-2012
441-674-0220	1-1-2012	Repeal	2-1-2012	441-850-0005	8-1-2012	Amend	9-1-2012
441-674-0230	1-1-2012	Repeal	2-1-2012	441-850-0042	12-15-2011	Amend(T)	1-1-2012
441-674-0240	1-1-2012	Repeal	2-1-2012	441-860-0020	8-1-2012	Amend	9-1-2012
441-674-0250	1-1-2012	Repeal	2-1-2012	441-860-0021	8-1-2012	Adopt	9-1-2012
441-674-0310	1-1-2012	Repeal	2-1-2012	441-860-0024	8-1-2012	Adopt	9-1-2012
441-674-0510	1-1-2012	Repeal	2-1-2012	441-860-0025	8-1-2012	Amend	9-1-2012
441-674-0520	1-1-2012	Repeal	2-1-2012	441-860-0030	8-1-2012	Amend	9-1-2012
441-674-0910	1-1-2012	Repeal	2-1-2012	441-860-0040	8-1-2012	Amend	9-1-2012
441-674-0915	1-1-2012	Repeal	2-1-2012	441-860-0050	8-1-2012	Amend	9-1-2012
441-674-0920	1-1-2012	Repeal	2-1-2012	441-860-0060	8-1-2012	Amend	9-1-2012
441-710-0540	12-15-2011	Amend(T)	1-1-2012	441-860-0080	8-1-2012	Amend	9-1-2012
441-730-0026	8-1-2012	Amend	9-1-2012	441-860-0085	8-1-2012	Amend	9-1-2012
441-730-0246	12-15-2011	Amend(T)	1-1-2012	441-860-0090	8-1-2012	Amend	9-1-2012
441-730-0320	8-1-2012	Amend	9-1-2012	441-860-0110	8-1-2012	Amend	9-1-2012
441-735-0000	7-23-2012	Amend	9-1-2012	441-865-0025	8-1-2012	Amend	9-1-2012
441-735-0010	7-23-2012	Amend	9-1-2012	441-865-0060	8-1-2012	Amend	9-1-2012
441-735-0015	7-23-2012	Amend	9-1-2012	441-880-0005	11-23-2011	Adopt	1-1-2012
441-735-0025	7-23-2012	Amend	9-1-2012	441-880-0005	8-1-2012	Amend	9-1-2012
441-735-0030	7-23-2012	Amend	9-1-2012	441-880-0006	11-23-2011	Adopt	1-1-2012
441-735-0050	7-23-2012	Amend	9-1-2012	441-880-0006	8-1-2012	Amend	9-1-2012
441-735-0060	7-23-2012	Amend	9-1-2012	441-880-0007	11-23-2011	Adopt	1-1-2012
441-735-0070	7-23-2012	Amend	9-1-2012	441-880-0007	8-1-2012	Amend	9-1-2012
441-735-0080	7-23-2012	Amend	9-1-2012	441-880-0008	11-23-2011	Adopt	1-1-2012
441-735-0100	7-23-2012	Amend	9-1-2012	441-880-0008	8-1-2012	Amend	9-1-2012
441-735-0110	7-23-2012	Amend	9-1-2012	441-880-0010	8-1-2012	Repeal	9-1-2012
441-735-0120	7-23-2012	Amend	9-1-2012	441-880-0021	8-1-2012	Repeal	9-1-2012
441-735-0130	7-23-2012	Amend	9-1-2012	441-880-0022	8-1-2012	Repeal	9-1-2012
441-735-0140	7-23-2012	Amend	9-1-2012	441-880-0030	8-1-2012	Repeal	9-1-2012
441-735-0160	7-23-2012	Amend	9-1-2012	441-880-0040	8-1-2012	Repeal	9-1-2012
441-735-0165	7-23-2012	Amend	9-1-2012	441-880-0200	8-1-2012	Amend	9-1-2012
441-735-0205	7-23-2012	Amend	9-1-2012	441-880-0205	8-1-2012	Amend	9-1-2012
441-735-0240	7-23-2012	Amend	9-1-2012	441-880-0210	8-1-2012	Amend	9-1-2012
441-735-0250	7-23-2012	Amend	9-1-2012	441-880-0215	8-1-2012	Amend	9-1-2012
441-735-0255	7-23-2012	Amend	9-1-2012	441-880-0300	8-1-2012	Amend	9-1-2012
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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
441-755-0140	7-23-2012	Amend	9-1-2012	442-010-0020(T)	12-22-2011	Repeal	2-1-2012
441-755-0150	7-23-2012	Amend	9-1-2012	442-010-0030	12-22-2011	Amend	2-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
442-010-0040	12-22-2011	Amend	2-1-2012	459-050-0077	5-24-2012	Amend	7-1-2012
442-010-0055	12-22-2011	Amend	2-1-2012	459-050-0080	5-24-2012	Amend	7-1-2012
442-010-0060	12-22-2011	Amend	2-1-2012	459-050-0090	5-24-2012	Amend	7-1-2012
442-010-0060(T)	12-22-2011	Repeal	2-1-2012	459-050-0120	5-24-2012	Amend	7-1-2012
442-010-0065	12-22-2011	Repeal	2-1-2012	459-050-0150	5-24-2012	Amend	7-1-2012
442-010-0070	12-22-2011	Amend	2-1-2012	459-050-0200	5-24-2012	Amend	7-1-2012
442-010-0075	12-22-2011	Amend	2-1-2012	459-050-0210	5-24-2012	Amend	7-1-2012
442-010-0075(T)	12-22-2011	Repeal	2-1-2012	459-050-0230	5-24-2012	Amend	7-1-2012
442-010-0080	12-22-2011	Amend	2-1-2012	459-050-0250	5-24-2012	Amend	7-1-2012
442-010-0085	12-22-2011	Amend	2-1-2012	459-050-0300	5-24-2012	Amend	7-1-2012
442-010-0090	12-22-2011	Amend	2-1-2012	459-060-0020	11-23-2011	Amend	1-1-2012
442-010-0100	12-22-2011	Amend	2-1-2012	459-075-0060	2-1-2012	Amend	3-1-2012
442-010-0110	12-22-2011	Amend	2-1-2012	459-076-0005	11-23-2011	Amend	1-1-2012
442-010-0120	12-22-2011	Amend	2-1-2012	459-076-0020	8-31-2012	Amend	10-1-2012
442-010-0160	12-22-2011	Amend	2-1-2012	459-080-0010	2-1-2012	Amend	3-1-2012
442-010-0170	12-22-2011	Amend	2-1-2012	459-080-0500	3-28-2012	Amend	5-1-2012
442-010-0180	12-22-2011	Amend	2-1-2012	461-001-0000	5-1-2012	Amend(T)	6-1-2012
442-010-0190	12-22-2011	Amend	2-1-2012	461-001-0025	12-29-2011	Amend	2-1-2012
442-010-0200	12-22-2011	Repeal	2-1-2012	461-025-0300	1-31-2012	Amend(T)	3-1-2012
442-010-0210	12-22-2011	Amend	2-1-2012	461-025-0300	7-1-2012	Amend	8-1-2012
442-010-0215	12-22-2011	Amend	2-1-2012	461-025-0300(T)	7-1-2012	Repeal	8-1-2012
442-010-0220	12-22-2011	Amend	2-1-2012	461-025-0310	1-31-2012	Amend(T)	3-1-2012
442-010-0230	12-22-2011	Amend	2-1-2012	461-025-0310	7-1-2012	Amend	8-1-2012
442-010-0240	12-22-2011	Amend	2-1-2012	461-025-0310(T)	7-1-2012	Repeal	8-1-2012
442-010-0250	12-22-2011	Repeal	2-1-2012	461-025-0315	7-1-2012	Amend	8-1-2012
442-010-0260	12-22-2011	Amend	2-1-2012	461-101-0010	4-1-2012	Amend	5-1-2012
443-002-0070	2-6-2012	Amend	3-1-2012	461-110-0340	5-1-2012	Amend(T)	6-1-2012
443-002-0190	2-6-2012	Amend	3-1-2012	461-110-0530	5-1-2012	Amend(T)	6-1-2012
459-001-0025	3-28-2012	Amend	5-1-2012	461-110-0630	5-1-2012	Amend(T)	6-1-2012
459-005-0001	2-1-2012	Amend	3-1-2012	461-115-0016	1-1-2012	Adopt	2-1-2012
459-005-0525	2-1-2012	Amend	3-1-2012	461-115-0016	9-1-2012	Amend(T)	10-1-2012
459-005-0545	2-1-2012	Amend	3-1-2012	461-115-0016(T)	1-1-2012	Repeal	2-1-2012
459-005-0615	3-28-2012	Adopt	5-1-2012	461-115-0030	1-1-2012	Amend	2-1-2012
459-005-0620	11-22-2011	Adopt(T)	1-1-2012	461-115-0030(T)	1-1-2012	Repeal	2-1-2012
459-005-0620	2-1-2012	Adopt	3-1-2012	461-115-0050	1-1-2012	Amend	2-1-2012
459-007-0005	5-24-2012	Amend	7-1-2012	461-115-0050(T)	1-1-2012	Repeal	2-1-2012
459-007-0090	3-28-2012	Amend	5-1-2012	461-115-0090	7-1-2012	Amend	8-1-2012
459-007-0270	3-28-2012	Amend	5-1-2012	461-115-0140	7-1-2012	Amend	8-1-2012
459-010-0005	11-23-2011	Repeal	1-1-2012	461-115-0230	1-1-2012	Amend	2-1-2012
459-013-0310	3-28-2012	Adopt	5-1-2012	461-115-0230	2-29-2012	Amend(T)	4-1-2012
459-013-0320	3-28-2012	Adopt	5-1-2012	461-115-0230	7-1-2012	Amend	8-1-2012
459-014-0030	2-1-2012	Amend	3-1-2012	461-115-0230(T)	1-1-2012	Repeal	2-1-2012
459-014-0040	2-1-2012	Adopt	3-1-2012	461-115-0230(T)	7-1-2012	Repeal	8-1-2012
459-014-0050	2-1-2012	Adopt	3-1-2012	461-115-0690	1-1-2012	Amend	2-1-2012
459-015-0005	11-23-2011	Amend	1-1-2012	461-115-0690(T)	1-1-2012	Repeal	2-1-2012
459-015-0020	8-31-2012	Amend	10-1-2012	461-115-0705	1-1-2012	Amend(T)	2-1-2012
459-017-0060	3-28-2012	Amend	5-1-2012	461-115-0705	4-1-2012	Amend	5-1-2012
459-050-0000	5-24-2012	Amend	7-1-2012	461-115-0705(T)	4-1-2012	Repeal	5-1-2012
459-050-0001	5-24-2012	Amend	7-1-2012	461-120-0010	4-1-2012	Amend	5-1-2012
459-050-0005	5-24-2012	Amend	7-1-2012	461-120-0030	4-1-2012	Amend	5-1-2012
459-050-0030	5-24-2012	Amend	7-1-2012	461-120-0050	4-1-2012	Amend	5-1-2012
459-050-0050	5-24-2012	Amend	7-1-2012	461-120-0110	4-1-2012	Amend	5-1-2012
459-050-0060	5-24-2012	Amend	7-1-2012	461-120-0120	4-1-2012	Repeal	5-1-2012
459-050-0070	5-24-2012	Amend	7-1-2012	461-120-0125	4-1-2012	Amend	5-1-2012
459-050-0075	5-24-2012	Amend	7-1-2012	461-120-0130	4-1-2012	Amend	5-1-2012
459-050-0076	5-24-2012	Adopt	7-1-2012	461-120-0210	4-1-2012	Amend	5-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-120-0210	7-1-2012	Amend	8-1-2012	461-145-0080(T)	4-1-2012	Repeal	5-1-2012
461-120-0315	4-1-2012	Amend	5-1-2012	461-145-0130	1-1-2012	Amend	2-1-2012
461-120-0330	4-1-2012	Amend	5-1-2012	461-145-0220	1-1-2012	Amend	2-1-2012
461-120-0340	4-1-2012	Amend	5-1-2012	461-145-0260	8-7-2012	Amend(T)	9-1-2012
461-120-0340	7-1-2012	Amend(T)	8-1-2012	461-145-0410	1-1-2012	Amend	2-1-2012
461-120-0340(T)	4-1-2012	Repeal	5-1-2012	461-145-0410	1-1-2012	Amend(T)	2-1-2012
461-120-0350	4-1-2012	Amend	5-1-2012	461-145-0410	4-1-2012	Amend	5-1-2012
461-120-0510	4-1-2012	Amend	5-1-2012	461-145-0410(T)	1-1-2012	Repeal	2-1-2012
461-120-0530	4-1-2012	Repeal	5-1-2012	461-145-0410(T)	4-1-2012	Repeal	5-1-2012
461-120-0630	4-1-2012	Amend	5-1-2012	461-145-0580	7-11-2012	Amend(T)	8-1-2012
461-125-0170	5-1-2012	Amend(T)	6-1-2012	461-145-0870	5-1-2012	Amend(T)	6-1-2012
461-130-0327	12-29-2011	Amend	2-1-2012	461-150-0080	7-1-2012	Amend	8-1-2012
461-130-0330	1-1-2012	Amend	2-1-2012	461-155-0030	1-26-2012	Amend(T)	3-1-2012
461-130-0330	7-1-2012	Amend	8-1-2012	461-155-0030	4-1-2012	Amend	5-1-2012
461-130-0330(T)	1-1-2012	Repeal	2-1-2012	461-155-0150	1-1-2012	Amend	2-1-2012
461-130-0335	1-1-2012	Amend	2-1-2012	461-155-0150	4-10-2012	Amend(T)	5-1-2012
461-130-0335(T)	1-1-2012	Repeal	2-1-2012	461-155-0180	1-25-2012	Amend	3-1-2012
461-135-0010	1-13-2012	Amend(T)	2-1-2012	461-155-0235	1-25-2012	Amend	3-1-2012
461-135-0010	7-1-2012	Amend	8-1-2012	461-155-0250	1-1-2012	Amend	2-1-2012
461-135-0010(T)	7-1-2012	Repeal	8-1-2012	461-155-0250	2-1-2012	Amend(T)	3-1-2012
461-135-0070	5-1-2012	Amend(T)	6-1-2012	461-155-0250	7-1-2012	Amend	8-1-2012
461-135-0075	4-1-2012	Amend	5-1-2012	461-155-0250(T)	7-1-2012	Repeal	8-1-2012
461-135-0075	5-1-2012	Amend(T)	6-1-2012	461-155-0270	1-1-2012	Amend	2-1-2012
461-135-0075(T)	4-1-2012	Repeal	5-1-2012	461-155-0290	3-1-2012	Amend	4-1-2012
461-135-0089	1-1-2012	Amend	2-1-2012	461-155-0291	3-1-2012	Amend	4-1-2012
461-135-0089(T)	1-1-2012	Repeal	2-1-2012	461-155-0295	3-1-2012	Amend	4-1-2012
461-135-0407	9-1-2012	Adopt(T)	10-1-2012	461-155-0300	1-1-2012	Amend	2-1-2012
461-135-0475	12-29-2011	Amend	2-1-2012	461-155-0320	1-1-2012	Amend	2-1-2012
461-135-0485	1-1-2012	Adopt	2-1-2012	461-155-0320(T)	1-1-2012	Repeal	2-1-2012
461-135-0485(T)	1-1-2012	Repeal	2-1-2012	461-155-0360	1-1-2012	Amend	2-1-2012
461-135-0780	1-1-2012	Amend	2-1-2012	461-155-0500	4-1-2012	Amend	5-1-2012
461-135-0832	1-1-2012	Amend	2-1-2012	461-155-0528	1-1-2012	Repeal	2-1-2012
461-135-0845	1-1-2012	Amend	2-1-2012	461-155-0575	12-1-2011	Amend(T)	1-1-2012
461-135-0950	1-1-2012	Amend	2-1-2012	461-155-0575(T)	12-1-2011	Suspend	1-1-2012
461-135-0950(T)	1-1-2012	Repeal	2-1-2012	461-155-0693	1-1-2012	Repeal	2-1-2012
461-135-0960	1-1-2012	Repeal	2-1-2012	461-160-0015	1-1-2012	Amend	2-1-2012
461-135-0990	1-1-2012	Amend	2-1-2012	461-160-0015(T)	1-1-2012	Repeal	2-1-2012
461-135-1100	1-1-2012	Amend(T)	2-1-2012	461-160-0055	7-12-2012	Amend(T)	8-1-2012
461-135-1100	4-1-2012	Amend	5-1-2012	461-160-0120	5-1-2012	Amend(T)	6-1-2012
461-135-1100(T)	4-1-2012	Repeal	5-1-2012	461-160-0580	1-1-2012	Amend	2-1-2012
461-135-1110	1-1-2012	Suspend	2-1-2012	461-160-0620	1-1-2012	Amend	2-1-2012
461-135-1110	4-1-2012	Repeal	5-1-2012	461-160-0620	7-1-2012	Amend(T)	8-1-2012
461-135-1175	6-8-2012	Suspend	7-1-2012	461-165-0035	2-27-2012	Amend(T)	4-1-2012
461-135-1195	1-1-2012	Amend	2-1-2012	461-165-0035	7-1-2012	Amend	8-1-2012
461-135-1195(T)	1-1-2012	Repeal	2-1-2012	461-165-0035(T)	7-1-2012	Repeal	8-1-2012
461-135-1210	4-1-2012	Repeal	5-1-2012	461-165-0180	7-1-2012	Amend	8-1-2012
461-135-1250	4-12-2012	Amend(T)	5-1-2012	461-170-0011	3-30-2012	Amend	5-1-2012
461-135-1250	4-13-2012	Amend(T)	5-1-2012	461-170-0011	5-1-2012	Amend(T)	6-1-2012
461-135-1250(T)	4-13-2012	Suspend	5-1-2012	461-175-0200	7-1-2012	Amend	8-1-2012
461-135-1260	3-30-2012	Adopt	5-1-2012	461-175-0210	1-1-2012	Amend(T)	2-1-2012
461-135-1260	5-1-2012	Amend(T)	6-1-2012	461-175-0210	6-30-2012	Amend	8-1-2012
461-135-1260	5-24-2012	Amend(T)	7-1-2012	461-175-0290	1-1-2012	Amend	2-1-2012
461-135-1260(T)	5-24-2012	Suspend	7-1-2012	461-180-0050	1-1-2012	Amend	2-1-2012
461-140-0120	7-1-2012	Amend	8-1-2012	461-180-0050(T)	1-1-2012	Repeal	2-1-2012
461-145-0080	4-1-2012	Amend	5-1-2012	461-180-0070	1-1-2012	Amend	2-1-2012
461-145-0080	7-1-2012	Amend(T)	8-1-2012	461-180-0070(T)	1-1-2012	Repeal	2-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-180-0085	1-1-2012	Amend	2-1-2012	574-031-0010	7-31-2012	Amend	9-1-2012
461-180-0130	12-27-2011	Amend	2-1-2012	574-031-0020	7-31-2012	Amend	9-1-2012
461-180-0130	12-27-2011	Amend(T)	2-1-2012	574-031-0030	7-31-2012	Amend	9-1-2012
461-180-0130	4-1-2012	Amend	5-1-2012	574-031-0040	7-31-2012	Amend	9-1-2012
461-180-0130	5-24-2012	Amend(T)	7-1-2012	574-032-0000	7-31-2012	Amend	9-1-2012
461-180-0130(T)	4-1-2012	Repeal	5-1-2012	574-032-0010	7-31-2012	Amend	9-1-2012
461-190-0211	4-6-2012	Amend	5-1-2012	574-032-0020	7-31-2012	Amend	9-1-2012
461-190-0211	4-6-2012	Amend(T)	5-1-2012	574-032-0030	7-31-2012	Amend	9-1-2012
461-190-0211	5-23-2012	Amend(T)	7-1-2012	574-032-0040	7-31-2012	Repeal	9-1-2012
461-190-0211(T)	4-6-2012	Repeal	5-1-2012	574-032-0050	7-31-2012	Amend	9-1-2012
461-190-0211(T)	5-23-2012	Suspend	7-1-2012	574-032-0060	7-31-2012	Amend	9-1-2012
462-120-0050	6-1-2012	Amend	7-1-2012	574-032-0070	7-31-2012	Amend	9-1-2012
462-120-0100	6-1-2012	Amend	7-1-2012	574-032-0080	7-31-2012	Amend	9-1-2012
462-130-0010	6-1-2012	Amend	7-1-2012	574-032-0090	7-31-2012	Amend	9-1-2012
462-160-0130	5-21-2012	Amend(T)	7-1-2012	574-032-0100	7-31-2012	Amend	9-1-2012
462-210-0010	6-1-2012	Amend	7-1-2012	574-032-0110	7-31-2012	Amend	9-1-2012
462-210-0020	6-1-2012	Amend	7-1-2012	574-032-0120	7-31-2012	Amend	9-1-2012
462-210-0030	6-1-2012	Amend	7-1-2012	574-032-0130	7-31-2012	Amend	9-1-2012
462-220-0010	6-1-2012	Amend	7-1-2012	574-032-0150	7-31-2012	Amend	9-1-2012
462-220-0040	6-1-2012	Amend	7-1-2012	574-032-0160	7-31-2012	Amend	9-1-2012
462-220-0050	6-1-2012	Amend	7-1-2012	574-050-0005	1-27-2012	Amend	3-1-2012
462-220-0080	6-1-2012	Amend	7-1-2012	574-050-0005	7-31-2012	Amend	9-1-2012
462-220-0090	6-1-2012	Amend	7-1-2012	574-085-0000	7-31-2012	Amend	9-1-2012
462-230-0010	6-1-2012	Adopt	7-1-2012	574-085-0020	7-31-2012	Amend	9-1-2012
462-230-0020	6-1-2012	Adopt	7-1-2012	574-085-0040	7-31-2012	Amend	9-1-2012
471-030-0053	12-5-2011	Amend	1-1-2012	574-085-0060	7-31-2012	Amend	9-1-2012
471-030-0053(T)	12-5-2011	Repeal	1-1-2012	574-085-0070	7-31-2012	Amend	9-1-2012
471-030-0080	3-5-2012	Amend	4-1-2012	574-085-0110	7-31-2012	Amend	9-1-2012
471-030-0080(T)	3-5-2012	Repeal	4-1-2012	574-085-0120	7-31-2012	Amend	9-1-2012
471-030-0230	1-1-2012	Adopt(T)	2-1-2012	574-085-0140	7-31-2012	Adopt	9-1-2012
471-030-0230	2-29-2012	Adopt(T)	4-1-2012	576-001-0060	12-27-2011	Adopt	2-1-2012
471-030-0230(T)	2-29-2012	Suspend	4-1-2012	576-010-0000	12-27-2011	Amend	2-1-2012
471-031-0200	5-9-2012	Repeal	6-1-2012	576-010-0000	7-1-2012	Amend	7-1-2012
471-040-0010	2-10-2012	Amend	3-1-2012	576-015-0020	3-30-2012	Amend(T)	5-1-2012
471-040-0010(T)	2-10-2012	Repeal	3-1-2012	576-015-0020	5-9-2012	Amend	6-1-2012
471-040-0040	2-10-2012	Amend	3-1-2012	576-023-0005	7-31-2012	Amend	9-1-2012
471-040-0040(T)	2-10-2012	Repeal	3-1-2012	576-023-0010	7-31-2012	Amend	9-1-2012
471-040-0041	2-10-2012	Amend	3-1-2012	576-023-0012	7-31-2012	Repeal	9-1-2012
471-040-0041(T)	2-10-2012	Repeal	3-1-2012	576-023-0015	7-31-2012	Amend	9-1-2012
571-004-0020	9-4-2012	Amend(T)	10-1-2012	576-023-0020	7-31-2012	Amend	9-1-2012
571-004-0025	9-4-2012	Amend(T)	10-1-2012	576-023-0025	7-31-2012	Amend	9-1-2012
571-004-0030	9-4-2012	Amend(T)	10-1-2012	576-023-0030	7-31-2012	Amend	9-1-2012
571-004-0038	9-4-2012	Adopt(T)	10-1-2012	576-023-0035	7-31-2012	Amend	9-1-2012
571-004-0050	9-4-2012	Amend(T)	10-1-2012	576-023-0040	7-31-2012	Amend	9-1-2012
571-004-0055	9-4-2012	Amend(T)	10-1-2012	576-024-0000	3-30-2012	Amend(T)	5-1-2012
571-050-0005	6-13-2012	Amend	7-1-2012	576-024-0000	5-9-2012	Amend	6-1-2012
571-051-0005	7-11-2012	Amend	8-1-2012	576-030-0015	7-1-2012	Amend	7-1-2012
571-051-0010	7-11-2012	Amend	8-1-2012	576-030-0020	7-1-2012	Amend	7-1-2012
571-060-0005	7-1-2012	Amend	7-1-2012	576-030-0040	7-1-2012	Amend	7-1-2012
571-060-0005	7-1-2012	Amend(T)	7-1-2012	576-030-0045	7-1-2012	Amend	7-1-2012
571-060-0005	8-13-2012	Amend	9-1-2012	576-030-0050	7-1-2012	Amend	7-1-2012
571-060-0005(T)	8-13-2012	Repeal	9-1-2012	576-030-0055	7-1-2012	Amend	7-1-2012
573-040-0005	5-10-2012	Amend	6-1-2012	576-030-0060	7-1-2012	Amend	7-1-2012
573-050-0015	6-11-2012	Amend	7-1-2012	576-030-0070	7-1-2012	Amend	7-1-2012
573-050-0025	6-11-2012	Amend	7-1-2012	576-040-0010	12-27-2011	Amend	2-1-2012
574-031-0000	7-31-2012	Amend	9-1-2012	576-040-0012	12-27-2011	Amend	2-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
576-040-0015	12-27-2011	Amend	2-1-2012	581-015-2075	2-17-2012	Amend	4-1-2012
576-040-0025	12-27-2011	Repeal	2-1-2012	581-015-2080	2-17-2012	Amend	4-1-2012
576-040-0030	12-27-2011	Repeal	2-1-2012	581-015-2080	4-2-2012	Amend	5-1-2012
576-040-0035	12-27-2011	Repeal	2-1-2012	581-015-2300	4-2-2012	Amend(T)	5-1-2012
576-060-0025	7-31-2012	Amend	9-1-2012	581-015-2300	6-11-2012	Amend	7-1-2012
576-060-0035	7-31-2012	Amend	9-1-2012	581-015-2300(T)	6-11-2012	Repeal	7-1-2012
576-065-0000	3-30-2012	Amend(T)	5-1-2012	581-015-2570	12-15-2011	Amend	1-1-2012
576-065-0000	5-9-2012	Amend	6-1-2012	581-015-2571	12-15-2011	Amend	1-1-2012
576-065-0010	3-30-2012	Amend(T)	5-1-2012	581-015-2572	12-15-2011	Amend	1-1-2012
576-065-0010	5-9-2012	Amend	6-1-2012	581-015-2573	12-15-2011	Amend	1-1-2012
577-001-0125	9-7-2012	Repeal	10-1-2012	581-015-2574	12-15-2011	Amend	1-1-2012
577-031-0135	3-12-2012	Amend(T)	4-1-2012	581-015-2700	4-2-2012	Amend	5-1-2012
577-031-0135	8-13-2012	Amend	9-1-2012	581-015-2700	8-1-2012	Amend	9-1-2012
577-032-0010	9-7-2012	Repeal	10-1-2012	581-015-2712	4-2-2012	Adopt	5-1-2012
577-032-0020	9-7-2012	Repeal	10-1-2012	581-015-2713	4-2-2012	Adopt	5-1-2012
577-032-0030	9-7-2012	Repeal	10-1-2012	581-015-2730	4-2-2012	Amend	5-1-2012
577-032-0040	9-7-2012	Repeal	10-1-2012	581-015-2770	4-2-2012	Amend(T)	5-1-2012
577-032-0050	9-7-2012	Repeal	10-1-2012	581-015-2770	6-11-2012	Amend	7-1-2012
577-032-0060	9-7-2012	Repeal	10-1-2012	581-015-2770(T)	6-11-2012	Repeal	7-1-2012
577-032-0070	9-7-2012	Repeal	10-1-2012	581-015-2774	4-2-2012	Adopt	5-1-2012
577-032-0080	9-7-2012	Repeal	10-1-2012	581-015-2775	4-2-2012	Amend	5-1-2012
577-060-0020	6-26-2012	Amend	8-1-2012	581-015-2780	4-2-2012	Amend	5-1-2012
578-041-0030	7-11-2012	Amend	8-1-2012	581-015-2780	8-1-2012	Amend	9-1-2012
578-041-0030	9-14-2012	Amend	10-1-2012	581-015-2790	4-2-2012	Amend	5-1-2012
578-072-0030	7-11-2012	Amend	8-1-2012	581-015-2805	4-2-2012	Amend	5-1-2012
578-072-0030	9-14-2012	Amend	10-1-2012	581-015-2810	4-2-2012	Amend	5-1-2012
579-020-0006	12-1-2011	Amend(T)	1-1-2012	581-015-2815	4-2-2012	Amend	5-1-2012
579-020-0006	4-23-2012	Amend	6-1-2012	581-015-2825	4-2-2012	Amend	5-1-2012
579-020-0006	6-22-2012	Amend(T)	8-1-2012	581-015-2830	4-2-2012	Amend	5-1-2012
579-030-0010	7-1-2012	Amend(T)	6-1-2012	581-015-2835	4-2-2012	Amend	5-1-2012
579-030-0010	8-1-2012	Amend	9-1-2012	581-015-2840	4-2-2012	Amend	5-1-2012
579-060-0190	6-8-2012	Amend(T)	7-1-2012	581-015-2863	4-2-2012	Adopt	5-1-2012
580-010-0081	6-18-2012	Amend	8-1-2012	581-015-2870	4-2-2012	Amend	5-1-2012
580-010-0089	6-18-2012	Adopt	8-1-2012	581-015-2885	4-2-2012	Amend	5-1-2012
580-020-0005	1-12-2012	Amend	2-1-2012	581-015-2890	4-2-2012	Amend	5-1-2012
580-020-0005	6-18-2012	Amend	8-1-2012	581-020-0331	8-1-2012	Amend	9-1-2012
580-022-0045	3-16-2012	Amend(T)	5-1-2012	581-020-0334	12-15-2011	Amend	1-1-2012
580-022-0045	8-30-2012	Amend	10-1-2012	581-020-0336	1-1-2012	Amend	1-1-2012
580-040-0030	3-16-2012	Amend(T)	5-1-2012	581-020-0339	12-15-2011	Repeal	1-1-2012
580-040-0030	8-30-2012	Amend	10-1-2012	581-020-0342	12-15-2011	Adopt	1-1-2012
580-040-0035	1-12-2012	Amend	2-1-2012	581-020-0342(T)	12-15-2011	Repeal	1-1-2012
580-040-0035	6-18-2012	Repeal	8-1-2012	581-020-0343	12-15-2011	Adopt	1-1-2012
580-040-0040	6-18-2012	Amend	8-1-2012	581-020-0343(T)	12-15-2011	Repeal	1-1-2012
580-060-0050	6-18-2012	Amend	8-1-2012	581-021-00032	1-1-2012	Repeal	1-1-2012
580-061-0010	6-18-2012	Amend	8-1-2012	581-021-0019	2-3-2012	Amend	3-1-2012
580-061-0030	6-18-2012	Amend	8-1-2012	581-021-0034	1-1-2012	Repeal	1-1-2012
580-062-0020	6-18-2012	Amend	8-1-2012	581-021-0035	1-1-2012	Repeal	1-1-2012
580-063-0005	6-18-2012	Amend	8-1-2012	581-021-0042	1-1-2012	Repeal	1-1-2012
580-063-0020	6-18-2012	Amend	8-1-2012	581-021-0044	1-1-2012	Repeal	1-1-2012
581-001-0000	4-2-2012	Amend	5-1-2012	581-021-0047	6-11-2012	Adopt	7-1-2012
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
581-021-0550	5-1-2012	Adopt	5-1-2012	581-045-0560	2-3-2012	Repeal	3-1-2012
581-021-0553	5-1-2012	Adopt	5-1-2012	581-045-0565	2-3-2012	Repeal	3-1-2012
581-021-0556	5-1-2012	Adopt	5-1-2012	581-045-0570	2-3-2012	Repeal	3-1-2012
581-021-0559	5-1-2012	Adopt	5-1-2012	581-045-0580	2-3-2012	Repeal	3-1-2012
581-021-0563	5-1-2012	Adopt	5-1-2012	581-045-0586	2-3-2012	Amend	3-1-2012
581-021-0566	5-1-2012	Adopt	5-1-2012	581-045-0586	9-17-2012	Amend(T)	10-1-2012
581-022-1060	1-1-2012	Amend	1-1-2012	581-053-0002	6-14-2012	Amend	7-1-2012
581-022-1133	2-3-2012	Amend	3-1-2012	581-053-0003	6-14-2012	Adopt	7-1-2012
581-022-1134	2-3-2012	Amend	3-1-2012	581-053-0004	6-14-2012	Adopt	7-1-2012
581-022-1135	2-3-2012	Amend	3-1-2012	581-053-0006	6-14-2012	Repeal	7-1-2012
581-022-1330	12-15-2011	Amend	1-1-2012	581-053-0008	6-14-2012	Repeal	7-1-2012
581-022-1369	1-1-2012	Repeal	1-1-2012	581-053-0010	6-14-2012	Amend	7-1-2012
581-022-1622	8-1-2012	Amend	9-1-2012	581-053-0015	6-14-2012	Repeal	7-1-2012
581-022-1680	1-1-2012	Repeal	1-1-2012	581-053-0021	6-14-2012	Adopt	7-1-2012
581-022-1720	12-15-2011	Amend	1-1-2012	581-053-0031	6-14-2012	Adopt	7-1-2012
581-022-1723	12-15-2011	Adopt	1-1-2012	581-053-0040	6-14-2012	Adopt	7-1-2012
581-022-1723	8-1-2012	Amend	9-1-2012	581-053-0050	6-14-2012	Adopt	7-1-2012
581-022-1724	12-15-2011	Adopt	1-1-2012	581-053-0060	6-14-2012	Adopt	7-1-2012
581-022-1725	12-15-2011	Adopt	1-1-2012	581-053-0070	6-14-2012	Adopt	7-1-2012
581-022-1725	8-1-2012	Amend	9-1-2012	581-053-0100	6-14-2012	Adopt	7-1-2012
581-023-0012	1-1-2012	Repeal	1-1-2012	581-053-0110	6-14-2012	Adopt	7-1-2012
581-023-0036	9-17-2012	Adopt	10-1-2012	581-053-0120	6-14-2012	Adopt	7-1-2012
581-023-0040	12-15-2011	Amend	1-1-2012	581-053-0130	6-14-2012	Adopt	7-1-2012
581-023-0106	6-11-2012	Adopt	7-1-2012	581-053-0135	6-14-2012	Adopt	7-1-2012
581-023-0110	1-1-2012	Repeal	1-1-2012	581-053-0140	6-14-2012	Adopt	7-1-2012
581-023-0112	1-1-2012	Amend	1-1-2012	581-053-0145	6-14-2012	Adopt	7-1-2012
581-040-0000	12-15-2011	Repeal	1-1-2012	581-053-0150	6-14-2012	Adopt	7-1-2012
581-044-0080	12-15-2011	Repeal	1-1-2012	581-053-0160	6-14-2012	Adopt	7-1-2012
581-044-0090	12-15-2011	Repeal	1-1-2012	581-053-0170	6-14-2012	Adopt	7-1-2012
581-044-0100	12-15-2011	Repeal	1-1-2012	581-053-0180	6-14-2012	Adopt	7-1-2012
581-044-0110	12-15-2011	Repeal	1-1-2012	581-053-0210	6-14-2012	Adopt	7-1-2012
581-044-0120	12-15-2011	Repeal	1-1-2012	581-053-0220	6-14-2012	Adopt	7-1-2012
581-044-0130	12-15-2011	Repeal	1-1-2012	581-053-0225	6-14-2012	Adopt	7-1-2012
581-044-0140	12-15-2011	Repeal	1-1-2012	581-053-0230	6-14-2012	Adopt	7-1-2012
581-044-0200	12-15-2011	Repeal	1-1-2012	581-053-0240	6-14-2012	Adopt	7-1-2012
581-044-0210	4-2-2012	Adopt	5-1-2012	581-053-0250	6-14-2012	Adopt	7-1-2012
581-044-0220	4-2-2012	Adopt	5-1-2012	581-053-0310	6-14-2012	Adopt	7-1-2012
581-044-0230	4-2-2012	Adopt	5-1-2012	581-053-0320	6-14-2012	Adopt	7-1-2012
581-044-0240	4-2-2012	Adopt	5-1-2012	581-053-0330	6-14-2012	Adopt	7-1-2012
581-044-0250	4-2-2012	Adopt	5-1-2012	581-053-0340	6-14-2012	Adopt	7-1-2012
581-044-0260	4-2-2012	Adopt	5-1-2012	581-053-0410	6-14-2012	Adopt	7-1-2012
581-045-0001	9-17-2012	Amend	10-1-2012	581-053-0420	6-14-2012	Adopt	7-1-2012
581-045-0500	2-3-2012	Repeal	3-1-2012	581-053-0430	6-14-2012	Adopt	7-1-2012
581-045-0505	2-3-2012	Repeal	3-1-2012	581-053-0440	6-14-2012	Adopt	7-1-2012
581-045-0510	2-3-2012	Repeal	3-1-2012	581-053-0445	6-14-2012	Adopt	7-1-2012
581-045-0515	2-3-2012	Repeal	3-1-2012	581-053-0507	6-14-2012	Repeal	7-1-2012
581-045-0520	2-3-2012	Repeal	3-1-2012	581-053-0511	6-14-2012	Adopt	7-1-2012
581-045-0522	2-3-2012	Repeal	3-1-2012	581-053-0512	6-14-2012	Repeal	7-1-2012
581-045-0525	2-3-2012	Repeal	3-1-2012	581-053-0516	6-14-2012	Repeal	7-1-2012
581-045-0530	2-3-2012	Repeal	3-1-2012	581-053-0521	6-14-2012	Adopt	7-1-2012
581-045-0535	2-3-2012	Repeal	3-1-2012	581-053-0527	6-14-2012	Repeal	7-1-2012
581-045-0538	2-3-2012	Repeal	3-1-2012	581-053-0531	6-14-2012	Adopt	7-1-2012
581-045-0540	2-3-2012	Repeal	3-1-2012	581-053-0535	6-14-2012	Repeal	7-1-2012
581-045-0545	2-3-2012	Repeal	3-1-2012	581-053-0540	6-14-2012	Amend	7-1-2012
581-045-0550	2-3-2012	Repeal	3-1-2012	581-053-0545	6-14-2012	Repeal	7-1-2012
581-045-0555	2-3-2012	Repeal	3-1-2012	581-053-0550	6-14-2012	Repeal	7-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
581-053-0555	6-14-2012	Repeal	7-1-2012	584-010-0060	3-9-2012	Amend	4-1-2012
581-053-0556	6-14-2012	Repeal	7-1-2012	584-010-0080	3-9-2012	Repeal	4-1-2012
581-053-0610	6-14-2012	Adopt	7-1-2012	584-010-0090	3-9-2012	Amend	4-1-2012
581-053-0615	6-14-2012	Adopt	7-1-2012	584-010-0100	3-9-2012	Amend	4-1-2012
581-053-0620	6-14-2012	Adopt	7-1-2012	584-010-0140	3-9-2012	Repeal	4-1-2012
581-053-0630	6-14-2012	Adopt	7-1-2012	584-017-1005	3-9-2012	Adopt	4-1-2012
581-053-0640	6-14-2012	Adopt	7-1-2012	584-017-1008	3-9-2012	Adopt	4-1-2012
581-060-0005	12-15-2011	Repeal	1-1-2012	584-017-1010	3-9-2012	Adopt	4-1-2012
581-060-0010	12-15-2011	Repeal	1-1-2012	584-017-1012	3-9-2012	Adopt	4-1-2012
581-060-0015	12-15-2011	Repeal	1-1-2012	584-017-1015	3-9-2012	Adopt	4-1-2012
581-060-0020	12-15-2011	Repeal	1-1-2012	584-017-1020	3-9-2012	Adopt	4-1-2012
581-070-0000	12-15-2011	Repeal	1-1-2012	584-017-1022	3-9-2012	Adopt	4-1-2012
581-070-0010	12-15-2011	Repeal	1-1-2012	584-017-1025	3-9-2012	Adopt	4-1-2012
581-070-0020	12-15-2011	Repeal	1-1-2012	584-017-1028	5-18-2012	Adopt	7-1-2012
581-070-0030	12-15-2011	Repeal	1-1-2012	584-017-1030	3-9-2012	Adopt	4-1-2012
581-070-0040	12-15-2011	Repeal	1-1-2012	584-017-1032	3-9-2012	Adopt	4-1-2012
581-070-0050	12-15-2011	Repeal	1-1-2012	584-017-1035	3-9-2012	Adopt	4-1-2012
581-070-0060	12-15-2011	Repeal	1-1-2012	584-017-1038	3-9-2012	Adopt	4-1-2012
581-070-0070	12-15-2011	Repeal	1-1-2012	584-017-1040	3-9-2012	Adopt	4-1-2012
581-070-0080	12-15-2011	Repeal	1-1-2012	584-017-1042	3-9-2012	Adopt	4-1-2012
581-070-0090	12-15-2011	Repeal	1-1-2012	584-017-1045	3-9-2012	Adopt	4-1-2012
581-070-0110	12-15-2011	Repeal	1-1-2012	584-017-1048	3-9-2012	Adopt	4-1-2012
581-070-0130	12-15-2011	Repeal	1-1-2012	584-017-1050	3-9-2012	Adopt	4-1-2012
581-070-0140	12-15-2011	Repeal	1-1-2012	584-017-1052	3-9-2012	Adopt	4-1-2012
581-070-0150	12-15-2011	Repeal	1-1-2012	584-017-1055	3-9-2012	Adopt	4-1-2012
581-070-0170	12-15-2011	Repeal	1-1-2012	584-018-0100	3-9-2012	Adopt	4-1-2012
581-070-0180	12-15-2011	Repeal	1-1-2012	584-018-0105	3-9-2012	Adopt	4-1-2012
581-070-0190	12-15-2011	Repeal	1-1-2012	584-018-0110	3-9-2012	Adopt	4-1-2012
581-070-0200	12-15-2011	Repeal	1-1-2012	584-018-0115	3-9-2012	Adopt	4-1-2012
581-070-0210	12-15-2011	Repeal	1-1-2012	584-018-0120	3-9-2012	Adopt	4-1-2012
581-070-0220	12-15-2011	Repeal	1-1-2012	584-018-0125	3-9-2012	Adopt	4-1-2012
581-070-0230	12-15-2011	Repeal	1-1-2012	584-018-0130	3-9-2012	Adopt	4-1-2012
581-070-0240	12-15-2011	Repeal	1-1-2012	584-018-0135	3-9-2012	Adopt	4-1-2012
581-070-0250	12-15-2011	Repeal	1-1-2012	584-018-0140	3-9-2012	Adopt	4-1-2012
581-070-0380	12-15-2011	Repeal	1-1-2012	584-018-0205	3-9-2012	Adopt	4-1-2012
581-070-0390	12-15-2011	Repeal	1-1-2012	584-018-0205	5-18-2012	Amend	7-1-2012
581-070-0400	12-15-2011	Repeal	1-1-2012	584-018-0305	5-18-2012	Adopt	7-1-2012
581-070-0410	12-15-2011	Repeal	1-1-2012	584-018-0310	5-18-2012	Adopt	7-1-2012
581-070-0420	12-15-2011	Repeal	1-1-2012	584-018-0315	3-9-2012	Adopt	4-1-2012
581-070-0500	12-15-2011	Repeal	1-1-2012	584-018-0405	3-9-2012	Adopt	4-1-2012
581-070-0510	12-15-2011	Repeal	1-1-2012	584-018-0410	3-9-2012	Adopt	4-1-2012
581-071-0005	12-15-2011	Repeal	1-1-2012	584-018-0415	3-9-2012	Adopt	4-1-2012
581-071-0010	12-15-2011	Repeal	1-1-2012	584-018-0505	3-9-2012	Adopt	4-1-2012
584-010-0001	3-9-2012	Amend	4-1-2012	584-018-0510	3-9-2012	Adopt	4-1-2012
584-010-0001	9-14-2012	Amend	10-1-2012	584-018-0515	3-9-2012	Adopt	4-1-2012
584-010-0006	9-14-2012	Amend	10-1-2012	584-023-0005	5-18-2012	Amend	7-1-2012
584-010-0010	3-9-2012	Amend	4-1-2012	584-023-0015	5-18-2012	Amend	7-1-2012
584-010-0015	3-9-2012	Amend	4-1-2012	584-036-0010	5-18-2012	Amend	7-1-2012
584-010-0020	3-9-2012	Amend	4-1-2012	584-036-0015	5-18-2012	Amend	7-1-2012
584-010-0022	3-9-2012	Adopt	4-1-2012	584-036-0055	2-15-2012	Amend	3-1-2012
584-010-0025	3-9-2012	Amend	4-1-2012	584-036-0055	5-18-2012	Amend	7-1-2012
584-010-0030	3-9-2012	Amend	4-1-2012	584-036-0055	9-14-2012	Amend	10-1-2012
584-010-0035	3-9-2012	Amend	4-1-2012	584-036-0057	5-18-2012	Adopt	7-1-2012
584-010-0045	3-9-2012	Amend	4-1-2012	584-036-0062	9-14-2012	Amend	10-1-2012
584-010-0050	3-9-2012	Amend	4-1-2012	584-036-0080	9-14-2012	Amend	10-1-2012
584-010-0055	3-9-2012	Amend	4-1-2012	584-036-0081	9-14-2012	Repeal	10-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
584-042-0008	2-15-2012	Amend	3-1-2012	603-018-0000	7-3-2012	Adopt	8-1-2012
584-042-0012	2-15-2012	Amend	3-1-2012	603-018-0001	12-28-2011	Adopt(T)	2-1-2012
584-042-0021	2-15-2012	Amend	3-1-2012	603-018-0003	12-28-2011	Adopt(T)	2-1-2012
584-042-0031	2-15-2012	Amend	3-1-2012	603-018-0005	7-3-2012	Adopt	8-1-2012
584-042-0036	2-15-2012	Amend	3-1-2012	603-018-0007	12-28-2011	Adopt(T)	2-1-2012
584-042-0044	2-15-2012	Amend	3-1-2012	603-018-0009	12-28-2011	Adopt(T)	2-1-2012
584-042-0051	2-15-2012	Amend	3-1-2012	603-018-0010	7-3-2012	Adopt	8-1-2012
584-042-0081	2-15-2012	Amend	3-1-2012	603-018-0011	12-28-2011	Adopt(T)	2-1-2012
584-050-0012	9-14-2012	Amend	10-1-2012	603-018-0013	12-28-2011	Adopt(T)	2-1-2012
584-050-0021	5-18-2012	Adopt	7-1-2012	603-018-0015	7-3-2012	Adopt	8-1-2012
584-060-0002	5-18-2012	Amend	7-1-2012	603-018-0020	7-3-2012	Adopt	8-1-2012
584-060-0051	2-15-2012	Amend(T)	3-1-2012	603-018-0025	7-3-2012	Adopt	8-1-2012
584-060-0051	8-7-2012	Amend	9-1-2012	603-019-0001	12-28-2011	Adopt	2-1-2012
584-060-0062	5-18-2012	Amend	7-1-2012	603-019-0005	12-28-2011	Adopt	2-1-2012
584-060-0220	9-14-2012	Amend	10-1-2012	603-019-0010	12-28-2011	Adopt	2-1-2012
584-060-0250	1-15-2012	Adopt	1-1-2012	603-019-0015	12-28-2011	Adopt	2-1-2012
584-065-0035	9-14-2012	Amend	10-1-2012	603-019-0020	12-28-2011	Adopt	2-1-2012
584-066-0001	5-18-2012	Adopt	7-1-2012	603-019-0025	12-28-2011	Adopt	2-1-2012
584-066-0010	5-18-2012	Adopt	7-1-2012	603-019-0030	12-28-2011	Adopt	2-1-2012
584-070-0112	5-18-2012	Amend	7-1-2012	603-019-0035	12-28-2011	Adopt	2-1-2012
584-070-0132	5-18-2012	Amend	7-1-2012	603-019-0040	12-28-2011	Adopt	2-1-2012
584-070-0271	5-18-2012	Amend	7-1-2012	603-024-0211	5-15-2012	Amend	6-1-2012
584-070-0431	5-18-2012	Amend	7-1-2012	603-024-0592	7-1-2012	Amend	5-1-2012
584-070-0441	5-18-2012	Adopt	7-1-2012	603-025-0215	6-1-2012	Adopt	7-1-2012
584-070-0451	5-18-2012	Adopt	7-1-2012	603-025-0225	6-1-2012	Adopt	7-1-2012
584-080-0151	5-18-2012	Amend	7-1-2012	603-025-0235	6-1-2012	Adopt	7-1-2012
584-080-0152	5-18-2012	Amend	7-1-2012	603-025-0245	6-1-2012	Adopt	7-1-2012
584-080-0161	5-18-2012	Amend	7-1-2012	603-025-0255	6-1-2012	Adopt	7-1-2012
584-090-0100	5-18-2012	Adopt	7-1-2012	603-025-0265	6-1-2012	Adopt	7-1-2012
584-090-0105	5-18-2012	Adopt	7-1-2012	603-025-0275	6-1-2012	Adopt	7-1-2012
584-090-0110	5-18-2012	Adopt	7-1-2012	603-027-0410	12-14-2011	Amend	1-1-2012
584-090-0115	8-15-2012	Adopt	9-1-2012	603-027-0420	12-14-2011	Amend	1-1-2012
584-090-0120	8-15-2012	Adopt	9-1-2012	603-027-0430	12-14-2011	Amend	1-1-2012
584-100-0011	5-18-2012	Amend	7-1-2012	603-027-0440	12-14-2011	Amend	1-1-2012
584-100-0016	5-18-2012	Amend	7-1-2012	603-027-0490	12-14-2011	Amend	1-1-2012
584-100-0017	5-18-2012	Adopt	7-1-2012	603-028-0710	5-15-2012	Adopt	6-1-2012
584-100-0021	5-18-2012	Amend	7-1-2012	603-028-0715	5-15-2012	Adopt	6-1-2012
584-100-0026	5-18-2012	Amend	7-1-2012	603-028-0720	5-15-2012	Adopt	6-1-2012
584-100-0031	5-18-2012	Amend	7-1-2012	603-028-0725	5-15-2012	Adopt	6-1-2012
584-100-0038	5-18-2012	Amend	7-1-2012	603-028-0730	5-15-2012	Adopt	6-1-2012
585-010-0310	8-9-2012	Amend	9-1-2012	603-028-0735	5-15-2012	Adopt	6-1-2012
589-002-0100	7-17-2012	Amend(T)	9-1-2012	603-028-0740	5-15-2012	Adopt	6-1-2012
589-002-0110	7-17-2012	Adopt(T)	9-1-2012	603-031-0105	7-1-2012	Repeal	7-1-2012
589-002-0120	7-17-2012	Adopt(T)	9-1-2012	603-031-0111	7-1-2012	Repeal	7-1-2012
589-002-0130	7-17-2012	Adopt(T)	9-1-2012	603-031-0112	7-1-2012	Repeal	7-1-2012
589-007-0700	12-9-2011	Amend	1-1-2012	603-031-0113	7-1-2012	Repeal	7-1-2012
589-007-0700	8-6-2012	Amend(T)	9-1-2012	603-031-0114	7-1-2012	Repeal	7-1-2012
589-007-0800	12-9-2011	Adopt	1-1-2012	603-031-0116	7-1-2012	Repeal	7-1-2012
603-016-0355	7-1-2012	Repeal	7-1-2012	603-031-0117	7-1-2012	Repeal	7-1-2012
603-016-0360	7-1-2012	Repeal	7-1-2012	603-031-0120	7-1-2012	Repeal	7-1-2012
603-016-0365	7-1-2012	Repeal	7-1-2012	603-031-0125	7-1-2012	Repeal	7-1-2012
603-016-0370	7-1-2012	Repeal	7-1-2012	603-031-0140	7-1-2012	Repeal	7-1-2012
603-016-0375	7-1-2012	Repeal	7-1-2012	603-031-0180	7-1-2012	Repeal	7-1-2012
603-016-0380	7-1-2012	Repeal	7-1-2012	603-031-0185	7-1-2012	Repeal	7-1-2012
603-016-0385	7-1-2012	Repeal	7-1-2012	603-042-0020	8-6-2012	Amend	9-1-2012
603-016-0390	7-1-2012	Repeal	7-1-2012	603-050-0100	7-1-2012	Repeal	7-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
603-051-0365	2-9-2012	Amend	3-1-2012	603-063-0010	7-1-2012	Repeal	7-1-2012
603-051-0366	2-9-2012	Adopt	3-1-2012	603-063-0015	7-1-2012	Repeal	7-1-2012
603-051-0370	2-9-2012	Amend	3-1-2012	603-063-0020	7-1-2012	Repeal	7-1-2012
603-051-0375	2-9-2012	Amend	3-1-2012	603-063-0025	7-1-2012	Repeal	7-1-2012
603-051-0380	2-9-2012	Repeal	3-1-2012	603-064-0005	7-1-2012	Repeal	7-1-2012
603-051-0385	2-9-2012	Repeal	3-1-2012	603-064-0050	7-1-2012	Repeal	7-1-2012
603-051-0390	2-9-2012	Amend	3-1-2012	603-064-0100	7-1-2012	Repeal	7-1-2012
603-051-0395	2-9-2012	Amend	3-1-2012	603-064-0105	7-1-2012	Repeal	7-1-2012
603-051-0775	2-1-2012	Adopt	3-1-2012	603-064-0110	7-1-2012	Repeal	7-1-2012
603-051-0777	2-1-2012	Adopt	3-1-2012	603-064-0115	7-1-2012	Repeal	7-1-2012
603-051-0779	2-1-2012	Adopt	3-1-2012	603-064-0120	7-1-2012	Repeal	7-1-2012
603-051-0780	2-1-2012	Adopt	3-1-2012	603-064-0130	7-1-2012	Repeal	7-1-2012
603-051-0785	2-1-2012	Adopt	3-1-2012	603-064-0200	7-1-2012	Repeal	7-1-2012
603-052-0115	3-26-2012	Amend	5-1-2012	603-064-0205	7-1-2012	Repeal	7-1-2012
603-052-0116	3-26-2012	Amend	5-1-2012	603-065-0005	7-1-2012	Repeal	7-1-2012
603-052-0117	3-22-2012	Repeal	5-1-2012	603-065-0010	7-1-2012	Repeal	7-1-2012
603-052-0118	3-26-2012	Amend	5-1-2012	603-065-0015	7-1-2012	Repeal	7-1-2012
603-052-0126	3-26-2012	Amend	5-1-2012	603-065-0017	7-1-2012	Repeal	7-1-2012
603-052-0150	3-26-2012	Amend	5-1-2012	603-065-0020	7-1-2012	Repeal	7-1-2012
603-052-0201	3-22-2012	Repeal	5-1-2012	603-065-0023	7-1-2012	Repeal	7-1-2012
603-052-0206	3-22-2012	Repeal	5-1-2012	603-065-0025	7-1-2012	Repeal	7-1-2012
603-052-0207	3-22-2012	Repeal	5-1-2012	603-065-0032	7-1-2012	Repeal	7-1-2012
603-052-0208	3-22-2012	Repeal	5-1-2012	603-065-0035	7-1-2012	Repeal	7-1-2012
603-052-0209	3-22-2012	Repeal	5-1-2012	603-065-0040	7-1-2012	Repeal	7-1-2012
603-052-0334	3-22-2012	Repeal	5-1-2012	603-065-0045	7-1-2012	Repeal	7-1-2012
603-052-0800	3-22-2012	Repeal	5-1-2012	603-065-0050	7-1-2012	Repeal	7-1-2012
603-052-0850	8-10-2012	Amend(T)	9-1-2012	603-065-0055	7-1-2012	Repeal	7-1-2012
603-052-0852	8-10-2012	Adopt(T)	9-1-2012	603-065-0060	7-1-2012	Repeal	7-1-2012
603-052-0860	8-10-2012	Amend(T)	9-1-2012	603-065-0065	7-1-2012	Repeal	7-1-2012
603-052-0870	8-10-2012	Amend(T)	9-1-2012	603-065-0070	7-1-2012	Repeal	7-1-2012
603-052-0880	8-10-2012	Amend(T)	9-1-2012	603-065-0075	7-1-2012	Repeal	7-1-2012
603-052-1020	6-6-2012	Amend	7-1-2012	603-065-0080	7-1-2012	Repeal	7-1-2012
603-052-1025	3-26-2012	Amend	5-1-2012	603-065-0085	7-1-2012	Repeal	7-1-2012
603-052-1230	3-22-2012	Amend	5-1-2012	603-066-0005	7-1-2012	Repeal	7-1-2012
603-053-0200	6-12-2012	Amend	7-1-2012	603-066-0010	7-1-2012	Repeal	7-1-2012
603-057-0001	6-1-2012	Amend	7-1-2012	603-066-0015	7-1-2012	Repeal	7-1-2012
603-057-0001	1-1-2013	Amend	2-1-2012	603-066-0020	7-1-2012	Repeal	7-1-2012
603-057-0006	7-10-2012	Amend	8-1-2012	603-066-0025	7-1-2012	Repeal	7-1-2012
603-057-0100	6-1-2012	Amend	7-1-2012	603-066-0030	7-1-2012	Repeal	7-1-2012
603-057-0100	1-1-2013	Amend	2-1-2012	603-066-0030	7-1-2012	Repeal	7-1-2012
603-057-0106	1-1-2013	Amend	6-1-2012	603-066-0100	7-1-2012	Repeal	7-1-2012
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603-057-0150	7-10-2012	Amend	8-1-2012	603-066-0300	7-1-2012	Repeal	7-1-2012
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603-057-0500	7-10-2012	Amend	8-1-2012	603-066-0310	7-1-2012	Repeal	7-1-2012
603-057-0525	7-10-2012	Amend	8-1-2012	603-067-0020	7-1-2012	Repeal	7-1-2012
603-059-0020	1-1-2013	Amend	7-1-2012	603-067-0035	7-1-2012	Repeal	7-1-2012
603-061-0005	7-1-2012	Repeal	7-1-2012	603-068-0005	7-1-2012	Repeal	7-1-2012
603-062-0005	7-1-2012	Repeal	7-1-2012	603-068-0010	7-1-2012	Repeal	7-1-2012
603-062-0010	7-1-2012	Repeal	7-1-2012	603-068-0015	7-1-2012	Repeal	7-1-2012
603-062-0015	7-1-2012	Repeal	7-1-2012	603-068-0100	7-1-2012	Repeal	7-1-2012
603-062-0020	7-1-2012	Repeal	7-1-2012	603-068-0105	7-1-2012	Repeal	7-1-2012
603-063-0005	7-1-2012	Repeal	7-1-2012	603-068-0110	7-1-2012	Repeal	7-1-2012
				603-068-0200	7-1-2012	Repeal	7-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
603-068-0205	7-1-2012	Repeal	7-1-2012	603-095-1440	6-1-2012	Amend	7-1-2012
603-068-0210	7-1-2012	Repeal	7-1-2012	603-095-1460	1-12-2012	Adopt	2-1-2012
603-068-0300	7-1-2012	Repeal	7-1-2012	603-095-1460	6-1-2012	Adopt	7-1-2012
603-068-0305	7-1-2012	Repeal	7-1-2012	603-100-0000	1-1-2013	Amend	7-1-2012
603-068-0310	7-1-2012	Repeal	7-1-2012	603-100-0010	1-1-2013	Amend	7-1-2012
603-068-0400	7-1-2012	Repeal	7-1-2012	603-100-0050	1-1-2013	Adopt	7-1-2012
603-068-0405	7-1-2012	Repeal	7-1-2012	603-105-0010	7-1-2012	Repeal	7-1-2012
603-068-0410	7-1-2012	Repeal	7-1-2012	629-035-0105	1-1-2012	Amend	1-1-2012
603-069-0005	7-1-2012	Repeal	7-1-2012	632-001-0020	12-14-2011	Adopt	1-1-2012
603-069-0010	7-1-2012	Repeal	7-1-2012	635-003-0003	5-1-2012	Amend	6-1-2012
603-069-0015	7-1-2012	Repeal	7-1-2012	635-003-0085	7-1-2012	Amend	7-1-2012
603-069-0020	7-1-2012	Repeal	7-1-2012	635-004-0003	7-1-2012	Renumber	8-1-2012
603-069-0025	7-1-2012	Repeal	7-1-2012	635-004-0005	4-24-2012	Amend	6-1-2012
603-069-0030	7-1-2012	Repeal	7-1-2012	635-004-0005	7-1-2012	Repeal	8-1-2012
603-069-0032	7-1-2012	Repeal	7-1-2012	635-004-0009	4-24-2012	Amend	6-1-2012
603-069-0034	7-1-2012	Repeal	7-1-2012	635-004-0009	7-1-2012	Repeal	8-1-2012
603-069-0035	7-1-2012	Repeal	7-1-2012	635-004-0011	7-1-2012	Renumber	8-1-2012
603-069-0040	7-1-2012	Repeal	7-1-2012	635-004-0012	7-1-2012	Am. & Ren.	8-1-2012
603-070-0025	7-1-2012	Repeal	7-1-2012	635-004-0013	7-1-2012	Am. & Ren.	8-1-2012
603-070-0030	7-1-2012	Repeal	7-1-2012	635-004-0014	7-1-2012	Renumber	8-1-2012
603-070-0035	7-1-2012	Repeal	7-1-2012	635-004-0016	7-1-2012	Repeal	8-1-2012
603-070-0040	7-1-2012	Repeal	7-1-2012	635-004-0017	4-24-2012	Amend	6-1-2012
603-070-0045	7-1-2012	Repeal	7-1-2012	635-004-0017	7-1-2012	Repeal	8-1-2012
603-070-0050	7-1-2012	Repeal	7-1-2012	635-004-0018	1-1-2012	Amend	2-1-2012
603-070-0055	7-1-2012	Repeal	7-1-2012	635-004-0018	7-1-2012	Repeal	8-1-2012
603-070-0060	7-1-2012	Repeal	7-1-2012	635-004-0019	1-1-2012	Amend	2-1-2012
603-076-0052	12-8-2011	Amend(T)	1-1-2012	635-004-0019	5-1-2012	Amend(T)	6-1-2012
603-077-0105	8-1-2012	Amend	9-1-2012	635-004-0019	5-1-2012	Amend(T)	6-1-2012
603-077-0110	8-1-2012	Amend	9-1-2012	635-004-0019	7-1-2012	Repeal	8-1-2012
603-077-0112	8-1-2012	Amend	9-1-2012	635-004-0019(T)	5-1-2012	Suspend	6-1-2012
603-077-0113	8-1-2012	Amend	9-1-2012	635-004-0019(T)	7-1-2012	Suspend	8-1-2012
603-077-0119	8-1-2012	Amend	9-1-2012	635-004-0020	7-1-2012	Am. & Ren.	8-1-2012
603-085-0000	7-1-2012	Repeal	7-1-2012	635-004-0021	7-1-2012	Am. & Ren.	8-1-2012
603-085-0010	7-1-2012	Repeal	7-1-2012	635-004-0025	7-1-2012	Am. & Ren.	8-1-2012
603-085-0020	7-1-2012	Repeal	7-1-2012	635-004-0026	7-1-2012	Renumber	8-1-2012
603-085-0030	7-1-2012	Repeal	7-1-2012	635-004-0027	1-9-2012	Amend(T)	2-1-2012
603-085-0040	7-1-2012	Repeal	7-1-2012	635-004-0027	7-1-2012	Am. & Ren.	8-1-2012
603-085-0050	7-1-2012	Repeal	7-1-2012	635-004-0029	7-1-2012	Repeal	8-1-2012
603-085-0060	7-1-2012	Repeal	7-1-2012	635-004-0033	1-1-2012	Amend	2-1-2012
603-085-0070	7-1-2012	Repeal	7-1-2012	635-004-0033	6-1-2012	Amend(T)	7-1-2012
603-085-0080	7-1-2012	Repeal	7-1-2012	635-004-0033	7-1-2012	Repeal	8-1-2012
603-095-0200	1-12-2012	Repeal	2-1-2012	635-004-0035	7-1-2012	Am. & Ren.	8-1-2012
603-095-0200	6-1-2012	Repeal	7-1-2012	635-004-0036	7-1-2012	Am. & Ren.	8-1-2012
603-095-0220	1-12-2012	Repeal	2-1-2012	635-004-0040	7-1-2012	Repeal	8-1-2012
603-095-0220	6-1-2012	Repeal	7-1-2012	635-004-0042	7-1-2012	Am. & Ren.	8-1-2012
603-095-0240	1-12-2012	Repeal	2-1-2012	635-004-0048	7-1-2012	Am. & Ren.	8-1-2012
603-095-0240	6-1-2012	Repeal	7-1-2012	635-004-0050	7-1-2012	Am. & Ren.	8-1-2012
603-095-0260	1-12-2012	Repeal	2-1-2012	635-004-0052	7-1-2012	Repeal	8-1-2012
603-095-0260	6-1-2012	Repeal	7-1-2012	635-004-0055	7-1-2012	Am. & Ren.	8-1-2012
603-095-0280	1-12-2012	Repeal	2-1-2012	635-004-0060	7-1-2012	Am. & Ren.	8-1-2012
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-004-0085	7-1-2012	Am. & Ren.	8-1-2012	635-004-0490	7-1-2012	Adopt	8-1-2012
635-004-0090	7-1-2012	Am. & Ren.	8-1-2012	635-004-0495	7-1-2012	Adopt	8-1-2012
635-004-0100	7-1-2012	Repeal	8-1-2012	635-004-0500	7-1-2012	Adopt	8-1-2012
635-004-0110	7-1-2012	Repeal	8-1-2012	635-004-0505	7-1-2012	Adopt	8-1-2012
635-004-0125	7-1-2012	Am. & Ren.	8-1-2012	635-004-0510	7-1-2012	Adopt	8-1-2012
635-004-0130	7-1-2012	Am. & Ren.	8-1-2012	635-004-0520	7-1-2012	Adopt	8-1-2012
635-004-0135	7-1-2012	Am. & Ren.	8-1-2012	635-004-0525	7-1-2012	Adopt	8-1-2012
635-004-0140	7-1-2012	Renumber	8-1-2012	635-004-0535	7-1-2012	Adopt	8-1-2012
635-004-0145	7-1-2012	Am. & Ren.	8-1-2012	635-004-0540	7-1-2012	Adopt	8-1-2012
635-004-0150	7-1-2012	Am. & Ren.	8-1-2012	635-004-0550	7-1-2012	Adopt	8-1-2012
635-004-0160	7-1-2012	Am. & Ren.	8-1-2012	635-004-0555	7-1-2012	Adopt	8-1-2012
635-004-0165	7-1-2012	Am. & Ren.	8-1-2012	635-004-0560	7-1-2012	Adopt	8-1-2012
635-004-0170	7-1-2012	Am. & Ren.	8-1-2012	635-004-0565	7-1-2012	Adopt	8-1-2012
635-004-0200	7-1-2012	Adopt	8-1-2012	635-004-0570	7-1-2012	Adopt	8-1-2012
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635-004-0275	7-1-2012	Amend(T)	8-1-2012	635-004-0625	7-1-2012	Adopt	8-1-2012
635-004-0275	9-1-2012	Amend(T)	9-1-2012	635-004-0630	7-1-2012	Adopt	8-1-2012
635-004-0275(T)	9-1-2012	Suspend	9-1-2012	635-004-0650	7-1-2012	Adopt	8-1-2012
635-004-0285	7-1-2012	Adopt	8-1-2012	635-004-0655	7-1-2012	Adopt	8-1-2012
635-004-0300	7-1-2012	Adopt	8-1-2012	635-004-0660	7-1-2012	Adopt	8-1-2012
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635-004-0315	7-1-2012	Adopt	8-1-2012	635-004-0675	7-1-2012	Adopt	8-1-2012
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635-004-0330	7-1-2012	Adopt	8-1-2012	635-004-0690	7-1-2012	Adopt	8-1-2012
635-004-0335	7-1-2012	Adopt	8-1-2012	635-005-0001	7-1-2012	Am. & Ren.	8-1-2012
635-004-0350	7-1-2012	Adopt	8-1-2012	635-005-0002	7-1-2012	Repeal	8-1-2012
635-004-0355	7-1-2012	Adopt	8-1-2012	635-005-0003	7-1-2012	Am. & Ren.	8-1-2012
635-004-0355	7-1-2012	Amend(T)	8-1-2012	635-005-0005	7-1-2012	Am. & Ren.	8-1-2012
635-004-0355	9-11-2012	Amend(T)	10-1-2012	635-005-0015	7-1-2012	Repeal	8-1-2012
635-004-0355(T)	9-11-2012	Suspend	10-1-2012	635-005-0016	7-1-2012	Repeal	8-1-2012
635-004-0370	7-1-2012	Adopt	8-1-2012	635-005-0020	7-1-2012	Am. & Ren.	8-1-2012
635-004-0375	7-1-2012	Adopt	8-1-2012	635-005-0030	7-1-2012	Am. & Ren.	8-1-2012
635-004-0375	8-23-2012	Amend(T)	10-1-2012	635-005-0031	7-1-2012	Repeal	8-1-2012
635-004-0380	7-1-2012	Adopt	8-1-2012	635-005-0032	7-1-2012	Am. & Ren.	8-1-2012
635-004-0385	7-1-2012	Adopt	8-1-2012	635-005-0035	7-1-2012	Repeal	8-1-2012
635-004-0390	7-1-2012	Adopt	8-1-2012	635-005-0040	7-1-2012	Renumber	8-1-2012
635-004-0395	7-1-2012	Adopt	8-1-2012	635-005-0042	7-1-2012	Am. & Ren.	8-1-2012
635-004-0400	7-1-2012	Adopt	8-1-2012	635-005-0045	12-1-2011	Amend(T)	1-1-2012
635-004-0405	7-1-2012	Adopt	8-1-2012	635-005-0045	12-15-2011	Amend(T)	1-1-2012
635-004-0410	7-1-2012	Adopt	8-1-2012	635-005-0045	5-1-2012	Amend	6-1-2012
635-004-0415	7-1-2012	Adopt	8-1-2012	635-005-0045	7-1-2012	Am. & Ren.	8-1-2012
635-004-0420	7-1-2012	Adopt	8-1-2012	635-005-0045(T)	12-15-2011	Suspend	1-1-2012
635-004-0445	7-1-2012	Adopt	8-1-2012	635-005-0047	7-1-2012	Am. & Ren.	8-1-2012
635-004-0455	7-1-2012	Adopt	8-1-2012	635-005-0048	7-1-2012	Repeal	8-1-2012
635-004-0460	7-1-2012	Adopt	8-1-2012	635-005-0049	7-1-2012	Am. & Ren.	8-1-2012
635-004-0465	7-1-2012	Adopt	8-1-2012	635-005-0055	12-1-2011	Amend(T)	1-1-2012
635-004-0470	7-1-2012	Adopt	8-1-2012	635-005-0055	5-1-2012	Amend	6-1-2012
635-004-0475	7-1-2012	Adopt	8-1-2012	635-005-0055	7-1-2012	Am. & Ren.	8-1-2012
635-004-0480	7-1-2012	Adopt	8-1-2012	635-005-0060	7-1-2012	Am. & Ren.	8-1-2012
635-004-0485	7-1-2012	Adopt	8-1-2012	635-005-0063	7-1-2012	Am. & Ren.	8-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-005-0064	7-1-2012	Am. & Ren.	8-1-2012	635-005-0360	7-1-2012	Adopt	8-1-2012
635-005-0065	7-1-2012	Am. & Ren.	8-1-2012	635-005-0365	7-1-2012	Adopt	8-1-2012
635-005-0066	7-1-2012	Am. & Ren.	8-1-2012	635-005-0370	7-1-2012	Adopt	8-1-2012
635-005-0067	7-1-2012	Am. & Ren.	8-1-2012	635-005-0375	7-1-2012	Adopt	8-1-2012
635-005-0068	7-1-2012	Am. & Ren.	8-1-2012	635-005-0380	7-1-2012	Adopt	8-1-2012
635-005-0069	7-1-2012	Am. & Ren.	8-1-2012	635-005-0385	7-1-2012	Adopt	8-1-2012
635-005-0070	7-1-2012	Renumber	8-1-2012	635-005-0390	7-1-2012	Adopt	8-1-2012
635-005-0075	7-1-2012	Am. & Ren.	8-1-2012	635-005-0395	7-1-2012	Adopt	8-1-2012
635-005-0080	7-1-2012	Renumber	8-1-2012	635-005-0400	7-1-2012	Adopt	8-1-2012
635-005-0082	7-1-2012	Renumber	8-1-2012	635-005-0405	7-1-2012	Adopt	8-1-2012
635-005-0084	7-1-2012	Am. & Ren.	8-1-2012	635-005-0410	7-1-2012	Adopt	8-1-2012
635-005-0085	7-1-2012	Am. & Ren.	8-1-2012	635-005-0415	7-1-2012	Adopt	8-1-2012
635-005-0090	7-1-2012	Repeal	8-1-2012	635-005-0420	7-1-2012	Adopt	8-1-2012
635-005-0095	7-1-2012	Repeal	8-1-2012	635-005-0425	7-1-2012	Adopt	8-1-2012
635-005-0100	7-1-2012	Repeal	8-1-2012	635-005-0430	7-1-2012	Adopt	8-1-2012
635-005-0115	7-1-2012	Repeal	8-1-2012	635-005-0435	7-1-2012	Adopt	8-1-2012
635-005-0120	7-1-2012	Repeal	8-1-2012	635-005-0440	7-1-2012	Adopt	8-1-2012
635-005-0130	7-1-2012	Repeal	8-1-2012	635-005-0445	7-1-2012	Adopt	8-1-2012
635-005-0135	7-1-2012	Repeal	8-1-2012	635-005-0450	7-1-2012	Adopt	8-1-2012
635-005-0140	7-1-2012	Am. & Ren.	8-1-2012	635-005-0480	7-1-2012	Adopt	8-1-2012
635-005-0145	7-1-2012	Am. & Ren.	8-1-2012	635-005-0485	7-1-2012	Adopt	8-1-2012
635-005-0150	7-1-2012	Renumber	8-1-2012	635-005-0490	7-1-2012	Adopt	8-1-2012
635-005-0160	7-1-2012	Renumber	8-1-2012	635-005-0500	7-1-2012	Adopt	8-1-2012
635-005-0170	7-1-2012	Am. & Ren.	8-1-2012	635-005-0510	7-1-2012	Adopt	8-1-2012
635-005-0175	7-1-2012	Am. & Ren.	8-1-2012	635-005-0515	7-1-2012	Adopt	8-1-2012
635-005-0180	7-1-2012	Am. & Ren.	8-1-2012	635-005-0520	7-1-2012	Adopt	8-1-2012
635-005-0185	7-1-2012	Am. & Ren.	8-1-2012	635-005-0525	7-1-2012	Adopt	8-1-2012
635-005-0186	7-1-2012	Renumber	8-1-2012	635-005-0565	7-1-2012	Adopt	8-1-2012
635-005-0190	7-1-2012	Am. & Ren.	8-1-2012	635-005-0570	7-1-2012	Adopt	8-1-2012
635-005-0195	7-1-2012	Am. & Ren.	8-1-2012	635-005-0575	7-1-2012	Adopt	8-1-2012
635-005-0200	7-1-2012	Renumber	8-1-2012	635-005-0580	7-1-2012	Adopt	8-1-2012
635-005-0205	7-1-2012	Am. & Ren.	8-1-2012	635-005-0585	7-1-2012	Adopt	8-1-2012
635-005-0210	7-1-2012	Am. & Ren.	8-1-2012	635-005-0590	7-1-2012	Adopt	8-1-2012
635-005-0215	7-1-2012	Am. & Ren.	8-1-2012	635-005-0595	7-1-2012	Adopt	8-1-2012
635-005-0220	7-1-2012	Am. & Ren.	8-1-2012	635-005-0600	7-1-2012	Adopt	8-1-2012
635-005-0225	7-1-2012	Adopt	8-1-2012	635-005-0605	7-1-2012	Adopt	8-1-2012
635-005-0230	7-1-2012	Adopt	8-1-2012	635-005-0610	7-1-2012	Adopt	8-1-2012
635-005-0235	7-1-2012	Adopt	8-1-2012	635-005-0615	7-1-2012	Adopt	8-1-2012
635-005-0245	7-1-2012	Adopt	8-1-2012	635-005-0620	7-1-2012	Adopt	8-1-2012
635-005-0250	7-1-2012	Adopt	8-1-2012	635-005-0650	7-1-2012	Adopt	8-1-2012
635-005-0255	7-1-2012	Adopt	8-1-2012	635-005-0675	7-1-2012	Adopt	8-1-2012
635-005-0260	7-1-2012	Adopt	8-1-2012	635-005-0680	7-1-2012	Adopt	8-1-2012
635-005-0265	7-1-2012	Adopt	8-1-2012	635-005-0685	7-1-2012	Adopt	8-1-2012
635-005-0270	7-1-2012	Adopt	8-1-2012	635-005-0690	7-1-2012	Adopt	8-1-2012
635-005-0275	7-1-2012	Adopt	8-1-2012	635-005-0695	7-1-2012	Adopt	8-1-2012
635-005-0280	7-1-2012	Adopt	8-1-2012	635-005-0700	7-1-2012	Adopt	8-1-2012
635-005-0305	7-1-2012	Adopt	8-1-2012	635-005-0705	7-1-2012	Adopt	8-1-2012
635-005-0310	7-1-2012	Adopt	8-1-2012	635-005-0710	7-1-2012	Adopt	8-1-2012
635-005-0315	7-1-2012	Adopt	8-1-2012	635-005-0715	7-1-2012	Adopt	8-1-2012
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-005-0755	7-1-2012	Adopt	8-1-2012	635-006-0425	7-1-2012	Amend	8-1-2012
635-005-0760	7-1-2012	Adopt	8-1-2012	635-006-0800	7-1-2012	Repeal	8-1-2012
635-005-0765	7-1-2012	Adopt	8-1-2012	635-006-0810	7-1-2012	Repeal	8-1-2012
635-005-0770	7-1-2012	Adopt	8-1-2012	635-006-0820	7-1-2012	Repeal	8-1-2012
635-005-0775	7-1-2012	Adopt	8-1-2012	635-006-0830	7-1-2012	Repeal	8-1-2012
635-005-0790	7-1-2012	Adopt	8-1-2012	635-006-0840	7-1-2012	Repeal	8-1-2012
635-005-0795	7-1-2012	Adopt	8-1-2012	635-006-0850	7-1-2012	Repeal	8-1-2012
635-005-0800	7-1-2012	Adopt	8-1-2012	635-006-0870	7-1-2012	Repeal	8-1-2012
635-005-0805	7-1-2012	Adopt	8-1-2012	635-006-0880	7-1-2012	Repeal	8-1-2012
635-005-0810	7-1-2012	Adopt	8-1-2012	635-006-0890	7-1-2012	Repeal	8-1-2012
635-005-0815	7-1-2012	Adopt	8-1-2012	635-006-0900	7-1-2012	Repeal	8-1-2012
635-005-0820	7-1-2012	Adopt	8-1-2012	635-006-0910	7-1-2012	Repeal	8-1-2012
635-005-0825	7-1-2012	Adopt	8-1-2012	635-006-0915	7-1-2012	Repeal	8-1-2012
635-005-0830	7-1-2012	Adopt	8-1-2012	635-006-0930	7-1-2012	Repeal	8-1-2012
635-005-0835	7-1-2012	Adopt	8-1-2012	635-006-0940	7-1-2012	Repeal	8-1-2012
635-005-0845	7-1-2012	Adopt	8-1-2012	635-006-0950	7-1-2012	Repeal	8-1-2012
635-005-0850	7-1-2012	Adopt	8-1-2012	635-006-1005	7-1-2012	Amend	8-1-2012
635-005-0855	7-1-2012	Adopt	8-1-2012	635-006-1010	12-1-2011	Amend(T)	1-1-2012
635-005-0890	7-1-2012	Adopt	8-1-2012	635-006-1010	5-1-2012	Amend	6-1-2012
635-005-0895	7-1-2012	Adopt	8-1-2012	635-006-1010	7-1-2012	Repeal	8-1-2012
635-005-0915	7-1-2012	Adopt	8-1-2012	635-006-1015	12-1-2011	Amend(T)	1-1-2012
635-005-0920	7-1-2012	Adopt	8-1-2012	635-006-1015	5-1-2012	Amend	6-1-2012
635-005-0925	7-1-2012	Adopt	8-1-2012	635-006-1015	7-1-2012	Amend	8-1-2012
635-005-0930	7-1-2012	Adopt	8-1-2012	635-006-1025	7-1-2012	Amend	8-1-2012
635-005-0935	7-1-2012	Adopt	8-1-2012	635-006-1035	7-1-2012	Amend	8-1-2012
635-005-0940	7-1-2012	Adopt	8-1-2012	635-006-1060	7-1-2012	Amend	8-1-2012
635-006-0001	7-1-2012	Amend	8-1-2012	635-006-1065	12-1-2011	Amend(T)	1-1-2012
635-006-0010	7-1-2012	Amend	8-1-2012	635-006-1065	5-1-2012	Amend	6-1-2012
635-006-0133	7-1-2012	Repeal	8-1-2012	635-006-1065	7-1-2012	Amend	8-1-2012
635-006-0134	7-1-2012	Amend	8-1-2012	635-006-1075	4-24-2012	Amend	6-1-2012
635-006-0135	7-1-2012	Amend	8-1-2012	635-006-1075	7-1-2012	Amend	8-1-2012
635-006-0140	7-1-2012	Amend	8-1-2012	635-006-1085	7-1-2012	Amend	8-1-2012
635-006-0150	7-1-2012	Amend	8-1-2012	635-006-1095	5-1-2012	Amend	6-1-2012
635-006-0160	7-1-2012	Amend	8-1-2012	635-006-1095	7-1-2012	Amend	8-1-2012
635-006-0165	7-1-2012	Amend	8-1-2012	635-006-1110	7-1-2012	Repeal	8-1-2012
635-006-0205	7-1-2012	Amend	8-1-2012	635-006-1200	7-1-2012	Amend	8-1-2012
635-006-0207	7-1-2012	Amend	8-1-2012	635-006-1210	7-1-2012	Amend	8-1-2012
635-006-0209	7-1-2012	Adopt	8-1-2012	635-008-0120	8-6-2012	Amend	9-1-2012
635-006-0210	1-1-2012	Amend	2-1-2012	635-008-0123	1-1-2012	Amend	1-1-2012
635-006-0210	7-1-2012	Amend	8-1-2012	635-008-0135	1-1-2012	Amend	1-1-2012
635-006-0211	1-1-2012	Amend	2-1-2012	635-008-0146	4-24-2012	Amend	6-1-2012
635-006-0211	7-1-2012	Amend	8-1-2012	635-008-0147	4-24-2012	Amend	6-1-2012
635-006-0212	7-1-2012	Amend	8-1-2012	635-008-0151	2-6-2012	Amend(T)	3-1-2012
635-006-0212	7-5-2012	Amend(T)	8-1-2012	635-008-0151	6-11-2012	Amend	7-1-2012
635-006-0213	7-1-2012	Amend	8-1-2012	635-008-0151(T)	6-11-2012	Repeal	7-1-2012
635-006-0215	1-1-2012	Amend	2-1-2012	635-008-0155	1-1-2012	Amend	1-1-2012
635-006-0215	7-1-2012	Amend	8-1-2012	635-010-0170	2-6-2012	Amend(T)	3-1-2012
635-006-0215	7-5-2012	Amend(T)	8-1-2012	635-010-0170	6-11-2012	Amend	7-1-2012
635-006-0225	7-1-2012	Amend	8-1-2012	635-010-0170(T)	6-11-2012	Repeal	7-1-2012
635-006-0225	7-5-2012	Amend(T)	8-1-2012	635-011-0100	1-1-2012	Amend	2-1-2012
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-012-0040	8-6-2012	Amend	9-1-2012	635-019-0090	7-1-2012	Amend(T)	8-1-2012
635-012-0050	12-25-2011	Suspend	1-1-2012	635-019-0090	7-15-2012	Amend(T)	8-1-2012
635-012-0050	8-6-2012	Amend	9-1-2012	635-019-0090(T)	5-24-2012	Suspend	7-1-2012
635-012-0060	12-25-2011	Suspend	1-1-2012	635-019-0090(T)	6-11-2012	Suspend	7-1-2012
635-012-0060	8-6-2012	Amend	9-1-2012	635-019-0090(T)	6-12-2012	Suspend	7-1-2012
635-012-0070	8-6-2012	Adopt	9-1-2012	635-019-0090(T)	6-22-2012	Suspend	8-1-2012
635-012-0080	8-6-2012	Adopt	9-1-2012	635-019-0090(T)	6-27-2012	Suspend	8-1-2012
635-012-0090	8-6-2012	Adopt	9-1-2012	635-019-0090(T)	7-1-2012	Suspend	8-1-2012
635-012-0100	8-6-2012	Adopt	9-1-2012	635-019-0090(T)	7-15-2012	Suspend	8-1-2012
635-012-0110	8-6-2012	Adopt	9-1-2012	635-021-0080	1-1-2012	Amend	2-1-2012
635-012-0120	8-6-2012	Adopt	9-1-2012	635-021-0090	1-1-2012	Amend	2-1-2012
635-012-0130	8-6-2012	Adopt	9-1-2012	635-021-0090	6-13-2012	Amend(T)	7-1-2012
635-012-0140	8-6-2012	Adopt	9-1-2012	635-021-0090	9-1-2012	Amend(T)	10-1-2012
635-012-0150	8-6-2012	Adopt	9-1-2012	635-021-0090	9-7-2012	Amend(T)	10-1-2012
635-012-0160	8-6-2012	Adopt	9-1-2012	635-021-0090(T)	9-1-2012	Suspend	10-1-2012
635-013-0003	1-1-2012	Amend	2-1-2012	635-023-0080	1-1-2012	Amend	2-1-2012
635-013-0003	5-1-2012	Amend	6-1-2012	635-023-0090	1-1-2012	Amend	2-1-2012
635-013-0004	1-1-2012	Amend	2-1-2012	635-023-0095	1-1-2012	Amend	2-1-2012
635-013-0007	7-1-2012	Amend	7-1-2012	635-023-0095	1-5-2012	Amend(T)	2-1-2012
635-014-0080	1-1-2012	Amend	2-1-2012	635-023-0095	2-7-2012	Amend	3-1-2012
635-014-0090	1-1-2012	Amend	2-1-2012	635-023-0095	2-18-2012	Amend(T)	3-1-2012
635-014-0090	6-1-2012	Amend(T)	7-1-2012	635-023-0095	5-20-2012	Amend(T)	6-1-2012
635-014-0090	6-12-2012	Amend(T)	7-1-2012	635-023-0095	7-1-2012	Amend(T)	8-1-2012
635-014-0090	7-1-2012	Amend	7-1-2012	635-023-0095	8-1-2012	Amend(T)	9-1-2012
635-014-0090	7-1-2012	Amend(T)	8-1-2012	635-023-0095(T)	2-7-2012	Repeal	3-1-2012
635-014-0090(T)	7-1-2012	Suspend	8-1-2012	635-023-0095(T)	5-20-2012	Suspend	6-1-2012
635-016-0080	1-1-2012	Amend	2-1-2012	635-023-0095(T)	7-1-2012	Suspend	8-1-2012
635-016-0090	1-1-2012	Amend	2-1-2012	635-023-0095(T)	8-1-2012	Suspend	9-1-2012
635-016-0090	7-1-2012	Amend	7-1-2012	635-023-0125	1-1-2012	Amend	2-1-2012
635-017-0080	1-1-2012	Amend	2-1-2012	635-023-0125	2-15-2012	Amend(T)	3-1-2012
635-017-0090	1-1-2012	Amend	2-1-2012	635-023-0125	4-6-2012	Amend(T)	5-1-2012
635-017-0090	1-1-2012	Amend(T)	1-1-2012	635-023-0125	4-14-2012	Amend(T)	5-1-2012
635-017-0090	3-12-2012	Amend	4-1-2012	635-023-0125	5-2-2012	Amend(T)	6-1-2012
635-017-0090	7-26-2012	Amend(T)	9-1-2012	635-023-0125	5-16-2012	Amend(T)	6-1-2012
635-017-0090	8-1-2012	Amend(T)	9-1-2012	635-023-0125	5-19-2012	Amend(T)	7-1-2012
635-017-0090(T)	8-1-2012	Suspend	9-1-2012	635-023-0125	5-26-2012	Amend(T)	7-1-2012
635-017-0095	1-1-2012	Amend	2-1-2012	635-023-0125(T)	4-6-2012	Suspend	5-1-2012
635-017-0095	2-17-2012	Amend(T)	3-1-2012	635-023-0125(T)	4-14-2012	Suspend	5-1-2012
635-017-0095	2-23-2012	Amend(T)	4-1-2012	635-023-0125(T)	5-2-2012	Suspend	6-1-2012
635-017-0095(T)	2-23-2012	Suspend	4-1-2012	635-023-0125(T)	5-16-2012	Suspend	6-1-2012
635-018-0080	1-1-2012	Amend	2-1-2012	635-023-0125(T)	5-19-2012	Suspend	7-1-2012
635-018-0090	1-1-2012	Amend	2-1-2012	635-023-0125(T)	5-26-2012	Suspend	7-1-2012
635-018-0090	1-1-2012	Amend(T)	2-1-2012	635-023-0125(T)	6-16-2012	Suspend	7-1-2012
635-018-0090	3-12-2012	Amend	4-1-2012	635-023-0125(T)	7-9-2012	Suspend	8-1-2012
635-018-0090	4-15-2012	Amend(T)	5-1-2012	635-023-0128	1-1-2012	Amend	2-1-2012
635-018-0090	6-4-2012	Amend(T)	7-1-2012	635-023-0128	6-16-2012	Amend(T)	7-1-2012
635-018-0090	8-1-2012	Amend(T)	9-1-2012	635-023-0128	7-9-2012	Amend(T)	8-1-2012
635-018-0090(T)	4-15-2012	Suspend	5-1-2012	635-023-0128(T)	7-9-2012	Suspend	8-1-2012
635-018-0090(T)	6-4-2012	Suspend	7-1-2012	635-023-0128(T)	8-1-2012	Suspend	9-1-2012
635-019-0080	1-1-2012	Amend	2-1-2012	635-023-0130	1-1-2012	Amend	2-1-2012
635-019-0090	1-1-2012	Amend	2-1-2012	635-023-0130	8-1-2012	Amend(T)	9-1-2012
635-019-0090	5-23-2012	Amend(T)	7-1-2012	635-023-0134	1-1-2012	Amend	2-1-2012
635-019-0090	5-24-2012	Amend(T)	7-1-2012	635-023-0134	4-22-2012	Amend(T)	6-1-2012
635-019-0090	6-11-2012	Amend(T)	7-1-2012	635-023-0134	8-5-2012	Amend(T)	9-1-2012
635-019-0090	6-22-2012	Amend(T)	8-1-2012	635-023-0134	9-1-2012	Amend(T)	10-1-2012
635-019-0090	6-27-2012	Amend(T)	8-1-2012	635-023-0134(T)	8-5-2012	Suspend	9-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-023-0134(T)	9-1-2012	Suspend	10-1-2012	635-042-0022(T)	4-10-2012	Suspend	5-1-2012
635-039-0080	1-1-2012	Amend	2-1-2012	635-042-0027	6-17-2012	Amend(T)	7-1-2012
635-039-0080	4-24-2012	Amend	6-1-2012	635-042-0031	8-5-2012	Amend(T)	9-1-2012
635-039-0085	4-24-2012	Amend	6-1-2012	635-042-0031	8-26-2012	Amend(T)	10-1-2012
635-039-0085	7-5-2012	Amend(T)	8-1-2012	635-042-0031(T)	8-26-2012	Suspend	10-1-2012
635-039-0085	7-22-2012	Amend(T)	9-1-2012	635-042-0105	5-24-2012	Amend(T)	7-1-2012
635-039-0085	8-24-2012	Amend(T)	10-1-2012	635-042-0135	1-30-2012	Amend(T)	3-1-2012
635-039-0085(T)	7-22-2012	Suspend	9-1-2012	635-042-0145	2-12-2012	Amend(T)	3-1-2012
635-039-0085(T)	8-24-2012	Suspend	10-1-2012	635-042-0145	3-18-2012	Amend(T)	4-1-2012
635-039-0090	12-1-2011	Amend(T)	1-1-2012	635-042-0145	3-21-2012	Amend(T)	5-1-2012
635-039-0090	12-15-2011	Amend(T)	1-1-2012	635-042-0145	3-29-2012	Amend(T)	5-1-2012
635-039-0090	1-1-2012	Amend	2-1-2012	635-042-0145	4-1-2012	Amend(T)	5-1-2012
635-039-0090	7-20-2012	Amend(T)	9-1-2012	635-042-0145	4-5-2012	Amend(T)	5-1-2012
635-039-0090(T)	12-1-2011	Suspend	1-1-2012	635-042-0145	4-19-2012	Amend(T)	6-1-2012
635-039-0090(T)	12-15-2011	Suspend	1-1-2012	635-042-0145	7-2-2012	Amend(T)	8-1-2012
635-041-0020	6-16-2012	Amend(T)	7-1-2012	635-042-0145	8-1-2012	Amend(T)	9-1-2012
635-041-0020	8-27-2012	Amend(T)	10-1-2012	635-042-0145(T)	3-18-2012	Suspend	4-1-2012
635-041-0020(T)	8-27-2012	Suspend	10-1-2012	635-042-0145(T)	3-21-2012	Suspend	5-1-2012
635-041-0045	2-1-2012	Amend(T)	3-1-2012	635-042-0145(T)	3-29-2012	Suspend	5-1-2012
635-041-0045	2-29-2012	Amend(T)	4-1-2012	635-042-0145(T)	4-1-2012	Suspend	5-1-2012
635-041-0045	5-15-2012	Amend(T)	6-1-2012	635-042-0145(T)	4-5-2012	Suspend	5-1-2012
635-041-0045	7-1-2012	Amend(T)	8-1-2012	635-042-0145(T)	4-19-2012	Suspend	6-1-2012
635-041-0045	7-12-2012	Amend(T)	8-1-2012	635-042-0145(T)	7-2-2012	Suspend	8-1-2012
635-041-0045	7-27-2012	Amend(T)	9-1-2012	635-042-0160	2-12-2012	Amend(T)	3-1-2012
635-041-0045	9-11-2012	Amend(T)	10-1-2012	635-042-0160	8-13-2012	Amend(T)	9-1-2012
635-041-0045(T)	2-29-2012	Suspend	4-1-2012	635-042-0170	4-26-2012	Amend(T)	6-1-2012
635-041-0045(T)	5-15-2012	Suspend	6-1-2012	635-042-0170	8-13-2012	Amend(T)	9-1-2012
635-041-0045(T)	7-12-2012	Suspend	8-1-2012	635-042-0180	2-12-2012	Amend(T)	3-1-2012
635-041-0045(T)	7-27-2012	Suspend	9-1-2012	635-042-0180	8-13-2012	Amend(T)	9-1-2012
635-041-0045(T)	9-11-2012	Suspend	10-1-2012	635-043-0051	12-30-2011	Amend(T)	2-1-2012
635-041-0063	7-30-2012	Amend(T)	9-1-2012	635-044-0000	8-6-2012	Amend	9-1-2012
635-041-0065	2-1-2012	Amend(T)	3-1-2012	635-044-0002	8-6-2012	Amend	9-1-2012
635-041-0065	2-29-2012	Amend(T)	4-1-2012	635-044-0130	8-6-2012	Amend	9-1-2012
635-041-0065	3-5-2012	Amend(T)	4-1-2012	635-045-0000	8-6-2012	Amend	9-1-2012
635-041-0065	3-5-2012	Amend(T)	4-1-2012	635-045-0002	8-6-2012	Amend	9-1-2012
635-041-0065	5-15-2012	Amend(T)	6-1-2012	635-050-0045	6-11-2012	Amend	7-1-2012
635-041-0065(T)	2-29-2012	Suspend	4-1-2012	635-050-0047	6-11-2012	Adopt	7-1-2012
635-041-0065(T)	3-5-2012	Suspend	4-1-2012	635-050-0050	6-11-2012	Amend	7-1-2012
635-041-0065(T)	3-5-2012	Suspend	4-1-2012	635-050-0070	6-11-2012	Amend	7-1-2012
635-041-0065(T)	5-15-2012	Suspend	6-1-2012	635-050-0080	6-11-2012	Amend	7-1-2012
635-041-0072	6-21-2012	Amend(T)	8-1-2012	635-050-0090	6-11-2012	Amend	7-1-2012
635-041-0072	7-12-2012	Amend(T)	8-1-2012	635-050-0100	6-11-2012	Amend	7-1-2012
635-041-0072(T)	7-12-2012	Suspend	8-1-2012	635-050-0110	6-11-2012	Amend	7-1-2012
635-041-0075	7-27-2012	Amend(T)	9-1-2012	635-050-0120	6-11-2012	Amend	7-1-2012
635-041-0075	8-21-2012	Amend(T)	9-1-2012	635-050-0130	6-11-2012	Amend	7-1-2012
635-041-0075	9-11-2012	Amend(T)	10-1-2012	635-050-0140	6-11-2012	Amend	7-1-2012
635-041-0075(T)	8-21-2012	Suspend	9-1-2012	635-050-0150	6-11-2012	Amend	7-1-2012
635-041-0075(T)	9-11-2012	Suspend	10-1-2012	635-050-0170	6-11-2012	Amend	7-1-2012
635-041-0076	6-18-2012	Amend(T)	7-1-2012	635-050-0183	6-11-2012	Amend	7-1-2012
635-041-0076	7-3-2012	Amend(T)	8-1-2012	635-050-0189	6-11-2012	Amend	7-1-2012
635-041-0076	7-12-2012	Amend(T)	8-1-2012	635-050-0210	6-11-2012	Amend	7-1-2012
635-041-0076(T)	7-3-2012	Suspend	8-1-2012	635-051-0000	8-6-2012	Amend	9-1-2012
635-041-0076(T)	7-12-2012	Suspend	8-1-2012	635-051-0001	8-10-2012	Amend(T)	9-1-2012
635-041-0076(T)	7-27-2012	Suspend	9-1-2012	635-051-0048	8-6-2012	Amend	9-1-2012
635-042-0022	4-3-2012	Amend(T)	5-1-2012	635-052-0000	8-6-2012	Amend	9-1-2012
635-042-0022	4-10-2012	Amend(T)	5-1-2012	635-053-0000	8-6-2012	Amend	9-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-053-0005	8-10-2012	Amend(T)	9-1-2012	635-435-0005	3-16-2012	Amend	5-1-2012
635-053-0035	12-21-2011	Amend(T)	2-1-2012	635-435-0010	3-16-2012	Amend	5-1-2012
635-053-0100	8-6-2012	Amend	9-1-2012	635-435-0015	3-16-2012	Amend	5-1-2012
635-053-0105	8-6-2012	Amend	9-1-2012	635-435-0025	3-16-2012	Amend	5-1-2012
635-053-0111	8-6-2012	Amend	9-1-2012	635-435-0030	3-16-2012	Amend	5-1-2012
635-053-0125	8-6-2012	Amend	9-1-2012	635-435-0035	3-16-2012	Amend	5-1-2012
635-054-0000	8-6-2012	Amend	9-1-2012	635-435-0040	3-16-2012	Amend	5-1-2012
635-056-0050	8-31-2012	Amend(T)	10-1-2012	635-435-0060	3-16-2012	Amend	5-1-2012
635-060-0000	8-6-2012	Amend	9-1-2012	647-010-0010	7-1-2012	Amend	6-1-2012
635-060-0023	4-1-2012	Amend	4-1-2012	656-010-0000	11-30-2011	Amend	1-1-2012
635-060-0046	2-10-2012	Amend(T)	3-1-2012	656-010-0010	11-30-2011	Amend	1-1-2012
635-060-0046	6-11-2012	Amend	7-1-2012	660-007-0000	2-14-2012	Amend	3-1-2012
635-060-0046(T)	6-11-2012	Repeal	7-1-2012	660-007-0005	2-14-2012	Amend	3-1-2012
635-065-0001	1-1-2012	Amend	1-1-2012	660-007-0015	2-14-2012	Amend	3-1-2012
635-065-0015	1-1-2012	Amend	1-1-2012	660-007-0018	2-14-2012	Amend	3-1-2012
635-065-0090	1-1-2012	Amend	1-1-2012	660-007-0020	2-14-2012	Amend	3-1-2012
635-065-0401	1-1-2012	Amend	1-1-2012	660-007-0022	2-14-2012	Amend	3-1-2012
635-065-0625	1-1-2012	Amend	1-1-2012	660-007-0030	2-14-2012	Amend	3-1-2012
635-065-0635	1-1-2012	Amend	1-1-2012	660-007-0033	2-14-2012	Amend	3-1-2012
635-065-0720	6-11-2012	Amend	7-1-2012	660-007-0035	2-14-2012	Amend	3-1-2012
635-065-0733	1-1-2012	Amend	1-1-2012	660-007-0037	2-14-2012	Amend	3-1-2012
635-065-0740	1-1-2012	Amend	1-1-2012	660-007-0045	2-14-2012	Amend	3-1-2012
635-065-0760	1-1-2012	Amend	1-1-2012	660-007-0050	2-14-2012	Amend	3-1-2012
635-065-0765	7-23-2012	Amend(T)	9-1-2012	660-007-0060	2-14-2012	Amend	3-1-2012
635-066-0000	1-1-2012	Amend	1-1-2012	660-008-0000	2-14-2012	Amend	3-1-2012
635-066-0010	1-1-2012	Amend	1-1-2012	660-008-0005	2-14-2012	Amend	3-1-2012
635-067-0000	1-1-2012	Amend	1-1-2012	660-008-0010	2-14-2012	Amend	3-1-2012
635-067-0000	6-11-2012	Amend	7-1-2012	660-008-0015	2-14-2012	Amend	3-1-2012
635-067-0004	1-1-2012	Amend	1-1-2012	660-008-0020	2-14-2012	Amend	3-1-2012
635-067-0030	1-1-2012	Amend	1-1-2012	660-008-0025	2-14-2012	Amend	3-1-2012
635-067-0030	8-16-2012	Amend(T)	10-1-2012	660-008-0030	2-14-2012	Amend	3-1-2012
635-067-0030	9-4-2012	Amend(T)	10-1-2012	660-008-0035	2-14-2012	Amend	3-1-2012
635-067-0040	1-1-2012	Amend	1-1-2012	660-008-0040	2-14-2012	Amend	3-1-2012
635-068-0000	3-1-2012	Amend	3-1-2012	660-012-0005	1-1-2012	Amend	2-1-2012
635-068-0000	6-11-2012	Amend	7-1-2012	660-012-0060	1-1-2012	Amend	2-1-2012
635-069-0000	2-1-2012	Amend	2-1-2012	660-018-0005	2-14-2012	Amend	3-1-2012
635-069-0000	6-11-2012	Amend	7-1-2012	660-018-0010	2-14-2012	Amend	3-1-2012
635-070-0000	4-1-2012	Amend	4-1-2012	660-018-0020	1-1-2012	Amend(T)	2-1-2012
635-070-0000	6-11-2012	Amend	7-1-2012	660-018-0020	2-14-2012	Amend	3-1-2012
635-071-0000	4-1-2012	Amend	4-1-2012	660-018-0020(T)	2-14-2012	Repeal	3-1-2012
635-071-0000	6-11-2012	Amend	7-1-2012	660-018-0021	1-1-2012	Amend(T)	2-1-2012
635-072-0000	1-1-2012	Amend	1-1-2012	660-018-0021	2-14-2012	Amend	3-1-2012
635-073-0000	2-1-2012	Amend	2-1-2012	660-018-0021(T)	2-14-2012	Repeal	3-1-2012
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
660-018-0085	2-14-2012	Amend	3-1-2012	690-019-0080	2-1-2012	Amend	3-1-2012
660-018-0140	2-14-2012	Repeal	3-1-2012	690-053-0015	2-1-2012	Amend	3-1-2012
660-018-0150	2-14-2012	Amend	3-1-2012	690-053-0030	2-1-2012	Amend	3-1-2012
660-025-0010	2-14-2012	Amend	3-1-2012	690-053-0035	2-1-2012	Amend	3-1-2012
660-025-0020	2-14-2012	Amend	3-1-2012	690-077-0029	2-1-2012	Amend	3-1-2012
660-025-0030	2-14-2012	Amend	3-1-2012	690-077-0031	2-1-2012	Amend	3-1-2012
660-025-0035	2-14-2012	Amend	3-1-2012	690-077-0039	2-1-2012	Amend	3-1-2012
660-025-0040	2-14-2012	Amend	3-1-2012	690-077-0077	2-1-2012	Amend	3-1-2012
660-025-0050	2-14-2012	Amend	3-1-2012	690-240-0010	2-2-2012	Amend	3-1-2012
660-025-0060	2-14-2012	Amend	3-1-2012	690-240-0035	2-2-2012	Amend	3-1-2012
660-025-0070	2-14-2012	Amend	3-1-2012	690-240-0040	2-2-2012	Adopt	3-1-2012
660-025-0080	2-14-2012	Amend	3-1-2012	690-240-0043	2-2-2012	Adopt	3-1-2012
660-025-0085	2-14-2012	Amend	3-1-2012	690-240-0046	2-2-2012	Adopt	3-1-2012
660-025-0090	2-14-2012	Amend	3-1-2012	690-240-0049	2-2-2012	Adopt	3-1-2012
660-025-0100	2-14-2012	Amend	3-1-2012	690-300-0010	2-1-2012	Amend	3-1-2012
660-025-0110	2-14-2012	Amend	3-1-2012	690-310-0020	2-1-2012	Amend	3-1-2012
660-025-0130	2-14-2012	Amend	3-1-2012	690-310-0050	2-1-2012	Amend	3-1-2012
660-025-0140	2-14-2012	Amend	3-1-2012	690-310-0080	2-1-2012	Amend	3-1-2012
660-025-0150	2-14-2012	Amend	3-1-2012	690-310-0090	2-1-2012	Amend	3-1-2012
660-025-0160	2-14-2012	Amend	3-1-2012	690-310-0100	2-1-2012	Amend	3-1-2012
660-025-0170	2-14-2012	Amend	3-1-2012	690-310-0150	2-1-2012	Amend	3-1-2012
660-025-0175	2-14-2012	Amend	3-1-2012	690-315-0050	2-1-2012	Amend	3-1-2012
660-025-0180	2-14-2012	Amend	3-1-2012	690-330-0010	2-1-2012	Amend	3-1-2012
660-025-0210	2-14-2012	Amend	3-1-2012	690-380-2260	2-1-2012	Amend	3-1-2012
660-025-0220	2-14-2012	Amend	3-1-2012	690-380-3100	2-1-2012	Amend	3-1-2012
660-025-0230	2-14-2012	Amend	3-1-2012	690-380-4000	2-1-2012	Amend	3-1-2012
660-025-0250	2-14-2012	Amend	3-1-2012	690-380-4020	2-1-2012	Amend	3-1-2012
660-027-0070	2-14-2012	Amend	3-1-2012	690-380-6040	2-1-2012	Amend	3-1-2012
660-028-0010	2-14-2012	Amend	3-1-2012	690-382-0600	2-1-2012	Amend	3-1-2012
660-028-0020	2-14-2012	Amend	3-1-2012	690-382-0800	2-1-2012	Amend	3-1-2012
660-028-0030	2-14-2012	Amend	3-1-2012	690-385-4100	2-1-2012	Amend	3-1-2012
660-033-0030	12-20-2011	Amend	2-1-2012	690-385-4600	2-1-2012	Amend	3-1-2012
660-033-0030	2-14-2012	Amend	3-1-2012	690-385-7600	2-1-2012	Amend	3-1-2012
660-033-0045	2-14-2012	Adopt	3-1-2012	705-001-0000	3-28-2012	Adopt(T)	5-1-2012
660-033-0100	2-14-2012	Amend	3-1-2012	705-001-0005	3-28-2012	Adopt(T)	5-1-2012
660-033-0120	11-23-2011	Amend	1-1-2012	705-001-0010	3-28-2012	Adopt(T)	5-1-2012
660-033-0120	2-14-2012	Amend	3-1-2012	705-010-0005	3-29-2012	Adopt(T)	5-1-2012
660-033-0130	11-23-2011	Amend	1-1-2012	705-010-0010	3-29-2012	Adopt(T)	5-1-2012
660-033-0130	2-14-2012	Amend	3-1-2012	705-010-0015	3-29-2012	Adopt(T)	5-1-2012
660-033-0135	2-14-2012	Amend	3-1-2012	705-010-0020	3-29-2012	Adopt(T)	5-1-2012
660-035-0000	6-15-2012	Amend	7-1-2012	705-010-0025	3-29-2012	Adopt(T)	5-1-2012
660-035-0005	6-15-2012	Adopt	7-1-2012	705-010-0030	3-29-2012	Adopt(T)	5-1-2012
660-035-0010	6-15-2012	Amend	7-1-2012	705-010-0035	3-29-2012	Adopt(T)	5-1-2012
660-035-0015	6-15-2012	Adopt	7-1-2012	705-010-0040	3-29-2012	Adopt(T)	5-1-2012
660-035-0020	6-15-2012	Amend	7-1-2012	705-010-0045	3-29-2012	Adopt(T)	5-1-2012
660-035-0030	6-15-2012	Amend	7-1-2012	705-010-0050	3-29-2012	Adopt(T)	5-1-2012
660-035-0040	6-15-2012	Repeal	7-1-2012	705-010-0055	3-29-2012	Adopt(T)	5-1-2012
660-035-0050	6-15-2012	Amend	7-1-2012	705-010-0060	3-29-2012	Adopt(T)	5-1-2012
660-035-0060	6-15-2012	Amend	7-1-2012	715-001-0000	7-2-2012	Adopt(T)	8-1-2012
660-035-0070	6-15-2012	Amend	7-1-2012	715-001-0005	7-2-2012	Adopt(T)	8-1-2012
660-035-0080	6-15-2012	Repeal	7-1-2012	715-001-0010	7-2-2012	Adopt(T)	8-1-2012
668-010-0015	4-12-2012	Amend	5-1-2012	715-010-0005	7-3-2012	Adopt(T)	8-1-2012
668-030-0020	4-12-2012	Amend	5-1-2012	715-010-0010	7-3-2012	Adopt(T)	8-1-2012
690-013-0100	2-1-2012	Amend	3-1-2012	715-010-0020	7-3-2012	Adopt(T)	8-1-2012
690-013-0310	2-1-2012	Amend	3-1-2012	731-001-0005	2-21-2012	Amend(T)	4-1-2012
690-018-0050	2-1-2012	Amend	3-1-2012	731-001-0005	7-19-2012	Amend	9-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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	734-005-0005	1-1-2012	Adopt	2-1-2012
731-030-0050	6-27-2012	Amend	8-1-2012	734-005-0010	1-1-2012	Adopt	2-1-2012
731-030-0080	6-27-2012	Repeal	8-1-2012	734-005-0015	1-1-2012	Adopt	2-1-2012
731-030-0090	6-27-2012	Amend	8-1-2012	734-010-0240	7-19-2012	Amend	9-1-2012
731-030-0100	6-27-2012	Amend	8-1-2012	734-020-0005	12-22-2011	Amend	2-1-2012
731-030-0110	6-27-2012	Amend	8-1-2012	734-020-0018	1-27-2012	Adopt	3-1-2012
731-030-0120	6-27-2012	Amend	8-1-2012	734-020-0019	1-27-2012	Adopt	3-1-2012
731-030-0130	6-27-2012	Amend	8-1-2012	734-020-0020	3-26-2012	Amend	5-1-2012
731-030-0150	6-27-2012	Amend	8-1-2012	734-020-0025	3-26-2012	Repeal	5-1-2012
731-030-0160	6-27-2012	Amend	8-1-2012	734-020-0032	3-26-2012	Repeal	5-1-2012
731-030-0170	6-27-2012	Adopt	8-1-2012	734-020-0034	3-26-2012	Repeal	5-1-2012
731-035-0020	12-22-2011	Amend	2-1-2012	734-020-0055	12-22-2011	Repeal	2-1-2012
731-035-0040	12-22-2011	Amend	2-1-2012	734-020-0135	3-26-2012	Repeal	5-1-2012
731-035-0050	12-22-2011	Amend	2-1-2012	734-020-0140	3-26-2012	Repeal	5-1-2012
731-035-0060	12-22-2011	Amend	2-1-2012	734-020-0400	3-26-2012	Amend	5-1-2012
731-035-0070	12-22-2011	Amend	2-1-2012	734-020-0420	3-26-2012	Amend	5-1-2012
731-035-0080	12-22-2011	Amend	2-1-2012	734-020-0430	3-26-2012	Amend	5-1-2012
731-040-0010	7-19-2012	Amend	9-1-2012	734-020-0440	3-26-2012	Repeal	5-1-2012
731-040-0020	7-19-2012	Amend	9-1-2012	734-020-0450	3-26-2012	Repeal	5-1-2012
731-040-0030	7-19-2012	Amend	9-1-2012	734-020-0460	3-26-2012	Repeal	5-1-2012
731-040-0040	7-19-2012	Repeal	9-1-2012	734-020-0470	3-26-2012	Amend	5-1-2012
731-040-0050	7-19-2012	Amend	9-1-2012	734-020-0480	3-26-2012	Amend	5-1-2012
731-040-0052	7-19-2012	Adopt	9-1-2012	734-020-0485	3-26-2012	Adopt	5-1-2012
731-040-0053	7-19-2012	Adopt	9-1-2012	734-020-0490	3-26-2012	Repeal	5-1-2012
731-040-0054	7-19-2012	Adopt	9-1-2012	734-020-0500	3-26-2012	Amend	5-1-2012
731-040-0055	7-19-2012	Adopt	9-1-2012	734-026-0010	1-1-2012	Adopt	2-1-2012
731-040-0056	7-19-2012	Adopt	9-1-2012	734-026-0020	1-1-2012	Adopt	2-1-2012
731-040-0057	7-19-2012	Adopt	9-1-2012	734-026-0030	1-1-2012	Adopt	2-1-2012
731-040-0058	7-19-2012	Adopt	9-1-2012	734-026-0040	1-1-2012	Adopt	2-1-2012
731-040-0059	7-19-2012	Adopt	9-1-2012	734-026-0045	1-1-2012	Adopt	2-1-2012
731-040-0060	7-19-2012	Repeal	9-1-2012	734-035-0010	2-24-2012	Amend	4-1-2012
731-040-0062	7-19-2012	Adopt	9-1-2012	734-035-0040	2-24-2012	Amend	4-1-2012
731-040-0064	7-19-2012	Adopt	9-1-2012	734-051-0010	1-1-2012	Suspend	2-1-2012
731-040-0070	7-19-2012	Repeal	9-1-2012	734-051-0010	6-29-2012	Repeal	8-1-2012
731-040-0080	7-19-2012	Repeal	9-1-2012	734-051-0020	1-1-2012	Suspend	2-1-2012
731-080-0010	7-19-2012	Amend	9-1-2012	734-051-0020	6-29-2012	Repeal	8-1-2012
731-080-0020	7-19-2012	Amend	9-1-2012	734-051-0035	1-1-2012	Suspend	2-1-2012
731-080-0030	7-19-2012	Amend	9-1-2012	734-051-0035	6-29-2012	Repeal	8-1-2012
731-080-0040	7-19-2012	Amend	9-1-2012	734-051-0040	1-1-2012	Suspend	2-1-2012
731-080-0050	7-19-2012	Repeal	9-1-2012	734-051-0040	6-29-2012	Repeal	8-1-2012
731-080-0060	7-19-2012	Repeal	9-1-2012	734-051-0045	1-1-2012	Suspend	2-1-2012
731-080-0070	7-19-2012	Amend	9-1-2012	734-051-0045	6-29-2012	Repeal	8-1-2012
731-080-0080	7-19-2012	Adopt	9-1-2012	734-051-0070	1-1-2012	Suspend	2-1-2012
731-146-0010	1-1-2012	Amend	2-1-2012	734-051-0070	6-29-2012	Repeal	8-1-2012
731-146-0015	1-1-2012	Amend	2-1-2012	734-051-0080	1-1-2012	Suspend	2-1-2012
731-146-0020	1-1-2012	Amend	2-1-2012	734-051-0080	6-29-2012	Repeal	8-1-2012
731-146-0025	1-1-2012	Amend	2-1-2012	734-051-0085	1-1-2012	Suspend	2-1-2012
731-146-0030	1-1-2012	Amend	2-1-2012	734-051-0085	6-29-2012	Repeal	8-1-2012
731-146-0050	1-1-2012	Amend	2-1-2012	734-051-0095	1-1-2012	Suspend	2-1-2012
731-146-0060	1-1-2012	Amend	2-1-2012	734-051-0095	6-29-2012	Repeal	8-1-2012
731-147-0010	1-1-2012	Amend	2-1-2012	734-051-0105	1-1-2012	Suspend	2-1-2012
731-147-0040	1-1-2012	Amend	2-1-2012	734-051-0105	6-29-2012	Repeal	8-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
734-051-0325	1-1-2012	Suspend	2-1-2012	734-051-3020	6-29-2012	Adopt	8-1-2012
734-051-0325	6-29-2012	Repeal	8-1-2012	734-051-3020(T)	5-3-2012	Suspend	6-1-2012
734-051-0335	1-1-2012	Suspend	2-1-2012	734-051-3020(T)	6-29-2012	Repeal	8-1-2012
734-051-0335	6-29-2012	Repeal	8-1-2012	734-051-3030	1-1-2012	Adopt(T)	2-1-2012
734-051-0345	1-1-2012	Suspend	2-1-2012	734-051-3030	6-29-2012	Adopt	8-1-2012
734-051-0345	6-29-2012	Repeal	8-1-2012	734-051-3030(T)	6-29-2012	Repeal	8-1-2012
734-051-0355	1-1-2012	Suspend	2-1-2012	734-051-3040	1-1-2012	Adopt(T)	2-1-2012
734-051-0355	6-29-2012	Repeal	8-1-2012	734-051-3040	6-29-2012	Adopt	8-1-2012
734-051-0500	1-1-2012	Suspend	2-1-2012	734-051-3040(T)	6-29-2012	Repeal	8-1-2012
734-051-0500	6-29-2012	Repeal	8-1-2012	734-051-3050	1-1-2012	Adopt(T)	2-1-2012
734-051-0510	1-1-2012	Suspend	2-1-2012	734-051-3050	6-29-2012	Adopt	8-1-2012
734-051-0510	6-29-2012	Repeal	8-1-2012	734-051-3050(T)	6-29-2012	Repeal	8-1-2012
734-051-0520	1-1-2012	Suspend	2-1-2012	734-051-3060	1-1-2012	Adopt(T)	2-1-2012
734-051-0520	6-29-2012	Repeal	8-1-2012	734-051-3060	6-29-2012	Adopt	8-1-2012
734-051-0530	1-1-2012	Suspend	2-1-2012	734-051-3060(T)	6-29-2012	Repeal	8-1-2012
734-051-0530	6-29-2012	Repeal	8-1-2012	734-051-3070	1-1-2012	Adopt(T)	2-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
734-051-5040(T)	6-29-2012	Repeal	8-1-2012	734-065-0025	3-26-2012	Amend	5-1-2012
734-051-5050	1-1-2012	Adopt(T)	2-1-2012	734-070-0010	1-27-2012	Amend	3-1-2012
734-051-5050	6-29-2012	Adopt	8-1-2012	734-075-0005	1-27-2012	Amend	3-1-2012
734-051-5050(T)	6-29-2012	Repeal	8-1-2012	734-075-0008	1-27-2012	Amend	3-1-2012
734-051-5060	1-1-2012	Adopt(T)	2-1-2012	734-075-0010	1-27-2012	Amend	3-1-2012
734-051-5060	6-29-2012	Adopt	8-1-2012	734-075-0011	1-27-2012	Amend	3-1-2012
734-051-5060(T)	6-29-2012	Repeal	8-1-2012	734-075-0015	1-27-2012	Amend	3-1-2012
734-051-5070	1-1-2012	Adopt(T)	2-1-2012	734-075-0020	1-27-2012	Amend	3-1-2012
734-051-5070	6-29-2012	Adopt	8-1-2012	734-075-0022	1-27-2012	Amend	3-1-2012
734-051-5070(T)	6-29-2012	Repeal	8-1-2012	734-075-0025	1-27-2012	Amend	3-1-2012
734-051-5080	1-1-2012	Adopt(T)	2-1-2012	734-075-0035	1-27-2012	Amend	3-1-2012
734-051-5080	6-29-2012	Adopt	8-1-2012	734-075-0036	1-27-2012	Amend	3-1-2012
734-051-5080(T)	6-29-2012	Repeal	8-1-2012	734-075-0037	1-27-2012	Amend	3-1-2012
734-051-5090	1-1-2012	Adopt(T)	2-1-2012	734-075-0040	1-27-2012	Amend	3-1-2012
734-051-5090	6-29-2012	Adopt	8-1-2012	734-075-0041	1-27-2012	Amend	3-1-2012
734-051-5090(T)	6-29-2012	Repeal	8-1-2012	734-075-0045	1-27-2012	Amend	3-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
734-075-0055	1-27-2012	Amend	3-1-2012	735-064-0220	1-1-2012	Amend	2-1-2012
734-075-0085	1-27-2012	Amend	3-1-2012	735-070-0004	11-23-2011	Amend	1-1-2012
734-076-0065	1-27-2012	Amend	3-1-2012	735-070-0010	1-1-2012	Amend	2-1-2012
734-076-0075	1-27-2012	Amend	3-1-2012	735-070-0054	11-23-2011	Amend	1-1-2012
734-076-0105	1-27-2012	Amend	3-1-2012	735-070-0085	3-26-2012	Amend(T)	5-1-2012
734-076-0115	1-27-2012	Amend	3-1-2012	735-070-0085	7-19-2012	Amend	9-1-2012
734-076-0135	1-27-2012	Amend	3-1-2012	735-072-0035	1-1-2012	Amend	2-1-2012
734-076-0145	1-27-2012	Amend	3-1-2012	735-074-0140	1-1-2012	Amend	2-1-2012
734-076-0155	1-27-2012	Amend	3-1-2012	735-076-0020	1-1-2012	Amend	2-1-2012
734-076-0165	1-27-2012	Amend	3-1-2012	735-152-0000	1-1-2012	Amend	2-1-2012
734-076-0175	1-27-2012	Amend	3-1-2012	735-152-0005	1-1-2012	Amend	2-1-2012
734-082-0021	1-27-2012	Amend	3-1-2012	735-152-0020	1-1-2012	Amend	2-1-2012
735-001-0030	12-22-2011	Repeal	2-1-2012	735-152-0040	1-1-2012	Amend	2-1-2012
735-001-0050	1-30-2012	Amend	3-1-2012	735-152-0050	1-1-2012	Amend	2-1-2012
735-010-0000	6-27-2012	Amend	8-1-2012	735-152-0060	1-1-2012	Amend	2-1-2012
735-010-0008	6-27-2012	Amend	8-1-2012	736-004-0005	2-15-2012	Amend	3-1-2012
735-010-0010	6-27-2012	Amend	8-1-2012	736-004-0010	2-15-2012	Amend	3-1-2012
735-010-0030	1-30-2012	Amend	3-1-2012	736-004-0015	2-15-2012	Amend	3-1-2012
735-010-0030	6-27-2012	Amend	8-1-2012	736-004-0020	2-15-2012	Amend	3-1-2012
735-010-0040	6-27-2012	Amend	8-1-2012	736-004-0025	2-15-2012	Amend	3-1-2012
735-012-0000	7-19-2012	Amend(T)	9-1-2012	736-004-0030	2-15-2012	Amend	3-1-2012
735-016-0080	12-22-2011	Repeal	2-1-2012	736-004-0045	2-15-2012	Amend	3-1-2012
735-020-0010	2-21-2012	Amend	4-1-2012	736-004-0060	2-15-2012	Amend	3-1-2012
735-020-0012	2-21-2012	Amend	4-1-2012	736-004-0062	2-15-2012	Amend	3-1-2012
735-022-0120	5-18-2012	Repeal	7-1-2012	736-004-0085	2-15-2012	Amend	3-1-2012
735-022-0130	5-18-2012	Adopt	7-1-2012	736-004-0090	2-15-2012	Amend	3-1-2012
735-030-0105	8-17-2012	Adopt	10-1-2012	736-004-0095	2-15-2012	Amend	3-1-2012
735-030-0330	1-1-2012	Amend	2-1-2012	736-004-0100	2-15-2012	Amend	3-1-2012
735-032-0010	4-1-2012	Amend	5-1-2012	736-004-0105	2-15-2012	Amend	3-1-2012
735-032-0055	5-18-2012	Adopt	7-1-2012	736-004-0115	2-15-2012	Amend	3-1-2012
735-040-0030	1-1-2012	Amend	2-1-2012	736-004-0120	2-15-2012	Amend	3-1-2012
735-040-0098	7-19-2012	Amend	9-1-2012	736-004-0125	2-15-2012	Amend	3-1-2012
735-050-0090	12-22-2011	Repeal	2-1-2012	736-004-0130	2-15-2012	Adopt	3-1-2012
735-062-0002	1-30-2012	Amend	3-1-2012	736-006-0110	5-11-2012	Amend	6-1-2012
735-062-0005	1-1-2012	Amend	2-1-2012	736-006-0115	5-11-2012	Amend	6-1-2012
735-062-0007	1-30-2012	Amend	3-1-2012	736-006-0125	5-11-2012	Amend	6-1-2012
735-062-0010	1-1-2012	Amend	2-1-2012	736-006-0145	5-11-2012	Amend	6-1-2012
735-062-0015	1-1-2012	Amend	2-1-2012	736-006-0150	5-11-2012	Amend	6-1-2012
735-062-0016	11-23-2011	Amend	1-1-2012	736-015-0006	6-26-2012	Amend(T)	8-1-2012
735-062-0016	7-19-2012	Amend	9-1-2012	736-015-0010	11-28-2011	Amend	1-1-2012
735-062-0032	1-1-2012	Amend	2-1-2012	736-015-0020	11-28-2011	Amend	1-1-2012
735-062-0033	1-1-2012	Amend	2-1-2012	736-015-0026	11-28-2011	Amend	1-1-2012
735-062-0080	1-30-2012	Amend	3-1-2012	736-015-0030	11-28-2011	Amend	1-1-2012
735-062-0085	1-30-2012	Amend	3-1-2012	736-017-0005	5-11-2012	Amend	6-1-2012
735-062-0090	1-30-2012	Amend	3-1-2012	736-017-0010	5-11-2012	Amend	6-1-2012
735-062-0110	1-30-2012	Amend	3-1-2012	736-017-0020	5-11-2012	Amend	6-1-2012
735-062-0120	1-1-2012	Amend	2-1-2012	736-017-0035	5-11-2012	Amend	6-1-2012
735-062-0125	1-1-2012	Amend	2-1-2012	736-018-0045	9/14/2012	Amend	10-1-2012
735-062-0135	1-1-2012	Amend	2-1-2012	736-045-0006	5-4-2012	Adopt	6-1-2012
735-062-0200	1-30-2012	Amend	3-1-2012	736-045-0011	5-4-2012	Adopt	6-1-2012
735-063-0000	1-30-2012	Amend	3-1-2012	736-045-0100	5-4-2012	Adopt	6-1-2012
735-063-0050	1-30-2012	Amend	3-1-2012	736-045-0200	5-4-2012	Adopt	6-1-2012
735-063-0060	1-30-2012	Amend	3-1-2012	736-045-0300	5-4-2012	Adopt	6-1-2012
735-063-0065	1-30-2012	Amend	3-1-2012	736-045-0305	5-4-2012	Adopt	6-1-2012
735-063-0067	1-30-2012	Adopt	3-1-2012	736-045-0310	5-4-2012	Adopt	6-1-2012
735-064-0085	12-22-2011	Repeal	2-1-2012	736-045-0320	5-4-2012	Adopt	6-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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	8-17-2012	Adopt	10-1-2012	801-010-0120	1-1-2012	Amend	2-1-2012
740-035-0015	8-17-2012	Adopt	10-1-2012	801-010-0125	1-1-2012	Amend	2-1-2012
740-040-0070	8-17-2012	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	8-17-2012	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
740-100-0065	4-1-2012	Amend	4-1-2012	801-040-0090	1-1-2012	Amend	2-1-2012
740-100-0070	4-1-2012	Amend	4-1-2012	801-040-0100	1-1-2012	Amend	2-1-2012
740-100-0080	4-1-2012	Amend	4-1-2012	801-040-0160	1-1-2012	Amend	2-1-2012
740-100-0085	4-1-2012	Amend	4-1-2012	801-050-0010	1-1-2012	Amend	2-1-2012
740-100-0090	4-1-2012	Amend	4-1-2012	801-050-0020	1-1-2012	Amend	2-1-2012
740-100-0100	1-1-2012	Amend	2-1-2012	801-050-0040	1-1-2012	Amend	2-1-2012
740-100-0230	4-23-2012	Amend	6-1-2012	804-001-0005	5-23-2012	Amend	7-1-2012
740-110-0010	4-1-2012	Amend	4-1-2012	804-010-0000	9-5-2012	Amend(T)	10-1-2012
740-200-0010	7-19-2012	Amend	9-1-2012	804-020-0001	9-5-2012	Amend(T)	10-1-2012
740-200-0020	2-21-2012	Amend	4-1-2012	804-020-0003	9-5-2012	Amend(T)	10-1-2012
740-200-0030	8-17-2012	Amend	10-1-2012	804-020-0010	9-5-2012	Amend(T)	10-1-2012
740-200-0040	2-21-2012	Amend	4-1-2012	804-020-0015	9-5-2012	Amend(T)	10-1-2012
740-300-0010	11-23-2011	Amend	1-1-2012	804-020-0030	9-5-2012	Amend(T)	10-1-2012
740-300-0060	3-26-2012	Amend	5-1-2012	804-020-0040	9-5-2012	Amend(T)	10-1-2012
741-040-0010	1-27-2012	Adopt	3-1-2012	804-020-0045	9-5-2012	Amend(T)	10-1-2012
741-040-0020	1-27-2012	Adopt	3-1-2012	804-020-0065	9-5-2012	Amend(T)	10-1-2012
741-040-0030	1-27-2012	Adopt	3-1-2012	804-022-0005	6-1-2012	Amend	7-1-2012
741-040-0040	1-27-2012	Adopt	3-1-2012	804-022-0010	6-1-2012	Amend	7-1-2012
741-040-0050	1-27-2012	Adopt	3-1-2012	804-040-0000	9-5-2012	Amend(T)	10-1-2012
741-040-0060	1-27-2012	Adopt	3-1-2012	806-010-0045	1-4-2012	Amend	2-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
806-010-0060	8-13-2012	Amend	9-1-2012	812-004-1140	5-1-2012	Amend	6-1-2012
806-010-0090	8-13-2012	Amend	9-1-2012	812-004-1160	5-1-2012	Amend	6-1-2012
806-010-0105	8-13-2012	Amend	9-1-2012	812-004-1180	5-1-2012	Amend	6-1-2012
806-010-0145	8-13-2012	Amend	9-1-2012	812-004-1195	5-1-2012	Amend	6-1-2012
808-001-0005	5-30-2012	Amend	7-1-2012	812-004-1210	5-1-2012	Amend	6-1-2012
808-001-0008	8-2-2012	Amend	9-1-2012	812-004-1240	5-1-2012	Amend	6-1-2012
808-002-0020	1-1-2012	Amend	2-1-2012	812-004-1250	5-1-2012	Amend	6-1-2012
808-002-0390	1-1-2012	Adopt	2-1-2012	812-004-1260	5-1-2012	Amend	6-1-2012
808-002-0500	8-2-2012	Amend	9-1-2012	812-004-1300	5-1-2012	Amend	6-1-2012
808-002-0625	1-1-2012	Amend	2-1-2012	812-004-1320	5-1-2012	Amend	6-1-2012
808-003-0015	1-1-2012	Amend	2-1-2012	812-004-1340	5-1-2012	Amend	6-1-2012
808-003-0025	1-1-2012	Amend	2-1-2012	812-004-1350	5-1-2012	Amend	6-1-2012
808-003-0030	1-1-2012	Amend	2-1-2012	812-004-1360	5-1-2012	Amend	6-1-2012
808-003-0040	1-1-2012	Amend	2-1-2012	812-004-1400	5-1-2012	Amend	6-1-2012
808-003-0065	1-1-2012	Amend	2-1-2012	812-004-1420	5-1-2012	Amend	6-1-2012
808-003-0090	1-1-2012	Amend	2-1-2012	812-004-1440	5-1-2012	Amend	6-1-2012
808-003-0126	1-1-2012	Adopt	2-1-2012	812-004-1450	5-1-2012	Amend	6-1-2012
808-003-0130	1-1-2012	Amend	2-1-2012	812-004-1460	5-1-2012	Amend	6-1-2012
808-003-0230	5-30-2012	Amend	7-1-2012	812-004-1480	5-1-2012	Amend	6-1-2012
808-003-0620	1-1-2012	Adopt	2-1-2012	812-004-1490	5-1-2012	Amend	6-1-2012
808-004-0320	1-1-2012	Amend	2-1-2012	812-004-1500	5-1-2012	Amend	6-1-2012
808-005-0020	1-1-2012	Amend	2-1-2012	812-004-1505	5-1-2012	Amend	6-1-2012
808-040-0020	1-1-2012	Amend	2-1-2012	812-004-1510	5-1-2012	Amend	6-1-2012
808-040-0020	4-1-2012	Amend	5-1-2012	812-004-1520	5-1-2012	Amend	6-1-2012
808-040-0025	4-1-2012	Amend	5-1-2012	812-004-1530	5-1-2012	Amend	6-1-2012
808-040-0050	4-1-2012	Amend(T)	5-1-2012	812-004-1537	5-1-2012	Amend	6-1-2012
808-040-0050	8-2-2012	Amend	9-1-2012	812-004-1600	5-1-2012	Amend	6-1-2012
808-040-0050(T)	8-2-2012	Repeal	9-1-2012	812-005-0100	5-1-2012	Amend	6-1-2012
808-040-0080	1-1-2012	Amend	2-1-2012	812-005-0110	5-1-2012	Amend	6-1-2012
808-040-0080	4-1-2012	Amend	5-1-2012	812-005-0140	3-2-2012	Amend	4-1-2012
809-001-0005	6-15-2012	Amend	7-1-2012	812-005-0140(T)	3-2-2012	Repeal	4-1-2012
809-003-0000	6-15-2012	Amend	7-1-2012	812-005-0210	5-1-2012	Amend	6-1-2012
809-015-0020	6-15-2012	Adopt	7-1-2012	812-005-0250	3-2-2012	Amend	4-1-2012
809-030-0005	6-15-2012	Amend	7-1-2012	812-005-0270	5-1-2012	Amend	6-1-2012
809-030-0015	6-15-2012	Amend	7-1-2012	812-005-0280	5-1-2012	Amend	6-1-2012
809-030-0020	6-15-2012	Amend	7-1-2012	812-005-0800	1-1-2012	Amend	1-1-2012
809-050-0000	6-15-2012	Amend	7-1-2012	812-005-0800	3-2-2012	Amend	4-1-2012
809-050-0010	6-15-2012	Amend	7-1-2012	812-005-0800	5-1-2012	Amend	6-1-2012
811-010-0110	5-31-2012	Amend	7-1-2012	812-007-0020	3-2-2012	Amend	4-1-2012
812-001-0120	5-1-2012	Amend	6-1-2012	812-007-0302	3-2-2012	Amend	4-1-2012
812-001-0140	5-1-2012	Amend	6-1-2012	812-007-0350	3-2-2012	Amend	4-1-2012
812-002-0060	5-1-2012	Amend	6-1-2012	812-008-0000	1-1-2012	Amend	1-1-2012
812-002-0100	5-1-2012	Amend	6-1-2012	812-008-0020	1-1-2012	Amend	1-1-2012
812-002-0160	5-1-2012	Amend	6-1-2012	812-008-0030	1-1-2012	Amend	1-1-2012
812-002-0250	5-1-2012	Amend	6-1-2012	812-009-0060	5-1-2012	Amend	6-1-2012
812-002-0260	1-1-2012	Amend	1-1-2012	812-009-0085	5-1-2012	Amend	6-1-2012
812-002-0360	5-1-2012	Amend	6-1-2012	812-009-0090	5-1-2012	Amend	6-1-2012
812-002-0443	3-2-2012	Amend	4-1-2012	812-009-0185	5-1-2012	Adopt	6-1-2012
812-002-0673	5-1-2012	Amend	6-1-2012	812-009-0300	5-1-2012	Amend	6-1-2012
812-002-0700	5-1-2012	Amend	6-1-2012	812-009-0350	5-1-2012	Adopt	6-1-2012
812-002-0800	5-1-2012	Amend	6-1-2012	812-021-0005	1-13-2012	Amend(T)	2-1-2012
812-004-0200	5-1-2012	Amend	6-1-2012	812-021-0005	5-1-2012	Amend	6-1-2012
812-004-0560	5-1-2012	Amend	6-1-2012	812-021-0005(T)	5-1-2012	Repeal	6-1-2012
812-004-1001	5-1-2012	Amend	6-1-2012	812-021-0015	11-18-2011	Amend(T)	1-1-2012
812-004-1110	5-1-2012	Amend	6-1-2012	812-021-0015	3-2-2012	Amend	4-1-2012
812-004-1120	5-1-2012	Amend	6-1-2012	812-021-0015(T)	3-2-2012	Repeal	4-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
812-021-0019	3-2-2012	Amend	4-1-2012	817-020-0007	9-1-2012	Adopt	10-1-2012
812-021-0025	2-9-2012	Amend(T)	3-1-2012	817-020-0009	9-1-2012	Adopt	10-1-2012
812-021-0025	3-2-2012	Amend	4-1-2012	817-020-0015	9-1-2012	Repeal	10-1-2012
812-021-0025	5-1-2012	Amend	6-1-2012	817-030-0003	9-1-2012	Adopt	10-1-2012
812-021-0025(T)	3-2-2012	Repeal	4-1-2012	817-035-0010	9-1-2012	Amend	10-1-2012
812-021-0030	2-9-2012	Amend(T)	3-1-2012	817-035-0048	9-1-2012	Adopt	10-1-2012
812-021-0030	5-1-2012	Amend	6-1-2012	817-035-0050	9-1-2012	Amend	10-1-2012
812-021-0030(T)	5-1-2012	Repeal	6-1-2012	817-035-0052	9-1-2012	Adopt	10-1-2012
812-021-0031	2-9-2012	Amend(T)	3-1-2012	817-035-0068	9-1-2012	Adopt	10-1-2012
812-021-0031	5-1-2012	Amend	6-1-2012	817-035-0070	9-1-2012	Amend	10-1-2012
812-021-0031(T)	5-1-2012	Repeal	6-1-2012	817-035-0090	9-1-2012	Amend	10-1-2012
812-021-0040	3-2-2012	Amend	4-1-2012	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
813-020-0045	3-27-2012	Amend	5-1-2012	818-042-0020	7-1-2012	Amend	7-1-2012
813-020-0045(T)	3-27-2012	Repeal	5-1-2012	818-042-0040	7-1-2012	Amend	7-1-2012
813-020-0050	3-27-2012	Renumber	5-1-2012	818-042-0100	7-1-2012	Amend	7-1-2012
813-020-0051	3-27-2012	Renumber	5-1-2012	820-001-0015	9-14-2012	Amend	10-1-2012
813-020-0060	3-27-2012	Amend	5-1-2012	820-010-0204	5-10-2012	Amend	6-1-2012
813-020-0060(T)	3-27-2012	Repeal	5-1-2012	820-010-0206	5-10-2012	Amend	6-1-2012
813-020-0070	3-27-2012	Amend	5-1-2012	820-010-0208	5-10-2012	Amend	6-1-2012
813-020-0070(T)	3-27-2012	Repeal	5-1-2012	820-010-0209	5-10-2012	Amend	6-1-2012
813-044-0000	3-27-2012	Amend	5-1-2012	820-010-0210	5-10-2012	Amend	6-1-2012
813-044-0000(T)	3-27-2012	Repeal	5-1-2012	820-010-0212	5-10-2012	Amend	6-1-2012
813-044-0010	3-27-2012	Repeal	5-1-2012	820-010-0213	5-10-2012	Amend	6-1-2012
813-044-0020	3-27-2012	Repeal	5-1-2012	820-010-0214	5-10-2012	Amend	6-1-2012
813-044-0030	3-27-2012	Amend	5-1-2012	820-010-0215	5-10-2012	Amend	6-1-2012
813-044-0030(T)	3-27-2012	Repeal	5-1-2012	820-010-0215	9-14-2012	Amend	10-1-2012
813-044-0040	3-27-2012	Amend	5-1-2012	820-010-0225	9-14-2012	Amend	10-1-2012
813-044-0040(T)	3-27-2012	Repeal	5-1-2012	820-010-0226	9-14-2012	Amend	10-1-2012
813-044-0050	3-27-2012	Amend	5-1-2012	820-010-0260	5-10-2012	Amend	6-1-2012
813-044-0050(T)	3-27-2012	Repeal	5-1-2012	820-010-0300	5-10-2012	Amend	6-1-2012
813-044-0055	3-27-2012	Adopt	5-1-2012	820-010-0305	3-16-2012	Amend(T)	5-1-2012
813-044-0055(T)	3-27-2012	Repeal	5-1-2012	820-010-0305	5-10-2012	Amend	6-1-2012
813-044-0060	3-27-2012	Repeal	5-1-2012	820-010-0305(T)	5-10-2012	Repeal	6-1-2012
813-140-0096	4-11-2012	Amend	5-1-2012	820-010-0415	9-14-2012	Amend	10-1-2012
817-020-0001	9-1-2012	Adopt	10-1-2012	820-010-0440	9-14-2012	Amend	10-1-2012
817-020-0006	9-1-2012	Amend	10-1-2012	820-010-0442	5-10-2012	Amend	6-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
820-010-0444	9-14-2012	Amend	10-1-2012	834-010-0050	8-17-2012	Repeal	10-1-2012
820-010-0463	9-14-2012	Amend	10-1-2012	834-010-0055	8-17-2012	Repeal	10-1-2012
820-010-0465	5-10-2012	Amend	6-1-2012	834-010-0065	8-17-2012	Repeal	10-1-2012
820-010-0470	9-14-2012	Amend	10-1-2012	834-020-0000	8-17-2012	Adopt	10-1-2012
820-010-0505	3-16-2012	Amend(T)	5-1-2012	834-030-0000	8-17-2012	Adopt	10-1-2012
820-010-0505	5-10-2012	Amend	6-1-2012	834-030-0010	8-17-2012	Adopt	10-1-2012
820-010-0505(T)	5-10-2012	Repeal	6-1-2012	834-040-0000	3-28-2012	Adopt	5-1-2012
820-010-0520	5-10-2012	Amend	6-1-2012	834-050-0000	8-17-2012	Adopt	10-1-2012
820-010-0530	5-10-2012	Amend	6-1-2012	834-050-0010	8-17-2012	Adopt	10-1-2012
820-010-0621	5-10-2012	Amend	6-1-2012	834-060-0000	8-17-2012	Adopt	10-1-2012
820-010-0622	5-10-2012	Amend	6-1-2012	834-060-0010	8-17-2012	Adopt	10-1-2012
820-010-0622	7-13-2012	Amend	8-1-2012	836-005-0107	3-27-2012	Amend	5-1-2012
820-010-0730	5-10-2012	Adopt	6-1-2012	836-009-0007	7-1-2012	Amend(T)	7-1-2012
820-020-0040	9-14-2012	Amend	10-1-2012	836-010-0000	1-1-2012	Amend	2-1-2012
830-011-0000	4-1-2012	Amend	5-1-2012	836-010-0011	1-1-2012	Amend	2-1-2012
830-011-0020	4-1-2012	Amend	5-1-2012	836-010-0012	1-1-2012	Repeal	2-1-2012
830-011-0070	4-1-2012	Amend	5-1-2012	836-011-0000	2-7-2012	Amend	3-1-2012
830-020-0030	4-1-2012	Amend	5-1-2012	836-011-0600	2-16-2012	Adopt	4-1-2012
830-020-0040	4-1-2012	Amend	5-1-2012	836-029-0000	7-1-2012	Adopt(T)	7-1-2012
830-020-0050	4-1-2012	Amend	5-1-2012	836-029-0005	7-1-2012	Adopt(T)	7-1-2012
830-030-0000	4-1-2012	Amend	5-1-2012	836-029-0010	7-1-2012	Adopt(T)	7-1-2012
830-030-0008	4-1-2012	Amend	5-1-2012	836-029-0015	7-1-2012	Adopt(T)	7-1-2012
830-030-0010	4-1-2012	Amend	5-1-2012	836-029-0020	7-1-2012	Adopt(T)	7-1-2012
830-030-0030	4-1-2012	Amend	5-1-2012	836-029-0025	7-1-2012	Adopt(T)	7-1-2012
830-030-0040	4-1-2012	Amend	5-1-2012	836-029-0030	7-1-2012	Adopt(T)	7-1-2012
830-030-0050	4-1-2012	Amend	5-1-2012	836-029-0035	7-1-2012	Adopt(T)	7-1-2012
830-030-0090	4-1-2012	Amend	5-1-2012	836-029-0040	7-1-2012	Adopt(T)	7-1-2012
830-030-0100	4-1-2012	Amend	5-1-2012	836-029-0045	7-1-2012	Adopt(T)	7-1-2012
830-040-0000	4-1-2012	Amend	5-1-2012	836-029-0050	7-1-2012	Adopt(T)	7-1-2012
830-040-0010	4-1-2012	Amend	5-1-2012	836-029-0055	7-1-2012	Adopt(T)	7-1-2012
830-040-0020	4-1-2012	Amend	5-1-2012	836-029-0060	7-1-2012	Adopt(T)	7-1-2012
830-040-0040	4-1-2012	Amend	5-1-2012	836-029-0065	7-1-2012	Adopt(T)	7-1-2012
830-040-0050	4-1-2012	Amend	5-1-2012	836-029-0070	7-1-2012	Adopt(T)	7-1-2012
833-020-0021	5-15-2012	Amend	6-1-2012	836-029-0075	7-1-2012	Adopt(T)	7-1-2012
833-020-0075	5-15-2012	Adopt	6-1-2012	836-029-0080	7-1-2012	Adopt(T)	7-1-2012
833-020-0201	10/1/2012	Amend	10-1-2012	836-029-0085	7-1-2012	Adopt(T)	7-1-2012
833-020-0401	10/1/2012	Adopt	10-1-2012	836-029-0090	7-1-2012	Adopt(T)	7-1-2012
833-050-0031	10/1/2012	Amend	10-1-2012	836-029-0095	7-1-2012	Adopt(T)	7-1-2012
833-060-0012	10/1/2012	Amend	10-1-2012	836-029-0100	7-1-2012	Adopt(T)	7-1-2012
833-080-0011	10/1/2012	Amend	10-1-2012	836-029-0105	7-1-2012	Adopt(T)	7-1-2012
833-100-0041	10/1/2012	Amend	10-1-2012	836-029-0110	7-1-2012	Adopt(T)	7-1-2012
833-120-0011	12-15-2011	Amend	1-1-2012	836-029-0115	7-1-2012	Adopt(T)	7-1-2012
833-120-0021	12-15-2011	Amend	1-1-2012	836-029-0120	7-1-2012	Adopt(T)	7-1-2012
833-120-0031	12-15-2011	Amend	1-1-2012	836-042-0040	1-1-2013	Amend	9-1-2012
833-120-0041	12-15-2011	Amend	1-1-2012	836-042-0043	1-1-2013	Amend	9-1-2012
834-001-0000	8-17-2012	Repeal	10-1-2012	836-042-0045	1-1-2013	Amend	9-1-2012
834-001-0005	8-17-2012	Repeal	10-1-2012	836-043-0101	1-1-2013	Amend	9-1-2012
834-010-0005	8-17-2012	Repeal	10-1-2012	836-043-0105	1-1-2013	Amend	9-1-2012
834-010-0010	8-17-2012	Repeal	10-1-2012	836-043-0110	1-1-2013	Amend	9-1-2012
834-010-0015	8-17-2012	Repeal	10-1-2012	836-043-0115	1-1-2013	Amend	9-1-2012
834-010-0019	8-17-2012	Repeal	10-1-2012	836-043-0120	1-1-2013	Amend	9-1-2012
834-010-0025	8-17-2012	Repeal	10-1-2012	836-043-0125	1-1-2013	Amend	9-1-2012
834-010-0030	8-17-2012	Repeal	10-1-2012	836-043-0130	1-1-2013	Amend	9-1-2012
834-010-0035	8-17-2012	Repeal	10-1-2012	836-043-0135	1-1-2013	Amend	9-1-2012
834-010-0040	8-17-2012	Repeal	10-1-2012	836-043-0140	1-1-2013	Repeal	9-1-2012
834-010-0045	8-17-2012	Repeal	10-1-2012	836-043-0145	1-1-2013	Amend	9-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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	837-020-0080	1-24-2012	Amend	3-1-2012
836-053-0830	12-19-2011	Adopt	2-1-2012	837-020-0085	1-24-2012	Amend	3-1-2012
836-053-0851	12-19-2011	Amend	2-1-2012	837-020-0115	1-24-2012	Amend	3-1-2012
836-053-0856	12-19-2011	Repeal	2-1-2012	837-035-0000	1-24-2012	Amend	3-1-2012
836-053-0857	12-19-2011	Adopt	2-1-2012	837-035-0060	1-24-2012	Amend	3-1-2012
836-053-0861	12-19-2011	Repeal	2-1-2012	837-035-0080	1-24-2012	Amend	3-1-2012
836-053-0862	12-19-2011	Adopt	2-1-2012	837-035-0100	1-24-2012	Amend	3-1-2012
836-053-0862	4-15-2012	Suspend	5-1-2012	837-035-0160	1-24-2012	Amend	3-1-2012
836-053-0862	8-24-2012	Repeal	10-1-2012	837-035-0200	1-24-2012	Amend	3-1-2012
836-053-0863	4-15-2012	Adopt(T)	5-1-2012	837-035-0220	1-24-2012	Amend	3-1-2012
836-053-0863	8-24-2012	Adopt	10-1-2012	837-035-0240	1-24-2012	Amend	3-1-2012
836-053-0866	12-19-2011	Repeal	2-1-2012	837-039-0040	6-27-2012	Amend	8-1-2012
836-053-1000	12-19-2011	Amend	2-1-2012	837-040-0020	2-10-2012	Amend(T)	3-1-2012
836-053-1030	12-19-2011	Amend	2-1-2012	837-040-0020	3-1-2012	Amend	3-1-2012
836-053-1033	12-19-2011	Adopt	2-1-2012	837-040-0020	8-2-2012	Amend	7-1-2012
836-053-1035	12-19-2011	Adopt	2-1-2012	839-001-0300	1-1-2012	Adopt	2-1-2012
836-053-1060	12-19-2011	Amend	2-1-2012	839-001-0560	1-1-2012	Amend	2-1-2012
836-053-1070	12-19-2011	Amend	2-1-2012	839-002-0001	1-1-2012	Amend	2-1-2012
836-053-1080	12-19-2011	Amend	2-1-2012	839-002-0002	1-1-2012	Amend	2-1-2012
836-053-1100	12-19-2011	Amend	2-1-2012	839-002-0005	1-1-2012	Amend	2-1-2012
836-053-1110	12-19-2011	Amend	2-1-2012	839-002-0015	1-1-2012	Amend	2-1-2012
836-053-1140	12-19-2011	Amend	2-1-2012	839-002-0020	1-1-2012	Amend	2-1-2012
836-053-1310	12-19-2011	Amend	2-1-2012	839-002-0025	1-1-2012	Amend	2-1-2012
836-053-1340	12-19-2011	Amend	2-1-2012	839-002-0030	1-1-2012	Amend	2-1-2012
836-053-1342	12-19-2011	Amend	2-1-2012	839-002-0035	1-1-2012	Amend	2-1-2012
836-053-1350	12-19-2011	Amend	2-1-2012	839-002-0040	1-1-2012	Amend	2-1-2012
836-071-0110	8-1-2012	Amend(T)	8-1-2012	839-002-0045	1-1-2012	Amend	2-1-2012
836-071-0118	8-1-2012	Amend(T)	8-1-2012	839-002-0050	1-1-2012	Amend	2-1-2012
836-071-0130	8-1-2012	Amend(T)	8-1-2012	839-002-0055	1-1-2012	Amend	2-1-2012
836-071-0140	8-1-2012	Amend(T)	8-1-2012	839-002-0060	1-1-2012	Amend	2-1-2012
836-071-0220	8-1-2012	Amend(T)	8-1-2012	839-002-0065	1-1-2012	Amend	2-1-2012
836-071-0225	8-1-2012	Amend(T)	8-1-2012	839-002-0070	1-1-2012	Amend	2-1-2012
836-071-0235	8-1-2012	Amend(T)	8-1-2012	839-002-0075	1-1-2012	Amend	2-1-2012
836-071-0240	8-1-2012	Amend(T)	8-1-2012	839-002-0080	1-1-2012	Amend	2-1-2012
836-071-0355	8-1-2012	Amend(T)	8-1-2012	839-003-0005	6-13-2012	Amend(T)	7-1-2012
836-071-0360	8-1-2012	Amend(T)	8-1-2012	839-003-0005	8-8-2012	Amend	9-1-2012
836-071-0500	1-1-2012	Amend	2-1-2012	839-003-0005	8-8-2012	Amend(T)	9-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
839-003-0025	6-13-2012	Amend(T)	7-1-2012	839-011-0140	1-3-2012	Amend	2-1-2012
839-003-0025	8-8-2012	Amend	9-1-2012	839-011-0141	1-3-2012	Amend	2-1-2012
839-003-0031	6-13-2012	Adopt(T)	7-1-2012	839-011-0142	1-3-2012	Amend	2-1-2012
839-003-0031	8-8-2012	Adopt	9-1-2012	839-011-0143	1-3-2012	Amend	2-1-2012
839-003-0200	6-13-2012	Amend(T)	7-1-2012	839-011-0145	1-3-2012	Amend	2-1-2012
839-003-0200	8-8-2012	Amend	9-1-2012	839-011-0162	1-3-2012	Amend	2-1-2012
839-003-0200	8-8-2012	Amend(T)	9-1-2012	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
839-005-0075	2-8-2012	Adopt	3-1-2012	839-011-0290	1-3-2012	Amend	2-1-2012
839-005-0130	1-1-2012	Adopt	2-1-2012	839-011-0310	1-3-2012	Amend	2-1-2012
839-005-0130	2-8-2012	Adopt	3-1-2012	839-011-0320	1-3-2012	Amend	2-1-2012
839-005-0135	1-1-2012	Adopt	2-1-2012	839-011-0334	1-3-2012	Amend	2-1-2012
839-005-0135	2-8-2012	Adopt	3-1-2012	839-025-0700	1-1-2012	Amend	2-1-2012
839-005-0160	1-1-2012	Amend	2-1-2012	839-025-0700	3-29-2012	Amend	5-1-2012
839-005-0160	2-8-2012	Amend	3-1-2012	839-025-0700	7-2-2012	Amend	8-1-2012
839-005-0170	1-1-2012	Amend	2-1-2012	839-050-0040	1-1-2012	Amend	2-1-2012
839-005-0170	2-8-2012	Amend	3-1-2012	839-050-0310	1-1-2012	Amend	2-1-2012
839-006-0440	1-1-2012	Amend	2-1-2012	839-050-0340	1-1-2012	Amend	2-1-2012
839-006-0440	2-8-2012	Amend	3-1-2012	845-001-0007	6-1-2012	Amend	6-1-2012
839-006-0450	1-1-2012	Amend	2-1-2012	845-003-0200	9-1-2012	Amend	9-1-2012
839-006-0450	2-8-2012	Amend	3-1-2012	845-003-0210	9-1-2012	Amend	9-1-2012
839-006-0455	1-1-2012	Amend	2-1-2012	845-003-0220	9-1-2012	Amend	9-1-2012
839-006-0455	2-8-2012	Amend	3-1-2012	845-003-0270	9-1-2012	Amend	9-1-2012
839-006-0470	1-1-2012	Amend	2-1-2012	845-003-0331	9-1-2012	Amend	9-1-2012
839-006-0470	2-8-2012	Amend	3-1-2012	845-003-0340	9-1-2012	Amend	9-1-2012
839-006-0480	1-1-2012	Amend	2-1-2012	845-003-0460	9-1-2012	Amend	9-1-2012
839-006-0480	2-8-2012	Amend	3-1-2012	845-003-0590	9-1-2012	Amend	9-1-2012
839-009-0325	1-1-2012	Amend	2-1-2012	845-003-0670	9-1-2012	Amend	9-1-2012
839-009-0325	2-8-2012	Amend	3-1-2012	845-005-0413	4-5-2012	Amend(T)	5-1-2012
839-009-0330	1-1-2012	Amend	2-1-2012	845-005-0413	10/1/2012	Amend	10-1-2012
839-009-0330	2-8-2012	Amend	3-1-2012	845-005-0425	1-1-2012	Amend	1-1-2012
839-009-0340	1-1-2012	Amend	2-1-2012	845-006-0335	5-1-2012	Amend	5-1-2012
839-009-0340	2-8-2012	Amend	3-1-2012	845-006-0392	5-1-2012	Amend	5-1-2012
839-009-0345	1-1-2012	Amend	2-1-2012	845-006-0396	5-1-2012	Amend	5-1-2012
839-009-0345	2-8-2012	Amend	3-1-2012	845-009-0135	1-1-2012	Amend	1-1-2012
839-009-0355	1-1-2012	Amend	2-1-2012	845-015-0101	1-1-2012	Amend	1-1-2012
839-009-0355	2-8-2012	Amend	3-1-2012	845-015-0101	4-1-2012	Amend	5-1-2012
839-009-0360	1-1-2012	Amend	2-1-2012	845-015-0105	4-1-2012	Amend	5-1-2012
839-009-0360	2-8-2012	Amend	3-1-2012	845-015-0115	4-1-2012	Amend	5-1-2012
839-009-0362	1-1-2012	Amend	2-1-2012	845-015-0118	4-1-2012	Amend	5-1-2012
839-009-0362	2-8-2012	Amend	3-1-2012	845-015-0120	1-1-2012	Amend	1-1-2012
839-009-0365	1-1-2012	Amend	2-1-2012	845-015-0185	1-1-2012	Amend	1-1-2012
839-009-0365	2-8-2012	Amend	3-1-2012	845-015-0190	1-1-2012	Amend	1-1-2012
839-011-0020	1-3-2012	Amend	2-1-2012	845-015-0196	1-1-2012	Amend	1-1-2012
839-011-0050	1-3-2012	Amend	2-1-2012	845-015-0210	1-1-2012	Adopt	1-1-2012
839-011-0051	1-3-2012	Amend	2-1-2012	847-001-0000	2-7-2012	Amend(T)	3-1-2012
839-011-0060	1-3-2012	Amend	2-1-2012	847-001-0000	4-17-2012	Amend	6-1-2012
839-011-0070	1-3-2012	Amend	2-1-2012	847-001-0000(T)	4-17-2012	Repeal	6-1-2012
839-011-0072	1-3-2012	Amend	2-1-2012	847-001-0005	2-7-2012	Amend(T)	3-1-2012
839-011-0074	1-3-2012	Amend	2-1-2012	847-001-0005(T)	4-17-2012	Repeal	6-1-2012
839-011-0082	1-3-2012	Amend	2-1-2012	847-001-0007	2-10-2012	Adopt	3-1-2012
839-011-0084	1-3-2012	Amend	2-1-2012	847-001-0007	8-3-2012	Amend	9-1-2012
839-011-0088	1-3-2012	Amend	2-1-2012	847-001-0010	2-7-2012	Amend(T)	3-1-2012
839-011-0090	1-3-2012	Amend	2-1-2012	847-001-0010(T)	4-17-2012	Repeal	6-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
847-001-0015	2-7-2012	Amend(T)	3-1-2012	847-050-0025(T)	2-10-2012	Repeal	3-1-2012
847-001-0015	4-17-2012	Amend	6-1-2012	847-050-0026	1-1-2012	Amend(T)	1-1-2012
847-001-0015(T)	4-17-2012	Repeal	6-1-2012	847-050-0026	2-10-2012	Amend	3-1-2012
847-001-0020	2-7-2012	Amend(T)	3-1-2012	847-050-0026(T)	2-10-2012	Repeal	3-1-2012
847-001-0020	4-17-2012	Amend	6-1-2012	847-050-0027	1-1-2012	Amend(T)	1-1-2012
847-001-0020(T)	4-17-2012	Repeal	6-1-2012	847-050-0027	2-10-2012	Amend	3-1-2012
847-001-0022	2-7-2012	Amend(T)	3-1-2012	847-050-0027	3-2-2012	Amend(T)	4-1-2012
847-001-0022(T)	4-17-2012	Repeal	6-1-2012	847-050-0027	8-3-2012	Amend	9-1-2012
847-001-0025	2-7-2012	Amend(T)	3-1-2012	847-050-0027(T)	2-10-2012	Repeal	3-1-2012
847-001-0025(T)	4-17-2012	Repeal	6-1-2012	847-050-0027(T)	8-3-2012	Repeal	9-1-2012
847-001-0030	2-7-2012	Amend(T)	3-1-2012	847-050-0029	1-1-2012	Amend(T)	1-1-2012
847-001-0030	4-17-2012	Amend	6-1-2012	847-050-0029	2-10-2012	Amend	3-1-2012
847-001-0030(T)	4-17-2012	Repeal	6-1-2012	847-050-0029(T)	2-10-2012	Repeal	3-1-2012
847-003-0100	8-3-2012	Adopt	9-1-2012	847-050-0035	1-1-2012	Amend(T)	1-1-2012
847-005-0005	1-1-2012	Amend(T)	2-1-2012	847-050-0035	2-10-2012	Amend	3-1-2012
847-005-0005	2-10-2012	Amend	3-1-2012	847-050-0035(T)	2-10-2012	Repeal	3-1-2012
847-005-0005	3-2-2012	Amend(T)	4-1-2012	847-050-0037	1-1-2012	Amend(T)	1-1-2012
847-005-0005	8-3-2012	Amend	9-1-2012	847-050-0037	2-10-2012	Amend	3-1-2012
847-005-0005(T)	2-10-2012	Repeal	3-1-2012	847-050-0037(T)	2-10-2012	Repeal	3-1-2012
847-005-0005(T)	8-3-2012	Repeal	9-1-2012	847-050-0038	1-1-2012	Amend(T)	1-1-2012
847-008-0010	4-17-2012	Amend	6-1-2012	847-050-0038	2-10-2012	Amend	3-1-2012
847-008-0015	8-3-2012	Amend	9-1-2012	847-050-0038(T)	2-10-2012	Repeal	3-1-2012
847-008-0018	8-3-2012	Amend	9-1-2012	847-050-0040	1-1-2012	Amend(T)	1-1-2012
847-008-0040	1-1-2012	Amend(T)	1-1-2012	847-050-0040	2-10-2012	Amend	3-1-2012
847-008-0040	2-10-2012	Amend	3-1-2012	847-050-0040(T)	2-10-2012	Repeal	3-1-2012
847-008-0040	8-3-2012	Amend	9-1-2012	847-050-0041	1-1-2012	Amend(T)	1-1-2012
847-008-0040(T)	2-10-2012	Repeal	3-1-2012	847-050-0041	2-10-2012	Amend	3-1-2012
847-008-0070	8-3-2012	Amend	9-1-2012	847-050-0041	6-1-2012	Amend(T)	6-1-2012
847-020-0155	2-10-2012	Amend	3-1-2012	847-050-0041(T)	2-10-2012	Repeal	3-1-2012
847-020-0155	3-2-2012	Amend(T)	4-1-2012	847-050-0042	1-1-2012	Amend(T)	1-1-2012
847-020-0155	8-3-2012	Amend	9-1-2012	847-050-0042	2-10-2012	Amend	3-1-2012
847-020-0155(T)	2-10-2012	Repeal	3-1-2012	847-050-0042(T)	2-10-2012	Repeal	3-1-2012
847-020-0155(T)	8-3-2012	Repeal	9-1-2012	847-050-0043	1-1-2012	Amend(T)	1-1-2012
847-020-0170	8-3-2012	Amend	9-1-2012	847-050-0043	2-10-2012	Amend	3-1-2012
847-020-0180	8-3-2012	Amend	9-1-2012	847-050-0043(T)	2-10-2012	Repeal	3-1-2012
847-020-0182	8-3-2012	Adopt	9-1-2012	847-050-0046	1-1-2012	Amend(T)	1-1-2012
847-035-0011	4-17-2012	Amend	6-1-2012	847-050-0046	2-10-2012	Amend	3-1-2012
847-035-0020	2-10-2012	Amend	3-1-2012	847-050-0046(T)	2-10-2012	Repeal	3-1-2012
847-035-0030	4-17-2012	Amend	6-1-2012	847-050-0050	1-1-2012	Amend(T)	1-1-2012
847-050-0005	1-1-2012	Amend(T)	1-1-2012	847-050-0050	2-10-2012	Amend	3-1-2012
847-050-0005	2-10-2012	Amend	3-1-2012	847-050-0050(T)	2-10-2012	Repeal	3-1-2012
847-050-0005(T)	2-10-2012	Repeal	3-1-2012	847-050-0055	1-1-2012	Amend(T)	1-1-2012
847-050-0010	1-1-2012	Amend(T)	1-1-2012	847-050-0055	2-10-2012	Amend	3-1-2012
847-050-0010	2-10-2012	Amend	3-1-2012	847-050-0055(T)	2-10-2012	Repeal	3-1-2012
847-050-0010(T)	2-10-2012	Repeal	3-1-2012	847-050-0060	1-1-2012	Amend(T)	1-1-2012
847-050-0015	1-1-2012	Amend(T)	1-1-2012	847-050-0060	2-10-2012	Amend	3-1-2012
847-050-0015	2-10-2012	Amend	3-1-2012	847-050-0060(T)	2-10-2012	Repeal	3-1-2012
847-050-0015(T)	2-10-2012	Repeal	3-1-2012	847-050-0063	1-1-2012	Amend(T)	1-1-2012
847-050-0020	1-1-2012	Amend(T)	1-1-2012	847-050-0063	2-10-2012	Amend	3-1-2012
847-050-0020	2-10-2012	Amend	3-1-2012	847-050-0063(T)	2-10-2012	Repeal	3-1-2012
847-050-0020(T)	2-10-2012	Repeal	3-1-2012	847-050-0065	1-1-2012	Amend(T)	1-1-2012
847-050-0023	1-1-2012	Amend(T)	1-1-2012	847-050-0065	2-10-2012	Amend	3-1-2012
847-050-0023	2-10-2012	Amend	3-1-2012	847-050-0065	6-1-2012	Amend(T)	6-1-2012
847-050-0023(T)	2-10-2012	Repeal	3-1-2012	847-050-0065(T)	2-10-2012	Repeal	3-1-2012
847-050-0025	1-1-2012	Amend(T)	1-1-2012	847-065-0010	7-31-2012	Amend(T)	9-1-2012
847-050-0025	2-10-2012	Amend	3-1-2012	847-065-0015	7-31-2012	Amend(T)	9-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
847-065-0055	7-31-2012	Amend(T)	9-1-2012	853-010-0015	1-1-2012	Repeal	1-1-2012
847-065-0060	7-31-2012	Amend(T)	9-1-2012	853-010-0017	1-1-2012	Repeal	1-1-2012
847-065-0065	7-31-2012	Amend(T)	9-1-2012	853-010-0020	1-1-2012	Repeal	1-1-2012
847-065-0070	7-31-2012	Amend(T)	9-1-2012	853-010-0025	1-1-2012	Repeal	1-1-2012
847-070-0045	2-10-2012	Amend	3-1-2012	853-010-0035	1-1-2012	Repeal	1-1-2012
848-010-0015	3-1-2012	Amend	3-1-2012	853-010-0040	1-1-2012	Repeal	1-1-2012
848-010-0020	3-1-2012	Amend	3-1-2012	853-010-0045	1-1-2012	Repeal	1-1-2012
848-010-0026	3-1-2012	Amend	3-1-2012	853-010-0050	1-1-2012	Repeal	1-1-2012
848-010-0035	3-1-2012	Amend	3-1-2012	853-010-0055	1-1-2012	Repeal	1-1-2012
848-035-0030	3-1-2012	Amend	3-1-2012	853-010-0060	1-1-2012	Repeal	1-1-2012
848-035-0040	3-1-2012	Amend	3-1-2012	853-010-0065	1-1-2012	Repeal	1-1-2012
848-040-0125	3-1-2012	Amend	3-1-2012	853-010-0070	1-1-2012	Repeal	1-1-2012
848-045-0010	3-1-2012	Amend	3-1-2012	853-010-0074	1-1-2012	Repeal	1-1-2012
850-030-0010	4-12-2012	Amend(T)	5-1-2012	853-010-0075	1-1-2012	Repeal	1-1-2012
850-030-0010	6-15-2012	Amend	7-1-2012	853-010-0076	1-1-2012	Repeal	1-1-2012
850-030-0010(T)	6-15-2012	Repeal	7-1-2012	853-010-0077	1-1-2012	Repeal	1-1-2012
850-030-0030	4-12-2012	Amend(T)	5-1-2012	853-010-0078	1-1-2012	Repeal	1-1-2012
850-030-0030	6-15-2012	Amend	7-1-2012	853-010-0079	1-1-2012	Repeal	1-1-2012
850-030-0030(T)	6-15-2012	Repeal	7-1-2012	853-010-0080	1-1-2012	Repeal	1-1-2012
850-030-0031	4-12-2012	Adopt(T)	5-1-2012	853-020-0000	1-1-2012	Adopt	1-1-2012
850-030-0031	6-15-2012	Adopt	7-1-2012	853-030-0000	1-1-2012	Adopt	1-1-2012
850-030-0031(T)	6-15-2012	Repeal	7-1-2012	853-030-0010	1-1-2012	Adopt	1-1-2012
850-030-0070	4-12-2012	Amend(T)	5-1-2012	853-030-0020	1-1-2012	Adopt	1-1-2012
850-030-0070	6-15-2012	Amend	7-1-2012	853-030-0030	1-1-2012	Adopt	1-1-2012
850-030-0070(T)	6-15-2012	Repeal	7-1-2012	853-030-0040	1-1-2012	Adopt	1-1-2012
850-050-0120	12-23-2011	Amend	1-1-2012	853-030-0050	1-1-2012	Adopt	1-1-2012
850-050-0120	6-15-2012	Amend	7-1-2012	853-030-0060	1-1-2012	Adopt	1-1-2012
850-060-0215	12-23-2011	Amend	1-1-2012	853-030-0070	1-1-2012	Adopt	1-1-2012
850-060-0226	6-15-2012	Amend	7-1-2012	853-040-0000	1-1-2012	Adopt	1-1-2012
851-002-0000	11-22-2011	Amend	1-1-2012	853-050-0000	1-1-2012	Adopt	1-1-2012
851-002-0010	8-1-2012	Amend	8-1-2012	853-050-0010	1-1-2012	Adopt	1-1-2012
851-002-0020	8-1-2012	Amend	8-1-2012	853-060-0000	1-1-2012	Adopt	1-1-2012
851-002-0030	8-1-2012	Amend	8-1-2012	853-060-0010	1-1-2012	Adopt	1-1-2012
851-002-0035	8-1-2012	Amend	8-1-2012	855-006-0005	6-19-2012	Amend	8-1-2012
851-045-0030	6-1-2012	Amend	6-1-2012	855-019-0260	1-1-2012	Amend	2-1-2012
851-045-0070	6-1-2012	Amend	6-1-2012	855-019-0280	1-1-2012	Amend	2-1-2012
851-045-0100	4-26-2012	Amend(T)	6-1-2012	855-019-0290	1-1-2012	Amend	2-1-2012
851-045-0100	6-1-2012	Amend	6-1-2012	855-031-0010	1-1-2012	Amend	2-1-2012
851-045-0100	6-5-2012	Amend	7-1-2012	855-031-0020	1-1-2012	Amend	2-1-2012
851-045-0100	8-1-2012	Amend	8-1-2012	855-031-0026	1-1-2012	Adopt	2-1-2012
851-050-0004	6-1-2012	Amend	6-1-2012	855-031-0045	1-1-2012	Amend	2-1-2012
851-050-0009	6-1-2012	Adopt	6-1-2012	855-041-0016	6-12-2012	Adopt	7-1-2012
851-050-0150	4-26-2012	Suspend	6-1-2012	855-041-0095	1-1-2012	Amend	2-1-2012
851-050-0150	8-1-2012	Repeal	8-1-2012	855-041-0095	5-1-2012	Amend	6-1-2012
851-052-0040	6-1-2012	Amend	6-1-2012	855-041-0105	5-1-2012	Am. & Ren.	6-1-2012
851-054-0060	6-1-2012	Adopt	6-1-2012	855-041-0110	5-1-2012	Repeal	6-1-2012
851-062-0090	4-1-2012	Amend	4-1-2012	855-041-0115	5-1-2012	Am. & Ren.	6-1-2012
851-062-0110	4-1-2012	Amend	4-1-2012	855-041-5100	5-1-2012	Adopt	6-1-2012
851-070-0090	4-26-2012	Amend(T)	6-1-2012	855-041-5120	5-1-2012	Adopt	6-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
855-041-5130	5-1-2012	Adopt	6-1-2012	858-010-0039	6-8-2012	Amend	7-1-2012
855-041-5140	5-1-2012	Adopt	6-1-2012	858-020-0065	6-8-2012	Repeal	7-1-2012
855-041-5150	5-1-2012	Adopt	6-1-2012	858-020-0095	6-8-2012	Repeal	7-1-2012
855-041-5160	5-1-2012	Adopt	6-1-2012	859-030-0005	2-3-2012	Amend(T)	3-1-2012
855-041-5170	5-1-2012	Adopt	6-1-2012	859-030-0005	4-16-2012	Amend	6-1-2012
855-043-0002	6-19-2012	Amend	8-1-2012	859-030-0005(T)	4-16-2012	Repeal	6-1-2012
855-043-0405	6-19-2012	Adopt	8-1-2012	859-030-0010	2-3-2012	Amend(T)	3-1-2012
855-043-0410	6-19-2012	Adopt	8-1-2012	859-030-0010	4-16-2012	Amend	6-1-2012
855-043-0415	6-19-2012	Adopt	8-1-2012	859-030-0010(T)	4-16-2012	Repeal	6-1-2012
855-043-0420	6-19-2012	Adopt	8-1-2012	859-070-0040	2-3-2012	Adopt(T)	3-1-2012
855-043-0425	6-19-2012	Adopt	8-1-2012	859-070-0040	4-16-2012	Adopt	6-1-2012
855-043-0430	6-19-2012	Adopt	8-1-2012	859-070-0040(T)	4-16-2012	Repeal	6-1-2012
855-043-0435	6-19-2012	Adopt	8-1-2012	859-200-0001	12-22-2011	Adopt(T)	2-1-2012
855-043-0440	6-19-2012	Adopt	8-1-2012	859-300-0050	12-13-2011	Amend	1-1-2012
855-043-0445	6-19-2012	Adopt	8-1-2012	859-300-0050(T)	12-13-2011	Repeal	1-1-2012
855-043-0450	6-19-2012	Adopt	8-1-2012	860-001-0080	4-17-2012	Amend	6-1-2012
855-043-0455	6-19-2012	Adopt	8-1-2012	860-001-0500	4-17-2012	Amend	6-1-2012
855-060-0004	1-1-2012	Adopt	2-1-2012	860-022-0019	4-17-2012	Amend	6-1-2012
855-065-0005	6-19-2012	Amend(T)	8-1-2012	860-022-0041	4-17-2012	Repeal	6-1-2012
855-080-0100	12-15-2011	Amend(T)	1-1-2012	860-022-0047	8-23-2012	Adopt	10-1-2012
855-080-0100	6-19-2012	Amend	8-1-2012	860-023-0080	1-1-2012	Repeal	1-1-2012
855-080-0100(T)	12-15-2011	Suspend	1-1-2012	860-023-0090	1-1-2012	Repeal	1-1-2012
855-080-0103(T)	12-15-2011	Suspend	1-1-2012	860-023-0100	1-1-2012	Repeal	1-1-2012
855-110-0005	12-15-2011	Amend	1-1-2012	860-023-0110	1-1-2012	Repeal	1-1-2012
855-110-0007	12-15-2011	Amend	1-1-2012	860-023-0120	1-1-2012	Repeal	1-1-2012
855-110-0007	6-19-2012	Amend(T)	8-1-2012	860-023-0130	1-1-2012	Repeal	1-1-2012
855-110-0010	12-15-2011	Amend	1-1-2012	860-023-0140	1-1-2012	Repeal	1-1-2012
856-010-0015	12-30-2011	Amend	2-1-2012	860-023-0150	1-1-2012	Repeal	1-1-2012
856-010-0027	12-30-2011	Adopt	2-1-2012	860-023-0160	1-1-2012	Repeal	1-1-2012
856-030-0000	5-29-2012	Amend	7-1-2012	860-024-0010	3-9-2012	Amend	4-1-2012
858-010-0001	6-8-2012	Amend	7-1-2012	860-027-0200	4-17-2012	Amend	6-1-2012
858-010-0010	2-15-2012	Amend(T)	3-1-2012	860-036-0001	1-1-2012	Amend	2-1-2012
858-010-0010	6-8-2012	Amend	7-1-2012	860-036-0010	1-1-2012	Amend	2-1-2012
858-010-0010(T)	6-8-2012	Repeal	7-1-2012	860-036-0015	1-1-2012	Amend	2-1-2012
858-010-0011	2-15-2012	Amend(T)	3-1-2012	860-036-0030	1-1-2012	Amend	2-1-2012
858-010-0011	6-8-2012	Amend	7-1-2012	860-036-0040	1-1-2012	Amend	2-1-2012
858-010-0011(T)	6-8-2012	Repeal	7-1-2012	860-036-0050	1-1-2012	Amend	2-1-2012
858-010-0012	2-15-2012	Amend(T)	3-1-2012	860-036-0060	1-1-2012	Amend	2-1-2012
858-010-0012	6-8-2012	Amend	7-1-2012	860-036-0065	1-1-2012	Amend	2-1-2012
858-010-0012(T)	6-8-2012	Repeal	7-1-2012	860-036-0097	1-1-2012	Amend	2-1-2012
858-010-0013	2-15-2012	Amend(T)	3-1-2012	860-036-0130	1-1-2012	Amend	2-1-2012
858-010-0013	6-8-2012	Amend	7-1-2012	860-036-0405	1-1-2012	Amend	2-1-2012
858-010-0013(T)	6-8-2012	Repeal	7-1-2012	860-036-0407	1-1-2012	Repeal	2-1-2012
858-010-0015	6-8-2012	Amend	7-1-2012	860-036-0425	1-1-2012	Adopt	2-1-2012
858-010-0016	2-15-2012	Amend(T)	3-1-2012	860-036-0505	1-1-2012	Amend	2-1-2012
858-010-0016	6-8-2012	Amend	7-1-2012	860-036-0605	1-1-2012	Amend	2-1-2012
858-010-0016(T)	6-8-2012	Repeal	7-1-2012	860-036-0610	1-1-2012	Amend	2-1-2012
858-010-0017	2-15-2012	Amend(T)	3-1-2012	860-036-0615	1-1-2012	Amend	2-1-2012
858-010-0017	6-8-2012	Amend	7-1-2012	860-036-0625	1-1-2012	Am. & Ren.	2-1-2012
858-010-0017(T)	6-8-2012	Repeal	7-1-2012	860-036-0640	1-1-2012	Amend	2-1-2012
858-010-0020	6-8-2012	Amend	7-1-2012	860-036-0705	1-1-2012	Amend	2-1-2012
858-010-0025	6-8-2012	Amend	7-1-2012	860-036-0708	1-1-2012	Adopt	2-1-2012
858-010-0030	6-8-2012	Amend	7-1-2012	860-036-0710	1-1-2012	Amend	2-1-2012
858-010-0036	6-8-2012	Amend	7-1-2012	860-036-0715	1-1-2012	Amend	2-1-2012
858-010-0037	6-8-2012	Amend	7-1-2012	860-036-0737	1-1-2012	Amend	2-1-2012
858-010-0038	6-8-2012	Amend	7-1-2012	860-036-0739	1-1-2012	Amend	2-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
860-036-0740	1-1-2012	Amend	2-1-2012	877-015-0105	12-29-2011	Amend	2-1-2012
860-036-0745	1-1-2012	Amend	2-1-2012	877-015-0108	12-29-2011	Amend	2-1-2012
860-036-0750	1-1-2012	Amend	2-1-2012	877-015-0136	12-29-2011	Amend	2-1-2012
860-036-0756	1-1-2012	Amend	2-1-2012	877-020-0005	12-29-2011	Amend	2-1-2012
860-036-0757	1-1-2012	Amend	2-1-2012	877-020-0008	12-29-2011	Amend	2-1-2012
860-036-0815	1-1-2012	Amend	2-1-2012	877-020-0010	12-29-2011	Amend	2-1-2012
860-036-0816	1-1-2012	Adopt	2-1-2012	877-020-0016	12-29-2011	Amend	2-1-2012
860-038-0480	3-15-2012	Amend	4-1-2012	877-020-0036	12-29-2011	Amend	2-1-2012
860-038-0480(T)	3-15-2012	Repeal	4-1-2012	877-025-0006	12-29-2011	Amend	2-1-2012
860-038-0540	8-24-2012	Repeal	10-1-2012	877-025-0011	12-29-2011	Amend	2-1-2012
860-038-0580	8-24-2012	Amend	10-1-2012	877-040-0050	12-29-2011	Amend	2-1-2012
860-039-0005	2-22-2012	Amend	4-1-2012	918-098-1000	1-1-2012	Amend	2-1-2012
860-086-0000	8-24-2012	Adopt	10-1-2012	918-098-1510	3-1-2012	Amend(T)	4-1-2012
860-086-0010	8-24-2012	Adopt	10-1-2012	918-098-1510	7-1-2012	Amend	8-1-2012
860-086-0020	8-24-2012	Adopt	10-1-2012	918-098-1530	3-1-2012	Amend(T)	4-1-2012
860-086-0030	8-24-2012	Adopt	10-1-2012	918-098-1530	7-1-2012	Amend	8-1-2012
860-086-0040	8-24-2012	Adopt	10-1-2012	918-098-1590	3-1-2012	Adopt(T)	4-1-2012
863-020-0000	8-15-2012	Amend(T)	9-1-2012	918-098-1590	7-1-2012	Adopt	8-1-2012
863-020-0005	8-15-2012	Amend(T)	9-1-2012	918-098-1591	7-1-2012	Adopt	8-1-2012
863-020-0007	8-15-2012	Amend(T)	9-1-2012	918-098-1620	1-1-2012	Amend	2-1-2012
863-020-0008	8-15-2012	Suspend	9-1-2012	918-225-0240	1-1-2012	Amend	2-1-2012
863-020-0010	8-15-2012	Amend(T)	9-1-2012	918-225-0430	1-1-2012	Amend	2-1-2012
863-020-0015	8-15-2012	Amend(T)	9-1-2012	918-225-0435	1-1-2012	Amend	2-1-2012
863-020-0020	8-15-2012	Amend(T)	9-1-2012	918-225-0570	1-1-2012	Amend	2-1-2012
863-020-0025	8-15-2012	Amend(T)	9-1-2012	918-225-0600	1-1-2012	Amend	2-1-2012
863-020-0030	8-15-2012	Amend(T)	9-1-2012	918-225-0600	1-1-2012	Amend	2-1-2012
863-020-0035	8-15-2012	Amend(T)	9-1-2012	918-225-0606	1-1-2012	Adopt	2-1-2012
863-020-0040	8-15-2012	Amend(T)	9-1-2012	918-225-0609	1-1-2012	Adopt	2-1-2012
863-020-0045	8-15-2012	Amend(T)	9-1-2012	918-225-0612	1-1-2012	Adopt	2-1-2012
863-020-0050	8-15-2012	Amend(T)	9-1-2012	918-225-0615	1-1-2012	Adopt	2-1-2012
863-020-0055	8-15-2012	Amend(T)	9-1-2012	918-225-0618	1-1-2012	Adopt	2-1-2012
863-020-0060	8-15-2012	Amend(T)	9-1-2012	918-225-0620	1-1-2012	Amend	2-1-2012
863-020-0065	8-15-2012	Amend(T)	9-1-2012	918-305-0105	6-7-2012	Amend(T)	7-1-2012
863-022-0000	8-15-2012	Amend(T)	9-1-2012	918-311-0065	5-1-2012	Amend(T)	6-1-2012
863-022-0005	8-15-2012	Amend(T)	9-1-2012	918-400-0455	1-1-2012	Amend	2-1-2012
863-022-0010	8-15-2012	Amend(T)	9-1-2012	918-400-0458	1-1-2012	Amend	2-1-2012
863-022-0015	8-15-2012	Amend(T)	9-1-2012	918-440-0012	1-1-2012	Amend	2-1-2012
863-022-0020	8-15-2012	Amend(T)	9-1-2012	918-460-0015	1-1-2012	Amend	2-1-2012
863-022-0022	8-15-2012	Adopt(T)	9-1-2012	918-460-0015	2-1-2012	Amend	3-1-2012
863-022-0025	8-15-2012	Amend(T)	9-1-2012	918-460-0015	9-1-2012	Amend	10-1-2012
863-022-0030	8-15-2012	Amend(T)	9-1-2012	918-460-0510	1-1-2012	Amend	2-1-2012
863-022-0035	8-15-2012	Amend(T)	9-1-2012	918-525-0042	4-9-2012	Amend(T)	5-1-2012
863-022-0040	8-15-2012	Suspend	9-1-2012	918-525-0042	7-1-2012	Amend	8-1-2012
863-022-0045	8-15-2012	Amend(T)	9-1-2012	943-007-0001	5-7-2012	Adopt(T)	6-1-2012
863-022-0050	8-15-2012	Amend(T)	9-1-2012	943-007-0001	8-10-2012	Adopt	9-1-2012
863-022-0055	8-15-2012	Amend(T)	9-1-2012	943-007-0001(T)	8-10-2012	Repeal	9-1-2012
863-022-0060	8-15-2012	Amend(T)	9-1-2012	943-007-0335	5-7-2012	Adopt(T)	6-1-2012
875-005-0005	12-12-2011	Amend(T)	1-1-2012	943-007-0335	8-10-2012	Adopt	9-1-2012
875-005-0005	6-25-2012	Amend	8-1-2012	943-007-0335(T)	8-10-2012	Repeal	9-1-2012
875-005-0005	8-28-2012	Amend	10-1-2012	943-007-0501	5-7-2012	Adopt(T)	6-1-2012
875-040-0000	6-25-2012	Amend	8-1-2012	943-007-0501	8-10-2012	Adopt	9-1-2012
875-040-0005	12-12-2011	Adopt(T)	1-1-2012	943-007-0501(T)	8-10-2012	Repeal	9-1-2012
875-040-0010	6-25-2012	Adopt	8-1-2012	943-014-0300	12-1-2011	Adopt	1-1-2012
877-001-0020	12-29-2011	Amend	2-1-2012	943-014-0300(T)	12-1-2011	Repeal	1-1-2012
877-010-0015	12-29-2011	Amend	2-1-2012	943-014-0305	12-1-2011	Adopt	1-1-2012
877-010-0020	12-29-2011	Amend	2-1-2012	943-014-0305(T)	12-1-2011	Repeal	1-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
943-014-0310	12-1-2011	Adopt	1-1-2012	943-045-0400	12-23-2011	Adopt	2-1-2012
943-014-0310(T)	12-1-2011	Repeal	1-1-2012	943-045-0400(T)	12-23-2011	Repeal	2-1-2012
943-014-0315	12-1-2011	Adopt	1-1-2012	943-045-0410	12-23-2011	Adopt	2-1-2012
943-014-0315(T)	12-1-2011	Repeal	1-1-2012	943-045-0410(T)	12-23-2011	Repeal	2-1-2012
943-014-0320	12-1-2011	Adopt	1-1-2012	943-045-0420	12-23-2011	Adopt	2-1-2012
943-014-0320(T)	12-1-2011	Repeal	1-1-2012	943-045-0420(T)	12-23-2011	Repeal	2-1-2012
943-045-0000	12-4-2011	Adopt	1-1-2012	943-045-0430	12-23-2011	Adopt	2-1-2012
943-045-0000(T)	12-4-2011	Repeal	1-1-2012	943-045-0430(T)	12-23-2011	Repeal	2-1-2012
943-045-0250	12-5-2011	Adopt	1-1-2012	943-045-0440	12-23-2011	Adopt	2-1-2012
943-045-0250	6-28-2012	Adopt	8-1-2012	943-045-0440(T)	12-23-2011	Repeal	2-1-2012
943-045-0250(T)	12-5-2011	Repeal	1-1-2012	943-045-0450	12-23-2011	Adopt	2-1-2012
943-045-0250(T)	6-28-2012	Repeal	8-1-2012	943-045-0450(T)	12-23-2011	Repeal	2-1-2012
943-045-0260	12-5-2011	Adopt	1-1-2012	943-045-0460	12-23-2011	Adopt	2-1-2012
943-045-0260	6-28-2012	Adopt	8-1-2012	943-045-0460(T)	12-23-2011	Repeal	2-1-2012
943-045-0260(T)	12-5-2011	Repeal	1-1-2012	943-045-0470	12-23-2011	Adopt	2-1-2012
943-045-0260(T)	6-28-2012	Repeal	8-1-2012	943-045-0470(T)	12-23-2011	Repeal	2-1-2012
943-045-0280	12-5-2011	Adopt	1-1-2012	943-045-0480	12-23-2011	Adopt	2-1-2012
943-045-0280	6-28-2012	Adopt	8-1-2012	943-045-0480(T)	12-23-2011	Repeal	2-1-2012
943-045-0280(T)	12-5-2011	Repeal	1-1-2012	943-045-0490	12-23-2011	Adopt	2-1-2012
943-045-0280(T)	6-28-2012	Repeal	8-1-2012	943-045-0490(T)	12-23-2011	Repeal	2-1-2012
943-045-0290	12-5-2011	Adopt	1-1-2012	943-045-0500	12-23-2011	Adopt	2-1-2012
943-045-0290	6-28-2012	Adopt	8-1-2012	943-045-0500(T)	12-23-2011	Repeal	2-1-2012
943-045-0290(T)	12-5-2011	Repeal	1-1-2012	943-045-0510	12-23-2011	Adopt	2-1-2012
943-045-0290(T)	6-28-2012	Repeal	8-1-2012	943-045-0510(T)	12-23-2011	Repeal	2-1-2012
943-045-0300	12-5-2011	Adopt	1-1-2012	943-045-0520	12-23-2011	Adopt	2-1-2012
943-045-0300	6-28-2012	Adopt	8-1-2012	943-045-0520(T)	12-23-2011	Repeal	2-1-2012
943-045-0300(T)	12-5-2011	Repeal	1-1-2012	943-060-0000	8-1-2012	Adopt	9-1-2012
943-045-0300(T)	6-28-2012	Repeal	8-1-2012	943-060-0010	8-1-2012	Adopt	9-1-2012
943-045-0310	12-5-2011	Adopt	1-1-2012	943-060-0020	8-1-2012	Adopt	9-1-2012
943-045-0310	6-28-2012	Adopt	8-1-2012	943-060-0030	8-1-2012	Adopt	9-1-2012
943-045-0310(T)	12-5-2011	Repeal	1-1-2012	943-060-0040	8-1-2012	Adopt	9-1-2012
943-045-0310(T)	6-28-2012	Repeal	8-1-2012	943-060-0050	2-17-2012	Adopt(T)	4-1-2012
943-045-0320	12-5-2011	Adopt	1-1-2012	943-060-0050	8-1-2012	Adopt	9-1-2012
943-045-0320	6-28-2012	Adopt	8-1-2012	943-060-0050(T)	8-1-2012	Repeal	9-1-2012
943-045-0320(T)	12-5-2011	Repeal	1-1-2012	943-060-0060	8-1-2012	Adopt	9-1-2012
943-045-0320(T)	6-28-2012	Repeal	8-1-2012	943-060-0070	8-1-2012	Adopt	9-1-2012
943-045-0330	12-5-2011	Adopt	1-1-2012	943-060-0080	8-1-2012	Adopt	9-1-2012
943-045-0330	6-28-2012	Adopt	8-1-2012	943-060-0090	8-1-2012	Adopt	9-1-2012
943-045-0330(T)	12-5-2011	Repeal	1-1-2012	943-060-0100	8-1-2012	Adopt	9-1-2012
943-045-0330(T)	6-28-2012	Repeal	8-1-2012	943-060-0110	8-1-2012	Adopt	9-1-2012
943-045-0340	12-5-2011	Adopt	1-1-2012	943-060-0120	8-1-2012	Adopt	9-1-2012
943-045-0340	6-28-2012	Adopt	8-1-2012	943-120-0100	7-12-2012	Amend(T)	8-1-2012
943-045-0340(T)	12-5-2011	Repeal	1-1-2012	943-120-0110	7-12-2012	Amend(T)	8-1-2012
943-045-0340(T)	6-28-2012	Repeal	8-1-2012	943-120-0112	7-12-2012	Amend(T)	8-1-2012
943-045-0350	12-5-2011	Adopt	1-1-2012	943-120-0114	7-12-2012	Amend(T)	8-1-2012
943-045-0350	6-28-2012	Adopt	8-1-2012	943-120-0116	7-12-2012	Amend(T)	8-1-2012
943-045-0350(T)	12-5-2011	Repeal	1-1-2012	943-120-0118	7-12-2012	Amend(T)	8-1-2012
943-045-0350(T)	6-28-2012	Repeal	8-1-2012	943-120-0120	7-12-2012	Amend(T)	8-1-2012
943-045-0360	12-5-2011	Adopt	1-1-2012	943-120-0170	7-12-2012	Amend(T)	8-1-2012
943-045-0360	6-28-2012	Adopt	8-1-2012	943-120-0180	7-12-2012	Amend(T)	8-1-2012
943-045-0360(T)	12-5-2011	Repeal	1-1-2012	943-120-0200	7-12-2012	Amend(T)	8-1-2012
943-045-0360(T)	6-28-2012	Repeal	8-1-2012	945-001-0001	3-6-2012	Adopt	4-1-2012
943-045-0370	12-5-2011	Adopt	1-1-2012	945-001-0006	3-6-2012	Adopt	4-1-2012
943-045-0370	6-28-2012	Adopt	8-1-2012	945-001-0011	3-6-2012	Adopt	4-1-2012
943-045-0370(T)	12-5-2011	Repeal	1-1-2012	945-010-0001	3-6-2012	Adopt	4-1-2012
943-045-0370(T)	6-28-2012	Repeal	8-1-2012	945-010-0006	3-6-2012	Adopt	4-1-2012

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
945-010-0011	3-6-2012	Adopt	4-1-2012				
945-010-0021	3-6-2012	Adopt	4-1-2012				
945-010-0031	3-6-2012	Adopt	4-1-2012				
945-010-0041	3-6-2012	Adopt	4-1-2012				
945-010-0051	3-6-2012	Adopt	4-1-2012				
945-010-0061	3-6-2012	Adopt	4-1-2012				
945-010-0071	3-6-2012	Adopt	4-1-2012				
945-010-0081	3-6-2012	Adopt	4-1-2012				
945-010-0091	3-6-2012	Adopt	4-1-2012				
945-010-0101	3-6-2012	Adopt	4-1-2012				
945-020-0010	10/1/2012	Adopt(T)	10-1-2012				
945-020-0020	10/1/2012	Adopt(T)	10-1-2012				
951-003-0005	7-20-2012	Repeal	9-1-2012				
951-004-0003	1-1-2012	Amend	1-1-2012				
951-004-0004	1-1-2012	Amend	1-1-2012				